



**SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 1**

February 21, 2013 – Offered by Senator TIFFANY.

1 **AN ACT** *to repeal* 107.001 (2) and 293.01 (8); *to renumber and amend* 30.123
2 (8) (c) and 87.30 (2); *to amend* 20.370 (2) (gh), 20.455 (1) (gh), 20.566 (7) (e),
3 20.566 (7) (v), 25.46 (7), 29.604 (4) (intro.), 29.604 (4) (c) (intro.), 30.025 (1e) (a),
4 30.12 (3m) (c) (intro.), 30.133 (2), 30.19 (4) (c) (intro.), 30.195 (2) (c) (intro.),
5 32.02 (12), 70.375 (1) (as), 70.375 (1) (bm), 70.375 (4) (h), 70.38 (2), 70.395 (1e),
6 70.395 (2) (dc) 1., 70.395 (2) (dc) 2., 70.395 (2) (dc) 3., 70.395 (2) (dc) 4., 70.395
7 (2) (fm), 70.395 (2) (g) (intro.), 70.395 (2) (g) 3., 70.395 (2) (h) 1., 70.395 (2) (hg),
8 70.395 (2) (hr), 70.395 (2) (hw), 107.001 (1), 107.01 (intro.), 107.01 (2), 107.02,
9 107.03, 107.04, 107.11, 107.12, 107.20 (1), 107.20 (2), 107.30 (8), 107.30 (15),
10 107.30 (16), 160.19 (12), 196.491 (3) (a) 3. b., 196.491 (4) (b) 2., 281.36 (3g) (h)
11 2., 281.65 (2) (a), 281.75 (17) (b), 283.84 (3m), 287.13 (5) (e), 289.35, 289.62 (2)
12 (g) 2. and 6., 292.01 (1m), chapter 293 (title), 293.01 (5), 293.01 (7), 293.01 (9),
13 293.01 (12), 293.01 (18), 293.01 (25), 293.21 (1) (a), 293.25 (2) (a), 293.25 (4),

1 293.37 (4) (b), 293.47 (1) (b), 293.50 (1) (b), 293.50 (2) (intro.), 293.50 (2) (a),
2 293.50 (2) (b), 293.51 (1), 293.65 (3) (a), 293.65 (3) (b), 293.86, chapter 295 (title),
3 295.16 (4) (f), 299.85 (7) (a) 2. and 4., 299.95, 323.60 (5) (d) 3., 706.01 (9) and
4 710.02 (2) (d); **to repeal and recreate** 70.375 (1) (ar); and **to create** 20.370 (2)
5 (gi), 23.321 (2g), 29.604 (7m), 30.025 (1e) (c), 31.23 (3) (e), 70.375 (4m), 77.105,
6 77.883, 87.30 (2) (b), 196.491 (3) (a) 3. c., 227.483 (3) (c), 293.01 (12m),
7 subchapter III of chapter 295 [precedes 295.40] and 323.60 (1) (gm) of the
8 statutes; **relating to:** regulation of ferrous metallic mining and related
9 activities, procedures for obtaining approvals from the Department of Natural
10 Resources for the construction of utility facilities, making an appropriation,
11 and providing penalties.

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

12 **SECTION 1.** 20.370 (2) (gh) of the statutes is amended to read:

13 20.370 (2) (gh) *Mining— Nonferrous metallic mining regulation and*
14 *administration.* The amounts in the schedule for the administration, regulation and
15 enforcement of nonferrous metallic mining exploration, prospecting, mining and
16 mine reclamation activities under ch. 293. All moneys received under ch. 293 shall
17 be credited to this appropriation.

18 **SECTION 2.** 20.370 (2) (gi) of the statutes is created to read:

19 20.370 (2) (gi) *Ferrous metallic mining operations.* All moneys received under
20 subch. III of ch. 295 for the department of natural resource's operations related to
21 ferrous metallic exploration and mining.

22 **SECTION 3.** 20.455 (1) (gh) of the statutes is amended to read:

1 20.455 (1) (gh) *Investigation and prosecution.* Moneys received under ss. 23.22
2 (9) (c), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 291.97 (3),
3 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., 295.79 (4) (b), and 299.97 (2), for the
4 expenses of investigation and prosecution of violations, including attorney fees.

5 **SECTION 4.** 20.566 (7) (e) of the statutes is amended to read:

6 20.566 (7) (e) *Investment and local impact fund supplement.* The amounts in
7 the schedule to supplement par. (v) for the purposes of ss. 70.395, 293.33 (4) and,
8 293.65 (5) (a), 295.443, and 295.61 (9) (a) and (c).

9 **SECTION 5.** 20.566 (7) (v) of the statutes is amended to read:

10 20.566 (7) (v) *Investment and local impact fund.* From the investment and local
11 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the
12 moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d)
13 to (g), 293.33 (4) and, 293.65 (5) (a), 295.443, and 295.61 (9) (a) and (c).

14 **SECTION 6.** 23.321 (2g) of the statutes is created to read:

15 23.321 (2g) **SERVICES FOR MINING OPERATIONS.** In addition to those persons
16 authorized to request a wetland identification or confirmation under sub. (2) (b) or
17 (c), a holder of an easement may request such an identification or confirmation if the
18 identification or confirmation is associated with an application for a wetland
19 individual permit or other approval for which a wetland impact evaluation is
20 required and that is subject to s. 295.60.

21 **SECTION 7.** 25.46 (7) of the statutes is amended to read:

22 25.46 (7) The fees imposed under s. 289.67 (1) for environmental management,
23 except that for each ton of waste, of the fees imposed under s. 289.67 (1) (cp) or (cv),
24 \$3.20 for each ton of waste is for nonpoint source water pollution abatement.

