

- As we approach our state's sesquicentennial celebration, it is important to remember that our state's economy was first rooted in mining. A miner is even featured prominently in our state seal.

GENERAL TALKING POINTS ON AMENDMENTS TO SB 3

- These amendments received bipartisan support in votes before the full Assembly.
- Senate Bill 3, as passed by the Senate, added no assurances over and above current law to protect the Wolf River from unproven mining practices.
- The non-partisan Legislative Council and the DNR agree that Assembly Amendments 2, 3 and 4 clarify SB 3.

ASSEMBLY AMENDMENT 2

- The Assembly changes of AA 2 require the DNR to *verify* the information provided by a mining applicant, ensuring that the information is accurate.
- Without AA 2, SB 3 would allow the DNR to simply take a mining company's application at "face value," without department verification.

ASSEMBLY AMENDMENT 3

- The Assembly changes of AA 3 allow the DNR to compare "apples to apples" when determining the safety of a mining operation.

- According to the non-partisan Legislative Council and the DNR, AA 3 clarifies SB 3.
- Under the changes of AA 3, if a permit application is submitted for a mine that potentially could generate acid drainage, then the DNR must compare its application to a mine operating under similar circumstances.
- Without AA 3, an ore body located in host rock naturally capable of neutralizing acid mine drainage (e.g., certain old lead mines in southwestern Wisconsin) could have been used to allow issuance of permits for a mine *not* naturally capable of neutralizing acid mine drainage (e.g., the proposed Crandon mine).

ASSEMBLY AMENDMENT 4

- The Assembly changes of AA 4 tighten the bill's definition of pollution, making it more specific, strengthening the state's position in any legal battle.
- Under SB 3, as passed by the Senate, pollution is defined to mean "degradation that results in any violation of any environmental law." However, the bill does not state what is included in the phrase "violation of any environmental law."
- AA 4 clearly specifies that violation of any environmental law includes a determination by an administrative proceeding, a civil action, a criminal action or other legal proceeding.
- In addition, AA 4 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 a finding or admission of liability.

- The State Assembly adopted AA 2 to AA 4 to address concerns raised by Representatives Black and Bock, among others, that the definition of “pollution” would not be strict enough. AA 2 to AA 4:
 - Specifies “issuance of an order or acceptance of an agreement requiring corrective action” would qualify as a violation of an environmental law. This means, for example, if a person agrees to clean up a site in exchange for not being charged with breaking the law, it is still considered pollution under SB 3.
 - Ensures the Department of Natural Resources cannot use an old or abandoned mine as example of a mine which has “safely” operated.
 - Prevents the Department of Natural Resources from using a Superfund site, or the like, as an example of a “safe” mine. These are very polluted, environmental-disaster sites and should not be used as an example of a “safe” mine.
- *Without adoption of AA4, the Department of Natural Resources could have used a mine from the early 1800s as an example of a mine which operated for 10 years and has been closed for 10 years as an example of a mine which did not pollute, simply because the mine conformed to the laws of the time.*

WMC**Wisconsin
Manufacturers
&
Commerce****Memo**

TO: Senate Committee on Agriculture & Environmental Resources

FROM: James A. Buchen, Vice President, Government Relations

DATE: February 17, 1997

RE: 1997 Senate Bill 3

1997 SENATE BILL 3
MINING MORATORIUM

Wisconsin Manufacturers & Commerce (WMC) strongly opposes 1997 Senate Bill 3 introduced by Senator Shibilski and Representative Black. SB 3 in effect places an indefinite moratorium on sulfide metallic mining in Wisconsin.

Senate Bill 3 states that before a mining permit can be issued in Wisconsin there must be proof that a mine has operated in the US or Canada for at least 10 years **without polluting** groundwater or surface water, and that the mine has been closed for 10 years **without polluting** groundwater or surface water. Furthermore, it requires a mining company to demonstrate that no groundwater or surface water pollution has occurred in a sulfide ore body of "similar geological characteristics."

While the language of the bill seems reasonable upon initial review, a more thorough analysis reveals that the bill attempts to establish a zero impact or activity standard for mining. If this standard were applied across the board, virtually every industry and municipality in Wisconsin would be shut down.

SENATE BILL 3

Zero Impact or Activity Standard

The bill seems to establish a zero impact or activity standard because it states that a mining company must provide evidence that a sulfide mining operation has operated for ten years "without the pollution of groundwater or surface water" and that a sulfide mining operation has been closed for at least ten years "without the pollution of groundwater or surface water".

Pollution is defined under Wisconsin statutes as "contaminating or rendering unclean or impure the waters of the state . . ." Under this standard, any change to background level would be considered pollution regardless of whether it has an adverse impact on human health or the environment.

