



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0762/P2 1

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Clear Cut

See pp. → 2,
109, 118, 123, 124,
125, 126, 134, 172,
128, 129, 173,
174, 158, 79,

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 30.025 (1m) (intro.), 30.025 (1m) (c), 30.025 (1s) (a), 30.025 (2), 30.025 (2g) (b)
5 (intro.), 30.025 (4), 30.12 (3m) (c) (intro.), 30.133 (2), 30.19 (4) (c) (intro.), 30.195
6 (2) (c) (intro.), 32.02 (12), 70.375 (1) (as), 70.375 (1) (bm), 70.375 (4) (h), 70.38
7 (2), 70.395 (1e), 70.395 (2) (dc) 1., 70.395 (2) (dc) 2., 70.395 (2) (dc) 3., 70.395 (2)
8 (dc) 4., 70.395 (2) (fm), 70.395 (2) (h) 1., 70.395 (2) (hg), 70.395 (2) (hr), 70.395
9 (2) (hw), 107.001 (1), 107.01 (intro.), 107.01 (2), 107.02, 107.03, 107.04, 107.11,
10 107.12, 107.20 (1), 107.20 (2), 107.30 (8), 107.30 (15), 107.30 (16), 160.19 (12),
11 196.491 (3) (a) 3. b., 196.491 (4) (b) 2., 281.36 (3g) (h) 2., 281.65 (2) (a), 281.75
12 (17) (b), 283.84 (3m), 287.13 (5) (e), 289.35, 289.62 (2) (g) 2. and 6., 292.01 (1m),
13 chapter 293 (title), 293.01 (5), 293.01 (7), 293.01 (9), 293.01 (12), 293.01 (18),
14 293.01 (25), 293.21 (1) (a), 293.25 (2) (a), 293.25 (4), 293.37 (4) (b), 293.47 (1) (b),
15 293.50 (1) (b), 293.50 (2) (intro.), 293.50 (2) (a), 293.50 (2) (b), 293.51 (1), 293.65

1 (3) (a), 293.65 (3) (b), 293.86, chapter 295 (title), 295.16 (4) (f), 299.85 (7) (a) 2.
2 and 4., 299.95, 323.60 (5) (d) 3., 706.01 (9) and 710.02 (2) (d); and **to create**
3 20.370 (2) (gi), 23.321 (2g), 25.49 (2m), 29.604 (7m), 30.025 (1e) (c), 30.025 (4m),
4 31.23 (3) (e), 87.30 (2) (b), 196.491 (3) (a) 3. c., 227.483 (3) (c), 238.14, 293.01
5 (12m), subchapter III of chapter 295 [precedes 295.40] and 323.60 (1) (gm) of
6 the statutes; **relating to:** regulation of ferrous metallic mining and related
7 activities, procedures for obtaining approvals from the Department of Natural
8 Resources for the construction of utility facilities, making an appropriation,
9 and providing penalties.

Analysis by the Legislative Reference Bureau

Insert
Analysis This is a preliminary draft. An analysis will be provided in a subsequent version
of this draft.

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

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

11 20.370 (2) (gh) *Mining— Nonferrous metallic mining regulation and*
12 *administration.* The amounts in the schedule for the administration, regulation and
13 enforcement of nonferrous metallic mining exploration, prospecting, mining and
14 mine reclamation activities under ch. 293. All moneys received under ch. 293 shall
15 be credited to this appropriation.

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

17 20.370 (2) (gi) *Ferrous metallic mining operations.* All moneys received under
18 subch. III of ch. 295 for the department of natural resource's operations related to
19 ferrous metallic exploration and mining.

20 **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 8.** 25.49 (2m) of the statutes is created to read:

1 25.49 (2m) The moneys transferred under s. 70.395 (1e).

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

3 29.604 (4) PROHIBITION. (intro.) Except as provided in sub. (6r) and (7m) or as
4 permitted by departmental rule or permit:

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

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

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

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

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

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

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

24 30.025 (1e) (c) This section does not apply to a proposal to construct a utility
25 facility for ferrous mineral mining and processing activities governed by subch. III

1 of ch. 295, unless the person proposing to construct the utility facility elects to
2 proceed in the manner provided under this section.