25 **SECTION 9.** 29.604 (4) (intro.) of the statutes is amended to read:

1 29.604 (4) PROHIBITION. (intro.) Except as provided in sub. (6r) and (7m) or as
2 permitted by departmental rule or permit:

3 **SECTION 10.** 29.604 (4) (c) (intro.) of the statutes is amended to read:

4 29.604 (4) (c) (intro.) No person may do any of the following to any wild plant
5 of an endangered or threatened species that is on public property or on property that
6 he or she does not own or lease, except in the course of forestry or agricultural
7 practices ~~or~~, in the construction, operation, or maintenance of a utility facility, or as
8 part of bulk sampling activities under s. 295.45:

9 **SECTION 11.** 29.604 (7m) of the statutes is created to read:

10 29.604 (7m) BULK SAMPLING ACTIVITIES. A person may take, transport, or
11 possess a wild animal on the department's endangered and threatened species list
12 without a permit under this section if the person avoids and minimizes adverse
13 impacts to the wild animal to the extent practicable, if the taking, transporting, or
14 possession does not result in wounding or killing the wild animal, and if the person
15 takes, transports, or possesses the wild animal for the purpose of bulk sampling
16 activities under s. 295.45.

17 **SECTION 12.** 30.025 (1e) (a) of the statutes is amended to read:

18 30.025 (1e) (a) Except as provided in ~~par. pars.~~ (b) and (c), this section applies
19 to a proposal to construct a utility facility if the utility facility is required to obtain,
20 or give notification of the wish to proceed under, one or more permits.

21 **SECTION 13.** 30.025 (1e) (c) of the statutes is created to read:

22 30.025 (1e) (c) This section does not apply to a proposal to construct a utility
23 facility for ferrous mineral mining and processing activities governed by subch. III
24 of ch. 295, unless the person proposing to construct the utility facility elects to
25 proceed in the manner provided under this section.

1 **SECTION 21.** 30.12 (3m) (c) (intro.) of the statutes is amended to read:

2 30.12 (3m) (c) (intro.) The department shall issue an individual permit to a
3 riparian owner for a structure or a deposit pursuant to an application under par. (a)
4 if the department finds that all of the following apply requirements are met:

5 **SECTION 22.** 30.123 (8) (c) of the statutes is renumbered 30.123 (8) (c) (intro.)
6 and amended to read:

7 30.123 (8) (c) (intro.) The department shall issue an individual permit
8 pursuant to an application under par. (a) if the department finds that the all of the
9 following requirements are met:

10 1. The bridge or culvert will not materially obstruct navigation,

11 2. The bridge or culvert will not materially reduce the effective flood flow
12 capacity of a stream, and,

13 3. The bridge or culvert will not be detrimental to the public interest.

14 **SECTION 23.** 30.133 (2) of the statutes is amended to read:

15 30.133 (2) This section does not apply to riparian land located within the
16 boundary of any hydroelectric project licensed or exempted by the federal
17 government, if the conveyance is authorized under any license, rule or order issued
18 by the federal agency having jurisdiction over the project. This section does not apply
19 to riparian land that is associated with an approval required for bulk sampling or
20 mining that is required under subch. III of ch. 295.

21 **SECTION 24.** 30.19 (4) (c) (intro.) of the statutes is amended to read:

22 30.19 (4) (c) (intro.) The department shall issue an individual permit pursuant
23 to an application under par. (a) if the department finds that all of the following apply
24 requirements are met:

25 **SECTION 25.** 30.195 (2) (c) (intro.) of the statutes is amended to read:

1 30.195 (2) (c) (intro.) The department shall issue an individual permit applied
2 for under this section to a riparian owner if the department determines that all of the
3 following ~~apply~~ requirements are met:

4 **SECTION 26.** 31.23 (3) (e) of the statutes is created to read:

5 31.23 (3) (e) This subsection does not apply to a bridge that is constructed,
6 maintained, or operated in association with mining or bulk sampling that is subject
7 to subch. III of ch. 295.

8 **SECTION 27.** 32.02 (12) of the statutes is amended to read:

9 32.02 (12) Any person operating a plant which creates waste material which,
10 if released without treatment would cause stream pollution, for the location of
11 treatment facilities. This subsection does not apply to a person licensed with a
12 permit under ch. 293 or subch. III of ch. 295.

13 **SECTION 27g.** 70.375 (1) (ar) of the statutes is repealed and recreated to read:

14 70.375 (1) (ar) “Internal Revenue Code” means the federal Internal Revenue
15 Code, as amended, and applicable federal regulations adopted by the federal
16 department of the treasury.

17 **SECTION 28.** 70.375 (1) (as) of the statutes is amended to read:

18 70.375 (1) (as) “Mine” means an excavation in or at the earth’s surface made
19 to extract metalliferous minerals for which a permit has been issued under s. 293.49
20 or 295.58.

21 **SECTION 29.** 70.375 (1) (bm) of the statutes is amended to read:

22 70.375 (1) (bm) “Mining-related purposes” means activities which are directly
23 in response to the application for a mining permit under s. 293.37 or 295.47; directly
24 in response to construction, operation, curtailment of operation or cessation of
25 operation of a metalliferous mine site; or directly in response to conditions at a

1 metalliferous mine site which is not in operation. “Mining-related purposes” also
2 includes activities which anticipate the economic and social consequences of the
3 cessation of mining. “Mining-related purposes” also includes the purposes under s.
4 70.395 (2) (g).

5 **SECTION 30.** 70.375 (4) (h) of the statutes is amended to read:

6 70.375 (4) (h) The cost of premiums for bonds required under s. 293.51, 295.45
7 (5), or 295.59.

8 **SECTION 30d.** 70.375 (4m) of the statutes is created to read:

9 70.375 (4m) **GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** Except as otherwise
10 provided under this section, a person subject to the tax imposed under sub. (2), shall
11 use generally accepted accounting principles to determine the person’s net proceeds
12 occupation tax liability under this section.

13 **SECTION 31.** 70.38 (2) of the statutes is amended to read:

14 70.38 (2) **COMBINED REPORTING.** If the same person extracts metalliferous
15 minerals from different sites in this state, the net proceeds for each site for which a
16 permit has been issued under s. 293.49 or 295.58 shall be reported separately for the
17 purposes of computing the amount of the tax under s. 70.375 (5).

18 **SECTION 32.** 70.395 (1e) of the statutes is amended to read:

19 70.395 (1e) **DISTRIBUTION.** Fifteen days after the collection of the tax under ss.
20 70.38 to 70.39, the department of administration, upon certification of the
21 department of revenue, shall transfer the amount collected in respect to mines not
22 in operation on November 28, 1981, to the investment and local impact fund, except
23 that, after the payments are made under sub. (2) (d) 1., 2., and 2m., the department
24 of administration shall transfer 60 percent of the amount collected from each person

1 extracting ferrous metallic minerals to the investment and local impact fund and 40
2 percent of the amount collected from any such person to the general fund.

