

Mining Moratorium Bill: SB3

May 9, 1997

I am writing in response to all of the negative articles on Mining in Wisconsin as well as the SB3 Mining Bill that is being considered by the assembly. Some people supporting a ban on mining in Wisconsin are well intentioned but misinformed. Others are totally opposed to any type of mining regardless of how well we have operated environmentally.

As a Water Treatment Plant Operator at the Flambeau Mine and having ten years experience as a licensed operator at a municipal wastewater treatment plant, I welcome anyone to compare the effluent from the Flambeau Mine treatment plant to any other industries or municipalities. It seems as though the anti-mining groups have overlooked the outstanding job we have done here at Flambeau, or worse yet denied that we have done a good job by continually claiming that mining in Wisconsin is going to destroy our environment.

I can tell you from my experience at both a municipal plant and the Flambeau Mine water treatment plant that we have some of the most stringent regulations and rigid monitoring requirements anywhere. As an example the state drinking water copper standard limit for consumption is 1300 ppb. We are required by our permit to remove copper to 42 ppb or less in our effluent. We have gone well beyond our requirement of 42 ppb, by setting our own internal limit to 25 ppb or less before we discharge our treated water. We are all environmentalists as well as water treatment plant operators and we strive to do a better job and produce the cleanest water possible. Although our effluent is much cleaner than the Flambeau River Water it is discharged into or any other water being discharged into the Flambeau river, we continue to look for ways to improve our effluent water quality through continuous process monitoring. Our effluent has averaged 12.5 ppb since we began discharging four years ago. Our April 1997 average was 9.15 ppb copper. Flambeau Mining Company has spared no expense to make our treated water the cleanest it can be. We have set new standards in wastewater treatment. All of us at the Water Treatment Plant are true environmentalists, helping to do a job that is definitely helping the environment. This is environmentally friendly and responsible mining. We did not need SB 3, which is based on unscientific and distorted data to do this. And we do not need SB3 for Wisconsin mining. We already have a tough regulation system that works very well, and mining is an industry that is good for Wisconsin.

Dennis Brandstatter *Dennis Brandstatter*
Water Treatment Operator
Flambeau Mining Company

FLAMBEAU MINING COMPANY

N4100 HY 27
LADYSMITH WI. 54848
715-532-6690 EXT. 759
FAX: 715-532-6665

May 9, 1997

ASSEMBLY COMMITTEE

Soon you will be voting on a bill that wants us to stop mining in Wisconsin. I feel this bill is ridiculous. I have lived in Rusk County all my life. This is the only time that I have seen Ladysmith grow. major manufactures expanding, new business starting up. This never would have happened without the money generated from mining revenues. I feel the Flambeau Mining Company is the best thing that has ever happened to Ladysmith, Town of Grant, and Rusk County. A real shot in the arm to a failing community with the highest unemployment rate in the state.

Some of the people protesting mining in Wisconsin have never visited the Flambeau Mine. They would leave with a different attitude on mining if they did. They are uneducated about the way business is performed at Flambeau Mining. When I became an employee at Flambeau I was stunned to find how strict the company was on environmental issues, hourly monitoring on, water treatment, dust suppression, erosion control. If you spot an oil drop, you find out what caused it and get it fixed. forget the cost get it fixed. If all companies were as environmentally responsible as the Flambeau Mine this would be a much cleaner state.

The Water Treatment Plant is probably the finest in the world 99.98% metal removal. The water discharged to the Flambeau River is cleaner than water we drink. Our internal copper limits are 25 parts per billion, our avg. Is 10 ppb, our target is 0. Good enough isn't good enough, always do your best is the motto here.

I am extremely proud to be a part of the Flambeau Mine, we have proven all the anti mining people wrong, they said we would pollute the river, if anything we are cleaning it up. All the people that I had talked to on tours at the mine were all very impressed how environmentally safe we are. This company opens their doors to everyone who wants to learn about mining.

It's strange how these protesters. A few radical people can make up such lies and convince people that mining will destroy the area. They base their stories on mining out west years ago. I and a former coworker had a chance to talk with a man from the Serria Club. We invited him to visit the mine but he refused. He knew we would have proof that he was wrong.

The Flambeau Mining Company has proven to be environmentally responsible, and a great asset to the community. To stop projects like the Flambeau Mine in Wisconsin would be a bad choice and a real blow to communities like Crandon which needs good paying jobs.



Mine Moratorium Bill: SB3

May 12, 1997

I have been a resident of Rusk County most of my life. I have enjoyed growing up in Wisconsin, surrounded by wetlands, woodlands, and wildlife. Some of my favorite childhood memories include hiking through the Blue Hills, enjoying the rock formations at Copper Falls, and picking wild berries in the ditches along the back roads of Glen Flora. I was always taught to take care of our environment, to never litter or through trash into the water. As a family we planted trees on Arbor Day and grew fresh vegetables in the backyard.

When I graduated from high school, I continued my education at the University of Wisconsin - Stevens Point. It was at Stevens Point that I began to learn about the importance of our environment, and why we need to cherish it and protect it from pollution, and over development. It was in my senior year in college that I first heard about the possible mining project in Ladysmith. I was strongly opposed to such an industry coming into my hometown, and I was positive that the mining company was going to do permanent damage to the proposed site. I was sure there was no way they could return the mine site to it's original state. It didn't take long for me to change my mind. I started work for the Flambeau Mining Company in February of 1993, believing that if they were involved in anything shady or harming the environment in any way that by working there I could prevent it. I had worked for Flambeau for two weeks when I had my first tour of the water treatment plant. I was impressed by the measures that were taken to insure that only the cleanest water would ever be discharged into the Flambeau River. The water was tested for copper and it's oxygen content daily. Tests were also performed to insure the water would support the fish and organism population of the Flambeau River, and the water collection system for the waste stockpiles and crushing area were beyond the standard requirements of the DNR. Water quality was not the only concern at Flambeau, dust suppression and air quality as well as steps to support the local wildlife and their habitat were also high priorities at the Flambeau Mine.

Needless to say, during my four years working at the Flambeau Mine I have changed my opinion of the mining industry. I have personal experience working for an environmentally safe mine. I have first hand knowledge of the steps that are taken to protect the environment. I believe in the regulations set up by the Wisconsin DNR to regulate the mining operations, but I also believe in the ability of the mining industry to meet and surpass those regulations because I have seen it done and taken part in the effort.

Diana Bates
616 West Miner Avenue
Ladysmith, WI 54848



MINING MORATORIUM BILL: SB3

May 12, 1997

My name is Melody Larson. I have lived in Rusk county all my life. I am employed with Flambeau Mining Company. I started with Flambeau during the construction phase in 1991. I have experienced and heard everything you could think of, for and against mining. I was harassed by the opposition and praised by the supporters.

I had some doubt about mining. I did not want anything bad to happen to the beauty and the wildlife of Rusk county. After I thought about it, there are many industries and general public in Rusk county that have for years and still are harming and polluting the beauty of Rusk county. Go for a ride and make note of the trash on the street and in the rivers, and note all the black smoke in the air from the mills. Now who is polluting the air and environment.

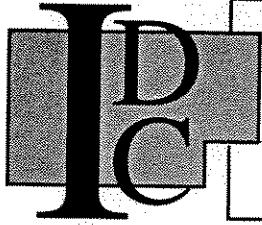
I took the time to go over the facts and seen for myself all the regulations that Flambeau must follow. I have never seen a company go beyond what they were expected. Most people will ride the thin line. Not Flambeau, they will take the extra step. I knew when I was hired at Flambeau that this project was going to be a success.

Everyone needs to take the time to learn the facts and compare industries. Mining is an industry, so if they try to stop mining in Wisconsin what is to say they are not going to try to stop other industries in Wisconsin. Decisions should be based on facts and reality rather than living in the past and believing people with no facts or knowledge about mining or other industries.

I give Flambeau Mine a big pat on the back. They have proved themselves over and over again. When I started with the company they told me safety and environment was always number one. Six years later it still holds true. I could only wish other industries in Rusk county and Wisconsin would be only half as concerned with the environment as Flambeau Mine.



Melody Larson
Ladysmith



Ladysmith Community
INDUSTRIAL DEVELOPMENT CORPORATION
SERVING ALL OF RUSK COUNTY

P.O. BOX 431 LADYSMITH, WIS. 54848 PHONE: (715) 532-2600 FAX NO. (715) 532-2620

Mr. Marc Duff, Chairperson
Assembly Committee on the Environment
306 North State Capitol
Madison, WI 53702

May 12, 1997

Re: SB 3

Mr. Duff:

SB 3 as written is, not necessary, ambiguous, arbitrary and irrelevant, as it ignores the scientific data recorded by the Flambeau Mine. This data proves sulfide mining can be ecologically safe under existing laws, as documented today, by professionals in their respective fields.

