

SB3

SENATE BILL 3

An Act to amend 293.49 (1) (a) (intro.); and to create 293.50 of the statutes; relating to: issuance of metallic mining permits for the mining of sulfide ore bodies. (FE)

1997

01-15-97. S. Introduced by Senators Shibilski, Burke, Clausing, Decker, Grobschmidt, Jauch, Plache, C. Potter, Risser, Wineke, Wirch and Moore; cosponsored by Representatives Black, Baldwin, Baumgart, Bock, Carpenter, Krug, Notestein, R. Potter, Riley, Springer, Turner, R. Young, Vander Loop, La Fave, Robson, Meyer, Hanson, Ryba, Murat, Travis, Cullen, Plouff, Reynolds, Hebl and Lorge.

01-15-97. S. Read first time and referred to committee on Agriculture and Environmental Resources. **16**

01-27-97. S. Representative Reynolds removed as a cosponsor. **28**

02-12-97. S. Fiscal estimate received.

02-17-97. S. Public hearing held.

03-05-97. S. Executive action taken.

03-06-97. S. Report passage recommended by committee on Agriculture and Environmental Resources, Ayes 3, Noes 2. **100**

03-06-97. S. Available for scheduling.

03-11-97. S. Read a second time. **104**

03-11-97. S. Senate amendment **1** offered by Senator Welch. **104**

03-11-97. S. Senate amendment **1** to Senate amendment 1 offered by Senator Chvala. **104**

03-11-97. S. Senate amendment **1** to Senate amendment 1 **adopted**, Ayes 32, Noes 0. **104**

03-11-97. S. Senate amendment **2** to Senate amendment 1 offered by Senator Chvala. **104**

03-11-97. S. Senate amendment **2** to Senate amendment 1 **adopted** **104**

03-11-97. S. Refused to reject Senate amendment **1**, Ayes 15, Noes 17. **104**

03-11-97. S. Senate amendment **3** to Senate amendment 1 offered by Senator Wineke. **104**

03-11-97. S. Refused to reject Senate amendment **3** to Senate amendment 1, Ayes 15, Noes 17. . . . **104**

03-11-97. S. Refused to adopt Senate amendment **3** to Senate amendment 1, Ayes 16, Noes 16. . . . **105**

03-11-97. S. Senate amendment **1 adopted**, Ayes 17, Noes 15. **105**

03-11-97. S. Senate amendment **2** offered by Senators Wineke, Jauch, Burke, Decker and Chvala. . **105**

03-11-97. S. Senate amendment **3** offered by Senator Chvala. **105**

03-11-97. S. Senate amendment **2** placed after Senate amendment **3** **105**

03-11-97. S. Senate amendment **3 adopted** **105**

03-11-97. S. Senate amendment **2** laid on table. **105**

03-11-97. S. Ordered to a third reading. **105**

03-11-97. S. Rules suspended. **105**

03-11-97. S. Read a third time and **passed**, Ayes 29, Noes 3. **105**

03-11-97. S. Ordered immediately messaged. **105**

03-13-97. A. Received from Senate.	94
03-13-97. A. Read first time and referred to committee on Environment.	94
03-18-97. A. LRB correction (Senate amendment 1).	103
04-03-97. A. Printed engrossed by the direction of the Assembly Chief Clerk.	
05-12-97. A. Public hearing held.	
09-04-97. A. Assembly amendment 1 offered by Representatives Lorge, Bock and Black.	259
10-14-97. A. Public hearing held.	
11-06-97. A. Assembly substitute amendment 1 offered by Representative Black.	392
11-11-97. A. Executive action taken.	
11-11-97. A. Assembly substitute amendment 2 offered by committee on Environment.	439
12-02-97. A. Report concurrence recommended by committee on Environment, Ayes 6, Noes 4. . .	441
12-02-97. A. Referred to committee on Rules.	441
1998	
01-15-98. A. Placed on calendar 1-21-98 by committee on Rules.	
01-21-98. A. Read a second time.	515
01-21-98. A. Assembly amendment 2 offered by Representatives Ourada and Plale.	515
01-21-98. A. Refused to reject Assembly amendment 2, Ayes 46, Noes 52.	515
01-21-98. A. Assembly amendment 2 adopted, Ayes 52, Noes 46.	515
01-21-98. A. Assembly amendment 3 offered by Representatives Ourada and Plale.	515
01-21-98. A. Assembly amendment 1 to Assembly amendment 3 offered by Representatives Ourada and Black.	515
01-21-98. A. Assembly amendment 1 to Assembly amendment 3 adopted	515
01-21-98. A. Assembly amendment 3 adopted, Ayes 55, Noes 43.	515
01-21-98. A. Assembly amendment 4 offered by Representatives Ourada and Plale.	515
01-21-98. A. Assembly amendment 1 to Assembly amendment 4 offered by Representatives Ourada and Duff.	516
01-22-98. A. Assembly amendment 1 to Assembly amendment 4 withdrawn and returned to author.	517
01-22-98. A. Assembly amendment 2 to Assembly amendment 4 offered by Representatives Ourada and Duff.	518
01-22-98. A. Assembly amendment 2 to Assembly amendment 4 adopted, Ayes 97, Noes 0.	518
01-22-98. A. Refused to reject Assembly amendment 4, Ayes 44, Noes 52.	518
01-22-98. A. Assembly amendment 4 adopted, Ayes 51, Noes 44.	518
01-22-98. A. Assembly amendment 5 offered by Representatives Duff and Ourada.	518
01-22-98. A. Assembly amendment 5 withdrawn and returned to author.	518
01-22-98. A. Assembly amendment 6 offered by Representative Handrick.	518
01-22-98. A. Point of order that Assembly amendment 6 not germane well taken.	518
01-22-98. A. Assembly amendment 7 offered by Representatives Seratti, Gard and Handrick.	518
01-22-98. A. Assembly amendment 7 laid on table, Ayes 71, Noes 25.	518
01-22-98. A. Ordered to a third reading.	519

01-22-98. A. Rules suspended to read a third time, Ayes 50, Noes 46.	519
01-22-98. A. Read a third time and concurred in as amended, Ayes 75, Noes 21.	519
01-22-98. A. Ordered immediately messaged.	519
01-28-98. S. Received from Assembly amended and concurred in as amended, Assembly amendments 2, 1 to 3, 3, 2 to 4 and 4 adopted	423
01-28-98. S. Available for scheduling.	
02-03-98. S. Assembly amendment 2 concurred in	428
02-03-98. S. Assembly amendment 3 concurred in	428
02-03-98. S. Senate amendment 1 to Assembly amendment 4 offered by Senators Shibilski, Schultz and Cowles.	428
02-03-98. S. Refused to reject Senate amendment 1 to Assembly amendment 4, Ayes 15, Noes 17.	428
02-03-98. S. Senate amendment 1 to Senate amendment 1 to Assembly amendment 4 offered by Senators Schultz, Shibilski and Cowles.	429
02-03-98. S. Senate amendment 1 to Senate amendment 1 to Assembly amendment 4 adopted , Ayes 31, Noes 1.	429
02-03-98. S. Senate amendment 1 to Assembly amendment 4 adopted , Ayes 27, Noes 5.	429
02-03-98. S. Assembly amendment 4 concurred in as amended.	429
02-03-98. S. Ordered immediately messaged.	430
02-04-98. A. Received from Senate: Assembly amendments 2 and 3 concurred in ; Assembly amendment 4 concurred in as amended (Senate amendment 1 as amended by Senate amendment 1 to Senate amendment 1 adopted).	544
02-04-98. A. LRB correction (Assembly amendment 2 to Assembly amendment 4).	550
02-04-98. A. Senate amendment 1 to Assembly amendment 4 concurred in , Ayes 91, Noes 6.	545
02-04-98. A. Ordered immediately messaged.	545
02-05-98. S. Received from Assembly, Senate amendment 1 to Assembly amendment 4 concurred in	437
02-12-98. S. Report correctly enrolled on 2-10-98.	461
04-23-98. S. Presented to the Governor on 4-21-98.	613
04-23-98. S. Report approved by the Governor on 4-22-98.	
1997 Wisconsin Act 171.	613
04-30-98. S. Published 5-6-98.	648

Vote Record

Assembly Committee on Environment

Date: _____ Executive Session Public Hearing

Bill Number: SB3

Moved by: Johnsrud

Seconded by: Duff

Motion: 50305/3 (ASA + SB3 - Duff) ADOPTION

Duff moved unanimous consent for intro

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>5</u>			

not recommended

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Environment

Date: _____ Executive Session Public Hearing

Bill Number: SB3

Moved by: Black Seconded by: Bock

Motion: adoption AA 1 (Large Bock Black)

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>6</u>			

not recommended

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Environment

Date: _____ Executive Session Public Hearing

Bill Number: SB3

Moved by: Johnsrud Seconded by: Bock

Motion: Concurrence of SB3

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>4</u>			

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Environment

Date: 3-17-98 Executive Session Public Hearing
Bill Number: SB 147
Moved by: DUFF Seconded by: ROBSON
Motion: RECOMMEND CONCURRENCE

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>			

Motion Carried Motion Failed

State Representative Spencer Black



February 12, 1997

State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

Representative Marc Duff
Chair, Assembly Environment Committee
306 North State Capitol
Hand Deliver

Dear Chairman Duff,

I am writing to you in regard to Assembly Bill 70, relating to a moratorium on mining permits in Wisconsin, which has recently been referred to your committee. I am writing to request that this important legislation be given a prompt public hearing in the Assembly Environment Committee.