3 **SECTION 33.** 70.395 (2) (dc) 1. of the statutes is amended to read:

4 70.395 (2) (dc) 1. Each person intending to submit an application for a mining
5 permit under s. 293.37 or 295.47 shall pay ~~\$50,000~~ \$75,000 to the department of
6 revenue for deposit in the investment and local impact fund at the time that the
7 person notifies the department of natural resources under s. 293.31 (1) or 295.465
8 of that intent.

9 **SECTION 34.** 70.395 (2) (dc) 2. of the statutes is amended to read:

10 70.395 (2) (dc) 2. A person making a payment under subd. 1. shall pay an
11 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has
12 distributed 50% of the payment under subd. 1.

13 **SECTION 35.** 70.395 (2) (dc) 3. of the statutes is amended to read:

14 70.395 (2) (dc) 3. A person making a payment under subd. 2. shall pay an
15 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has
16 distributed all of the payment under subd. 1. and 50% of the payment under subd.
17 2.

18 **SECTION 36.** 70.395 (2) (dc) 4. of the statutes is amended to read:

19 70.395 (2) (dc) 4. Six months after the signing of a local agreement under s.
20 293.41 or 295.443 for the proposed mine for which the payment is made, the board
21 shall refund any funds paid under this paragraph but not distributed under par. (fm)
22 from the investment and local impact fund to the person making the payment under
23 this paragraph.

24 **SECTION 37.** 70.395 (2) (fm) of the statutes is amended to read:

1 70.395 (2) (fm) The board may distribute a payment received under par. (dc)
2 to a county, town, village, city, tribal government or local impact committee
3 authorized under s. 293.41 (3) or 295.443 only for legal counsel, qualified technical
4 experts in the areas of transportation, utilities, economic and social impacts,
5 environmental impacts and municipal services and other reasonable and necessary
6 expenses incurred by the recipient that directly relate to the good faith negotiation
7 of a local agreement under s. 293.41 or 295.443 for the proposed mine for which the
8 payment is made.

9 **SECTION 37d.** 70.395 (2) (g) (intro.) of the statutes is amended to read:

10 70.395 (2) (g) (intro.) The board may distribute the revenues received under
11 sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes,
12 with a preference to private sector economic development projects under subd. 3., as
13 the board determines necessary:

14 **SECTION 37e.** 70.395 (2) (g) 3. of the statutes is amended to read:

15 70.395 (2) (g) 3. Studies and projects for local private sector economic
16 development.

17 **SECTION 38.** 70.395 (2) (h) 1. of the statutes is amended to read:

18 70.395 (2) (h) 1. Distribution shall first be made to those municipalities in
19 which metalliferous minerals are extracted or were extracted within 3 years
20 previous to December 31 of the current year, or in which a permit has been issued
21 under s. 293.49 or 295.58 to commence mining;

22 **SECTION 39.** 70.395 (2) (hg) of the statutes is amended to read:

23 70.395 (2) (hg) The board shall, by rule, establish fiscal guidelines and
24 accounting procedures for the use of payments under pars. (d), (f), (fm) and (g), sub.
25 (3) and ~~s.~~ ss. 293.65 (5) and 295.61 (9).

1 **SECTION 40.** 70.395 (2) (hr) of the statutes is amended to read:

2 70.395 (2) (hr) The board shall, by rule, establish procedures to recoup
3 payments made, and to withhold payments to be made, under pars. (d), (f), (fm) and
4 (g), sub. (3) and ~~s. ss.~~ 293.65 (5) and 295.61 (9) for noncompliance with this section
5 or rules adopted under this section.

6 **SECTION 41.** 70.395 (2) (hw) of the statutes is amended to read:

7 70.395 (2) (hw) A recipient of a discretionary payment under par. (f) or (g), sub.
8 (3) or ~~s. ss.~~ 293.65 (5) and 295.61 (9) or any payment under par. (d) that is restricted
9 to mining-related purposes who uses the payment for attorney fees may do so only
10 for the purposes under par. (g) 6. and for processing mining-related permits or other
11 approvals required by the municipality. The board shall recoup or withhold
12 payments that are used or proposed to be used by the recipient for attorney fees
13 except as authorized under this paragraph. The board may not limit the hourly rate
14 of attorney fees for which the recipient uses the payment to a level below the hourly
15 rate that is commonly charged for similar services.

16 **SECTION 41m.** 77.105 of the statutes is created to read:

17 **77.105 Ferrous mining.** (1) The department may not issue an order of
18 withdrawal under s. 77.10 (1) based on the cutting of timber or other forest crops or
19 other activities on forest cropland if all of the following requirements are met:

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

22 (b) The area that will be affected by the cutting or the activity does not exceed
23 5 acres.

1 (c) A bulk sampling plan has been filed with the department under s. 295.45
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.

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

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

12 **77.883 Ferrous mining.** (1) The department may not issue an order of
13 withdrawal under s. 77.88 (1) based on the cutting of timber or other activities on
14 managed forest land if all of the following requirements are met:

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

17 (b) The area that will be affected by the cutting or the activity does not exceed
18 5 acres.

19 (c) A bulk sampling plan has been filed with the department under s. 295.45
20 and all approvals that are required for bulk sampling have been issued by the
21 department.

22 (d) The revegetation plan that is part of the bulk sampling plan described under
23 par. (c) includes forestry practices that will ensure that the merchantable timber and
24 other vegetation that will be cut or otherwise affected will be restored to the greatest
25 extent possible.

1 (2) The requirement under sub. (1) (d) does not apply to managed forest land
2 that is within a mining site described in a preapplication notification under s.
3 295.465 or in an application for a mining permit under s. 295.58.

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

6 **SECTION 42.** 87.30 (2) of the statutes is renumbered 87.30 (2) (a) and amended
7 to read:

8 87.30 (2) (a) ~~Every~~ Except as provided in par. (b), every structure, building, fill,
9 or development placed or maintained within any floodplain in violation of a zoning
10 ordinance adopted under this section, or s. 59.69, 61.35 or 62.23 is a public nuisance
11 and the creation thereof may be enjoined and maintenance thereof may be abated by
12 action at suit of any municipality, the state or any citizen thereof. Any person who
13 places or maintains any structure, building, fill or development within any
14 floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69,
15 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during
16 which such violation exists is a separate offense.

