

1           3. The withdrawal of land designated as managed forest land under subch. VI  
2 of ch. 77 and any modification of, or amendment to, a managed forest land  
3 management plan necessitated by the withdrawal of the land.

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

7           (4) “Background water quality” means the concentration of a substance in  
8 groundwater as determined by monitoring at locations that will not be affected by  
9 a mining site.

10          (5) “Baseline water quality” means the concentration of a substance in  
11 groundwater or surface water as determined by monitoring before mining operations  
12 begin.

13          (6) “Borrow materials” means soil or rock used in construction or reclamation  
14 activities.

15          (7) “Bulk sampling” means excavating in a potential mining site by removing  
16 less than 10,000 tons of material for the purposes of obtaining site-specific data to  
17 assess the quality and quantity of the ferrous mineral deposits and of collecting data  
18 from and analyzing the excavated materials in order to prepare the application for  
19 a mining permit or for any other approval.

20          (8) “Closing” means the time at which a mining waste site ceases to accept  
21 mining wastes.

22          (9) “Closure” means the actions taken by an operator to prepare a mining waste  
23 site for long-term care and to make it suitable for other uses.

24          (10) “Construct” means to engage in a program of on-site construction,  
25 including site clearing, grading, dredging, or filling of land.

1           (11) “Department” means the department of natural resources.

2           (12) “Disposal” means the discharge, deposit, injection, dumping, or placing of  
3 a substance into or on any land or water.

4           (14) “Environmental impact report” means a document submitted by a person  
5 seeking a mining permit that discloses environmental impacts of the proposed  
6 mining.

7           (15) “Environmental impact statement” means a detailed statement under s.  
8 1.11 (2) (c).

9           (16) “Environmental pollution” means contaminating or rendering unclean or  
10 impure the air, land, or waters of the state, or making the air, land, or waters of the  
11 state injurious to public health or animal or plant life.

12           (17) “Exploration license” means a license under s. 295.44.

13           (18) “Ferrous mineral” means an ore or earthen material in natural deposits  
14 in or on the earth that primarily exists in the form of an iron oxide, including taconite  
15 and hematite.

16           (19) “Fill area” means an area proposed to receive or that is receiving direct  
17 application of mining waste.

18           (20) “Freeboard” means the height of the top of a dam above the adjacent liquid  
19 surface within the impoundment.

20           (21) “Groundwater” means any of the waters of the state occurring in a  
21 saturated subsurface geological formation of rock or soil.

22           (22) “Groundwater quality” means the chemical, physical, biological, thermal,  
23 or radiological quality of groundwater at a site or within an underground aquifer.

24           (23) “Groundwater quality standards” means numerical values consisting of  
25 enforcement standards and preventive action limits contained in Table 1 of s. NR

1 140.10, and Table 2 of s. NR 140.12, Wis. Adm. Code, and any preventive action limits  
2 for indicator parameters identified under s. NR 140.20 (2), Wis. Adm. Code.

3 (24) “Leachate” means water or other liquid that has been contaminated by  
4 dissolved or suspended materials due to contact with refuse disposed of on the  
5 mining site.

6 (25) “Merchantable by-product” means all waste soil, rock, mineral, liquid,  
7 vegetation, and other material directly resulting from or displaced by the mining,  
8 cleaning, or preparation of minerals, during mining operations, that are determined  
9 by the department to be marketable upon a showing of marketability made by the  
10 operator, accompanied by a verified statement by the operator of his or her intent to  
11 sell the material within 3 years from the time it results from or is displaced by  
12 mining.

13 (26) “Mining” means all or part of the process involved in the mining of a  
14 ferrous mineral, other than for exploration, including commercial extraction,  
15 agglomeration, beneficiation, construction of roads, removal of overburden, and the  
16 production of refuse, involving the removal of more than 15,000 tons of earth  
17 material a year in the regular operation of a business for the purpose of extracting  
18 a ferrous mineral.

19 (27) “Mining permit” means the permit under s. 295.58.

20 (28) “Mining plan” means a proposal for mining on a mining site, including a  
21 description of the systematic activities to be used for the purpose of extracting  
22 ferrous minerals.

23 (29) “Mining site” means the surface area disturbed by mining, including the  
24 surface area from which the ferrous minerals or refuse or both have been removed,  
25 the surface area covered by refuse, all lands disturbed by the construction or

1 improvement of haulageways, and any surface areas in which structures,  
2 equipment, materials, and any other things used in the mining are situated.

3 (30) "Mining waste" means tailings, waste rock, mine overburden, waste  
4 treatment sludges, or other discarded material, including solid, liquid, semi-solid,  
5 or contained gaseous material, resulting from mining or from the cleaning or  
6 preparation of ferrous minerals during mining operations, except that "mining  
7 waste" does not include topsoil and mine overburden intended to be returned to the  
8 mining site or used in the reclamation process and that is placed on the mining site  
9 for those purposes, as provided for in the approved mining plan, and does not include  
10 merchantable by-products.

11 (31) "Mining waste site" means any land or appurtenances thereto used for the  
12 storage or disposal of mining waste or for the storage of merchantable by-products,  
13 but does not include land or appurtenances used in the production or transportation  
14 of mining waste, such as the concentrator, haul roads, or tailings pipelines, that are  
15 part of the mining site.

16 (32) "Nonferrous metallic mineral" means an ore or other earthen material to  
17 be excavated from natural deposits on or in the earth for its metallic content but not  
18 primarily for its iron oxide content.

19 (33) "Operator" means any person who is engaged in mining, or who holds a  
20 mining permit, whether individually, jointly, or through subsidiaries, agents,  
21 employees, or contractors.

22 (34) "Overburden" means any unconsolidated material that overlies bedrock.

23 (35) "Person" means an individual, corporation, limited liability company,  
24 partnership, association, local governmental agency, interstate agency, state agency,  
25 or federal agency.

1           **(36) “Piping”** means the progressive erosion of materials from an embankment  
2 or foundation caused by the seepage of water.

3           **(37) “Principal shareholder”** means any person who owns at least 10 percent  
4 of the beneficial ownership of an applicant or operator.

5           **(38) “Reagent”** means a substance or compound that is added to a system in  
6 order to bring about a chemical reaction or is added to see if a reaction occurs to  
7 confirm the presence of another substance.

8           **(39) “Reclamation”** means the process by which an area physically or  
9 environmentally affected by exploration or mining is rehabilitated to either its  
10 original state or to a state that provides long-term environmental stability.

11           **(40) “Reclamation plan”** means the proposal for the reclamation of an  
12 exploration site under s. 295.44 (2) (b) or a mining site under s. 295.49.

13           **(41) “Refuse”** means all mining waste and all waste materials deposited on or  
14 in the mining site from other sources, except merchantable by-products.

15           **(42) “Related person”** means any person that owns or operates a mining site  
16 in the United States and that is one of the following when an application for a mining  
17 permit is submitted to the department:

18           (a) The parent corporation of the applicant.

19           (b) A person that holds more than a 30 percent ownership interest in the  
20 applicant.

21           (c) A subsidiary or affiliate of the applicant in which the applicant holds more  
22 than a 30 percent ownership interest.

23           **(44) “Subsidence”** means lateral or vertical ground movement caused by a  
24 failure, initiated at the mine, of a man-made underground mine, that directly  
25 damages residences or commercial buildings, except that “subsidence” does not

1 include lateral or vertical ground movement caused by earthquake, landslide, soil  
2 conditions, soil erosion, soil freezing and thawing, or roots of trees and shrubs.

3 (45) “Tailings” means waste material resulting from beneficiation of crushed  
4 ferrous minerals at a concentrator or from washing, concentration, or treatment of  
5 crushed ferrous minerals.

6 (46) “Unsuitable” means that the land proposed for mining is not suitable for  
7 mining because the mining activity will more probably than not destroy or  
8 irreparably damage any of the following:

9 (a) Habitat required for survival of species of vegetation or wildlife designated  
10 as endangered through prior inclusion in rules adopted by the department, if the  
11 endangered species cannot be reestablished elsewhere.

12 (b) Unique features of the land, as determined by state or federal designation  
13 and incorporated in rules adopted by the department, as any of the following, which  
14 cannot have their unique characteristic preserved by relocation or replacement  
15 elsewhere:

- 16 1. Wilderness areas.
- 17 2. Wild and scenic rivers.
- 18 3. National or state parks.
- 19 4. Wildlife refuges and areas.
- 20 5. Listed properties, as defined in s. 44.31 (4).

