

pt 4

ASSEMBLY ENVIRONMENTAL COMMITTEE HEARING ON
CRANDON MINE PROJECT - MAY 12, 1997

Committee members - My name is Kermit Benson. I am a member of Muskies, Inc. We have over 7,000 members and I am here to tell you, that an overwhelming majority of them are opposed to the construction of the Crandon Mine, under current state laws. We urge you, to pass the Assembly Bill 70, the Mining Moratorium Bill.

We do not believe that Crandon Mining Company (CMC) can PROVE that the proposed mine will not pollute the waters of the Wolf River basin, eventually. There are two reasons. First, we know of no technology that can prove that the liner for the proposed tailings pond, will not leak. Secondly, the groundwater computer models predicting water drawdown impacts are inadequate.

Anyone who is honest, and knowledgeable about mining will tell you that tailings ponds inevitably leak. It's not a question of "if" it's a question of "when". It might take years, after the mine is closed and their pumps are shut down to get started, but the chemical process that creates acid mine drainage, sustains itself, and is virtually impossible to stop. We cannot permit this if we want pure, clean water for posterity. Isn't that what this is all about ?

There have been claims and counter-claims, regarding who will pay for clean-up costs, when and if they are needed. Here is what a recent article in the Wisconsin Environmental Law Journal had to say about it:

"The reclamation of mine sites and the storage of mining wastes is a risky business that poses significant threats to human health and the environment. The Metallic Mining Reclamation Act and Wisconsin's solid waste laws address these risks by stating that 'the long term care of an approved facility does not terminate'.

However, without DNR regulations in place to ensure that mining companies comply with this statutory provision, perpetuity is a hollow promise. To reassure Wisconsin residents that the mining company will bear the financial burden for long-term care of mining waste the DNR or the Legislature, in conjunction with local communities, must take action to protect Wisconsin taxpayers from footing the cleanup bill long after our mineral wealth and the companies are gone."

The Journal lists the following as specific shortfalls in existing laws: (a) taxpayers are responsible if the mine operator declares bankruptcy and is unable to meet its financial responsibilities, (b) taxpayers pay for the maintenance and repair of the mining waste site after 40 years if the reclamation bond is returned and the proof of responsibility obligation is released, (c) the DNR's discretion to release a company's obligation to maintain proof of financial responsibility is currently limitless, and (d) the existing reclamation bond requirements are insufficient to cover foreseeable costs."

CMC rely heavily upon computer groundwater modeling to prove that its proposed mine will be safe. They have been working to an industry standard known as MODFLOW. However, their model/models have been discredited by government agencies and independent experts. Here is what the U.S. Army Corps of Engineers had to say about their MODFLOW models a year ago:

" In our opinion, MODFLOW is not a suitable model for questions posed by the project. It does not directly model unsaturated behavior, it does not vigorously handle surface and groundwater interactions, and its structured nature does not allow a grid that closely conforms to the subsurface stratigraphy both vertically and horizontally".

The models are important because they are used to predict the impacts of water drawdown in the area. There are over 40 lakes and streams, within a ten mile radius of the tailings management area. I do not know for sure if they are still working to the MODFLOW standard, but if I were on your committee, I would make it my business to find out.

The Corp's comments are only one of many highly respected sources that are critical of CMC's models. From the studies I've made, and conversations I've had, with knowledgeable people, I have concluded that ~~CMC's computer only has the capacity, to do half of the job required.~~ The results of CMC's so called high tech research are mostly guesswork ! We cannot afford to let CMC guess and gamble with Northern Wisconsin's resources. We need a mining moratorium, until our laws are strengthened and no-risk technology is developed.

Thank You.

Kermit Benson
947 W. Willow St.,
Chippewa Falls, WI. 54729

Written Testimony on AB 70
Ladysmith, WI

5/12/97

Dear Committee Members,

Kathi Wood
11126 Hagon Lane
ETrick WI 54627
608 525 2396

My name is Kathi Woods. I live in Trempealeau County WI which is currently under exploration by Mining interests for copper sulfide mining.

I drove to Ladysmith today to support the Mining Moratorium and it hopes of seeing the copper sulfide mine that's winding up.

We happened to walk in to the mining office at the time your committee was organizing for the tour, and were able to find you.

I'm very concerned for the long term quality of water in this precious land. I'm afraid the mining companies claims that "ground water contamination didn't happen" is way too premature considering the pit isn't filled in yet.

I asked two questions on the tour most of you didn't hear because I'm a soft spoken person.

I was concerned about the foam on the water surface of the discharge water. I posed this question to the mine's environmental quality person. She indicated that they had been testing for the problem but didn't really know what was causing it.

It wasn't a surfactant and maybe was from agitation. I'm not a scientist but was a little perplexed that the water quality people were baffled.

My other question was on the polymers being used to clear the water of particulates. Polymers are clear, how much of it stays in the water is what I wondered, and then I had a chance to taste the very clear, clean looking water.

It tasted like poison, to me! I dumped it out. My husband Paul said it tasted the same coming out of the discharge pipe leading to the Flambeau.

Here is the question I pose to you. How many new technologies are the mining companies using that have not been fully tested?

The new polymers being used to clear the water may not appear as a negative finding in a water test because the test is not designed to screen for polymers.

It never the less tastes like poison.

I would ask you to support the Mining Monitoring to ensure better standards. Thank you, Kath. Woods

5/12/97

To Committee Clerk

Please change my registration
from "Speaking in favor of AB 70"
to "registering in favor" -

Thank you very much.

KIRA HENSCHER
Kira Henschel
Mining Impact Coalition

TO:

COMMITTEE CLERK

PLEASE BE ADVISED THAT
WE HAVE INADVERTENTLY CHECKED
THE WRONG BOX WE ARE
AGAINST SB 3

SINCERELY

~~CAL FRELK
JEFF ALEXANDER~~

WE WOULD LIKE TO REMAIN
IN ORDER

CHRIS JOHN
GEORGE JOHN

IN FAVOR OF MIN MOR BILL

Incorrect box checked on slip

**Testimony at Public Hearing
Before the State Assembly Environment Committee
on The Metallic Mining Moratorium Bill**

May 12, 1997

Presented by Tom Wilson
Headwaters Group of Northern Thunder
PO Box 124
Fairchild, WI 45741
715/334-2271

Thank you for the opportunity to speak to you today. As members of the State Assembly Environment Committee, you have an awesome responsibility. The decisions you make on this issue can unalterably effect both the long-term economic and social direction the northern and western portions of our state will take for the coming century and the even longer-term environmental impacts of the results of that decision.

The choice is not easy. It is both a political decision and factual/scientific choices that need to be made.

It is political not in a partisan sense as there are strong political supporters from both parties on both sides of this issue. It is a political issue in so far as "the mining issue" is becoming the political litmus test for many concerned Wisconsinites all across the state. In many ways the people of Wisconsin are speaking out clearly on the side of supporting this moratorium. (I have here a small petition that I have been personally carrying around with me for the past few weeks where the signatories are asking you to pass on this moratorium bill as written and allow our Assembly representatives to declare their positions by voting on this issue). There is, however, some big money on the other side of the equation. This big money, however, has not succeeded in convincing the public that expanded sulfide mining is in the best interest of the state's economy or its environment.

Most of the state has been focusing its attention to the proposed Wolf River Mine in Crandon. In our area in West Central Wisconsin we have seen a rapidly escalating campaign by the Kennecott/RTZ Corporation to acquire exploration rights and begin the process of developing a mining economy in portions of Eau Claire, Clark, Trempealeau, Jackson and La Crosse Counties. We too have seen an intense media campaign by the mining interests including TV, radio and newspaper ads, slick promotional brochures, and even custom video tapes sent to every resident in our community. Those of us who have followed the mining issue over the recent decades recognized that the claims being made in these promotions were either fairly meaningless "feel good" sentiments or outright misstatements of the truth about either the safety of sulfide mining, the likely benefits to the local community or the nature of the corporations who look to exploit our resources.

In order to counter this propaganda machine, we have put together a low-cost media campaign of our own whereby we have run weekly display ads in our local shopper newspaper (37 ads to date) in which we have systematically exposed the mistruths claimed by the mining company interests.

We started by parodying the mining company ads. Each ad has a catchy headline, a little added graphic interest framed within a map of Wisconsin, and often ending with a punch line to add a little humor. But most important of all, we have tried to be scrupulous with the truth. We have publicly challenged the mining interests to correct us if we say anything untruthful. They have questioned us on a couple of minor details of interpretation and we have publicly corrected or clarified ourselves. Over 99% of our facts, however, stand as unchallenged. As such, we would ask each of you to read through these ads and compare our perspective against what you may have been told by the mining company. Each ad is a short read. Let me in closing read the copy from the two most recent ads that will be running in this and next week's papers:

The first one is titled "Trust us...We're number 1:"

What is the truth about sulfide mining?

Our local mining company executive asked us to trust them because they are a large company.

Let's look at the missing pieces

- It's true; RTZ is *the largest* mining company in the world.
- In 1988 Kennecott Copper *ranked # 1* in release of toxic metals under the EPA's Toxic Release Inventory.
- The Flambeau Mine was *the first and only* modern metallic sulfide mine in the State.
- It is also one of the *smallest yet richest* copper and gold mines in the world.
- As such, they have achieved what is likely to be the *largest profit* in the *shortest* period of time (almost 1/2 billion dollars in four years) with *the greatest* return on investment rate of nearly three-to-one.
- They also have the *lowest corporate tax rate* in the State for those profits.
- After years of "economic development" associated with the mine activity, Rusk County *ranks # 1* in unemployment in the state.
- In 1996 Kennecott Copper dumped 904,800 gallons of sulfuric acid at their Magna, Utah facility. This was only the *second largest* hazardous spill in the U.S. for 1996.
- Oh well, you can't always be number one!

The Second ad is called "They are Us!"

What is the truth about sulfide mining?

Mining company supporters claim their only opposition comes from a minority of bleeding-heart environmentalists.

Let's look at the missing pieces:

- In a recent St. Norbert's College state-wide opinion poll, 49% of Wisconsin Residents who knew of the Crandon sulfide mine project were opposed to it, compared to only 31% who were in favor of the project.
- In February the Wisconsin Senate passed the Sulfide Mining Moratorium Bill with a bipartisan vote of 29-to-3.
- On April 14, 1997 hunters, fishers and trappers met in their county seats all across Wisconsin at their annual Conservation Congress meetings. This is how they voted:
 - 2,456-to-3 supported a Statewide proposal subjecting mines to the same water quality standards as other industries.
 - 2,314-to-71 proposed the DNR create an alternative to dumping Crandon Mine wastes in the Wisconsin River.
 - In Jackson, Eau Claire, Trempealeau and Dunn Counties, Conservation Congress members *unanimously* passed a proposal to encourage the Assembly to pass the Sulfide Mining Moratorium Bill. State-wide this resolution was supported by 98% of the voters.
 - So much for the fringe minority!

Thank you for this opportunity. Copies of a reprint of the first bunch of these ads will be available at the back of the room.

TESTIMONY AT THE HEARING FOR THE MINING MORATORIUM BILL

I am here today to testify for the mining moratorium bill; that is, I am against allowing mining in sulfide deposits in Wisconsin.

The most valuable resource we have in Northern Wisconsin is our people; the second most valuable resource is our pure fresh water. The most serious threat to both of these resources is sulfide mining. Where does the future of Wisconsin lie? Is it in mining? The answer to that is obvious--there is no future in mining. The only thing mining leaves you is a legacy of degradation and pollution. Our future must include ways to utilize and capitalize on our beauty, environment, and pure fresh water. Above everything else we should take every measure to protect those attributes. If we have these things to offer, we will always have a future; if we allow others to take these things away from us, we have no future.