17 **SECTION 43.** 87.30 (2) (b) of the statutes is created to read:

18 87.30 (2) (b) Paragraph (a) does not apply to a structure, building, fill, or
19 development placed or maintained as part of a mining operation covered by a mining
20 permit under s. 295.58 except to the extent that regulation of the placement or
21 maintenance of the structure, building, fill, or development is required for
22 compliance with a floodplain zoning ordinance as provided under s. 295.607 (3).

23 **SECTION 44.** 107.001 (1) of the statutes is amended to read:

24 107.001 (1) "Exploration mining lease" means any lease, option to lease, option
25 to purchase or similar conveyance entered into for the purpose of determining the

1 presence, location, quality or quantity of ~~metalliferous~~ nonferrous metallic minerals
2 or for the purpose of mining, developing or extracting ~~metalliferous~~ nonferrous
3 metallic minerals, or both under ch. 293. Any lease, option to lease, option to
4 purchase or similar conveyance entered into by a mining company is rebuttably
5 presumed to be an exploration mining lease.

6 **SECTION 45.** 107.001 (2) of the statutes is repealed.

7 **SECTION 46.** 107.01 (intro.) of the statutes is amended to read:

8 **107.01 Rules governing mining rights.** (intro.) Where there is no contract
9 between the parties or terms established by the landlord to the contrary the following
10 rules and regulations shall be applied to mining contracts and leases for the digging
11 of ~~ores and~~ nonferrous metallic minerals:

12 **SECTION 47.** 107.01 (2) of the statutes is amended to read:

13 107.01 (2) The discovery of a crevice or range containing ~~ores or minerals~~
14 nonferrous metallic minerals shall entitle the discoverer to the ~~ores or minerals~~
15 nonferrous metallic minerals pertaining thereto, subject to the rent due the
16 discoverer's landlord, before as well as after the ~~ores or minerals~~ nonferrous metallic
17 minerals are separated from the freehold; but such miner shall not be entitled to
18 recover any ~~ores or minerals~~ nonferrous metallic minerals or the value thereof from
19 the person digging on the miner's range in good faith and known to be mining thereon
20 until the miner shall have given notice of the miner's claim; and the miner shall be
21 entitled to the ~~ores or minerals~~ nonferrous metallic minerals dug after such notice.

22 **SECTION 48.** 107.02 of the statutes is amended to read:

23 **107.02 Mining statement; penalty.** When there is no agreement between the
24 parties to any mining lease, license or permit, to mine or remove ore nonferrous
25 metallic minerals from any lands in this state, regulating the method of reporting

1 the amount of ~~ore~~ nonferrous metallic minerals taken, the person mining and
2 removing the ~~ore or ores~~ nonferrous metallic minerals shall keep proper and correct
3 books, and therefrom to make and deliver by or before the fifteenth day of each month
4 to the lessor, owner or person entitled thereto, a detailed statement covering the
5 operations of the preceding month. The statement shall show the total amount of
6 tons or pounds of each kind of ~~ore~~ nonferrous metallic minerals produced; if sold, then
7 to whom sold, giving the date of sale, date of delivery to any railroad company,
8 naming the company, and the station where delivered or billed for shipment; the
9 name and address of the purchaser; the price per ton at which sold and the total value
10 of each kind of ~~ore~~ nonferrous metallic minerals so sold. The books shall be always
11 open to any owner, lessor, licensor or stockholder, if the owner, lessor or licensor is
12 a corporation, and to any person or stockholder interested in any such mining
13 operations, for the purpose of inspection and taking copies thereof or abstracts
14 therefrom. Any person and every officer, agent or employee of any thereof, who
15 violates this section, or who makes any false or incomplete entries on any such books
16 or statements, shall be fined not less than \$100 or imprisoned in the county jail for
17 not more than 3 months or both.

18 **SECTION 49.** 107.03 of the statutes is amended to read:

19 **107.03 Conflicting claims.** In case of conflicting claims to a crevice or range
20 bearing ~~ores or~~ nonferrous metallic minerals the court may continue any action to
21 enforce a claim or grant any necessary time for the purpose of allowing parties to
22 prove up their mines or diggings if it satisfactorily appears necessary to the ends of
23 justice. In such case the court or judge may appoint a receiver and provide that the
24 mines or diggings be worked under the receiver's direction, subject to the order of the
25 court, in such manner as best ascertains the respective rights of the parties. The ~~ores~~

1 ~~or~~ nonferrous metallic minerals raised by either party pending the dispute shall be
2 delivered to the receiver, who may, by order of the court or judge, pay any rent or other
3 necessary expenses therefrom.

4 **SECTION 50.** 107.04 of the statutes is amended to read:

5 **107.04 Lessee's fraud; failure to work mine.** Any miner who conceals or
6 disposes of any ~~ores or~~ nonferrous metallic minerals or mines or diggings for the
7 purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~ores or~~
8 nonferrous metallic minerals raised by the miner for 3 days after the notice thereof
9 and claim of the rent, shall forfeit all right to his or her mines, diggings or range; and
10 the landlord after the concealment or after 3 days have expired from the time of
11 demanding rent, may proceed against the miner to recover possession of the mines
12 or diggings in circuit court as in the case of a tenant holding over after the
13 termination of the lease. If a miner neglects to work his or her mines or diggings
14 according to the usages of miners, without reasonable excuse, he or she shall likewise
15 forfeit the mines or diggings and the landlord may proceed against the miner in like
16 manner to recover possession of the mines or diggings.