The Flambeau Mine has had a positive impact on Rusk County and the City of Ladysmith. Following are a few specifics:

1. This beautiful library we are using today was paid for primarily with mining money.

2. We have or are in the process of adding in excess of 425,000 Square Feet of manufacturing space, all this was made possible with the use of mining money. Almost all of these funds will be returned to the community in the form of lease payments for investment in additional economic development.

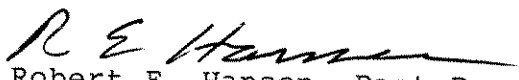
3. This economic expansion will create in excess of 440, and retain over 120 good paying jobs with benefits, in a community known for its low wages and high unemployment.

4. The Flambeau Mine has been a good corporate citizen:
a. Since 1993, the Flambeau Mine has contributed in excess of \$175,000 to projects or civic organizations throughout the community.

b. Flambeau Mining personnel have been active in many organizations such as Kewanis, Lions, JC's, etc.

Had SB 3 been in effect none of the positive things would have happened. Thank God SB 3 was not law, as the Flambeau Mine has proven that we can have ecologically safe sulfide mining without it.

Thank you for coming to our community and listening to our concerns.


Robert E. Hansen, Past President

Mining Moratorium Bill: SB3
May 8, 1997

I am concerned about the recent support of SB3 by some of our elected representatives. This bill is not only unfair, it will set a precedent that will cause great harm for years to come. It may discourage many other types of businesses, and corporations that may want to move to Wisconsin, and provide jobs to our hard working people. My opinion is that this bill is the result of unscientific, emotional, and illogical, assumptions, made by some misguided individuals.

I work at the Flambeau Mine and have for the last four and one-half years. I am a certified grade four wastewater treatment plant operator, certified in seven subclasses of wastewater treatment and certified in groundwater and groundwater distribution. I am currently the NW district chairman of the Wisconsin Wastewater Operators Association. I have lived and worked in this area for many years, my parents are originally from Rusk County and their parents had farms here after the turn of the century. I enjoy hunting and fishing and the pristine environment. I also consider myself a conservationist, and environmentalist who enjoy everything this area has to offer.

My point is that I know when something is being done right, and Flambeau Mining Co. has been doing everything right. We have had many people come through the gate to tour the mine, and leave convinced that it is being done environmentally safe and responsible.

We have waited for those opposed and for the representatives from Madison to visit and see for themselves. However, few have. We read the newspaper articles, pamphlets and political advertisements of these people, and shake our heads at the outright lies and distortions. What if paper mills, food processors or other potential industrial polluters would come under such attack, Wisconsin would soon be back to the hard times of 20-25 years ago.

I urge you to seriously consider the impact SB3 will have on the future of Wisconsin. SB3 will move us backward not forward.

The Flambeau Mine and the dedicated people (75-85% local) have proven that the most stringent laws in the world, working and already in place, are, and will, protect the environment of beautiful WISCONSIN.

Sincerely,



Robert C. Klinger
P.O. Box 125
Exeland, WI 54835

Mining Moratorium Bill: SB3

May 7, 1997

My name is Jim Parker, I live at W8973 Hanson Rd which is right next to the Flambeau Mining Company land. I have worked for the mine since June of 1991. In my time working here I have never seen the mine going outside of the rules or regulations. They are a very safety mined company. If all other mines were run as this one I would say that their would not be a problem in any mine. I also would like to say the personnel here are doing a great job. All the things I heard against the mine in 1991 none of them came true.

I think it would be a big mistake not to let mines like this one to operate in Wisconsin. Its great for the city and county and the State. In today's world we need the minerals like copper, gold etc. to live.

Sincerely,

Jim Parker

A handwritten signature in cursive script that reads "Jim Parker". The signature is written in dark ink and is positioned below the typed name "Jim Parker".

May 8, 1997

Jeff Earnshaw
N4970 Rocky Ridge Rd
Ladysmith, WI 54848

SB 3 MINING MORATORIUM BILL


I would like to express my **opposition** to SB 3, the Mining Moratorium Bill.

As a mining engineer who has worked in several locations throughout both the U.S. and Canada, in varied working and regulatory environments, I must tell you that the state of Wisconsin has in place some of the most stringent regulations governing the development, operation and reclamation of mining operations. The arbitrary language of SB 3 can do nothing to enhance the area of environmental compliance where now exist sufficient rules and regulations necessary to adequately protect our environment.

The intent of SB 3 clearly implies a lack of understanding on the part of our legislators of these regulations, under which modern mines are permitted. It also demonstrates a total lack of understanding of the technologies employed nowadays by modern mining operations. To penalize an industry for practices in place 20 years ago, as SB 3 intends, seems ludicrous at best. Is this how the U.S. got to be where it is to day - confronting problems with a "head in the sand" approach that says "do nothing and perhaps in 20 years everything will be better?" I think not.

Flambeau Mining Company has been operating for four years now. It has faced the issue at the forefront of to-day's concerns-namely, acid rock drainage. Throughout it's operating phase Flambeau Mining Company has done an exemplary job of preventing contamination to surface and groundwater through the use of best practices and technologies within the existing regulatory framework. These technologies have been in use here for all to see. Unfortunately, prior to today we have had only five or six of our state legislators visit the Flambeau operation to gain understanding of what modern mines are achieving, not only here but throughout N. America. Six out of 130 of our legislators, certainly far short of the number we had hoped to see. How can we produce meaningful legislation if basic understanding is lacking?

In conclusion, SB 3 is arbitrary and redundant, given the regulation already in place, and should not be passed. The people of Wisconsin deserve more from their legislators. At a minimum, a full understanding of the best practices and technologies in place and being used by modern mines and an objective decision making process regarding new legislation.



May 12, 1997

To: Wisconsin Legislature Committee on Mining

Concerning: Mining in Rusk County and future mining

We have lived in Rusk County at the time the mine was discussed and then placed in operation. Our home location is on the Flambeau, within a mile of the mine site.

The mine activity has been a plus for our community and we have had no problems. Flambeau Mining Company has been a good neighbor. We don't support the ban on mining in Wisconsin.

Sincerely,



James Platteter
408 Phillips Ave East
Ladysmith, WI 54848



Janet Platteter

MAY 12, 1997

To: Wisconsin legislature committee that deals with mining

Concerning: Mining in Rusk County and future mining

The Flambeau mine starting operation about the same time I took office as a Rusk County Supervisor. My district, on the south side of Ladysmith, includes part of the mine site. I was concerned about what would happen to the local area after hearing all the terrible things that would take place. None of these dire predictions have happened. The mine has been good for the Rusk County community. Since taking office we have voted on many resolutions that promote economic growth in Rusk County as a result of the mine being here. I don't believe we need a ban on mining in Rusk County or the rest of Wisconsin.

Sincerely,



James Platteter
Rusk County Supervisor, District 16
408 Phillips Ave East
Ladysmith, WI 54848

RUSS THOMPSON EXCAVATING, INC.
703 W. FRITZ AVENUE
LADYSMITH, WI. 54848

MAY 12 1997

TO: COMMITTEE
PUBLIC HEARING ON SENATE BILL 3

WE AT RUSS THOMPSON EXCAVATING, INC. WOULD LIKE TO GO ON RECORD IN OPPOSITION OF SENATE BILL 3, WHICH IN EFFECT PLACES AN INDEFINITE MORATORIUM ON SULFIDE METALLIC MINING HERE IN WISCONSIN.

WE ARE ASKING THE COMMITTEE TO REJECT SENATE BILL 3 FOR THE FOLLOWING REASONS.

SINCE 1991 FLAMBEAU MINE HAS OPERATED HERE IN RUSK COUNTY. THEY HAVE PROVED HOW ENVIRONMENTALLY RESPONSIBLE A MINE CAN BE. EVERYTHING THEY HAVE DONE HERE HAS DEMONSTRATED THAT MINING CAN COMPLY WITH WISCONSIN MINING REGULATIONS. THEY HAVE BEEN A GOOD NEIGHBOR TO THE COMMUNITY PROVIDING PAYING JOBS, SUPPORTING SERVICES AROUND THE COUNTY THAT ARE NEEDED AND CONTRIBUTING TO THE WELL BEING OF THIS COMMUNITY.

WE HAVE SEEN FIRST HAND WHAT MINING HAS DONE. BUSINESS HAS BOOMED HERE - ALL YOU HAVE TO DO IS LOOK AROUND THE COUNTY AND THE CITY AND TOWNS AROUND THE COUNTY; THE LIBRARY WHERE YOU ARE HOLDING THIS MEETING, THE SATILITE BUIDINGS IN GLEN FLORA AND WEYERHAUSER, THE NEW CONWED BUILDING, THE WEATHER SHIELD BUILDING, THE TOWN OF GRANT. WE COULD GO ON AND ON. THE BOTTOM LINE IS , MINING HAS BENEFITED ALL OF US HERE IN RUSK COUNTY, AND FLAMBEAU MINE HAS BEEN GOOD TO US.

