



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4127/1
MCP/ZDW/EHS:all

2019 ASSEMBLY BILL 917

February 14, 2020 - Introduced by Representatives HEBL, POPE, SHANKLAND, ANDERSON, BILLINGS, BROSTOFF, EMERSON, FIELDS, NEUBAUER, SPREITZER, C. TAYLOR, ZAMARRIPA, CABRERA, CONSIDINE, DOYLE, GRUSZYNSKI, HESSELBEIN, MILROY, OHNSTAD, SARGENT, SINICKI, STUBBS, SUBECK and VRUWINK, cosponsored by Senators MILLER, RISSER, SMITH, CARPENTER, ERPENBACH, LARSON, RINGHAND and L. TAYLOR. Referred to Committee on Environment.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 15.347 (22), 20.370 (9) (gi), 23.099, 23.321 (1) (am), 23.321 (2)
2 (d), 23.321 (2g), 23.321 (4) (a) 4., 23.321 (5) (b), 29.604 (7m), 30.025 (1e) (c), 31.23
3 (3) (e), 59.692 (1) (e), 59.692 (1d), 59.692 (1f), 59.692 (1k), 59.692 (5m), 66.1036,
4 77.105, 77.81 (1m), 77.81 (5m), 77.83 (2m), 77.84 (2) (bp), 77.88 (3) (d), 77.88 (9)
5 (d) 2., 77.883, 87.30 (2) (b), 196.491 (3) (a) 3. c., 227.483 (3) (c), 281.12 (2), 281.36
6 (3r) (am), 281.36 (4n), 281.36 (12m), 281.37, 293.01 (2m), 293.01 (12m), 293.15
7 (7m), 293.26, 293.31 (4m), 293.32 (4), 293.37 (5), 293.40, 293.43 (2m), 293.43
8 (3m), 293.43 (4m), 293.49 (1) (a) 2m., 293.495, 293.51 (1g), 293.51 (1m), 293.51
9 (1r), 293.51 (5), 293.66, subchapter III of chapter 295 [precedes 295.40] and
10 323.60 (1) (gm); **to renumber** 59.692 (1c); **to renumber and amend** 23.321 (5)
11 (a), 77.88 (9) (d) 1. and 87.30 (2) (a); **to consolidate, renumber and amend**
12 23.321 (1) (intro.) and (b); **to amend** 20.370 (9) (bm), 20.370 (9) (gh), 20.455 (1)
13 (gh), 20.566 (7) (e), 20.566 (7) (v), 23.0917 (4) (c) 3., 23.321 (4) (a) 3., 29.604 (4)
14 (intro.), 29.604 (4) (c) (intro.), 30.025 (1e) (a), 30.133 (2), 32.02 (12), 59.692 (1)

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(bn), 59.692 (4) (b), 61.353 (3) (intro.), 62.233 (3) (intro.), 70.375 (1) (as), 70.375 (1) (bm), 70.375 (2) (b), 70.375 (4) (h), 70.38 (2), 70.395 (1e), 70.395 (2) (dc) 1., 70.395 (2) (dc) 4., 70.395 (2) (fm), 70.395 (2) (g) (intro.), 70.395 (2) (g) 3., 70.395 (2) (h) 1., 70.395 (2) (hg), 70.395 (2) (hr), 70.395 (2) (hw), 74.25 (1) (a) 6., 74.30 (1) (f), 77.83 (2) (a), 77.84 (2) (b), 77.84 (2) (bm), 77.88 (5) (af) 1., 77.88 (5) (af) 2., 77.89 (2) (a), 107.001 (1), 107.01 (intro.), 107.01 (2), 107.02, 107.03, 107.04, 107.11, 107.12, 107.20 (1), 107.20 (2), 107.30 (8), 107.30 (15), 107.30 (16), 160.19 (12), 196.491 (3) (a) 3. b., 196.491 (4) (b) 2., 281.35 (5) (e), 281.36 (3b) (b), 281.36 (3g) (h) 2., 281.36 (3m) (a), 281.36 (3n) (d) 1., 281.36 (3r) (a) (intro.), 281.36 (4) (title), 281.36 (6) (a) (intro.), 281.36 (9) (a) (intro.), 281.36 (13m), 281.65 (2) (a), 281.75 (17) (b), 283.84 (3m), 287.13 (5) (e), 289.62 (2) (g) 2., 289.62 (2) (g) 6., 292.01 (1m), chapter 293 (title), 293.01 (5), 293.01 (7), 293.01 (9), 293.01 (12), 293.01 (18), 293.01 (25), 293.13 (2) (b) (intro.), 293.13 (2) (b) 4., 293.13 (2) (b) 7., 293.13 (2) (c) (intro.), 293.13 (2) (c) 7., 293.15 (8), 293.21 (1) (a), 293.25 (2) (a), 293.25 (4), 293.31 (title), 293.31 (1), 293.31 (2), 293.31 (3), 293.31 (4), 293.37 (4) (b), 293.43 (1), 293.43 (1m) (b), 293.47 (1) (b), 293.49 (1) (a) (intro.), 293.51 (title), 293.51 (1), 293.51 (3), 293.55 (1) (c), 293.55 (1) (d), 293.65 (3) (a), 293.65 (3) (b), 293.81, 293.86, chapter 295 (title), 295.16 (4) (f), 299.85 (7) (a) 2. and 4., 299.95, 323.60 (5) (d) 3., 706.01 (9) and 710.02 (2) (d); **to repeal and recreate** 59.692 (2m), 281.31 (2m) and 293.95; **to create** 59.692 (1u), 61.353 (3) (c), 61.353 (3) (d), 62.233 (3) (c), 62.233 (3) (d), 107.001 (2), 227.42 (4), 293.01 (8), 293.43 (2), 293.43 (3), 293.43 (4), 293.43 (5) and 293.50 of the statutes; and **to affect** 2013 Wisconsin Act 1, section 103 and 2017 Wisconsin Act 183, section

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- 1 27; **relating to:** mining, wetlands, shoreland zoning, and scientist and
2 educator positions and making an appropriation.
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Analysis by the Legislative Reference Bureau

This bill eliminates changes made to the regulation of sulfide ore mining, iron ore mining, wetlands, and shoreland zoning under various enactments since 2013 and restores Department of Natural Resources scientist and educator positions eliminated in 2015 Wisconsin Act 55.

SULFIDE ORE MORATORIUM

This bill reinstates the prerequisite for issuing sulfide ore mining permits that existed prior to 2017 Wisconsin Act 134. Under the bill, DNR may not issue any permits for the purpose of mining a sulfide ore body until DNR determines that 1) there is a mining operation in a potentially acid-generating sulfide ore body in the United States or Canada that has been in operation for at least ten years without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals; and 2) there is a mining operation that operated in a potentially acid-generating sulfide ore body in the United States or Canada that has been closed for at least ten years without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals.

IRON MINING AND BULK SAMPLING

This bill changes the laws under which DNR currently regulates mining so that the laws are substantially the same as they existed before enactment of 2013 Wisconsin Act 1, 2013 Wisconsin Act 81, and 2017 Wisconsin Act 134.

Under current law, DNR regulates mining for metallic minerals. Prior to the enactment of 2013 Wisconsin Act 1, the laws under which DNR regulated metallic mining applied to mining for ferrous and nonferrous minerals. 2013 Wisconsin Act 1 modified the laws regulating metallic mining so that they applied to mining for nonferrous minerals only and created new laws for regulating mining for ferrous minerals.

Under current law, certain forested land may be designated as managed forest land (MFL) under a program administered by DNR. Under this program, the owner of land designated as MFL makes an annual acreage share payment in lieu of property taxes and must open the land to the public for certain recreational activities. The landowner may designate a portion of the land as closed to public access and make an additional payment per acre. 2013 Wisconsin Act 81 generally provided that requirements regarding public access to MFL do not apply to an area of land within a certain distance of a proposed iron mining site and required an MFL owner to make an additional payment per acre for land located in a proposed ferrous mining site if the land is not open to public access.

Prior to 2017 Wisconsin Act 134, activities relating to nonferrous metallic minerals were regulated differently depending on whether the activity involved exploration, prospecting, or mining. 2017 Act 134 added as a regulated activity bulk sampling, which is the excavation of fewer than 10,000 tons of material with a license

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issued by DNR. 2017 Act 134 also repealed DNR administrative rules relating to mining and wetlands. This bill restores those provisions.

WETLANDS

This bill eliminates the changes made by 2017 Wisconsin Act 183. That act exempted artificial wetlands and certain nonfederal wetlands from DNR wetland permitting requirements; changed some requirements relating to wetland boundary delineations; created wetland-related grant programs; and, if the Environmental Protection Agency delegates to the state the authority to administer its own permit program for the discharge of dredge or fill material into navigable waters, authorized DNR to assume that authority.

Nonfederal wetlands. Under current federal law, generally, a person must obtain a permit from the federal government for a discharge into a wetland that is under the jurisdiction of the federal government. Generally speaking, only wetlands that are adjacent to navigable waters are subject to federal jurisdiction. Federal law requires an applicant to submit with a permit application a certification from the state that the proposed discharge will comply with state water quality standards or that the state has waived such certification. In this state, DNR grants this certification by issuing a state wetland permit. Under current law, DNR must issue wetland general permits for discharges of dredged or fill material into certain wetlands and may require a person to apply for and obtain a wetland individual permit if DNR determines that conditions specific to the site require additional restrictions on the discharge in order to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur. Under current law, before DNR may issue a wetland individual permit, it must require the restoration, enhancement, creation, or preservation of other wetlands to compensate for adverse impacts to a wetland resulting from the discharge, also known as mitigation.

This bill eliminates an exemption under current law from wetland permitting requirements for a discharge into a wetland that is not subject to federal jurisdiction (nonfederal wetland) that occurs in an urban area if it does not affect more than one acre of wetland per parcel, if it does not affect a rare and high quality wetland, and if the development related to the discharge is carried out in compliance with any applicable storm water management zoning ordinance or storm water discharge permit. Under current law, an urban area is an incorporated area, an area within one-half mile of an incorporated area, or an area that is served by a sewerage system. Current law defines a “rare and high quality wetland” as one that is directly adjacent or contiguous to a class I or class II trout stream or that consists of at least 75 percent of certain rare wetland types.

This bill eliminates an exemption under current law from wetland permitting requirements for a discharge into a nonfederal wetland that occurs outside an urban area if it does not affect more than three acres of wetland per parcel, if it does not affect a rare and high quality wetland, and if the development related to the discharge is a structure with an agricultural purpose.

Along with these exemptions, the bill eliminates a requirement that, for any discharge to one of these wetlands that is exempt from permitting requirements but

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that requires mitigation, mitigation must be conducted in the same compensation search area as the discharge. Under current DNR administrative rules, a compensation search area is an area that includes the statewide management unit of the impacted wetland, the county of the impacted wetland, and a circle with a 20-mile radius from the impacted wetland. DNR has defined 22 statewide management units based on the major river basins of the state.

Under current law, upon request and for a fee, DNR may provide to a landowner or tenant either a wetland identification that consists of a written evaluation, based upon an on-site inspection of the land by DNR, of whether a parcel of land contains a wetland, or a wetland confirmation that consists of a written statement, based upon an on-site inspection of the land by DNR, of whether DNR concurs with the boundaries of a wetland as delineated by a third person. Under current law, DNR must provide either service within 60 days of receiving a request, and a wetland identification or confirmation remains effective for five years.

The bill eliminates another type of wetland confirmation under current law that consists of a written statement, based upon DNR's review of the boundaries of a wetland as delineated by a qualified third person and not based upon an on-site inspection of the land by DNR, of whether DNR concurs with the delineation and requires DNR to provide this service within 15 days of receiving a request. Under current law, a "qualified third person" is an individual who has completed basic and advanced wetland training and has a minimum of one year of field experience in wetland delineation. The bill also eliminates an extension of the effectiveness of a wetland identification or confirmation to 15 years for a nonfederal wetland if the parcel of land is subject to a storm water management zoning ordinance or a storm water discharge permit, and eliminates a prohibition on DNR requiring a new delineation for such a parcel until the wetland identification or confirmation expires.

Artificial wetlands. This bill eliminates an exemption from wetland permitting requirements for a discharge to any artificial wetland, but leaves in place current rules promulgated by DNR, under which discharges to certain artificial wetlands are exempt from the wetland permitting requirements unless DNR determines that significant functional values are present. Current law defines an "artificial wetland" as a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which DNR has no definitive evidence showing a prior wetland or stream history that existed before August 1, 1991, but excludes from the definition a wetland that serves as a fish spawning area or a passage to a fish spawning area or that was created as a result of a wetland mitigation requirement.

The bill eliminates a prohibition under current law on local governments regulating a discharge into nonfederal wetlands and artificial wetlands exempt from permitting requirements and on regulating mitigation requirements for such a discharge.

State administration of wetland permit program. Under current federal law, a state's governor may apply to the EPA requesting that the state be delegated the authority to administer its own individual and general permit program for the discharge of dredged or fill material into navigable waters, including federal

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wetlands, in place of the federal regulatory program. This bill removes the authority granted to DNR under current law to submit such an application on behalf of and at the direction of the governor and the authority of DNR to assume that administration authority if the EPA delegates it to the state.

Wetland mitigation grant program. Under the authority of current law, with the approval of the U.S. Army Corps of Engineers (ACE), DNR has created the in lieu fee subprogram as one method by which wetland mitigation may be accomplished. Under this subprogram, payments are made to DNR or another entity for the purposes of improving or preserving wetlands or other water resource features.

This bill eliminates the wetland mitigation grant program (mitigation program), under which nonprofit organizations may apply to DNR on a rolling basis for grants to conduct projects to create, restore, or enhance wetlands on DNR land, using moneys received under the in lieu fee subprogram and from surcharge fees charged for each application to proceed under a wetland general permit. The bill also removes DNR's authority under current law to submit a request to ACE that ACE move up all deadlines relating to its review and approval of wetland mitigation project proposals under the in lieu fee subprogram and that ACE approve a modification to the subprogram in order to implement the mitigation program.

Property development grants. The bill eliminates a separate grant program, funded from the property development and local assistance subprogram of the Warren Knowles-Gaylord Nelson stewardship 2000 program, under which DNR makes grants to nonprofit organizations for certain property development activities relating to wetlands affected by a project under a wetland mitigation grant.

Wetland study council. The bill eliminates the wetland study council, which under current law is established within DNR to research and provide recommendations on various issues relating to wetlands.

SHORELAND ZONING

This bill eliminates the changes to the laws regulating shoreland zoning that were made under the 2015 biennial budget act, 2015 Wisconsin Act 55.