21 (46m) “Wastewater and sludge storage or treatment lagoon” means a  
22 man-made containment structure that is constructed primarily of earthen  
23 materials, that is for the treatment or storage of wastewater, storm water, or sludge,  
24 and that is not a land disposal system, as defined in s. NR 140.05 (11), Wis. Adm.  
25 Code.

1           (47) "Waters of the state" has the meaning given in s. 281.01 (18).

2           (48) "Water supply" means the sources and their surroundings from which  
3 water is supplied for drinking or domestic purposes.

4           (49) "Wetland" has the meaning given in s. 23.32 (1).

5           **295.43 Responsibilities related to mining.** The department shall serve as  
6 the central unit of state government to ensure that the impact from mining and  
7 reclamation on the air, lands, waters, plants, fish, and wildlife in this state will be  
8 minimized and offset to the extent practicable. The administration of occupational  
9 health and safety laws and rules that apply to mining remain exclusively the  
10 responsibility of the department of safety and professional services. The powers and  
11 duties of the geological and natural history survey under s. 36.25 (6) remain  
12 exclusively the responsibility of the geological and natural history survey. Nothing  
13 in this section prevents the department of safety and professional services and the  
14 geological and natural history survey from cooperating with the department in the  
15 exercise of their respective powers and duties.

16           **295.44 Exploration.** (1) DEFINITIONS. In this section:

17           (a) "Abandonment" means the filling or sealing of a drillhole.

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

21           (c) "Concrete grout" means a mixture consisting of type A portland cement and  
22 an equal or lesser volume of dry sand combined with water.

23           (d) "Driller" means a person who performs core, rotary, percussion, or other  
24 drilling involved in exploration for ferrous minerals.

1 (e) “Drilling site” means the area disturbed by exploration, including the  
2 drillhole.

3 (f) “Dump bailer” means a cylindrical container with a valve that empties the  
4 contents of the container at the bottom of a drillhole.

5 (g) “Explorer” means any person who engages in exploration or who contracts  
6 for the services of drillers for the purpose of exploration.

7 (h) “Exploration” means the on-site geologic examination from the surface of  
8 an area by core, rotary, percussion, or other drilling, where the diameter of the hole  
9 does not exceed 18 inches, for the purpose of searching for ferrous minerals or  
10 establishing the nature of a known ferrous mineral deposit, including associated  
11 activities such as clearing and preparing sites or constructing roads for drilling.  
12 “Exploration” does not include drilling for the purpose of collecting soil samples or  
13 for determining radioactivity by means of placement of devices that are sensitive to  
14 radiation.

15 (i) “License year” means the period beginning on July 1 of any year and ending  
16 on the following June 30.

17 (j) “Neat cement grout” means a mixture consisting of type A portland cement  
18 and water.

19 (k) “Termination” means the filling of drillholes and the reclamation of a  
20 drilling site.

21 (2) LICENSE. No person may engage in exploration, or contract for the services  
22 of drillers for purposes of exploration, without an annual license from the  
23 department. The department shall provide copies of the application for an  
24 exploration license to the state geologist upon issuance of the exploration license. A



1 person seeking an exploration license shall file an application that includes all of the  
2 following:

3 (a) An exploration plan that includes all of the following:

4 1. A description of the site where the exploration will take place and a map of  
5 that area showing the locations of the exploration.

6 2. A description of the means and method that will be used for the exploration.

7 3. A description of the grading and stabilization of the excavation, sides, and  
8 benches that will be conducted.

9 4. A description of how the grading and stabilization of any deposits of refuse  
10 will be conducted.

11 5. A description of how any diversion and drainage of water from the  
12 exploration site will be conducted.

13 6. A description of how any backfilling will be conducted.

14 7. A description of how any pollutant-bearing minerals or materials will be  
15 covered.

16 8. A description of how the topsoils will be removed and stockpiled or how other  
17 measures will be taken to protect topsoils before exploration.

18 9. A description of how vegetative cover will be provided.

19 10. A description of how any water impoundment will be accomplished.

20 11. Identification of the means and method that will be used to prevent  
21 significant environmental pollution to the extent practicable.

22 (b) A reclamation plan, designed to minimize adverse effects to the  
23 environment to the extent practicable, that includes all of the following:

1           1. A description of how all toxic and hazardous wastes and other solid waste  
2 will be disposed of in solid or hazardous waste disposal facilities licensed under ch.  
3 289 or 291 or otherwise in an environmentally sound manner.

4           2. A description of how topsoil will be preserved for purposes of future use in  
5 reclamation.

6           3. A description of how revegetation will be conducted to stabilize disturbed  
7 soils and prevent air and water pollution to the extent practicable.

8           4. A description of how disturbance to wetlands will be minimized to the extent  
9 practicable.

10          5. A statement that all drillholes will be abandoned in compliance with sub. (5).

11          (c) An exploration license fee of \$300.

12          (d) A bond, as provided in sub. (3) (a).

13          (e) A certificate of insurance showing that the applicant has in force a liability  
14 insurance policy issued by an insurance company licensed to do business in this state  
15 covering all exploration conducted or contracted for by the explorer in this state and  
16 affording personal injury and property damage protection in a total amount  
17 determined to be adequate by the department, but not more than \$1,000,000 and not  
18 less than \$50,000.

19          (f) A copy of the applicant's most recent annual report to the federal securities  
20 and exchange commission on form 10-K, or, if this is not available, a report of the  
21 applicant's current assets and liabilities or other data necessary to establish that the  
22 applicant is competent to conduct exploration in this state.

23          **(2m) CONFIDENTIALITY.** The department and the state geologist shall protect as  
24 confidential any information, other than effluent data, contained in an application  
25 for an exploration license, upon a showing that the information is entitled to

1 protection as a trade secret, as defined in s. 134.90 (1) (c), and any information  
2 relating to the location, quality, or quantity of a ferrous mineral deposit, to  
3 production or sales figures, or to processes or production unique to the applicant or  
4 that would tend to adversely affect the competitive position of the applicant if made  
5 public.

6 (3) BOND. (a) An applicant shall submit, as part of the application for an  
7 exploration license, a bond in the amount of \$5,000 that is conditioned on faithful  
8 performance of the requirements of this section, that is issued by a surety company  
9 licensed to do business in this state, and that provides that the bond may not be  
10 canceled by the surety, except after not less than 90 days' notice to the department  
11 in writing by registered or certified mail.

12 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,  
13 the explorer shall deliver a replacement bond at least 30 days before the expiration  
14 of the 90 day notice period. If the explorer fails to submit a replacement bond, the  
15 explorer may not engage in exploration until the explorer submits a replacement  
16 bond.

17 (c) If the license of the surety company for a bond submitted under par. (a) is  
18 revoked or suspended, the explorer, within 30 days after receiving written notice  
19 from the department, shall deliver a replacement bond. If the explorer fails to submit  
20 a replacement bond, the explorer may not engage in exploration until the explorer  
21 submits a replacement bond.

22 (d) The department may require that the amount of the bond submitted under  
23 this subsection be increased at any time, if the department determines that the level  
24 of activity by the explorer makes it likely that the bond would be inadequate to fund  
25 the termination of all drillholes for which the explorer is responsible.

1           (e) The department shall release a bond submitted under this subsection one  
2 year after the issuance of the last certificate of completion of exploration under sub.  
3 (9) (c) 3. if the explorer no longer holds an exploration license and the department  
4 determines that the explorer has complied with this section.

5           **(4) ISSUANCE OR DENIAL OF EXPLORATION LICENSE.** (a) Except as provided in par.  
6 (c), within 10 business days of receiving an administratively complete application for  
7 an exploration license, the department shall issue the exploration license or provide  
8 the notice required under par. (f) of intent not to issue the exploration license, unless  
9 the application is for an upcoming license year. If an application is for an upcoming  
10 license year, the department shall issue the exploration license or provide the notice  
11 required under par. (f) of intent not to issue the exploration license within 10  
12 business days of receiving an administratively complete application or on the next  
13 July 1, whichever is later.