17 **SECTION 51.** 107.11 of the statutes is amended to read:

18 **107.11 Account of ~~ore~~ nonferrous metallic minerals received.** Every
19 person operating a metal recovery system and every purchaser of ~~ores and~~
20 nonferrous metallic minerals shall keep a substantially bound book, ruled into
21 suitable columns, in which shall be entered from day to day, as ~~ores or~~ nonferrous
22 metallic minerals are received, the following items: the day, month and year when
23 received; the name of the person from whom purchased; the name of the person by
24 whom hauled and delivered; name of the owner of the land from which the ~~ores or~~
25 nonferrous metallic minerals were obtained, or if not known, the name of the

1 diggings or some distinct description of the land. The bound book shall be kept at the
2 furnace or at the usual place of business of such person or purchaser or his or her
3 agent in this state, and shall be open to authorized representatives of the department
4 of revenue at reasonable times for inspection and taking extracts.

5 **SECTION 52.** 107.12 of the statutes is amended to read:

6 **107.12 Penalty.** If any person operating a metal recovery system or purchaser
7 of ~~ores and~~ nonferrous metallic minerals or the agent of any such person or purchaser
8 doing business fails to keep such a book or to make such entries as required under
9 s. 107.11 or unreasonably refuses to show the book for inspection or taking extracts
10 or makes false entries in the book he or she shall forfeit \$10 for each offense, one-half
11 to the use of the prosecutor; and each day such failure or refusal continues shall be
12 deemed a distinct and separate offense.

13 **SECTION 53.** 107.20 (1) of the statutes is amended to read:

14 **107.20 (1)** Any provision of an exploration mining lease entered into after April
15 25, 1978, granting an option or right to determine the presence, location, quality or
16 quantity of ~~metalliferous~~ nonferrous metallic minerals shall be limited to a term not
17 exceeding 10 years from the date on which the exploration mining lease is recorded
18 in the office of the register of deeds of the county where the property is located, except
19 that any provision of an exploration mining lease entered into after April 25, 1978,
20 granting an option or right to determine the quality and quantity of ~~metalliferous~~
21 nonferrous metallic minerals under a prospecting permit shall be limited to a term
22 not exceeding 10 years from the date that the lessee applies for a prospecting permit
23 under s. 293.35, if the lessee applies for the prospecting permit within 10 years from
24 the date on which the exploration mining lease is recorded in the office of the register
25 of deeds of the county where the property is located.

1 **SECTION 54.** 107.20 (2) of the statutes is amended to read:

2 107.20 (2) Any provision of an exploration mining lease entered into after April
3 25, 1978, granting an option or right to develop or extract ~~metalliferous~~ nonferrous
4 metallic minerals shall be limited to a term not exceeding 50 years from the date on
5 which the exploration mining lease is recorded in the office of the register of deeds
6 of the county where the property is located.

7 **SECTION 55.** 107.30 (8) of the statutes is amended to read:

8 107.30 (8) “Mining” or “mining operation” ~~has the meaning set forth in s. 293.01~~
9 (9) means all or part of the process involved in the mining of metallic minerals, other
10 than for exploration or prospecting, including commercial extraction,
11 agglomeration, beneficiation, construction of roads, removal of overburden, and the
12 production of refuse.

13 **SECTION 56.** 107.30 (15) of the statutes is amended to read:

14 107.30 (15) “Prospecting” ~~has the meaning set forth in s. 293.01 (18)~~ means
15 engaging in the examination of an area for the purpose of determining the quality
16 and quantity of minerals, other than for exploration but including the obtaining of
17 an ore sample, by such physical means as excavating, trenching, construction of
18 shafts, ramps, and tunnels and other means, other than for exploration, which the
19 department of natural resources, by rule, identifies, and the production of
20 prospecting refuse and other associated activities. “Prospecting” does not include
21 such activities when the activities are, by themselves, intended for and capable of
22 commercial exploitation of the underlying ore body. The fact that prospecting
23 activities and construction may have use ultimately in mining, if approved, does not
24 mean that prospecting activities and construction constitute mining within the

1 meaning of sub. (8), provided such activities and construction are reasonably related
2 to prospecting requirements.

3 **SECTION 57.** 107.30 (16) of the statutes is amended to read:

4 107.30 (16) “Prospecting site” ~~has the meaning set forth in s. 293.01 (21)~~ means
5 the lands on which prospecting is actually conducted as well as those lands on which
6 physical disturbance will occur as a result of such activity.

7 **SECTION 58.** 160.19 (12) of the statutes is amended to read:

8 160.19 (12) The requirements in this section shall not apply to rules governing
9 an activity regulated under ch. 293 or subch. III of ch. 295, or to a solid waste facility
10 regulated under subch. III of ch. 289 which is part of an activity regulated under ch.
11 293 or subch. III of ch. 295, except that the department may promulgate new rules
12 or amend rules governing this type of activity, practice or facility if the department
13 determines that the amendment or promulgation of rules is necessary to protect
14 public health, safety or welfare.

15 **SECTION 59.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

16 196.491 (3) (a) 3. b. ~~Within~~ Except as provided under subd. 3. c., within 20
17 days after the department provides a listing specified in subd. 3. a. to a person, the
18 person shall apply for the permits and approvals identified in the listing. The
19 department shall determine whether an application under this subd. 3. b. is complete
20 and, no later than 30 days after the application is filed, notify the applicant about
21 the determination. If the department determines that the application is incomplete,
22 the notice shall state the reason for the determination. An applicant may
23 supplement and refile an application that the department has determined to be
24 incomplete. There is no limit on the number of times that an applicant may refile
25 an application under this subd. 3. b. If the department fails to determine whether

1 an application is complete within 30 days after the application is filed, the
2 application shall be considered to be complete. The department shall complete action
3 on an application under this subd. 3. b. for any permit or approval that is required
4 prior to construction of a facility within 120 days after the date on which the
5 application is determined or considered to be complete.

6 **SECTION 60.** 196.491 (3) (a) 3. c. of the statutes is created to read:

7 196.491 (3) (a) 3. c. The 20-day deadline specified in subd. 3. b. for applying
8 for the applicable permits and approvals specified in the listing provided by the
9 department does not apply to a person proposing to construct a utility facility for
10 ferrous mineral mining and processing activities governed by subch. III of ch. 295.

11 **SECTION 61.** 196.491 (4) (b) 2. of the statutes is amended to read:

12 196.491 (4) (b) 2. The person shows to the satisfaction of the commission that
13 the person reasonably anticipates, at the time that construction of the equipment or
14 facilities commences, that on each day that the equipment and facilities are in
15 operation the person will consume no less than 70% of the aggregate kilowatt hours
16 output from the equipment and facilities in manufacturing processes at the site
17 where the equipment and facilities are located or in ferrous mineral mining and
18 processing activities governed by subch. III of ch. 295 at the site where the equipment
19 and facilities are located.

