

## Chapter NR 130

## NONFERROUS METALLIC MINERAL EXPLORATION

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**Note:** See ss. 23.09, 23.11, chs. 107, 227, 280 and 293, Stats.

**Note:** Emerg. r. and recr. eff. 6-3-78. Chapter NR 130 as it existed on January 31, 1979 was repealed and a new chapter NR 130 created effective February 1, 1979.

**NR 130.01 Purpose.** The purpose of this chapter is to establish a licensing procedure and minimum standards for nonferrous metallic mineral exploration in this state.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; CR 13-057: am. Register July 2015 No. 715, eff. 8-1-15.

**NR 130.02 Applicability.** The provisions of this chapter are applicable to all nonferrous metallic mineral exploration as defined in s. NR 130.03. This chapter does not apply to operators engaged in exploration on lands included in a mining and reclamation plan, if the plan contains provisions relating to termination of the exploration activities. This chapter also does not apply to ferrous metallic mining regulated under subch. III of ch. 295, Stats.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; CR 13-057: am. Register July 2015 No. 715, eff. 8-1-15.

**NR 130.03 Definitions.** The following definitions are applicable to the terms used in this chapter:

(1) "Abandonment" means filling or sealing a drillhole in accordance with the procedures specified in s. NR 130.06.

(2) "Clay slurry" means a fluid mixture of native clay formation or commercial clay or clay mineral products and water prepared with only the amount of water necessary to produce fluidity.

(3) "Concrete grout" means a mixture consisting of 94 pounds of type A portland cement and an equal or lesser volume of dry sand combined with approximately 6 gallons of water.

(4) "Department" means department of natural resources.

(5) "Driller" means a person who performs core, rotary, percussion or other drilling involved in exploration for metallic minerals.

(6) "Drilling site" means the area disturbed by exploration including the drillhole.

(7) "Explorer" means any person who engages in exploration or who contracts for the services of drillers for the purpose of exploration.

(8) "Exploration" means the onsite geologic examination from the surface of an area by core, rotary, percussion, or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for nonferrous metallic minerals or establishing the nature of a known nonferrous metallic mineral deposit and includes associated activities such as clearing and preparing sites or constructing roads for drilling. For the purposes of the definition of exploration, geologic examination does not include drillholes constructed for the purpose of collecting soil samples or for determining radioactivity by means of placement of radiation-sensitive devices.

(9) "Exploration license" means the license required by s. 293.21 (2), Stats., as a condition of engaging in exploration.

(10) "License year" means the period of time commencing on July 1 of any year and ending on the following June 30.

(12) "Neat cement grout" means a mixture consisting of 94 pounds of type A portland cement and approximately 6 gallons of water.

(12m) "Nonferrous metallic mineral" has the meaning given in s. 293.01 (12m), Stats.

**Note:** This definition does not apply to substances mined primarily for their iron oxide content. This definition includes substances mined for the purpose of extracting a metal or metals such as copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, and uranium.

(13) "Parcel" means an identified section, fractional section or government lot.

(14) "Termination" means filling of drillholes and reclamation and revegetation of drilling sites.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; renum. (2) to (10) to be (4) to (9), (11), (13) and (14) and am. (7), cr. (intro.), (2), (3), (10) and (12), Register, March, 1985, No. 351, eff. 4-1-85; correction in (9) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663; CR 13-057: am. (8), renum. (11) to (12m) and am. Register July 2015 No. 715, eff. 8-1-15.

**NR 130.05 Application for an exploration license.**

(1) No explorer may engage in exploration without securing an exploration license.

(2) Any explorer wishing to engage in exploration shall file an application for an exploration license with the department upon forms prepared and furnished by the department. The application shall be accompanied by the following:

(a) A fee of \$300 for the exploration license.

(b) A bond payable to the department in the amount of \$5,000 conditioned on faithful performance of the provisions of this code.

1. The bond shall be issued by a surety company licensed to do business in Wisconsin. If the surety company's license to do business is revoked or suspended, the explorer, within 30 days after receiving written notice thereof from the department, shall substitute surety underwritten by a surety company licensed to do business in Wisconsin. Upon failure of the explorer to make a substitution of surety, the department shall suspend the explorer's exploration license until substitution has been made.

2. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days notice to the department in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the explorer shall deliver to the department a replacement bond in the absence of which all exploration shall cease.

3. The department may require that the amount of the bond be increased at any time, if the department determines that the explorer's current level of activity makes it likely that the bond would be inadequate to fund the termination of all holes drilled for which the explorer is responsible.

4. One year after the issuance of the last certificate of completion, and provided that the explorer is not holding an exploration license, the department shall release the bond if the department determines that the explorer has complied with provisions of this chapter.

(c) A certificate of insurance certifying that the explorer has in force a liability insurance policy issued by an insurance com-

pany authorized to do business in this state covering all exploration of the explorer in this state and affording personal injury and property damage protection in a total amount deemed adequate by the department but not less than \$50,000.

