



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-3138/1  
ZDW:skw

## 2023 ASSEMBLY BILL 320

June 9, 2023 - Introduced by Representative ARMSTRONG. Referred to Committee on Local Government.

1     **AN ACT** *to amend* 30.201 (1) (intro.) and 295.16 (2); and *to create* 30.19 (1m) (i)  
2             of the statutes; **relating to:** permits for constructing or enlarging artificial  
3             water bodies for the purpose of nonmetallic mining reclamation and modifying  
4             administrative rules promulgated by the Department of Natural Resources.

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### *Analysis by the Legislative Reference Bureau*

This bill modifies the permit requirements for the construction or enlargement of certain artificial water bodies for the purpose of nonmetallic mining reclamation.

Current law requires the Department of Natural Resources to promulgate rules that establish standards for nonmetallic mining reclamation, which is the rehabilitation of a nonmetallic mining site through activities such as removal or reuse of mining refuse, stabilization of soil conditions, and reestablishment of vegetative cover. DNR rules must include a requirement that a nonmetallic mine operator, prior to beginning reclamation of a site, be issued a reclamation permit by the county, city, village, or town where the site is located. A permit may not be issued unless the mine operator has submitted proof of financial responsibility.

Under current law generally, no person may construct or enlarge an artificial water body that is within 500 feet of the ordinary high-water mark of, but not connected with, an existing navigable waterway (construction of an unconnected artificial water body). The bill provides that this prohibition does not apply if the construction of an unconnected artificial water body is for the purpose of nonmetallic mining.

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Current DNR administrative rules relating to nonmetallic mining apply at all nonmetallic mining sites, but sites that are subject to certain DNR waterway permits are exempt. The bill removes the exemption for nonmetallic mining sites where construction of an unconnected artificial water body occurs.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 30.19 (1m) (i) of the statutes is created to read:

2           30.19 **(1m)** (i) The construction or enlargement of an artificial water body that  
3 would otherwise require a permit under sub. (1g) (am), if the construction or  
4 enlargement of the artificial water body is for the purpose of nonmetallic mining, as  
5 defined under s. 295.11 (3).

6           **SECTION 2.** 30.201 (1) (intro.) of the statutes is amended to read:

7           30.201 **(1)** (intro.) If the department requires that financial assurance be  
8 provided as a condition for a permit under s. 30.19 (1g) (a) or (c), 30.195, or 30.20 or  
9 for a contract under s. 30.20 for nonmetallic mining and reclamation, the financial  
10 assurance may be a bond or alternative financial assurance. An alternative financial  
11 assurance may include cash or any of the following:

12           **SECTION 3.** 295.16 (2) of the statutes is amended to read:

13           295.16 **(2)** **NONMETALLIC MINING IN OR NEAR NAVIGABLE WATERWAYS.** A nonmetallic  
14 mining reclamation ordinance, and requirements of this subchapter other than the  
15 standards established under s. 295.12 (1) (a), do not apply to any nonmetallic mining  
16 site or portion of a nonmetallic mining site that is subject to permit and reclamation  
17 requirements of the department under ss. 30.19 (1g) (a) and (c), 30.195, 30.20, 30.30  
18 and 30.31. The nonmetallic mining standards established under s. 295.12 (1) (a) do  
19 apply to a nonmetallic mining site that is subject to permit and reclamation

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1 requirements of the department under ss. 30.19 (1g) (a) and (c), 30.195, 30.20, 30.30  
2 and 30.31.

3 **SECTION 4.** NR 135.02 (3) (a) of the administrative code is amended to read:

4 NR 135.02 **(3)** (a) Nonmetallic mining at a site or that portion of a site that is  
5 subject to permit and reclamation requirements of the department under s. 30.19  
6 (1g) (a) or (c), 30.195, or 30.20, Stats., and complies with ch. NR 340.

7 **(END)**