Non-Metallic Mine Reclamation Plan Guidance

WDNR – SS-1206-2021 Approved by EASMT XX/XX/XXXX

Bureau of Environmental Analysis and Sustainability

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DISCLAIMER

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statue or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statues and administrative rules to the relevant facts.

I. Background

Requirements related to reclamation of nonmetallic mining sites established in chapter 295, Wis. Stats. and promulgated by chapter NR 135, Wis. Adm. Code seek to ensure non-metallic mines in the state are reclaimed according to uniform standards and in accordance with an approved reclamation plan. The goals of reclamation are to rehabilitate nonmetallic mining sites which: promotes the removal or reuse of refuse and roads no longer in use, stabilization and re-vegetation, control of surface water and groundwater quality and quantity, prevent environmental pollution, and the development and restoration of aquatic and terrestrial habitat. The goals also aim to assure nonmetallic mining activities promote successful reclamation consistent with the standards in ch. NR 135, minimizes the cost and to the extent practicable minimizes areas disturbed through contemporaneous reclamation. *See* ss. NR 135.01(1)(a) and (b), Wis. Adm. Code.

The regulatory framework for nonmetallic mining reclamation specifies that the direct implementation of the program is to be carried out by local units of government under general oversight and direction of the Wisconsin Department of Natural Resources (DNR). The reclamation program is intended to be separate from general land use zoning and conditional use purviews and does not replace other existing and applicable federal, state, county and local requirements. Land use and mine operation decisions are to be addressed within the existing county or local zoning process. The requirements contained in NR 135 serve only to establish uniform procedures and standards for reclamation of Wisconsin's nonmetallic mining sites.

The Regulatory Authority (RA)'s review of the reclamation plan will focus on whether or not the plan provides adequate detail on how reclamation will be conducted. The RA will evaluate the plan to determine how well it meets the uniform statewide reclamation standards and whether the target post-mining land use(s) can be achieved.

When the reclamation plan is deemed complete, the RA will inform the applicant of its decision to approve the plan, deny approval, or approve it with conditions. If approved, the RA will issue a reclamation permit or other approval decision to the applicant.

Once the operator pays the annual fees for un-reclaimed acreage and provides for financial assurance, mining may commence.

II. Description

The post-mining land use, mining plan and geological resources of the site all contribute to the level of detail required in a specific reclamation plan. Some plans may be simple and straight-forward while others may require significant details to adequately convey how the reclamation plan will be implemented. Outside assistance may be required to prepare or review more complex plans. Regardless of the complexity, the reclamation plan is intended to serve as a guide to the operator, and as a reference for the regulatory authority to know when reclamation has been achieved.

Components of an effective reclamation plan include the sections on site information, reclamation measures, and criteria for successful reclamation. Each of these sections are dictated by the post mining land use and provide a framework for both the RA and the operator to determine when a reclamation project has been successfully completed.

This guidance is intended to:

- Assist nonmetallic mine operators in preparing reclamation plans for their nonmetallic mining sites, in keeping with county and comprehensive plans.
- Assist county and local regulatory authorities in reviewing those plans.

III. Reclamation Plan Requirements

Preparation of the reclamation plan should focus on the site's post-mining land use and how the reclamation activities will be structured. The plan should convey minimization of unnecessary handling of materials and how the reclaimed site will be compatible with the surrounding environment.

All reclamation plans must be prepared so they are compliant with the reclamation standards in ch. NR 135. Each item discussed below must be addressed in the plan.

A. Site Information (s. NR 135.19(2))

The reclamation plan must contain enough information about the mine site to successfully implement the reclamation plan and achieve the desired final land use. The compilation and presentation of this information is critical towards achieving effective reclamation of the mine site. Adequate information concerning the site's existing conditions and available resources is important and valuable to the RA during review of the plan and to the operator to achieve the appropriate standards for reclamation. Site information includes maps of existing conditions, topsoil and biological information, starting topography, manmade features, and any previously mined areas.

