

2013 DRAFTING REQUEST

FIXED
↙ ↘ ↙ ↘

Assembly Amendment (AA-AB1)

Received: 2/3/2013 Received By: btradewe
 Wanted: Soon Same as LRB: a0085
 For: Scott Suder (608) 267-0280 By/Representing:
 May Contact: Drafter: btradewe
 Subject: Environment - mining Addl. Drafters: mglass
 rkite

Extra Copies:

Submit via email: YES
 Requester's email: Rep.Suder@legis.wisconsin.gov
 Carbon copy (CC) to: Anna.henning@legis.wisconsin.gov
 larry.konopacki@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mglass 2/4/2013	kfollett 2/4/2013	rschluet 2/4/2013	_____	chanaman 2/3/2013	sbasford 2/3/2013	
/2	srose 2/4/2013			_____	srose 2/4/2013	srose 2/4/2013	

FE Sent For:

<END>



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/1	btradewe 2/3/2013	wjackson 2/3/2013	chanaman 2/3/2013	_____	chanaman 2/3/2013	sbasford 2/3/2013	

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12/5f
2/4
L943
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/1	btradewe	1 Wlj 2/3		_____			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

Today

^{e, A} ~~SENATE~~ AMENDMENT,
^{e, A} TO ~~SENATE~~ BILL 1

2009/11
LRB 0085/1
RCT/RNK/MGG:all:jf
stays
Companion RMrun
No changes

Note

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 30, line 1: delete the material beginning with that line and ending with
3 page 32, line 20.

4 **2.** Page 37, line 18: after that line insert:

5 "SECTION 41m. 77.105 of the statutes is created to read:

6 **77.105 Ferrous mining.** (1) The department may not issue an order of
7 withdrawal under s. 77.10 (1) based on the cutting of timber or other forest crops or
8 other activities on forest cropland if all of the following requirements are met:

9 (a) The cutting or activity is necessary to engage in bulk sampling, as defined
10 in s. 295.41 (7).

11 (b) A bulk sampling plan has been filed with the department under s. 295.45
12 and all approvals that are required for bulk sampling have been issued by the
13 department.

1 (c) The revegetation plan that is part of the bulk sampling plan described under
2 par. (b) includes forestry practices that will ensure that the timber, forest crops, and
3 other vegetation that will be cut or otherwise affected will be restored to the greatest
4 extent possible.

5 (2) The requirement under sub. (1) (c) does not apply to forest cropland that is
6 within a mining site described in a preapplication notification under s. 295.465 or in
7 an application for a ferrous mining permit under s. 295.58.

8 **SECTION 41q.** 77.883 of the statutes is created to read:

9 **77.883 Ferrous mining.** (1) The department may not issue an order of
10 withdrawal under s. 77.88 (1) based on the cutting of timber or other activities on
11 managed forest land if all of the following requirements are met:

12 (a) The cutting or activity is necessary to engage in bulk sampling, as defined
13 in s. 295.41 (7).

14 (b) A bulk sampling plan has been filed with the department under s. 295.45
15 and all approvals that are required for bulk sampling have been issued by the
16 department.

17 (c) The revegetation plan that is part of the bulk sampling plan described under
18 par. (b) includes forestry practices that will ensure that the merchantable timber and
19 other vegetation that will be cut or otherwise affected will be restored to the greatest
20 extent possible.

21 (2) The requirement under sub. (1) (c) does not apply to managed forest land
22 that is within a mining site described in a preapplication notification under s.
23 295.465 or in an application for a mining permit under s. 295.58.

1 **(3)** Section 77.86 (1) (c) and (d) do not apply to cutting of timber or another
2 activity on managed forest land if all of the requirements in sub. (1) (a) to (c) are
3 met.”.

4 **3.** Page 47, line 4: delete “, or leased by the generator” and substitute “or leased
5 by the generator or on which the generator holds an easement”.

6 **4.** Page 56, line 9: delete ““Approval” means” and substitute “(a) “Approval”
7 means, except as provided in par. (b),”.

8 **5.** Page 56, line 14: delete “(a)” and substitute “1.”.

9 **6.** Page 56, line 17: delete “(b)” and substitute “2.”.

10 **7.** Page 56, line 18: delete “(c)” and substitute “3.”.

11 **8.** Page 56, line 20: after that line insert:

12 “(b) “Approval” does not include a permit, license, certification, contract, or
13 other authorization related to the construction of any new plant, equipment,
14 property, or facility for the production, transmission, delivery, or furnishing of
15 power.”.

16 **9.** Page 119, line 1: delete “no less than 20”.

17 **10.** Page 119, line 2: delete “percent and”.

18 **11.** Page 123, line 16: after that line insert:

19 “7. Archaeological sites.”.

20 **12.** Page 131, line 25: after “approval.” insert “The department shall publish
21 the notice on its Internet site not more than 10 days after the application is
22 considered to be complete under sub. (8) (b) 1.”.

1 **13.** Page 133, line 20: after “sub. (2)” insert “or more than 60 days after that
2 day but in time to allow the application to be considered at the public informational
3 hearing for the mining permit under sub. (5)”.