During the last Legislative session, a similar proposal to protect Wisconsin's environment from being the guinea pig for EXXON's unproven mining technology was also referred to your committee. Last session, you killed the bill without even the courtesy of a public hearing. I sincerely hope that you will schedule this important proposal for a public hearing and vote in your committee in the near future because this is an issue of great concern to the public.

I appreciate your attention to this request. Please feel free to contact me if I you have any questions about this request. I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Spencer Black".

Spencer Black
State Representative



Black Mining Bill Ltr. doc



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

February 27, 1997

State Rep. Spencer Black
219 North, State Capitol
Madison INTEDEPARTMENTAL

Dear Rep. Black:

I am in receipt of your letter requesting a hearing before the Assembly Committee on Environment on Assembly Bill 70, which would ban metallic mining in Wisconsin.

As you know, we are approaching the March floor period which prevents me from holding hearings on days in which we are in session. I am in the process of determining which legislation the committee will consider during the committee work period in April. I anticipate mining issues will be on my agenda at that time. The need for a prompt hearing is not necessary considering the Senate held a public hearing on the mining ban proposal in the middle of February. I am interested in seeing what action your Democrat colleagues who control the Senate take on the mining ban proposal.

As I did during the last session, I would again ask that you work to prove to me you have a majority of support in the committee for moving forward with AB 70. I would also suggest that you work to address concerns about the bill and reach bipartisan consensus. You failed miserably in these legislative duties last session which is one of the reasons I chose to postpone action on 1995 Assembly Bill 758. This important issue demands careful consideration, not the type of demagoguery and partisan rhetoric you have chosen to spew.

As you continue your political agenda on the mining issue, I can assure you my Republican colleagues and I will strive to seek ways to protect Wisconsin's environment by keeping our mining laws the toughest in the nation. Governor Thompson has already forwarded an initiative in his budget to further improve our mining laws by making sure mining technology is proven to ensure discharges will be in compliance with groundwater and surface water standards. As a result of Republican actions, the DNR is also considering new rules to further improve mining regulations to make sure funds are set aside for pollution cleanup. I am also working with other legislative colleagues to

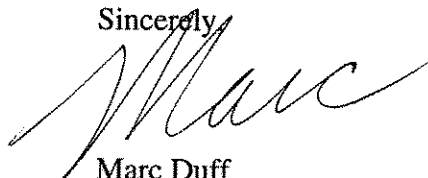
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HOME: 1811 South Elm Grove Road
New Berlin, WI 53151
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TOLL-FREE HOTLINE: 1-800-362-9472
E-MAIL: USWLSA98@IBMMAIL.COM



develop further mining law improvement initiatives for consideration this session.
Actions speak louder than words.

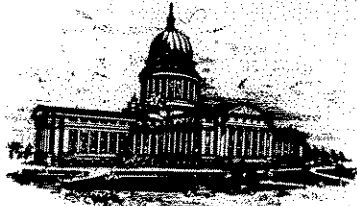
I look forward to hearing from you regarding any progress you have made.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marc", written in black ink.

Marc Duff
State Representative
98th Assembly District

MD/mlb



Wisconsin Legislature
Assembly Chamber

P.O. Box 8952
Madison, Wisconsin 53708

TO: Legislative Colleagues

FR: Representatives Spencer Black and William Lorge

DT: March 13, 1997

RE: Mining Legislation

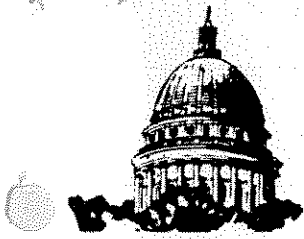
Yesterday, you received a memo from Rep. Mark Duff asking for co-sponsorship of legislation concerning mining. This request comes in the wake of the strong, bi-partisan vote for SB3 (the mining moratorium bill) in the Senate. While we welcome the emerging legislative consensus that our current mining laws are too weak and need to be strengthened, this proposal will do next to nothing to strengthen those laws. We urge you not to co-sponsor this bill.

The Duff draft is simply the language included in the budget bill. Like the moratorium bill, it adds an additional condition for granting of a mining permit. However, unlike the specific and scientifically based requirement contained in the mining moratorium bill, the budget bill language is vague and does not, in any meaningful way, provide a standard by which to better evaluate a proposed mine.

The budget bill language would not require any proof that the technology in question has actually worked successfully in a mine of any sort, much less a sulfide metallic mine such as Exxon's proposed Wolf River mine. It also has no requirement that a mining operator prove by example that the technology has worked over a period of time.

The draft being circulated seems primarily intended to divert attention from the effort to strengthen our mining laws. The Duff draft would not significantly improve our mining laws.

We urge you not to co-sponsor this legislation.



State Senator
Kevin Shibilski

March 13, 1997

Representative Marc Duff
306 - N
State Capitol
Madison, WI 53708

Dear Representative Duff:

I am writing to ask that Senate Bill 3, which passed the Senate on a 29-3 vote recently, be scheduled for a public hearing and executive action in your committee as soon as is convenient.

It became very clear to me after holding a listening session in Stevens Point, in October 1995, and after the public hearing held in Green Bay on February 17th, that there is strong public support for this legislation.

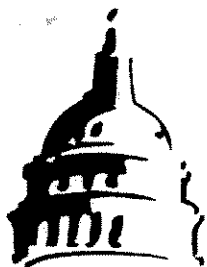
I would like to thank you in advance for your cooperation. If you have any questions or concerns, please feel free to contact my Senate office.

Best wishes.

Most sincerely,

KEVIN W. SHIBILSKI
State Senator
24th Senate District

KS:rh



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

March 18, 1997

Senator Kevin Shibilski
402 H.
Madison, WI INTERDEPARTMENTAL

Dear Senator Shibilski:

I have received your letter requesting a public hearing and executive action in the Committee on Environment on Senate Bill 3.

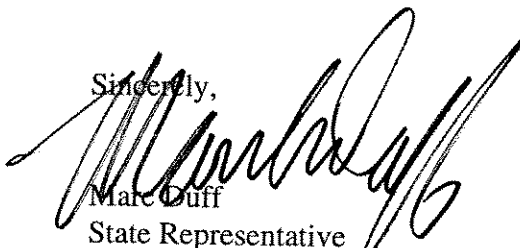
The bill was referred to my committee on March 13, just a few days ago. I had already planned on focusing on the mining issue during the month of April as well as deal with other legislation pending in my committee. The agenda for my committee's hearings in April is already quite full.

I have announced that I will hold a hearing on SB 3 and it is my hope to accomplish that before the May floor session begins. Because the Senate rushed this bill through without considering very important issues related to this mining ban proposal, I intend to have the committee thoroughly consider these matters.

You will be notified over the next several weeks as to when and where a hearing on SB 3 will be held. In the meantime, I would encourage you to address concerns about the bill and provide information to me as to whether you have a majority of members in support of it.

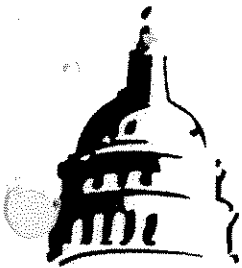
Thank you for writing.

Sincerely,


Marc Duff
State Representative
98th Assembly District

MD/mlb





**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

March 25, 1997

Keith Reopelle, Associate Director
Wisconsin's Environmental Decade
122 State Street, Suite 200
Madison, WI 53703

Dear Keith:

Thank you for your letter inquiring about my intentions regarding the various pieces of legislation on mining that are pending before the Assembly Committee on Environment.

As I have indicated both in the media and to Senator Shibilski, I will hold a hearing on SB 3 prior to the May legislative floor period. I will not deny fair debate and public discussion on this bill. I hope to hold hearings on SB3 in two different locations in the state outside of Madison. I am in the process of setting up those hearings and determining dates and locations. I also expect the committee will take a vote on the bill once it is thoroughly considered.