1. Maps (s. NR 135.19(2)(a))

Where feasible, it is recommended that mine operators combine information from separate maps into one map to satisfy requirements of a similar nature. Prepare the maps with an appropriate scale for ease in review. Aerial photos are available through WDNR and the county in most locations. Map should include at least the following:

a. General Location: A general location map including reference features and labels to locate and identify the property.
b. Property Boundaries: Include each adjacent landowner. County plat maps work well as a source.
c. Areal Extent: Draw in the proposed and potential (if known) boundaries of the site's extraction area. Indicate phases as applicable. Also note any support areas, such as stockpiles, berms, storage pads or haul roads.
d. Geologic Composition and Depth of the Mineral Deposit: Provide a general description of the geology of the resource being mined (i.e. sandy dolomite in the upper half grading into brown sandstone at the base). A county or regional geologic map may also be included and are available from the Wisconsin Geological and Natural History Survey (WGNHS). Detailed information about pre-mining geology is key to evaluating impacts to surface water and groundwater from reclamation activities for post-mining land use.

> ***NOTE:*** *Some geologic formations in the state may contain naturally occurring contaminants that could affect or limit the post mining land use. The site may be subject to other WDNR regulations if there is a reasonable expectation that reclamation could result in naturally occurring contaminants being present above established standards and where exposure and mobilization potential exists. It is important to include this information in the reclamation plan.*

e. Distribution and thickness of topsoil or topsoil substitute: Several soil survey maps are available and can provide all the detail necessary to adequately describe the surface soils. Resources include the Natural Resource Conservation Service (NRCS Wisconsin), and county soil survey maps from the USDA Wisconsin Farm Service Agency (FSA Wisconsin), or UW-Extension (UWEX). This information is important to demonstrate that there will be an adequate supply of appropriate materials available to complete the

necessary reclamation.

f. Location of Surface Waters: WDNR's Surface Water Data Viewer (SWDV) is an interactive tool to determine nearby lakes, ponds, streams, rivers and wetlands. The data viewer can also provide floodplain maps. This map provides an approximate location of these resources, so if the proposed mine shows surface waters nearby or on the property, a more detailed mapping or survey may be necessary such as a wetland delineation, navigability determination or other precise mapping.

g. Existing Drainage Patterns: A topographic map is a good resource for evaluating local drainage. On a site-specific level, note on a map where runoff water leaves the site and note any sedimentation basins, channels or rip-rapped areas.

h. Approximate Elevation of Ground Water: In most cases, an operator will not need to drill wells to adequately assess the ground water elevation near the mining site. Regional ground water table maps are available through the WGNHS for many parts of the state. Also, wells adjacent to the site could be used to determine where the groundwater table is located and approximate the regional groundwater flow pattern. If the mining site isn't covered by a regional map, contact local well drillers and consult the DNR Database of Well Construction to determine depth to water for wells in the area.

2. Topsoil or Topsoil Substitute Material (s. NR 135.19(2)(am))

This section needs to discuss the existing topsoil or topsoil substitute that is already present on site prior to mining. Information should contain both physical and functional attributes. Most of this can be obtained by a soil survey of the site, or by available information at the county, Natural Resource Conservation Service (NRCS Wisconsin) and/or the UWEX Soil Science Extension.

Physical attributes can help determine what is available on site and can include the type of topsoil/ topsoil substitute, depth of topsoil/topsoil substitute and composition.

Functional attributes can help determine what criteria for successful reclamation may be needed to achieve the post mining land use. Functional attributes can include soil health, vegetative productivity, permeability, erodibility and soil suitability for wildlife management. NRCS and UWEX information may provide these attributes.