If one flies from here to the West Coast, there are two man-made landmarks that are easily seen from the air: Dams and mines. And both involve water. Above dams you see large impoundments of usually pretty blue water; around mines and downstream from them you see ugly green, yellow, and red waters where no vegetation nor wildlife exists. The last thing we want in Wisconsin is to have people fly over and see what we already see in many parts of the West. We must protect our fresh water! We must have the mining moratorium bill!

Dale Crisler, Ph.D.
Professor of Physics

Dale Crisler
1799 25th St
Rice Lake, WI
54868

5/12/97

INDIVIDUALS TESTIFYING IN OPPOSITION TO SB 3/AB70

✓ Deb Struhsacker	Mining Environmental Expert
✓ Jeff Todd	Mining Environmental Expert
✓ Ron Moore	Mayor of Ladysmith
✓ Thur Osuldsen	Rusk County Board Chairman
✓ Al Christianson	Ladysmith City Administrator
✓ Jerry Sevick	Foth and Van Dyke
✓ Bill West	Environmental Engineer
✓ Dave Solsrud	Rusk County Citizen
Jim Schalinski	Flambeau Mine Employee
✓ Tom Myatt	Former Flambeau Mining Company General Manager
✓ Dale Alberts	Crandon Mining Company
✓ Bill Schafer	Schafer & Associates, Environmental Engineer
✓ Stan Kromrey	Rusk County Businessman
✓ Jim Weisenberger	Rusk County Businessman
✓ Jim Schultz	Rusk County Citizen
✓ Paul Kent	DeWitt, Ross & Stevens (Environmental attorney)
✓ Von Shanks	Flambeau Mine Employee
✓ Joan Hansen	Wisconsin Manufacturers & Commerce
✓ Rodney Harrill	President, Crandon Mining Company
✓ Al Kenyon	Rusk County Citizen
✓ Dave Willingham	Rusk County Citizen
✓ Bob Hansen	Rusk County Citizen
✓ Jana Murphy	Flambeau Mine Environmental Manager
✓ Mary Kay Grazmick?	Crandon Mining Company (public relations person)
✓ Jeff Earnshaw	Flambeau Mine Mining Manager

May 12
hearing

oppose
moratorium

TESTIMONY

OF

**DALE L. ALBERTS
CRANDON MINING COMPANY**

PRESENTED TO

**ASSEMBLY ENVIRONMENT COMMITTEE
MAY 12, 1997**

Good afternoon, Mr. Chairman and members of the Committee,

My name is Dale Alberts and I am the Government Affairs Manager for the Crandon Mining Company. I have been involved in the mining industry for more than 20 years and I have served in a number of administrative and operational roles.

I am pleased to be with you today to talk about modern mining, an industry that has proven over and over again that it can and will change with the times, and that it can and will be a good, responsible corporate citizen and neighbor. And, obviously, I also have some things to say about the so-called mining "moratorium" bill your committee will consider. Among other things, I want to tell you why that bill is not what it seems; why, although it looks like a simple moratorium, it is crafted to effectively ban metallic mining in Wisconsin.

Let me begin by saying a few words about Wisconsin's mining industry . . . past, present and future. As you are aware, Wisconsin's mining heritage is commemorated on our State flag and seal, where a miner and mining tools are prominently displayed. Our state's Badger nickname pays homage to the early lead miners. Mining began here long before Wisconsin became a state. Native Americans and, later, French explorers actively mined lead here in the 17th and 18th Centuries. Large-scale lead mining was underway by 1825, and Wisconsin was the nation's leading producer of that metal for much of the 19th century. Some of America's best iron mines operated here from before the turn of the century into the 1980's.

Today, Wisconsin is home to the Flambeau Mine in Ladysmith, a model of modern mining. Operating since 1993, the Flambeau Mine uses state of the art technology, best engineering practices and sound science to meet Wisconsin's comprehensive mining laws. I am delighted that many of you were able to tour the mine this morning. I hope you will keep in mind everything you saw when you hear -- as you will this afternoon -- the repeated canard that no one has been able to safely mine sulfides anywhere. The truth of the matter can be found right here in Ladysmith.

Today 10,000 jobs in Wisconsin depend on mining. The men and women who work at Harnischfeger and Nordberg in Milwaukee, for example, at Warman Pumps in Madison and at Foth & Van Dyke in Green Bay provide the services, the equipment and the expertise that makes modern mining possible.

And, today, the Crandon Mining Company is engaged in both the state and federal application and review processes required to earn the necessary permits to build, operate and reclaim the Crandon Mine in the environmentally responsible manner required by law. Before being granted necessary permits, an applicant must prove it can build, operate and reclaim a mine in a way that will not harm human health and safety, air, ground or surface water, endangered species, or the local economy. Crandon Mining Company has been engaged in the permitting process since 1993. Permitting a mine in Wisconsin requires extensive scientific research. The company's environmental impact report required over 160,000 hours of research. It involved 50 recognized experts and 15 years worth of background environmental data.

That research produced a document that includes 20,000 pages of scientific findings. And we are committed to working with the people of the Crandon area, with the state's regulators and with you, the elected representatives of the people of Wisconsin, to make this project a model of modern metallic mining. Crandon Mining Company knows full well that environmentally sound modern mining is the only type of mining allowed in this great state. We know that Wisconsin's laws are tough, demanding, and will be comprehensively enforced. But we also know that the combination of sound science, proven technology and our dedication to doing the job right, will ensure that the production from this mine of the minerals on which society depends will not come at the cost of the natural environment we all treasure. It is this commitment that will make the Crandon Mine project one of the best examples of what modern mining is all about.

But there are also other good examples of how modern mining has gotten into step with, and in many cases leading, environmentally responsible industry. And that's an important part of what I have to share with you this afternoon. I am here to tell you that today there are mines across the country -- and right here in Ladysmith -- which comply with tough laws and meet stringent standards while mining sulfide ore. They operate in fragile, high-altitude environments. They operate close to -- and in some cases within -- the city limits of towns and cities. They operate on the shores and banks of pristine lakes and rivers. They create tailings that are successfully and effectively managed. They provide jobs. And they do it all without polluting. These mines, ladies and gentlemen, leave behind a legacy of good corporate citizenship, environmental sensitivity and reclaimed mine sites that are in many cases in better condition than the landscape they found.

Shouldn't those be the performances by which we judge modern mining? Instead, the bill you are considering uses criteria that are arbitrary, inappropriate and, most importantly, ambiguous at best and meaningless at worst when it comes to measuring true environmental performance. While on its face the bill's ten-year criteria may appear reasonable and objective, they are completely arbitrary. In combination with the other imprecise and ambiguous standards in this bill, we have fodder for virtually endless debate and litigation. And I submit that was precisely the intent of the bill's authors. It's no surprise that those who want to ban mining have dressed this measure up to look like a moratorium. A moratorium looks better politically, because an outright ban appears unfair and economically unwise. But a ban it is.

Let me expand on that a little bit. Once enacted, the mining moratorium would probably never end because there would be no certainty about what the vague standards of the amended SB 3 really mean until the DNR makes its final decision on a mine permit application. I don't know of any mining company that would be willing to embark on a permitting process costing tens-of-millions of dollars without knowing up front what it will have to prove to get the permit. And I think it's safe to say that's exactly what the bill's proponents are counting on.

For example, the amended SB 3 defines "pollution" as "degradation that results in any violation of any environmental law." That definition is simply too vague to fairly guide a permit applicant. How would the DNR decide whether the example mine had no violations? Would it extend the moratorium because of a single aberrant laboratory report within the ten-year period? Would the department discount unsubstantiated claims -- or could it?

The bill doesn't answer those questions because it doesn't require any claimed environmental violation to be adjudicated. Thus, the door is wide open for turning a master hearing into an inquisition into whether some ten- or twenty - or fifty - year old sample was contaminated, or whether the lab had done its tests correctly, or even whether somebody might have misfiled a report. It shifts a big part of the DNR's task away from evaluating the merits of the applicant's project to an empty exercise in investigating out-of-state, long-ago mines for alleged environmental violations.

Then there's the definition of "neutralizing geologies." To terminate the "moratorium," an applicant must identify one or more mines "in a sulfide ore body which is not capable of neutralizing acid mine drainage." Unfortunately, that's geological gibberish. While, admittedly, some ores or their host rocks do a better job of neutralizing acids than others, the truth of the matter is that no two ore bodies are exactly alike. Comparisons of neutralizing characteristics will be difficult and, in the final analysis, their value is uncertain.

And, again, the "not capable of neutralizing" provision causes the same problems the vague definition of "pollution" creates. An applicant won't know how the DNR will interpret that standard -- or whether that interpretation would stand up to judicial review -- until the very end of the permitting process. No mining company I know of would bet the bank on that.

If I may, I'd like to provide you a brief, real-world preview of what SB 3's moratorium holds in store. Crandon Mining Company has for some time now been pointing to the Henderson mine at Empire, Colorado -- a large molybdenum sulfide mine -- as a classic example of a successful modern, high-tech, environmentally responsible sulfide operation. The *Milwaukee Journal Sentinel* picked up on this, went out to visit the Henderson and -- in its April 14 edition -- reported what it saw. Within days, Menominee Tribal Chairman Apesanahkwat issued a press release denouncing any comparison between the Henderson mine and the proposed Crandon mine. He said a comparison of the mines was like one between apples and oranges because, quoting from that release, "The Henderson mine does not generate acid mine drainage."

Well, our geologists tell me the Chairman is wrong, but that's not my point. What I want to get across is that this bill is designed to hold an applicant's mine permit hostage for as long as mining opponents have the will to argue or sue over whether somebody else's mine meets a set of vague and arbitrary criteria. And Mr. Apesanahkwat's press release provides an early warning that each and every mine an applicant advances to satisfy SB 3's requirements will be vigorously challenged by mining opponents.

The bill's loose standards give them plenty of room to roam. It provides the recipe for protracted, costly bickering over irrelevant details and the grist for almost certain court challenges, not a formula for informed and rational decisionmaking.

Instead of miring mine permit applicants in a tar pit of endless debate and potential litigation over vague standards and meaningless retrospectives, we submit the DNR should focus on what's really happening in the modern mining industry. Can we construct, operate and reclaim a mine in an environmentally safe manner?

A recently released study of environmental practices in the mining industry, *Results and Thoughts Regarding a Survey of North American Metallic Mineral Mines* clearly demonstrates that -- yes -- we can. The study focuses on five modern sulfide mines that have spotless environmental records, have operated for 10 years -- or more -- but don't meet the bill's arbitrary 10 year closure "criterion." They are the Henderson mine and mill in Empire, Colorado, that I mentioned earlier; The McLaughlin mine in Lower Lake, California; The Cannon mine in Wenatchee, Washington; The Viburnum mine No. 27 in Viburnum, Missouri; and the Stillwater mine in Nye, Montana. The study also looks at a sixth mine, the Flambeau mine here in Ladysmith. As you know, that mine is now being reclaimed after a four-year production life. Ask yourself why -- merely because it doesn't meet the arbitrary 10-year operation criteria -- the law should require us to ignore the remarkable Flambeau mine right here in Wisconsin.

