

Nonmetallic Mining Reclamation Permit Application New and Reopened Mines

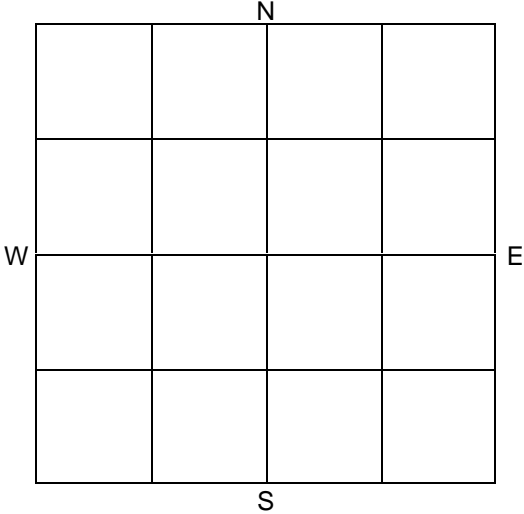
Notice: Use of this form is required for any nonmetallic mining reclamation permit application filed pursuant to Chapter NR 135.18(2) and (3), Wis. Adm. Code. Under NR 135.17(3)(a), Wis. Adm. Code, the Department issues reclamation permits for nonmetallic mining sites in areas where no approved county or municipal reclamation program exists. The Department will not consider your application unless you complete and submit all information required by this application form and in applicable sections of Wis. Adm. Code. Nonmetallic mines operating without a permit are subject to penalties as outlined in s. 295.19(3), Wis. Stats., and ch. NR 135.43(4), Wis. Adm. Code. Personally identifiable information on this form will be used solely for program administration and enforcement and is not intended to be used for other purposes. Information will also be available to requesters as required under Wisconsin's Open Records Law [s. 19.31 - 19.39, Wis. Stats.]. **Complete all information as directed below. Print or Type.**

<p>1. Applicant / Operator</p> <hr/> <p>Street Address</p> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">City</td> <td style="width: 10%; border-bottom: 1px solid black;">State</td> <td style="width: 60%; border-bottom: 1px solid black;">ZIP Code</td> </tr> </table> <hr/> <p>Telephone Number (include area code)</p>	City	State	ZIP Code	<p>2. Property Owners / Lessors (if different from Applicant / Operator) (Submit additional owner / lessor information on separate sheet)</p> <hr/> <p>Street Address</p> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">City</td> <td style="width: 10%; border-bottom: 1px solid black;">State</td> <td style="width: 60%; border-bottom: 1px solid black;">ZIP Code</td> </tr> </table> <hr/> <p>Telephone Number (include area code)</p>	City	State	ZIP Code
City	State	ZIP Code					
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3. **Property Description:** Provide the complete legal description of the property on which the mine is located, as found on the property deed.
Example: N ½, NE ¼, Section 3, T29N, R6E

Town / City / Village Name	County Name	Tax Parcel Number	Total Site Acreage (optional)
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4. **General Location Map:** Provide a map indicating the location of the property. Hand draw the location of the site on the section map below or provide the property location through plat maps, topographic maps or other map with sufficient detail. Include roads and any other pertinent information. Label ¼ ¼ section points.



5. **Project Information:** Provide a brief description of the general location (including surrounding land use) and the nature of the nonmetallic mine (type of deposit, proposed frequency and duration of mining activity).

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6. Threatened or Endangered Species:

Are you aware of any listed threatened or endangered species at the nonmetallic mining site? Yes No

If "Yes", attach documentation of the threatened or endangered species.

Note: Be aware that the Department shall, pursuant to s. 29.604(6r), Wis. Stats., consult with the Bureau of Endangered Resources on whether approval of this permit may affect a listed threatened or endangered species. The presence of a listed threatened or endangered species may affect certain aspects of the nonmetallic mining site under the requirements of this statute.

7. Cultural or Historical Resources:

Are you aware of any listed cultural or historical resources at the nonmetallic mining site? Yes No

If "Yes", attach documentation of the cultural or historical resource.

Note: Be aware that the Department shall, pursuant to s. 44.40, Wis. Stats., consult with the State Historic Preservation Officer on whether approval of this permit may have an adverse affect upon historic property. The presence of historic property may affect certain aspects of the nonmetallic mining site under the requirements of this statute.