3. Biological Information (s. NR 135.19(2)(b))

Operators will need to provide information regarding biological resources, including plant communities and wildlife present at, and adjacent to, the mining site. This section should be based on information gathered from existing resources and can show what the current landscape has with respect to:

- Threatened and endangered species
- Invasive plants or animals
- Archaeological/cultural resources
- Hunting/fishing/recreational uses
- Agriculture/silviculture/forestry uses

Personal observations made at the site may be helpful such as noting if the surrounding area has the presence of a marsh (wetlands), forest, fields or agriculture. Identifying any adjacent public lands, may indicate the need for a biological inventory. Check out the DNR Public Lands Maps, DNR State Natural Areas, DNR State Wildlife Areas, Natural Heritage Inventory, and DNR Cultural Maps to determine if the property has any areas of concern.

4. Existing Topography (s. NR 135.19(2)(c))

This section should provide the existing topography of the site, on a contour map. For most counties this data may be in digital format and contained within a publicly available geographic information system (GIS). Regional planning commissions may have GIS datasets and other mapping information readily available. Considerations about the existing topography should note starting elevations of the landscape

in relation to drainage patterns, site potential and constraints and mine planning.

5. Location of Manmade Features (s. NR 135.19(2)(d))

A location/base map of the site should include manmade features on or near the site such as nearby buildings, roads, fences and transmission lines. This information will help assess structures that will remain and those to be removed as part of the mine planning.

6. Previously Mined Areas (s. NR 135.19(2)(e))

The reclamation plan should identify any areas on the proposed mining site that were mined prior to August 1st, 2001 that have not been used for mining or mining related activities nor are contiguous with proposed mining operations. Identification of these areas in relation to existing or proposed mines is needed to delineate areas that would not be subject to the requirements of ch. NR 135.

For proposed nonmetallic mine sites that include previously mined areas, a plan view drawing should be specific about documenting and delineating areas showing the location and extent of land previously affected by nonmetallic mining. This includes the location of stockpiles, wash ponds and sediment basins. The operator should be specific about previously affected areas that will not be mined in the future. This will avoid potential confusion and unwarranted reclamation liability.

NOTE: *Any proposal to reopen a mine or conduct activities that would be considered mining on a previously mined site will need to develop a reclamation plan and obtain permit.*

B. Post-mining Land Use (s. NR 135.19(3))

The description of the post-mining land use should be short and concise. It can consist of a brief description of the proposed final land use and a discussion of whether the proposed post-mining use is consistent with existing zoning requirements and land use plans. Critical components of the reclamation plan will ultimately be driven by the post-mining land use. The reclamation measures and criteria for successful reclamation sections can be described in more detail if the post-mining land use is well-defined.

The proposed final land use should be consistent with the local zoning or land use plan at the time the reclamation plan is submitted. If the proposed final land use is not consistent with the local zoning or land use plan, the operator will need to either petition for a change in the zoning or conditional use from the appropriate local authority at the appropriate time or change the post mining land use to reflect the existing local laws at the time the plan is prepared. For any property that is enrolled in farmland preservation, post-mining land use must be returned to agricultural use. Plans need to be consistent with applicable local, state and federal laws.

Potential post-mining land uses can be broadly based or specific. Below are some examples that have been proposed and accepted around the state:

- Passive recreation area (hiking, biking, skiing, or nature trails)
- Residential development
- Wildlife habitat (pheasant, raptors, natural communities)
- Agricultural land (pasture, crops, bee keeping, implement storage, barns)
- Truck stop/parking lots
- Lake, pond, marsh/wetlands
- Golf course
- Open green space
- Some combination of the above

A county comprehensive plan may include considerations of natural resource management needed to meet requirements by law in the State of Wisconsin. Consider how the reclaimed property fits into the broader picture regarding connections to planned or existing trails, recreational areas, wildlife management areas or perhaps wildlife migration corridors. This can include rivers, floodplains or wetland complexes that are in or

adjacent to the mining site. Check into possible incentives that may be available to assist in furthering such opportunities, such as tax breaks that might come with a conservation easement or perhaps a grant. In any case, participation with the broader community will promote good will and a more positive public image.