ALSO WHEN OUR MEN COME BACK FROM WORKING AT THE MINE, THEY TALK ABOUT HOW SAFE THE MINE IS OPERATING. WE HAVE SEEN FIRST HAND HOW ENVIRONMENTALLY RESPONSIBLE FLAMBEAU MINE HAS BEEN AND BELIEVE MINING SHOULD CONTINUE FOR THE GOOD OF THE STATE AND THE COMMUNITIES OF WISCONSIN.

WE FEEL TO PLACE A MORATORIUM OR BAN ON A LEGAL AND ESSENTIAL ACTIVITY THAT COMPLIES WITH ALL STATE AND FEDERAL ENVIRONMENTAL LAWS IS UNREASONABLE. WE URGE THE COMMITTEE TO REJECT SENATE BILL 3.

RUSS THOMPSON EXCAVATING, INC.

BY *Russ Thompson*
President

27426 County Road H
Webster, WI 54893

March 20, 1997

Rep. Mark Duff
Chair of Environmental Resource Committee
306 N State Capitol
Madison, WI 53708

Dear Representative Duff:

We are residents of Northwest Wisconsin and are very much in opposition to the proposed Crandon Mine. We live in this part of the state because we love the natural beauty of our land, lakes and air and value their impact on our health. These resources must be protected at all cost. We are asking you to support Assembly Bill 70, the Sulfide Mining Moratorium Bill. It only makes sense to us that a mining company must prove that it will not harm the environment before it is given permission to make a profit off of it. We are very tired of large companies coming into a community, wreaking havoc on the environment, and sticking us taxpayers with the cost of cleaning up - or worse yet, making such a mess of the environment that it cannot be cleaned up at all. It is not right that the companies make the profits and we as residents pay the consequences.

We are formally requesting that you make this letter available to all members of the Environmental Resource Committee. We also ask that you do your best to bring Assembly Bill 70 to a full vote as soon as possible, preferably by May of this year.

*Sent
to members
3-26-97*

Sincerely,

Laura Furtman

Laura Furtman and Greg Furtman

Greg Furtman



**Wisconsin's
Environmental Decade**

Working for Wisconsin's environment
since 1970

Madison Office

608-251-7020
122 State Street
Suite 200
Madison
Wisconsin
53703

Fox Valley Office

414-426-9367
303 High Street
Oshkosh
Wisconsin
54902

Milwaukee Office

414-964-6081
1001 E Keefe Ave
Milwaukee
Wisconsin
53212

World Wide Web

<http://execpc.com/~wsn/>

March 25, 1997

Representative Marc Duff
Chairman, Assembly Committee on Environment
State Capitol, Room 306 North
P.O. Box 8952
Madison, WI 53708

Dear Chairman Duff,

I understand that you have circulated for co-sponsorship a bill which reflects the Governor's budget language on mining. We were very pleased with the overwhelming bi-partisan support for the mining moratorium bill (SB 3) in the Senate (passage by a vote of 29 to 3); and we are hopeful that the Assembly will also give this issue a fair debate now that several bills have been introduced, including your own.

Assuming that your bill is sent to your committee, you will then have three bills dealing with mining that I am aware of--yours, SB 3 and Assembly Bill 22. Not being aware of your intentions at this point regarding proceeding with any of the three, we respectfully request that you give each of these important bills a hearing in a timely fashion (sometime this spring). Since all three deal directly with metallic sulfide mining, I think it would make a great deal of sense to hold one hearing on all three bills at the same time.

Please inform me, at your earliest convenience, of your intentions for proceeding with these three bills, and thank you for your time and consideration of this request.

Sincerely,

Keith Reopelle, Associate Director
Wisconsin's Environmental Decade

Marc Duff, Chairperson of the Wisconsin
Assembly's Committee on the Environment

5/11/97

Dear Committee Members:

Please accept my endorsement of the mining moratorium bill
currently under consideration.

For the sake of our beautiful waters, our clean air and the health
of our future generations please take this small step toward slowing down
the destruction of our environment.

We need to slow down and be mindful of all of the generations to
come. Our haste will only serve the short term economic gain fueled by our
greed.

Our only hope is in slowing down our wildfire of destruction. The
mining moratorium bill is one good small step in this direction. Let us
take this step.

Thank you,

Amy Wilson *left*

Amy Wilson
Great Northern solar
Rt. 1, Box 71
Port Wing WI, 54865

5/11/97

Marc Duff, Chairman of the Wisconsin
Assembly's Committee on the Environment
& Committee Members

Dear Committee Members:

This letter is a strong endorsement of the mining moratorium legislation currently under consideration.

For far too long short term economic considerations have won the day at our legislature. It is unfortunate that we do not have adequate regulation of the mining industry either nationally or locally. The mining moratorium bill could give us some time to work on safeguarding our clean Wisconsin water and air before more destruction occurs.

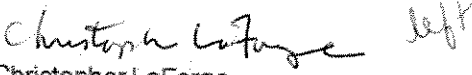
All arguments against this legislation are and will be based solely on short term economic considerations. Here in Wisconsin we have longstanding traditions of values that go deeper than this. We understand that long after the greedy destruction of careless mining techniques have destroyed what we truly value we will need to continue to live here. For the sake of current and future generations please take this small step toward a long term future.

Unabashed greed has recently become fashionable. This and our consumptive extractive economy have combined to let our most destructive tendencies race forward. The mining moratorium bill can slow this process and is an example of the deeper and more traditional values that we in Wisconsin hold dear.

Prosperity and wealth are based first and foremost on the health of our environment. Shortsighted profiteers will not concern themselves with this fact because they are not rooted in our state. Only those of us who have chosen to plant deep roots here and intend to defend the prosperity of our citizens for the long term can be said to have Wisconsin's vital interests at heart. We cannot allow the greed and lack of vision of others to overcome our will. The values of a healthy life, a safe and clean environment, a future for the generations to come, and a sustainable means to our citizens prosperity must overcome the values of greed and short term economic gain.

Please represent us by giving your all in supporting this and other legislation that works for our true values. Those of us who plan to stay here and the future generations to come are counting on you. We know you can do a good job that you will be proud of.

With hopes for the future of Wisconsin,


Christopher LaForge
Coordinator, South Shore NorthGuard
P.O. Box 91
Port Wing, WI 54865

5/12/97 GERTRUDE McBAIN
804 FIRST ST. S,
LADYSMITH, WI 54848

715-532-7434

MORATORIUM

If I hadn't read that big expensive ad in the Ladysmith News about how great the Flambeau Mine is, I might not have noticed the insignificant notice of this important meeting in the lower right hand corner of the front page of the Ladysmith News .

It is very obvious that the mining Company Supporters Ad, those who have gotten personal gain from supporting the mine, and I do not see crowds standing behind those supporters, also have the money to pay for these well planned misinformation ads.

Does anyone think that \$20 million in taxes paid to the state is very much money compared to the money that the mining company is reported to have earned?

It is obvious that the earnings from mining has to be plenty when the mining company is putting so much pressure on all sections of Northern Wisconsin to convince people in those various communities that mining isn't bad for the their communities and for the environment in general.

If it is true that that gold and copper mining is "good" and is "safe" then why not have the proof. Gold and copper mining has not been proven safe anywhere despite the mining companies repeated statement that this type of mining is "safe". If this moratorium produces no evidence of bad environmental effects then the mining companies can go ahead and make agreements with local communities, if the leaders in those communities don't have enough common sense to make an agreement that will fix their schools and will improve their communities, then so be it.

The "Flambeau Mine" is an example of our communities not being enriched by removing the natural resources.

Ladysmith cannot brag about having half of a Library and a bunch of buildings given to various industries when the schools are in deplorable condition. If we are going to give away our wealth and try to ignore the long time pollution, the least we should get is a decent share of the profits.

This wealth is gone forever and the compensation has been such a small percentage of the repayment for this loss and for the acquiring of unknown damage, which the community will have to deal with in the future.

It is very necessary to establish control over what happens in our communities. I strongly urge full support for this Moratorium.

submitted by:

Cora L. Noble

2399 15 $\frac{1}{4}$ Avenue

Rice Lake, WI 54868-8795
(township of Stanley)

May 12, 1997

In a movie called "Protocol", Goldie Hawn starring as a woman named Suny, is used by a government agency as a way to set up a military base in a "foreign country". No one ever told her the TRUTH about that. After she finds out the real story, she is called before a governmental hearing investigating the matter. Her speech focuses on the U.S. Constitution and the rights of "we the people".

Above all else; the information gathered on sulfide mining, the potentially disastrous consequences it holds for the future of the environment of land and water, the clean-up costs that taxpayers will have to shoulder -

ABOVE ALL THESE is who is really speaking
for: WE THE PEOPLE ? !

