

DATE: October 22, 2013

FILE REF: NMAC

TO: NMAC

FROM: TJ Maglio and Tom Portle

SUBJECT: Minutes from the 2013 NR 135 Nonmetallic Mining Advisory Committee meeting

Following are the minutes from the NR 135 Nonmetallic Mining Advisory Committee (NMAC) meeting held on October 3, 2013 in Fitchburg,

**NMAC members present:** Justin Cavey, Susan Courter, Tom Hunt, Ron Garrison, Marty Lehman, Bryce Richardson, and Gary Werner were present; Clint Weninger of Payne and Dolan sat in for Ed Reesman.

**NMAC members not present:** Ed Reesman and Mike Erickson.

**Note:** For affiliations and contact information of NMAC members please see:  
<http://dnr.wi.gov/org/aw/wm/mining/nonmetallic/nmac.htm>)

**WDNR staff present:** Deb Dix, Phil Fauble, Ed Lynch, Dennis Mack, TJ Maglio, and Tom Portle.

**Others present:** Gerry Kokkonen and Beth Klotz, Jefferson County.

#### **The 2013 NMAC Meeting began at 10:00 with housekeeping and Go-around.**

► There were no new items added and a motion to approve last year's NMAC minutes was made and carried. Tom Portle introduced TJ Maglio – the new DNR reclamation specialist and Deb Dix – the new Industrial Sand contact person.

► Tom provided a handout and gave an **overview of the NR 135 reclamation program activities** since the 2012 NMAC meeting. This included the number of audits, reviews of NR 135 administrator workshops, reclamation ordinance reviews and training activities. Also discussed were dispute resolution efforts and hearings where reclamation staff presence was required. The update and handout also addressed program activities planned between this meeting and the 2014 NMAC annual meeting. In addition to activities similar to the above, plans include efforts to update existing publications on website – between December 2013 and April 2014.

#### **► Review of Draft fee report for the NRB**

The main agenda item was the report to the NRB "*on whether the nonmetallic mining reclamation revenue, expenditures and fees established by this section and by other regulatory authorities are reasonable.*"

This report to the NRB, required by NR 135.39 (7) is to be prepared "*... in consultation with the nonmetallic mining advisory committee established under s. NR 135.51.*" The NRB is to receive this report once every five years.

The draft report was broken into distinct segments; and a short presentation to the NMAC was given for each part followed by discussion and opportunity to gather NMAC input. Please see below for a summary of Input/Advice from the NMAC.

**Noon -Working Lunch** - Tom Hunt gave a PowerPoint presentation on uses and advantages of geomorphic mapping and its use in mine reclamation. At about 12:50 the NMAC meeting reconvened to wrap-up input on Fee Report.

### ► **Summary of Input/Advice from the NMAC**

NMAC members expressed concerns over several items contained in the draft fee report and advised Department staff to:

- Rework the Executive Summary to be more concise.
- Use bullet points to emphasize the most important findings, conclusions and implications.
- Supply statute or code references in the Fee Report narrative.
- Remove anything that might be construed as editorial.
- Provide reclaimed acreage in tables in report for the 39 regulatory authorities on which the report is based (data on reclaimed acres had been left blank in appropriate places in summary tables in the appendix); staff also advised that it would be good to provide information as to the total number of acres reclaimed to date in accordance with the NR 135.
- Revise the discussion on the effect of the expansion in the industrial sand sector of the aggregate industry to make it more concise.
- Document direct or indirect impacts of DNR workload and available staff resources.

### ► **WisDOT select site issue**

Justin Cavey (representing the WCCA) engaged the group on concerns with WisDOT quarry off-project “borrow” sites. This involves the decision by WisDOT to step away entirely from reclamation of hard rock select sites, which indicates that a select site will be covered under the TRANS 401 and the WisDOT projects thereby ensuring the equivalent of NR 135 reclamation standards. WisDOT later reversed course desiring the sites to become a permanent sites and the effect on counties when this occurs. Also addressed was confusion on the role of the Erosion Control Implementation Plan (ECIP) especially in these situations described above.

### ► **Final go-around: General NMAC feedback & Scheduling of NMAC’s next meeting**

There continues to be overall satisfaction with the administration of the NR 135 program at all levels, including county/municipal, and state. Gary Werner expressed a sense that there ought to be more emphasis on reclamation outcomes attributable to the NR 135 rule and the NR 135 reclamation program. Tom Portle indicated that a more comprehensive update on state-wide reclamation would be a timely agenda item for next year’s NMAC meeting.

We arrived at a consensus that the next annual NMAC meeting should be in **September 2014**.

The 2013 NMAC meeting **adjourned** about 3:00.