C. Reclamation Measures (s. NR 135.19(4))

Following the component in "Site Information" above, another critical component of an effective reclamation plan is the section on reclamation measures. In this section of the plan, an operator must detail exactly how they will implement the mining site reclamation plan to achieve the desired post-mining land use. The operator will need to submit a set of plans that describes the methods and procedures that will be used during reclamation of the site, including a proposed schedule and sequence for completion of each phase of the project. Information provided e in the Site Information Section above will help determine the reclamation measures to be included and assists in determining appropriate locations for stockpiles and other practices to promote contemporaneous reclamation and minimizes double handling of materials.

The specific types of measures that must be addressed in the reclamation plan are given below. A combination of narrative, plan sheets, and tables should be provided for a complete description of practices to be followed. Utilizing one map for multiple elements can be done as appropriate.

1. Earthwork (s. NR 135.19(4)(a))

Provide a description of the proposed earthwork and reclamation measures including methods and procedures that will be used along with proposed schedules and sequences that will be followed. Each described activity must satisfy the standards in the RA ordinance and s. NR 135.10 including:

- final slope angles,
- high wall reduction,
- benching,
- terracing,
- or any other structural slope stabilization measures.

Leaving high walls in place is acceptable if it is in a stable and safe condition consistent with post mining land use. The acceptability of leaving highwalls as part of the proposed post-mining land use is dependent on the geology of the highwall and if it can be demonstrated to be stable by either an engineering analysis or field test plot (see section III.C.6 Revegetation Plan below). Methods for stabilizing a highwall listed in s. NR 135.10 can include scaling, benching, terracing or back supporting the highwall with no steeper than 3:1 slopes of structurally compactable material to a height suitable for support. Slopes that will be covered with topsoil and revegetated to support the site's final land use cannot be steeper than 3:1, unless a steeper slope is demonstrated to be stable and approved as an alternative by the RA. Slopes will need to be graded or otherwise prepared to support optimal topsoil adherence to the underlying materials.

NOTE: *NR135.03(8m) defines a highwall as a vertical or nearly vertical face of solid rock or a slope of consolidated or unconsolidated material steeper than 3:1.*

2. Topsoil/Topsoil Substitute management methods (s. NR135.19(4)(b))

Describe the methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used. The management methods will need to address the standard in s. NR 135.09 . Categories to include are:

- Removal: The plan should provide a detailed description of how any topsoil or topsoil substitute on site that will be retained for reclamation is removed prior to initiation of mining activity. The

plan should include details of the initial handling and at the start of each planned phase.

- Volume: The reclamation plan should address the volume needed to complete final reclamation including when and how topsoil/topsoil substitute will be obtained to make up the volume needed.
- Storage: The plan should address the storage of topsoil/topsoil substitute in an environmentally acceptable manner. The location selected should protect against erosion, further disturbance, or contamination. A plan may include a method to divert runoff around the storage site.

In practice, operators have preserved the topsoil by storing it as a vegetated low storage mound or screening berm. This method can also serve as an opportunity to improve the appearance of the mining site to adjacent property owners and reduce noise levels from mining activity.

3. Anticipated Final Topography (s. NR 135.19(4)(c))

Prepare a plan sheet or map that shows the final, anticipated topography of the reclaimed site. The locations of any water impoundments or artificial lakes that are part of the final land use should be included here. The final topography should give an indication of the landscape for the post mining land use that meets standards in ch. NR 135 for the following:

- Water bodies will need to meet the standard in s. NR 135.10(3) which includes a designated location with slope requirements below the lowest seasonal water level for safe egress.
- Drainage patterns of the final topography should meet the standard in s. NR 135.07 to prevent pollution of waters of the state and avoid adverse effects on neighboring properties.
- Final topography should address the standard in s. NR 135.08 to ensure the reclamation does not adversely impact groundwater quality or quantity as applicable.

4. Anticipated Structures Remaining (s. NR 135.19(4)(d))

Prepare a plan sheet or map that shows surface structures, roads and related facilities at the site after mining ceases. These elements may be combined with (or overlay on to) the final topographic map. Structures may include (but are not limited to) roads, high capacity wells, buildings, rail lines, or other structures that will be utilized by the landowner as part of the post mining land use.