14           (b) An application for an exploration license is considered to be  
15 administratively complete on the day that it is submitted, unless, before the 10th  
16 business day after receiving the application, the department provides the applicant  
17 with written notification that the application is not administratively complete. The  
18 department may determine that an application is not administratively complete only  
19 if the application does not include an exploration plan; a reclamation plan; an  
20 exploration license fee; a bond; a certificate of insurance; or a copy of the applicant's  
21 most recent annual report to the federal securities and exchange commission on form  
22 10-K, or, if this is not available, a report of the applicant's current assets and  
23 liabilities or other data necessary to establish that the applicant is competent to  
24 conduct exploration in this state. The department may not consider the quality of

1 the information provided. In a notice provided under this paragraph, the  
2 department shall identify what is missing from the application.

3 (c) If the department provides notification, in compliance with par. (b), that an  
4 application is not administratively complete, the department shall issue the  
5 exploration license or provide the notice required under par. (f) of intent not to issue  
6 the license within 7 business days of receipt of the missing item, unless the  
7 application is for an upcoming license year. If the application is for an upcoming  
8 license year, the department shall issue the exploration license or provide the notice  
9 required under par. (f) of intent not to issue the exploration license within 7 business  
10 days of receipt of the missing item or on the next July 1, whichever is later.

11 (d) If the department does not comply with par. (a) or (c), the application is  
12 automatically approved and the department shall issue an exploration license that  
13 includes the requirements in sub. (5). The explorer may engage in exploration based  
14 on the automatic approval, notwithstanding any delay by the department in issuing  
15 the license.

16 (e) Subject to par. (f), the department shall deny an application for an  
17 exploration license if the department finds that, after the activities in the exploration  
18 plan and the reclamation plan have been completed, the exploration will have a  
19 substantial and irreparable adverse impact on the environment or present a  
20 substantial risk of injury to public health and welfare.

21 (f) Before denying an application, the department shall provide the applicant  
22 with written notification of its intent not to issue the exploration license, setting  
23 forth all of the reasons for its intent not to issue the exploration license, including  
24 reference to competent evidence supporting its position. The department shall  
25 provide the person with an opportunity to correct any deficiencies in the exploration

1 plan or reclamation plan within 10 business days. If the person amends the  
2 exploration plan or reclamation plan and corrects the deficiencies, the department  
3 shall issue the exploration license within 10 business days of receipt of the amended  
4 exploration plan or reclamation plan, unless the application is for an upcoming  
5 license year. If an application is for an upcoming license year, the department shall  
6 issue the exploration license within 10 business days of receipt of the amended  
7 exploration plan or reclamation plan or on the next July 1, whichever is later. If the  
8 department determines that the deficiencies have not been corrected, it shall deny  
9 the application, in writing, setting forth all of the reasons for its determination,  
10 including reference to competent evidence supporting the determination.

11 (5) **REQUIREMENTS IN EXPLORATION LICENSE.** The department shall include all of  
12 the following in an exploration license:

13 (a) A requirement that if the explorer wishes to temporarily abandon a drillhole  
14 so that the explorer may use the drillhole for future exploration, the explorer leave  
15 the well casing in place and seal the upper end of the casing with a watertight  
16 threaded or welded cap.

17 (b) A requirement to permanently abandon a drillhole 4 inches in diameter or  
18 smaller by filling the drillhole from the bottom upward to the surface of the ground  
19 with concrete grout or neat cement grout.

20 (c) A requirement to permanently abandon a drillhole larger than 4 inches in  
21 diameter by filling the drillhole from the bottom upward to the surface of the ground  
22 with concrete grout or neat cement grout or in one of the following ways:

23 1. If the drillhole is constructed in limestone, dolomite, shale, or Precambrian  
24 formations, such as granite, gabbro, gneiss, schist, slate, greenstone, or quartzite, by  
25 filling the drillhole with gravel or crushed rock or, if it is physically impracticable to

1 use gravel or crushed rock and if the department approves, with clay slurry, from the  
2 bottom upward to a point 20 feet below the top of the first rock formation encountered  
3 below the surface of the ground or to at least 40 feet below the surface of the ground,  
4 whichever is the greater depth, and filling the remainder of the drillhole with  
5 concrete grout or neat cement grout.

6 2. If the drillhole is constructed in sandstone formation, by filling the drillhole  
7 with disinfected sand or pea gravel or, if it is physically impracticable to use sand or  
8 pea gravel and if the department approves, with clay slurry, from the bottom upward  
9 to a point 20 feet below the top of the first rock formation encountered below the  
10 surface of the ground or to at least 40 feet below the surface of the ground, whichever  
11 is the greater depth, and filling the remainder of the drillhole with concrete grout or  
12 neat cement grout.

13 3. If the drillhole is constructed in glacial drift or other unconsolidated  
14 formation, by filling the hole with clean clay slurry to a point 20 feet below the surface  
15 of the ground and filling the remainder of the drillhole with concrete grout or neat  
16 cement grout.

17 4. If the drillhole is constructed in mixed rock types, by filling the drillhole as  
18 provided in subds. 1., 2., and 3., and providing a concrete grout or neat cement grout  
19 plug that extends at least 20 feet above and below the point of surface contact  
20 between each recognized geologic rock type.

21 (d) 1. A requirement to use a conductor pipe or, when practical, a dump bailer  
22 when filling a drillhole.

23 2. A requirement to keep the bottom end of the conductor pipe submerged in  
24 concrete grout or neat cement grout at all times when concrete grout or neat cement  
25 grout is placed under water using a conductor pipe.

1           3. A requirement to fill the drillhole at the same time that all or part of the  
2           drillhole casing is removed from an unconsolidated formation, such as sand or gravel,  
3           that will not remain open upon abandonment of a drillhole and to keep the end of the  
4           casing below the surface of the fill material throughout the operation.

5           (e) A requirement to obtain approval from the department of the method of  
6           containing the flow from, and the method of eventual abandonment of, a drillhole  
7           that penetrates an aquifer under artesian pressure so that the groundwater flows at  
8           the surface of the ground.

9           **(6) RENEWALS.** (a) An explorer wishing to renew an exploration license shall  
10          file with the department a renewal application that includes all of the following:

- 11           1. A renewal fee of \$150.
- 12           2. A bond that satisfies sub. (3) (a).
- 13           3. A certificate of insurance that satisfies sub. (2) (e).
- 14           4. A copy of the applicant's most recent annual report to the federal securities  
15          and exchange commission on form 10-K, or, if this is not available, a report of the  
16          applicant's current assets and liabilities or other data necessary to establish that the  
17          applicant is competent to conduct exploration in this state.

18           5. Either a statement that no changes are being proposed to the exploration  
19          plan and reclamation plan previously approved by the department or a new  
20          exploration plan or reclamation plan if the applicant proposes to make changes.

21           (b) Except as provided in par. (d), within 10 business days of receiving an  
22          administratively complete application for renewal of an exploration license, the  
23          department shall renew the exploration license or provide the notice, required under  
24          par. (g), of intent not to renew the exploration license.



1           (c) An application for renewal of an exploration license is considered to be  
2           administratively complete on the day that it is submitted, unless, before the 10th  
3           business day after receiving the application, the department provides the explorer  
4           with written notification that the application is not administratively complete. The  
5           department may determine that an application is not administratively complete only  
6           if the application does not include a renewal fee; a bond; a certificate of insurance;  
7           a copy of the applicant's most recent annual report to the federal securities and  
8           exchange commission on form 10-K, or, if this is not available, a report of the  
9           applicant's current assets and liabilities or other data necessary to establish that the  
10          applicant is competent to conduct exploration in this state; or either a statement that  
11          no changes are being proposed to the exploration plan and reclamation plan  
12          previously approved by the department or a new exploration plan or reclamation  
13          plan if the applicant proposes to make changes. The department may not consider  
14          the quality of any information provided. In a notice provided under this paragraph,  
15          the department shall identify what is missing from the application.

16          (d) If the department provides notification, in compliance with par. (c), that an  
17          application is not administratively complete, the department shall renew the  
18          exploration license or provide the notice, required under par. (g), of intent not to  
19          renew the exploration license within 7 business days of receipt of the missing item.

20          (e) If the department does not comply with par. (b) or (d), the application for  
21          renewal is automatically approved.

