Resolution No. 2017-68
IN OPPOSITION TO THE PROPOSED SB 395 AND AB 499 RELATING TO THE REGULATION OF NONFERROUS METALLIC MINING

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Proposed 2017 Senate Bill 395 ("SB 395") and 2017 Assembly Bill 499 ("AB 499") make a number of changes to laws relating to nonferrous metallic mineral prospecting and mining.

WHEREAS, current law provides that the Wisconsin Department of Natural Resources ("DNR") "...may not issue a permit under s. 293.49 for the purpose of the mining of a sulfide ore body until all of the following conditions are satisfied:

(a) The department determines, based on information provided by an applicant for a permit under s. 293.49 and verified by the department, that a mining operation has operated in a sulfide ore body which, together with the host nonferrous rock, has a net acid generating potential in the United States or Canada for at least 10 years without the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

(b) The department determines, based on information provided by an applicant for a permit under s. 293.49 and verified by the department, that a mining operation that operated in a sulfide ore body which, together with the host nonferrous rock, has a net acid generating potential in the United States or Canada has been closed for at least 10 years without the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

SB 395 and AB 499 would eliminate these conditions.

WHEREAS, under current law, a nonferrous prospecting or mining permit applicant must obtain a high capacity well approval if the applicant will withdraw groundwater or dewater mines at a rate and capacity of more than 100,000 gallons each day. The DNR is prohibited from issuing this approval if the withdrawal or dewatering will result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state, [s. 293.65 (3), Stats.]. SB 395 and AB 499 would remove this prohibition.

WHEREAS, Under current law, groundwater standards apply from the land surface down through all saturated geological formations. SB 395 and AB 499 provide that, in context of nonferrous mining or prospecting, groundwater contamination enforcement standards do not apply below the depth in the Precambrian bedrock below which the groundwater is not reasonably capable of being used for human consumption and is not hydrologically connected to other sources of groundwater that are suitable for human consumption.

WHEREAS, Under current law, a person may apply to the DNR for a license or permit to engage in exploration for, prospecting for, or mining of nonferrous metallic minerals. SB 395 and AB 499 create a separate activity termed “bulk sampling” of nonferrous metallic minerals (which is defined as excavating in a potential mining site by removing less than 10,000 tons of material to assess the material or gather data to support a mining application) and a streamlined approval process with less scrutiny, opportunity for public comment, oversight and control.

WHEREAS, SB 395 and AB 499 makes various changes to the permit application, review and hearing processes related to nonferrous metallic mineral prospecting and mining, which will result in less scrutiny, opportunity for public comment, accountability, oversight and control.
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WHEREAS, the potential impacts of certain nonferrous metallic mineral exploration and mining include: long term leaching of acid-producing wastes into groundwater and adjacent surface waters; this degradation of water quality presents risks to human health and the environment; and potential economic losses (e.g., reduction of property values and loss of tourism revenue).

WHEREAS, the Door County Board of Supervisors, by adoption of Resolution 2017-49 on July 25\textsuperscript{th} 2017, expressed its opposing to the Aquila Resources, Inc. Back Forty mine project located adjacent to Marinette County and across the Menominee River in Michigan's Upper Peninsula.

NOW, THEREFORE, BE IT RESOLVED, that the Door County Board of Supervisors hereby expresses its opposition to 2017 Senate Bill 395 and 2017 Assembly Bill 499 and its support for existing laws and regulations including Chapter 293, Wisconsin Statutes and Chapter NR 130, Wisconsin Administrative Code.

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, to the Department of Natural Resources Interim Secretary Kurt Thiede, to legislators representing Door County, to the Wisconsin Counties Association and all Wisconsin Counties.

SUBMITTED BY: Land Conservation Committee

Ken Fisher, Chairman
John Neinas
Randy Halstead
Richard Virlee
Mike Vandenhouten

Certification:
I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 24\textsuperscript{th} day of October, 2017 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County