This study took a year to complete, involved more than 150 contacts with mines, regulators and environmental groups around the country. The authors, respected experts in the field of mining and the environment, evaluated the environmental practices and principles at modern mines and analyzed a number of active, reclaimed, closed and partially closed mines that use state-of-the-art technology, best engineering practices to protect the environment and comply with modern, stringent regulations. All but the Flambeau Mine involve tailings disposal areas. Several are very large operations. All are operated, or have operated, without harming ground or surface water.

Let me make my point once again; these are metallic sulfide mines that use proven technology and sound science to fully comply with comprehensive state and federal laws. If you want proof, they are proof. They are delivering on their promises.

But, as I've noted, the aim of the "moratorium" bill is not to promote meaningful inquiry into the realities of modern mining but, instead, to place a swamp of indeterminable standards, differing interpretations and endless squabbles squarely in the path of every mining permit applicant. Make no mistake about it, ladies and gentlemen; this bill is intended and will function to ban metals mining in Wisconsin. And because it does that, it is also unconstitutional. We believe it both violates the equal protection clause and creates an unconstitutional taking. I'm not a lawyer; others -- I'm sure -- will provide you with a far more eloquent explanation of these problems than I can. But it goes without saying that this is just one more reason why the amended SB 3 represents both bad law and bad public policy.

It's time to move on and focus on what really must be the key issue; how can the people, elected officials and decision makers in this state reasonably, accurately and meaningfully assess proposed Wisconsin mining projects in the context of the performance of other modern mines and the modern mining industry?

They should ask themselves four questions:

Is a mining "moratorium" even necessary? The answer is "No." Wisconsin already has some of the toughest and most comprehensive mining laws in the country, and the permitting process for metal mining is rigorous and thorough. The legislature has delegated responsibility for overseeing and administering Wisconsin's mining laws to the Wisconsin Department of Natural Resources. That agency should be allowed to get on with this important work without the additional pointless burdens SB 3 would impose. And that's because Wisconsin's existing laws already make the essential guarantee to our citizens: there just won't be any mining in this state unless the environment is properly protected.

Second, the people of this state should ask themselves, "Does modern mining rely on proven, effective technology and sound science in order to meet those regulations?" The answer is "yes," and the study I described to you moments ago provides compelling evidence that today's metals mining industry can -- and does -- supply the minerals we need while protecting the environment we ALL treasure.

Third, ask yourselves this: "Should an industry that shows it can meet our tough laws and that it will apply the best available technology and science to its operations be allowed to bring jobs and tax revenues to this state?" Yes. As I mentioned before, there are already 10,000 jobs in Wisconsin that depend on mining. Wisconsinites are proud -- and properly so -- to make a good day's pay working in industries that do their part to protect our environment and provide the economic benefits that make our State and nation strong. Mining is no different.

Fourth, ask yourselves if it is fair to single out one industry and ban it from doing business in the State of Wisconsin? If this bill was applied to the paper industry you could probably never permit or construct a new paper mill. If this bill applied to farming you probably would never start a new dairy farm. You may never construct a new manufacturing plant either. So I ask you to think carefully about the precedent that this legislation sets.

I want to thank you all for your time, and I would be pleased at this point to answer any questions you might have for me.

May 12, 1997

Ladysmith

AB 70

TESTIMONY OF HOWARD S. DRUCKENMILLER, DEPARTMENT OF NATURAL
RESOURCES - FOR SECRETARY GEORGE MEYER

I AM TESTIFYING TODAY FOR INFORMATION ON AB 70. FIRST, LET ME SAY TO RESOLVE ANY CONFUSION, THAT AB 70, UNMODIFIED, IS THE SAME AS THE ORIGINAL SENATE BILL 3. IN OUR TESTIMONY ON SB 3, WE WERE IN OPPOSITION BECAUSE WE FELT THE BILL CONSTITUTED A MORATORIUM ON MINING, AND WE WOULD BE OPPOSED TO AB 70 IN ITS UNMODIFIED FORM FOR THE SAME REASON. UNLESS THE YEARS OF EFFORT BY THIS BODY, THE DEPARTMENT AND THOUSANDS OF INVOLVED CITIZENS HAVE BEEN MISDIRECTED, THEN WE SHOULD HAVE IN PLACE THE STATUTORY AUTHORITY AND TECHNICAL ABILITY TO FAIRLY JUDGE ANY MINING PROPOSAL ON ITS MERITS. WHETHER THE DECISION IS APPROVAL OR DENIAL, ALL PERMIT APPLICANTS, INCLUDING MINING COMPANIES DESERVE TO KNOW IF THEIR PROPOSALS ARE ACCEPTABLE.

OF COURSE, SB 3 WAS MODIFIED WHEN IT PASSED IN THE SENATE. MY TESTIMONY TODAY ADDRESSES THE ENGROSSED SENATE BILL 3, WHICH I UNDERSTAND WILL BE CONSIDERED AS AN AMENDMENT TO AB 70. WE ARE NOT OPPOSED TO THE ENGROSSED VERSION OF SB 3 BECAUSE WE BELIEVE IT IS NOT A MORATORIUM. HOWEVER THERE ARE ISSUES WE BELIEVE YOU SHOULD BE AWARE OF AS YOU CONSIDER ACTION ON AN ASSEMBLY VERSION OF ENGROSSED SB 3.

DESPITE THE CHANGES MADE BY THE SENATE IN SB 3, THERE REMAIN SIGNIFICANT UNCERTAINTIES IN THE BILL. HOWEVER, I THINK IT WILL BE CLEAR TO ALL THAT THIS BILL, IF IT BECOMES LAW, WOULD LIKELY NOT BE A SIGNIFICANT IMPEDIMENT TO MINING IN WISCONSIN. MOREOVER, THIS BILL WOULD ADD NOTHING TO OUR UNDERSTANDING OF THE ENVIRONMENTAL SAFETY OF A MINE PROPOSED IN THIS STATE, AND PROVIDE NO ADDITIONAL LEVEL OF KNOWLEDGE OR ENVIRONMENTAL PROTECTION. LET ME EXPLAIN:

THE FIRST CONCERN WE HAVE IS THE QUESTION OF WHICH OPERATING, AND CLOSED MINES QUALIFY FOR CONSIDERATION UNDER THE PROPOSAL. THE LANGUAGE IN ENGROSSED SB 3 FOCUSES ON MINES THAT HAVE OPERATED IN A "SULFIDE ORE BODY WHICH IS NOT CAPABLE OF NEUTRALIZING ACID MINE DRAINAGE...". IN LIGHT OF THE CHANGES TO THE BILL MADE BY THE SENATE, AND ACCORDING TO MY UNDERSTANDING OF THE DEBATE THEY HAD, IT IS CLEAR THAT THE INTENT WAS TO FOCUS ON MINES THAT ARE CAPABLE OF PRODUCING ENVIRONMENTALLY DAMAGING LEVELS OF ACID MINE WASTE, REGARDLESS OF WHETHER THE ACID WASTE COMES FROM MINE DRAINAGE, OR ACID GENERATED IN WASTE ROCK PILES OR FROM TAILINGS DISPOSAL SITES. THEN, FROM THIS SET OF MINES AN EVALUATION WOULD BE MADE REGARDING THE CAPABILITY TO ADEQUATELY CONTROL ACID DRAINAGE. BUT, GIVEN ITS WORDING THE BILL WOULD HAVE ONE OF TWO OPPOSITE RESULTS, NEITHER OF WHICH WOULD ACCOMPLISH THE INTENT AS WE UNDERSTAND IT TO BE. ON ONE HAND, IT COULD BE ARGUED THAT THIS PROVISION WOULD MAKE IT IMPOSSIBLE NOW, OR EVER, FOR ANY MINING PROPOSAL TO MEET THIS TEST SINCE ALL ORE BODIES HAVE SOME NEUTRALIZING CAPABILITY. THIS WOULD CONSTITUTE AN OUTRIGHT BAN ON MINING.

WE DO NOT BELIEVE IT WAS INTENDED THAT MINING BE BANNED, GIVEN THE DEBATE THAT OCCURRED IN THE SENATE. WE ALSO BELIEVE THAT THIS INTERPRETATION IS NOT LIKELY TO BE ACCEPTED BY A REVIEWING COURT. THE BETTER INTERPRETATION IS THAT THE CLAUSE APPLIES TO CIRCUMSTANCES IN WHICH THE "ORE BODY" IS INCAPABLE OF COMPLETING THE PROCESS OF NEUTRALIZING THE ACID PRODUCED. THEREFORE, AS WE WOULD INTERPRET THE ENGROSSED VERSION OF SB 3, ANY SULFIDE MINE IN WHICH THE ORE BODY ITSELF IS NOT CAPABLE OF NEUTRALIZING ACID MINE DRAINAGE WOULD QUALIFY FOR USE AS AN EXAMPLE BY A MINING APPLICANT. BUT THIS IS A SERIOUS PROBLEM BECAUSE THE HOST ROCK IN WHICH THE ORE BODY LIES IS A FAR MORE IMPORTANT FACTOR IN DETERMINING IF THERE IS THE POTENTIAL FOR A MINE TO GENERATE LEVELS OF ACID THAT MAY IMPACT SURFACE OR GROUND WATERS.

FOR EXAMPLE SOME OF THE LEAD MINES IN SOUTHWEST WISCONSIN COULD QUALIFY BECAUSE THE ORE BODIES WHERE THE LEAD IS FOUND ARE SULFIDE ORE BODIES THAT ARE NOT, IN THEMSELVES, CAPABLE OF COMPLETING THE PROCESS OF NEUTRALIZING ACID. HOWEVER, THESE ORE BODIES EXIST IN A LIMESTONE HOST ROCK WHICH SERVES TO NEUTRALIZE ANY ACID THAT MAY BE GENERATED. WE WOULD EXPECT THAT IT WOULD BE RELATIVELY EASY TO DOCUMENT ONE OR MORE SOUTHWESTERN WISCONSIN LEAD MINES AS HAVING NO PROBLEMS WITH ACID MINE DRAINAGE, OR ACID CONTAMINATION FROM WASTE ROCK PILES OR MINE TAILINGS AREAS AND COULD THEREFORE WOULD QUALIFY TO BE USED AS AN EXAMPLE BY A MINING COMPANY. OBVIOUSLY THESE MINES WOULD NOT BE AN APPROPRIATE COMPARISON TO ANY MINE PROPOSED IN AN AREA WHERE THE ORE BODY AND HOST ROCK, TOGETHER, WOULD NOT NEUTRALIZE ALL THE ACID THAT WOULD BE GENERATED. YET IT APPEARS TO US THAT WISCONSIN LEAD MINES WOULD MEET THE TEST OF ENGROSSED SB 3.

AN OTHER SIGNIFICANT CONCERN FROM OUR PERSPECTIVE IS WITH THE TERM "POLLUTION" AS USED IN THE ENGROSSED VERSION OF SB 3. IN ORDER FOR AN EXISTING MINE TO MEET THE TEST OF THE PROPOSED LAW, IT WOULD HAVE TO BE OPERATED AND/OR CLOSED FOR 10 YEARS WITHOUT POLLUTION OF GROUND OR SURFACE WATER FROM ACID DRAINAGE. "POLLUTION" MEANS DEGRADATION THAT RESULTS IN ANY VIOLATION OF ANY ENVIRONMENTAL LAW. THERE ARE NO OTHER QUALIFIERS IN THE BILL. WE HAVE STRUGGLED WITH HOW WE WOULD IMPLEMENT THIS PROVISION, IF ENACTED, AND HAVE COME TO SEVERAL CONCLUSIONS ON A NUMBER OF RELEVANT QUESTIONS.