22          (f) Subject to par. (g), the department shall deny an application for renewal of  
23          an exploration license only if the applicant has filed a new exploration plan or  
24          reclamation plan and the department finds that the exploration, after the activities  
25          in the new exploration plan and the new reclamation plan have been completed, will

1 have a substantial and irreparable adverse impact on the environment or present a  
2 substantial risk of injury to public health and welfare.

3 (g) Before denying an application, the department shall provide the person who  
4 submitted the application with written notification of its intent not to renew the  
5 exploration license, setting forth all of the reasons for its intent not to renew the  
6 exploration license, including reference to competent evidence supporting its  
7 position. The department shall provide the person with an opportunity to correct any  
8 deficiencies in the exploration plan or restoration plan within 10 business days. If  
9 the person amends the exploration plan or reclamation plan and corrects the  
10 deficiencies, the department shall renew the exploration license within 10 business  
11 days of receipt of the amended exploration plan or reclamation plan. If the  
12 department determines that the deficiencies have not been corrected, it shall deny  
13 the application, in writing, setting forth all of the reasons for its determination,  
14 including reference to competent evidence supporting the determination.

15 (h) The renewal of an exploration license takes effect on the date of issuance  
16 and expires on the following June 30.

17 (7) REVOCATION OR SUSPENSION OF EXPLORATION LICENSE. After a hearing, the  
18 department may revoke or suspend an exploration license if it determines that any  
19 of the following apply:

20 (a) The explorer has not complied with a statute, a rule promulgated by the  
21 department, or a condition in the exploration license.

22 (b) The explorer has failed to increase bond amounts to adequate levels as  
23 provided under sub (3) (d).

24 (8) NOTICE PROCEDURE. (a) An explorer shall notify the department of the  
25 explorer's intent to drill on a parcel by registered mail at least 5 days prior to the

1 beginning of drilling. Notice is considered to be given on the date that the  
2 department receives the notice. In the notice, the explorer shall specify which  
3 drillholes identified in the exploration plan the explorer intends to drill. The  
4 explorer shall send the notice to the subunit of the department with authority over  
5 mine reclamation.

6 (b) A notice of intent to drill provided under par. (a) remains in effect for one  
7 year beginning on the date that the department receives the notice. If the explorer  
8 wishes to continue drilling on the parcel after the notice is no longer in effect, the  
9 explorer shall resubmit a notice of intent to drill on the parcel.

10 **(9) REPORTS.** (a) Within 10 days after completing the temporary or permanent  
11 abandonment of a drillhole, an explorer shall file with the department an  
12 abandonment report that describes the means and method used in the abandonment  
13 and is signed by an authorized representative of the explorer attesting to the  
14 accuracy of the information contained in the report. The explorer shall submit the  
15 abandonment report to the department's district office for the district in which the  
16 drilling site is located.

17 (b) After permanent abandonment of a drillhole and regrading and  
18 revegetation of the drilling site, an explorer shall notify the department of  
19 completion of termination of the drilling site. The explorer shall submit the notice,  
20 in writing, to the department's district office for the district in which the drilling site  
21 is located.

22 (c) 1. After receipt of a notice under par. (b), the department shall notify the  
23 explorer in writing whether the termination is satisfactory or unsatisfactory. If the  
24 termination is unsatisfactory, the department shall inform the explorer of the  
25 necessary corrective measures. Following the completion of corrective measures, the

1 explorer shall file written notice with the department's district office for the district  
2 in which the drilling site is located specifying the means and method used and  
3 stating that termination is complete.

4 2. If an explorer fails to comply with corrective measures identified under subd.  
5 1., the department may suspend the explorer's exploration license in accordance with  
6 sub. (7).

7 3. Upon satisfactory completion of termination of a drilling site, the  
8 department shall issue a certificate of completion. The department may not issue a  
9 certificate of completion for a drilling site that has only been temporarily abandoned.

10 (10) DRILLING FEES. Upon the submission of a report under sub. (9) (a) of  
11 temporary abandonment of a drillhole, if the drillhole is temporarily abandoned, or  
12 upon submission of a report under sub. (9) (a) of permanent abandonment of a  
13 drillhole, if the drillhole is not temporarily abandoned, the explorer shall pay a fee  
14 to the department. The fee is \$100 per drillhole for the first 20 drillholes for which  
15 a report is filed in a license year and \$50 for each subsequent drillhole for which a  
16 report is filed in that license year.

17 (11) INSPECTIONS. (a) Any duly authorized officer, employee, or representative  
18 of the department may enter and inspect any property, premises, or place on or at  
19 which exploration is being performed at any reasonable time for the purpose of  
20 ascertaining the state of compliance with this section. No explorer may refuse entry  
21 or access to any authorized representative of the department who requests entry for  
22 the purposes of inspection and who presents appropriate credentials.

23 (b) No person may obstruct, hamper, or interfere with any inspection  
24 authorized in par. (a).

25 (c) No inspector may obstruct, hamper, or interfere with exploration activities.

1           **(12) EXEMPTION.** This section does not apply to an operator with a mining  
2 permit who is engaged in exploration activities on lands included in a mining plan  
3 and reclamation plan, if the mining plan or reclamation plan contains provisions  
4 relating to termination of the exploration activities.

5           **(13) ENVIRONMENTAL ANALYSIS NOT REQUIRED.** The department is not required  
6 to prepare an environmental impact statement or an environmental assessment for  
7 an application for an exploration license.

8           **295.443 Local impact committee; local agreement.** (1) A county, town,  
9 village, city, or tribal government likely to be substantially affected by potential or  
10 proposed mining may designate an existing committee, or establish a committee, for  
11 purposes of:

12           (a) Facilitating communications between operators and itself.

13           (b) Analyzing implications of mining.

14           (c) Reviewing and commenting on reclamation plans.

15           (d) Developing solutions to mining–induced growth problems.

16           (e) Recommending priorities for local action.

17           (f) Formulating recommendations to the investment and local impact fund  
18 board regarding distribution of funds under s. 70.395 (2) (g) related to mining for  
19 ferrous minerals.

20           (g) Negotiating a local agreement under sub. (1m).

21           **(1m)** A county, town, village, city, or tribal government that requires an  
22 operator to obtain an approval or permit under a zoning or land use ordinance and  
23 a county, town, village, or city in which any portion of a proposed mining site is  
24 located may, individually or in conjunction with other counties, towns, villages,  
25 cities, or tribal governments, enter into one or more agreements with an operator for

1 the development of a mining operation. The local agreement may include any of the  
2 following:

3 (a) A legal description of the land subject to the agreement and the names of  
4 its legal and equitable owners.

5 (b) The duration of the agreement.

6 (c) The uses permitted on the land.

7 (d) A description of any conditions, terms, restrictions, or other requirements  
8 determined to be necessary by the county, town, village, city, or tribal government for  
9 the public health, safety, or welfare of its residents.

10 (e) A description of any obligation undertaken by the county, town, village, city,  
11 or tribal government to enable the development to proceed.

12 (f) The applicability or nonapplicability of county, town, village, city, or tribal  
13 ordinances, approvals, or resolutions.

14 (g) A provision for the amendment of the agreement.

15 (h) Other provisions determined to be reasonable and necessary by the parties  
16 to the agreement.

17 (2) A county, town, village, city, or tribal government affected in common with  
18 another county, town, village, city, or tribal government by a proposed or existing  
19 mine may cooperatively designate or establish a joint committee, but may also  
20 maintain a separate committee under sub. (1). Committees under this section may  
21 include representatives of affected units of government, business, and industry,  
22 manpower, health, protective or service agencies, school districts, or environmental  
23 and other interest groups or other interested parties.

24 (3) Persons applying for an exploration license under s. 295.44 shall thereafter  
25 appoint a liaison person to any committee established under sub. (1) or (2), and shall

1 provide such reasonable information as is requested by the committee. Operators  
2 and persons applying for an exploration license under s. 295.44 shall thereafter  
3 make reasonable efforts to design and operate mining operations in harmony with  
4 community development objectives.