3 **SECTION 14.** 30.025 (1m) (intro.) of the statutes is amended to read:

4 30.025 (1m) PREAPPLICATION PROCESS. (intro.) Before filing ~~an~~ a combined
5 application ~~under this section for permits under sub. (1s) with the department in lieu~~
6 of separate applications, a person proposing to construct a utility facility shall notify
7 the department of the intention to file ~~an~~ a combined application under sub. (1s).
8 After receiving such notice, the department shall confer with the person, in
9 cooperation with the commission, to make a preliminary assessment of the project's
10 scope, to make an analysis of alternatives, to identify potential interested persons,
11 and to ensure that the person making the proposal is aware of all of the following:

12 **SECTION 15.** 30.025 (1m) (c) of the statutes is amended to read:

13 30.025 (1m) (c) The timing of information submissions that the person will be
14 required to provide in order to enable the department to participate in commission
15 review procedures and to process the combined application for permits in a timely
16 manner.

17 **SECTION 16.** 30.025 (1s) (a) of the statutes is amended to read:

18 30.025 (1s) (a) Any person proposing to construct a utility facility to which this
19 section applies shall, in lieu of separate application for permits, submit one combined
20 application for permits together with any additional information required by the
21 department. The combined application for permits shall be filed with the
22 department at the same time that an application for a certificate is filed with the
23 commission under s. 196.49 or in a manner consistent with s. 196.491 (3) and shall
24 include the detailed information that the department requires to determine whether
25 ~~an~~ a combined application for permits is complete and to carry out its obligations

1 under sub. (4). The department may require supplemental information to be
2 furnished thereafter.

3 **SECTION 17.** 30.025 (2) of the statutes is amended to read:

4 30.025 (2) HEARING. Once the applicant meets the requirements of sub. (1s) (a),
5 the department may schedule the matter for a public hearing. Notice of the hearing
6 shall be given to the applicant and shall be published as a class 1 notice under ch.
7 985 and as a notice on the department's Internet Web site. The department may give
8 such further notice as it deems proper, and shall give notice to interested persons
9 requesting same. The department's notice to interested persons may be given
10 through an electronic notification system established by the department. Notice of
11 a hearing under this subsection published as a class 1 notice, as a notice on the
12 department's Internet Web site, and through the electronic notification system
13 established by the department shall include the time, date, and location of the
14 hearing, the name and address of the applicant, a summary of the subject matter of
15 the combined application for permits, and information indicating where a copy of the
16 combined application for permits may be viewed on the department's Internet Web
17 site. The summary shall contain a brief, precise, easily understandable, plain
18 language description of the subject matter of the application. One copy of the
19 combined application for permits shall be available for public inspection at the office
20 of the department, at least one copy in the regional office of the department, and at
21 least one copy at the main public library, of the area affected. Notwithstanding s.
22 227.42, the hearing shall be an informational hearing and may not be treated as a
23 contested case hearing nor converted to a contested case hearing.

24 **SECTION 18.** 30.025 (2g) (b) (intro.) of the statutes is amended to read:

1 30.025 **(2g)** (b) (intro.) The department shall participate in commission
2 investigations or proceedings under s. 196.49 or 196.491 (3) with regard to any
3 proposed utility facility ~~that is subject to this section~~ for which a combined
4 application for permits is filed under sub. (1s). In order to ensure that the
5 commission's decision is consistent with the department's responsibilities, the
6 department shall provide the commission with information that is relevant to only
7 the following:

8 **SECTION 19.** 30.025 (4) of the statutes is amended to read:

9 30.025 **(4)** PERMIT CONDITIONS. The permit may be issued, or the authority to
10 proceed under a permit may be granted, upon stated conditions deemed necessary
11 to assure compliance with the criteria designated under sub. (3). The department
12 shall grant or deny the combined application for ~~a permit~~ permits for the utility
13 facility within 30 days of the date on which the commission issues its decision under
14 s. 196.49 or 196.491 (3).

15 **SECTION 20.** 30.025 (4m) of the statutes is created to read:

16 30.025 **(4m)** PROCEDURE FOR A SINGLE PERMIT APPLICATION. A person proposing
17 to construct a utility facility that is related to mining, as defined in s. 295.41 (26), and
18 for which not more than one permit is required, may submit an application for that
19 single permit with the department in the same manner as a combined application
20 for permits may be submitted under sub. (1s). If the applicant elects to submit the
21 application in the same manner as a combined application for permits, the
22 procedures under this section that apply to a combined application for permits shall
23 apply to that application for a single permit.

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

SECTION 21

1 30.12 (3m) (c) (intro.) The department shall issue an individual permit to a
2 riparian owner for a structure or a deposit pursuant to an application under par. (a)
3 if the department finds that all of the following apply requirements are met:

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

6 30.123 (8) (c) (intro.) The department shall issue an individual permit
7 pursuant to an application under par. (a) if the department finds that ~~the~~ all of the
8 following requirements are met:

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

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

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

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

14 30.133 (2) This section does not apply to riparian land located within the
15 boundary of any hydroelectric project licensed or exempted by the federal
16 government, if the conveyance is authorized under any license, rule or order issued
17 by the federal agency having jurisdiction over the project. This section does not apply
18 to riparian land that is associated with an approval required for bulk sampling or
19 mining that is required under subch. III of ch. 295.