5. Estimated Cost of Reclamation (s. NR 135.19(4)(e))

Provide a cost estimate for each stage of the reclamation, as well as the entire site if the reclamation will not be performed in stages. This will help the RA determine the amount of financial assurance for reclamation that an operator must provide. Phasing can be used to satisfy the standard in s. NR 135.06(2) for minimizing area disturbed and contemporaneous reclamation and is recommended for mining activity of any significant extent or duration.

The estimated cost in the reclamation plan should be based on the actual cost for the RA to reclaim the site and may also address logistics the RA needs to consider in accomplishing the reclamation as presented in the plan. A detailed list of itemizations (similar to bidding requirements) for each reclamation measure in this section and expected units of cost at the time of plan preparation may reduce discrepancies and error in determining an accurate amount.

6. Revegetation Plan (s. NR 135.19(4)(f))

Prepare a revegetation plan that describes the means for stabilizing the slopes and protecting the topsoil. This plan will generally include plant selection (short-term and permanent vegetation), rates and methods of seeding, timing of the seed application, seedbed preparation, application rates and

types of soil amendments compatible with the expected site conditions.

The revegetation plan should address the revegetation standard in NR 135.12 , and be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site. Field test plot demonstrations are highly recommended to verify reclamation success standards are met. Use of field test plots should be identified in the reclamation plan as a method to aid the successful reclamation criterion. The plots may be used to identify and optimize revegetation of the site.

7. Quantifiable Revegetation Standards (NR 135.19(4)(g))

The reclamation plan must contain specific quantifiable standards the RA needs to satisfy the standard in NR135.13 for assessing completion of successful revegetation of the site. The operator needs to show how the site will be assessed for a sustainable stand of vegetation that provides the necessary stabilization for the post mining land use. The standards can be based on an evaluation of percent cover of vegetation, productivity, plant density and diversity or other applicable measures. Percent cover and productivity are widely used, easy to measure, and can be compared with existing data or established criteria. Survivorship or other analysis of community development may also be considered. Below are some considerations:

- Percent cover: An estimate of the percentage of an area covered, shaded or intercepted by vegetation may be provided as a range and based on type of vegetation and root system to hold soil in place and dissipate erosion potential. The use of transects and quadrats to evaluate percent cover may include a prescribed size and number of transects and quadrats that will represent the reclaimed site, physical and photo documentation (that includes the quadrat) and timed to correspond with peak vegetative growth.
- Productivity: Also referred to a biomass, productivity can achieve an agricultural yield that can be measured (i.e. bushels or tons per acre). The yield can be measured once a crop is collected and physically measured or determined by comparing the biomass data at the time the notice of completion is filed to the time when the site is being evaluated for the certificate of completion. Productivity may not be suitable if the post-mining land use involves a forest or a wetland.
- Diversity: When establishing long-term stability in the plant community, diversity helps to ensure that the plant community is not susceptible to invasive species during times of stress. The method of measuring diversity should be included in the reclamation plan and based upon appropriate scientific methodology. Transects and quadrats may also be used with specifications for size and number to represent the reclaimed site.
- Survivorship: This may be an effective parameter to quantify forest and wetland plantings.
- Other: It may be necessary to use evaluation measures such as frequency of occurrence by species, species similarity of the standing crop to initial planting, density and percent cover along transects for some types of natural communities in the post mining land use, such as wetlands.

8. Erosion Control measures (s. NR 135.19(4)(h))

Prepare an erosion control plan that shows the best management practices (BMP) planned during site reclamation. The areas needing erosion control measures should be shown the plan sheets and can be combined with information on other maps. If necessary, provide a narrative description to discuss the function of each BMP. The purpose is to limit the potential for sediment laden run-off into wetlands and waterways. Practices that have been effective at non-metallic mines during operations and interim reclamation include:

- Proper siting and management of soil and overburden stockpiles.
- Diversion of runoff around the active mine area to the extent practicable.