20 **SECTION 62.** 227.483 (3) (c) of the statutes is created to read:

21 227.483 (3) (c) If the proceeding relates to mining for ferrous minerals, as
22 defined in s. 295.41 (18), that the petition, claim, or defense was commenced, used,
23 or continued primarily for the purpose of causing delay to an activity authorized
24 under a license that is the subject of the hearing.

25 **SECTION 64.** 281.36 (3g) (h) 2. of the statutes is amended to read:

1 281.36 (3g) (h) 2. If, within 30 days after an application under subd. 1. is
2 received by the department, the department does not either request additional
3 information or inform the applicant that a wetland individual permit will be required
4 as provided in par. (i), the discharge shall be considered to be authorized under the
5 wetland general permit and the applicant may proceed without further notice,
6 hearing, permit, or approval if the discharge is carried out in compliance with all of
7 the conditions of the general permit, except as provided in s. 295.60 (3) (b).

8 **SECTION 65.** 281.65 (2) (a) of the statutes is amended to read:

9 281.65 (2) (a) “Best management practices” means practices, techniques or
10 measures, except for dredging, identified in areawide water quality management
11 plans, which are determined to be effective means of preventing or reducing
12 pollutants generated from nonpoint sources, or from the sediments of inland lakes
13 polluted by nonpoint sources, to a level compatible with water quality objectives
14 established under this section and which do not have an adverse impact on fish and
15 wildlife habitat. The practices, techniques or measures include land acquisition,
16 storm sewer rerouting and the removal of structures necessary to install structural
17 urban best management practices, facilities for the handling and treatment of
18 milkhouse wastewater, repair of fences built using grants under this section and
19 measures to prevent or reduce pollutants generated from mine tailings disposal sites
20 for which the department has not approved a plan of operation under s. 289.30 or s.
21 295.51.

22 **SECTION 66.** 281.75 (17) (b) of the statutes is amended to read:

23 281.75 (17) (b) This section does not apply to contamination which is
24 compensable under subch. II of ch. 107 or s. 293.65 (4) or 295.61 (8).

25 **SECTION 67.** 283.84 (3m) of the statutes is amended to read:

1 283.84 **(3m)** A person engaged in mining, as defined in s. 293.01 (9) or 295.41
2 (26), prospecting, as defined in s. 293.01 (18), bulk sampling, as defined in s. 295.41
3 (7), or nonmetallic mining, as defined in s. 295.11 (3), may not enter into an
4 agreement under sub. (1).

5 **SECTION 68.** 287.13 (5) (e) of the statutes is amended to read:

6 287.13 (5) (e) Solid waste produced by a commercial business or industry which
7 is disposed of or held for disposal in an approved facility, as defined under s. 289.01
8 (3), or a mining waste site, as defined in s. 295.41 (31), covered by a mining permit
9 under s. 295.58, owned or leased by the generator or on which the generator holds
10 an easement and designed and constructed for the purpose of accepting that type of
11 solid waste.

12 **SECTION 69.** 289.35 of the statutes is amended to read:

13 **289.35 Shoreland and floodplain zoning.** Solid waste facilities are
14 prohibited within areas under the jurisdiction of shoreland and floodplain zoning
15 regulations adopted under ss. 59.692, 61.351, 62.231 ~~and~~, 87.30, and 281.31, except
16 that the department may issue permits authorizing facilities in such areas. If the
17 department issues a permit under this section, the permit shall specify the location,
18 height, and size of the solid waste facility authorized under the permit.

19 **SECTION 70.** 289.62 (2) (g) 2. and 6. of the statutes are amended to read:

20 289.62 (2) (g) 2. For nonhazardous tailing solids ~~or for nonacid producing~~
21 ~~taconite tailing solids~~, 0.2 cent per ton.

22 6. For nonhazardous waste rock ~~or for nonacid producing taconite waste rock~~,
23 0.1 cent per ton.

24 **SECTION 71.** 292.01 (1m) of the statutes is amended to read:

1 292.01 (1m) “Approved mining facility” has the meaning given in s. 289.01 (4)
2 and includes a mining waste site, as defined in s. 295.41 (31).

3 **SECTION 72.** Chapter 293 (title) of the statutes is amended to read:

4 **CHAPTER 293**

5 **NONFERROUS METALLIC MINING**

6 **SECTION 73.** 293.01 (5) of the statutes is amended to read:

7 293.01 (5) “Mineral exploration” or “exploration”, unless the context requires
8 otherwise, means the on-site geologic examination from the surface of an area by
9 core, rotary, percussion or other drilling, where the diameter of the hole does not
10 exceed 18 inches, for the purpose of searching for nonferrous metallic minerals or
11 establishing the nature of a known nonferrous metallic mineral deposit, and includes
12 associated activities such as clearing and preparing sites or constructing roads for
13 drilling.

14 **SECTION 74.** 293.01 (7) of the statutes is amended to read:

15 293.01 (7) “Merchantable by-product” means all waste soil, rock, mineral,
16 liquid, vegetation and other material directly resulting from or displaced by the
17 mining, cleaning or preparation of nonferrous metallic minerals during mining
18 operations which are determined by the department to be marketable upon a
19 showing of marketability made by the operator, accompanied by a verified statement
20 by the operator of his or her intent to sell such material within 3 years from the time
21 it results from or is displaced by mining. If after 3 years from the time merchantable
22 by-product results from or is displaced by mining such material has not been
23 transported off the mining site, it shall be considered and regulated as refuse unless
24 removal is continuing at a rate of more than 12,000 cubic yards per year.

25 **SECTION 75.** 293.01 (8) of the statutes is repealed.

1 **SECTION 76.** 293.01 (9) of the statutes is amended to read:

2 293.01 (9) “Mining” or “mining operation” means all or part of the process
3 involved in the mining of nonferrous metallic minerals, other than for exploration or
4 prospecting, including commercial extraction, agglomeration, beneficiation,
5 construction of roads, removal of overburden and the production of refuse.