8. Wetlands Protection:

Are you aware of any wetlands at the nonmetallic mining site? Yes No

If "Yes", attach documentation of wetlands.

Note: Be aware that the Department shall, pursuant to s. 281.15, Wis. Stats., and ch. NR 103, Wis. Adm. Code, require that the nonmetallic mining project meet the wetland water quality standard provisions in ch. NR 103. The presence of wetlands may affect certain aspects of the nonmetallic mining site under the requirements of ch. NR 103.

9. Reclamation Plan: Submit a reclamation plan conforming to s. NR 135.19 with this permit application, including any previous regulatory approvals (if applicable) so long as they meet the reclamation standards of subchapter II of NR 135 as allowed under ss. NR 135.21(d) and (e).

Certify that the operator will provide financial assurance upon granting of the permit.

The landowner and lessee, if different from the operator, must also provide signed certification that they concur with the reclamation plan and will allow its implementation, except for the following situations. In these instances, the operator must provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan.

1. The operator has submitted a reclamation plan for an existing mine in accordance with s. NR 135.18(1).
2. The operator has submitted a reclamation plan for a new or reopened mine in accordance with s. NR 135.18(2) which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior to August 1, 2001.

I hereby certify, as a duly authorized representative, that the operator will provide, as a condition of the reclamation permit, financial assurance as required by s. NR 135.40 upon granting of the reclamation permit and before mining begins and that if the land containing the mine site is owned or leased by some one other than the operator, the land owner or lessee has been provided with a copy of the reclamation plan submitted with this application as required by s. NR 135.19(6)(b), Wis. Adm. Code.

Signature of Applicant or Duly Authorized Representative

Date Signed

10. Fees: Information from this section will be used to determine the acreage that will be subject to fees. **See page 3 for explanation of fee requirements.**

# Unreclaimed acres (per s. NR 135.03(25), Wis. Adm. Code) that are part of a nonmetallic mining site (per s. NR 135.03(16), Wis. Adm. Code) where mining will take place after August 1, 2001		(line 1)
# Estimate of unreclaimed acres that will be activated between August 31, 2001 and December 31, 2001	+	(line 2)
# Total estimated unreclaimed acres subject to fees	=	(line 3)
Total fee for 2001 (from Table 2, s. NR 135.39(4), Wis. Adm. Code - See copy of table on page 3)		(line 4)

NOTE: The fee section of this form will require annual update. Beginning January 1, 2004, a different fee schedule will apply.

Certification

I hereby certify that the information contained herein is true and accurate. I also certify that I am entitled to apply for a permit, or that I am the duly authorized representative of an applicant who is entitled to apply for a permit.

Signature of Applicant or Duly Authorized Representative

Date Signed

Leave Blank – For Receiving Agency Use Only

Permit No.	Received By	Date Received	Date Application was Complete
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Fee Requirements

The operator must record the number of unreclaimed acres¹ as of August 1, 2001 at the nonmetallic mining site². In addition, the operator will be required to make the best estimate of the number of acres that will be disturbed between August 31, 2001 and December 31, 2001 and add those acres to the total acres subject to fees. **When the Department is the regulatory authority, the annual fee from Table 2 paid in 2001 with the reclamation permit application shall cover both calendar years 2001 and 2002.**

Fee Table

Annual Fees When DNR is Regulatory Authority s. NR 135.39(4) - Table 2	
Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres (does not include mines <1 acre)	\$ 450.00
6 to 10 acres	\$ 600.00
11 to 15 acres	\$ 750.00
16 to 25 acres	\$ 1,000.00
26 to 50 acres	\$ 1,100.00
51 acres or larger	\$ 1,250.00

Legal Definitions

¹ NR 135.03(25)(a) Wis. Adm. Code - "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under s. NR 135.40(7). However the term does not include any areas described in par. (b).

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under s. NR 135.40(7).
2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
3. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.
4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
5. For purposes of fees under s. NR 135.39, those areas within a nonmetallic mining site which the regulatory authority has determined to have been successfully reclaimed on an interim basis in accordance with s. NR 135.41.

² NR 135.03(16) Wis. Adm. Code - "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining, subject to the qualifications in par. (b).

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.
2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
3. Areas where nonmetallic mining refuse is deposited.
4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
5. Areas where grading or regrading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(b) "Nonmetallic mine site" does not include any of the following areas:

1. Those portions of sites listed in par. (a) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.