- Stabilization of disturbed areas with quick-growing vegetation, mulch, or other methods as soon as possible.
- Installation of sediment basins.

For final reclamation stages, proper application of erosion and sediment controls is necessary. Use of controls that are based on temporary application for revegetation may have a higher maintenance factor. Sizing the application is also helpful for effective erosion control. Practices for final reclamation can include:

- Rock check dams, straw bales, and erosion logs
- Slope intercepts
- Vegetated swales
- Erosion mats and/or mulch
- Silt fences
- Sediment basins
- Cover crop of vegetation

Requirements for stormwater permitting may provide other resources that may be incorporated into the reclamation plan if appropriate. Please contact a stormwater management specialist or visit the DNR Stormwater webpage.

9. Area of Interim Reclamation (s. NR 135.19(4)(i))

Provide a description of any areas that will be reclaimed on an interim basis and subsequently disturbed prior to final reclamation. In order to qualify for an interim reclamation waiver under s. NR 135.41, the RA will need to determine that the interim reclaimed area meets the description provided in this section and satisfies the standards. Information to be provided includes the proposed areas subject to interim reclamation, interim reclamation methods and timing of both interim and final reclamation.

The RA will need to evaluate an area for interim reclamation waiver by site inspection. When considering the criteria in the plan, the RA needs to evaluate the overall stability and revegetation. If the area is to be approved for a waiver from financial assurance, the RA needs to be confident that if circumstances arise causing the permit to be revoked and the financial assurance seized, that the site will still meet reclamation standards and the remaining financial assurance will cover costs to reclaim the entire mine site.

It is possible that instead of a full waiver of financial assurance, the interim reclaimed area can be considered stable enough to reduce the financial assurance for that area.

10. Long-Term Safety (s. NR 135.19(4)(j))

Reclamation measures must include any long-term safety measures that will be used based on the needs of the site and post-mining land use conditions. The plan must consider public safety and adjacent land uses in compliance with the standard in s. NR 135.06(3). To address long term safety concerns, final reclamation can incorporate the following measures as applicable:

- Visual Warnings (signs, clearing of obstructions)
- Physical Barriers (fences, proximity limiting berms, thorny brush)
- Slope modifications (reclamation blasting, highwall scaling, benching, and terracing)
- Other measures as required

The practices selected may be identified on a map or plan sheet with other post-mine information such as final topography, structures and roads.

D. Criteria for Successful Reclamation (s.NR135.19(5))

When preparing a mine reclamation plan, the operator must identify methods that will be used to verify that reclamation and revegetation of the site is complete. Success criteria are necessary so it will be clear to both the operator and the regulatory authority when the end point of the reclamation period has been reached and that the goals for final land use have been achieved.

This component of the reclamation plan, as mentioned before, needs to contain specific criteria for measuring the success of site reclamation. Typically, a large part of this determination involves assessing the success of the revegetation efforts as described in section 3g above.

Revegetation is one of the criteria that must be satisfied in order to determine when reclamation has been completed in accordance with the approved plan. Both the operator and the RA should recognize additional items to be finalized once mining is done including the following:

- Standards in ch. NR 135 have been met
- Site stabilization accomplished according to the plan
- Structures have been removed
- Safety measures are in place
- Revegetation is demonstrated according to s. NR 135.13
- Any stated pre-existing conditions meet baseline or surrounding plant communities

It may be beneficial to address standards not readily presented in other sections of the plan to make clear when mining is done. These can include:

- Management of refuse and solid waste (s. NR 135.06(1))
- Description of intermittent cessation of mining (s. NR 135.14)
- Maintenance provisions during final reclamation period (s. NR 135.15)

Upon completion of reclamation activities, whether for a portion of the site or the entire mining site, the regulatory authority will inspect the site in order to verify if reclamation was successful. The criteria for this determination of success are linked to the approved post-mining land use.