6 **SECTION 77.** 293.01 (12) of the statutes is amended to read:

7 293.01 (12) “Mining site” means the surface area disturbed by a mining
8 operation, including the surface area from which the nonferrous metallic minerals
9 or refuse or both have been removed, the surface area covered by refuse, all lands
10 disturbed by the construction or improvement of haulageways, and any surface areas
11 in which structures, equipment, materials and any other things used in the mining
12 operation are situated.

13 **SECTION 78.** 293.01 (12m) of the statutes is created to read:

14 293.01 (12m) “Nonferrous metallic mineral” means an ore or other earthen
15 material to be excavated from the natural deposits on or in the earth for its metallic
16 content but not primarily for its iron oxide content.

17 **SECTION 79.** 293.01 (18) of the statutes is amended to read:

18 293.01 (18) “Prospecting” means engaging in the examination of an area for the
19 purpose of determining the quality and quantity of nonferrous metallic minerals,
20 other than for exploration but including the obtaining of ~~an ore~~ a nonferrous metallic
21 mineral sample, by such physical means as excavating, trenching, construction of
22 shafts, ramps and tunnels and other means, other than for exploration, which the
23 department, by rule, identifies, and the production of prospecting refuse and other
24 associated activities. “Prospecting” shall not include such activities when the
25 activities are, by themselves, intended for and capable of commercial exploitation of

1 the underlying nonferrous ore body. However, the fact that prospecting activities and
2 construction may have use ultimately in mining, if approved, shall not mean that
3 prospecting activities and construction constitute mining within the meaning of sub.
4 (9), provided such activities and construction are reasonably related to prospecting
5 requirements.

6 **SECTION 80.** 293.01 (25) of the statutes is amended to read:

7 293.01 (25) "Refuse" means all waste soil, rock, mineral, liquid, vegetation and
8 other material, except merchantable by-products, directly resulting from or
9 displaced by the prospecting or mining and from the cleaning or preparation of
10 nonferrous metallic minerals during prospecting or mining operations, and shall
11 include all waste materials deposited on or in the prospecting or mining site from
12 other sources.

13 **SECTION 81.** 293.21 (1) (a) of the statutes is amended to read:

14 293.21 (1) (a) "Driller" means a person who performs core, rotary, percussion
15 or other drilling involved in exploration for nonferrous metallic minerals.

16 **SECTION 82.** 293.25 (2) (a) of the statutes is amended to read:

17 293.25 (2) (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and
18 293.81 and rules promulgated under those sections apply to radioactive waste site
19 exploration, to activities related to radioactive waste site exploration and to persons
20 engaging in or intending to engage in radioactive waste site exploration or related
21 activities in the same manner as those sections and rules are applicable to
22 nonferrous metallic mineral exploration, to activities related to nonferrous metallic
23 mineral exploration and to persons engaging in or intending to engage in nonferrous
24 metallic mineral exploration or related activities.

25 **SECTION 83.** 293.25 (4) of the statutes is amended to read:

1 293.25 (4) REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections
2 293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules promulgated under
3 those sections apply to radioactive waste site exploration, to activities related to
4 radioactive waste site exploration and to persons engaging in or intending to engage
5 in radioactive waste site exploration or related activities in the same manner as
6 those sections and rules are applicable to nonferrous metallic mineral exploration,
7 to activities related to nonferrous metallic mineral exploration and to persons
8 engaging in or intending to engage in nonferrous metallic mineral exploration or
9 related activities.

10 **SECTION 84.** 293.37 (4) (b) of the statutes is amended to read:

11 293.37 (4) (b) If the department finds that the anticipated life and total area
12 of a nonferrous metallic mineral deposit are of sufficient magnitude that reclamation
13 of the mining site consistent with this chapter requires a comprehensive plan for the
14 entire affected area, it shall require an operator to submit with the application for
15 a mining permit, amended mining site or change in mining or reclamation plan, a
16 comprehensive long-term plan showing, in detail satisfactory to the department, the
17 manner, location and time for reclamation of the entire area of contiguous land which
18 will be affected by mining and which is owned, leased or under option for purchase
19 or lease by the operator at the time of application. Where a nonferrous metallic
20 mineral deposit lies on or under the lands of more than one operator, the department
21 shall require the operators to submit mutually consistent comprehensive plans.

22 **SECTION 85.** 293.47 (1) (b) of the statutes is amended to read:

23 293.47 (1) (b) “Geologic information” means information concerning
24 descriptions of an a nonferrous ore body, descriptions of reserves, tonnages and
25 grades of nonferrous ore, descriptions of a drill core or bulk sample including

1 analysis, descriptions of drill hole depths, distances and similar information related
2 to the nonferrous ore body.

3 **SECTION 86.** 293.50 (1) (b) of the statutes is amended to read:

4 293.50 (1) (b) “Sulfide ore body” means a mineral deposit in which nonferrous
5 metals are mixed with sulfide minerals.

6 **SECTION 87.** 293.50 (2) (intro.) of the statutes is amended to read:

7 293.50 (2) (intro.) Beginning on May 7, 1998, the department may not issue a
8 permit under s. 293.49 for the purpose of the mining of a sulfide ore body until all of
9 the following conditions are satisfied:

10 **SECTION 88.** 293.50 (2) (a) of the statutes is amended to read:

11 293.50 (2) (a) The department determines, based on information provided by
12 an applicant for a permit under s. 293.49 and verified by the department, that a
13 mining operation has operated in a sulfide ore body which, together with the host
14 nonferrous rock, has a net acid generating potential in the United States or Canada
15 for at least 10 years without the pollution of groundwater or surface water from acid
16 drainage at the tailings site or at the mine site or from the release of heavy metals.

17 **SECTION 89.** 293.50 (2) (b) of the statutes is amended to read:

18 293.50 (2) (b) The department determines, based on information provided by
19 an applicant for a permit under s. 293.49 and verified by the department, that a
20 mining operation that operated in a sulfide ore body which, together with the host
21 nonferrous rock, has a net acid generating potential in the United States or Canada
22 has been closed for at least 10 years without the pollution of groundwater or surface
23 water from acid drainage at the tailings site or at the mine site or from the release
24 of heavy metals.