When giant-sized corporations with assets in the billions of dollars seek to BUY those who are elected to represent ALL the state/nation 's citizens, WE THE PEOPLE stand to lose the battle!

WE THE PEOPLE deserve better treatment - we deserve to have legislators listen to those without high paid corporate lawyers who find "legitimate ways" to sell WE THE PEOPLE out! in the name of GREED.

Even when citizens come together to fight for their rights they are no match for such corporations. WE do not have the the same resources of TIME and MONEY to compete FAIRLY with Corporation resources!!

The only power we have is THE VOTE !! but recently, as a Wisconsin village discovered - even here MONEY TALKS LOUDER !! A small victory was eventually won but WE THE PEOPLE still have to work extra hard because MONEY accomplishes so much more.

All of us here have experienced the power that money has to influence our lives. Persons, groups, businesses that have it in great quantity become adept at setting their own rules to maximize their own gain. The once reasonableness of profit has become a tool for achieving wealth in the hands of fewer and fewer persons: companies are "down-sizing", work is contracted outside the business, mergers create service providers farther and farther removed from their customers. what you can buy, what services you will receive and how are beyond our control.

It is TIME to reign in the expansion and power of multi-million dollar corporations. it is TIME to restore POWER to WE THE PEOPLE. We ask you today to give heed to those you've been elected to represent - ALL OF US not solely the voice of the corporate world.

THANK YOU -

Cora L. Noble

May 12, 1997

TO: Assembly Environment Committee

SUBJECT: Mining Moratorium Bill (Assembly Bill 70/Senate Bill 3)

We thank you for the opportunity to voice our opinion on the proposed metallic sulfide mine in Crandon. A ban on metallic sulfide mining in Wisconsin until a similar mine can be shown to operate for 10 years and be reclaimed for 10 years without significant water contamination is the only safe way to go :

As a property owner on Ground Hemlock Lake for 32 years, we are approximately 1/4 mile east of the proposed toxic tailings dump and would be greatly and mostly affected by these tailings. The principle concerns which have been voiced by the Ground Hemlock Lake property owners, should a mine be developed, include the following:

1. The potential pollution of the lake and the contamination of well water due to ground water pollution from leakage of tailings impoundments. Because Hemlock Lake is much lower than the tailings pond, there is a greater chance that the lake will be polluted. The DNR has already admitted to this : Hemlock Lake and Hemlock Creek flow into Swamp Creek which flows into the Wolf River : **TOTALLY UNACCEPTABLE :**
2. The possible lowering of the water table resulting in loss of wells and lowering of the lake level. This is a very active spring lake with no water entering the lake other than these springs.
3. Dust and other air pollution which will directly affect the lake area, which is generally downwind from the mine site and tailings pond area. The ducks, geese, birds and other wild life will be carrying this toxic waste to other lakes in the area polluting the whole state of Wisconsin.
4. The potential loss of property values due to the impacts of mining. There are approximately 50 property owners on this lake.

Our only hope and prayer is that this beautiful northern environment remains a recreational area for generations to come. Thank you !

Sincerely,

Merlin & Janice Kuske

Merlin and Janice Kuske
1345 Servais Street
Green Bay, Wisconsin 54304

CFR

February 13, 1998

[REDACTED]
[REDACTED]
Madison, WI [REDACTED]

Dear [REDACTED]

I would like to thank you for your action to oppose SB 3, the so-called Mining Moratorium Bill, over the last few months. Although this bill may become law, the last chapter on mining and the fair regulation of Wisconsin industry has not been written yet.

The newly formed Nicolet Mining Company, solely owned by Rio Algom Limited, will continue its efforts to obtain a permit for an underground zinc and copper mine at Crandon. Meanwhile, CFR, with an organization firmly in place, stands ready to work on behalf of mining or any other industry facing legislation that would impose unreasonable burdens or restrictions.

CFR members' voices were heard loud and clear during debate on SB 3. The outpouring of letters and phone calls to legislators' offices during the January legislative session got their attention. Newspapers around the state published numerous letters to the editor, submitted by our members, opposing the moratorium.

As adopted by the Senate last March, the bill said the DNR could not allow a metallic mine in Wisconsin unless the mining company could show an example of a similar mine that had operated for 10 years without causing pollution, and a similar mine closed for 10 years without causing pollution.

CFR members' voices were instrumental in the Assembly's adoption of amendments aimed at making SB 3 less ambiguous, and thus more fair and effective.

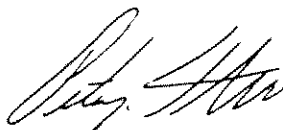
While we still believe the legislation is unnecessary, there also has been progress.

- First, the moratorium law does not close the door to mining in Wisconsin. Nicolet Mining is going ahead with its plans at Crandon.
- Second, Governor Thompson has established a council of scientists to help determine whether the Crandon mine can operate safely. That's a clear sign that CFR and other moratorium opponents have had an impact.

Equally important, CFR has established itself as an effective participant in the legislative process. We will keep you informed on the mining debate and alert you to any other initiatives that might affect the fair regulation of Wisconsin business.

Once again, I thank you for your efforts.

Sincerely,



Peter Theo
Executive Director

Coalition for Fair Regulation

P.O. Box 395

Sussex, WI 53089

800/533-0537

Fax 414/369-5183

Executive Director:

Peter Theo

Steering Committee

BHP Minerals

Chris Mattson

Bucyrus International, Inc.

Tim Sullivan

Crandon Mining Company

Rodney Harill

Flambeau Mining Company

Jeff Earnshaw

Nordberg, Inc.

Ken Nelson

P & H Mining Equipment

Louise Hermsen

Society for Mining, Metallurgy
& Exploration (SME)

Leslie Hinas

Wisconsin Timber Producers

Association of MI & WI

Kadine Bailey

S: 1998 Letteral Mining
Mining - After the Vote

January 29, 1998

Dear Concerned Citizen,

Thank you for your interest in Senate Bill 3, the Mining Moratorium Bill, which was passed by the Assembly on a bipartisan 75-21 vote on January 22nd. I am proud to have played a role in strengthening the bill, and wanted to take a moment to summarize the action taken on SB 3 by the Assembly this week.

SB 3, as passed by the State Senate was riddled with problems. According to DNR officials and attorneys from the non-partisan Legislative Council, the Mining Moratorium Bill passed by the Senate was essentially worthless. It would not have strengthened any of Wisconsin's already tough mining laws, it would not have provided any additional protection for Wisconsin's lakes and rivers, and it would not have done anything to stop the proposed Crandon Mine from being approved.

Representative Spencer Black (D - Madison), the leading legislative proponent of the bill, appeared to agree with these experts. He offered an amendment to SB 3 in the Assembly Committee on Environment, and urged members to adopt his changes, noting that the bill was meaningless as passed by the Senate.

When Rep. Black's amendment failed in committee, he inexplicably did an about-face and began calling for passage of SB 3—the same bill he had previously called meaningless—without amendments, *in the identical form passed by the Senate!* Black claimed that any amendments to SB 3 would kill the bill in the Senate, and continued with these arguments even after receiving written confirmation from Senate leaders in both parties that they were eager to take up any changes we made to the bill when the Senate meets on February 3rd.

Because of Rep. Black's unwillingness to fix this flawed bill, Assembly Republicans worked to draft amendments to SB 3 which both strengthened and clarified the bill. Three of these amendments were approved by the full Assembly on strong bipartisan votes.

Assembly Amendment 2 to SB 3 requires the DNR to *verify* the information provided by a mining applicant, ensuring that the information is accurate. Without this amendment, the DNR

could simply take a mining company's application information at "face value," without verifying its accuracy.

Assembly Amendment 3 to SB 3 requires that if a permit application is submitted for a mine that could potentially generate acid drainage, the DNR *must* compare that application to a mine operating under similar circumstances. Without this amendment, an ore body located in host rock that is naturally capable of neutralizing acid mine drainage—such as certain old lead mines in southwestern Wisconsin—could be used to allow permits to be approved for a mine such as the proposed Crandon Mine that would *not* be naturally capable of neutralizing acid mine drainage.

Assembly Amendment 4 to SB 3 clarifies the definition of pollution in the bill, to clearly specify that "violation of any environmental law" includes a determination by an administrative proceeding, a civil action, a criminal action or other legal proceeding, and also provides that a stipulated fine, forfeiture or other penalty is considered a determination of a violation of an environmental law, regardless of whether there is an official finding of or admission of liability. AA 4 also prevents the DNR from using Superfund sites as examples of "safe" mines. Without adoption of AA 4, the DNR could have used mines from the early 1800s as examples of mines which operated for 10 years and have been closed for 10 years without polluting, simply because the mine conformed to the laws of the time. AA 4 closed this gaping loophole passed by the Senate.

