

**Vilas County
Metallic Mining Ordinance**

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ARTICLE I: AUTHORITY, INTERPRETATION, AND SEVERABILITY
**ARTICLE I:
AUTHORITY, INTERPRETATION, AND SEVERABILITY**

- 1.1 This Metallic Mining Ordinance is adopted pursuant to the authorization contained in §59.69, Wis. Stats., or its successor statute(s).
- 1.2 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin law.
- 1.3 In case any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, then the remainder of this Ordinance shall not be affected thereby.

ARTICLE II: DEFINITIONSARTICLE II: DEFINITIONS

2.1 In this Ordinance, unless the context requires otherwise:

- (1) "Air pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.
- (2) "Applicant" means a person who has applied for or received an exploration permit, a prospecting permit, or a mining permit.
- (3) "Department" means the Vilas County Zoning Office or the Vilas County Zoning, Planning and Pollution Control Committee.
- (4) "EIS" means an Environmental Impact Statement.
- (5) "Environmental pollution" means the contaminating or rendering unclean or impure the air, land or waters of the County, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- (6) "Mineral exploration" or "exploration", unless the context requires otherwise, means the on-site geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.
- (7) "Exploration permit" means the permit required by Vilas County under Article IV as a condition of engaging in exploration.
- (8) "Merchantable by-product" means all waste soil, rock, mineral, liquid, vegetation and other material directly resulting from or displaced by the mining, cleaning or preparation of minerals during mining operations which are determined by the Department to be marketable upon a showing of marketability made by the operator, accompanied by a verified statement by the operator of his or her intent to sell such material within 3 years from the time it results from or is displaced by mining. If after 3 years from the time merchantable by-product results from or is displaced by mining such material has not been transported off the mining site, it shall be considered and regulated as refuse unless removal is continuing at a rate of more than 12,000 cubic yards per year.
- (9) "Metallic mineral mining" or "metallic mining activities" means all exploration, prospecting and mining or mining operation activities as defined herein.

- (10) "Minerals" mean unbeneficiated metallic ore, but does not include mineral aggregates such as stone, sand and gravel.
- (11) "Mining" or "mining operation" means all or part of the process involved in the mining of metallic minerals, other than for exploration or prospecting, including but not limited to commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse.
- (12) "Mining plan" means the proposal for the mining of the mining site.
- (13) "Mining permit" means the permit which is required by Vilas County of all operators as a condition precedent to commencing mining at a mining site.
- (14) "Mining site" means the surface area disturbed by a mining operation, including the surface area from which the minerals or refuse or both have been removed, the surface area covered by refuse, all lands disturbed by the construction or improvement of haulageways, and any surface areas in which structures, equipment, materials and any other things used in the mining operation are situated.
- (15) "Operator" means any person who is engaged in, or who has applied for or holds a permit to engage in, exploring, prospecting, or mining, whether individually, jointly or through subsidiaries, agents, employees or contractors.
- (16) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency.
- (17) "Principal shareholder" means any person who owns at least 10% of the beneficial ownership of an operator.
- (18) "Prospecting" means engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps and tunnels and other means, other than for exploration, which the State, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for and capable of commercial exploitation of the underlying ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining within the meaning of sub. (9), provided such activities and construction are reasonably related to prospecting requirements.
- (19) "Prospecting permit" means the permit which is required by Vilas County of all persons as a condition precedent to commencing prospecting at a location.

- (20) "Prospecting plan" means the proposal for prospecting of the prospecting site.
- (21) "Prospecting site" means the lands on which prospecting is actually conducted as well as those lands on which physical disturbance will occur as a result of such activity.
- (22) "Prospector" means any person engaged in prospecting.
- (23) "Reclamation" means the process by which an area physically or environmentally affected by exploring, prospecting or mining is rehabilitated to either its original state or, if this is shown to be physically or economically impracticable or environmentally or socially undesirable, to a state that provides long-term environmental stability. Reclamation shall provide the greatest feasible protection to the environment and shall include, but is not limited to, the criteria for reclamation set forth in §293.13(2)(c), Wis. Stats.
- (24) "Reclamation plan" means the proposal for the reclamation of the exploring, prospecting or mining site which must be approved by the Department under *** prior to the issuance of the prospecting or mining permit.
- (25) "Refuse" means all waste soil, rock, mineral, liquid, vegetation and other material, except merchantable by-products, resulting from or displaced by the exploring, prospecting or mining or resulting from the cleaning or preparation of minerals during exploring, prospecting or mining operations, and shall include all waste materials deposited on or in the prospecting or mining site from other sources.
- (26) "Related person" means any person that owns or operates a mining site in the United States and that is one of the following when an application for a mining permit is submitted to the Department:
- (a) The parent corporation of the applicant.
 - (b) A person that holds more than a 30% ownership interest in the applicant.
 - (c) A subsidiary or affiliate of the applicant in which the applicant holds more than a 30% ownership interest.
-
- (27) "Significant surface subsidence" shall mean any cave-in, sinkhole, depression, shaft opening, or the settling of the ground over a reclaimed open pit, shaft, tunnel, adit or other opening.
- (28) "Solid waste" has the meaning given under §281.01(15), Wis. Stats.

- (29) "Unsuitability" means that the land proposed for exploring, prospecting or mining is not suitable for such activity because the proposed activity itself may reasonably be expected to destroy or irreparably damage either of the following:
- (a) Habitat required for survival of species of vegetation or wildlife designated as endangered or threatened through prior inclusion in rules adopted by state or federal authorities, if such endangered or threatened species cannot be firmly reestablished elsewhere.
 - (b) Unique features of the land, as determined by state or federal designation and incorporated in rules adopted by state or federal authorities, as any of the following, which cannot have their unique characteristic preserved by relocation or replacement elsewhere:
 - 1. Wilderness areas.
 - 2. Wild and scenic rivers.
 - 3. National or state parks.
 - 4. Wildlife refuges and areas.
 - 5. Archaeological areas.
 - 6. Listed properties, as defined in §44.31(4), Wis. Stats.
 - 7. Other lands of a type designated as unique or unsuitable for exploration, prospecting or surface mining.
- (30) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.
- (31) "Water supply" means the sources and their surroundings from which water is supplied for drinking or domestic purposes.