5 (4) Committees established under sub. (1) or (2) may be funded by their  
6 appointing authority, and may, through their appointing authority, submit a request  
7 for operating funds to the investment and local impact fund board under s. 70.395.  
8 Committees established under sub. (1) shall be eligible for funds only if the county,  
9 town, village or city is also a participant in a joint committee, if any, established  
10 under sub. (2). The investment and local impact fund board may not grant funds for  
11 the use of more than one committee established under sub. (1) in relation to a  
12 particular mining proposal unless a joint committee has been established under sub.  
13 (2). The investment and local impact fund board shall grant operating funds to any  
14 committee that submits a request and is eligible under this subsection and s. 70.395  
15 (2) (fm). Committees may hire staff, enter into contracts with private firms or  
16 consultants or contract with a regional planning commission or other agency for staff  
17 services for mining-related purposes or the purposes under s. 70.395 (2) (fm).

18 **295.45 Bulk sampling plan.** (1) A person who intends to engage in bulk  
19 sampling may file a bulk sampling plan with the department. The collection of data  
20 under a bulk sampling plan may include sampling and analysis related to  
21 geophysical, geochemical, groundwater, and surface water conditions, as well as any  
22 other data or studies necessary to prepare an application for a mining permit,  
23 including the mining plan, reclamation plan, mining waste site feasibility study and  
24 plan of operation, or any other approval required for the proposed mining.

25 (2) A person shall include all of the following in a bulk sampling plan:

1           (a) A description and map of the bulk sampling site, including the number of  
2 acres in the site, the number of acres of land that will be disturbed, if any, associated  
3 with each bulk sampling location, and the locations and types of sampling or studies  
4 to be conducted at each bulk sampling location.

5           (b) A description of the methods to be used for the bulk sampling.

6           (c) A site-specific plan for controlling surface erosion that conforms to  
7 requirements under ss. 281.33 (3) and 283.33 and that identifies how impacts to  
8 plant and wildlife habitats will be avoided or minimized to the extent practicable.

9           (d) A revegetation plan for each area where bulk sampling will be performed  
10 that describes how adverse impacts to the environment will be avoided or minimized  
11 to the extent practicable and how the site will be revegetated and stabilized and that  
12 identifies how adverse impacts to plant and wildlife habitats will be avoided or  
13 minimized to the extent practicable.

14           (e) The estimated time for completing the bulk sampling and revegetation of  
15 the bulk sampling locations.

16           (f) A description of any known adverse environmental impacts that are likely  
17 to be caused by the bulk sampling and how those impacts will be avoided or  
18 minimized to the extent practicable.

19           (g) A description of any adverse effects, as defined in s. 44.31 (1), that the bulk  
20 sampling might have on any historic property, as defined in s. 44.31 (3), that is a  
21 listed property, as defined in s. 44.31 (4), that is on the Wisconsin inventory of historic  
22 places, as defined in s. 44.31 (12), or that is on the list of locally designated historic  
23 places under s. 44.45; or any scenic or recreational areas; and plans to avoid or  
24 minimize those adverse effects to the extent practicable.



1           **(2m)** The department shall protect as confidential any information, other than  
2 effluent data, contained in a bulk sampling plan and in any application for an  
3 approval that is required before the bulk sampling may be implemented, upon a  
4 showing that the information is entitled to protection as a trade secret, as defined in  
5 s. 134.90 (1) (c), and any information relating to the location, quality, or quantity of  
6 a ferrous mineral deposit, to production or sales figures, or to processes or production  
7 unique to the applicant or that would tend to adversely affect the competitive  
8 position of the applicant if made public.

9           **(3)** Within 14 days of receipt of a bulk sampling plan, the department shall  
10 identify for the applicant, in writing, all approvals that are required before the bulk  
11 sampling may be implemented, any waivers, exemptions, or exceptions to those  
12 approvals that are potentially available, and any information that the department  
13 needs to issue the approvals or to issue a decision on any waiver, exemption, or  
14 exception. If no approvals are required, the department shall notify the applicant  
15 that no approvals are required and that the applicant may proceed with the bulk  
16 sampling.

17           **(3e)** If a storm water discharge permit under s. 283.33 (1) (a) or a water quality  
18 certification under rules promulgated under subch. II of ch. 281 to implement 33  
19 USC 1341 (a) is required before bulk sampling may be implemented, the person filing  
20 the bulk sampling plan may apply for and be issued the permit or certification.

21           **(3m)** The department shall act on any required construction site erosion  
22 control and storm water management approval, notwithstanding any authorization  
23 by the department of a local program to administer construction site erosion control  
24 and storm water management requirements.

25           **(3s)** An applicant shall submit all of the following at the same time:

1           (a) Applications for individual approvals identified under sub. (3).

2           (b) Applications for coverage under general permits or registration permits  
3 identified under sub. (3).

4           (c) Applications for waivers, exemptions, or exceptions identified under sub.  
5 (3).

6           (d) A bond, as provided in sub. (5).

7           (4) (a) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283, 285,  
8 289, or 291 or in a rule promulgated under those chapters that is applicable to an  
9 approval identified under sub. (3), the application for any approval, for a waiver,  
10 exemption, or exception to an approval, or for a determination that the proposed bulk  
11 sampling activity is below the threshold that requires an approval, is considered to  
12 be complete on the 30th day after the department receives the application, unless,  
13 before that day, the department provides the applicant with written notification that  
14 the application is not complete, stating the reason for the determination and  
15 describing the specific information necessary to make the application complete.

16           (b) If the department provides a notice under par. (a), the applicant shall  
17 supplement the application by providing the specified information. The application  
18 is complete when the applicant provides the information.

19           (c) If the department determines that the issuance of an approval is contingent  
20 upon the issuance of a permit under s. 29.604 (6m), and if the application for the  
21 permit under s. 29.604 (6m) is filed with the approval application, the department  
22 may not determine that the approval application is incomplete on the basis that the  
23 department has not yet issued the permit under s. 29.604 (6m).

24           (5) (a) A person who intends to engage in bulk sampling shall submit with the  
25 bulk sampling plan a bond in the amount of \$5,000 that is conditioned on faithful

1 performance of the requirements of this section, that is issued by a surety company  
2 licensed to do business in this state, and that provides that the bond may not be  
3 canceled by the surety, except after not less than 90 days' notice to the department  
4 in writing by registered or certified mail.

5 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,  
6 the person who filed the bulk sampling plan shall deliver a replacement bond at least  
7 30 days before the expiration of the 90-day notice period. If the person fails to submit  
8 a replacement bond, the person may not engage in bulk sampling until the person  
9 submits a replacement bond.

10 (c) If the license of the surety company for a bond submitted under par. (a) is  
11 revoked or suspended, the person who filed the bulk sampling plan, within 30 days  
12 after receiving written notice from the department, shall deliver a replacement bond.  
13 If the person fails to submit a replacement bond, the person may not engage in bulk  
14 sampling until the person submits a replacement bond.

15 (d) The department may require that the amount of the bond submitted under  
16 this subsection be increased at any time, if the department determines that it is  
17 unlikely that the bond would be adequate to fund the cost to this state of completing  
18 the revegetation plan.

19 (e) The department shall release a bond submitted under this subsection one  
20 year after the time for completing the bulk sampling and the revegetation set forth  
21 in the bulk sampling plan if the department determines that the person who engaged  
22 in bulk sampling has complied with this section.

23 (7) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283, 285, 289,  
24 or 291 or a rule promulgated under those chapters applicable to an approval  
25 identified under sub. (3), the department shall require the bulk sampling activity for

1 which the approval is issued to be conducted at locations that result in the fewest  
2 overall adverse environmental impacts.

3 (8) (a) In determining whether to approve or deny an application for an  
4 approval identified under sub. (3), the department shall consider the site-specific  
5 erosion control plan, the revegetation plan, and any mitigation program under s.  
6 295.60 (8), any measures under s. 295.605, or any conservation measures under s.  
7 295.61 that the applicant proposes to take.

8 (b) The department may modify the application for an approval identified  
9 under sub. (3) in order to meet the requirements applicable to the approval, and, as  
10 modified, approve the application.

11 (9) Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 169, 281, 283,  
12 285, 289, or 291 or in a rule promulgated under those chapters that is applicable to  
13 an approval identified under sub. (3), the department shall approve or deny an  
14 application within 30 days after the day on which the application is considered to be  
15 complete under sub. (4) if any of the following apply:

16 (a) The application is for a waiver, exemption, or exception to an approval for  
17 a bulk sampling activity or for a determination that the proposed bulk sampling  
18 activity is below the threshold that requires an approval.

19 (b) The application is for a determination of eligibility for coverage or  
20 authorization to proceed under a general permit or a registration permit.