The bottom line on mining in Wisconsin remains the same: If a company can't prove to the trained scientific experts at the DNR that their mine will not pollute our lakes, rivers, and groundwater, they will not be issued a permit. Period. Our mining laws are the toughest in the nation, and I intend to keep them that way. Both the DNR and non-partisan Legislative Council attorneys agree that SB 3, as passed by the Assembly, is a much stronger bill that will enable the DNR to do its job and protect the environment. (*See enclosures*)

The issue of metallic mining has generated a tremendous amount of debate and emotion during the last year, and I am disappointed that some of my legislative colleagues chose to make this a political issue, instead of focusing on making good public policy. I hope that the Senate will follow our lead and do what is best for the people of Wisconsin by taking swift action on SB 3.

Thank you for your continued interest in this important issue, and feel free to contact my office if you have any other questions on SB 3 or the issue of metallic mining in our state.

Sincerely,

mwp/MCD
enclosures

Representative Marc Duff
Chairman, Assembly Committee on Environment

Ladies & Gentlemen

October 14, 1997

I am speaking (writing) in Opposition to the Mining Moratorium Bill. It simply is not needed!

I am a Professional Geologist living in LaCrosse, Wisconsin and working throughout Wisconsin evaluating potential mining sites for my employer. After 25 years of experience in the mining industry as well as having been a regulator with the Commonwealth of Kentucky government for a number of years within the Department of Mines and Minerals and having experienced first hand over 200 open pit and underground mining operations across the United States I feel very qualified to make the following statements about mining.

The mining industry in the United States is not the villain that it has been portrayed as being but is in fact striving to be a responsible corporate citizen working with the best technology available to meet the needs of supplying the insatiable demand for raw materials (minerals and metals) to the citizens of the US and the World. It is grossly unfair to compare present day modern mining companies and their mines with those that operated 50 or 100 years ago. Times have changed, laws have changed and technology has changed, all for the better.

However, with any industry and even each of you on a personal level, we make our daily decisions based upon the best information available at the time and then we move forward using that information. Looking backward with 20/20 vision is too easy and only serves to help us correct for the future. We all should learn from our mistakes or failures and the mining industry has a clear mandate to do just that because of the economic considerations at stake.

Our miners and mining companies have provided the raw materials that have made our Nation great in the world and we must continue that tradition, now over 220 years old. They supplied the raw materials that began and continue our massive automobile industry, supplied the raw material for the winning efforts through WW I, WW II, Korean War, Vietnam, and Desert Storm most recently, plus advanced the space program and the computer in your home or office.

We as a society have forgotten where things come from. The coins in your pocket originated at a **copper sulfide mine, a nickel sulfide mine, a silver sulfide mine**. The gold in your wedding band or other jewelry came from a **gold sulfide mine**, the platinum jewelry also came from a **platinum sulfide mine** and so on. The lead for car batteries and ammunition and lead crystal glass started at a **lead sulfide mine**. The zinc that galvanizes steel in

your car to prevent rust began in a zinc sulfide mine.

The list goes on and on. We simply cannot move society forward or even maintain the status quo without the mining of new raw materials such as minerals and metals.

The minerals of Wisconsin are in fact part of the mineral wealth of this Nation and to withhold them selfishly without valid reasons is unthinkable. Do we loose the next war simply because Wisconsin is withholding valuable zinc and copper resources? Of course not. Do we in Wisconsin want to witness 1997 as being the last year that metallic minerals are mined in the state? Is this to be the end of an era? Why should it? I can guarantee you that the world mining community is watching Wisconsin right now to see if we are open for business or closed.

After moving to Wisconsin 3 years ago from down south I was appalled at the anti-mining attitude prevalent here. We cannot move the economy of the state forward or provide jobs for the 4.5 million people here simply based upon tourism, hunting and snowmobiling. We have to produce goods and services and generate wealth which the mining industry does.

The fears about sulfide mining have been so grossly overplayed by the anti-mining group that I want you to

know that comparing a pile of sulfide mine tailings at a proposed Crandon mine situated on a well engineered and protected site is nothing like the horror stories and pictures shown of 100 year old mining districts in the western United States. My home town where my parents who are in there late 70's live derives its sole source of drinking water from a closed, underground zinc sulfide mine, furthermore, the town of Viburnum, Missouri derives its sole source of drinking water from a closed, underground lead sulfide mine. Both water supplies meet or exceed the safe drinking water standards set forth by the states and the EPA. If water is the real concern then simply require the mine to process its waste water to the same standards that municipal waste water treatment plants now abide by.

Finally, the real issues are these:

1. Be informed and open minded.
2. If you have not talked to a miner or visited a mine or in particular a sulfide mine then do so at once and see for yourself whats what.
3. Elected representatives such as yourselves are elected to make hard decisions and you are floundering on this one! Make your decision based upon risk analysis and

confidence in the laws of the state which are some of the toughest on mining in the US.

4. Take risks. To quote US Senator and former Astronaut John Glenn " we have become a society that is afraid to take risks. Without men and women who push forward and are willing to take risks our society will stagnate and falter. We do not and cannot live in a risk free environment. Our space program would never have gotten off the ground if the President and scientist and engineers involved had not been willing to take risks."

5. Withdraw the Mining Moratorium Bill and live in the present not 10 years into the future. Mining is important, it can and will be carried out safely and lawfully. SAY YES TO MINING BECAUSE YOUR FUTURE DEPENDS UPON IT.

Respectfully submitted,



Mark Hostetter, CPG

LaCrosse, Wisconsin

608-781-5879

A CRANDON MINING COMPANY WHITE PAPER:

**Amended Senate Bill 3
Is Still Not a Mining Moratorium,
is Still Not Necessary and
is Still Unconstitutional.**

Prepared by Foley & Lardner

March 1997

The Senate amended SB 3 before passage on March 11, 1997, apparently to avoid some of the constitutional problems afflicting the original bill. Unfortunately, those eleventh hour amendments did not go far enough. Amended SB 3 still deceives: it looks like a moratorium, but for all practical purposes it's a ban on metallic mineral mining. As proposed and as amended, SB 3 depends on another fundamental deception: the canard that no one has ever been able to mine safely in sulfides. That's just not true: modern and historical examples of safe mining in sulfide rock abound, both in Wisconsin and elsewhere.

Worst of all, amended SB 3 would be unconstitutional. Like the original version, it would violate the equal protection and takings clauses of the Wisconsin and United States constitutions.

Finally, amended SB 3 isn't necessary. Wisconsin already has one of the strictest mining statutes in the country. Under present law, there just won't be any mines in Wisconsin unless ground and surface waters are protected from contamination. See, especially, Chapter 293, Stats.

Amended SB 3 Bans Mining in Wisconsin for all Practical Purposes.

Amended SB 3 only looks like a moratorium, one that would end when a mining company demonstrates compliance with the bill's definition of safe mining. But that's deceptive. The moratorium would probably never end because amended SB 3 contains two vague terms that could not be clarified until the DNR made its decision on a mine permit application. Since the application process costs tens of millions of dollars, no mining company would invest in an application without knowing what it had to prove to get the permit.

The definition of "pollution": This moratorium would last until an applicant identified ten years of mine operations and ten years of mine closure in the United States or Canada in which there was no "pollution of groundwater or surface water." Amended SB 3 defines pollution as "degradation that results in any violation of any environmental law."

That definition is too vague to give a mining company any guidance about what to do. How would the DNR decide whether the qualifying mine had had a violation? Maybe it would discount unsubstantiated claims. But would the process require searching the files of some long-ago mine for evidence of a violation? Would it allow "experts" to testify that, notwithstanding a clean record, the mine actually had done some sort of polluting?

As amended SB 3 is written, the "moratorium" might survive because of a single aberrant laboratory report in the ten-year period. The Wisconsin Master Hearing could become an inquisition into whether a ten- or twenty- or fifty-year old sample had been contaminated or whether the laboratory had run

its tests correctly or even whether someone had misfiled a report.

The vagueness could be eliminated by changing the definition of "pollution" so that it turned on some sort of contemporary adjudication of an environmental violation. A disqualifying incident of pollution would exist if a court or an administrative law judge had determined that there had been a violation, or if the operator of a mine had consented to a penalty or an order for remedial action. With that sort of bright-line rule, both the DNR and an applicant for a mining permit could readily determine whether a mine qualified as an example that would end the moratorium.

Adding an adjudication requirement would also bring the bill into line with the so-called "bad actor" prohibitions, which apply only where there have been convictions, forfeitures, permit revocations or other formal enforcement determinations by proper authorities.¹ The mining statute doesn't ask the DNR to make bad actor determinations from scratch. Neither should the DNR be required to investigate out-of-state, long-ago mines for environmental violations.