E. Certification of the Reclamation Plan (s. NR 135.19(6))

Each reclamation plan must contain a signed certification by the operator stating that the reclamation plan will be carried out as approved. If the operator does not own the land, then the landowner or lessor must also provide signed certification that they concur with the plan and will allow its implementation.

If there is more than one landowner, all landowner signatories should be provided – even if the operator is part landowner. Without all landowner signatures, the reclamation plan could be subject to legal challenges if a dispute over the plan occurs.

F. Approval (s. NR 135.19(7))

Once the reclamation plan is complete, the operator is ready to submit it to the appropriate regulatory authority. In most instances that will be a county agency (such as the zoning or land conservation department), but may be a town, village, or city if they have enacted a reclamation ordinance independent of the county. Following receipt of the reclamation plan, the RA has up to 90 days (unless a public hearing is held) to complete the review and decide to:

1) Approve the plan and issue a permit (s. NR 135.21(1));
2) Approve the plan and issue a permit with conditions s. NR 135.21(2); or
3) Deny the permit (s. NR 135.22).

The RA must notify the operator of their decision in writing per s. NR135.21(1).

G. Review of Permit Decision (s. NR 135.30)

COUNTY OR MUNICIPAL PERMIT DECISION. Any person who meets the requirements of s. 227.42 (1), Wis. Stats., may obtain a contested case hearing under s. 68.11, Wis. Stats., on a county or municipal regulatory authority's decision to issue, deny or modify a nonmetallic mining reclamation permit. A hearing would be held as a contested case hearing pursuant to ss. 227.42 and 227.43, Wis. Stats. and be conducted in the county where the nonmetallic mining site is located. Decisions from these hearings are reviewable in court pursuant to ss. 227.52 to 227.59, Wis. Stats.

WDNR ASSISTANCE. If during the process, a disagreement arises between an RA and an operator, either party may request the WDNR's technical or administrative opinion to interpret, clarify or facilitate a resolution of reclamation plan components, permitting or any other matter. Any party will need to provide a written request detailing the nature and facts of the dispute, steps taken to resolve the matter to date, a description of the issue(s) where dispute exists and if a technical or administrative opinion is needed. The WDNR will provide a decision within 10 days on its intent to render a formal opinion on the matter. If the WDNR agrees to respond, it will provide written response within 45 days. All parties involved will be given an opportunity to provide relevant information and WDNR may consider the following:

1. The need for a timely and expeditious resolution.
2. Environmental or health risk.
3. Economic hardship.
4. Statewide program consistency or significant departure from consistent administration.
5. The uniform application of reclamation standards.
6. Whether its opinion is precedent setting; or
7. Any other factors the WDNR deems relevant.

If the dispute is not resolved as a result of the WDNR's opinion, any person who meets the requirements of s.227.42 (1), Wis. Stats., may obtain a contested case hearing under s. 68.11, Wis. Stats., on a county or municipal regulatory authority's decision to issue, deny or modify a nonmetallic mining reclamation permit as outlined above.

Conclusion

The WDNR Nonmetallic Mining Program works to ensure local and county governments and mine operators across the state follow standards for mine reclamation. Counties and local governments have responsibility for siting nonmetallic mines through existing zoning processes.

A reclamation plan is the basis for granting a reclamation permit. It is a blueprint describing the steps that are necessary to reclaim the site to achieve a post-mining land use. The reclamation plan must demonstrate compliance with the uniform reclamation standards provided in NR 135 and provides environmental protection during and after the mining process.

Under ch. NR 135, the DNR Nonmetallic Mining Program ensures uniform statewide implementation of nonmetallic mining reclamation requirements by overseeing county and local reclamation programs. The DNR

provides technical assistance to these programs and audits them periodically to ensure they are administering reclamation programs in a uniform and reasonable manner across the state. A stakeholder group, the Nonmetallic Mining Advisory Committee, advises the DNR on its administration of the statewide reclamation program.