ARTICLE III: GENERAL PROVISIONS AND ADMINISTRATION
**ARTICLE III:
GENERAL PROVISIONS AND ADMINISTRATION**

3.1 Permits Required..1 Permits Required. Metallic mining activities shall only be allowed by permit and in specified overlay and use districts. Such permits will be issued and such districts will be created pursuant to the provisions described in this Ordinance and the Vilas County General and Shoreland Zoning Ordinances. Notwithstanding the above-stated references to zoning districts in which metallic mining activities may take place, metallic mining activities shall not be permitted in any areas included in the County's shoreland-wetland district, in an inventoried wetland which is not included in the shoreland-wetland district, or in any area determined to be a wetland utilizing the methodology from the U.S. Army Corps of Engineers Wetland Delineation Manual (January 1987 or subsequent revisions) unless the proposed site is removed from shoreland-wetland status or wetland status. If an area is removed from shoreland-wetland status or wetland status, then the applicant must minimize disturbance to shoreland or other wetland areas.

3.2 Prohibited Areas..2 Prohibited Areas. Metallic mining activities are prohibited within any of the following described areas. The areas include both the above-ground portion and the underground portion extending vertically from the site boundaries within the specified setback areas.

- (1) Within 1,500 feet of any residence, commercial structure, or farm building.
- (2) Within 1,500 feet of any water well whether on or off of the parcel of real estate on which the metallic mining activity is taking place.
- (3) Within 1,000 feet any navigable lake, pond, or flowage.
- (4) Within 300 feet of any navigable river or stream
- (5) Within 5,000 feet of any Outstanding Resource Water (ORW) in the County.
- (6) Within 2,000 feet of any Exceptional Resource Water (ERW) in the County.
- (7) Within 2,500 feet of any State Natural Areas or County recreational areas.
- (8) Within 500 feet of any county trunk, or 1,000 feet of any state or federal highway.
- (9) Within 3,000 feet of any city or village.
- (10) Within a floodplain.

3.3 Prohibited Processes..3 Prohibited Processes.

- (1) Solution mining is prohibited. This process includes but is not limited to cyanide heap leach or vat leach mining, or leach mining with other toxic chemicals.
- (2) Uranium or other radioactive mining is prohibited.
- (3) Smelting or refining of metallic mineral ores is prohibited.
- (4) Disposal of prospecting, mining or other wastes at a prospecting or mining site from any other prospecting or mining site outside or inside of the County is prohibited unless the sites are owned by the same operator, located within the County and disposal is approved by the Department.

3.4 General Rules and Regulations.4 General Rules and Regulations

- (1) The Zoning Administrator or their designee shall be the Department's agent for the application and review process and for the inspection and monitoring of any permitted mining, prospecting or exploration project.
- (2) On lands owned by the United States, the State of Wisconsin, or any cities, towns or other political subdivisions within Vilas County, the governing body or administrator of the lands shall be consulted before a prospecting or mining permit is issued.
- (3) All costs for processing an exploration, prospecting, or mining permit application will be imposed against the applicant. The Department shall provide an estimate of such processing costs to the applicant including staff time, equipment and materials, legislative meetings, hearings, expert and legal assistance. The Department may demand security against these costs and/or an agreement to pay such costs. If the applicant fails or refuses to pay costs within 30 days of such demand, the Department may stop processing the permit until such costs have been paid. The applicant must also agree to reimburse the Department for the costs of monitoring the mining permit.
- (4) If an applicant wishes to commence prospecting or mining at a prospecting or mining site which includes an abandoned site, plans for reclamation of the abandoned site, or the portion of the abandoned site which is included in the prospecting or mining site, shall be included in its prospecting or mining plan and the reclamation plan.
- (5) Applications for County exploration, prospecting, and mining permits will not be considered unless appropriate applications have also been submitted to the Wisconsin Department of Natural Resources and any other required state/federal/tribal agencies.

3.5 Variance, Appeals, and the Board of Adjustment.5 Variance, Appeals, and the Board of Adjustment

- (1) The process and standards for hearing variance petitions and appeals with regards to this Ordinance shall be as set forth in Article X of the Vilas County General Zoning Ordinance which Article is hereby incorporated by reference.
- (2) In addition to the standards of Article X of the Vilas County General Zoning Ordinance, the Board of Adjustment shall only grant a variance from the dimensional standards of this Ordinance if the applicant can show that no other standard set forth in this Ordinance would be violated if the variance is granted.

ARTICLE IV: METALLIC MINERAL EXPLORATION **ARTICLE IV: METALLIC MINERAL EXPLORATION**

4.1 **Metallic Mineral Exploration District..1** **Metallic Mineral Exploration District.** Metallic mineral exploration shall only be allowed in a Metallic Mineral Exploration District as described in and subject to the provisions of this Article and the provisions of the Vilas County General Zoning Ordinance.

- (1) The purpose of the district is to provide for the conduct of exploration for metallic minerals.
- (2) An applicant must have the proposed exploration area rezoned to the Metallic Mineral Exploration District designation pursuant to the procedures set forth in the Vilas County General Zoning Ordinance.
- (3) This district shall be employed as an overlay district to describe an area where exploration may occur for a specified period of time. When the exploration is finished, the overlay district shall be removed and the uses permitted by the underlying zoning district allowed to continue. If the annual fee for an exploration permit is not timely paid in accordance with §4.6(2), then the exploration overlay district shall automatically be removed as of the applicable anniversary date of the application.
- (4) In the event metallic minerals are found, an application and permit for prospecting or mining and a rezoning to a mining district shall be required before further metallic mining activities may take place.

4.2 **Exploration only in Certain Zoning Districts..2** **Exploration only in Certain Zoning Districts.** Exploration shall only be allowed in the following zoning districts as described in the Vilas County General and Shoreland Zoning Ordinances and delineated on the applicable zoning maps:

- (1) Forestry (F)
- (2) Industrial (I)

4.3 **Permitted Uses..3** **Permitted Uses.** Any uses permitted in the underlying zoning district are permitted at any time during which the exploration is being conducted subject to the requirements as stated for the underlying zoning district.

4.4 **Standards for Exploration District..4** **Standards for Exploration District.** The minimum area needed to establish an exploration district shall be 160 acres and there shall be a minimum 500 foot buffer between exploration activities and the exploration district boundary. In no instance may exploration activities be conducted within 500 feet of an applicant's property line. The

buffer area is meant to provide extensive vegetative screening and is an area left in its natural state which must remain undisturbed except for security fences, pipelines and utilities, ingress-egress roads, railways, or other items approved by the Department.

4.5 Permits Required..5 Permits Required. No person may engage in exploration without securing an exploration permit issued pursuant to this Ordinance.

