Pride of the Ojibwa

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TESTIMONY

Of

GORDON C. THAYER

CHAIRMAN, LAC COURTE OREILLES BAND
OF LAKE SUPERIOR CHIPPEWA INDIANS

on

LRB-0762/1

RELATING TO REGULATION OF FERROUS METALLIC MINING AND RELATED ACTIVITIES

before the

JOINT HEARING OF THE

ASSEMBLY COMMITTEE
ON JOBS, ECONOMY & SMALL BUSINESS

SENATE COMMITTEE ON
WORKFORCE DEVELOPMENT, FORESTRY, MINING AND REVENUE

January 23, 2013

WRITTEN TESTIMONY
OF
Gordon C. Thayer
Chairman
Lac Courte Oreilles Band of Lake Superior Chippewa Indians
January 23, 2013

Chairpersons and Members of the Committee, my name is Gordon Thayer and I am the Chairman for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. Thank you for the opportunity to submit written testimony on Assembly Bill 1/Senate Bill 1, the bill to change the restrictions for permitting Iron/Ferrous Mining in Wisconsin.

The good, hard-working people of the Lac Courte Oreilles Tribe, a federally-recognized sovereign nation, have grave concerns with the substance and the impact of the proposed mining bill. Specifically, the Tribe has significant concerns about the legality of the bill as it relates to the tribes' treaty reserved hunting, fishing and gathering rights in the treaty ceded territories that cover approximately the northern third of Wisconsin. Second, the tribe has concerns regarding the information regarding job creation being associated with this bill and the impact it will have in sustaining employment for the people of northern Wisconsin. Finally, the tribe is concerned with the water quality that would impact Wisconsin for decades, if not centuries, by the mining practices that would be allowed under this bill. It is for these reasons that the Lac Courte Oreilles Tribe is staunchly opposed to Assembly Bill 1/Senate Bill 1.

This process has proceeded without tribal consultation or a concerted effort by the legislature to understand the potential impacts of the bill on the Wisconsin Tribes, more specifically on Lac Courte Oreilles, and no attempt has been made to measure the impact of the proposed legislation on the federally-protected treaty rights. The Legislature's decisions to conduct just one single hearing, at a distance of over 340 miles from the impacted area, creates a burden for public testimony for the people who must live in the affected area. By limiting this hearing the legislature restricts the amount of necessary information and feedback on the mining bill.

The State of Wisconsin is a party to the Lac Courte Oreilles v. Wisconsin case, commonly known as the Voigt case, from there the State may not exercise its authority to the detriment of the tribes' treaty rights in a manner that would be contrary to the requirements of the Voigt case. The State may not create legislation that could interfere with the Lac Courte Oreilles treaty-protected rights. This legislation creates the opportunity for the destruction of treaty resources through destruction of habitat. The fundamental requirement of the Voigt case is the co-management of the shared resources in northern Wisconsin; this bill threatens this requirement.

Much has been said that the mining industry will provide a spark to the Wisconsin economy. Last year, Gogebic mining company promised jobs if Wisconsin weakened legislation concerning the mining permitting process. Gogebic indicated that it would create over 700 jobs if they were permitted to mine the mountain range. What was not said is the professional training requirements for the incoming jobs provided by Gogebic would be too expensive to train

new personnel. The qualified personnel would be brought in from other job sites from across the country to fill these positions. So the job creation promised under this bill would not benefit Wisconsin directly since outsiders would be filling these positions. What is lost in this promise of "new" jobs is the sacrifice of the current jobs currently held by Wisconsinites; jobs in tourism, forestry, fishing guides and other jobs unique to the area. These jobs will be lost by the destruction of the woods and water. After the mining jobs leave, the sacrificed jobs will not return because the landscape will be changed. The net loss of the mining jobs at the expense of the tourism, forestry and other jobs is not acceptable.

The water is sacred to our people and vitally important to the survival of the all the people in Northern Wisconsin. Tribal members depend on clean, healthy water to meet their physical, social, cultural, economic and spiritual needs. Any activity, mining or otherwise, that threatens those resources must be the subject of careful and thorough scrutiny, including input from all aspects of Wisconsin, so a proper healthy decision can be made. Lac Courte Oreilles has been and will continue to be vigilant in our efforts to ensure that strong environmental laws are in place and are fully implemented so that our water is protected. The current bill fails in this regard. This mining bill allows groundwater pollution in an area extending 1200 feet from the edge of the mine or tailings area. If a company can't prevent pollution of that area, the bill allows the area of pollution to be extended another 1200 feet. In addition, groundwater standards would only apply vertically to 1000 feet. Below that level, no standards would apply, allowing a company to discharge without limitation. The bill does not appear to consider the effect that mining projects can have on deep groundwater and the subsequent effect as that water rises to the surface to replenish shallow aquifers and surface waters. A scheme that fails to scientifically test and account for this connection could result in water pollution for miles.

It is for these reasons that the Lac Courte Oreilles Tribe is opposed to the mining bill. The opposition to this bill stems from the traditional and cultural beliefs of our tribal members. It also comes from the shared concerns of the peaceful people of northern Wisconsin and our shared love for the natural resources that sustain us.

BAD RIVER BAND OF LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS
CHIEF BLACKBIRD CENTER P.O. Box 39 • Odanah, Wisconsin 54861

Bad River Band Concerns with Mining Legislation Continue

Proposed Changes in Mining Regulations Pose Risks to Public Health, Resources

FOR IMMEDIATE RELEASE: January 22, 2013

CONTACT: Mike Wiggins, Jr., Chairman of the Bad River Band of Lake Superior Chippewa, (715) 292-7236
Cherie Pero, Bad River Band Citizen, (715) 292-9331
Dennis Grzezinski, Midwest Environmental Advocates, Senior Counsel, (414) 530-9200
Glenn Stoddard, Stoddard Law Office, Attorney at Law, (715) 864-3057

ODANAH, WI – Today Tribal leaders of the Bad River Band of Lake Superior continued to express their concerns that a proposed mine in the Penokee Range poses serious risks to people's health and drinking water and is a threat to the rivers, lakes, wetlands, and other natural resources in the Bad River watershed.

"With a nearly identical companion bills as last session, it is clear that the leadership of the Wisconsin legislature still doesn't understand that the Penokee Hills cannot be mined without adversely affecting our clean drinking water and our way of life," said Mike Wiggins Jr, Chairman of the Bad River Band. "AB 1 and SB 1 was obviously written by and for an out-of-state mining company and will be rushed through the legislative process without formal meetings with Tribal leaders, adequate public hearings, or meeting the ten principles we set forth in September 2011 for future changes to Wisconsin's mining laws. As a people and as a sovereign nation, the Bad River Band strongly opposes AB 1 and SB 1 and we ask the Wisconsin Legislature to reject this legislation once and for all."

"If enacted as introduced, AB 1 and SB 1 will significantly weaken environmental protections applicable to iron mining," said Glenn Stoddard, an attorney who serves on the legal team representing the Bad River Band on mining issues. Stoddard outlined some of the major problems with the legislation. Changing the law:

- violates Wisconsin's Public Trust Doctrine which protects our rights with shared water,
- infringes on federally recognized Chippewa treaty rights,
- reduces meaningful public and scientific input before a permit is issued by the DNR,
- eliminates citizen suits as a means of enforcing a permit after it has been issued by the DNR,
- and creates a more complex and less efficient process for review of a potential iron mine, because Wisconsin will not be able to effectively coordinate its review with federal agencies.

Penokee Range: Geography, Topography and Importance

The Penokee Range, extending through 25 miles of Ashland and Iron counties, is significant to the clean water, environment and culture of the Bad River Band and other northern Wisconsin residents. The surface and groundwater originating from the Penokee Range is in the recharge zone of the Copper Falls Aquifer, on which many residents rely for clean drinking water.

Seventy-one miles of rivers and intermittent streams flow through the proposed mining area, emptying into Lake Superior. These waterways are a part of an internationally important migratory corridor; birds and other wildlife depend on area wetlands for survival.

The Kakagon Bad River Sloughs—16,000 acres of wild rice, grasses, sedges, trees, streams, and open water located along the southern shore of Lake Superior--depend on the surface and ground water that originates in

the Penokee Range to sustain the largest and healthiest full-functioning estuarine system remaining in the upper Great Lakes. These wetlands have a cultural significance for the Bad River Band and support the largest natural wild rice bed in the Great Lakes in which members of the Bad River Band have harvested wild rice for generations.

Legislation Serves Out-of-State Mining Interests to Extract Iron Ore from the Penokee Range

"It seems the primary purpose of the proposed mining legislation is to convince Gogebic Taconite to develop an open pit iron ore mine in the heart of the Penokee Range," said Bad River Tribal Council Member Frank Connors Jr. "But despite promises from politicians and mining companies, this mountaintop removal cannot be done without polluting our water. This is our land. This is where we live. We can't just pack up and move."

The majority of the Range is owned by RGGS Land and Minerals, Ltd. of Houston, Texas, and LaPointe Mining Co. in Minnesota. Together these companies control a 22-mile, 22,000-acre stretch of the Penokee Range from southwest of Hurley to about six miles west of Mellen. The Cline Group, out of Florida, secured an option to obtain the mineral rights held for this property, and created a subsidiary called Gogebic Taconite to propose a 4 1/2 mile long open pit iron ore mine, what the company says is the first phase of an eventual 22-mile strip of open pit mining.

For Gogebic Taconite to get to the iron, a vast amount of overlying rock must be removed, some of which contains heavy metals and sulfides. In the Penokee Range, a recent report from Lawrence University researchers estimate a mine 4 miles east-west and 1000-foot deep would generate at least 434 million cubic yards of waste (over three times the volume of Lake Monona). The overlying rock contains sulfide (sulfur-bearing) minerals (primarily pyrite), which when exposed to air and water create sulfuric acid harming people, fish and plants. The report builds on the considerable work done by geologists in the past, which is documented in the literature at: http://www.lic.wisc.edu/glifwc/penokee/literature.

10 Principles for Any Changes to Wisconsin's Mining Regulations

The Bad River Band opposes the proposed changes to the state's mining regulations in AB 1 and SB 1. For this or any changes in Wisconsin's mining regulations, we can agree to ten basic principles for changes that would protect the environment and cultural resources for future generations:

1. Exclude any project proposal that has the potential to cause acid mine drainage.
2. The burden of preparing and submitting a complete application should be entirely on the permit applicant.
3. Provide adequate time for the DNR, the public, federal agencies, and affected Indian tribes to fully review and participate in the process.
4. Maintain existing wetland protection standards and the federal/state partnership in the environmental review process.
5. Correct, don't weaken, the DNR's federal Clean Water Act implementation.
6. Allow contested case hearings with full participation by citizens, including Indian tribes.
7. Mining legislation must not preempt local control.
8. Allow citizen suits to make sure permit provisions and legal restrictions on new mines will be enforced.
9. Require consultation with Indian tribes by the DNR as part of the permitting process.
10. Participation in contested case hearings should be paid for by the permit applicant or state.

With over 7,000 members, the Bad River Band of Lake Superior Tribe of Chippewa Indians is located on an over 124,000-acre reservation in an area within Ashland and Iron Counties on the south shore of Lake Superior (known by the tribe as Gichi Gami). The Ojibwe people have a long and rich heritage throughout the Great Lakes region and at Odanah on Lake Superior prior to European traders, missionaries and settlers. Treaties signed by eleven Ojibwe Tribes ceded territory in the region, including what is currently the upper one third of the State of Wisconsin. Learn more about the Bad River Band of Lake Superior Tribe of Chippewa Indians on their website, badriver-nsn.gov.

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TOWN & COUNTRY
Resource Conservation & Development, Inc

January 22, 2013

Chairman Thomas Tiffany
Chairwoman Mary Williams

RE: Senate Bill 1, Assembly Bill 1

Dear Members of the Joint Committee on AB 1, SB 1 Public Hearing,

On behalf of the Board of Town and Country Resource Conservation and Development, I wish to register our strong objection to the provisions of AB 1 and SB I that weaken Wisconsin's environmental standards protecting our water quality and quantity and restrict local input to the permitting process.

Our organization is dedicated to the sustainable use of our natural resources. We believe that the development of our natural resource must be done in a way that is good for the economy, environment and the health of the people of our state. This legislation does not meet that test.

After listening to all the testimony and discussion of Senator Cullen's Joint Committee in 2012, it seems very possible to have a mining law reform bill that will streamline the regulatory process, protect our state's waters, and allow local governments and citizens a voice in the process.

The bill as presented will certainly create conflicts with federal laws and permitting, and with Tribal authority to protect the resources they depend on. Tying the mining permitting process up with lawsuits and conflicting or duplicative regulating processes will not promote a good business environment for our state.

Sincerely yours

Lisa Conley

Lisa Conley, Past President
Town and Country RC&D

Town & Country RC&D builds partnerships and supports projects to enhance the health of our communities, our economy, and our environment.

PO Box 333, Jefferson, WI 53549-0333 (920) 541-3208

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Sunshine Jones
Name

1-23-2013
Date

4333 Crawford Drive
Street Address or Route Number

Madison, WI 53711
City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☒

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Sunshine Jones,
4333 Crawford Drive,
Madison, WI 53711
1/22/ 2013

Please register my testimony (below) in opposition of AB1 and SB1 and send me a confirmation.

Our waterways, the rivers, lakes, wetlands in Wisconsin and our bordering great bodies of fresh waters are abundant blessings from God, to be cared for and cherished. As Wisconsinites, whatever our party affiliations, we can feel this in our bones. Our waters feed our spirits and bodies and with stewardship will do so for our children, grandchildren and their grandchildren. Indeed, in a world where fresh surface water is increasingly in demand, where there is concern about global water wars, our region, with all its majesty and pristine waters, if managed with intelligence and heart, is invaluable to the planet and will be viewed so throughout the United States and in the world community.

I am writing today to register my opposition to the Open Pit Mining Bill. I strongly desire employment opportunities for my fellow Wisconsinites, but ones that are life affirming and sustainable for my fellow citizens and for Wisconsin, not short-term ones that are life destroying for our land, for our waterways, and for the quality of life for generations to come.

I believe that out of state mining companies whose bottom line is corporate profit, not the welfare of Wisconsin's entire community of life, has had too much influence in designing the environmentally unsound and lopsided Open Pit Mining Bill that cedes out- of- state corporate interests great power without accountability. This bill is careless in entrusting too much to outside interests that do not share Wisconsinite core values such as respecting and preserving our lands, our waters, our animals and all of our peoples, particularly our tribal communities which would be most devastated by this bill.

One of the many disturbing indications of this is that The Open-Pit Mining Bill rewards out-of-state mining companies at the expense of Wisconsin families. In this bill, mining companies – unlike other industries –are exempted from the water, land and public health protections that are standard protocol for other industries in Wisconsin.

Second, *SB* 1/AB 1 shockingly, forces the State of Wisconsin to issue a mining permit even if they know it will endanger public health, safety or welfare (Page 135).

Third, SB 1/AB 1 explicitly states that groundwater contamination by a mining company is acceptable (Page 189).

Fourth, with our waterways already suffering from a ten year drought and both Lake Superior and Lake Michigan seriously low, and. SB 1/AB 1 states that the DNR can allow a mining company to take high volumes of water from rivers and lakes and streams that are not located within their property or immediately next to it, even if it will draw down rivers, lakes, and streams (Page 161).

Fifth, SB 1/AB 1 allows mining companies to dump toxic mining waste into sensitive wetlands that protect local communities from flooding and water pollution, as long as the company restores wetlands anywhere else in the state, no matter how far away (Page 55).

Last, my prayer is that each one of you reach into your hearts when making a decision about the Open Pit Mining Bill. Ask yourself whether this bill cherishes God's precious creation from our waterways to our great grandchildren to creating sustainable and life affirming jobs that serve the good of the whole. Imagine yourself 15 years from now, sitting with your grandchildren where the Bad River meets Lake Superior, in a world community that is now mostly powered through renewable energy. Your precious little one asks you what you did to protect the great blessing of Wisconsin's majestic lands and pristine waters for their generation. How will you answer?

Sincerely,

Sunshine Jones

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4333 Crawford Drive,
Madison, WI 53711
1/22/ 2013

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Sincerely,

Sunshine Jones

Wisconsin Division - Izaak Walton League of America
10598 Hotvedt Road
Amherst Junction, WI 54407-9073
Phone (715) 824-2405

January 23, 2013

Testimony for: Joint hearing on AB 1/SB 1
Assembly Jobs, Mining and Economy Committee
Senate Committee on Workforce Development, Forestry, Mining and Revenue

My name is George Guyant and I thank you for the opportunity to testify today. I am here representing the Wisconsin Division of the Izaak Walton League of America in opposition to AB 1/SB 1.

The Izaak Walton League is one of the oldest conservation organizations in the nation, having just celebrated our 90th anniversary. What prompted 54 concerned sportsmen to form the group in 1922 was the destruction of our country's natural resources in the name of jobs and progress. It's obvious that the need for citizens to stand up to protect our soil, air, woods, waters and wildlife is no less today than it was 90 years ago!

The League is not against mining, it is just against mining that threatens to permanently harm our natural resources in the name of short term jobs and economic gain. The Izaak Walton League promotes the wise use of our natural resources and we understand that mining is a necessary human endeavor that makes our standard of living possible. We just believe that mining can and only should be done without undue harm to the environment.

Wisconsin already has a mining law that works as shown by mines that have operated within it. There is no need to weaken any environmental standards or limit public involvement as this proposed legislation would do. The League has always believed that decisions should be based on sound science and direct citizen participation. This piece of legislation does neither.

On a personal note, I own recreational property in southern Iron County and I know the people living there. The folks up there are desperate for jobs and a boost to the Northwood's economy, but those that I have spoken to do not want to sacrifice the health and beauty of their part of the state for short term gain. They understand that the minerals will always be there but we will only have one chance to do this right.

I will keep my comments short to allow others to speak as I understand that this is the only chance for public participation for this most important piece of legislation. Again I thank you for this opportunity.

George M. Guyant – President
Wisconsin Division IWLA

US Army Corps of Engineers
St. Paul District

U.S. Army Corps of Engineers (Corps) Information Relating to Ferrous Mine Proposal Reviews

January 2013, Regulatory Branch

General Timeline[1] for Environmental Review Requirements for Ferrous Mine Proposals

The environmental review and permit evaluation process for ferrous mine proposals generally takes from 2 to 4 years, or more, to complete. After an application is filed, development of an EIS includes seven steps:

1. Notice of Intent (NOI) to prepare an EIS & scoping for the EIS - approximately 2 months.
2. Obtaining a 3rd-party contractor to prepare the EIS (as guided by the Corps) takes approximately 3 months. The cost of preparing a 3rd party EIS varies, but it can exceed several million dollars, depending on the scope of the proposal and the range of potential environmental impacts.
3. Preparation of the draft EIS historically has taken 9 to 18 months. Project changes or the need for additional information can extend this time frame, as discussed further below.
4. Distribution of a draft EIS with a 45 day comment period - approximately 2 months.
5. Responding to comments and preparing a final EIS takes approximately 2 – 6 months (provided no new information needs to be collected). Comment responses that lead to additional analyses of environmental impacts can add significant additional time to the preparation of the final EIS.
6. Preparing a final EIS notice of availability with a 30 day comment period takes approximately 2 months.
7. Preparing a Record of Decision (Permit Decision) takes approximately 3 months.

Council on Environmental Quality and Corps regulations for completion of an EIS are located at 40 Code of Federal Regulations (CFR) Part 1500-1508, 33 CFR Part 230, and 33 CFR Part 325, Appendix B.

Compensatory Mitigation Requirements (33 Code of Federal Regulations Part 332)

Compensatory mitigation (mitigation) is often required for unavoidable, minimized impacts to aquatic resources, including wetlands, rivers, and streams. It is not restricted to scenarios where aquatic resource loss is deemed significant, nor is it restricted to federally regulated waters.

1. The Corps prioritizes mitigation that follows a watershed approach.
2. Mitigation that is in-place, in-kind, and in-advance relative to the proposed loss is preferred.
3. Replacement ratios are often used as a surrogate for determining the amount of mitigation required; however, the primary goal of mitigation is replacement of lost aquatic resource functions.

Analysis of Alternatives (40 Code of Federal Regulations Part 230 and 1502)

1. As part of the NEPA process, the Corps evaluates all reasonable and feasible alternatives, resulting in selection of an environmentally preferred alternative which best avoids or minimizes adverse effects to the quality of the human environment. This alternative is further evaluated for compliance with the 404(b)(1) guidelines and subject to a public interest review.
2. Any authorized impact must not have a practicable alternative with less adverse impact on the aquatic ecosystem, provided that there are not other significantly adverse environmental consequences.
3. In general, practicable alternatives to locate ferrous mining processing plants or other facilities are not restricted to locations at or immediately adjacent to the mine site.
4. Applicants would be required to provide a robust alternatives analysis for ancillary features of a mine site when those facilities impact wetlands.

Corps Contact for Additional Information: State Program Manager, Rebecca Graser, phone number (262) 717-9531, extension 3, or email Rebecca.M.Graser@usace.army.mil.

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[1] *The timelines above are estimates based on EIS reviews completed in MN and should be considered minimum timeframes for each process for most ferrous mine proposals. The completion of individual studies, such as the development of groundwater models, water quality studies, or other project-specific studies undertaken to identify environmental impacts and assess effects can significantly lengthen EIS schedules.*

US Army Corps of Engineers
St. Paul District

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Testimony before the
Joint Mining Committee January 23, 2013

My name is Patricia Hammel. I am an attorney in Madison Wisconsin. I spend my rare vacation time camping in northern Wisconsin and the Upper Peninsula of Michigan with my family. I try to visit Lake Superior every summer. I like to think my children will be able to go there for many years and swim, boat, hike and fish as we have done.

Since following the course of AB 426 last year, I've learned a lot about the history of mining in the Great Lakes region and in Wisconsin, about taconite mining and open pit mines. I knew about the trust responsibility of the federal government towards native americans and something about the public trust doctrine that requires state officials and agencies to manage Wisconsin's navigable waters, but I was not informed about the geology of the Penokees. Nor did I know much about the economic and environmental consequences of mining, which due to poor regulation and oversight, has resulted in serious environmental damage in Minnesota and the upper peninsula of Michigan.

This bill creates a distinction between "ferrous" and "non-ferrous" mining that is not scientifically based. Taconite mining in areas like the Penokees can release pollutants into the air and water just as non-ferrous mining can do. Acid mine drainage from pyrite polluted the Iron River in Michigan. Iron mining in Minnesota polluted Lake Superior and Duluth's water supply. There are numerous "areas of concern" around Lake Superior created by mining, including the Torch Lake superfund site, The Flambeau mine left sulfate, iron copper and zinc pollution downstream under our current mining laws.

The economic benefits of mining are unpredictable and have been inflated out of proportion to reality as the Governor and politicians who prevailed by creative district mapping seek to demonstrate that they can "create jobs." The recent history of mining in Wisconsin failed to reduce unemployment or poverty in Rusk County while the Flambeau mine was operating, or after it closed ahead of schedule. Kennecott would not provide enough information to local officials to determine where the mine operators came from or whether any of them were union jobs.

Communities dependent on resource extraction through mining suffer from economic decline. Mining jobs are unstable, technology is displacing human labor, the environmental damage causes economic problems (impaired air and water, costs to human health) as well as aesthetic, and displacement of other sustainable economic activity, like tourism, forestry and food production, results from mining.

The boom and bust cycle of mining results in impoverished communities because the jobs ebb and flow with mineral prices, miners don't want to live near the mine, and towns don't invest in schools and services when the miners commute or can't be expected to stay. Mechanization continues to diminish the number of workers needed to run the mine. Appalachia, the Four Corners of the southwest, the Minnesota Iron Range, the Upper Peninsula of Michigan..mining's promise of prosperity is a lie.

We can invest in Wisconsin's infrastructure of mass transit, internet access in rural communities, local food production, decentralized energy production, education and health care and make good sustainable jobs for our people while respecting the rights and lands of our native neighbors and protecting our most precious resource, water. Let's do that, not this.

Patricia K. Hammel
Vice Chair of the Board, National Lawyers' Guild Madison Chapter
Madison Action for Mining Alternatives
16 N. Carroll Street #500
Madison WI 53703
(608) 257-1369

The Non-Effect of the Flambeau Mine on Rusk County's Annual Unemployment Rate

	County[1]								State of Wisconsin
	Rusk		Chippewa		Taylor		Barron		
Year[2]	Rate[3]	County Rank[4]	Rate[3]	County Rank[4]	Rate[3]	County Rank[4]	Rate[3]	County Rank[4]	Rate[3]
1990	8.2%	71	5.8%	48	6.7%	62	6.2%	54	4.4%
1991	10.6%	70	6.2%	33	8.6%	65	6.8%	43	5.5%
1992	10.2%	71	6.4%	39	7.7%	56	6.7%	44	5.2%
1993	11.0%	72	6.5%	49	7.6%	61	7.0%	52	4.7%
1994	9.8%	72	6.1%	42	7.6%	64	6.4%	49	4.7%
1995	7.6%	71	4.6%	39	6.4%	62	4.8%	45	3.7%
1996	7.0%	70	4.4%	38	4.9%	50	4.5%	43	3.5%
1997	7.9%	71	4.2%	32	5.3%	53	4.8%	42	3.7%
1998	6.0%	63	3.8%	30	5.0%	54	4.3%	43	3.4%
1999	4.6%	59	3.7%	38	3.9%	44	3.9%	44	3.0%
2000	6.8%	68	4.4%	42	4.5%	45	4.8%	53	3.5%

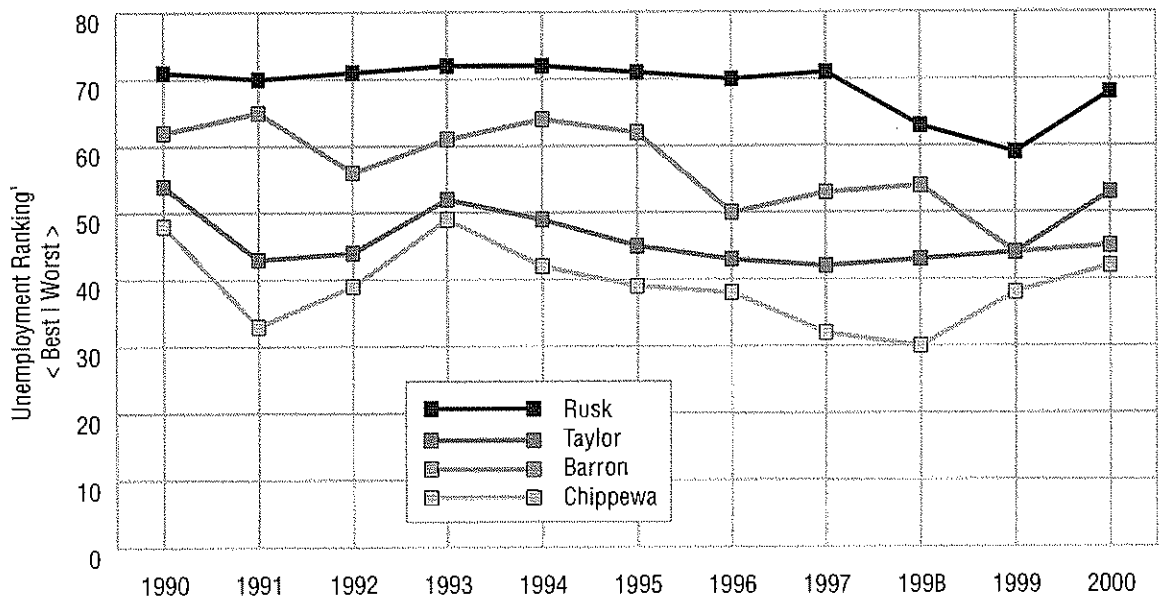
[1] See CD 119-8 for a table including data from three additional Wisconsin counties—Forest, Price and Sawyer.

[2] The Flambeau Mine was in production from 1993 to 1997.

[3] Unemployment rates were obtained from the web page of the Wisconsin Department of Workforce Development (www.dwd.state.wi.us/lmi), January 2002.

[4] County rank indicates the number of counties in the state with *equal or lower* unemployment rates. Since there are 72 counties in the State of Wisconsin, a rank of 72 means the county had the highest unemployment rate in the state.

Table 119-1. Annual unemployment rates and corresponding rankings within the State of Wisconsin for Rusk County and three of its neighboring counties (1990–2000), with special emphasis on the mining years in Rusk County (1993–1997).



[1] Since there are 72 counties in Wisconsin, a rank of 72 indicates the county with the highest unemployment rate in the state.

Graph 119-1. Annual unemployment rate rankings within the State of Wisconsin for Rusk County and three of its neighboring counties (1990–2000).

The Non-Effect of the Flambeau Mine on Rusk County's Annual Per Capita Income

	County[1]								State of Wisconsin
	Rusk		Chippewa		Taylor		Barron		
Year[2]	Per Capita Income[3]	County Rank[4]	Per Capita Income[3]	County Rank[4]	Per Capita Income[3]	County Rank[4]	Per Capita Income[3]	County Rank[4]	Per Capita Income[3]
1990	$7,161	70	$9,186	40	$8,934	47	$9,167	41	$12,686
1991	$7,542	70	$10,002	37	$9,246	48	$9,698	41	$13,043
1992	$7,849	69	$10,240	38	$9,514	45	$9,972	42	$13,287
1993	$8,003	71	$10,349	43	$10,367	41	$10,250	44	$13,840
1994	$8,474	71	$10,906	42	$11,350	37	$10,755	47	$14,534
1995	$8,991	71	$11,581	45	$11,841	40	$11,440	46	$15,324
1996	$9,490	70	$12,299	42	$12,297	43	$11,810	46	$16,118
1997	$10,074	70	$13,156	39	$12,993	41	$12,525	48	$17,437
1998	$11,258	70	$14,263	40	$13,893	41	$13,825	42	$18,655
1999	$11,879	70	$15,461	40	$15,248	42	$15,359	41	$20,116
2000	$12,377	70	$16,178	41	$15,409	47	$15,823	43	$20,503

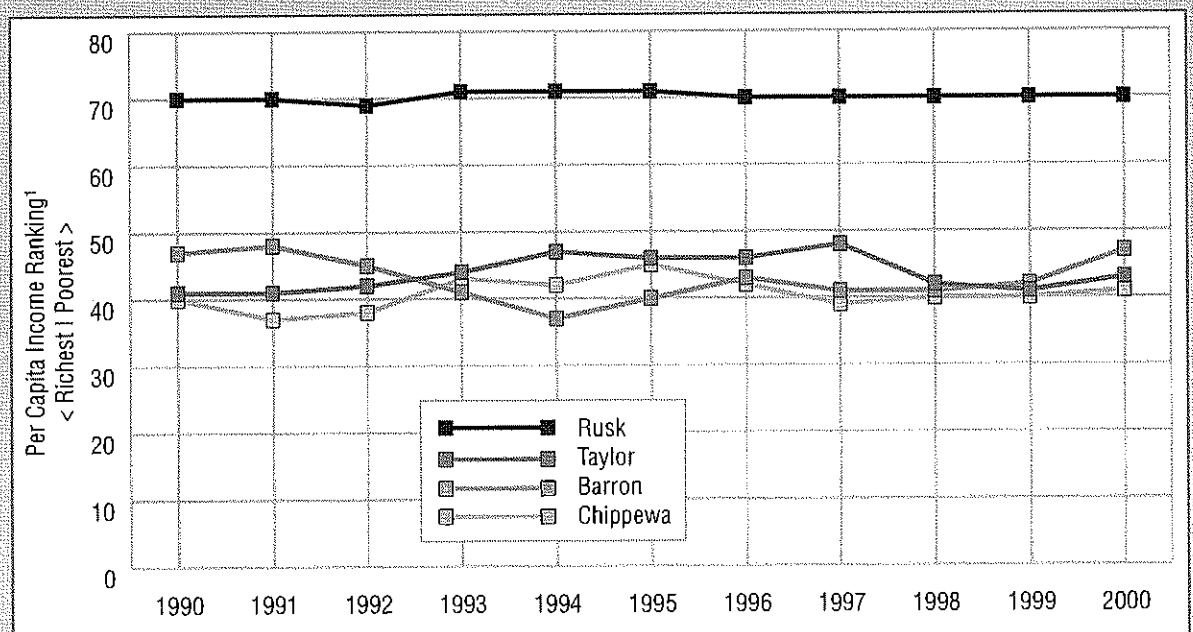
[1] See CD 119-16 for a table including data from three additional Wisconsin counties—Forest, Price and Sawyer.

[2] The Flambeau Mine was in production from 1993 to 1997.

[3] Annual per capita adjusted gross incomes were obtained from the 1995–1996, 1997–1998, 1999–2000 and 2001–2002 volumes of the *Wisconsin Blue Book*. Values for 2000 were obtained from the Wisconsin Department of Revenue.

[4] County rank indicates the number of counties in the state with equal or higher per capita incomes. Since there are 72 counties in the State of Wisconsin, a rank of 72 means the county had the lowest per capita income in the state.

Table 119-2. Annual per capita adjusted gross incomes and corresponding rankings within the State of Wisconsin for Rusk County and three of its neighboring counties (1990–2000), with special emphasis on the mining years in Rusk County (1993–1997).



[1] Since there are 72 counties in Wisconsin, a rank of 72 indicates the county with the lowest per capita income in the state.

Graph 119-2. Annual "per capita adjusted gross income" rankings within the State of Wisconsin for Rusk County and three of its neighboring counties (1990-2000).

The Non-Effect of the Flambeau Mine on the Percentage of Rusk County's Total Population Living in Poverty

	County[1]								State of Wisconsin
	Rusk		Chippewa		Taylor		Barron		
Year[2]	Percent Living in Poverty[3]	County Rank[4]	Percent Living in Poverty[3]	County Rank[4]	Percent Living in Poverty[3]	County Rank[4]	Percent Living in Poverty[3]	County Rank[4]	Percent Living in Poverty[3]
1989	16.6	69	10.5	32	12.7	44	11.6	38	10.7
1993	16.6	68	11.3	41	11.1	36	12.6	50	10.9
1995	14.9	70	9.7	43	9.8	45	10.4	49	8.9
1997	14.6	68	9.6	38	10.6	47	10.6	47	9.2
1998	13.6	68	9.4	40	9.8	46	10.7	51	8.9
1999	11.9	68	8.5	41	9.1	47	9.5	49	8.4

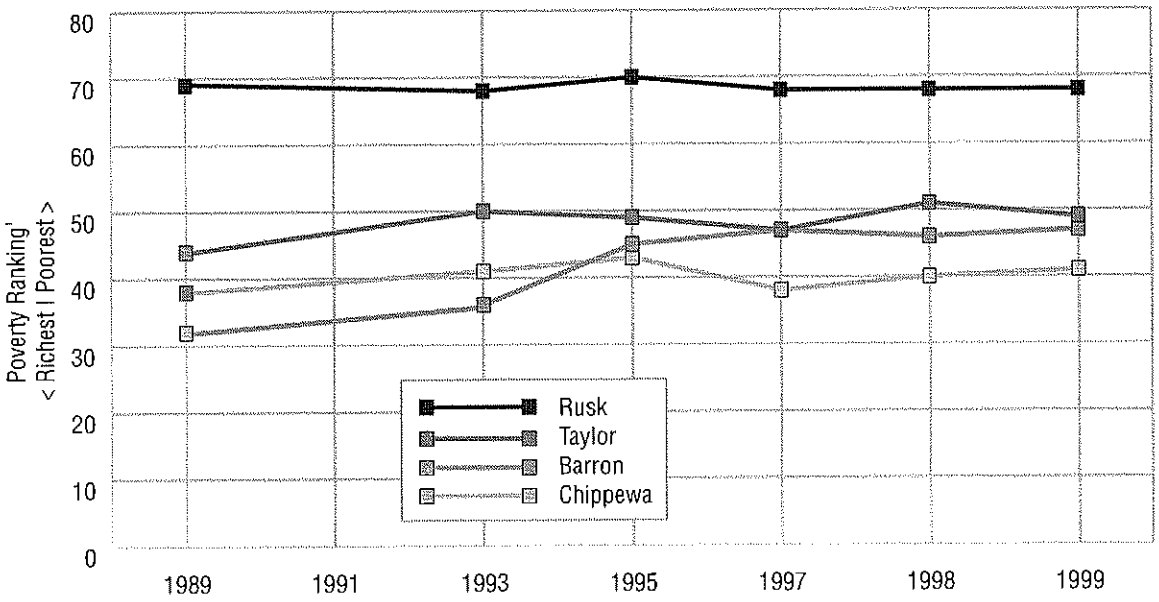
[1] See CD 119-18 for a table including data from three additional Wisconsin counties—Forest, Price and Sawyer.

[2] The Flambeau Mine was in production from 1993 to 1997.

[3] Percentages were obtained from the web page of the United States Census Bureau (www.census.gov/hhes/www/), September 2003. Information was not posted for 1990, 1991, 1992, 1994, 1996 or 2000, so that is why those particular years are not included in the table.

[4] County rank indicates the number of counties in the state with equal or lower percentages of people living in poverty. Since there are 72 counties in the State of Wisconsin, a rank of 72 means the county had the highest percentage of people living in poverty in the state.

Table 119-3. Percentages of total population living below the poverty level and corresponding rankings within the State of Wisconsin for Rusk County and three of its neighboring counties (1989-1999), with special emphasis on the mining years in Rusk County (1993-1997).



[1] Since there are 72 counties in Wisconsin, a rank of 72 indicates the county with the highest percentage of people living in poverty in the state.

Graph 119-3. Poverty rankings within the State of Wisconsin for Rusk County and three of its neighboring counties with respect to percentage of total population living in poverty (1989-1999).

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Ronalee Monroe
Name

January 23, 2013
Date

N6081 Ziebell Rd.
Street Address or Route Number

Jefferson WI 53549
City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☒

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

I was born in Wisconsin as were my parents. My husband's parents arrived here in the early 1840's from Ireland, to farm in the wilds of Washington County. Wisconsin is my land. Wisconsinites are my people.

I am not going to present any facts to make my case. Others far more informed and educated have and will do that today. I am going to speak from my heart. There is nothing about mining at this level, either metallic or nonmetallic that is sensible, just, or right for my people.

It is wrong to cut down the mountains that the Creator lifted up.

It is wrong to poison the water which the Creator intended to be lifegiving to all creatures.

It is wrong to foul the rice beds that are the heritage of the Indigneous people.

It is wrong to kill the fish, birds and other wildlife, by poisoning them, because only a coward kills a living creature in such a fashion, rendering it ~~useless as food~~. dangerous or useless in the food chain.

This land, this water, the plants, the fish, the wildlife is our communal legacy to the next generation and the generations beyond. It isn't a commodity to sell to greedy people who plan to exploit it and leave us with a toxic garbage heap.

Our planet is a system of such complexity we can not fathom how it works,

let alone restore it. It is the life source of our people and to destroy our land, in the Northern Highlands, in the Driftless and in the Central Sands of Wisconsin, with large scale mining of any type, is to destroy our legacy to future generations. It is to leave Wisconsin, an industrial waste site for generations to come. If you vote for this, that will be your legacy. Your actions will have turned rural Wisconsin into an industrial waste ~~site~~ dump.

To take the life source of our people is no different than to kill our people.

It is to anhililate the heritage of our Indigenous people.

It is to destroy our rural culture of farming, hunting and fishing. It is to ruin the woodlands, prairies, bluffs and marshes, for tourism, hiking, biking, paddling sports, skiing and camping all activities that are such a big part of the lives of many Wisconsinites .

Is this what you were elected to do?

Ronalee Monroe

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

CATHERINE PARKS SNIDER
Name

1·23·2013
Date

4711 COUNTY HWY B
Street Address or Route Number

OREGON WI 53575
City/Zip Code

MIDWEST ENVIR. ADVOCATES
Organization *(if applicable)*

Registering: In Favor ☐ Against ☑

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

To whom it may Concern,

January 23, 2013

The Penokee Hills is Wisconsin's most pristine watershed. I oppose the GTAC bill. There is too much at stake- clean water, health issues, and lack of sound science. Public input must be considered. The GTAC bill is unacceptable and should not be passed.

Sincerely,

Catherine Parks Snider

Catherine Parks Snider

4711 County HWY B

Oregon, WI 53575

Untitled

"Hetch Hetchy Valley is a glacial valley in Yosemite National Park in California. It is currently completely flooded by O'Shaughnessy Dam, forming the Hetch Hetchy Reservoir." It was such a beautiful place that when the prospect of damning it came up it inspired John Muir to exclaim, "Dam Hetch Hetchy! As well dam for water tanks the people's cathedrals and churches, for no holier temple has ever been consecrated by the heart of man."

Taconite open pit mines are large and they are water killers. All the evidence anyone needs to prove this is available from the DNR's and Pollution Control Agencies of Michigan and Minnesota. In the same breath as some are denying any pollution associated with taconite mining they will tell you "new technology" will clean it up. What they wont tell you is what this new technology is or why it hasn't cleaned up Michigan and Minnesotas pollution. Be that as it may, even if taconite mining was virtually pollution free, the Penokees are our Hetch Hetchy. There is a reason a State Park exists just down the river from the proposed mine site. Copper Falls State Park is beautiful and wet. Miles of trails follow the rivers and falls. Tyler Forks is one of these rivers. Tyler Forks is in the middle of land leased by the mine. If you haven't visited the land being eyed for this mine you need to. Then ask yourself if you would trade the top for the bottom of this beautiful area. There is no way that a four mile long, half mile wide, 900 foot deep hole just upstream from Copper Falls State Park is not going to significantly diminish it. There are some places you leave be, regardless of the riches under them, simply because the riches on top are priceless. The Penokees are just such a place.

The positive things being expressed about this mine are probably all true, maybe not to the degree promised but no one can argue that this mine will not stimulate direct and indirect economic activity. It is also undeniable that it will be at the expense of the water and the land. So I ask this committee when you are looking in the mirror and weighing the postives and negatives of this bill, at the end of every positive be sure to add, at the expense of the water and the land. Then please realize that current mining laws look out for the water and the land and reject this bill for the instrument of pollution it is.

Thank you

charlie ortman

Hello, my name is Ethan Petushek I'm 13 and I belong to the Bad River tribe. I swim and fish in the water. Even though I don't hunt or go ricing I do however eat venison and wild rice. In my opinion the best wild rice comes from Bad River. If that water that the rice grows on or the water that the deer drinks. There will be no wild rice in Bad River and the deer will be full of diseases.

If that happens my family and others won't be able to keep our culture alive. We use our water for so much like when we had the water walk. They had water come from all four directions and it was poured into our water. We also have canoe races every year during the powwow If its polluted that's one of many traditions that we will lose if this goes through. I want my descendants to enjoy that I get to enjoy that me and my people get to enjoy now.

This just doesn't just affect tribal people it affects every body that comes up to hunt. It doesn't just affect our water it affects Lake Superior. Apparently you either have to be part of Bad River or a "tree hugger" to care about the wild life in this area. And when I say tree hugger I don't mean to offend anyone it's just that when people that aren't tribal that don't want this mine people that do call them tree huggers. Is it wrong to care about the environment? No it's good that we care about it to fight for it when it can't. But if this goes through there will be big consequence like no swimming, fishing, and no wild rice. People weren't put here to destroy what we live on. No one knows what the meaning of life is but I'm sure it wasn't to destroy our environment.

I'm obviously against the mine and I'm not against it because all my people are I am because I'm 13 and I know right from wrong and I know for sure this is wrong. And I wrote all of this with no help from anybody else. I just hope that people can get across that this isn't a good thing and hopefully it's before it's to late.

January 23, 2013

From Allie Raven, 12480 Scenic Drive, Iron River, WI

To: Representative Mary Williams, Chair, Committee on Jobs, Economy, and Mining

Senator Tom Tiffany, Chair, Senate Committee on Workforce Development, Forestry, Mining, Revenue

Registering testimony in opposition to SB1/AB1

To committee chairs, committee members, and fellow members of the public, I say boozhoo, anin. In the language of my mother's people, this is "hello, friend." I call you friend in the most important way, because it is the true friend that speaks with honesty and candor to you about difficult topics and expects to be heard and provided a thoughtful, meaningful response.

As one raised to be a faithful steward of the land and water, I am deeply shocked and troubled by the damaging provisions of mining bill AB1/SB1 now under consideration, and direct you to oppose it.

Other testimony provided today will detail the myriad ways that its provisions violate geologic, hydrologic, environmental and socio-economic principles; what I have to say, as a citizen and as a grandparent committed to the long-term health and welfare of our communities and throughout our State and region is that I honestly and sincerely expect better from you, our legislators.

Please remember, as public servants, you work for all of us here in Wisconsin, and as such, carry a sacred responsibility to safeguard our health and welfare and protect us and our lands and waters from harm. That, first and foremost, must be your greatest concern, and I expect you to live up to that sacred duty.

For too long, some of you have treated us up here in the northern part of the state as second-class citizens, and seem to consider expendable the precious lands and waters on which we depend for sustenance. THIS MUST CHANGE.

For too long, calls from our region to help us find sound solutions to our long-term unemployment problems have been virtually ignored. Today, you will hear testimony from some of our neighbors so desperate for decent jobs that they are willing to sacrifice their health and the long term health and well-being of their offspring and our lands and waters in exchange for the very dubious prospect of mining jobs. Even if "successfully" implemented, strip mining would create another boom and bust economic cycle and would do irreparable damage to our land and water resources and to the fabric of our communities, yet these neighbors appear willing to make this ghastly tradeoff in the hope of what they have been falsely led to believe is at least

some short-term economic gain. Hope and desperation have blinded them to the fact that mining offers no short-term job creation prospects. As legislators responsible for creating economic development solutions, what relief can you bring to our citizens who clamor for opportunities to do an honest day's work, starting NOW?

Strip mining is a lazy legislative answer. Wasting a great deal of time and legislative and community energy promoting a very bad mining bill is irresponsible and shows an unacceptable lack of initiative. Is beating this dead horse the best you can do to help us? I certainly hope not!

What is needed in our region, and has been needed for a long time is a bold and creative approach in the creation of a vibrant, sustainable economy which makes the most of the energy and talents of our people while ensuring our long-term well-being. Is this too much to ask? I don't think so.

If you are serious about job creation and about meaningful, sustainable economic development, let's see some fresh ideas. Come up to northern Wisconsin and work with us. Hold hearings on creating a sustainable future. Get our ideas and insight. Please act decisively to restore our faith in you and the legislative process.

My friends, I have shared honestly with you that I expect something better, and I know that together we can do better. It is my great hope that you will take to heart what I have shared and use it in a good way.

I leave you with one more thought, and that is the thought of a simple glass of water, the kind that you will drink over and over again throughout your lives. You will want it to be clean, clear water, and my hope for you is that it will always be. From this moment forward, with each glass you raise to your lips, may you have a lasting memory of the moment you cast your vote on this bill and be reminded accordingly, either:

"I am responsible for the degradation of water quality to sensitive, water-rich areas of Wisconsin and for the disastrous consequences to all who depend on its clarity, pureness, and sufficiency."

OR

"I am responsible for upholding my sacred duty to protect our citizens, and I have done my very best to safeguard the waters on which they depend."

Here's looking at you. Drink up.

Ryan Raschke
AB 1/SB 1 Hearing Testimony

As a citizen of Wisconsin's North Woods and an individual who depends on the natural resources of that area for sustenance, I have attended numerous public hearings, educational presentations, and deliberations on the proposed changes to our states legislation concerning ferrous mining in the past year. While I stand generally apposed to the prospect of introducing an open pit mine to an area of the state, which is known to contain significant deposits of the chemicals sulfur (S) and phosphate (P2O5), I understand the potential economic benefits that such an operation could mean for our state, especially rural communities in the North. Based on the revolting environmental effects that I have seen in Minnesota and Michigan, however, it seems that the costs outweigh the benefits.

After reading over the proposed changes to current legislation presented in this bill, it seems apparent to me that that proposed legislation has been cut and tailored to fit the desires of that mine which has been proposed for the Penokee Range, especially considering the dramatic changes in wetland use and mitigation practices. While such proposed changes as well as those concerning water usage, dramatic limitations on DNR environmental policy, and the general disregard for sensible consideration of ecological health seem unnecessary to me, there are specific changes in the proposed legislation that I find a blatant disregard to "the protection of public health, safety and welfare" that this bill claims to preserve.

In detailing standards for approval of an iron mining permit application, the bill eliminates current legislation that "water runoff will be managed so as to prevent...damage to agricultural lands or livestock, damage to wild animals, pollution to ground or surface waters, and damage to public health and safety." Further, the proposed bill eliminates the opportunity for citizens to review information presented by the DNR including an Environmental Impact Statement, before a public hearing is held, and explicitly states, "The bill does not provide for citizen suits related to iron mining," as well as limiting the process of hearing contested cases by persons "aggrieved by a decision to grant or deny an iron mining permit."

My concern with this bill is that it will not only allow for limited protection of water rights and ecological wellbeing, but that such changes will result in substantial adverse impacts to public health and safety of the citizenry in the North of our state, while enforcing changes which effectively bind and gag any who may seek to voice opposition to, or present relevant information against, a ferrous mine.

As I have already said, I understand the benefits that an iron mine could provide for our state's economy, but this should not come at the cost of its citizens health and the health of that land on which their livelihood depends.

There is no silver bullet for solving our economic issues. Why should and iron bullet be any different?

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

June Fox
Name

1/23/2013
Date

N5306 Hillside Drive
Street Address or Route Number

Sullivan, WI 53178
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

see attached
↓
my public statement as a concerned citizen of WI.

June Fox
June Fox

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Opposition to AB 1 and SB 1

WI Environmental Council

AB 1 and SB 1 are being introduced to once again attempt to push forward a law that was written by the mining industry and threatens the public health of all citizens of our state (tribal and non-tribal), threatens the clean water of our state and violates the treaty rights and livelihood of people who have been here for thousands of years and who understand the stewardship of the earth.

I am a citizen of the state of Wisconsin. My ancestry is a mixture of European and Ojibwe (Chippewa). Today I stand with members of the Bad River Tribe. I am opposed to AB 1 and SB 1.

AB 1 and SB 1 will:

- Put the public health of the people of Ashland and Iron counties at risk by exempting the iron mining industry from the state's measures of water and air quality and which regulate hazardous waste dumping.
- Reject sound science that shows the dangers of an iron mine.
- Threatens off-reservation hunting, fishing and gathering by allowing wholesale destruction of public lands and easy withdrawal of thousands of acres of managed forest land contracts now open to the public.
- Rolls back our Constitutional right to clean, shared water. The Public Trust Doctrine in the Wisconsin State Constitution, echoed in the Great Lakes Compact, states that our shared resource of water is to be held in the public interest: we have a basic right to clean water and the preservation of nature.
- Makes false promises to bring jobs to our state. Estimations of job creation by legislators and the mining company pushing the bill bring false hope to areas of the state that need **sustainable** economic development. While touted as a "jobs bill," there is *no objective evidence that this bill will bring a single mining job to the state a day earlier than existing laws.*
- Worst of all: AB 1 and SB 1 violate treaty rights by ignoring **legally required** consultation with Bad River Tribal government.

In closing, I offer a teaching:

Teach your children what we have taught our children – that the Earth is our Mother. Whatever befalls the Earth befalls the sons and daughters of the Earth.

If men spit upon the ground, they spit upon themselves. This we know. The Earth does not belong to us, we belong to the Earth. This we know.

All things are connected like the blood that unites one family. All things are connected. Whatever befalls the Earth befalls the sons and daughters of the Earth. We did not weave the web of life; we are merely a strand in it. Whatever we do to the Web, we do to ourselves.

June Fox

N5306 Hillside Drive

Sullivan, WI 53178

June Fox

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Shannon Ehn

Date: 1/23/13

Street Address or Route Number: Hazelwood Dr.

City/Zip Code: Rice Lake, WI

Organization (*if applicable*): Self

Registering: In Favor ☑ Against ☐

Please accept this letter as my testimony

Thank you

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

January 22, 2013

To My Elected Officials:

I support mining we need jobs to get this economy moving for it to prosper again!!!! I am a full-time single mom, who goes to school full-time and works full-time, our economy is in deep trouble. This could be our answer to put the American people back to work, and for the state of Wisconsin to flourish!!!'

Sincerely,

Shannon Ehn

Rice Lake, WI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Rita Sharp

Date: 1/23/13

Street Address or Route Number:

City/Zip Code: Washburn, WI

Organization (*if applicable*): Self

Registering: In Favor ☑ Against ☐

Please accept this letter as my testimony

Thank you,

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

January 22, 2013

Representative Scott Suder and Senator Tom Tiffany,

Here's a quote from my son who is geologist and has worked in several big mines in Alaska over the past 20 years. "People in general are afraid of mines. They don't understand them. Iron ore mining may not be pretty, but it doesn't hurt anything." If you ask me, we can forego 'pretty' but we can't survive the lack of employment.

Sincerely,

Rita Sharp

Washburn, WI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Bill + Liz Guiliani
Name

1/23/13
Date

4744 Thornburg Dr.
Street Address or Route Number

Bismark, ND 58504
City/Zip Code

Self
Organization (*if applicable*)

Registering: In Favor ☑ Against ☐

Please accept attached letter as my/our testimony —
Thank you

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

January 21, 2013

Bill Giuliani
4744 Thornburg Drive
Bismarck, ND 58504

To: Representative Scott Suder, and Senator Tom Tiffany:

My wife and I lived in Ashland for four years and loved the area and the people. I was the City Engineer of Ashland and my wife had a career in the medical field but lost her job due to the reduction of force. Because of the lack of foresight and development there is no growth in the area thereby resulting in layoffs.

Due to the depressed economy and the poor outlook for continued employment opportunities in the area, we decided to leave as I knew my job loss was coming in a matter of months. Eight months ago we moved to North Dakota where there is a booming economy and great prospects for employment for both of us.

We both secured very good jobs and careers but miss our beautiful home and Wisconsin. Our family and children and grandchildren live in Southern Wisconsin but we cannot afford to live in Northern Wisconsin.

We have not sold our home in the Town of Eileen because of a poor market. We look forward to the revival in the entire area if the mining regulations are changed and mining can begin in Northern Wisconsin. This will revitalize the entire area and renew hope in the residents of the area.

A new mine will provide growth and prosperity as opposed to depression and exodus. We hope this time around the mine will become a reality and success for Northern Wisconsin.

Sincerely,

Bill Giuliani

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Maude Dahlberg

Date: 1/23/13

Street Address or Route Number: 352 W. Skyline Dr.

City/Zip Code: Cransburg, WI

Organization (*if applicable*): Self

Registering: In Favor ☑ Against ☐

Please accept this letter as my testimony – Thank you,

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Dear Senator Tiffany,

As a resident of northwestern Wisconsin, I urge you to consider and pass a mining bill. This whole area of northern and northwester Wisconsin is depressed and the need for jobs is urgent. Opening up mining again is crucial to our economy. I talk to people who are laid off or in danger of losing jobs and they are struggling. The need is great.

Thank you for your consideration.

Sincerely,
Maude Dahlberg
352 W. Skyline Drive
Grantsburg, Wisconsin

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Jim Coursolle

Date: 1/23/13

Street Address or Route Number:

City/Zip Code: Radio Stations across the Northland – Ashland, Park Falls, Eagle River WI Iron River, MI

Organization (*if applicable*): HeartLand Communications Group, LLC

Registering: In Favor ☑ Against ☐

Please accept this letter as my testimony – Thank you

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

HEARTLAND COMMUNICATIONS GROUP, LLC

January 21, 2013

To Whom It May Concern:

Thank you for taking the time to read and consider this letter. As you are aware, Ashland and Iron Counties in Wisconsin have a high unemployment rate; it is reported that this area is the second highest unemployment area in the State of Wisconsin. The jobs that the proposed GTAC Mine would bring to this area are greatly needed.

There is opposition, but in reality the opposition is not based on anything "scientific" or factual, but rather it is based upon partisan politics. The Democrats fear that these jobs might assist Governor Scott Walker in his attempt to bring much needed jobs to the State Wisconsin.

The opposition has not been truthful and has attempted to scare people into believing that the GTAC Mine might cause pollution. The opposition keeps attempting to "sell" people on the fact that the GTAC Mine will be a "sulfate" type mine when, in reality, it will be a ferrous mine in nature. The two mining technologies are quite different when considering pollution as an outcome. A ferrous mine on the Gogebic Range, will not pollute. From 1884 to 1966 or for 82 years, the Gogebic Range was an operative mining range with little if any pollution...and I might add, during that time, technology was less advanced than it is today.

Cathy Stepp, the Secretary of the Wisconsin Department of Natural Resources (DNR) has indicated that she will not allow any mine to pollute Wisconsin's environment. Anyone living in Wisconsin for any length of time understands that the Wisconsin DNR does not allow degradation of the Wisconsin environment. Furthermore, at this point in time, all that the GTAC Mine seeks is proper mining legislation allowing GTAC to move forward with the APPLICATION process. Following the formal application process, GTAC must comply with rigid environmental parameters and pass rigid environmental testing before the DNR or any other governmental agency will allow GTAC to move forward and begin the mining process. All along the way, many federal and state agencies will be safeguarding the Wisconsin environment.

Wisconsin began its history as a state with mining. Our state flag includes a miner as early symbolism of our beginnings as a state.

We have a once-in-a-lifetime opportunity to realize a $1.5 billion mining job opportunity. We have been guaranteed by state government that the environment will be protected on a continuing basis. Minnesota and Michigan politicians have been able to find a way to provide mining job opportunities for their State residents; it is inconceivable that Wisconsin politicians cannot find a way to realize the same opportunity.

As the president and CEO of a ten station small market radio group serving the Ashland, Hurley and Park Falls area, I ask that cool heads prevail and that legislators on both sides of the aisle put their constituents FIRST. Please lay down your disagreements and become realistic. Please find a way to provide the people of Northwestern Wisconsin with this very real job opportunity. We have trusted you to make decisions in our best interest. Please hear us.

Thank you.

Sincerely,

Jim Coursolle
President & CEO
Heartland Communications Group LLC
WATW-WBSZ-WJJH, Ashland, WI
WNXR, Iron River, WI
WCQM-WPFP, Park Falls, WI
WRJO-WERL, Eagle River, WI
WIKB-WFER, Iron River, MI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Janna Vderstad

Date: 1-21-2013

Street Address or Route Number: 1216 MacArthur Ave

City/Zip Code: Ashland WI 54806

Organization (*if applicable*):

Registering: In Favor ☒ Against ☐

see attached letter of support

Please return this slip to a messenger promptly.

January 20, 2013

Dear Representative Scott Suder, & Senator Tom Tiffany,

I am in favor of the mining legislation. Actually, our whole family is!

We NEED the mine to provide our families with sustainable incomes!

Please do everything you can to help make it happen, we are depending on you to make this dream come true!

Thank you!

Sincerely,

Janna Yderstad
1216 MacArthur Ave
Ashland, Wi. 54806

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Jim & Teresa Maerzke

Date: 1-23-2013

Street Address or Route Number:

City/Zip Code: Kenosha WI

Organization (*if applicable*):

Registering: In Favor ☒ Against ☐

see attached letter of support

Please return this slip to a messenger promptly.

January 21, 2013

Attention: Representative Scott Suder and Senator Tom Tiffany,

Please let our State representatives know that we support an ecologically sound Iron Mine in Wisconsin. We are working to develop products that create jobs and revenue in Wisconsin.

What we are working hard to achieve is very small compared to the potential of the Iron Mine. We think a Wisconsin Iron Mine is the best source of wealth generation we have pending.

Please move forward with a well managed approach. A rising tide does float all boats. An improved Wisconsin economy will help our small business and any enterprises looking for a place to grow.

Sincerely
Jim and Teresa Maerzke
mobile: 262-496-5689
office: 262-654-5602

PRO^3

Procubed, LLC
Kenosha WI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Karen Braesch
Name

1-21-2013
Date

16536 W Ridgerock Ave
Street Address or Route Number

Hayward WI 54843
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☒ Against ☐

see attached letter of support.

Please return this slip to a messenger promptly.

January 19, 2013

To Whom It May Concern:

I just wanted to include a short note to express my support for the bill currently going to a
public hearing in the Wisconsin State Senate. It is Senate Bill 1 which is the mining bill.
This legislation has the safeguards for the environment and will provide jobs for thousands
of workers as well as provide badly needed resources to supply American industry with
badly needed materials for manufacturing.

This bill has my support and I urge the Wisconsin Legislature pass this needed and responsible
bill to have mining of our natural resources in this state.

Tom & Karen Braesch
16536 W Ridgerock Road
Hayward, Wisconsin 54843
715-934-3600

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

David Zeman
Name

1/23/13
Date

2291 160th Ave.
Street Address or Route Number

St Croix Falls, WI 54024
City/Zip Code

Self
Organization (*if applicable*)

Registering: In Favor ☑ Against ☐

Please accept this letter as my testimony.

Thank you,

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

To my elected officials,

January 22nd 2013

We, as residents of the great state of Wisconsin, need jobs. I am in the building and construction trades struggling to find work. I urge you to fully support mining in northern Wisconsin.
Thank you for considering my request.

David Zeman
2291 160th ave.
st. croix falls, wi. 54024
715-483-9198
croixside@msn.com

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Don Monson

Date: 1/23/12

Street Address or Route Number: Sunset Rd

City/Zip Code: Cable, WI

Organization (*if applicable*): Self

Registering: In Favor ☑ Against ☐

Please see attached letter as my testimony

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Jan. 22, 13

To: Senator Tom Tiffany and Representative Scott Suder,

I am writing to you today to let you know that the passage of the mining bill is crucial to this part of the state---northern Wisconsin. We have for a long time relied upon the tourist trade to keep our economy going. However we are seeing a change in the weather patterns, high price of gas and other factors. This has lead to a very "iffy" economy and at the present time the north is really in danger of a total failure. The total state enjoys "good times" because of the mining industry from years ago; this is what has brought us to enjoy what we have. It is now OUR turn to step up and do the necessary "things" to ensure that the future is helped by our activities today. We are looking at a pretty bleak future if we fail to pass this much needed mining legislation. Our detractors are being very selfish in their not wanting to have mining "in their back yard". They all enjoy what they have due to our fore fathers giving up some of their "good times" for the good of the future. It is time that we all step forward and do our part for the future of our children and benefit of the natural area. I am 71 years old and have seen this area go from a good sound base to virtually nothing. The whole state owes this north a chance to benefit what they enjoy in their area due to the hard work of our and their fore fathers. Please step up to the historical plate and make sure that the mining bill gets passed. I thank you sincerely for all your future help in getting this done. BE A DOER, for the northland's sake!

Don Monson
Cable, WI

Mary Lou Salawater

70325 Caville Road

Ashland, WI 54806

Opposed to SB 1 and AB 1

I don't know where the importance of SB 1 and AB 1 rank in your life. My guess is its "just" another piece of legislation that you need to work on and then life goes on for you to another bill and at the end of the day you go on with the rest of your life.

Well, its much more important in the lives of us that are opposed to it. It will also be very important to the people who live in northern Wisconsin and right now in favor of this bill. In spite of how you may be blowing off our objections and looking at us as whiners, this legislation is a real threat to our way of life. It scares the heck out of us. We live "up north" for a reason—we like it the way it is! We don't need you to try and make it BETTER for us. What would you do if someone actually threatened your way of life? This legislation hangs over our heads day in and day out always there as a threat—a threat created by the very people who were sent to Madison to make life better for all Wisconsonites.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Nancy Dannecker
Name

1-23-2013
Date

N478-244th St
Street Address or Route Number

Marden Rock WI 54769
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☒ Against ☐

Please return this slip to a messenger promptly.

January 21, 2013

To: The Committee on Workforce Development, Forestry, Mining, and Revenue
Senator Tom Tiffany, Chair

Northern Wisconsin needs mining. SB 1, which is being discussed on Wed., January 22, 2013, needs to pass for the welfare of the residents in this area. The bill will allow the process of approving a mine to occur within a realistic time frame. The residents of Northern Wisconsin enjoy the natural beauty of their area and do not seek to harm it. They are in desperate need of jobs. They need the opportunity to work and live in an area where the environment is cared for, tourists want to be, and industry thrives. This can happen with the passage of SB 1. I urge you to make this possible. Thank you.

Sincerely yours,
Nancy L. Danneker
N478-244th St.
Maiden Rock, WI 54769

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Tom Braesch
Name

1-23-2013
Date

16536 W Ridgerock Rd
Street Address or Route Number

~~Hayw~~ Hayward WI 54843
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☒ Against ☐

see att letter in support

Please return this slip to a messenger promptly.

January 19, 2013

To Whom It May Concern:

I just wanted to include a short note to express my support for the bill currently going to a public hearing in the Wisconsin State Senate. It is Senate Bill 1 which is the mining bill. This legislation has the safeguards for the environment and will provide jobs for thousands
of workers as well as provide badly needed resources to supply American industry with badly needed materials for manufacturing.

This bill has my support and I urge the Wisconsin Legislature pass this needed and responsible
bill to have mining of our natural resources in this state.

Tom & Karen Braesch
16536 W Ridgerock Road
Hayward, Wisconsin 54843
715-934-3600

January 23, 2013

Statement on Bill SB/AB 1
Will Stahl
Conservation Chair, John Muir Chapter, Sierra Club

Members of the Committee

Thank you for allowing me to make a statement today.

When I used to kayak the rivers of West Virginia and Tennessee, I saw any number that had been damaged by mine waste acid. The Cheat River was particularly memorable. The water was clear because it contained no organic matter of any size or kind. No fish, amphibians, crustaceans, plants or microorganisms. Nothing. The acid had dyed the sandstone river rocks a bright, unnatural orange. The local people told us animals would not drink the water. This was all the result of water percolating through piles of mine waste containing sulfide minerals such as those present in the Penokee deposit.