Limiting disqualifying incidents to those that were subject to some sort of adjudication is no more than fair. That is the only way that today's decision-maker could be sure that the charge was fairly brought, that defenses were fairly heard and that the event was actually a violation of an applicable law.

¹ See Wis. Stat. §§ 293.37(2)(e), 293.49(2)(c)-(f).

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. Read literally, that description could be read as disqualifying every mine. It's true that some ores or their host rocks are more capable of neutralizing acids than others. But every rock complex will do at least some neutralizing. The neutralizing carbonate mineral calcite is very common, and its presence in small quantities would disqualify most orebodies. All orebodies contain silicates and clay minerals that have at least some capacity to neutralize acids. In other words, this neutralization language describes an orebody that does not exist. By creating a requirement that cannot be satisfied, amended SB 3 bans mining permanently. It's not a moratorium at all.

Of course, the DNR might have authority under amended SB 3 to interpret this neutralization language in a way that made geologic sense. Many mines — including some in southwestern Wisconsin — might satisfy the requirement, depending on just how the DNR interpreted it. But this provision creates the same problem that the vague definition of pollution creates. A mining company would not know the DNR's definitive interpretation, and would not know whether that interpretation would withstand judicial review, until the end of the application process.

Modern Mining is Safe Mining, Routinely.

The image of mining suffers from one of an enduring myth that is as ineradicable as it is wrong. This one asserts that no one has ever been able to safely operate or reclaim a mine in sulfide groundrock. That's just plain false. Consider:

- **The Flambeau mine** in Rusk County has been extracting copper in sulfide rock since 1993. This open-pit mine is located right on the banks of the Flambeau River, partly within the Ladysmith city limits. The mine has complied with all state and federal environmental regulations, which means it hasn't harmed the most sensitive aquatic life. Its discharges meet drinking water standards. Besides being environmentally safe, the Flambeau mine has been a boon for the Rusk County-Ladysmith economy.²

- **Southwestern Wisconsin's** historic lead-zinc district is dotted with sulfide mine sites that were operated and abandoned (not reclaimed like modern mines) long before anyone thought of environmental regulation. Hundreds cause no harm to the environment, and the few problems that do exist are isolated and localized. The Badger State takes its name from those old time miners. Their image is found on the state seal.

- **The Henderson Mine and Mill** is a molybdenum sulfide mine with a spotless record of environmental compli-

² We rely throughout this section on the J.W. Todd and D.W. Struhsacker report presented at the Milwaukee conference entitled *Environmentally Responsible Mining: the Technology, the People, the Commitment* in February 1997. Complete copies can be obtained by calling Crandon Mining Company at 608-251-6420.

ance since 1976. It's found in spectacular mountain scenery less than two hours from Denver. Its treated wastewater is safe for aquatic life, with excellent brook and brown trout fisheries to be found downstream from both the mine and mill.

- **Viburnum Mine No. 27** operated from 1960 to 1978 in geology like southwestern Wisconsin's lead-zinc district. Yet water from this mine is so clean that it has been the primary domestic water source for the town of Viburnum, Missouri since 1981.

- **The McLaughlin gold mine** north of San Francisco in the Coast Range has been operating without environmental harm since 1985. Modern mining practices have actually enhanced the quality of on-site and downstream habitats and improved water quality downstream. The site and its buffer lands are destined to become a wildlife preserve and an environmental field research station for the University of California.

- **The Stillwater mine** has been producing platinum and palladium from a sulfide base about 30 miles north of Yellowstone National Park since 1987. It has a clean environmental record that has not interfered with the nearby Absaroka-Beartooth Wilderness. Neither has the mine harmed the adjacent Stillwater River, a first class Montana trout stream.

- **The Cannon Mine** produced gold from a sulfide base for nine years right next door to Wenatchee, Washington, "the apple capital of the world." It's now in the

final stages of reclamation and has an environmentally responsible record.

All these modern mines have complied with stringent modern environmental regulations. Wisconsin has one of the country's toughest mining laws. Sulfide mines that meet those standards won't hurt human health and won't harm wildlife or the environment. There's no need for a mining ban that poses as a moratorium.

Amended SB 3 is Unconstitutional.

It's no surprise that those who want to ban mining in Wisconsin have dressed their proposition to look like a moratorium. A moratorium is better politically, for an outright ban would look unfair and economically unwise. (It would be both.) Worse, this prohibition on mining would be unconstitutional. It would single out mining for treatment so different from the way Wisconsin treats other businesses as to violate the equal protection clauses of both the state and federal constitutions. It would also create an unconstitutional taking of valuable mining properties. And, if applied to Crandon Mining Company's application for a mining permit, it would unconstitutionally interfere with vested rights.

The equal protection clauses of the Wisconsin and federal constitutions guarantee equal treatment under the law.³ The equal protection clauses prohibit unfairly singling out unpopular minorities: when a legislature attacks an evil, it

³ U.S. Const. amend. 14; Wis. Const. art. I, § 1.

must attack it broadly enough that it avoids unreasonable discrimination. Justice Robert H. Jackson once put it this way:

The framers of the Constitution knew, and we should not forget today, that there is no more effective practical guaranty against arbitrary and unreasonable government than to require that the principles of law which officials would impose upon a minority must be imposed generally.⁴

Laws make all kinds of classifications. Zoning laws segregate certain land uses while permitting others. States tax certain kinds of income but not others. As long as there's a rational basis for a classification, the law is constitutional. But a classification is unconstitutional when it is so tenuously related to its purpose as to be arbitrary or irrational.

That's where amended SB 3 fails the equal protection test. In the name of protecting the state's waters, the sponsors want Wisconsin to prohibit one potential source of pollution — mining — while permitting any number of businesses that pose equally serious (or more serious) threats. Classifying mining that way is irrational.

This proposal is like the zoning ordinance in Cleburne, Texas which authorized boarding houses and frat houses and apartment houses and hospitals, but required a special permit for homes for the "feeble-minded". The Supreme Court struck down the ordinance because allowing retarded persons to live in the district posed no special threat to any of the city's legitimate interests. The fact that retarded persons (like mines) have a

⁴ Justice Jackson's concurring opinion in *Railway Express Agency, Inc. v. New York*, 336 U.S. 106, 112 (1949).

bad reputation wasn't enough to justify the ordinance. The Supreme Court explained it this way:

[M]ere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not permissible bases for treating a home for the mentally retarded differently from apartment houses, multiple dwellings and the like.

The state can't prohibit something just because a lot of voters don't like it. The Supreme Court said,

[A lawmaker] may not avoid the strictures of [the Equal Protection] Clause by deferring to the wishes or objections of some fraction of the body politic.

Nor can the state base a prohibition on "vague, undifferentiated fears", such as (in this case) the unsubstantiated view that mining is more dangerous to the environment than other businesses.⁵

Wisconsin courts are also vigilant about striking down laws that depend on irrational and arbitrary classifications. The Wisconsin Supreme Court found an arbitrary classification and then invalidated a sales tax imposed on certain purchases only if the buyer was one particular kind of telephone company.⁶ A grandfather provision was irrational (and therefore unconstitutional) when it allowed certain liquor wholesalers to go on

⁵ This Supreme Court decision is known as *City of Cleburne, Texas v. Cleburne Living Ctr.*, 473 U.S. 432 (1985).

⁶ See *GTE Sprint Communications Corp. v. Wisconsin Bell, Inc.*, 155 Wis. 2d 184, 454 N.W.2d 797 (1990).

owning taverns while prohibiting all other liquor wholesalers from such "tied house" arrangements.⁷

To satisfy the Wisconsin constitution, a classification must meet a five-part test:

[T]he classification must be based upon substantial distinctions which make one class really different from another; second, the classification must be germane to the purpose of the law; third, the classification must not be based upon existing circumstances only and must not be so constituted as to preclude addition to the numbers included within a class; fourth, to whatever class a law may apply, it must apply equally to each member thereof; and fifth, the characteristics of each class should be so far different from those of other classes as to reasonably suggest at least the propriety, having regard to the public good, of substantially different legislation.⁸

Amended SB 3 cannot satisfy these tests. Mining isn't "really different" from others who use (and thereby change) waters in Wisconsin. The pollution potential of mining isn't so far different from other industries as to reasonably suggest such a substantially different standard.

Amended SB 3 creates an unconstitutional taking. The fifth amendment of the United States constitution and art. I, § 13 of the Wisconsin constitution prohibit a state from taking anyone's property without paying for it. Justice Oliver Wendell Holmes put it this way:

The general rule . . . is, that while property may be regulated to a certain extent, if

⁷ *Wisconsin Wine & Spirit Institute v. Ley*, 141 Wis. 2d 958, 416 N.W.2d 914 (Ct. App. 1987).