The issue of mining in Wisconsin is very important and deserves thorough review and deliberation. Wisconsin's environment and the mining issue are too important to play politics with. Over the next several weeks, I hope to conduct hearings and briefings with the committee so that the members and the public are properly educated about the mining issue. This may involve holding hearings on the bills separately so that attention can be focused on those specific and different issues. For example, in April I hope to have a hearing and briefing on the issue of modern mining and landfill technology. This issue is linked to both Governor Thompson's proposal and SB3.

In discussing this issue with my colleagues, I expect other proposals will be forwarded on the issue of mining. Waiting for these bills to be introduced so that one hearing could be held on the mining issue could significantly delay action on the entire issue. I do not want to delay review of the many mining matters before the committee. In addition, holding one hearing would prompt heavy time consuming attendance and testimony by those on both sides. Holding separate hearings could disperse attention giving more opportunity for meaningful input by the public.

OFFICE: State Capital
PO. Box 8952
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38-266-1190

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New Berlin, WI 53151
414-782-0763

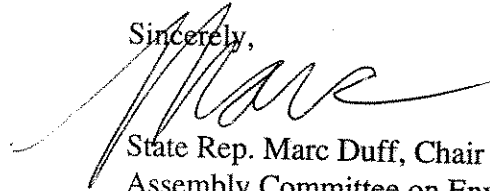
TOLL-FREE HOTLINE: 1-800-362-9472
E-MAIL: USWLSA98@IBMMAIL.COM



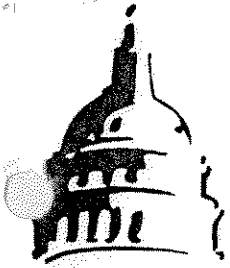
Finally, at times hearings on bills are dependent on the wishes on the author, the discretion of the chair and other pending legislation before the committee. I do not want the mining issue to delay work on other bills.

Please contact my office if you have further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marc", written in black ink.

State Rep. Marc Duff, Chair
Assembly Committee on Environment



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

April 1, 1997

Representative Spencer Black
219 North
Madison, WI INTERDEPARTMENTAL

Dear Representative Black:

I have received your letter requesting a public hearing and executive action in the Committee on Environment on Senate Bill 3.


The bill was referred to my committee on March 13. I had already planned on focusing on the mining issue during the month of April as well as deal with other legislation pending in my committee. The agenda for my committee's hearings in April is already quite full.

I have announced that I will hold a hearing on SB 3 and it is my hope to accomplish that before the May floor session begins. Because the Senate rushed this bill through without considering very important issues related to this mining ban proposal, I intend to have the committee thoroughly consider these matters.

You will be notified over the next several weeks as to when and where a hearing on SB 3 will be held. In the meantime, I would encourage you to address concerns about the bill and provide information to me as to whether you have a majority of members in support of it.

Thank you for writing.

Sincerely,



Marc Duff
State Representative
98th Assembly District

MD/mlb

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New Berlin, WI 53151
414-782-0763
TOLL-FREE HOTLINE: 1-800-362-9472
E-MAIL: USWLSA98@IBMAIL.COM



State Representative Spencer Black



March 24, 1997

State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

Representative Marc Duff
Chair, Assembly Environment Committee
306 North State Capitol
Hand Deliver

Dear Chairman Duff,

I am writing to you in regard to Senate Bill 3, relating to a moratorium on mining permits in Wisconsin, which has recently been referred to your committee. I am writing to request that this important legislation be given a prompt public hearing in the Assembly Environment Committee. I had previously made a similar request regarding the companion legislation, Assembly Bill 70.

This important legislation received overwhelming, bi-partisan support in the state Senate earlier this month. As you are aware, Senate Bill 3 is a companion to Assembly Bill 70 which is also in your committee. I sincerely hope that you will schedule this important proposal for a public hearing and vote in your committee in the near future because this is an issue of great concern to the public.

I appreciate your attention to this request. Please feel free to contact me if I you have any questions about this request. I look forward to your reply.

Sincerely,


Spencer Black
State Representative

Assembly Committee Travel Approval Form

Chairperson's Name Rep Marc Duff

Room # 306 North Building Capitol Phone 6-1190

Name of committee Committee on Environment

City and date (If more than one hearing outside of Madison is being scheduled, please list each of them.)

City Ladysmith Date May 12, 1997

Purpose of hearing (Please include Bill and LRB numbers.)

Tour of the Flambeau Mining Facility
Public hearing on Senate Bill 3.

Is a page requested to attend?

Yes No

Is an overnight stay required?

Yes No

Will a state car be needed?

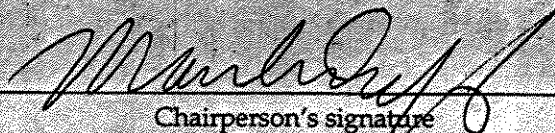
Yes* No

*(If yes, contact Mary Ellis at 266-1108)

Date of this request

(approval MUST be granted prior to trip)


Date 4/17/97

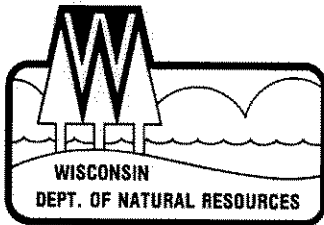

Chairperson's signature

Approved

Disapproved

Date 4-23-97


Ben Brancel, Speaker



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

PO Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

May 7, 1997

Hon. Marc Duff, Chair
Assembly Environment Committee
State Capitol
Box 8952
Madison, WI 53708

DRAFT

SUBJECT: SB 3 - Metallic Mining

Dear Representative Duff:

I'm forwarding a report prepared by department staff on the issues they've identified with respect to SB 3 and AB 70.

I wanted to share the attached analysis with you and all members of your committee in advance of Monday's hearing. Hopefully this information will assist in a constructive dialogue on the question of whether the state of Wisconsin needs to establish additional policy on metallic mining technology and if so, what the policy should be.

I've asked Stan Druckenmiller to testify on my behalf at Monday's hearing in Ladysmith. Stan will be testifying in opposition to the bill because of these issues. Department technical, legal and policy staff will be available, however, to assist your Committee in whatever way we can to bring these questions before you to a reasonable conclusion.

Sincerely,

George E. Meyer
Secretary

cc: Governor Thompson
Assembly Environment Committee members
Senator Risser
Senator Chvala
Senator Ellis
Rep. Brancel
Rep. Foti
Rep. Kunicki
David Stute

An Analysis of Issues on Senate Bill 3
(LRB-2929/1 Engrossed Senate Bill as amended)

PURPOSE AND DISCLAIMER: This paper contains an analysis of issues and likely interpretations of proposed statutory language in SB 3. This paper also lists potential ways of addressing the issues which are identified if the Legislature wishes to establish a state policy placing a moratorium on metallic mining until particular determinations are made by DNR. These "potential solutions" are suggestions for how to develop a workable state policy. This paper does not attempt to address the merits of whether or not such a state policy should be adopted.

Issue #1:

It's not explicit in the definition of "pollution" what would constitute a "violation". It's unclear whether Wis. DNR would be expected to determine what constituted a "violation" in another state or whether the state agency with jurisdiction in that state would make the determination.

Citation:

page 2, line 8 - definition of "pollution"

Interpretation:

A simple report or chemical analysis that a particular environmental standard has been exceeded is not considered by DNR staff to be a "violation". To be considered a violation, there must be an initial determination that a standard was exceeded and then the permittee or regulated entity must have a formal opportunity to contest the finding. A determination that there has been a violation is not made until that opportunity has been provided. For example, a permittee could present evidence that a sample result was based upon errors in sample collection methods, preservation techniques or analytical methods. Until there has been opportunity for the permittee to contest such findings, it is simply an alleged violation.

DNR staff do not believe that they could be familiar enough with the details of another state's laws to determine whether that state's environmental laws had been "violated" or not. Wis. DNR staff would have to rely upon the judgement of the responsible agency in the other state for such a determination. In posing the question to an agency in another state, Wis. DNR staff would provide the guidance that a "violation" should be interpreted as described above.

Potential Solution(s):

If the language remained ambiguous as presently drafted, it would be interpreted as described above. The Legislature could, however, adopt more explicit language so that the intent is not subject to interpretation.

Issue #2:

It's unclear from the definition of "pollution" whether the performance of mines which have been operated and closed in the past is to be compared to environmental laws in effect at the time or compared to current environmental laws. It's also unclear whether it's the environmental laws of the other state or Wisconsin's environmental laws that performance is to be compared to.

Citation:

page 2, line 8 - definition of "pollution"

Interpretation:

As indicated in issue #1, DNR staff believe that they would have to rely upon the judgement of the responsible state to determine whether there had been a violation in that state. For historic operations, the only record of compliance of a mine would be in relationship to the environmental laws of that state in place at the time. Therefore, Wis. DNR staff would ask a mining applicant to submit information from the state in which the mine was located showing that the mine had not violated the environmental laws of that state in place at the time.