Current law requires a county to enact shoreland zoning ordinances for all shorelands in its unincorporated area and requires those ordinances to meet shoreland zoning standards established by DNR by rule. Current law generally defines a shoreland to be an area within a specified distance from the edge of a navigable water.

Act 55 made various changes to the laws regulating shoreland zoning including the following:

1. Prohibiting a county shoreland zoning ordinance from regulating a matter more restrictively than the matter is regulated by a shoreland zoning standard promulgated by DNR.
2. Prohibiting a shoreland zoning ordinance from requiring a person to establish a vegetative buffer zone on previously developed land or expand an existing buffer zone.
3. Requiring a shoreland zoning ordinance to allow a vegetative buffer zone to contain a viewing corridor of at least 35 feet wide for every 100 feet of shoreline

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frontage and to allow the corridor to run contiguously for the entire maximum allowable width.

4. Prohibiting DNR from establishing shoreland zoning standards and prohibiting counties from enacting shoreland zoning ordinances that regulate certain outdoor lighting, that regulate certain construction activities with respect to nonconforming structures, and that impose certain standards for impervious surfaces.

5. Allowing certain maintenance and repair of nonconforming structures in shorelands that are accessory structures such as garages, sheds, sidewalks, and patios.

6. Generally requiring city and village shoreland zoning ordinances that apply to certain shorelands that were annexed or incorporated by the city or village to be consistent with the requirements and limitations applicable to county shoreland zoning ordinances.

7. Prohibiting DNR from appealing a decision of a county to grant or deny a variance to a law regulating county shoreland zoning.

This bill eliminates the changes to the law made by Act 55 so that the law is consistent with pre-Act 55 law.

DNR POSITIONS

This bill increases moneys appropriated to DNR by \$1,672,900 in each fiscal year of the 2019-21 fiscal biennium for the purpose of increasing educator and science services positions by the equivalent of 29.4 full-time positions. This funding was decreased by this amount and these positions were eliminated under 2015 Wisconsin Act 55.

DOJ POSITIONS

The bill appropriates to the Department of Justice \$390,800 to fund two assistant attorneys general and one paralegal for environmental protection purposes.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.347 (22) of the statutes is repealed.

2 **SECTION 2.** 20.370 (9) (bm) of the statutes is amended to read:

3 20.370 (9) (bm) *Wetland restoration — fees; payments.* From the general fund,
4 all moneys received as surcharge fees under s. 281.36 (11), all moneys received as
5 transfers to the in lieu fee subprogram as provided in s. 281.36 (3s) (h), 2015 stats.,

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1 and all moneys received under the in lieu fee subprogram under s. 281.36 (3r) (e) for
2 the restoration or creation of wetlands, ~~for the wetland mitigation grant program~~
3 ~~under s. 281.37~~, and for any other activities authorized under the in lieu fee
4 subprogram.

5 **SECTION 3.** 20.370 (9) (gh) of the statutes, as affected by 2019 Wisconsin Act 9,
6 is amended to read:

7 20.370 (9) (gh) ~~Nonferrous metallic mining~~ *Mining regulation and*
8 *administration*. The amounts in the schedule for the administration, regulation, and
9 enforcement of ~~nonferrous metallic mining~~ exploration, bulk sampling, prospecting,
10 mining and mine reclamation activities under ch. 293. All moneys received under ch.
11 293 shall be credited to this appropriation.

12 **SECTION 4.** 20.370 (9) (gi) of the statutes, as affected by 2019 Wisconsin Act 9,
13 is repealed.

14 **SECTION 5.** 20.455 (1) (gh) of the statutes is amended to read:

15 20.455 (1) (gh) *Investigation and prosecution*. Moneys received under ss. 23.22
16 (9) (c), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 291.97 (3),
17 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., ~~295.79 (4) (b)~~, and 299.97 (2), for the
18 expenses of investigation and prosecution of violations, including attorney fees.

19 **SECTION 6.** 20.566 (7) (e) of the statutes is amended to read:

20 20.566 (7) (e) *Investment and local impact fund supplement*. The amounts in
21 the schedule to supplement par. (v) for the purposes of ss. 70.395, 293.33 (4), and
22 293.65 (5) (a), ~~295.443, and 295.61 (9) (a) and (c)~~.

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

24 20.566 (7) (v) *Investment and local impact fund*. From the investment and local
25 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the

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1 moneys appropriated under s. 20.370 (4) (gr), to be disbursed under ss. 70.395 (2) (d)
2 to (g), 293.33 (4), and 293.65 (5) (a), ~~295.443, and 295.61 (9) (a) and (e).~~

3 **SECTION 8.** 23.0917 (4) (c) 3. of the statutes is amended to read:

4 23.0917 (4) (c) 3. Grants under ss. s. 23.098 ~~and 23.099.~~

5 **SECTION 9.** 23.099 of the statutes is repealed.

6 **SECTION 10.** 23.321 (1) (intro.) and (b) of the statutes are consolidated,
7 renumbered 23.321 (1) and amended to read:

8 23.321 (1) DEFINITION. In this section: ~~(b) —~~“Wetland”, “wetland” has the
9 meaning given in s. 23.32 (1).

10 **SECTION 11.** 23.321 (1) (am) of the statutes is repealed.

11 **SECTION 12.** 23.321 (2) (d) of the statutes is repealed.

12 **SECTION 13.** 23.321 (2g) of the statutes is repealed.

13 **SECTION 14.** 23.321 (4) (a) 3. of the statutes is amended to read:

14 23.321 (4) (a) 3. Provide a wetland confirmation not later than 60 days after
15 a person files a request, in the manner and form required by the department, for a
16 wetland confirmation ~~under sub. (2) (e).~~

17 **SECTION 15.** 23.321 (4) (a) 4. of the statutes is repealed.

18 **SECTION 16.** 23.321 (5) (a) of the statutes is renumbered 23.321 (5) and
19 amended to read:

20 23.321 (5) ~~Except as provided in par. (b), a~~ A wetland identification provided
21 by the department under sub. (2) (b) and a wetland confirmation provided by the
22 department under sub. (2) (c) remain effective for 5 years from the date provided by
23 the department.

24 **SECTION 17.** 23.321 (5) (b) of the statutes is repealed.

25 **SECTION 18.** 29.604 (4) (intro.) of the statutes is amended to read:

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

3 **SECTION 19.** 29.604 (4) (c) (intro.) of the statutes is amended to read:

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

9 **SECTION 20.** 29.604 (7m) of the statutes is repealed.

10 **SECTION 21.** 30.025 (1e) (a) of the statutes is amended to read:

11 30.025 (1e) (a) Except as provided in ~~pars. par.~~ par. (b) and ~~(e)~~, this section applies
12 to a proposal to construct a utility facility if the utility facility is required to obtain,
13 or give notification of the wish to proceed under, one or more permits.

14 **SECTION 22.** 30.025 (1e) (c) of the statutes is repealed.

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

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

22 **SECTION 24.** 31.23 (3) (e) of the statutes is repealed.

23 **SECTION 25.** 32.02 (12) of the statutes is amended to read:

24 32.02 (12) Any person operating a plant which creates waste material which,
25 if released without treatment would cause stream pollution, for the location of

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1 treatment facilities. This subsection does not apply to a person with a permit under
2 ch. 293 or subch. III of ch. 295.

3 **SECTION 26.** 59.692 (1) (bn) of the statutes is amended to read:

4 59.692 (1) (bn) "Shoreland setback area" means an area in a shoreland that is
5 within a certain distance of the ordinary high-water mark in which the construction
6 or placement of buildings or structures has been limited or prohibited under an
7 ordinance enacted under this section.

8 **SECTION 27.** 59.692 (1) (e) of the statutes is repealed.

9 **SECTION 28.** 59.692 (1c) of the statutes is renumbered 59.692 (1m).

10 **SECTION 29.** 59.692 (1d) of the statutes is repealed.

11 **SECTION 30.** 59.692 (1f) of the statutes is repealed.

12 **SECTION 31.** 59.692 (1k) of the statutes is repealed.

13 **SECTION 32.** 59.692 (1u) of the statutes is created to read:

14 59.692 (1u) (a) Restrictions that are applicable to damaged or destroyed
15 nonconforming structures and that are contained in an ordinance enacted under this
16 section may not prohibit the restoration of a nonconforming structure if the structure
17 will be restored to the size, subject to par. (b), location, and use that it had
18 immediately before the damage or destruction occurred or impose any limits on the
19 costs of the repair, reconstruction, or improvement if all of the following apply:

20 1. The nonconforming structure was damaged or destroyed after October 14,
21 1997.

22 2. The damage or destruction was caused by violent wind, vandalism, fire,
23 flood, ice, snow, mold, or infestation.

24 (b) An ordinance enacted under this section to which par. (a) applies shall allow
25 for the size of a structure to be larger than the size it was immediately before the

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1 damage or destruction if necessary for the structure to comply with applicable state
2 or federal requirements.

3 **SECTION 33.** 59.692 (2m) of the statutes is repealed and recreated to read:

4 59.692 **(2m)** (a) In this subsection:

5 1. "Development regulations" means the part of a shoreland zoning ordinance
6 enacted under this section that applies to elements including setback, height, lot
7 coverage, and side yard.

8 2. "Nonconforming structure" means a dwelling or other building that existed
9 lawfully before the current shoreland zoning ordinance was enacted or amended, but
10 that does not conform with one or more of the development regulations in the current
11 shoreland zoning ordinance.

12 (b) A county may not enact, and a county, city, or village may not enforce, a
13 provision in a county shoreland zoning ordinance that does any of the following:

14 1. Regulates the location, maintenance, expansion, replacement, repair, or
15 relocation of a nonconforming structure if that provision is more restrictive than the
16 shoreland zoning standards for nonconforming structures promulgated by the
17 department under this section.

18 2. Regulates the construction of a structure or building on a substandard lot
19 if that provision is more restrictive than the shoreland zoning standards for
20 substandard lots promulgated by the department under this section.

21 **SECTION 34.** 59.692 (4) (b) of the statutes is amended to read:

22 59.692 **(4)** (b) Variances and appeals regarding shorelands within a county are
23 for the board of adjustment for that county under s. 59.694, and the procedures of
24 that section apply. ~~Notwithstanding s. 59.694 (4), the department may not appeal~~
25 ~~a decision of the county to grant or deny a variance under this section but may, upon~~

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1 ~~the request of a county board of adjustment, issue an opinion on whether a variance~~
2 ~~should be granted or denied.~~

3 **SECTION 35.** 59.692 (5m) of the statutes is repealed.

4 **SECTION 36.** 61.353 (3) (intro.) of the statutes is amended to read:

5 61.353 (3) (intro.) A village ordinance enacted under this section shall accord
6 ~~and be consistent with the requirements and limitations under s. 59.692 (1d), (1f),~~
7 ~~and (1k) and shall~~ include at least all of the following provisions:

8 **SECTION 37.** 61.353 (3) (c) of the statutes is created to read:

9 61.353 (3) (c) 1. A provision requiring a person who owns shoreland property
10 that contains vegetation to maintain that vegetation in a vegetative buffer zone
11 along the entire shoreline of the property and extending 35 feet inland from the
12 ordinary high-water mark of the navigable water, except as provided in subd. 2.

13 2. If the vegetation in a vegetative buffer zone contains invasive species or dead
14 or diseased vegetation, the owner of the shoreland property may remove the
15 vegetation, except that if the owner removes all of the vegetation in the vegetative
16 buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

17 **SECTION 38.** 61.353 (3) (d) of the statutes is created to read:

18 61.353 (3) (d) A provision allowing a person who is required to maintain or
19 establish a vegetative buffer zone under par. (c) to remove all of the vegetation in a
20 part of that zone in order to establish a viewing or access corridor that is no greater
21 than 30 feet wide for every 100 feet of shoreline frontage and that extends no more
22 than 35 feet inland from the ordinary high-water mark.

23 **SECTION 39.** 62.233 (3) (intro.) of the statutes is amended to read:

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62.233 (3) (intro.) A city ordinance enacted under this section shall ~~accord and~~
~~be consistent with the requirements and limitations under s. 59.692 (1d), (1f), and~~
~~(1k) and shall~~ include at least all of the following provisions:

SECTION 40. 62.233 (3) (c) of the statutes is created to read:

62.233 (3) (c) 1. A provision requiring a person who owns shoreland property
that contains vegetation to maintain that vegetation in a vegetative buffer zone
along the entire shoreline of the property and extending 35 feet inland from the
ordinary high-water mark of the navigable water, except as provided in subd. 2.

2. If the vegetation in a vegetative buffer zone contains invasive species or dead
or diseased vegetation, the owner of the shoreland property may remove the
vegetation, except that if the owner removes all of the vegetation in the vegetative
buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

SECTION 41. 62.233 (3) (d) of the statutes is created to read:

62.233 (3) (d) A provision allowing a person who is required to maintain or
establish a vegetative buffer zone under par. (c) to remove all of the vegetation in a
part of that zone in order to establish a viewing or access corridor that is no greater
than 30 feet wide for every 100 feet of shoreline frontage and that extends no more
than 35 feet inland from the ordinary high-water mark.

SECTION 42. 66.1036 of the statutes is repealed.

SECTION 43. 70.375 (1) (as) of the statutes is amended to read:

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

SECTION 44. 70.375 (1) (bm) of the statutes is amended to read:

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1 70.375 (1) (bm) “Mining-related purposes” means activities which are directly
2 in response to the application for a mining permit under s. 293.37 ~~or 295.47~~; directly
3 in response to construction, operation, curtailment of operation or cessation of
4 operation of a metalliferous mine site; or directly in response to conditions at a
5 metalliferous mine site which is not in operation. “Mining-related purposes” also
6 includes activities which anticipate the economic and social consequences of the
7 cessation of mining. “Mining-related purposes” also includes the purposes under s.
8 70.395 (2) (g).

9 **SECTION 45.** 70.375 (2) (b) of the statutes is amended to read:

10 70.375 (2) (b) The secretary may promulgate any rules necessary to implement
11 the tax under ss. 70.37 to 70.39 and 70.395 (1e). In respect to mines not in operation
12 on November 28, 1981, ss. 71.10 (1), 71.30 (1) ~~and (2)~~, 71.74 (2), (3), (9), (11) and (15),
13 71.77, 71.78, 71.80 (6), 71.83 (1) (a) 1. and 2. and (b) 2. and (2) (a) 3. and (b) 1. and
14 71.85 (2) apply to the administration of this section.