21 (10) (a) Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 169, 281,  
22 283, 285, 289, or 291 or in a rule promulgated under those chapters that is applicable  
23 to an approval identified under sub. (3), the department shall approve or deny any  
24 application for an approval identified under sub. (3) to which sub. (9) does not apply  
25 within 60 days after the date on which the application is considered to be complete

1 under sub. (4), unless the application is for an individual permit for which federal law  
2 requires the opportunity for public comment or the ability to request a public hearing  
3 prior to issuance of the approval.

4 (b) The department shall publish a class 1 notice, under ch. 985, and shall  
5 publish notice on the department's Internet site, that describes the availability of  
6 information concerning the activity for which an approval described in par. (a) is  
7 required, its proposed decision, its draft approval, information or summaries related  
8 to the approval, the department's analyses and preliminary determinations relating  
9 to the approval, the preapplication description under s. 295.46, any additional  
10 information that a law concerning the approval requires to be made available, and  
11 the opportunity to submit written comments within 30 days after the date of the  
12 publication of the notice. The date on which the department first publishes the notice  
13 on its Internet site shall be considered the date of the publication of the notice  
14 required to be published under this paragraph.

15 (c) In the notice under par. (b), the department shall also specify the date, time,  
16 and location of the public informational hearing under par. (e). The department shall  
17 send the notice to any person to whom the department is required to give notice of  
18 any proposed determination, application, or hearing concerning an approval  
19 described in par. (a) under the laws relating to the issuance of the approval and to  
20 any person who has requested notice. The department's notice to interested persons  
21 under this paragraph may be given through an electronic notification system  
22 established by the department.

23 (d) If there is more than one approval described in par. (a), the department shall  
24 issue one notice and coordinate the public comment period for all of the approvals.  
25 If possible, the department shall coordinate the notice and the public comment

1 period for an approval that is an individual permit for which federal law requires the  
2 opportunity for public comment or the ability to request a public hearing prior to  
3 issuance of the approval with notice and the public comment period for the approvals  
4 described in par. (a).

5 (e) The department shall hold a public informational hearing within 30 days  
6 after the date of the publication of the notice under par. (b). The department shall  
7 hold the public informational hearing in the county where the majority of the  
8 proposed bulk sampling site is located. If there is more than one approval described  
9 in par. (a), the department shall hold a single public informational hearing covering  
10 all of the approvals and the preapplication description under s. 295.46. If possible,  
11 the department shall include consideration of an approval that is an individual  
12 permit for which federal law requires the opportunity for public comment or the  
13 ability to request a public hearing prior to issuance of the approval in the public  
14 informational hearing under this paragraph. The public informational hearing  
15 under this paragraph is not a contested case hearing under ch. 227.

16 (10g) (a) If it is not possible to coordinate the public comment period and public  
17 informational hearing for an approval that is an individual permit for which federal  
18 law requires the opportunity for public comment or the ability to request a public  
19 hearing prior to issuance of the approval with the public comment period and public  
20 informational hearing under sub. (10), the department shall issue a separate public  
21 notice and hold a separate public informational hearing for the approval in  
22 accordance with the law governing the approval.

23 (b) The department shall approve or deny the application for an approval that  
24 is an individual permit for which federal law requires the opportunity for public  
25 comment or the ability to request a public hearing prior to issuance of the approval

1 within 180 days after the date on which the application is considered to be complete  
2 under sub. (4).

3 (10r) An approval identified under sub. (3) is issued upon mailing and is final  
4 and effective upon issuance.

5 (11) The department is not required to prepare an environmental impact  
6 statement or an environmental assessment for an approval required for bulk  
7 sampling.

8 **295.46 Preapplication description.** (1) A person who files a bulk sampling  
9 plan under s. 295.45 with regard to a proposed mining project shall file, together with  
10 the bulk sampling plan, a general description of the proposed mining project. A  
11 person who proposes to engage in a mining project, but who does not file a bulk  
12 sampling plan, shall file a general description of the proposed mining project with  
13 the department at the time that the person provides the notice of intent to file an  
14 application for a mining permit under s. 295.465. The general description shall  
15 include all of the following:

16 (a) A description of the proposed mining site.

17 (b) A map that shows all of the following:

18 1. The boundaries of the area of land that will be affected by the proposed  
19 mining project.

20 2. The location and names of all streams, roads, railroads, pipelines, and utility  
21 lines on or within 1,000 feet of the proposed mining site.

22 3. The name or names of the owner or owners of the proposed mining site.

23 4. The name of each city, village, or town in which the proposed mining site is  
24 located and the name of any other city, village, or town that is located within 3 miles  
25 of the proposed mining site.

1           5. The federal natural resources conservation service land capabilities  
2 classifications of the area affected by the proposed mining project.

3           6. The elevation of the water table.

4           (c) A general description of the nature, extent, and final configuration of the  
5 proposed excavation and mining site, including an estimate of the production of  
6 tailings, waste rock, and other refuse and the location of their disposal.

7           (d) A general conceptual description of the likely operating procedures of the  
8 proposed mining project.

9           (e) The likely location, and a general description, of the excavation, waste site,  
10 and processing facilities relating to the proposed mining project.

11           (2) (a) If the department provides notice to an applicant under s. 295.45 (3) that  
12 no approvals are required for bulk sampling or if a person who proposes to engage  
13 in a mining project files a preapplication description of the proposed mining project  
14 at the time that the person provides the notice of intent to file an application for a  
15 mining permit under s. 295.465 because the person did not file a bulk sampling plan,  
16 the department shall publish a class 1 notice, under ch. 985, and shall publish notice  
17 on the department's Internet site, of a public informational hearing on the proposed  
18 mining project. The date on which the department first publishes the notice on its  
19 Internet site shall be considered the date of the publication of the notice required to  
20 be published under this paragraph. The department shall publish the notice when  
21 it notifies the applicant that no approvals are required or after it receives the notice  
22 of intent.

23           (b) In a notice under par. (a), the department shall do all of the following:

24           1. Describe the availability of the preapplication description.



1           2. Describe the opportunity to submit written comments within 30 days after  
2 the date of the publication of the notice.

3           3. Specify the date, time, and location of the public informational hearing.

4           (c) The department shall send a notice under par. (a) to all of the following:

5           1. The clerk of any city, village, town, or county within which any part the  
6 proposed mining site lies.

7           2. The clerk of any city, village, or town, contiguous to any city, village, or town  
8 within which any portion of the proposed mining site is located.

9           3. Any regional planning commission for the area within which the affected  
10 area lies.

11           4. Any state agency that the department knows may be required to grant a  
12 permit or other authorization necessary for the proposed mining project.

13           5. Any interested person who has requested notification. The department's  
14 notice under this subdivision may be given through an electronic notification system  
15 established by the department.

16           (d) The department shall hold a public informational hearing within 30 days  
17 after the date of the publication of the notice under par. (a). The department shall  
18 hold the public informational hearing in the county in which the majority of the  
19 proposed mining site is located.

20           **295.465 Preapplication notification.** (1) Except as provided in sub. (3), at  
21 least 12 months before filing an application for a mining permit under s. 295.47, a  
22 person proposing to engage in a mining project shall notify the department and the  
23 U.S. Army Corps of Engineers in writing of the intention to file an application for a  
24 mining permit. After receiving the notification, the department shall hold at least  
25 one meeting with the person to make a preliminary assessment of the project's scope,

1 to make an analysis of alternatives, to identify potential interested persons, and to  
2 ensure that the person making the proposal is aware of all of the following:

3 (a) The approvals, including the filing requirements for the approvals, that the  
4 person may be required to obtain for the mining project.

5 (b) The requirements for submission of an environmental impact report and for  
6 submission of any other information required by the department to prepare an  
7 environmental impact statement under s. 295.53.

8 (c) The information the department will require to enable the department to  
9 process the application for the mining permit in a timely manner.

10 (2) Within 60 days of a meeting under sub. (1), the department shall provide  
11 all of the following to the person:

12 (a) A detailed written summary of the requirements under sub. (1) (a) to (c).

13 (b) Any available information relevant to the potential impacts of the mining  
14 project on rare, threatened, or endangered species and historic or cultural resources  
15 and any other information relevant to potential impacts that may occur from the  
16 project that are required to be considered under s. 1.11.