FIRST - WHAT IS A VIOLATION? I AM AWARE THAT THE SENATE DISCUSSED THIS ISSUE, AND DECLINED TO INCLUDE LANGUAGE THAT WOULD LIMIT VIOLATIONS TO CASES THAT WERE ADJUDICATED IN COURT. HOWEVER, WE BELIEVE THAT PRECEDENT, FAIRNESS AND REASON WOULD REQUIRE, SHORT OF ADJUDICATION IN COURT, THAT AN ALLEGED VIOLATION WOULD HAVE TO BE FORMALLY DETERMINED BY THE AGENCY THAT HAS JURISDICTION OVER THE ENVIRONMENTAL LAWS TO WHICH THE MINE IS SUBJECT. WE ALSO BELIEVE THIS MEANS THE AGENCY WITH JURISDICTION HAS MADE A FINAL DETERMINATION THAT COULD BE ADMINISTRATIVELY CHALLENGED OR JUDICIALLY APPEALED BY ANY PARTY. OTHERWISE, ANY ALLEGATION THAT A VIOLATION OCCURRED, TRUE OR NOT, COULD DISQUALIFY THE SUBJECT MINE FROM CONSIDERATION AS AN EXAMPLE UNDER THIS BILL.

THE PROCESS WE USE IN WISCONSIN TO ENFORCE ENVIRONMENTAL LAW, FOR EXAMPLE, ALLOWS THE DEPARTMENT TO SEND A "NOTICE OF VIOLATION" TO AN INDIVIDUAL OR A COMPANY WHEN WE BELIEVE THERE IS A VIOLATION OF AN ENVIRONMENTAL LAW. THIS IS NOT AN APPEALABLE DECISION. LATER IN THE PROCESS, AFTER CONSIDERING ALL THE FACTS, WE MAY ISSUE AN ORDER, OR REFER THE CASE TO THE ATTORNEY GENERAL. THIS IS A FINAL DETERMINATION BY THE DEPARTMENT, AND IT IS APPEALABLE. THE DETERMINATION MAY NOT BE ADJUDICATED OR APPEALED, BUT THE OPPORTUNITY TO DO SO EXISTS. WHILE DIFFERENT STATES OR PROVINCES MAY HAVE VARIATIONS OF THIS

PROCEDURE, WE WOULD LOOK FOR THE POINT IN THE ENFORCEMENT PROCESS WHERE THE RELEVANT AGENCY HAS MADE AN APPEALABLE DETERMINATION THAT A VIOLATION HAS OCCURRED.

A SECOND QUESTION IS WHAT ENVIRONMENTAL LAWS ARE RELEVANT? WE HAVE TO ASSUME THAT THE RELEVANT LAWS ARE THOSE ON THE BOOKS OF THE STATE OR PROVENCE, OR FEDERAL LAW WHERE APPROPRIATE, AT THE TIME THE MINE WAS OPERATING, AND/OR DURING THE 10 YEAR TIME FRAME DURING CLOSURE THE WISCONSIN APPLICANT CHOOSES. THE OPEN ENDED LANGUAGE WOULD MAKE IT RELATIVELY EASY FOR A MINING COMPANY TO FIND A MINE WHICH WOULD MEET THE TEST OF AMENDED SB 3. THE FATAL FLAW WITH THIS IS SIMPLY THAT MOST ENVIRONMENTAL LAWS HAVE ONLY BEEN ENACTED WITHIN THE LAST 30 YEARS, AND ARE CONSTANTLY BEING IMPROVED. IF A MINE WAS OPERATED IN THE 1870'S, AND WAS CLOSED DURING THE 1880'S, AND NO VIOLATION HAD BEEN ISSUED DURING THAT PERIOD, THEN THE TEST WILL HAVE BEEN MET. BUT WHAT HAS BEEN PROVED? NOTHING! EVEN IF WE LOOK AT A CONTEMPORARY MINE PROJECT, WHICH I BELIEVE IS THE INTENT OF THIS PROPOSED LAW, WE CAN STILL HAVE A SITUATION IN WHICH A MINE MEETS THE TEST EVEN THOUGH IT ACTUALLY IS POLLUTING, OR WILL POLLUTE, THE ENVIRONMENT. THIS CAN HAPPEN AS LONG AS THERE IS NO DOCUMENTED VIOLATION OF AN ENVIRONMENTAL LAW. A MINE MAY MEET THIS TEST BECAUSE THERE ARE WEAK LOCAL ENVIRONMENTAL LAWS. THEY MAY MEET THE TEST BECAUSE THE CONTAMINATION HAS NOT BEEN DETECTED FOR ANY NUMBER OF REASONS. THE MINE MAY MEET THE TEST BECAUSE THE RESPONSIBLE REGULATORY AGENCY IS UNDERSTAFFED. THE FACT THAT A MINE MEETS THE TEST OF NO VIOLATION DOES NOT NECESSARILY MEAN THAT THE MINE IS ENVIRONMENTALLY SAFE. THE TEST IN THE PROPOSED BILL ADDS NOTHING TO THE DEPARTMENT'S REVIEW OF A PERMIT FOR A MINING OPERATION IN WISCONSIN.

AN OTHER ISSUE IS VERIFICATION. THE BILL WOULD REQUIRE THE DEPARTMENT TO MAKE A DETERMINATION, AS WORDED IN THE BILL, BASED SOLELY ON INFORMATION PROVIDED BY THE APPLICANT FOR A MINING PERMIT. THERE IS NO PROVISION FOR THE DEPARTMENT TO VERIFY THE INFORMATION. IN LIGHT OF THE OTHER PROBLEMS WE'VE IDENTIFIED THIS MAY BE A MINOR ISSUE, BUT HAVING THE ABILITY TO VERIFY ANY APPLICANT PROVIDED DATA IS NECESSARY IN EVERY REGULATORY SETTING.

I WANT TO REITERATE, IN ORDER TO BE ABSOLUTELY CLEAR, THAT AS CURRENTLY WRITTEN, THE DEPARTMENT BELIEVES THE ENGROSSED VERSION OF SB 3 WOULD NOT CREATE A MORATORIUM ON MINING IN WISCONSIN.

AS I TESTIFIED ON AB 236, WE FEEL THAT A BETTER APPROACH TO MINING REGULATION WOULD BE TO SUPPORT THE DEPARTMENTS REVIEW OF THE NATIONAL EXPERIENCE WITH MINING AND WASTE DISPOSAL TECHNOLOGIES, AND TO ASSURE CITIZENS THROUGH THE MINING PERMIT PROCESS, THAT THERE IS TECHNOLOGY AVAILABLE WHICH WOULD ALLOW A MINE TO MEET ALL THE STRINGENT ENVIRONMENTAL STANDARDS WE HAVE IN THIS STATE BEFORE ANY PERMIT IS APPROVED. I QUESTION THE USEFULNESS OF THIS BILL SINCE WE DO NOT SEE HOW IT ADDS VALUE TO THE FINAL PERMIT DECISION, OR TO THE PROTECTION OF THE ENVIRONMENT.

I WOULD BE HAPPY TO RESPOND TO QUESTIONS. BECAUSE SOME OF YOUR QUESTIONS MAY DEAL WITH LEGAL INTERPRETATIONS, I HAVE ASKED CHUCK HAMMER, OUR ATTORNEY ASSIGNED TO MINING, TO HELP RESPOND.

THANK YOU.

MY NAME IS THURE OSULDSSEN, I AM THE RUSK COUNTY BOARD OF SUPERVISORS, CHAIR. (WELCOME)

I WOULD LIKE TO ADDRESS THE HONORABLE REPRESENTATIVES OF THE COMMITTEE AND DISTINGUISHED GUESTS OF THE GREAT STATE OF WISCONSIN. MINING AS WE KNOW IT HERE IN RUSK COUNTY AND AS I SEE IT IS NOTHING BUT POSITIVE. WE THE PEOPLE HAVE BENEFITTED ECONOMICALLY, THIS BUILDING THAT WE ARE MEETING IN TODAY IS REALLY A PRODUCT OF THE MINE HERE IN RUSK COUNTY. (500,000.00) FIVE HUNDRED THOUSAND WAS A GIFT FROM THE MINE, \$250,000, TWO HUNDRED AND FIFTY THOUSAND FROM BOTH THE COUNTY AND THE CITY OF LADYSMITH FOR A TOTAL OF ONE MILLION DOLLARS WENT INTO THIS LIBRARY. EVERY DOLLAR OF THIS ALL CAME FROM THIS MINE NOT A DOLLAR WAS FROM TAX LEVY. ALSO THE COUNTY HAS TWO SATELLITE BUILDINGS, ONE IN WEYERHAEUSER AND ONE IN GLEN FLORA THAT WAS BUILT WITH MINING FIRST PAYMENT MONEY AT COST OF APPROXIMATELY THREE HUNDRED THOUSAND EACH. BOTH OF THESE MANUFACTURING PLANTS ARE LEASED OUT AND SUPPLYING JOBS TO LOCAL PEOPLE. AND SPEAKING OF JOBS SINCE THE MINE HAS BEEN HERE 83% OF THE PEOPLE EMPLOYED BY THE MINE HAS BEEN LOCAL WORKERS.

May 12, 1997

Testimony provided by: Jana E. Murphy
 21217 County Hwy O
 Cadott, WI 54727
 Environmental Mgr/Flambeau Mining Co.

RE: Mining Moratorium Bill: SB 3

As a 26 year resident of Wisconsin I have a vested interest in Wisconsin's environmental and economic health; and as the Environmental Manager at the Flambeau Mine (Flambeau) I know that mining can be and has been performed in an environmentally responsible manner.

Since initiating operations in 1993, the Flambeau Mine has taken the extra step to protect the environment. The state-of-the-art environmental protection systems that Flambeau has utilized have proven successful despite the doomsday predictions of a few individuals. The Flambeau Mine is an example that Wisconsin's rigorous environmental laws and permitting process are effective.

Senate Bill 3 is an inappropriate and unnecessary attempt to protect Wisconsin's environment at the expense of Wisconsin's economic well-being. Perhaps Senate Bill 3 would have been appropriate 20 to 30 years ago when it should have been directed at **all** industry in the State. At that time, all industry was degrading the environment to some degree. But where would Wisconsin be today if we had banned all industry? Today proven technology exists which protects the environment.

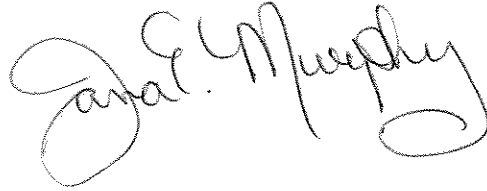
But rather than banning industries from the state, Wisconsin diligently enacted environmental laws which resulted in Wisconsin being regarded as the leader in environmental protection. Included with these laws are those that regulate mining. Wisconsin has shown that the environment can be protected while there is still an economic benefit to the State. By passing Senate Bill 3, the message being given is that Wisconsin's environmental regulations are deficient. Do we truly believe this? Flambeau has proven otherwise.

Mining is essential for life as we know it and we all benefit from mining. If this anti-mining vengeance were to proceed within the State, we would still need the products derived from mining. Where should these products come from? Another state? Another country? We are shirking our responsibility as citizens of this State, this country, and this planet, if we support this bill. With this "Not In My Backyard" mentality, we may be pushing industry to another location which does not have the stringent environmental laws in place that we have in Wisconsin. While we may be misguided to believe we are saving our backyard from industry, we could in actuality be furthering the environmental degradation in an area which is not prepared to deal with the environmental issues of that industry.

