



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0085/2
RCT/RNK/MGG:all:rs

**SENATE AMENDMENT 10,
TO SENATE BILL 1**

February 5, 2013 – Offered by Senator TIFFANY.

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

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

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

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

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

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

11 (b) The area that will be affected by the cutting or the activity does not exceed
12 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
6 met.”.

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

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

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

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

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

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

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

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

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

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

22 “7. Archaeological sites.”.

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

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

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

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

21 2. Except as provided in subd. 3., the department shall approve the application
22 for an approval described in subd. 1., and issue the approval, or deny the application
23 after the separate public informational hearing for the approval required under sub.

1 (5) and no later than 75 days after the application for the approval is considered to
2 be complete under subd. 1.

3 3. Except as provided in par. (c), the department shall approve or deny the
4 application for an approval described in subd. 1. that is an individual permit for
5 which federal law requires the opportunity for public comment or the ability to
6 request a public hearing prior to issuance of the approval after the separate public
7 informational hearing required for the approval under sub. (5) and no later than 180
8 days after the application is considered to be complete under subd. 1.”.

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

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

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

14 “(b) The provisions of ss. 295.58 (5) and (6) and 295.77 concerning review of
15 department decisions and the duration of department decisions apply to any
16 approval for which the application is filed after the department issues the mining
17 permit, notwithstanding any provisions related to those matters in s. 44.40 or
18 169.25, subch. I or VI of ch. 77, ch. 23, 29, 30, 31, 169, 281, 283, 285, 289, or 291, or
19 rules promulgated under those provisions, except as provided in s. 281.343 (7r).”.

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

21 **19.** Page 135, line 14: delete lines 14 to 16 and substitute “requirements of any
22 municipal floodplain zoning ordinance applicable to the proposed mining under s.
23 295.607 (3) to the extent that the ordinance has not been made inapplicable to the
24 proposed mining by a local agreement under s. 295.443 (1m).”.

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

2 “(1m) APPLICABILITY. Subsections (2) to (11) do not apply to a wetland individual
3 permit or other approval that requires a wetland impact evaluation if the operator
4 files the application for the wetland individual permit or other approval after the
5 department issues the mining permit for the mining operation.”.

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

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

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

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

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

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

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

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

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

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

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

1 “(4) Notwithstanding s. 227.53 (1) (a) 3., any person seeking judicial review of
2 the decision on a contested case under sub. (2) or (3) or of any decision of the
3 department under this subchapter shall bring the action in the circuit court for the
4 county in which the majority of the bulk sampling site or mining site is located or in
5 which the majority of the exploration will occur.”.

6

(END)