Now the Wisconsin governor and legislative majority are proposing a bill that would allow a similar piling of sulfide-containing rock in places where the water from rain and snow can slowly seep through, which in combination with oxygen can produce sulfuric acid and hydrogen sulfide, poisoning the river downstream by any runoff and the groundwater by any that soaks through the soil.

The bill, as proposed, assumes the Penokee mine and any such mine allowed under it will do great damage, allows it, and relieves the company of much of the responsibility for it. They can take as much water as they think they need and put the overburden rock and tailings almost anywhere they choose, wetlands and floodplains included. In the case of the Penokee mine, this would be the headwaters and tributaries of the Bad River, an outstanding recreational and water resource, vital to the people of the region.

It is likely the Penokee mine will never be built. The economics of it are dubious. No scientific analysis indicates it can be done safely. Many legal obstacles stand in its way—the EPA, the Army Corps of Engineers, the rights of the Indian tribes. But bad ideas sometimes acquire a life of their own; I never thought the Iraq War would happen either.

Some have suggested that this project is not meant to happen, that it is a stalking horse for projects in more feasible places, enabled by changes in the mining law. I don't know about that. What I do know is that no part of this country, where mining was once the major industry, is now prosperous, including northern Wisconsin and the U.P.

In this country's history, we see no evidence that mining companies have any conscience whatsoever. Unless compelled by law and regulation, they have never shown any concern for the environment, the lives of their workers or the communities that come to depend on them. When the ore runs out or the prices drop, the company leaves and all the jobs and money go with it.

Wisconsin established strict mining laws for a reason: mining as an industry is always temporary, but the damage is always permanent.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Deborah Ellefson
Name

1-23-2013
Date

927 Pineridge Terrace
Street Address or Route Number

River Falls WI 54022
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☒ Against ☐

See attached letter in support

Please return this slip to a messenger promptly.

January 21, 2013

To: Committee on Work Force Development, Forestry, Mining and Revenue

Senator Tom Tiffany, Chairperson

I am writing to share my support of Senate Bill 1. This Bill will allow many desperate people in northern Wisconsin to get back to work, giving them their desire to support their families. It would also bring much needed revenue back to our state as well! Strict environmental guidelines would be followed to protect the land and water surrounding this area.

Please vote yes in support of Senate Bill 1, therefore hearing the voices of the people of Wisconsin.

Thank you!

Sincerely,
Deborah Ellefson
927 Pineridge Terrace
River Falls, WI 54022
Sent from my iPad

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

John Dannecker
Name

1-23-2013
Date

N 478 - 244th ST
Street Address or Route Number

Maiden Rock WI 54769
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☒ Against ☐

see att. letter in support

Please return this slip to a messenger promptly.

January 21, 2013

To: The Committee on Workforce Development, Forestry, Mining, and Revenue
Senator Tom Tiffany, Chair

I lived several years in Ely, Minnesota and was surrounded by mines that cared about **and** for the environment. The water was clean; tourism was not harmed nor was the timber industry. With safeguards this can happen in Northern Wisconsin as well. I urge you to pass SB 1 for the economic needs of this area and its families. Thank you.

John R. Danneker
N478-244th St.
Maiden Rock, WI 54769

WMC

WISCONSIN'S BUSINESS VOICE SINCE 1911

TO: Members, Senate Committee on Workforce Development, Forestry, Mining & Revenue
Members, Assembly Committee on Jobs, Economy & Mining

FROM: Scott Manley, Vice President of Government Relations

DATE: January 23, 2013

RE: Support for Senate Bill 1 and Assembly Bill 1 Iron Mining Reform Legislation

---

Wisconsin Manufacturers & Commerce (WMC) appreciates the opportunity to testify in support of Senate Bill 1 and Assembly Bill 1, both of which propose comprehensive reforms to the iron mining permitting process. We believe this legislation is the single most important economic development legislation the Legislature can enact this session.

WMC is Wisconsin's largest general business trade association, with roughly one-fourth of the state's private sector workforce employed by a WMC member company. We represent businesses in the manufacturing, banking, energy, health care, retail, insurance, agricultural and service sectors of our economy. WMC recently celebrated its one-hundredth anniversary of advocacy dedicated to making Wisconsin the most competitive state in the nation to do business.

REFORMING WISCONSIN'S MINING LAWS WILL CREATE JOBS AND ECONOMIC OPPORTUNITY

Wisconsin is home to one of the largest remaining iron ore deposits in North America. Roughly two billion tons of iron ore are located on privately-owned property in Ashland and Iron Counties – enough to sustain more than one-hundred years of mining. If mining is allowed to occur, Northern Wisconsin could transform into an economic engine for generations to come, and provide thousands of jobs in an area of the state that desperately needs them.

The project would involve an enormous investment of capital to construct the mine. At roughly $1.5 billion, it would be one of the largest private development projects in state history. An economic impact study by NorthStar Economics found that construction of the mine would result in more than 2,000 construction jobs to build the mine. Once it is operational, there would be approximately 700 workers employed full-time at the mine, with 2,100 other jobs created to support the mining activity. The mining jobs are expected to pay roughly $60,000 per year, plus $22,000 in benefits. To place that level of income into perspective, the Census Bureau's data shows median *household* income in Iron and Ashland Counties of $34,201 and $37,555 respectively. The income from high-paying mining jobs would literally change the standard of living for this area.

WISCONSIN'S CURRENT MINING LAWS DISCOURAGE INVESTMENT IN MINING JOBS

Despite having significant metallic ore deposits located in our state, only one mine has ever been permitted throughout the history of Wisconsin's metallic mining law (the Flambeau Mine in Ladysmith). Because of the mining moratorium enacted in 1998, it is unlikely that the Flambeau Mine could be permitted today. A recent survey of 500 mining companies throughout the world by the Fraser Institute (attached) found alarming evidence that Wisconsin's environmental regulations and regulatory framework discourage investment in mining jobs.

501 East Washington Avenue, Madison, WI 53703-2914 • P.O. Box 352, Madison, WI 53701-0352
Phone (608) 258-3400 • Fax (608) 258-3413 • www.wmc.org

For example, **of the 79 states and countries analyzed in the survey, Wisconsin's environmental regulations ranked the worst in the world for mining investment**. Eighty-five percent of the respondents characterized Wisconsin's environmental laws as either a "strong deterrent to investment" or "would not invest due to this factor."

The Fraser Institute survey diagnoses a significant problem with Wisconsin's mining laws. We cannot expect to attract investment in family-supporting mining jobs if mining companies continue to view our state as having some of the most hostile mining regulations in the world. **Bold, sweeping reforms like those proposed in Senate Bill 1 and Assembly Bill 1 are needed to change Wisconsin's reputation as a state hostile to mining if we hope to attract mining investment to our state**. By contrast, minimal reforms that largely preserve the status quo will not result in an investment or the creation of mining jobs in Wisconsin.

THE REFORMS IN SENATE BILL 1 AND ASSEMBLY BILL 1 WILL CREATE A CLEAR AND PREDICTABLE PERMITTING PROCESS FOR IRON MINING

The comprehensive mining reforms proposed in the legislation before you will help create thousands of jobs and billions of dollars in economic impacts from mining, while maintaining robust environmental protections. The legislation directly addresses many of the key deficiencies in our current law, including the following:

- **Establishes clear and achievable standards for permit issuance.** The bill proposes clear, objective and specific requirements to obtain a mining permit itself, as well as each of the underlying environmental permits (air, water, wetland, etc.). The bill eliminates the ambiguity that permeates virtually all aspects of our current mining laws, and makes it clear to applicants what they must demonstrate in order to secure an approval from environmental regulators.

- **Establishes a predictable permit process.** The bill establishes a robust pre-application period that requires a mining company to engage state and federal regulators at the beginning stages of the process to establish clear expectations about the information necessary to submit a complete permit, and when an application will be deemed complete.

- **Specifies a defined timeframe for DNR's permit review.** To avoid a repeat of the open-ended permitting debacle associated with the Crandon mine, the legislation establishes a reasonable 420-day permitting deadline, with the opportunity for one 60-day extension.

- **Recognizes that iron mining is different.** Current mining laws in Chapter 293 are more geared toward sulfide-based mining operations. Because the process of iron mining is vastly different, the bill correctly regulates iron mining in a separate chapter of regulation – as does Minnesota and Michigan.

- **Limit opportunities for costly and time-consuming litigation.** Everyone deserves their day in court, and iron mining should be no different. However, Wisconsin's current mining permit process involves two mandatory contested case lawsuits during the permit process itself. The bill allows a contested case lawsuit after the DNR makes a decision on the proposed permit – the same approach for other DNR permitting activities.

It is important for lawmakers to remember that enacting these mining reforms would merely create a permitting framework - it is not a mining permit approval. Passage of this legislation will simply create a regulatory process that enables the Wisconsin DNR to make a judgment about whether a proposed iron mine can be operated in a responsible manner. Any applicant would still be required to demonstrate compliance

with all state requirements, as well as considerable federal permitting requirements from the US EPA and US Army Corps of Engineers.

SENATE BILL 1 AND ASSEMBLY BILL 1 ESTABLISH A RIGOROUS ENVIRONMENTAL REVIEW PROCESS

The legislation before you would establish a robust environmental review framework for iron mining that ensures a permit will not be granted unless the environment is protected. For example, there are many specific regulatory requirements proposed in the bill that protect both water quality and water quantity, many of which are identical to current law. WMC has provided a brief summary of selected environmental protections in the bill (attached), including the following protections:

- The bill maintains Wisconsin's existing air quality, water quality and groundwater quality standards without changing them.

- The bill protects rivers, lakes and streams from significant impacts, including specifying that the DNR cannot approve a navigable water permit unless there are no significant impacts on public rights, water quality, stream flow, or riparian property owner rights.

- The bill protects surface water quality by maintaining the same water quality standards as we have under current law Chapter NR 102 of the Wisconsin administrative code.

- The bill protects groundwater quality by keeping the same groundwater quality standards under current law in Chapter NR 140 of the Wisconsin administrative code, and requiring water quality monitoring before, during and after mining takes place to ensure the standards are met.

- The bill establishes extensive regulation of mining waste, including soil and rock testing to fully understand the geology and chemistry of the conditions present at the mining site. The bill also prohibits the DNR from granting a disposal permit unless the applicant can demonstrate compliance with surface water quality, groundwater quality and wetland water quality standards.

- The bill protects water quantity by specifying that a water withdrawal permit cannot be granted if it would result in a significant impact on the water quality or quantity of the waters of the state. It also disallows a permit if a withdrawal would significantly impact public rights in navigable waterways, or have a significant adverse impact on the ecosystem of the Great Lakes basin.

- The bill establishes the Great Lakes Water Resources Compact as the controlling law applicable to iron mining activities.

CONCLUSION

WMC believes enactment of the Senate Bill 1 and Assembly Bill 1 iron mining reforms will result in the creation of family-supporting mining jobs in our state. We believe this legislation strikes the appropriate balance between the need for regulatory clarity and predictability with appropriate environmental protections. We urge members of both committees and the Legislature as a whole act quickly to pass this important legislation, thereby trigger an enormous investment in family-supporting Wisconsin jobs.

Please feel free to contact me at (608) 258-3400 if you have any questions, or if I can provide you with additional information.

WMC

WISCONSIN'S BUSINESS VOICE

Survey of Mining Executives Reveals Perception that Wisconsin's Laws *and* the Administration of its Laws makes it a Poor Investment Choice

Though Wisconsin has a rich history of mining, current perceptions of the state's regulations and the administration of those regulations makes that history seem mythical. The state's current reputation makes it one of the least likely mining sites in the world.

Since 1997, the Fraser Institute has conducted an annual survey of metal mining and exploration companies to assess how mineral endowments and public policy factors such as taxation and regulation affect exploration investment. Survey results represent the opinions of executives and exploration managers in mining and mining consulting companies operating around the world. The survey now includes data on 79 jurisdictions around the world, on every continent except Antarctica, including sub-national jurisdictions in Canada, Australia, and the United States.

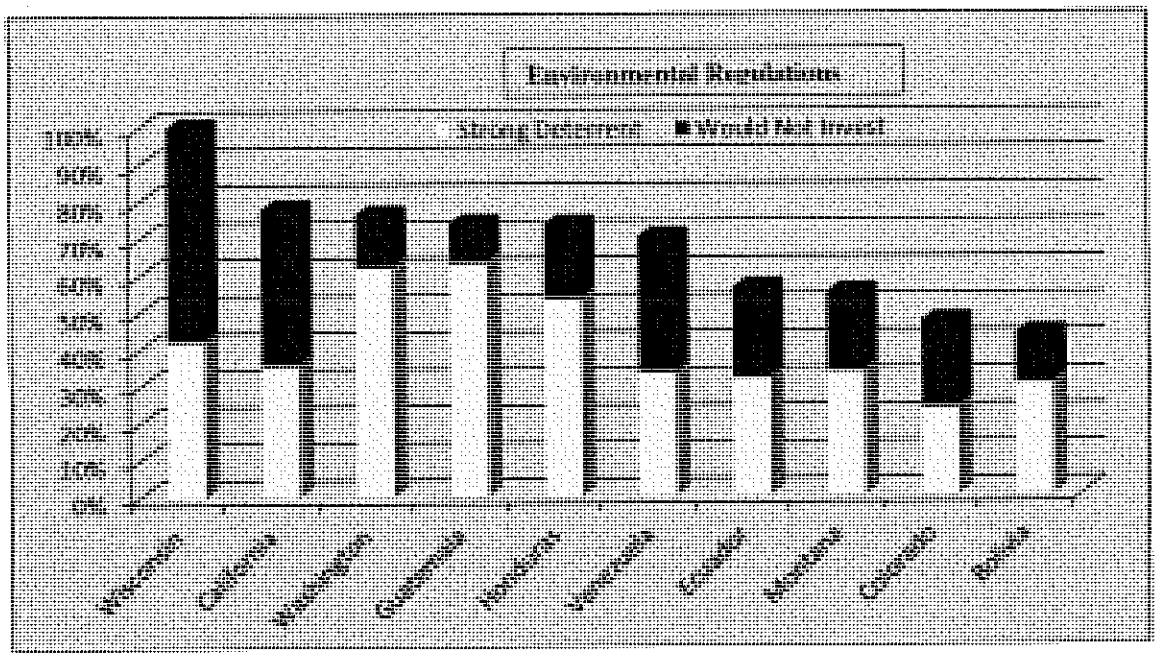
Overall, the 2010-2011 report http://www.fraserinstitute.org/uploadedFiles/fraser-ca/Content/research-news/research/publications/mining-survey-2010-2011.pdf concludes that "the bottom 10 scorers are Indonesia, Zimbabwe, **Wisconsin**, Madagascar, India, Guatemala, Bolivia, DRC (Congo), Venezuela, and Honduras." Of those areas, the report notes that: "Unfortunately, except for Wisconsin these are all developing nations which most need the new jobs and increased prosperity mining that can produce."

Environmental Regulations

With respect to the current mining legislation debate, the most pertinent questions posed relate to the impact of regulations and the administration of those regulations. The five options for answers were whether the factors: 1) Encourages Investment; 2) Not a Deterrent to Investment; 3) Mild Deterrent; 4) Strong Deterrent; or, 5) Would not pursue investment due to this factor. The graphs below reflect the worse ten jurisdictions by adding the "strong deterrent" and "would not pursue" answers.

Of all 79 jurisdictions included in the survey, Wisconsin is the jurisdiction where regulations were the most severe deterrence to investment.

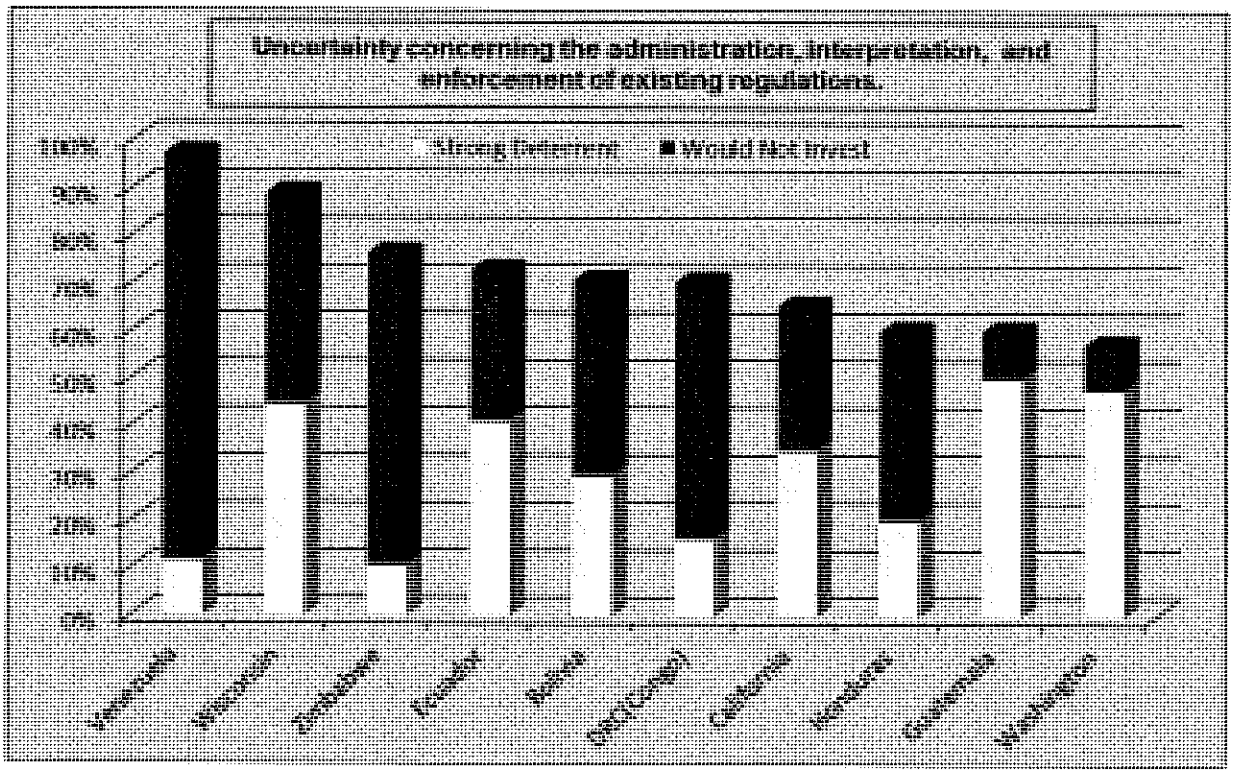
The state can address, at least in theory, the impediment for investment due to our regulatory programs through sweeping reform legislation. However, the implementation of the state's laws is just as important as the letter of the law.



69 Other Areas with Better Scores than Wis.

Administration of Regulations

A perception that the government does not fairly or predictably enforce its laws raises concerns that legislation may not be able to address. Unfortunately, Wisconsin also scores badly in this area. Of all 79 jurisdictions included in the survey, only Hugo Chávez's Venezuela is ranked worse than Wisconsin in terms of the administration of its laws being a strong deterrent or outright barrier to investment.



69 Other Areas with Better Scores than Wis.

Conclusion

Although the state has a poor reputation in the global mining community, Wisconsin today has an opportunity to permit the largest iron mine in the state's history. The reforms to Wisconsin's ferrous mining law, coupled with the Department of Natural Resources' commitment to helping businesses in the state navigate the permitting process, presents an opportunity for Wisconsin to improve its reputation with the international mining community before the next Fraser Report is published.

Mining Bill Testimony SB1 and AB1
Senate Committee on Workforce Development, Forestry, Mining and Revenue
Assembly Committee on Jobs, Economy, and Mining
January 23, 2013

Good morning. My name is Ann Coakley. I am the director of the Waste and Materials Management program, which oversees mining for the State of Wisconsin. Thank you for inviting the department to testify at this hearing.

The department has been working cooperatively with mining companies in Wisconsin for decades. That work continues today as we work with the Flambeau Mining Company and companies exploring or interested in exploring ore deposits in Wisconsin.

We have welcomed and are thankful for opportunities to assist legislative efforts to streamline the state's mining laws. As the state moves forward in this process, the department will continue to pursue its balanced mission of protecting public health and the environment while providing for social and economic vitality.

It is understood that, due to the unique and fixed location of ore bodies, a mine cannot be built without environmental impacts; the challenge is to minimize and mitigate for the impacts. This bill recognizes this fact and, in addition to streamlining the process, proposes increased regulatory flexibility. Mitigation for unavoidable impacts to wetlands and surface waters is also included.

In this bill, Environmental Impact Statement preparation, permit review, and mine oversight would be similar to our existing mining state statute, Chapter 293, and the corresponding administrative rules. For example, under this bill, the department would:

- Meet as early as possible with an applicant, likely well in advance of the 12-month preapplication period, to ascertain the applicant's plans and to describe the information the state would require to process their applications,
- Prepare an EIS to disclose environmental impacts, including avoidance, minimization, and mitigation of impacts,
- Require waste rock and tailings characterization, baseline data collection, a comprehensive environmental monitoring network, groundwater modeling, suitable disposal of waste rock and tailings, and complete site reclamation,
- Require individual permits such as an air permit, a wastewater discharge permit, a stormwater permit, and permits related to activities in and near navigable waters,
- Require demonstration that offsite water quality standards can be met,
- Require ongoing environmental monitoring,
- Only permit a mine that could meet Wisconsin's environmental standards, and
- Conduct routine surveillance of mining operations.

Thank you for the opportunity to provide comments. I am glad to answer questions you have, either now or after the hearing. Our door is always open, and we are glad to meet with you at our office or at your office.

Will Sandstrom Aided Finland, East Germany, Hungary, others to get free from Russian fist in 70s, 80s.

Info to Lawyers, Judges and politicians; People may hear or read comments about others, themselves, and the author, Will Sandstrom, Hence I must present some facts --and a supporting letter--that beginning in 1977 I helped Finland to get free from Russian fist. The Finns new freedom helped East Germany, Hungary, Poland, and others to get free from Russia.

I begin with Russia and Finnish Karelia: The Fascist skin heads, ultra-nationalists, and Mafias in/outside Moscow may try to overthrow Putin. They were present in Russia and Karelia in 1999, and before--and are present in various areas of Russia now; See Karelia Question, http://peacecountry0.tripod.com/finnliv6.htm. Russia is too big an area to have one ruler, and has many organized crime groups that are run by Russian Slavs, various Moslem tribes, and avowed or closet Zionists.

In 1977 I went to Finland to help support my wife while she was studying medicine. For over ten years I lived occasionally in Finland. While there I found Finland had problem of being under strong Russian influence. In fact from 1809 to 1917 it had been a Grand Duchy of Russia. While I was in Finland trying to help free it from Russian influence, a person(s) tried to vacate (close) a road my family had used since 1907 to access our homestead property. Dirty tricks or more? More later.

To find my roots I began in 1969 visiting relatives in Finland. I found, as stated, that Russia in 1970s had rather strong influence in Finland. For example, the Finnish currency, the Markka, was not exchangeable into any western currency. Having received a Ph.D. in Biochemistry I thought I would try to help Finland become more free by bringing document forms in 1977 on how Finland and its scientists might enter into a research funding agreement with USA. Former Senator Hubert Humphrey had tried to open better relations between Finland and USA. But he said Russia would not allow it.

For bringing research agreement I was jailed in Finland. Allegedly Russians wanted to find if I was a secret agent. But as I was not I was released in a few weeks. Then interestingly while in Finland I was the first average USA citizen allowed to enter Russia and Estonia. Back then, Americans were not allowed to enter Russia or its satellites as Estonia. Yet with a church group I was allowed into Ingria, Karelia, and Russia. Later I went alone to Karelia, area of the Veps, and Estonia.

In Tallinn, Estonia, a Finnish man my age of then 46 and I accidentally met 2 younger ladies. They understood no Finnish, while Estonians do. Chatting in English I sensed they were Russians. I asked from where they were. They said they were from Moscow. Then they said they wanted us to meet their mothers that evening in a Tallinn University dorm--they were empty during summer. I was a bit leery about accepting--and for good reason. Reason was that ordinary Russians were not taught English back then—so as to not understand BBC shortwave news. Only trusted high families' kids learned English.

But I dared to take a chance and went to the dorm that evening--the Finn didn't. At the dorm I met two older ladies—their mothers, nicely dressed. We chatted. One mother said, "Our husbands have been to New York, Washington, and Miami. But we never could go to USA with our husbands. We also have been to same cities , but only alone—never with our husbands or daughters". I did not ask--for I knew the reason. It prevented defection as their loved ones were in Russia.

I assumed they came to Tallinn often so I asked, "Why do you come to Tallinn?" The other mother said, "Tallinn is our Miami. Only in Tallinn and not in Russia can we watch USA TV shows broadcast from the tall Helsinki TV tower, which as you know is close across the Gulf of Finland. We come here to watch the I Love Lucy Show".

Next one mother invited me to come to Moscow. Then with gloves on her hands she wrote on a paper the first part of a phone number and on another piece she wrote latter part. She told me to put the two pieces in separate areas in my luggage. Then she said, and I paraphrase, "You must buy a classical Russian musical record and have it on top of your things in your luggage as you leave Russia. At the border a guard will ask you to open your luggage. He will notice the record and ask if you like Russian music. You answer, Da, Da, Yes. He will smile and won't search your luggage".

In Finland a year later at a "Russian Friendship Visit" by some Presidium members, and other high Russians, I noticed in a large conference room the two mothers sitting in the front row to one side. I wondered if their husbands were members of the Presidium. I have always wondered if I should have gone to Moscow, and made a phone call. Whom would I have met?

In any event, shortly afterwards the then USA President Jimmy Carter and Finland President Urho Kekkonen signed the research agreement. And soon Finland became totally free of fist. When will Russians leave Karelia, Ingria and Petsamo?

Next, in summer 1988 I met some Hungarians during their "Friendship Visit" to Finland. I knew they had only a border fence with East Germany. To a few delegation leaders I tactfully suggested that they open holes in their fence and allow some East Germans to go through Hungary into Austria and freedom. They asked who I was. I gave them my name and said I was an American living with and helping support my Finnish wife while she attended medical school in Finland. They said Hungary has to be careful as a satellite of Russia, and that when Hungary tried to gain freedom in 1955 America would not help. I said there are many new politicians in America and they most likely would help now.

Then surprisingly in Spring and Summer of 1989 the Hungarians opened up holes in their fence. At first this allowed a few East Germans to go through Hungary to Austria and freedom—and later that summer more. The world watched for fear that the Russians would again send troops into Hungary to stop East German exodus. But they did not enter Hungary. Then in the Fall of 1989 the Berlin Wall began coming down. Yet few know about roles of unknown men who cared and dared?

Pride of the Ojibwa

13394W Trepania Road, Hayward, Wisconsin, 54843
Phone 715-634-8934. Fax 715-634-4797

TESTIMONY

Of

GORDON C. THAYER

CHAIRMAN, LAC COURTE OREILLES BAND
OF LAKE SUPERIOR CHIPPEWA INDIANS

on

LRB-0762/1

RELATING TO REGULATION OF FERROUS METALLIC MINING AND RELATED ACTIVITIES

before the

JOINT HEARING OF THE

ASSEMBLY COMMITTEE
ON JOBS, ECONOMY & SMALL BUSINESS

SENATE COMMITTEE ON
WORKFORCE DEVELOPMENT, FORESTRY, MINING AND REVENUE

January 23, 2013

WRITTEN TESTIMONY
OF
Gordon C. Thayer
Chairman
Lac Courte Oreilles Band of Lake Superior Chippewa Indians
January 23, 2013

Chairpersons and Members of the Committee, my name is Gordon Thayer and I am the Chairman for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. Thank you for the opportunity to submit written testimony on Assembly Bill 1/Senate Bill 1, the bill to change the restrictions for permitting Iron/Ferrous Mining in Wisconsin.

The good, hard-working people of the Lac Courte Oreilles Tribe, a federally-recognized sovereign nation, have grave concerns with the substance and the impact of the proposed mining bill. Specifically, the Tribe has significant concerns about the legality of the bill as it relates to the tribes' treaty reserved hunting, fishing and gathering rights in the treaty ceded territories that cover approximately the northern third of Wisconsin. Second, the tribe has concerns regarding the information regarding job creation being associated with this bill and the impact it will have in sustaining employment for the people of northern Wisconsin. Finally, the tribe is concerned with the water quality that would impact Wisconsin for decades, if not centuries, by the mining practices that would be allowed under this bill. It is for these reasons that the Lac Courte Oreilles Tribe is staunchly opposed to Assembly Bill 1/Senate Bill 1.

This process has proceeded without tribal consultation or a concerted effort by the legislature to understand the potential impacts of the bill on the Wisconsin Tribes, more specifically on Lac Courte Oreilles, and no attempt has been made to measure the impact of the proposed legislation on the federally-protected treaty rights. The Legislature's decisions to conduct just one single hearing, at a distance of over 340 miles from the impacted area, creates a burden for public testimony for the people who must live in the affected area. By limiting this hearing the legislature restricts the amount of necessary information and feedback on the mining bill.

The State of Wisconsin is a party to the Lac Courte Oreilles v. Wisconsin case, commonly known as the Voigt case, from there the State may not exercise its authority to the detriment of the tribes' treaty rights in a manner that would be contrary to the requirements of the Voigt case. The State may not create legislation that could interfere with the Lac Courte Oreilles treaty-protected rights. This legislation creates the opportunity for the destruction of treaty resources through destruction of habitat. The fundamental requirement of the Voigt case is the co-management of the shared resources in northern Wisconsin; this bill threatens this requirement.

Much has been said that the mining industry will provide a spark to the Wisconsin economy. Last year, Gogebic mining company promised jobs if Wisconsin weakened legislation concerning the mining permitting process. Gogebic indicated that it would create over 700 jobs if they were permitted to mine the mountain range. What was not said is the professional training requirements for the incoming jobs provided by Gogebic would be too expensive to train

new personnel. The qualified personnel would be brought in from other job sites from across the country to fill these positions. So the job creation promised under this bill would not benefit Wisconsin directly since outsiders would be filling these positions. What is lost in this promise of "new" jobs is the sacrifice of the current jobs currently held by Wisconsinites; jobs in tourism, forestry, fishing guides and other jobs unique to the area. These jobs will be lost by the destruction of the woods and water. After the mining jobs leave, the sacrificed jobs will not return because the landscape will be changed. The net loss of the mining jobs at the expense of the tourism, forestry and other jobs is not acceptable.

The water is sacred to our people and vitally important to the survival of the all the people in Northern Wisconsin. Tribal members depend on clean, healthy water to meet their physical, social, cultural, economic and spiritual needs. Any activity, mining or otherwise, that threatens those resources must be the subject of careful and thorough scrutiny, including input from all aspects of Wisconsin, so a proper healthy decision can be made. Lac Courte Oreilles has been and will continue to be vigilant in our efforts to ensure that strong environmental laws are in place and are fully implemented so that our water is protected. The current bill fails in this regard. This mining bill allows groundwater pollution in an area extending 1200 feet from the edge of the mine or tailings area. If a company can't prevent pollution of that area, the bill allows the area of pollution to be extended another 1200 feet. In addition, groundwater standards would only apply vertically to 1000 feet. Below that level, no standards would apply, allowing a company to discharge without limitation. The bill does not appear to consider the effect that mining projects can have on deep groundwater and the subsequent effect as that water rises to the surface to replenish shallow aquifers and surface waters. A scheme that fails to scientifically test and account for this connection could result in water pollution for miles.

It is for these reasons that the Lac Courte Oreilles Tribe is opposed to the mining bill. The opposition to this bill stems from the traditional and cultural beliefs of our tribal members. It also comes from the shared concerns of the peaceful people of northern Wisconsin and our shared love for the natural resources that sustain us.

Opposition to AB 1 and SB 1

AB 1 and SB 1 are being introduced to once again attempt to push forward a law that was written by the mining industry and threatens the public health of all citizens of our state (tribal and non-tribal), threatens the clean water of our state and violates the treaty rights and livelihood of people who have been here for thousands of years and who understand the stewardship of the earth.

I am a citizen of the state of Wisconsin. My ancestry is a mixture of European and Ojibwe (Chippewa). Today I stand with members of the Bad River Tribe. I am opposed to AB 1 and SB 1.

AB 1 and SB 1 will:

- Put the public health of the people of Ashland and Iron counties at risk by exempting the iron mining industry from the state's measures of water and air quality and which regulate hazardous waste dumping.
- Reject sound science that shows the dangers of an iron mine.
- Threatens off-reservation hunting, fishing and gathering by allowing wholesale destruction of public lands and easy withdrawal of thousands of acres of managed forest land contracts now open to the public.
- Rolls back our Constitutional right to clean, shared water. The Public Trust Doctrine in the Wisconsin State Constitution, echoed in the Great Lakes Compact, states that our shared resource of water is to be held in the public interest: we have a basic right to clean water and the preservation of nature.
- Makes false promises to bring jobs to our state. Estimations of job creation by legislators and the mining company pushing the bill bring false hope to areas of the state that need **sustainable** economic development. While touted as a "jobs bill," there is *no objective evidence that this bill will bring a single mining job to the state a day earlier than existing laws.*
- Worst of all: AB 1 and SB 1 violate treaty rights by ignoring **legally required** consultation with Bad River Tribal government.

In closing, I offer a teaching:

Teach your children what we have taught our children – that the Earth is our Mother. Whatever befalls the Earth befalls the sons and daughters of the Earth.

If men spit upon the ground, they spit upon themselves. This we know. The Earth does not belong to us, we belong to the Earth. This we know.

All things are connected like the blood that unites one family. All things are connected. Whatever befalls the Earth befalls the sons and daughters of the Earth. We did not weave the web of life; we are merely a strand in it. Whatever we do to the Web, we do to ourselves.

June Fox

N5306 Hillside Drive

Sullivan, WI 53178

June Fox

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Dee Ann Allen
Name

1/23/2013
Date

PO BOX 982
Street Address or Route Number

LAC DU FLAMBEAU WI 54538
City/Zip Code

Lac du Flambeau Tribe / Member
Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

see attached testimony.

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Testimony of

DEE ANN ALLEN

Of
Lac du Flambeau Band of Lake Superior Indians

On

AB 1 SB1

To the

Assembly on Jobs, Economy and Mining/Senate Committee on Workforce Development, Forestry, Mining and Revenue

Hurley, Wisconsin

January 23, 2013

"We are not here just for the children today, Preserve the land for all children and love it."
Anishinabe

Testimony of Dee Ann Allen

Lac du Flambeau Band of Lake Superior Chippewa Indians

Good Afternoon Committee Members, My name is Dee Ann Allen, I am the former Vice President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, I thank you for being able to testify or submit testimony on behalf of our Tribe. I provided testimony at the 2011 October hearing hopeful that are concerns would be more than just heard but would have been considered when any mining bills were being developed. In which we believe has not taken place.

< The Lac du Flambeau Nation is located in northern Wisconsin and our reservation land is in Iron, Vilas and Oneida Counties. We are one of the Chippewa Tribes that have reserve hunting, fishing and gathering rights within the Ceded Territories of Wisconsin, Minnesota and Michigan (Treaties of 1836,1837,1842 and 1854). >

The Lac du Flambeau Tribe is a sovereign nation and there is a government-to-government relationship that exists between the Tribe and the State of Wisconsin. If this relationship is to be maintained and not deteriorated further we continue to demand transparency and up-front communication/consultation from this committee, state legislatures and the Governor.

The Lac du Flambeau Tribe and its membership, along with many other communities, have seen the negative impacts of poor economic conditions in the region, State, and across the country. The Tribe is challenged with the need to create jobs and economic opportunities for its Tribal members, as it is a Constitutional duty of the Lac du Flambeau Tribal Council to protect the health, security, and general welfare of the Tribe.

The Tribe understands that some of its neighboring communities are considering metallic mining as a means to diversify their economies, and bring jobs to the region. Although the Lac du Flambeau community is also in need of additional economic opportunities, and the Tribe has many members that need jobs, we are adamantly opposed to the efforts to begin metallic mining again. Historically, our Tribe has consistently opposed mining and has affirmed this position by Tribal Resolution.

Our Tribe has a culture that is closely tied to Mother Earth. We have historically depended upon the resources of the land and water for subsistence hunting, fishing, and gathering. The proposed mines in our region are located within the Tribe's Treaty Ceded Territories, and will have a direct negative impact on our ability to continue to practice our inherit rights by removing important habitat. The Tribe also feels that the risks to the environment associated with these metallic mining projects such as contamination and degradation of lands and waters, and increased emissions of pollutants within the Tribe's airshed are a threat to the environmental security of the Tribe. With the livelihood of the Tribe at stake, we feel that all governing bodies considering such mining projects or legislation aimed to ease the permitting process of metallic mines consult directly with

the Lac du Flambeau Tribe, and carefully consider all environmental issues and concerns that the Tribe raises.

Our Tribe depends largely on tourism for its local economy, as do the neighboring communities of the region. According to a recent study conducted by the Wisconsin Department of Tourism, the combined revenue brought to the counties of Ashland, Iron, Oneida, and Vilas by tourism in 2010 was over 530 million dollars and provided over fourteen thousand full-time jobs.[1] These revenues and employment far supersede the economic impact that mining is expected to bring to our communities. We believe that the local tourism industry would be severely threatened if natural areas in our region are impacted by metallic mines.

The Lac du Flambeau Tribe does not support putting workers into jobs that pose safety and health risks. If these proposed mining projects are to bring job opportunities to the region and potentially to our Tribal members, we are very concerned about the risks associated with these jobs, and we question if they are sustainable. Mining jobs are known to disappear after the resources diminish or decrease in value, and communities are left again without jobs, and without the resources to sustain their livelihood.

We cannot live without clean air, water and land. It is our responsibility to make sure we protect these precious resources, not destroy them. We need to make sure our children and grandchildren will have these resources in the future. We should not be short-sighted in your approach to mining.

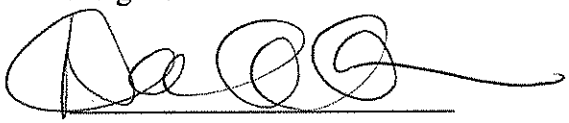
We are asking the members of this committee to fulfill their responsibility to protect our health, welfare, and economic security by strengthening environmental protection, not diminishing it.

On behalf of the Lac du Flambeau Tribal Membership, I want to make this perfectly clear, any industry that wants to do business in the State and in Indian Country must develop in an environmentally safe and sustainable way, regardless of the financial burden! The loss of clean air, water and land is a cost we cannot bear, now or in the future.

The responsibility to consider the impact of our decisions on future generations lies upon all of us.

We need to take a close look at what our "wants" and "needs" are today, and reflect on how the decisions made today will affect our communities tomorrow and beyond.

Miigwitch



[1] "The Economic Impact of Expenditures By Travelers On Wisconsin – Calendar Year 2010", Wisconsin Department of Tourism, David-Peterson Associates

ICRDA, Inc.

Promoting Development
in Iron County

January 23, 2013

Members of the,
Senate Committee on Workforce Development, Forestry, Mining and Revenue
Assembly Committee on Jobs, Economy and Mining

The Iron County Resource Development Association, Inc. has been involved in a variety of economic development projects and mining is certainly a priority for creating jobs and investment in Iron County and throughout Wisconsin. We see our iron ore resource as an opportunity to contribute to the important manufacturing industry in Wisconsin.

We are not experts on environmental law nor are we scientists and won't attempt to address specifics of mining laws. The specifics need to be addressed by regulators, the industry and yourself to see how this can work. We did read the legislative councils memo relating to Senate Bill 1 and we were not alarmed. Many in our area remember and experienced mining when there were no regulations, yet today, we see that industry never ruined anything.

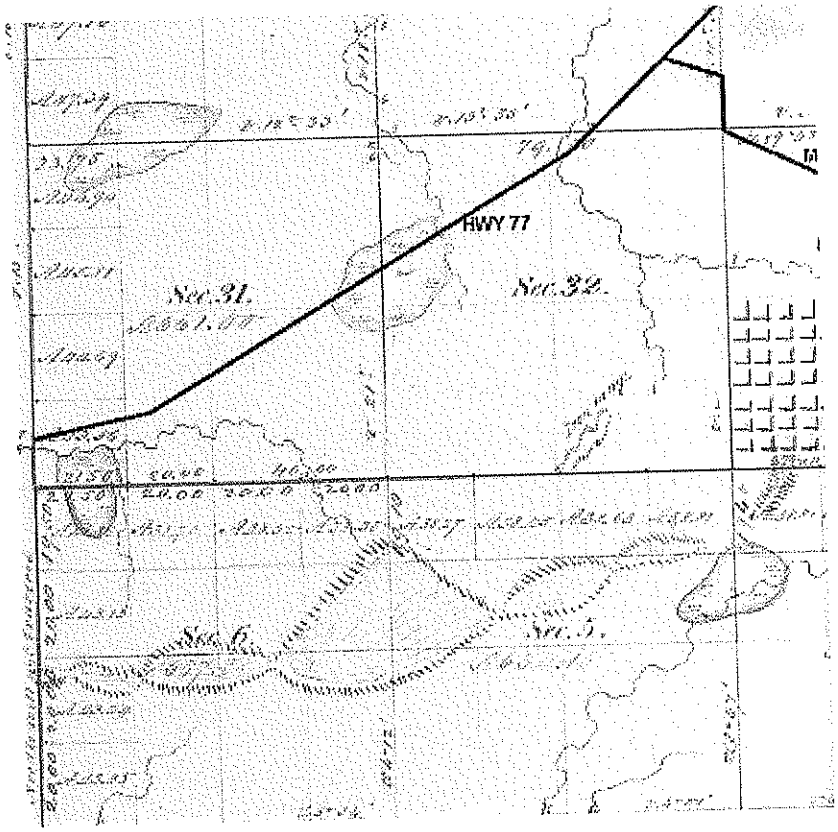
Iron County's community leaders have spent thousands of hours researching and talking with a variety of interests about the possibility of bringing the mining industry back to Wisconsin. We know the job potential; we understand the potential for other business growth and the opportunities this industry creates for our young people.
We have learned that mining today is much different than the mining industry that built our area years ago. We know a variety of regulators keep a close eye on this industry and we understand a small part of the landscape will change. We have learned that there are a number of ways to engineer a mine project which has helped the industry reduce its environmental footprint. We found out extensive environmental studies need to take place before an application for a permit can be submitted, and regulators work closely with the industry as soon as these studies begin.We have learned from other mine projects specifically in Ladysmith and Negaunee Michigan that all the bad stuff that some talk about really does not happen, and that other mine projects have been successfully reclaimed. We have learned that a mine project can impact businesses and job growth statewide. Just one equipment manufacturer in Milwaukee for example, does business with companies in 34 different counties in Wisconsin.

Iron County Resource Development Association, Inc. is a non-stock, not-for-profit corporation under the laws of the State of Wisconsin
100 Cary Road P.O. Box 97 Hurley WI 54534 (715)561-4488 Fax (715)561-3103

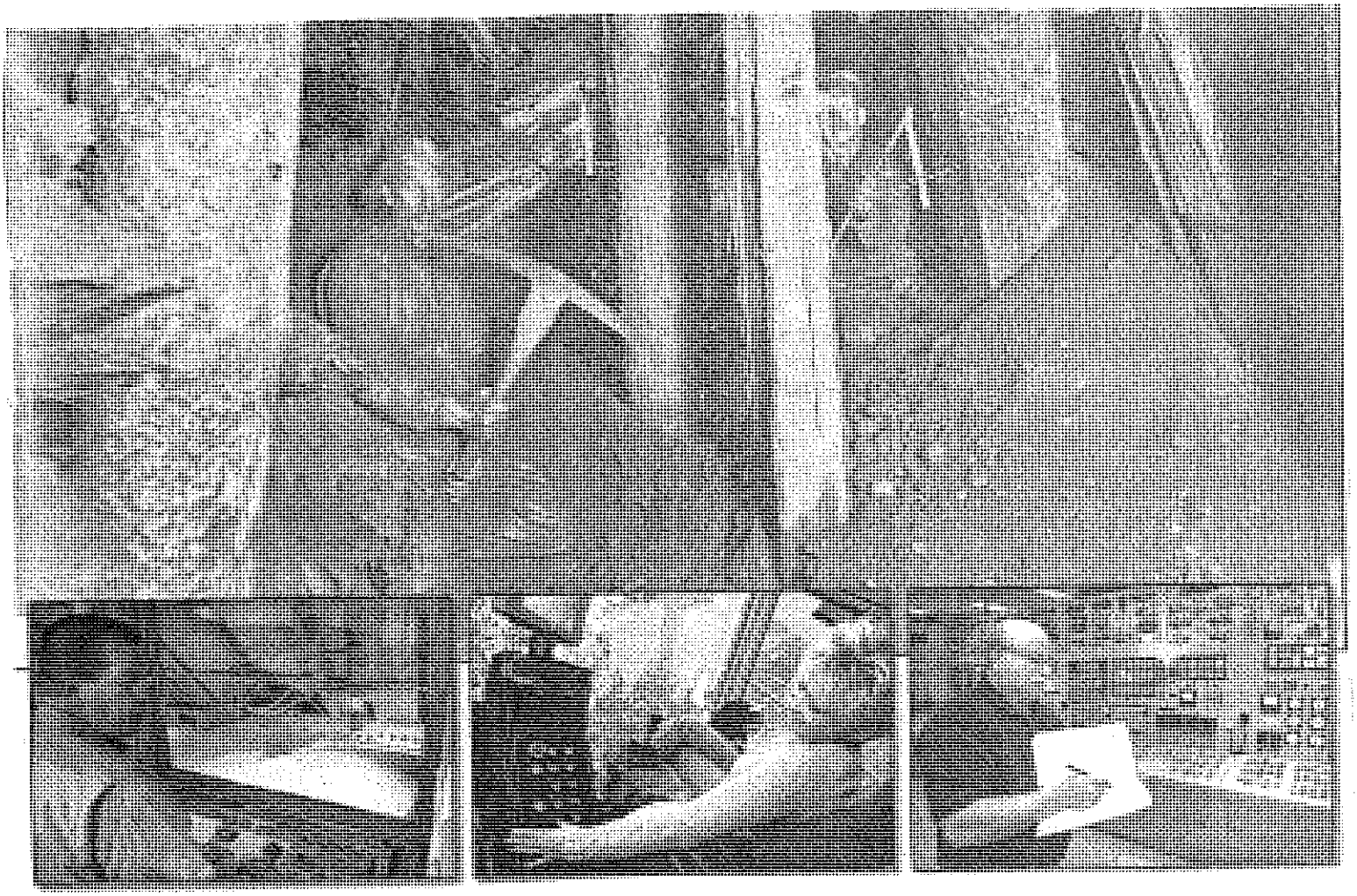
We have also learned that in Wisconsin it is extremely difficult if not impossible for the mining industry to do business due to requirements that are moving targets and reviews that make projects cost prohibitive. Modernizing Wisconsin's mining regulations will encourage investments while utilizing today's science and technology for 21st century mining. We urge you to approve Senate Bill 1.

Kelly Klein

Director



This original plat map from 1857 shows the known ore bodies and the proposed town of "Springdale" which was planned to be built around the development of the iron ore at that time. This area is precisely the same area proposed for the G...TAC mine. Although Springdale never materialized, the later town of Moore associated with the Moore mine, also known as the Tyler Forks mine, was later developed. The Highway and Moore park have been added to the map for reference. The development of this particular area for Iron mining has been planned for over 150 years.



Top Picture: Mining Jobs of 1905
Bottom Pictures: Mining Jobs of Today

The Montreal River and Gile Flowage remain healthy and productive directly adjacent to the stock piles of the old Montreal mine. With reclamation plans built directly into the mining project, the vegetation will come back even quicker on new mining projects. Greater concern for water quality will provide buffer zones along water features not seen in the past.

The Tyler Forks mine operated between 1887 and 1927 and is located next to Moore park, directly on the site of the proposed new mine in Iron County. Mining this area is certainly not a new idea, and it has been owned by mining companies for over 150 years for this very purpose. Today's environmental regulations ensure that the surrounding area will be protected.

IRON COUNTY WISCONSIN

IRON COUNTY FORESTRY DEPARTMENT

607-3RD AVENUE NORTH - SUITE 2 • HURLEY, WISCONSIN 54534
PHONE: (715) 561-2097 • FAX: (715) 561-4801

1-22-13

Senate Committee on Mining
Wisconsin State Capitol
Madison, WI 53707

Dear Committee,

The Iron County Forest consists of over 174,000 acres of forest land located mostly in the northern two thirds of the county. The proposed iron mining project is directly adjacent to and surrounded by county forest within Iron County. Furthermore, upon approval of a withdrawal from county forest, Iron County will be leasing approximately 3300 acres of forest land to Gogebic Taconite in order to allow a disposal area for the early mining operations. Needless to say, the Iron County Forestry Department will be very much involved with both the environmental impact and the reclamation plans during the permitting process.

This department understands the need for responsible use of our natural resources. That is, after all, what we do every day. Forestry and mining have always been the main economic drivers in Iron County. Currently, however, there is no mining. Modern, responsible mining legislation is needed in Wisconsin so that projects such as the proposed mine in our county can move forward.

Sincerely,

Joseph R. Vairus

Joe Vairus

Iron County Forest Administrator

1-23-13

in support of AB 1 SB 1

Thank you for allowing me to speak ~~regarding ferrous mining~~.

My name is Leslie Kolesar. I am the chairwoman of the Iron County Local Impact Committee, a member of the Wisconsin Mining Association and a charter member of the Bad River Watershed Association. The views expressed here are my own and not necessarily those of any organization or committee I'm affiliated with.

I am blessed to have a trout stream on my property. So I understand the importance of the Public Trust Doctrine in protecting our waterways not only for commerce but also for fishing and recreation. The creek on my property not only supports native brook trout, but the waterway and surrounding wetlands support otters, beavers, muskrats, deer, coyotes, bears, an occasional wolf and all sorts of other flora and fauna. Any reasonable person can recognize the importance of protecting this.

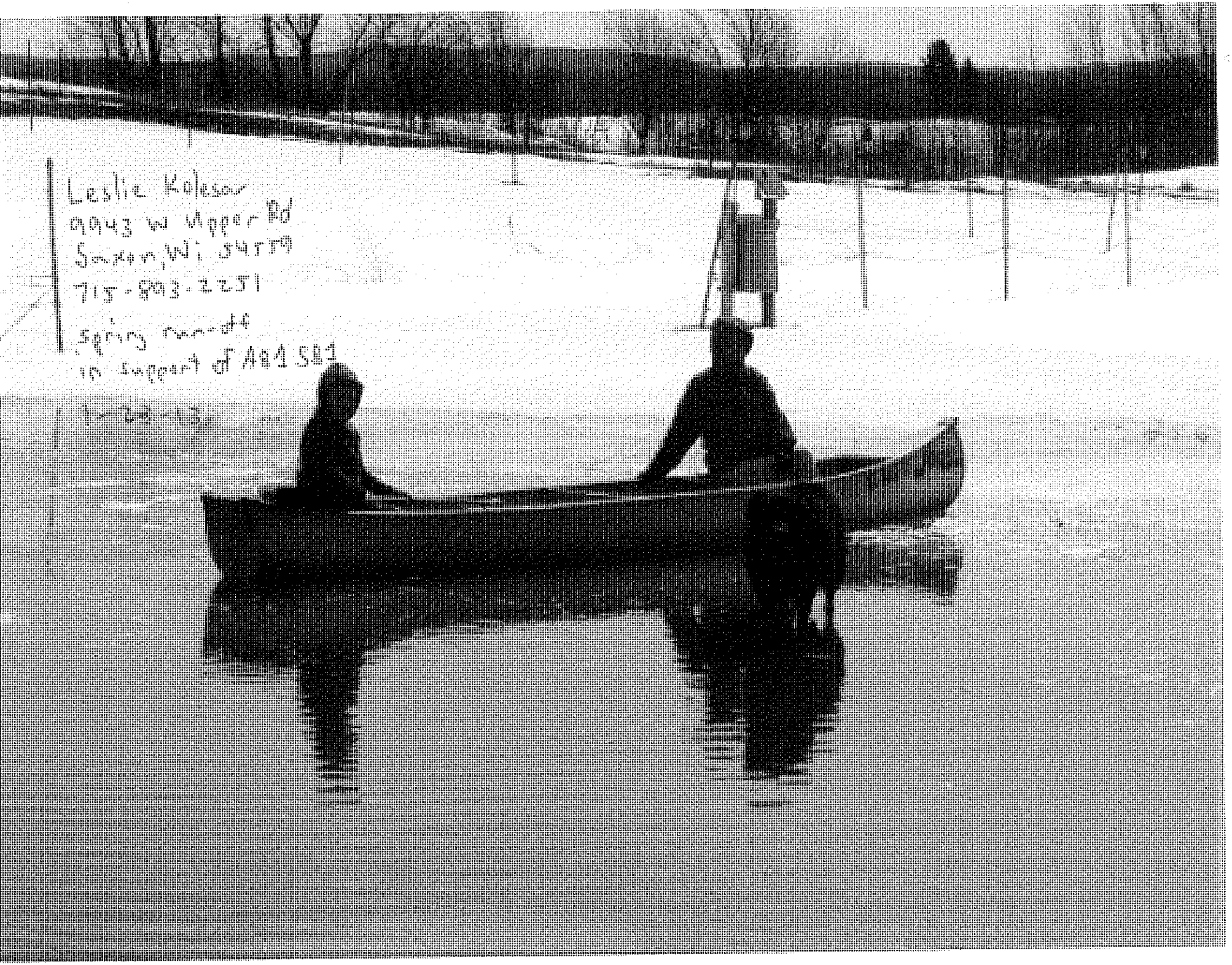
However, the interpretation of the Public Trust Doctrine has become too broad. I have submitted, along with my testimony, a picture of my son and me canoeing in our back yard during spring run-off. Because my yard can float a canoe for 4 to 13 consecutive days of the year, it is considered a navigable waterway, not owned by me but by the people of the State of Wisconsin.

Now, just as any reasonable person can see the value in the trout stream, any reasonable person can also see that the spring flooding in my backyard has no value for habitat, fishing, commerce or recreation unless you're an 8-year-old boy wearing rubber boots. What reasonable people would call puddles are now being called navigable waterways by others who are trying to stop mining and development in the Northwoods.

The standards governing impacts to navigable waterways in SB 1 are essentially the same as those used for public utility projects. And the Public Trust Doctrine states that any degree of impairment must be weighed against the public good. The DNR may impose permit conditions to make sure standards are met. The offsets in the Bill are consistent with federal law. Any impacts to small navigable waterways under the Bill must be permitted by the DNR and mitigated.

Reasonable people know the difference between lakes and puddles, streams and run-off, ponds and ditches. Let's use common sense when interpreting the Public Trust Doctrine.

Leslie Kolesar
9943 W Upper Rd
Saxon, Wi 54559
715-893-2251


Leslie Kolesar
9943 W Upper Rd
Saxon, WI 54559
715-893-2251
Spring meeting
in support of AB1511

Jenni Kallas
504 Division Street
Hurley, WI 54534

January 23, 2013

Members of the Senate Committee on Workforce Development, Forestry, Mining and Revenue Assembly Committee on Jobs, Economy and Mining,

I don't want to leave Iron County. I don't want to leave Wisconsin. Unfortunately, if our economy here in Iron County doesn't turn around soon, my family will have no choice. In looking at the big picture, the only legitimate chance we have of that is if we are allowed to mine. My family needs you to make sure that can happen. ***We beg you!*** We are not above begging you to help us create a life that is more than trying to live paycheck to paycheck, looking at a zero balance in our bank account, cashing in change to go to the grocery store or deciding which is more important to pay this week.... health insurance or heating bills.

We are a family of five with both parents working and still considered low income, do not live beyond our means and want to stay in our beautiful community, yet we feel like we are in ***fight or flight*** mode. Our oldest daughter is attending college in Central Wisconsin, but has no desire to return to her hometown once she has her degree. Our youngest daughter, a junior in high school, can't wait to leave after her senior year. She also has no desire to return once she has graduated college. Our son, a seventh grader, may have no choice when it comes to graduating high school with the friends he has known all his life. There is a very real possibility of him making new friends in North Dakota, where our family will have a better quality of life. Like many others in the community, we are tired of watching our children leave and not looking back!

Every year, my husband, who worked in a mine years ago, gets laid off for several months. Which obviously makes budgeting even harder. Last year he was laid off for eight months and it nearly ripped our family apart. With the creation of good paying mining jobs that could be offered, we would have a better quality of life and hopefully our children would want to return someday.

There has been some concern about water quality if mining is allowed. Let me say, all the mining that was done years ago, and with much less standards, has not harmed our water today. We swim, drink and fish from waters that flow at the foot of old mining hills. I am a mother whose children mean the world to me, why would I want a mine if I felt it was going to harm my children in any way?

Please give us a chance to live, please let us mine!

Thank You,
Jenni Kallas
Jenni Kallas

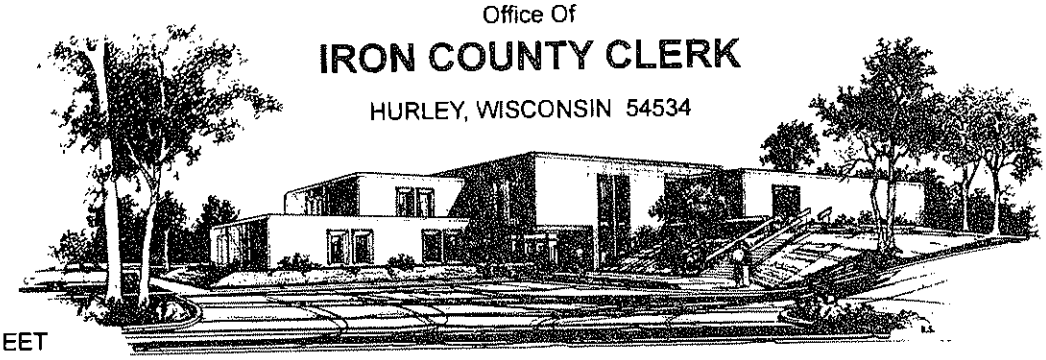
Office Of
IRON COUNTY CLERK
HURLEY, WISCONSIN 54534

Michael J. Saari
County Clerk

Pat Stever
Deputy Co. Clerk

300 TACONITE STREET
SUITE 101

(715) 561-3375



January 23, 2013

My name is Michael Saari, Iron County Clerk and I wish to make my feelings known as why I believe a mining project in Iron and Ashland County will be a positive thing for the future of our area.

Iron County's equalized valuation for 2012 has decreased $103,000,000.00 since 2009 and now stands at $915,672,500.00. Gogebic Taconite has said that they will invest over one billion dollars on this project, more than our total equalized valuation.

I am responsible for producing the annual budget for Iron County and it is becoming more difficult to balance the county budget every year with increased costs and a frozen tax levy. Increases to the levy through construction are very limited in Iron County because of our financial situation. Our logging and tourism industries do not produce a lot of new construction.

Iron County's population has declined since the 1940 census, from 10,040 to 5,916 in 2010. Every year after high school graduation Iron County loses the best and brightest students to college and jobs out of the area with no hope on ever returning to live here and raise families of their own.

Iron County really needs the mine and all the other jobs created by spin off industries to strengthen our area into the future.

Thank you for your time and consideration.

Michael Saari
Iron County Clerk

YAHOO! MAIL Classic

Opposition to SB 1 Tuesday, January 22, 2013 11:39 AM

From: "Randy Lyn Oconnell" <rolokm@sbcglobal.net>
To: rolokm@sbcglobal.net

As an avid fisherman,camper,kayaker,and environmentalist,I am adamantly opposed to the passage of this mining bill.
There is no question that there is a need for economic opportunity in this part of the state.However,I have serious issues with how you intend to go about it.
It appears to me that this is an attempt to further marginalize the people of Wisconsin. Marginalize us in terms of having no voice in the process.Marginalize us by how you are ignoring our environmental heritage.Marginalize the people of Wisconsin by acting with no regard for the inevitable and irresponsible damage that will be caused to our water resources.
The market value of iron ore is down considerably (30% the last time I looked).I see this as an effort by outside interests to place a foot into our state to seek profit. Profit at the expense of the citizens of Wisconsin.
When the "job creators" tout the many jobs that will come with this, I have to seriously doubt them.
How do you have the necessary skilled positions in place when our state has made RECORD cuts to education? I see jobs like "Joe's Sandwich Wagon" and other tertiary positions being filled by Wisconsin citizens. Under this scenario I do not see those"family supporting" positions.
"This bill is 206 pages of flawed,extreme,and one-sided proposals". An example being the mitigation process. Do you really think that by tainting a valuable water resource in the proposed area that it can be corrected by putting in a boat ramp in Kenosha,for example?As ridiculous as this sounds, based on the proposed mitigation policy it could work out that way.
I am appealing to two newly elected officials in my area to be more than a rubber stamp vote for their party. I am requesting that they not allow their relative inexperience on such matters to pollute their judgement.
In conclusion, thank you for this opportunity to express my opposition to this bill. Consider bipartisanship over profit and what it may do for you.

Sincerely,
Randy O'Connell
Omro,WI
414.460.1214

Open Letter to Governor Scott Walker regarding AB 426

Governor Scott Walker,

You are the leading voice of a Republican party that seems dead set on destroying the pristine beauty of northern Wisconsin in the name of "jobs". You are promoting the mine even though the jobs are not sustainable and will vanish in less than one persons lifetime. However, the damage this mine would cause will exist for generations.

Governor Walker, you have told us that this mining bill is great for Wisconsin. You have stated that it will protect our water resources and keep our air clean while providing needed jobs. Because of what you have told the people of Wisconsin... I am asking you and all of your supporters to "PUT YOUR MONEY WHERE YOUR MOUTH IS". If you truly believe that the points which I am about to state are not true, then I ask you to draw up a "PLEDGE TO THE PEOPLE OF WISCONSIN". State in your pledge that you will donate 90 percent of your net worth to the people in Northern Wisconsin to assist them in cleaning up any environmental damage to the rivers, lakes, groundwater, or air quality that are a result of the open pit mining operations.

Governor Walker, neither you or your supporters should have any reservations about signing such a pledge. It would show all citizens of Wisconsin, who oppose the bill, that you are committed to protecting Wisconsin natural resources.

With that said... I personally am opposed to the Open Pit Mining Bill AB 426 because there are major flaws in it that will be detrimental to the environment of Northern Wisconsin and in the long run to the people who live there. This bill rolls back common sense environmental protections listed below:

1. Allows mining corporations to dump toxic mine wastes into sensitive wetlands and floodplains. (p. 23)

2. Allows mining corporations to draw down water levels from rivers, lakes, streams and groundwater. (p. 31-33)

3. Significantly weakens wetland protections. (p. 28-29)

4. Allows iron mining law to supersede all other environmental regulations (p. 18)

5. Allows DNR to provide an exemption for a mining corporation from any requirements it sees fit. (p.15)

6. Takes science and accurate information out of decision making, giving mining companies free rein to provide only the information they choose to provide.

Each new rollback in this bill is a gift to out-of-state mining companies and a detrimental loss of rights and opportunities for Wisconsin citizens. Our outdoor traditions, our tourism industry, and the health of our communities all depend on clean and plentiful water.

The people of Wisconsin await your PLEDGE.

Sincerely,

Jerry Zwicky and Joan Zwicky
2576 Hillside Heights Drive
Green Bay, WI 54311
920-465-3637

WISCONSIN BUSINESS ALLIANCE

Mining hearing testimony

23 January 2013
Lori Compas, Executive Director, Wisconsin Business Alliance
Lori@WisconsinBusinessAlliance.com / 920-397-9749

As supporters of safe and sensible mining, we find serious flaws with AB1 / SB1:

- The bill does nothing to guarantee that jobs will be created for Wisconsinites.
- The bill opens the entire state to mining and plays favorites by placing the needs of the mining industry above every other economic sector.
- The bill forces our businesses to subsidize mining companies' profits.
- The bill does nothing to mitigate the boom-and-bust cycle that Wisconsin has already experienced during the early days of the timber industry and earlier mining enterprises.
- The bill exposes taxpayers to costly lawsuits.

Mining companies should prove they'll create good jobs for Wisconsinites.

The word "jobs" does not appear in the Legislative Council's summary of the bill, and the word "jobs" appears only once in the bill itself. Since mines typically draw upon skilled labor from an itinerant workforce, the bill should require permit applications to describe, in detail, how many *local* jobs will be created at a particular mine, what the work will entail, and what the pay scale will be.

The permitting process should balance the mining industry with other sectors.

While discussions surrounding this bill have been focused on an iron mine in the Penokee Hills, the bill actually opens up the entire state to mining activity with little oversight or regulation. Businesses statewide – particularly those businesses involved with agriculture, tourism, and outdoor recreation – rely on common-sense safeguards for our soil, air, and water. Deregulating the mining industry to the detriment of other sectors is short-sighted and counter-productive.

Our businesses should not be forced to subsidize mining companies' profits.

This bill does not require mining companies to protect or restore soil, air quality, groundwater, or surface water; it only requires companies to be "committed" to conducting mining activities in accordance with their permits. It allows mining companies to profit and then push cleanup costs onto taxpayers – including our businesses.

Mining should be the first step in a long-term economic development program.

Wisconsin has already endured the boom-and-bust cycle of the timber industry and earlier mining enterprises, and a responsible mining bill will prevent that cycle from repeating. The bill should be modified to require mining companies to help improve the economic resilience of affected communities.

5. The bill should align with federal and tribal law.

Our state has enough financial troubles; we don't need to pile on costly court expenses. It's a waste of time and taxpayer money to pass a bill that's out of compliance with federal and tribal law.