(d) A copy of the applicant's most recent annual report and Form 10K as filed with the securities and exchange commission. If these are not available, the applicant shall submit a report of the applicant's current assets and liabilities or other necessary data to establish that the applicant is competent to conduct exploration in this state.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; am. (2) (b) 4. and (c), cr. (2) (d), Register, March, 1985, No. 351, eff. 4-1-85.

**NR 130.06 Issuance.** Upon satisfactory completion of all conditions contained in this chapter, the department shall issue an exploration license to the explorer. Licenses shall be issued within 10 business days after the department receives a complete application unless the application is for an upcoming license year. If the application is for an upcoming license year, the license shall be issued either within 10 business days after the department receives a complete application or on the following July 1, whichever is later. The issuance of an exploration license is subject to the following conditions:

(1) Nonferrous metallic mineral exploration drillholes shall be abandoned as follows:

(a) *Permanent abandonment.* 1. All drillholes 4 inches in diameter and smaller shall be filled from the bottom of the hole upward to the ground surface with concrete or neat cement grout.

2. Drillholes larger than 4 inches in diameter preferably should be filled in a manner similar to that described in sub. (1). However, the following alternative methods of filling such holes are acceptable:

a. Drillholes constructed in limestone, dolomite, shale, or pre-Cambrian formations (granite, gabbro, gneiss, schist, slate, greenstone, quartzite, etc.) may be filled with gravel or crushed rock from the bottom upward to a point 20 feet below the top of the first rock formation encountered below the surface or to a depth 40 feet below the ground surface, whichever is the greater depth, and the remainder of the drillhole from the top of the gravel or crushed stone to the ground surface shall then be filled with concrete or neat cement grout. If it is physically impractical to use gravel or crushed rock, the explorer may use clay slurry as a filling material after receiving approval from the department.

b. Drillholes constructed in sandstone formation may be filled with disinfected sand or pea gravel from the bottom upward to a point 20 feet below the top of the first rock formation encountered below the surface or to a depth 40 feet below the ground surface, whichever is the greater depth, and the remainder of the drillhole from the top of the sand or pea gravel to the ground shall then be filled with concrete or neat cement grout. If it is physically impractical to use sand or pea gravel, the explorer may use clay slurry as a filling material after receiving approval from the department.

c. Drillholes constructed in glacial drift or other unconsolidated formation may be filled with clean clay slurry from the bottom upward to a point 20 feet below the ground surface, and the remainder of the drillhole must then be filled from the top of the clay slurry to the ground surface with concrete or neat cement grout.

d. Drillholes constructed in mixed rock types may be filled in accordance with subd. 2. a., b. and c. Where the alternative methods to filling the drillhole completely with concrete or neat cement grout are selected, concrete or neat cement grout plugs at least 40 feet in depth, extending at least 20 feet above and below the point of surface contact between every recognized geologic rock type shall be provided.

3. 'Filling procedure restrictions.' a. Filling material shall be applied through a conductor pipe, except that when practical a

dump bailer may be used. When concrete is placed under water by a conductor pipe, the bottom end of the conductor pipe shall be submerged in the concrete at all times.

b. When it is desired to remove all or part of the casing from an unconsolidated formation that will not stand open (such as sand or gravel) upon abandonment of a drillhole, the casing must be removed concurrently with the filling of the drillhole, and the bottom end of the casing shall be kept below the surface of the fill material throughout the operation.

4. 'Flowing drillhole.' If a drillhole penetrates an aquifer under artesian pressure such that groundwater flows at the ground surface, approval of the method of containment of such flow and the method of eventual abandonment of the drillhole must be obtained from the department.

(b) *Temporary abandonment.* If it is desired to temporarily retain a drillhole for further exploration, the casing shall be left in place, and the upper terminal of the casing shall be sealed with a watertight threaded or welded cap.

(2) Minimum standards for exploration activities and reclamation of drilling sites as contained in s. 293.13 (2) (b) 1. to 12. and (c) 1. to 8., Stats., where applicable.

(3) The fee for drilling the first 20 drillholes or less in any license year shall be \$100 per drillhole and the fee for drilling each subsequent drillhole in that same license year shall be \$50 per drillhole. All fees shall be paid to the department upon submission of the temporary abandonment report, if temporary abandonment occurs, or the permanent abandonment report, if temporary abandonment does not occur. For the purpose of determining the appropriate fee, drillholes will be assigned to the license year in which drilling on that particular hole ceases and the drillhole is initially abandoned either temporarily or permanently.

(4) Other conditions which the department deems necessary to safeguard the natural resources of this state during and after exploration.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; am. (intro.), (1) (a) 2. a. and b., (3), Register, March, 1985, No. 351, eff. 4-1-85; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663; CR 13-057: am. (1) (intro.) Register July 2015 No. 715, eff. 8-1-15.

**NR 130.07 Renewals.** (1) An explorer wishing to renew an exploration license shall file an annual renewal application with the department upon forms prepared and furnished by the department. The renewal application shall be accompanied by the following.

(a) A fee of \$150.00.

(b) A bond in accordance with s. NR 130.05 (2) (b).