17 (c) Available information to evaluate the environmental impact of the project  
18 and to expedite the preparation of the environmental impact report and the  
19 environmental impact statement, including information concerning preliminary  
20 environmental reviews, field studies, and investigations; monitoring programs to  
21 establish baseline water quality; laboratory studies and investigations; advisory  
22 services; and the timing and the processes associated with any necessary  
23 consultations with other state or federal agencies and within the department, such  
24 as those required for endangered resources and cultural resource consultations and  
25 approvals.

1           (3) A person who files an application under s. 295.47 for a mining proposal is  
2 not required to provide notice under sub. (1) if the person files the application no  
3 more than one year after the department denied the person's application for the same  
4 mining proposal.

5           (4) After providing notice to the U.S. Army Corps of Engineers under sub. (1),  
6 a person shall make a good faith effort to meet with the U.S. Army Corps of Engineers  
7 to discuss the mining project, the environmental impact report, and information  
8 related to federal requirements that may be applicable to the mining project.

9           (5) After receiving notice under sub. (1), the department shall seek to enter into  
10 a memorandum of understanding with any federal regulatory agency with  
11 responsibilities related to the potential mining operation covering timelines,  
12 sampling metrology, and any other issue of mutual concern related to processing an  
13 application for a mining permit.

14           **295.47 Application for mining permit.** (1) (a) No person may engage in  
15 mining or reclamation at any mining site unless the mining site is covered by a  
16 mining permit and by written authorization to mine under s. 295.59 (3). An  
17 applicant shall submit an application for a mining permit to the department in  
18 writing and in reproducible form and shall provide the number of copies that are  
19 requested by the department. An application and a mining permit are required for  
20 each separate mining site. The applicant shall distribute copies of the application  
21 to the clerk of any city, village, town, or county with zoning jurisdiction over the  
22 proposed site, to the clerk of any city, village, town, or county within whose  
23 boundaries any portion of the proposed mining site is located, to the elected  
24 governing body of any federally recognized American Indian tribe or band with a  
25 reservation the boundaries of which are within 20 miles of the proposed site, and to

1 the main public library of each city, village, town, or county with zoning jurisdiction  
2 over the proposed site or within whose boundaries any portion of the proposed site  
3 is located.

4 (am) For the purposes of s. 295.57 (7) (a), as part of the application for a mining  
5 permit, an applicant may specify a deadline for the department to act on the mining  
6 permit that is more than 420 days after the day on which the application is  
7 administratively complete under s. 295.57 (2).

8 (b) If a person proposes to conduct mining at a mining site that includes an  
9 abandoned mining site, the person shall include plans for reclamation of the  
10 abandoned mining site, or the portion of the abandoned mining site that is included  
11 in the mining site, in its mining plan and reclamation plan.

12 (2) As a part of each application for a mining permit, the applicant shall furnish  
13 all of the following:

14 (a) A mining plan under s. 295.48.

15 (b) A reclamation plan under s. 295.49.

16 (c) A mining waste site feasibility study and plan of operation under s. 295.51.

17 (e) The name and address of each owner of land within the mining site and each  
18 person known by the applicant to hold any option or lease on land within the mining  
19 site.

20 (f) A list of all mining permits in this state held by the applicant.

21 (g) Evidence the applicant has applied or will apply for necessary permits or  
22 other permissions under all applicable zoning ordinances and that the applicant has  
23 applied or will apply to the department for any approval and has applied or will apply  
24 for any other license or permit required under state law.

1 (h) 1. The information specified in subd. 2. concerning the occurrence of any of  
2 the following within 10 years before the application is submitted:

3 a. A forfeiture by the applicant, principal shareholder of the applicant, or a  
4 related person of a mining reclamation bond that was sufficient to cover all costs of  
5 reclamation and was posted in accordance with a permit or other approval for a  
6 mining operation in the United States, unless the forfeiture was by agreement with  
7 the entity for whose benefit the bond was posted.

8 b. A felony conviction of the applicant, a related person, or an officer or director  
9 of the applicant for a violation of a law for the protection of the natural environment  
10 arising out of the operation of a mining site in the United States.

11 c. The bankruptcy or dissolution of the applicant or a related person that  
12 resulted in the failure to reclaim a mining site in the United States in violation of a  
13 state or federal law.

14 d. The permanent revocation of a mining permit or other mining approval  
15 issued to the applicant or a related person if the permit or other mining approval was  
16 revoked because of a failure to reclaim a mining site in the United States in violation  
17 of state or federal law.

18 2. The applicant shall specify the name and address of the person involved in  
19 and the date and location of each occurrence described in subd. 1.

20 (i) A description of any land contiguous to the proposed mining site that the  
21 applicant owns or leases or has an option to purchase or lease.

22 (j) Any other pertinent information that the applicant believes may be useful  
23 to the department.

24 **295.48 Mining plan. (1) GENERAL.** An applicant for a mining permit shall  
25 submit as part of the application a mining plan that includes a description of the

1 proposed mining site and either a detailed map drawn to a scale approved by the  
2 department or aerial photographs, if the photographs show the details to the  
3 satisfaction of the department, prepared and certified by a competent engineer,  
4 surveyor, or other person approved by the department that show all of the following:

5 (a) The boundaries of the area of land that will be affected.

6 (b) The drainage area above and below the area that will be affected.

7 (c) The location and names of all streams, roads, railroads, pipelines, and  
8 utility lines on or within 1,000 feet of the mining site.

9 (d) The name or names of the owner or owners of the mining site.

10 (e) The name of the city, village, or town in which the mining site is located and  
11 the name of any other city, village, or town that is within 3 miles of the mining site.

12 (2) DESCRIPTIVE DATA. The applicant shall provide descriptive data to  
13 accompany the map or photographs under sub. (1), including all of the following:

14 (a) The federal natural resources conservation service land capabilities  
15 classifications of the affected area.

16 (b) The elevation of the water table.

17 (c) Details of the nature, extent, and final configuration of the proposed  
18 excavation and mining site, including the total estimated production of tailings,  
19 waste rock, and other refuse and the location of their disposal.

20 (d) The nature and depth of the overburden.

21 (3) OPERATING PROCEDURES. The applicant shall also include in the mining plan  
22 the details of the proposed operating procedures, including descriptions of all of the  
23 following:

24 (a) The sequence of mining operations.

25 (b) The handling of overburden materials.

1 (c) The production, handling, and final disposition of tailings.

2 (d) The milling, concentrating, refining, and other processing of ferrous  
3 minerals.

4 (e) The storage, loading, and transportation of the final product.

5 (f) Groundwater and surface water management techniques, including  
6 provisions for erosion protection and drainage control, and a water management  
7 plan showing water sources, flow paths and rates, storage volumes, and release  
8 points.

9 (g) Plans for collection, treatment, and discharge of any water resulting from  
10 the mining.

11 (h) Plans for protecting air quality under ch. 285.

12 (hm) A plan for monitoring environmental changes at the mining site.

13 (hr) An assessment of the risk of the occurrence of an accidental health or  
14 environmental hazard in connection with the operation of the mine. The assessment  
15 shall include, with specificity, a description of the assumptions that the applicant  
16 used in making the risk assessment and the contingency measures that the applicant  
17 proposes to take in the event that an accidental health or environmental hazard  
18 occurs.

19 (i) Measures for notifying the public and responsible governmental agencies of  
20 potentially hazardous conditions, including the movement or accumulation of toxic  
21 wastes in groundwater and surface water, soils, and vegetation, and other  
22 consequences of the operation of importance to public health, safety, and welfare.

23 (j) All surface facilities associated with the mining site and any use of mining  
24 waste in reclamation or the construction of any facility or structure.

25 (k) All geological and geotechnical investigations and drilling programs.

1 (L) A plan for completing and submitting a preblasting survey to the  
2 department before any blasting is conducted.

3 (4) **REQUIRED DEMONSTRATIONS.** The applicant shall demonstrate in the mining  
4 plan that the proposed mining will be consistent with the reclamation plan under s.  
5 295.49 and that all of the following will apply, at a minimum:

6 (a) Handling and storage of all materials on the mining site will be done in an  
7 environmentally sound manner.