We oppose AB1 / SB1 as it stands and we offer our assistance in crafting a more thorough version of this bill.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

CHRIS MARTINSON
Name

1-23-13
Date

1709 SMITH ST.
Street Address or Route Number

NEW LONDON, WI 54961
City/Zip Code

WOLF RIVER AREA PATRIOTS (WRAP) (A TEA PARTY ORGANIZATION)
Organization *(if applicable)*

Registering: In Favor ☑ Against ☐

SEE ATTACHED RESOLUTION

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Resolution #3 of Wolf River Area Patriots, New London Wisconisn

Resolution on Wisconsin Mining Regulation Reform

Whereas the State of Wisconsin is in need of jobs, and has some good potential for iron production in several northern counties,

Whereas the State of Wisconsin's mining regulations are cumbersome and can take much time for permits to be issued

Whereas the laws can be steam-lined and made more customer-friendly without compromising environmental concerns

Be it resolved that the Wolf River Area Patriots (WRAP):

1) Supports the mining reform bill currently in the Wisconsin legislature.
2) Encourages our local State Representatives and State Senators to support this legislation.

The above resolutions were passed, unanimously, at the regular meeting of the Wolf River Area Patriots (WRAP) on January 22, 2013

Chi Martin 1-22-13

Secretary, Wolf River Area Patriots (A TEA Party Organization

CITY OF MONTREAL

IRON COUNTY
54 WISCONSIN AVENUE
MONTREAL, WISCONSIN 54550
Clerk: (715) 561-4955 • Shop: (715) 561-4957 • Fax: (715) 561-4964
"The City Beautiful - Your Four Season Recreational Center"

I am Mitch Koski, Mayor of the City of Montreal and also a Iron County Board of Supervisors representative for District 6.

I would like to thank the committees for introducing this new legislation regarding ferrous mining in the State of Wisconsin.

I would like to speak today about the City of Montreal. The city of Montreal has a long history of mining. Montreal was established in the year of 1924 having been built around the Montreal Mine. The Montreal Mining Co. constructed many of the new "white" mining homes for the workers to live in. These homes range from 2 and 3 story homes for the "captains and foreman" to smaller single story bungalows for the workers. Many of these houses are still standing and have been included in the National Register of Historic Places under the name of The Montreal Company Location Historic District.

This mining company installed the streets, water and sewer systems throughout this 2.24 square mile city, that were needed to serve these households. This infrastructure was built to service a 1940 population of 1699 people. This infrastructure is still in place and serves a dramatically reduced population of **803**, as per the most recent 2010 census.

In recent years the City of Montreal has added four housing developments. These developments added six to ten new homes in each of these development areas. Montreal also has been providing the Town of Pence with their water and sewer needs. Pence has a 2010 census population of 163 residents. This is approximately 60% lower than the 1940 population census of 454. The City of Hurley, to the east of Montreal, purchases approximately 20% of their water needs from Montreal. Hurley currently has a population of 1647, as per the 2010 census.

During the past year and half that the Mining Issue has been addressed there have been many rumors and comments made regarding the towns and cities of the affected area. Many of these comments and rumors stated that these communities would be greatly affected due to an influx of population. "These communities will have major expenses in expanding their infrastructures, due to the growth" is the most commonly heard.

I would like to go on record as stating that the City of Montreal should not be greatly affected by the additional growth that may come. As a matter of fact we would welcome the addition of people coming to our city. As I have stated above, we are currently using and maintaining an infrastructure that was built for a population that was double of what is here now.

Thank You
Mayor Mitch Koski
Mitch Koski
City of Montreal
"The City Beautiful"

Subject: Request To Speak At Hearings Tomorrow, Wednesday, Jan. 23rd, 2013.

From: Dave Mailen (dmailen@yahoo.com)

To: Rep.WilliamsM@legis.wisconsin.gov; Sen.Tiffany@legis.wi.gov; Sen.Lehman@legis.wisconsin.gov;

Date: Tuesday, January 22, 2013 1:34 PM

Dear Senators and Representative!

I am formally requesting that the added Specific of my notes I am including below on the effects of Strip Mining and open pit mining as being proposed by Governor Walker and his constituent lobbyists, be admitted as testimony at the hearings tomorrow at the Capitol Building.

My area of expertise is on the harmful effects that heavy minerals and chemicals have on the composition of soils, minerals, and substrata, and the water tables, rivers, streams, and aquifers surrounding the proposed areas under discussion for mining operations in Northern Wisconsin, coming from a background as a U.S. ARMY trained Chemical, Biological, and Nuclear Decontamination Specialist serving from 1979 to 1984, both here in the United States, as well as over in South Korea on or near the demilitarized Zone between North and South Korea.

The relevance of my testimony on the effects that mining will have to the environment is that as a decon specialist, we are trained to understand the composition of soils, minerals, and substrata to be able to determine the best ways possible to remove harmful military type chemicals, and biologicals from the environment to effectively remove any and all contamination for the safety of all wildlife and civilian populations.

As part of my training at Aberdeen Proving Grounds, Maryland in 1979, I had to study what all types of harmful chemicals like chlorine, benzines, dangerous solvents, etc. as well as non native heavy mineral compounds do to the natural environment, and how best to avoid them or remove them. For these reasons, I believe that my testimony on the harmful effects that cyanide heap leaching, exposing levels of harmful mercury, and exposed iron, manganese, and suspended solids tailings will have on Wisconsin's waterways and agriculture economy is not only reasonable, and informative, but necessary. I will need appropriate minutes to inform the public of the effects as noted below in my script.

Thank you.

Sincerely, Hallis Mailen

Iron County Emergency Management
Director - Stacy Ofstad
300 Taconite Street - Suite 226 Hurley, WI 54534
Office Phone: 715-561-3266 Fax: 715-561-2822
sofstad@ironcountywi.org

As the Iron County Emergency Management Director and Fire Chief for the Saxon/Gurney Vol. Fire Department, I see firsthand what the lack of jobs is doing to hinder all emergency services in northern Wisconsin.

Without quality jobs, the young people have to move out of the area. Our area is seriously lacking people to volunteer for the Local Fire and EMS services. There is also a large void with Volunteerism with a lot of the area civic organizations. In the event of a major event or disaster, volunteers play a large role in the recovery process.

If Michigan and Minnesota can have responsible mining why not Wisconsin!! I urge you to pass a responsible mining bill that can bring mining jobs back to Wisconsin. I have many friends and family members that work and have worked in the mining industry in Nevada, Minnesota and Michigan. It was a shame that these people had to leave the area due to lack of jobs.

The DNR and the EPA can do the job of regulation and enforcement, not the politicians.

It is up to you to help rebuild northern Wisconsin.

Stacy Ofstad
Director, Iron County Emergency Management
Chief, Saxon/Gurney Vol. Fire Department
715-561-3266 Office
715-562-0165 Cell
sofstad@ironcountywi.org
saxongurneyfd@centurytel.net

January 23, 2013

Testimony of Jessica Roulette on pending SB1/AB1

I am a city person. I was born and raised in the City of Milwaukee, and my husband and I are raising our now 9-year-old son in Milwaukee. My most treasured memories of my childhood family vacations are of time spent in State of Wisconsin campgrounds. My family has modest means, and we do not own land in northern Wisconsin. Nonetheless, the ability to spend a week up north, falling to sleep to the call of loons, fishing from our canoe while eagles soar overhead are part of an experience I am so grateful to be able to offer my city-raised son. We spend at least a week each summer, camping in the Northern Highlands American Legion State Forest. We pump our water from the hand-operated well. I carry the gray water (water left from washing and rinsing our dishes) up to the pit toilets to dump it in a way that poses the least risk to the beautiful water we are blessed enough to camp near each year. I am so worried that by rushing through SB1/AB1, which will change our existing state law in drastic and negative ways, my son will lose this opportunity to experience the beauty and wonder of the natural world.

When he was 5, he was catching tadpoles and minnows for hours. When he was 6, he practiced keeping his face underwater until he had mastered it. When he was 7, he was baiting his own hook, and we ate the fish he caught for dinner after cooking them over a campfire. This summer, at age 8, he played pick up baseball and swam and played games in the lake for hours with other kids at the campground. I cannot adequately convey to you in three minutes the opportunity the annual camping getaway offers our son for personal development and education about the natural world. We talk about so many interesting and important things when we camp.

The lake we camp on has been steadily lower each year we return. This summer we watched fishing enthusiasts struggle to launch their boats from the launch without damaging their boats, trailers or trucks. I sincerely fear the results if a mining company decides to pull water from "our" lake under the legislation you are considering passing here today.

It is wrong to have legislation that removes both the right of citizen suits and the opportunity to challenge scientific evidence presented by the mining companies' paid scientists at administrative agencies.

I am not a mining expert. I do not know that any legislator on the ~~Joint Finance~~ Committee is either. It is unconscionable that Wisconsin would prohibit an inquiry to ascertain scientific, reliable facts before permitting a process that can cause irreparable harm to our water and land. When we ignore science, we do so at our peril. Enabling a permitting process that compels deliberate ignorance is not worthy of our state and your constituents.

Certainty is something that the citizens of Wisconsin deserve at least as much as out-of-state mining companies. Citizens of Wisconsin are entitled to clean air, land and water. If any company wishes to operate a potential source of contaminants, that company should have to comply with current laws. Please do not take this drastic step, undercutting our existing certainty that up North is a pristine area with clean water for future generations.

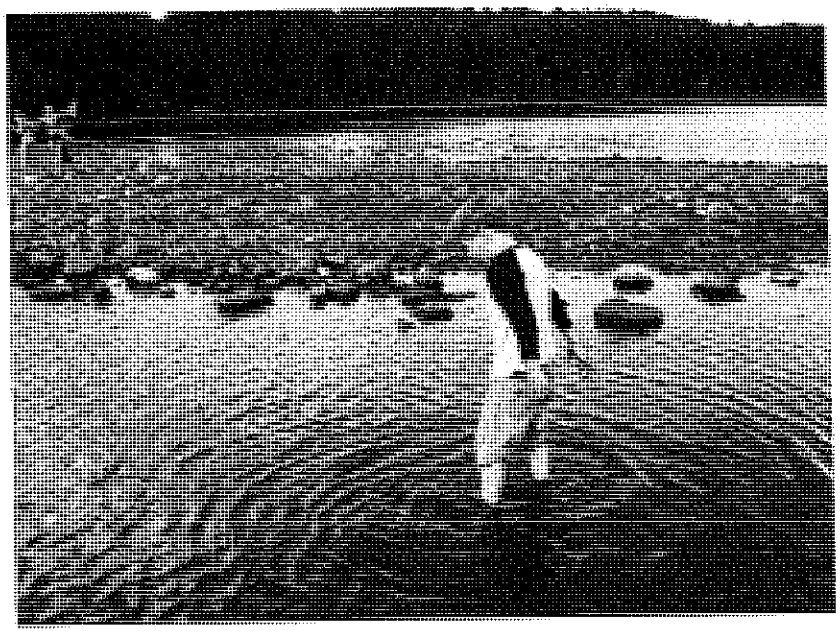
Tailings are a gift that keeps on giving for generations. I am very concerned that hastily written and ill considered legislation will have ramifications we cannot bear for our state. When I explained what a tailings pile is to our son, he could not believe that we would intentionally create giant mountains of poison which will leak into our earth and our water for years to come. The ore is not going anywhere. We can wait to mine for it until technology offers a mining process that does not require mountains of poison to be left behind.

I do not understand what is going on in Madison. The process that pending legislation is going through confuses and disappoints me. It is not our tradition or our values to jump into things, especially when our natural resources are at stake. I have friends with whom I only agree about the Packers and our love of up North, and they are just as concerned about the toxic atmosphere in Madison as I am. I am pleading with you to take your responsibility as a steward of our state's future seriously. The long lasting effects of this legislation would be devastating. Just because you can pass legislation doesn't mean you should. I respectfully ask you not to pass this bill.

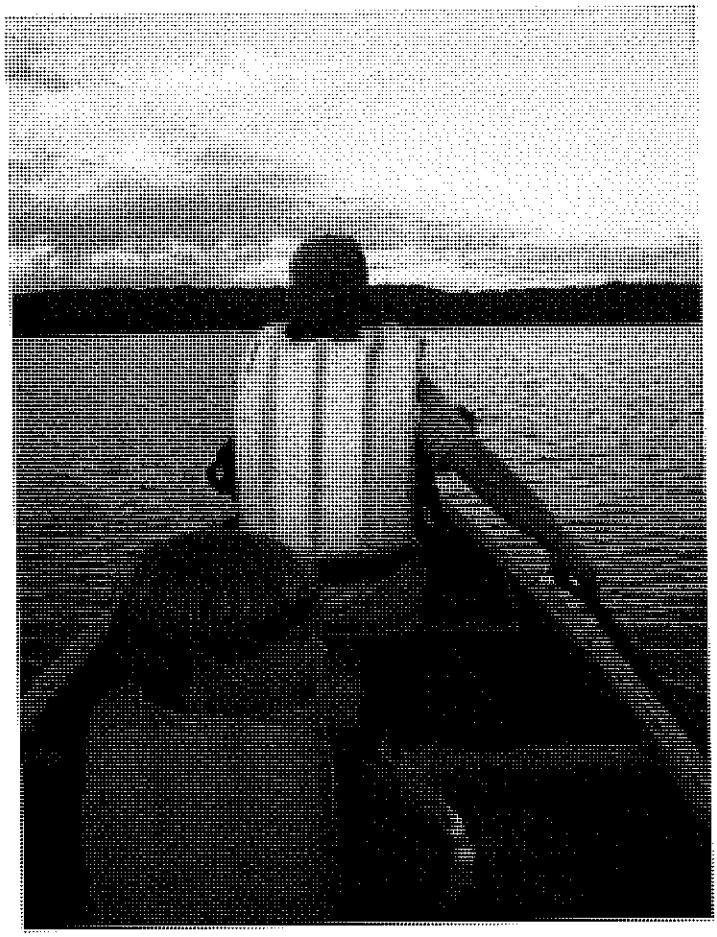
Sincerely,

Jessica Roulette

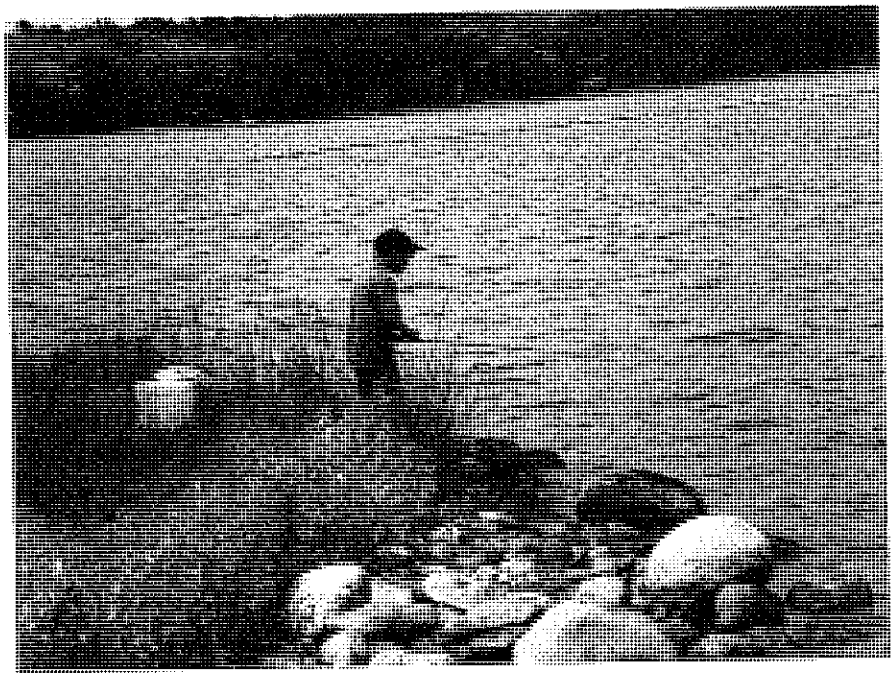
Jessica Roulette
2939 N. 46th Street
Milwaukee, WI 53210-1727
414-442-0190



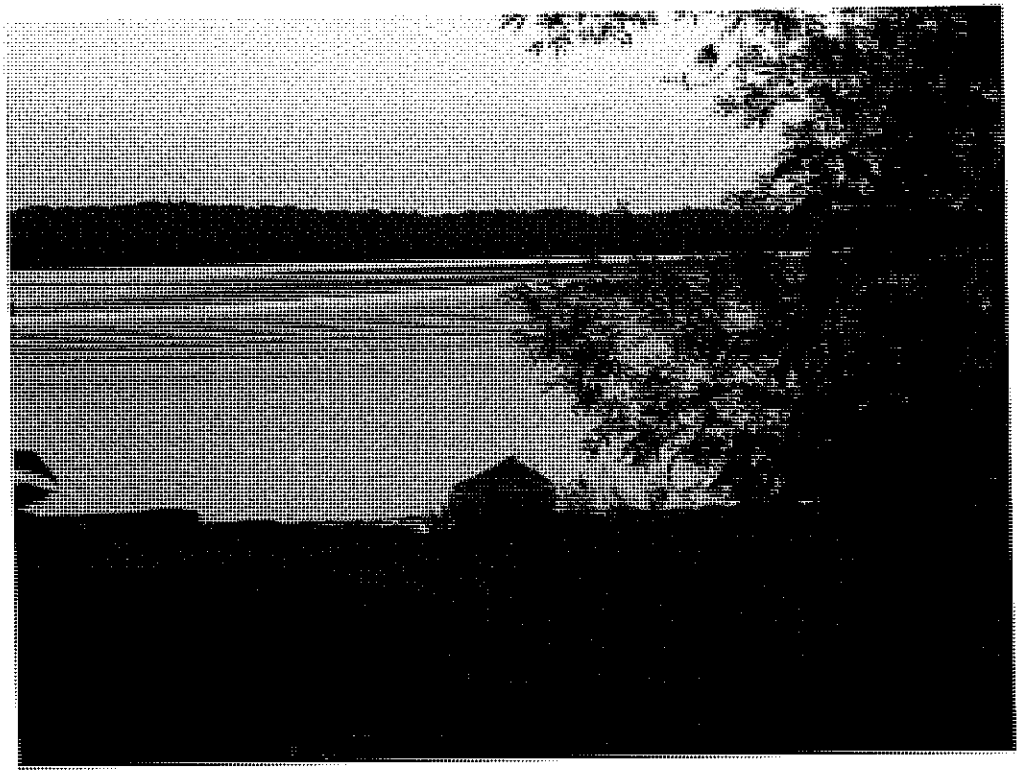
Tadpole hunting



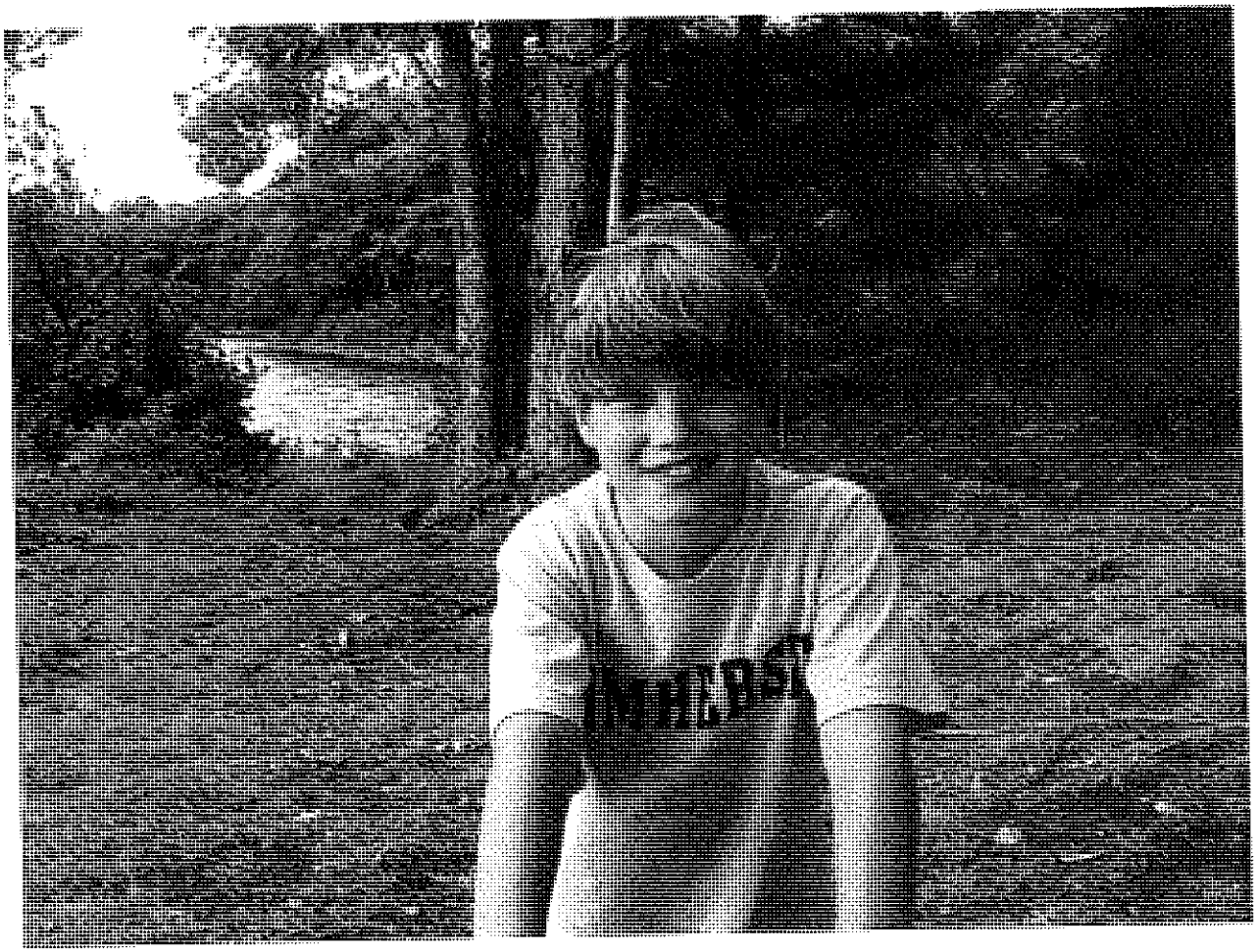
Family canoe trip



Fishing for dinner



Canoe beached at our campsite



Happy camper

To: Assembly Committee on Jobs, Economy, and Mining and Senate Committee on Workforce Development, Forestry, Mining, and Revenue
From: Linea Sundstrom, Ph.D., 1320 E. Lake Bluff Blvd, Milwaukee, WI 53211
Re: Assembly Bill 1 and Senate Bill 1
Date: January 23, 2013

This legislature is faced with a decision that will affect our state's wellbeing for generations to come. Like many decisions, this one comes down to balancing costs and benefits. Unfortunately, no independent and thorough cost-benefit analysis is yet available to aid in making the decision about whether to modify our laws so that the Cline Mining Corporation of Florida can undertake a massive taconite mining operation in Wisconsin's Penokee Range.

To my thinking, this lack of independent analysis is the fast track to a regrettable decision—somewhat akin to, but potentially more devastating than, the Wisconsin Economic Development Corporation's failure to vet the businesses to whom they loaned state moneys and to keep accounts of the money they disbursed.[1]

The only economic study associated with this project was commissioned by Gogebic Taconite (G-Tac).[2] It is not surprising that it paints a rosy picture. What is surprising is that Wisconsin legislators have not demanded a more balanced analysis. I am testifying today simply to raise questions about the economic benefits of the proposed mine, in hopes of generating a more realistic discussion. You need a cost-benefit analysis, not a benefit-benefit analysis.[3] You need to stop pulling jobs and tax revenue numbers out of thin air.

To begin, it seems important to state the choice clearly. First, Wisconsin is <u>not</u> today choosing between mining versus no mining. The choice is whether to allow this particular mine

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[1] *Milwaukee Journal-Sentinel* (hereafter, *MJS*), Oct. 24, 2012; *MJS*, Oct. 18, 2012; Office of Wisconsin State Senator Julie Lassa, press release, Dec. 25, 2012; *The Business Journal*, Dec. 18, 2012.
[2] *The Economic Impact of the Gogebic Taconite Mine*, reported commissioned by Gogebic Taconite, Northstar Economics, Inc., April 5, 2011, no address provided in document.
[3] *The Economic Anomaly of Mining—Great Wealth, High Wages, Declining Communities*, by Thomas Michael Power, New Mexico Bureau of Geology and Mineral Resources, 2005, Socorro, NM; *Lost Landscapes and Failed Economies: The Search for a Value of Place*, by Thomas Michael Power, 1996, Island Press, Washington, DC.

as part of Wisconsin's mix of business enterprises. We don't need to pretend that this bill is about anything other than the proposed G-Tac mine. G-Tac lawyers wrote most of the bill before you today, and it is therefore specific to the mining and milling operations from which that company and its parent corporation hope to profit. It is a decision about what sorts of economic development are best for those counties and the state as a whole. It is a decision about whether to exempt one proposed mine (or "ferrous mineral mining," if you prefer) from established Wisconsin law, and, if so, whether that exemption will benefit or harm the state. Wisconsin can say no to this mine without saying no to all mining. Second, the choice is not between economic development in Ashland and Iron counties or no economic development there; between jobs or no jobs. The choice is between large-scale strip mining and other kinds of economic development, such as tourism.

The G-Tac-funded economic analysis asserts that the proposed mine will create 600 direct jobs and a larger number of indirect jobs. Unquestionably, Wisconsin needs jobs. Our state is seriously lagging the US in economic recovery (Figure 1). We also lag all surrounding states. Minnesota now has more jobs than Wisconsin, despite having 384,000 fewer people. Had we followed the national trend in economic recovery, we should have 42,000 more private sector jobs, rather than a mere 9000. But our stagnant jobs picture is not the result of the mining industry being overregulated. The recovery has been poor across all industries in Wisconsin, which is most logically attributed to statewide policies of the current administration, rather than overregulation of any particular industry.

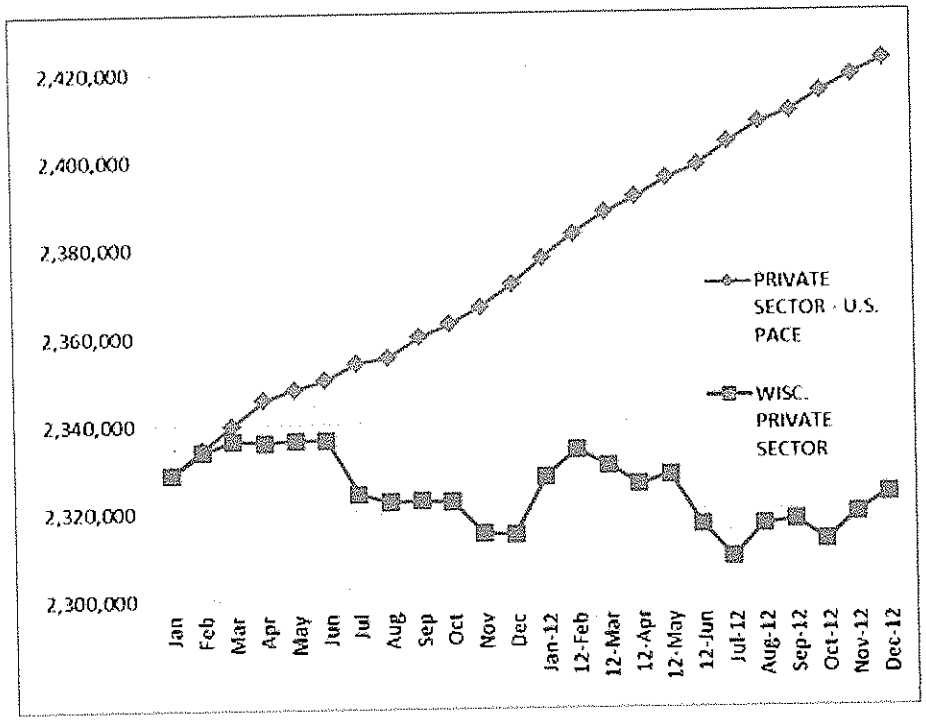

Figure 1. Wisconsin private sector job growth as compared with US, January 2011-December 2012; US Bureau of Labor Statistics data, revised January 2013.

The projected 600 direct jobs figure in the G-Tact study is based on two questionable assumptions. I won't address the indirect--call them unicorns-and-rainbows--jobs, because any conclusions in that regard rest on the direct jobs figure. Projected tax revenues rest on both jobs estimates, and thus are even more ephemeral.[4] The first questionable assumption of the G-Tac study is that the proposed taconite operation is somehow immune from market trends. Metals markets are highly volatile. Economic downturns greatly reduce demand for steel. The opening of new mines overseas with lower operating costs or new extraction technologies can produce a glut of iron. Machines increasingly replace workers (Figure 2). More recycling facilities with more efficient technologies are also driving down the market for new iron. These are not

[4] Projected tax revenue projections further assume that tax laws will not be changed by this or further legislatures in ways that reduce tax liability. For example, Gov. Walker has called for repeal of combined reporting for corporations, which would reduce Gogebic's tax liability by a significant, but unknown amount. See "Wisconsin's Cheesy Tax Cuts," by Lee Sheappard, *Forbes*, February 15, 2011.

hypotheticals: the taconite industry in Michigan and Minnesota laid off more workers last November than the Gogebic mine is expected to hire in a year.

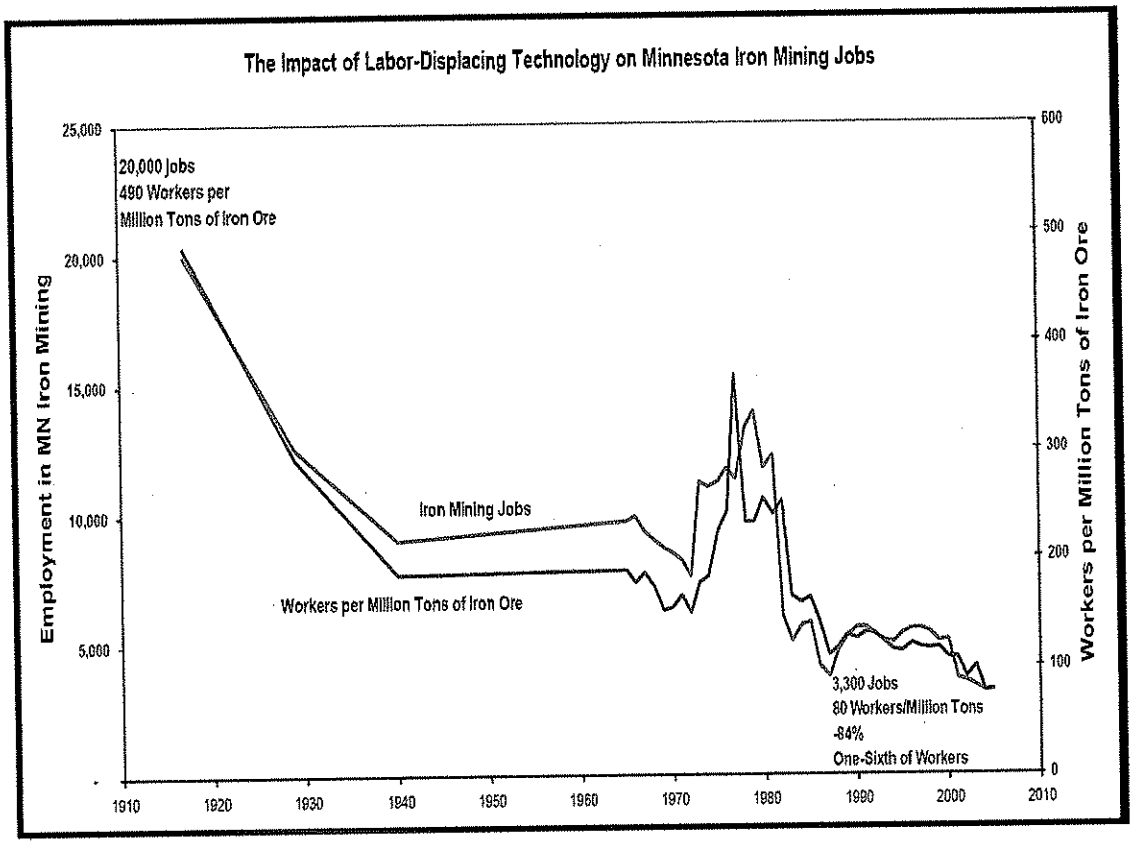

Figure 2. Impact of labor-displacing technology in iron mining in Minnesota, 1910-2010.[5]

Boom-bust cycles are a major factor in the failure of most mining towns in the USA to achieve and maintain economic prosperity (Figure 3). When the market is booming, these towns experience price inflation, especially in housing costs. Workers are reluctant or unable to purchase houses on the up side of the cycle, because they fear a collapse of the local housing market when market demand deflates. G-Tac promoters state that the proposed mine will provide jobs "for generations" to come. In fact, with a projected operating life of 35 years, the jobs will actually be there for not more than one and a half generations. Then what? Workers leave. The

[5] Table reproduced from "A More Holistic Economic Evaluation of Mining: Considering Benefits and Costs," by Thomas Michael Power, University of Montana and Power Consulting, presentation at *Understanding the Impact of Mining in the Western Lake Superior Region*, US Geological Survey workshop, Bad River Reservation, Wisconsin, Sept. 12-14, 2011.

local housing market collapses. Houses are abandoned. The direct jobs and the unicorns-and-rainbows jobs disappear.

Economic Vitality in Mining Dependent Counties

Ratios of Growth in Indicators of Economic Vitality Growth in Mining Dependent/Growth in Non-Mining Dependent				
	1980-1990	1990-2000	2001-2008	1980-2008
Personal Income	0.59	0.82	1.09	0.76
Population	-0.85	0.50	0.65	0.17
Per Capita Income	0.72	0.95	1.13	0.83
Earnings	0.41	0.69	1.13	0.54
Level of Per Capita Income: Mining Dependent and Non-Mining Dependent Counties				
	1980	1990	2000	2008
Mining-Dependent	$8,390	$13,754	$20,099	$30,240
Non-Mining Dependent	$10,201	$19,622	$29,548	$33,191
Difference	-$1,811	-$5,868	-$9,449	-$2,951

Source: US Dept. Comm., BEA, REIS Local Area Income, and author's calculations.

"Mining Dependent" = 20% or more of labor earnings are from mining (excluding oil and gas from "mining")

Figure 3. Economic vitality of mining-dependent communities by decade, 1980-2008.[6]

Regarding claims of "thousands" of manufacturing jobs resulting from this mine, I again question the assumptions behind the statements. The first questionable assumption is that the Gogebic mine would lead to an increase in manufacturing jobs. The world market for iron—and the demand for mining equipment linked to the demand for new iron—will go up or down with or without the presence of the Gogebic mine in Wisconsin. If world demand is high, Bucyrus Caterpillar will be able to hire more workers to make equipment to sell to mining companies. If world demand is low, Bucyrus Caterpillar will adjust by laying off workers. The presence of one more taconite operation will not affect overall demand for equipment. The second questionable

[6] Table reproduced from "A More Holistic Economic Evaluation of Mining: Considering Benefits and Costs," by Thomas Michael Power, University of Montana and Power Consulting, presentation at *Understanding the Impact of Mining in the Western Lake Superior Region*, US Geological Survey workshop, Bad River Reservation, Wisconsin, Sept. 12-14, 2011.

assumption is that the manufacturing jobs created by an increase in the world demand for new iron will be Wisconsin jobs. Nothing prevents Bucyrus Caterpillar from moving jobs out of state or overseas.

Besides the high potential for a local economic collapse, what other costs are out there? First, loss of tourism potential. Besides providing long-term, sustainable jobs at a low cost to the state,[7] tourism is a buffer against economic downturns. When the national or world economies are in trouble, people will opt to vacation close to home. And tourism jobs cannot be outsourced. Second, loss of natural resources, such as clean water, wildlife habitat, and streamflow. Third, costs of litigation to defend the state's failure to follow federal laws regarding consultation with federally recognized tribes.

The G-Tac study fails in other levels of analysis, as well. It gives meaningless numbers for the expected pay levels. "Average wage" is the same whether all 600 employees are getting paid $50,000 a year or 590 people are getting $10 per hour and 10 people are getting a salary of $860 per hour. This may sound ridiculous, but it is in line with many corporate pay scales today. The G-Tac study reports that this average pay—however it is actually distributed—is 87% higher than the average pay in Wisconsin; however, it is important to note that the average pay quoted for the G-Tac mine includes all benefits, while those used for comparison exclude all benefits. In other words, the comparison presented in the G-Tac study is invalid. There is no reason to assume that G-Tac will pay above the local market costs for mining labor—and that amount is about 13% higher than the state average wage.[8] There is also no reason to assume that G-Tac will hire local workers for any of the jobs. Are there quality of life issues when large numbers of young, unskilled laborers relocate to small communities for short-term jobs? Ask a North

---

[7] Wisconsin Department of Tourism web site reports that for every dollar invested in tourism, $6 was returned to state and local governments in incremental tax revenue.

[8] All wage data used here is from the US Bureau of Labor Statistics, most recent available figures.

Dakotan. Using G-Tac's own estimates, this operation will bring 50 new jobs, on average, per county in the region. Are 50 new jobs per county worth the risk to our environment and to the future development of other, less volatile and destructive industries?

In conclusion, I urge you to commission a thorough, independent cost-benefit analysis before acting on this bill. For the sake of Wisconsin's long-term prosperity and irreplaceable natural resources, please take the time and effort to make an informed decision.

GOOD DAY

SPEAKING IN OPPOSITION

This past year and ½ or more has been, in my opinion has been contentious, divisive, and to say the least disingenuous

This legislation is supposedly written to streamline and modernize our mining regulations and laws - ~~two~~ at the same time those who wrote the bill expect us to ~~believe~~ believe this same legislation will protect Wisconsin's water - especially the streams in the Bad River Watershed. viewed from the Water's Edge, the process chosen by a few legislators in leadership and the Governor's office was and is ill advised. - This process has thwarted public input and has ignored the community of Odanah, the Homeland of the Bad River Ojibwe. ~~People.~~ ~~for the BAD RIVER Nat~~ ~~Com~~ This alone is a sad commentary on ~~the~~ legislative agenda ~~of~~ a ~~the very agenda~~ of the very folks who were elected to uphold and protect the rights ~~the~~ held by Wisconsin citizens and the liberties we we enjoy. To deny important historical events which in part constructed the state of Wisconsin is terrifying - Especially for those who follow~~ers~~ I urge you to vote this mischief down - and if this mining initiative still persists then start with hearing in the community that has the most to lose Odanah wisconsin.

If we are a Democracy of the people - a democracy for all, then this process must be rejected - as it will only encourage further abuses of wisconsin's political environment. ~~and than~~

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2200
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To: Assembly Committee on Jobs, Economy, and Mining and Senate Committee on Workforce Development, Forestry, Mining, and Revenue
From: Linea Sundstrom, Ph.D., 1320 E. Lake Bluff Blvd, Milwaukee, WI 53211
Re: Assembly Bill 1 and Senate Bill 1
Date: January 23, 2013

This legislature is faced with a decision that will affect our state's wellbeing for generations to come. Like many decisions, this one comes down to balancing costs and benefits. Unfortunately, no independent and thorough cost-benefit analysis is yet available to aid in making the decision about whether to modify our laws so that the Cline Mining Corporation of Florida can undertake a massive taconite mining operation in Wisconsin's Penokee Range.

To my thinking, this lack of independent analysis is the fast track to a regrettable decision—somewhat akin to, but potentially more devastating than, the Wisconsin Economic Development Corporation's failure to vet the businesses to whom they loaned state moneys and to keep accounts of the money they disbursed.[1]

The only economic study associated with this project was commissioned by Gogebic Taconite (G-Tac).[2] It is not surprising that it paints a rosy picture. What is surprising is that Wisconsin legislators have not demanded a more balanced analysis. I am testifying today simply to raise questions about the economic benefits of the proposed mine, in hopes of generating a more realistic discussion. You need a cost-benefit analysis, not a benefit-benefit analysis.[3] You need to stop pulling jobs and tax revenue numbers out of thin air.

To begin, it seems important to state the choice clearly. First, Wisconsin is <u>not</u> today choosing between mining versus no mining. The choice is whether to allow this particular mine

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[1] *Milwaukee Journal-Sentinel* (hereafter, *MJS*), Oct. 24, 2012; *MJS*, Oct. 18, 2012; Office of Wisconsin State Senator Julie Lassa, press release, Dec. 25, 2012; *The Business Journal*, Dec. 18, 2012.
[2] *The Economic Impact of the Gogebic Taconite Mine*, reported commissioned by Gogebic Taconite, Northstar Economics, Inc., April 5, 2011, no address provided in document.
[3] *The Economic Anomaly of Mining—Great Wealth, High Wages, Declining Communities*, by Thomas Michael Power, New Mexico Bureau of Geology and Mineral Resources, 2005, Socorro, NM; *Lost Landscapes and Failed Economies: The Search for a Value of Place*, by Thomas Michael Power, 1996, Island Press, Washington, DC.

as part of Wisconsin's mix of business enterprises. We don't need to pretend that this bill is about anything other than the proposed G-Tac mine. G-Tac lawyers wrote most of the bill before you today, and it is therefore specific to the mining and milling operations from which that company and its parent corporation hope to profit. It is a decision about what sorts of economic development are best for those counties and the state as a whole. It is a decision about whether to exempt one proposed mine (or "ferrous mineral mining," if you prefer) from established Wisconsin law, and, if so, whether that exemption will benefit or harm the state. Wisconsin can say no to this mine without saying no to all mining. Second, the choice is not between economic development in Ashland and Iron counties or no economic development there; between jobs or no jobs. The choice is between large-scale strip mining and other kinds of economic development, such as tourism.

The G-Tac-funded economic analysis asserts that the proposed mine will create 600 direct jobs and a larger number of indirect jobs. Unquestionably, Wisconsin needs jobs. Our state is seriously lagging the US in economic recovery (Figure 1). We also lag all surrounding states. Minnesota now has more jobs than Wisconsin, despite having 384,000 fewer people. Had we followed the national trend in economic recovery, we should have 42,000 more private sector jobs, rather than a mere 9000. But our stagnant jobs picture is not the result of the mining industry being overregulated. The recovery has been poor across all industries in Wisconsin, which is most logically attributed to statewide policies of the current administration, rather than overregulation of any particular industry.

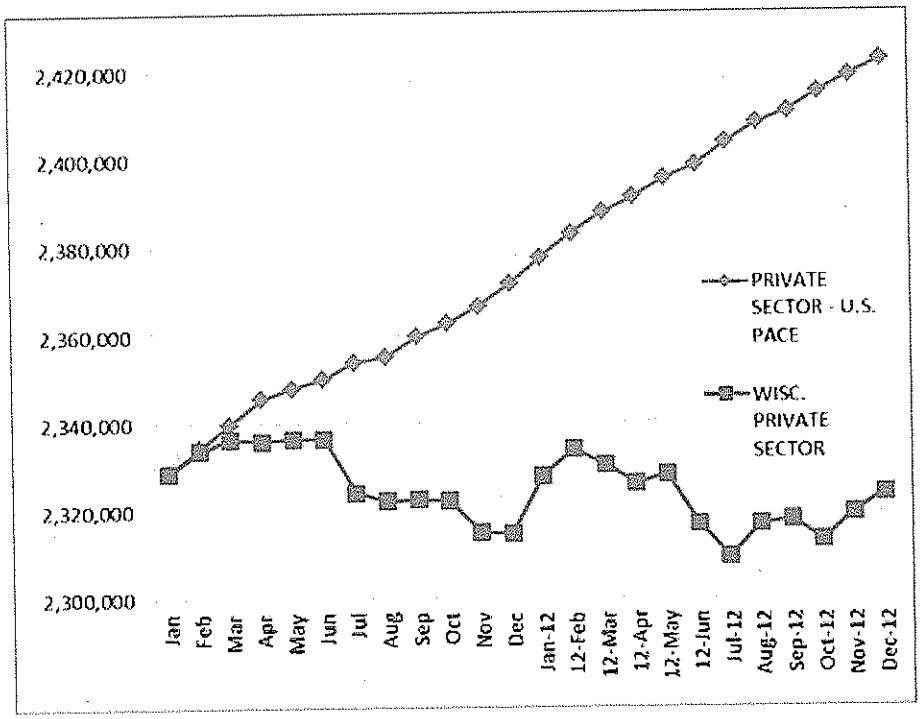

Figure 1. Wisconsin private sector job growth as compared with US, January 2011-December 2012; US Bureau of Labor Statistics data, revised January 2013.

The projected 600 direct jobs figure in the G-Tact study is based on two questionable assumptions. I won't address the indirect--call them unicorns-and-rainbows--jobs, because any conclusions in that regard rest on the direct jobs figure. Projected tax revenues rest on both jobs estimates, and thus are even more ephemeral.[4] The first questionable assumption of the G-Tac study is that the proposed taconite operation is somehow immune from market trends. Metals markets are highly volatile. Economic downturns greatly reduce demand for steel. The opening of new mines overseas with lower operating costs or new extraction technologies can produce a glut of iron. Machines increasingly replace workers (Figure 2). More recycling facilities with more efficient technologies are also driving down the market for new iron. These are not

[4] Projected tax revenue projections further assume that tax laws will not be changed by this or further legislatures in ways that reduce tax liability. For example, Gov. Walker has called for repeal of combined reporting for corporations, which would reduce Gogebic's tax liability by a significant, but unknown amount. See "Wisconsin's Cheesy Tax Cuts," by Lee Sheappard, *Forbes*, February 15, 2011.

hypotheticals: the taconite industry in Michigan and Minnesota laid off more workers last November than the Gogebic mine is expected to hire in a year.

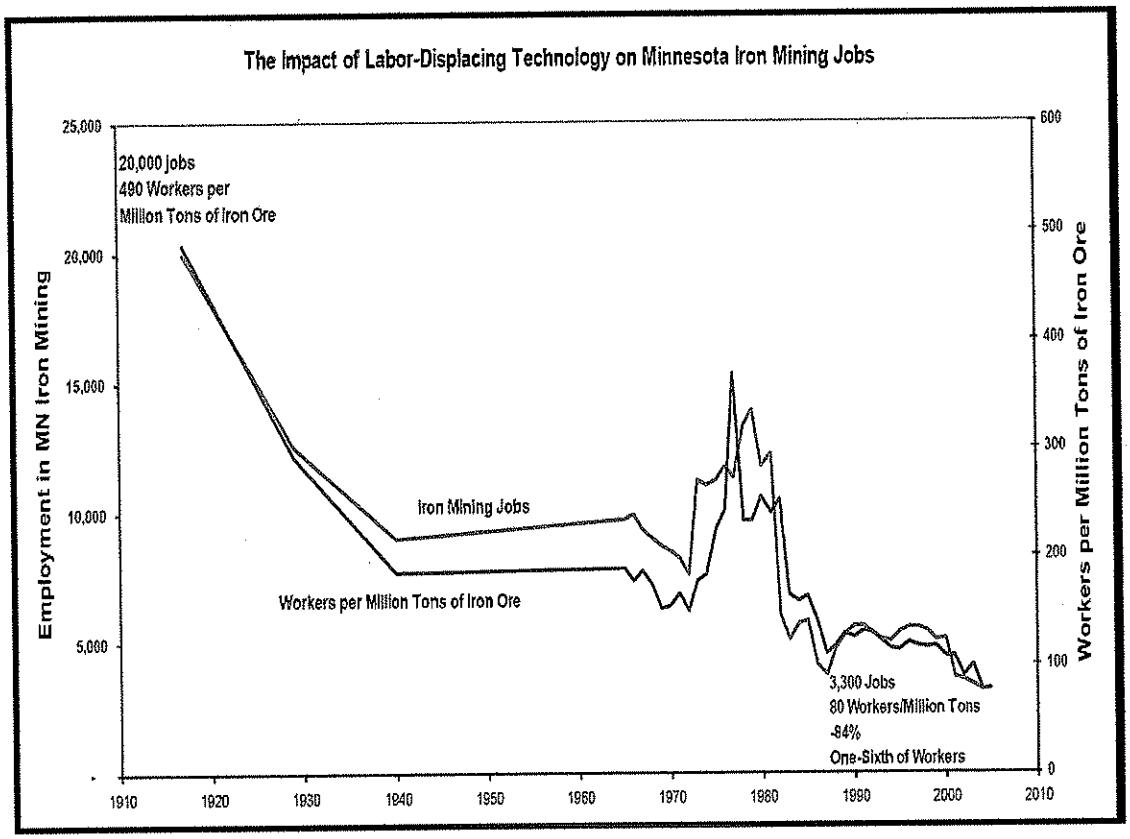

Figure 2. Impact of labor-displacing technology in iron mining in Minnesota, 1910-2010.[5]

Boom-bust cycles are a major factor in the failure of most mining towns in the USA to achieve and maintain economic prosperity (Figure 3). When the market is booming, these towns experience price inflation, especially in housing costs. Workers are reluctant or unable to purchase houses on the up side of the cycle, because they fear a collapse of the local housing market when market demand deflates. G-Tac promoters state that the proposed mine will provide jobs "for generations" to come. In fact, with a projected operating life of 35 years, the jobs will actually be there for not more than one and a half generations. Then what? Workers leave. The

[5] Table reproduced from "A More Holistic Economic Evaluation of Mining: Considering Benefits and Costs," by Thomas Michael Power, University of Montana and Power Consulting, presentation at *Understanding the Impact of Mining in the Western Lake Superior Region*, US Geological Survey workshop, Bad River Reservation, Wisconsin, Sept. 12-14, 2011.

local housing market collapses. Houses are abandoned. The direct jobs and the unicorns-and-rainbows jobs disappear.

Economic Vitality in Mining Dependent Counties

Ratios of Growth in Indicators of Economic Vitality Growth in Mining Dependent/Growth in Non-Mining Dependent				
	1980-1990	1990-2000	2001-2008	1980-2008
Personal Income	0.59	0.82	1.09	0.76
Population	-0.85	0.50	0.65	0.17
Per Capita Income	0.72	0.95	1.13	0.83
Earnings	0.41	0.69	1.13	0.54
Level of Per Capita Income: Mining Dependent and Non-Mining Dependent Counties				
	1980	1990	2000	2008
Mining-Dependent	$8,390	$13,754	$20,099	$30,240
Non-Mining Dependent	$10,201	$19,622	$29,548	$33,191
Difference	-$1,811	-$5,868	-$9,449	-$2,951

Source: US Dept. Comm., BEA, REIS Local Area Income, and author's calculations.

"Mining Dependent" = 20% or more of labor earnings are from mining (excluding oil and gas from "mining")

Figure 3. Economic vitality of mining-dependent communities by decade, 1980-2008.[6]

Regarding claims of "thousands" of manufacturing jobs resulting from this mine, I again question the assumptions behind the statements. The first questionable assumption is that the Gogebic mine would lead to an increase in manufacturing jobs. The world market for iron—and the demand for mining equipment linked to the demand for new iron—will go up or down with or without the presence of the Gogebic mine in Wisconsin. If world demand is high, Bucyrus Caterpillar will be able to hire more workers to make equipment to sell to mining companies. If world demand is low, Bucyrus Caterpillar will adjust by laying off workers. The presence of one more taconite operation will not affect overall demand for equipment. The second questionable

[6] Table reproduced from "A More Holistic Economic Evaluation of Mining: Considering Benefits and Costs," by Thomas Michael Power, University of Montana and Power Consulting, presentation at *Understanding the Impact of Mining in the Western Lake Superior Region*, US Geological Survey workshop, Bad River Reservation, Wisconsin, Sept. 12-14, 2011.

assumption is that the manufacturing jobs created by an increase in the world demand for new iron will be Wisconsin jobs. Nothing prevents Bucyrus Caterpillar from moving jobs out of state or overseas.

Besides the high potential for a local economic collapse, what other costs are out there? First, loss of tourism potential. Besides providing long-term, sustainable jobs at a low cost to the state,[7] tourism is a buffer against economic downturns. When the national or world economies are in trouble, people will opt to vacation close to home. And tourism jobs cannot be outsourced. Second, loss of natural resources, such as clean water, wildlife habitat, and streamflow. Third, costs of litigation to defend the state's failure to follow federal laws regarding consultation with federally recognized tribes.

The G-Tac study fails in other levels of analysis, as well. It gives meaningless numbers for the expected pay levels. "Average wage" is the same whether all 600 employees are getting paid $50,000 a year or 590 people are getting $10 per hour and 10 people are getting a salary of $860 per hour. This may sound ridiculous, but it is in line with many corporate pay scales today. The G-Tac study reports that this average pay—however it is actually distributed—is 87% higher than the average pay in Wisconsin; however, it is important to note that the average pay quoted for the G-Tac mine includes all benefits, while those used for comparison exclude all benefits. In other words, the comparison presented in the G-Tac study is invalid. There is no reason to assume that G-Tac will pay above the local market costs for mining labor—and that amount is about 13% higher than the state average wage.[8] There is also no reason to assume that G-Tac will hire local workers for any of the jobs. Are there quality of life issues when large numbers of young, unskilled laborers relocate to small communities for short-term jobs? Ask a North

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[7] Wisconsin Department of Tourism web site reports that for every dollar invested in tourism, $6 was returned to state and local governments in incremental tax revenue.

[8] All wage data used here is from the US Bureau of Labor Statistics, most recent available figures.

Dakotan. Using G-Tac's own estimates, this operation will bring 50 new jobs, on average, per county in the region. Are 50 new jobs per county worth the risk to our environment and to the future development of other, less volatile and destructive industries?

In conclusion, I urge you to commission a thorough, independent cost-benefit analysis before acting on this bill. For the sake of Wisconsin's long-term prosperity and irreplaceable natural resources, please take the time and effort to make an informed decision.

RIVER ALLIANCE of Wisconsin

January 23, 2013

Senator Tom Tiffany, Chair
Senate Committee on Workforce Development, Forestry, Mining and Revenue'
State Capitol, 411 S

Representative Mary Williams, Chair
Assembly Committee on Jobs, Economy and Mining
State Capitol, 411 S

RE: SB1/AB1 Regulation of Ferrous Metallic Mining and Related Activities

Dear Senator Tiffany, Representative Williams and Members of the Committees:

The River Alliance of Wisconsin is a non-profit, non-partisan organization representing over 2500 individuals, groups and businesses around the state. We advocate for the protection and restoration of the state's flowing waters.

We are very disappointed to see that SB1/AB1 remains functionally unchanged from the AB426 as amended in Joint Finance in the last session. This bill not only ignores countless pleas from citizens of this state to maintain environmental standards for mining operations, but also ignores the good work of the bipartisan Senate Select Committee on Mining and the recommendations that came from industry experts, and state and federal resource experts on how mining laws can be reformed to streamline permitting without damaging rollbacks to environmental and public health standards and without gutting the public's right to ask questions about the company's information or the DNR's decision-making.

Current state laws provide a viable means for responsible mining, and holds mining operations to the same environmental protections as all other industries. If the law must be changed to provide a more certain timeline for review of mining applications, plenty of smart people with a deep knowledge of mining have offered good suggestions for how to bring certainty and predictability to permitting timelines. But this bill seems more focused on rolling back standards that protect our water, air and local communities than on reforming timelines.

Despite the assertions that this bill will not compromise the environment, it creates numerous exemptions, conditions and changes to environmental standards and protections which have stacked the deck against preventing harm to clean water.

306 E. Wilson Street, Ste. 2W, Madison, WI 53703 ph (608) 257-2424 fax (608) 257-9799

Furthermore, this bill serves to elevate mining above all other industries and businesses in the state of Wisconsin at the expense of our natural resources and local communities.

Specifically, the bill eliminates all opportunities for citizens and experts to question or contest the information submitted by the mining company until a permit has been approved. Timing the only opportunity for a contested case hearing for after the permit is approved, and not permitting a stay in mining activities while an administrative judge hears the case, is a hollow exercise. At best, the judge will be evaluating DNR's decision, not the veracity of the information submitted by the mining company. Making the information about what is in the overburden confidential until the mine is permitted further erodes the ability of concerned citizens to evaluate DNR's decision because this data would not be in the public record.

SB1/AB1 applies special rules that allow mines to bypass the environmental and public health requirements that apply to everyone else in the state, and even goes so far as to mandate that if there is a conflict between mining law and other environmental laws, the mining law trumps environmental laws. This bill:

- Allow mine wastes to be piled next to rivers and lakes, in floodplains and areas where groundwater contamination is likely;
- Requires DNR to allow wetlands to be filled, even the most critically important wetlands, as long as the mining company provides "mitigation" someplace in the ceded territory;
- Requires DNR to permit structures and fill in waterways, to allow rivers to be altered, straightened, widened and dredged as long as it won't "significantly" impair public rights, flood capacity, rights of riparian owners or water quality. "Significantly" is not defined.
- Requires DNR to allow wells or direct water withdrawals from rivers or lakes even if it will severely draw down groundwater, rivers or lakes. The Public Trust Doctrine is undermined in that DNR is required to recognize that water withdrawals for mining are "in the public's interest and welfare and fulfills a public interest."
- Requires that DNR treat as confidential any data in the mining plan on the chemical makeup of the overlying rock above the ore (the overburden). This prevents the public from knowing what is in the overlying rock that will be dug up and deposited in wetlands rivers and lakes, including the presence of sulphides or other metals that can be toxic in high doses.

The bill also effectively takes science out of decision making. A mining company is allowed to complete their environmental analysis in one year, even though experts indicate a realistic analysis of how water resources interact and would be impacted would take two to three years. It then prevents DNR, citizens and outside experts from questioning the quality or accuracy of information submitted by the mining company.

The bill creates unworkably short permit review timelines that prevent DNR from verifying the accuracy of the data submitted by the mining company – the information must be taken at face value, or the permit review timeline will expire and DNR must

repay the permit fees. Yes, SB1/AB1 allows for one 60-d extension, but only if the applicant agrees. And possibly most outrageous of all, the draft bill eliminates the ability of DNR to monitor a mining operation and to *order* a stop in work if there is a substantial threat to public health and safety or the environment.

As written SB1/AB1 represents an outrageous give-away of the state's natural resources. If the goal is to provide predictability in the permit process, it is time to start over to address that need and to maintain the current standards for environmental protection.

Sincerely,

Helen Sarakinos
Water Policy Program

Celeste Lourigan
265 Lynne Trail
Oregon, WI 53575

Joint Mining Committee Hearing Testimony
January 23, 2012

My name is Celeste Lourigan. I appreciate the opportunity to address you today on Assembly Bill 1/ Senate Bill 1. I am in strong opposition to the Open-Pit Mining legislation proposed in this bill.

I was born and raised right here in Dane County, but for the past two years my heart has found a home along the shores of Lake Superior. I have the great privilege to attend Northland College a leader in environmental justice, science, and sustainability.

Mining may be part of Wisconsin's history, but it has also created extreme poverty in it's boom and bust cycles. Having an open pit mine in northern Wisconsin would destroy the economy that is still developing from the last time the region went through boom and bust economy. Tourism is Wisconsin's second largest industry and provides 1 out of 13 jobs in the state. Our tourism industry is dependent on having clean air and water and a landscape that draws people back year after year. There is a reason why people like me fall in love with the Northwoods of Wisconsin.

The bill lowers environmental standards that help to keep Wisconsin beautiful. It would allow for the filling of Class 1 trout streams, the dumping of toxic mining waste in precious wetlands, not to mention the draining of large volumes of water from the surrounding area. This would cause neighbors, including some of Wisconsin's well-loved dairy farmers, to lose access to water forcing them to go out of business.

This bill also asks the people of Wisconsin to not only sacrifice environmental standards but their own voice in democracy. It eliminates the right of the citizens of Wisconsin to challenge information presented by mining companies even though they are the documents that the mining permits would be based on. Also, the bill directs money away from the local communities that the mining operation would most affect.

Forward. The state's moto. Wisconsin needs forward-thinking jobs, not ones that are going to move us backwards. Jobs that look for a brighter future. Let's not sacrifice our values for a quick solution that is just going to cause more problems. Thank you for the opportunity to speak here today.

Celeste Lourigan

Written Testimony in Lieu of speaking - by Kevin Coleman

1821 Spaight St
Madison WI

I'm hear to speak not against mining, but against this mining bill. As an outdoorsman, I am speaking to you as fellow outdoorsmen and women. We must stand together to oppose a bill that undercuts our current protections of lakes, streams and wetlands. We must that a mine is only welcome if it does not threaten our fish and game and the ecosystems and water quality on which they depend. These lakes and streams are for swimming in, fishing from, hunting around, paddling in, harvesting rice, they are not for filling with overburden.

As a trained environmental scientist and engineer, I speak to all of you power of science and technological progress. We must oppose this mining bill because it obfuscates and ignores the science surrounding these issues. We must remember that no legislation can change geochemistry — and sulfur is sulfur wether it be in the overburden or in the target ore. I find it reprehensible that this bill allows for dumping sulfide laden overburden, and allows for wetland mitigation of disposing of overburden.

As a parent, I implore all of the parents in the legislature to oppose this bill because it relies on short term thinking. Mining is, without exception, a boom-bust industry. This bill circumvents existing environmental and health protections for short term gains in ways that will permanently damage our state. This is equivilent of being outside on a cold day and pissing in your pants to keep warm. Its a very good short term strategy (how long will these jobs last?) As a parent, this is not what I want for my children

Please oppose a bill.

The Committee Chairs ask that you observe the following rules for today's Joint Public Hearing

- Pursuant to 2013 Senate Resolution 3, an individual in any room in which a senate meeting is being conducted must be quiet at all times; must be seated at all times; and may not display signs or other objects. The resolution provides that, insofar as applicable, the rules of the senate apply to the procedures of standing committees and special committees.

- The following behavior will not be tolerated under any circumstances: Disruptions, threats, inappropriate gestures, profanity, costumes, props, sign waving or any behavior deemed offensive or disruptive by the Committee Chairs or in violation of Senate Rules.

- Those wishing to speak must fill out a hearing slip with the Sergeant's staff. You may also register a position without speaking. One person per slip.

- Due to limited seating, you may not hold a seat for somebody else and if you are leaving the room under any circumstances, please check-out with the Sergeant's staff.

- Testimony will be timed. We encourage you to avoid repetitive statements and be concise. After speaking, please exit the room quietly to accommodate others.

- Please turn off your cell phones.

- There will be no use of cameras, I-pads, I-pods, computers, personal media/communication devices, cell phones or other records devices inside the hearing room unless you are a credentialed member of the media, members of the committee or legislative staff.

Subject: My Registered Opposition to AB1/SB1 – January 23, 2013 – Elaine Swanson

To: Representative Mary Williams
Senator Tom Tiffany

Some things are so dependable – like mid-January that suddenly brings longer days you can feel – no matter the frigid cold. Predictable. I can count on hearing first cardinal song even before Valentine's. In fact, I begin to look for my red socks on Ground Hog Day.

We live in east-central Wisconsin, on land we've been restoring as prairie and woodlands for 30 years. The pond down by the creek - where migrating waterfowl rested and fed last fall - is now frozen across the entire surface – smooth enough to skate on. Yet I can predict with certainty that we'll hear chorus frogs rising to the surface in early spring on nearly the same evening as the year before. Nature keeping her promises in predictable ways.

Being able to witness seasonal changes is a privilege – I'm totally in love with where I'm living. The landscape that surrounds me, the wildlife sanctuary our land has become give me a sense of place and purpose. I better make the trip to the Capitol, step out of my comfort zone, and be the voice of what I treasure.

I'm very concerned over any legislation that is considered without sound predictability of the outcome of that law. The Earth is experiencing severe climate change – more drought and intense heat are predicted. These conditions

are stressing our aquifers faster than they can recharge themselves. Yet here in Wisconsin, we have no restrictions on the issuance of permits for high-capacity wells which industrial farming demands.

Open-pit mining operations, likewise, require millions of gallons of groundwater. The land is drilled, blasted, crushed - and the harvest hauled away. The entire scale of land alteration associated with mining is simply enormous.

Of particular concern to me are the wetlands which will be directly affected by this bill. That's more than predictable - that's guaranteed. Nevermind reclamation. Biological systems that have evolved over thousands of years cannot simply be moved elsewhere. A fleet of back hoes and earth-movers will not magically recreate these vast and complex filtering systems. Wetlands are among our richest resources. They sustain plant and animal life in every season – and prevent destructive flooding. Know your wetlands before you vote to destroy one.

The authors of this bill cannot predict the environmental consequences that will follow a law that violates the land by rerouting streams and surface waters - a law liberally sprinkled with exemptions. We do know that open-pit mining results in permanent change to the land. Permanent.

I urge each of you to exercise precaution as the guiding principle for any environmental policies. It is your responsibility to future generations to prevent irreversible

damage to the land, water, and wildlife. All natural resources deserve to be treated as outstanding and exceptional – because they are.

Thank you.

Elaine Swanson
W10732 Triangle Road
Pickett, WI 54964

My name is Susan Johnson. I was born and raised in Kenosha, Wisconsin and for the past eight years, I have lived in Janesville. I will begin my testimony today by quoting a recent speech delivered from one of our greatest United States' Senators, Senator Feingold. On April 22, 2010, one the 40 anniversary of Earth Day, he said, "I come to the floor to recognize the 40th anniversary of Earth Day, and to remember the man who founded Earth Day, the late Wisconsin governor and Senator Gaylord Nelson. Before he was the founder of Earth Day, and one of the nation's greatest conservationists, he was a son of Wisconsin. He was a young boy growing up in the town of Clear Lake, Wisconsin, amid the great natural beauty of our state. When asked how he developed his lifelong interest and dedication to the environment, Nelson would say, "by osmosis" while growing up in Clear Lake, Wisconsin. He reflected the very best of our state from the beginning, building on Wisconsin's long tradition of environmental conservation." Of course, Senator Feingold was referring to Wisconsin's great conservation legacy in John Muir, Aldo Leopold and Sigurd Olson. A recent news release from the Wisconsin Department of Tourism on April 5, 2012 was appropriately entitled, "Wisconsin observes Earth Day Every Day." It says, "Earth Day is coming up on April 22, but here in Wisconsin, we're proud to celebrate it every day." Yes, legislators and all Wisconsinites, I want to emphasize how much conservation is Wisconsin's great legacy. Championing conservation is who we are. This mining bill goes against everything Wisconsin is and was. It will only do unspeakable damage to Wisconsin's environment, harm Wisconsin's tourism business and leave your children and grandchildren to pay the clean-up bill. My hope now is in our nation and its laws. May the laws of the United States protect us all.