May 12, 1997
Senate Bill 3 Public Hearing
Testimony of JEMurphy
Page 2

As a nation we are already losing too many jobs to other countries. Are we willing to give up good paying jobs in exchange for a piece of legislation that does not increase the protection of the environment to any degree? Wisconsin already has the regulatory system in place to ensure that the environment will be protected.

The Flambeau Mine is an example of environmentally responsible mining in Wisconsin. It provides the proof that Wisconsin's permitting system works. Most of the individuals at the Flambeau Mine are long time Wisconsin residents who take pride in a job well done. Acknowledge our accomplishments and Wisconsin's accomplishments by **not** passing Senate Bill 3.

A handwritten signature in cursive script that reads "Sarah E. Murphy". The signature is written in dark ink and is centered on the page.

Need
copies

**Testimony Provided at Assembly Committee on Environment Hearing
Regarding Senate Bill 3 and Assembly Bill 70**

**by
Jerry W. Sevick, P.E.**

May 12, 1997

Thank you for providing me the opportunity to address you this afternoon. My name is Jerry Sevick and I am a registered professional engineer in Wisconsin and other states. Also, I am a Vice-President at Foth & Van Dyke and Associates, a Wisconsin based engineering firm that has been providing engineering services in the State of Wisconsin since 1938. Our firm specializes in civil, industrial, and environmental engineering and serves both public and private sector clients throughout the mid-west. Our industrial clients include Procter & Gamble, Miller Brewing, Kraft Foods, Fort Howard Paper Corporation, and others. We also serve many branches of state government including Wisconsin's Department of Facilities Development and the Department of Natural Resources. A number of mining companies are also our clients including Kennecott, Flambeau Mining Company, Crandon Mining Company, and Peabody Coal, among others.

Our statewide and national reputation is built upon the technical excellence of the work that we do and our proven ability to meet our responsibilities to the general public as engineers and professionals. That responsibility includes protecting public health and welfare.

Being the largest privately held engineering firm in the State of Wisconsin, we also have a strong stake in promoting a balance between economic viability and the environment. In the past decade we have had opportunities to participate first hand in the application of Wisconsin's existing mining laws on real projects. This actual experience provides us a unique opportunity and vantage point to comment on the application of Wisconsin's

existing mining laws and rules, and to comment on their ability to protect the health and welfare of the general public and our environment. Based on this working knowledge, we are opposed to Senate Bill 3 and Assembly Bill 70.

Speaking from experience, Wisconsin's mining laws are strong and comprehensively enforced. The metallic mine permitting process in Wisconsin is long and arduous. The issues involved are complex, requiring that a wide variety of experts be involved, representing both the applicant and the regulatory community. The process, which was established by the legislature, also provides significant opportunities for public participation. The foundation of the process is the concept that good science and good engineering should be used to design and evaluate the safety of a proposed project. The process requires that current, state-of-the-art technologies be applied to assure safety. SB3 and AB70, on the other hand, do nothing to strengthen the state's current environmental laws. Actually, they would indirectly and incorrectly foster reliance on technology from many years ago. This is bad legislation. It is counter to Wisconsin's environmental heritage, which has promoted the use of state-of-the-art technology to address the environmental issues we face.

Up until the Flambeau Project, which was the first new metallic mine to be permitted in Wisconsin under our current mining regulations, the applicability of our state metallic mining laws and regulations could only be discussed in a hypothetical context. However, with the successful construction and operation of the Flambeau Mine, we have now proven such projects can be developed in an environmentally safe manner in the State of Wisconsin.

I'm sure many people in this room remember past predictions from mining opponents of dire consequences if the Flambeau Mine were permitted. These predictions ranged from

collapse of the river pillar to dumping of huge amounts of toxic waste into the Flambeau River. In fact, none of the predictions came to pass and the Flambeau Mine has proven to be a shining example that Wisconsin's current metallic mining laws are strong, and that safe projects will be developed under their auspices.

Unfortunately, many mining opponents are using scare tactics in an attempt to secure support for their position. The use of such tactics does nothing to advance the cause of environmental protection. In fact, such tactics can have a negative effect, such as proposed legislation like SB3 or AB70 which do not promote reliance on the most current technology to evaluate the merits of a proposed project. As a professional engineer, I can state that technology does exist to build, operate, and close modern mines in a manner that is safe and that protects public health and welfare, and the environment. Public policy regarding metallic mining should be based on good science and good engineering, not on inaccurate and unfounded predictions.

The Flambeau Mine's wastewater treatment plant is an excellent example of applying state-of-the-art technology at a modern mine. The system was designed to treat mine water to levels lower than industry practices at the time. My question to you is, do we as a society want to legislate against the application of such state-of-the-art technology? My answer is certainly no. We in the environmental engineering profession, and society as a whole, have been able to effect very dramatic improvements in environmental protection over the past 20 to 30 years through the application of new technology. SB3 and AB70 are definitely contrary to that movement.

In our opinion, only through a comprehensive, case-by-case analysis and review of site specific parameters and facility design can a proposal be effectively evaluated. This is exactly what the current Wisconsin mining regulations require.

The legislature has given direction to the citizens and business community in Wisconsin on environmental protection as relates to metallic metal mining through the extensive and comprehensive laws already in place. You have charged the Wisconsin Department of Natural Resources with the responsibility of administering those laws. We urge you to have enough faith in the process you created to let the Wisconsin Department of Natural Resources perform their duties as charged. We urge you not to pass SB3 or AB70. This legislation is not necessary and will provide no benefit to the health and welfare of our citizens or the environment. Finally, we urge you to find the courage to tell constituents that you have created a good process, one founded on good science and good engineering, and that it is now time to allow the process to work.

JWS:mld2

MORGAN and PARMLEY, Ltd.
Professional Consulting Engineers
115 West 2nd Street, S.
LADYSMITH, WI 54848
Phone 715-532-3721
FAX 715-532-5305

May 12, 1997

Assembly Committee: Environment
% Rusk Co. Community Library
West Corbett Avenue
Ladysmith, WI 54848

Atten: Representative Mark Duff
Hearing Chairman
RE: PUBLIC HEARING SB 3

Dear Sir:

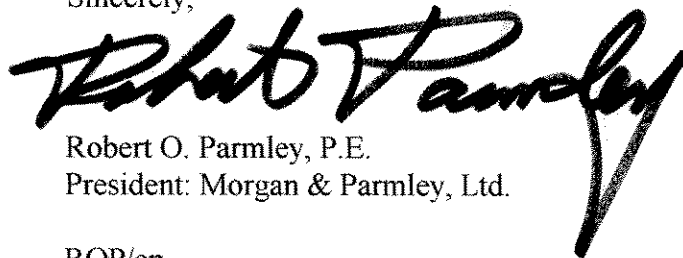
Since I am unable to attend the Public Hearing for legislative bill SB 3, I would like to enter the following written comments into the record.

It is my understanding that this bill, as written, would prohibit future mining projects similar to the Flambeau Mine within the State of Wisconsin.

I have periodically observed the Flambeau Mine project from its conceptual stage to its current status and have witnessed no environmental harm or safety hazards. Their wastewater treatment facility's performance has continuously met its WPDES Permit effluent limits. Mining operations were orderly, safe and did not disturb the general public or local residents.

This remarkable achievement demonstrates that a well planned project, executed by a responsible organization, can extract natural metallic resources without damage to the environment. Therefore, I believe bill SB 3 is unreasonable and should not become law.

Sincerely,



Robert O. Parmley, P.E.
President: Morgan & Parmley, Ltd.

ROP/ep

OFFICIAL TESTIMONY, RE: SUPPORT FOR MINING MORATORIUM BILL AB70
by Susan Michetti, POB 54, Kenosha, WI 53141 414 638-8408

I fully support Rep. Spencer Black's mining moratorium bill to ban new mines in Wisconsin until mining companies can show state regulators one metallic sulfide mine that didn't pollute during its operation and has been safely closed for ten years without leaking pollutants into the environment. This challenges the mining industry to prove their words. In the United States, 10,000 to 12,000 miles of waterways and 180,000 acres of lakes and reservoirs are contaminated with toxics from sulfide mining operations. The clean-up costs have been left to the victims and the taxpayers, not the mining companies. The clean-up costs are estimated to run between \$32.7 billion and \$71.5 billion. The boom-and-bust economic effect of mining brings economic ruin by draining local towns' money for services, using huge quantities of energy and water, and leaving behind depressed property values and an expensive toxic site that needs to be cleaned up by somebody else.

Wastes from Sulfide mines are associated with acid and heavy metals and arsenic. When sulfides mix with water, they create sulfuric acid. The wastes generated of sulfide waste rock, sulfide tailings, and wastewater sludge would have to be isolated from the environment for centuries, to prevent leaking into the groundwater. Acid dust creates acid rain problems. Mine wastes degrade water quality and negatively impact upon fishing and wild rice beds.

Mining is a high risk political gamble for representatives from counties dependent upon tourism and fishing.

The Wis. DNR reports that no sulfide mine in North America has ever been operated and subsequently closed without polluting ground and surface waters. Existing laws and DNR rules do not protect Wisconsin taxpayers and landowners from pollution and cleanup costs. I do not want Wisconsin to be an experiment for unproven technologies that put arsenic and sulfuric acid into our water supply. I support Sulfide mining moratorium legislation until the DNR proves that a sulfide mine in the US or Canada has operated safely and has been successfully closed for at least 10 years without polluting the waters.

The Great Lakes ecosystem is the largest area of fresh water surface water in the world. Its sustainability depends on the protection of all of its waters, including groundwater aquifers and tributaries.

For example, there are many concerns about the numerous ways in which the Exxon and Rio Algom mining proposal could degrade the quality of waters around the Crandon site.

99% of Great Lakes' watershed were created by glacial melt and not unlimited and renewable. Therefore, future proposals of any water withdrawals contain the potential to cumulate to seriously affect the health and well-being of all creatures and economies dependent on stability of the system.

Recent research by Great Lakes United's Sustainable Water Resources Taskforce has found that diverse and increasing pressures with increasing conflicts among water users. Climatic change, global trade, groundwater depletion, water pollution, and population growth are seriously threatening the future of water quality. In order that all governments sharing the waters be involved in the decisionmaking of water use proposals, The Water Resources Development Act of 1986 and The Great Lakes Charter establish the legalities, including for water withdrawals and water diversions. The Water Resources Development Act of 1986, 42 USC S 1962d-20(d) states "No water shall be diverted from any portion of the Great Lakes within the United States, or from

any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lakes States." This federal law requires notice to other Great Lakes State Governors when a state receives a request to divert water from the Great Lakes regardless of amount. There is no minimum cut-off amount. The Canadian Premiers are signatories on the 1985 Great Lakes Charter which gives them the right of prior notice and consultation for any withdrawal proposal or consumptive use exceeding 5 million gallons per day average in any 30-day period. Cumulative impacts of smaller withdrawals could have an impact similar to a larger proposal and these rules need visitation. What happens when the company estimate is too low and later exceeds this amount?

This covers proposals such as the pipeline by Exxon and Rio Algom from Crandon which will transport Great Lakes Basin water to the Wisconsin River, which involves a loss of 886,000 gallons of water per day, as estimated by Exxon, to the Mississippi watershed, and which politically and legally requires the approval of all Great Lakes' government entities. Yet, Charles Hammer, DNR Bureau of Legal Services, on 7-9-96 concludes the law does not apply to the Crandon Mining Company's proposal due to 1) assurance by unnamed Wis. state representatives on the Great Lakes Governors Council from the Thompson Administration who "have for the past decade accepted without question that the Water Resources Development Act applies only to diversions of surface waters," not groundwater diversions, and 2) assumptions of language definitions for "tributaries" and other references. This type of evidence adds additional reasons to why a mining moratorium bill is necessary to protect the citizens of Wisconsin from degradation of water quality and depletion of groundwater reserves, which in turn impacts upon sustainability issues. Any infrastructure allowing transfers of Great Lakes water into the Mississippi River could become politically controversial as serious groundwater overdrafts are occurring already in the High Plains, the Southwest, California, and Mexico--a serious concern held by the International Joint Commission on Great Lakes Water Quality.

