

2017 DRAFTING REQUEST

Bill

For: Rob Hutton (608) 267-9836

Drafter: mpfotenh

By: Jeremy

Secondary Drafters:

Date: 8/11/2017

May Contact:

Same as LRB: -2652

Submit via email: YES

Requester's email: Rep.Hutton@legis.wisconsin.gov

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Pre Topic:

No specific pre topic given

Topic:

Nonferrous metallic mining regulations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mpfotenh 8/11/2017	kfollett 8/11/2017	lparisi 8/11/2017	dwalker 8/24/2017	State S&L

FE Sent For:

<END>

→ A+ Intro.

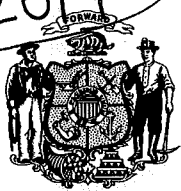
**Walker, Dan**

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**From:** Carpenter, Jeremy  
**Sent:** Thursday, August 24, 2017 1:29 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4118/1

Please Jacket LRB -4118/1 for the ASSEMBLY.

10-4-2017  
A.N.



State of Wisconsin  
2017 - 2018 LEGISLATURE

Corrected  
Copy

LRB-4118/1  
MCP:all

2017 ASSEMBLY BILL 499

(pages 6 & 11)

September 14, 2017 - Introduced by Representatives HUTTON, KULP, JARCHOW, RODRIGUEZ, HORLACHER, QUINN, MACCO, SANFELIPPO, EDMING, KREMER, GANNON, TAUCHEN, DUCHOW, KLEEFISCH, SKOWRONSKI, WICHGERS, KNODL, BERNIER, KOOYENGA, R. BROOKS, ZIMMERMAN and BRANDTJEN, cosponsored by Senators TIFFANY, FITZGERALD, DARLING, LEMAHIEU, MOULTON, FEYEN, STROEBEL, KAPENGA, WANGGAARD, CRAIG, LASEE, NASS and VUKMIR. Referred to Committee on Labor.

1 AN ACT *to repeal* 227.42 (4), 293.43 (2), 293.43 (3), 293.43 (4), 293.43 (5) and  
2 293.50; *to amend* 20.370 (2) (gh), 70.375 (4) (h), 281.35 (5) (e), 283.84 (3m),  
3 293.01 (9), 293.01 (18), 293.13 (2) (b) (intro.), 293.13 (2) (b) 4., 293.13 (2) (b) 7.,  
4 293.13 (2) (c) (intro.), 293.13 (2) (c) 7., 293.15 (8), 293.31 (title), 293.31 (1),  
5 293.31 (2), 293.31 (3), 293.31 (4), 293.43 (1), 293.43 (1m) (b), 293.49 (1) (a)  
6 (intro.), 293.51 (title), 293.51 (3), 293.55 (1) (c), 293.55 (1) (d), 293.65 (3) (b) and  
7 293.81; *to repeal and recreate* 293.95; and *to create* 293.01 (2m), 293.15  
8 (7m), 293.26, 293.31 (4m), 293.32 (4), 293.37 (5), 293.40, 293.43 (2m), 293.43  
9 (3m), 293.43 (4m), 293.495, 293.51 (2m), 293.51 (5) and 293.66 of the statutes;  
10 **relating to:** the regulation of nonferrous metallic mining, prospecting,  
11 exploration, and bulk sampling, repealing administrative rules relating to  
12 wetlands, granting rule-making authority, and making an appropriation.

***Analysis by the Legislative Reference Bureau***

This bill makes changes in the laws relating to the regulation and permitting of nonferrous metallic mineral prospecting and mining. Nonferrous metallic

**ASSEMBLY BILL 499*****Review timeline***

This bill creates a timeline for DNR to review an application for a prospecting or mining permit, request additional information from the applicant, and prepare a draft environmental impact statement, a draft prospecting or mining permit, and other draft approvals.

Under the bill, DNR has 180 days after an applicant submits an application for a prospecting or mining permit, an environmental impact report, and any application for other related approvals, to provide comments and request additional information. If DNR requests additional information, it has 90 days after the applicant submits additional information to again provide comments and request additional information. If DNR requests this additional information, it has 180 days after the applicant submits additional information to prepare a draft environmental impact statement, a draft prospecting or mining permit, and any other related draft approvals. The applicant and DNR may agree to modify all or part of this timeline. DNR may request additional information after these time periods expire, but may not delay the application and review process based on a request for additional information.

If, during the 90-day period described above, the DNR secretary determines that the applicant has made a substantial modification to the mining or prospecting plan that significantly changes the information necessary to prepare the environmental impact statement or adequately review an application, DNR may request additional information from the applicant. When the applicant submits additional information, the timeline described above resets and begins again.

***Issuing a mining permit — effects on other waters***

Under current law, an applicant must obtain an approval for a high capacity well if the applicant will withdraw groundwater for prospecting or mining or dewater mines and if the capacity and rate of withdrawal or dewatering exceeds 100,000 gallons each day. Current law prohibits DNR from issuing an approval for a high capacity well if the withdrawal of groundwater or the dewatering of mines will result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state.

~~The bill removes this prohibition. Instead, under this bill, if DNR determines that the withdrawal of groundwater or the dewatering of mines will result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state, DNR must include conditions in the high capacity well approval or in the prospecting or mining permit to ensure that those detriments will not occur. These conditions may include a requirement that the applicant provide a replacement water supply or temporarily augment the quantity of water in, or flowing into or from, the affected body of water.~~ <sup>Under</sup>

***Hearing and review process***

Under current law, DNR holds a public informational hearing on DNR's draft EIS, after which DNR prepares a final EIS. DNR then conducts a master hearing on the final EIS, the draft mining or prospecting permits that DNR has prepared, and all other approvals that are required for the prospecting or mining project, to the extent possible. Under current law, the provisions related to notice, hearing, and

**ASSEMBLY BILL 499**

1 and animals indigenous to the area immediately prior to exploration, bulk sampling,  
2 prospecting, or mining.

3 **SECTION 14.** 293.15 (7m) of the statutes is created to read:

4 293.15 (7m) Issue approvals necessary for bulk sampling.

5 **SECTION 15.** 293.15 (8) of the statutes is amended to read:

6 293.15 (8) Promulgate rules regulating the production, storage and disposal  
7 of radioactive waste from exploration, bulk sampling, prospecting, or mining after  
8 seeking comments from the department of health services. At a minimum, rules  
9 promulgated under this subsection shall achieve the margin of safety provided in  
10 applicable federal statutes and regulations. If the department promulgates rules  
11 under this subsection, the department shall investigate the need for standards more  
12 restrictive than the applicable federal statutes and regulations.

13 **SECTION 16.** 293.26 of the statutes is created to read:

14 **293.26 Bulk sampling plan and preapplication description.** (1) A  
15 person who intends to engage in bulk sampling may file a bulk sampling plan with  
16 the department. The collection of data under a bulk sampling plan may include  
17 sampling and analysis related to geophysical, geochemical, groundwater, and  
18 surface water conditions, as well as any other data or studies necessary to prepare  
19 an application for a mining permit, including the mining plan, reclamation plan,  
20 mining waste site feasibility study and plan of operation, or any other approval  
21 required for the proposed mining.

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

23 (a) A description and map of the bulk sampling site, including the number of  
24 acres in the site, the number of acres of land that will be disturbed, if any, associated