

Chapter NR 130

METALLIC MINERAL PROSPECTING

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(Sections 23.11, 30.06, 30.19, 144.30, 144.80 to 144.94 and chapters 107 and 162, Wis. Stats.)

NR 130.01 Purpose. The purpose of this chapter is to provide that the air, lands, waters, plants, fish and wildlife affected by prospecting for metallic minerals in this state will receive the greatest practicable degree of protection and reclamation.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.02 Scope of the code. This chapter shall apply to all metallic mineral prospecting operations as defined in Wis. Adm. Code section NR 130.03 (7) pursuant to section 144.81 (12), Wis. Stats. Due to the similarity in construction of drillholes intended for mineral exploration and those constructed to serve as water wells, with the resultant similar hazards for pollution of ground water, it is the department's policy to require such exploration drillholes to be permanently or temporarily abandoned in a manner similar to the procedures outlined in Wis. Adm. Code chapter NR 112. All persons intending to construct drillholes for the purpose of determining the existence, quality and quantity of metallic ore shall notify the department.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.03 Definitions. (1) "Exploration area" means lands on which prospecting takes place, adjoining lands, or lands not adjoining but lying within reasonably close proximity to those on which prospecting takes place.

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

(3) "Forfeited any bond" means the forfeiture of any performance security occasioned by noncompliance with any mining laws or rules adopted thereunder.

(4) "Mineral" means unbeneficiated metallic ore.

(5) "Operator" means any person engaged, or who has applied for a permit to engage, in prospecting operations whether individually, jointly or through subsidiaries, agents, employees or contractors.

(6) "Project" means a metallic mineral prospecting operation.

(7) "Prospecting" means engaging in the examination or exploration of an area for the purpose of determining the location, quality and quantity of minerals by such physical means as excavating, trenching or other methods which disturbs 3 tons or more for each

acre of surface area located within 300 feet of the ordinary high-water mark of a navigable stream or 1,000 feet from a lake or which disturbs 100 tons or more for each acre of surface area located beyond 300 feet of the ordinary high-water mark of a navigable stream or 1,000 feet from a lake.

Note: Each acre shall be defined as an individual acre and not as acres in aggregate. For purposes of this section the tons of material disturbed will include the rock and overburden disturbed in the excavating, trenching or other methods. (i.e., 1 cubic yard approximates one and one third tons)

(8) "Prospector" means any person engaged in prospecting.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.04 Application to prospect. No person may engage in prospecting without securing a prospecting permit issued by the department.

(1) Any operator wishing to engage in prospecting shall file an application with the department upon forms prepared and furnished by the department.

(2) Any operator engaged in prospecting on the effective date of this code shall file an application with the department within 90 days after that date.

(3) The application shall be accompanied by a fee of 50 cents for each acre contained in the proposed exploration area, but the fee shall not be less than \$25.00.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.05 Mineral prospecting information required with application. All data submitted by an applicant for a prospecting permit under sections 144.80 to 144.93, Wis. Stats., shall be considered confidential, unless the prospector expressly agrees to its release. The information to be provided by the operator shall include but not be limited to the following where applicable and practicable:

(1) Map(s) delineating the exploration area. A United States Geological Survey Topographic Quadrangle map at a scale of 1:24,000 shall be used wherever available, and at a scale of 1:62,500 elsewhere.

(2) Description of the method of prospecting and sampling.

(3) Estimated volume of bedrock and overburden to be disturbed during the operation.

(4) Submission of a reclamation plan and a map on a topographic base at a scale acceptable to the department. The reclamation plan shall indicate plans for rehabilitation of the exploration area in a manner acceptable to the department, including but not limited to the following:

(a) Stabilization of soil conditions.

(b) Establishment of vegetative cover.

(c) Prevention of surface water and ground water pollution.

(5) The estimated cost of reclaiming the exploration area(s).

(6) Evidence to the department's satisfaction that the applicant is financially qualified to satisfy the conditions of the reclamation plan.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.06 Permits and/or plan approvals. (1) Within 15 days following receipt of the completed project information request forms, the department shall determine what plan approvals and/or permits are required and shall provide notice to the operator as follows:

- (a) Information on requisite department permits.
- (b) Information on requisite plan approvals.
- (c) The department may request the operator to provide an environmental impact report for the project pursuant to section 23.11 (5), Wis. Stats.

(2) The granting of a prospecting permit does not release the prospector from the obligation to comply with local or county zoning standards or other applicable ordinance requirements.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.07 Issuance of a prospecting permit. The department shall issue a prospecting permit to the operator upon satisfactory completion of all the conditions contained in this chapter, subject to the following conditions:

- (1) Requisite corrective measures to insure compliance with this chapter.
- (2) Environmental rehabilitation techniques to be employed.
- (3) Other conditions which the department deems necessary to safeguard the natural resources of this state during and after the prospecting operation.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.08 Certificate of insurance. The applicant shall submit a certificate of insurance certifying that he/she has in force a liability insurance policy issued by an insurance company authorized to do business in this state, or in lieu of a certificate of insurance, evidence that he/she has satisfied state or federal self-insurance requirements, covering all prospecting operations of the applicant 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.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.09 Denials. (1) The department shall deny a prospecting permit if it finds:

- (a) The operation will not comply with the minimum standards in Wis. Adm. Code section NR 130.05.
- (b) The applicant is in violation of sections 144.80 to 144.94, Wis. Stats. or any provisions of this chapter.

(c) The applicant is a corporation, partnership or association which has previously failed and continues to fail to comply with sections 144.80 to 144.94, Wis. Stats.

(d) The applicant has within the previous 5 years forfeited any bond posted pursuant to mining activities within this state unless by mutual agreement with the state.

(e) The applicant is a corporation, partnership or association in which any officer, director, partner or principal owner of such corporation, partnership or association has within the previous 5 years forfeited any bond posted pursuant to mining activities within this state unless by mutual agreement with the state.

(2) Within 30 days from the date of application, the department shall furnish the applicant in writing the reasons for the denial.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.10 Reports. (1) When the operator has determined that this project is complete he shall notify the department. The department shall notify the prospector in writing of the satisfactory completion of the project.

(2) Geological reports and representative samples of bedrock are requested for the office of the state geologist at the abandonment of each project.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.11 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 prospecting is being performed at any reasonable time for the purpose of ascertaining the state of compliance with this chapter and sections 144.80 to 144.94, Wis. Stats.

(2) No person 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.

(4) The department shall furnish to the prospector or operator, as indicated in the prospecting permit, a written report setting forth all observations, relevant information and data which relate to compliance status.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.12 Enforcement. (1) Any person who makes or causes to be made in an application or report required under this chapter a statement known to the person to be false or misleading in any material respect may be fined not less than \$100 nor more than \$1000.

(2) Any person holding a prospecting permit who violates any provision of this chapter or fails to comply with sections 144.80 to 144.94, Wis. Stats., shall forfeit not less than \$10 nor more than

\$5,000 for each violation. Each day of the violation is a separate offense.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

NR 130.13 Severability. If any section, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.