4.6 Review and Processing of Permit Applications.6 Review and Processing of Permit Applications

- (1) Within 120 days of receiving an exploration permit application, the Department shall issue an initial schedule and process for the application's review. Such schedule and process shall be tentative in nature and subject to revision or amendment based upon, among other things, the complexity of the application and the technical and time needs of the Department.
- (2) Fees. The fee for an exploration permit shall be \$600.00 per year for the duration of exploration activities to be paid annually on or before the anniversary date of the application.
- (3) Public Hearings. The Department shall conduct public hearings on each exploration permit, the number and nature of which shall be as determined necessary by the Department and as set forth in the schedule issued pursuant to subsection (1) above.
- (4) The applicant shall submit an exploration plan which describes and shows the following:
 - (a) Type of exploration.
 - (b) Type of equipment or machinery to be used.
 - (c) Easements to surface rights or use of lands.
 - (d) Ingress and egress.
 - (e) A topographical map which shows the lands to be explored.
 - (f) Location of initial exploration sites in relation to property lines. The location of subsequent exploration sites must also be provided to and approved by the Department.
 - (g) Location of exploration sites in relation to lakes, streams, floodplains and wetlands.
 - (h) Ownership of mineral rights.
 - (j) Legal description of the property.
 - (k) Method and time frame for exploration hole abandonment and reclamation in accordance with NR 130.06(1), Wis. Adm. Code., or its successor rule(s).
 - (l) Timetable for exploration activities.
- (5) Bond.

- (a) Applications for an exploration permit shall be accompanied by a bond in the amount of \$5,000 conditioned on faithful performance of the requirements of the Department.
 - (b) The Department may require that the amount of the bond be increased at any time, if the Department determines that an applicant's current level of activity makes it likely that the bond would be inadequate to fund the abandonment or reclamation of all holes drilled for which the applicant is responsible.
 - (c) The Department shall establish a procedure for release of exploration sites from bond coverage.
- (6) Applications for an exploration permit shall be accompanied by a certificate of insurance certifying that the applicant has in force a liability insurance policy issued by an insurance company authorized to do business in Wisconsin covering all exploration activities of the applicant and affording personal injury and property damage protection in a total amount deemed adequate by the Department but no less than \$500,000.00. Such insurance coverage must remain in effect for the duration of exploration activities.
- (7) Applications for an exploration permit shall be accompanied by a copy of the applicant's most recent annual report and Form 10K as filed with the Securities and Exchange Commission. If these documents do not exist, then the applicant shall submit a report of the applicant's current assets and liabilities or any other data deemed necessary by the Department to establish that the applicant is competent to conduct exploration activities in Vilas County.
- (8) Notice Procedure. The Department shall establish notification and inspection procedures applicable to the various stages of drilling and abandonment and procedures for the proper abandonment of drill holes.

4.7 Permit Revocation. .7 Permit Revocation.

- (1) The Department reserves the right to reopen or revoke an exploration permit after it is granted if new evidence shows the project will adversely affect the health, safety or welfare of the County or its citizens or if any of the permit requirements are violated.
- (2) The Department may revoke or suspend an exploration permit issued under this section if it determines that:
 - (a) Statutes, ordinances, or permit requirements have not been complied with; or
 - (b) There has been a failure to increase bond amounts to adequate levels as specified by the Department; or

- (c) Insurance coverage for exploration activities has lapsed or fallen below required levels.

ARTICLE V: METALLIC MINERAL PROSPECTING AND MINING
**ARTICLE V:
METALLIC MINERAL PROSPECTING AND MINING**

5.1 Mining District..1 Mining District. Prospecting and mining shall only be allowed in a Mining District as described in and subject to the provisions of this Article and the Vilas County General Zoning Ordinance.

- (1) The purpose of this district is to provide for the conduct of prospecting and/or mining for metallic minerals.
- (2) An applicant must have the proposed prospecting or mining area rezoned to the Mining District designation pursuant to the procedures set forth in the Vilas County General Zoning Ordinance.
- (3) This district as it applies to actual prospecting, mining, and processing is intended to be a basic use district and should include enough land area to accommodate the principal use and to afford adequate buffering and land for accessory use, but the district must be at least 320 acres in size.
- (4) There shall be a minimum 500 foot buffer between prospecting or mining activities and the mining district boundary. The buffer area is meant to provide extensive vegetative screening and is an area left in its natural state which must remain undisturbed except for security fences, pipelines and utilities, ingress-egress roads, railways, or other items approved by the Department.

5.2 Permitted Uses..2 Permitted Uses. All uses allowed in the original zoning district from which the Metallic Mining and Prospecting District was created may be allowed but only as conditional uses subject to the provisions of the Vilas County General Zoning Ordinance and the regulations of the original zoning district.

5.3 Permits Required.3 Permits Required

- (1) No person may engage in prospecting, mining or reclamation at any prospecting or mining site without securing a prospecting or mining permit issued pursuant to this Ordinance. Applications for prospecting and mining permits shall be made in writing and in reproducible form to the Department upon forms prepared and furnished by it. An applicant shall provide fifteen (15) copies of all project information and maps/drawings to the Department.
 - (a) An application shall be made, and a prospecting or mining permit obtained for each separate prospecting or mining site. A notification of application for a prospecting or mining permit shall be submitted to the Department not less than thirty (30) days

after the Notification of Intent is submitted to the Wisconsin Department of Natural Resources pursuant to their rules.

- (b) Any maps provided by an applicant must be submitted in both paper and digital format compatible with Vilas County's Geographic Information System (GIS) and must show property boundaries, districts, plans, and related information.
 - (c) The issuance of a prospecting permit pursuant to this Ordinance does not convey with it any expectation on the part of the applicant or any duty on the part of the Department to issue a mining permit to the applicant at some future date. Each permit application shall be reviewed, considered, and a determination made thereon as a separate and distinct application independent of any prior or future prospecting or mining projects.
- (2) Fees. The fees for prospecting and mining permits shall be as follows:
- (a) Prospecting permits – \$5,000.00 per year for the duration of prospecting activities to be paid upon notification of application and annually thereafter on or before the anniversary date of such application. All costs to the Department for expenses related to the permitting and monitoring process shall also be reimbursed by the applicant on a quarterly basis.
 - (b) Mining permits – \$20,000.00 per year for the duration of mining activities to be paid upon notification of application and annually thereafter on or before the anniversary date of such application. All costs to the Department for expenses related to the permitting and monitoring process shall also be reimbursed by the applicant on a quarterly basis.