Theresa Lowder
9240 N. Bethanne Drive
Brown Deer, Wisconsin
tlowder@wi.rr.com
414-355-9424

Mining Testimony January 23, 2013

Whenever we turn on the water faucet in our homes, we trust that the water will be safe to drink and there will be plenty of it for the many ways we use it. However, we can no longer take water for granted.

Groundwater levels are dropping.

A report from the Wisconsin Association of Lakes, November 6, 2011 stated, "In Dane County, rapid growth and increased demand on groundwater has caused a 60 foot drop in the aquafir, caused many springs to dry up, . . . and is now draining water from lakes Mendota and Monona into the aquafir. The aquafir used to supply these lakes with water."

The city of Waukesha must find a new source of water because of excess radium levels in its deep wells. A report prepared for the city water utility estimates that by 2020 the average water use there will rise from 8.2 million gallons to 10.3 million gallons per day.

Some groundwater is contaminated.

The DNR website states, "Approximately two thirds of the people living in Wisconsin get their drinking water from groundwater. Adequate supplies of uncontaminated groundwater are crucial not only to the health of those families but also for the continued growth of agricultural production and cutting-edge industries in Wisconsin. We are continually confronted with new challenges in securing water of sufficient quality and quantity."

In April of 1997 a DNR report indicated that 60 municipal wells were no longer being used because they did not meet water quality standards. On Monday a Milwaukee news station reported that molybdenum, a contaminant that causes hallucination, stomach sickness, kidney disorders and joint pain, was found in the drinking water of a Racine County School. The drinking fountains were shut off. This same contaminant has been found in the water of homes near coal ash landfills at the Oak Creek WE Energies plant.

A Journal Sentinel article December 6, 2012 reported that 150 families in Washington County are suing the owner and operator of a fuel pipeline that spilled gasoline July 17 in a farm pasture in the Town of Jackson. Results of the spill include "reduced property values, costs of providing a new safe water supply, lost profits and interference of local

businesses, as well as mental anguish and loss of use of properties and reduced quality of life."

Mining contaminates water.

Acid Mine drainage from ore mines in Western states has caused some of the country's largest and most contaminated Superfund sites. (www.sobluewaters.org. Acid drainage is difficult to contain and can continue for tens of thousands of years. (www.groundtruthtrekking.org.) If you weaken environmental regulations, as this mining bill does, it will surely result in the poisoning of more drinking water.

Demand for water will only grow. Water is critical for public health and the economy. It is our children's and our grandchildren's water. They need to know we did everything in our power to preserve it for them.

Please allow me to introduce myself. My name is Patricia Barwig. I am a gynecologist; I work in Brookfield and I live in Delafield. In my free time I garden, knit, play bridge and read romance novels. I have never testified before a legislative body before, and I am not a professional environmentalist. In fact, you could call me a closet environmentalist. I recycle, I compost and I serve on my city's Park and Recreation Commission. I am missing my knitting circle to be here today.

I'm telling you about myself because I want you to know that it isn't just the mining company executives and their stooges versus the tree huggers today. It's middle class moderates like me (who vote in every election) coming to speak to you today, and this is what I want to say:

Please don't trade my children's heritage for a mess of pottage. Please don't trade our pristine forests for magic beans.

I want my grandson and his children (and he's only 9, so clearly I'm projecting) to be able to camp up North the way my children and I did. I want the water to be drinkable and swimmable; I want the trees and berries and jack-in-the-pulpits to grow in abundance in vast silent virgin forests. I want my fellow citizens who live up North to live full lives, without higher cancer rates caused by pollution of the water supply.

Don't get me wrong. I'm all for jobs, and progress, but not at the cost of the state's health and future. Don't get caught up in the frenzy to "create jobs" for a few, at the expense of the many.

Please don't exempt the mining companies from the regulations that protect the health of our citizens and our environment. Please be the guardians of our natural heritage. Please don't disappoint the vast majority of the people who elected you. Please don't be swayed because the mining company can mount an expensive campaign to convince you to circumvent the laws you and your predecessors so carefully crafted.

Please uphold your sacred trust, and kill Bill SB1/AB1. Please don't start the year 2013 with a shameful disregard of the people who elected you. Please don't let 2013 be the year that lives in infamy.

Thank you.

Wisconsin Senate Mining Bill Public Hearing, State Capitol, January 23, 2013
Bruce Noble, Citizen of Wisconsin

My name is Bruce Noble. Today, I represent myself and exercise my citizen responsibility to the sacred land of the Penokee Hills watershed. Others will speak of defiling the air with overburden blasting, "yellow boy" runoff-pollution into the Bad River, the desecration of millions of years of plant and animal life, the job creation dodge, the economic impacts on Ashland and Iron Counties and other toxic soups and noxious slurries. But I want to speak of OUR obligation to save what Jesus might say is for the least of us, the most vulnerable, our Original God-given Land.

"In the beginning God created the heavens and earth. The earth was empty... And the Spirit of God was hovering over its surface." Did Moses miss a commandment; Thou shalt not desecrate the earth that God created?

Ralph Waldo Emerson: wrote in 1836, "The forgoing generations beheld God and nature face to face." "Why should not we also enjoy an original relation to the universe?"

Emerson must have known he was in the middle of a battle for Creation Land already disappearing. In Kentucky the ugly head of coal mining had begun in 1820. In Michigan, underground coal mining began in 1835. Minnesota wouldn't enter the fray until after Frank Hibbing discovered iron ore in 1892. Now, Hibbing, MN claims the largest open pit in the world. The ancient confrontation between the money-changers and the prophet was in full swing.

By the 1950s, Big Coal, not to be discouraged by the gradual disappearance of the enormous underground veins, found a technique that made a low grade knockoff: Aka <35% coal! Aka Taconite! In 2013, the money machine still wants to defile

Wisconsin's Original Land for a low grade substitute. And with this final abuse, the tearing away of our Mother's skin and bone, we hear the old empty promises of reclamation. In Kentucky where Big Coal has ripped off her precious Appalachian mountaintops, they say, to reclaim open pit mining land is like giving purity back to a raped virgin.

Mother earth has no rape shelter. There is no geologic process that gives back original purity defiled. Only you and I can protect her. In Minnesota, Michigan and Kentucky, coal miners and their families have at least twice the incidence of lung disease. My best friend died at the age of 50 from Mesothelioma, a disease that develops from contact with asbestos used in Taconite mining and processing. The sacred Boundary Waters in Minnesota are polluted with industrial haze.

No regulation is too stringent when it comes to saving Wisconsin's Original Land, sacred to the Bad River Band of the Lake Superior Chippewa, and to us, related to the Chippewa by ancient common DNA. I pray the Walker Administration will find no worth in changing mining regulations whatsoever.

God bless the grandchildren. This is for you!

James and Cheryl Congdon
N7991 Schwarze Road
Horicon, WI 53032

My name is James Congdon from Horicon. This is my wife Cheryl. We are testifying in opposition to SB1.

I am a retired biologist. I worked 40 years in Fisheries and Watershed Management to educate people and administering and enforcing our environmental regulations so that our human activities would not destroy the environment critical to our well-being. Little did I realize that rather than enjoying my retirement, I would have to spend my time trying to defend our environmental quality from the actions of our own governor and legislators.

I find it reprehensible that legislation is being proposed whose purpose is clearly to weaken our environmental protection regulations so that a company can build a mine in one of the most pristine and beautiful parts of Wisconsin. The authors of SB1 know that under our current environmental standards an iron mine in the Penokee Hills and Bad River Watershed would not be permitted because of the severe environmental degradation to the air, surface water and groundwater that will occur. But under the ruse of creating jobs they have proposed to change our environmental regulations so an iron mine can be permitted and corporate friends can make billions in profit.

I am opposed to SB1 because of the irreversible, unrestorable environmental damage to the Penokee Hills and Bad River that will almost certainly occur if this bill becomes law as written.

I am also opposed to this bill because of the dangerous precedent that it will set. We all agree that we need to strengthen our economy in Wisconsin. However, we know that a very large part

of our economy, our tourism business, is based on the quality of the environment in our state. The abundance and quality of our water and land resources is what draws visitors here, and creates the quality of life those of us who live here enjoy. We must remember that "our economy is a wholly owned subsidiary of our environment". Once we start down the slippery slope of justifying weakening our environmental protection regulations for the purpose of creating jobs we are, one regulation change at a time, on the way to destroying that which our economy and quality of life is based. Be reminded the legislature approved a wetland fill to build a sport store in Green Bay. Then Senate/Assembly Bill 24 changed the wetland mitigation rules. Then the mitigation rule shows up in the mining bill. SB1 does not only apply to the Penokee Range site, it is a statewide regulation. Are we going to permit a iron mine in the Baraboo Hills next?

I urge you to vote no on SB1.

I believe that Senator Cullen's bill, LRB-0821/2 is a far superior legislation if modifications to our current mining law are to be made.

cleanwisconsin

your environmental voice since 1970

Testimony of Amber Meyer Smith, Director of Programs and Government Relations
AB 1/SB 1 Joint Hearing
Senate Workforce Development, Forestry, Mining and Revenue Committee and Assembly Jobs, Economy and Mining Committee
January 23, 2013

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air and clean energy issues. We were founded forty three years ago as Wisconsin's Environmental Decade and have thousands of members around the state.

I am appearing today to strongly oppose AB 1 and SB 1. These bills were for an out-of-state mining company at the expense of our natural resources. At Clean Wisconsin, we fully support job creation, but we realize that forcing residents to decide between protecting natural resources and promoting economic development is a false choice. Simply said, we don't need to give away citizen rights and our natural resources to create jobs. That is especially clear in Wisconsin, where tourism is a $2.6 billion industry and our pristine natural resources lure anglers, hunters, and those seeking to recreate and enjoy our waterways from all over the country.

Clean Wisconsin is not opposed to mining in Wisconsin, and we do not know enough yet about the mining plans of Gogebic Taconite (GTAC) to determine the project's environmental impact. But the Penokee Range is a pristine area, with 16,000 acres of wetlands, forests, and sand dune ecosystems, and the headwaters of the Bad River which ultimately empties into Lake Superior. The area around the river is home to waterfowl, songbirds, and thriving fish populations and 72 rare and endangered plants and animals. It is also home to Class A trout streams like Tyler Forks and Ballou Creek; high-quality wetlands; spectacular parks, such as Copper Falls State Park; and national forests, including the Nicolet and Chequamegon national forests.

Polling by a conservative firm has confirmed that the majority of the public does not support the idea of relaxing environmental laws in order to build a mine, yet this bill is riddled with rollbacks and ways to cut the public out of the process.

AB 1/SB 1 is the exact opposite of responsible mining. In fact, the myriad of environmental changes only point to a company that must roll back regulations in order to site and operate their mine. Responsible mining legislation cannot:

- Reduce protections for our lakes, rivers and streams, shorelands, floodplains and wetlands
- Remove meaningful contested case hearings and the voice of the public
- Cap mining company permit review fees
- All but assure separate, rather than cooperative review between state and federal agencies

Contested Case Hearings

The Master Hearing/Contesed Case that is required under current mining law is not a "built in lawsuit" as has been claimed. A lawsuit is a court action brought by someone who claims to have suffered a loss as a result of a defendant's actions, and demands a remedy, or damages. The contested case process that thoroughly investigates all the facts and legal issues being considered when permitting a mine (or other large construction project) happens before any damage is done, and that's the point: it is designed to prevent damage, and if done correctly, would prevent lawsuits.

Contested case hearings give the public a real, meaningful way to participate in the permitting process, by giving them the opportunity to bring in experts who can independently verify the technical data being submitted by the mining company, or challenge it if necessary. The company, the DNR, and interveners must all swear under oath that the information they offer is true.

The contested case contains two parts: the technical hearing and the public hearing. Dr. Evans from the Wisconsin geological and Natural History Survey has put it very eloquently – that the benefit of a contested case hearing is that "What is emotion can become fact." It's a way to take all those questions the public has, and provide answers in front of an independent arbiter.

Contested case hearings are important in ensuring all data has been accurately provided, and creating a record of fact. Without this record being established BEFORE the permit is issued, there will be no meaningful opportunity for citizens to file an actual lawsuit, since there will be no record of fact on which to base a suit – something industry is counting on by allowing contested cases only after permit issuance.

In fact, in most controversial and large project permits, contested case hearings are a welcome part of the process because they can help improve project permits and actually reduce the legal challenges that occur after the permit has already been issued, by establishing what the facts are and are not. For example, Clean Wisconsin was involved in Excel's permit to convert a part of Bayfront facility to run on biomass a couple of years ago. That contested case process allowed all parties to come together and agree on some additional permit conditions, and we went on to whole-heartedly support the project. In fact, those conditions then became an automatic part of the next biomass plant application.

Contested case hearings are not only common, but sometimes automatic, especially for large-scale projects with the potential for large scale environmental impact. Landfills are a great example of a project with somewhat similar impacts to mining. Landfill permitting allows for contested case hearings. Power plants and transmission lines are given automatic contested case hearings at the Public Service Commission. Even issues like electricity and water rate increases are given contested case treatment at the PSC.

There are a variety of negative implications from a contested case process that happens only AFTER a permit is issued:

- A company can begin construction, even while the case is pending – and it happens more often than you might think
- No record has been established, so the facts are much harder to prove
- The financial barriers for citizen participation are much higher
- You are challenging an agency decision, rather than the data that has been provided
- The impact a citizen can make to a permit after it has already been issued is severely limited.

Acid Mine Drainage Potential

Clean Wisconsin is extremely concerned about the possibility for acid mine drainage at the proposed Gogebic Taconite mining site. Acid mine drainage occurs when sulfur-containing ore or waste rock is exposed to the environment. The sulfur in this rock reacts with water and oxygen to create sulfuric acid. This acidifies surrounding waters and soils, killing wildlife and damaging ecosystems. The acid can also cause toxic metals such as arsenic or cadmium to leach from mine wastes, contaminating lakes, rivers, and groundwater. This bill alters several provisions meant to protect our waterways from this acid mine drainage.

The DNR and the US Geological Survey agree there is sulfide-containing rock in the area of the proposed Gogebic Taconite mine site, and there have been examples of acid mine drainage from taconite mines in Minnesota.

With the iron ore deposit lying 900 feet below ground, the Gogebic Taconite mine will produce massive amounts of waste. This bill allows that waste to be placed directly into waterways and relaxes the information a company must give to DNR for their mining plans. The bill also exempts iron mining from the current sulfide mining moratorium, even if sulfide-containing materials are found. It is, once again, an indication of a project that will have known and severe consequences.

Clean Wisconsin and our thousands of members across the state urge you to reject AB 1 and SB 1. We are open to discussions about ways to give more timeline certainty to mining companies, but we are not open to a bill that contains so many environmental rollbacks. As long as Wisconsin continues to promote a bill that is for one mining company, it will be a bill written for profits over protections.

2013 SB1

Dear Committee members, Jan 23, 2013

My name is Oma Vic McMurray.
My greatest concern regarding the proposed bill SB1 is the potential impact it will have on the waterways that my family has enjoyed over the years. I take my grandchildren camping every summer and I can see how this bill will negatively effect the environment and slowly erode the quality of outdoor life we so dearly enjoy. When I ask myself where this bill is coming from I can't help but look at what has happened to our government. There is a great threat to our families and our state. The threat is that big business is taking over our government by making campaign contributions and the legislative recipients are responding by allowing laws to pass that hurt the average citizen and our precious environment while enriching the corporate donors.

We have been using the Wisconsin Democracy Campaign (WDC) website routinely to determine where we spend our money and have personally boycotted many corporations. Based on the work of WDC we can tell you that roughly 10 special interest groups support mining deregulation, for example, Wisconsin Manufacturers and Commerce supported the mining deregulation bill that was introduced in the last legislative session, which failed.

These special interests include business, manufacturing, transportation, construction, banking and road-building. They will benefit from the construction and ongoing operation of the proposed iron ore mine.

Between 2010 and 2012, the interests that support mining deregulation have contributed nearly $1 million to the 20 members of the committees that are holding this joint hearing today on the mining bill. The 4 leading legislative recipients of these large campaign contributions from special interests on record as backing mining deregulation are:

Senator Alberta Darling	R over	$467,293
Senator Tom Tiffany	R over	$74, 915
Rep. Tom Larson	R over	$56,380
Sen. Glenn Grothman	R over	$52,439

If these legislators are going to sell their reputation to big business during their tenure as legislators of Wisconsin let it be known, and recorded forever in Wisconsin's history that they permanently altered Wisconsins environmental protections and they did this to all of us: The citizens of Wisconsin, the Sovern Nations, their constituents, their neighbors and their own family for all generations to come.

3.0
Please vote no for this mining bill

Oppose the Open-Pit Mining Bill, SB1/AB1

Statement of Jennifer Giegerich
Wisconsin League of Conservation Voters
January 23, 2013

Good morning. I am Jennifer Giegerich, Legislative Director for Wisconsin League of Conservation Voters. Thank you for this opportunity to testify on SB 1/AB 1.

While there is a specific mining project that is being proposed in Hurley, any legislation has very far reaching consequences for our entire state. Wisconsin League of Conservation Voters does not have a position on this proposed mine, or any other mine. Rather, we are concerned about the considerations and guidelines that will be used by the state when looking at future proposals. Does the legislation protect public health and natural resources to at least current standards and hopefully become more protective? Does the legislation give citizens and the general public the opportunity to be adequately informed and engaged in decisions that affect their community?

While this is a brand new legislative session and there are new bill numbers for this legislation, SB 1/AB1 is essentially the same wish-list mining bill that surfaced in May 2011. WLCV worked with our conservation partners and activists around the state last session to oppose AB 426. AB 426 was simply a long list of the rollbacks that the mining company was seeking regardless of the impact they would have on all Wisconsin citizens and other industries. It is clear after reviewing SB 1/AB 1 that many of the same policies from AB 426 have ended up, almost-word-for-word, in this bill.

In this bill, mining companies, unlike other industries, are given a free pass on water, land and public health protections that every other industry in the state of Wisconsin follows. Specifically:

- SB 1/AB 1 forces the state of Wisconsin to issue a mining permit even if they know it will endanger public health, safety or welfare.

Current Law: 293.49 Mining; department grant or denial of permit.

(1) (a) Except as provided in sub. (2) and s. 293.50 and except with respect to property specified in s. 41.41 (11), within 90 days of the completion of the public hearing record, the department shall issue the mining permit if it finds:

4. The proposed mine will not endanger public health, safety or welfare.

SB 1/AB 1, Page 135, Line 17

295.58 Mining; department grant or denial of permit. (1) CRITERIA FOR APPROVAL:

4. That the proposed mining is not likely to result in substantial adverse impacts to public health, safety, or welfare.

• SB 1/AB 1 explicitly states that groundwater contamination by a mining company is acceptable.

SB 1/AB 1, Page 189, Line 12: EXEMPTIONS TO GROUNDWATER QUALITY STANDARDS. When issuing or modifying a mining permit or issuing or reissuing any other approval, the department may grant an exemption from a groundwater quality standard and establish an alternative concentration limit to a groundwater quality standard.

• SB 1/AB 1 states that the DNR can allow a mining company to take high volumes of water from rivers and lakes and streams that are not located within their property or immediately next to it, even if it will draw down rivers, lakes, and streams.

SB 1/AB 1, Page 161, Line 9:

(4) Permit Issuance. (a) *General requirements.* The department shall issue a water withdrawal permit if it determines that the withdrawal or use of the surface water or groundwater meets all of the following requirements:

4. The proposed withdrawal and use of the water will not significantly impair the rights of riparian owners or the applicant obtains the consent of the riparian owners.

SB 1/AB 1, Page 160, Line 8-14

In evaluating a submitted analysis, the department shall recognize there is a need for mining waste sites, processing facilities, including wastewater and sludge storage or treatment lagoons, to be contiguous to the location of the ferrous mineral deposit, and shall allow any high capacity well to be located so that need will be met. The department shall approve the location of each high capacity well as part of the permit issued under sub. (4).

• SB 1/AB 1 allows mining companies to dump toxic mining waste in sensitive wetlands that protect local communities from flooding and water pollution if the company restores wetlands anywhere else in the state, no matter how far away.

SB 1/ AB 1, Page 55, Line 21- Page 56, Line 2

(7) That because of the fixed location of ferrous mineral deposits in the state, it is probable that mining those deposits will result in adverse impacts to wetlands, and that, therefore, the use of wetlands for bulk sampling and mining activities, including the disposal or storage of mining wastes or materials, or the use of other lands for mining activities that would have a significant adverse impact on wetlands, is presumed to be necessary.

WLCV has worked to engage voters in meeting regularly with their legislators through our Conservation Lobby Day, meetings in the districts, and regular contact by phone and email. These are savvy and sophisticated citizens. Thousands of citizens from all around the state were opposed to the first mining legislation, AB 426 and they are watching the rushed process for this bill critically. If you are serious about creating jobs and securing public support, what is the hurry to rush SB 1/AB1 through the legislature in a few weeks? You can't say that you've made meaningful changes to a bill that provoked such swift and strong public reaction last session if you essentially reintroducing last session's failed bill.

We ask that you oppose SB 1/AB 1, which fails the citizens of Wisconsin by removing protections for human health and our natural resources for the benefit of one out of-state mining company. Thank you.

Wisconsin Wetlands Association

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Phone: 608.250.9971

Wetland and Public Rights Implications of SB/AB 1
Prepared by Wisconsin Wetlands Association
January 23, 2013

Wisconsin Wetlands Association (WWA) appears before the committees today to register our opposition to SB/AB 1. Proponents of the bill claim that it establishes a more efficient review process without weakening any existing environmental standards. We respectfully disagree on both counts.

The bill contains dozens of provisions which weaken and/or work-around existing protections for Wisconsin's wetlands, lakes, rivers, streams, and groundwater. Examples include, but are not limited to:

1. The bill presumes significant adverse impacts on wetlands are necessary to operate an iron mine (SB 1 - pg 55, ln 23). This is a false presumption.

2. The bill requires DNR to authorize wetland fill as long as compensation is provided (i.e., "*if significant adverse impacts to wetland functional values will remain...the department shall issue the permit if the department determines that the remaining impacts will be compensated for under a mitigation program...*" (SB 1 - pg 149, ln 4-8). This is contrary to current law which states that providing mitigation does not entitle an applicant to receive a permit (Ch. 281.36(3n)(d) of State Statute).

3. The bill encourages wetland impacts by limiting the review of alternatives for wetland impacts associated with iron mines to areas that are on-site or adjacent to the project site. This means that massive amounts of overburden, waste rock, and mine tailings will likely be disposed of across the wetland rich landscape at the base of the Penokee Range. Processing plants, pipelines, and other structures will also be built in wetlands (SB 1 – pg 145, ln 5). This is contrary to the alternatives analysis required under federal law (Jan 14 2013 memo from Corps of Engineers to Senator Cullen).

4. The bill **exempts** new temporary mining roads and irrigation ditches from state wetland permit requirements (pg 154, ln19). These impacts could be extensive. Under current law, these exemptions do not apply for new activities, activities that impair the flow or circulation of a wetland, or activities that reduce the reach of a wetland (Jan 14 2013 Legislative Council memo to Senator Tiffany, pg 25).

5. The bill caps the amount of wetland mitigation to 1.5 acres restored, created, or enhanced for every acre impacted. It also requires that equal credit be given for created wetlands as for restored or enhanced wetlands (Jan 14 Legislative Council memo to Senator Tiffany, pg 25). Current state law requires a minimum of 1.2 acres of mitigation per acre impacted and does not set a cap. Wetland creation is not typically accepted as a

form of wetland mitigation under federal law because it generally fails (Jan 14 2013 memo from Corps of Engineers to Senator Cullen).

6. The bill eliminates a requirement to submit information on the nature (e.g., content) of the overburden as part of a mining plan (Jan 14 Legislative Council memo to Senator Tiffany, pg 12). This exempts applicants from disclosing information on the presence of dangerous levels of sulfuric rock (which can lead to acid drainage into surface and groundwater). Proper scientific review of impacts cannot be done if information is withheld.

7. The bill establishes a new type of mitigation, where iron mining impacts to streams and lakes can be approved if they are offset by: enlarging navigable waters by 1.5 times; improving public access, water quality, or other features; or restoring wetlands (pg 155-156). Enlarging navigable waters will cause further damage to the watershed. Increasing public access is not an appropriate water quality improvement measure. The bill also does not specify *where* lake and river mitigation must occur.

8. The bill exempts iron mining operations from state shoreland zoning requirements (pg 157, ln 23) and from local shoreland zoning ordinances (pg 158, ln 3-8). It also exempts iron mining operations from local floodplain zoning ordinances unless a denial is necessary for the municipality to maintain eligibility for participation in the National Flood Insurance Program (pg 158, ln 9-13).

9. The bill limits opportunities for Wisconsin citizens and scientists to provide input during the state's review of permit applications and associated environmental analyses. Early input is essential if it is intended to inform decision-making.

10. The bill establishes a mandatory decision timeline that will prevent the completion of a joint federal/state Environmental Impact Statement (EIS), and caps fees at far lower than is typically required to complete an EIS (Jan 14 2013 memo from Corps of Engineers to Senator Cullen). This will lengthen approval timelines, increase expenses for the applicant, and ensure that DNR has no standing to keep the federal process moving.

Finally, we object to the fact that this bill is essentially the same as last session's AB 426. The legislature heard testimony from thousands of citizens, including many experts, and also received input from representatives of federal agencies and Wisconsin's sovereign tribes. We see little evidence that this input was considered and incorporated into SB/AB 1. The citizens of the state of Wisconsin deserve better from their elected officials.

Questions about this testimony or the wetland implications of SB/AB 1 can be directed to Erin O'Brien, Policy Director at: 608-250-9971/ 608-695-7511 / erin.obrien@wisconsinwetlands.org.

Wisconsin Wetlands Association is dedicated to the protection, restoration and enjoyment of wetlands and associated ecosystems through science-based programs, education and advocacy. WWA is a non-profit 501(c)(3) organization.

www.wisconsinwetlands.org / twitter.com/WIWetlandsAssoc

Mitigation is not a viable option to address the impacts of large-scale mining operations in the upper portions of watersheds in Wisconsin.

AB/SB1 is based on the premise that large-scale, upper watershed wetland impacts can be mitigated. This is misinformed. Wetlands are the great regulators of water within a watershed. They are responsible for maintaining a healthy balance of water movement through the watershed. It is impossible to mitigate the effects of large-scale wetland removal in the upper portions of a watershed.

How a healthy Watershed Works: Upper watershed wetlands are responsible for catching snowmelt and rainfall, allowing it to soak into the ground. Over the course of days or months, this cool water is slowly released into the creeks, streams and rivers providing much-needed, well-regulated flow to areas downstream in the watershed.

Effects of wetland removal: If upper watershed wetlands are removed, as would happen in a large mining operation, snowmelt and rainfall will immediately enter creeks, streams, and rivers, causing large, short duration floods and high water events. After these events pass, the upper watershed water is spent and the creeks, streams, and rivers experience lower than normal flows, harming fish and wildlife habitat. Abnormally high water events also cause damage to the creeks, streams and rivers by flushing more water through them than they can handle. This causes erosion and incision, increasing the movement of sediment into areas, such as estuaries, in the lower watershed. The increased sediment overwhelms the estuaries, causing loss of vegetation, weed invasion, loss of spawning habitat, and loss of the ability of the estuary wetlands to buffer floods, clean the water, and remove sediment. These unnatural fluctuations can especially damage wild rice beds as they are vulnerable to sharp water level increases during the floating leaf stage of their development in early summer. There are many examples of Lake Superior estuaries damaged by upper watershed wetland removal in Wisconsin.

Why mitigation won't work in these situations: Removal of upper watershed wetlands cannot be mitigated by restoring or creating wetlands elsewhere. These wetlands are responsible for the health and water balance of the watershed because of their location within the watershed. Their services cannot be provided by wetlands located in other areas. These seemingly small, seasonal wetlands play a critical role in the water balance of the whole watershed. Their removal will not only create significant impacts to the area within which they are located, but will also create significant impacts to the creeks, streams, rivers, wetlands, and estuaries throughout the entire watershed.

Decision-making process: Any decision-making process involving large-scale removal of upper watershed wetlands must be made in a manner that examines the effects of this loss on the whole watershed. In most cases, the loss of these wetlands will have permanent, wholesale impacts on the water balance throughout the entire watershed. A decision to approve a large-scale upper watershed mining operation will involve a sacrifice of the water resources of the entire watershed.

Questions about the wetland implications of SB/AB 1 or the proposed iron mine should be directed to Wisconsin Wetlands Association's Policy Director, Erin O'Brien at 608-250-9971 / erin.obrien@wisconsinwetlands.org.

What are the potential wetlands impacts of the proposed Gogebic Taconite mine?

With no information on the proposed project footprint we cannot estimate the wetland impacts of this bill, but we presume they will be many hundreds, if not thousands, of acres. The project will impact wetlands in Iron and Ashland Counties. According to the Wisconsin Wetland Inventory, 52% of the 151,065 wetland acres in Iron County are isolated and not *currently* subject to regulation under Section 404 of the Clean Water Act. But wetland mapping in this region is highly inaccurate due to the quantity of forested and isolated wetlands on the landscape. The extent of wetlands in the project area may be significantly larger than the inventory reflects.

About the Penokee Range and potential project impacts:
The mine has the potential to impact a large portion of the headwaters of the Bad River watershed. Fifty-six miles of perennial, and 15 miles of intermittent waterways flow through the proposed mining land.

The Penokees range averages over 200 inches of snow a year. The quantity, temperature, and nutrients of this water have significant impacts on water resources downstream including the Bad River, the Kakagon/Bad River sloughs and Lake Superior. These systems are highly dependent on surface and ground water that originates in the Penokee Range.

The Bad River provides important spawning habitat for the lake sturgeon and many game fish. At the mouth of the Bad River are some of the largest and highest quality coastal wetlands in the Great Lakes, the 16,000-acre Kakagon and Bad River Sloughs. This impressive wetland complex was designated as a National Natural Landmark by the U.S. Dept. of the Interior in 1983, a *Wetland Gem*™ by the Wisconsin Wetlands Association in 2009, and a Wetland of International Importance, by the International Ramsar Convention on Wetlands.

The Kakagon-Bad River Sloughs are home to many threatened and endangered species such as the Piping Plover, Trumpeter Swan, Yellow Rail, Bald Eagle, wood turtle, and the ram's-head lady-slipper orchid. The Sloughs also contain extensive wild rice beds that are traditionally harvested by the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

More detailed information is needed on the ecology of the wetlands in the project area but we presume many bogs, including the rare plants therein, will be impacted.

Questions about the wetland implications of SB/AB 1 or the proposed iron mine should be directed to Wisconsin Wetlands Association's Policy Director, Erin O'Brien at 608-250-9971 / erin.obrien@wisconsinwetlands.org.

Statement of Opposition to Mining Bill SB1 and AB1, January 23, 2013

Alan VanRaalte
2732 Kelly Fire Lane
Tomahawk, WI 54487-8848
Town of Little Rice, Oneida County

I am speaking today in opposition to Mining Bills, SB1 and AB1.

Yet again this body is considering legislation that is based on ideology rather than on sound business principles. Once again legislation is being advanced by a legislator better known for party loyalty and ideological purity than for any demonstrated business skill or professional acumen.

Once again legislation is being considered that jeopardizes our clean water and pure air – resources on which not only our lives but our $16 billion tourism industry depends – for some vague promise of riches extracted from low-quality iron ore.

Once again the state's moratorium on sulfide mining is put at risk of being overturned – not even a moratorium in the traditional sense, but one based on the sound business principle of requiring a proven track record of 10 years of safe mining operations by any mining company into whose hands the state's resources and the health and welfare of its citizens are entrusted.

Our mining laws, as they currently exist, are sufficient to guarantee profitable mining of quality resources by credible and responsible companies while minimally protecting our environment for future generations. Leave them alone – reject SB1 and AB1.

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SB1 AB1 Public Hearing Madison WI
Jan 23, 2013

I'm here representing my ancestors, the four existing generations of my family and the generations to come. I dedicate my testimony to the late Roscoe + Evelyn Churchill - an honest man + woman. Thomas Paine said, in his writing called "Common Sense" - "of more worth is one honest man to society and in the sight of God, than all the" ..... mining company reps that ever found Madison, Wisconsin.

I oppose changes to our current mining laws and ~~new~~ mining permit process. The proposed changes create a one-way process for permits and it sets up our state agencies to be used like puppets by mining corporations. Changes to our existing mining laws will be for the benefit and profit of the mining companies and the detriment of the rest of us. Wisconsin has a good, through, in-depth mining permit system now - that was developed through the efforts of honest persons such as the late Roscoe + Evelyn Churchill. The current law should not be changed.

[illegible] the current law

I was a grandmother when I witnessed the forced sale of private lands so that ATC could run a powerline through it.

Now I'm the generation at the top. I get why mining companies what to change the laws - but I do not agree that there is any reason to justify it. Don't change the law Keep the good one we have. Be honest people like the late Roscoe & Evelyn Churchill.

I'm a great-grandmother now & I plan to take my great-grandson to the unspoiled and unique Penokee Mountains. We will visit the beautiful Bad River at Copper Falls State Park. We will go to the shore of Lake Superior and go smelting - its a family tradition. Its also a family tradition to believe in honest gourment. Please Keep me a beleiver and defeat AB/SB one. Thank you.

~~and shame on the manners of this legislative body.~~ I'm 65 years old and I left my warm home with the outdoor Temps minus Twenty below at o-dark thirty and came many miles TO Testify because this might be the only hearing. You are rushing this proposed legislation and because you donot have the good manners TO hold Timely hearings in logical locations you are obviously not "Thomas Paine's" honest people. Whats the rush? The ferrous sulfate has been in the Penokee Mountains for millenia - surely it can stay there a little longer. ~~I haven't even been able TO read the entire proposed proposal.~~

When I joined Roscoe, his wife Evelyn, and many other honest people, TO oppose the Flambeau mine, I was the middle generation of my family and alot younger. The Flambeau mine opened, gave up its riches, and closed. Now its leaking cancer causing chemicals into our waterways.

My children were all in middle or high school when we went TO Ashland TO Testify in opposition of the proposed high level nuclear waste repository in the unique rock of northern Wisconsin.

Patty Loew Testimony
Joint Mining Committee Hearing on SB 1
January 23, 2013

Boozhoo, Good afternoon. My name is Patty Loew. I'm a member of that Bad River Band of Lake Superior Ojibwe and a professor in the Department of Life Sciences Communication at the University of Wisconsin-Madison.

I'm a communications scholar who does historical research. Ironically, this week I'm reading an 1889 report where Bad River tribal members testified before a panel much like this one, complaining about the collusion between corporate interests and government officials over natural resources. The timber barons were cutting down trees that didn't belong to them, disrupting the Ojibwe way of life, and impoverishing the people of Bad River.

Twenty years later in 1909, "Fighting Bob" LaFollette put his U.S. Senate Sub-committee on Indian Affairs on a train and traveled through Wisconsin collecting testimony from Native people in this state. The stories were more of the same. More collusion. More conflicts over natural resources. The Ojibwe people complained about dams constructed to benefit the timber barons so they could float their logs to market more easily...and generate power for farms and white communities downstream. Even though the dams were on our reservations, we wouldn't get electricity for many more decades and then only at prices far above what our white neighbors were paying. Those dams destroyed our sugar maples and killed our *manoomin*, the wild rice that is historically, spiritually and culturally the essence of who we are as human beings.

The history of this state when it comes to Indians is one of exploitation. Take the trees, take the water, and now, take the minerals.

And what's our pattern? Do you see water slides, and go-kart tracks, and mini-golf on our shores? No. If we were motivated by money, you'd see a different landscape. But this rice is paramount to us. That's why a few years ago when Plum Creek decided to sell 25,000 acres of wetlands that because of corporate and government skullduggery we'd lost from our reservation, we sacrificed everything to buy it back and protect the rice. Look at our history—our houses are set back from the water. Our gaming facility and tribal offices have no lakefront views. We've acted in a deliberate and responsible way to protect the rice, not just for ourselves, but for everyone in northern Wisconsin.

You say you want jobs. Look at Australia, where some of the most profitable mining companies are headquartered. Look at the jobs there to see the future of mining—look who's planting the explosives, extracting the ore and driving the trucks that carry the ore from the mines to the processing facilities. It's not a "who," it's a "what." Robots are used for these jobs. This industry is becoming increasingly mechanized. If this is really about jobs—have some vision. The growth in mineral extraction is in recovery. Look to places like the Netherlands and Belgium, countries on the cutting edge of recycling ferrous and nonferrous metals. Look at the pattern in the U.S.—last year alone, 74 million metric tons of ferrous metal were recycled and that number is increasing every year. The future of mining is RE-mining. If you truly want to create jobs and protect your way of life, that's where the opportunity lies.

We're asking that you allow us to protect OUR way of life. You won't see any stained glass or church spires in the Bad River or Kakagon Sloughs, but those wetlands are as holy as any temple or cathedral. The wild rice is sacred to us. Some of you may not understand that, but if we lose it, you will. It's the canary in the coal mine. If we lose the rice, we lose the water quality, we lose the fish, we lose the waterfowl, we lose the mammals, and ultimately we lose ourselves...maybe not in this generation, but in the lifetimes of our children or grandchildren. You want to set timelines and deadlines for permitting? Fine. But filling in wetlands with millions of tons of waste rock and tailings, listen to your conscience. You KNOW that's wrong. You KNOW that will diminish the quality of life for Native and non-Native people alike. Put aside politics. We're asking you to act with vision and integrity.

Kristy Heidenreich
1019 6th Ave W
Ashland, WI 54806

I was happily married for 13 years before we decided to have children. Looking back its easy to see what changed. I moved to Ashland and became part of the Northwoods community. It was then that we decided that expanding our family was something we wanted to do. It's not only a great place to raise a kid, it's a great place to be a kid. Because like many people from my community my husband is working today, I am here today speaking not only for myself but for him and my 2.5 half year old daughter.

We could live anywhere, but like many families we know we choose to live near Lake Superior. Because of where we live and the love it inspires in us,we are teaching our daughter, Harper how important it is to keep our water clean.

This mining bill will NOT Protect our water. Injunctive relief from the D.O.J. is not quick enough to stop water contamination. Kids will get sick! Will they be reclaimed?

My family asks that you join us in Protecting the Penokees.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Pamela Kleiss — 1/23/13

Name — Date

2712 Marshall Ct #2

Street Address or Route Number

Madison WI 53705

City/Zip Code

Physicians for Social Responsibility

Organization (*if applicable*) — Registering: In Favor ☐ Against ☒

Wisconsin Environmental Health Network

See attached.

Please return this slip to a messenger promptly.

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Wisconsin
Environmental
Health Network

Date: January 23, 2013

To: Representative Mary Williams, Chair, Assembly Committee on Jobs, Economy and Mining

Senator Thomas Tiffany, Chair, Senate Committee on Workforce Development, Forestry, Mining and Revenue

From: Pam Kleiss, Executive Director, Physicians for Social Responsibility
Wisconsin Environmental Health Network
info@psrwisconsin.org, tel. 608/232-9945

RE: **Senate Bill 1/Assembly Bill 1**

Thank you for holding a public hearing on this important and far-reaching legislation.

The Wisconsin Environmental Health Network is a group of physicians, nurses and nurse midwives that works to educate the clinicians and policy makers about the health impacts of environmental toxins. We encourage the two committees involved in reviewing and drafting this legislation to seek out public health professionals and environmental researchers to inform the legislation you are crafting.

For your information, we are providing 25 copies of the Wisconsin Environmental Health Network fact sheet on the health impacts of taconite mining. Please distribute these to all the committee members. The fact sheet is also available at the PSR Wisconsin website at http://www.psr.org/chapters/wisconsin/assets/pdfs/taconite-mining-what-are.pdf .

If you would like additional information, we are happy to set up time to discuss the health impacts outlined here with members of your committee. Please contact Dr. Ann Behrmann, MD, at atbehrma@wisc.edu or myself, Pam Kleiss, at info@psrwisconsin.org.

Taconite Mining—What are the health risks?

By Ann Behrmann, MD

Taconite iron ore mining presents significant health effects to both workers in the mines and those who live in the communities near the mine site.

In addition to threatening the viability of watersheds and purity of drinking water, taconite ore mining and processing releases heavy metals and silicate particulate into the air. This air pollution can exacerbate lung diseases like asthma and COPD.[1] Taconite miners and processing workers are at risk of silicosis and mesothelioma.[2] Michigan has confirmed 37 silicosis cases in miners in Upper Peninsula iron ore mines from 1987-2009, though researchers estimate that only 42% of occupational silicosis cases are captured in this annual study and the number of actual cases is probably higher.[3]

Digging ore in open pits and then grinding the ore during processing into taconite pellets increases release of three known heavy metals into the environment: Arsenic (AS), Lead (Pb) and Mercury (Hg). Mercury turns into methyl mercury in water and bio-accumulates in fish, leading to high levels of mercury toxicity in people who consume fish. Inorganic arsenic is a known human carcinogen associated with cancers of the lung, liver, bladder, kidney, prostate, and skin. Non-cancerous effects of chronic arsenic exposure include skin thickening and discoloration, as well as gastrointestinal symptoms of stomach pain, nausea with vomiting and diarrhea as well as numbness in hands and feet, partial paralysis and blindness.

Arsenic, lead and methyl mercury are also potent neurological toxicants that can cross the blood-brain barrier and the placenta during pregnancy. These three contaminants are particularly dangerous to the fetus and developing nervous systems of children under six years of age. They can cause permanent damage to cognitive thinking (measured in IQ), memory, motor coordination, language development and behavior, and are now implicated in behavioral problems, primarily aggression and hyperactivity.

February 2012 research released from Minnesota Department of Health showed that 8% infants born in the Lake Superior region (including areas in Minnesota, Michigan and Wisconsin) have toxic levels of mercury in their bodies, above the federal EPA limit of 5.8 micrograms per liter. Some of the tested infants had levels as high as 211 micrograms per liter.[4] Both mercury exposure and lead exposure have been linked to health issues for older children, teens and adults, including problems with infertility, autoimmune disease (such as rheumatoid arthritis) and increased risk of heart attack and stroke.

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[1] http://en.wikipedia.org/wiki/Taconite and http://www.dnr.state.mn.us/education/geology/digging/taconite.html

[2] Hemphill, Stephanie (2007-06-08). "Researchers look for links between taconite and mesothelioma". Minnesota Public Radio. Retrieved 2007-07-18. http://minnesota.publicradio.org/display/web/2007/06/07/mesostudy/

[3] Rosenmen, Kenneth D., & Mary Jo Reilly, Michigan State University and the Michigan Department of Energy, Labor & Economic Growth, *2009 Annuol Report on Silicosis in Michigan*, 28 February 2011, http://www.oem.msu.edu/userfiles/file/Annual%20Reports/Silica/09SilicosisAnnRpt.pdf

[4] One in10 babies born in Lake Superior Region born with high levels of mercury, *Duluth News Tribune*, 3 February 2012 ,http://www.duluthnewstribune.com/event/article/id/221803/

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Megan Syverson

Date: 1/23/80

Street Address or Route Number: 614 Walton Pl

City/Zip Code: Madison, WI 53704

Organization (*if applicable*):

Registering: In Favor ☐ Against ☒

Please see attached letter.

Please return this slip to a messenger promptly.

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January 23, 2012

Dear Representative Williams and Senator Tiffany,

Please accept this statement as part of the official record for today's hearing, registering my strong opposition to AB1/SB1, the Iron Mining Bill.

I strongly oppose this bill for the following reasons:

- **This bill limits the rights of my friends and family, residents of Ashland and Iron counties, to protect their home against outside interests.** The removal of contested case hearings strips us of an important right to ensure that any company doing business in Wisconsin does so with respect to our citizens' health, the economic prospects of our children, and our quality of life. Any bill that sacrifices this right is clearly designed more for short-term political gain than for the long-term interest of Wisconsinites.
- **This bill directs mining tax revenues away from the counties that will incur the greatest costs as a result of this bill.** This is an insult to the people of northern Wisconsin, who have no guarantee that they will even be eligible to compete for the limited number of jobs that may be created. Local laws must be preserved.
- **This bill places an enormous financial burden on the state by capping the amount a mining corporation must pay to the state for analyzing its permit.** This is bound to incur costs to the State of Wisconsin and is financially irresponsible.

Furthermore, I challenge the premise that this bill is designed to enhance the economy of our state. I work for a rapidly growing medical software company that provides high-wage jobs to over 65 Dane County residents. One of our greatest challenges is finding qualified applicants for our many open positions—and by talking with my colleagues in other local businesses, I know that we are not alone. Any Wisconsin legislator that is serious about creating jobs would support companies like ours by making serious investments in education at all levels.

The high-tech and medical fields will create the jobs of the future. Selling off our state's natural resources to outside interests is a strategy of the past. **Wisconsin will compete in the long-term by investing in its people, not by stripping down our laws and taking away our rights to protect our homeland.**

I appreciate your consideration of my testimony.

Sincerely,

Megan Syverson
614 Walton Place
Madison, WI 53704

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

TOM KRIEGL
Name

Jan 23, 2013
Date

E13049 County Hwy W
Street Address or Route Number

Barron, WI 53913
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☐ Against ☑

See attached statement

Please return this slip to a messenger promptly.

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AB1/SB1 on mining in Wisconsin testimony

To; Rep.WilliamsM@legis.wisconsin.gov and
Sen.Tiffany@legis.wi.gov
Co-chairs of the Committee on Workforce Development, Forestry, Mining, and Revenue

I oppose to AB1/SB1 on mining in Wisconsin. I request that you confirm that my opposition to AB1/SB1 is included as part of the record of the January 23, 2013 hearing on AB1/SB1.

I am in my sixth term on the Sauk County board of supervisors. I also chaired my town Land Use Planning Committee in writing the towns first land use plan which was then adopted decisively by a town referendum and confirmed by Sauk County. As a county board member, I proposed a county-level public process to reduce conflicts associated with mining, and this process is now entering its early implementation stages. In all these activities, my constituents have made it clear that they oppose the situations that AB1/SB1 would create.

Consequently I watched carefully as Senator Dale Schultz and other legislators worked in a bipartisan fashion in the last legislative session to craft mining legislation that carefully considered all concerns. I supported that proposal and believed that it had widespread support.

Consequently I was surprised and disappointed that all the good bipartisan work of Senator Schultz and others has been cast aside for legislation that is bad for Wisconsin. I am also extremely disappointed by that process in which AB1/SB1 is being promoted. It is being rushed. There should have been much more time allowed between announcing AB1/SB1 and this hearing. Also there should be other hearings in several parts of the state prior to voting.

I know others have pointed out the many flaws in AB1/SB1 so I won't repeat them here, but I urge you to reject AB1/SB1.

Sincerely

Thomas Kriegl

THOMAS KRIEGL
E13049 County Highway W
Baraboo, WI 53913
Phone: 608-356-4373
tkriegl1@Centurytel.net

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

MICHIGAN
Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN
Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA
Fond du Lac Band
Mille Lacs Band

TESTIMONY

of

JAMES E. ZORN

EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

on

2013 ASSEMBLY BILL 1
and
2013 SENATE BILL 1

RELATING TO REGULATION OF FERROUS METALLIC MINING AND RELATED ACTIVITIES

before the

ASSEMBLY COMMITTEE ON JOBS, ECONOMY AND MINING
and the
SENATE COMMITTEE ON WORKFORCE DEVELOPMENT, FORESTRY, MINING, AND REVENUE

January 23, 2013

WRITTEN TESTIMONY
OF
JAMES ZORN
EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

Chairpersons and Members of the Committees, my name is James Zorn and I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (Commission or GLIFWC). Thank you for the opportunity to submit written testimony on AB 1/SB 1.

As I testified during the last legislative session, the State does not have unfettered discretion to exercise its management prerogatives to the detriment of the tribes' treaty rights and in ways that would be contrary to the requirements of the *Lac Courte Oreilles v. Wisconsin*, commonly known as the *Voigt* case. The State may not legislate away the tribes' treaty rights; similarly, legislating the destruction of treaty resources through destruction of habitat may not be used to accomplish the same end. By authorizing the destruction of treaty resources and weakening the existing law, this legislation tramples on the tribes' treaty rights, and the Commission opposes it.

I. GLIFWC – BACKGROUND AND ROLE WITH RESPECT TO ACTIVITIES IN THE CEDED TERRITORIES AFFECTED BY AB 1/SB 1

GLIFWC was founded in 1984 as a natural resources management agency exercising delegated authority from its 11 federally-recognized Ojibwe[1] member tribes in Wisconsin, Michigan and Minnesota. Those tribes have reserved hunting, fishing and gathering rights in territories ceded to the United States in treaties with the United States.

GLIFWC's Voigt Intertribal Task Force comprises ten of those tribes.[2] GLIFWC and the Task Force were established by the tribes to protect and regulate the use of off-reservation natural resources. They serve the tribes by conserving and managing off-reservation fish, wildlife, and other resources, helping in the development and enhancement of institutions for tribal self-regulation of natural resources, and protecting the habitats and ecosystems that support those resources.

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[1] The tribes also are referred to as Chippewa, or, in their own language, Anishinaabe.

[2] GLIFWC's Voigt Task Force member tribes are: the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Keweenaw Bay Indian Community; Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, Red Cliff Band of Lake Superior Chippewa Indians, Fond du Lac Chippewa Tribe, Mille Lacs Band of Chippewa Indians, and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

II. AB 1/SB 1 CANNOT UNDERMINE THE CONSULTATION REQUIRED UNDER *VOIGT* CASE STIPULATIONS

Whatever timeframes are contained in the bill, the Wisconsin Department of Natural Resources (DNR) must consult with the Voigt Intertribal Task Force, as required by the *Voigt* case, before issuing any permit that would impact wild rice or other wild plants in the ceded territory.

III. THE COMMISSION AND ITS MEMBER TRIBES DISAGREE WITH THE PREMISE THAT CURRENT LAW MUST BE CHANGED

As the Commission has testified before, the legislature should not be quick to concede that changes to the mining law are needed. To eliminate existing requirements that protect public health and the environment in the name of jobs would be akin to the FDA changing pharmaceutical standards for short term expediency. Similarly, although society needs housing, we do not change building codes in ways that would lessen fire safety or structural soundness requirements, simply to promote faster or cheaper construction. These would be unwise and improper trade offs given the values society places on protecting its citizens. Wisconsin should uphold these same values in protecting its citizens and the environment from the potential harm that results from inadequate oversight of mineral development or when that development is poorly conducted.

During last year's debate of these issues, some suggested that federal law would provide sufficient environmental and human health protections, regardless of what mining regulations the state might enact. To take such an approach would be an abdication of this state's public trust doctrine and its governmental responsibility to provide a healthy environment for its citizens. It would be like a parent saying that the ultimate responsibility for their child lies with a neighbor or teacher and not at home.

The proponents of this and last year's bills have repeatedly asserted that the bills do not change environmental standards. If that statement refers to numeric standards set by the state under the authority of the Clean Water Act and the Clean Air Act, then it is a true statement. In fact, changing those standards would be beyond the power of the legislature without sufficient scientific justification. However, no one should think for a moment that this bill provides adequate or equivalent protection of the environment as compared with current law. The bill undermines existing law both procedurally and substantively.

A. PROCEDURAL CHANGES

Procedurally, increasing the deadline for a mining permit decision by two months over last year's 360 days (or four months under certain circumstances) does not increase confidence that decision making will be significantly improved. The timeframe remains insufficient to allow a thorough review and reasoned decisions.

As an example, a mining application contains a great deal of information, including a mining plan and a detailed reclamation plan. Under this bill, the applicant must now also submit a feasibility report for mine waste handling as well as a full Environmental Impact Report describing the environmental impacts of the proposal. These documents can each be hundreds of pages long, yet the bill provides only 30 days for the DNR to evaluate whether the application is complete, including an evaluation of data quality. While it is admirable that the drafters of this bill restored the ability of the DNR to examine data quality, the drafters simultaneously undermined the State's ability to perform that task by inundating it with paper and holding it to a 30 day deadline.

B. SUBSTANTIVE CHANGES

Separating iron ore mining regulations from non-ferrous, sulfide ore regulations does not account for the reality found in nature and is poor policy. Ferrous and non-ferrous ore are not found in neat, segregated ore bodies. In fact, sulfate discharges are a problem at a number of taconite mines in Minnesota. Geologic studies of the Penokee Range show that sulfur-bearing minerals are intermingled with and adjacent to the iron ore body. A responsible statutory framework presumes that sulfur will be present and makes provisions to handle it, as does current Wisconsin law.

There are three major ways that this bill undermines environmental protections without changing numeric standards.

1. The bill changes where standards apply and where mine activities can take place, and so allows increased pollution within those areas.

   Current law and the bill allow groundwater pollution in an area extending 1,200 feet from the edge of the mine or tailings area. However, the bill provides that if a company can't prevent pollution of that area, the DNR may allow the area of pollution to be extended another 1,200 feet. In addition, under the bill groundwater standards would only apply vertically to 1,000 feet. Below that level, no standards would apply, allowing a company to discharge to deep aquifers without limitation. The bill does not appear to consider the effect that mining projects can have on deep groundwater and the subsequent effect as that water rises to the surface to replenish shallow aquifers and surface waters. A scheme that fails to scientifically test and account for this connection between deep and shallow aquifers could result in pollution of drinking water supplies.

   Under current law, the DNR must deny a mining permit if substantial deposition in streams cannot be avoided or if a lakebed would be destroyed or filled. The legislation allows the DNR to permit a mine that would result in filling lakes and streams. The wholesale elimination of waters that are held in trust for the citizens of the state, as well as waters that constitute treaty reserved resources, is

problematic, even if mitigation were required.

2. This bill undermines or eliminates common sense precautions that try to anticipate and avoid problems *before* they result in the violation of a standard.

   This bill removes many of the precautions that apply to the siting of waste disposal areas. Setbacks from waterways are removed and tailing pipelines would be permitted to cross major watercourses or pass through wetlands. The bill eliminates a requirement that high priority be given to siting waste disposal sites in areas that minimize the risk of pollution. In fact, even if the DNR determines that there is a reasonable probability that the waste will result in a violation of surface water or groundwater standards, it can no longer deny a permit on that basis.

3. This bill limits the ability of the DNR to ensure adequate regulation of a project, and puts the mining company firmly in the driver's seat in deciding whether it wants to comply with the law.

   Current law requires that before the DNR issues a permit, it must be satisfied that the proposed mine will comply with applicable environmental protection requirements. Under the bill, this determination no longer rests with the state. So long as the mining applicant has *committed* to conduct its operation in compliance with its permit, the DNR must issue the permit. The bill undermines the DNR's ability to verify whether that promise has any likelihood of being fulfilled.

   If a company doesn't keep its promises, the bill provides for exemptions from any requirement of the permit. The DNR must act on an exemption request within 15 days and must issue the exemption, even if there are adverse impacts, as long as they are mitigated. The bill does not provide for public notice of an exemption request or any opportunity for the public to review a proposed exemption, nor does it provide for consultation with the tribes as required by the *Lac Courte Oreilles v. Wisconsin* decision.

IV. CONCLUSION

No mining law should prejudge an outcome – to do so would render such a law meaningless. The purpose of any mining law should be to afford sufficient opportunity for the proposed site "to speak for itself" as to whether it is an appropriate place for mining to occur. This bill's proposed changes to current law will not allow that to happen. They will result in poor decisions that place this state's natural resources at unnecessary risk. The Commission opposes AB 1 and SB 1.

Contact: Edie Ehlert, Crawford Stewardship Project Coordinator
ediecehlert@centurytel.net, 608-734-3223

January 23, 2012
RE: **Oppose Mining Bill SB1/AB1**

Dear Representative Mary Williams and Senator Tom Tiffany and the entire Legislature:

On behalf of the 900 supporters of Crawford Stewardship Project, I'm here today to express our absolute objection to this Mining Bill. It is one of the worst environmental bills ever, ignoring environmental issues and reducing health and safety and quality of life in rural communities.

In Crawford County in Southwest Wisconsin, our exquisite area of hills, bluffs, and valleys, bordered by the Mississippi River on the west, the Wisconsin River to the south, and the Kickapoo River through the entire county, is now being prospected for frac sand mining. The few jobs created by frac sand mining are more than overshadowed by the reduction in quality of life and health risks born by everyone else. Our rural area is being attacked, with proposed hundreds of frac sand trucks and outrageously loud mining operations, driving out the tourism and agricultural economic base of our area, along with the rural character of our communities. Governor Walker recently claimed that the citizens of Prairie du Chien area support the Mining Bill. Clearly, he didn't talk with the people who live across from the frac sand loading area on a railroad spur, where noise, dust and lights now invaded their home day and night. We oppose frac sand mining. We oppose this Mining Bill.

The Mining Bill very clearly contains huge rollbacks to environmental protections, giving mining companies special rules to pollute our state for their own profits. **The bill rolls back our Constitutional right to clean, shared water guaranteed to us all.**

The Bill takes science out of the DNR's decision-making process and reduces the voice of the people. In addition, introducing a 200 or so page bill and having its only hearing 6 days later, is not the process we should be taking to propose major changes in our long-standing and protective mining laws. Essentially, the use of exemptions and vague wording renders any remaining regulations impotent. It eliminates the "sulfide mining moratorium", which is the key to preventing environmental destruction from metallic mining.

Please oppose this bill and efforts to change our laws for the benefit of out-of-state mining companies at the expense of all citizens of Wisconsin and for generations to come.

Economic growth in our state needs to include careful use of our resources for the benefit of the future, the health of our present residents, and in order for tourism and sustainable development to grow. This bill is an insult to the people and the creatures of Wisconsin.

Respectfully submitted,

Edie Ehlert, Crawford Stewardship Project Coordinator

*It is the mission of the **Crawford Stewardship Project** to protect the environment of Crawford County from threats such as those posed by concentrated animal feeding operations (CAFOs) and to promote sustainable land use, local control of natural resources, and environmental justice. Crawford Stewardship Project is grateful for the generous support of Wisconsin Community Fund. Crawford Stewardship Project is a 501(c) 3 non-profit organization registered in the state of Wisconsin. All contributions are tax deductible to the full extent allowed by law.*

Testimony to Joint Senate/Assembly hearing on AB/SB-1

Carl Sack
1021 E Johnson St. Apt. 1
Madison, WI 53703
January 23, 2013

Members of the committees, I submit this testimony in opposition to Assembly Bill/Senate Bill 1, the Penokee Hills Destruction Bill. I share the outrage of those who live in the area of Ashland and Iron Counties that is the subject of this legislation, who once again must travel over 300 miles to be heard on proposed legislation nearly identical to AB 426. If last year's recall election was seen by some as a waste of time and tax dollars, reintroducing the most unpopular legislative act of the 2011-2012 session, opposed by a majority of Wisconsinites and rightly defeated, is certainly a disgrace.

The mask has fallen. No one can argue anymore that this bill is not a naked attempt to withdraw environmental protections and silence any public dissent in the face of proposed iron mining. This mining would destroy the headwaters of the Bad River system and the precious resources that the Bad River Ojibwe people rely on for survival. But responses to the Tribe's reasonable standards for new mining legislation by most state lawmakers have ranged from silence to outright dismissal of the Tribe's federally-enforced treaty rights to hunt, fish, and gather in-tact biological resources.

Neither should anyone claim that this bill would bring Wisconsin's iron mine regulations into line with surrounding states. Minnesota enforces a 10 mg/L sulfate standard in all of the state's surface waters, even those downstream of taconite mines, to protect wild rice. Unfortunately this standard has not been enough to prevent a hundred-mile-long wild rice dead zone in the St. Louis River below the Mesabi Range mines. But Wisconsin has not even attempted to implement such a standard, and there is certainly no mention of one in AB/SB 1.

Then there are the tax revenues generated from mining, on which Wisconsin is much weaker than surround states, and would remain so under this bill. Minnesota uses a tonnage tax, as well as occupation tax, sales and use tax, and local property taxes. Mining companies in Minnesota are taxed at least $2.38 on every ton of taconite they produce, plus an occupational tax of 2.45% of the value of the mine. Michigan also uses a tonnage tax, collecting 1.1% of the value of the mine per ton of ore produced. Under current Wisconsin law, and under AB/SB 1, mining companies in this state pay only a net proceeds tax of 0 to 15 percent, depending on how profitable the mine is. That means that a mining company can dig and dig and dig to infinity, and if they report that they aren't making a profit, they would pay *no taxes.*

The claims of this bill producing thousands of jobs for a hundred years are a fantasy. The project proposed by G-Tac is so massively wasteful that the only way it could compete on the world market would be to replace mining jobs with machines, the same kind of mechanization that is right now putting miners out of work in Australia. G-Tac's parent company, Cline Mining, has a history of safety violations at its Illinois and West Virginia coal mines. They have a record of hiring laid-off miners from out of state and busting unions. This bill is not a jobs bill. This bill is an invitation to mining companies, now and in the future. It says, "Come steal our precious mineral resources, wreck our ecosystems, pay us a pittance, and leave our communities penniless and our environment degraded for generations to come."

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

RICK PLONSKY
Name

1-23-13
Date

917 POWDER HORN RD
Street Address or Route Number

SUN PRAIRIE
City/Zip Code

WI 53590
Organization (*if applicable*)

Registering: In Favor ☐ Against ☑

SEE ATTACHED WRITTEN STATEMENT

Please return this slip to a messenger promptly.

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To Whom It May Concern,

I am here today to voice my opposition to AB 1 and SB 1 for the reasons articulated by State Senator Dale Schultz.

Senator Schultz opposes the legislation because he believes it will change long standing environmental protections contained in current law. He said of the changes: " You can call them what you want. And you can play semantics, but they are there." The Wisconsin State Journal reports that Senator Schultz is deeply disappointed by the bill and believes it is actually worse than last year's failed version.

I oppose any weakening of our mining laws that would undermine the ability of state agencies to properly review permits, reduce the public's ability to weigh in on permit decisions, or eliminate protections for Wisconsin's fragile water and land resources.

I oppose making an artificial distinction between ferrous and non ferrous metallic mining. This proposed distinction would allow ferrous mining companies to circumvent the current permitting and approval process, and is not in the public's interest.

I strongly oppose eliminating contested case hearings, which provide the only opportunity to challenge data and question mining officials on record. This bill also reduces the number of public hearings required for mining proposals from three to one. Cutting sovereign Indian nations and the public out of decisions that affect their water and land resources is wrong, and not in the public's best interest.

This bill weakens protections for water and land in several serious ways, from allowing mining waste to be deposited in sensitive areas to allowing contamination of groundwater of neighboring properties to violating the Great Lakes Compact and allowing groundwater drawdowns of rivers, lakes, and streams. This bill allows mining companies to permanently destroy large areas of land, and critical wetlands with no recourse.

Finally, this bill puts taxpayers on the hook for permit review costs above $2 million and damages that exceed $1 million. This is irresponsible and unfair.

I oppose any bill that rewrites Wisconsin's mining laws to remove safeguards that protect public input and our natural resources. These protections are crucial as we evaluate the largest taconite mine ever proposed by an out-of-state company who seeks to extract taconite iron ore from a vast area that could impact Lake Superior, the Bad River, and the Penokee Range in northwestern Wisconsin.

Thank you for your consideration in this matter.

Sincerely,

Rick Plonsky
917 Powder Horn Rd
Sun Prairie WI
53590 rdplonsky@charter.net

To Whom It May Concern,

I am here today to voice my opposition to AB 1 and SB 1 for the reasons articulated by State Senator Dale Schultz.

Senator Schultz opposes the legislation because he believes it will change long standing environmental protections contained in current law. He said of the changes: " You can call them what you want. And you can play semantics, but they are there." The Wisconsin State Journal reports that Senator Schultz is deeply disappointed by the bill and believes it is actually worse than last year's failed version.

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Sincerely,

Rick Plonsky
917 Powder Horn Rd
Sun Prairie WI
53590 rdplonsky@charter.net

To whom it may concern:

I live in Ashland, WI just a few miles from Lake Superior. This place has been my home for the last eight years. Seventy percent of my body is made of this water. I drink and haul every drop of the water I consume from two of our local wells including Prentice Park, and Maslowski Beach in Ashland county. I wanted to include in here a description from "Ashland, Bayfield, Douglas, Iron County Land Water Conservation newsletter from 2006." This will explain to you the breakdown of where our drinking water comes from and what bodies of water it circulates through.

"Where does our drinking water come from here in northern Wisconsin? The City of Ashland and Superior residents get tap water that is pumped from Lake Superior. Most of the groundwater along Lake Superior's south shore lies under a clay cap. This clay blocks most recharge and serves as a protective barrier from surface pollutants. Most of our groundwater is recharged in the Penokee Mountain range extending from southern Douglas County to Ironwood."

This quote means that the water we drink here starts its journey to our wells by seeping into the cracks in the rocks of the Penokee hills. If you destroy and pollute the Penokees, you will do the same to our water, the same to us.

This land that I live upon is Anishinaabe land, home to the Bad River Band of Lake Superior Chippewa. There are inherit sovereign and treaty rights that are on the edge of being annihilated with the notion of this taconite mine. Any alteration to our water table, air quality, or environmental effects directly impact the Bad River tribe, which have been for too long facing the defaults of our irrational decisions of what our culture describes as "progress". These societal "needs" for mining and extracting from our earth are felt by all citizens in those specific areas, but in general are usually tended to be targeted at tribal peoples, and this is an intentional assault upon the tribe and current and future generations to come. We must learn how to honor the treaties and honor our relationships with first nations before we even think to propose our western desires of progress.