15 **SECTION 46.** 70.375 (4) (h) of the statutes is amended to read:

16 70.375 (4) (h) The cost of premiums for bonds required under s. ~~293.26 (9),~~
17 ~~293.51, 295.45 (5), or 295.59.~~

18 **SECTION 47.** 70.38 (2) of the statutes is amended to read:

19 70.38 (2) COMBINED REPORTING. If the same person extracts metalliferous
20 minerals from different sites in this state, the net proceeds for each site for which a
21 permit has been issued under s. 293.49 ~~or 295.58~~ shall be reported separately for the
22 purposes of computing the amount of the tax under s. 70.375 (5).

23 **SECTION 48.** 70.395 (1e) of the statutes is amended to read:

24 70.395 (1e) DISTRIBUTION. Fifteen days after the collection of the tax under ss.
25 70.38 to 70.39, the department of administration, upon certification of the

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1 department of revenue, shall transfer the amount collected in respect to mines not
2 in operation on November 28, 1981, to the investment and local impact fund, except
3 that, after the payments are made under sub. (2) (d) 1., 2., and 2m., the department
4 of administration shall transfer 60 percent of the amount collected from each person
5 extracting ferrous metallic minerals to the investment and local impact fund and 40
6 percent of the amount collected from any such person to the general fund.

7 **SECTION 49.** 70.395 (2) (dc) 1. of the statutes is amended to read:

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

12 **SECTION 50.** 70.395 (2) (dc) 4. of the statutes is amended to read:

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

18 **SECTION 51.** 70.395 (2) (fm) of the statutes is amended to read:

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

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1 of a local agreement under s. 293.41 ~~or 295.443~~ for the proposed mine for which the
2 payment is made.

3 **SECTION 52.** 70.395 (2) (g) (intro.) of the statutes is amended to read:

4 70.395 (2) (g) (intro.) The board may distribute the revenues received under
5 sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes,
6 ~~with a preference to private sector economic development projects under subd. 3., as~~
7 the board determines necessary:

8 **SECTION 53.** 70.395 (2) (g) 3. of the statutes is amended to read:

9 70.395 (2) (g) 3. Studies and projects for local ~~private sector economic~~
10 development.

11 **SECTION 54.** 70.395 (2) (h) 1. of the statutes is amended to read:

12 70.395 (2) (h) 1. Distribution shall first be made to those municipalities in
13 which metalliferous minerals are extracted or were extracted within 3 years
14 previous to December 31 of the current year, or in which a permit has been issued
15 under s. 293.49 ~~or 295.58~~ to commence mining;

16 **SECTION 55.** 70.395 (2) (hg) of the statutes is amended to read:

17 70.395 (2) (hg) The board shall, by rule, establish fiscal guidelines and
18 accounting procedures for the use of payments under pars. (d), (f), (fm) and (g), sub.
19 (3) and ss. s. 293.65 (5) ~~and 295.61 (9)~~.

20 **SECTION 56.** 70.395 (2) (hr) of the statutes is amended to read:

21 70.395 (2) (hr) The board shall, by rule, establish procedures to recoup
22 payments made, and to withhold payments to be made, under pars. (d), (f), (fm) and
23 (g), sub. (3) and ss. s. 293.65 (5) ~~and 295.61 (9)~~ for noncompliance with this section
24 or rules adopted under this section.

25 **SECTION 57.** 70.395 (2) (hw) of the statutes is amended to read:

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1 70.395 (2) (hw) A recipient of a discretionary payment under par. (f) or (g), sub.
2 (3) or ~~ss. s. 293.65 (5) and 295.61 (9)~~ or any payment under par. (d) that is restricted
3 to mining-related purposes who uses the payment for attorney fees may do so only
4 for the purposes under par. (g) 6. and for processing mining-related permits or other
5 approvals required by the municipality. The board shall recoup or withhold
6 payments that are used or proposed to be used by the recipient for attorney fees
7 except as authorized under this paragraph. The board may not limit the hourly rate
8 of attorney fees for which the recipient uses the payment to a level below the hourly
9 rate that is commonly charged for similar services.

10 **SECTION 58.** 74.25 (1) (a) 6. of the statutes is amended to read:

11 74.25 (1) (a) 6. Pay to the county treasurer 20 percent of collections of
12 occupational taxes on coal docks, 20 percent of collections of the taxes imposed under
13 ss. 77.04 and 77.84 (2) (a), and (am), ~~and (bp)~~, and 20 percent of collections of
14 payments for closed lands under s. 77.84 (2) (b) and (bm).

15 **SECTION 59.** 74.30 (1) (f) of the statutes is amended to read:

16 74.30 (1) (f) Pay to the county treasurer 20 percent of collections of occupational
17 taxes on coal docks, 20 percent of collections of the taxes imposed under ss. 77.04 and
18 77.84 (2) (a), and (am), ~~and (bp)~~, and 20 percent of collections of payments for closed
19 lands under s. 77.84 (2) (b) and (bm).

20 **SECTION 60.** 77.105 of the statutes is repealed.

21 **SECTION 61.** 77.81 (1m) of the statutes is repealed.

22 **SECTION 62.** 77.81 (5m) of the statutes is repealed.

23 **SECTION 63.** 77.83 (2) (a) of the statutes is amended to read:

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1 77.83 (2) (a) Except as provided in sub. (1) and pars. (b) and (c) ~~and subs. (1)~~
2 ~~and (2m)~~, each owner of managed forest land shall permit public access to the land
3 for the purposes of hunting, fishing, hiking, sight-seeing, and cross-country skiing.

4 **SECTION 64.** 77.83 (2m) of the statutes is repealed.

5 **SECTION 65.** 77.84 (2) (b) of the statutes is amended to read:

6 77.84 (2) (b) For managed forest land orders that take effect before April 28,
7 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
8 that is designated as closed under s. 77.83 ~~and for each acre that is located in a~~
9 ~~proposed ferrous mining site and that is not open to all of the outdoor activities~~
10 ~~specified in s. 77.83 (2) (a) for any part of the previous calendar year.~~ The payment
11 shall be made to each municipal treasurer on or before January 31.

12 **SECTION 66.** 77.84 (2) (bm) of the statutes is amended to read:

13 77.84 (2) (bm) For managed forest land orders that take effect on or after April
14 28, 2004, in addition to the payment under par. (am), each owner of managed forest
15 land shall pay to each municipal treasurer, on or before January 31, an amount that
16 is equal to 20 percent of the average statewide property tax per acre of property
17 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
18 is designated as closed under s. 77.83 ~~and for each acre that is located in a proposed~~
19 ~~ferrous mining site and that is not open to all of the outdoor activities specified in s.~~
20 ~~77.83 (2) (a) for any part of the previous calendar year.~~

21 **SECTION 67.** 77.84 (2) (bp) of the statutes is repealed.

22 **SECTION 68.** 77.88 (3) (d) of the statutes is repealed.

23 **SECTION 69.** 77.88 (5) (af) 1. of the statutes is amended to read:

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1 77.88 (5) (af) 1. An amount equal to the past tax liability multiplied by the
2 number of years the land was designated as managed forest land, less any amounts
3 paid by the owner under s. 77.84 (2) (a), and (am), ~~and (bp)~~.

4 **SECTION 70.** 77.88 (5) (af) 2. of the statutes is amended to read:

5 77.88 (5) (af) 2. Five percent of the stumpage value of the merchantable timber
6 on the land, less any amounts paid by the owner under s. 77.84 (2) (a), and (am), ~~and~~
7 ~~(bp)~~.

8 **SECTION 71.** 77.88 (9) (d) 1. of the statutes is renumbered 77.88 (9) (d) and
9 amended to read:

10 77.88 (9) (d) ~~Except as provided in subd. 2., a~~ A withdrawal order issued before
11 December 15 of any year takes effect on the January 1 after the date of issuance, and
12 a withdrawal order issued on or after December 15 of any year takes effect on the 2nd
13 January 1 after the date of issuance.

14 **SECTION 72.** 77.88 (9) (d) 2. of the statutes is repealed.

15 **SECTION 73.** 77.883 of the statutes is repealed.

16 **SECTION 74.** 77.89 (2) (a) of the statutes is amended to read:

17 77.89 (2) (a) Each municipal treasurer shall pay 20 percent of each payment
18 received under sub. (1) (a) and (b) and under ss. 77.84 (2) (a), and (am), ~~and (bp)~~,
19 77.85, and 77.876 to the county treasurer and shall deposit the remainder in the
20 municipal treasury. The payment to the county treasurer for money received before
21 November 1 of any year shall be made on or before the November 15 after its receipt.
22 For money received on or after November 1 of any year, the payment to the county
23 treasurer shall be made on or before November 15 of the following year.

24 **SECTION 75.** 87.30 (2) (a) of the statutes is renumbered 87.30 (2) and amended
25 to read:

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

10 **SECTION 76.** 87.30 (2) (b) of the statutes is repealed.

11 **SECTION 77.** 107.001 (1) of the statutes is amended to read:

12 107.001 (1) "Exploration mining lease" means any lease, option to lease, option
13 to purchase or similar conveyance entered into for the purpose of determining the
14 presence, location, quality or quantity of ~~nonferrous metallic~~ metalliferous minerals
15 or for the purpose of mining, developing or extracting ~~nonferrous metallic~~
16 metalliferous minerals, or both ~~under ch. 293~~. Any lease, option to lease, option to
17 purchase or similar conveyance entered into by a mining company is rebuttably
18 presumed to be an exploration mining lease.

19 **SECTION 78.** 107.001 (2) of the statutes is created to read:

20 107.001 (2) "Metalliferous minerals" means naturally occurring minerals that
21 contain metal.

22 **SECTION 79.** 107.01 (intro.) of the statutes is amended to read:

23 **107.01 Rules governing mining rights.** (intro.) Where there is no contract
24 between the parties or terms established by the landlord to the contrary the following

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1 rules and regulations shall be applied to mining contracts and leases for the digging
2 of ~~nonferrous metallie~~ ores and minerals:

3 **SECTION 80.** 107.01 (2) of the statutes is amended to read:

4 107.01 (2) The discovery of a crevice or range containing ~~nonferrous metallie~~
5 ores or minerals shall entitle the discoverer to the ~~nonferrous metallie~~ ores or
6 minerals pertaining thereto, subject to the rent due the discoverer's landlord, before
7 as well as after the ~~nonferrous metallie~~ ores or minerals are separated from the
8 freehold; but such miner shall not be entitled to recover any ~~nonferrous metallie~~ ores
9 or minerals or the value thereof from the person digging on the miner's range in good
10 faith and known to be mining thereon until the miner shall have given notice of the
11 miner's claim; and the miner shall be entitled to the ~~nonferrous metallie~~ ores or
12 minerals dug after such notice.

13 **SECTION 81.** 107.02 of the statutes is amended to read:

14 **107.02 Mining statement; penalty.** When there is no agreement between the
15 parties to any mining lease, license or permit, to mine or remove ~~nonferrous metallie~~
16 ~~minerals~~ ore from any lands in this state, regulating the method of reporting the
17 amount of ~~nonferrous metallie minerals~~ ore taken, the person mining and removing
18 the ~~nonferrous metallie minerals~~ ore or ores shall keep proper and correct books, and
19 therefrom to make and deliver by or before the fifteenth day of each month to the
20 lessor, owner or person entitled thereto, a detailed statement covering the operations
21 of the preceding month. The statement shall show the total amount of tons or pounds
22 of each kind of ~~nonferrous metallie minerals~~ ore produced; if sold, then to whom sold,
23 giving the date of sale, date of delivery to any railroad company, naming the company,
24 and the station where delivered or billed for shipment; the name and address of the
25 purchaser; the price per ton at which sold and the total value of each kind of

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1 ~~nonferrous metallic minerals~~ ore so sold. The books shall be always open to any
2 owner, lessor, licensor or stockholder, if the owner, lessor or licensor is a corporation,
3 and to any person or stockholder interested in any such mining operations, for the
4 purpose of inspection and taking copies thereof or abstracts therefrom. Any person
5 and every officer, agent or employee of any thereof, who violates this section, or who
6 makes any false or incomplete entries on any such books or statements, shall be fined
7 not less than \$100 or imprisoned in the county jail for not more than 3 months or both.

8 **SECTION 82.** 107.03 of the statutes is amended to read:

9 **107.03 Conflicting claims.** In case of conflicting claims to a crevice or range
10 bearing ~~nonferrous metallic ores or~~ minerals the court may continue any action to
11 enforce a claim or grant any necessary time for the purpose of allowing parties to
12 prove up their mines or diggings if it satisfactorily appears necessary to the ends of
13 justice. In such case the court or judge may appoint a receiver and provide that the
14 mines or diggings be worked under the receiver's direction, subject to the order of the
15 court, in such manner as best ascertains the respective rights of the parties. The
16 ~~nonferrous metallic ores or~~ minerals raised by either party pending the dispute shall
17 be delivered to the receiver, who may, by order of the court or judge, pay any rent or
18 other necessary expenses therefrom.

19 **SECTION 83.** 107.04 of the statutes is amended to read:

20 **107.04 Lessee's fraud; failure to work mine.** Any miner who conceals or
21 disposes of any ~~nonferrous metallic ores or~~ minerals or mines or diggings for the
22 purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~nonferrous~~
23 ~~metallic ores or~~ minerals raised by the miner for 3 days after the notice thereof and
24 claim of the rent, shall forfeit all right to his or her mines, diggings or range; and the
25 landlord after the concealment or after 3 days have expired from the time of

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1 demanding rent, may proceed against the miner to recover possession of the mines
2 or diggings in circuit court as in the case of a tenant holding over after the
3 termination of the lease. If a miner neglects to work his or her mines or diggings
4 according to the usages of miners, without reasonable excuse, he or she shall likewise
5 forfeit the mines or diggings and the landlord may proceed against the miner in like
6 manner to recover possession of the mines or diggings.

7 **SECTION 84.** 107.11 of the statutes is amended to read:

8 **107.11 Account of ~~nonferrous metallic minerals~~ ore received.** Every
9 person operating a metal recovery system and every purchaser of ~~nonferrous~~
10 ~~metallic ores and~~ minerals shall keep a substantially bound book, ruled into suitable
11 columns, in which shall be entered from day to day, as ~~nonferrous metallic ores or~~
12 minerals are received, the following items: the day, month and year when received;
13 the name of the person from whom purchased; the name of the person by whom
14 hauled and delivered; name of the owner of the land from which the ~~nonferrous~~
15 ~~metallic ores or~~ minerals were obtained, or if not known, the name of the diggings
16 or some distinct description of the land. The bound book shall be kept at the furnace
17 or at the usual place of business of such person or purchaser or his or her agent in
18 this state, and shall be open to authorized representatives of the department of
19 revenue at reasonable times for inspection and taking extracts.