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

21 30.19 (4) (c) (intro.) The department shall issue an individual permit pursuant
22 to an application under par. (a) if the department finds that all of the following apply
23 requirements are met:

24 **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 28.** 70.375 (1) (as) of the statutes is amended to read:

14 70.375 (1) (as) “Mine” means an excavation in or at the earth’s surface made
15 to extract metalliferous minerals for which a permit has been issued under s. 293.49
16 or 295.58.

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

18 70.375 (1) (bm) “Mining-related purposes” means activities which are directly
19 in response to the application for a mining permit under s. 293.37 or 295.47; directly
20 in response to construction, operation, curtailment of operation or cessation of
21 operation of a metalliferous mine site; or directly in response to conditions at a
22 metalliferous mine site which is not in operation. “Mining-related purposes” also
23 includes activities which anticipate the economic and social consequences of the
24 cessation of mining. “Mining-related purposes” also includes the purposes under s.
25 70.395 (2) (g).

SECTION 30

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

2 70.375 (4) (h) The cost of premiums for bonds required under s. 293.51, 295.45
3 (5), or 295.59.

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

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

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

10 70.395 (1e) DISTRIBUTION. Fifteen days after the collection of the tax under ss.
11 70.38 to 70.39, the department of administration, upon certification of the
12 department of revenue, shall transfer the amount collected in respect to mines not
13 in operation on November 28, 1981, to the investment and local impact fund, except
14 that the department of administration shall transfer 60 percent of the amount
15 collected from each person extracting ferrous metallic minerals to the investment
16 and local impact fund and 40 percent of the amount collected from any such person
17 to the economic development fund.

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

19 70.395 (2) (dc) 1. Each person intending to submit an application for a mining
20 permit under s. 293.37 or 295.47 shall pay \$50,000 \$75,000 to the department of
21 revenue for deposit in the investment and local impact fund at the time that the
22 person notifies the department of natural resources under s. 293.31 (1) or 295.465
23 of that intent.

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

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

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

5 70.395 (2) (dc) 3. A person making a payment under subd. 2. shall pay an
6 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has
7 distributed all of the payment under subd. 1. and 50% of the payment under subd.
8 2.

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

10 70.395 (2) (dc) 4. Six months after the signing of a local agreement under s.
11 293.41 or 295.443 for the proposed mine for which the payment is made, the board
12 shall refund any funds paid under this paragraph but not distributed under par. (fm)
13 from the investment and local impact fund to the person making the payment under
14 this paragraph.

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

16 70.395 (2) (fm) The board may distribute a payment received under par. (dc)
17 to a county, town, village, city, tribal government or local impact committee
18 authorized under s. 293.41 (3) or 295.443 only for legal counsel, qualified technical
19 experts in the areas of transportation, utilities, economic and social impacts,
20 environmental impacts and municipal services and other reasonable and necessary
21 expenses incurred by the recipient that directly relate to the good faith negotiation
22 of a local agreement under s. 293.41 or 295.443 for the proposed mine for which the
23 payment is made.

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

SECTION 38

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

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

6 70.395 (2) (hg) The board shall, by rule, establish fiscal guidelines and
7 accounting procedures for the use of payments under pars. (d), (f), (fm) and (g), sub.
8 (3) and ~~s. ss.~~ 293.65 (5) and 295.61 (9).

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

10 70.395 (2) (hr) The board shall, by rule, establish procedures to recoup
11 payments made, and to withhold payments to be made, under pars. (d), (f), (fm) and
12 (g), sub. (3) and ~~s. ss.~~ 293.65 (5) and 295.61 (9) for noncompliance with this section
13 or rules adopted under this section.

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

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

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

1 87.30 (2) (a) ~~Every~~ Except as provided in par. (b), every structure, building, fill,
2 or development placed or maintained within any floodplain in violation of a zoning
3 ordinance adopted under this section, or s. 59.69, 61.35 or 62.23 is a public nuisance
4 and the creation thereof may be enjoined and maintenance thereof may be abated by
5 action at suit of any municipality, the state or any citizen thereof. Any person who
6 places or maintains any structure, building, fill or development within any
7 floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69,
8 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during
9 which such violation exists is a separate offense.