5.4 Permit Applications.4 Permit Applications

- (1) As part of a County permit application, an applicant shall submit to the Department the same data as submitted to the Wisconsin Department of Natural Resources from the time of submission of the Notice of Intent until the end of prospecting, mining and reclamation activities. Further information may be required as deemed necessary by the Department.
- (2) At a minimum, each application for a prospecting or mining permit shall include the following information:
 - (a) Proof of ownership and mineral rights for the proposed site and operation.
 - (b) A legal description of the proposed prospecting or mining site.
 - (c) The number of acres in the proposed prospecting or mining site.

- (d) A prospecting or mining plan.
 - (e) Evidence satisfactory to the Department that the applicant has applied for necessary approvals and permits under all applicable state and federal laws and regulations.
 - (f) A description of any land contiguous to the proposed mining site which the applicant owns, leases or has an option to purchase or lease.
 - (g) A reclamation plan meeting the requirements of Article VI and a timetable for such reclamation.
 - (h) A Community Impact Report pursuant to the requirements of Article IX.
 - (j) The proposed timetable for prospecting or mining operations from application date through the time of reclamation and permanent closure of a prospecting or mining site.
 - (k) The environmental compliance history of the applicant, its parent company and/or its subsidiaries over the past fifteen (15) years within Wisconsin, other states in the United States, and Canada. This information shall include, but not be limited to:
 - 1. Record of compliance with regulations;
 - 2. Maintenance of financial guarantees and other obligations; and
 - 3. Listing of any sanctions or penalties which have been assessed for violations of mining laws or regulations with a description of the violations and the types of mining in which it has engaged.
 - (l) An emergency response plan.
 - (m) A solid waste management plan.
 - (n) Such other pertinent information as the Department requires.
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- (3) To the extent practicable, and in addition to the other items required by this Ordinance, the following types of actions to minimize potential mining impacts should be reflected in the prospecting, mining and reclamation plans:
- (a) The prospecting or mining site should be designed, constructed, operated, and reclaimed to protect groundwater quality and quantity.

- (b) Prospecting and mining site facilities should be designed to minimize surface area disturbance and prevent subsurface subsidence.
 - (c) To the extent practicable, prospecting and mining sites must be located, constructed, operated, and maintained to minimize impacts on navigable waters, ponds, flowages, wetlands, and other scenic or cultural features.
 - (d) Reagent and chemical storage, use and disposal must be conducted in a manner to minimize potential harm to public health and safety or to the environment. Wastes, from whatever source associated with the project, should be recycled or treated to the maximum extent practicable using the best available demonstrated control technology.
 - (e) Access to the site should be limited to reduce or eliminate public exposure to potential operational hazards.
 - (f) Prospecting and mine facilities should be placed where least observable from off-site in any season. They should be painted and maintained in a manner visually compatible with the associated vegetation and earth conditions.
- (4) As a part of each application specifically for a prospecting permit, the applicant shall also furnish the following:
- (a) Information relating to whether the area may be unsuitable for prospecting or surface mining, unless the applicant conclusively certifies that he or she will not subsequently make application for a permit to conduct surface mining at the site.
 - (b) Such other relevant information as the Department may require, including but not limited to information as to whether the applicant, its parent corporation, any of its principal shareholders or members, or any of the applicant's subsidiaries or affiliates in which the applicant owns more than a 40% interest, has forfeited any mining bonds in other states within the last 20 years, and the dates and locations, if any.
- (5) As a part of each application specifically for a mining permit, the applicant shall also furnish the following:
- (a) A mining plan which includes at a minimum all of the following:
 - 1. A description and a detailed map of the proposed mining site drawn to a scale approved by the Department. Aerial photographs may be accepted if they show the required elements to the satisfaction of the Department.

2. The map, plan or photograph shall be prepared and certified by a competent engineer, surveyor or other person approved by the Department, and shall show at least the following:
 - a. the boundaries of the area of land which will be affected;
 - b. the drainage area above and below the area;
 - c. the location and names of all streams, roads, railroads, pipelines and utility lines on or within 1,000 feet of the site;
 - d. the name of the owner or owners of the site; and
 - e. the name of the city, village or town in which the site is located and the name of any other city, village or town within three (3) miles of the site.

 3. The map, plan or photograph shall also be accompanied by descriptive data as required by the Department including but not limited to:
 - a. the soil conservation capabilities classifications of the affected area;
 - b. the anticipated geometry of the excavation;
 - c. the estimated total production of tailings produced including estimates of the percentage of sulfide mineralization;
 - d. the nature and depth of the overburden;
 - e. the elevation of the water table; and
 - f. such other information about the geology of the deposit as the Department deems necessary to evaluate the applicant's mining plan and reclamation plan.
- (b) The name and address of each owner of land within the mining site and each person known by the applicant to hold any option or lease on land within the mining site and all prospecting and mining permits in this state held by the applicant.
- (c) The information specified in sub. (2)(k) concerning the occurrence of any of the following within 15 years before the application is submitted:
1. A forfeiture by the applicant, principal shareholder of the applicant or a related person of a mining reclamation bond that was sufficient to cover all costs of reclamation and was posted in accordance with a permit or other approval for a mining operation in the United States, unless the forfeiture was by agreement with the entity for whose benefit the bond was posted.

 2. A felony conviction of the applicant, a related person or an officer or director of the applicant for a violation of a law for the protection of the natural environment arising out of the operation of a mining site in the United States.

3. The bankruptcy or dissolution of the applicant or a related person that resulted in the failure to reclaim a mining site in the United States in violation of a state or federal law.
4. The permanent revocation of a mining permit or other mining approval issued to the applicant or a related person if the permit or other mining approval was revoked because of a failure to reclaim a mining site in the United States in violation of state or federal law.
5. Violations of federal, state, or local law or regulations regarding pollution of surface water, groundwater, or air. For the purposes of this section, "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. 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.
 - (d) The applicant shall specify the name and address of the person involved in and the date and location of each occurrence described in subsection (c) above.
 - (e) Information relating to whether unsuitability may exist for mining to the extent not fully considered during the applicant's prospecting permit application process.
- (6) Certificate of Insurance. Applications for a prospecting or mining permit shall be accompanied by a certificate of insurance certifying that the applicant has in force a liability insurance policy issued by an insurance company authorized to do business in Wisconsin covering all exploration activities of the applicant and affording personal injury and property damage protection in a total amount deemed adequate by the Department but no less than the amount listed below. Such insurance coverage must remain in effect for the duration of exploration activities.
 - (a) Prospecting permits – \$5,000,000.00
 - (b) Mining permits – \$25,000,000.00
- (7) Applications for a prospecting or mining exploration permit shall be accompanied by a copy of the applicant's most recent annual report and Form 10K as filed with the Securities and Exchange Commission. If these documents do not exist, then the applicant shall submit a report of the applicant's current assets and liabilities or any other data deemed necessary by the Department to establish that the applicant is competent to conduct mining activities in Vilas County.

