LRB-1987/1 MCP:amn

2017 ASSEMBLY BILL 214

April 10, 2017 - Introduced by Representatives Wachs, Anderson, Berceau, Billings, Bowen, Brostoff, Considine, Crowley, Genrich, Goyke, Hebl, Hesselbein, Kessler, Kolste, Mason, Ohnstad, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Subeck, C. Taylor, Vruwink and Zamarripa, cosponsored by Senators Vinehout, Carpenter, C. Larson, Miller, Risser and Wirch. Referred to Committee on Rural Development and Mining.

AN ACT to amend 293.13 (2) (d) 4. and 295.58 (2) (b) 2.; and to create 295.33 (4m)
of the statutes; relating to: prohibiting certain mining and drilling activities
that cause the destruction or filling in of a lake bed, reservoir, or flowage or that
cause the withdrawal of water from a reservoir or flowage.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person engaged in nonferrous metallic mining or engaged in ferrous metallic mining (iron mining) from destroying or filling in a lake bed. This general prohibition does not apply to a person engaged in certain iron mining activities if the Department of Natural Resources has issued a permit authorizing the person to engage in those activities and the permit is issued in accordance with various laws that regulate wetlands, surface water, or groundwater. This bill eliminates the exceptions to the general prohibition against destroying or filling in a lake bed so that the prohibition applies to a person engaged in iron mining activities regardless of whether DNR has issued other permits for those activities.

This bill also prohibits DNR from authorizing a person who is engaged in nonferrous metallic mining or iron mining from destroying or filling in a reservoir or flowage or from withdrawing water from a reservoir or flowage. Additionally, the

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bill prohibits DNR from authorizing a person conducting drilling operations for the exploration or production of oil or gas to withdraw water from a reservoir or flowage.

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

Section 1. 293.13 (2) (d) 4. of the statutes is amended to read:

293.13 (2) (d) 4. Irreparable environmental damage to lake or stream bodies or to reservoirs or flowages despite adherence to the requirements of this chapter. This subdivision does not apply to an activity which the department has authorized pursuant to statute, except that the destruction or filling in of a lake bed, reservoir, or flowage or the withdrawal of water from a reservoir or flowage shall not be authorized notwithstanding any other provision of law.

Section 2. 295.33 (4m) of the statutes is created to read:

295.33 (4m) No person may conduct drilling operations for the exploration for or production of oil or gas if the drilling requires the withdrawal of water from a reservoir or flowage.

Section 3. 295.58 (2) (b) 2. of the statutes is amended to read:

295.58 **(2)** (b) 2. Irreparable substantial environmental damage to lake or stream bodies despite adherence to the requirements of this subchapter. This subdivision does not apply to an activity that the department has authorized under statute, except that the destruction or filling in of a lake bed, reservoir, or flowage or the withdrawal of water from a reservoir or flowage may not be authorized unless it is authorized under notwithstanding s. 295.60, 295.605, or 295.61.

19 (END)