Currently, 1.1 billion people throughout the world are in serious threat of contaminated water supplies or the scarcity of water. That is one in six people in our world. It is an extreme privilege for us to have access to clean water. A privilege that should be shared amongst all walks of life, never debated or challenged. An inherit right for all. Less than one percent of fresh water in our entire world is available for human use and I believe we have no right to alter our local water system. We must protect water. Water is life. Here, in Ashland County we are rich with clean, available water. Something to never risk or change.

I would like to acknowledge a few communities that are currently suffering the effects of water and air contamination due to taconite mining. These are the names of the mining companies and each one has a specific violation and fine for either air, water, leaching contaminates, unauthorized tailings amongst other violations. In Michigan: Empire tilden. In Minnesota: Northshore mining, Dunka Pit, Hibbings Taconite, Cliffs erie ore shipping, United taconite, Minntac, Keetac, Mesabi Nugget, Keetac, Minorca mine, Duluth Missabi and iron range. I would like to say to the communities that the now living amongst those consequences to stand strong and never give up.

There are many realities to consider in your decisions to open a taconite mining operation in our home. Heavy metal contamination, arsenic, lead, and mercury, acid mine drainage, and other contaminates will be destined to circulate throughout our water tables. We will become another name added to the list of cities unable to drink their water. This reality in itself should be enough to say NO to the bill.

Please take the time to hear my testimony and my vote NO to any support of this bill. I request a written confirmation to say that you have received my testimony and filed it as a written testimony to be submitted at the upcoming hearing in Madison, on Wednesday, January 23, 2013.

Lastly, holding a hearing over five hundred miles round trip away from those who reside in

this area of the proposed mine is a disgrace and an insult. We will not be silenced.

"Only in a "civilization" where it is considered normal to defecate in your drinking water supply, would anyone entertain the notion of exchanging the world's largest lake for low grade iron ore"

Melissa Helman
Ashland, WI

Melissa Helman
60415 Summit Rd.
Ashland, WI 54806

* Please register this as my opposition to bills SB1 + AB1.

I would appreciate an email confirmation as well.

mehe1311@yahoo.com.

Thanks,

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Beth Drake
Name

11/23/13
Date

306 Winnebago
Street Address or Route Number

Portage WI 53901
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

Please see attached.

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Good Evening Ladies and Gentleman.

My name is Beth Drake. My Native name is Thunder Eagle Earth Shaker.

Thank you for this opportunity to speak this evening.

I am not a public speaker. I am only a woman whose family has lived in Wisconsin long before it was a state. After reading provisions from the Iron Mining Bill I knew I had to come and speak today. The health of our environment is more important to the people of Wisconsin than a few jobs brought in by mining companies who will destroy our fragile ecosystem. After three years of drought in Wisconsin, we cannot afford to have mining companies "drawing down water levels from lakes, rivers and ground water"—which they **will** deplete and will make a profit doing so—leaving less water for Wisconsin residents. Water is precious and the people of Wisconsin do not want to go without clean water; yet we already know that without our tough mining laws in place, there would be a potential for acid mine drainage. You can "hope" that the mining companies will do the right thing and will protect our natural resources. But the reality is they will protect their "bottom line".

I could go on and on about all the potential environmental pollution and damage this bill opens the way for. You've heard it all today. Let me just offer this: There were once more than **20,000** Indian Mounds in Wisconsin—there is less than **2,000** mounds remaining. Most were destroyed through farming and construction. Laws were passed to protect the Indian mounds saying no one could build within 5 feet of a mound or destroy a mound. To this very day corporations build a billion dollar building and hand the state a $2000 check for the fines for destroying a mound. They don't care about the laws. They only care about their bottom line.

Please do not pass the AB 1/SB1: Iron Mining Bill. Please protect our environment. Please protect our water. If they want to build more mines and produce more jobs, they can do so while following the rules we already have in place to protect our environment.

Thank you.

January 23, 2013
To: Committee on Workforce Development, Forestry, Mining, and Revenue and the Assembly Committee on Jobs, Economy, and Mining

I am opposed to the mining bill SB1/AB1. This bill was written with the interests of mining companies and not citizens long term benefit in mind. This bill will affect the entire state, however, we all know it was pursued primarily to encourage Gogebic Taconite (GTAC) to push forward a proposed mine in the Penokee Hills of Ashland and some of Iron County.

My home is in Ashland County, the region most at risk for exploitation from mining interests should this bill pass. I came to this region 12 years ago from southern Wisconsin to raise a family and be a part of this community. I moved here to the shores of Lake Superior because of the resourceful people, pristine waters, natural beauty, rich history, and quality of life. An open pit taconite mine in the Penokee Mountain watershed would jeopardize not only the primary reasons to live here but also ecosystems that have taken thousands of years to develop. You need not rely on my lay opinion of the potential impact from an open pit taconite mine in this location. There have been countless independent scientists, researchers, and experts who have given testimony as to the potential long-term impacts. You would do us a service to listen and be guided by them.

Do not be swayed by those who tell you that mining in the North is simply a revival of our economic history. The mining that would be done today in the Penokee Hills far exceeds, by many times, the level of extraction ever practiced in our region. This is not mining as done by our grandfathers. Once extraction is done, communities are left with a damaged environment and vacant storefronts. This is easy to see across the country if you are willing to look.

The idea that this bill will bring long term economic prosperity, a return to our history without compromising our health, land, and water is a fairytale told by industry executives and politicians desperate for quick answers to placate the populace.

What can you do to correct what is wrong with this bill? Vote it down. It is past time to get to the real work of creating sustainable communities that do not exploit our natural resources but instead make wise use of the gifts they have to offer. They are lofty goals, but we in the north are up to the challenge, I encourage you to join us.

Sincerely,
Amy Syverson
813 6th Avenue West
Ashland, WI 54806
715-685-0839
amysyverson@gmail.com

John Rasmussen <jras@charter.net>
To: mary williams and 5 more...
(No Subject)

January 22, 2013 8:59 PM

please recognize my total opposition to bill SB1/AB1 namely the mining Bill. I stand for clean water and clean air. on this day wed. 01 23 2013. Please enter this request into the record and send me receipt of this notice.

The proposed mine site is located in the most valuable pristine and highest quality watershed in the state of Wisconsin. It could not be possibly be located in a more ecologically sensitive and valuable area anywhere in the state.
the most valuable future resource held by the State is the waters of Lake Superior and its adjoining wetlands. The mining bill if passed into law puts this resource in absolute and real jeopardy.

John Rasmussen
2919 Wausau Rd.
Rhinelander,WI.
54501
jras@charter.net

Chris Plansky
813 Sixth Ave. W
Ashland, WI 54806
715-685-0839
January 22, 2013

Senate Committee on Workforce Development, Forestry, Mining, and Revenue
Assembly Committee on Jobs, Economy and Mining
State Capitol
Madison, WI 53707

Dear Senators and Assembly Representatives,

I am writing to let you know that I am opposed to AB/SB 1. It is vitally important that Wisconsin does not slash its environmental protections just to satisfy mining interests. As a resident of northern Wisconsin, I am aware of the need for economic development in our area, but mining is not the answer.

The proposed mine would degrade our air quality and pollute the Bad River watershed, which is a valuable resource to our area. It would harm my family's health, it could destroy the wild rice that is harvested from the Bad River sloughs, and the tailings pile would fill in Tyler Forks, a trout stream. The environmental and health damage would be devastating. The northwoods and Lake Superior draw people and tourists to come to our region for hunting, fishing, boating, camping, and natural beauty, but an open pit mine would drive many people away.

DO NOT let Gogebic Taconite and other mining interests force this law and this mine on the people of Wisconsin. Who wrote this legislation? Mining interests. Who benefits from this legislation? Mining companies. Who would suffer? The health of the people and the environment of northern Wisconsin.

Please stand up for the people you represent. Do not sell our health and environment to benefit mining interests.

Sincerely,

Chris Plansky
Voter and taxpayer in Ashland, WI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Andrew Majid Allan

Date: 1-23-13

Street Address or Route Number: 5138 Tomahawk Trl

City/Zip Code: Madison, WI 53705

Organization (*if applicable*):

Registering: In Favor ☐ Against ☒

Please see attached statement.

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

January 23, 2013

Distinguished members of the committee,

I am registering in opposition to 2013 AB-1 and 2013 SB-1. I brought my 2 sons here today so that they could also register in opposition to these bills. They, along with their mom, are members of the Bad River Band of Lake Superior Ojibwe. Their forefathers and mothers came to the land where, "the food grows on the water" many, many centuries ago making that special, sacred place their home. Just two generations removed from the native diaspora borne of forced displacement and assimilation, my wife and children have found their way home again to Bad River. And now, that special place is threatened by AB-1 / SB-1 and the possibility of the largest open pit iron mine *in the world.*

When I told my oldest son about the proposed Gogebic Taconite mine in the Penokee Hills immediately south of Bad River, and the impact such a large open pit mine would have on the fragile resources of the area, he wanted to know why anyone would ever allow such a thing. I explained that some people think that the mine will generate benefits like jobs and iron ore to feed steel mills that make it worth the risk of despoiling the surrounding environment. Even to my 10 year old, this didn't make sense. No amount of jobs or revenue is worth risking irreplaceable resources. At his young age, he is already aware of the numerous threats facing the planet's life-support systems. He is also learning that some of you really don't care about his concerns for the future, or those of the many families who will be directly and negatively affected by a giant open pit mine in the middle of this pristine area.

Perhaps it's not possible for supporters of AB-1 / SB-1 to understand just how special the Penokee Hills and the Bad River are. Imagine, if you will, if the tables were turned. What if a giant open pit mine were proposed in close proximity to the Vatican, the Statue of Liberty, the Sistine Chapel, or some other place you held sacred – like your backyard? What if your community had spent a generation meticulously rehabilitating its cherished natural resources only to see them imperiled by the actions of a handful of elected officials who dismissed your protests as contrary to some "greater good" based on fallacious and specious arguments? You would be outraged.

I urge you to come to your senses and vote down AB-1 / SB-1. The bills carelessly eviscerate longstanding laws protecting the precious resources of our state, all to facilitate the establishment of an extractive industry whose history of environmental ruin and economic decay is written in countless scars across the American landscape. Take a look at the pollution that has occurred at other taconite mines in Hibbing, Minnesota, or at the Empire or Tilden mines in Michigan. Wisconsin deserves better. Our Native brothers and sisters deserve better. My children – our children – deserve better.

Sincerely,

Andrew Majid Allan
5138 Tomahawk Trail
Madison, WI 53705

CURT MEINE, PH.D.

P.O. BOX 38 ✦ PRAIRIE DU SAC, WI 53578 ✦ CURT.MEINE@GMAIL.COM

State Senator Tom Tiffany
State Representative Mary Williams
Wisconsin State Capitol
Madison, WI

January 23, 2013

Dear Senator Tiffany and Representative Williams,

I am writing today in regard to SB1/AB1. I would like to register my opposition to this legislation. I ask that this statement be entered into the formal record of testimony, and ask further that confirmation that registration has been received.

I have lived and worked in Wisconsin for my entire adult life. Through all those years, I have dedicated myself to conservation work, personally and professionally. I have been privileged to work with fellow citizens and communities across the state in building upon our state's legendary legacy and achievements in conservation, reflecting a widely shared commitment to our lands and waters, to our neighbors, and to future generations.

I am ashamed of my state today. The provisions of this proposed legislation and, just as importantly, the process that is being taken in enacting it, show contempt for the health of our land, for our long-term economic well-being, for the Bad River Ojibwe community that will be most directly affected, for the generations that will follow us, and for the fair and open process that should be followed in proposing such far-reaching changes in existing law.

This bill, if enacted, would have profound negative impacts on the waters of Wisconsin, which are held in trust by the state for all of its citizens. It would permit the destruction and filling of critical wetlands, streams, and surface waters with massive amounts of mining overburden and waste rock. It would exempt iron mining from established environmental standards, most especially those that protect our fresh water resources, and that ensure the safety of our drinking water.

This bill, if enacted, would eviscerate the capacity of WDNR experts to safeguard our waters on our behalf by requiring that they issue mining permits regardless of the environmental damage that may occur. It would prevent DNR personnel from directly enforcing permitted activities. This is unconscionable.

This bill, if enacted, would place extreme limits on the public's right and responsibility to challenge the DNR through use of contested case hearings.

I am further disturbed by the process that the state legislature is following in acting upon this bill. We the citizens have a right to know the full scope of effects that this legislation will have on our lands and waters, wildlife, ecosystems, and local communities and economies. Our fellow citizens in northern Wisconsin have a right to participate fully in hearings on this legislation that will so deeply affect their lives and landscapes – not just a lone hearing five hours away from the site most heavily impacted. The affected tribal communities, most especially at Bad River and Red Cliff, deserve to be fully consulted, and their tribal sovereignty status fully respected, in the development of state law that affects them so profoundly.

Wisconsin's conservation legacy is in the balance with this and other pending legislation. We who have led the nation, and the world, in finding a better way forward in our living with the land, are failing our forebears, and our future generations. In 1947 Aldo Leopold stated: "The practice of conservation must spring from a conviction of what is ethically and esthetically right, as well as what is economically expedient. A thing is right only when it tends to preserve the integrity, stability, and beauty of the community, and the community includes the soil, water, plants, and animals, as well as people." I appeal to you to reject short-term political and economic expediency, and to act on your conscience. Do what is right for the land, for those who have come before and those who will follow, for the people who will be most affected by this legislation, and for all future generations. Reject this profoundly flawed bill.

Sincerely,

Curt Meine

Curt Meine, Ph.D.

Cc State Senator Jon Erpenbach
State Representative Fred Clark

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Dee Foes
Name

Date

Street Address or Route Number

City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☐

See Attached!

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Pettack, Dee

From: home email <hilltopcustoms@mwwb.net>
Sent: Wednesday, January 23, 2013 5:00 PM
To: Sen.Lehman; Sen.Olsen; Sen.Tiffany; Rep.WilliamsM; Rep.Ballweg; Sen.Schultz
Subject: Written Testimony for SB1/AB1 public hearing

The Open-Pit Mining Bill (SB 1/AB 1): I am submitting my written testimony to this bill for the public hearing now being conducted in Madison. As a Reagan Republican for over 20 years, and a WI Progressive Republican I urge my Legislators to reject this mining bill that ...

- Forces the state of Wisconsin to issue a mining permit even if they know it will endanger public health, safety, or welfare (Page 135).

- Explicitly states that groundwater contamination by a mining company is acceptable (Page 189).

- States that the DNR can allow a mining company to take high volumes of water from rivers, lakes, and streams, even if it will draw down nearby waterways (Page 161).

- Allows mining companies to dump toxic mining waste into sensitive wetlands that protect local communities from flooding and water pollution, as long as the company restores wetlands somewhere else in the ceded territories (Page 55).

*shifts the cost of contamination clean up to the taxpayers of the area instead of the company whose mines created the enviromental contamination

If a mining bill needs to be passed, I prefer the Bi-Partisan version that Senators Cullen & Schultz have written as it more closely reflects my rural WI Republican League of Conservation voter values. I ask you to consider that in the early days of our party President Roosevelt established our first National Parks, and that our own "Fighting Bob" LaFollette also protected our states natural resources for our taxpaying citizens . The great divisions in this State should be considered on this issue, and the bi-partisan nature of the bill would show we citizens that our Legislative leaders are now willing to hear the concerns of all of our citizens to whom clean air and water are needed. Our economies are based on tourism, and the destruction of our northwoods could be disastrous for our rural communities. Also, if you are looking at mining regulations, I would like to see a limit or testing for silica particles in the areas surrounding the fracksand mines springing up over our state. This type of mining was very expensive when Montana did it in the 80's and residents of nearby communities contracted pulmonary silicosis, a oft fatal lung disease in the ensuing years that cost hundreds of millions in taxpayer dollars for medical costs the State was required to provide. I thank you for your time to hear my concerns on this issue, and ask you to stand with Sen Schultz and vote no on AB1/SB1.

Sincerely, Dee Ives

N9278 7th Drive

Westfield,

WI 53964

phone:608-296-2625

My name is Nick Utphall. I am a concerned citizen and an environmentalist. By profession I am a pastor at St. Stephen's Evangelical Lutheran Church in Monona.

I was born in Spooner, grew up in Eau Claire. I am an Eagle Scout who developed a love for time in the woods and a passion for nature. I learned responsibility of our place in this world while I was working at Camp Phillips in the northern part of our state. I also spent time with scouting groups at Copper Falls State Park, finding early amazement at the geology of the area while also swimming in tannin-stained waters below the Devil's Gate.

Since becoming an adult, I continue to enjoy traveling back up to that area, to the vast stretches of forest that offer beauty and a sense of pristine wonder when I get out on the trails.

Also as I continue to age, I find an ever-expanding commitment to caring responsibly for our place in this world. As a Lutheran Christian, I believe that all creation is God's and we are entrusted to be stewards. This means nature is not only "resources" at our disposal, nor only for the heritage of future generations of humans, but demands our care for the ongoing good of all.

That is not a simple calling. And we are at a critical time for such demands, as we face, for example, increasing catastrophic repercussions of climate change. We are also people who have found ways to address crisis by decreasing pollution, by weighing decisions carefully, and at times by saying "no" with moratoriums and such.

This mining bill is a disservice to our state, to its future, and to so much of the natural world. It is hasty and short-sighted. Visiting Hurley and Ashland and other places in northern Wisconsin, we can see scars of previous industry that came and provided brief booms only to disappear, leaving poverty once again. This direction of mining is not a responsible way to offer employment to our citizens or wellbeing to our communities. This bill instead is about enriching multinational corporations, without appropriate opportunities for input or safeguards or development.

We have done better. We can do better. And we must.

Thank you.

The Rev. Nicholas G. L. Utphall
302 Dempsey Rd
Madison, WI 53714

Testimony on Wisconsin's Open Pit Mining Bill

Ever since I was a young kid I have been out enjoying nature in Wisconsin's beautiful landscape. It means a lot to me to uphold the beautiful scenery that is Wisconsin so that I can continue to enjoy it and my kids and their kids can enjoy it as well. I have seen the effects of open pit mining in the past and the results are devastating to the land. Just look at the effects that mountain top removal mining has had on the Appalachian mountain range already. It is a black spot on the landscape there and so would an open pit mine in the Penokee Hills. We need to preserve the wonderful scenery of this state and uphold it for future generations to come to enjoy as well. On top of destroying the landscape the open pit mine would leave our waters at risk of acid mine drainage forever polluting our waters. The open pit mine that is being proposed is only 6 miles from the boundary of the Bad River Tribe indidan reservation. There are 23 rivers, streams and creeks that flow directly from the footprint of the proposed open pit mine into their reservation and then onto further pollute Lake Superior. All the pollutants that flow out of the mine will end up in the Bad River watershed and in the Kakagen slews. The Kakagen Slews make up 40% of Lake Superior's wetlands and the Bad River watershed covers a 300 mile circumerence area around the mouth of the Bad River covering 124,000 square acres, this alone should show the vast amount of area that will be affected as well as all the waters downstream from them. The pollutants that will end up in our waters will forever devastate them and the inhabitants that use them as well as all of the fish and animals in those areas. Please stop this bill and protect our state from being ruined by greed for more money regardless of who it affects.

I would like to bring a new twist to this mining situation, being a St Paul girl born into a political family. My family is well known as having kept the Chicago gangsters out of St Paul or kept them from robbing any bank in St Paul in the roaring twenties.

Today, I live in Bayfield, home of the Apple Festival, home of the orchards and farms and the valleys and streams. Home of the Madeline Island Ferry Line or the **MIFL**. The Ferry brings tourists to the Island. With mining waste going into Lake Superior, the Ferry line will become the Mad Isle Ore Docks Line and the Bayfield **Inn** will become the Bayfield **OUT** of Water, and the historic Ritten House will become an historic penitentiary for **GOLD** for the rich.

The FIVE Marinas of the Bayfield area will become NOT a Sailor's Paradise or a Kayak Heaven but will bathe in the greasy grime and poison of Sulfide **Hell**.

And, the 100's of Lake Superior Pristine Golf Courses overlooking the Lake in three States and Ontario will take on new adventures of a **"Nineteenth Hole in the Earth"** a 1/4 mile deep with waste water and disease ridden chemicals of a future of early death to people, animals, and a twisted fate of trees and plants not unlike the Nickel MINE of Sudbury, Canada.

For those who have not traveled to Northern WI, Tourism and Agriculture are Superior as in LAKE Superior, to AB 426 **AKA** "Mining for Waste".

Those who are promoters of genocide and ecocide need to visit now destroyed areas and help others clean up existing mining waste, before considering a vote signifying **a life sentence** of imprisonment with poisoned water.

I am fighting **FOR** a ~~strong~~ sane Tourism Industry and **FOR** a continued safe future of world renown WI Agriculture of Apple Orchards and Farms!

WILD RICE,

Deborah Gibbons
141 N Front St
Bayfield WI 54814
715 779 9616

CRG Network

When It's Time for Action

PO Box 371086 Milwaukee, WI 53237 414-801-0800 www.crgnetwork.com crg@crgnetwork.com

If we were here today to discuss a permit for a Nuclear Power Plant, we would be discussing a timeline for the permitting process that would take about 10 years for approval but it could be fast tracked to a period as short as 4 years.

But we are not here to discuss approval for a Nuclear Power Plant, we are here to discuss the approval of an Iron Mine in northwestern Wisconsin.

It is my understanding that the Iron Mining process uses magnets and water to separate the iron ore from the earth and any environmental impacts are minimal. In fact Iron Mining has taken place in Wisconsin in previous decades without the technology that we have available today. The mining that has taken place in the past has done little or no harm to the environment or the water. In many cases it has improved the environment and offered numerous opportunities for recreation and rebirth of the wildlife in the area.

Because of the very minimal concerns about any potential environmental damage, we now have "Contested Cases Hearings" which allow the permitting process to go on endlessly.

Businesses who may be interested in making a huge investment of a mining project in Wisconsin want some level of certainty that their project will be approved.

It is doubtful that any business who may have an interest in producing a mine on Wisconsin would invest any amount of capitol in Wisconsin with the current process that could go on endlessly.

Please approve this revised mining bill which would still provide substantial time for public input but it would put a definite time line for approval of a mining permit.

Orville Seymer

Field Operations Director

Testimony on the Open Pit Mining Bill AB1 SB1 January 23, 2013

I am Melissa Warner, Chair of the Southeast Gateway Group of the Sierra Club, and I am speaking against this bill.

I am against this bill on procedural ground. First: the writing. We pay you and your staff to do the research, conduct the hearings, and write the bills. By allowing an industry to write the bill you are not doing your job.

Second: the timing. Against all rational advice your process is rushed. The session is barely a week old and you are determined to pass this bill immediately. It's as if you don't really want other legislators, let alone average citizens, to study it or understand it. That's not doing your job.

Third: the hearings: Having only one hearing, and that one here in the southern part of the state, rather than where the mine will be located, is injudicious. It tells me that you don't really want to hear from those whose lives will be most impacted. That's not doing your job.

I am also against the bill because of its content.
Exempting one industry from meeting environmental standards sets a terrible precedent. What other industries will then (legitimately) ask for and receive similar exemptions?

Allowing groundwater to be contaminated leaves us with a toxic legacy for generations. Just because it is underground does not mean the problem doesn't exist. Is this the heritage we leave for our grandchildren?

Filling wetlands is unconscionable. Research shows how important wetlands are to our state, for our water supply, for healthy ecosystems, flood control, and groundwater recharge. We already have only a small percent of our original wetlands, and are working diligently to retain what we have and restore others. We should require other solutions.

Dumping sulfide--laden overburden close to rivers is unethical. Precipitation reacts with sulfide minerals in the overburden resulting in acid discharge into our rivers, (and I come from Pennsylvania with a long history of acid-mine drainage problems). The huge amounts of waste will require safe storage forever. And we know that holding ponds leak, that dams collapse, and that freak storms occur. These toxics will leach into the Bad River watershed, and have incredible impacts on the Native Peoples that live there, and the Kakagon and Bad River Sloughs, recognized by RAMSAR as Wetlands of International Significance. Damage to Lake Superior could threaten our standing with the Great Lakes Compact.

What Makes Sense Here?
A bill that upholds environmental standards, and protects our recreation industries and hunting traditions.
A bill that follows due process, allowing time, and contested testimony from all stakeholders;
A bill that recognizes the needs of all stakeholders, not just the out-of-state owner whose goal is not what's best for Wisconsin, but putting money in his pocket.
A bill that meets legal requirements of our international treaties, state statutes and federal law so that we won't spend thousands of dollars on litigation before the mine even breaks ground.

AB 1/SB 1 is a bad bill; this committee should never bring it to a vote.

Testimony submitted on AB1/SB1 on January 23, 2013 (Please consider this part of the hearing.)

I am speaking for my husband Hiroshi Kanno as well as for myself. My name is Arlene Kanno; we reside at N9947 Thompson Drive, Town of Newport, Columbia County, WI (near Wisconsin Dells).

My husband is President, and I am Director of Outreach, of Concerned Citizens of Newport (CCN), a grassroots organization that successfully fought Nestle/Perrier when they tried to build a water bottling plant across from our farm. We understood that this would have affected many watersheds and people across Wisconsin; it was not just our local issue. Now this proposed mining bill is another assault on the environment and many, many people.

You have heard from others who have concerns about the environmental and economic damage that this mining bill will do to their lives and communities. The consequence of this mining bill will be felt for generations. Depleting and destroying our natural resources and environment is not a way to a prosperous and rich future.

We want to speak of another equally damaging consequence of this legislation. This legislation is thrust on the people of the state of WI by a powerful interest group whose sole concern is increasing their bottom line. This is an assault on our democracy -- the right of the people to govern themselves.

Through their lobbying efforts this powerful interest group has gotten a compliant administration and legislature to do their bidding. By catering to their demands, this administration and legislature is selling out the future of our state for a few ill-gotten coins. But it is also a part of of bigger picture where the rich and powerful dictate public policy for their own benefit and the public be damned. A discussion of how this is happening can be found in the book *Winner-Take-All Politics* by Jacob S. Hacker and Paul Pierson.

This bill is about the future of our state's natural resources and environment. It is also about the increasing distance between the governed and their governance. If this legislature does the bidding of the rich and powerful by passing this bill, it will clearly show that their interests are more important than the concerns of the people of this state. The legacy of damage that this bill will create will remain long after we are gone.

Please show us that a few gold coins cannot buy your honor and integrity. Reject this bill.

Hiroshi Kanno hirok8@aol.com 608-253-7266
Arlene D. Kanno akanno@uchicago.edu

Testimony: Mining Hearing

My name is Corry White. I have degrees and expertise in Political Science and Regional Planning and I own property in the region to be impacted.

I expect that other people here will address other vital issues such as: the immediate proximity of exceptional and outstanding resource waters to the project; the presence in waste material of hazardous sulfide materials; the massive on-site destruction of wetlands; the close proximity of sovereign Native American territory; the likelihood of damage to vast areas of cultural significance to the Bad River Band including wild rice beds; the likelihood of harm to some of the finest examples of freshwater estuary systems in the world (the Kakagon and Bad River sloughs) and the final downstream destination of all of this accumulated contamination, the greatest body of freshwater on the planet, Lake Superior.

Before making my central point I will note that the proposed site of this mine is a spectacular area of near wilderness and wetlands that are the source for dozens of streams, many of which support populations of native and resident trout. The proposal is to excavate a four-mile by half-mile area; I invite you all to imagine such an area superimposed over the Madison isthmus. Then dig down nearly nine hundred feet.

Ten minutes with my calculator and information from UW website and I determined that the volume of this hole that is proposed to be dug *into wetlands* and *across headwater streams* is ~1.7 billion m^3 or ~2.7 x the volume of Lakes Monona and Mendota combined. Put another way, once we dug a hole of the dimensions they propose into the isthmus and dumped all of the water from both lakes into it, we would still have room for another 1 BILLION cubic meters of water. Wait a moment and let that information wash over you.

I'll bet none of you who advocate this legislation had bothered to consider the truly enormous scale of this project. Instead, I think you've been considering much more carefully the volume of campaign cash you can collect from the mining company and their various champions.

Which leads me to my central point: It appears that this bill aims to change current law to the specifications of a single proposal. I contend that the practice of crafting policy around the needs of a particular project not only fails to consider the proper role for the practice of mining in the environment of our state, it is also inherently corrupt. We need to develop policy as a set of rules that will make sense for the protection of people and resources and make sense to any entity that may wish to pursue a project in the area covered by the policy. When you develop the policy to serve a single interest you stop serving the interests of Wisconsin and its citizens and become agents for a client—which, in this case, is an out-of-state, multi-billion dollar corporation. Are you our representatives, or theirs?

Since it is undoubtedly the case that all of you who advocate and intend to vote for this bill are receiving campaign donations for your efforts, why should any of us not think you—and this bill—are corrupt?

Sincerely, Corry White

corrywhite@gmail.com Madison/Cornucopia

January 23, 2013

To the Mining Committee and the Citizens of Wisconsin:

My name is Jessie Conaway. I am a graduate student seeking a doctorate in Environmental Studies in the Nelson Institute at UW Madison. I am working on collaborative research in northern Wisconsin with the Bad River Band of Lake Superior Ojibwe.

I did not grow up in Wisconsin, but after moving here as an undergraduate, have lived here 20 years- my entire adult life. I fell in love with Wisconsin because of the abundance of fresh water, as well as the state's and tribal communities' **commitments to water stewardship.**

I oppose AB 1/ SB 1, and I oppose any changes to current legislation that would make Wisconsin more hospitable to mining industries. Mining corporations have a horrendous track record around the globe. Research shows that polluted mining runoff can readily travel the 25 miles from the proposed Penokee Site to Lake Superior. Class 1 Trout Streams, diverse types of wetlands, the Bad River, and Lake Superior's largest wetland would be adversely affected by the groundwater pumping and dumping.

My husband, daughters and I stood with the Sokaogon Ojibwe and Forest County Potawatomi to oppose the Crandon Mine in the 1990's. I now stand with the leaders of the Bad River and other Lake Superior Ojibwe in opposition to the proposed Gogebic Taconite Mining Operation in the Penokee Hills.

The public is presented with a choice between environment and jobs—this is not a choice that I am willing to make. For the pristine Penokee Hills, and Tyler Forks- Bad River Watershed, ENVIRONMENT *AND* JOBS is the most appropriate choice.

Ashland and Iron Counties are ideal for adventure tourism, such as paddling and mountain biking. They are currently under the radar. I have been an outdoor educator for 20 years, and just heard about the adventure opportunities in the Penokees and Tyler Forks and Bad Rivers when I began to do research there 2 years ago.

Ashland and Iron Counties are under-tapped for adventure tourism. If you are skeptical about how much income mountain bikers and other cyclists can bring in, please look to La Crosse as an example. After collaboration between the Human Powered Trails group and the City and County of La Crosse, hundreds of acres in the county have been set aside as parks with multi-use trails. This collaboration brings in large grants, and steady streams of tourism dollars from visitors originating from around the upper Midwest. La Crosse is now an adventure tourism destination.

We have an obligation to our grandchildren to think creatively, and to make economic choices that are environmentally sustainable.

Thank you for your time.

Best,

Jessie Conaway

Monona, WI

I, Sean Griffin, **oppose** AB1/SB1. It's bad governance and it's bad for Wisconsin.

I do not think we should ban all mining in Wisconsin. Mining is a necessary thing and can be done responsibly. It would be an economic boon to the area. I can also make a case for reforming mining regulations. A very long and unnecessarily expensive permitting process does not help anyone.

If there is currently portion of the process where a report sits on some government worker's desk for a month, then by all means, speed that up and get that guy some help. If there are limits on pollutants that are overly tight - perhaps new study shows that something is only dangerous in concentration is dissipating faster than we previously thought - by all means, update those regulations to match the new science.

Unfortunately, that does not seem to be what's happening with AB1/SB1. These are the sorts of reforms that would be applied to all mining, and yet this bill is specifically carving out iron mining as special and leaving the rest alone. If these reforms are such a good idea, why not apply them to all mines? Are iron mines especially clean and innocuous? No. Are there any so-called reforms in this bill that are such a good idea that they're being applied to all mining? No.

What is happening with this bill is that a mining company wants to set up a mine that would not meet current law. And we are creating a new process specifically for that mine and specifically because the mining industry gave us a laundry list of things they don't want to have to pay for.

I understand that this administration would desperately like to be seen as having created a few jobs. But the mining industry understands that as well. And what they see is an opportunity to take advantage of us. The mining industry sees a chance to get a mine approved where they can pollute more water than they'd normally be allowed, where they can deal with runoff on their long-term site in ways we'd usually only allow for short term construction sites. They see an opportunity to be just a little more lax about not harming the public as long as they can legally show that they thought it "unlikely".

I am all for real mining reform, but real mining reform wouldn't just be for one mine or even necessarily one type of mine. This is not mining reform. This is a company that thinks it sees weakness in the state of Wisconsin and they are looking to exploit that. I don't think Wisconsin is weak and I don't think we should let them write the rules.

Thank you for the opportunity to testify my opposition to this bill, and please consider this written testimony part of the hearing record.

Statement in opposition to AB1/SB1

I would like to respectfully point out that only in a society that justifies defecating in drinking water would the notion of exchanging 20percent of the world's available fresh water for a few years of jobs and low grade iron ore.

These are signs of ill times.

It might be good to point out that many people in our society are sane though. There are resounding voices that say: Protect the Penokees!" and "Water is life!"

~~I can explain this message further.~~ Some folks say that we are telling mining companies to stay out of our back yards.

This is incorrect. We are part of a global movement that is not saying "go somewhere else", we are saying "clean up your act, you cannot continue your irresponsible actions anywhere."

~~To you blood~~ If you are one of the -sucking parasites of international extraction corporations and the bureaucrats and politicos who aid and abet them: You know who you are, and you are not welcome here! You are not welcome anywhere on earth. There has been enough suffering for the profit of a few

We are entering an age when wellness, generosity, and happiness are valued above corruption, greed, and selfishness. It is not too late to start doing things to help the earth and its inhabitants instead of exploiting them. Lets turn our innovation to something positive

There will be no Penokee Mine, We will not be silenced!

Sincerely, Xander Waters

60415 Summit Rd,

Ashland, WI 54806

Wed., January 23rd, 2013

I am opposed to the Open Pit Mining Bill, SB1/AB1, on these grounds:

1) There aren't enough safeguards in place for protecting the groundwater from such a massive tailings pile as this will generate, and there are no good chances that anybody from the companies involved will be around to address grievances and contamination issues 100, or even 50 years down the road.

2) The restoration of damaged waterways will not be sufficient considering the amounts of arsenic, lead and mercury which will most likely leak out into impacted waterways when containment devices fail, as they always do. Avoid an EPA Superfund clean-up and lawsuits in the future by stopping this bill from going through now.

3) From a personal standpoint, being an avid outdoorsperson and restoration ecologist these past 15 years and assisting efforts on over 5 square miles of native landscape restorations, it is the voice of experience that tells me this project will do much greater harm to the existing ecology, than it seeks to repair/mitigate with efforts after the mine is closed. It is exceedingly difficult to restore even most of a damaged wetlands ecological functions after it's damaged, and all but impossible to restore normal function to wetlands after total destruction of the landscape at the level that this project entails. Better to leave well enough alone and find alternative sites with not such a severe impact on streams, rivers, and watersheds as important as these are to Native American tribal bands and all other stakeholders in the area.
We don't need any more toxins and their devastating health effects overburdening an already overtaxed ecosystem in the area of concern, so please don't vote for this dangerous and improper legislation.

Thank you for your time and attention to my concerns.

Sincerely,

John Herbst
2604 Fairfield Place
Madison, WI
53704

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Jenifer M. Horne

Date: 1/23/13

Street Address or Route Number: 1459 E. Main St, #207

City/Zip Code: Madison 53703

Organization (*if applicable*):

Registering: In Favor ☐ Against ☒

Statement of opposition attached

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

To: State of Wisconsin Legislative Committee(s)
From: Jenifer M. Horne
Re: Registering my Testimony -- Opposition to AB1/SB1
Date: January 23, 2013

Dear Wisconsin Legislator,

Please add this to the record and send me a confirmation.
I am a Wisconsin resident; born and raised in the most beautiful and diverse state in the country. I am stunned by the proposal to weaken laws that were designed to protect our wonderful water, soil, air, wildlife, and ecosystems. It is your responsibility to protect public health, safety, and welfare.

I have read summaries of what has been presented in AB1/SB1 and am troubled by the idea that these changes are necessary for job creation and economic development. I beg to differ since a great deal of our state's economy is dependent on us maintaining our pristine natural resources. In addition, it is incredibly unfair to cap the costs associated with the permitting process, thus forcing taxpayers to foot the remainder of the bill.

I genuinely believe that the future depends on creation of jobs that will not run the risk of destroying our environment. The proposed Penokee Mine is far too risky and will more than likely cause devastation that is "presumed to be necessary" (per a legislative finding) in a day's work. This type of collateral damage is absolutely unacceptable.

Over 900 million tons of wastes and tailings (over 35 years of Phase 1) will be dumped in the wetlands and streams of the Bad River Watershed, and could produce the same acid mine drainage that has resulted in fish advisories for mercury and a wild rice dead zone for 100 miles downstream from Minnesota's Mesabi Iron Range in the St. Louis River watershed. Is this what we want? This citizen says "NO!" Please preserve Wisconsin's Mining Moratorium law.

My family and I are proud of our state and it is part of our heritage to protect the land, people, and wild places and creatures. I cannot adequately express to you in words how important this is to us and future generations. We need to maintain the healing qualities of all of our natural resources and it is up to all of us to ensure that "Up North" will always be a positive place of discovery, wonder, and retreat.

With sincerity,

Jenifer Horne
1459 East Main Street, #207
Madison, WI 53703

Taconite Mining—What are the health risks?

By Ann Behrmann, MD

Taconite iron ore mining presents significant health effects to both workers in the mines and those who live in the communities near the mine site.

In addition to threatening the viability of watersheds and purity of drinking water, taconite ore mining and processing releases heavy metals and silicate particulate into the air. This air pollution can exacerbate lung diseases like asthma and COPD.[1] Taconite miners and processing workers are at risk of silicosis and mesothelioma.[2] Michigan has confirmed 37 silicosis cases in miners in Upper Peninsula iron ore mines from 1987-2009, though researchers estimate that only 42% of occupational silicosis cases are captured in this annual study and the number of actual cases is probably higher.[3]

Digging ore in open pits and then grinding the ore during processing into taconite pellets increases release of three known heavy metals into the environment: Arsenic (AS), Lead (Pb) and Mercury (Hg). Mercury turns into methyl mercury in water and bio-accumulates in fish, leading to high levels of mercury toxicity in people who consume fish. Inorganic arsenic is a known human carcinogen associated with cancers of the lung, liver, bladder, kidney, prostate, and skin. Non-cancerous effects of chronic arsenic exposure include skin thickening and discoloration, as well as gastrointestinal symptoms of stomach pain, nausea with vomiting and diarrhea as well as numbness in hands and feet, partial paralysis and blindness.

Arsenic, lead and methyl mercury are also potent neurological toxicants that can cross the blood-brain barrier and the placenta during pregnancy. These three contaminants are particularly dangerous to the fetus and developing nervous systems of children under six years of age. They can cause permanent damage to cognitive thinking (measured in IQ), memory, motor coordination, language development and behavior, and are now implicated in behavioral problems, primarily aggression and hyperactivity.

February 2012 research released from Minnesota Department of Health showed that 8% infants born in the Lake Superior region (including areas in Minnesota, Michigan and Wisconsin) have toxic levels of mercury in their bodies, above the federal EPA limit of 5.8 micrograms per liter. Some of the tested infants had levels as high as 211 micrograms per liter.[4] Both mercury exposure and lead exposure have been linked to health issues for older children, teens and adults, including problems with infertility, autoimmune disease (such as rheumatoid arthritis) and increased risk of heart attack and stroke.

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[1] http://en.wikipedia.org/wiki/Taconite and http://www.dnr.state.mn.us/education/geology/digging/taconite.html

[2] Hemphill, Stephanie (2007-06-08). "Researchers look for links between taconite and mesothelioma". Minnesota Public Radio. Retrieved 2007-07-18. http://minnesota.publicradio.org/display/web/2007/06/07/mesostudy/

[3] Rosenmen, Kenneth D., & Mary Jo Reilly, Michigan State University and the Michigan Department of Energy, Labor & Economic Growth, *2009 Annual Report on Silicosis in Michigan*, 28 February 2011, http://www.oem.msu.edu/userfiles/file/Annual%20Reports/Silica/09SilicosisAnnRpt.pdf

[4] One in10 babies born in Lake Superior Region born with high levels of mercury, *Duluth News Tribune*, 3 February 2012 ,http://www.duluthnewstribune.com/event/article/id/221803/

BAD RIVER BAND OF LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS
CHIEF BLACKBIRD CENTER P.O. Box 39 • Odanah, Wisconsin 54861

Bad River Band Concerns with Mining Legislation Continue

Proposed Changes in Mining Regulations Pose Risks to Public Health, Resources

FOR IMMEDIATE RELEASE: January 22, 2013

CONTACT: Mike Wiggins, Jr., Chairman of the Bad River Band of Lake Superior Chippewa, (715) 292-7236
Cherie Pero, Bad River Band Citizen, (715) 292-9331
Dennis Grzezinski, Midwest Environmental Advocates, Senior Counsel, (414) 530-9200
Glenn Stoddard, Stoddard Law Office, Attorney at Law, (715) 864-3057

ODANAH, WI – Today Tribal leaders of the Bad River Band of Lake Superior continued to express their concerns that a proposed mine in the Penokee Range poses serious risks to people's health and drinking water and is a threat to the rivers, lakes, wetlands, and other natural resources in the Bad River watershed.

"With a nearly identical companion bills as last session, it is clear that the leadership of the Wisconsin legislature still doesn't understand that the Penokee Hills cannot be mined without adversely affecting our clean drinking water and our way of life," said Mike Wiggins Jr, Chairman of the Bad River Band. "AB 1 and SB 1 was obviously written by and for an out-of-state mining company and will be rushed through the legislative process without formal meetings with Tribal leaders, adequate public hearings, or meeting the ten principles we set forth in September 2011 for future changes to Wisconsin's mining laws. As a people and as a sovereign nation, the Bad River Band strongly opposes AB 1 and SB 1 and we ask the Wisconsin Legislature to reject this legislation once and for all. "

"If enacted as introduced, AB 1 and SB 1 will significantly weaken environmental protections applicable to iron mining," said Glenn Stoddard, an attorney who serves on the legal team representing the Bad River Band on mining issues. Stoddard outlined some of the major problems with the legislation. Changing the law:

- violates Wisconsin's Public Trust Doctrine which protects our rights with shared water,
- infringes on federally recognized Chippewa treaty rights,
- reduces meaningful public and scientific input before a permit is issued by the DNR,
- eliminates citizen suits as a means of enforcing a permit after it has been issued by the DNR,
- and creates a more complex and less efficient process for review of a potential iron mine, because Wisconsin will not be able to effectively coordinate its review with federal agencies.

Penokee Range: Geography, Topography and Importance

The Penokee Range, extending through 25 miles of Ashland and Iron counties, is significant to the clean water, environment and culture of the Bad River Band and other northern Wisconsin residents. The surface and groundwater originating from the Penokee Range is in the recharge zone of the Copper Falls Aquifer, on which many residents rely for clean drinking water.

Seventy-one miles of rivers and intermittent streams flow through the proposed mining area, emptying into Lake Superior. These waterways are a part of an internationally important migratory corridor; birds and other wildlife depend on area wetlands for survival.

The Kakagon Bad River Sloughs—16,000 acres of wild rice, grasses, sedges, trees, streams, and open water located along the southern shore of Lake Superior--depend on the surface and ground water that originates in

the Penokee Range to sustain the largest and healthiest full-functioning estuarine system remaining in the upper Great Lakes. These wetlands have a cultural significance for the Bad River Band and support the largest natural wild rice bed in the Great Lakes in which members of the Bad River Band have harvested wild rice for generations.

Legislation Serves Out-of-State Mining Interests to Extract Iron Ore from the Penokee Range

"It seems the primary purpose of the proposed mining legislation is to convince Gogebic Taconite to develop an open pit iron ore mine in the heart of the Penokee Range," said Bad River Tribal Council Member Frank Connors Jr. "But despite promises from politicians and mining companies, this mountaintop removal cannot be done without polluting our water. This is our land. This is where we live. We can't just pack up and move."

The majority of the Range is owned by RGGS Land and Minerals, Ltd. of Houston, Texas, and LaPointe Mining Co. in Minnesota. Together these companies control a 22-mile, 22,000-acre stretch of the Penokee Range from southwest of Hurley to about six miles west of Mellen. The Cline Group, out of Florida, secured an option to obtain the mineral rights held for this property, and created a subsidiary called Gogebic Taconite to propose a 4 1/2 mile long open pit iron ore mine, what the company says is the first phase of an eventual 22-mile strip of open pit mining.

For Gogebic Taconite to get to the iron, a vast amount of overlying rock must be removed, some of which contains heavy metals and sulfides. In the Penokee Range, a recent report from Lawrence University researchers estimate a mine 4 miles east-west and 1000-foot deep would generate at least 434 million cubic yards of waste (over three times the volume of Lake Monona). The overlying rock contains sulfide (sulfur-bearing) minerals (primarily pyrite), which when exposed to air and water create sulfuric acid harming people, fish and plants. The report builds on the considerable work done by geologists in the past, which is documented in the literature at: http://www.lic.wisc.edu/glifwc/penokee/literature.

10 Principles for Any Changes to Wisconsin's Mining Regulations

The Bad River Band opposes the proposed changes to the state's mining regulations in AB 1 and SB 1. For this or any changes in Wisconsin's mining regulations, we can agree to ten basic principles for changes that would protect the environment and cultural resources for future generations:

1. Exclude any project proposal that has the potential to cause acid mine drainage.
2. The burden of preparing and submitting a complete application should be entirely on the permit applicant.
3. Provide adequate time for the DNR, the public, federal agencies, and affected Indian tribes to fully review and participate in the process.
4. Maintain existing wetland protection standards and the federal/state partnership in the environmental review process.
5. Correct, don't weaken, the DNR's federal Clean Water Act implementation.
6. Allow contested case hearings with full participation by citizens, including Indian tribes.
7. Mining legislation must not preempt local control.
8. Allow citizen suits to make sure permit provisions and legal restrictions on new mines will be enforced.
9. Require consultation with Indian tribes by the DNR as part of the permitting process.
10. Participation in contested case hearings should be paid for by the permit applicant or state.

With over 7,000 members, the Bad River Band of Lake Superior Tribe of Chippewa Indians is located on an over 124,000-acre reservation in an area within Ashland and Iron Counties on the south shore of Lake Superior (known by the tribe as Gichi Gami). The Ojibwe people have a long and rich heritage throughout the Great Lakes region and at Odanah on Lake Superior prior to European traders, missionaries and settlers. Treaties signed by eleven Ojibwe Tribes ceded territory in the region, including what is currently the upper one third of the State of Wisconsin. Learn more about the Bad River Band of Lake Superior Tribe of Chippewa Indians on their website, badriver-nsn.gov.

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BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

POSITION STATEMENT ON PROPOSED GTAC IRON MINE AND PROPOSED IRON MINING LEGISLATION IN WISCONSIN

September 2011

The position of the Bad River Band of the Lake Superior Chippewa Indians ("Band") on the proposed Gogebic Taconite LLC ("GTAC") iron mine in the Penokee Hills of Ashland and Iron Counties, and on proposed iron mining legislation in the State of Wisconsin, is as follows:

A. THE BAND OPPOSES THE PROPOSED GTAC MINE AND ANY MINING IN THE PENOKEE HILLS. The Band opposes development of the proposed GTAC taconite iron mine in the Penokee Hills of Ashland and Iron Counties in Wisconsin, because it is clear, based on available geologic and environmental information, that such a mine cannot be developed and operated using current mining technologies and practices without destroying the environmental quality, including the air, lands and forests, wetlands, streams, and rivers of the Bad River watershed, the Bad River Indian Reservation, and Lake Superior. The Bad River watershed is a pristine environmental resource, and the Band's way of life is highly dependent upon maintaining the health and integrity of the watershed. The proposed GTAC iron mine would destroy the Bad River watershed and the Band's way of life.

B. THE BAND'S POSITION ON PROPOSED IRON MINING LEGISLATION. Notwithstanding the Band's position on the proposed GTAC iron mine, the Band understands that Wisconsin Governor Scott Walker and some members of the Wisconsin Legislature are proposing to change Wisconsin's metallic mining laws to distinguish between ferrous or iron mining and other metallic sulfide mining, to shorten the state's permitting process, and otherwise change the permitting and regulatory process for new iron mines. As such, the Band views the process of changing state law as being distinct from the question of whether or not the proposed GTAC mine should be permitted. The Band's position on proposed iron mining legislation is that such legislation should be based on sound science and sound legal principles. The Band opposes the proposals that were included in LRB 2035, which was leaked to the public in early 2011, to streamline and weaken the Wisconsin Department of Natural Resources ("DNR") permitting process. With respect to any new proposals to change Wisconsin's metallic mining laws, the Band's position is that any such legislation should include the following principles and/or provisions, although the Band also reserves the right to propose other provisions if legislation is actually introduced:

1. THE DEFINITION OF IRON MINING SHOULD BE CLEARLY SET FORTH TO EXCLUDE ANY PROJECT PROPOSAL THAT HAS THE POTENTIAL TO CAUSE ACID MINE DRAINAGE. Regulatory requirements for any specific metallic mining proposal should be tailored to the actual characteristics of the proposed mine itself, including the nature of the overburden, the ore body, the ore processing operations, the disposal or storage of overburden, tailings, and other waste materials, and the ecology and geology of the site and surrounding environment. If iron mining is to be

treated differently than other metallic mining under any modification of existing law, the distinction or definition of iron mining must not be arbitrary. Thus, there must be a clear, unambiguous and science-based definition of iron mining that excludes from the provisions of any new law all mining proposals having any potential to cause acid-mine drainage based on the geological properties of the proposed mining site, regardless of the minerals that would be mined.

2. THE COMPLETENESS OF IRON MINING PERMIT APPLICATIONS SHOULD BE CLEARLY DEFINED. There must be a clear and comprehensive application completeness requirement, and a clear completeness determination process by the DNR. This is because the permitting time frame for any permit application is dependent on starting the review process with a complete permit application from the permit applicant. Such an application must have sufficient environmental and technical information for the DNR to conduct the review process, and the information provided must show that the proposed project will meet all applicable environmental standards and requirements. The burden of preparing and submitting a complete permit application must be entirely on the applicant and should never shift to the DNR or other interested parties.

3. THE PERMITTING TIME FRAME SHOULD BE REASONABLE, FLEXIBLE, AND CONSISTENT WITH FEDERAL AGENCY TIME FRAMES. Regardless of the duration of the permitting time frame, the mining permit application review process should be triggered only upon a determination of completeness by the DNR of a mining permit application. The permitting time frame should be reasonable for the applicant but, more importantly, it should provide sufficient time for the DNR, the public, federal agencies having jurisdiction or an interest in a proposed mining project, and interested Indian tribes to fully review and participate in the permitting process. The permitting process should take as much time as necessary to ensure protection of the environment and the rights of interested parties, including Indian tribes. Approval of a mining permit application should not be presumed. The permitting time frame should not be rigid because flexibility may be necessary to allow for extensions requested by an applicant or interested parties, depending on the size, scope, location, proposed operations and environmental considerations unique to any specific mining permit application. While generalized or estimated time frame goals may be appropriate to provide guidance for the DNR and permit applicants, such goals should be flexible and fully consistent with permitting procedures and requirements of federal agencies, including the U.S. Army Corps of Engineers ("USACE"), the U.S. Environmental Protection Agency ("USEPA"), and others, as well as neighboring states and Indian tribes.

4. WETLAND PROTECTION STANDARDS SHOULD BE MAINTAINED AND THE FEDERAL/STATE PARTNERSHIP IN THE ENVIRONMENTAL REVIEW PROCESS UNDER WEPA AND NEPA SHOULD NOT BE JEOPARDIZED. Wisconsin's current and long-standing wetland protection standards and provisions, including but not limited to the provisions relating to "area(s) of special natural resource interest" ("ASNRI wetlands"), under Wis. Stats. §§ 281.37(1)(a) and (a)13, as defined in Wis. Admin. Code § NR 103.04, should not be changed or weakened in any manner. In addition, the federal/state partnership between

the USACE and the State of Wisconsin in implementation of Section 404 of the federal Clean Water Act ("CWA"), Section 10 of the federal Rivers and Harbors Act, the National Environmental Protection Act ("NEPA"), and the Wisconsin Environmental Protection Act ("WEPA"), relative to review and approval of permits for work in waters and/or wetlands in Wisconsin, should not be jeopardized or weakened in any way. In a recent letter from Tamara E. Cameron, Regulatory Branch Chief of the St. Paul District of the USACE to Keith Gilkes, Chief of Staff to Wisconsin Governor Scott Walker, the USACE noted that it generally takes in excess of two (2) years to prepare a federal environmental impact statement ("EIS") under NEPA, and that separate, disconnected state and federal environmental review of any proposed mining project would be inefficient and counterproductive. (*See* Letter from Tamara E. Cameron, Regulatory Branch Chief, St. Paul District USACE to Keith Gilkes, Chief of Staff for Wisconsin Governor Scott Walker, of 8/1/11.)

5. FEDERAL CLEAN WATER ACT IMPLEMENTATION BY DNR SHOULD BE CORRECTED AND NOT WEAKENED. Implementation of the CWA's National Pollutant Discharge Elimination System ("NPDES") by the DNR, through administration of the DNR's Wisconsin Pollutant Discharge Elimination System ("WPDES"), as applied to all metallic mining permit applications, should be corrected and brought into compliance with USEPA requirements. In a July 18, 2011 letter from Susan Hedman, USEPA Region 5 Administrator, to DNR Secretary Cathy Stepp, numerous deficiencies in Wisconsin's WPDES program and water quality protection laws were noted. These deficiencies included the inadequacy of the DNR's authority to "ensure compliance with the applicable water quality requirements of all affected states," under 40 C.F.R. § 122.4(d) (including the Band's strict water quality standards which have been promulgated pursuant to the Band's "treatment as state" designation by the USEPA under the CWA). (*See* Letter & Enclosure from Susan Hedman, USEPA Region 5 Administrator, to Cathy Stepp, DNR Secretary, of 7/18/11.)

6. THERE SHOULD BE CONTESTED CASE HEARINGS TO ALLOW FULL PARTICIPATION BY INTERESTED PARTIES. Contested case hearings and full participation by interested parties, as provided for under Wisconsin's existing metallic mining laws, should be maintained for iron mining permit applications as well as all other metallic mining permit applications. Contested case hearings with full participation by interested parties are trial-like hearings on permit applications where the permit applicant and interested parties may call witnesses, including technical experts, to testify under oath subject to cross-examination by the administrative law judge ("ALJ"), as well as other parties and attorneys. Such hearings are very different than so-called "public hearings," in which permit applicants and interested parties and their witnesses are not required to testify under oath and are not subject to cross-examination. The requirement of presenting testimony under oath which is subject to cross-examination is a fundamental aspect of due process and the truth finding process in legal proceedings. Such requirements are important to prevent fraudulent or poorly documented mining permit applications. These procedures are highly important to ensure that all legal and technical standards under the law will actually be met by permit applicants.

7. THERE SHOULD BE NO PREEMPTION OF LOCAL CONTROL. Local and county land use controls over metallic mining projects, including town and

county zoning restrictions and other laws and regulations based on the police powers of towns and counties, should not be preempted by state law.

8. CITIZEN SUITS SHOULD BE MAINTAINED. The citizen suit provisions of Wisconsin's existing metallic mining law, under Wis. Stat. § 293.89, should be maintained and applied equally to iron mining projects. Similar citizen suit provisions are found in the federal CWA and the federal Clean Air Act. Citizen suits are suits that may be brought by interested citizens who have standing to sue to enforce environmental standards that are not being complied with by a project developer, a permit holder, or applicable regulatory agencies. Such provisions help ensure that permit standards will be complied with after a permit has been issued. These provisions hold permit holders and the regulatory agencies like the DNR accountable under the law.

9. CONSULTATION WITH INDIAN TRIBES SHOULD BE REQUIRED. In many parts of Wisconsin where iron and other metallic mineral deposits have been discovered, Indian tribes and Indian reservations would be adversely impacted if mining operations are approved. The adverse impacts would include pollution of air and water resources, destruction of fish and wildlife habitat, and loss of public lands which are currently open to off-reservation treaty rights for hunting, fishing, and gathering, as well as adverse cultural, economic, and social impacts. Under federal law the federal agencies have a trust relationship with Indian tribes and must, therefore, consult with and fully consider the impacts of their decisions on the tribes. Any change to Wisconsin's mining laws should include provisions to require the DNR to fully consult with and consider the potential impacts of mining projects on interested Indian tribes, in much the same manner as federal agencies are required to under federal law. This type of consultation between the DNR and interested Indian tribes is important for environmental, economic, legal, cultural, and social reasons, to ensure that principles of "environmental justice" are followed by the State of Wisconsin, and to prevent minority and low income Indian communities from being discriminated against and from being forced to bear undue adverse impacts from proposed mining projects.

10. INTERESTED PARTY FINANCING SHOULD BE PROVIDED. Some proponents of changing Wisconsin's mining laws to streamline the review process for iron mining permits have used the Wisconsin Public Service Commission's ("PSC") time frames for reviewing proposals for new electric generating plants and high voltage electric transmission lines as an example of how such time frames might be established. However, metallic mining activities involve excavation of minerals from below the ground surface, which is very different than the type of impacts associated with development of electric generating plants and high voltage transmission lines. Nonetheless, even the existing PSC review process for such projects provides for contested case hearings and intervention in the PSC review and hearing process by interested parties other than the applicant and the PSC staff. Moreover, such "intervenors" have often been eligible to receive "intervenor financing" so they can fully participate in the hearing process by hiring attorneys and experts to testify and present technical information to the PSC. Such "intervenor financing" should also be provided for if there is any change to Wisconsin's metallic mining laws specific to iron mining.

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Senate Committee on Workforce Development, Forestry, Mining, and Revenue
And
Assembly Committee on Jobs, Economy and Mining

Testimony Regarding SB 1/AB 1

January 23, 2013

My name is Dennis M Grzezinski, I live at 3025 N. Farwell Avenue, in Milwaukee, and am employed as Senior Counsel by Midwest Environmental Advocates, working at its Milwaukee Office. MEA is a nonprofit environmental law center that uses the power of the law to assist people and organizations seeking to enforce environmental laws, to protect the environment, and to obtain environmental justice. I am part of the legal team representing the Bad River Band of Lake Superior Chippewa Indians.

Thank you for the opportunity to speak with you today.

Members of the Bad River Band tribal council, and individual members of the Bad River Tribe, and of other Native American tribes in Northern Wisconsin are testifying about the threat that SB1/AB 1 presents to their people, their culture, their way of life, and their homeland. Their people have a special place in our history and in our law. They are here hoping that you, the elected representatives of people from all across Wisconsin, will come to understand that you should not -- that you must not -- approve this legislation that is specifically designed to allow a single out of state corporation obliterate the Penokee Hills, the headwaters of the Bad River watershed which sustains the tribe, their reservation, and that area of the state.

My testimony is a series of questions about this legislation:

This bill seems to be based on a legislative finding on page 55 that iron mining, unlike nonferrous metallic mining, does not present the danger of acid drainage, which can "cause significant damage to the environment, affect human health, and degrade the quality of life of the affected community."

Did the sponsors of this bill miss the testimony last year from geologists and other scientists about the known presence of sulfide minerals in the overburden lying above the iron ore deposit in the Penokee Hills?

Have the sponsors of the bill considered the report by 3 Lawrence University Geologists, "Geochemical, mineralogical and structural characterization of the Tyler Formation and Ironwood Iron Formation, Gogebic Range, Wisconsin", that estimates that at least 1.15 billion kilograms (or more than 2.5 billion pounds) of acid-forming sulfur is contained in the Tyler Formation overburden

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that would need to be excavated, at a minimum, to excavate phase 1 of the proposed Penokee Hills mine? The report is available online at: http://www.lic.wisc.edu/glifwc/penokee/Bjornerud_2012/Bjornerud_Geology_Report_Jan2013.pdf

Why is there nothing in this bill that protects either the water or land resources of Wisconsin from acid drainage from such an iron mine?

Instead, why does this bill make all pre-application exploration data proprietary, confidential information, not subject to disclosure?

Why does this bill eliminate the requirement in current law that an applicant for a mining permit provide DNR with information regarding the nature and depth of the overburden as part of its application? The bill also eliminates the DNR's authority under current law to require an applicant to respond to any DNR request for "other pertinent information" in addition to those items specified in the statute. The bill also specifically excludes overburden that is intended to be backfilled into the excavation from its definition of "mining waste" that is subject to chemical and physical waste characterization requirements. Doesn't the bill prevent DNR from having any ability to sensibly evaluate whether a mining company's plans and designs for handling and storing the overburden, perhaps for decades, are sufficient to protect the environment and public health?

Wild rice, the staple of the Bad River Nation's cultural and nutritional sustenance, depends on the pristine conditions of the Bad River watershed being maintained. You heard testimony from GLIFWC and others last year that acid drainage from taconite mining in Minnesota has made large areas unsuitable for growing wild rice, including approximately 100 miles of the St. Louis River and estuary. In the face of this information, how can you enact a legislative finding that iron mining does not present the potential for acid drainage that can cause "significant damage to the environment, affect human health, and degrade the quality of life of the affected community?"

The consensus of geologists is the overburden of Gogebic Taconite's proposed mine and the process of pulverizing minerals to access the ore would most likely release sulfide minerals and cause dangerous acid runoff. How will a legislative declaration that iron mining is by its nature safe protect the environment or residents of northern Wisconsin from acid drainage from a mine in the Penokee Hills?

This bill weakens environmental protections for water, air, land, and wetlands, exempting one industry from Wisconsin's laws with more lenient provisions written for essentially one company.

The bill allows wholesale destruction of public lands and easy withdrawal of thousands of acres of managed forest land contracts now open to the public.

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Doesn't this violate treaty rights for off reservation hunting, fishing and gathering?

DNR and Army Corps of Engineers witnesses testified last year that the cost of reviewing a mining permit and reclamation plan and preparing an environmental impact statement for a large, complex mining project could be upwards of $10 million. Why does this bill subsidize an out-of-state billionaire by limiting to $2 million the amount any iron mining company has to pay DNR for all of a mine's environmental permits and environmental review costs?

DNR is already understaffed and under-resourced. Doesn't this cap on a mining company's payments for environmental permitting costs in effect remove the DNR's ability for meaningful review and put public health and the environment at risk?

This bill provides that its provisions trump other state environmental laws if there is any conflict, including all state measures to protect water quality, air quality and hazardous waste dumping. Doesn't this present a public health risk, since those other laws are largely risk-based in nature, designed to protect public and environmental safety and health?

Doesn't the bill's requirement that the DNR approve high capacity groundwater wells and surface water withdrawals in whatever amounts and from whatever locations are needed for a mining operation, regardless of their impacts on environmental resources or any other uses, apart from impacts on other private high-capacity wells, violate the Public Trust Doctrine in Wisconsin's Constitution, providing that the state's water resources are held by the state in trust for all, to remain free and available for public use forever? How can the Legislature allow a private entity to cause lakes, rivers, streams, ponds, wetlands or public wells to go dry, and be exempt from any controls or restrictions, so long as it agrees to spend money somewhere else to improve water resources?

This bill requires DNR to allow the destruction of Wisconsin's highest quality streams and wetlands if it isn't practicable for the mining company to protect them, requiring only that they agree to spend money to improve water resources somewhere else. Millions of dollars of public and private funds have been invested in the protection of the globally significant wetlands and waters of this pristine area, only to be laid to waste for one company's profits. How is this consistent with the public interest?

While touted as a "jobs bill," *where is the objective evidence that this bill will bring a single mining job to the state a day earlier than existing laws?* The U.S. Army Corps of Engineers has warned that the arbitrary deadline for DNR to perform its environmental reviews of proposed iron mines will make it impossible for a company to submit a single state/federal permit application -- it

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will have to submit separate federal and state applications and wait for the longer federal review to be completed.

Moreover, representatives of Joy Global and Caterpillar, the Milwaukee area manufacturers of mining equipment, have made clear that the proposed northern Wisconsin iron ore mine will not result in more jobs at their Milwaukee manufacturing facilities. Claims to the contrary by mine proponents are at best fantasies or delusions. See the March 5, 2012 article at http://www.wisbusiness.com/index.iml?Article=263086

For more information, contact:

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To Whom It May Concern:

I am totally opposed to an open pit mine in or around Ashland and Iron Counties. If you doubt the harm it can do go to Ishpeming Michigan to see the devastating effects of that kind of mining.

Also I am concerned about the health & welfare of the people who live around or near such mines. The exposure they would have to dangerous runoff and airborne pollutants.

This pristine area should not be ruined for the people of Wisconsin for the benefit of a corporation who will pick up and leave and not care about the long term effects of their actions.

Look at the copper mine in Ladysmith WI and how it is affecting the people and the environment

John H. Kraemer
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Chippewa Falls, WI 54729
715-723-5952

Statement Against AB 1/ SB 1

About six years ago I took a wonderful drive northeast from the Wausau are, up to Wakefield, and then all along Hwy 2 along Lake Superior, through Odanah and Ashland, during the height of fall color. And as I drove, I shed the concerns of 60 hour work weeks and just smiled.