There are no other industries subjected to a zero impact or activity standard, nor are there any state or federal regulations which require such a standard. The reasons for this are obvious. A zero impact or activity standard is not necessary to protect public health, welfare or the environment. Second, such a standard is

neither technically or economically feasible. To require a zero impact or activity standard for mining operations would be a substantial departure from the entire federal and state regulatory scheme.

Requires Old Technology

SB 3 is definitely a step in the wrong direction because it *requires* that old technology be examined for current or future mining projects in light of today's technology. Mining projects currently operating are using the most state-of-the-art technology of today and continuously upgrade operations to ensure that the environment is being protected.

Ambiguous

SB 3 is tied to an ambiguous reference point. It requires a mining company to demonstrate that no groundwater or surface water pollution has occurred from mining operation in "a sulfide ore body of similar geological characteristics." To some extent, all geological characteristics are unique. Even if parameters could be determined, the real issues that should be examined are the size, location, nature of the operation and hydrologic considerations associated with the ore body, not the geological characteristics.

CURRENT LAW

Wisconsin law is clear. The Wisconsin Legislature has specifically allowed for mining in the state as long as it is accomplished in an environmentally sound manner.

Under current law a mine cannot be granted a permit unless it can be determined that the environment, public health, safety and welfare will be protected. The Department of Natural Resources will only grant a permit if all of the following conditions are met:

- All state and federal laws, as well as local zoning ordinances, are complied with;
- Land with unique features such as critical ecological importance or historical value is safeguarded;
- A suitable plan for reclamation is included; and
- A net positive socioeconomic impact will be provided.

These requirements include protecting groundwater, surface water, wetlands, air, unique land, endangered species, etc. It requires a tailings management plan, a feasibility report, a plan of operation and several other reports and studies. Finally, financial and perpetual responsibility is required under the law.

ECONOMIC DEVELOPMENT

There are literally hundreds of Wisconsin-based companies employing 10,000 plus individuals in mining and mining-related companies, whether it be manufacturers, suppliers or transporters to the industry.

Crandon Mining Company

Metallic mining is an extremely important industry in Wisconsin. The Crandon mine, for example, will provide hundreds of long-term mining and mine-related jobs to Forest, Oneida and Langlade counties. \$43 million will be spent for goods and services in the tri-county areas during three years of mine construction, and an average of \$1.2 million more will be spent each year during its 28 years of operation.

As far as tax revenue is concerned, it is estimated that the mine will contribute up to \$110 million to the local tax base in property taxes to benefit the Towns of Lincoln and Nashville, Forest County and the Crandon School District. In federal and state income taxes, Crandon Mining Company will pay an estimated \$175 million over the life of the mine.

Furthermore, the mine will have to pay a net proceeds tax. This is an additional tax that only mining companies pay, over and above the corporate and property tax. The net proceeds tax will generate approximately \$119 million in revenue to local communities and the Native American tribes over the mine's life.

Not only will the proposed Crandon mining project contribute directly to the economy in Northern Wisconsin, but also to the entire state in mining-related industries.

Flambeau Mining Company

Since 1991, the Flambeau mine in Ladysmith Wisconsin, one of the world's richest concentrations of copper, has created jobs for an area of the state where jobs were badly needed. They have contributed \$20 million to the tax base and will contribute even more before their project is finished.

The Flambeau mine in Ladysmith has operated without any of the environmental problems predicted by its opponents. Its state-of-the art technology has proven to be exceptional in protecting the environment.

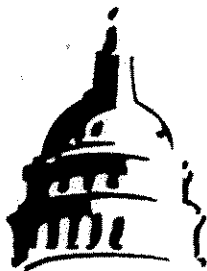
MINING IS FUNDAMENTAL

Mining is fundamental to society. Everything used in modern society is a product of mining: cars, roads, planes, telephones, appliances, computers, stereos, TVs, electricity, road, heat, buildings, machinery, equipment, agricultural equipment, fuel, fertilizers, etc.

Placing an outright moratorium or ban on an essential and legal economic activity that must comply with all state and federal environmental laws as well as all mining laws and regulations is unreasonable. SB 3 sets a bad precedent by singling out the mining industry. If the ban becomes law, other industries could become the target for extremists bent on legislating an industry out of existence.

We urge the Senate Agriculture and Environmental Resources Committee to reject SB 3.

JAB:JMH:jr



**MARC
DUFF**

STATE REPRESENTATIVE

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

FOR IMMEDIATE RELEASE

February 2, 1998

Contact Representative Marc Duff - (608) 266-1190

Duff Asks For Verification of Black's Mining Claims

State Representative Marc Duff (R - New Berlin) has asked Representative Spencer Black (D - Madison) to verify claims Black has made about the effect of amendments to Senate Bill 3—the so-called Mining Moratorium Bill—passed by the Assembly.

Black claims that the amendments added to SB 3 by the Assembly gut the bill, rendering it ineffective. In a January 23rd article in the *Milwaukee Journal Sentinel*, Black states that Assembly Amendment 4 to SB 3, “makes the bill meaningless.” The article goes on to note that, “Black said he had legal opinions to back up his contention...”