(c) A certificate of insurance in accordance with s. NR 130.05 (2) (c).

(d) A copy of the applicant's most recent annual report and Form 10K as filed with the securities and exchange commission. If these are not available, the applicant shall submit a report of the applicant's current assets and liabilities and other necessary data to establish that the applicant is competent to conduct exploration in this state.

(2) Renewal license shall be for a period commencing on the date of issuance and terminating on the following June 30th. Renewal applications shall be reviewed and licenses issued under the same time limitations specified in s. NR 130.06.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; cr. (1) (d) and am. (2), Register, March, 1985, No. 351, eff. 4-1-85.

**NR 130.08 License revocation or suspension.** After a due process hearing, the department may revoke or suspend an exploration license if it is determined that:

(1) Statutes, or rules of the department or any condition in the exploration license have not been complied with; or

(2) The explorer has failed to increase bond amounts to adequate levels as provided in s. NR 130.05 (2) (b) 3.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; am. (1), Register, March, 1985, No. 351, eff. 4-1-85.

**NR 130.09 Denials.** (1) The department shall deny an exploration license if the department finds:

(a) The exploration activity will not comply with the minimum standards in s. 293.13 (2) (b) 1. to 12. and (c) 1. to 8., Stats., where applicable.

(b) The explorer is in violation of ch. 293, Stats., or any provision of this chapter.

(2) Within 10 business days from the date of application, the department shall furnish the explorer in writing the reasons for the denial.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; am. (2), Register, March, 1985, No. 351, eff. 4-1-85; corrections in (1) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.

**NR 130.10 Notice procedure.** (1) (a) The explorer shall notify the department of the explorer's intent to drill on a parcel by registered mail at least 10 days in advance of the commencement of drilling. Notice shall be considered as given upon the date of receipt by the department of the notice. The notice of intent to drill shall state the number of expected drillholes to be drilled and the legal description of the affected parcel. The 10 day notice of intent to drill on a parcel shall be sent to the Mine Reclamation Section, Department of Natural Resources, P. O. Box 7921, Madison, WI 53707.

(b) A notice of intent to drill shall remain in effect for one year commencing on the date of receipt by the department of the notice. One year after the receipt of the notice, the explorer shall resubmit a notice of intent to drill on that parcel if the explorer wishes to continue exploration on the parcel.

(2) The explorer shall notify the department prior to the actual commencement of drilling each drillhole on the parcel. This notice may be oral or written to the department's district office in Rhinelander.

(3) The explorer shall give the department at least 24 hours advance notice of the explorer's intent to fill a drillhole. The 24-hour requirement may be reduced by the department. This notice may be oral or written and to the department's district office in Rhinelander.

**Note:** The address and telephone number of the department's district office in Rhinelander are: Department of Natural Resources

North Central District Headquarters  
107 Sutliff  
P.O. Box 818  
Rhinelander, WI 54501  
Telephone: (715) 362-7616

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; renum. (1) to be (1) (a), cr. (1) (b), am. (2) and (3), Register, March, 1985, No. 351, eff. 4-1-85.

**NR 130.11 Reports.** (1) Within 10 days after completion of temporary or permanent abandonment of a drillhole the explorer shall file exploration abandonment reports with the department on forms supplied by the department. All abandonment reports shall be signed by an authorized representative of the explorer attesting to the accuracy of the information contained therein.

(2) All abandonment reports shall be submitted to the department's district office in Rhinelander.

(3) Following permanent abandonment of the drillhole, and revegetation and regrading of the drilling site, the explorer shall notify the department of completion of termination of each drilling site. This notification shall be made in writing and sent to the department's district office in Rhinelander.

(4) The department shall notify the explorer in writing of the satisfactory or unsatisfactory completion of termination. If termination is unsatisfactory, the department shall inform the explorer of all necessary corrective measures. Following implementation of corrective measures, the explorer shall file written notice with the department's district office in Rhinelander specifying what measures were taken and stating that termination is complete. Failure of the explorer to comply with the department's corrective measures may result in license revocation or suspension in accordance with s. NR 130.08. Upon satisfactory completion of termination of a drilling site, the department shall issue a certificate of completion. No temporarily abandoned drilling site may receive a certificate of completion until permanently abandoned in accordance with the provisions of this chapter.

**Note:** The address and telephone number of the department's district office in Rhinelander are: Department of Natural Resources

North Central District Headquarters  
107 Sutliff  
P.O. Box 818  
Rhinelander, WI 54501  
Telephone: (715) 362-7616

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; am. (1) and (4), renum. (2) and (3) to be (3) and (2) and am., Register, March, 1985, No. 351, eff. 4-1-85.

**NR 130.12 Inspections.** (1) Any duly authorized officer, employee or representative of the department may enter and inspect any property, premises or place on or at which any exploration is being performed at any reasonable time for the purpose of ascertaining the state of compliance with this chapter and ch. 293, Stats.

(2) No explorer may refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection and who presents appropriate credentials.

(3) No person may obstruct, hamper or interfere with any such inspection.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663.