5.5 Review and Processing of Permit Applications.5 Review and Processing of Permit Applications

- (1) Within 120 days of receiving a mining or prospecting permit application, the Department shall issue an initial schedule and process for the application's review. Such schedule and process shall be tentative in nature and subject to revision or amendment based upon, among other things, the complexity of the application and the technical and time needs of the Department.
- (2) Time Lines.
 - (a) The Department shall review and process applications for prospecting and mining permits in conjunction with the time lines of the state permit application process.
 - (b) No County metallic mining permit will be issued by the Department prior to four (4) months after the State's release of the final EIS.
 - (c) A County prospecting or mining permit shall not become effective and prospecting or mining activities shall not commence until after a state mining permit has been issued.
- (3) Public Hearings.

The Department shall conduct public hearings on each prospecting or mining permit, the number and nature of which shall be as determined necessary by the Department and as set forth in the schedule issued pursuant to subsection (1) above.

5.6 Minimum Conditions for Mining and Prospecting Permits.6 Minimum Conditions for Mining and Prospecting Permits

- (1) Before issuing a prospecting or mining permit, the Department shall satisfy itself that the applicant shall meet certain minimum conditions. Should the Department believe that the factual circumstances of the proposed prospecting or mining project warrant it, the Department may impose more restrictive conditions than those expressed below and/or additional or further conditions, all of which shall be designed to promote the public health, safety and welfare.
- (2) Subject to review and approval by the Department, the prospecting or mining project shall be implemented in accord with a design which addresses the following considerations:
 - (a) Adequate security measures.

- (b) Provision of utility services to the site.
 - (c) Surface water drainage.
 - (d) Storm water retention.
 - (e) Potential drawdown of the water table and associated impacts upon all wells within a five mile radius of the site.
 - (f) Waste and tailing storage.
 - (g) Dust, odor and noise suppression.
 - (h) Methods of transportation and identification of substances and materials to be transported to and from the site.
 - (j) Employee and visitor safety.
 - (k) Surface and groundwater protection in accordance with terms and conditions set forth in Article VII.
- (3) Upon notification that an application for a prospecting or mining permit has been approved by the Department but prior to commencing prospecting or mining, the operator shall file with the Department a bond conditioned on faithful performance of all of the requirements of this Ordinance and all of the requirements or conditions of the operator's prospecting or mining permit.
- (a) The bond shall be furnished by a surety company licensed to do business in the State of Wisconsin.
 - (b) The amount of the bond or other security required shall be equal to the estimated cost to the County of fulfilling the reclamation plan. The estimated cost of reclamation of each prospecting or mining site shall be determined by the Department on the basis of relevant factors including, but not limited to, expected changes in the price index, topography of the site, methods being employed, depth and composition of overburden, and depth of mineral deposit being mined.
 - (c) The Department may require that the amount of the bond be increased at any time, if the Department determines that an applicant's current level of activity makes it likely that the bond would be inadequate to fund the abandonment and reclamation activities for which the applicant is responsible.

- (d) The Department shall establish a procedure for release of prospecting or mining sites from bond coverage.
- (4) A progress/status report is required to be submitted to the Department annually. Such report must identify the project's status in relation to the prospecting or mining plan; any changes, projected or realized, in prospecting or mining plan; and any issues, problems, concerns or changes not expressly or fully addressed or anticipated by the prospecting or mining plan.
- (5) The Department shall deny a mining permit if it finds any of the following:
 - (a) Mining and reclamation plans would not result in adequate reclamation.
 - (b) The project would not comply with all environmental protection laws and rules.
 - (c) The site is "unsuitable" for surface mining. Unsuitable areas include endangered and threatened species habitat and most wilderness areas, wild and scenic rivers, national and state parks, wildlife refuges, historical and archaeological sites, and scientific areas.
 - (d) The mine would be detrimental to or endanger the public health, safety, or welfare.
 - (e) There would be a net substantial adverse economic impact in the area. Socioeconomic and environmental impact assessment data provided as part of the permit application shall be used by the Department in determining economic impact, and the Department may also conduct its own investigation of the economic impact of the proposed project. Factors to be considered in determining the net economic impact shall include, but not be limited to:
 1. Direct and indirect costs assumed by the taxpayers of the County or its towns, cities, or villages;
 2. Highway improvements or other projected public expenditures in any way associated with the project;
 3. Present or future employment and unemployment, job retraining, educational impacts;
 4. Environmental and economic costs after mining operations are completed; and
 5. The possibility or likelihood that uses, values and enjoyment of other property in the area would be substantially impaired or diminished by the mining or prospecting activities.

- (f) The proposed mine does not conform with all applicable zoning ordinances.
 - (g) The applicant has had a mining permit permanently revoked within the last ten years because of a failure to reclaim a mine site.
 - (h) The applicant has forfeited a mining bond in the U.S. within the last 20 years.
 - (j) The applicant has been convicted of a felony in the past ten years for violating natural resource laws.
 - (k) Any of the following situations may be expected to occur during or subsequent to prospecting or mining:
 - 1. Landslides or deposition from the proposed operation in stream or lake bed;
 - 2. Surface subsidence which cannot be reclaimed;
 - 3. Contamination of surface waters, groundwater, air, or soil; or
 - 4. Any action resulting in damage to private homes or buildings, public buildings, schools, churches, cemeteries, public roads, historic or archaeological sites, or habitat required for survival of vegetation or wildlife designated as endangered or threatened through prior inclusion in rules adopted by the Department of Natural Resources.
 - (l) There will be detriment to public or private water supplies due to the withdrawal of groundwater or the dewatering or flooding of mines.
- (6) The Department may refuse to grant a mining permit based on proof of poor fiscal and managerial ability and/or the environmental compliance and performance history for the past fifteen (15) years in Wisconsin, other states in the United States, and foreign nations. The Department shall use the criteria set forth in the state statutes and administrative code for use by the Wisconsin Department of Natural Resources when considering the grant or denial of a permit based on environmental compliance history (including fines paid or bond forfeitures).
- (7) Approval of a County prospecting or mining permit shall be contingent upon the applicant satisfying all Wisconsin Department of Natural Resources permit requirements (Chapter 293, Wis. Stats., and Sections NR 132 and 182, Wis. Adm. Code, or their successor statutes or rules).

