

## Chapter NR 130

## METALLIC MINERAL EXPLORATION

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(Sections 23.09, 23.11, 144.80 to 144.94, and chapters 107, 162, and 227, Stats.)

Note: Emerg. r. and recr. eff. 6-3-78.

Note: Chapter NR 130 as it existed on January 31, 1979 was repealed and a new chapter NR 130 created effective February 1, 1979.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 metallic mineral exploration in this state.

History: Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**NR 130.02 Applicability.** The provisions of this chapter are applicable to all metallic mineral exploration as defined in section NR 130.03, Wis. Adm. Code. 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.

History: Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**NR 130.03 Definitions.** (1) "Abandonment" means filling or sealing a drillhole in accordance with the procedures specified in section NR 130.06, Wis. Adm. Code.

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

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

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

(5) "Explorer" means any person intending to engage in exploration or who contracts for the services of drillers for the purpose of exploration.

(6) "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 metallic minerals or establishing the nature of a known metallic mineral deposit and includes associated activities such as clearing and preparing sites or constructing roads for drilling. For the purposes of the

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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.

(7) "Exploration license" means the license required by s. 144.832 (2), Stats., as a condition of engaging in exploration.

(8) "Metallic mineral" means a naturally occurring, inorganic, metal-containing substance which is mined or proposed to be mined for the purpose of extracting a metal or metals which form all or a part of the chemical composition of the mineral. Such metals include but are not limited to iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, and uranium.

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

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

History: Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**NR 130.04 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, January, 1979, No. 277, eff. 2-1-79.

**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 cancelled 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.

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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 last certificate (s) of completion, and provided that 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 company authorized to do business in this state or in lieu of a certificate of insurance, evidence that the explorer has satisfied state or federal self-insurance requirements 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.

History: Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**NR 130.06 Issuance.** Upon satisfactory completion of all conditions contained in this chapter, the department shall issue an exploration license to the explorer for a period commencing on the date of issuance and terminating on the 30th day of June for any year subject to the following conditions:

(1) 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 (1) above. 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.

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.

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 2.a., b. and c. above. 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. 144.83 (2) (b) 1. to 12., Stats., and s. 144.83 (2) (c) 1. to 8., Stats., where applicable.

(3) The fee for drilling the first 10 drillholes or less shall be \$50 per drillhole per license year. The fee for drilling each subsequent drillhole shall be \$25 per drillhole per license year. All fees shall be paid to the department upon submission of the temporary or permanent abandonment report, whichever comes first.

(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.

**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 section NR 130.05 (2) (b), Wis. Adm. Code.

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(c) A certificate of insurance in accordance with section NR 130.05 (2) (c), Wis. Adm. Code.

(2) Renewal license shall be for a period commencing on the date of issuance and terminating on the 30th day of June of any year.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**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) The statutes, the department's rules or any condition in the exploration license has not been complied with; or

(2) The explorer has failed to increase bond amounts to adequate levels as provided in section NR 130.05 (2) (b) 3., Wis. Adm. Code.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**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 ss. 144.83 (2) (b) 1. to 12. and 144.83 (2) (c) 1. to 8., Stats., where applicable.

(b) The explorer is in violation of ss. 144.80 to 144.94, Stats., or any provision of this chapter.

(2) Within 30 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.

**NR 130.10 Notice procedure.** (1) 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.

(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 where the exploration is taking place.

(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's district office where the drillhole is located. This notice may be oral or written and to the department's district office where the drillhole is located.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**NR 130.11 Reports.** (1) The explorer shall file duplicate original exploration abandonment reports on forms supplied by the department and signed by an authorized representative of the explorer attesting to

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the accuracy of the information contained therein with the department within 10 days after completion of temporary or permanent abandonment of a drillhole.

(2) The explorer shall notify the department upon completion of termination of each drillhole.

(3) All reports shall be submitted to the department's district office where the exploration is being conducted.

(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. Failure of the explorer to comply with the department's corrective measures may result in license revocation or suspension in accordance with section NR 130.08, Wis. Adm. Code. Upon satisfactory completion of termination of a drilling site, the department shall issue a certificate of completion. No temporarily abandoned drilling site will receive a certificate of completion until permanently abandoned in accordance with the provisions of this chapter.

**History:** Cr. Register, January, 1979, No. 277, eff. 2-1-79.

**NR 130.12 Inspections.** (1) Any duly authorized officer, employe 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 ss. 144.80 to 144.94, 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.