20 **SECTION 85.** 107.12 of the statutes is amended to read:

21 **107.12 Penalty.** If any person operating a metal recovery system or purchaser
22 of ~~nonferrous metallic ores and~~ minerals or the agent of any such person or purchaser
23 doing business fails to keep such a book or to make such entries as required under
24 s. 107.11 or unreasonably refuses to show the book for inspection or taking extracts
25 or makes false entries in the book he or she shall forfeit \$10 for each offense, one-half

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1 to the use of the prosecutor; and each day such failure or refusal continues shall be
2 deemed a distinct and separate offense.

3 **SECTION 86.** 107.20 (1) of the statutes is amended to read:

4 107.20 (1) Any provision of an exploration mining lease entered into after April
5 25, 1978, granting an option or right to determine the presence, location, quality or
6 quantity of ~~nonferrous metallie~~ metalliferous minerals shall be limited to a term not
7 exceeding 10 years from the date on which the exploration mining lease is recorded
8 in the office of the register of deeds of the county where the property is located, except
9 that any provision of an exploration mining lease entered into after April 25, 1978,
10 granting an option or right to determine the quality and quantity of ~~nonferrous~~
11 ~~metallie~~ metalliferous minerals under a prospecting permit shall be limited to a term
12 not exceeding 10 years from the date that the lessee applies for a prospecting permit
13 under s. 293.35, if the lessee applies for the prospecting permit within 10 years from
14 the date on which the exploration mining lease is recorded in the office of the register
15 of deeds of the county where the property is located.

16 **SECTION 87.** 107.20 (2) of the statutes is amended to read:

17 107.20 (2) Any provision of an exploration mining lease entered into after April
18 25, 1978, granting an option or right to develop or extract ~~nonferrous metallie~~
19 metalliferous minerals shall be limited to a term not exceeding 50 years from the date
20 on which the exploration mining lease is recorded in the office of the register of deeds
21 of the county where the property is located.

22 **SECTION 88.** 107.30 (8) of the statutes is amended to read:

23 107.30 (8) "Mining" or "mining operation" ~~means all or part of the process~~
24 ~~involved in the mining of metallic minerals, other than for exploration or~~
25 ~~prospecting, including commercial extraction, agglomeration, beneficiation,~~

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1 ~~construction of roads, removal of overburden, and the production of refuse~~ has the
2 meaning given in s. 293.01 (9).

3 **SECTION 89.** 107.30 (15) of the statutes is amended to read:

4 107.30 (15) “Prospecting” means ~~engaging in the examination of an area for the~~
5 ~~purpose of determining the quality and quantity of minerals, other than for~~
6 ~~exploration but including the obtaining of an ore sample, by such physical means as~~
7 ~~excavating, trenching, construction of shafts, ramps, and tunnels and other means,~~
8 ~~other than for exploration, which the department of natural resources, by rule,~~
9 ~~identifies, and the production of prospecting refuse and other associated activities.~~
10 “Prospecting” ~~does not include such activities when the activities are, by themselves,~~
11 ~~intended for and capable of commercial exploitation of the underlying ore body. The~~
12 ~~fact that prospecting activities and construction may have use ultimately in mining,~~
13 ~~if approved, does not mean that prospecting activities and construction constitute~~
14 ~~mining within the meaning of sub. (8), provided such activities and construction are~~
15 ~~reasonably related to prospecting requirements~~ has the meaning given in s. 293.01
16 (18).

17 **SECTION 90.** 107.30 (16) of the statutes is amended to read:

18 107.30 (16) “Prospecting site” means ~~the lands on which prospecting is actually~~
19 ~~conducted as well as those lands on which physical disturbance will occur as a result~~
20 ~~of such activity~~ has the meaning given in s. 293.01 (21).

21 **SECTION 91.** 160.19 (12) of the statutes is amended to read:

22 160.19 (12) The requirements in this section shall not apply to rules governing
23 an activity regulated under ch. 293 ~~or subch. III of ch. 295,~~ or to a solid waste facility
24 regulated under subch. III of ch. 289 which is part of an activity regulated under ch.
25 293 ~~or subch. III of ch. 295,~~ except that the department may promulgate new rules

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1 or amend rules governing this type of activity, practice or facility if the department
2 determines that the amendment or promulgation of rules is necessary to protect
3 public health, safety or welfare.

4 **SECTION 92.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

5 196.491 (3) (a) 3. b. ~~Except as provided under subd. 3. c., within~~ Within 20 days
6 after the department provides a listing specified in subd. 3. a. to a person, the person
7 shall apply for the permits and approvals identified in the listing. The department
8 shall determine whether an application under this subd. 3. b. is complete and, no
9 later than 30 days after the application is filed, notify the applicant about the
10 determination. If the department determines that the application is incomplete, the
11 notice shall state the reason for the determination. An applicant may supplement
12 and refile an application that the department has determined to be incomplete.
13 There is no limit on the number of times that an applicant may refile an application
14 under this subd. 3. b. If the department fails to determine whether an application
15 is complete within 30 days after the application is filed, the application shall be
16 considered to be complete. Except as provided in s. 30.025 (4), the department shall
17 complete action on an application under this subd. 3. b. for any permit or approval
18 that is required prior to construction of a facility within 120 days after the date on
19 which the application is determined or considered to be complete.

20 **SECTION 93.** 196.491 (3) (a) 3. c. of the statutes is repealed.

21 **SECTION 94.** 196.491 (4) (b) 2. of the statutes is amended to read:

22 196.491 (4) (b) 2. The person shows to the satisfaction of the commission that
23 the person reasonably anticipates, at the time that construction of the equipment or
24 facilities commences, that on each day that the equipment and facilities are in
25 operation the person will consume no less than 70 percent of the aggregate kilowatt

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1 hours output from the equipment and facilities in manufacturing processes at the
2 site where the equipment and facilities are located ~~or in ferrous mineral mining and~~
3 ~~processing activities governed by subch. III of ch. 295 at the site where the equipment~~
4 ~~and facilities are located.~~

5 **SECTION 95.** 227.42 (4) of the statutes is created to read:

6 227.42 (4) This section does not apply if a hearing on the matter was conducted
7 as a part of a hearing under s. 293.43.

8 **SECTION 96.** 227.483 (3) (c) of the statutes is repealed.

9 **SECTION 97.** 281.12 (2) of the statutes is repealed.

10 **SECTION 98.** 281.31 (2m) of the statutes is repealed and recreated to read:

11 281.31 (2m) Notwithstanding any other provision of law or administrative
12 rule, a shoreland zoning ordinance required under s. 59.692, a construction site
13 erosion control and storm water management zoning ordinance authorized under s.
14 59.693, 60.627, 61.354 or 62.234 or a wetland zoning ordinance required under s.
15 61.351 or 62.231 does not apply to lands adjacent to farm drainage ditches if all of
16 the following apply:

17 (a) The lands are not adjacent to a natural navigable stream or river.

18 (b) Those parts of the drainage ditches adjacent to these lands were
19 nonnavigable streams before ditching.

20 (c) The lands are maintained in nonstructural agricultural use.

21 **SECTION 99.** 281.35 (5) (e) of the statutes is amended to read:

22 281.35 (5) (e) *Right to hearing.* ~~Any~~ Except as provided in s. 227.42 (4), any
23 person who receives notice of a denial or modification requirement under par. (c) is
24 entitled to a contested case hearing under ch. 227 if the person requests the hearing
25 within 30 days after receiving the notice.

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1 **SECTION 100.** 281.36 (3b) (b) of the statutes is amended to read:

2 281.36 **(3b)** (b) No person may discharge dredged material or fill material into
3 a wetland unless the discharge is authorized by a wetland general permit or
4 individual permit issued by the department under this section or the discharge is
5 exempt under sub. (4), (4m) (a), ~~(4n)~~, or (4r). No person may violate any condition
6 contained in a wetland general or individual permit issued by the department under
7 this section. The department may not issue a wetland general or individual permit
8 under this section unless it determines that the discharge authorized pursuant to the
9 wetland general or individual permit will comply with all applicable water quality
10 standards.

11 **SECTION 101.** 281.36 (3g) (h) 2. of the statutes is amended to read:

12 281.36 **(3g)** (h) 2. If, within 30 days after an application under subd. 1. is
13 received by the department, the department does not either request additional
14 information or inform the applicant that a wetland individual permit will be required
15 as provided in par. (i), the discharge shall be considered to be authorized under the
16 wetland general permit and the applicant may proceed without further notice,
17 hearing, permit, or approval if the discharge is carried out in compliance with all of
18 the conditions of the general permit, ~~except as provided in s. 295.60 (3) (b).~~

19 **SECTION 102.** 281.36 (3m) (a) of the statutes is amended to read:

20 281.36 **(3m)** (a) *When permit required.* Any person wishing to proceed with a
21 discharge into any wetland shall submit an application for a wetland individual
22 permit under this subsection unless the discharge has been authorized under a
23 wetland general permit as provided in sub. (3g) or is exempt under sub. (4), (4m) (a),
24 ~~(4n)~~, or (4r). Before submitting the application, the department shall hold a meeting
25 with the applicant to discuss the details of the proposed discharge and the

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1 requirements for submitting the application and for delineating the wetland. An
2 applicant may include in the application a request for a public informational hearing.
3 The application shall be accompanied by the applicable fee specified in sub. (11) or
4 (12) (a).

5 **SECTION 103.** 281.36 (3n) (d) 1. of the statutes is amended to read:

6 281.36 **(3n)** (d) 1. Except as provided in subd. 2., the department shall require
7 mitigation under the program established under sub. (3r) for wetland individual
8 permits it issues under this subsection ~~and for a discharge that is exempt from~~
9 ~~permitting requirements under sub. (4n) (b) that affects more than 10,000 square~~
10 ~~feet of wetland or under sub. (4n) (c) that affects more than 1.5 acres of wetland.~~ This
11 subsection does not entitle an applicant to a wetland individual permit or any other
12 approval in exchange for conducting mitigation.

13 **SECTION 104.** 281.36 (3r) (a) (intro.) of the statutes is amended to read:

14 281.36 **(3r)** (a) (intro.) The department shall establish a mitigation program
15 that applies only to the issuance of wetland individual permits and, with respect to
16 ~~a discharge that is exempt from permitting requirements under sub. (4n) (b) that~~
17 ~~affects more than 10,000 square feet of wetland or under sub. (4n) (c) that affects~~
18 ~~more than 1.5 acres of wetland, the portion of the affected wetland that exceeds~~
19 ~~10,000 square feet or 1.5 acres, respectively. Under the mitigation program, subject~~
20 ~~to par. (am), the department shall allow and that allows mitigation to be~~
21 accomplished by any of the following methods:

22 **SECTION 105.** 281.36 (3r) (am) of the statutes is repealed.

23 **SECTION 106.** 281.36 (4) (title) of the statutes is amended to read:

24 281.36 **(4)** (title) EXEMPTIONS; CERTAIN ACTIVITIES.

25 **SECTION 107.** 281.36 (4n) of the statutes is repealed.

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1 **SECTION 108.** 281.36 (6) (a) (intro.) of the statutes is amended to read:

2 281.36 **(6)** (a) (intro.) The department shall promulgate rules to interpret and
3 implement the provisions under subs. (4), ~~(4n)~~, (4r), and (5). In promulgating these
4 rules, the department shall do all of the following:

5 **SECTION 109.** 281.36 (9) (a) (intro.) of the statutes is amended to read:

6 281.36 **(9)** (a) (intro.) For purposes of determining whether to issue a wetland
7 individual permit, whether authorization to proceed as authorized under a wetland
8 general permit is appropriate, or whether an exemption under sub. ~~(4)~~, ~~(4n)~~, or (4r)
9 is appropriate, and for purposes of enforcing this section, any employee or other
10 representative of the department, upon presenting his or her credentials, may do any
11 of the following:

12 **SECTION 110.** 281.36 (12m) of the statutes is repealed.

13 **SECTION 111.** 281.36 (13m) of the statutes is amended to read:

14 281.36 **(13m)** REPORT TO LEGISLATURE. No later than January 31, 2003, and no
15 later than January 31 of each subsequent odd-numbered year, the department shall
16 submit to the legislature under s. 13.172 (2) a report that provides an analysis of the
17 impact of the implementation of mitigation on wetland resources and on the issuance
18 of permits or other approvals under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30,
19 281.11 to 281.47 or 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299.
20 ~~The department shall include in its report a discussion of proposals and projects~~
21 ~~under the property development grant program under s. 23.099.~~

22 **SECTION 112.** 281.37 of the statutes is repealed.

23 **SECTION 113.** 281.65 (2) (a) of the statutes is amended to read:

24 281.65 **(2)** (a) “Best management practices” means practices, techniques or
25 measures, except for dredging, identified in areawide water quality management

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1 plans, which are determined to be effective means of preventing or reducing
2 pollutants generated from nonpoint sources, or from the sediments of inland lakes
3 polluted by nonpoint sources, to a level compatible with water quality objectives
4 established under this section and which do not have an adverse impact on fish and
5 wildlife habitat. The practices, techniques or measures include land acquisition,
6 storm sewer rerouting and the removal of structures necessary to install structural
7 urban best management practices, facilities for the handling and treatment of
8 milkhouse wastewater, repair of fences built using grants under this section and
9 measures to prevent or reduce pollutants generated from mine tailings disposal sites
10 for which the department has not approved a plan of operation under s. 289.30 ~~or s.~~
11 ~~295.51.~~

12 **SECTION 114.** 281.75 (17) (b) of the statutes is amended to read:

13 281.75 **(17)** (b) This section does not apply to contamination which is
14 compensable under subch. II of ch. 107 or s. 293.65 (4) ~~or 295.61 (8).~~

15 **SECTION 115.** 283.84 (3m) of the statutes is amended to read:

16 283.84 **(3m)** A person engaged in mining, as defined in s. 293.01 (9) ~~or 295.41~~
17 ~~(26)~~, prospecting, as defined in s. 293.01 (18), ~~bulk sampling, as defined in s. 293.01~~
18 ~~(2m) or 295.41 (7)~~, or nonmetallic mining, as defined in s. 295.11 (3), may not enter
19 into an agreement under sub. (1).

