

Non-Metallic Mining Advisory Committee (NMAC)  
2025 Annual Meeting Notes  
October 14, 2025, 2:00PM-4:30PM via TEAMS

Attendees:

Member representatives: Tracy Arnold (Portage County) – WI Land & Water, Bob Bingen (Michels Corporation) – APW, James Hoffman (Hoffman Construction) – WMC, Bryce Johnson (Dodge County) – WCCA, Mark Krumenacher (GZA Consulting) – WISA, Bob Servais (Milestone Materials) – WTBA, Clint Weninger (Payne and Dolan) – WTBA, James Zambito (Beloit College) – WGNHS

WDNR: Roberta Walls, Erik Flesch, Kyle McLaughlin, Greg Pils, Craig Sparks

Guests: 20 individuals representing Counties, Mining Companies and Non-Government Organizations

- I. Meeting Opens
  - a. Welcome and introductions of NMAC members and the DNR nonmetallic mine reclamation program staff.
  - b. History and purpose of the meeting
    - i. A brief history of the development of NR135 and the Technical Advisory Committee was provided.
    - ii. The function of NMAC in NR135.51 Wis. Adm. Code:
      1. Advisory to the Department on administration of the reclamation program.
      2. Consult with the Department on any Regulatory Authority (RA) not meeting the requirements of the program through audits. To date, the Department has not requested consultation for any RA.
- II. State of the Reclamation Program
  - a. Regulatory authority annual reporting
    - i. Main trends from the 2024 reporting period:
      1. New version of annual reporting tool debuted including a new secure login system with multifactor authentication called My Wisconsin ID. The annual reporting tool was the first program in the agency to transition to the new secure login.
      2. A summary was provided of data collected from the annual reports including information on mine sizes, number of reclamation permits issued and number of acres being mined vs acres reclaimed. Trends indicate a steady number of reclamation permits with increasing mine size over time.
      3. A summary was provided of administrative actions including the number of alternative approvals, modifications, enforcement, suspensions, revocations, and hearings held statewide. While RAs employed 17 enforcement actions in 2024, no permits were suspended or revoked.

b. Regulatory authority audits

i. Overview of audits:

1. Provided the statutory directive to conduct audits, the timeline they must be conducted in, and process for determination of RA compliance with the program.
2. The Department conducted 8 audits in 2025 and included 5 Counties and 3 local municipalities.

ii. Main trends from the 2025 audit season:

1. Common categories where RAs did well: Denial of Application, Reporting and Fee forwarding to DNR, and Responding to Complaints.
2. Common categories where RAs were found non-compliant: Reclamation Plan Content, Determining Financial Assurance, and Reasonableness of Fees.
3. Successful audit closure: Process with Rock County as an example of successful completion with steps the county took to satisfy audit categories.
4. DNR audit capacity and status of outstanding audits with potential remedies under consideration:
  - a. Half of all RAs in the state are due for an audit with 70% past due going into 2026.
  - b. Considerations for remedy include:
    - i. Performing truncated/targeted audits,
    - ii. Program support information,
    - iii. Additional RA outreach and education.
  - c. Input from members included support for targeted audits where key program functions are the focus.

iii. Questions from members:

1. How long does it take to perform an audit?
  - a. A typical audit can take up to 80 hours staff time including prep time, pre-audit review, 1-2 days in the field and post audit follow up and report writing.
2. What flexibility on audit topics is allowed?
  - a. Terminology in the code allows the Department to exercise flexibility within the confines of the categories listed therein. NMAC members supported a focus of audit categories on critical program elements with other categories worked in as needed.

c. Regulatory authority survey

- i. Overview: The Department conducted a survey to gain RA input on the use of the new reporting tool, fee payment system and address broader questions on program priorities, support, and training initiatives. The survey had a 70% RA response rate.

ii. Key Takeaways:

1. RA Demographic: There is a growing gap between new RAs to the role v. RAs with 10+ years of experience.

2. RA contacts to the department: The majority of RA's reported contacting the Department at least once per year with 75% of RAs with one year or less experience contacting the department 2 or more times.
3. Training preferences: RAs identified several topics of interest for training needs and 81% preferred the training be provided online.
4. Training topics: Topics of interest included several areas of technical and administrative processes and rule interpretations. This ranged from:
  - a. Permit review and issuance
  - b. Reclamation plan content
  - c. Financial assurance determinations
  - d. Handling split jurisdictions with DNR's Waterways program
 Priority of training topics differed between RAs that were newer to the role versus those who had 10+ years' experience.

iii. Next Steps:

1. When the survey report is finalized, it will be shared with the NMAC members and RAs.
2. The Department will look to the survey results to glean priorities for the future of the program.