- (8) Prospecting or mining operations must be commenced within two years of the granting of a permit; otherwise, the permit shall become null and void.

5.7 Assignment or Transfer of Permit

- (1) Permits issued pursuant to this Ordinance may not be assigned or transferred until the successor party has complied with all of the permit's requirements. Upon satisfaction of such compliance, the Department will then release the initial permit holder from the requirements of the permit and transfer the permit to the successor party.
- (2) Any proposed assignee must submit the same information to the Department as required of an initial applicant for a prospecting or mining permit.
- (3) The Department shall have the right to demand proof of a proposed assignee's fiscal and managerial ability to fulfill the requirements of the prospecting or mining permit.
- (4) Permits issued pursuant to this Ordinance may be assigned to a principal or a subsidiary; however, responsibility for meeting permit requirements, including any future obligation(s) or liabilities shall include principal(s) as well as the subsidiary.
- (5) The Department may refuse to grant assignment or transfer of a permit if the proposed assignee has, based upon its performance history or that of its parent corporation(s) or subsidiaries, demonstrated its inability or refusal to abide by laws and regulations relating to prospecting, mining, or environmental activities.

5.8 Permit Revocation

- (1) The Department reserves the right to reopen or revoke a prospecting or mining permit after it is granted if new evidence shows the project will have a significant adverse effect on the health, safety or welfare of the County or its citizens or if any of the permit requirements are violated.
- (2) The Department may revoke or suspend a prospecting or mining permit issued under this section if it determines that:
 - (a) Statutes, ordinances, or permit requirements have not been complied with; or
 - (b) Bond amounts have not been increased to adequate levels as specified by the Department; or
 - (c) Insurance coverage for exploration activities has lapsed or fallen below required levels.

- (3) If a permit holder is divested of its mineral rights under the permit or project, then the permit holder must provide notice of such divestiture to the Department. Such divestiture shall constitute cause for suspension or revocation of a prospecting or mining permit.

5.9 Post-Closure Site Use. .9 Post-Closure Site Use.

- (1) Upon closure of the prospecting or mining site, the site will generally only be allowed for use as open space; however, a petition to rezone the area may be considered pursuant to the procedures set forth in the Vilas County General and Shoreland Zoning Ordinances.
- (2) The Department and Board of Supervisors may only consider a petition to rezone the area if the following conditions are met:
 - (a) The rezoning and proposed use for the area was considered and allowed for in the reclamation plan which accompanied the prospecting or mining permit;
 - (b) The petitioner can show that no environmental contamination, water supply, surface subsidence, or other safety problems will present themselves in conflict with the uses which would be allowed in the area proposed to be rezoned;
 - (c) Notice and record of the prior prospecting or mining use of the area is recorded in the property's chain of title in the Vilas County Register of Deeds Office.
- (3) The Department and Board of Supervisors shall not in any case rezone a former mining or prospecting site unless the health, safety and welfare of the public can reasonably be assured.

5.10 Compliance with State and Federal Regulations.10 Compliance with State and Federal Regulations

- (1) Strict compliance with all state and federal laws, regulations and permits is required of any holder of a County prospecting or mining permit. Failure to comply with such laws, regulations or permits shall give the Department the right to suspend or revoke any County permits.
- (2) If state laws or regulations are amended to become less restrictive, the operator is still required to comply with the standards which were in place initially and the standards set forth in its County permit, unless waived by the county.

- (3) **Strictest Standard To Govern.** Whenever state, federal or County requirements are in conflict, the strictest standard shall govern.

ARTICLE VI: RECLAMATIONARTICLE VI: RECLAMATION

6.1.1 A reclamation plan shall accompany all applications for prospecting or mining permits. If it is physically or economically impracticable or environmentally or socially undesirable for the reclamation process to return the affected area to its original state, the plan shall set forth the reasons therefor and shall discuss alternative conditions and uses to which the affected area can be put. A reclamation plan need not be repeated if one has already been provided to the Wisconsin Department of Natural Resources as long as copies of all documentation are provided to the Department with the application.

6.2.2 A reclamation plan must include the following:

- (1) A description of the proposed reclamation including, but not limited to, the final land use, the final land shape, estimated final topography, and the sequence of reclamation.
- (2) A description of the utility and capacity of the reclaimed land for future use.
- (3) A description of the measures which will be taken to protect topsoil both during prospecting or mining and for reclamation.
- (4) Descriptions of grading and backfilling sequences, final slope angles, benching and terracing of slopes, erosion control, and other related concepts.
- (5) A description of the reclamation of waste areas, tailings ponds, roads, pipelines, pumping stations, and other structures.
- (6) A description of the final surface drainage, impoundments, and artificial lakes.
- (7) A description of the plant types and procedures for reclamation of those plants.
- (8) A plan for the covering or disposal of pollutant-bearing minerals or materials.
- (9) The estimated cost per acre of reclamation for the total project.
- (10) Proof of bonding.
- (11) Pollution prevention measures to be taken to prevent leaching of waste materials and other significant environmental pollution as defined by law.

6.3.3 In addition to the requirements of subsection (2) above, the reclamation plan shall specify how the applicant intends to accomplish, to the fullest extent possible, compliance with the minimum standards under §293.13(2)(c), Wis. Stats.

- 6.426.4 An applicant for a prospecting or mining permit, an amended prospect or mining permit, or change in either the prospecting, mining or reclamation plan shall furnish, as part of the application, an itemized statement showing the applicant's estimation of the cost to the County of reclamation. The Department may, at the applicant's expense, contract with an independent person to estimate the cost to the County of reclamation if it has reason to believe that the applicant's estimated cost of reclamation may not be accurate.
- 6.5.5 If the Department finds that the anticipated life and total area of a mineral deposit are of sufficient magnitude that reclamation of the prospecting or mining site consistent with this Ordinance requires a comprehensive plan for the entire affected area, it shall require an operator to submit, with the application for a prospecting or mining permit, amended prospecting or mining site, or change in prospecting, mining or reclamation plan, a comprehensive long-term plan showing, in detail satisfactory to the Department, the manner, location and time for reclamation of the entire area of contiguous land which will be affected by mining and which is owned, leased or under option for purchase or lease by the operator at the time of application. Where a mineral deposit lies on or under the lands of more than one operator, the Department shall require the operators to submit mutually consistent comprehensive plans.
- 6.6.6 In addition to the requirements in paragraph (2) above, the reclamation plan shall be accompanied by a map which shall show the specific reclamation proposal for each area of the site. The reclamation plan shall conform to any applicable comprehensive plan created under paragraph (5) above, and to any applicable minimum standard created under §§293.13(2) and 293.35(2) and (3), Wis. Stats., or their successor statutes.