DNR staff would have to request information showing that another state had determined that the environmental laws in effect in that state at the time the mine was operated or closed weren't violated. From a pragmatic standpoint, however, because there were few environmental laws decades ago, it might be easy to find mines that operated and were closed for 10 years without violating non-existent or lax environmental laws.

Potential Solution(s):

It would appear unreasonable to try to compare the performance of past mines to today's environmental standards because there would have been no monitoring to compare to those standards. Furthermore, the information that would be available for a historic mine in another state would most likely be correspondence and conclusions on compliance status rather than detailed monitoring data. It would appear that a more reasonable test would be to ask DNR, perhaps with outside advice, to prospectively judge the ability of proposed mining and waste disposal technology to meet current Wisconsin environmental standards.

Issue #3:

The bill requires that prior to issuing each mining permit for a proposed mine in Wisconsin, DNR must make determinations about the successful operation and closure of past mines in the United States or Canada. The DNR determinations are to be based on the information supplied by the applicant.

Citation:

page 2, lines 15-20 and page 3, line 1-6; - determinations made by the department

Interpretation:

As written, the bill requires that these determinations be made for each mining permit that's proposed and that the determinations be based solely upon the information supplied by the applicant for a permit in Wisconsin. If the Legislature wants the DNR to make such determinations before mining can proceed in Wisconsin, it's not clear why the information which is considered should be limited to that supplied by a particular permit applicant.

Potential Solution(s):

It would seem that information considered in making determinations on whether mines have been operated and closed without pollution occurring shouldn't be limited to information submitted by an applicant for a mining permit. In making such determinations, DNR ought to be required to solicit public input and might want to seek the advice of groups like the Science Advisory Council on Metallic Mining and the Metallic Mining Council.

Issue #4:

The language in the bill specifies that determinations must be made based upon mines which have operated in a sulfide ore body which is not capable of neutralizing acid mine drainage. From a scientific standpoint, however, it would seem that the characteristics of the host rock might be more important than the characteristics of the sulfide ore body in comparing past mine sites with conditions in Wisconsin.

Citation:

page 2, lines 16-17 and page 3, lines 2-3

Interpretation:

Whereas the term "sulfide ore body" is defined in the bill, it would seem that a more appropriate test would be to base the DNR's determination on a mine site where the host rock or the geologic formation was similar to sites of concern in Wisconsin. In comparing to conditions in Wisconsin, the concern should not be whether or not the ore body is capable of neutralizing acid, but whether or not the host rock has that capability.

Potential Solution(s):

The Legislature could require that mining not proceed in a geologic formation in Wisconsin unless DNR makes determinations regarding existing or closed mines in similar geologic settings elsewhere with respect to acid neutralization capability.

Issue #5:

The language in the bill specifies that determinations must be made regarding pollution "from acid drainage ... or from the release of heavy metals". Pollution of groundwater or surface waters at mine site or tailings site would not be of concern for this determination if the pollution were not the result of acid drainage or release of heavy metals.

Citation:

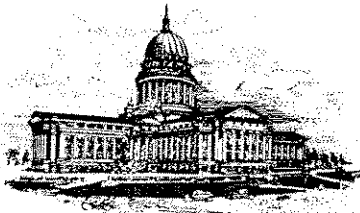
page 2, lines 19-20 and page 3, lines 5-6

Interpretation:

The language in the bill clearly limits the types of pollution that are to be considered. Brines, for example, that were not the result of acid mine drainage and did not contain heavy metals would not be a covered concern with respect to these determinations.

Potential Solution(s):

If the Legislature wanted other types of groundwater or surface waster pollution to be a consideration in judging other mining operations, the language in the bill would have to be broadened.



Wisconsin State Assembly

P.O. BOX 8952 • MADISON, WI 53708

May 8, 1997

William Ford, Senior Staff Attorney
Wisconsin Legislative Council
1 E. Main Street, Suite 401
Madison, WI INTERDEPARTMENTAL

Dear Bill:

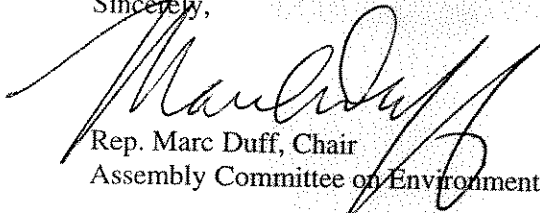
As the counsel for the Assembly Committee on Environment with jurisdiction over Senate Bill 3, we are requesting that you provide us with a more thorough review and clarification of what the engrossed version of this proposed legislation does.


While we realize that a previous memorandum prepared by the Legislative Counsel did a good job summarizing the changes made to SB 3 on the Senate floor, a more detailed legal summary and analysis is warranted. Some people suggest SB 3 is a "moratorium" on mining, others feel it is a possible mining prohibition, and yet others believe the provisions would do nothing to prevent a mine from obtaining a permit to operate in the state. Your help in clarifying this legal mystery would be appreciated.

We also hope you may be able review the DNR summary and interpretation of the bill. Considering SB 3 leaves much to agency interpretation, it is important to determine if the way the DNR may interpret this potential language is appropriate.

Members of the Legislature, the committee and the public need to be more fully aware of what SB 3 actually could do. I look forward to your response to this request.

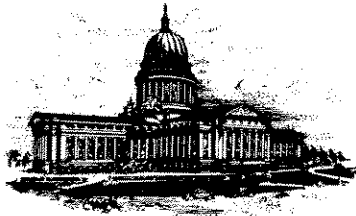
Sincerely,


Rep. Marc Duff, Chair
Assembly Committee on Environment


Rep. Ben Brancel,
Speaker of the Assembly



Rep. Tom Ourada
35th Assembly District



Wisconsin Legislature
Assembly Chamber

May 19, 1997

P.O. Box 8952
Madison, Wisconsin 53708

Dear Chairman Duff,

We appreciate your holding the recent Environment Committee hearing in Ladysmith on Senate Bill 3, the Mining Moratorium Bill. As evidenced by the attendance at the hearing, this is a very important issue to many, many people.

However, many people who would like to have spoken on the issue were not able to because of the location of the hearing. While we do not object to a hearing being held in Ladysmith, it is unfortunate that you have not scheduled a hearing in the Crandon/Rhineland area.

We are requesting that the committee hold an additional hearing on the Mining Moratorium Bill in Crandon or Rhineland so that we can hear from the people most affected by EXXON's proposed Wolf River Mine. Similar to our visit to Ladysmith and tour of the mine there, it would be beneficial to have the committee members tour the Wolf River and the Wisconsin River since these are the resources that will be most affected by EXXON's proposed mine.

If only one hearing is to be held in northern Wisconsin on the Mining Moratorium Bill, it is very curious that it was held in Ladysmith and not in Crandon. The people of the Crandon/Rhineland area deserve to be heard. We believe that the Assembly Environment Committee should travel to their area and hear what they have to say about EXXON's proposed Wolf River Mine and the Mining Moratorium Bill.

Thank you for your consideration of this matter. We look forward to your reply.

Sincerely,

Peter Bock
7th Assembly District

Spencer Black
77th Assembly District

Judy Robson
45th Assembly District

John LaFave
23rd Assembly District

→ E-mailed
5-27-97

Date: May 27, 1997

To: Representatives Bock, Black, Robson and LaFave

From: Rep. Marc Duff, Chair of the Assembly Committee on Environment

Re: Request for hearing on Senate Bill 3 in the Crandon / Rhinelander area.

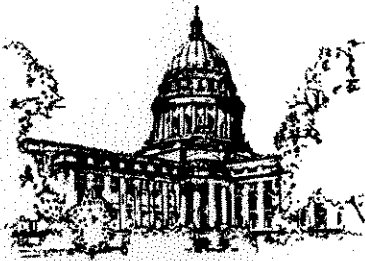
I have received your request for a third hearing on Senate Bill 3 to be located in the Rhinelander / Crandon area. It is interesting that a reporter contacted me on your request before I had decided my response. Considering this development and how fair and up front I have been regarding my plans on SB 3, it concerns me that your motivations behind this request were not sincere and were only meant as a political cheap shot. The issue of mining in Wisconsin is far too important to play politics with and I will resist such efforts.

As I indicated in the past, I will hold two hearings on SB 3 before executive action is considered. I committed to one hearing in Northern Wisconsin and another in Southeast part of the state. I believe the tour and hearing in Ladysmith was successful and far exceeded actions taken by your Senate colleagues on the issue. The additional hearing planned on SB 3 in the Milwaukee area is further proof that we in the Assembly plan to thoroughly consider the mining issue.