### III. Member Discussion

a. Round robin updates

i. County and Academia updates

1. WI Land and Water: Several RAs have called seeking help with administration (financial assurance, inspections, fees, and plan reviews). One RA was concerned about multiple audits in a ten-year timeframe. New RAs need training with experienced RAs and was surprised at the survey findings regarding the preferences for virtual training. The Department noted that reviews conducted in 2017 did not qualify as an audit per NR135.47 Wis. Adm. Code. A question about budget limitations as a potential driver for virtual training preference was asked and needs further exploration.
2. Scientific/Academic Member Update
  - a. Wisconsin Geological and Natural History Survey (WGNHS) mapping:
    - i. Bedrock mapping in Crawford, Lafayette, Grant Counties
    - ii. Revision of Precambrian Stratigraphy in the Baraboo Hills
    - iii. Bedrock map for Jefferson County
    - iv. New statewide Quaternary Geology of WI map
      1. 1:500,000 scale map of Wisconsin depicts sediment deposited by glaciers, streams, wind, and other processes during the Quaternary Period (2.58 million years ago to present).
      2. <https://home.wgnhs.wisc.edu/maps-publications/interactive-mapping-status-portal/>
  - b. WGNHS Earth MRI Update: (NMAC requested last year)

- i. Earth MRI (Mapping Resources Initiative) provides resources to state geological surveys and industry partners to conduct geologic mapping and collect geophysical data to inventory critical economic and strategic minerals in the United States.
    - ii. WGNHS received \$207,269 for a three-year (2024-27) mapping project at the northern edge of the Upper Mississippi Valley mining district in Iowa County. WGNHS also continued collaborating with the Illinois State Geological Survey and the Iowa Geological Survey on an Earth MRI project to collect geochemical data in the Upper Mississippi Valley mining district, compile historic mine information, and create subsurface maps of the ore districts.
  - c. Beloit College:
    - i. Mineralogy and Geochemistry of Cambrian sandstone in Buffalo County
    - ii. <https://keckgeology.org/2024/11/wisconsingateway2025/>
    - iii. Preliminary results are that the site-specific mineralization previously described in Trempealeau County continues into Buffalo County
    - iv. Thank you to Milestone Materials for hosting Beloit College students at their office, laboratory, and quarries and providing career preparedness outreach to the students.
- 3. Wisconsin County Code Administrators (WCCA): Newest representative on the NMAC and is looking forward to contributing to the committee and learning about the issues facing the reclamation program.
- ii. Industry Updates
  - 1. Wisconsin Transportation Builders Association (WTBA):
    - a. General comment: Shared excitement about the survey that was conducted and look forward to seeing the final report.
    - b. Industry update: Statewide funding for new road projects increased for the FY25-27 biennium. State road rehabilitation projects received a 17.3% increase to \$386M with an overall increase of \$199M in all road building projects. As a result, there is an expected increased need for aggregate for at least the next two-year period. Concrete demand is up 57% to 2M square yards with road base need up 10%.
    - c. NR135 administration feedback: WTBA members were supportive of an abbreviated or prioritized audit as a means to get caught up. A suggestion for the new mining management system be enhanced to aid the audit process and compliance tracking.
    - d. Operator partnerships: Industry noted the increase of knowledge gaps when applying for new reclamation permits. It was evident some RAs were learning the program and worked patiently with them. There was interest by industry to help out with training up of

RAs as a way to address the knowledge gap. Industry sees this as an opportunity for improvement, to streamline and support contemporaneous reclamation as part of mining.

- e. Reclamation activity: WTBA member shared a video clip of reclamation activity. The video clip demonstrated an example of creative progressive reclamation in LaCrosse County, a site where the property will be residential when complete, and a reclaimed site to a tree nursery. Industry will continue to gather video of reclamation successes and possibly fly drones to gather success stories of working under NR135.