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

11 87.30 (2) (b) Paragraph (a) does not apply to a structure, building, fill, or
12 development placed or maintained as part of a mining operation covered by a mining
13 permit under s. 295.58 except to the extent that regulation of the placement or
14 maintenance of the structure, building, fill, or development is required for
15 compliance with a floodplain zoning ordinance as provided under s. 295.607 (3).

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

17 107.001 (1) “Exploration mining lease” means any lease, option to lease, option
18 to purchase or similar conveyance entered into for the purpose of determining the
19 presence, location, quality or quantity of ~~metalliferous~~ nonferrous metallic minerals
20 or for the purpose of mining, developing or extracting ~~metalliferous~~ nonferrous
21 metallic minerals, or both under ch. 293. Any lease, option to lease, option to
22 purchase or similar conveyance entered into by a mining company is rebuttably
23 presumed to be an exploration mining lease.

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

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

1 **107.01 Rules governing mining rights.** (intro.) Where there is no contract
2 between the parties or terms established by the landlord to the contrary the following
3 rules and regulations shall be applied to mining contracts and leases for the digging
4 of ~~ores and~~ nonferrous metallic minerals:

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

6 107.01 (2) The discovery of a crevice or range containing ~~ores or minerals~~
7 nonferrous metallic minerals shall entitle the discoverer to the ~~ores or minerals~~
8 nonferrous metallic minerals pertaining thereto, subject to the rent due the
9 discoverer's landlord, before as well as after the ~~ores or minerals~~ nonferrous metallic
10 minerals are separated from the freehold; but such miner shall not be entitled to
11 recover any ~~ores or minerals~~ nonferrous metallic minerals or the value thereof from
12 the person digging on the miner's range in good faith and known to be mining thereon
13 until the miner shall have given notice of the miner's claim; and the miner shall be
14 entitled to the ~~ores or minerals~~ nonferrous metallic minerals dug after such notice.

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

16 **107.02 Mining statement; penalty.** When there is no agreement between the
17 parties to any mining lease, license or permit, to mine or remove ~~ore~~ nonferrous
18 metallic minerals from any lands in this state, regulating the method of reporting
19 the amount of ~~ore~~ nonferrous metallic minerals taken, the person mining and
20 removing the ~~ore or ores~~ nonferrous metallic minerals shall keep proper and correct
21 books, and therefrom to make and deliver by or before the fifteenth day of each month
22 to the lessor, owner or person entitled thereto, a detailed statement covering the
23 operations of the preceding month. The statement shall show the total amount of
24 tons or pounds of each kind of ~~ore~~ nonferrous metallic minerals produced; if sold, then
25 to whom sold, giving the date of sale, date of delivery to any railroad company,

1 naming the company, and the station where delivered or billed for shipment; the
2 name and address of the purchaser; the price per ton at which sold and the total value
3 of each kind of ~~ore~~ nonferrous metallic minerals so sold. The books shall be always
4 open to any owner, lessor, licensor or stockholder, if the owner, lessor or licensor is
5 a corporation, and to any person or stockholder interested in any such mining
6 operations, for the purpose of inspection and taking copies thereof or abstracts
7 therefrom. Any person and every officer, agent or employee of any thereof, who
8 violates this section, or who makes any false or incomplete entries on any such books
9 or statements, shall be fined not less than \$100 or imprisoned in the county jail for
10 not more than 3 months or both.

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

12 **107.03 Conflicting claims.** In case of conflicting claims to a crevice or range
13 bearing ~~ores or~~ nonferrous metallic minerals the court may continue any action to
14 enforce a claim or grant any necessary time for the purpose of allowing parties to
15 prove up their mines or diggings if it satisfactorily appears necessary to the ends of
16 justice. In such case the court or judge may appoint a receiver and provide that the
17 mines or diggings be worked under the receiver's direction, subject to the order of the
18 court, in such manner as best ascertains the respective rights of the parties. The ~~ores~~
19 ~~or~~ nonferrous metallic minerals raised by either party pending the dispute shall be
20 delivered to the receiver, who may, by order of the court or judge, pay any rent or other
21 necessary expenses therefrom.

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

23 **107.04 Lessee's fraud; failure to work mine.** Any miner who conceals or
24 disposes of any ~~ores or~~ nonferrous metallic minerals or mines or diggings for the
25 purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~ores or~~

1 nonferrous metallic minerals raised by the miner for 3 days after the notice thereof
2 and claim of the rent, shall forfeit all right to his or her mines, diggings or range; and
3 the landlord after the concealment or after 3 days have expired from the time of
4 demanding rent, may proceed against the miner to recover possession of the mines
5 or diggings in circuit court as in the case of a tenant holding over after the
6 termination of the lease. If a miner neglects to work his or her mines or diggings
7 according to the usages of miners, without reasonable excuse, he or she shall likewise
8 forfeit the mines or diggings and the landlord may proceed against the miner in like
9 manner to recover possession of the mines or diggings.