While I understand that the provisions in SB 3 may be hard for you to grasp, it does not take an extraordinary amount of interpretive skills to realize the bill is drafted in a way to affect all possible metallic mine permit applications in the future. Unless the authors draft SB 3 differently, it is not site specific to the proposed Crandon mine! Because of the various ore bodies and possible metallic mines being suggested in Northern Wisconsin, it was important to hold the hearing in a centrally located area so all interested parties affected by the bill could try and participate in the hearing. I still wonder why the Senate held their hearing in Green Bay.

As former chairs of committees, you should realize it is impossible to hold hearings in every part of the state interested in the legislation. Instead, hearings are held in appropriate locations, such as Ladysmith. Over 83 people from the Crandon / Rhinelander area came to the hearing in Ladysmith. People concerned about the issue also came from other areas of Northern Wisconsin and could have been precluded from attending if it were held in Crandon. Finally, the committee has received many other letters from people in that area on the issue.

I would encourage members to consider touring the proposed Crandon mine site on their own. I would also encourage interested parties from the Crandon / Rhinelander area to attend the various DNR public meetings held in that area on the proposed Crandon mine. Some have already been held this month in the area.



Peter Bock

WISCONSIN STATE ASSEMBLY

State Representative

July 8, 1997

Representative Marc Duff
Room 306 North, State Capitol
Madison, WI

*Email for
Aug/Sept
schedules*

Dear Representative Duff:

Thank you for your letter updating us on the status of the Milwaukee hearing on Senate Bill 3. Given the lack of progress on the budget bill it is understandable that the public hearing for July 15th will have to be canceled. While this delay is unfortunate, we should not use it as an excuse for not taking up this important legislative matter, especially given your much appreciated pledge to hold an executive session on this bill, and get it up for the Fall floor period.

It might be useful at this point to pick a date in late August or early September to hold the hearing since that should give ample time to finish the budget discussions and allow members some time for vacations.

We have been working with the Senate Democrats and are hopeful that they can pass a budget soon so we can finish work on it and make more definite plans for work on other issues. Thank you for keeping us informed of your plans for SB 3. We look forward to completing our work on the budget, and working together on the mining moratorium bill.

Sincerely,

Peter Bock

PETER BOCK
State Representative

Office: State Capitol, P.O. Box 8952, Madison, WI 53708 • (608) 266-8580
Home: 4710 West Bluemound Road, Milwaukee, WI 53208 • (414) 476-2625
Legislative Hotline: (toll-free) 1-800-362-9472

Buchholz, Marsha**From:** Black, Spencer**Sent:** Thursday, July 10, 1997 9:18 AM**To:** Buchholz, Marsha**Subject:** RE: Environment Committee - Vacation schedules

Hi Marsha: Thanks for asking. As it happens, my family had a special vacation planned for this summer visiting relatives in Idaho and visiting Yellowstone. It's not very clear if my family (or any else's family in the Capitol) will get to have a vacation this summer. Obviously, duty comes first, and if there is no budget, there will be no vacation.

If we do pass the budget by the end of this month, I am planning on being gone from 8/4 - 8/21. Personally, I think it might be best, in view of the budget uncertainty, to schedule the hearing in the first week of September. The kids are back in school, so the legislators and the public are likely to be able to come to a hearing. That also will give the public plenty of lead time to be aware of the hearing. Also the budget should be passed by then. That is early enough to allow for Committee action in time for the fall floor period. Thanks again for asking. Spence

From: Buchholz, Marsha**Sent:** Wednesday, July 09, 1997 11:18 AM**To:** Rep.Black; Rep.Bock; Rep.Hahn; Rep.Hoven; Rep.Johnsrud; Rep.Kedzie; Rep.LaFave;
Rep.Robson; Rep.Seraffi**Subject:** Environment Committee - Vacation schedules

Rep. Duff would like each of your vacation schedules for the months of August/September to aid in planning the next public hearing on SB 3, as it looks like we will be unable to hold it in July. Most of you provided vacation information for July/August, but we'd like to know of any new dates or changes.

Thank you for your assistance.

Marsha
Committee Clerk

Buchholz, Marsha

From: Duff, Marc
Sent: Friday, August 1, 1997 4:58 PM
To: Rep.Duff
Subject: FW: Mining Moratorium Bill

From: Wagnitz, John
Sent: Friday, August 01, 1997 4:57:46 PM
To: Duff, Marc
Cc: 'Tom Clark'
Subject: Mining Moratorium Bill
Auto forwarded by a Rule

August 1, 1997

Representative Marc Duff
306 North, State Capitol
Madison, WI 53708

Dear Rep. Duff,

I am writing to you today to urge your action on the Mining Moratorium Bill.

AB 70 relating to issuance of metallic mining permits for the mining of sulfide ore bodies was introduced by Rep. Spencer Black and referred to the Assembly Committee on Environment on February 10, 1997. SB 3, introduced by Senator Kevin Shibilski, passed the Senate on March 11 on a vote of 29-3 and was messaged to the Assembly. Both bills are now in the Assembly Committee on Environment.

On behalf of the many constituents who have contacted me in support of these bills, I urge you to schedule executive action on AB 70 and SB 3 so that the Assembly can forward this important legislation to Governor Thompson for final approval. These bills require only that companies that wish to use our resources, do so in a responsible manner.

Thank you for your time and consideration. If you have questions or comments, please contact me .

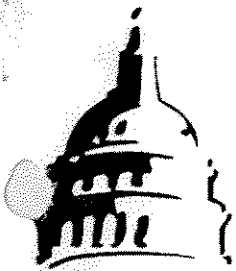
Sincerely,

Jim

JAMES A. RUTKOWSKI
State Representative

JAR:jw

Marc replied 8-12-97



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

August 12, 1997

State Rep. Spencer Black
219 North, State Capitol
Madison, WI INTERDEPARTMENTAL

State Sen. Kevin Shibilski
100 North Hamilton, Room 402
Madison, WI INTERDEPARTMENTAL

Dear Rep. Black and Sen. Shibilski:

In a February 27, 1997, letter I wrote to Rep. Black, I stated I would be interested in seeing what action the Democrat controlled Senate took on SB 3. It is now clear, despite the rhetoric, the Senate Democrats passed legislation that imposes no moratorium on mining and adds no more stringent provisions to protect the environment or Wolf River from "unproven" mining practices. It appears as though those against permitting the Crandon Mine completely failed to guide legislation through that accomplished that goal.

The good news is that the Senate Democrats have time to develop and act on new legislation on the mining issue which enhances environmental protections as it relates to mining. I would once again be interested to see what actions the Democrats take on these issues in their Senate. Rather than have the Assembly fix a poorly concocted bill in the form of SB 3, the Democrats should have their Senate step up and act on a new bill that matches the rhetoric.

As you seek to develop an initiative for the Senate to consider that actually accomplishes something, I can assure you the Assembly Republicans will strive to seek ways to protect Wisconsin's environment by improving our already stringent mining laws. I am in the process of proposing modified language to Governor Thompson's proposal, embodied in AB 236, that in order for a mining permit to be issued, proven technology will be required to ensure discharges will meet groundwater and surface water standards. Republican actions have prompted new rules from the DNR regarding metallic mining financial assurance and groundwater quality protection. Other initiatives will also be considered to further improve our state's mining laws.

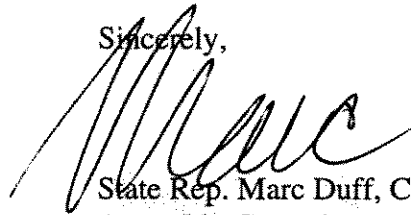
OFFICE: State Capitol
P.O. Box 8952
Madison, WI 53708-8952
608-266-1190
HOME: 1811 South Elm Grove Road
New Berlin, WI 53151
414-782-0763
TOLL-FREE HOTLINE: 1-800-362-9472
E-MAIL: USWLSA98@IBMMAIL.COM



Actions speak louder than words. Recent Republican actions have and will improve Wisconsin's mining and environmental laws. On the other hand, the only action Democrats have taken was to pass SB 3 which does nothing to enhance our mining or environmental laws.

I look forward to seeing the Senate reconsider this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc", written in a cursive style.

State Rep. Marc Duff, Chair
Assembly Committee on Environment

mcd

August 28, 1997

Rep. John Ryba
321 West, State Capitol
Madison, WI INTERDEPARTMENTAL

Dear Rep. Ryba:

Thank you for your August 18 letter inquiring about a second hearing on the mining moratorium bills.

I assure you, it's been my intent all along to allow open and fair debate on the moratorium and advance it to the floor. You should be aware that I had scheduled the second hearing for July 15 at State Fair Park in West Allis. However, due to the absolute failure of Senate Democrats to work out their differences on the state budget, I was forced to postpone it by direction of the Speaker. I made another attempt to schedule a hearing for September 8th, but was unable to obtain approval, again due in large part to the budget impasse. In a recent discussion with Speaker Brancel, I was directed to schedule a second hearing on SB 3 in mid-October at State Fair Park.