Continuing north along Hwy 13, I spent the night on Madeleine Island, fascinated as I heard about the Ice Road and how it is maintained. In the morning, I continued my leisurely drive, taking a side trip to Copper Falls State Park, spending time exploring there, and eventually returning to head for the Great River Road, my old home of LaCrosse, and back over to my city of Waukesha.

This is the state where I was born; where going fishing with my Dad and older brother were times associated with the glitter of sun on water, dragonflies, and toes dangled in water. It is the state where the wind rustling through leaves or the sun on my back as I set a fence post were the epitome of life being lived well. This is the state where I used to be able to cup my hands for a drink of water out of Holt Creek while baling hay on the back forty.

Think for a moment what makes this a great state to live in; where so many of us want to go when we need to shed our daily lives and return refreshed and re-invigorated, ready to drive what has traditionally been one of the strongest economies in this country. Just where does destroying **21,000 acres** in order to extract low grade iron ore fit into this picture?

Just where do **contaminants such as mercury, arsenic, and other heavy metals, sulfates, sulfur dioxide, and nitrogen oxides being released from mining tailings' waste dust, waste rock, ore transportation and ore processing** fit into this picture. Nice fresh fish out of the river, anyone?

Mining is what **underdeveloped economies** do, because they can't do anything **else**. Is that what we want to be? A 3rd world state? Is the legacy that this legislature wants to leave behind the destruction of our natural beauty, the bounty in our lakes and streams, the slow but sure contamination of one of the largest sources of fresh water in the world?

We can do better than that. Rather than destroying our most precious resources in order to provide jobs for migrant mining operators, we need to shelter those resources, passing them down for generations of Wisconsinites to come.

We can do better than that. Even with our decaying infrastructure and underfunded educational system, we can lead this nation in innovative technologies, new industries that reflect a new age, agile educational programs that match skilled workers with those jobs already going begging in this state.

We've been given a sacred trust in our North Woods, Rivers, Streams, and Lakes. We have a solemn responsibility to do better than that. This bill represents the worst kind of abrogation of that responsibility. It's wrong for our economy. It's wrong for all who hold to our Wisconsin Values.

Marga Krumins

321 Harrison Ave, Waukesha, WI

James and Cheryl Congdon
N7991 Schwarze Road
Horicon, WI 53032

My name is James Congdon from Horicon. This is my wife Cheryl. We are testifying in opposition to SB1.

I am a retired biologist. I worked 40 years in Fisheries and Watershed Management to educate people and administering and enforcing our environmental regulations so that our human activities would not destroy the environment critical to our well-being. Little did I realize that rather than enjoying my retirement, I would have to spend my time trying to defend our environmental quality from the actions of our own governor and legislators.

I find it reprehensible that legislation is being proposed whose purpose is clearly to weaken our environmental protection regulations so that a company can build a mine in one of the most pristine and beautiful parts of Wisconsin. The authors of SB1 know that under our current environmental standards an iron mine in the Penokee Hills and Bad River Watershed would not be permitted because of the severe environmental degradation to the air, surface water and groundwater that will occur. But under the ruse of creating jobs they have proposed to change our environmental regulations so an iron mine can be permitted and corporate friends can make billions in profit.

I am opposed to SB1 because of the irreversible, unrestorable environmental damage to the Penokee Hills and Bad River that will almost certainly occur if this bill becomes law as written.

I am also opposed to this bill because of the dangerous precedent that it will set. We all agree that we need to strengthen our economy in Wisconsin. However, we know that a very large part

of our economy, our tourism business, is based on the quality of the environment in our state. The abundance and quality of our water and land resources is what draws visitors here, and creates the quality of life those of us who live here enjoy. We must remember that "our economy is a wholly owned subsidiary of our environment". Once we start down the slippery slope of justifying weakening our environmental protection regulations for the purpose of creating jobs we are, one regulation change at a time, on the way to destroying that which our economy and quality of life is based. Be reminded the legislature approved a wetland fill to build a sport store in Green Bay. Then Senate/Assembly Bill 24 changed the wetland mitigation rules. Then the mitigation rule shows up in the mining bill. SB1 does not only apply to the Penokee Range site, it is a statewide regulation. Are we going to permit a iron mine in the Baraboo Hills next?

I urge you to vote no on SB1.

I believe that Senator Cullen's bill, LRB-0821/2 is a far superior legislation if modifications to our current mining law are to be made.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Juliana C. Reimann
Name

Jan 23, 2013
Date

5422 Marsha Drive
Street Address or Route Number

Madison WI 53705
City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☑

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

To Wisconsin Legislators:

In 1998, the people of Wisconsin paid tribute to the great value of their state's historical and cultural richness and its natural beauty by advocating for the Mining Moratorium Law. They recognized the creature and human need of clean water. Through their foresight, we continue to benefit from this historic act. I do not want to live through a time when we can no longer drink our water, plant our fields, fish our streams or observe our wildlife in an ecolologically-healthy habitat, enjoy visiting Wisconsin's small towns and vacationing in its parks. If mining is permitted in Northern Wisconsin, I fear the demise of these treasured features there will shortly follow.

I am a Wisconsin native, born and raised in Taylor County, and have lived in Wisconsin most of my life. I know, both as a resident and as an out-of-state tourist, the numerous attractions Wisconsin holds. In that light, I urge you to consider how important Wisconsin's natural areas are in sustaining a healthy community economy and the health and well-being of the community's inhabitants. Jobs provided by mining are temporary, extracting taxes and resources from local communities, conditions that are not balanced by permanently providing an economically-viable future. You must weigh the sacrifice of jobs in enterprises which endure, such as forestry, tourism, sustainable farming, recreation - all of which would be threatened by mining - against the temporary "benefits" you project in new mining legislation. Of equal importance are the rice beds of indigenous peoples, upon which their livlihood depends; mining the Penokee Hills would poison the water of those rice beds.

You must take a lesson from the Flambeau Mine, which is no "model mine" as so praised when it begain operations. Due to a lack of solid, unbiased, scientific, research, this mine left the Ladysmith community without the promised economic gains and its water contaminated. The Flambeau Mine was ultimately shown to have violated the Clean Waters Act on 11 counts. THIS MUST NOT HAPPEN AGAIN!

I call upon you to carry forward Wisconsin's legacy of protecting its precious natural resources. Jobs in Wisconsin should support our historical, cultural and natural attributes, not destroy them. I call upon you to reflect on the seriousness of contaminated water. I demand that you let science dictate any mining permits and that you say "no" to SB1/AB1.

Juliana Reimann

Juliana Reimann
5422 Marsha Drive
Madison WI 54705
Janury 23, 2013

Pride of the Ojibwa

13394W Trepania Road, Hayward, Wisconsin, 54843
Phone 715-634-8934. Fax 715-634-4797

TESTIMONY

Of

GORDON C. THAYER

CHAIRMAN, LAC COURTE OREILLES BAND
OF LAKE SUPERIOR CHIPPEWA INDIANS

on

LRB-0762/1

RELATING TO REGULATION OF FERROUS METALLIC MINING AND RELATED ACTIVITIES

before the

JOINT HEARING OF THE

ASSEMBLY COMMITTEE
ON JOBS, ECONOMY & SMALL BUSINESS

SENATE COMMITTEE ON
WORKFORCE DEVELOPMENT, FORESTRY, MINING AND REVENUE

January 23, 2013

WRITTEN TESTIMONY
OF
Gordon C. Thayer
Chairman
Lac Courte Oreilles Band of Lake Superior Chippewa Indians
January 23, 2013

Chairpersons and Members of the Committee, my name is Gordon Thayer and I am the Chairman for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. Thank you for the opportunity to submit written testimony on Assembly Bill 1/Senate Bill 1, the bill to change the restrictions for permitting Iron/Ferrous Mining in Wisconsin.

The good, hard-working people of the Lac Courte Oreilles Tribe, a federally-recognized sovereign nation, have grave concerns with the substance and the impact of the proposed mining bill. Specifically, the Tribe has significant concerns about the legality of the bill as it relates to the tribes' treaty reserved hunting, fishing and gathering rights in the treaty ceded territories that cover approximately the northern third of Wisconsin. Second, the tribe has concerns regarding the information regarding job creation being associated with this bill and the impact it will have in sustaining employment for the people of northern Wisconsin. Finally, the tribe is concerned with the water quality that would impact Wisconsin for decades, if not centuries, by the mining practices that would be allowed under this bill. It is for these reasons that the Lac Courte Oreilles Tribe is staunchly opposed to Assembly Bill 1/Senate Bill 1.

This process has proceeded without tribal consultation or a concerted effort by the legislature to understand the potential impacts of the bill on the Wisconsin Tribes, more specifically on Lac Courte Oreilles, and no attempt has been made to measure the impact of the proposed legislation on the federally-protected treaty rights. The Legislature's decisions to conduct just one single hearing, at a distance of over 340 miles from the impacted area, creates a burden for public testimony for the people who must live in the affected area. By limiting this hearing the legislature restricts the amount of necessary information and feedback on the mining bill.

The State of Wisconsin is a party to the Lac Courte Oreilles v. Wisconsin case, commonly known as the Voigt case, from there the State may not exercise its authority to the detriment of the tribes' treaty rights in a manner that would be contrary to the requirements of the Voigt case. The State may not create legislation that could interfere with the Lac Courte Oreilles treaty-protected rights. This legislation creates the opportunity for the destruction of treaty resources through destruction of habitat. The fundamental requirement of the Voigt case is the co-management of the shared resources in northern Wisconsin; this bill threatens this requirement.

Much has been said that the mining industry will provide a spark to the Wisconsin economy. Last year, Gogebic mining company promised jobs if Wisconsin weakened legislation concerning the mining permitting process. Gogebic indicated that it would create over 700 jobs if they were permitted to mine the mountain range. What was not said is the professional training requirements for the incoming jobs provided by Gogebic would be too expensive to train

new personnel. The qualified personnel would be brought in from other job sites from across the country to fill these positions. So the job creation promised under this bill would not benefit Wisconsin directly since outsiders would be filling these positions. What is lost in this promise of "new" jobs is the sacrifice of the current jobs currently held by Wisconsinites; jobs in tourism, forestry, fishing guides and other jobs unique to the area. These jobs will be lost by the destruction of the woods and water. After the mining jobs leave, the sacrificed jobs will not return because the landscape will be changed. The net loss of the mining jobs at the expense of the tourism, forestry and other jobs is not acceptable.

The water is sacred to our people and vitally important to the survival of the all the people in Northern Wisconsin. Tribal members depend on clean, healthy water to meet their physical, social, cultural, economic and spiritual needs. Any activity, mining or otherwise, that threatens those resources must be the subject of careful and thorough scrutiny, including input from all aspects of Wisconsin, so a proper healthy decision can be made. Lac Courte Oreilles has been and will continue to be vigilant in our efforts to ensure that strong environmental laws are in place and are fully implemented so that our water is protected. The current bill fails in this regard. This mining bill allows groundwater pollution in an area extending 1200 feet from the edge of the mine or tailings area. If a company can't prevent pollution of that area, the bill allows the area of pollution to be extended another 1200 feet. In addition, groundwater standards would only apply vertically to 1000 feet. Below that level, no standards would apply, allowing a company to discharge without limitation. The bill does not appear to consider the effect that mining projects can have on deep groundwater and the subsequent effect as that water rises to the surface to replenish shallow aquifers and surface waters. A scheme that fails to scientifically test and account for this connection could result in water pollution for miles.

It is for these reasons that the Lac Courte Oreilles Tribe is opposed to the mining bill. The opposition to this bill stems from the traditional and cultural beliefs of our tribal members. It also comes from the shared concerns of the peaceful people of northern Wisconsin and our shared love for the natural resources that sustain us.

Wisconsin Wildlife Federation Testimony Opposing SB/AB 1

Chair Tiffany and Chair Williams, Committee Members, thank you for the opportunity to testify here today on behalf of the Wisconsin Wildlife Federation. My name is George Meyer and I am the Executive Director of the Wisconsin Wildlife Federation. During my 32 year career at the DNR I was involved in regulating four ferrous and non-ferrous mines. With one possible exception, I have more experience in regulating mines than anyone else that will present testimony before you today.

The bottom line of my testimony is that these bills will substantially reduce current environmental protections for what will be the largest open pit taconite mine in the world and secondly, will, from a practical standpoint, give up Wisconsin's responsibility to regulate mining and turn it over to the Federal government. I would suggest that most people, whether they are pro- or anti-mining will agree that those are not desirable outcomes.

We ask you to trust the statements of the Wisconsin Legislative Council staff when they point out the many parts of the bill that lower current environmental protection for mining. Please do not trust the statement that has been put out by WMC, that plays word games to support their pro-mining position.

The key is that the proposed bill has all sorts of "standards" and "conditions" and "protections", but then it allows or requires DNR to exempt an iron mining company from them as long as they mitigate them, or do what is practical to minimize them, and demonstrate that the project "has a demonstrable economic public benefit." And, in light of the legislative declarations regarding the "public interest" in allowing iron mining, and requiring DNR to accept the mining company's "footprint" decisions (DNR can't require waste areas to be moved away from wetlands, etc.), and in forbidding DNR from imposing conditions on the size or location of water withdrawals that would impact the mining or bulk sampling operations (page 163, lines 17 and following), the legislation gives a green light, in advance to essentially anything that a mining company says it needs to do.

The provisions in 295.56, 295.60, 295.605, and 295.61 (pages 125-26, and 142-171) are where a substantial "gutting" of environmental protections is taking place.

Lastly, you have read the correspondence from the US Army Corps of Engineers. They clearly indicate that the deadlines and different environmental standards set out in these bills will most likely mean that they will have to engage in their own separate mine permitting process. From my past experience I can tell you that any mining company that thinks that is a good route to travel is making a serious mistake. It will cause substantially more costs to the company and far more complex and lengthy litigation This Legislature, if it truly wants mining in this state, should not set deadlines which make it impossible for the state and federal governments to have one unified mining permit process.

Submitted by George Meyer, Executive Director, Wisconsin Wildlife Federation---January 23, 2013

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Submitted by George Meyer, Executive Director, Wisconsin Wildlife Federation---January 23, 2013

Wisconsin Wildlife Federation Testimony in Opposition to SB/AB 1

Chair Tiffany, Chair Williams, Committee Members. I am Chuck Matyska from Cecil, Wisconsin and I am the President of the Wisconsin Wildlife Federation. The Wildlife Federation is comprised of 186 hunting, fishing, trapping and forestry-related organizations. We are the largest sportsmen and women's' group in the state.

The Federation is definitely not against mining. As we drive our pickup trucks and fire our rifles and shotguns we are constantly reminded of the need for iron in our daily lives. We have not taken a position against the Penokee mine. We will be waiting to see the results of the formal scientific studies of the project before taking a position.

However, we do believe that mining must be done in a manner that provides significant protection for the land and water resources that provide the habitat for the fish and wildlife that we depend on and pay a heck of a lot of money to properly manage.

The Federation's position is that it is appropriate to update Wisconsin's mining laws and to establish deadlines for the DNR to process mining applications. We have in fact, worked closely with the Wisconsin Mining Association on bill that updates current mining regulations without reducing environmental protection. It was introduced yesterday by Senator Tim Cullen.

We believe that any changes to current mining law should not significantly weaken the current mining law in terms of protecting the environment or the opportunity for public input in mining decisions. That position was unanimously adopted by our 55 member Board of Directors from throughout the State of Wisconsin. As you will hear from other Federation members today, Senate Bill 1 and Assembly Bill 1 do not meet that test.

Over the past year, the Federation has received strong criticism from some about our adamant position that last session's mining bill, AB 426, reduced protection of the environment. We repeatedly pointed out specific examples of the lowering of environmental regulations. That position has been clearly supported by the Legislative Council memo on SB 1 and AB 1.

The Federation respectfully asks your Committees to go back and modify these bills to bring them into conformance with the environmental requirements of the current mining law. Until then, the Wildlife Federation remains in opposition to SB 1 and AB 1.

Thank you again for the opportunity to testify before you today.

Submitted by:
Chuck Matyska, President
Wisconsin Wildlife Federation
January 23, 2013

YAHOO! MAIL Classic

Opposition to SB 1 Tuesday, January 22, 2013 11:39 AM

From: "Randy Lyn Oconnell" <rolokm@sbcglobal.net>
To: rolokm@sbcglobal.net

As an avid fisherman,camper,kayaker,and environmentalist,I am adamantly opposed to the passage of this mining bill.
There is no question that there is a need for economic opportunity in this part of the state.However,I have serious issues with how you intend to go about it.
It appears to me that this is an attempt to further marginalize the people of Wisconsin. Marginalize us in terms of having no voice in the process.Marginalize us by how you are ignoring our environmental heritage.Marginalize the people of Wisconsin by acting with no regard for the inevitable and irresponsible damage that will be caused to our water resources.
The market value of iron ore is down considerably (30% the last time I looked).I see this as an effort by outside interests to place a foot into our state to seek profit. Profit at the expense of the citizens of Wisconsin.
When the "job creators" tout the many jobs that will come with this, I have to seriously doubt them.
How do you have the necessary skilled positions in place when our state has made RECORD cuts to education? I see jobs like "Joe's Sandwich Wagon" and other tertiary positions being filled by Wisconsin citizens. Under this scenario I do not see those"family supporting" positions.
"This bill is 206 pages of flawed,extreme,and one-sided proposals". An example being the mitigation process. Do you really think that by tainting a valuable water resource in the proposed area that it can be corrected by putting in a boat ramp in Kenosha,for example?As ridiculous as this sounds, based on the proposed mitigation policy it could work out that way.
I am appealing to two newly elected officials in my area to be more than a rubber stamp vote for their party. I am requesting that they not allow their relative inexperience on such matters to pollute their judgement.
In conclusion, thank you for this opportunity to express my opposition to this bill. Consider bipartisanship over profit and what it may do for you.

Sincerely,
Randy O'Connell
Omro,WI
414.460.1214

Testimony of Dan Collins in opposition to SB 1 / AB1

January 23rd, 2013

Madison, WI

Honorable members of the committee:

I have been a Wisconsin business owner for more than 20 years. The companies I have started have paid tens of millions of dollars in wages to hundreds of employees.

I returned to Wisconsin having worked for many years in Silicon Valley for one enduring reason. I came back to recapture the quality of life that I remembered in Wisconsin, and here I started my businesses.

The compact Wisconsinites of all stripes made with each other – was to use our natural resources wisely, if, and only if, we could conserve and protect our clean waters, our healthy lands, our fresh air.

This compact was created by some of the people we find in paintings on the walls of this building; it wasn't made by you or me. It is however enjoyed by you and me, that is until today. SB 1 /AB 1 is about to change that. This committee is contemplating we undo the agreement that we don't spoil or land and water capriciously, we don't make exceptions of convenience. SB 1 / AB 1 looks like a great big payoff to out of state interest. Why would we do that? The resulting scar of land and water will persist for generations, and for what?

We must make enduring good paying jobs, based on education, investment, technology and hard work. Selling off our hard fought heritage of natural beauty is a transaction, it is not an investment. SB 1 / AB 1 does not make jobs, it just makes work. Work that exports the benefits, while retaining the liability.

The business I stared now have operations in Wisconsin, Florida, France and England. Based on the contents of SB 1 / AB 1 expansion in Wisconsin seems unwise. I can find talented engineers in other locations. I can go and live somewhere else. If you don't care to protect this place anymore, why should I invite future employees to come and make their start here?

This SB 1/ AB 1 undermines my ability to expand in Wisconsin. I urge you to reject SB1 / AB1 as it is currently written.

Thank you for your consideration.

Dan Collins
4811 W. Parkview Dr.
Mequon, WI 53092

Statement on AB1/SB1

My name is David Cole. I am a citizen, a taxpayer, a property owner, and a voter of Wisconsin, residing in Sauk County. I am appearing on my own behalf and that of my family.

I am concerned that this bill gives a virtual blank check to the mining industry, gutting the environmental protections of our state's resources that govern every other industry and every private individual in the state. I am even more concerned that this bill, written by out-of-state mining interests, disenfranchises every citizen of the state who might take exception. I am most particularly concerned because this bill may have its first and gravest effect not in the Penokee Hills that we have heard so much about, where the Bad River band of Chippewa are well positioned legally to block a mine for many years, but in my own county of Sauk, where there are also iron ore deposits. I don't want Sauk County despoiled for my children and grandchildren.

Backers of this bill claim that it will bring jobs with it. How many jobs, how many will really go to Wisconsinites, how lucrative they will turn out to be, when they will begin, and how long they will actually last are all open to question.

The Bible tells us that Esau sold his heritage for a mess of potage—a mere bowl of stew. Let us not repeat his mistake.

Name: Bill Jaeck
Franksville, WI

In the state of California it requires 5 years to go through all the regulatory hurdles to site a shopping mall. That same shopping center takes only 5 months for approvals in the state of Texas. It's one of the reasons businesses (AND JOBS) are booming in TX and not CA.

As you can probably tell by my remarks, I'm for a mining project with shortened application cycle times that can provide certainty for businesses to invest in Wisconsin. Again, if states like North Dakota, MN and MI can do it ---so can we.

And a mine can operate safely under the oversight of the EPA and DNR.

Today you're going to hear from a number of Progressives NOT wanting to support Mining. These are the same people that Sponsor, Trust and Rely on big government. Yet today you may hear skepticism or as lack in faith that big government (these two agencies) can't perform its supervisory responsibility ... to make a mine operate safely. This is kind of a dichotomy !!!

So in closing, please remember, that good jobs will provide dignity and financial stability to Wisconsinites. You as individuals all can remember the joy and sense of accomplishment when you earned your first paycheck !!! I do, I remember... it was a proud moment for me.

These new wage earners will invest it, save money and support the local merchants --- who will then re-invest with their suppliers ... by re-stocking their shelves. It's called compounding. And the faster the cash turns --- the more inherit prosperity at hand.

Not, just up north... but also in Milwaukee because of Caterpillar's and Joy Global's presence.

To that end, I urge you to support mining in Wisconsin.

WISCONSIN PIPE TRADES ASSOCIATION
11175 W. Parkland Ave
Milwaukee WI, 53224

To: Members, Assembly Committee on Jobs, Economy, and Mining
Members, Senate Committee on Workforce Development, Forestry, Mining and Revenue

Fr: Terry Hayden, Acting President
Wisconsin Pipe Trades Association

Da: January 23, 2013

Re: AB-1, legislation relating to regulation of mining

Good morning Chairs and members of the respective Assembly and Senate committees. My name is Terry Hayden, and I am the acting President of the Wisconsin Pipe Trades Association and the Business Manager for Plumbers & Steamfitters Local 434. Thank you for the opportunity to attend today's hearing on mining in Wisconsin.

I am here today on behalf of 8500 men and women working as plumbers, steamfitters, sprinkler fitters and pipe trades across Wisconsin.

Simply put, I am here today to talk about jobs.

This is an important topic, particularly for northern Wisconsin, but also for Milwaukee County and all across our great state.

Last session, the Pipe Trades supported mining legislation and this session will be no different. The potential for a mine in Ashland is something me and my members support, but we recognize this bill is much bigger than one project.

The primary basis for our support is once again, jobs. While unemployment in the construction trades has improved slightly over the year, we still have as many as 15% of our members laid off.

A potential mining project in northern Wisconsin is estimated to bring 2,000 construction jobs, 700 direct mining jobs, and 2,800 indirect jobs, as well as a $2 billion economic impact to the region.

Our hope is that this body will pass some form of mining legislation. I have two points for your consideration. The first is to include language that will help ensure Wisconsin workers will be hired. This could be done with a simple requirement for contractors to hire and train apprentices through Wisconsin's state apprenticeship program, which the majority of Wisconsin contractors currently do.

And while I am no environmental expert, we are concerned about the permit process. Our goal is for a process that will be adequate and efficient, and yet, can survive the tests of basic environmental standards in order to ensure a project can actually come to fruition. I would suspect that lawsuits will be probable regardless of what the language of a mining bill looks like; but if the language can stand up in court and ensure safe, responsible mining in Wisconsin then we are all likely to reap the benefits.

We understand the complexity of an issue such as mining legislation and hope we can be part of the discussion. It is important that we work to create high-quality, good-paying jobs for Wisconsin workers.

I appreciate your time and would be happy to answer any questions. Thank you.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Roger Springman
Name

11/23/13
Date

PO Box 27
Street Address or Route Number

Wyocena, WI 53969
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

See Attached!

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

TESTIMONY SUBMISSION: SB 1/AB 1 Iron Mining Bill
Presented Electronically to: Sen. Tom Tiffany and Rep. Mary Williams
January 23, 2013
Submitted by: Roger Springman, PO Box 27, Wyocena, WI 53969

Bill Position Summary: **SLOW THE PROCESS DOWN AND DO AN IRON MINING BILL THE RIGHT WAY! A responsible mining bill needs a responsible bill development process: THIS IS NOT IT!** To go from bill introduction to a single hearing hundreds of miles away for Penokee Hills citizens within the space of one week smacks of a process designed to alienate citizens, open the final bill up to greater criticism, cede power unwisely to mine development interests, and clearly open up the greater possibility of unintended environmental and local community impact consequences and misjudgments . . . and even greater delays later when the federal government, Bad River Tribe, and even Canada weigh in. A poorly designed bill will cause more delays later and give GTAC a false sense of security.

Any iron ore mining bill produced by this legislature is for the whole state and not just the Gogebic Range. It is vital that this bill NOT be built solely for GTAC. Other iron ore formations can be found in Wisconsin like the scenic Baraboo Hills making it vital that any iron ore bill offer integrated, intelligent, and flexible regulation and management forever . . . not just GTAC in 2013/2014.

Like AB 426 last year, AB 1/ SB 1 are significantly flawed and do not meet the test of offering sustained, reasonable environmental and community protection for iron mining in the Gogebic Range. Not only do they prevent the DNR from doing its job in such areas as site monitoring and company data confirmation, but they allow for privileged "exemptions" that no other business can attain. Without question, SB 1/ AB 1 cede excessive power and privilege to GTAC, a company that has NO metallic mining experience, in an environmentally sensitive setting and in an area with virtually no mining infrastructure. It is a do-over setting.

> *GTAC Mine Setting: The mine (Phase I) may ultimately be around 200 feet BELOW the depth of Lake Superior (requiring constant pumping); worked in a configuration which will be 24,000 feet long x 7,500 feet wide x 1,000 feet deep; require a 3,000 acre tailings pond for waste rock; produce 6.7 trillion tons of tailings; and remove overburden which contains .5% sulfides potentially allowing the generation of millions of gallons of Acid Mine Drainage . . . one of the most devastating of mine after-effects. Then there are the impacts on local communities and the social fabric of the Penokees as several thousond workers arrive for construction and several hundred workers stay for long-term mine employment. Impacts on housing, water/sewer, schools, community safety, roads, etc. have yet to be fully understood let alone seriously planned.*

SB 1/ AB 1 must be significantly upgraded to assure responsible mining in Wisconsin. These bills can only be viewed as place-holders for a beginning dialogue. They cannot be the end of the dialogue. Taking care of their many defects now assures the best possible outcome for all citizens and Wisconsin's environment forever.

Technical Comments:

1. **Local Community Impact Funding (pg 40).** This is a huge problem!! The proposed GTAC mine is of a scale unimagined in Wisconsin and in a place that has very minimum infrastructure. To suggest that 40% of local impact funds generated by GTAC become the property of a distant state agency (WEDC) and be given away to other statewide uses when the needs of Penokee area communities will be so acute is totally preposterous! Moreover, WEDC has not established a track record of prudent spending and accounting and does not deserve to

receive such funds! 100% of funds must stay available and accessible to the Ashland-Iron Impact Committee and local communities!

2. **Long Term Liability-Responsibility (pg 37).** The GTAC mine is an unprecedented mine project in terms of scale, size, and potential impacts in a highly sensitive ecosystem. To reduce long term responsibility at the mining site to only 20 years is preposterous. Travel Ironwood and Hurley and the long-term scars of mining are very abundant 100 years later. GTAC will be one massive hole that will eventually fill with a lake and then there is the 3,000 acre tailings pond . . . that may well contain AMD if proper management is not undertaken throughout the life of the project. GTAC mine holdings and business partnerships will change substantially over its active project life. WHO WILL GET STUCK WITH LONG TERM RESPONSIBILITY FOR ENVIRONMENTAL EFFECTS? It will be future taxpayers unless this bill returns to at least the 40-year current standard!

   Acid Mine Drainage Footnote: Sulfides have been found in the Tyler Shale and Ironwood Formation via pyrites. GTAC has not provided confirming information and the only cores available are kept in Minnesota and have been unavailable for analysis. It is vital that the DNR and Wisconsin Geological Survey get access to the chemical content of overburden materials to confirm the presence of sulfides and their ability to create sulfuric acid.

3. **Superseding of Iron Ore Regulations . (pg 38).** This is an incredibly dangerous and short-sighted precedent, particularly given the other omissions in SB 1/ AB1 regarding DNR/public data acquisition, confirmation, and monitoring. To give this bill supreme standing to outweigh other environmental and community interests in the absence of confirmed, scientific information on any number of environmental issues, (e.g ground water pollution, water draw downs, presence of sulfides in Tyler Shale, endangered species, etc.) strikes of sacrificing the future for the present at all costs by undermining regulatory laws and standards. This provision must be removed from these bills!! This provision facilitates irresponsible mining.

4. **Exemption of Mining Companies from Any Part of Bill (pg. 15-16).** Another incredibly dangerous and short-sighted precedent. This provision seems to outright admit that mining companies cannot mine responsibly and must be given special privileges and exemptions (above all other businesses) to succeed. That is complete hogwash. Mining has existed successfully in the Upper Midwest with regulatory regimes largely similar to those of current WI law. <u>First and foremost, Wisconsin law must set the environmental and community protection bar high enough to assure credible, long-term regulation.</u> If GTAC is suggesting they need special privileges to succeed, they will either low-ball project environmental investments or are planning to take shortcuts that will endanger residents, communities, and environment of the Penokees. TAKE THIS PROVISION OUT!

5. **High-Water Volume Removal from Non-Mines Lands (pg. 161).** This is an incredibly outlandish provision. This is one of the several provisions, that no matter what the legislature thinks, will end up tying up this bill in court proceedings from area residents, Bad River Tribe, or any number of other entities. No person or company has outstanding permission or rights to create clear and non-redeeming adverse impacts on another without just compensation and most certainly due process. GTAC claims they will get their water from Ironwood. Why do the authors of this bill believe this is either needed or appropriate in any event? This provision strikes at the heart of the rights of the public and property owners. This provision MUST be dumped. It will only complicate and legally tie up an iron ore bill.

6. **Challenging of Mining-Provided Information (pg. 5 and 132).** This provision strikes at the heart of responsible decision making. If GTAC or any mining company knows that citizens and the agency that is supposed to protect them, the DNR, have either no right or limited rights to oversee and confirm key data that they provide in plans and permits, what kind of incentives are being created? Can GTAC hide data on the presence of sulfides in waste rock? Can GTAC lie about the water withdrawals or likely air contaminants inside its beneficiation plant? How can the DNR assure that tailings pond remediation plans are reasonable if they don't know sulfide contents, the potential for AMD, and the presence of other possible contaminants such as arsenic or zinc in tailings waters? This is an entirely outrageous provision and CANNOT stand!

7. **Forcing the State to Issue a Mining Permit (pg 135).** Another very bad idea! Saying that a mining permit must be issued EVEN if the facts do not merit approval demonstrates the potential "gaming" of Wisconsin environmental and community protection laws. If GTAC or any applicant drags a permit process out deliberately to extend timelines beyond their intended limits, provides information or data that cannot be corroborated, deliberately provides false information, or otherwise obstructs the DNR from carrying out its duties in legal and accepted manners, the applicant DOES NOT deserve a permit. PERIOD. The public and all parties to mine development deserve to know EXACTLY WHAT TO EXPECT. This decision cannot be turned into a guessing game that endangers future generations!! Remove this provision!

8. **Restoration of Wetlands Elsewhere in the State (pg 55).** This provision will also be challenged. The Penokee ecosystem in the Northern Highlands is fragile and once impacted will not recover well. This provision seems to admit that GTAC will cause harm and the only way out of it is a "bait and switch". The Bad River Tribe will not fall for this trap. Wetlands in and around the mine development must be protected. PERIOD. The best way to do this is assure that GTAC understands expectations from the start. If they are given a pass on protection, why would they even want to work with DNR to come up with higher quality wetland protection plans for the Penokees? To suggest that isolated wetlands elsewhere in the state are equivalent to wetlands in the Penokees is simply meaningless. GTAC must be forced to maximize protection in and around the mine site and act as a responsible neighbor! Remove provision!

9. **Subsidy to GTAC for Permit Application and Cap (pg. 10).** This is a very offensive. The proposed GTAC mine may produce more iron ore than the entire history of the Gogebic Range. They stand to make hundreds of millions of dollars . . . after expenses (and write-offs). To say that taxpayers must step up and help a company pay for a permit is true hypocrisy. It is an under-handed attack on quality regulations since the more the DNR would ask, the more it would cost . . . to the point where taxpayers would then have to subsidize the company. This sets up clear and obvious disincentives for the DNR to be as aggressive and assertive as they need to be and for GTAC to drag its feet or present inadequate information. GTAC is the applicant and the burden of application must stay clearly with them! No shortcuts or disincentives should be allowed. Drop Provision!

Final Thought:

In deliberating on needed changes to SB 1/ AB1, senators and representatives should act as if their grandkids and their succeeding generations will around the Penokee Hills. What kind of legacy will you leave them? What do you want your grandkids and their grandkids to think about you and your decisions? You can leave them employment AND you can leave them a quality environment and communities IF you act responsibly over the next couple of weeks. That is the only way. Slow the process down and do it right!

Cc Reps. Clark, Hulsey, Ohnstad, Hintz, Ripp
Sens. Jauch, Lehman, Cullen, Olsen, Erpenbach , Schultz

January 23, 2013

To whom it may concern:

My name is James Miller and I am here today to speak in favor of jobs and opportunity for Northern Wisconsin. I was born and raised in Ashland on Chequamegon Bay. I swam in the lake every day as a child and drank from the artesian wells at Prentice Park. I watched as the bay turned red from the runoff of the White and Bad Rivers after a heavy storm. I am the fourth generation to call Northern Wisconsin home. I graduated an Ashland Oredocker.

Let me repeat that....Ashland OREdocker...that is still our school mascot; an Ore dock. Most of my high school peers who went on to college never returned. There simply is not enough family sustaining jobs in Ashland. The same goes for my family. I come from a large family with many cousins. Some names might sound familiar: Milanowski, Gregor, Szumal, Nabozny. The Great Lakes Visitors Center was built on land purchased from my cousin; farm land that was disturbed and paved for tourists. My family roots in Ashland go back several generations. Most have been forced to move away because of lack of family sustaining jobs.

We used to have manufacturing in Ashland: Munsingware, James River paper plant and Larson Picture Frame. In the past decades there has been a shift away from higher paying manufacturing jobs to the service sector, but retail, coffee shops and casino jobs don't pay the bills, and an upside-down system top heavy with government jobs has created more takers than makers, forcing property taxes up to a point where retiring seniors can't hardly afford to live there anymore. Family farms like my Grandfathers have been split and split again. We need to bring back good paying jobs.

There are some here today that will stand in opposition to the thought of a taconite mine. Perhaps they should speak with my father-in-law who recently retired from MinnTac on the Iron Range of Minnesota. He put three children through college with that job. I wish we had that opportunity in Wisconsin.

Instead of protesting and blocking good paying jobs to folks in the North, I encourage the skeptics to maybe reach out to major employers to lure them to the North...employers who bring hundreds of jobs with strong benefits like Kohler, Oshkosh Truck or General Electric. Bring ideas to the table instead of fear and rhetoric.

It does not make me happy to see a tree cut down or the earth disturbed. I cherish the environment and want to leave a clean campsite for my two daughters. I'm not here on the behalf of the so-called profiteers. I am here so my children will have economic opportunity; to be able to raise their families by their grandma and grandpa. I am here on the behalf of the working men and women and future generation of Northern Wisconsin.

We can bring back opportunities with modern mining.

Thank You.

Respectfully submitted,

James Miller
Hayward, WI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

One WI Now

Name

1/22/13

Date

152 W. Johnson St, Ste. 214

Street Address or Route Number

Madison, WI 53703

City/Zip Code

One Wisconsin Now

Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

On behalf of the staff & the more than 50,000 online supporters of One Wisconsin Now, we register in opposition to this bill.

Staff:

Scot Ross, 1304 Carpenter St, Madison, WI 53704

Mike Browne, 201 Kedzie St, Madison, WI 53704

Anna Landmark, W1237 Brooklyn Albany Rd, Albany, WI 53502

Taylor Larson, 713 E Johnson St, Madison, WI 53703

Analiese Eichar, 4336 Melody Ln, #202 Madison, WI 53704

Cody Oliphant, 2721 Nadene Rd, Cottage Grove, WI 53527

See Attached Press Release as well —

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

ONEWISCONSIN NOW

PRESS RELEASE
onewisconsinnow.org/press

FOR IMMEDIATE RELEASE
January 23, 2013

Contact: Mike Browne
Phone: (608) 444-3483

Open Pit Mining Bill Is Payback for Campaign Dollars

'This Bill is About Satisfying Gov. Walker's Seemingly Insatiable Need to Fill His Campaign Money Pit'

Madison -- One Wisconsin Now Executive Director Scot Ross released the following statements on the one hearing being held on the new open pit mining legislation:

"Mining special interests spent huge sums to try to buy compliant legislators in the November elections. And today, this bill is about satisfying Gov. Walker's seemingly insatiable need to fill his campaign money pit, not creating real, sustainable jobs for Wisconsin.

"It's clear Gov. Walker is running for President in 2016 and he's making decisions based on what's best for his political prospects, not the people of Wisconsin.

"That's why he's cheerleading for an out-of-state mining company demanding legislators gut clean air and water protections to allow them to open a pit mine in Northern Wisconsin.

"Certain lawsuits and conflicts with federal environmental standards mean that even if Gov. Walker and Republicans succeed in rolling back environmental protections for the mining company, it will be many years before this proposed pit mine creates any jobs."

###

One Wisconsin Now is a statewide communications network specializing in effective earned media and online organizing to advance progressive leadership and values.

Perchinsky, Dan

From: Rep.Bewley
Sent: Wednesday, January 23, 2013 2:47 PM
To: Rod Sharka
Cc: Rep.Swearingen
Subject: RE: Registering position against AB1/SB1

Mr. Sharka,

Thank you for contacting my office to express you opposition to AB 1/SB 1. I share many of your concerns.

As a courtesy to my colleagues, I like to forward messages from individuals living in areas outside of my district to the elected officials that represent them in the Legislature. I believe your State Representative is Rob Swearingen, who has been copied in on this message.

Thanks again for speaking up.

Sincerely,

Janet

Janet Bewley
State Representative
74th Assembly District

From: Rod Sharka [mailto:resharka@gmail.com]
Sent: Wednesday, January 23, 2013 1:44 PM
To: Rep.WilliamsM; Sen.Tiffany; Sen.Jauch; Rep.Bewley
Subject: Registering position against AB1/SB1

As a resident of Land O' Lakes, Wisconsin and within a stones throw of the Lake Superior watershed, I would like to register my opposition to AB1/SB1. Please make my position as part of the record for the public hearing. I also request confirmation that my registration of opposition has been received.

As written, this bill does NOTHING to protect the residents of Wisconsin from environmental damage caused by irresponsible taconite strip mining, but rather gives carte blanche license to mining companies to do whatever they want without liability. I cannot imagine that ANY honest, responsible politician would believe that this bill is good for Wisconsin.

It behoves you all to do your homework and become personally educated in the science regarding environmental and health risks of this type of proposed taconite mining and not be buffaloed by the unsubstantiated promises of job creation and economic prosperity "promised" by GTac and other mining companies who have written this bill. As a start, I have attached a short summary of just some of the real health risks that I will hold YOU responsible for if this bill is passed and open pit strip mining is allowed to proceed in the Gogebic Iron Range of Iron and Ashland Counties. This doesn't

even take into account the added destruction of the Tyler Forks and Bad River watershed and contamination of Kakagon Sloughs and Lake Superior, that so many people depend on for clean water.

Please consider carefully before making a decision. I ask that you act in the best long-term interest of the people of northern Wisconsin and the western UP, and vote AGAINST AB1 and SB1.

Thank you.

Rodney Sharka
7733 Palmer Lake Road
Land O' Lakes, WI 54540
resharka@gmail.com

Perchinsky, Dan

From: Quita Sheehan <quitasheehan@gmail.com>
Sent: Wednesday, January 23, 2013 12:43 PM
To: Rep.WilliamsM; Sen.Tiffany; Rep.Swearingen
Subject: Registering position against AB1/SB1

Dear Sirs,
I would like to register my opposition to AB1/SB1 and I request my position be considered part of the record. I also request certification that my registration was received.
I am very concerned that this bill does not hold a mining company to rigid standards of protecting our water, air, and land, but they only have to "commit" to doing so. Other language in the bill soften standards of responsibility for mining companies such as only needing to "not likely" result in adverse impacts.
Northern WI is rich in clean water and clean air, commodities that will only become more valuable in future. This bill allows degradation of those resources to the benefit of out private interests at the expense of the tax payers of WI.
Please require that mining companies commit enough money to reclaim the area to pristine conditions and to pay for harm caused to land and water resources that will be degraded (5 to 800,000$). Why should they get to rape and run with their profits and leave us with a mess to clean up at tax payer expense?
Please fully staff the DNR to be able to do adequate environmental analyses and oversight of these operations. Currently the DNR is understaffed and with the current "open for business" attitude looks more like a better business bureau than an environmental watchdog.
Please do not reduce the rights and abilities of citizens and their representative groups to challenge the approval and oversight, of these mines.
Respectfully,
Quita Sheehan
3576 Deerskin Rd
Phelps WI 54554
715-891-4186

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Sarah Kalmanson
Name

1/23/12
Date

1433 N. Hawley Rd.
Street Address or Route Number

Milwaukee WI 53208
City/Zip Code

NA
Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

Attached testimony.

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Sarah (LittleRedfeather) Kalmanson
1433 N. Hawley Road
Milwaukee, Wisconsin 53208
(414) 553.8149
Email :: littleredfeather@mac.com

TO

Committee on Jobs, Economy and Mining
Representative Williams (Chair)
Representative Knodl (Vice-Chair)
Representative Larson
Representative Sanfelippo
Representative Kapenga
Representative Kuglitsch
Representative Petryk
Representative Petersen
Representative Stone
Representative Jacque
Representative Clark
Representative Bernard Schaber
Representative Zamarripa
Representative Hintz
Representative Hulsey
Representative Ohnstad

Committee on Workforce Development, Forestry, Mining, and Revenue
Senator Tiffany (Chair)
Senator Darling (Vice-Chair)
Senator Grothman
Senator Jauch
Senator Lehman

WRITTEN TESTIMONIAL, and SUBMISSION TO RECORD OPPOSITION TO AB-1 and SB-1 Miming Bills, and Opposition to the Open Pit Mine Proposed for Iron *County.*

My is *Sarah LittleRedfeather Kalmanson*, LittleRedfeather, being is my given Indian name as a young girl through ceremony from my mother. My mother is of the Minnesota Chippewa Band of White Earth with relatives and ancestry of decent to the Lac Courte Oreilles Band of Lake Superior Ojibwe, whom goes back generations of the Anishinaabe and Ojibwe living and being a part of these lands and waters of Wisconsin, Minnesota, Michigan (some lost in Canada), where my ancestors took part of the trust, truce and agreement to the treaty negotiations agreed upon between the Ojibwe Tribes, and our Federal Government. Therefore I must share with you my relatives have experienced (I was brought up to understand and witness) the fight of survival under the mining sludges, poisons and death for generations. Most of all ancestors and relatives suffered and is gone from cancer.

My ancestors have left their footprints in these lands for decades before this State was called Wisconsin and became the Union flag of 1848 not designed until 1913 for which was not declared until the 1970's. The rocks in Penokee Hills, although have been a place for ceremony prayer with Madeline Island being part of the travel by foot for ceremony, has been part of this State for over a Billion years which should be kept in tact for good reason. The minerals in those rocks if tampered which does contain sulfide in those rocks with will be catastrophic to the lands,

waters and those who live in the surrounds areas. The poisons to Lake Superior affects us all, for Lake Superior is the world's 20% fresh lake surface water. Its poison. Science proves it, so we should be listening to it.

Even though I am Anishinaabe and Ojibwe decent, I never take the initiative to enter tribal lands without permission, I never take unless it is given. I have been honored, let me express AN HONOR, to visit and spend time in the sacred lands, with love and compassion, the Bad River Tribe and Northwood Spirits of Wisconsin including the Penokee Hills (and many Reservations across this State), as their **guest** several times. Let me express it brings a shed of joyous and grateful spender within my heart every time, I see the fruits and riches these lands, and people share with us all. You see as an Anishinaabe, I **know and understand its an honor**, and will only enter the lands with permission upon arrival with an offering of Boozhoo and Miigwetch of the tobacco offering. That is what we call is respect and honor (that is their house, as we would not enter other's houses any other way). Those lands and waters are sacred for which they are keepers and carer's of the lands and water, the Treaties explains is all. I stand with the Bad River Tribe (all 11-sovereign nations of Wisconsin), and oppose the mine(s). **I strongly as a citizen oppose the Mining Bills AB-1 and SB-1, that would indefinitely be catastrophic to Wisconsin in poisoning the lands and waters which is the true heritage and gem of this State of Wisconsin, not the mines.**

Let me explain briefly, what essentially is the whole matter of this debate in opposition which should not be. Our Anishinaabe and Ojibwe ancestors in trust, truce and agreement painted with their tracks forever embedded in the lands for the 7th Generation, the treaties. They entrusted in treaty to protect the lands, and waters with the settlers under the Federal Government prior to this State's Union (the flag printing the miner's pick and shovel to represent mining) which in the Treaties contains the thought process plans of protections to preserve the lands, and waters to sustain life of quality that we may be able to hunt, fish, gather, and harvest as Indian People through ceremony and life for the future generations. Our teachings is that, Water is Life and we never take more than what we need and give back twice fold for the future generations to come, that's the heritage of this State of Wisconsin.

I have had the **honor** which is a gem and a treat to take back home and share what is sacred, the Anishinaabe Manoomin (the delicate wild rice that grows and harvested in ceremony at Bad River, and also Lac Courte Oreilles and Lac du Flambeau and also my mother's lands of White Earth), with my city neighbors. You see this does not have the paper value, or price to it, as this is of life which is priceless, and WATER and the fruits of the eco system of the wetlands, plants, wildlife, stream and rivers makes it all possible. Disturbing the basics of this nature through mining will destroy all of this, that is fact.

You see our Relatives here of the Bad River Tribe and myself (along with many others here today) are thinking beyond 20-years of rapping the lands and waters for money, for they are the smart ones and know the lands and water unlike these mining companies and you of the senate re-writing the legislation laws who do not see past 20-years ... we are thinking what we do today, will affect our generations tomorrow; a 100 years from now. Therefore, in our teachings and values we never take more than what we need, and entrust that we care and give back what is taken with honor and respect to make certain that tomorrow's generations have what they need sustain life in quality which is clean air, and clean water. That meaning the fruits of the lands, and sacred waters. Water is Life.

I reject and oppose any and all acts on this State Government that enacts any and all operations that rapes and poisons the lands and waters called AB1-SB-1 Bill. I will **Idle No More** when our

government continues to re-write the laws to allow money, greed and companies to rape and poison our lands; where they turn their backs on sustainable quality of life of the citizens that inhabit the lands today and tomorrow.

As an Anishinaabe woman, Ogichidaa Ojibwekwe citizen of Wisconsin, who is connected to our mothers and daughters for they our **the keepers of the lands and water**, and **bare the fruits and nurturing of life drinking from the sacred waters ... each and every first breath of clean air of a child carries on and comes out the womb of water**... say no more mines, enough. I am thinking about our babies, and our State Government should be as well as we are thinking on decisions and impacts on lives for generations to come.

I kindly say before you today members of the committee, with honor and respect, please no more mines, please stop the mines; we can create an economic valued state if we all work together united beyond the machines that rapes the lands ... there millions of businesses and innovators in our country that we can reach out and invest in ... especially and more importantly the one proposed for the Penokee Hills which is on Ceded Territory. I stand Idle No More with the Bad River Tribe, and say NO MINE and oppose yet again AB1 and SB1, as our waters of grandmother Lake Superior and Kakagon Sloughs and more is more SACRED than the false hope claims of jobs, than any jobs.

I also kindly ask that you take this written testimonial, and record my opposition to the proposed mining projects in this State and opposition to AB1 and SB1 on my behalf.

Chi Miigwetch for the opportunity to share my opposition with you senate whom I have entrusted my vote to serve the people.

Respectfully,
Sarah (LittleRedfether) Kalmanson
1433 N. Hawley Road
Milwaukee, Wisconsin 53208

Dear Reader,

The great state of Wisconsin is named after one of its primary waterways. Water has been central to the people of this state – from the economies of its First Nations people prior to European contact to early French trading economy to its present as **America's Dairyland**. Wisconsin is blessed with an ample supply of ground water; it is our buried wealth. It is to some degree renewable because its aquifers are replenished by surface water seeping through layers of rock; however, it is not a renewable resource in the sense of sunlight and wind.

If too much water is used on the surface the aquifers will not be replenished – that would be a huge economic hardship for dairy & farming, timber & paper as well as tourism. These sectors form a major portion of Wisconsin's economy and they all rely on water. If we extract too much water too fast we impact surface water, as is the case with the Little Plover River; however, once we see, notice and decide to take action we can change the water use in a region and restore the surface water – perhaps not to its original state but enough so the biome of the watershed can recover the rest of the way.

The overuse of our water supply is a cause of concern but it pales in comparison to the devastation to the state's economy that would occur by unchecked mining. Without strict, prudent and careful oversight from the citizens and experts within an independent Department of Natural Resources we are heading for environmental and economic disaster. Because in this scenario we may have plenty of water replenishing our ground water, but if that water is polluted it is not within our power to correct these water systems – they are lost to all other uses both commercial and recreational. The loss of clean water will be far more devastating to the regional economies within Wisconsin than the mirage of jobs that are suggested by fast-tracking mining permits and giving mining interests ways around processes where they need to satisfy nearby landowners, local & state officials of the safety of their operations to surrounding water systems; that is why it is essential to have stringent Natural Resources permitting requirements without loopholes.

Our state is not now, nor will it ever in such dire economic straits that we need to throw away our future for the promise of a few jobs. Responsible government needs to consider the long-term interests of them many not the short-term interests of a few special interests with deep pockets. I urge you to NOT pass this bill.

Carol Pope
2038 East Main St.
Madison, WI 53704

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Sharon Gulseth
Name

1-23-13
Date

425 West Johnson
Street Address or Route Number

Madison WI 53703
City/Zip Code

MAMA
Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

Written statement

Sharon Gulseth

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

I want to strongly oppose the mining bill as written. I currently live and work in Madison but used to live in Bayfield, Washburn and Ashland. I attended the University of Minnesota-Duluth and as such, have a close connection to the area. I still maintain ties to people and places in the Lake Superior region and visit regularly. As I did, people relocate to that area for the pristine environment and the small town friendliness of this rural community. Tourism does play a large part in the economy because of the unspoiled beauty to be able to ski, snow mobile, canoe/kayak, camp hunt and fish. With easier access, Bayfield County could easily rival Door County for tourism attraction. This is one of the reasons I object to this area becoming part of the "mining District". Employment is a concern for people living up North, but this is the same in any area of the State, or Country right now for that matter. Realistically, the creation of JOBS was one of the major factors in the Ladysmith/Kennocott mine. Look what it has done to Ladysmith...NOTHING. The Ladysmith economy did not benefit much at all for having had the mine there, but have suffered ground water pollution. Instead of using the propaganda of "stream lining" the mine permit process as being the solution to the employment problem in Wisconsin, we should be looking at reducing our dependence of mining and fossil fuels. This too can create jobs. To invest in alternative sustainable energies in Northern Wisconsin would be an example to the rest of the State.

I believe that the current administration has been molded by campaign donors, specifically the Koch brothers, to push Mining as the only viable way to create jobs. Weakening the current mining statute (which was hard fought for in the not so distant past) would only benefit the mining companies and NOT the inhabitants of Wisconsin... despite the rhetoric about job creation. In drafting a different bill (IF that is truly necessary) would need to allow public input that is accessible to everyone (which THIS hearing is not) and all inclusive in its' drafting i.e. local residents, the Tribes. The proposed mine needs to truly benefit the local community, allow full participation throughout the process. It needs to be clearly worded and not just change the wording to be deliberately vague and subject to interpretation!! Consider a bill that would address stewardship (NO WETLANDS MITIGATION) and put the responsibility of the mining company, not on the taxpayers. The Mining Company needs to bear the cost of permit reviews and all environmental damage. This current bill poses serious risks to our Water, Environment and to the quality of life to those living in Northern Wisconsin.

It is **not** appreciated that this hearing was hastily scheduled in a deceitful manner as if to allow the least amount of resistance as possible. If the proposed mine (as well as others) cannot be permitted with the existing regulations, a citizen has to wonder what it is this mining company is hiding.

If job creation is the major focus, such as the special Assembly session, why has the only focus been on weakening the mine permitting process? What factors are involved that make this the only viable solution?

Sincerely,

Sharon Gulseth Sharon Gulseth

425 West Johnson

Madison WI 53703

I am unable to attend the hearing in Madison, so please include my statement as part of the record.

My 63 years of living in Wisconsin has included visiting the far north where the pristine areas south of Lake Superior are such a pleasure from the urban area in which I reside. I smile as I see young children who, like me, grew up as city kids, finding joy in the simplicity of seeing a billion stars at night. As I've visited other states with pristine areas, I've always been so happy to return to my beloved Wisconsin where nothing compares with the beauty we have here.

This is one reason why as I hear about a five mile hole being dug, I cringe. I also wonder how we can face the members of the Bad River Tribe when their water tables become contaminated. I wonder how we can pull tens of thousands of gallons of water from the lake without contaminating it. I wonder what will become of the wild rice beds.

I don't have the answers to these questions. I pray with all my heart that before you allow a corporation to tear apart the environmental protections we have in place in Wisconsin, that you will be able to honestly tell me that my worries are unfounded.

Kay Frederick
3555 S. 57
Milwaukee
414-327-0703

Michelle Louis
7693 Westman Way Rd
Middleton, WI 53562

Testimony Opposing the Mining Bill, Wed., Jan. 23, 2013

I'm proud of Wisconsin history and natural resources. I value clean air, clean water and natural lands. I appreciate a glass of sparkling fresh,clear water coming right out of the faucet. I honor the right of all the people of Wisconsin to live, work & play in a clean & safe environment. That is why environmental protections and the application of strict regulations in mining laws are important to me.

This bill, in spite of its claims, will put the health and welfare of Wisconsin families at risk, destroy pristine lands forever and damages the desirability of Northern Wisconsin as a tourist destination. It deprives the public the right to review company and DNR claims prior to permit issue while they're under oath. The amount of allowable polluted groundwater may as much as double. Water may be drawn by a company, from any location, without regard to whether it causes wells, rivers or lakes to run dry. It limits permitting time, making it difficult to do a thorough review and places a cap on the cost of the review. The potential burden on taxpayers due to this lack of oversight is enormous.

As it relates specifically to the proposed Gogebic Taconite Mine, the outcome would be devastating. Initially 4 ½ miles long, eventually stretching up to 22 miles long, half a mile wide, and 900 feet deep, it would be the world's largest such mine- a scar to the earth visible from space. In this particular location, near the shore of Lake Superior, the long term health of Wisconsin's air, land, & water supply would be in serious jeopardy. Independent geologists estimate that just one cubic kilometer of this waste rock could contain the equivalent of 10 billion gallons of sulfuric acid. That this mine would wreak havoc on the long term quality of health and life of all who live in the area is undeniable. The Bad River Band of the Ojibwe holds sovereign authority to protect their rights in this region. These rights must be upheld and respected.

The pristine beauty of Northern Wisconsin is part of my heritage. I grew up enjoying it's pristine beauty, and my husband and I have continued the tradition, spending as much time "Up North" camping, fishing, skiing and hiking with our own kids as possible. Given what's at stake, not only is this mining bill a threat to Wisconsin lands, it creates a health risk for all in the environs of any mining operation commenced should it pass. Clean water- we can't get it back once it's compromised. Please consider an alternative to this bill which does not diminish Wisconsin's environment.

Thank you,

Michelle Louis

I am a big proponent of job creation, however,
I strenuously oppose the open pit mining bill.

Why would we even consider resorting to an extreme mean like an open pit mine ? Are we living in the 1860s? This is admitting failure on all other job creating fronts. It's saying there is no job growth opportunities in our technology, healthcare, services and manufacturing sectors, just to name a few. This is the equivalent of a Hail Mary. It's as if we are an uneducated 3rd world country.
We are better than this. Wisconsin is better than this.

My family has lived in Wisconsin for over 150 years. Our little slice of Northern Wisconsin is a special place of wonderful memories passed down thru the generations. My grandparents always fondly called Wisconsin God's Country, and it's a tradition we've passed down to our child. I don't want us to be the last generation to be able to call it such.

Thank you for your time and consideration

The Rouse Family
Ozaukee County
Florence County

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Jessica St. John
Name

1.23.2013
Date

1942 N. Warren Avenue
Street Address or Route Number

Milwaukee, WI 53202
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

Attached

Thank you!

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

January 23, 2013

Good morning. It is a great honor to be here with you today. This beautiful building that we all call our state house is perhaps more familiar to you than it is to me. For while I grew up in Wisconsin and went to college right here at the University, I don't have the honor that you have to call this place my office. The call to service that you have all answered is one that very few people in this state or even in this country have the opportunity to fulfill. But each one of you has. And that requires a special combination of curiosity, intelligence, hard work, and dedication. What you are doing, by being here and by serving the people of your state, is one of the highest honors that any American can have. And we all owe you a tremendous debt of gratitude. And I personally thank you for your service.

Today I'd like to spend my time here talking about you. Yes, you. You will hear a lot today about justice; you'll hear about treaty rights and regulations; you'll hear about the water and the air and the earth; you'll be given science lessons and be presented with research. And all of those things are tremendously important - *and I do hope you will listen to them, because hey - some of it might be useful down the road.* But I would like to talk about you.

But first...a tiny bit about me. I was born in Wisconsin a *few* decades ago. I spent my childhood as most children do...playing. While I was born in Milwaukee, I was lucky enough as a kid to spend almost every weekend at my grandparents' home in Appleton. I say lucky because when we were kids, my grandparents lived in a house that abutted what I always thought was a state park - thick with trees and pine floors and birds and squirrels. Turns out it wasn't a state park at all, but rather a huge plot of land owned by a private company. And over the years, little by little, that forest began to disappear. At first we started to see light poking through somewhere way, way back in the woods. Then the next summer, we would start to hear machines and feel the ground shaking while we were playing. And we'd start to see full clearings in the trees. Then finally, one summer, we went out to play and realized it was....gone. There were a few trees lining the back of my grandfather's fence, but beyond that...blacktop...and cars. Turns out they had built a parking lot. A huge, many blocks wide parking lot. And it was strange because it was almost as if, as we were getting older and growing out of wanting to play "Pioneers," the forest

we had played in was disappearing, like our childhood, and taking those memories with it. And my grandfather hated it. Everything he loved about living there - calling to the birds and watching the squirrels run across the fence - was gone. They left with the forest. And I remember as a young person wondering why, if that upset him so much, why he didn't do anything about it. While I loved him and consider him one of my heroes, there was something about his inability to stop something like that that made me think of him as smaller than I had when I was a child.

Which brings me to you. And your children and grandchildren. If I could ask you to think about them for a moment, please do. Think for just a moment about their names and faces.

Because they are your legacy. They are what you leave behind and they are the most important things you have. That, and your service. They will tell tales of you around the dining tables and in the cafes and bars in your home towns. They will talk about how brave you were and how you, not the others in town, got up and went to Madison and served in the same way that our founding fathers served in Philadelphia and Washington. And your children and grandchildren will revel in those stories.

But your service cannot be measured easily. You can use your votes to vote for this bill or that bill, for this kind of regulation or that kind of regulation...and those votes will be recorded somewhere. But next session, the thing you voted for today may be overturned. And probably overturned again. And maybe someday, somewhere down the line, if someone really digs and looks for it, they might make mention of your vote on this or that. But your service in votes cannot be measured easily.

What your children and grandchildren and the people of Wisconsin will remember is what they see in front of their eyes. What they see as they drive along the roads to visit their families for the holidays; what they see on the lakes of Wisconsin on summer vacations; what they see in the hills and fields and forests where they go camping. When they visit the Penokee Hills someday after you are gone and see thick forest turned into moonscape,

they will think of you. Just like I think of my grandfather and the forest turned into a parking lot.

I love my grandfather and I always will treasure his memory. But I will also always wonder how it is that he let our forest disappear. That big, strong, wise, wonderful man who could save us from every harm, but who couldn't save that one thing we cherished as children. Our state's history is full of people who served whose names we don't remember. But we all remember those who stood up for what they knew was right for their children and grandchildren and future generations. I ask you today to think about THAT. I know it will be hard to change your mind and be that one person in the chamber who asks everyone else to stop and reconsider this. But I want you to know that this entire room is full of people who will be there to honor you and stand with you and defend you when you do.

You can drive through any state in the Union and see ghost towns and abandoned mining operations. And you don't remember the names of the men and women who ran those mines. And you don't remember the names of the politicians that wrote the legislation allowing them to run those mines. But you do remember the names of the people who stopped them. The John Muirs and the Aldo Leopolds and the John James Audubons. Don't let men in suits from mining companies whose names you can't remember determine your legacy. Don't let them be your judge. Let history do that. Let your children do that.

Thank you.

Jessica St. John
1942 North Warren Avenue
Milwaukee, WI 53202
347-443-9575
jessicastjohn@dimmimedia.com

January 23, 2013

Statement in opposition to SB 1

I hope you will reconsider and withdraw your support for Senate Bill 24.

AB 24 & SB 24 are both direct attacks on Wisconsin's character and tradition of strong environmental leadership. Nullifying the role of the DNR and the dedicated scientists and professionals that dedicate their careers and lives to preserving and protecting our natural resources for the short term profits of a few is criminal in its intent and character.

Wisconsin's water belongs to its citizens and is our most precious of the many natural resources our state is blessed with. To allow corporate rule over the use of public property is at the least deplorable. Studies have shown that mining is a very cyclical and destructive business. Most operations are short lived and produce little or no sustainable employment. But they leave behind a trail of destruction and the depletion of non replenish able resources.

Making citizens disprove a statement or impact study presented by a corporation place an undue burden on those least able afford the cost. Limiting the DNR to position of becoming a rubber stamp authority will lead our state down the slope to becoming a holding ground for the left over toxic waste, without holding the polluter accountable, not a place anyone will be proud to call home.

Limiting the DNR to one request for information on an application from a polluter and limiting the public notice and time line for a public hearing is not a form of open government.

The public waters of Wisconsin are fantastic economic engine that provides a sustainable and growing economic opportunity for the state. We are charged with protecting the health and wellbeing of the people of our state and working in conjunction with industry to preserve our states heritage not allowing the profits of a few to outweigh the health, welfare and traditions of us all. A recent economic study completed in the Driftless Area by Trout Unlimited indicated that the improved cold water resources in this region have a sustainable economic impact of over 1.4 billion dollars. We cannot allow wishes of a corporate greed to overrule the people of Wisconsin do not pass AB 24 or SB 24. Leave a legacy to be proud of.

Sincerely;

David Sanders

W9070 Lakeview Dr
Cambridge, WI
Representing my self

Mining Bill Testimony January 23, 2013
Ramona Weakland Warden, M.S. (Water Resources Mgmt.), Madison

Mr. Chairman and members of the Committee:

At some point we are all judged on the good we have done, for some at the next election, for all of us, at the end of our lives.

You have here a clear chance to do good. I will not speak to the bogus environmental concerns – though I could. And I will not speak to the bogus claims that "a mine won't really bring jobs," – though I could do that as well.

What I DO want to speak to is YOUR moral duty to do good to your fellow human beings insomuch as it is in your power to do so. And to do so without delay.

Does any of us here have the right to prevent anyone else from having a decent, honest job, if it rests in our power to do so? Does any of us have the right to see another family's children go without decent food, or struggling to barely get by, or force them to be fed only by govt. welfare and food stamps, when they are willing to work and would do so if jobs WE can allow are there? I submit we do not.

Perhaps you know how a man feels when he is earning a decent living, and providing for his family – or likewise for a woman - as opposed to waiting for a subsistence government check. Or maybe you don't. Come with me to the Job Center sometime and see the faces there. I submit that having the chance to earn a living is much more highly valued.

Members of this Committee, I submit to you that there is NO valid reason for allowing outdated bureaucratic stumbling blocks to stand in the way of a mining company who might do business in WI. And if you fail to see your duty here to at least give a CHANCE for these thousands of jobs to become available – whether directly from the mine, or from the manufacturing, retail, construction, casinos and every other place in WI where these incomes will be spent – not to mention the TAX REVENUE they will generate! - , then I beg you when you cash your paycheck and pay your bills and enjoy the lifestyle your income provides you, stop and think for a moment of the thousands of Wisconsin families who deserve that chance just as much as you.....but who will only have it if you choose to allow them to. That is an awesome power you hold in your hands. I would be wary of wielding it lightly.

This is a moral duty, ladies and gentlemen. And nothing else. Let us not play games, or hide behind smokescreens, or be fooled by bogus arguments. Not just Northern WI is watching you today, but the whole STATE is, as the whole state would benefit. It lies in your hands to do great good. As a statesman once said, "It's amazing how much we can accomplish when we don't care who gets the credit."