8 (b) Buildings and other structures will be painted and maintained in a manner  
9 that is visually compatible with the surrounding vegetational and earth conditions,  
10 except that if a building or other structure cannot be painted and maintained in a  
11 manner that is visually compatible or if painting and maintaining a building or other  
12 structure in a manner that is visually compatible would cause safety concerns, the  
13 building or structure will be made as visually inconspicuous as is practicable.

14 (c) Effective means will be taken to limit access to the mining site to minimize  
15 exposure of the public to hazards.

16 (d) The use of mine mill chemicals and processing reagent wastes will be  
17 governed by all of the following:

18 1. Reagents and mine mill chemicals will not be used in a manner that will  
19 result in substantial harm to public safety or health or to the environment.

20 2. Reagents and mine mill chemicals that consist of or contain water soluble  
21 salts or metals will be used in accordance with any applicable approval.

22 3. Reagents will not be used or stored at the mining site if they are not included  
23 in the mining waste site feasibility study and plan of operation or in the mining plan,  
24 except for reagents for laboratory, testing, research, or experimental purposes.



1 (e) Provisions will be made for back-up equipment in the event of the  
2 breakdown of critical operation equipment.

3 (f) The design and operation specifications for mining site facilities include  
4 features, which may include emergency power supplies, redundant equipment, or  
5 temporary holding facilities, to deal with emergency conditions.

6 (g) Mining site facilities are designed to minimize disturbance to surface areas,  
7 to the extent practicable.

8 (h) Where practicable, elevation differences in water-based transport systems  
9 will be used for gravity flows to minimize pumping facilities and pressures.

10 (i) The following apply:

11 1. Systems for transporting tailings in slurry through pipelines that are not  
12 buried are designed to provide for emergency tailings conveyance or storage in case  
13 a pipeline breaks, plugs, freezes, or needs repairs and will be accessible for  
14 inspection, emergency repair, and maintenance.

15 2. The location of emergency spill containment areas is consistent with the  
16 prevention of substantial environmental pollution of surface waters.

17 3. In the event of a power failure, tailings pipelines will be self draining to a  
18 tailings area or an emergency spill containment area or standby pumps and pipelines  
19 or standby power is provided.

20 4. More than one emergency spill containment area is provided if necessary.

21 (j) If practicable, all liquid effluents from the mining site will be directed to a  
22 common point, for treatment if necessary, before discharge to a natural watercourse.

23 (L) If sanitary wastes will be directed to a tailings area they will be  
24 appropriately treated.

1           **295.49 Reclamation plan.** (1) An applicant for a mining permit shall submit  
2 as part of the application a reclamation plan, designed to minimize adverse effects  
3 to the environment to the extent practicable, that includes all of the following:

4           (a) A description of the manner, location, sequence, and timing of reclamation  
5 of the mining site, including the mine, mining waste site, and sites for the disposal  
6 of wastes that are not mining wastes.

7           (am) Prereclamation and postreclamation drawings.

8           (b) A map showing the specific reclamation proposal for each area of the mining  
9 site.

10          (c) A description of ongoing reclamation procedures during mining.

11          (d) A description of proposed interim and final topography and slope  
12 stabilization.

13          (e) A description of the proposed final land use and the relationship to  
14 surrounding land and land use.

15          (f) Plans for the long-term care of the mining site, that include all of the  
16 following:

17           1. Monitoring of the mine; mining waste sites; sites for the disposal of wastes  
18 that are not mining wastes; groundwater quality; and surface water quality.

19           2. The names of persons legally and operationally responsible for long-term  
20 care.

21          (g) Projected costs of reclamation, including the estimated cost of fulfilling the  
22 reclamation plan.

23          (2) The applicant shall demonstrate in the reclamation plan that all of the  
24 following will apply to the proposed reclamation, at a minimum:

1           (a) All toxic and hazardous wastes will be disposed of in conformance with  
2 applicable state and federal laws.

3           (b) At the conclusion of mining activity, each tunnel, shaft, and other  
4 underground opening will be sealed in a manner that will prevent seepage of water  
5 in amounts that may be expected to create a safety, health, or environmental hazard,  
6 unless the applicant demonstrates alternative uses for the tunnel, shaft, or other  
7 underground opening that do not endanger public health or safety and that conform  
8 to applicable environmental protection and mine safety laws and rules.

9           (c) Grading and stabilization of the excavation, sides, benches, and final slope  
10 will conform with state and federal environmental and safety requirements and will  
11 prevent erosion and environmental pollution to the extent practicable.

12           (d) Grading and stabilization of the mining waste site and sites for the disposal  
13 of wastes that are not mining wastes will conform with state and federal  
14 environmental and safety requirements.

15           (e) Merchantable by-products will be stabilized.

16           (f) Diversion and drainage of water from the mining site, including the mining  
17 waste site and sites for the disposal of wastes that are not mining wastes, will be  
18 adequate to prevent erosion and contamination of surface water and groundwater  
19 to the extent practicable.

20           (g) Backfilling with tailings, waste rock, overburden, or borrow materials will  
21 be conducted where the backfilling will not interfere with the mining and will not  
22 cause an applicable groundwater quality standard to be exceeded.

23           (h) All underground and surface runoff waters from the mining site will be  
24 managed, impounded, or treated in compliance with any approval that regulates  
25 construction site erosion control or storm water management or discharge.

1 (i) All surface structures constructed as part of the mining activities will be  
2 removed unless an alternate use is approved in the reclamation plan.

3 (j) Adequate measures will be taken to prevent significant subsidence, but if  
4 subsidence does occur, the affected area will be reclaimed.

5 (k) All recoverable topsoil from surface areas disturbed by the mining will be  
6 removed and stored in an environmentally acceptable manner for use in reclamation  
7 or in offsetting or minimizing adverse environmental impacts.

8 (L) All disturbed surface areas will be revegetated as soon as practicable after  
9 the disturbance to stabilize slopes and minimize air pollution and water pollution,  
10 with the objective of reestablishing a variety of plants and animals indigenous to the  
11 area immediately prior to mining to the extent practicable.

12 (m) Plant species not indigenous to the area will be used for revegetation only  
13 if necessary to provide rapid stabilization of slopes and prevention of erosion and only  
14 with the approval of the department, but the objective under par. (L) will be  
15 maintained.

16 (3) If it is physically or economically impracticable or environmentally or  
17 socially undesirable for the reclamation process to return the area affected by mining  
18 to its original state, the applicant shall provide, in the reclamation plan, the reasons  
19 it would be impracticable or undesirable and a discussion of alternative conditions  
20 and uses to which the affected area can be put.

21 **295.51 Mining waste site location criteria; feasibility study, and plan**  
22 **of operation. (1) DEFINITIONS. In this section:**

23 (a) "Groundwater flow net" means a drawing showing equipotential contour  
24 lines and the direction that groundwater will flow.

1 (c) “Regional” means relating to the area that may affect or be affected by a  
2 proposed mining waste site, which ordinarily will not exceed the area within a radius  
3 of 5 miles of the mining waste site.

4 (e) “Water budget” means an assessment of water inputs, outputs, and net  
5 changes to a natural system or engineered facility over a fixed period.

6 (f) “Well nest” means 2 or more wells constructed to different depths and  
7 installed within 10 feet of each other at the ground surface.

8 (1e) HAZARDOUS MINING WASTE. (a) Prior to the informational hearing under s.  
9 295.57 (5) the department shall designate any mining wastes identified by the  
10 department as hazardous under s. 291.05 (1).

11 (b) The disposal of any mining wastes that are identified by the department as  
12 hazardous under s. 291.05 (1) in a mining waste site is subject to this subchapter, and  
13 not to chs. NR 660 to 679, Wis. Adm. Code, except as necessary to comply with  
14 applicable federal regulations adopted under the federal Resource Conservation and  
15 Recovery Act, 42 USC 6901 to 6991m.

16 (1m) LOCATION CRITERIA. (a) Except as provided in par. (b), no person may locate  
17 or operate a mining waste site, excluding the portion of a mining site from which  
18 ferrous minerals are extracted and that is backfilled with mining waste, within 1,000  
19 feet of any of the following:

20 1. The nearest edge of the right-of-way of any state trunk highway, as defined  
21 in s. 340.01 (60).

22 2. The boundary of any state or national park.

23 3. The boundary of a scenic easement purchased by the department or the  
24 department of transportation.

25 4. The boundary of a designated scenic or wild river.