⁸ *GTE Sprint*, 155 Wis. 2d at 194, 454 N.W.2d at 801.

regulation goes too far it will be recognized as a taking.⁹

In the case before him, Pennsylvania had passed a law which would have severely restricted the ability of a coal miner to take out coal. The law had a good purpose and would have been fine if Pennsylvania had compensated miners for what it forced them to contribute to a public purpose. But it did not, and Justice Holmes warned that:

We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.

The constitutional prohibition on taking private property without paying for it is as strong in the '90s as it was when Justice Holmes wrote in 1922. For example, the Supreme Court ruled in 1992 that South Carolina could not stop construction of a beachfront home unless it paid the owner for taking his property.¹⁰ There was an unconstitutional taking when a Wisconsin statute required a mining company to disclose its drilling logs and cores to the public.¹¹ There was also an unconstitutional taking when the DNR took 200 acres from a lakeshore property owner by redefining the high water mark even though the DNR rescinded its rule just two years later.¹²

⁹ *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415-16 (1922).

¹⁰ *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

¹¹ *Noranda Exploration, Inc. v. Ostrom*, 113 Wis. 2d 612, 335 N.W.2d 596 (1983).

¹² *Zinn v. State*, 112 Wis. 2d 417, 334 N.W.2d 67 (1983).

And there will certainly be an unconstitutional taking if amended SB 3 passes, for it would make every metallic mineral deposit in Wisconsin worthless. The state can do that, but only if it compensates the landowners for their losses.

When property rights are vested, the constitutional takings clauses forbid a state from changing the rules unless it compensates a property owner. For example, a statute that limited the height of buildings could not be applied to a company that had already spent thousands of dollars on its plans for a taller building.¹³ The Village of Whitefish Bay could not prohibit construction of a hotel where the owner had purchased architectural drawings in reliance on existing ordinances.¹⁴ Racine could not take away the theater license that represented virtually the only viable use for a building,¹⁵ and Oshkosh could not deny a tavern license for a building that had long been used as a tavern.¹⁶

Crandon Mining Company has just that sort of vested rights in the underground mine it is planning in Forest County. The company has spent tens of millions of dollars to perfect its application for state and federal permits, with the reasonable expectation that the state would not make a mid-course change in the rules. Even as amended, SB 3 threatens to nullify that

¹³ *Atkinson v. Piper*, 181 Wis. 519, 195 N.W. 544 (1923).

¹⁴ *Rosenberg v. Village of Whitefish Bay*, 199 Wis. 214, 225 N.W. 838 (1929).

¹⁵ *Maxey v. Redevelopment Authority of Racine*, 94 Wis. 2d 375, 288 N.W.2d 794 (1980).

¹⁶ *Mentzel v. City of Oshkosh*, 146 Wis. 2d 804, 432 N.W.2d 609 (Ct. App. 1988).

investment. Under the state and federal constitutions, the state can do that only if it also compensates the property owners for their vested rights.

CONCLUSION

Amended SB 3 is a diversion. It would distract the DNR (and the public) from the issues it ought to focus on when it considers mine permit applications. Wisconsin has its own extensive experience with mining, and its own progressive tradition of protecting the environment. It is significant that southwestern Wisconsin is thriving and beautiful today notwithstanding the hundreds of lead and zinc mines that operated there for more than a century. Yet the neutralization language in amended SB 3 was apparently intended to foreclose consideration of that Wisconsin experience.

More recently, Flambeau Mining Company operated — and is about to close — a copper mine right on the banks of the Flambeau River. That mine did no environmental harm. But, because it operated for less than ten years, that experience must also be ignored under amended SB 3.

Wisconsin regulators and Wisconsin citizens ought to focus on Wisconsin mining, and on the present-day technologies that can prevent environmental harm from 21st century mines. This bill's focus on mines built and closed long ago and far away is misplaced.

Amended SB 3 is not necessary, for Wisconsin already has stringent mining laws that protect surface and underground waters from harm. It is also unwise, for it would violate the equal protection and takings clauses of the Wisconsin and United

States constitutions, and because it would infringe the vested rights of at least one mining company.

Amended SB 3 should be rejected.



MATHY CONSTRUCTION CO.

GENERAL CONTRACTORS

920 10TH AVE. N. • POST OFFICE BOX 189 • ONALASKA, WISCONSIN 54650

PHONE 608-783-6411 • FAX 608-783-4311

November 5, 1997

Representative Michael Huebsch
P.O. Box 8953
State Capitol
Madison, Wisconsin 53708

Re: Mining Moratorium Bill

Dear Michael:

It was a pleasure talking with you by telephone this morning about the up-coming vote on the Mining Moratorium Bill sponsored by Mr. Black. Thank you for letting me express some of my experience and concerns about this issue.

As I stated, I have never seen such an anti-mining of all types attitude prevalent across Wisconsin anywhere else in the US. Mining is not the enemy or the villain as portrayed and modern day miners operate under some of the most stringent standards of any industry and yet have the safest industry to work in of any US industry. Clearly we have come a long way from the grizzly old prospector and nitroglycerin explosives of 100 years ago.

Essentially all metallic mining in the US today that is recovering copper, gold, silver, lead, zinc, platinum, cobalt, and nickel, which are basic building blocks of our society come from SULFIDE MINERAL DEPOSITS. These modern day active mines are in Tennessee, New York, Missouri, Wisconsin, Oklahoma, Arizona, Colorado, Utah, New Mexico, Oregon, California, Washington, Alaska. If SULFIDE mining can be permitted in Alaska and California then surely they can be permitted in Wisconsin. It can't get much tougher than Alaska and California!

I hope the enclosed information will be of use to you in your efforts. Best of luck to you and keep up the good work. Let me know if there is anything I can do to help.

Sincerely,

Mark Hostetter, CPG.

✓ 5418 Nature Rd.
Rhineland, WI 54501
October 9, 1997

Representative Marc Duff
State Capitol, Rm. 306-N PO Box 8952
Madison, WI 53708-2605

Dear Sir:

I am writing you to encourage you to vote against Senate Bill 3 (SB3) which would ban metal mining anywhere in Wisconsin.

This bill would demand unreasonable standards that no other industry is required to meet. The laws in place at this time are adequate to protect the environment in this state.

Only when we cease to use the metals these mines produce are we in a position to demand a law such as this. The Flambeau mine has proven that the DNR successfully protects our resources.

Passage of Bill 3 would seriously effect a great per centage of the 98,800 jobs in Wisconsin that are mining related.

Please let me know your intent regarding this bill.

Sincerely,


Bert J. Joling

9408 Schalk Lane
Route 1, Box 832
Crandon, WI 54520-9668

October 10, 1997

Representative Mare Duff
State Capitol, Rm. 306-N PO Box 8952
Madison, WI 53708-2605

Dear Representative Duff,

This letter is in opposition Senate Bill 3. It seems asinine to me to place such a ban on progress in the state of Wisconsin. I have always considered Wisconsin to be a very progressive state.

Although I am not a native of Wisconsin, I consider it my home state. My wife and I graduated from Stout State University several years ago. I recently retired as a Professor of Industrial Technology from Eastern Illinois University after 35 years. For a time I served as Dean of the School of Technology at Eastern.

I have done considerable consulting with a variety of industries. My field of expertise is Statistical Quality Control. Among the industries I have come in contact with I have found them to be very concerned with the state of our environment. I have found them to be extremely conscientious.

I heard an environmentalist on Wisconsin Public Radio speaking on the impact of mining. It was his opinion that the mining moratorium was as insane as passing a law that would deny General Motors the building of a car that did not pollute and would get 80 miles to the gallon because there had not been one built in 1957. He also point out the fact that the proposed tailings management system for the Crandon mine exceeds the standards for the safe storage of nuclear waste. This speaker was one of the founders of Green Peace but left the organization when it was over run by Earth First and turned into radical activism.

People have a mistrust of Exxon because of the oil spill. The only mistake Exxon made was hiring a drunken sailor to run their ship.

This area needs an economic boost. I realize that things would change from what made me want to retire here but I also know that it would provide an opportunity for people here to earn a living wage without having to leave the area. It is my judgment that those who oppose mining so violently have other reasons for opposing it than the claimed environmental reasons. Of the meetings I have attended I find that many opponents are summer residents or cottage owners who spend week ends here. Among those I talk with

who are full-time residents and who are native there does not seem to be any marked opposition.

I would suggest that you look to the source of the opposition. My guess is that they do not elect the legislators in this area. People fear what they do not understand. The opponents play on that fear with unfounded claims and scare tactics. In this present environmental climate an industry can not afford to be uncaring.

Please do not handicap development of potential industry in Wisconsin with this ill conceived legislation.

Thank you.