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

11 **107.11 Account of ~~ore~~ nonferrous metallic minerals received.** Every
12 person operating a metal recovery system and every purchaser of ~~ores~~ and
13 nonferrous metallic minerals shall keep a substantially bound book, ruled into
14 suitable columns, in which shall be entered from day to day, as ~~ores~~ or nonferrous
15 metallic minerals are received, the following items: the day, month and year when
16 received; the name of the person from whom purchased; the name of the person by
17 whom hauled and delivered; name of the owner of the land from which the ~~ores~~ or
18 nonferrous metallic minerals were obtained, or if not known, the name of the
19 diggings or some distinct description of the land. The bound book shall be kept at the
20 furnace or at the usual place of business of such person or purchaser or his or her
21 agent in this state, and shall be open to authorized representatives of the department
22 of revenue at reasonable times for inspection and taking extracts.

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

24 **107.12 Penalty.** If any person operating a metal recovery system or purchaser
25 of ~~ores~~ and nonferrous metallic minerals or the agent of any such person or purchaser

1 doing business fails to keep such a book or to make such entries as required under
2 s. 107.11 or unreasonably refuses to show the book for inspection or taking extracts
3 or makes false entries in the book he or she shall forfeit \$10 for each offense, one-half
4 to the use of the prosecutor; and each day such failure or refusal continues shall be
5 deemed a distinct and separate offense.

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

7 107.20 (1) Any provision of an exploration mining lease entered into after April
8 25, 1978, granting an option or right to determine the presence, location, quality or
9 quantity of ~~metalliferous~~ nonferrous metallic minerals shall be limited to a term not
10 exceeding 10 years from the date on which the exploration mining lease is recorded
11 in the office of the register of deeds of the county where the property is located, except
12 that any provision of an exploration mining lease entered into after April 25, 1978,
13 granting an option or right to determine the quality and quantity of ~~metalliferous~~
14 nonferrous metallic minerals under a prospecting permit shall be limited to a term
15 not exceeding 10 years from the date that the lessee applies for a prospecting permit
16 under s. 293.35, if the lessee applies for the prospecting permit within 10 years from
17 the date on which the exploration mining lease is recorded in the office of the register
18 of deeds of the county where the property is located.

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

20 107.20 (2) Any provision of an exploration mining lease entered into after April
21 25, 1978, granting an option or right to develop or extract ~~metalliferous~~ nonferrous
22 metallic minerals shall be limited to a term not exceeding 50 years from the date on
23 which the exploration mining lease is recorded in the office of the register of deeds
24 of the county where the property is located.

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

SECTION 55

1 107.30 (8) “Mining” or “mining operation” ~~has the meaning set forth in s. 293.01~~
2 (9) means all or part of the process involved in the mining of metallic minerals, other
3 than for exploration or prospecting, including commercial extraction,
4 agglomeration, beneficiation, construction of roads, removal of overburden, and the
5 production of refuse.

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

7 107.30 (15) “Prospecting” ~~has the meaning set forth in s. 293.01 (18)~~ means
8 engaging in the examination of an area for the purpose of determining the quality
9 and quantity of minerals, other than for exploration but including the obtaining of
10 an ore sample, by such physical means as excavating, trenching, construction of
11 shafts, ramps, and tunnels and other means, other than for exploration, which the
12 department of natural resources, by rule, identifies, and the production of
13 prospecting refuse and other associated activities. “Prospecting” does not include
14 such activities when the activities are, by themselves, intended for and capable of
15 commercial exploitation of the underlying ore body. The fact that prospecting
16 activities and construction may have use ultimately in mining, if approved, does not
17 mean that prospecting activities and construction constitute mining within the
18 meaning of sub. (8), provided such activities and construction are reasonably related
19 to prospecting requirements.

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

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

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

1 160.19 (12) The requirements in this section shall not apply to rules governing
2 an activity regulated under ch. 293 or subch. III of ch. 295, or to a solid waste facility
3 regulated under subch. III of ch. 289 which is part of an activity regulated under ch.
4 293 or subch. III of ch. 295, except that the department may promulgate new rules
5 or amend rules governing this type of activity, practice or facility if the department
6 determines that the amendment or promulgation of rules is necessary to protect
7 public health, safety or welfare.

