

REGISTRATION OF NONMETALLIC MINERAL DEPOSITS



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INTENT OF REGISTRATION

State law provides for the registration of the land, which contains economically viable (marketable) nonmetallic mineral deposits. Registration should encourage the identification, preservation and planning for ultimate development of marketable deposits. Registration of deposits also prevents future land uses such as the erection of permanent structures that would interfere with future mining of the deposit. The registration of a nonmetallic mineral deposit may **not** prevent any land use that was permitted under the current zoning the day before a site was registered.

CRITERIA FOR REGISTRATION

Land containing a marketable nonmetallic mineral deposit may be registered if two criteria are met. First, a registered professional geologist or a registered engineer must delineate the deposit and certify that it is a "marketable deposit" as defined in the rule, NR 135. Second, if the land is zoned, the existing zoning must allow mining as a permitted use or as a conditional use. If these criteria are not met, then the zoning authority may object to the proposed registration.

REGISTRATION PROCESS

The land which contains a marketable nonmetallic mineral deposit may be registered by the landowner through the recording of a deed notice in the county registrar of deeds office for the county in which the land is to be registered. The registration must include: 1) a legal description of the property, 2) a certification as to the marketability of the deposit by a registered geologist or engineer, 3) evidence that the existing zoning permits or conditionally permits mining and 4) a statement of intent by the landowner not to undertake any action that would permanently interfere with mining. At least 120 days prior to registration, the landowner must notify all applicable zoning authorities of the intent to register the land. A zoning authority may object to the registration if it determines that the registration criteria are not met.

Note: An optional registration form **Registration of Marketable Nonmetallic Mineral Deposit** is available for your use. You may request it at: DNRWasteMaterials@Wisconsin.gov or by using the **Waste and Materials Management searchable guidance and publications index**.

DURATION AND RENEWAL

Registration lasts for a period of ten years and may be automatically renewed for an additional ten year period. After the expiration of the 20 year period of initial registration and automatic renewal, the land may registered again in accordance with the initial registration process.

ZONING AUTHORITY MAY OBJECT TO IMPROPER REGISTRATION

Zoning officials may object to a proposed registration of land which contains a nonmetallic mineral deposit if it is not marketable, or if the existing zoning prohibits mining. If the zoning officials chose to object they bear the legal burden to provide sufficient evidence to support their objection in court.

CONNECTION TO ZONING AND LAND USE PLANNING

Land use planning, zoning and the registration process are interrelated. When land use plans are prepared, the location and development of registered nonmetallic mineral deposits should be considered. Zoning cannot be changed to prohibit mining of a registered deposit during the registration period. However, if the land owner does not proceed to develop the deposit while the land is registered, the zoning may be changed in accordance with a lawfully adopted land use plan. Such a zoning change becomes effective upon the expiration of the registration.

In conjunction with wise land use planning and zoning, the nonmetallic mineral registration provisions can help to reserve valuable and finite nonmetallic mineral resources for the needs of a future generation. Registration, land use planning and zoning should be used in a coordinated fashion to promote the future orderly development of identified nonmetallic mineral resources.

QUESTIONS

Contact 608/266-2111 or DNRWasteMaterials@Wisconsin.gov for further information.

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