Sincerely,

Dr. Wayne D. Coleman

October 10, 1997

Representative Marc Duff
Chair
P. O. Box 8952
Madison, WI 53708

Dear Representative Marc Duff:

I am writing to communicate our viewpoints relative to the proposed moratorium bill, SB3, that is currently before the Wisconsin State Assembly. This bill, if passed, would effectively ban mining in Wisconsin. As retirees of Bucyrus International, we know that over 800 jobs currently held in that company, and thousands more throughout Wisconsin, depend on a strong domestic mining industry. Wisconsin has been a key supplier of equipment and services to the mining industry for decades and we are proud to have been a member of that industry. There is absolutely no reason why our industry, and the economy of the state, should be jeopardized by unfair regulation.

The current mine site permitting process in Wisconsin is among the most stringent in the U. S. and certainly worldwide. A mine will not be permitted unless it demonstrates through its environmental impact statement and plan that it can and will comply with all levels of regulations. So you see, the people and the environment in the State of Wisconsin will be adequately protected, no matter what! In spite of this, the legislation currently being proposed would establish a unique precedent which would ban an entire industry without the benefit of due process of the state's regulatory structure. It is simply not good business to ban any industry outright. The legislation before you is arbitrary, vaguely worded, open to broad interpretation and simple does not provide any additional environmental protections for our citizens.

Minerals are critical to our society and to the economic viability of Wisconsin. Each citizen in Wisconsin uses over 40,000 pounds of minerals annually. We are fortunate to have rich resources here in Wisconsin and these resources can be used in an environmentally responsible manner. Anything less would be unacceptable! Vote NO on SB3. Mining matters to Wisconsin Workers.

Sincerely,

Pete & Judy Peterson

Pete and Judy Peterson

October 21, 1997

Dear State Representatives,

The Crandon mine is not an empirical venture into the unknown as these pseudo environmentalists would have you believe.

Did they not demonstrate their true character when they left behind 12 barrels of excrement on the snowmobile trail a few feet from the Wolf River? These are the people who support Mr. Spencer Black's moratorium bill. How could our own state senator be taken in by these people?

All the State Senators who voted for this bill should feel strong regret for their actions. However it is not too late for those Senators to throw their support to the group of people who are opposed to this devastating moratorium bill. This would help the over all economy of our state. The manufacturers of mining equipment, the metals industry, these would all benefit from the mine. What more can one say in support of the Crandon mine, mining does not devastate the land.

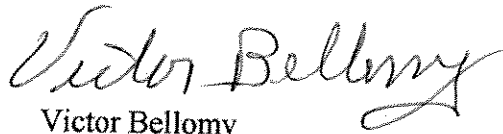
Thirty to forty years ago mining was not regulated the way it is today. No one can compare a modern operation to those of 25-30 years in the past. The future is what needs to be considered. I don't want our state to go backwards in industrial pursuits.

No one can blame or find fault with the person who has lived in Forest County. No jobs except the jobs one made for themselves. The struggle for a livelihood was backbreaking, from daylight to dark, and many times one would come home from a hard days work only to find something had gone awry and have to work long into the night. This is the condition I would like to see change. One where a person can put in a days work and go home feeling proud. A days work for a days pay, the American dream in the making. Let us in Forest County share in this dream.

I reiterate, this moratorium bill does nothing for this State except set it back, stopping progress and curtailing industry. Nothing in this bill to help the environment or clean up the air that flows from the municipalities in the southern part of this area, such as Gary Indiana, Chicago Illinois, etc. The jet stream carries this pollution across this land of ours. These are the polluters of our area. No one seems to take these facts into consideration yet they would deprive us of the opportunity to have jobs and a decent way to make a living.

Stop this moratorium bill before it stops progress.

Thank You,



Victor Bellomy

REPRESENTATIVE MARC DUFF
Chairman
P.O.Box 8952
Madison, WI 53708
USA.



Dear Sir,

10-3-1997

I am writing to communicate my viewpoints relative to the proposed mining moratorium bill, SB3, that is currently before the Wisconsin State Assembly. This bill, if passed, would effectively ban mining in Wisconsin. As a retiree of Bucyrus International, I know that over 800 jobs currently held in that company, and thousands more throughout Wisconsin, depend on a strong domestic mining industry. Wisconsin has been a key supplier of equipment and services to the mining industry for decades and I am proud to have been a member of that industry. There is absolutely no reason why our industry, and the economy of the state, should be jeopardized by unfair regulation.

The current mine site permitting process in Wisconsin is among the most stringent in the U.S. and certainly worldwide. A mine will not be permitted unless it demonstrates through its environmental impact statement and plan that it can and will comply with all levels of regulations. So you see, the people and the environment in the State of Wisconsin will be adequately protected, no matter what! In spite of this, the legislation currently being proposed would establish a unique precedent which would ban an entire industry without the benefit of due process of the state's regulatory structure. It is simply not good business to ban any industry outright. The legislation before you is arbitrary, vaguely worded, open to broad interpretation and simply does not provide any additional environmental protections for our citizens.

Minerals are critical to our society and to the economic viability of Wisconsin. Each citizen in Wisconsin uses over 40,000 pounds of minerals annually. We are fortunate to have rich resources here in Wisconsin and these resources can be used in an environmentally responsible manner. Anything less would be unacceptable! Vote NO on SB3. Mining matters to Wisconsin Workers.

Sincerely,

B.C.R.Teeuwen

B.C.R.Teeuwen
Wilhelminalaan 1a
5062 JP Oisterwijk
The Netherlands

Rep. Marc Buff

Chair

✓ 10/7/97

Dear Sir:

I am writing to communicate my viewpoints relative to the proposed mining moratorium bill, SB3, that is currently before the Wisconsin State Assembly. This bill, if passed, would effectively ban mining in Wisconsin. As a retiree of Bucyrus International, I know that over 800 jobs currently held in that company, and thousands more throughout Wisconsin, depend on a strong domestic mining industry. Wisconsin has been a key supplier of equipment and services to the mining industry for decades and I am proud to have been a member of that industry. There is absolutely no reason why our industry, and the economy of the state, should be jeopardized by unfair regulation.

The current mine site permitting process in Wisconsin is among the most stringent in the U.S. and certainly worldwide. A mine will not be permitted unless it demonstrates through its environmental impact statement and plan that it can and will comply with all levels of regulations. So you see, the people and the environment in the State of Wisconsin will be adequately protected, no matter what! In spite of this, the legislation currently being proposed would establish a unique precedent which would ban an entire industry without the benefit of due process of the state's regulatory structure. It is simply not good business to ban any industry outright. The legislation before you is arbitrary, vaguely worded, open to broad interpretation and simply does not provide any additional environmental protections for our citizens.

Minerals are critical to our society and to the economic viability of Wisconsin. Each citizen in Wisconsin uses over 40,000 pounds of minerals annually. We are fortunate to have rich resources here in Wisconsin and these resources can be used in an environmentally responsible manner. Anything less would be unacceptable! Vote NO on SB3. Mining matters to Wisconsin Workers.

Sincerely,

James L. Shea

James L. Shea

9709 So. Howell Ave.

Oak Creek, WI 53154

✓
5055 County Hwy V
Cecil, WI 54111
October 3, 1997

Copy to Mr. Mark Duff

Dear Mr. Ainsworth,

I have been listening to the debate about sulfide mining in Wisconsin for the last five years, and I am very concerned. If our economy is doing so well, why are we considering jeopardizing our water with a mining operation? How can we insure a healthful and safe clean up? Please support the Sulfide Mining Moratorium Bill that has been introduced in the Legislature.

Sincerely,
M. Matyska



Terry D. Stark
P. O. Box 55412
Madison, WI 53705
October 11, 1997

Marc Duff, State Representative
98th Assembly District
P. O. Box 8952
Madison, WI 53708-8952

no
reply?

Honorable Representative Duff:

Thank you for your recent response to my letter, in which I expressed concern about the proposed Exxon sulfide mine near Crandon, WI.

In your letter, you said that there is confusion about what the bill (SB 3), as passed by the Senate, truly accomplished. You explained that it does not impose a moratorium on this mining and that it will not stop the Crandon Mine. I am confused by what you said.

As I understand, the proposed Sulfide Mining Moratorium Bill would require a mining company to cite a mine in similar geology that has operated for 10 years and has been closed for 10 years without damaging the environment.

According to a recent article in the WI State Journal, Crandon Mining Company lobbyist Dale Alberts agrees that the mining industry cannot cite a mine that meets the bill requirements. He said that the only reason the bill has been introduced is to stop the Crandon Mine from being built.

It is confusing that Mr. Alberts seems to feel the Sulfide Mining Moratorium Bill would stop the Crandon Mine from being built, but you said in your letter that it would not. Could you tell me how the proposed Crandon Mine would comply with the Sulfide Mining Moratorium Bill, if the mining industry cannot cite a mine that meets the bill requirements, as Mr. Alberts says?

Thank you in advance for your help in clarifying this matter for me.

Yours truly,