Today, I beg you, let's forget about credit. Let's serve Wisconsin!

Testimony of Gordon R. Stevenson
In Opposition to AB 1 and SB 1 relating to Regulation of Ferrous Metallic Mining
Before the Senate Committee on Workforce Development, Forestry, Mining, and Revenue and the Assembly Committee on Jobs, Economy and Mining
January 23, 2013

My name is Gordon Stevenson. I am a 26 year veteran of the Wisconsin Department of Natural Resources. My last assignment was serving as the Chief of Runoff Management for that agency until I retired in January of 2011. I had overall responsibility for voluntary, regulatory, agricultural and urban programs related to nonpoint source water pollution abatement in Wisconsin. My professional expertise includes watershed-based water resource protection and control of diffuse water pollution sources. I have been instrumental in development of policies and administrative codes for the State of Wisconsin involving diffuse sources of water pollution.

I wish to express my profound opposition to this proposed legislation. The basis of my opposition is as follows:

-The bill puts the public health of the people of Ashland and Iron counties at risk by exempting the iron mining industry from the state's measures of water and air quality and which regulate hazardous waste dumping. The bill would trump conflicting environmental laws, including the ability of federal regulators to estimate the impact of the mine's pollution and take action to correct it. By changing the laws on mining regulation from what "will not" cause harm to public health to what "is not likely" to cause harm, our safety relies on vague, **unenforceable language.**

-The bill rejects sound science that shows the danger of an iron mine. Legislators and representatives of the mining company have said the opposite of what geologists have found: sulfide minerals exist in the Penokee Range and would cause sulfuric acid pollution if mined. In fact, the bill would require that site exploration data would be held as confidential business information. The bill even limits the amount an out-of-state corporation would have to contribute to the cost of reviewing the environmental impact of a mining permit, shifting the cost back to the taxpayers who support the already understaffed Department of Natural Resources.

-The bill *violates treaty rights by ignoring legally required consultation with Bad River Tribal government.* The law would limit Tribal leaders from participating in or gaining compensation from local impact committees. And an iron mine would threaten off-reservation hunting, fishing and gathering by allowing wholesale destruction of public lands and easy withdrawal of thousands of acres of managed forest land contracts now open to the public.

-The bill rolls back our Constitutional right to clean, shared water. The Public Trust Doctrine in the Wisconsin State Constitution, echoed in the Great

Lakes Compact, states that our shared resource of water is to be held in the public interest: we have a basic right to clean water and the preservation of nature. The bill would require our DNR to approve any water withdrawals requested by an iron mine, even if it would cause the water table to drop and waterways to go dry.

-***The bill makes false promises to bring jobs to our state***. Estimations of job creation by legislators and the mining company pushing the bill bring false hope to areas of the state that need sustainable economic development. While touted as a "jobs bill," there is no objective evidence that this bill will bring a single mining job to the state a day earlier than existing laws. The U.S. Army Corps of Engineers has warned that the bill's arbitrary deadline for permit reviews will drag out rather than streamline the reviews required by federal law. But worse, representatives of Joy Global and Caterpillar, the Milwaukee area manufacturers of mining equipment, have made clear that the proposed northern Wisconsin iron ore mine will not result in more jobs at their Milwaukee manufacturing facilities. Claims to the contrary by mine proponents are at best fantasies.

Respectfully Submitted,

Gordon R. Stevenson, P.E.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Linda Horvath
Name

1/23/13
Date

3105 Oakridge Ave.
Street Address or Route Number

Madison, WI 53704
City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☒

see attached comments

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

1/23/13

Dear Representatives,

Amending environmental regulations to allow what would be the largest open pit iron mine in the world to be built in a beautiful and pristine part of Wisconsin's North country is a gravely irresponsible step to take for men and women who purport to represent the best interests of their communities.

In the words of Wisconsin's own conservation father Aldo Leopold, "We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect."

Please, please, please respect Wisconsin's environment and all the beings that share it by opposing relaxation of environmental regulations in the name of short term gain. Doing so would make you responsible for the many years to come of ecological harm from open pit iron mining.

Thank you for your time,

Linda Horvath
Madison, WI

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Joyce Ellwanger
Name

2/24/13
Date

1637 N 16th St
Street Address or Route Number

Milwaukee WI 53205
City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☒

written testimony attached

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Thank you for the opportunity to be heard on SB1/AB1.

Just a few brief concerns...

The newly drafted bill looks and sounds very much like the old Open Pit Mining Bill that was defeated in the last legislative session. Because it was so heavily influenced by the mining industry in its drafting, it reflected their self-interest and not necessarily that of the state and the citizens of Wisconsin. The closeness of the vote on that bill demonstrates that Wisconsin is far from decided if this good or bad for us, and more time is needed to give the legislation a thoughtful, thorough review, in this legislature, rather than a fast track process. So, please slow down.

Wisconsin has a mining history as, as the Governor noted in his State of the State speech. The reason we have the safeguards and regulations now in place is that we have learned from that history and the mistakes of the past what is needed to insure safe and environmentally sound mining practices in Wisconsin. The law needs to be updated to include concerns about sulfide mining. The current bill would water down assurances to the people of Wisconsin and curtail their participation. So, please, revisit our mining history.

Florida-based Gogebic Taconite assures residents that this project will bring hundreds of jobs and a rejuvenated economy. You only have to look to Nacogdoches County in east East Texas and the Keystone XL Pipeline project, which has also promised hundreds and hundreds of jobs to local folks to see what can happen. Protesters there have built platforms in the trees to be removed for the development of the pipeline. They want to protect the trees and the community from the despoilation of the pipeline, but they also want to call attention to the fact that an out-of-state company is contracted with to remove the trees though Texas has many tree removal companies. That company, ironically enough, is located in Wisconsin and is providing jobs for Wisconsin residents. Those protestors who chained themselves the heavy equipment want to give a non-violent witness to the devastation they fear from the pipeline, and its jet-propelled toxic tar sands sludge, but also want to call attention to the out-of-state license plates of the machine operators on the trucks that fill the parking lot. Texans are not getting those jobs, either. For Wisconsin what is offered is a risky boom and bust economy that devastates rather than helps in the long run.

I live in the central city in Milwaukee. We are in a crisis with well over 50% unemployment for young and prime working age African American men. Currently, new sewer pipes are being laid in my street. The company who is doing the work is from outside Milwaukee or Milwaukee County. We asked why, in our 95% African American neighborhood, we saw no people of color on the work crews. When we did finally see one black man on the job, he was picking up barrels and sweeping up after the work was completed. This is typical of what we see on the construction jobs on local highway as well. We can really relate to the people in Ashland and Iron County who desperately need jobs. So please, don't be fooled by misleading promises about permanent jobs that will materalize down the road for local residents.

We are approaching Ash Wednesday, which for many of us is a day when we visit a church for an imposition of ashes. What my pastor will say in putting the ashes on my forehead is, "Remember, Joyce, that you are dust, and to dust you shall return." We are intimately connected to the land. and its cycles. The land does not belong to us, but we belong to the land. Native American spirituality

informs our own in saying, "The earth is our Mother. We must take care of her." When we look at the land in the Penokee Hills, we are looking at holy ground. You might do well to take off your shoes when you make decisions about what will happen to it. Pristine waters and forests are threatened. Wetlands are threatened. Irreplaceable wild rice beds are threatened. The welfare of the Bad River headwaters and aquifers, tribal lands and people are threatened. So, please, listen carefully to what the land would say, if it could speak.

You are under a great deal of pressure to act.

Please, slow down.

Please, revisit our mining history and do your own homework.

Please, learn from the lessons already evident in the Keystone XL Pipeline project and other multinational corporation extraction projects, and our own infrastructure projects on Milwaukee streets and Wisconsin highways.

Please, take off your shoes and know that you are walking on holy ground And please, please walk lightly.

Joyce Ellwanger
1637 N. 16th St.
Milwaukee, WI 53205
414-933-6157
joyce.ellwanger@gmail.com

Perchinsky, Dan

From: Barb Neddo <barb.neddo@frontier.com>
Sent: Wednesday, January 23, 2013 10:56 AM
To: Rep.WilliamsM
Cc: Rep.Swearingen
Subject: AB1 Testimony

Representative Williams,

I am registering the testimony below about AB1. I oppose this bill.

I am opposed to AB1, the new mining bill. I am opposed to this bill because of the provision that if a wetland is damaged/polluted at the mining site, restoring a wetland at a different location will balance the damage/pollution of the wetland at the mining site. That is akin to saying the city will fix the potholes in Silver Lake Road to offset the potholes in River Street. This is not an acceptable solution. I am opposed to this bill because of the part of the bill that gives the DNR authority to waive regulations regarding the environmental impact of mining. I am opposed to this bill because of the lack of a definition of "significant impact" as it concerns the environmental impact of mining.

I would like a confirmation email so that I know my testimony was received.

Barb Neddo
PO Box 313, 161 River St.
Eagle River, WI 54521
(715) 479-7149

Perchinsky, Dan

From: Carole Linn <carolelinn@westlabs.biz>
Sent: Tuesday, January 22, 2013 2:57 PM
To: Rep.Swearingen
Subject: mining bill

Hi Rob,

The public hearing for the mining bill is scheduled for tomorrow. I wish to express **support** for passing this legislation. Passage of this bill will help the economy of Wisconsin – especially in our region – with the creation of many jobs. Thanks to Governor Walker, our economy is in far better condition than under the previous administration. The mining bill is another positive, job creating measure for Wisconsin.

Please ensure this message is entered into the record at the public hearing tomorrow.

Thank you for your support,

Carole Linn
Eagle River, WI 54521

Clean Water Action Council
of Northeast Wisconsin
P.O. Box 9144
Green Bay, WI 54308
www.cleanwateractioncouncil.org
Office: 2020 Riverside Drive
920-421-8885

January 17, 2013

Dear Senator Tom Tiffany and Representative Mary Williams:

"I'm registering my testimony about AB1 & SB1."

As a Door County resident, and President of Clean Water Action Council of Northeast Wisconsin, I urge you to change the portions of the mining bill related to automatic approvals and eliminating public participation. Specifically, I object to the following:

1. If the DNR fails to act within 10 business days on an exploration license application, it is automatically approved.

2. If the DNR fails to act within 14 days on whether an application is complete, then it is presumed to be complete.

3. If the DNR fails to rule on an application within 300 days after the application is found to be complete, then the application is automatically approved.

The above provisions place the public at risk. During an era of reduced DNR staffing and significant political interference in the work of the DNR, having automatic approvals does not serve the interests of Wisconsin citizens. They should not suffer the consequences for failure of a state agency to meet such stringent deadlines.

Furthermore, provisions in the bill which eliminate public participation should be removed. I object to the following:

4. Elimination of contested case hearing for the mining permit.

5. Elimination of contested case hearings for the mining permit.

6. Elimination of citizen suits for mining permits.

7. Elimination of the requirement for the DNR to hold an informational meeting on the environmental impacts of the project before issuing the environmental impact statement.

The above provisions are especially disturbing to the majority of Wisconsin's citizens who believe they deserve a voice in environmental decison making. Do not let these provisions close the door to citizens deserving a voice.

The bill also has a provision that threatens human health at a time when health risks from toxins in our environment are ever increasing. On behalf of all Wisconsin citizens desiring the DNR work to protect human health, I must insist that the bill include a provision that the application requires a risk assessment of accidental health and environmental hazards.

Thank you for your consideration,

Dean Hoegger, President
Clean Water Action Council of Northeast Wisconsin

Home address:
3731 Big Rock Place
Sturgeon Bay, WI 54235

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Sen. Mark Miller
Name

1/23/13
Date

16th Senate District
Street Address or Route Number

Monona, WI
City/Zip Code

Organization *(if applicable)*

Registering: In Favor ☐ Against ☒

Testimony submitted.

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

MARK MILLER
WISCONSIN STATE SENATOR
P.O. Box 7882 Madison, WI 53707-7882

January 23, 2013

Sen. Tom Tiffany, Chair, Senate Committee on Workforce Development, Forestry, Mining, and Revenue
Rep. Mary Williams, Chair, Assembly Committee on Jobs, Economy and Mining

Dear Sen. Tiffany, Rep. Williams and Committee Members,

The most important thing that the Wisconsin Legislature should be focusing on this session is creating solid, family-supporting jobs. The legislation before you today is supposed to be a way to clarify mining laws and allow for the creation of an iron mine in the Penokee Hills of northern Wisconsin. This legislation will do no such thing. It is a means to environmental destruction, elimination of citizen input and endless legal challenges. It is my hope that the Senate and Assembly committees considering Senate Bill 1/Assembly Bill 1 will join me in opposing it.

I am deeply concerned with the exemptions to environmental laws contained within SB1/AB1. One example starts on page 125, line 19, outlining specific exemptions that the bill authorizes the Department of Natural Resources to issue. It allows for the DNR to grant an exemption from any requirement relating to a mining permit application, mining permit or other approval as long as it does not result in adverse environmental impacts. Or, it actually can result in adverse environmental impacts if there is a mitigation plan. This provision gives the Department almost unchecked authority to grant exemptions from current environmental standards.

The changes made to the contested case process take away a valuable part of the process which allows citizens concerned about the potential impact of a mine from engaging in the process. Not allowing a contested case until after the permit has been issued puts the Department in a position of purely defending a permit decision. A contested case during the process allows for more consideration of scientific evidence and discussion within the permitting process. Identifying public and scientific concerns as a part of the permitting process helps the DNR to issue the appropriate permit up front.

Another troubling aspect of this legislation is the likely constitutional challenge it opens up by allowing for the filling of lake beds. The Public Trust Doctrine in the constitution says, "the state shall have concurrent jurisdiction on all rivers and lakes…[they will] be common highways and forever free". This states clearly that the waters of the state belong to the people of state. The Wisconsin Supreme Court unanimously confirmed the

Phone: (608) 266-9170 Fax: (608) 266-5087 Toll Free: 1 (877) 862-4825 E-mail: sen.miller@legis.wi.gov

DNR's responsibility to protect the public interest. Current law, backed up by the constitution, prohibits the filling of lake beds in connection with mining. This bill expressly permits it, and other "significant impacts to navigable waters" if there are mitigation measures (p. 156, line 12). A mine in this area of the Penokee Hills will likely require the removal and relocation of vast amounts of potentially toxic overburden. Filling waterways with that waste is likely the only affordable option for a mining company. The DNR cannot grant an exemption contrary to its constitutional obligation without being subject to a lawsuit. Additionally, enhancement measures to waters in other parts of the state cannot come close to mitigating the impact of lost and polluted waters for the people who live near the mine site.

I am troubled by the apparent lack of discussion with the Bad River Band of the Lake Superior Tribe of Chippewa Indians in development of this legislation. A proposed mine in the Penokee Hills would have a tremendous impact on tribal lands and the health of the citizens who live there.

Let's not forget about the tremendous natural resources that exist in the Penokee Range. They are home to seventy-one miles of rivers and streams, several of which are designated Exceptional or Outstanding Resource Waters. The Penokee Range is home to the 16,000 acre Kakagon-Bad River Sloughs, a world renowned resource, home to many threatened and endangered resources like bald eagles, piping plovers and wood turtles.

I hope that the committee takes a long, hard look at this legislation and realizes that it does not serve the people of Wisconsin.

Sincerely,

Mark Miller
State Senator
16th Senate District

WISCONSIN PIPE TRADES ASSOCIATION
11175 W. Parkland Ave
Milwaukee WI, 53224

To: Members, Assembly Committee on Jobs, Economy, and Mining
Members, Senate Committee on Workforce Development, Forestry, Mining and Revenue

Fr: Terry Hayden, Acting President
Wisconsin Pipe Trades Association

Da: January 23, 2013

Re: AB-1, legislation relating to regulation of mining

Good morning Chairs and members of the respective Assembly and Senate committees. My name is Terry Hayden, and I am the acting President of the Wisconsin Pipe Trades Association and the Business Manager for Plumbers & Steamfitters Local 434. Thank you for the opportunity to attend today's hearing on mining in Wisconsin.

I am here today on behalf of 8500 men and women working as plumbers, steamfitters, sprinkler fitters and pipe trades across Wisconsin.

Simply put, I am here today to talk about jobs.

This is an important topic, particularly for northern Wisconsin, but also for Milwaukee County and all across our great state.

Last session, the Pipe Trades supported mining legislation and this session will be no different. The potential for a mine in Ashland is something me and my members support, but we recognize this bill is much bigger than one project.

The primary basis for our support is once again, jobs. While unemployment in the construction trades has improved slightly over the year, we still have as many as 15% of our members laid off.

A potential mining project in northern Wisconsin is estimated to bring 2,000 construction jobs, 700 direct mining jobs, and 2,800 indirect jobs, as well as a $2 billion economic impact to the region.

Our hope is that this body will pass some form of mining legislation. I have two points for your consideration. The first is to include language that will help ensure Wisconsin workers will be hired. This could be done with a simple requirement for contractors to hire and train apprentices through Wisconsin's state apprenticeship program, which the majority of Wisconsin contractors currently do.

And while I am no environmental expert, we are concerned about the permit process. Our goal is for a process that will be adequate and efficient, and yet, can survive the tests of basic environmental standards in order to ensure a project can actually come to fruition. I would suspect that lawsuits will be probable regardless of what the language of a mining bill looks like; but if the language can stand up in court and ensure safe, responsible mining in Wisconsin then we are all likely to reap the benefits.

We understand the complexity of an issue such as mining legislation and hope we can be part of the discussion. It is important that we work to create high-quality, good-paying jobs for Wisconsin workers.

I appreciate your time and would be happy to answer any questions. Thank you.

Att: State Senator Tom Tiffany, State Representative Mary Williams

Statements for Mining Hearing

The open pit mining bill allows 40% of mining revenue to be directed away from local communities where mining occurs and into the Wisconsin Economic Development Corporation, an agency recently found to have misappropriated $19 million in taxpayer dollars. Under the current mining bill, all of the local impact funds stay in the community.

By a 14% margin, Wisconsinites believe environmental regulations should not be weakened in order to create mining jobs in northern Wisconsin. Independent voters oppose the weakening of environmental regulations by a 10% margin. Women especially oppose the 53 to thirty-three percent.

The first iron mine permitted under this legislation would be in the Penokee hills. This region includes 40 miles of continuous forest for timber wolves, rare birds and animals. It is the source of drinking water for nearby communities, including Ashland, Mellon and Upson. It contains the largest undeveloped wetlands in the upper Great Lakes. It supports the largest natural wild rice beds in the Great Lakes basin where members of the Bad River band have harvested wild rice for centuries. It contains 71 miles of rivers and streams that flow through the proposed mining area, empty into the Bad River, and then flow into Lake Superior. And it has among the highest quality rivers in Wisconsin, providing great places to canoe and fish in exceptional habitat for fish and other wildlife.

Wayne Olson
Wausau, WI 54403

I did not grow up in Wisconsin. I am not a Native American. I do not live in the immediate area of the proposed mine. So why do I care about this issue? Because I was taught the importance of being a steward of the earth from early childhood. I learned about the web of life and the interconnectedness of all beings. My parents taught me that I AM my brother's and my sister's keeper. And something that Mike Wiggins of the Bad River tribe told an audience at the Labor Temple in Wausau a couple of weeks ago struck me very powerfully: WATER IS LIFE. So, if you care about the people of Wisconsin, stop this insanity. Do not make laws that will lead to further degradation of our water and environment. Protect the Penokee Hills. Respect the rights of our Native American friends and neighbors. Thank you.

Linda Wyeth
N14215 Oak Grove Ave.
Curtiss, WI 54422
608-426-4052

I was born and raised in northern Wisconsin, love the fact that we live in an area that has natural beauty, plentiful resources and a strong sense of community. I live hours away from the potential mine site but am shocked with every new detail I find out about the proposed mine. This mine will cause tremendous pollution to the point where it will ultimately wreak havoc on all of the things Wisconsin prides itself on. I feel shame that we are even in the middle of this fight! We are fighting for clean drinking water, landowner rights and for our lands to stay natural and beautiful! My biggest fear is that we will contaminate the largest fresh water reserve available on earth! What kind of life will we all be living with no form of natural resources and no fresh water? I have children and fear there will be nothing left for them or for anyone else in the future. The destruction of our lands and resources needs to be stopped before there is nothing left.

Melissa Engels-Lewis
2103 3rd Street
Wausau, WI 54403

GOOD DAY

SPEAKING IN OPPOSITION

This past year and ½ or more has been, in my opinion has been contentious, divisive, and to say the least disingenuous.

This legislation is supposedly written to streamline and modernize our mining regulations and laws - And at the same time those who wrote the bill expect us to ~~believe~~ believe this same legislation will protect Wisconsin's water - especially the streams in the Bad River Watershed. View from the Water's Edge, the process chosen by legislators in leadership and the Governor's office was and is ill advised. - This process has thwarted public input and has ignored the community of Odanah, the Homeland of the Bad River Ojibwe. ~~People.~~ ~~for the BAD RIVER Nat~~

This alone is a sad commentary on the legislative agenda of a the ~~very agenda~~ very folks who were elected to uphold and protect the rights ~~the~~ held by Wisconsin Citizens and the liberties we enjoy. To deny important historical events which in part constructed the State of Wisconsin is terrifying - Especially for those who follow ~~us~~ I urge you to vote this mischief down - and if this mining intiative still persists then start with hearing in the community that has the most to lose Odanah Wisconsin.

If we are a Democracy of the people - a democracy for all, then this process must be rejected - as it will only encourage further abuses of wisconsin's political environment. ~~and ran~~

FRANK K. Koehn
619 17th AVE W.
Ashland, WI 54806

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Ed LaBarre

Date: 1/23/13

Street Address or Route Number: 10152 Abby Lane

City/Zip Code: Hayward, WI 54843

Organization (if applicable): Small business owner

Registering: In Favor ☑ Against ☐

I have attached a letter that I wrote to Wisconsin Wildlife Federation Board Members as well as affiliated groups that the Executive Director of WWF, George Meyer, testified against the mining legislation In doing so spoke for all these groups. I happen to be a memeber of a few of these groups one ~~being~~ being Hayward Rod + Gun Club and I can assure you he does not speak for mear many of the members -

Please accept my letter + the attached letter from one of the Affiliated Groups Club President, Bob Harman, as my testimony.

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

Dear Wisconsin Wildlife Federation Board Member,
Dear Wisconsin Wildlife Federation Affiliate Group,

I am contacting you today regarding the proposed mining legislation that our state legislature will take up in January 2013.

I am a resident of the Sawyer County about an hour from the mining site located in Iron County. I have been a hunter, fisherman and outdoor enthusiast my entire life. I have supported conservation efforts both locally and at a state level for many years. I am a member of the NRA and enjoy shooting sports immensely. I own and operate a plumbing business which in today's economy has been a challenge to make ends meet.

We citizens in the northland need good paying jobs. Our area's unemployment exceeds that of the rest of state of Wisconsin. Sawyer County is a very depressed county in the state, instead of facing job growth we face a large decrease. I am hopeful the Legislature acts quickly to pass reforms so the mine permitting process can be done in a reasonable time frame while ensuring our environment is protected. I know this can be done.

As northern Wisconsin residents we certainly care about the environment we live, work and raise our families in. What shocks us is after dozens of hours of hearings that confirmed that air and water quality standards will not be touched, that no impacts could happen to wetlands of waters without the approval of the Wisconsin DNR and the federal government and that any impacts allowed would be made up at the mining company's expense at 1.5 times the impacted area, George Meyer continued to oppose the legislation in the name of your organization. **As a sportsman this concerns me that your groups would be willing to put me out of business without first knowing the facts**

Even after the Wisconsin DNR confirmed publicly that they could protect Wisconsin's environment under the legislation, and the law, Meyer still worked to kill the bill. This is frankly unacceptable; everyone involved knows there are many agencies (at least 9 involved) that will be watching the permitting process of the proposed iron ore mine. Is George Meyer saying we can not trust these agencies? I think Mr. Meyer has put his agenda ahead of the groups he claims to be aligned with. Even his claim that the legislation violates the Public Trust Doctrine has been shown to be wrong.
When the Executive Director of the Wisconsin Wildlife Federation and former DNR Secretary lobbies in your name against DNR regulation and 3,000 Wisconsin jobs, it looks like his partisanship is outweighing common sense and the needs of Wisconsin families.

My question is, when Mr. Meyer takes partisan sides against both the DNR regulators and Wisconsin jobs, is he speaking for you and everyone else in your organization?

Thank you so much for your time.
Sincerely,
Ed LaBarre
Hayward, Wisconsin

Ed LaBarre

1/22/2013

Hello Wayne & Ed,

I have received both of your letters asking for our club's support of the proposed mining legislation that would certainly bring many needed jobs to your area of Wisconsin. I am aware that George Meyer has opposed this. Last night at our club's monthly Board of Directors meeting I brought your request up. Our club is composed of close to 200 memberships, with a membership including a spouse and children living at home yet. We are a Lake Michigan Salmon & Trout fishing 501 (c) (3) organization fishing mainly out of Port Washington..

Our Board of directors, representing our entire membership, decided that we are in support of the mining legislation! We wish you the best of luck with it!

Sincerely,

Bob Hammen/Club President

Note:

Wayne & Ed I commend both of you for taking the time to promote this good cause that you believe in. I have been our club's president for 22 years and certainly know that not everyone will take their time to promote whatever cause concerns the club.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Marc Bialeck
Name

1-23-13
Date

1397 11th Ct
Street Address or Route Number

Friendship WI 53934
City/Zip Code

Organization (*if applicable*)

Registering: In Favor ☒ Against ☐

Please return this slip to a messenger promptly.

I wish I could be sitting there, because when I speak it's from the heart, and I hold back no emotions in regards to any topic. It's my gift from God.

What I have to say is, I worked 2 years for Commonwealth Edison back in the 70's. I worked by way up to Lead Station Man and had 6 men under me. My job was to adding them where on the boilers they'd be working that night. We had men at the bottom of the boilers keeping the monkey's open,(Monkey's, That's the part of the boiler where the hot molten coal pours out through different doors at the base of the boiler) the slag trenches and is washed out to the Lake). The efficiency of the boilers is a great part of what keeps the slag from being polluted, as the coal is ground to a fine powder where it is injected into the boilers. Here is where the pipes carrying water through the boiler is Super Heated, and turned into steam, which in turn, turns the turbines that make the electricity. There is another incremental part of these boilers that also take 99% of the gases and makes sure that this never reaches the stacks. What happens to this exhaust is on the way to the stack there are 7 levels of precipitators with a dozen on each level. What these precipitators do is very similar to watching a Frankenstein Movie, where you see the electronic arc. (Might bring a laugh from the audience, but true) Each precipitator has a window where you can see this arc burning off the Fly Ash eliminating this pollution, so there is little to none reaching the stacks.

I understand this meeting is more centered on the mining part of the issue then the usage part of the Anthracite. But it's necessary so we may utilize what time and God has given us to help sustain our Country. And, in the mining aspect if anyone runs across a vein of coal that has been under extreme pressure for centuries, I call dibs on the first piece, before it goes to the Jewelers as a diamond. :-) Little joke at end.

I hope this is of some help in understanding the benefit of mining.

Sincerely,
Marc Bialeck – Disabled Viet Nam Veteran
1397 11th Ct
Friendship, WI 53934
608-564-1268

SB 1/AB1 - Iron Mining Permit Reform

TO: Senate Committee on Workforce Development, Forestry, Mining and Revenue

Assembly Committee on Jobs, Economy and Mining

FROM: Aggregate Producers of Wisconsin

Associated Builders and Contractors of Wisconsin, Inc.

Associated General Contractors of Wisconsin

Competitive Wisconsin, Inc.

Great Lakes Timber Professionals Association

Midwest Equipment Dealers Association

Midwest Food Processors Association, Inc.

Wisconsin Automobile and Truck Dealers Association

Wisconsin Bankers Association

Wisconsin Builders Association

Wisconsin Economic Development Association

Wisconsin Grocers Association, Inc.

Wisconsin Hospital Association Inc.

Wisconsin Independent Business

Wisconsin Industrial Energy Group

Wisconsin Manufacturers and Commerce

Wisconsin Motor Carriers Association

Wisconsin Petroleum Marketers and Convenience Store Association

Wisconsin Restaurant Association

Wisconsin Transportation Builders Association

Wisconsin Utilities Association

Wisconsin Utility Investors

DATE: January 16, 2013

RE: Support for SB 1/AB1 Iron Mining Permit Reform Legislation

On behalf of the thousands of businesses we represent, and the more than half a million people they employ in Wisconsin, we urge you to support the enactment of Senate Bill 1/Assembly Bill 1- comprehensive iron mining permit reform legislation. Passage of these bills will allow Wisconsin to take advantage of an historic job creation and economic development opportunity while maintaining vital environmental protections.

The issue of iron mining and the need for permit reform has been thoroughly discussed and debated for nearly two years. Numerous public hearings have been held throughout the State. Voters have been able to express their opinion at the ballot box in multiple elections. There is strong public support for comprehensive reform. The time to act is now.

The bills create a clear and timely process for iron mining permit reviews. And, unlike various alternative proposals that have been floated, under these bills the iron mining industry has indicated that it would actually be willing to undertake the multimillion dollar investment in planning, research and engineering that is necessary to apply for a mining permit in Wisconsin. While there is no guarantee any company will get a permit, this bill creates a workable process that is clear and timely.

Enactment of these bills will help create thousands of Wisconsin jobs for generations to come while ensuring appropriate environmental safeguards. The bill's wetland and Great Lakes Compact related sections ensure protection of our water resources. All existing air pollution regulations will apply. In fact the Department of Natural Resources has indicated that the provisions of these bills give them all the tools they need to ensure that iron mining is conducted in an environmentally sound manner.

The legislature has an opportunity to literally change the standard of living in Northern Wisconsin with high-paying, long-term jobs in the iron mining industry. The positive impact of the Gogebic mining project will be felt by workers in both large and small business throughout the state. From the car dealers, restaurants and grocery stores in Ashland and Hurley, to the mining equipment manufacturers in Milwaukee and Madison, to all the suppliers, construction companies and service providers in between, this project means jobs.

Thank you for your thoughtful consideration of our perspective. We hope we can count on you to support this important legislation.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Name: Erin Sievert

Date: 1/23/13

Street Address or Route Number: 380 Leschinger St

City/Zip Code: 53594

Organization (*if applicable*):

Registering: In Favor ☐ Against ☒

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WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

Elisa Miller
Name

1-23-13
Date

345 Mill St
Street Address or Route Number

Loganville WI 53943
City/Zip Code

Organization *(if applicable)*

Registering In Favor ☐ Against ☒

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In Opposition to Mining Bill

I would like to express our great displeasure of the mining bill which is being addressed at this hearing . If approved, the bill opens the door to mining practices that will change the landscape of one of the State's most precious regions. It also invites unparalleled degradation of a valuable watershed. We realize that the Bill was created and pushed by corporations which wish unfettered access to Wisconsin's resources, and they have greased the rails to its passage through hefty campaign donations. However, the boom to bust nature of mining provides short time gains for lasting scars to our State's landscape.

We are neither geologists, nor hydrologists. However, we have read of the ecologic destruction that will be the bills legacy. We also know of the inflated job numbers propaganda which has been floated to bolster chances of its approval.

The cost of the wholesale gift of our resources to mining interests, will be a detriment to tourism. With continued protection of resources, tourism will continue to bring money into the region.

I wear on my head a Stormy Kromer hat, made in just north of the Wisconsin Border. The factory in which it is made employs over 160 individuals. Their jobs are not jeopardizing their environment. Each year we spend a week in the Ashland area, spending thousands dollars for lodging, meals and entertainment. What drives us to keep returning is not an unsightly hole in the ground, it is the pristine beauty which encompasses the area. To play jobs against environment is short sided and unethical.

We urge you to kill this bill.

Tim and Karen White
8178 County Road G
Verona, WI 53593
608-845-7312

Wisconsin Economic Development Association

WEDA

TO: Members, Assembly Committee on Jobs, Economy and Mining
Members, Senate Committee on Workforce Development, Forestry, Mining, and Revenue

FROM: Andy Albarado, President, Wisconsin Economic Development Association

DATE: January 23, 2013

RE: **Support for AB1/SB1 Relating to the Regulation of Ferrous Metallic Mining**

The Wisconsin Economic Development Association is a statewide association consisting of over 450 economic development practitioners. WEDA supports state policies that strengthen our economy and create jobs. That is why WEDA supports AB1/SB1, the mining reform bill, which we believe will lead to many economic opportunities relating to iron mining not only in Northern Wisconsin, but the entire state.

We believe that this proposal creates certainty in the iron mining process for potential companies by establishing a clearly defined permitting process as well as setting a deadline for a permit decision. Wisconsin is currently at a competitive disadvantage in terms of our mining regulations and our ability to compete with Minnesota and Michigan for those mining jobs. In that regard, we urge you to pass legislation that provides a rigorous but passable regulatory path for iron mining in Wisconsin.

We believe that the passage of this needed legislation can and must be done in a timely manner so that the economic opportunities are not unduly delayed or lost. As such, it is important to appreciate and understand the state-wide economic impacts of this legislation.

If ferrous metallic mining is allowed, northern Wisconsin could receive a much needed economic boost for generations to come. Last session, Gogebic Taconite estimated that the proposed mining project in Iron County could potentially be a $1.5 billion investment in Wisconsin. During the construction phase 2,200 construction related jobs will be created. Once the mine is operational, Gogebic Taconite estimates there would be 700 to 1,400 full time employees once the mine reaches its full capacity. These high-wage jobs are estimated to pay $82,000 annually (total compensation).

Furthermore, the economic ripples from the mine will travel across the state. In Northern Wisconsin those in the hospitality and transportation industries, construction material suppliers, machinery suppliers, fuel providers and "Main Street" businesses will undoubtedly reap the benefits of a mining project. The southeastern part of Wisconsin is home to the world's two largest mining equipment manufacturers – Joy Global and Caterpillar (formally Bucyrus International), which utilize local machine shops and other manufacturers and suppliers. It is estimated that the mining manufacturing industry employs approximately 11,000 in the metro Milwaukee area.

Mining is one of this state's original industries; it helped build our economy. Today, that heritage can be drawn upon by putting people to work in both in the mining industry and with our leading manufacturers. Promoting mining could be the positive turnaround businesses, community leaders, and residents are looking for to grow and move the state forward. We respectfully urge you to pass AB1/SB1.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

JUDITH DETERT-MORIARTY
Name

1/23/13
Date

23 S. ATWOOD AVE
Street Address or Route Number

JANESVILLE, WI 53545
City/Zip Code

N/A
Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

I am a life-long, 60 year old, Resident of Wisconsin. I am in opposition to the GOP mining bill because I know such mining will not simply violate the national sovereignty of Native Americans but will destroy and pollute our state for decades. It will harm generations to come, HURT BUSINESS (tourism) and provide few, if any, liveable wage jobs. STOP THE MINE!

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

THOMAS N. THORESEN
Name

01/23/2013
Date

5874 ROSEMARY PLACE
Street Address or Route Number

FITCHBURG, WI. 53711
City/Zip Code

WI. LEAGUE OF CONSCIENTIOUS VOTERS
Organization (*if applicable*)

Registering: In Favor ☐ Against ☒

PLEASE SEE MY WRITTEN TESTIMONY IN OPPOSITION (ATTACHED)

THANK YOU.

Thomas N Thoresen

Please return this slip to a messenger promptly.

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Written Testimony in Opposition to 2013 SB 1 and AB 1: The Mining Bill: Undermining Wisconsin
By: Thomas Thoresen- January 23, 2013

Thank You Chair and committee members for letting me provide my written testimony in opposition to 2013 Session AB 1 and SB 1. I am Tom Thoresen, a Board Member of the Wisconsin League of Conservation Voters and I have registered against this bill for multiple reasons. This Bill exemplifies an attack on our Democracy, an attack on the people and an attack on the natural resources of Wisconsin. Please let me explain from my experience.

I grew in a Wisconsin that prided itself with a clean, open government, and political corruption was something found South of the state line. I grew up in a family of hunters and fishers and my parents had a lannon stone quarry in Waukesha County. We valued our land, water and our natural resources. I witnessed while working in the Assembly Chief Clerk's Office from 1975 to 1979 how good, open government should work with both political parties working together towards solutions....something that today apparently is happening with only a few in the State Senate. Thank you Senators Schultz, Cullen and Jauch. I also spent 26 years as a conservation warden sharing and caring in the protection of our natural resources with Wisconsin citizens who also care deeply that their resources are both preserved and wisely used.

Why do I feel AB 1 and SB 1 attacks democracy? Simply, it demonstrates another bomb being dropped on Wisconsinites. It is very similar to the highly flawed AB 426 of last session. It ignores citizens meaningful input that occurred in last autumn's Senate Mining Hearings. This Bill advances the special interest who gave money to Governor Walker and legislators over that of Wisconsin citizens and our natural resources. This legislation ignores sound science and allows for mines that may adversely affect our health, another property or the public's natural resources and makes it difficult for the public to correct problems and hold mining companies accountable. This Bill will also be costly in both litigation, actually delay opening of any mines and result in job losses after the mines are closed and tourism is negatively affected.

Wisconsin currently has adequate mining laws. Weakening them will threaten public health, safety and our environment. Bad consequences result if environmental laws designed to protect the public aren't followed. Just over a year ago there was the huge coal ash spill that

went into Lake Michigan in Oak Creek. Many people will remember the contamination of Milwaukee's water supply with cryptosporidium in 1993. Over 100 people died prematurely as a result. Most citizens don't want to see laws designed to protect their health and their environment weakened. This bill would reduce citizen protections and their ability to address problems. Some of these terrible provisions such as waste in wetlands(page 55), High capacity wells water draw downs(page 161), exempting contamination(page 189) and forcing DNR to issue permit even if they know it will endanger public health, safety, or welfare(page 135).

Exempting new mines from water quality protections for our rivers, lakes, wetlands and streams will actually hurt job creation in the long run because of the loss of tourism a clean environment brings. Wisconsin's current mining laws allow for both job creation and environmental protection. Citizens want their environment protected. This bill guts public protections and democracy for the benefit of a few corporations and a few politicians. You need to take an approach as demonstrated by Senators Schultz and Cullen on mining and apply it to other areas in legislating as well.

Thank You,

Thomas N. Thoresen

Thomas Thoresen – Retired Conservation Warden
5874 Persimmon Drive
Fitchburg, WI 53711
608 669-3554

WISCONSIN STATE LEGISLATURE

Joint Committee on Workforce Development, Forestry, Mining, and Revenue

Not Speaking on SB 1

Relating to: regulation of ferrous metallic mining and related activities

David Donovan
Name

1/23/13
Date

10 E. Doty St, Suite 511
Street Address or Route Number

Madison 53703
City/Zip Code

Xcel Energy
Organization *(if applicable)*

Registering: In Favor ☑ Against ☐

Please return this slip to a messenger promptly.

Please return this slip to a messenger promptly.

10 E. Doty Street, Suite 511
Madison, WI 53703
Telephone (608) 280-7303
Fax (608) 280-7359

TO: Members, Assembly Committee on Jobs, Economy and Mining
Members, Senate Committee on Workforce Development, Forestry, Mining, and Revenue

From: David Donovan, Manager, Regulatory Policy

Date: January 23, 2013

RE: **Support for AB1/SB1 Relating to the Regulation of Ferrous Metallic Mining**

Xcel Energy is the local utility company that would provide energy to the proposed mine in Iron and Ashland counties. As the state's fourth largest utility and a leader in providing environmentally-responsible, reasonably-priced energy, we have the resources and expertise necessary to serve the proposed project safely and reliably. Our roots in the area date back more than 100 years and today, we serve more than 220 communities in northern and western Wisconsin and have among the lowest electric rates of the major utilities in the state.

Over the next several years we are making significant investments in Wisconsin's energy infrastructure and economy, including more than $500 million in transmission projects – mostly in the northern part of the state. These projects will continue to enhance the overall reliability of the regional electricity system while supporting many new jobs.

Based on our extensive experience with economic development projects in northern Wisconsin, we know that the best framework is one that ensures decisions are made in a reasonable time with complete information and that are protective of the environment. We strongly believe that it is important that those seeking regulatory approvals be provided certainty of when decisions will be made. That is why we are here today supporting this legislation.

Beyond our support of the entire bill, Xcel Energy has a unique interest in those provisions relating to transmission permits (Sections 12-20). These provisions will help assure that energy for vital, job-creating projects, such as an iron ore mine, is not delayed because we cannot provide power due to challenges associated with obtaining timely electric transmission line permits.

As the area's energy provider, we are ready to serve the needs of the mine and the resulting economic development. So we strongly support of AB1/SB1 and urge you to do the same.

Hello. My name is Justus Grunow. I am 23 years old, and I have lived in the Ashland area for 22.

It is obscene that there is no public hearing being held up north where I live, where the effects of this legislation would be felt the first and the hardest. I had to take a full day off work and drive six hours to be here.

For all those folks up north who don't have the luxury of leaving their lives and their jobs for a day, let me share with you what I saw at the public hearing in Hurley last winter.

At first, the testimonies were evenly balanced: one for the mining legislation, one against. One for, one against. After not so long, though, something curious began to happen. For every person speaking for the legislation, there were three or four or five speaking against. This went on for hours, as the committee became increasingly fatigued and noticeably irritable. This was in Hurley, a small town with a long mining tradition and a high unemployment rate. A town that would stand to benefit the most from a mine in the Penokees. It's no wonder you don't want to have another hearing up in the north woods.

Like many of my northern neighbors who couldn't be here today, I am against this legislation.

I am against the legislation because our state already has good mining laws. Laws that preserve our ground water, our surface water, our air, for future generations.

Laws that prevent us from ending up like our neighbors, the ones you keep saying we should model our mining legislation after. In Minnesota and Michigan, between 2004 and 2011, Taconite mining companies were fined a total of $790,000 in air and water pollution violations and $9.1 million in clean-up costs. That's safe mining?

Or like Minnesota, where wild rice along 100 miles of the St. Louis river has been killed by sulfide pollution, and where two large open-pit taconite mines have been shown to produce illegally high levels of acid run-off.

On their website, the Iron Range Tourism Bureau of Minnesota suggests that tourists come visit the "Grand Canyon of the North", officially known as the Hull Rust Mahoning mine, the largest operating open-pit taconite mine in the world. Or what would be the largest in the world until ours is built. I guess at that point we would find ourselves the proud curators of the new Grand Canyon of the North. This is not something I want for my home.

I proudly stand shoulder-to-shoulder with my neighbors, and with the Bad River tribe, in opposing this legislation, and opposing this mine.

Madd Danberg
920-285-4997

Jw

WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR TOM TIFFANY AND REPRESENTATIVE SCOTT SUDER

FROM: Larry Konopacki, Senior Staff Attorney, and Anna Henning, Staff Attorney

RE: LRB-0762/1, Relating to the Regulation of Ferrous Metallic Mining and Related Activities

DATE: January 14, 2013

This memorandum describes LRB-0762/1 ("the bill"). The bill creates an expedited process and modified permitting standards to facilitate permits for ferrous mining in the state and exempts ferrous mining from current state metallic mineral mining laws.

This memorandum begins with a description of changes made by the bill to the process for obtaining Department of Natural Resources (DNR) approval for ferrous mining activities, followed by changes made by the bill to various environmental and natural resource laws in the context of ferrous mining (beginning at page 20), and changes made to enforcement and taxation related to ferrous mining (beginning at page 39).

CHANGES TO THE PERMITTING PROCESS FOR EXPLORATION, PROSPECTING, AND MINING

Under ***current law***, DNR authorization is required before a person may engage in any of three levels of activity related to mining metallic[1] minerals: exploration, prospecting (also called bulk sampling), and mining.[2] Exploration involves drilling holes not more than 18 inches in diameter to examine geologic features. Prospecting involves more extensive examination of an area, including the collection of ore samples by means such as excavating, trenching, and construction of ramps and tunnels, but does not include activities intended for and capable of commercial exploitation of an ore body. Mining refers to the activities conducted in connection with extracting minerals for commercial purposes, including the extraction of minerals and the various infrastructure and waste processing activities required to support the extraction. To date, the DNR has approved only one metallic mining

[1] The mining of nonmetallic materials, such as sand and gravel, is governed under a separate statute.

[2] Before conducting ferrous mining, a mine operator may also be required to obtain permits and approvals under various state and federal laws for environmental and natural resource impacts related to mining.

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
(608) 266-1304 • Fax: (608) 266-3830 • Email: leg.council@legis.wisconsin.gov
http://www.legis.wisconsin.gov/lc

operation under the existing metallic mining statutes -- the Flambeau Mine located in Rusk County. A few other mining operations have been proposed, but the proposals were abandoned.

Under ***current law***, the DNR may issue a metallic mining permit following a multi-stage process involving public hearings, preparation and public review of an environmental impact statement, and the approval of various state and federal permits and approvals relating to environmental and natural resources impacts resulting from mining and activities secondary to mining. Unlike some states' laws, Wisconsin's mining law generally does not distinguish between the mining of ferrous and nonferrous minerals.[3] ***The bill*** creates such a distinction. It creates a separate, expedited process governing the issuance of permits and approvals for ferrous mining activities. In addition, the bill sets forth most of the procedures and requirements for metallic mining by statute, rather than a combination of statute and administrative rule, as under current law.

Exploration License

Application

Under ***current law***, an applicant for an exploration license must submit the following materials:

- An application fee of $300.
- A $5,000 bond.[4]
- A certificate of insurance affording personal injury and property damage protection in an amount deemed adequate by the DNR but not less than $50,000.
- An application on a form prepared by the DNR.

[s. NR 130.05, Wis. Adm. Code.]

The bill retains those requirements, with the following exceptions. First, it caps the amount of damage protection required for the certificate of insurance at $1 million. Second, it sets forth the required components of the application in statute, specifically requiring the application to include an exploration plan and a reclamation plan, both containing specified components.

Standards for Issuance of a License

Under ***current law***, the DNR must issue an exploration license upon an applicant's satisfactory completion of all conditions in the administrative rules chapter governing exploration. The DNR must deny an exploration license if it finds that proposed exploration will not comply with the minimum statutory standards governing mining activities and reclamation or if the applicant is in violation of ch.

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[3] However, see the discussion below regarding special restrictions that apply to the mining of sulfide minerals.

[4] Under current law and the bill, the DNR may increase the amount of the bond if it determines that the amount of the bond is inadequate to fund the termination of all drillholes for which the explorer is responsible.

293, Stats., or any administrative rule governing exploration. [ss. NR 130.06 and 130.09, Wis. Adm. Code.] The issuance of a license is subject to various conditions relating to the permanent and temporary abandonment of drill holes.

Under ***the bill***, the DNR must deny an exploration license if it finds that, after the activities in the exploration plan and reclamation plan have been completed, the exploration will have a substantial and irreparable adverse impact on the environment or present a substantial risk of injury to public health and welfare. Unless it provides written notification to the applicant of its intent to deny an exploration license on those grounds, the DNR is required to issue the license according to the timeline described below. The bill requires the DNR to include requirements in the license that are substantially similar to the conditions required under current law.

Timeline

Under ***current law***, the DNR must issue an exploration license within 10 business days after it receives a completed application, or within 10 business days or by July 1st, whichever is later, if the application is for the upcoming license year.[5] Current law does not provide a deadline by which an application will be considered complete.

The bill retains the 10 business day deadline under current law. However, under the bill, an application for an exploration license is considered to be administratively complete on the day that it is submitted, unless, before the 10th business day after receiving the application, the DNR provides the applicant with written notification that the application is not administratively complete. The bill specifies that the DNR may not consider the quality of the information provided when determining whether an application for an exploration license is administratively complete. Instead, the DNR may make such a finding only if one of several specified components of the application is missing. If an item is missing and is requested by the DNR, the DNR must either issue the exploration license or provide written notification of its intent not to issue the license within seven business days of an applicant's submission of the item.

The bill requires the DNR to provide the applicant with an opportunity to correct any deficiencies in the exploration plan or restoration plan within 10 business days. If the applicant amends the exploration plan or reclamation plan and corrects the deficiencies, the DNR must issue the exploration license within 10 business days of receipt of the amended exploration or reclamation plan (or by July 1 if the license is for the upcoming year and this date is later). If the DNR does not comply with these requirements, the application is automatically approved and the DNR is required to issue an exploration license.

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[5] Under current law and the bill, a "license year" is the period of time commencing on July 1st of any year and ending on the following June 30th.

Environmental Review

Current law does not specify whether an environmental impact statement (EIS) or environmental assessment (EA) are required for an application for an exploration license, although it appears to be unlikely that an EIS would be required for such an application.[6] ***The bill*** specifies that neither an EIS nor an EA are required.

Confidentiality

Under ***current law***, the DNR is not expressly required to treat information related to an exploration project as confidential. ***The bill*** requires the DNR and the state geologist to protect as confidential any information, other than effluent data, contained in an application for an exploration license, upon a showing that the information is entitled to protection as a trade secret, and any information relating to the location, quality, or quantity of a ferrous mineral deposit, to production or sales figures, or to processes or production unique to the applicant or that would tend to adversely affect the competitive position of the applicant if made public.

Notice Procedure

Under ***current law***, an explorer must notify the DNR of the explorer's intent to drill on a parcel by registered mail at least 10 days before beginning the drilling. The explorer must also notify the DNR orally or by writing before the actual commencement of drilling each drillhole and at least 24 hours before filling a drillhole. Under ***the bill***, the explorer must notify the DNR of the explorer's intent to drill at least five days before drilling and is not required to notify the DNR before the actual commencement of drilling or filling a drillhole.

Inspections

Under ***current law***, the DNR may enter and inspect an exploration site to determine the state of compliance with metallic mineral exploration laws and an explorer may not obstruct, hamper, or interfere with an inspection. These requirements are retained under ***the bill***, along with a requirement that no inspector may obstruct, hamper, or interfere with exploration activities.

Prospecting and Bulk Sampling Approval

Approval Process

Under ***current law***, a person must obtain a prospecting permit before engaging in prospecting. The process for obtaining a prospecting permit involves nearly all of the same steps required to obtain a mining permit, described below, including a notice of intent requirement, an environmental impact statement (in most cases), a master hearing, and requirements for reclamation.

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[6] An EIS is required under s. 1.11 (2), Stats., when an agency takes a major action that significantly affects the quality of the human environment.

The bill would eliminate prospecting permits for ferrous mining. In lieu of a prospecting permit, the bill authorizes a person to submit a plan to the DNR before conducting "bulk sampling," defined to mean excavation by removal of less than 10,000 tons of material for purposes of assessing a ferrous mineral deposit. At the same time that the bulk sampling plan is submitted, the applicant must submit a "pre-application description," described in the section on pre-application notification, for the potential full mining operation.

The bulk sampling plan must include the following components:

- A description of the site, including its size and the number of acres to be disturbed.
- A description of methods to be used.
- A site-specific plan for controlling surface erosion.
- A revegetation plan that describes how environmental impacts will be avoided or minimized to the extent practicable.[7]
- The estimated time for completing the bulk sampling and revegetation.
- A description of any known adverse environmental impacts that are likely to be caused by the bulk sampling and how those impacts will be avoided or minimized to the extent practicable.
- A description of any adverse effects that the bulk sampling might have on specified historic properties.

Within 14 days of receiving a bulk sampling plan, together with a $5,000[8] bond, the bill requires the DNR to identify all approvals required before the bulk sampling plan may be implemented, and any waivers, exemptions, or exceptions to those approvals that are potentially available. An application for such an approval is considered administratively complete 30 days after it is submitted to the DNR unless the DNR notifies the applicant that the application is incomplete and identifies information necessary to complete the application, in which case the application is considered complete when the DNR receives the additional information identified.

Notwithstanding conflicting review periods set forth in statute or administrative rules that generally govern the process for applying for such approvals, the bill requires the DNR to approve or deny an application for a waiver, exception, or determination that approval is not needed within 30 days of the date when the application is administratively complete. No public hearing on such applications or determinations is required under the bill.

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[7] By requiring "revegetation" rather than "reclamation," the bill appears to suggest that full topographic restoration of the site may not be required for bulk sampling.

[8] The bill authorizes the DNR to increase the amount of the bond if it determines that $5,000 is inadequate to cover the costs of revegetation.

The DNR must likewise approve or deny most other types of required approvals within 60 days of the date when the application for an approval is administratively complete. The bill requires the DNR to hold a public informational hearing on these types of approvals and to issue a public notice that includes information about the activity for which the approvals are required, provides information about the opportunity to submit written comments to the DNR about the activity within 30 days of the notice, and provides the date, time, and location of the public informational hearing, which must be held within 30 days of publishing the notice. The DNR must generally combine the public comment periods and public informational hearings on these approvals.

Notwithstanding generally applicable standards for various environmental and natural resource approvals required in connection with bulk sampling, the bill requires the DNR to require the bulk sampling activity to be conducted at locations that result in the fewest overall adverse environmental impacts. When determining whether to approve or deny applications for such approvals, the DNR must consider relevant proposals to offset environmental impacts, such as mitigation of impacts to wetlands and proposed measures to offset impacts to navigable waters.

The DNR must also act on any required construction site erosion control and stormwater management approval, notwithstanding any authority that has been granted to local governments to administer such approvals.

The bill allows the DNR to modify an application for an approval related to bulk sampling in order for the application to meet the requirements applicable to the approval.

Mining Permitting Process

Timeline

Under ***current law***, the process to obtain a mining permit lasts at least 2-1/2 years, and may take longer if a project is complex or generates significant public input. Several deadlines limit the time period within which DNR must act. However, several stages in the process–most notably the time periods during which draft and final environmental impact statements are prepared–are not subject to a statutory timeline.

The permit approval process begins with the submission of a "notice of intent" to submit a mining permit application. The notice of intent begins the pre-application process, described below. The DNR must hold an informational hearing regarding an applicant's notice of intent no less than 45 days or more than 90 days after the applicant submits the notice of intent. Within 90 days of the close of that hearing, the DNR must provide specified information (described in the section on pre-application notification) to the potential applicant. [s. NR 132.05 (4), Wis. Adm. Code.]

At that time, the DNR may also request a "scope of study," in which data requirements, specific methodologies, a tentative schedule for collection of field data, names of people who will be responsible for data collection, and related information are identified. If the DNR requests a scope of study, the study must be submitted by the potential applicant within 120 days of the DNR's request. The DNR must accept, reject, or modify the scope of study within 60 days of its receipt. [s. NR 132.05 (7), Wis. Adm. Code.]

After an applicant submits an application for a mining permit, the DNR prepares a draft environmental impact statement. The DNR must hold an informational meeting regarding the draft environmental impact statement no sooner than 30 days and no later than 60 days after the document is released.

The DNR then prepares the final environmental impact statement. After the final environmental impact statement is released, the DNR must hold a "master hearing" no sooner than 120 days and no later than 180 days after it releases the final environmental impact statement.[9] The DNR must make the final decision regarding a mining permit within 90 days of the completion of the record from the master hearing.[10]

Under ***the bill***, the mining permit application process begins with the submission of a pre-application notice, described below. The applicant must submit the notice at least 12 months before submitting the mining permit application.

Upon submittal of an application for a ferrous mining permit, the DNR is required to determine whether the application is complete within 30 days. If the DNR determines that the application is complete, the DNR is required to notify the applicant and the application is deemed administratively complete when the DNR sends the notification. If the DNR determines that the application is not complete, the DNR may make one request for additional information. Within 10 days of receiving additional requested information from the applicant, the DNR is required to notify the applicant as to whether it has received all of the requested information. When the DNR sends this final notification, the application is deemed to be administratively complete.[11] Unlike under previous versions, the bill does not prohibit the DNR from determining that a mining permit application is incomplete based on the quality of the information submitted with the application.

The bill requires the DNR to issue or deny a mining permit *no more than 420 days* after the day on which the application for a mining permit is deemed administratively complete, unless an extension to that timeline is approved. The bill provides for one extension of no more than 60 days. The applicant and the DNR must mutually agree to the extension and the extension must be necessary for one of the following reasons:

- To enable the DNR and the U.S. Army Corps of Engineers (ACE) to jointly prepare their environmental impact statements.
- New information or a change to the mining proposal necessitates additional time to review the application.

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[9] A "master hearing" is a hearing to consider both the mining permit application and applications for various related environmental and natural resource approvals required in connection with a mining permit. Public hearing procedures are discussed in greater detail below.

[10] Decisions regarding related DNR permits and approvals must also be approved or denied before this deadline, provided that the applications for such permits and approvals are submitted in a timely manner.

[11] If the DNR fails to meet one of these timelines, the application is deemed administratively complete at the end of the timeline.

In addition to the mining permit, the bill requires the DNR to approve or deny all environmental and natural resource permits required for a ferrous mining project by the same 420 to 480-day deadline required for processing the mining permit application, provided that the applicant submits the application for the related permits no later than 60 days after the day on which the application for the mining permit is administratively complete. If the applicant submits an application for a related permit more than 60 days after submitting the mining permit application, the deadline for approval is extended by the number of days past the 60th day that the applicant submits the application.

Refund of Fees and Mandamus Action

Under ***the bill***, if the DNR does not approve or deny a mining permit within the 420 to 480-day deadline described above, then the DNR is required to refund the fees paid to the DNR by the applicant for DNR evaluation of the mining project and related approvals and the preparation of the EIS by a consultant. The bill also provides that the applicant may bring an action for mandamus to compel the DNR to issue its decision and directs the court to award the applicant its costs if the DNR did not comply with the deadline. The mandamus action must be filed in the circuit court in the county in which the majority of the mining site is located.

Pre-Application Notification

Although the notices serve somewhat different functions, both current law and the bill require an applicant for a mining permit to submit a notice to the DNR prior to the submission of a mining permit application. Under ***current law***, a person who intends to apply for a metallic mining permit must first submit a "notice of intent" to the DNR. The notice of intent is an indication that the potential applicant is interested in developing a mine and will be collecting data to support a mining permit application. The notice of intent generally must be submitted prior to collecting data to support a mining permit application.[12] The notice of intent includes information regarding the potential application; a map of the proposed mining site; the date on which the prospective applicant intends to file a mining permit application; environmental data; and a preliminary project description. The notice need not be submitted within any particular time of the submission of the mining permit application; however, because it generally must be submitted before any data is collected, it would typically need to be submitted well in advance of the permit application.

Under current law, the filing of the notice of intent triggers a dialogue whereby the DNR advises the potential applicant about specific environmental and quality assurance requirements the person must provide for a mining permit application and any required environmental impact report; the methodology and procedures to be used in gathering information; the type and quantity of required information on the natural resources at the proposed mining site; the timely application date for all other necessary approvals to facilitate the consideration of all approvals at the master hearing; whether the DNR will accept general environmental data submitted by the potential applicant with the notice of intent; and preliminary verification procedures to be conducted by the DNR. [ss. 293.31 (4) and 293.43 (1m), Stats.; s. NR 132.05 (4), Wis. Adm. Code.] The DNR may revise or modify requirements relating to

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[12] However, the DNR may consider data collected before the notice of intent is submitted if it determines that the benefits of admitting the data outweigh the policy reasons for excluding it. [s. 293.31, Stats.]

information which must be gathered and submitted by the potential applicant. [s. NR 132.05 (5), Wis. Adm. Code.] The DNR may also require the potential applicant to develop a "scope of study" designed to comply with the DNR's informational requests. [s. NR 132.05 (7) (a), Wis. Adm. Code.]

The bill requires a permit applicant to notify the DNR and the ACE in writing of the intention to file an application for a mining permit. The notification expresses a potential mining permit applicant's intention to file an application for a mining permit. The notification need not be submitted before data is collected, but it must be submitted at least 12 months prior to submitting a mining permit application. At the same time that an applicant submits the notification required under the bill, the applicant must also submit a "pre-application description" of the mining project, to include a map and various specified information regarding the proposed site.[13]

After an applicant submits a pre-application notice, the bill requires the potential applicant to meet with the ACE to discuss federal environmental review. The DNR must also to meet with the applicant to make a preliminary assessment of the project's scope, make an analysis of alternatives, identify potential interested persons, and ensure that the applicant is aware of all required approvals, the environmental impact report requirement, and the information the DNR will require to enable a mining permit application to be processed in a timely manner. Within 60 days of the meeting, the bill requires the DNR to provide to the applicant any available information relevant to the potential impact of the project on threatened or endangered species and historic or cultural resources and any other information relevant to impacts that are required to be considered in the environmental impact statement. The bill does not authorize the DNR to request a "scope of study" document. A pre-application notification is not required if a mining permit applicant files the application no more than one year after the DNR denied a previous application for the same mining proposal.

Public Hearings and Contested Case Hearing; Frivolous Claims

Under ***current law***, the process for obtaining a metallic mining permit involves a minimum of three public hearings: an informational hearing regarding the notice of intent to file an application; an informational meeting regarding a draft environmental impact statement; and a "master hearing" regarding the mining permit and related environmental and natural resource approvals. A separate set of hearings are required in connection with a prospecting permit. The DNR is authorized to hold additional hearings relating to any aspect of the administration of the metallic mining statutes. [s. 293.15, Stats.]

To the extent practicable, the DNR is required under current law to include all related permits applied for in connection with a proposed mining operation within the scope of the master hearing.[14] A master hearing on a mining permit includes both general public testimony and a contested case hearing. During the public testimony portion of the hearing, all interested persons must be given an opportunity to express their views on any aspect of the matters under consideration. Persons who participate as

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[13] If the applicant engages in bulk sampling before applying for a mining permit, then the pre-application description must be submitted together with the bulk sampling permit application.

[14] After an applicant submits a notice of intent under current law, the DNR must inform an applicant as to the timely application date for all approvals, licenses, and permits issued by the DNR in connection with the proposed operation, so as to facilitate consideration of those matters at the master hearing.

parties in the contested case portion of the master hearing may submit legal briefs and evidence and call and cross-examine witnesses, who testify under oath.

Under ***the bill***, the DNR must hold an informational hearing, which covers the mining permit, all other approvals, and the environmental impact statement.[15] Prior to the hearing, the DNR must make the application for the ferrous mining permit, applications for related permits and approvals, the environmental impact statement, and any analyses or preliminary determinations available for review in the city, village, or town where the proposed mining site is located. Interested persons may submit written or oral comments regarding a mining permit application. Within its posted notice regarding a mining permit application, DNR must describe the opportunity for written public comment by any person within 45 days after the notice is published, and shall provide the date, time, and location of the public informational hearing.

In addition, the DNR must hold a public informational hearing following receipt of an applicant's pre-application description and bulk sampling plan. The hearing must be held in the county in which the majority of the proposed mining site is located. To the extent possible, the hearing must encompass the pre-application description and all permits and approvals required in connection with bulk sampling. If no approvals are required in connection with bulk sampling, or the applicant does not propose to conduct bulk sampling, then the hearing covers the pre-application description.

The bill provides for an opportunity for a contested case hearing for petitioners entitled to a contested case hearing under s. 227.42, Stats., if the petitioner is aggrieved by a DNR decision to grant or deny a ferrous mining permit, a decision to grant or deny a related approval, or a final decision on the EIS for a proposed mine. A contested case hearing generally must be requested within 30 days after the DNR issues its final permit decision. The final decision of the hearing examiner generally must be issued no more than 150 days after the DNR issues the decision. If the hearing examiner does not issue a final decision by this deadline, the DNR's decision is affirmed. The hearing examiner is prohibited from issuing a stay of the activity authorized under the decision during the administrative review period.

The bill also provides opportunity for contested case hearings on DNR decisions related to a mining operation that are issued after the DNR approves the mining permit.

Under ***current law***, if a hearing examiner finds that an administrative hearing commenced or continued by a petitioner or a claim or defense used by a party is frivolous, the hearing examiner is required to award the successful party the costs and reasonable attorney fees that are directly attributable to responding to the frivolous petition, claim, or defense. A petition for a hearing or a claim or defense is frivolous if the hearing examiner finds at least one of the following:

- That the petition, claim, or defense was commenced, used, or continued in bad faith, solely for purposes of harassing or maliciously injuring another.
- That the party or the party's attorney knew, or should have known, that the petition, claim, or defense was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law.

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[15] The DNR is required to accept testimony on specified factors in relation to any proposed water withdrawal.

[s. 227.483, Stats.]

With respect to ferrous mining, ***the bill*** also allows a hearing examiner to find that a petition for a hearing or a claim or defense is frivolous if it was commenced, used, or continued primarily for the purpose of causing delay to an activity authorized under a license that is the subject of the hearing.

Contents

Under ***current law***, an application for a metallic mining permit must include all of the following components:

- A mining plan.
- A detailed reclamation plan.
- The name and address of each owner of land and holder of an option or lease on land within the mining site.
- All permits held by the applicant.
- Evidence that the applicant has applied for necessary environmental and zoning approvals and permits.
- Information on the applicant's history, including any forfeitures, felony convictions, bankruptcies, and permit revocations.
- Other pertinent information requested by the DNR.

[s. 293.37 (2), Stats.]

The bill retains most of those components but eliminates the requirement that the applicant submit "other pertinent information requested by the DNR." The bill also modifies the requirement that an applicant provide evidence of approval submissions, specifically by requiring evidence that the applicant will apply, rather than has applied, for environmental and natural resource approvals related to the mining operation. The bill also requires a waste site feasibility study as part of the mining plan, whereas under current law, a waste site feasibility study is submitted and reviewed separately. In addition, the bill modifies the requirements related to mining and reclamation plans, as described below.

Mining Plan

Under ***current law***, a mining plan must include:

- A detailed map of the proposed mining site.
- Details of the nature, extent, and final configuration of the proposed excavation, including the nature and depth of overburden (i.e., the rock and soil located above the mineral to be mined).

- Specified information relating to proposed operating procedures.

- Demonstrations of satisfactory evidence that the proposed mining operation will be consistent with the reclamation plan and comply with various specified standards.