4 **14.** Page 133, line 23: delete the material beginning with that line and ending
5 with page 134, line 4, and substitute:

6 “(b) 1. If an applicant files an application for an approval other than a mining
7 permit too late to allow the application to be considered at the public informational
8 hearing for the mining permit under sub. (5) but before the department issues the
9 decision to grant or deny the application for the mining permit, the application for
10 the approval is considered to be complete on the 30th day after the department
11 receives the application, unless, before that day, the department provides the
12 applicant with written notification that the application is not complete, stating the
13 reason for the determination and describing the specific information necessary to
14 make the application complete. If the department provides such a notice, the
15 applicant shall supplement the application by providing the specified information.
16 The application is considered to be complete when the applicant provides the
17 information.

18 2. Except as provided in subd. 3., the department shall approve the application
19 for an approval described in subd. 1., and issue the approval, or deny the application
20 after the separate public informational hearing for the approval required under sub.
21 (5) and no later than 75 days after the application for the approval is considered to
22 be complete under subd. 1.

23 3. Except as provided in par. (c), the department shall approve or deny the
24 application for an approval described in subd. 1. that is an individual permit for

1 which federal law requires the opportunity for public comment or the ability to
2 request a public hearing prior to issuance of the approval after the separate public
3 informational hearing required for the approval under sub. (5) and no later than 180
4 days after the application is considered to be complete under subd. 1.”.

5 **15.** Page 134, line 18: after “PROCEDURE.” insert “(a)”.

6 **16.** Page 134, line 21: after “any approval” insert “for which the application
7 is filed before the department issues the decision to grant or deny the application for
8 the mining permit”.

9 **17.** Page 135, line 2: after that line insert:

10 “(b) The provisions of ss. 295.58 (5) and (6) and 295.77 concerning review of
11 department decisions and the duration of department decisions apply to any
12 approval for which the application is filed after the department issues the mining
13 permit, notwithstanding any provisions related to those matters in s. 44.40 or
14 169.25, subch. I or VI of ch. 77, ch. 23, 29, 30, 31, 169, 281, 283, 285, 289, or 291, or
15 rules promulgated under those provisions, except as provided in s. 281.343 (7r).”.

16 **18.** Page 135, line 13: delete “regulations that”.

17 **19.** Page 135, line 14: delete lines 14 to 16 and substitute “requirements of any
18 municipal floodplain zoning ordinance applicable to the proposed mining under s.
19 295.607 (3) to the extent that the ordinance has not been made inapplicable to the
20 proposed mining by a local agreement under s. 295.443 (1m).”.

21 **20.** Page 143, line 17: after that line insert:

22 “(1m) APPLICABILITY. Subsections (2) to (11) do not apply to a wetland individual
23 permit or other approval that requires a wetland impact evaluation if the operator

1 files the application for the wetland individual permit or other approval after the
2 department issues the mining permit for the mining operation.”.

3 **21.** Page 144, line 19: after “general permit” insert “for a mining activity other
4 than bulk sampling”.

5 **22.** Page 150, line 6: after “wetland” insert “or for any other approval for which
6 a wetland impact evaluation for a federal wetland is required”.

7 **23.** Page 150, line 15: after “permit” insert “or other approval”.

8 **24.** Page 150, line 16: after “permit” insert “or other approval”.

9 **25.** Page 150, line 24: substitute “than the number” for “that the number”.

10 **26.** Page 155, line 8: after that line insert:

11 “(1m) LIMITATION. This section does not apply to any navigable water activity
12 associated with a mining operation if the application for the approval for the
13 navigable water activity is filed after the department issues a mining permit for the
14 mining operation.”.

15 **27.** Page 156, line 13: after “acres” insert “, but not less than one acre,”.

16 **28.** Page 197, line 8: after “(9)” insert “(a)”.

17 **29.** Page 198, line 25: delete the material beginning with “, in the” and ending
18 with “located,” on page 199, line 1.

19 **30.** Page 199, line 10: after that line insert:

20 “(4) Notwithstanding s. 227.53 (1) (a) 3., any person seeking judicial review of
21 the decision on a contested case under sub. (2) or (3) or of any decision of the
22 department under this subchapter shall bring the action in the circuit court for the

1 county in which the majority of the bulk sampling site or mining site is located or in
2 which the majority of the exploration will occur.”

3 (END)

NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0094/1dn

ECT.....
/ |
RCT WLJ

This is the companion to LRBa0085 (the combination of 10 amendment drafts).

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

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LRBa0094/1dn
RCT:wlj:jf

February 3, 2013

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

* * *
from
a00851/2



RM not
run
a0094/2

LRBa00851/2

RCT/RNK/MGG:all:rs



Now

ASSEMBLY
SENATE AMENDMENT,
TO SENATE BILL 1

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11 (b) The area that will be affected by the cutting or the activity does not exceed

12 5 acres.

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2 and all approvals that are required for bulk sampling have been issued by the
3 department.

4 (d) The revegetation plan that is part of the bulk sampling plan described under
5 par. (c) includes forestry practices that will ensure that the timber, forest crops, and
6 other vegetation that will be cut or otherwise affected will be restored to the greatest
7 extent possible.

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21 2. Except as provided in subd. 3., the department shall approve the application
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5 which the majority of the exploration will occur.”.

6

(END)