As you know, a formal opinion (July 8, 1997) of the nonpartisan Legislative Council indicates SB 3 is not a moratorium on mining, nor will it stop the proposed Crandon mine. The language of the bill as presently drafted does absolutely nothing to protect the environment or the Wolf River from mining practices. If you want a real mining moratorium bill to pass, you should contact your senate Democrat colleagues and have them take action on new legislation that truly accomplishes something.

Thank you for writing.

Sincerely,

Marc Duff
State Representative
98th Assembly District



JOHN RYBA

STATE REPRESENTATIVE
90th Assembly District

August 18, 1997

Representative Marc Duff
Room 306 North, State Capitol
P.O. Box 8952
Madison, WI 53708-8952

Dear Marc:

I contacted your office this spring to request a hearing on the mining moratorium bills, SB-3 and AB-70. On May 12th you followed through on your promise to hold the hearing. It is now mid-August, and no further action has been taken on these bills.

My constituents continue to contact me requesting action to impose the mining moratorium. Just this week I have answered eight communications requesting my support on this issue. I strongly agree with them on this and have signed the Mining Moratorium Pledge and cosponsored legislation both this session and last to create a mining moratorium.

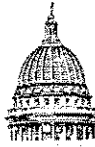
Senate Bill 3 and Assembly Bill 70 have many cosponsors and supporters, who deserve the opportunity to debate the issue on the Assembly floor. I hope you will schedule a vote and report Senate Bill 3 out of committee in time to be taken up during our next regular floor-period. Please let me know your plans so that I may pass this information on to my constituents. I will appreciate your consideration in this important matter.

Sincerely,

JOHN J. RYBA
Representative for the
90th Assembly District

JJR:mlh

P.O. Box 8953 ■ Madison ■ Wisconsin ■ 53708-8953 ■ (608) 266-0616 ■ Legislative Hotline 1-800-362-9472



John Ainsworth

State Representative • 6th Assembly District

Chair: Assembly Committee on Rural Affairs

September 4, 1997

State Representative Marc Duff
Chairperson, Assembly Committee on Environment
Room 306 North - State Capitol
Madison, Wisconsin 53708

Dear Chairperson Duff:

Pursuant to overwhelming concern in my Assembly district regarding Senate Bill 3, relating to issuance of metallic mining permits for the mining of sulfide ore bodies, I would like to inquire as to the Assembly Committee's intentions for future action on this legislative proposal. A response at your earliest convenience would be appreciated.

Sincerely,

JOHN AINSWORTH
State Representative
6th Assembly District

*see
Ainsworth response . doc
reply submitted 9.9.97*

Prentiss, Mike

From: Duff, Marc
Sent: Friday, September 12, 1997 1:55 PM
To: Rep.Duff
Subject: FW: Hearing Plans on SB3

From: Soderbloom, Kathy
Sent: Friday, September 12, 1997 1:56:16 PM
To: Duff, Marc
Subject: Hearing Plans on SB3
Auto forwarded by a Rule

Please consult with Health Committee Chair Gregg Underheim prior to scheduling the Environment Commttee hearing in Milwaukee. As a member of both committees, I would appreciate having only one committee hearing on that date.

Thank you,

Representative Judy Robson, Member
Assembly Committee on Environment

Assembly Committee Travel Approval Form

Chairperson's Name Marc Duff

Room # 306 North Building State Capitol Phone 266-1190

Name of committee Environment

City and date (If more than one hearing outside of Madison is being scheduled, please list each of them.)

City West Allis (State Fair Park) Date Tues. Oct. 14, 1997

Purpose of hearing (Please include Bill and LRB numbers.)

Public hearing on SB3.

Is a page requested to attend?

Yes No

Is an overnight stay required?

Yes No

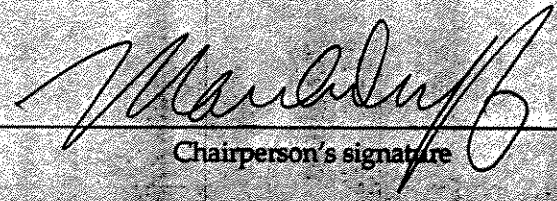
Will a state car be needed?

Yes* No

*(If yes, contact Mary Ellis at 266-1108)

Date of this request Sept. 10, 1997
(approval MUST be granted prior to trip)

Date Sept 10, 1997



Chairperson's signature

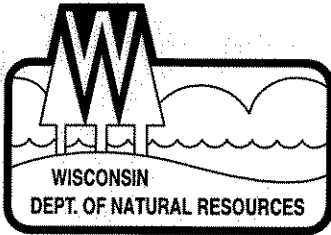
Approved

Disapproved

Date 9-12-97



Speaker



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

October 3, 1997

Representative Marc Duff
STATE CAPITOL
306N
Madison, WI 53708

Subject: Department Comments on SB 3 and Assembly Amendment 1 to SB 3

Marc
Dear Representative Duff:

I am writing to provide you and other members of the Assembly Committee on Environment with the Department's comments on SB 3 and Assembly Amendment 1 to SB 3 in advance of the October 14, 1997 hearing.

At an earlier hearing held in Ladysmith by the Committee on the language appearing in SB 3, the Department testified to what it believes to be several problems with the bill. Since that testimony is already a part of the Committee's record on this bill, I will not repeat here all of the points made by the Department at that hearing.

Assembly Amendment 1 addresses some of the issues raised earlier by the Department. First, it addresses language in SB 3 that, in all probability, would allow many of the long abandoned southwestern Wisconsin mines to be used as examples of mines that have been successfully operated and closed. We do not believe the legislators sponsoring SB 3 intended this result. The reason why we concluded those mines would qualify under SB 3 was the reference in proposed paragraphs 293.50(2)(a) and (b) to "sulfide ore body." The Department pointed out that the surrounding host rock in which an ore body is located can have significant neutralizing capability even though the ore body itself may not neutralize acid generated through the contact of sulfide minerals with air and water. This problem is corrected by language appearing in Assembly Amendment 1.

Similarly, the Department commented that as SB 3 was written, the sole means by which to judge the success of mines elsewhere to control acid generation was "on information provided by an applicant for a [mining] permit." This problem is also corrected by Assembly Amendment 1, which calls for verification by the Department of applicant-submitted information.

While Assembly Amendment 1 corrects some of the shortcomings of SB 3, the proposed change to the definition of "pollution" also has several difficulties. Assembly Amendment 1 states "Pollution" means degradation that causes groundwater or surface water to be less suitable for human consumption or that causes damage to aquatic or other organisms." First and foremost, any change to the background of surface or groundwater could be argued to make the water "less suitable" for human consumption—while not necessarily making the water unsuitable for human consumption. Such a test would likely not be passed by any wastewater discharge presently permitted in the state. The same flaw applies to the language regarding impacts to aquatic or other organisms. Many presently permitted wastewater

discharges could "cause damage" to individual aquatic or other organisms. However, the water quality standards to which wastewater discharges and other activities are subject take into account such impacts and establish the boundaries for those impacts. It is by application of such standards that decisions on the environmental acceptability of a project are most reliably made.

Further, Assembly Amendment 1 does nothing to relieve our concern about the relevance of past mining practices to current technology. Past mining practices, applied at mines which may have been environmentally sound as well as at those which have proven to be disastrous, took place in the context of their times. They were designed using the technology of their day, in order to meet the legal requirements then applicable. Under SB 3, unchanged by Assembly Amendment 1, for a mine to qualify as an example of sound technology, it must have been operated a minimum of 10 years and closed another minimum of 10 years. Given the time it takes to design and construct a mine, even one which was operated for the absolute minimum time, then closed for the absolute minimum time, the freshest and best example available would have been designed using the technology of the early 1970's to meet the limited environmental laws then in effect. The Department firmly believes that kind of evaluation provides very little, if any, meaningful input into the regulatory decisions the Department is called upon to make in the late 1990's.

Finally, as the Department has repeatedly stated, whether or not a mine or any other activity has complied with the environmental standards applicable to it is a determination that must be made by the responsible regulatory agency. For activities in other states, that means either the state agency assigned oversight over the activity, or a federal agency. We doubt our Legislature would appreciate agencies from other states deciding whether entities have violated Wisconsin's laws, in the absence of any such a determination by the responsible Wisconsin authority. We would want them to ask us whether a particular circumstance did or did not comply with our laws. This fundamental problem is not cured by Assembly Amendment 1.