Sulfide metallic mining dumps vast quantities of sulfuric acid into underground mines mixed with some lime as a waste treatment program for brine with heavy metals that will eventually make its way into the nearby rivers and waterways. Short term thinking has long term consequences.

Somehow, there is a tendency for levels of toxic heavy metals in proposed mine waste water discharge to be somehow transformed by their association with mining to be exempt from federal hazardous waste laws. Mary Kay Grasmick of Crandon Mining Company was reported by the Shepherd Express on 2-27-97 to say the mine's proposed waste rock tailings site "is not a toxic waste dump" that will contaminate the nearby Wolf River.

Since 1982, the mining industry has proposed perpetual pump and treat systems. US EPA has rejected these perpetual management systems as administratively unfeasible. Companies have not been willing to take responsibility for environmental problems they've already created in other superfund sites, and these companies should not be rewarded by being given the opportunity to continue to create huge risks. We need to take on a land stewardship ethic, where we manage property and resources with consideration of the rights and needs of future generations. As a society, we need to consider the consequences of actions taken on one's property and how that affects others. There is an acknowledgement of the fact that in order to be a good steward one sacrifices a degree of personal choice for the public good

and for sustainability. Improper development in one area, defended as an infringement on a person's property rights, results in damage to another area as the entire environment/ecosystem is interconnected. When negative displacement occurs, the neighbors' rights are then violated.

Hello, my name is Theresa Thorstenson. I'm fifteen years old and a sophomore at the Oneida Nation High School..I'm here today to offer my testimony, urging you to vote against allowing the opening of metal-ore mining until further research proves that the mining process is completely safe for the environment.

“What does the eagle tell the Creator about how we care for the Earth?” That’s quite an interesting question. Now I ask you, the people, what do you see? What do you see when you look into the tearful eyes of the eagle? I see damage and pain caused by the pollution made by mines like this one, and factories and just carelessness by people. You may not see it, because it hasn’t happened to the human race, at least not yet. But what effect does it have on the plants and the animals-land, air, and sea dwelling? What impact does it have on their ecosystem and ours? These are all very important questions, questions that everyone, not just the environmentally conscious and activists, should think about. I cannot say that mining

should be banned because I know that we all depend on certain things that mining can give us, ~~like gasoline for our cars, and heat for our homes, and power to make products we need.~~ But what I am saying is that the mining project should be delayed until further research proves that the mining will not release any harmful pollutant, like the hazardous by-products that will be put back in the ground after they get what they need from it. I will ask of you, the people, two things. I ask of you to think of the future, to think of your children and their future generations. To give an effort to give them what our ancestors had. And I ask of you one more thing. It's very simple actually, your vote. Yes your vote against allowing the opening of metal-ore mining. Some people give excuses not to vote about it because it was "too hard of a decision." But that makes me wonder. I wonder how deciding if your next generations will have full happy lives or if they will live in a world made of hazardous waste, and by-products of what we said we needed now, I wonder how that can be such a hard "decision."

And now I leave you with these wise thoughts of a Cree Indian

Prophecy.

“Only after the last tree has been cut down,

Only after the last river has been poisoned,

Only after the last fish has been caught,

Only then will you find that money cannot be eaten.”

WISCONSIN GROUNDWATER ADVOCACY (WGA)
(A CITIZENS GROUP CONCERNED WITH GROUNDWATER
RESOURCES AND ISSUES.)

October 19, 1997

Chairman Marc Duff
Assembly Committee on Environment
P.O. Box 8952
Madison, WI 53708

Dear Mr. Duff,

Enclosed is a copy of the testimony I gave before the assembly legislative committee at Milwaukee, on October 14th regarding the Crandon Mine Moratorium bill.

The four minute limit allowed me to finish only the first page of that testimony and although I understood your time problem, I did not get into what I consider the most important part of my testimony which you will find on page 2 starting at the top and proceeding down to the center of the page (see enclosure)

Since our organization is primarily concerned with groundwater contamination we are VERY concerned with the method of backfilling the mine with crushed rock or tailings. As we have pointed out in our testimony there are no safeguards for keeping the water in the tailings from getting into the aquifer. There is no liner in the mine and there is no cap to cover the tailings. Also, groundwater will be entering the tailings from the surrounding structures through crevasses and fissures and, nearer to the surface, from the groundwater pool itself. Therefore groundwater contamination is assured. Not just a small but in our estimation a major contamination, which could very well contaminate the groundwater supply of the Mole Lake Band only one mile away from the ore body.

The Crandon Mining Company will I'm sure try to explain away this problem with their brand of spin control but let's pin them down on this one. The facts are there!

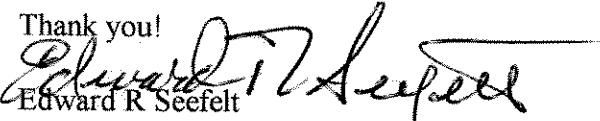
Monitoring wells do not mitigate the problem because once the tailings are in the mine there is nothing that can be done if the monitored wells do show a spreading contamination. Then it's too late!

Also, it would be impractical if not impossible to construct a liner in the mine pit to contain the mine tailings and I don't hear the company talking about doing that.

To use sophisticated methods to store half of the tailing in "safe" basins with liners and caps to prevent contamination of the aquifer and then place the other half of the tailings back in the mine pit where it has unrestricted access to the aquifer makes no sense. Either the company is being disingenuous or their planning is flawed.

WGA sincerely believes that the Spencer Black Moratorium bill should be approved. That would give our group and other groups the opportunity to ask the dozens of questions that need to be answered.

Thank you!


Edward R Seefelt
Wisconsin Groundwater Advocacy
1534 Cty T
Amherst Jct., WI 54407
1 715 677 3805

Testimony given by Edward Seefelt at the legislative hearing in Milwaukee on Oct 14, 1997 concerning the Mining Moratorium Bill AB70.

My name is Ed Seefelt and I am here today to give testimony on behalf of the Wisconsin Groundwater Advocacy (WGA), a citizens group concerned about groundwater resources and issues.

The Wisconsin Groundwater Advocacy supports the Moratorium Bill AB70/SB3 because the present proposed Crandon Mine project leaves too many unanswered questions; the major ones I will touch on in my testimony.

WGA and POWR (Preserve Our Wolf River) tried to persuade the Crandon Mining Company to hold an informational meeting in Stevens Point but they declined. Hearings and informational meetings have been held in several cities in northern Wisconsin but none were held in Stevens Point. Stevens Point is the county seat of Portage County and it is on the Wisconsin River. Eastern Portage County lies in the watershed of the Wolf River. We have a vested interest in the health of these rivers. Both rivers attract vacationers and sports people to the area and thus it is an important part of our tourism industry.

We had asked the Crandon Mining Company to hold an informational meeting in Stevens Point to give the residents of Portage county a chance to hear their side of the story and an opportunity to ask questions. This would have been a goodwill gesture on the part of the Crandon Mining Company and it would have provided much needed information.

Instead I received this letter from Richard Diotte, Director of Community Relations for the Crandon Mining Company. I am going to read this letter to you because I want it to become part of the record. You can decide for yourself whether it shows consideration and regard for the feelings and concerns of our community.

Reading of the letter.

The letter refused our request and said that we should use their report and the DNR analysis to inform our members. In effect they said take it or leave it. I was surprised at the condescending tone of the letter. Are the people of Wisconsin going to put their absolute trust in this company and the so called "educated people expert in their respective fields" to look out after their interests. I think not!

I think the people would have this to say: In Wisconsin the rivers and lakes and the aquifer belong to the people of the state. They do not belong to the Crandon Mining Company, or to the DNR. These resources belong to the people and the authority to regulate and administer the use and protection of this resource resides with the people. The people are here today Mr. Diotte to express their views and they are not intimidated at all by the patronizing tone of your letter.

There are many questions that we would like answered but WGA has two overriding concerns.

1. What are the environmental effects on the groundwater?
2. What are the environmental effects on the surface waters?

I have in my hand the Crandon Mining Company informational booklet. On page 7 the booklet describes how the tailings are managed and I quote from paragraph two: "Tailings - rock particles left after ore minerals have been removed - will be used to backfill the mine. Approximately 50 percent of the tailings not needed for the backfill will be placed in four engineered basins designed to permanently protect the groundwater." and from page 11, paragraph two states, "Engineered tailing basins will be built with multiple safeguards to prevent the condition known as acid rock damage that has occurred at some old, unregulated mines." And paragraph four states, "Both the top and bottom liner systems will have multiple layers that include a heavy-duty plastic membrane, an engineered clay liner, and a 12 inch thick layer of low permeable soil."

The top and bottom systems referred to here are the bottom liner that holds water in the basin and a cover called the cap which limits the entry of water and oxygen into the vat.

So on the one hand you have the backfilled mine with half the tailings in it (1/2 of 55 million tons) through which groundwater can have unrestricted access because there is no liner and no cap. And on the other hand, the other half of the tailings are placed in basins which have a protective cap and liner and a drain system to prevent the discharge and drainage of acid water into the aquifer. It reminds me of a farmer who had a horse and he wanted the horse to stay in the barn. The barn had two doors. One door was sealed with the most sophisticated locking devices. The other door was left open. Needless to say, the horse got out. He was a tad smarter than his owner.

Crandon Mining Company has closed one door (the tailings in the basin) but they have left the other door open (the tailings in the backfilled mine).

Secondly, we are concerned about the effects of putting millions of gallons of waste water into either the Wolf river or the Wisconsin River.

In the last 50 years industry, government, and the citizens of Wisconsin worked together to clean up the Wisconsin River. In that time it had changed from being a sewer for industrial waste where one couldn't swim or eat the fish to a river where game fish again thrive and swimming takes place. We do not wish to risk the possibility of recontamination of the Wisconsin River and even less the contamination of the Wolf River which has been free from point source industrial pollution.

The Crandon Mine site is near the divide of two great watersheds in North America, the Mississippi watershed and the St. Lawrence watershed. We don't wish to add to the contamination of these two great waterways. Also, Wisconsin has one of the greatest

supplies of fresh water in the world. We must protect that resource. We cannot sacrifice that resource for a few temporary jobs and boost in economy in one town.

To conclude: The two questions we asked, what are the environmental effects of the proposed Crandon Mining Project on the groundwater and on the surface waters have not only not been answered to our satisfaction but the information available in the company's own environmental impact report convinces us that it could have a deleterious environmental impact on both the groundwater and the surface waters.

Therefore we support the Mining Moratorium Bill AB70/SB3.

Thank you!

Submitted by Edward R Seefelt
1534 Cty T
Amherst Jct., WI 54407
1 715 677 3805


Crandon Mining Company

October 2, 1997

Mr. Ed Seefeldt
1370 County T
Amherst Junction, WI 54407

Dear Mr. Seefeldt:

Thank you for your request for a Crandon Mining Company (CMC) presentation on our project.