20 **SECTION 116.** 287.13 (5) (e) of the statutes is amended to read:

21 287.13 **(5)** (e) Solid waste produced by a commercial business or industry which
22 is disposed of or held for disposal in an approved facility, as defined under s. 289.01
23 (3), ~~or a mining waste site, as defined in s. 295.41 (31), covered by a mining permit~~
24 ~~under s. 295.58, owned or leased by the generator or on which the generator holds~~

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1 an easement, and designed and constructed for the purpose of accepting that type of
2 solid waste.

3 **SECTION 117.** 289.62 (2) (g) 2. of the statutes is amended to read:

4 289.62 **(2)** (g) 2. For nonhazardous tailing solids or for nonacid producing
5 taconite tailing solids, 0.2 cent per ton.

6 **SECTION 118.** 289.62 (2) (g) 6. of the statutes is amended to read:

7 289.62 **(2)** (g) 6. For nonhazardous waste rock or for nonacid producing taconite
8 waste rock, 0.1 cent per ton.

9 **SECTION 119.** 292.01 (1m) of the statutes is amended to read:

10 292.01 **(1m)** “Approved mining facility” has the meaning given in s. 289.01 (4)
11 ~~and includes a mining waste site, as defined in s. 295.41 (31).~~

12 **SECTION 120.** Chapter 293 (title) of the statutes is amended to read:

13 **CHAPTER 293**

14 **NONFERROUS METALLIC MINING**

15 **SECTION 121.** 293.01 (2m) of the statutes is repealed.

16 **SECTION 122.** 293.01 (5) of the statutes is amended to read:

17 293.01 **(5)** “Mineral exploration” or “exploration”, unless the context requires
18 otherwise, means the on-site geologic examination from the surface of an area by
19 core, rotary, percussion or other drilling, where the diameter of the hole does not
20 exceed 18 inches, for the purpose of searching for nonferrous metallic minerals or
21 establishing the nature of a known nonferrous metallic mineral deposit, and includes
22 associated activities such as clearing and preparing sites or constructing roads for
23 drilling.

24 **SECTION 123.** 293.01 (7) of the statutes is amended to read:

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1 293.01 (7) “Merchantable by-product” means all waste soil, rock, mineral,
2 liquid, vegetation and other material directly resulting from or displaced by the
3 mining, cleaning or preparation of ~~nonferrous metallic~~ minerals during mining
4 operations which are determined by the department to be marketable upon a
5 showing of marketability made by the operator, accompanied by a verified statement
6 by the operator of his or her intent to sell such material within 3 years from the time
7 it results from or is displaced by mining. If after 3 years from the time merchantable
8 by-product results from or is displaced by mining such material has not been
9 transported off the mining site, it shall be considered and regulated as refuse unless
10 removal is continuing at a rate of more than 12,000 cubic yards per year.

11 **SECTION 124.** 293.01 (8) of the statutes is created to read:

12 293.01 (8) “Minerals” mean unbeneficiated metallic ore but does not include
13 mineral aggregates such as stone, sand, and gravel.

14 **SECTION 125.** 293.01 (9) of the statutes is amended to read:

15 293.01 (9) “Mining” or “mining operation” means all or part of the process
16 involved in the mining of ~~nonferrous~~ metallic minerals, other than for exploration,
17 ~~bulk sampling~~, or prospecting, including commercial extraction, agglomeration,
18 beneficiation, construction of roads, removal of overburden and the production of
19 refuse.

20 **SECTION 126.** 293.01 (12) of the statutes is amended to read:

21 293.01 (12) “Mining site” means the surface area disturbed by a mining
22 operation, including the surface area from which the ~~nonferrous metallic~~ minerals
23 or refuse or both have been removed, the surface area covered by refuse, all lands
24 disturbed by the construction or improvement of haulageways, and any surface areas

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1 in which structures, equipment, materials and any other things used in the mining
2 operation are situated.

3 **SECTION 127.** 293.01 (12m) of the statutes is repealed.

4 **SECTION 128.** 293.01 (18) of the statutes is amended to read:

5 293.01 (18) "Prospecting" means engaging in the examination of an area for the
6 purpose of determining the quality and quantity of ~~nonferrous metallic~~ minerals,
7 other than for exploration ~~or bulk sampling~~ but including the obtaining of ~~a~~
8 ~~nonferrous metallic mineral~~ an ore sample, by such physical means as excavating,
9 trenching, construction of shafts, ramps and tunnels and other means, other than for
10 exploration ~~or bulk sampling~~, which the department, by rule, identifies, and the
11 production of prospecting refuse and other associated activities. "Prospecting" shall
12 not include such activities when the activities are, by themselves, intended for and
13 capable of commercial exploitation of the underlying ~~nonferrous~~ ore body. However,
14 the fact that prospecting activities and construction may have use ultimately in
15 mining, if approved, shall not mean that prospecting activities and construction
16 constitute mining within the meaning of sub. (9), provided such activities and
17 construction are reasonably related to prospecting requirements.

18 **SECTION 129.** 293.01 (25) of the statutes is amended to read:

19 293.01 (25) "Refuse" means all waste soil, rock, mineral, liquid, vegetation and
20 other material, except merchantable by-products, directly resulting from or
21 displaced by the prospecting or mining and from the cleaning or preparation of
22 ~~nonferrous metallic~~ minerals during prospecting or mining operations, and shall
23 include all waste materials deposited on or in the prospecting or mining site from
24 other sources.

25 **SECTION 130.** 293.13 (2) (b) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 917**SECTION 130**

1 293.13 (2) (b) (intro.) Minimum standards for exploration, ~~bulk sampling~~,
2 prospecting, and mining shall include the following:

3 **SECTION 131.** 293.13 (2) (b) 4. of the statutes is amended to read:

4 293.13 (2) (b) 4. Adequate diversion and drainage of water from the
5 exploration, ~~bulk sampling~~, prospecting, or mining site.

6 **SECTION 132.** 293.13 (2) (b) 7. of the statutes is amended to read:

7 293.13 (2) (b) 7. Removal and stockpiling, or other measures to protect topsoils
8 prior to exploration, ~~bulk sampling~~, prospecting, or mining.

9 **SECTION 133.** 293.13 (2) (c) (intro.) of the statutes is amended to read:

10 293.13 (2) (c) (intro.) Minimum standards for reclamation of exploration and
11 ~~bulk sampling~~ sites, where appropriate, and for prospecting and mining sites shall
12 conform to s. 293.01 (23) and include provision for the following:

13 **SECTION 134.** 293.13 (2) (c) 7. of the statutes is amended to read:

14 293.13 (2) (c) 7. Revegetation to stabilize disturbed soils and prevent air and
15 water pollution, with the objective of reestablishing a variety of populations of plants
16 and animals indigenous to the area immediately prior to exploration, ~~bulk sampling~~,
17 prospecting, or mining.

18 **SECTION 135.** 293.15 (7m) of the statutes is repealed.

19 **SECTION 136.** 293.15 (8) of the statutes is amended to read:

20 293.15 (8) Promulgate rules regulating the production, storage and disposal
21 of radioactive waste from exploration, ~~bulk sampling~~, prospecting, or mining after
22 seeking comments from the department of health services. At a minimum, rules
23 promulgated under this subsection shall achieve the margin of safety provided in
24 applicable federal statutes and regulations. If the department promulgates rules

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1 under this subsection, the department shall investigate the need for standards more
2 restrictive than the applicable federal statutes and regulations.

3 **SECTION 137.** 293.21 (1) (a) of the statutes is amended to read:

4 293.21 (1) (a) "Driller" means a person who performs core, rotary, percussion
5 or other drilling involved in exploration for ~~nonferrous~~ metallic minerals.

6 **SECTION 138.** 293.25 (2) (a) of the statutes is amended to read:

7 293.25 (2) (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and
8 293.81 and rules promulgated under those sections apply to radioactive waste site
9 exploration, to activities related to radioactive waste site exploration and to persons
10 engaging in or intending to engage in radioactive waste site exploration or related
11 activities in the same manner as those sections and rules are applicable to
12 ~~nonferrous metallic~~ mineral exploration, to activities related to ~~nonferrous metallic~~
13 mineral exploration and to persons engaging in or intending to engage in ~~nonferrous~~
14 ~~metallic~~ mineral exploration or related activities.

15 **SECTION 139.** 293.25 (4) of the statutes is amended to read:

16 293.25 (4) REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections
17 293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules promulgated under
18 those sections apply to radioactive waste site exploration, to activities related to
19 radioactive waste site exploration and to persons engaging in or intending to engage
20 in radioactive waste site exploration or related activities in the same manner as
21 those sections and rules are applicable to ~~nonferrous metallic~~ mineral exploration,
22 to activities related to ~~nonferrous metallic~~ mineral exploration and to persons
23 engaging in or intending to engage in ~~nonferrous metallic~~ mineral exploration or
24 related activities.

25 **SECTION 140.** 293.26 of the statutes is repealed.

ASSEMBLY BILL 917**SECTION 141**

1 **SECTION 141.** 293.31 (title) of the statutes is amended to read:

2 **293.31** (title) ~~Preapplication notification; data~~ **Data collection.**

3 **SECTION 142.** 293.31 (1) of the statutes is amended to read:

4 293.31 (1) ~~At least 12 months before filing an application for a prospecting~~
5 ~~permit under s. 293.35 or a mining permit under s. 293.37, a person proposing to~~
6 ~~engage in a prospecting or mining project shall notify the department in writing of~~
7 ~~the intention to apply for a prospecting or mining permit. A person who intends to~~
8 ~~give notice of intent to apply for a prospecting or mining permit may, prior to~~
9 ~~obtaining, collecting, or generating environmental data intended to be used to~~
10 ~~support the permit application, submit to the department the methodology that the~~
11 ~~person intends to use in obtaining, collecting, or generating the data. The~~
12 ~~department shall review the proposed methodology and shall either inform the~~
13 ~~person that the proposed methodology will be accepted by the department or provide~~
14 ~~the person with the methodology that the department requires to be used. The~~
15 ~~department may assess the person submitting the proposed methodology a fee equal~~
16 ~~to the department's costs for reviewing the proposed methodology. If a~~ Any person
17 obtains, collects, or generates intending to submit an application for a prospecting
18 or mining permit shall notify the department prior to the collection of data or
19 information intended to be used to support a prospecting or mining the permit
20 application without obtaining department approval of the person's methodology
21 under sub. (4), the department may not exclude any of the data or information that
22 consists of application. Specific environmental data which would be pertinent to a
23 specific prospecting or mining application, but which was obtained or collected or
24 generated prior to the notice of intent to apply for a prospecting or mining permit,
25 shall be submitted in writing to the department together with any substantiating

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background information which would assist the department in establishing the validity of the data. The department shall review the data and, if it concludes that the benefits of permitting the admission of the data outweigh the policy reasons for excluding it, and if the data is otherwise admissible, inform the person giving the notice of intent to prospect or mine that the data will be accepted by the department. Such exclusion shall not relate to general environmental information such as soil characteristics, hydrologic conditions, and air and water data contained in publications, maps, documents, studies, reports, and similar sources, whether public or private, not prepared by or for the applicant. Such exclusion shall likewise not relate to data that is otherwise admissible and collected prior to notification under this subsection for purposes of evaluating another site or sites and that is not collected with intent to evade the provisions of this section.

SECTION 143. 293.31 (2) of the statutes is amended to read:

293.31 (2) Upon receipt of notification under sub. (1), the department shall give public notice of the notification in the same manner as provided under s. 293.43 (2m) (3) (b).

SECTION 144. 293.31 (3) of the statutes is amended to read:

293.31 (3) The department shall also receive and consider any comments from interested persons received within 45 days after public notice is given under sub. (2) as to the information which they believe should be requested from the person giving notice of intent to apply for a prospecting or mining permit and the information which they believe the department should seek through independent studies. ~~If the department holds a public informational hearing to receive comments from interested persons under this section, the hearing shall be completed within 45 days after public notice is given under sub. (2).~~

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SECTION 145. 293.31 (4) of the statutes is amended to read:

293.31 (4) ~~No later than 90 days after the period for receiving and considering~~
After the receipt and consideration of comments from interested persons under sub.
(3), the department shall inform the person giving notice of intent to apply for a
prospecting or mining permit of the type and quantity of information that it then
believes to be needed to support an application and, where applicable, the
methodology to be used in gathering information. The department shall specifically
inform the person giving notice of intent to apply for a prospecting or mining permit
of the type and quantity of information on the characteristics of groundwater
resources in the area in which prospecting or mining is anticipated to occur which
the department believes is needed to support an application, ~~including the~~
~~information that the department believes should be included in the applicant's~~
~~environmental impact report and the information that the department will need to~~
~~prepare an environmental impact statement.~~ The department shall also inform
begin informing the person giving notice of intent to apply for a prospecting or mining
permit of as to the timely application date and other filing requirements for all other
approvals, licenses, and permits relating to the proposed prospecting or mining
project so as to facilitate the consideration of all other matters at the hearing on the
prospecting or mining permit.

SECTION 146. 293.31 (4m) of the statutes is repealed.

SECTION 147. 293.32 (4) of the statutes is repealed.

SECTION 148. 293.37 (4) (b) of the statutes is amended to read:

293.37 (4) (b) If the department finds that the anticipated life and total area
of a nonferrous metallie mineral deposit are of sufficient magnitude that reclamation
of the mining site consistent with this chapter requires a comprehensive plan for the

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1 entire affected area, it shall require an operator to submit with the application for
2 a mining permit, amended mining site or change in mining or reclamation plan, a
3 comprehensive long-term plan showing, in detail satisfactory to the department, the
4 manner, location and time for reclamation of the entire area of contiguous land which
5 will be affected by mining and which is owned, leased or under option for purchase
6 or lease by the operator at the time of application. Where a ~~nonferrous metallic~~
7 mineral deposit lies on or under the lands of more than one operator, the department
8 shall require the operators to submit mutually consistent comprehensive plans.

9 **SECTION 149.** 293.37 (5) of the statutes is repealed.

10 **SECTION 150.** 293.40 of the statutes is repealed.

11 **SECTION 151.** 293.43 (1) of the statutes is amended to read:

12 293.43 (1) APPLICABILITY. This section, and ch. 227 where it is consistent, shall
13 govern all hearings on applications for prospecting or mining permits.