The Department believes that each version of the bill has significant problems. As noted, Assembly Bill 1 corrects some of the flaws of the last version, however, the new proposed new definition of "pollution" is a step backwards. For this reason, the Department does not support SB 3 as it would be amended by Assembly Bill 1. The Department also encourages the Legislature to abandon the idea that a proposed project should be judged based on the performance of other projects designed and operated decades earlier.

Sincerely,


George E. Meyer
Secretary

*Please let us know how we can
continue to provide advice &
assistance on this issue*

cc. Members, Assembly Committee on Environment
Representative John Dobyns

Committee Meeting Attendance Sheet

Assembly Committee on Environment

Date: 10-14-97 Meeting Type: Public Hearing - SB 3

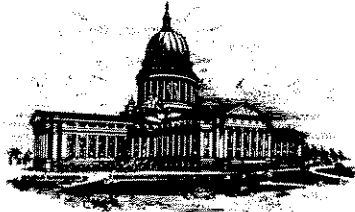
Location: Wis State Fair Park - Trade Mart

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:

9 0 1

Marsha Buchholz
Marsha Buchholz, Committee Clerk



Wisconsin Legislature
Assembly Chamber

P.O. Box 8952
Madison, Wisconsin 53708

October 16, 1997

Representative Marc Duff
Chair, Assembly Environment Committee
State Capitol
Hand delivered

Dear Chair Duff:

As the Democratic members of the Assembly Environment Committee, we would like to thank you for concluding the hearing phase of consideration of Senate Bill 3. We appreciate that you ran the hearing on Tuesday both efficiently and fairly.

As the outstanding attendance at both hearings has shown, there is tremendous public interest in this bill. We believe it is important that the bill be considered by the full Assembly as soon as possible. After the Senate passed this legislation, this bill was received by the Assembly on March 13 - more than seven months ago. We recognize the need to plan for the hearings and we are, of course, aware of the uncertainty that was introduced by the consideration of the budget.

Now that both the hearings and budget passage are behind us, we ask for very prompt committee consideration of the Mining Moratorium Bill. We appreciate the promise by the Republican Assembly leadership to take up the Mining Moratorium Bill this fall in the Assembly. In order to enable the Assembly to honor that commitment to the people of this state, we wanted to let you know that we stand ready to meet as soon as possible to finish Environment Committee consideration of this bill.

Thank you again for working with us on this legislation.

Sincerely,

Rep. Peter Bock

Rep. Judy Robson

Rep. John La Fave

Rep. Spencer Black

Buchholz, Marsha

From: LynchL@mail01.dnr.state.wi.us[SMTP:LynchL@mail01.dnr.state.wi.us]
Sent: Friday, October 31, 1997 6:46 AM
To: Buchholz, Marsha
Subject: RE: SB 3 Sub Amendment



sb3amen1.doc

I have made several minor wording changes to the draft which you sent over. The changes are all contained in par. (2) and are reflected by underlined and overstrike text. I think that these changes will help to clarify the intent and type of information being requested. I couldn't remember why you removed the ten year requirement for closed mines, so I have put it back in. As we have discussed in the past, the information required under pars. (2)(a) and (b) still is not terribly useful to me as a regulator, but par. (c) would lead to the submittal of project-specific information which could have some utility. Feel free to call me if you have any further questions about this. Larry Lynch
267-7553

>-----
>From: Buchholz, Marsha[SMTP:Marsha.Buchholz@legis.state.wi.us]
>Sent: Wednesday, October 29, 1997 1:15 PM
>To: 'LynchL@dnr.state.wi.us'
>Subject: SB 3 Sub Amendment

>
><<File: sb3amend.doc>>
> Here it is, please let me know how it looks.
> Thanks,
> Marc Duff
>
>

SECTION 1. 293.49 (1) (a) (intro.) of the statutes is amended to read:
293.49 (1) (a) (intro.) 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:

SECTION 2. 293.50 of the statutes is created to read:

**293.50 Moratorium on issuance of permits for mining of sulfide ore
bodies. (1)** In this section:

(a) "Pollution" means degradation of groundwater or surface water that has
been confirmed by a finding by a state, provincial or federal agency of a violation
of an environmental law or regulation it administers.

(b) "sulfide ore body" means a mineral deposit in which metals are mixed
with sulfide minerals.

(2) Beginning on the effective date of this subsection [revisor inserts
date], the department may not issue a permit under s. 293.49 for the mining of a
sulfide ore body until all of the following conditions are satisfied:

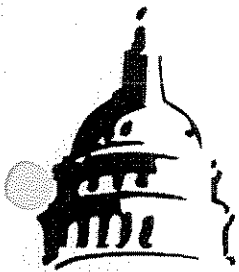
(a) SUCCESSFUL MINING OPERATIONS. The department determines,
based on information provided by an applicant for a permit under s. 293.49, and
that is verified by the department, and that there exists in the United States or
Canada, a mining operation in a sulfide ore body that, together with the host rock
in which the ore body is located and in which the mining waste is deposited, is
not capable of neutralizing acid mine drainage, which operated with a mill for at
least 10 years since January 1, 1977, without, at any time, the pollution of
groundwater or surface water from acid drainage or from the release of heavy
metals at the tailings site or at the mine site.

(b) CLOSED MINES. The department determines, based on information
provided by an applicant for a permit under s. 293.49, and that is verified by the
department, that there exists in the United States or Canada, a mining operation
in a sulfide ore body that, together with the host rock in which the ore body is
located ~~and in which the mining waste is deposited~~, is not capable of neutralizing
acid mine drainage, which has been closed for at least 10 years since January 1,
1977, without the pollution of groundwater or surface water from acid drainage or
from the release of heavy metals ~~at the tailings site or at the mine site or from~~
~~the release of heavy metals.~~

(c) MINING WASTE MANAGEMENT FACILITIES. The department
determines, based on information that is provided by an applicant for a permit
under s. 293.49, and that is verified by the department, that there exists proven
technology, appropriate for application in Wisconsin, which would prevent the
pollution of groundwater ~~or~~ and surface water from acid drainage or from the
release of heavy metals at the proposed ~~mine~~ mining waste site. Evidence may
consist of the results of laboratory studies or field demonstrations of the
technologies that the applicant proposes to use for the ~~mine~~ mining waste site
and at least 3 case histories from other ~~types of~~ waste facilities at which the
technologies were effectively implemented.

(3) This section applies without regard to the date of submission of the
permit application.

(END)



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

TO: Members, Committee on Environment

FROM: Rep. Marc Duff, Chair

DATE: November 10, 1997

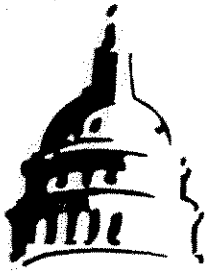
RE: Amendments

In advance of Tuesday's Executive Session, enclosed you will find the assembly substitute amendment to SB 3, which we have just received this morning, and an assembly amendment to Rep. Lorraine Seratti's bill, AB 586.

Please contact my office if you have any questions about these amendments or tomorrow's session.

OFFICE: State Capitol
PO. Box 8952
Madison, WI 53708-8952
608-266-1190
HOME: 1811 South Elm Grove Road
New Berlin, WI 53151
414-782-0763
TOLL-FREE HOTLINE: 1-800-362-9472
E-MAIL: USWLSA98@IBMMAIL.COM





**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

January 6, 1998

State Rep. Spencer Black
Room 219 North, State Capitol
Madison, WI INTERDEPARTMENTAL

Dear Rep. Black:

Throughout the debate on SB 3, the so-called Mining Moratorium Bill, you have consistently asserted that every sulfide mine has caused devastating environmental damage and severe pollution to drinking water, rivers and lakes. While I understand the politics of fear is typical of you and the left-wing environmental movement, such tactics do not serve the public well when the public is misled.

While I agree the poor mining practices in the 1800s and 1900s were damaging to the environment, modern mining practices, engineering and technology have made environmentally responsible mining the standard. In fact, Wisconsin's already stringent mining laws, which have been strengthened over the years (contrary to your assertions), do not allow mines to be permitted if they would be a threat to public health and safety and would contaminate our groundwater and surface waters.

You have asked for one example of a successful mine in a sulfide ore body that has operated in an environmentally responsible manner. Below is a list of six such mine operations:

1. Colorado's Henderson Mine
2. Missouri's Viburnum Mine No. 27
3. California's McLaughlin Mine
4. Montana's Stillwater Mine
5. Washington State's Cannon Mine
6. Wisconsin's Flambeau Mine

I challenge you to honestly respond, before the January debate on SB3, and explain why these mines have not operated in an environmentally responsible manner.


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E-MAIL: USWLSA98@IBMMAIL.COM



In addition, I agree with your past statements that Colorado's Summitville mine was an environmental disaster. However, it will be Rep. Seratti's bill, AB 586, that will do more to prevent a Summitville from occurring in Wisconsin.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Duff", written in a cursive style.