Frankly, we do not see any useful purpose being served in our making a presentation to members of POW'R. Your stated purpose on your letterhead "is to protect and preserve our water resources through education and communication". However, your groups actions seem solely dedicated to being critical of the CMC project. For now, the main documents in public view are those prepared by us which is our view of the project. We expect in the first quarter of 1998, the DNR will publish their draft environmental impact statement. The draft will contain analysis by educated people expert in their respective fields.

If your true goal is education, you would be better served analyzing both our report and the DNR's and using both to educate your members.

Sincerely,



Richard E. Diotte
Director of Community Relations

SEPARATING THE METALS

In the mill, ore will be combined with water and ground to a consistency of fine sand. This mixture will go through a series of steps that separate metal particles from the rock and float them to the surface. The mill will produce separate concentrates of zinc, copper and lead. These will be shipped by rail to smelters outside the state. Small amounts of silver and gold will be recovered during smelting.

MANAGING MINE TAILINGS

Tailings - rock particles left after ore minerals have been removed - will be used to backfill the mine. Approximately 50 percent of the tailings not needed for backfill will be placed in four engineered basins designed to permanently protect the groundwater. As each basin is filled, it will be closed and reclaimed.

KEEPING WATER CLEAN

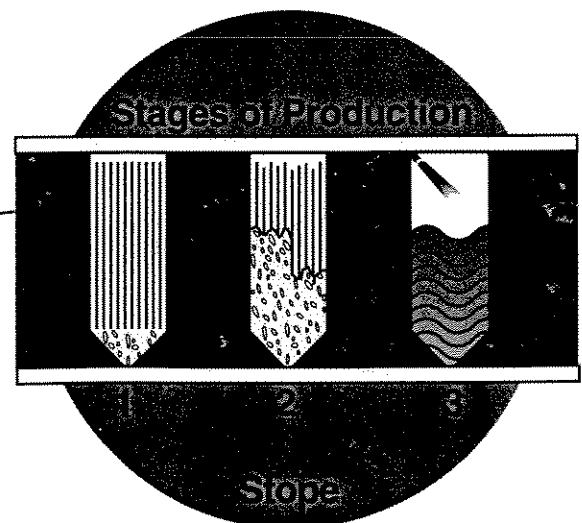
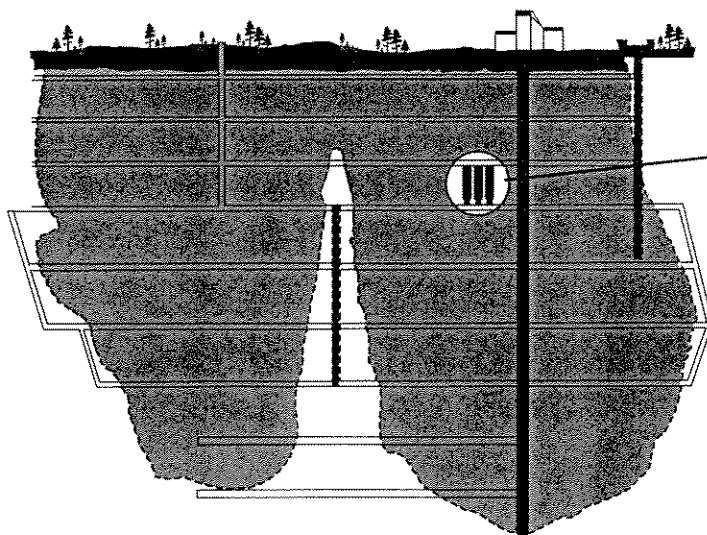
Groundwater that seeps into the mine will be collected and used in mine and mill operations. Water in excess of these needs will be treated in a sophisticated water treatment plant to meet strict quality standards set by the Wisconsin Department of Natural Resources. After treatment, the water will be discharged by way of a buried pipeline to the Wisconsin River.

RECLAIMING THE LAND

Site reclamation will be a continuous process: as soon as work is completed on a given part of the site, reclamation in that area will begin. When the entire project is completed, final reclamation will start. Under state law, Crandon Mining Company must provide financial guarantees that the site will be reclaimed to a long-term, environmentally stable condition.

Mine Cross Section

Main Shaft



1. New stope just starting production
2. Active stope in full production
3. Stope being backfilled



SUSTAINING WATER LEVELS

Mining at Crandon will have minimal effects on lake and stream levels, and only in the immediate area of the orebody.

All private water supplies will be fully protected.

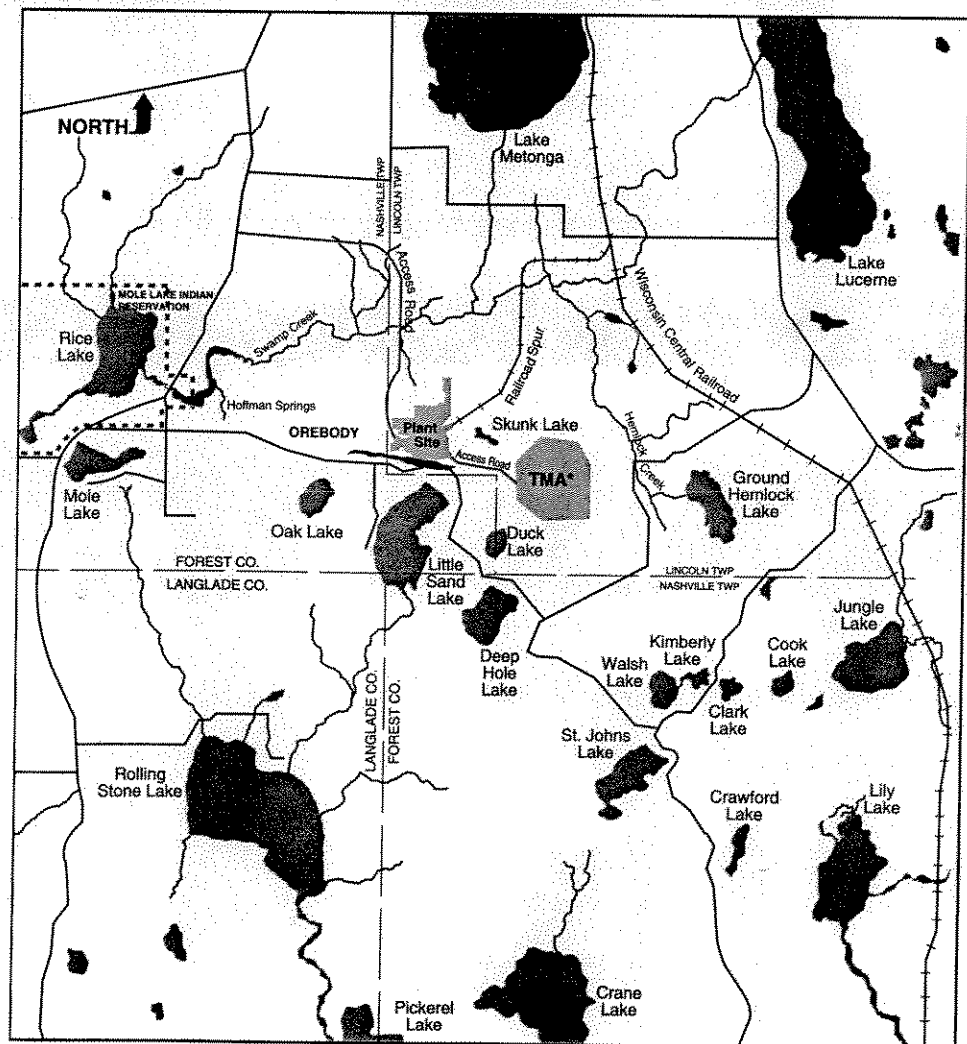
As the Crandon mine is built and operated, water will seep into the mine from the overlying groundwater at the rate of about 700 gallons per minute. Over several years, this will gradually lower groundwater levels in the immediate area of the mine.

To learn about the effects of lower groundwater levels, Crandon Mining Company conducted extensive environmental studies, including computer simulations of the effects on lakes and streams. These studies show that the effects on surface waters will be small. All lakes and streams will be sustained at levels that protect fishing, boating, swimming, wild rice gathering and other public uses, as required by state law. Among the findings:

- Only 12 private wells in the immediate area of the mine that are not owned by CMC will be potentially affected. CMC will monitor groundwater and will deepen or replace, at its expense, any wells that monitoring shows are likely to be affected by the mine.
- Water levels will not change on Lucerne, Metonga, Ground

Hemlock, Mole, St. Johns, Oak, Crane, Pickerel, Post, Kimberly, Walsh and other lakes more than two miles from the mine.

- Effects on Rolling Stone and Rice lakes will be too small to measure.
- Among lakes closest to the mine, there will be minor effects - less than one inch - on Little Sand, Duck and Deep Hole lakes.



*Tailings Management Area

For Distribution
to Members

Public Hearing on MINING MORATORIUM BILL
October 14, 1997 in Milwaukee, Wisconsin

My name is Melinda Miller and I am a member of the Menominee Indian Tribe of Wisconsin. I am here to express my full support for the Mining Moratorium Bill that will go before the Wisconsin State Assembly in November.

I believe this piece of legislation will greatly supplement the 1872 Mining Law. Our land and water are too precious to just allow something like this to happen without looking deeply into the project and requesting background information. This legislation is not a penalty against the mining companies, but rather, it is a safeguard against environmental damage that could take hundreds of years to reverse. We need legislation like this to ensure that our children and their children will have a chance to share in the bountiful natural resources this state has to offer. We have no right to take that away from them.

I believe that if the mining companies truly could protect the environment, they would have no problem with the Mining Moratorium Bill. It is their accusations and complaints about this very bill that worries me. They claim that "radicals" want to ban mining from Wisconsin, that they should not be judged by their past mining history, etc. These claims of injustice simply move the spotlight away from the main issue. Shouldn't unhealthy and environmentally detrimental mining be prohibited in Wisconsin? Shouldn't a company's track record give some indication as to a proposed mine's future?

Our most precious natural resource in Wisconsin is clean water. Our lakes and rivers bring in almost \$6.5 billion from tourism. The potential impact a metallic-sulfide mine could have on those waters is utterly inconceivable. Not only would the tourism industry suffer, but so would our own friends and neighbors who depend on groundwater for their drinking water. We are talking about an entire ecosystem, the ecosystem in which we are all a part, that would be devastated.

And who would be held accountable if a tragedy like this would take place? Couldn't the mining company simply file bankruptcy like so many others and leave the burden on the local community and the taxpayers? What would we tell our children if a disaster would occur? Would we tell them that decisions were made in their best interests or ours?

I am here today to ask the Assembly people to vote in favor of the Mining Moratorium Bill when it comes before them next month. I want them to know that I will not allow them to trade my land and water for a temporary mine that will destroy all that the Creator has given us.

WRITTEN COMMENTS:



Melinda Anne Miller
N5679 Skylark Drive
De Pere, WI 54115

Presentation for Mining Moratorium Public Hearing, Oct. 14, 1997
Rick Whaley, Milwaukee Greens spokesperson

There's a spin story going around these days about Wisconsin's tough mining laws. The truth is when the great exploration for minerals began again in the 1970s Wisconsin didn't have any specific sulfide mining laws. Mining lobbyists and the political allies filled in the gaps and the laws we have now are tough on Wisconsin's natural resources and citizen democracy.

In the absence of a mining tax code, Kennecott lawyers in the early 1970s drafted a proposal to tax at 1.5% of the value of the ore mined. This was passed by the Wisconsin legislature in 1974. In 1977, mining lobbying convinced the state to move to a tax on net proceeds of ore (not on tonnage value of ore). While some in the state welcomed this "increase," it actually meant mining companies could deduct expenses before paying tax on the ore, and could conceivably hide profits through the various subsidiary companies in the venture. (eg., in 1991, Exxon Minerals, one of the largest ~~and~~ companies in the world declared a \$36 million loss. Do we trust them to do the books on the Crandon mine for 25 years?)