14 **SECTION 152.** 293.43 (1m) (b) of the statutes is amended to read:

15 293.43 (1m) (b) Except as provided in this section paragraph, for all
16 department issued approvals, licenses, and permits relating to prospecting or
17 mining, including solid waste feasibility report approvals and permits related to air
18 and water, to be issued after April 30, 1980, the notice, hearing, and comment
19 ~~process provisions, if any~~, and the time for issuance of decisions shall be controlled
20 by this section and ss. 293.45 and 293.49. If an applicant fails to make application
21 for an approval, license, or permit for an activity incidental to prospecting or mining
22 in time for notice under this section to be provided, the notice and comment
23 requirements, if any, shall be controlled by the specific statutory provisions with
24 respect to that application. If notice under those specific statutory notice
25 requirements can be given for consideration of the approval, license, or permit at the

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1 hearing under this section, the application shall be considered at that hearing;
2 otherwise, the specific statutory hearing provisions, if any, with respect to that
3 application shall control. The substantive requirements for the issuance of any
4 approval, permit, or license incidental to prospecting or mining are not affected by
5 the fact that a hearing on the approval, permit, or license is conducted as part of a
6 hearing under this section.

7 **SECTION 153.** 293.43 (2) of the statutes is created to read:

8 293.43 (2) LOCATION. The hearing shall be held in the county where the
9 prospecting or mining site, or the largest portion of the prospecting or mining site,
10 is located, but may subsequently be adjourned to other locations.

11 **SECTION 154.** 293.43 (2m) of the statutes is repealed.

12 **SECTION 155.** 293.43 (3) of the statutes is created to read:

13 293.43 (3) TIMING OF NOTICE AND OF HEARING; GIVING OF NOTICE. (a) If it is
14 determined that a statement under s. 1.11 is not required, the hearing shall be
15 scheduled for a date not less than 60 days nor more than 90 days after the
16 announcement of that determination, and the scheduling and providing of notice
17 shall be completed not later than 10 days following the announcement. Notice of the
18 hearing shall be given by mailing a copy of the notice to any known state agency
19 required to issue a permit for the proposed operation, to the regional planning
20 commission for the affected area, to the county, city, village, and town within which
21 any part of the affected area lies, to all persons who have requested this notification
22 and, if applicable, to all persons specified under par. (b) 3. and s. 281.35 (5) (b) and
23 (6) (f). Written comments may be submitted to the department within 30 days of the
24 date of notice.

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(b) If it is determined that a statement under s. 1.11 is required, or if an environmental impact statement is required under s. 293.39, the department shall hold at least one informational meeting regarding the preliminary environmental report within 60 days of its issuance. The meeting shall be held not sooner than 30 days nor later than 60 days after the issuance of the report. The scheduling and providing of notice of the meeting shall be completed not later than 10 days following the issuance of the preliminary environmental report. A hearing referred to under sub. (1m) shall be scheduled for a date not less than 120 days nor more than 180 days after the issuance of the environmental impact statement. The scheduling and providing of notice of the hearing shall be completed within 30 days from the date of issuance of the environmental impact statement. The providing of notice shall be accomplished by doing all of the following:

1. Mailing a copy of the notice to all known departments and agencies required to grant any permit necessary for the proposed operation, to any regional planning commission within which the affected area lies, to the governing bodies of all towns, villages, cities and counties within which any part of the proposed prospecting or mining site lies, to the governing bodies of any towns, villages, or cities contiguous to any town, village, or city within which any part of the proposed prospecting or mining site lies and to any interested persons who have requested such notification.

2. Publication of a class 2 notice, under ch. 985, utilizing a display advertising format, in the weekly newspaper published in the closest geographic proximity to the proposed prospecting or mining site, in the newspaper having the largest circulation in the county within which the proposed site lies, and in those newspapers published in counties contiguous to the county within which the proposed site lies that have a

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1 substantial circulation in the area of, or adjacent to, the proposed prospecting or
2 mining site.

3 3. Mailing a copy of the notice to the U.S. environmental protection agency, U.S.
4 army corps of engineers, and other states potentially affected by the proposed
5 discharge if a water discharge permit under ch. 283 is to be considered at the hearing
6 under this section and to the U.S. environmental protection agency and appropriate
7 agencies in other states that may be affected if an air pollution control permit under
8 ch. 285 is to be considered at the hearing under this section.

9 (c) Written comments may be submitted by any governmental agency within
10 80 days of the date of issuance of the statement under par. (b). Individual persons
11 may submit written comments within 120 days of the date of issuance of the
12 statement. The last day for receipt of comments shall be specified by the department
13 in all notices.

14 **SECTION 156.** 293.43 (3m) of the statutes is repealed.

15 **SECTION 157.** 293.43 (4) of the statutes is created to read:

16 293.43 (4) PARTICIPATION BY LOCAL GOVERNMENTS. Any county, town, village, or
17 city receiving notice of the filing of an application in the manner provided under sub.
18 (3) (a) or (b) shall refer the application and reclamation plan to a committee
19 established under s. 293.33 (1) or (2), if any, for review and comment. Such counties,
20 towns, villages, or cities may participate as a party in the hearing on the application
21 and may make recommendations on the reclamation plan and future use of the
22 project site.

23 **SECTION 158.** 293.43 (4m) of the statutes is repealed.

24 **SECTION 159.** 293.43 (5) of the statutes is created to read:

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1 293.43 (5) HEARING PROCEDURE. (a) At the opening of the hearing, the hearing
2 examiner shall advise all persons present of their right to express their views either
3 orally or in writing, under oath or otherwise, and of the legal effect of each form of
4 testimony. All interested persons, at the hearing or at a time set prior to the hearing,
5 shall be given an opportunity, subject to reasonable limitations on the presentation
6 of repetitious or irrelevant material, to express their views on any aspect of the
7 matters under consideration. The presentation of these views need not be under oath
8 nor subject to cross-examination. A written record of unsworn testimony shall be
9 made.

10 (b) Persons who wish to participate as parties shall file a written notice with
11 the hearing examiner setting forth their interest at least 30 days prior to the
12 scheduled time of the hearing or prior to the scheduled time of any prehearing
13 conference, whichever is earlier, unless good cause is shown.

14 (c) The record shall consist of the contested case portion of the proceeding.
15 Views given under par. (a) and all written comments submitted from any source shall
16 be placed in the file of the proceeding and shall be given appropriate probative value
17 by the hearing examiner or decisionmaker.

18 (d) Hearings conducted under this section may be continued for just cause.

19 (e) If evidence of conformance with applicable zoning ordinances as required
20 by s. 293.49 (1) (a) 6. is not presented by the time testimony is completed, the
21 department shall close the record and continue the hearing. The duration of the
22 continuance of the hearing shall be specified by the department at the time the
23 continuance begins, after first requesting the applicant to state the anticipated time
24 at which the evidence will be provided. The continuance may be extended by the
25 department prior to its expiration upon notice to all parties if good cause is shown.

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(f) Each approval or denial of a license or permit considered at the hearing under this section shall be made in findings of fact, conclusions of law, and an order setting forth reasons with clarity and in detail.

SECTION 160. 293.47 (1) (b) of the statutes is amended to read:

293.47 (1) (b) “Geologic information” means information concerning descriptions of ~~a nonferrous~~ an ore body, descriptions of reserves, tonnages, and grades of ~~nonferrous~~ ore, descriptions of a drill core or bulk sample including analysis, and descriptions of drill hole depths, distances, and similar information related to the ~~nonferrous~~ ore body.

SECTION 161. 293.49 (1) (a) (intro.) of the statutes is amended to read:

293.49 (1) (a) (intro.) Except as provided in sub. (2) and s. 293.50 and except with respect to property specified in s. 41.41 (11), within 90 days of the completion of the public hearing record, the department shall issue the mining permit if it finds:

SECTION 162. 293.49 (1) (a) 2m. of the statutes is repealed.

SECTION 163. 293.495 of the statutes is repealed.

SECTION 164. 293.50 of the statutes is created to read:

293.50 Moratorium on issuance of permits for mining of sulfide ore bodies. (1) In this section:

(a) “Pollution” means degradation that results in any violation of any environmental law as determined by an administrative proceeding, civil action, criminal action, or other legal proceeding. For the purpose of this paragraph, issuance of an order or acceptance of an agreement requiring corrective action or a stipulated fine, forfeiture, or other penalty is considered a determination of a violation, regardless of whether there is a finding or admission of liability.

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1 (b) "Sulfide ore body" means a mineral deposit in which nonferrous metals are
2 mixed with sulfide minerals.

3 (2) The department may not issue a permit under s. 293.49 for the purpose of
4 the mining of a sulfide ore body until all of the following conditions are satisfied:

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

11 (b) The department determines, based on information provided by an applicant
12 for a permit under s. 293.49 and verified by the department, that a mining operation
13 that operated in a sulfide ore body which, together with the host nonferrous rock, has
14 a net acid generating potential in the United States or Canada has been closed for
15 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 (2m) (a) The department may not base its determination under sub. (2) (a) or
18 (b) on any mining operation that has been listed on the national priorities list under
19 42 USC 9605 (a) (8) (B) or any mining operation for which the operator is no longer
20 in business and has no successor that may be liable for any contamination from the
21 mining operation and for which there are no other persons that may be liable for any
22 contamination from the mining operation.

23 (b) The department may not base its determination under sub. (2) (a) or (b) on
24 a mining operation unless the department determines, based on relevant data from
25 groundwater or surface water monitoring, that the mining operation has not caused

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1 significant environmental pollution from acid drainage at the tailings site or at the
2 mine site or from the release of heavy metals.

3 (3) This section applies without regard to the date of submission of the permit
4 application.

5 **SECTION 165.** 293.51 (title) of the statutes is amended to read:

6 **293.51 (title) Bonds and other security.**

7 **SECTION 166.** 293.51 (1) of the statutes is amended to read:

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

24 **SECTION 167.** 293.51 (1g) of the statutes is repealed.

25 **SECTION 168.** 293.51 (1m) of the statutes is repealed.

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1 **SECTION 169.** 293.51 (1r) of the statutes is repealed.

2 **SECTION 170.** 293.51 (3) of the statutes is amended to read:

3 293.51 **(3)** Upon approval of the operator's bond ~~or other security under subs.~~
4 ~~(1), (1g), (1m), and (1r)~~, mining application, and certificate of insurance, the
5 department shall issue written authorization to commence mining at the permitted
6 mining site in accordance with the approved mining and reclamation plans.

7 **SECTION 171.** 293.51 (5) of the statutes is repealed.

8 **SECTION 172.** 293.55 (1) (c) of the statutes is amended to read:

9 293.55 **(1) (c)** *Substantial changes.* The department shall determine if any
10 change in the mining or reclamation plans is substantial and provide notice of its
11 determination in the same manner as specified under s. 293.43 ~~(2m) (b)~~ (3) (b) 1. to
12 3.

13 **SECTION 173.** 293.55 (1) (d) of the statutes is amended to read:

14 293.55 **(1) (d)** *Notice.* The department shall provide notice of any modification
15 which involves an increase or decrease in the area of a mining site or a substantial
16 change in the mining or reclamation plan in the same manner as an original
17 application for a mining permit under s. 293.43 ~~(2m) (3)~~. If 5 or more interested
18 persons do not request a hearing in writing within 30 days of notice, no hearing is
19 required on the modification. The notice shall include a statement to this effect.

20 **SECTION 174.** 293.65 (3) (a) of the statutes is amended to read:

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

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SECTION 175. 293.65 (3) (b) of the statutes is amended to read:

293.65 (3) (b) The department may not issue an approval under s. 281.34 if the withdrawal of groundwater for prospecting or mining purposes 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. No withdrawal of groundwater for prospecting or mining purposes or the dewatering of mines may be made to the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state. Notwithstanding any limitation on approval conditions in s. 281.34, if the department determines that a proposed withdrawal of groundwater or 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 department shall include conditions in the mining or prospecting permit or in an approval issued under s. 281.34 to ensure that the withdrawal or dewatering will not result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state. These conditions may include a requirement that the applicant for the mining or prospecting permit or approval under s. 281.34 provide a replacement water supply of similar quality, provide an increased amount of water to the water supply, or temporarily augment the quantity of water in, or flowing into or from, the affected waters of the state that is of substantially similar quality and that has substantially similar characteristics to the water that was in the affected waters of the state before any proposed mining or prospecting activity began.

SECTION 176. 293.66 of the statutes is repealed.

SECTION 177. 293.81 of the statutes is amended to read:

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1 **293.81 Exploring, ~~bulk sampling~~, prospecting, and mining without**
2 **authorization.** Any person who engages in exploration without a license ~~or bulk~~
3 ~~sampling without the necessary license or approvals~~ shall forfeit not less than \$100
4 nor more than \$1,000 for each parcel as defined under s. 293.21 (1) (b) on which
5 unlicensed exploration ~~or bulk sampling without the necessary license or approvals~~
6 took place. Any person who authorizes or engages in prospecting without a
7 prospecting permit or any operator who authorizes or engages in mining without a
8 mining permit and written authorization to mine under s. 293.51 (3) shall forfeit all
9 profits obtained from such illegal activities and not more than \$10,000 for each day
10 during which the mine was in operation. The operator shall be liable to the
11 department for the full cost of reclaiming the affected area of land and any damages
12 caused by the mining operation. Each day's violation of this section shall be deemed
13 a separate offense. If the violator is a corporation, limited liability company,
14 partnership or association, any officer, director, member, manager or partner who
15 knowingly authorizes, supervises or contracts for exploration, ~~bulk sampling~~,
16 prospecting, or mining shall also be subject to the penalties of this section.

17 **SECTION 178.** 293.86 of the statutes is amended to read:

18 **293.86 Visitorial powers of department.** Any duly authorized officer,
19 employee or representative of the department may enter and inspect any property,
20 premises or place on or at which any prospecting or metallic mining operation or
21 facility is located or is being constructed or installed at any reasonable time for the
22 purpose of ascertaining the state of compliance with this chapter and chs. 281, 285,
23 289 to 292, 295, and 299, ~~subchs. I and II of ch. 295~~, and rules adopted pursuant
24 thereto. No person may refuse entry or access to any such authorized representative
25 of the department who requests entry for purposes of inspection, and who presents

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appropriate credentials, nor may any person obstruct, hamper or interfere with any such inspection. The department shall furnish to the prospector or operator, as indicated in the prospecting or mining permit, a written report setting forth all observations, relevant information and data which relate to compliance status.

SECTION 179. 293.95 of the statutes is repealed and recreated to read:

293.95 Review. Any person aggrieved by any decision of the department under this chapter may obtain its review under ch. 227.

SECTION 180. Chapter 295 (title) of the statutes is amended to read:

CHAPTER 295

NONMETALLIC MINING RECLAMATION;

OIL AND GAS; FERROUS METALLIC MINING

SECTION 181. 295.16 (4) (f) of the statutes is amended to read:

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

SECTION 182. Subchapter III of chapter 295 [precedes 295.40] of the statutes is repealed.