State Rep. Marc Duff, Chair
Assembly Committee on Environment

REYNOLDS & ASSOCIATES

ATTORNEYS

131 WEST WILSON STREET, SUITE 1101
MADISON, WISCONSIN 53703

GLENN C. REYNOLDS
CATHLEEN CONNOLLY*
RHONDA PLAHETKA-PARALEGAL
*ALASKA AND MINNESOTA

(608) 257-3621
FAX (608) 255-1402
EMAIL GREYN@MCIONE.COM

January 15, 1998

Representative Spencer Black
Wisconsin State Legislature
1 E. Main Street, Suite 102
Madison, WI 53708

Re: Engrossed Bill, Senate Bill #3
a/k/a Mining Moratorium Bill

Dear Representative Black:

You have requested a legal opinion as to whether Engrossed Senate Bill #3 ("the Bill") is consistent with the Legislature's objective to require proof that a non-polluting metallic sulfide mine in the United States or Canada has successfully operated and remained closed for at least 10 years before a Wisconsin mining permit would be issued. After carefully reviewing the information that you sent me and analyzing the Bill's language, I believe that it does accomplish the Legislature's goals.

History of the Mining Moratorium Bill

It is important to keep the Legislature's efforts to limit the use of untested mining technology in Wisconsin within a historical context. Sulfide mining has caused such extensive pollution of water resources that in 1994, a group of Rusk County citizens requested the DNR to ban all sulfide mining in the State of Wisconsin. Sulfide mining chemically extracts minute quantities of valuable metals from massive quantities of sulfide ore. The process requires the sulfide ore to be pulverized to powder so that the zinc, lead or copper can be obtained more readily. Over 95% of the crushed rock containing high concentrations of sulfur is then discarded as waste. Invariably, air and water oxidize the waste and create copious and uncontrolled amounts of sulfuric acid which then leeches other heavy metals from tailings piles and creates a deadly toxic soup called "acid mine drainage". Once the oxidation process begins it is virtually impossible to stop, and the resulting "acid mine drainage" can pollute regional

ground and surface waters for hundreds if not thousands of years. The petitioners cited numerous examples of sulfide mines that have caused devastating environmental damage and asserted that there was no proven disposal or reclamation technology to ensure long term pollution prevention from mining sulfide ore bodies. The petitioners were unable to find one metallic sulfide mine that had not produced and leaked "acid mine drainage".

The DNR ultimately denied the petition partially on the grounds that the Legislature had not given it authority to ban sulfide mining. The DNR did request staff to draft a "white paper" on the subject of metallic mining regulation in Wisconsin. That report entitled, An Overview of Mining Waste Management Issues in Wisconsin, was completed in July, 1995. It evaluated and analyzed causes of "acid mine drainage" and reviewed the status of modern mining technology and its efficacy to prevent or ameliorate the harmful effects of "acid mine drainage". The report noted that the only metallic sulfide mines that had not caused "acid mine drainage" were located in carbonate rich areas where limestone and dolomite are found. In the lead mine regions of Southwestern Wisconsin, the surrounding carbonate rock neutralized the acid produced by those mines just as an antacid tablet calms an upset stomach. The report, however, could not cite one example where a metallic sulfide mine had not produced "acid mine drainage"- only that its harmful effects were neutralized in carbonate rich areas.

A circuit court judge subsequently ordered the DNR to consider the merits of a ban. The Court of Appeals reversed the circuit court in Rusk County Citizens Action Group v. DNR, 201 Wis. 2nd 1 (1996), on the grounds that the Legislature had not given the DNR statutory authority to issue a ban on sulfide mining. The court stated:

... [W]e note that there is little dispute that historically sulfide mineral mining operations have caused significant environmental problems. The wisdom of the requested rule banning sulfide mineral mining, however, is not the issue before us. The issue before us is whether the legislature empowered the DNR to issue a rule that would ban all sulfide mineral mining in Wisconsin. The wisdom of a ban on sulfide mineral mining in Wisconsin is a matter of public policy that must be

resolved by the legislature and the administrative agencies it charges with this responsibility, not the courts of this state. (At page 33)

The Mining Moratorium Bill

The Bill appears to be a direct response to the Rusk case and presents a compromise between two extremes. It does not impose an outright ban on sulfide mining but it does empower the DNR to require proof that a sulfide mine located in an area where "acid mine drainage" cannot be neutralized has been operated and closed for at least 10 years without causing pollution. In essence, the Bill imposes an empirical condition that before a sulfide mining permit is issued, the newly developed mining technology must pass a ten year safety test.

Due to some arguably ambiguous language in the Bill, the DNR does not believe that it will impose a mining moratorium. To the extent that there are ambiguities in legislation, a reviewing court will universally look at the intent of the legislature. See State vs. Oimen, 184 Wis. 2d 423 (1994). Courts interpret statutes with the goal of avoiding absurd and unreasonable results. Kania v. Airborne Freight Corp., 99 Wis. 2d 746, 766 (1981). Legislative history and the intent of the bills' authors are highly important factors in determining how a court will determine "legislative intent". State vs. Morgan, 195 Wis. 2d 288, 439 (1995)

The DNR Criticisms

The DNR raises three criticisms, which I will address below:

1. Verification. The DNR argues that since the Bill requires it to make a "determination" based on "information provided by an applicant" that it is prohibited from verifying the accuracy of the applicant's assertions regarding the safety of modern sulfide mines. This interpretation of the Bill is absurd. Wisconsin mining laws require the DNR to scrutinize every facet of a mining application to assure the public's safety. Since proof of a "non-polluting", similarly situated sulfide mine would be a condition of a permit, the DNR would have a duty to independently evaluate the accuracy of an applicant's "information", just as it would be duty-bound to analyze every other critical detail of a mining permit application. Any reviewing court would expect the

DNR to use its considerable resources to verify the truth of an applicant's claim that modern metallic sulfide mines do not pollute.

2. Ore body not capable of neutralizing acid. The DNR points out the obvious scientific distinction between "ore body" and "host rock". It then reads "ore body" in the most narrow definition possible and concludes that since the ore bodies themselves do not neutralize acid, the Bill either creates a total ban on mining or no restrictions at all. The obvious intent of the Senate was to differentiate between sulfide mines located in carbonate rich areas which are capable of neutralizing acid and in areas without carbonate rock and therefore without acid neutralizing capability. It is the second category of metallic sulfide mine that has caused extensive pollution from "acid mine drainage" in spite of modern technology's best efforts and therefore the type of mine that the Senate was concerned with when it passed the Bill.

Preventing "acid mine drainage" in non-carbonate, non-neutralizing sulfide ore bodies represents an enormous technological challenge that, according to the DNR, the metallic mining industry has not yet met. The Bill provides that when the efficacy of mining technology is proven with a ten year track record, then it would be acceptable to allow this category of metallic sulfide mine to operate in Wisconsin. If a reviewing court were to give effect to the Senate's obvious intent in passing this legislation, it would interpret the Bill to require a mining applicant to prove that a sulfide mine had operated successfully in an *area* where "acid mine drainage" was not capable of being neutralized through any natural process. Any other interpretation would lead to a non-sensical result.

3. Pollution. The DNR contends that the Bill's definition of "pollution" - a violation of any environmental law is too vague. It argues that sulfide mines that predate the enactment of stringent environmental regulation would technically qualify as a "non-polluting" metallic sulfide mine. The DNR also argues that the agency would be unable to determine whether an environmental law from another jurisdiction was breached without an adjudication.

Once again the DNR's narrow view of the Bill would lead to an unreasonable result. One of the Senate amendments required that a violation of an environmental law be "adjudicated". This amendment, however, was

specifically rejected by the Senate in favor of a much broader, more restrictive standard. The term "any environmental law" would include relevant environmental standards contained in the law of any governmental entity in the United States and Canada.

The point of the legislation is to prevent Wisconsin from being the guinea pig of unproven and experimental technology. If modern sulfide mining technology works successfully and violates no relevant environmental standards then the condition of the Bill is satisfied. The DNR is more than capable of analyzing scientific data pertaining to current sulfide mines and determining whether they have caused water pollution from "acid mine drainage" or heavy metal contamination. If mine pollution, regardless of when it occurred, would violate any current environmental laws then it cannot be considered a "non-polluting" mine.

Conclusion

For the above reasons, I believe the Bill does meet the objectives of the Legislature to require metallic sulfide mining applicant to prove that there has been a successful example of such a mine before a permit can be issued. The Legislative history and the overall purpose of the Mining Moratorium Bill make its objectives crystal clear. The ambiguities raised by the DNR should not stand in the way of a rational reading of the Bills' legislative intent. If you should have any additional questions concerning this review of the Bill, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn C. Reynolds", written over a horizontal line.

Glenn C. Reynolds

GCR:kro