- A pre-blasting survey.

[s. NR 132.07, Wis. Adm. Code.]

The bill modifies several of the general components of the mining plan required under current law. Under the bill, the mining plan may contain aerial photographs in lieu of a detailed map, if the photographs show the details of the site to the DNR's satisfaction. In addition, information regarding the nature and depth of the overburden is not required. The bill also eliminates the required demonstrations relating to the following subjects from the mining plan and instead includes them in the reclamation plan: grading and stabilization of excavation and deposits; stabilization of merchantable by-products; protection of topsoil; and the achievement of aesthetic standards. It likewise eliminates required demonstrations regarding the maintenance of adequate vegetative cover and the impoundment of water from the mining plan. With regard to a demonstration relating to the adequate diversion and drainage of water, the bill adds the phrase "to the extent possible" to the relevant standard. Finally, with regard to a demonstration related to the backfilling of excavations, the bill retains the standard prohibiting violations of groundwater quality standards but removes a standard prohibiting an adverse effect on public health or welfare.

Reclamation Plan

Under ***current law***, a reclamation plan must include detailed information and maps regarding reclamation procedures and demonstrations of satisfactory evidence that the proposed reclamation will conform with the following minimum standards:

- All toxic and hazardous wastes, refuse, tailings, and other solid waste shall be disposed of in conformance with applicable state and federal statutes or regulations.

- All tunnels, shafts, or other underground openings shall be sealed in a manner which will prevent seepage of water in amounts which may be expected to create a safety, health, or environmental hazard, unless the applicant can demonstrate alternative uses which do not endanger public health and safety and which conform to applicable environmental protection and mine safety laws and rules.

- All underground and surface runoff waters from mining sites shall be managed, impounded, or treated so as to prevent soil erosion to the extent practicable, flooding, damage to agricultural lands or livestock, damage to wild animals, pollution of ground or surface waters, damage to public health, or threats to public safety.

- All surface structures constructed as a part of the mining activities shall be removed, unless they are converted to an acceptable alternate use.

- Adequate measures shall be taken to prevent significant surface subsidence, but if such subsidence does occur, the affected area shall be reclaimed.

- All topsoil from surface areas disturbed by the mining operation shall be removed and stored in an environmentally acceptable manner for use in reclamation.

- All disturbed surface areas shall be revegetated as soon as practicable after the disturbance to stabilize slopes and prevent air and water pollution, with the objective of reestablishing a variety of plants and animals indigenous to the area immediately prior to mining, unless such reestablishment is inconsistent with statutory requirements. Plant species not indigenous to the area may be used if necessary to provide rapid stabilization of slopes and prevention of erosion, if such species are acceptable to DNR, but the ultimate goal of reestablishment of indigenous species shall be maintained.

In addition, if the anticipated life and total area of the mineral deposit are of sufficient magnitude, as determined by the DNR, the plan must include a comprehensive long-term plan showing the manner, location, and estimated timetable for reclamation. Finally, if it is physically or economically impracticable or environmentally or socially undesirable for the reclamation process to return the area to its original state, the applicant must provide reasons that the reclamation process would be impracticable or undesirable, and a discussion of alternative conditions and uses to which the affected area can be put. [s. NR 132.08, Wis. Adm. Code.]

As with the mining plan, ***the bill*** retains some and modifies other current components of the reclamation plan. In particular, the bill retains the requirement that the plan include a map, and it requires similar map features as are required under current law, including detailed information regarding specified reclamation procedures such as the proposed interim and final topography of the site, the proposed final land use, and plans for long-term maintenance of the mining site. Likewise, the bill retains standards related to sealing tunnels, removing surface structures, measures to prevent surface subsidence, and the management of underground and surface runoff waters. It also retains the provision specifying that plant species not indigenous to the area may be used if necessary to provide rapid stabilization of slopes and to prevent erosion. In addition, the bill retains accommodation under current law for alternative options where it is physically or economically impracticable or environmentally or socially undesirable for the reclamation process to return the area to its original state.

The bill modifies the standard regarding the storage of removed topsoil for use in reclamation. Specifically, the bill allows topsoil to be used in reclamation "or in the mitigation or minimization of adverse environmental impacts," whereas current law requires disturbed topsoil to be used for reclamation. The bill also specifies that the standard requiring revegetation of all disturbed surface areas as soon as practicable after the disturbance to stabilize slopes and prevent air and water pollution shall be satisfied "to the extent practicable." In addition, the bill removes the requirement that plant species not indigenous to the area may be used only if such species are acceptable to the DNR.

Finally, the bill eliminates the separate comprehensive plan requirement for ferrous mining operations. However, as mentioned, it retains the requirement that plans for long-term maintenance of the site be included in the general reclamation plan.

Standards for Issuance of a Mining Permit

Under ***current law***, the DNR must issue a mining permit if all of the following six standards are satisfied:

- The mining plan and reclamation plan are reasonably certain to result in reclamation of the mining site.
- The proposed mine will comply with applicable air, ground and surface water, and solid and toxic waste disposal requirements.
- A proposed surface mine site is not unsuitable for surface mining. A site is unsuitable if the mining activity is reasonably expected to irreparably damage specified unique features of the land or habitat required for specified endangered species.
- The proposed mine will not endanger public health, safety, or welfare.
- The proposed mine will result in a net positive economic impact in the area reasonably expected to be most impacted by the mining activity.
- The proposed mining operation conforms with all applicable zoning ordinances.

[s. 293.49 (1), Stats.]

The bill likewise requires the DNR to issue a mining permit if seven conditions are satisfied. The bill retains one of the six conditions set forth in current law -- the requirement that the proposed mining will result in a net positive economic impact in the area.

Of the five remaining conditions for approval under current law, the bill eliminates and replaces two and amends three conditions. First, the bill eliminates the condition requiring that a proposed mining site not be unsuitable for mining (however, as described below, the bill retains unsuitability as a basis for denial of the permit). Second, the bill eliminates the condition requiring the proposed operation to comply with all applicable administrative rules governing air, groundwater, surface water, and solid and hazardous waste management. The bill replaces those conditions with conditions that the applicant has *committed* to conducting the proposed mining in compliance with the mining permit and other approvals and that the waste site feasibility study and plan of operation must comply with the relevant waste site submissions required under the bill.

The bill modifies the three remaining conditions. First, whereas current law requires a mining operation to conform with all applicable zoning ordinances, the bill requires that the applicant *has applied* for applicable zoning approvals. Second, whereas current law requires that the mining plan and reclamation plan be reasonably certain to result in reclamation of the mining site consistent with the mining statutes and administrative rules, the bill requires that the mining plan and reclamation plan be reasonably certain to result in reclamation of the mining site consistent with the statute. Finally, whereas current law requires that a mining operation will not endanger public health, safety, or welfare, the bill requires that a mining operation not be likely to result in substantial adverse impacts to public health, safety, or welfare.

Lastly, the bill adds an additional condition requiring that the mining proposal is likely to meet or exceed the DNR's floodplain zoning rules.

Grounds for Denial of a Mining Permit Application

Under ***current law***, the DNR *must deny* an application for a mining permit if any of the six standards for issuance of a mining permit, listed above, is not satisfied. In addition, the DNR must deny the permit if the applicant, or an officer or director of the applicant, has forfeited a bond posted in accordance with mining activities in this state within a specified timeframe, or if the proposed mining activity may reasonably be expected to create one or more of the following problems:

- Landslides or substantial deposition from the proposed operation in stream or lake beds that cannot be feasibly prevented.
- Significant surface subsidence that cannot be reclaimed because of the geologic characteristics present at the proposed site.
- Hazards resulting in unpreventable, unavoidable, unmitigable, irreparable damage to various types of structures, improvements, and natural resources.

[s. 293.49 (2), Stats.; s. NR 132.10 (1), Wis. Adm. Code.]

The bill modifies the grounds for denial of a mining permit application in two ways. First, it modifies the definition for the unsuitability of a mining site. Under current law, a site is unsuitable if the mining activity is "reasonably expected" to destroy or irreparably damage specified features. Under the bill, a site is unsuitable if "it is more probable than not" that the mining activity will irreparably damage specified features. Also within the definition, both current law and the bill include protected species habitat that cannot be reestablished elsewhere or unique land features that cannot have their unique characteristic preserved by relocation or replacement elsewhere. However, the bill excludes archaeological areas and other lands designated by the DNR from the unique land features to be taken into consideration.

Second, the bill includes a narrower set of circumstances in which landsides, subsidence, or hazards give rise to a mandatory denial than apply under current law. Specifically, the bill requires that the irreparable damage to specified structures be physical in nature in order for a hazard to the structure to qualify as grounds for denial of a mining permit. It also removes the general category of property "designated by the DNR" from the list of structures to be protected from hazards resulting in irreparable damage.

Finally, the bill eliminates the requirement under current law that the DNR must deny a mining permit if the proposed project does not conform with all applicable zoning ordinances.

Exemptions

Under current law and the bill, an applicant for a mining permit may request exemptions from various requirements related to metallic mining. Under ***current law***, the DNR is authorized to grant an exemption from the requirements of the metallic mineral mining chapter in the administrative code, if

the exemption does not result in the violation of any federal or state environmental law or endanger public health, safety, or welfare or the environment, but is not required to do so. [s. 293.15 (9), Stats., s. NR 312.19, Wis. Adm. Code.] ***The bill*** authorizes the DNR to grant an exemption from any requirements of the bill applicable to a mining permit application, mining permit, or other approval. The bill requires the DNR to grant an exemption if the request is consistent with the purposes of the iron mining statutes, will not violate other environmental laws, and will either not result in significant adverse environmental impacts, or such adverse impacts will be offset through mitigation.

Under ***current law***, the DNR generally must act on an exemption request within 15 days. However, the 15-day timeline does not apply if the requested exemption requires an exception from the mining statute. ***The bill*** retains the 15-day timeline but removes the exception for exemptions from statutory requirements.

Current law requires certain procedures to be followed, including the requirement that requests for exemptions generally must be submitted at least 90 days in advance of the master hearing (for the applicant) or at least 30 days before the hearing (for persons other than the applicant). The DNR is also required to publish notice of a requested exemption. In addition, current law provides a process by which a hearing may be held to review a proposed exemption. In contrast, ***the bill*** does not restrict when an exemption may be requested, does not require public notice of a potential exemption, and does not provide for a process by which a public hearing may be held to review a proposed exemption.

Environmental Review

Environmental review is a major component of the process to obtain approval for a metallic mining operation. Environmental review typically involves the preparation of an EIS.

When Required

Current law requires the DNR to prepare an EIS for every metallic mining permit. The statement must describe the short-term and long-term impacts of the proposed mining operation on tourism, employment, schools, medical care facilities, private and public social services, the tax base, the local economy, and other significant factors. [s. 293.39, Stats.]

The bill retains the requirement that an EIS be prepared for each proposed ferrous mining operation. However, it removes "other significant factors" from the items that must be considered in an EIS.

With regard to prospecting, ***current law*** acknowledges that an EIS may in some cases be required under s. 1.11 (2), Stats., which requires state agencies to prepare an EIS when taking "major actions" that significantly affect the quality of the human environment. [s. 293.35 (5), Stats.] ***The bill*** specifies that the DNR is not required to prepare an EIS for exploration or bulk sampling.

Use of a an Environmental Impact Report

Under ***current law***, the DNR *may* require that a potential mining permit applicant submit an environmental impact report (EIR), which serves as a starting point for compilation of a draft EIS. In addition, the DNR *may* accept original data submitted by an applicant as part of an EIR, if the data

relates to impacts essential to a reasoned choice among significant alternatives to the proposed action; the data meets the requirements outlined in the DNR's instructions to the applicant; and one or more of the following apply:

- The DNR, its consultant or a cooperating state or federal agency collects sufficient data to perform a limited statistical comparison with the EIR data and can demonstrate that the data sets are statistically similar within a reasonable confidence limit.

- The data are determined to be within the range of expected results by an expert who is employed by, or is a consultant to, the DNR or in a cooperating state or federal agency.

- The DNR or its consultant or other cooperating state or federal agencies witness actual collection and analysis to a sufficient extent to verify the methodology as scientifically and technically adequate for the tests being performed.

[s. NR 150.25 (3) (b), Wis. Adm. Code.]

The bill requires an applicant for a ferrous mining permit to submit an EIR together with the mining permit application. The EIR must include: a description of the proposed mining project; environmental conditions and anticipated environmental impacts; socioeconomic conditions and anticipated socioeconomic impacts; details of any wetlands mitigation program; any measures to offset navigable waters impacts; any proposed changes to forest designations; and alternatives to the mining project. The bill *requires* the DNR to use original data provided in an EIR in the EIS if any of the conditions listed above applies.

Reimbursement of DNR Costs

Under ***current law***, applicants for a prospecting or mining permit must pay an initial fee in an amount estimated by the DNR to cover costs incurred by the department in connection with processing permit applications. [s. 293.32, Stats.] Applicants must also pay a separate fee to cover the costs of an environmental impact statement, including the cost to the DNR of hiring consultants in preparation of the statement. [s. 23.40 (3), Stats.] In addition, the applicants must pay various fees for related approvals under state environmental and natural resources laws.

When the DNR issues or denies a prospecting or mining permit, or when a permit application is withdrawn, the DNR must compare the fees paid for the prospecting or mining permit, together with fees paid for specified related approvals, with the actual costs incurred by the department. The amounts are then reconciled such that the applicant will have paid all costs incurred by the DNR, but not more than that amount.

The bill likewise requires an applicant for a mining permit to reimburse the DNR for costs related to the evaluation of a mining permit application. However, the bill caps costs to be paid by an applicant at $2 million. The bill also requires the applicant to pay the full cost of a competitively bid contract for preparation of an EIS. The bill provides that costs shall be paid according to the following fee schedule. First, $100,000 must be paid with the submission of a bulk sampling plan or a notice of intent to file a mining permit, whichever occurs earlier. Second, an additional fee of $250,000 must be paid when the DNR provides cost information demonstrating that the initial $100,000 has been fully

allocated against actual costs. Three additional fees of $250,000 each must similarly be paid after the DNR demonstrates that prior fees have been fully allocated against actual costs.

In addition, except for the fee required for an approval under the Great Lakes Compact, the bill provides that an applicant for a mining permit is not required to pay any application or filing fee for any approval other than a mining permit, notwithstanding general statutory provisions requiring fees for various environmental permits and approvals.

Bond for Reclamation, Certificate of Insurance, and Irrevocable Trust Agreement

Current law requires an applicant to submit bonds in connection with exploration, prospecting, and mining. An applicant for an exploration license must submit a bond of $5,000 to the DNR prior to conducting exploration. An applicant for a prospecting or mining permit must provide a bond[16] to the DNR after a permit has been approved but before beginning operations. The bond is conditioned on faithful performance of all of the requirements of the pertinent statutes and administrative rules. The bond must be in an amount equal to the estimated cost to the state, as determined by the DNR, of fulfilling the reclamation plan, in relation to that portion of the site that will be disturbed by the end of the following year. [s. 293.51 (1), Stats.]

The bill likewise requires a $5,000 bond to be submitted prior to conducting exploration. For bulk sampling, the bill requires a $5,000 bond, which may be increased by the DNR. The bill does not modify current law with regard to a bond requirement for a ferrous mining permit, with one exception: the bill expressly excludes the cost of long-term care of the mining waste site from the estimated cost to the state of fulfilling the reclamation plan.

In addition to a bond, ***current law*** requires a mine operator to submit a certificate of insurance after a prospecting or mining permit has been approved but before beginning operations. Under current law, the certificate of insurance must afford personal injury and property damage protection in an amount determined to be adequate by the DNR but not less than $50,000. [s. 293.51 (2), Stats.]

After a ferrous mining permit is approved, ***the bill*** likewise requires the permit holder to submit a certificate of insurance affording personal injury and property damage protection in an amount determined to be adequate by the DNR but not less than $50,000. However, the bill provides that the amount of personal injury and property damage protection required must not exceed $1 million. The bill does not require a certificate of insurance to be submitted in connection with bulk sampling.

Current law also requires an applicant for a metallic mining permit to propose an irrevocable trust agreement with a trust fund in an amount to assure adequate funds to undertake the prevention and remediation relating to specified events, such as hazardous waste spills and the failure of a mining waste facility to contain waste. [s. NR 132.085, Wis. Adm. Code.] ***The bill*** does not require an irrevocable trust agreement.

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[16] In lieu of a bond, the applicant may deposit cash, certificates of deposit, or government securities with the DNR.

Modification of an Existing Mining Permit

Under ***current law***, the operator of a metallic mine may apply to the DNR for an amendment of a mining permit, mining plan, or reclamation plan at any time. In general, the DNR must process an application for a proposed increase or decrease to the size of a mining site or a "substantial" change to a mining or reclamation plan in the same manner as the original mining permit application. [s. 293.55, Stats.; s. NR 132.12, Wis. Adm. Code.]

Under ***the bill***, a ferrous mine operator may request a change to a mining permit, the mining plan, the reclamation plan, or the mining waste site feasibility study and plan of operation at any time. The bill requires the DNR to grant such a request, unless it determines that the requested change makes it *impossible* for the permit holder to substantially comply with the approved mining plan, reclamation plan, or mining waste site feasibility study and plan of operation. If the DNR determines that the requested change would make substantial compliance impossible, or if it finds, based on a review conducted no more frequently than every five years, that because of changing conditions, including changes in reclamation costs or technology, the reclamation plan is no longer sufficient to reasonably provide for reclamation of the mining site, the DNR must require the operator to submit necessary amended plans or studies. The bill provides that the general mining permit application procedures generally apply to the amended plans.

Restriction on Mining Sulfide Minerals

Under ***current law***, the DNR is prohibited from issuing a permit for the mining of a sulfide ore body unless the DNR determines, based on information provided by a mining permit applicant and verified by the DNR, that sulfide mining operations, with certain restrictions, have been operated and closed without polluting groundwater or surface water from acid drainage or from the release of heavy metals or other significant environmental pollution. [s. 293.50, Stats.] This requirement is titled the "sulfide mining moratorium law."

The concern with the disturbance of sulfide minerals is that when exposed to oxygen and water, sulfide minerals may undergo a series of chemical and biochemical reactions that produce acidic products which may have negative effects related to changing the pH level in groundwater or surface water and by dissolving other minerals, which may cause the release of heavy metals.

The sulfide mining moratorium law defines "sulfide ore body" broadly as "a mineral deposit in which metals are mixed with sulfide minerals." Iron ore itself is not a sulfide ore. However, based on consultation with geologists at the U.S. Geological Survey and the DNR, virtually all geological formations in the state contain at least trace amounts of sulfide minerals, which means that this law arguably could apply to any type of mining project. Although the DNR reports that it would be unlikely to apply the sulfide mining moratorium law to a ferrous mining project for which only trace amounts of sulfide minerals are present or the sulfide minerals that are present are avoidable, the breadth of the definition of "sulfide ore body" could create uncertainty as to the legitimacy of a prospective challenge to the DNR on this point.

The bill amends the sulfide mining moratorium law, making it applicable only to nonferrous mining. In particular, it modifies the definition of "sulfide ore body" to mean "a mineral deposit in which nonferrous metals are mixed with sulfide minerals."

Regardless of whether the sulfide mining moratorium law would be applied, any mining operation would be required to manage acid production in its surface and groundwater management activities.

Judicial Review

Current law and the bill allow for judicial review of final DNR decisions regarding metallic mining. In addition, they both generally limit the scope of judicial review to a bench trial based on the administrative record assembled by the DNR. [s. 227.57, Stats.] ***The bill*** requires a judicial review action to be brought in the county in which the majority of the proposed mining site is located.

Local Impact Committees

Under ***current law***, one or more counties, towns, villages, cities, or tribal governments likely to be substantially affected by a proposed mining operation may establish a local impact committee. A local impact committee may facilitate communications, review and comment on proposed operations, and conduct other activities relating to a proposed mining operation. Such committees may submit a request to obtain operating funds from the Mining Investment and Local Impact Fund, described above. ***The bill*** retains current law with respect to local impact committees.

CHANGES TO RELATED ENVIRONMENTAL AND NATURAL RESOURCE LAWS

Under current law and the bill, various permits and approvals may be required in addition to an exploration, prospecting/bulk sampling, or mining permit before a person may explore for or extract ferrous minerals in Wisconsin. Many of these approvals relate to environmental and natural resources impacts that may result from ferrous mining and activities secondary to mining. Examples of related approvals that may be required include permits for activities affecting wetlands and navigable waters; approvals for high capacity wells; wastewater discharge permits; and air emissions permits. In addition, a ferrous mining operation is subject to groundwater quality regulations and regulations governing the construction and monitoring of a mining waste facility. The bill makes various changes to the standards and procedures governing the issuance of certain environmental and natural resource approvals relating to ferrous mining.

Impacts to Wetlands

Wetland Permitting Process[17]

Under ***current law and the bill***, a wetland general permit[18] or wetland individual permit[19] is required if an activity will result in a discharge of dredged material or fill material into wetlands, unless

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[17] The Wisconsin Legislature recently enacted 2011 Act 118, which made extensive changes to the state's wetlands permitting process. The DNR has not yet had time to revise its administrative rules relating to wetland permitting to provide for consistency with this enactment. Therefore, this memorandum generally does not include evaluation of the Administrative Code related to wetlands, with limited exceptions.

the activity is exempt from this requirement. Current law and the bill prohibit the DNR from issuing either type of wetland permit unless it determines that the discharge will comply with all applicable water quality standards.[20] [s. 281.36 (3b) (b), Stats.] If an affected wetland is a "federal wetland," the applicant must also obtain a permit from the ACE.[21]

Under ***current law***, the DNR is required to establish wetland general permits for certain types of discharges, and may issue other wetland general permits to regulate other types of discharges. When drafting a wetland general permit, the DNR is required to impose requirements, conditions, and exceptions to ensure that the discharges that will occur under the permit will cause only minimal adverse environmental effects. A general permit may only apply to a single and complete project. The DNR may prohibit discharges under general permits into certain types of wetlands specified in statute. [s. 281.36 (3g), Stats.] The DNR may require a person seeking authorization for an activity under a general permit to apply for a wetland *individual* permit if, based on an inspection, it determines that conditions specific to the site require additional restrictions on the discharge in order to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

Under ***the bill***, projects involving wetland impacts related to bulk sampling or ferrous mining may also be granted general permits under the current-law process, if applicable. Most of the requirements under current law relating to wetland general permits apply to a general permit related to bulk sampling or ferrous mining.

Under ***current law and the bill***, a wetland individual permit is required for a person to discharge dredged material or fill material into any wetland unless the discharge is authorized under a general permit or is exempt from permitting requirements. An application for a wetland individual permit must include an analysis of the practicable[22] alternatives that will avoid and minimize the adverse impacts of the discharge on wetland functional values[23] and that will not result in any other significant adverse environmental consequences.[24] [s. 281.36 (3m), Stats.]

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[18] A general permit is a permit that does not apply to a specific project. Instead, it applies statewide to any person authorized to engage in the activity covered by the permit.

[19] An individual permit is issued for a specific activity at a particular place.

[20] Water quality standards for wetlands are narrative standards that describe "beneficial uses" or "functional values" of a wetland such as flood water retention, groundwater recharge or discharge, and fish and wildlife habitat. [ss. 281.15 and 281.36, Stats.; s. NR 1.95 (3) and chs. NR 102-105 and 299, Wis. Adm. Code.]

[21] Federal wetlands are wetlands that are subject to federal jurisdiction under 33 U.S.C. s. 1344. Nonfederal wetlands are nonnavigable, isolated, intrastate wetlands, which were removed from the ACE's jurisdiction by the U.S. Supreme Court in *Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers,* 531 U.S. 159 (2001).

[22] Under current law and the bill, "practicable" means reasonably available and capable of being implemented after taking into consideration cost, site availability, available technology, logistics, and proximity to the proposed project site, in light of the overall purpose and scope of the project. [s. 281.36 (1) (cp), Stats.]

[23] For a description of wetland functional values as codified by the DNR, see ss. NR 1.95 (3) (b) and 132.06 (4) (g), Wis. Adm. Code. The bill specifies a separate list of wetland functional values that are comparable to those under current

Under current law and the bill, the DNR must consider all of the following factors when it assesses the impacts of a project on wetland functional values:

- The direct impacts of the proposed project to wetland functional values.
- The cumulative impacts attributable to the proposed project that may occur to wetland functional values based on past impacts or reasonably anticipated impacts caused by similar projects in the area affected by the project.
- Potential secondary impacts of the proposed project to wetland functional values.
- The impact on functional values resulting from mitigation.
- The net positive or negative environmental impact of the proposed project.

In addition to these factors, ***the bill*** requires the DNR to evaluate whether the discharge will result in a significant adverse impact to wetland functional values by doing all of the following:

- Comparing the functional values of the wetland with other wetlands located within the boundaries of the mining site or within the same water management unit as the mining site and with other waters of the state that are located in the same water management unit.
- Taking into consideration the floristic province in which the mining site is located.

The bill also requires the DNR to determine the impact of a proposed discharge on wetland functional values by using wetland ecological evaluation methods that are jointly accepted by the ACE and the DNR and that are appropriate to the affected wetland.

Under ***current law***, the DNR is required to make a finding that a proposed project is in compliance with water quality standards and that a wetland individual permit may be issued if it determines that all of the following apply:

- The proposed project represents the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts.
- All practicable measures to minimize the adverse impacts to wetland functional values will be taken.

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law and lists activities and effects that must be minimized for the purpose of maintaining or enhancing wetland functional values.

[24] Under current law and the bill, the DNR is required to limit its review of practicable alternatives to those that are located at or adjacent to the site of the activity if the applicant has demonstrated that the proposed project will result in a demonstrable economic public benefit. [s. 281.36 (3n), Stats.]

- The proposed project will not result in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.

[s. 281.36 (3n), Stats.].

Under ***the bill***, if the DNR determines that the three findings above apply, taking into account compensation for significant adverse impacts to wetland functional values provided in a mitigation plan, the DNR is required to make a finding that a discharge of dredged material or fill material is in compliance with all applicable water quality standards and is required to issue a wetland individual permit.

The bill also includes a general legislative finding that because of the fixed location of ferrous mineral deposits, it is probable that mining those deposits will result in adverse impacts to wetlands and that the use of wetlands for bulk sampling and mining activities in a way that would result in a significant adverse impact on wetlands is presumed to be necessary.

Other Approvals Related to Wetlands

Numerous activities other than a discharge of material may also be evaluated based on their effects on wetlands as part of the review of any separate permit requirement for such an activity. [s. NR 103.06, Wis. Adm. Code.] Because the Administrative Code related to wetland permitting has not yet been reconciled with 2011 Act 118, as noted above, it is not clear to what extent the standards for approval of a proposal to place dredged or fill material in a wetland apply to these other types of activities.

The bill generally requires evaluations of wetland impacts for activities other than the discharge of dredged or fill material to be conducted in the same manner and subject to the same standards as described above for evaluations of proposed discharges.

Federal Wetlands

As noted above, if a proposed project will impact federal wetlands, the applicant must also obtain a permit from the ACE. Under ***current law***, the DNR generally processes wetland permits related to impacts to federal wetlands in the same manner as it would for non-federal wetlands. Under ***the bill***, the DNR may impose requirements on an approval related to a federal wetland in addition to those contained in an ACE permit only as required to address significant adverse impacts to wetland functional values, significant adverse impacts to water quality, or other significant adverse environmental consequences not addressed in the ACE permit.

Wetland Mitigation

The term "wetland mitigation" refers to actions taken to compensate for the negative impacts of a project on wetlands.[25] Examples of mitigation include restoring previously destroyed or degraded wetlands, creating new wetlands, and purchasing credits from a wetland mitigation bank.

Under ***current law***, the DNR must establish a mitigation program that applies only to the issuance of wetland individual permits. The mitigation must allow mitigation to be accomplished by any of the following methods:

- Purchasing or applying credits from a mitigation bank[26] in this state.
- Participating in the in lieu fee subprogram,[27] if established.
- Completing mitigation within the same watershed or within one-half mile of the site of the discharge.

Current law provides that purchasing credits from a mitigation bank and participation in the in lieu fee subprogram are the preferred types of mitigation. The DNR is required to establish mitigation ratios that are consistent with the federal regulations that apply to mitigation and mitigation banks, but the minimum ratio must be at least 1.2 acres for each acre affected by a discharge. Mitigation that occurs within the same watershed as the discharge or within one-half mile of the discharge need be only 90% of the ratio that would be required if the mitigation were to occur further from the site of the discharge. [s. 281.36 (3r), Stats.]

The bill allows the applicant to propose a wetlands mitigation program to compensate for adverse impacts to functional values of wetlands. Mitigation projects may be performed by a person other than the applicant, if approved by the DNR. A wetland mitigation program must include all of the federal mitigation measures and may include any of the following:

- Implementation of a project for mitigation.
- Purchase of mitigation credits from a mitigation bank, including for a site in a mitigation bank that is located anywhere in the state (unless the mining project is in the ceded territory, as described below).
- Participation in the in lieu fee subprogram described above.

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[25] Under current law and the bill, "mitigation" is defined as the restoration, enhancement, creation, or preservation of wetlands to compensate for adverse impacts to other wetlands." [s. 281.36 (1) (bj), Stats.]

[26] The DNR is required to establish a system of service areas for the mitigation banks under the mitigation program that is geographically based on the locations of the major watersheds in the state.

[27] Current law authorizes the DNR to establish an "in lieu fee subprogram" as part of the mitigation program, under which payments are made to the DNR or another entity for the purposes of restoring, enhancing, creating, or preserving wetlands or other water resource features.

As part of a mitigation plan, the bill requires an applicant to identify and consider mitigation that could be conducted in the same watershed in which the mining site is located. If it is not practicable or ecologically preferable to conduct mitigation at an on-site location[28] or if there is no on-site location that will provide sufficient wetland acreage, the DNR must allow the applicant to conduct mitigation at an off-site location. The bill also requires wetland mitigation to compensate for impacts to wetlands located in the ceded territory[29] to occur within the ceded territory.

The bill limits the amount of required mitigation to 1.5 acres of mitigation per acre adversely impacted, and, for purposes of mitigation banks, counts each acre restored, enhanced, or created as one credit. With respect to federal wetlands, the bill also prohibits the DNR from requiring more mitigated acres than the acreage required under the ACE permit.

Exemptions

Under ***current law and the bill***, the following activities, among others, are exempt from wetland permitting requirements: maintenance, emergency repair, or reconstruction of damaged parts of structures that are in use in a wetland; construction or maintenance of irrigation ditches; maintenance of drainage ditches; and construction or maintenance of farm roads, forest roads, or temporary mining roads that is performed in accordance with best management practices. [s. 281.36 (4), Stats.] Under ***current law***, these exemptions do not apply to a new activity if the activity may impair the flow or circulation of a wetland or reduce the reach of a wetland. [s. 281.36 (5), Stats.] ***The bill*** does not include this restriction.

Under ***current law***, artificial wetlands are also exempt from wetland water quality standards unless the DNR determines that significant functional values are present. [s. NR 103.06 (4), Wis. Adm. Code.] ***The bill*** includes an exemption for artificial wetlands but does not limit the exemption based on a determination by the DNR that significant functional values are present.

Infringement of Public Rights

Under ***current law***, the DNR has broad authority to proceed against possible violations of the statutes regulating discharges into wetlands for which the DNR determines that the public interest may not be adequately served by imposition of a penalty or forfeiture. Such a proceeding may result in an order directing the responsible parties to perform or refrain from performing acts in order to fully protect the public interest. This type of order may be civilly enforced. [s. 30.03 (4), Stats.] ***The bill*** does not provide this authority to the DNR for wetlands activities related to ferrous mining.

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[28] The bill defines "on-site location" to mean a location that is on a mining site or within one-half mile of an outer boundary of a mining site.

[29] "Ceded territory" is defined in the bill to mean the territory in Wisconsin ceded by the Chippewa Indians to the United States in the treaty of 1837, 7 Stat. 536, and the treaty of 1842, 7 Stat. 591. The ceded territory covers roughly the northern third of the state.

Impacts to Navigable Waters

Under ***current law***, a person generally must obtain a permit from the DNR before conducting any of the following activities relating to navigable waters: placing structures and deposits in navigable waters; constructing bridges and culverts; enlarging and protecting waterways; changing stream courses; and removing material from beds of navigable water bodies. In some cases, such activities may be authorized by a general permit of statewide applicability. If an activity is not authorized under a general permit or explicitly exempted from regulation under state statute, an individual permit typically must be obtained.

For structures and deposits in navigable waters, the DNR must issue an individual permit for a proposed structure or deposit if the DNR makes all of the following findings:

- The applicant is a riparian owner.
- The structure or deposit will not materially obstruct navigation.
- The structure or deposit will not be detrimental to the public interest.
- The structure or deposit will not materially reduce the flood flow capacity of a stream.

[s. 30.12 (3m), Stats.]

For bridges and culverts, the DNR must issue an individual permit if it finds all of the following:

- The bridge or culvert will not materially obstruct navigation.
- The bridge or culvert will not materially reduce the effective flood flow capacity of a stream.
- The bridge or culvert will not be detrimental to the public interest.

[s. 30.123 (8), Stats.]

For the protection and enlargement of waterways, the DNR must issue an individual permit if it finds all of the following:

- The activity will not be detrimental to the public interest.
- The activity will not cause environmental pollution.
- Any enlargement connected to a navigable waterway complies with all of the laws relating to platting of land and sanitation.
- No material injury will result to the riparian rights of any riparian owner of real property that abuts any water body affected by the activity.

[s. 30.19 (4), Stats.]

For changing stream courses, the DNR must issue an individual permit if it makes all of the following findings:

- The applicant is the owner of any land upon which the change in course or straightening of the navigable stream will occur.
- The proposed change of course or straightening of the navigable stream will improve the economic or aesthetic value of the applicant's land.
- The proposed change of course or straightening of the navigable stream will not adversely affect the flood flow capacity of the stream or otherwise be detrimental to the public interest.
- The proposed change of course or straightening of the navigable stream will not be detrimental to the rights of other riparian owners located on the stream or all of these riparian owners have consented to the issuance of the permit.

[s. 30.195 (2), Stats.]

For removal of material from beds of navigable water bodies, the DNR must issue an individual permit if it finds the issuance of the permit will be consistent with the public interest in the navigable water. The DNR may also enter into a contract on behalf of the state for the removal and lease or sale of any mineral, ore, or other material from beneath the bed of a navigable water that the state owns if the contract will be consistent with public rights and if the navigable water will not be disturbed in the removal operation. [s. 30.20 (2), Stats.]

The bill creates a single set of approval requirements governing all of the types of navigable waters impacts described above. Specifically, in the context of ferrous mining, the bill requires the DNR to issue an approval for a "navigable water activity," defined to mean any of the five types of activities for which a permit is required under current law, if all of the following apply:

- The activity will not significantly impair public rights and interest in navigable water.
- The activity will not significantly reduce the effective flood flow capacity of a stream.
- The activity will not significantly affect the rights of riparian owners or the applicant has obtained the consent of all affected riparian owners.
- The activity will not significantly degrade water quality.[30]

The bill requires an applicant to propose "measures" to meet the above requirements and to propose a schedule for implementing the measures. Measures that an applicant may propose include:

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[30] These findings necessary for approval of a navigable waters activity are similar to findings required under s. 30.025 (3) (b) for utility projects and facilities.

- Providing public access to, restoring, or enlarging up to 1.5 acres of navigable waters in exchange for each acre of navigable waters that is significantly impacted.
- Improving public rights or interests in navigable waters.
- Offsetting significant impacts to water quality or quantity.
- Enhancing flood storage.
- Compensation or mitigation as provided under the wetlands provisions in the bill.
- Conservation measures as provided under the water withdrawal provisions in the bill.

If the DNR determines that the approval requirements will be met by implementing some or all of the measures proposed by the applicant, the DNR must determine which measures are required and approve a schedule for implementation, and is required to approve the navigable waters activity.

The bill specifies that a person need not be a riparian owner to apply for a navigable water activity approval under the bill, or to obtain a contract to engage in a navigable water activity.

Destruction or Filling of a Lakebed

Current law specifically prohibits the DNR from authorizing the destruction or filling in of a lake bed in connection with a metallic mining permit, notwithstanding any other provision of law. [s. 293.13 (2) (d) 4., Stats.]

The bill does not retain the specific prohibition regarding the destruction or filling of a lake bed in connection with a ferrous mining permit. Under the bill, any proposal to fill a lake bed in connection with a ferrous mining operation would be subject to the general standards in the bill governing the issuance of a permit for activities affecting navigable waters.

Water Withdrawals

Under ***current law***, separate DNR approvals are required for withdrawals of large quantities of surface water from a lake or stream and withdrawals of large quantities of groundwater. Current law provides specific rules governing such activities in the context of mining projects. Specifically, for metallic mining projects, a surface water withdrawal permit is generally required for the withdrawal of water from a lake or stream if the withdrawal will result, in any 30-day period, in a water loss of two million gallons per day above the authorized base level[31] of water loss of the person making the withdrawal. A high-capacity well approval is generally required for the withdrawal of groundwater or the dewatering of a mine if the capacity and rate of withdrawal of all wells involved in the withdrawal of groundwater or the dewatering of mines exceeds 100,000 gallons each day. In addition, a new or

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[31] In general, the authorized base level of water loss is a water loss the person reports under existing approvals for water withdrawals. If the person has no existing approvals, the base level is zero.

modified surface water or high-capacity well approval is typically required if water withdrawals will result in a water loss beyond a specified threshold amount.

The bill similarly requires that a person must obtain a permit before withdrawing or using surface water and before withdrawing groundwater as part of a mining or bulk sampling operation if the capacity and rate of withdrawal of all wells involved in the withdrawal of groundwater or the dewatering of mines exceeds 100,000 gallons each day. However, the bill does not require separate approvals for those two types of water withdrawals. Instead, for ferrous mining projects, the bill creates a single permit, termed a "mining water withdrawal permit." The mining water withdrawal permit is governed by different standards than apply under current law.

Under ***current law***, upon receipt of an application for a surface water withdrawal permit relating to a metallic mining project, the DNR must determine the minimum stream flow or lake level necessary to protect public rights, the minimum flow or level necessary to protect the rights of affected riparian owners, the point downstream beyond which riparian rights are not likely to be injured by the proposed withdrawal, and the amount of surplus water at the point of the proposed withdrawal.[32] The DNR must also hold a public hearing on the permit to take testimony on specified issues, such as public rights and benefits and the rights of competing users of the water resources. Within 30 days of the hearing, the DNR must issue or deny the permit, based on the following standards:

- If injury to public rights exceeds the public benefits generated by the mining, the DNR must deny the permit.
- If the proposed withdrawal will consume nonsurplus waters and will unreasonably injure rights of riparians who are beneficially using such waters, the DNR must deny the permit, unless it grants a permit based on modifications of a proposed withdrawal made to avoid injury to public or riparian rights or all affected riparians consent to the proposed withdrawal.
- In all other cases, the DNR must grant the permit.

[s. 293.65 (2), Stats.]

Regarding groundwater withdrawals, current law requires the DNR to conduct an environmental review prior to approving construction of a high-capacity well if any of the following criteria apply:

- The well is located in a groundwater protection area, defined as an area within 1,200 feet of a specified outstanding or exceptional resource water that is not a trout stream.
- More than 95% of the amount of water withdrawn by the well will be lost from the water basin in which the well is located as a result of interbasin diversion or consumptive use, or both.
- The well may have a significant environmental impact on a spring.

[s. 281.34 (4), Stats.]

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[32] "Surplus water" means water of a stream that is not being beneficially used, as determined by the DNR. [ss. 30.01 (6d) and 293.65 (2) (b), Stats.]

With certain exceptions, the DNR may not approve construction of a high-capacity well that will impair a public water supply, cause significant environmental impact to a groundwater protection area, result in a water loss greater than 95%, or have a significant environmental impact on a spring. The DNR may include conditions in a permit necessary to avoid any of these impacts. [s. 281.34 (5), Stats.]

The bill replaces the standards applicable to both surface water withdrawal permits and high-capacity well construction approvals. Under the bill, the DNR generally must issue a mining water withdrawal permit if the withdrawal or use of the surface water or groundwater satisfies all of the following requirements:

- The proposed withdrawal and uses of the water are substantially consistent with the protection of public health, safety, and welfare and will not be significantly detrimental to the public interest.
- The proposed withdrawal and uses of the water will not have a significant adverse impact on the environment and ecosystem of the Great Lakes basin or the Upper Mississippi River basin.
- The proposed withdrawal and use of the water will not be significantly detrimental to the quantity and quality of the waters of the state.
- The proposed withdrawal and use of the water will not significantly impair the rights of riparian owners or the applicant obtains the consent of the riparian owners.
- The proposed withdrawal and use of the water will not result in significant injury to public rights in navigable waters.
- If the withdrawal or the use of the water will result in an interbasin diversion, relevant statutory requirements must be satisfied.
- The proposed withdrawal or use of the water will comply with any requirements imposed by the DNR to offset significant impacts to public or private water supplies.

An applicant for a mining water withdrawal permit must submit a plan containing proposed conservation measures to meet the standards listed above. The DNR may require one or more specific conservation measures to be included in the plan. If the DNR finds that the standards above will be satisfied through the implementation of some or all of the conservation measures contained in the plan, it must issue the water withdrawal permit.

The bill also authorizes the DNR to require a permit applicant to offset a significant impact to a public or private water supply. The bill authorizes the DNR to impose specified reasonable additional permit conditions, provided that the conditions relate to specified issues and do not interfere with the mining operation or bulk sampling or limit the amount of water to be used for the mining operation or bulk sampling, with one exception: if the DNR determines that a high-capacity well for a mining project may impair a privately owned high-capacity well, the DNR is required to include conditions to ensure that the privately owned high-capacity well will not be impaired, unless the private high-capacity well owner agrees to the impairment.

The bill does not exempt an applicant for a ferrous mining water withdrawal permit from the requirement to obtain a permit under the Great Lakes Compact law, if applicable.

Finally, once an applicant files an application for a water withdrawal permit, the bill authorizes the applicant to enter any land from which the applicant proposes to withdraw water or use water for the purpose of making any surveys required for the mining operation or bulk sampling.

Groundwater Quality

Under ***current law***, the DNR develops enforcement standards in consultation with the Department of Health Services (DHS) for certain chemical substances found in groundwater that are of concern for public health. The DNR also establishes preventative action limits, which represent the percentage of an enforcement standard that may trigger action by DNR to prevent further groundwater contamination. ***The bill*** does not modify numerical groundwater quality standards and surface water quality standards.

Design Management Zone

Outside the boundaries of a designated "design management zone," certain projects requiring DNR approval, including mining and prospecting operations, must adhere to groundwater quality enforcement standards.[33] For mining sites and mining waste sites, if an enforcement standard is exceeded outside the boundaries of a design management zone, the DNR may act to prevent any new releases of the substance from traveling beyond the design management zone or other applicable point of standards application and restore groundwater quality within a reasonable period of time.[34] [s. NR 140.26 (2) (a), Wis. Adm. Code.]

Under ***current law***, the horizontal distance to the boundaries of a design management zone for metallic mining projects is generally 1,200 feet from the outer waste boundary for a mining waste facility and 1,200 feet from the edge of a metallic mineral surface mine or surface prospecting excavation or the property line, whichever is closer.

Under ***the bill***, the boundaries of design management zones for ferrous mining operations are generally 1,200 feet from the engineered structures of a mining waste site, including any wastewater and sludge storage or treatment lagoon, the edge of the mine and adjacent mine mill and ferrous mineral processing and other facilities, or at the boundary of the property owned or leased by the mining operator, or on which the mining operator holds an easement, whichever is closer.

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[33] Current law exempts metallic mining projects from general statutes governing groundwater quality and authorizes the DNR to promulgate rules establishing groundwater standards for metallic mining projects, notwithstanding statutes that generally govern groundwater quality. [ss. 160.19 (12) and 293.15 (11), Stats.] However, DNR administrative rules require prospecting and mining sites and mining waste sites to comply with generally applicable groundwater quality standards. [s. NR 182.075, Wis. Adm. Code.]

[34] A smaller design management zone has the effect of stricter regulation, because DNR may require that actions be taken when contaminants have traveled a lesser distance in groundwater than would be the case with a larger design management zone.

The bill modifies the DNR's authority to change a given design management zone. Under ***current law***, the DNR may reduce the distance to the boundary of a design management zone for a metallic mining site in specified circumstances, but it may not expand it. In contrast, ***the bill*** authorizes the DNR to expand a design management zone for a ferrous mining site by an additional 1,200 feet in any direction, if the DNR determines that preventive action limits and enforcement standards will be met at the boundary of the expanded design management zone and that preventive action limits and enforcement standards cannot be met at the boundary of the zone if it is not expanded. The bill does not appear to authorize the DNR to reduce the size of a design management zone for ferrous mining projects.

Finally, the bill modifies the vertical boundaries of design management zones. Under current law, design management zones for metallic mining sites extend vertically from the land surface through all saturated geological formations. Under the bill, the vertical distance to the boundary of the design management zone extends no deeper than 1,000 feet into the Precambrian bedrock under a ferrous mining site, or the final depth of the mining excavation, whichever is greater.

Mandatory Intervention Boundary

Under ***current law***, the operator of a mining site must monitor groundwater quality at locations approved by the DNR along and within the site's "mandatory intervention boundary." If a preventive action limit or enforcement standard is exceeded beyond the mandatory intervention boundary, the DNR must generally require a corrective response to prevent an exceedance of groundwater quality standards at the design management zone boundary. The horizontal distance to the mandatory intervention boundary is generally 150 feet from the outer waste boundary, the outer edge of the mine or prospecting excavation, or the outer edge of the underground workings as projected to the land surface. [s. NR 182.075 (1) (c), Wis. Adm. Code.]

The bill creates similar requirements for a mandatory intervention boundary for ferrous mining sites but establishes a general horizontal distance to the mandatory intervention boundary of 300 feet from the outer waste boundary or the outer edge of the excavation, unless reduced by up to 150 feet by the DNR under specified conditions. The bill also provides that a ferrous mine operator is not required to conduct groundwater monitoring along mandatory intervention boundaries that are within other mandatory intervention boundaries.

Shoreland and Floodplain Zoning

The state shoreland and floodplain zoning programs establish building setback, grading, lot size, and other parameters for land located within 1,000 feet of a navigable lake, pond, or flowage, and for land up to 300 feet from a navigable river or stream (or to the landward side of the floodplain of a river or stream, whichever distance is greater). The programs operate as a state and local partnership, whereby the DNR establishes standards which then are incorporated in local zoning ordinances and enforced by local governments. The state's floodplain zoning program is also based on minimum requirements established by the Federal Emergency Management Agency, which requires states to have a floodplain zoning program in order to qualify for subsidized flood insurance and disaster relief due to flooding.

Under ***current law***, an applicant for a mining permit must demonstrate compliance with local zoning ordinances, including shoreland and floodplain zoning ordinances. However, in some cases, the DNR may directly authorize specified mining facilities in such areas, or municipalities may grant a special exemption or variance to accommodate a mining project. [See s. 289.35, Stats., and s. NR 116.21, Wis. Adm. Code.]

The bill exempts specified activities relating to ferrous mining from shoreland zoning ordinances. Specifically, the bill provides that the DNR may not prohibit a waste site, structure, building, fill, or other development or construction activity in an area that would otherwise be prohibited under a shoreland zoning ordinance if the activity is authorized as part of a ferrous mining permit. It likewise provides that such activities do not violate shoreland zoning ordinances if they are authorized by the DNR as part of a mining operation covered by a ferrous mining permit. Finally, the bill specifies that an applicant for a ferrous mining permit need not obtain a variance from a shoreland zoning ordinance for such activities.

With respect to floodplain zoning, the bill specifies that municipal floodplain zoning ordinances may not prohibit development or construction activity authorized by the DNR in a mining permit except to the extent necessary for the municipality to maintain eligibility for participation in the National Flood Insurance Program. The bill also adds a condition for approval of a mining permit that requires that the mining proposal is likely to meet or exceed the DNR's floodplain zoning rules.

Regulation of Mining Waste

Mining operations produce waste in the form of overburden (material above the mineral to be mined), tailings (material that remains after the sought-after mineral is extracted and processed), and waste rock (rock that does not include sufficient quantity of the sought-after mineral to be processed). Under ***current law***, with the exception of responsibility for long-term care of the mining waste site, the disposal of solid wastes from a mining operation is generally governed by administrative rules. When promulgating those rules, the DNR is required to consider the special requirements of metallic mining operations in the location, design, construction, operation, and maintenance of facilities for the disposal of metallic mining wastes, as well as any special environmental concerns that arise as a result of the disposal of metallic mining wastes. [s. 289.05 (2), Stats.]

Under ***the bill***, the disposal of mining waste is governed by the new ferrous mining statute, and approvals and demonstrations for a mining waste site or facility are submitted as part of a mining permit. The bill specifies that the DNR may not regulate the use of mining waste in reclamation or the construction of any facility or structure except through the department's review of the mining plan and reclamation plan and the approval of the application for the mining permit.

Feasibility Study and Plan of Operation

Under ***current law***, an applicant must submit a feasibility report and a plan of operation relating to the disposal of solid waste resulting from the mine. ***The bill*** requires a feasibility study to be submitted as part of a mining permit application whereas, under current law, feasibility reports are submitted and processed separately.

Current administrative rules acknowledge that the amount of data that must be included in a feasibility report varies according to the type of site. However, ***current law*** requires specified minimum information to be provided in a feasibility report.[35]

The feasibility study required to be submitted under ***the bill*** includes many of the same components required under current law, but the bill modifies or eliminates several requirements. For example, under current law, an applicant for a mining waste site approval must submit demonstrations showing that there is a reasonable certainty that the facility will not result in a violation of groundwater quality standards beyond the boundaries of the design management zone. In contrast, the bill requires modeling to assess waste site performance at a depth of not more than 1,000 feet into the Precambrian bedrock or the depth of the mining excavation, whichever is greater.

Under ***current law***, this modeling must assess the waste site's compliance with groundwater standards for an unspecified period of time following closure of the mining waste site. ***The bill*** limits the applicable time period for assessing such compliance to 100 years following the closure of a mine. In addition, the bill retains the requirement that alternatives to the design and location be identified, but it removes requirements for demonstrating a site selection process fulfilling specified criteria to minimize the overall adverse environmental impact of the waste site. In addition, the bill eliminates some required information regarding site closing and other submissions relating to the long-term care of the waste site.

In addition to the feasibility report, ***current law*** requires an applicant for a mining waste site approval to submit a plan of operation. A plan of operation must contain: engineering plans; an operations manual; a design report; a detailed contingency plan; and an appendix. All of those components must include specific information detailed in the administrative rules. [s. NR 182.09, Wis. Adm. Code.] ***The bill*** retains most of the required components of the operation plan, but it eliminates portions of the operations manual required under current law and makes other minor modifications.

Standards for Approval of a Mining Waste Site

As noted, ***the bill*** prohibits the DNR from regulating mining waste sites except in connection with a mining permit. Thus, although the bill incorporates many of the standards used in the DNR review of mining waste site applications under current law, those standards are generally included as

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[35] In particular, current law requires the following information to be included, at a minimum:

- General information regarding the proposed facility, such as site location, contact information, and estimated quantities of waste.
- The results of a characterization and analysis of all mining wastes to be disposed of or stored in the waste site, including an evaluation of the quantities, variability, and physical, radiologic and chemical properties of the proposed waste based on testing of representative samples.
- A discussion of regional site setting, addressing hydrology, geology, climatology, and other characteristics of the region; and the proposed design of the facility.
- A preliminary water budget for the periods before construction, during operation, and after closure of the waste facility.
- An analysis of the impact of the waste site on aesthetics.
- Data regarding the safety factors of tailing pond embankments.
- A contingency plan in the event of an accidental or emergency discharge or other unanticipated condition.
- An economic analysis for site closing and long-term care of the waste site.
- Alternatives to the design and location of the proposed waste site.
- An appendix that includes specified scientific samples, methodology, and references. [s. NR 182.08 (2), Wis. Adm. Code.]

required demonstrations to be included in the feasibility study and plan of operation, rather than as standards governing DNR approval of a mining waste site.

In addition, the bill modifies several technical demonstrations required under current law. First, ***the bill*** requires a demonstration that slopes of a complete waste be no less than 20% and no greater than 50%, versus no less than 20% and no greater than 33% under current law. Second, whereas current law requires that embankment materials or drainage or filter bed materials be compacted to 95% of maximum dry density, the bill requires a demonstration that such materials be compacted to 90% of maximum dry density. In addition, the bill eliminates a requirement that a mine waste facility, where practicable, should be located so that tailings pipelines do not cross any major watercourse or pass through any wetland. Finally, the bill removes a standard requiring that high priority be given to selecting a design and operating procedure for the waste sites that provides for the reclamation of all disturbed sites and minimizes the risk of environmental pollution.

Restrictions on the Location of a Mining Waste Site

Both current law and the bill restrict the locations where a mining waste site may be located. Under ***current law***, a mining waste site may not be located in the following areas:

- Within areas identified as unsuitable for mining, taking the presence of endangered and threatened species into account.
- Within 1,000 feet of any navigable lake, pond, or flowage.
- Within 300 feet of a navigable river or stream.
- Within a floodplain.
- Within 1,000 feet of the edge of the right-of-way for a state trunk highway, interstate, or federal highway, state or federal park, scenic easement purchased by the DNR or the Department of Transportation, the boundary of a designated scenic or wild river, a scenic overlook designated by the DNR, or a bike or hiking trail designated by the federal government or state Legislature.
- Within 1,200 feet of any public or private water supply well.
- Within an area which contains known mineral resources.
- Within 200 feet of a property line.
- Within an area where the DNR determines there is a reasonable probability that the waste will result in a violation of surface water or groundwater quality standards.

[s. NR 182.07, Wis. Adm. Code.]

The bill includes similar location criteria, with some exceptions. Namely, it does not include a restriction relating to the unsuitability of the area for mining. In addition, the restrictions for locations within 1,000 feet or 300 feet of specified navigable waters do not apply under the bill to activities

associated with a mining waste site that are approved by the DNR as part of a wetlands certification, navigable water activity permit, or water withdrawal permit under the bill. In addition, the bill modifies the restriction for location near the property line to prohibit the location of a mining waste site within 200 feet of the outer boundary of the property owned or leased by the mining operator, or on which the mining operator holds an easement, excluding the portion of the site from which ferrous minerals were extracted that is backfilled with mining waste. Finally, the bill does not include the restriction on locations where the DNR determines that there is a reasonable probability that the waste will result in a violation of surface water or groundwater quality standards.

Inspection and Monitoring of a Mining Waste Site

Under ***current law***, the DNR may either require the owner or operator of a solid waste disposal site or facility to conduct specified monitoring or conduct its own monitoring of the site or facility. [s. NR 182.13 (1), Wis. Adm. Code.]

The bill retains provisions regarding the scope and frequency of monitoring that the DNR may require, with some exceptions. Exceptions generally relate to the submission of specified samples to the DNR. Specifically, the bill eliminates provisions requiring the submission of water elevation measurements and sampling and requiring specified types of groundwater sampling. With regard to the inspection of active and inactive dams connected with the waste site, the bill retains detailed inspection requirements, but eliminates the requirement that the results of such inspections be submitted to the DNR. Instead, under the bill, the results must be recorded in an operating log.

Under ***current law***, a qualified representative of the owner of a mine waste facility must visually inspect various aspects of the facility at least weekly to check for specified conditions such as structural weakening, damage to fences or barriers, and possible environmental damage. ***The bill*** retains the visual inspection requirement but provides that such inspections must be conducted on a monthly, rather than weekly, basis.

Recordkeeping and Reporting Requirements

Current law requires owners of mine waste disposal sites or facilities to keep an operating log, retain certain records, and submit specified information to the DNR. [s. NR 182.14, Wis. Adm. Code.] The recordkeeping and reporting requirements do not apply to a ferrous mineral surface mine that is backfilled with mining waste. [s. NR 182.02 (11), Wis. Adm. Code.]

For other mining waste sites and facilities, ***the bill*** retains some and modifies other recordkeeping requirements. First, the bill generally retains the record retention requirements that apply under current law. Next, the bill references the operating log in connection with requirements for inspections, but it eliminates the general operating log requirements. Finally, the bill eliminates some reporting requirements and retains other reporting requirements. Specifically, the bill eliminates provisions requiring a mine owner to: relay specified conditions to the DNR within five days; submit duplicate copies of specified records to the DNR upon closure of the facility; forward monitoring data to the DNR on a quarterly basis; and notify the DNR prior to cessation of disposal operations. The bill retains a requirement that the mine owner submit an annual summary report, containing statistical summaries of annual and cumulative project data. The bill also retains the exemption under current law for portions of a mine that are backfilled with mining waste.

Proof of Financial Responsibility for Long-Term Care of the Mining Waste Site

Under ***current law and the bill***, an owner of a mining waste facility must demonstrate proof of financial ability to pay for the long-term care of a mining waste site. (Under current law, a similar requirement applies to waste site facilities constructed for prospecting metallic minerals.)

Under ***current law***, a mining waste facility owner must prove his or her financial ability to provide for the long-term care of the site by submitting a bond, irrevocable trust, escrow account, or other specified mechanism to prove financial responsibility. After 40 years have passed since the closure of the mining waste site, the owner may apply to the DNR for termination of the obligation to provide proof of financial responsibility for the long-term care of the site.[36] If the owner does not submit such an application, the obligation to maintain proof of financial ability continues indefinitely. [s. 289.41 (1m) (b) 2m., Stats.]

After an owner submits an application to have the obligation terminated, the DNR may grant a termination of the proof of financial responsibility obligation, after holding a 30-day public comment period and a public hearing, if a hearing is requested, if it determines that proof of financial responsibility for long-term care of the site is no longer required. The DNR must make its decision within 120 days after the publication of a notice regarding the opportunity for public comment or within 60 days after a public hearing is adjourned, whichever is later. [s. 289.41 (1m) (g), Stats.]

Under ***the bill***, a mine operator's obligation to provide proof of financial responsibility for long-term care of a mining waste site ends automatically when 40 years have passed since the closure of the site. In addition, after 20 years have passed since the closure of the site, an owner of a mining waste site may apply to the DNR to have its obligation terminated. Within 30 days of receipt of the application to terminate the obligation, the DNR must provide notice to the public of an opportunity to comment on terminating the mine operator's obligation. Within 120 days of posting such notice, the department must render a decision regarding termination of the obligation. The bill does not provide for a public hearing regarding that question.

Fees Relating to Solid Waste Disposal

Under ***current law***, a person who proposes to construct mining solid waste facility generally must pay a plan review fee when submitting a plan for a solid waste site and a license fee after closure of the site. In addition, owners or operators of licensed mining waste disposal facilities generally must pay a tonnage fee for each ton of waste received and disposed of at a waste disposal facility, or a minimum waste management fund base fee of $100, whichever is greater. An owner or operator of a waste disposal site must also pay a groundwater fee; an environmental repair fee; a waste facility siting board fee; and a recycling fee.

The bill exempts ferrous mining projects from three of seven fees generally assessed with regard to solid waste disposal. Specifically, it eliminates the license fee, tonnage fee, and recycling fee for waste sites and facilities constructed for ferrous mine operations.

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[36] Regardless of the time period during which a mining site owner must maintain proof of financial responsibility, the owner's legal liability for the site continues in perpetuity and transfers together with the ownership of the site.

Possession and Transportation of Animals on the Threatened or Endangered Species List

Unless authorized by a DNR permit, Wisconsin law generally provides that no person may take, transport, possess, process, or sell any wild animal listed on the DNR's endangered and threatened species list. [s. 29.604 (4), Stats.] ***Current law*** does not provide any special exemptions from those general prohibitions for metallic mining or prospecting activities.

The bill authorizes a person to take, transport, or possess a wild animal on the DNR's endangered and threatened species list without a permit if all of the following apply:

- The person avoids and minimizes adverse impacts to the wild animal to the extent practicable.
- The taking, transporting, or possession does not result in wounding or killing the wild animal.
- The person takes, transports, or possesses the wild animal for the purpose of bulk sampling activities authorized under the bill.

Effect of Other Laws

Under ***current law***, if there is a conflict between a substantive standard in the metallic mineral mining law and another state or federal standard, the other standard controls. [s. 293.93, Stats.] However, procedures and timelines in the mining law apply to all permits and approvals required in connection with a metallic mine, provided that an applicant submits applications for such approvals in a timely manner. [s. 293.43 (1m) (b), Stats.]

Under ***the bill***, if there is a conflict between the ferrous mining statute and another state environmental statute, the ferrous mining statute will generally control, regardless of the nature (substantive or procedural) of the conflicting provision. However, except with regard to procedural requirements, the statute that implements the Great Lakes Compact controls over the ferrous mining statute under the bill.

Permit Procedure for Construction of Transmission Lines and Public Utilities

The construction of high-voltage transmission lines, large electric generating facilities, or specified facilities or equipment for electric, natural gas, or water utilities may require approvals from both the DNR and the Public Service Commission (PSC). Under ***current law***, a person who proposes to construct such a project must submit a single permit application to the DNR in lieu of multiple permit applications that might otherwise be required. The combined permit application must be submitted at the same time the person files an application with the PSC. The DNR must participate in PSC investigations or proceedings with regard to the project. In addition, the DNR must take final action on an application within 30 days of the final action by the PSC. [s. 30.025, Stats.]

Under ***the bill***, a person who proposes to construct such a facility for ferrous mineral mining and processing activities may, but is not required to, submit a combined application for the various DNR permits that may be required. If the person elects to submit the combined application, the procedures

described above apply. If the person does not elect to submit a combined application, then the PSC approval and DNR permits may be processed separately.

CHANGES TO ENFORCEMENT AND TAXATION

Enforcement of a Mining Permit by the DNR and the Department of Justice

Current law and the bill provide for enforcement of a mining permit and reclamation plan by the DNR and the Department of Justice (DOJ). Specifically, if the DNR finds a violation of law or any unapproved deviation from a mining or reclamation plan, it must take one of the following actions: issue an order requiring the mine operator to come into compliance within a specified time; require the alleged violator to appear before the DNR for a hearing; or request the DOJ to initiate an enforcement action against the violator.

Current law and the bill also provide for identical penalties, except that current law authorizes penalties for violations of the relevant statute and rules, whereas the bill authorizes penalties for violations of the relevant statute and permits or orders.[37] Specifically, both current law and the bill authorize forfeitures of not less than $10 nor more than $5,000 per day of a violation. [s. 293.83, Stats.] However, the bill prohibits the imposition of forfeitures during the time that mining is authorized under procedures established in the bill for amending a mining permit.

Current law authorizes the DNR to issue a stop order to a mining operator, requiring immediate cessation of mining, at any time that the DNR determines that the continuance of mining constitutes an immediate and substantial threat to public health and safety or the environment. [s. 293.83 (4) (a), Stats.] Under ***the bill***, the DNR is not authorized to issue a stop order if it makes such a determination. Instead, in such situations, the bill authorizes the DNR to request that DOJ initiate an action for injunctive or other relief in the circuit court of the county in which the mine is located.

In addition, under ***current law***, any citizen may intervene in an enforcement action brought by the DOJ. [s. 293.89 (2) (a) 2., Stats.] ***The bill*** retains the right of intervention but limits it to persons having an interest that is or may be adversely affected in the enforcement action.

Citizen Suits

Under ***current law***, citizen suits are an additional mechanism by which the current mining law may be enforced. Any citizen may commence a civil action against the DNR, alleging that the DNR has failed to perform acts or duties under the mining law. In addition, a citizen may bring a civil action against any person alleged to be in violation of the mining law. [s. 293.89, Stats.]

Under ***the bill***, no such citizen suits would be authorized with regard to ferrous mining.

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[37] Because the bill generally removes rule-making authority with regard to ferrous mining, it does not authorize penalties for the violation of administrative rules.

Net Proceeds Occupation Tax

Under ***current law and the bill***, a net proceeds occupation tax is imposed on net income from the sale of "metalliferous"[38] minerals extracted in the state. The tax rate is graduated, ranging from 0% to 15%, depending on the amount of net proceeds per year. The tax brackets are adjusted for inflation. Under current law, all revenue from the net proceeds occupation tax is transferred to the investment and local impact fund, a fund established to receive revenues relating to metallic mining. The fund is managed by an 11-member board, which makes various mandatory and discretionary payments to local governments, described below. [s. 70.375, Stats.]

Under ***current law***, all revenue from the net proceeds occupation tax is distributed to the investment and local impact fund. Under ***the bill***, 60% of the net proceeds occupation tax revenue is transferred to the investment and local impact fund, and 40% is transferred to the economic development fund.[39]

Fees Required Under Ch. 70, Stats.

In addition to, or as offsets to, the net proceeds occupation tax revenue, the investment and local impact fund receives revenue from several fees required in connection with a mining operation. Under ***current law and the bill***, applicable fees assessed under ch. 70 include a notice of intent fee, a construction fee, and an administrative fee. With the revenue from those fees and the net proceeds occupation tax, the Investment and Local Impact Fund Board makes certain mandatory and discretionary payments to local governments in an area impacted by a mine. ***The bill*** generally retains the fees and payments under current law. However, it increases the notice of intent fee. Under ***current law***, a prospective applicant for a mining permit must pay $50,000 together with a notice of intent to submit a mining permit application to the DNR. One or two subsequent payments of $50,000 each may also be required during the application process. Under ***the bill***, these notice of intent payments are increased to $75,000.

If you have any questions, please feel free to contact us directly at the Legislative Council staff offices.

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[38] The term "metalliferous" is not expressly defined in the Wisconsin statutes. Examples of common definitions for the term include "containing metal" and "yielding metal."

[39] There is historical precedent for a 60/40 split of net proceeds occupation tax revenue.