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

9 196.491 (3) (a) 3. b. ~~Within~~ Except as provided under subd. 3. c., within 20
10 days after the department provides a listing specified in subd. 3. a. to a person, the
11 person shall apply for the permits and approvals identified in the listing. The
12 department shall determine whether an application under this subd. 3. b. is complete
13 and, no later than 30 days after the application is filed, notify the applicant about
14 the determination. If the department determines that the application is incomplete,
15 the notice shall state the reason for the determination. An applicant may
16 supplement and refile an application that the department has determined to be
17 incomplete. There is no limit on the number of times that an applicant may refile
18 an application under this subd. 3. b. If the department fails to determine whether
19 an application is complete within 30 days after the application is filed, the
20 application shall be considered to be complete. The department shall complete action
21 on an application under this subd. 3. b. for any permit or approval that is required
22 prior to construction of a facility within 120 days after the date on which the
23 application is determined or considered to be complete.

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

1 196.491 (3) (a) 3. c. The 20-day deadline specified in subd. 3. b. for applying
2 for the applicable permits and approvals specified in the listing provided by the
3 department does not apply to a person proposing to construct a utility facility for
4 ferrous mineral mining and processing activities governed by subch. III of ch. 295.

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

6 196.491 (4) (b) 2. The person shows to the satisfaction of the commission that
7 the person reasonably anticipates, at the time that construction of the equipment or
8 facilities commences, that on each day that the equipment and facilities are in
9 operation the person will consume no less than 70% of the aggregate kilowatt hours
10 output from the equipment and facilities in manufacturing processes at the site
11 where the equipment and facilities are located or in ferrous mineral mining and
12 processing activities governed by subch. III of ch. 295 at the site where the equipment
13 and facilities are located.

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

15 227.483 (3) (c) If the proceeding relates to mining for ferrous minerals, as
16 defined in s. 295.41 (18), that the petition, claim, or defense was commenced, used,
17 or continued primarily for the purpose of causing delay to an activity authorized
18 under a license that is the subject of the hearing.

19 **SECTION 63.** 238.14 of the statutes is created to read:

20 **238.14 Business development grants and loans.** When funds described in
21 s. 25.49 (2m) are appropriated to the corporation, the corporation shall use the funds
22 to make grants and loans to businesses in this state, and the corporation shall give
23 preference for grants and loans to businesses located in an area affected by mining
24 for ferrous minerals.

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 and designed and constructed for
10 the purpose of accepting that type of solid waste.

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

12 **289.35 Shoreland and floodplain zoning.** Solid waste facilities are
13 prohibited within areas under the jurisdiction of shoreland and floodplain zoning
14 regulations adopted under ss. 59.692, 61.351, 62.231 ~~and~~, 87.30, and 281.31, except
15 that the department may issue permits authorizing facilities in such areas. If the
16 department issues a permit under this section, the permit shall specify the location,
17 height, and size of the solid waste facility authorized under the permit.

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

19 289.62 **(2)** (g) 2. For nonhazardous tailing solids ~~or for nonacid producing~~
20 ~~taconite tailing solids~~, 0.2 cent per ton.

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

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

24 292.01 **(1m)** “Approved mining facility” has the meaning given in s. 289.01 (4)
25 and includes a mining waste site, as defined in s. 295.41 (31).

1 293.01 (9) “Mining” or “mining operation” means all or part of the process
2 involved in the mining of nonferrous metallic minerals, other than for exploration or
3 prospecting, including commercial extraction, agglomeration, beneficiation,
4 construction of roads, removal of overburden and the production of refuse.

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

6 293.01 (12) “Mining site” means the surface area disturbed by a mining
7 operation, including the surface area from which the nonferrous metallic minerals
8 or refuse or both have been removed, the surface area covered by refuse, all lands
9 disturbed by the construction or improvement of haulageways, and any surface areas
10 in which structures, equipment, materials and any other things used in the mining
11 operation are situated.

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

13 293.01 (12m) “Nonferrous metallic mineral” means an ore or other earthen
14 material to be excavated from the natural deposits on or in the earth for its metallic
15 content but not primarily for its iron oxide content.

