

# NR-135 Non-Metallic Mining Reclamation Program

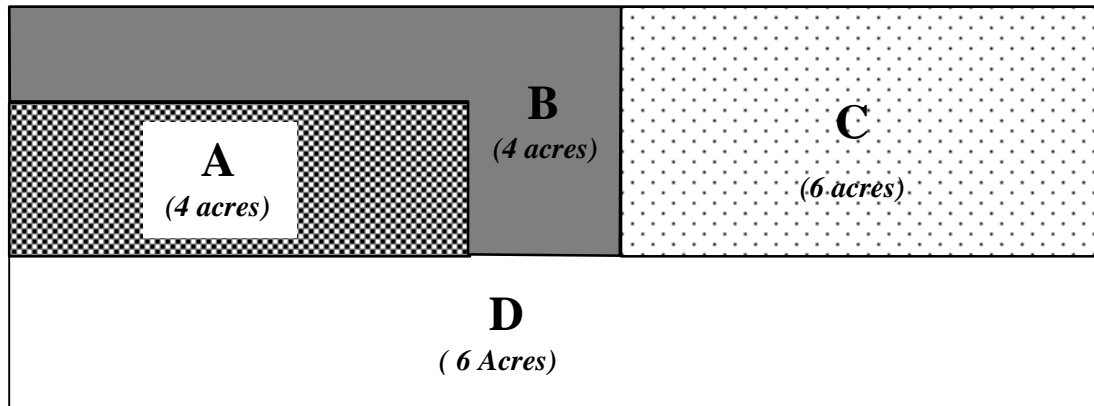
(for the Counties of Calumet, Outagamie, Winnebago, Waupaca, and Shawano)

## NR-135, Zoning Ordinances & Un-reclaimed Acreage / Fee Calculations for Existing Sites

### NR-135 & Zoning Ordinances

NR-135 essentially requires that all lands mined after August 1<sup>st</sup>, 2001 be reclaimed to a pre-determined land use. Local zoning decisions pertaining to the siting and operational aspects of non-metallic mines are addressed separately through local or county zoning ordinances. Zoning ordinances should no longer place specific requirements for the reclamation of the site; however, standards which may have existed prior to August 1<sup>st</sup>, 2001 may still apply to portions of existing sites in certain situations. Zoning ordinances (or conditional use permits) may still require that the provisions of the non-metallic mining reclamation ordinance be complied with as a condition of the operating permit. For example, if a site, or portion of a site, is determined as being “inactive” prior to August 1<sup>st</sup>, 2001, the NR-135 requirements would not apply. However, any previous requirements placed on the site, or portions of the site, through zoning actions must still be complied with. Figure 1 illustrates an example 20 acre site which is zoned for non-metallic mining activities and has had some extraction completed prior to August 1<sup>st</sup>, 2001. This diagram shows how various portions of the site should be designated as being either “active” or “inactive” by NR-135 and county ordinances and what requirements apply to each portion:

**FIGURE 1 – EXAMPLE MINE SITE**



- A =** Areas of previously disturbed site which are going to be “non-active” after August 1<sup>st</sup>, 2001. These areas are not subject to NR-135 reclamation requirements; however, they may still be subject to reclamation provisions put in place during prior zoning (conditional use) approvals.
- B =** Areas of previously disturbed site which are intended to remain “active” after August 1<sup>st</sup>, 2001. These areas will likely include access roads, areas for maneuvering equipment, areas used for stockpiling, existing structures (if not part of the final reclaimed land use), and areas used for outdoor storage or processing activities. These areas are considered to be “un-reclaimed” and are subject to the per acre annual fees.
- C =** Areas of site which are intended to be “active” between August 1<sup>st</sup>, 2001 and December 31<sup>st</sup>, 2001. These areas are considered to be “un-reclaimed” and are subject to the per acre annual fees.
- D =** Areas of site which are not intended to have any non-metallic mining activity between August 1<sup>st</sup> and December 31<sup>st</sup>, 2001. These areas will be subject to NR-135 reclamation requirements once they are considered to be “active” through a permit modification through the annual reporting process.

## Automatic Permit Fees and First Year's Annual Fee Calculation

According to the ordinance's fee schedule, the permit applicant (either the operator or the landowner) must pay fees at the time of the Automatic Permit Application submittal which cover the costs of the Administering Agency to review reclamation plans, issue permits, and, in general, administer the program effectively. The first year's annual fees are prorated based on the time period remaining in the year (5 months). Based on the site example in Figure 1, the fee calculations would be as follows:

1. Automatic Permit Application Fee (includes subsequent reclamation plan review costs) = \$ 510.00
2. First year's annual fee for "active" (un-reclaimed) acres (areas B and C) = \$ 84.98 [10 acres x \$20.38 / acre x 0.417 ]
3. WDNR's annual fee based on 10 "active" (un-reclaimed) acres = \$60.00
4. Total fee submittal = **\$654.98**

## Second (and subsequent) Year's Fee

After the initial fee has been paid and the Automatic Permit issued, the permittee will be responsible for submitting an annual report along with the following year's fee. The annual report describing the previous year's activities is due no later than 60 days after the end of the reporting period (August 1<sup>st</sup> to December 31<sup>st</sup>, 2001) while the second year's fees are due no later than December 31<sup>st</sup>, 2001. The second year's fees are based solely on the amount of "active" (un-reclaimed) acreage at the site, plus the WDNR's fee as follows:

1. Annual fee for "active" (un-reclaimed) acres = \$ 203.80 [10 acres x \$20.38 / acre]
2. WDNR's annual fee (based on 10 "active" acres) = \$60.00
3. Total fee submittal = **\$263.80**

## Other Points to Consider

Please note that if the operator intends to expand into areas which were determined to be "inactive" (Figure 1 - Area D), it should be identified in the operator's Annual Report and the fees will be adjusted accordingly for the following year. These additional areas will need to be considered in the reclamation plan that is eventually submitted, or previously on file. Major permit modifications, such as changes to an approved reclamation plan, will require a permit modification. A separate fee is associated with permit modification reviews and actions.

Of additional note, the operator may reclaim portions of the previously active areas and have them certified which would effectively remove them from the "un-reclaimed acreage" status and; henceforth, would not be subject to the annual fees. Portions of the financial assurance for the interim reclaimed areas may also be removed, or re-applied to new areas, by the Administering Agency if the objectives of the reclamation plan are met.



**For more information contact:** Eric W. Fowle, AICP – Reclamation Program Coordinator at (920) 751-4770 or via e-mail at [efowle@eastcentralrpc.org](mailto:efowle@eastcentralrpc.org). You may also visit East Central's website at [www.eastcentralrpc.org](http://www.eastcentralrpc.org) for a copy of this document as well as other materials and links related to the non-metallic mining reclamation program.