ARTICLE VII: WATER QUALITYARTICLE VII: WATER QUALITY

- 7.1.1 As part of the permitting process, an applicant must provide reasonable assurances that its proposed exploration, prospecting or mining operation will be located, designed, constructed, and operated in such a way as to protect groundwater quality according to the standards set forth in Chapters 280, 281, and 283, Wis. Stats., and Section NR 140, Wis. Adm. Code., or their successor statutes or rules.
- 7.2.2 The Department shall require strict compliance with the State-designated 150 foot mandatory intervention boundary for groundwater standards. If groundwater standards are violated at the mandatory intervention boundary, then the applicant must take immediate remedial action as required by the Department. If the applicant fails to take the required immediate remedial action to the satisfaction of the Department, then the Department may suspend or revoke the prospecting or mining permit.
- 7.3.3 A County prospecting or mining permit shall be immediately suspended if groundwater standards are violated at the 1200-foot design management zone boundary as defined by state laws and regulations.
- 7.4.4 As a condition of any prospecting or mining permit, the operator must do all of the following. Any violation of the following conditions shall be cause for suspension or termination of a prospecting or mining permit.
- (1) Prevent surface or subsurface discharge in violation of state water quality standards as set forth in Chapters 280 et seq., Wis. Stats., and Sections NR 102, 103, 104, 105 and NR 200 et seq., Wis. Adm. Code, or their successor statutes or rules.
 - (2) Prevent discharge of hazardous waste as defined in Chapter 291, Wis. Stats., or its successor statutes.
 - (3) Comply with point source discharge, leachate collection and surface water runoff requirements of Chapter 283, Wis. Stats., or its successor statutes.
 - (4) Meet pretreatment standards for discharges.
 - (5) Divert surface water runoff from a 100 year storm around portions of the prospecting or mining facilities containing ore, product or waste.
 - (6) Control surface water runoff by collecting and treating the runoff to meet standards set forth in Section NR 103, Wis. Adm. Code, or its successor rule(s).
 - (7) Insure that there is no destruction, filling or relocating of stream or river channels without issuance of a conditional use permit pursuant to the Vilas County General and

Shoreland Zoning Ordinances. Nothing in this Ordinance shall require the Department to issue a conditional use permit. Additional fees for a conditional use permit for this purpose shall be set by the Department and shall include costs for monitoring compliance with the requirement of the conditional use permit.

- (8) Insure that there is no destruction or filling of a lake bed as defined by state laws or regulations.
- 7.5.5 An operator must conduct comprehensive testing of wells, using split sample testing procedures, within five miles of the mining site boundaries monthly for 2 years prior and annually during and for 40 years after mining operations provided no contamination has been detected. If contamination has been detected in any of these wells, then testing shall continue beyond the 40 years until contamination has been removed.
- 7.6.6 The Department may gain access to the prospecting or mining site at any time, with or without notice, for the purpose of obtaining water samples or for other compliance monitoring activities. A three-way split sample process will be followed when taking any water samples.
- 7.7.7 The Department may deny a metallic mining permit if there is likely to be degradation of the quantity or quality of groundwater or impacts to lake, river or stream size, water quality or levels.
- 7.8.8 Before a mining permit may be issued, an operator must establish a \$1,000,000.00 trust fund for well protection and must indemnify each municipality against all costs associated with well water damage claims. The trust fund shall be established and subject to the following:
- (1) The trust fund shall be established at a bank or financial organization mutually agreeable to the operator and the Department.
 - (2) The Department shall be responsible for administering the trust fund. Administration of the fund may be delegated to a financial institution or professional at the discretion of the County Board, with any reasonable costs of administration being paid from the trust fund account. Such administrator shall perform their responsibilities as a fiduciary on behalf of the County, the well owners, and the operator. Administration duties shall include but not be limited to:
 - (a) Approving the distribution of monies to owners of contaminated, damaged, or depleted wells after such claims have been validated and approved according to the procedure set forth by the Department;
 - (b) Annually in the month of March, issuing a report for the previous calendar year to the Zoning, Planning and Pollution Control Committee as to the status of the trust

fund, distributions made therefrom, interest earned, and any other information requested by the Committee or the County Board; and

- (c) At least annually, contacting the bank or financial organization holding the trust fund and communicating sufficient information with which to meet the provisions of state law and maintain the account on an active status;
 - (3) Trust fund money shall be used to pay for replacing any contaminated, damaged, or depleted well or providing water to any well owner whose well has been contaminated, damaged, or depleted and whose well is within five (5) miles of the boundary line of the prospecting or mining site or within any area which hydrology studies have indicated can be adversely affected by the prospecting or mining operation.
 - (4) At the conclusion of the period commencing with the time of the initial deposit and ending with the passage of 100 years, the Department or their designated administrator shall disburse all remaining trust fund monies to the County General Fund for use by the County in such manner as the County Board deems to be appropriate.
- 7.9.9 An operator must provide immediate alternative sources of potable and clean water if problems are discovered and must, at their cost, rectify any well water problems that it has caused. Plans for rectifying any well water problems must be approved by the affected municipality and the Department.