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

17 293.01 (18) “Prospecting” means engaging in the examination of an area for the
18 purpose of determining the quality and quantity of nonferrous metallic minerals,
19 other than for exploration but including the obtaining of ~~an ore~~ a nonferrous metallic
20 mineral sample, by such physical means as excavating, trenching, construction of
21 shafts, ramps and tunnels and other means, other than for exploration, which the
22 department, by rule, identifies, and the production of prospecting refuse and other
23 associated activities. “Prospecting” shall not include such activities when the
24 activities are, by themselves, intended for and capable of commercial exploitation of
25 the underlying nonferrous ore body. However, the fact that prospecting activities and

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

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

6 293.01 (25) “Refuse” means all waste soil, rock, mineral, liquid, vegetation and
7 other material, except merchantable by-products, directly resulting from or
8 displaced by the prospecting or mining and from the cleaning or preparation of
9 nonferrous metallic minerals during prospecting or mining operations, and shall
10 include all waste materials deposited on or in the prospecting or mining site from
11 other sources.

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

13 293.21 (1) (a) “Driller” means a person who performs core, rotary, percussion
14 or other drilling involved in exploration for nonferrous metallic minerals.

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

16 293.25 (2) (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and
17 293.81 and rules promulgated under those sections apply to radioactive waste site
18 exploration, to activities related to radioactive waste site exploration and to persons
19 engaging in or intending to engage in radioactive waste site exploration or related
20 activities in the same manner as those sections and rules are applicable to
21 nonferrous metallic mineral exploration, to activities related to nonferrous metallic
22 mineral exploration and to persons engaging in or intending to engage in nonferrous
23 metallic mineral exploration or related activities.

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

SECTION 83

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

20 (a) 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 (b) The withdrawal of land entered as forest cropland under s. 77.10.

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

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

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

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

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

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

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

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

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

1 **(14)** “Environmental impact report” means a document submitted by a person
2 seeking a mining permit that discloses environmental impacts of the proposed
3 mining.

4 **(15)** “Environmental impact statement” means a detailed statement under s.
5 1.11 (2) (c).

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

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

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

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

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

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

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

21 **(23)** “Groundwater quality standards” means numerical values consisting of
22 enforcement standards and preventive action limits contained in Table 1 of s. NR
23 140.10, and Table 2 of s. NR 140.12, Wis. Adm. Code, and any preventive action limits
24 for indicator parameters identified under s. NR 140.20 (2), Wis. Adm. Code.

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

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

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

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

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

21 (29) “Mining site” means the surface area disturbed by mining, including the
22 surface area from which the ferrous minerals or refuse or both have been removed,
23 the surface area covered by refuse, all lands disturbed by the construction or
24 improvement of haulageways, and any surface areas in which structures,
25 equipment, materials, and any other things used in the mining are situated.

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

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

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

17 **(33)** “Operator” means any person who is engaged in mining, or who holds a
18 mining permit, whether individually, jointly, or through subsidiaries, agents,
19 employees, or contractors.

20 **(34)** “Overburden” means any unconsolidated material that overlies bedrock.

21 **(35)** “Person” means an individual, corporation, limited liability company,
22 partnership, association, local governmental agency, interstate agency, state agency,
23 or federal agency.

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

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

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

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

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

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

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

16 (a) The parent corporation of the applicant.

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

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

21 **(44)** “Subsidence” means lateral or vertical ground movement caused by a
22 failure, initiated at the mine, of a man-made underground mine, that directly
23 damages residences or commercial buildings, except that “subsidence” does not
24 include lateral or vertical ground movement caused by earthquake, landslide, soil
25 conditions, soil erosion, soil freezing and thawing, or roots of trees and shrubs.

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

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

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

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

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

19 **(46m)** “Wastewater and sludge storage or treatment lagoon” means a
20 man-made containment structure that is constructed primarily of earthen
21 materials, that is for the treatment or storage of wastewater, storm water, or sludge,
22 and that is not a land disposal system, as defined in s. NR 140.05 (11), Wis. Adm.
23 Code.

24 **(47)** “Waters of the state” has the meaning given in s. 281.01 (18).

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

3 (49) “Wetland” has the meaning given in s. 23.32 (1).

4 **295.43 Responsibilities related to mining.** The department shall serve as
5 the central unit of state government to ensure that the impact from mining and
6 reclamation on the air, lands, waters, plants, fish, and wildlife in this state will be
7 minimized and offset to the extent practicable. The administration of occupational
8 health and safety laws and rules that apply to mining remain exclusively the
9 responsibility of the department of safety and professional services. The powers and
10 duties of the geological and natural history survey under s. 36.25 (6) remain
11 exclusively the responsibility of the geological and natural history survey. Nothing
12 in this section prevents the department of safety and professional services and the
13 geological and natural history survey from cooperating with the department in the
14 exercise of their respective powers and duties.