SECTION 183. 299.85 (7) (a) 2. and 4. of the statutes are amended to read:

299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b) 1., 295.37 (2), ~~295.79 (2) and (4)~~, 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if a regulated entity that qualifies

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1 under sub. (2) for participation in the Environmental Compliance Audit Program
2 corrects violations that it discloses in a report that meets the requirements of sub.
3 (3) within 90 days after the department receives the report that meets the
4 requirements of sub. (3), the regulated entity may not be required to forfeit more than
5 \$500 for each violation, regardless of the number of days during which the violation
6 continues.

7 4. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314
8 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m)
9 (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and
10 (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57
11 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a),
12 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b)
13 1., 295.37 (2), ~~295.79 (2) and (4)~~, 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3) (a)
14 and (c), and 299.97 (1), if the department approves a compliance schedule under sub.
15 (6) and the regulated entity corrects the violations according to the compliance
16 schedule, the regulated entity may not be required to forfeit more than \$500 for each
17 violation, regardless of the number of days during which the violation continues.

18 **SECTION 184.** 299.95 of the statutes is amended to read:

19 **299.95 Enforcement; duty of department of justice; expenses.** The
20 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
21 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,
22 permits, and water quality certifications of the department, except those
23 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided
24 in ss. 281.36 (14) (f), 285.86 and 299.85 (7) (am). ~~Except as provided in s. 295.79 (1),~~
25 ~~the~~ The circuit court for Dane county or for any other county where a violation

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1 occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295
2 or this chapter or the rule, special order, license, plan approval, permit, or
3 certification by injunctive and other relief appropriate for enforcement. For
4 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
5 the rule, special order, license, plan approval, permit or certification prohibits in
6 whole or in part any pollution, a violation is considered a public nuisance. The
7 department of natural resources may enter into agreements with the department of
8 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this
9 chapter. Any funds paid to the department of justice under these agreements shall
10 be credited to the appropriation account under s. 20.455 (1) (k).

11 **SECTION 185.** 323.60 (1) (gm) of the statutes is repealed.

12 **SECTION 186.** 323.60 (5) (d) 3. of the statutes is amended to read:

13 323.60 **(5)** (d) 3. All facilities with 10 or more employees in major group
14 classifications 10 to 13 in the standard industrial classification manual, 1987
15 edition, published by the U.S. office of management and budget, at which a toxic
16 chemical is used at or above an applicable threshold quantity, except that compliance
17 with the toxic chemical release form requirements under this subdivision is not
18 required for the placement of a toxic chemical in a storage or disposal site or facility
19 that is located at a facility with a permit under ch. 293 ~~or a mining permit under~~
20 ~~subch. III of ch. 295~~ if the toxic chemical consists of or is contained in merchantable
21 by-products, as defined in s. 293.01 (7) ~~or 295.41 (25)~~, minerals, as defined in s.
22 293.01 (8), or refuse, as defined in s. 293.01 (25) ~~or 295.41 (41)~~.

23 **SECTION 187.** 706.01 (9) of the statutes is amended to read:

24 706.01 **(9)** "Mining company" means any person or agent of a person who has
25 a prospecting permit under s. 293.45 or a mining permit under s. 293.49 ~~or 295.58~~.

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1 **SECTION 188.** 710.02 (2) (d) of the statutes is amended to read:

2 710.02 (2) (d) An exploration mining lease as defined in s. 107.001 (1) and land
3 used for mining and associated activities ~~under chs. 293 and 295.~~

4 **SECTION 189.** 2013 Wisconsin Act 1, section 103 is repealed.

5 **SECTION 190.** 2017 Wisconsin Act 183, section 27 is repealed.

6 **SECTION 191.** NR 132.06 (4) of the administrative code is created to read:

7 NR 132.06 (4) The department has been directed, pursuant to ch. 421, laws of
8 1977, to assure that mining activities conducted in this state result in a minimization
9 of disturbance to wetlands. The legislature has also directed, in ch. 377, laws of 1977,
10 that department rules relating to metallic mining wastes take into consideration the
11 special requirements of metallic mining operations in the location, design,
12 construction, operation and maintenance of sites and facilities for the disposal of
13 such wastes as well as any special environmental concerns that will arise as a result
14 of the disposal of the same. The department has established, in s. NR 1.95 an overall
15 framework for its decisions affecting wetlands. It is, therefore, the intent of this
16 subsection to implement these directives recognizing that, depending on the location
17 and site conditions involved in a particular case, it may be relatively easy to avoid
18 entirely the use of wetlands in some cases while being virtually impossible to avoid
19 their limited and carefully contemplated use in others and that the goal of the siting
20 process shall be the selection of sites that are most favorable taking into account all
21 pertinent factors. For purposes, therefore, of administering these directives and
22 rules and acting on permits, licenses and approvals, the following standards shall be
23 applied:

24 (a) The objective of the applicant's site selection process for mining facilities,
25 and for the disposal or storage of wastes or materials produced by such activities,

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1 shall be the selection of a viable site that would result in the least overall adverse
2 environmental impact.

3 (b) The applicant's site selection process shall include the identification and
4 analysis of various alternatives so that a legitimate comparison between the most
5 viable sites can be made by the department, realizing that a comparison will be made
6 between several sites, all of which may have some imperfections with regard to
7 environmental acceptability and none of which, in some cases, may be found to be
8 environmentally acceptable as a result of compliance with s. 1.11, Stats., and other
9 applicable Wisconsin laws.

10 (c) To ensure compliance with the requirement to minimize the disturbance of
11 wetlands, the applicant shall identify and the department shall analyze viable sites
12 which would result in the least overall adverse environmental impact and which
13 would also avoid the use of any wetlands. If such sites avoiding the use of wetlands
14 cannot be identified pursuant to the standards in this subsection, then the applicant
15 shall identify and the department shall analyze those viable sites which would result
16 in the least overall adverse environmental impact and which would also utilize,
17 consistent with minimizing total environmental impacts, the least acreage and the
18 least valuable wetlands directly and which would cause the least adverse impact on
19 the wetlands and waters of the state outside the proposed area of use.

20 (d) The use of wetlands for mining activities, including the disposal or storage
21 of mining wastes or materials, or the use of other lands for such uses which would
22 have a significant adverse effect on wetlands, are presumed to be unnecessary unless
23 the applicant demonstrates, taking into account economic, environmental, technical,
24 recreational and aesthetic factors, that the site proposed for use:

- 25 1. Constitutes a viable site;

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1 2. Is the alternative which causes the least overall adverse environmental
2 impact;

3 3. Will be used in a manner so as to minimize the loss of wetlands functions
4 which those wetlands may serve with respect to related wetlands or other waters of
5 the state, or both, outside the proposed area of use. As used in this paragraph, a
6 presumption shall not be construed to be a prohibition, but rather the creating of a
7 burden of proof on the applicant to demonstrate by the preponderance of evidence
8 that it has complied with all the siting principles and standards of this subsection.
9 As used in this section, viable means technically and economically feasible.

10 (e) With respect to mining activities sited, in whole or in part, in wetlands and
11 predating these rules as well as ch. 377, laws of 1977, the use of such wetlands for
12 such activities shall be deemed necessary hereunder and the site of such use shall
13 be deemed a viable site. The standards of minimization herein established to the
14 extent applicable to such preexisting activities by reason of s. 293.13 (2) (c) 8., Stats.,
15 shall be so applicable only to the extent specified in s. 293.91 (2), Stats. Furthermore,
16 any additional activities undertaken in wetlands by an applicant subsequent to the
17 effective date of these rules, which additional activities are undertaken to bring
18 activities of the applicant, which were sited in wetlands prior to these rules, into
19 prompt compliance with chs. 30, 281 and 283, Stats., as well as regulations, orders
20 and decisions thereunder, shall be deemed to be necessary so long as the applicant
21 demonstrates that, taking into account economic, environmental, technical,
22 recreational and aesthetic factors, the site proposed for use by such additional
23 activities will be used in a manner so as to minimize the loss of wetlands and the net
24 loss of functions which those wetlands may serve with respect to related wetlands
25 or other waters of the state, or both, outside the proposed area of use.

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1 (f) The department shall give special consideration to a site where it finds that
2 the degree of necessary improvement is of such extent and expense that compliance
3 cannot be accomplished without affecting wetlands.

4 (g) The applicant shall assist in the evaluation of environmental impacts as
5 mandated herein. All of the applicable following wetlands functions and values shall
6 be considered except as provided in par. (h):

7 1. 'Biological functions.' Wetlands are environments in which a variety of
8 biological functions occur. In many cases, wetlands are very productive ecosystems
9 which support a wide diversity of aquatic and terrestrial organisms. Many wetland
10 areas are vital spawning, breeding, nursery or feeding grounds for a variety of
11 indigenous species. Wetlands are sometimes the habitats for state or federally
12 designated rare, threatened or endangered species. Evaluation of the biological
13 functions should include consideration of the kinds, numbers and relative
14 abundance and distribution of plant and animal species supported by the area, net
15 primary productivity of plant communities, wildlife production and use, and the
16 kinds and amount of organic material transported to other aquatic systems as a
17 potential energy source for consumer organisms in those systems. Habitat
18 evaluation should consider the short- and long-term importance of the wetlands to
19 both aquatic and terrestrial species. In addition, the evaluation should include any
20 specialized wetland functions essential for an organism to complete its life cycle
21 requirements such as cover, spawning, feeding and the like. Each wetland under
22 consideration should be evaluated on a site specific basis.

23 2. 'Watershed functions.' In addition to their biological functions, wetlands
24 may serve important physical and chemical functions with respect to other wetlands
25 and waters of the state. A specific wetland, or set of wetlands, may play a critical role

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1 in maintaining the stability of the entire system to which it is physically and
2 functionally related. This functional role may include the maintenance of both the
3 hydrologic patterns and the physical and chemical processes of related wetlands and
4 other related waters of the state. Evaluation of wetland functions requires a
5 thorough analysis of the manner and extent to which the wetland serves to maintain
6 the hydrologic, physical and chemical processes of the larger ecosystem to which it
7 belongs. Factors to be considered in the evaluation process are discussed below. The
8 use of non-wetland areas may alter the hydrologic, chemical and physical processes
9 of wetlands outside the proposed area of use. The possibility of such impacts from
10 the use area into wetlands and other waters of the state outside the proposed area
11 of use should be carefully considered.

12 2c. 'Hydrologic support functions.' A particular wetland may function to
13 maintain the hydrologic characteristics, and thereby the physical and chemical
14 integrity of an entire aquatic ecosystem. Assessment of the hydrologic support
15 function shall consider the effects that modifications of a particular area could have
16 on the hydrologic relations to the whole wetland or aquatic ecosystem, and on the
17 cumulative effects of piecemeal alterations. Evaluation of wetlands hydrologic
18 functions shall include consideration of the wetland's location and topographic
19 position, the areal extent of the wetland within the associated system, the degree of
20 connection with other wetlands and waters of the state, and the hydrologic regime.
21 Hydrologic regime refers to the hydrologic characteristics of a wetland such as the
22 source of the water, its velocity, depth and fluctuation, renewal rate and temporal
23 patterns on timing. The water source determines ionic composition, oxygen
24 saturation, and potential pollutant load. Velocity affects turbulence and the ability
25 of the water to carry suspended particulate matter. Water depth and fluctuation

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1 patterns have a critical influence on the vegetation, wildlife, and physical-chemical
2 properties of the sediments and overlying waters. Renewal rate describes the
3 frequency of replacement of the water which depends on water depth and volume,
4 frequency of inundation and velocity. The temporal pattern refers to the frequency
5 of inundation and its regularity or predictability. The hydrologic regime of a wetland
6 influences the biological availability and transport of nutrients, detritus and other
7 organic and inorganic constituents between the particular wetland and other water
8 bodies. Other facets of the hydrologic regime may be considered in specific cases.
9 The location and topographic position of any particular wetland in relation to other
10 water systems determine in part the degree to which they are hydrologically
11 connected. The strongest hydrologic connections are likely to occur between
12 wetlands and other water systems which exchange water frequently and/or are
13 nearest to each other. The areal extent of any particular wetland in relation to the
14 total area of the surrounding watershed is an important criterion in evaluating the
15 hydrologic support function. This includes the relative spatial relationships between
16 specific areas under study and the total area of the adjacent wetland and any open
17 water areas in the watershed.

18 2f. 'Groundwater function.' Groundwater may discharge to a wetland,
19 recharge from a wetland to another area, evaporate from, and/or flow through a
20 wetland. The direction and rate of groundwater flow in a given wetland may change.
21 The criteria that should be considered for their influence on the recharge potential
22 include the total areal extent of wetlands and other waters in the particular drainage
23 basin, and the hydrologic characteristics of the associated aquifer or aquifers
24 including porosity, permeability and transmissivity.

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1 2i. 'Storm and flood water storage.' Some wetlands may be important for
2 storing water and retarding flow during periods of flood or storm discharge. Even
3 wetlands without surface water connections to other water bodies may serve this
4 function. Such wetlands can reduce or at least modify the potentially damaging
5 effects of floods by intercepting and retaining water which might otherwise be
6 channelled through open flow systems. The importance of a given wetland for storm
7 and flood water storage may be modified by the cumulative effects of the proposed
8 activities and previous activities within the watershed. The flood storage capacity
9 of a particular wetland is primarily a function of its area, basin shape, substrate
10 texture and previous degree of saturation. In general, the greater the area of the
11 wetland and the coarser the texture of the substrate, the greater the potential for
12 flood water storage, given unsaturated field conditions. Similarly, wetland
13 vegetation is an important factor in reducing the energy of flood or storm water.

14 2m. 'Shoreline protection.' Wetlands also function to dissipate the energy of
15 wave motion and runoff surges from storms and snowmelt, and thus lessen the
16 effects of shoreline erosion. Wave action shielding by wetlands is not only important
17 in preserving shorelines and channels, but also in protecting valuable residential,
18 commercial and industrial acreage located adjacent to the aquatic ecosystems. The
19 capacity of a particular wetland to act as an erosional buffer for a shoreline depends
20 on such factors as the vegetation characteristics, the shape and size of the wetland
21 and the adjacent shoreline morphology. The protection of shorelines by wetlands
22 depends primarily on the floristic composition, structure and density of the plant
23 community. Shoreline morphology along with fetch, adjacent bottom topography
24 and wetland vegetation are important considerations in evaluating a wetland for its
25 shoreline protection functions. Wetlands along shorelines with long fetches are

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likely to be associated with major waters of the state and shall not be considered for use.