2. Aggregate Producers of Wisconsin (APW):

- a. Industry update: The organization is continuing efforts with DNR waterway program to make things go more smoothly with the overlap between NR135 and Ch. 30 for nonmetallic mine reclamation.
- b. Criteria for success: A discussion regarding criteria for success took place. In an example, a site with a post mining land use as a cornfield had an RA looking to tie reclamation to the yield of the cornfield as opposed to the proposed percent cover. The WTBA members felt that the operator can specify the criteria. Other industry members felt that there should be no ties to productivity and that the reclamation is focused more on stability of the ground and getting it into use. County input indicates that if the criteria has to be based on yield, it should be tied to pre-mining yields. County added that it could be a cover crop and not necessarily a quantifiable yield.

Industry members are concerned that a criteria that is tied to yield would be difficult. The site can be regraded and replace topsoil, but the end result is dependent on mother nature and the practices of farmer. Industry says if DNR insists on production records, operators will just select passive recreation for a post mining land use.

The Department's position is that the criterion in the plan meets the reclamation standards. It does have to be quantifiable, and yield is one quantifiable measure. Other measures could include soil health, cover crop, or other components that could be identified in the reclamation plan. Industry members felt that the criteria needs to be appropriate for the type of agricultural use.

- c. Forfeiture of financial assurance: The APW member inquired of DNR if there is a list of sites where the county had to get involved with reclamation to take over (Ex: bankruptcy or foreclosure). Roberta is familiar with around 3 situations in recent years: 2 industrial sand sites and one aggregate site. These cases, the RA claimed the financial assurance and directed reclamation of site.

3. Wisconsin Manufacturers & Commerce (WMC):
  - a. Administrative Rules: The organization has concern with a supreme court ruling that impacts rulemaking in the state. The industry feels their hands could be tied when it comes to the effect of rulemaking by agencies and not having a voice in changes that would be made. The Department indicated that it was unclear how this would impact reclamation rule making and that there were no current plans to open NR135 at this time.
  - b. Successful reclamation to aquaculture: An example of recent reclamation success was shared in converting wash ponds to commercial fishponds. The site was quite large and was able to support mature sized muskellunge.
4. Wisconsin Industrial Sand Association (WISA):
  - a. Wisconsin Industrial Sand member announced retirement from consulting work this year but is staying active with the organization.
  - b. The industry as a whole has settled to the current level in WI and is expected to remain at this level for the foreseeable future.

b. Topics of interest

- i. Submitted Topic: Members of industry asked the department for examples of areas where RAs have stepped outside of reclamation authority (as found by audits).

1. Examples of permit conditions from audit years 2022-2025: Permit conditions found to be outside of reclamation authority fell under three groups:
  - a. Those that exceed NR135
  - b. Those focused on operations
  - c. Those focused on zoning (land use) or under other agency authorities.

Examples provided in each group were representations of actual conditions and were often used by more than one RA audited.

2. Discussion: Producer members feel this category is a priority and should be included in an audit, whether comprehensive or truncated. Specific comments were as follows:
  - a. WTBA:
    - i. Industry feels it important that NR 135 intention be maintained: Reclaimed site be left in a safe, stable, revegetated condition to allow the land to be put back to end use. This would not be prescriptive in nature. This is separate from other aspects of zoning such as authorized under CUPs and policing powers.
    - ii. Industry members have been on the lookout for conditions outside of authority which can complicate things and have observed circumstances where some County's Board of Adjustment may impose conditions on reclamation where zoning didn't apply.

- b. WI Land and Water: Too many conditions can create issues.
- c. WISA: Ordinances in counties worked with all mirror NR135. A smaller 10-page reclamation plan suffices and is convenient. These are easy to implement. In some other counties, restrictions outside of reclamation seem to be throwbacks, but is getting better, possibly due to education.

IV. Public Discussion

- a. The East Central WI Regional Planning Commission supported all the comments within the member discussion and would like to support the Department in RA training efforts and other program endeavors. It was also good to see the reclamation examples provided by WTBA and the update on the research work at the Geological Survey and universities.
- b. A comment was received asking the Department to update the DNR's NMAC website with past meeting notes and member information.

V. Meeting Wrap-Up

The Department thanked all members and participants for joining the meeting and providing input. A good deal of information was shared and serves to help the Department plan the reclamation focus and efforts going forward into 2026.