25 **SECTION 90.** 293.51 (1) of the statutes is amended to read:

1 293.51 (1) Upon notification that an application for a prospecting or mining
2 permit has been approved by the department but prior to commencing prospecting
3 or mining, the operator shall file with the department a bond conditioned on faithful
4 performance of all of the requirements of this chapter and all rules adopted by the
5 department under this chapter. The bond shall be furnished by a surety company
6 licensed to do business in this state. In lieu of a bond, the operator may deposit cash,
7 certificates of deposit or government securities with the department. Interest
8 received on certificates of deposit and government securities shall be paid to the
9 operator. The amount of the bond or other security required shall be equal to the
10 estimated cost to the state of fulfilling the reclamation plan, in relation to that
11 portion of the site that will be disturbed by the end of the following year. The
12 estimated cost of reclamation of each prospecting or mining site shall be determined
13 by the department on the basis of relevant factors including, but not limited to,
14 expected changes in the price index, topography of the site, methods being employed,
15 depth and composition of overburden and depth of nonferrous metallic mineral
16 deposit being mined.

17 **SECTION 91.** 293.65 (3) (a) of the statutes is amended to read:

18 293.65 (3) (a) An approval under s. 281.34 is required to withdraw groundwater
19 for prospecting or mining or to dewater mines if the capacity and rate of withdrawal
20 of all wells involved in the withdrawal of groundwater or the dewatering of mines
21 exceeds 100,000 gallons each day. A permit under s. 283.31 is required to discharge
22 pollutants resulting from the dewatering of mines.

23 **SECTION 92.** 293.65 (3) (b) of the statutes is amended to read:

24 293.65 (3) (b) The department may not issue an approval under s. 281.34 if the
25 withdrawal of groundwater for prospecting or mining purposes or the dewatering of

1 mines will result in the unreasonable detriment of public or private water supplies
2 or the unreasonable detriment of public rights in the waters of the state. No
3 withdrawal of groundwater for prospecting or mining purposes or the dewatering of
4 mines may be made to the unreasonable detriment of public or private water supplies
5 or the unreasonable detriment of public rights in the waters of the state.

6 **SECTION 93.** 293.86 of the statutes is amended to read:

7 **293.86 Visitorial powers of department.** Any duly authorized officer,
8 employee or representative of the department may enter and inspect any property,
9 premises or place on or at which any prospecting or ~~metallie~~ mining operation or
10 facility is located or is being constructed or installed at any reasonable time for the
11 purpose of ascertaining the state of compliance with this chapter and chs. 281, 285,
12 289 to 292, ~~295~~ and 299, subchs. I and II of ch. 295, and rules adopted pursuant
13 thereto. No person may refuse entry or access to any such authorized representative
14 of the department who requests entry for purposes of inspection, and who presents
15 appropriate credentials, nor may any person obstruct, hamper or interfere with any
16 such inspection. The department shall furnish to the prospector or operator, as
17 indicated in the prospecting or mining permit, a written report setting forth all
18 observations, relevant information and data which relate to compliance status.

19 **SECTION 94.** Chapter 295 (title) of the statutes is amended to read:

20 **CHAPTER 295**

21 **NONMETALLIC MINING RECLAMATION;**

22 **OIL AND GAS;**

23 **FERROUS METALLIC MINING**

24 **SECTION 95.** 295.16 (4) (f) of the statutes is amended to read:

1 295.16 (4) (f) Any mining operation, the reclamation of which is required in a
2 permit obtained under ch. 293 or subch. III of ch. 295.

3 **SECTION 96.** Subchapter III of chapter 295 [precedes 295.40] of the statutes is
4 created to read:

5 **CHAPTER 295**

6 **SUBCHAPTER III**

7 **FERROUS METALLIC MINING**

8 **295.40 Legislative findings.** The legislature finds all of the following:

9 (1) That attracting and aiding new mining enterprises and expanding the
10 mining industry in Wisconsin is part of Wisconsin public policy.

11 (2) That mining for nonferrous metallic minerals is different from mining for
12 ferrous minerals because in mining for nonferrous metallic minerals, sulfide
13 minerals react, when exposed to air and water, to form acid drainage.

14 (3) That if the mineral products and waste materials associated with
15 nonferrous metallic sulfide mining operations are not properly managed and
16 controlled, they can cause significant damage to the environment, affect human
17 health, and degrade the quality of life of the affected community.

18 (4) That the special concerns surrounding nonferrous metallic mining warrant
19 more stringent regulatory measures than those warranted for ferrous mineral
20 mining operations.

21 (5) That the provisions in ch. 293, 2011 stats., are a deterrent to ferrous mineral
22 mining in this state and are not necessary to ensure that ferrous mineral mining will
23 be conducted in an environmentally sound manner.

24 (6) That simplifying and shortening the permitting process for ferrous mineral
25 mining when compared to nonferrous metallic mineral mining, as Minnesota and

1 Michigan have done, will encourage ferrous mineral mining in Wisconsin and create
2 jobs and generate resources for the state.

3 (7) That because of the fixed location of ferrous mineral deposits in the state,
4 it is probable that mining those deposits will result in adverse impacts to wetlands
5 and that, therefore, the use of wetlands for bulk sampling and mining activities,
6 including the disposal or storage of mining wastes or materials, or the use of other
7 lands for mining activities that would have a significant adverse impact on wetlands,
8 is presumed to be necessary.

9 **295.41 Definitions.** In this subchapter:

10 (1) “Air pollution” means the presence in the atmosphere of one or more air
11 contaminants in such quantities and of such duration as is injurious to human health
12 or welfare, animal or plant life, or property.

13 (2) “Applicant” means a person who applies for, or is preparing to apply for, an
14 exploration license or a mining permit or who files a bulk sampling plan.

15 (3) (a) “Approval” means, except as provided in par. (b), any permit, license,
16 certification, contract, or other authorization that the department issues, or any
17 other action by the department, that is required for exploration, to engage in bulk
18 sampling at a bulk sampling site, or to construct or operate a mining site, including
19 any action required for any of the following:

20 1. The withdrawal of land entered as county forest land under s. 28.11 and any
21 modification of, or amendment to, a county forest land use plan necessitated by the
22 withdrawal of the land.

23 2. The withdrawal of land entered as forest cropland under s. 77.10.

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.