15 **295.44 Exploration. (1) DEFINITIONS.** In this section:

16 (a) “Abandonment” means the filling or sealing of a drillhole.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 1. A description of how all toxic and hazardous wastes and other solid waste
22 will be disposed of in solid or hazardous waste disposal facilities licensed under ch.
23 289 or 291 or otherwise in an environmentally sound manner.

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

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

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

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

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

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

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

14 (f) 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 **(2m) CONFIDENTIALITY.** The department and the state geologist shall protect as
19 confidential any information, other than effluent data, contained in an application
20 for an exploration license, upon a showing that the information is entitled to
21 protection as a trade secret, as defined in s. 134.90 (1) (c), and any information
22 relating to the location, quality, or quantity of a ferrous mineral deposit, to
23 production or sales figures, or to processes or production unique to the applicant or
24 that would tend to adversely affect the competitive position of the applicant if made
25 public.

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

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

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

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

21 (e) The department shall release a bond submitted under this subsection one
22 year after the issuance of the last certificate of completion of exploration under sub.

23 (9) (c) 3. if the explorer no longer holds an exploration license and the department
24 determines that the explorer has complied with this section.

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

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

23 (c) If the department provides notification, in compliance with par. (b), that an
24 application is not administratively complete, the department shall issue the
25 exploration license or provide the notice required under par. (f) of intent not to issue

1 the license within 7 business days of receipt of the missing item, unless the
2 application is for an upcoming license year. If the application is for an upcoming
3 license year, the department shall issue the exploration license or provide the notice
4 required under par. (f) of intent not to issue the exploration license within 7 business
5 days of receipt of the missing item or on the next July 1, whichever is later.

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

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

16 (f) Before denying an application, the department shall provide the applicant
17 with written notification of its intent not to issue the exploration license, setting
18 forth all of the reasons for its intent not to issue the exploration license, including
19 reference to competent evidence supporting its position. The department shall
20 provide the person with an opportunity to correct any deficiencies in the exploration
21 plan or reclamation plan within 10 business days. If the person amends the
22 exploration plan or reclamation plan and corrects the deficiencies, the department
23 shall issue the exploration license within 10 business days of receipt of the amended
24 exploration plan or reclamation plan, unless the application is for an upcoming
25 license year. If an application is for an upcoming license year, the department shall

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

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

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

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

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

18 1. If the drillhole is constructed in limestone, dolomite, shale, or Precambrian
19 formations, such as granite, gabbro, gneiss, schist, slate, greenstone, or quartzite, by
20 filling the drillhole with gravel or crushed rock or, if it is physically impracticable to
21 use gravel or crushed rock and if the department approves, with clay slurry, from the
22 bottom upward to a point 20 feet below the top of the first rock formation encountered
23 below the surface of the ground or to at least 40 feet below the surface of the ground,
24 whichever is the greater depth, and filling the remainder of the drillhole with
25 concrete grout or neat cement grout.

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

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

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

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

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

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

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

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

7 1. A renewal fee of \$150.

8 2. A bond that satisfies sub. (3) (a).

9 3. A certificate of insurance that satisfies sub. (2) (e).

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

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

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

21 (c) An application for renewal of an exploration license is considered to be
22 administratively complete on the day that it is submitted, unless, before the 10th
23 business day after receiving the application, the department provides the explorer
24 with written notification that the application is not administratively complete. The
25 department may determine that an application is not administratively complete only

1 if the application does not include a renewal fee; a bond; a certificate of insurance;
2 a copy of the applicant's most recent annual report to the federal securities and
3 exchange commission on form 10-K, or, if this is not available, a report of the
4 applicant's current assets and liabilities or other data necessary to establish that the
5 applicant is competent to conduct exploration in this state; or either a statement that
6 no changes are being proposed to the exploration plan and reclamation plan
7 previously approved by the department or a new exploration plan or reclamation
8 plan if the applicant proposes to make changes. The department may not consider
9 the quality of any information provided. In a notice provided under this paragraph,
10 the department shall identify what is missing from the application.

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

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

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

23 (g) Before denying an application, the department shall provide the person who
24 submitted the application with written notification of its intent not to renew the
25 exploration license, setting forth all of the reasons for its intent not to renew the

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

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

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

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

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

19 **(8) NOTICE PROCEDURE.** (a) An explorer shall notify the department of the
20 explorer's intent to drill on a parcel by registered mail at least 5 days prior to the
21 beginning of drilling. Notice is considered to be given on the date that the
22 department receives the notice. In the notice, the explorer shall specify which
23 drillholes identified in the exploration plan the explorer intends to drill. The
24 explorer shall send the notice to the subunit of the department with authority over
25 mine reclamation.