2p. 'Other watershed functions.' A wetland may perform a variety of other important functions within a watershed. Wetlands may degrade, inactivate, or store materials such as heavy metals, sediments, nutrients, and organic compounds that would otherwise drain into waterways. However, wetlands may subsequently release potentially harmful materials if the wetland soil is disturbed or its oxidation-reduction conditions altered. Potential alterations of these processes must be considered in the analysis, especially with regard to impacts on wetlands outside the proposed area of use. In assessing the importance of a particular wetland to the performance of watershed functions which influence the physical, chemical and biological properties of related waters, the following shall be considered:

- a. Density and distribution of plants;
- b. Area, depth and basin shape;
- c. Hydrologic regime;
- d. Physical, chemical and biological properties of the water and soil;
- e. Relationship of wetland size to watershed size;
- f. The number and size of other wetlands remaining in that watershed;
- g. Topography of the watershed;
- h. Position of the wetland within the watershed relative to springs, lakes, rivers and other waters;
- i. Land use practices and trends within the watershed, or the likelihood of nutrient, sediment or toxin loads increasing.

3. 'Recreational, cultural and economic value.' Some wetlands are particularly valuable in meeting the demand for recreational areas, directly or indirectly, by

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1 helping to maintain water quality and providing wildlife habitat. Examples of
2 recreational uses include: hunting, canoeing, hiking, snowshoeing, and nature
3 study. To some people and cultures certain wetlands provide an important part of
4 their economic base and/or contribute to their cultural heritage. In assessing the
5 recreational, cultural and economic potential of a particular wetland, the following
6 should be considered:

- 7 a. Wetland type;
- 8 b. Size;
- 9 c. Suitability and compatibility for the different types of recreational uses;
- 10 d. Legal access.
- 11 e. Accessibility without damage to other wetland values or functions;
- 12 f. Proximity to users;
- 13 g. Position in relation to lakes, rivers and other waters;
- 14 h. Whether it provides habitat for or produces species of recreational, cultural
15 or economic interest; and
- 16 i. Whether the products of some wetlands species (e.g., wild rice, furbearers,
17 fish) have special cultural value and/or provide a significant portion of the economic
18 base for the people of a region.

19 4. 'Scarcity of wetland type.' Certain wetland types (e.g., fens, wild rice lakes)
20 which are statewide or regionally scarce possess special resource significance.
21 Scarcity or rareness depends on the frequency of occurrence of the type, the area of
22 the type in existence prior to settlement, the historical conversion of the type and its
23 resultant degree of destruction, and the amount of similar habitat in the present
24 landscape of the region. In assessing the scarcity of a particular wetland, a

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1 comparative measure of the commonness among all wetland types and the degree to
2 which wetlands of all types occur in the surrounding landscape should be considered.

3 5. 'Aquatic study areas, sanctuaries and refuges.' Through various local, state
4 and federal actions, large areas of the nation's wetlands have been designated and
5 preserved by public agencies for scientific study, and the protection of aquatic and
6 terrestrial habitats. Many public and private groups have also established
7 sanctuaries and refuges in wetlands. Wetland areas that are legally and/or
8 administratively controlled as such, or that are included or nominated for inclusion
9 in the national register of natural landmarks, could be comparatively important.
10 Wetland areas of significant social, cultural, or historic value, such as known
11 landmarks, are considered important.

12 6. 'The ecosystem concept in a regional context.' The previous subsections
13 suggest that wetlands may not only have important functions within their
14 boundaries, but may also interact with ecosystems of the surrounding region. The
15 potential impact of wetland modification may influence distant wetlands if they are
16 structurally and functionally related in the region. Similarly, the functions and
17 values of any wetland may be affected by other existing and potential water resource
18 activities in the region. Therefore, consideration should be given to those impacts
19 which are shown to be of regional concern.

20 (h) All wetlands which are to be used by the proposed activity shall be
21 inventoried and analyzed pursuant to this chapter. The use of such wetlands shall
22 be de minimis and, therefore, exempt from further application of this section, if the
23 applicant demonstrates the following by a preponderance of evidence:

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1 1. The wetlands to be used are or can be made to be sufficiently hydrologically
2 isolated from the surface and underground waters of the state so that no violations
3 of applicable laws and regulations would result;

4 2. The wetlands are not special or unique utilizing the result of the analysis
5 made pursuant to this chapter; and

6 3. The area of wetlands to be used shall not exceed 5 acres.

7 **SECTION 192.** NR 132.17 (13) of the administrative code is amended to read:

8 NR 132.17 (13) Tailings transport systems, if not buried, should be designed
9 to provide for emergency tailings conveyance or storage should a pipeline break,
10 plug, freeze or require repairs and be made accessible for inspection, emergency
11 repair and maintenance. Location of emergency spill areas must be consistent with
12 the prevention of environmental pollution of surface waters and with the standards
13 of ~~s. ss.~~ NR 132.06 (4), 132.19, and 182.07 (2). In the event of a power failure, tailing
14 pipelines should be self draining to the tailings area or to an emergency spill area or
15 standby pumps and pipelines or standby power should be provided. In some cases
16 (e.g., a long pipeline over rough country), several spill areas may have to be provided.

17 **SECTION 193.** NR 132.18 (1) (f) of the administrative code is amended to read:

18 NR 132.18 (1) (f) Within wetlands, except pursuant to the provisions under ~~s.~~
19 ~~281.36~~ criteria established in s. NR 132.06 (4).

20 **SECTION 194.** NR 182.07 of the administrative code is renumbered NR 182.07

21 (1).

22 **SECTION 195.** NR 182.07 (2) of the administrative code is created to read:

23 NR 182.07 (2) Any proposal to establish a site or facility shall comply with the
24 standards and procedures in s. NR 132.06 (4), relating to the minimization of
25 disturbance to wetlands.

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1 **SECTION 196.** NR 182.08 (2) (d) 8. e. of the administrative code is amended to
2 read:

3 NR 182.08 (2) (d) 8. e. A table shall be provided showing existing water quality
4 of all potentially affected surface waters. The table shall include those surface
5 waters identified under s. NR 182.07 (1). Important aquatic habitat, such as class
6 II trout stream or state scenic river, shall be indicated.

7 **SECTION 197. Nonstatutory provisions.**

8 (1) RULES. If the department of natural resources has promulgated rules under
9 2013 Wisconsin Act 1, section 103, on or before the effective date of this subsection,
10 the department of natural resources shall promulgate rules that do all of the
11 following:

12 (a) Revise the rules promulgated under 2013 Wisconsin Act 1, section 103 (1)
13 (a) so that those rules apply to ferrous metallic mining.

14 (b) Revise the rules promulgated under 2013 Wisconsin Act 1, section 103 (1)
15 (b) so that those rules are consistent with the repeal by this act of subch. III of ch.
16 295.

17 (c) Revise the rules promulgated under 2013 Wisconsin Act 1, section 103 (1)
18 (c) so that the exemptions specified in those rules do not apply to ferrous mining and
19 associated activities.

20 (2) STATEMENT OF SCOPE. The department of natural resources shall present the
21 statement of scope of the rules required under sub. (1) to the governor for approval
22 under s. 227.135 (2) no later than the 30th day after the effective date of this
23 subsection. The department of natural resources shall submit in proposed form the
24 rules required under sub. (1) to the legislative council staff under s. 227.15 (1) no

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1 later than the first day of the 5th month beginning after the governor approves the
2 statement of scope of the rules.

3 (3) GENERAL PROGRAM OPERATIONS — FEDERAL FUNDS. The authorized FTE
4 positions for the department of natural resources are increased by 0.75 FED educator
5 positions, to be funded from the appropriation under s. 20.370 (1) (my).

6 (4) GENERAL PROGRAM OPERATIONS — FEDERAL FUNDS. The authorized FTE
7 positions for the department of natural resources are increased by 9.25 FED science
8 services positions, to be funded from the appropriation under s. 20.370 (3) (my).

9 (5) INDIRECT COST REIMBURSEMENTS. The authorized FTE positions for the
10 department of natural resources are increased by 1.0 FED educator position, to be
11 funded from the appropriation under s. 20.370 (9) (mz).

12 **SECTION 198. Fiscal changes.**

13 (1) GENERAL PROGRAM OPERATIONS — STATE FUNDS; FISH, WILDLIFE, AND PARKS.

14 (a) In the schedule under s. 20.005 (3) for the appropriation to the department
15 of natural resources under s. 20.370 (1) (mu), the dollar amount for fiscal year
16 2019-20 is increased by \$495,400 to increase the authorized FTE positions for the
17 department by 4.6 SEG science services positions. In the schedule under s. 20.005
18 (3) for the appropriation to the department of natural resources under s. 20.370 (1)
19 (mu), the dollar amount for fiscal year 2020-21 is increased by \$495,400 to increase
20 the authorized FTE positions for the department by 4.6 SEG science services
21 positions.

22 (b) In the schedule under s. 20.005 (3) for the appropriation to the department
23 of natural resources under s. 20.370 (1) (mu), the dollar amount for fiscal year
24 2019-20 is increased by \$344,600 to increase the authorized FTE positions for the
25 department by 4.25 SEG educator positions. In the schedule under s. 20.005 (3) for

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1 the appropriation to the department of natural resources under s. 20.370 (1) (mu),
2 the dollar amount for fiscal year 2020-21 is increased by \$344,600 to increase the
3 authorized FTE positions for the department by 4.25 SEG educator positions.

4 (2) GENERAL PROGRAM OPERATIONS — STATE FUNDS; FORESTRY. In the schedule
5 under s. 20.005 (3) for the appropriation to the department of natural resources
6 under s. 20.370 (2) (mv), the dollar amount for fiscal year 2019-20 is increased by
7 \$268,700 to increase the authorized FTE positions for the department by 2.5 SEG
8 science services positions. In the schedule under s. 20.005 (3) for the appropriation
9 to the department of natural resources under s. 20.370 (2) (mv), the dollar amount
10 for fiscal year 2020-21 is increased by \$268,700 to increase the authorized FTE
11 positions for the department by 2.5 SEG science services positions.

12 (3) WATER RESOURCES MANAGEMENT — LAKE, RIVER, AND INVASIVE SPECIES
13 MANAGEMENT. In the schedule under s. 20.005 (3) for the appropriation to the
14 department of natural resources under s. 20.370 (4) (aq), the dollar amount for fiscal
15 year 2019-20 is increased by \$28,900 to increase the authorized FTE positions for
16 the department by 0.3 SEG science services position. In the schedule under s. 20.005
17 (3) for the appropriation to the department of natural resources under s. 20.370 (4)
18 (aq), the dollar amount for fiscal year 2020-21 is increased by \$28,900 to increase the
19 authorized FTE positions for the department by 0.3 SEG science services position.

20 (4) RECYCLING; ADMINISTRATION. In the schedule under s. 20.005 (3) for the
21 appropriation to the department of natural resources under s. 20.370 (4) (hq), the
22 dollar amount for fiscal year 2019-20 is increased by \$79,400 to increase the
23 authorized FTE positions for the department by 1.0 SEG educator position. In the
24 schedule under s. 20.005 (3) for the appropriation to the department of natural
25 resources under s. 20.370 (4) (hq), the dollar amount for fiscal year 2020-21 is

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1 increased by \$79,400 to increase the authorized FTE positions for the department
2 by 1.0 SEG educator position.

3 (5) NATURAL RESOURCES MAGAZINE. In the schedule under s. 20.005 (3) for the
4 appropriation to the department of natural resources under s. 20.370 (9) (iq), the
5 dollar amount for fiscal year 2019-20 is increased by \$81,700 to increase the
6 authorized FTE positions for the department by 1.0 SEG educator position. In the
7 schedule under s. 20.005 (3) for the appropriation to the department of natural
8 resources under s. 20.370 (9) (iq), the dollar amount for fiscal year 2020-21 is
9 increased by \$81,700 to increase the authorized FTE positions for the department
10 by 1.0 SEG educator position.

11 (6) ENVIRONMENTAL QUALITY — LABORATORY CERTIFICATION. In the schedule under
12 s. 20.005 (3) for the appropriation to the department of natural resources under s.
13 20.370 (9) (fj), the dollar amount for fiscal year 2019-20 is increased by \$103,800 to
14 increase the authorized FTE positions for the department by 1.25 PR science services
15 positions. In the schedule under s. 20.005 (3) for the appropriation to the department
16 of natural resources under s. 20.370 (9) (fj), the dollar amount for fiscal year 2020-21
17 is increased by \$103,800 to increase the authorized FTE positions for the department
18 by 1.25 PR science services positions.

19 (7) GENERAL PROGRAM OPERATIONS, NONPOINT SOURCE — ENVIRONMENTAL FUND. In
20 the schedule under s. 20.005 (3) for the appropriation to the department of natural
21 resources under s. 20.370 (9) (mr), the dollar amount for fiscal year 2019-20 is
22 increased by \$50,400 to increase the authorized FTE positions for the department
23 by 0.5 SEG science services position. In the schedule under s. 20.005 (3) for the
24 appropriation to the department of natural resources under s. 20.370 (9) (mr), the

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1 dollar amount for fiscal year 2020-21 is increased by \$50,400 to increase the
2 authorized FTE positions for the department by 0.5 SEG science services position.

3 (8) GENERAL PROGRAM OPERATIONS — STATE FUNDS; EXTERNAL SERVICES. In the
4 schedule under s. 20.005 (3) for the appropriation to the department of natural
5 resources under s. 20.370 (9) (mu), the dollar amount for fiscal year 2019-20 is
6 increased by \$220,000 to increase the authorized FTE positions for the department
7 by 3.0 SEG educator positions. In the schedule under s. 20.005 (3) for the
8 appropriation to the department of natural resources under s. 20.370 (9) (mu), the
9 dollar amount for fiscal year 2020-21 is increased by \$220,000 to increase the
10 authorized FTE positions for the department by 3.0 SEG educator positions.

11 (9) ASSISTANT ATTORNEY GENERAL AND PARALEGAL POSITIONS. In the schedule
12 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
13 (1) (a), the dollar amount for fiscal year 2019-20 is increased by \$195,400 to increase
14 the authorized FTE positions for the department by 2.0 GPR assistant attorney
15 general positions and 1.0 GPR paralegal position for environmental protection
16 purposes. In the schedule under s. 20.005 (3) for the appropriation to the department
17 of justice under s. 20.455 (1) (a), the dollar amount for fiscal year 2020-21 is
18 increased by \$195,400 to provide funding for the positions authorized under this
19 subsection.

20 (END)