ARTICLE VIII: OTHER ENVIRONMENTAL STANDARDS
ARTICLE VIII: OTHER ENVIRONMENTAL STANDARDS

8.1 An operator must:

- (1) Prevent air emissions in violation of the standards set forth in Chapter 285, Wis. Stats., and Sections NR 400 et seq., Wis. Adm. Code, or their successor statutes or rules.
- (2) Handle toxic and hazardous waste, refuse and tailings disposal according to state law (Chapter 291, Wis. Stats., and Sections NR 500 et seq, NR 600 et seq, and NR 700 et seq., Wis. Adm. Code, or their successor statutes or rules) with such waste disposal only at licensed facilities. Biodegradable waste or refuse may not be disposed of on the prospecting or mining site. Mine waste disposal facilities may be required to meet the standards set out for hazardous waste disposal sites if the facilities will contain hazardous reagents or sulfide mineral tailings.
- (3) Seal all tunnels, shafts or underground openings at completion of the mining operation in such a way as to prevent seepage. When sealed, all shafts or tunnels must be filled with non-toxic material.
- (4) Treat and manage underground or surface runoff waters to prevent soil erosion.
- (5) Conduct inspection of tailings storage areas for the purpose of early detection of problems on a daily basis or at some other regular interval as deemed necessary by the Department. For any temporary mine shutdown of six months or longer, the applicant must place a cap over any exposed tailings or tailings storage areas in accordance with Department requirements.
- (6) Remove surface structures and foundations unless the Department and Town Boards accept conversion to an alternative use, including removal of pipelines, pumping stations or outfall structures.
- (7) Prevent significant surface subsidence. If such subsidence does occur, then reclamation of the affected areas shall be conducted subject to the approval of the Department.
- (8) Preserve topsoil and subsoil for reclamation.
- (9) Disturbed soils shall be revegetated for stabilization and reclamation in order to reestablish a variety of populations of plants and animals indigenous to the area prior to prospecting or mining operations. The Department may waive this requirement if it deems such requirement to be inconsistent with the reclamation needs of the area.

- (10) Disclose the volume of all hazardous materials that will be shipped to or from the mine site or produced at the mine site, and the intended mode of transportation and shipping schedules to assist the County in planning for and responding to any hazardous waste emergencies.

- (11) Provide any requested information and technical resources to the local emergency response or hazardous materials response team(s) in order to help ensure a safe and adequate response to a hazardous material spill or contamination emergency. The operator must coordinate all activities involving hazardous materials with the Vilas County Emergency Government Director.

ARTICLE IX: COMMUNITY IMPACT REPORT
ARTICLE IX: COMMUNITY IMPACT REPORT

9.1 Community Impact Report Required.29.1 Community Impact Report Required. As part of the permitting process, an applicant shall provide a Community Impact Report as set forth below; however, the report need not be repeated if one has already been provided to the Wisconsin Department of Natural Resources for an EIS and as long as copies of all documentation are provided to Department.

9.2 Information in a Community Impact Report.2 Information in a Community Impact Report must include:

(1) A description of all baseline conditions within the areas of the County reasonably expected to be impacted by the proposed prospecting or mining operation. Such baseline conditions shall include, but not be limited to, the following:

- (a) economic activity, including tourism and employment;
- (b) local property values;
- (c) surface water and groundwater, including well water quality, and the hydrology of the area surrounding the proposed prospecting or mining site;
- (d) air quality;
- (e) major land uses;
- (f) visual appearance;
- (g) housing;
- (h) traffic;
- (j) utilities, schools, police and fire protection, hazardous waste spill response services, sewage treatment, and other public services;
- (k) unique cultures or lifestyles;
- (l) wildlife;
- (m) vegetation; and
- (n) noise levels

- (2) A description of the proposed mining operation including, but not limited to:
- (a) the timing of each major phase of the operation;
 - (b) all major facilities including (e.g. shaft or opening, processing, tailings disposal, sediment, structures, railroad lines, roads, utilities);
 - (c) all other land uses within the permit area;
 - (d) expected volumes or tonnages and composition of products, tailings and other wastes;
 - (e) extent of underground workings;
 - (f) shaft sealing methods;
 - (g) types of mining and processing equipment;
 - (h) reagents used;
 - (j) noise and vibration levels expected;
 - (k) visual screening;
 - (l) compliance measures for air and water quality;
 - (m) hours, months and years of operation;
 - (n) numbers of employees by job;
 - (o) numbers expected to be recruited locally;
 - (p) utility service requirements; and
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- (q) a statement of whether or not blasting will or may occur as part of the project.
- (3) If blasting will or may occur as part of the project, a photographic survey must be done of any buildings which might suffer damage from blasting, and such survey shall be submitted as part of the Community Impact Report.
- (4) An impact analysis on Vilas County and individual affected towns/cities on all baseline conditions.

- (5) An impact analysis on Vilas County and individual affected towns/cities on all baseline conditions due to permanent closure, premature closure, or temporary shutdown (three months or more) in mining operations.
- (6) Any other information deemed necessary by the Department, which could include information not required to be presented to the Wisconsin Department of Natural Resources.

ARTICLE X: LOCAL AGREEMENTARTICLE X: LOCAL AGREEMENT

- 10.1.1 A Mining Impact Committee shall be appointed by the County Board of Supervisors to negotiate a local agreement with any applicant pursuant to this Article and §293.41, Wis. Stats., or its successor statute(s). The Committee shall include at a minimum the Chairs of the Zoning, Planning and Pollution Control Committee and the Solid Waste and Mining Impact Committee.
- 10.2.2 A local agreement between the operator and Vilas County must be approved and signed before an operator's County metallic mining permit may take effect.
- 10.3.3 Negotiating sessions for a local agreement shall be held in open session, except sessions to develop negotiating strategy may be held in closed session.
- 10.4.4 Public input shall be solicited as part of the process of negotiating a local agreement, and must be obtained prior to County Board of Supervisors approval of a local agreement.
- 10.5.5 A local agreement may not invalidate any part of this Ordinance or any other County ordinance or prevent the passage of any other County ordinance; however, when variances have been approved pursuant to this Ordinance, and after hearing and approval by the Department and the County Board of Supervisors, then such variances may be negotiated into a local agreement.
- 10.6.6 The County may impose a severance tax or other payment in lieu of taxes on the ore removed from the mine as part of the local agreement.
- 10.7.7 Approval of the County Board of Supervisors is necessary prior to the County entering into any local agreement with an applicant.
- 10.8.8 A local agreement shall not be signed by the County before the final EIS is released and received from the Wisconsin Department of Natural Resources.

ARTICLE XI: SUSPENSION OR TERMINATION OF MINING AND PROSPECTING
ARTICLE XI: SUSPENSION OR TERMINATION OF MINING AND PROSPECTING

- 11.1.1 An operator must provide notice to the Department of any temporary or permanent halt of mining operations including a statement showing projected loss of employment.
- 11.2.2 The applicant must provide the above notice at least one year prior to permanent termination.
- 11.3.3 Prior to the end of each calendar year, the applicant must provide to the Department notice of any significant changes in the timing of the phases of its mining operations. The mining permit may be revoked if these changes would result in a substantial loss of tax revenues to the County. In order to avoid the revocation of its mining permit, the applicant may pay its total projected annual tax payments to the County within 60 days of the Department's notice of the revocation of the mining permit.