The Wisconsin Legislature settled on a 6-20% tax rate on net proceeds (with the first \$100,000 of profits exempt), but Exxon found this percentage far too high. Through their legislative lobbying (especially the young James Klauser), mining companies managed to get the "stiff" mining tax on net proceeds down to 3-15%, with new allowable deductions, in 1983.

1977 also saw the passage of the geological disclosure law, actually the geological non-disclosure law which restricts public access to core sample information for 13 years. This is a concern not only for uranium and radioactivity in exploration drilling and actual mining, but it is also a concern for mining companies taking out valuable ore not acknowledged publicly and not paying taxes in Wisconsin on it - as Kennecott did in Ladysmith. Companies don't even follow the law anyway, as Noranda, in 1978, refused to file field reports with the state (who is required to keep information confidential).

This all may be sound business practice for mining industries but it is bad business policy for the taxpayers of Wisconsin.

In 1982, the most damaging legislation of all was accomplished by lobbyist Klauser and friends undoing Wisconsin's only tough mining law - the non-degradation of groundwater standard (a national standard for groundwater protection). This non-degradation standard was replaced for mining companies by a federal "maximum contaminant level" standard - raising the level of pollution to the worst allowable standard in federal law. This is a critical point to understand because Wisconsin has lots of minable and marketable lead left in southwest Wisconsin but it can't be legally mined because the

water there has been poisoned to the lenient federal allowable pollution. NORTHERN WISCONSIN IS RICH IN LEGALLY POLLUTABLE WATER.

Local democracy in Wisconsin has also gone the way of our groundwater standards. In 1988, the local agreement amendment was added surreptitiously to the 1988 state budget allowing a local impact committee (i.e., a local business) to negotiate a binding agreement with mining companies, regardless of other town ordinances on mining, zoning or water protection. Thompson's political-conservative politics of overriding the value-conservative principle of local control (over pesticide regulation, over handguns) is a sad tradition begun by the mining industry's priorities that the state has endorsed at every level of the executive branch.

Will the DNR protect our resources from all of this, as is their mission? NO, the DNR now serves directly under the governor who from week one of his becoming governor in 1987 has set up special meetings and worked behind the scenes with mining company executives to turn our precious northwoods into a Mining District.

In 1995, we also saw the Public Intervenor's office dismantled. This has been a top priority for the mining industry since their return to pre-eminence in the state house. As the Gov. said at a Rotary business luncheon in Milwaukee at the time, what company would have a lawyer on staff that opposes the major business development of that company? Indeed the state of Wisconsin has itself become the business committee for multi-national mineral companies with no loyalty to the people and natural resource traditions of Wisconsin.

The list of altered laws goes on – the politicized DNR can grant any variances it chooses to a mining operation ([statute 144.83(4)(j), NR 182.19 & NR 132.19]; mining companies are exempt on site from all groundwater pollution standards (statute NR 182.075) and from any standards for what and how mines are backfilled [NR 182.02(10) & (11)]; mining companies are exempt from wetlands alteration standards [NR 103.06(12)]; and SB240 which exempts a mining company's environmental track record from consideration in the permitting process. If there were ever two companies we should think twice about letting do business in Wisconsin, Exxon and Rio Algom are such.

Does having a business governor protect Wisconsin taxpayers? Not with companies like Exxon that could take out millions of dollars of ore and then declare a loss. Not with companies that can take 80,000 oz. of untaxed gold out of Ladysmith in 1993, according to the industry's own *Skilling's Mining Review*, Jan. 28, 1995. Not with the Crandon Mining company that bought uranium rights from Chicago Northwestern Railroad and then says there's no uranium on site that Wisconsinites need to worry about.

Are Greens and other citizen groups in Wisconsin merely against the dangers of sulfide mining with no alternatives for copper and zinc. On the contrary, there are readily available alternatives for both. As of 1988, 60% of U.S. copper consumption is supplied by recycling copper (and more could be recycled or mined from landfills). New

technologies are replacing copper, eg., fiber optics are replacing copper wires. Zinc used as a coating covering or rust inhibitor is being replaced by different materials – new plastic composites for car bodies. The drive for minerals in northern Wisconsin has little to do with current market prices for ore. It has everything to do with the political climate in Wisconsin. Madison (state government) has made northern Wisconsin ripe for plunder.

The broad coalition against the mine should tell you something about where Wisconsin citizens stand on the mine: Sportsmen and conservationists; environmentalists; over 60 towns in northern Wisconsin passing resolutions against the mine; Republicans against the mine (Herb Buettner of the Wolf River and Paul Hasset of Wisconsin Stewardship Network); Indian nations; and citizens concerned about corporate dominance of public life.

Milwaukee Greens add our voice. We fully support the passage of the Mining Moratorium bill. Get it out of committee for a vote like the Wisconsin Senate did.

Rick Whaley, spokesperson Milwaukee Area Greens
1001 E. Keefe Ave.
Milwaukee WI 53212
964-5758
rickwhaley@compuserve.com

Address to State Assembly Committee Hearing, Bill No. ^SAB3,
October 14th, 1997.

With my head sticking out the car window between Milwaukee and Three Lakes, buffeting fresh air and German Short hair ears... dogging dark Friday nights spent driving to the lake as a child, I would smell sweet fern and pine signaling "the North". I now live where farmland shifts into white pine just south of the Menomonee Reservation on the Wolf River, Shawano County, and I drove hundreds of miles south to tell you "North" is at risk. Your vacationland and more importantly, Wisconsin's ground water is at risk should the proposed Crandon copper sulfide mine be allowed to put in a toxic tailings pond, a dump the size of three hundred and fifty football fields, 90 feet deep.

The storage of sulfide tailings from the proposed Crandon site in a wetland, the headwaters of the Wolf River, is an idea that will supposedly be justified by 400 jobs and profit for the state from Crandon Mining Co. (whose parent company is Exxon) with Rio Algom Ltd. of Canada. 400 jobs when an entire river basin may be at risk from acid mine drainage, in a state that spends millions promoting tourism to its clean lakes and rivers.

"Clean" sulfide mining has yet to be proven anywhere in the world and we as part of a democracy cannot risk our groundwater for the profit of the few. Generations ride on the steps we take. Let us step softly. I support SB~~103~~ and AB~~103~~ which call for a mining moratorium...ten years of proven safe sulfide mining and ten years of non contaminate closure in a similar site, before mining is allowed to go forward in the Crandon wetland, my water, our water, protected by the public trust to be upheld by our government of Wisconsin. George Meyer, head of the DNR has come out against this Assembly bill. I ask you to protect our water since we no longer have a Public Intervenor to hold the common good above vested interests.

Storing sulfide tailings in the headwaters of the Wolf, an Outstanding Resource Water (ORW) with unproven technology is not using common sense. The proposed diversion of millions of gallons of discharge water into the Mississippi watershed from the Wisconsin River is also unwise. Discharge from the Crandon site should flow in the Great Lakes Basin via the Wolf River and then to Lake Winnebago, finally entering the Fox River and Lake Michigan at Green Bay. Pumping waste water into the Wisconsin because it has lower discharge standards than the pristine Wolf is a cheap solution for mining interests. The Wolf's trout

population will suffer a decreased water flow which causes pooling and higher temperatures that trout cannot breed in. Pumping water with pollutants, even at supposed "safe" levels into the Mississippi is neglecting to see others as ourselves. New Orleans water is processed Mississippi water. Who do we think we are fooling? New Orleans gets to process heavy metals because of what we do in Wisconsin. We have democracy. Choose well. The hype of temporary financial gain offered by the Crandon Mining Company will not guarantee clean water for the people of Wisconsin and future generations. Allowing sulfide mining into the Wolf's headwaters sets a dangerous precedence for mining in northern Wisconsin. The large belt of ore bearing rock which Crandon is a part of, extends into upper Michigan and currently has leases for mining options owned by several international corporations. We have to tell them what we will allow in this state. Beyond Crandon Mining Company's thirty or forty years operative existence the plan is to leave a toxic waste dump in a supposedly "safe" liner. Sooner or later someone will have to clean it up. The sulfide tailings will need to be disposed of and it will be the people of Wisconsin not a long gone mining company that will attempt it...and this assumes there will be no leaks to the tailing pond liner through natural catastrophe or human error. Jerry Goodrich, former Crandon Mining Company president, said there would about a gallon a day leakage. ~~Should the mining company be wrong in its estimations (remember Exxon's plan for clean up of the Valdeze) or if nature gives an event we in Wisconsin are unused to, our ground water is the risk. Acid mine drainage may take years to filter through bedrock but our choices will show.~~

We, the people of Wisconsin have abundant, clean water, and need learn how to celebrate it. I propose a Water of Wisconsin Moment and it's in your next fully conscious swallow. I am fortunate to have been raised in the land of the bubbler. Thank you for this hearing. Please allow SB3 to go forward. ~~SB3~~

Pat Dugan
N6826 S. Forest Haven
Shawano, WI 54166



**THE LEAGUE
OF WOMEN VOTERS OF WISCONSIN, INC.**

122 State Street, Madison, Wisconsin 53703-2500 608-256-0827 FAX 608-256-2853

**Statement in Support of AB70, The Mining Moratorium Bill
Before the Assembly Environment Committee
October 14, 1997
West Allis Hearing**

The League of Women Voters of Wisconsin supports AB70, the Mining Moratorium bill, as a common sense precaution for the protection of the public health and the natural heritage of Wisconsin.

The sorry legacy of mining in Wisconsin, the United States and throughout the world has been air and water pollution, and degradation of the land. Wastes from closed mines often continue to pollute for decades, leaching into ground and surface water and the soil. As a result, both human and wildlife face increasing health risks.

- For example, in Nevada huge "holding tanks" set up to collect toxic waste, appear to be lakes to waterfowl, and in the late 1980's tens of thousands of birds and many small animals were killed by swimming in and drinking this contaminated water.
- The U.S. Bureau of Mines says there are 10,000 miles of rivers with toxic drainage in the United States.
- The University of Wisconsin Center for Geological Analysis states the "potential for damage (in the area of the proposed Crandon Mine) is so severe as to require perpetual monitoring and maintenance similar to that done with radioactive material."
- In a 1995 report the U.S. Department of the Interior cautioned, concerning the proposed Crandon Mine:
"We are concerned that reports state there is no proven cost-effective technology to prevent contamination by mine waste associated with high sulfur waste rock."
- Exxon and Rio Algom, the Crandon Mine partners, cannot cite one example of a similar mine that has not caused extensive long term pollution. Jerry Goodrich, former president of the Crandon Mining Co., stated that the plastic liner of the proposed toxic waste dump for the mine tailings will disintegrate in 140 years. Yet we know the tailings can remain toxic for many centuries.

- The Mineral Policy Center states flatly that all liners leak.

Mining companies say that technologies have improved. That is good news. But in the name of good stewardship and simple common sense it is essential that we wait until the new technology is proven not to contaminate and degrade the surroundings before opening new mines.

The Moratorium Bill is a needed precaution to protect our health and our state's beautiful natural heritage. The minerals will still be there for mining when and if it can safely be done.

On behalf of our members statewide, the League of Women Voters of Wisconsin urges the assembly Environment Committee to support AB70, the Mining Moratorium bill. Thank you for this opportunity to share our concerns.