



**IN OPPOSITION TO THE PROPOSED SB 395 AND AB 499 RELATING  
TO THE REGULATION OF NONFERROUS METALLIC MINING**

**DOOR COUNTY**

**TO THE DOOR COUNTY BOARD OF SUPERVISORS:**

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

3  
4       **WHEREAS**, current law provides that the Wisconsin Department of Natural Resources ("DNR") "...may  
5 not issue a permit under s. 293.49 for the purpose of the mining of a sulfide ore body until all of the following  
6 conditions are satisfied:

7  
8       (a) *The department determines, based on information provided by an applicant for a permit under s.  
9 293.49 and verified by the department, that a mining operation has operated in a sulfide ore body  
10 which, together with the host nonferrous rock, has a net acid generating potential in the United States  
11 or Canada for at least 10 years without the pollution of groundwater or surface water from acid  
12 drainage at the tailings site or at the mine site or from the release of heavy metals.*

13  
14       (b) *The department determines, based on information provided by an applicant for a permit under s.  
15 293.49 and verified by the department, that a mining operation that operated in a sulfide ore body  
16 which, together with the host nonferrous rock, has a net acid generating potential in the United States  
17 or Canada has been closed for at least 10 years without the pollution of groundwater or surface water  
18 from acid drainage at the tailings site or at the mine site or from the release of heavy metals.*

19  
20 SB 395 and AB 499 would eliminate these conditions.

21  
22       **WHEREAS**, under current law, a nonferrous prospecting or mining permit applicant must obtain a high  
23 capacity well approval if the applicant will withdraw groundwater or dewater mines at a rate and capacity of  
24 more than 100,000 gallons each day. The DNR is prohibited from issuing this approval if the withdrawal or  
25 dewatering will result in the unreasonable detriment of public or private water supplies or the unreasonable  
26 detriment of public rights in the waters of the state. [s. 293.65 (3), Stats.]. SB 395 and AB 499 would remove  
27 this prohibition.

28  
29       **WHEREAS**, Under current law, groundwater standards apply from the land surface down through all  
30 saturated geological formations. SB 395 and AB 499 provide that, in context of nonferrous mining or  
31 prospecting, groundwater contamination enforcement standards do not apply below the depth in the  
32 Precambrian bedrock below which the groundwater is not reasonably capable of being used for human  
33 consumption and is not hydrologically connected to other sources of groundwater that are suitable for human  
34 consumption.

35  
36       **WHEREAS**, Under current law, a person may apply to the DNR for a license or permit to engage in  
37 exploration for, prospecting for, or mining of nonferrous metallic minerals. SB 395 and AB 499 create a  
38 separate activity termed "bulk sampling" of nonferrous metallic minerals (which is defined as excavating in a  
39 potential mining site by removing less than 10,000 tons of material to assess the material or gather data to  
40 support a mining application) and a streamlined approval process with less scrutiny, opportunity for public  
41 comment, oversight and control.

42  
43       **WHEREAS**, SB 395 and AB 499 makes various changes to the permit application, review and hearing  
44 processes related to nonferrous metallic mineral prospecting and mining, which will result in less scrutiny,  
45 opportunity for public comment, accountability, oversight and control.



**DOOR COUNTY**

**IN OPPOSITION TO THE PROPOSED SB 395 AND AB 499 RELATING TO THE REGULATION OF NONFERROUS METALLIC MINING**

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BACON			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HALSTEAD			
KOCH			
KOHOUT			
LIENAU			
LUNDAHL			
MOELLER			
NEINAS			
ROBILLARD			
SCHULTZ			
SITTE			
SOHNS			
VIRLEE			
VLIES WOTACHEK			
WAIT			

*Vote*

1        **WHEREAS**, the potential impacts of certain nonferrous metallic mineral  
2 exploration and mining include: long term leaching of acid-producing wastes  
3 into groundwater and adjacent surface waters; this degradation of water  
4 quality presents risks to human health and the environment; and potential  
5 economic losses (e.g., reduction of property values and loss of tourism  
6 revenue).  
7  
8        **WHEREAS**, the Door County Board of Supervisors, by adoption of  
9 Resolution 2017-49 on July 25<sup>th</sup> 2017, expressed its opposing to the Aquila  
10 Resources, Inc. Back Forty mine project located adjacent to Marinette County  
11 and across the Menominee River in Michigan's Upper Peninsula.  
12  
13        **NOW, THEREFORE, BE IT RESOLVED**, that the Door County Board of  
14 Supervisors hereby expresses its opposition to 2017 Senate Bill 395 and 2017  
15 Assembly Bill 499 and its support for existing laws and regulations including  
16 Chapter 293, Wisconsin Statutes and Chapter NR 130, Wisconsin  
17 Administrative Code.  
18  
19        **BE IT FURTHER RESOLVED**, that the County Clerk is hereby directed to  
20 **transmit a copy** of this **Resolution** to the Governor of the State of Wisconsin,  
21 to the Department of Natural Resources Interim Secretary Kurt Thiede, to  
22 legislators representing Door County, to the Wisconsin Counties Association  
23 and all Wisconsin Counties

**BOARD ACTION**

Vote Required: Majority Vote of a Quorum

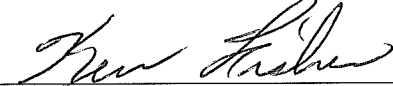
Motion to Approve      Adopted       Defeated

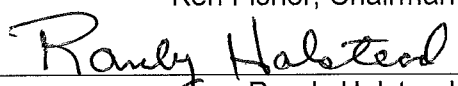
1st Fisher      Defeated


2nd Halstead

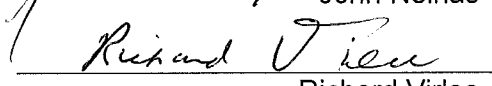
Yes: \_\_\_\_\_ No: \_\_\_\_\_ Exc: \_\_\_\_\_

**SUBMITTED BY: Land Conservation Committee**

  
Ken Fisher, Chairman

  
Randy Halstead

  
John Neinas

  
Richard Virlee

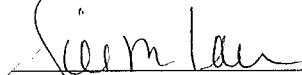
Mike Vandenhouten

Reviewed by: \_\_\_\_\_, Corp. Counsel

Reviewed by: \_\_\_\_\_, Administrator

**FISCAL IMPACT:** There is no fiscal impact to County of Door or its annual budget associated with the adoption of this resolution.  
MEJ

**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 24th day of October 2017 by the Door County Board of Supervisors.

  
Jill M. Lau  
County Clerk, Door County