“I have made repeated requests to Rep. Black for copies of the legal opinion he claims to have. To date, Rep. Black has failed to produce any document which contradicts the Legislative Council or DNR opinion of the amendments,” Duff said [see attachments]. “Rep. Black’s failure to produce any documents which back up his claims leads me to believe that no such documents exist,” Duff said.

According to legal opinions from attorneys at the non-partisan Legislative Council, as well as correspondence from the DNR, the amendments to SB 3 adopted by the Assembly both strengthen and clarify the bill, and make it easier for the DNR to enforce.

In response to Duff’s request, Black referred him to a legal opinion drafted by Madison attorney Glenn Reynolds which was distributed to members of the Assembly during debate on SB 3. Reynolds’ opinion, however, describes SB 3 as passed by the Senate and makes no reference to the effect any amendments might have on the bill.

“I am troubled that unsubstantiated claims have been made by Rep. Black about the Assembly’s action on SB 3, and hope his comments weren’t meant to mislead the public for political purposes,” Duff said. “The people of Wisconsin have a right to all information pertaining to this

(more)

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important piece of legislation, and Rep. Black has a duty to produce documents that back up his claims.”

Duff also questioned the accuracy of other statements Black has made during the debate on SB 3.

He noted that, in a speech on the floor of the Assembly, Rep. Black listed five mines with poor environmental records and claimed that all five could be used by mining companies as examples of “clean” mines if AA 4 to SB 3 were adopted.

Duff said that the DNR has confirmed that all five mines Black mentioned would be precluded from being used as examples of successful mining operations because of Assembly Amendment 4. “Rep. Black would have been more accurate had he made the same claim about the version of SB 3 passed by the Senate, a bill he said should be passed with no changes.”

Duff also took issue with Black’s labeling of AA 4 as the ‘Exxon Amendment,’ saying, “A more accurate name for AA 4 would be the ‘Black/Bock Amendment.’ The changes made to that amendment were made at the request of Rep. Black and Rep. Peter Bock during our informal negotiations.” Duff noted that Bock confirmed this fact in a speech on the Assembly floor.

“In fact, our drafting of the amendment went beyond their requests, and included even tougher language,” Duff said. “Only one item unrelated to the definition of pollution was left out of our changes to AA 4, allowing Rep. Black to propose it as a separate amendment.”

Black did not introduce any such amendments to SB 3.

“Much of what Rep. Black has said about the amendments to SB 3 flies in the face of everything we have been told by the legal and scientific experts who have reviewed this bill.” Duff said. “Rep. Black’s statements seem to be nothing more than attempts to politicize this important issue. If he lacks the facts to back up his claims, he should come forward and admit his statements were inaccurate. If he has documents that support his arguments, he should provide us with this proof. The people of Wisconsin deserve the truth about this issue, not unsubstantiated political rhetoric.”

###



**MARC
DUFF**

STATE REPRESENTATIVE

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

January 29, 1998

Representative Spencer Black
Room 219 North
State Capitol
HAND DELIVER

Dear Representative Black:

Thank you for responding to my request for copies of legal opinions pertaining to SB 3.

In my letter of January 27th, I specifically asked for copies of any legal opinions you have pertaining to Assembly amendments to SB 3. In a January 23rd article in the *Milwaukee Journal Sentinel*, you state that AA 4 to SB3—which, incidentally was drafted to meet *your* requirements—“makes the bill meaningless.” The article also states that, “Black said he had legal opinions to back up his contention...” I have enclosed a copy of the article, in case you do not have one.

It is *these* legal opinions I am interested in seeing, not the analysis of the version of SB 3 passed by the Senate which you distributed to members of the Assembly during the floor debate on SB 3. While Mr. Reynolds' memo does not provide me with the answers I seek, I would still be interested in learning who paid for his services in the drafting this opinion.

I once again ask that you provide me with a copy of *any* legal opinion in your possession or in your office which claims that amendments added to SB 3 by the Assembly render the bill meaningless. If I do not receive a copy of these legal opinions in response to this letter, I will assume that such a document does not exist.

I am confident that, in the spirit of the full disclosure and accountability that you demand of others, you will promptly respond to this request and provide myself and others who are interested in this issue with this important information before the Senate takes up SB 3 next week.

Sincerely,

Marc G. Duff
State Representative

Chair, Assembly Committee on Environment

mwp/MCD
enclosure

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PO Box 8952
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State Representative Spencer Black



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

January 28, 1998

Representative Marc Duff
Room 306 North
Capitol
Hand deliver

Dear Marc:,

Thank you for contacting me in regard to Senate Bill 3.. I appreciate the time you have taken to share your concerns with me.

On the Assembly floor, I discussed a legal opinion which indicated that SB3 as passed by the Senate was consistent with the intent of the authors. A copy of the opinion was distributed to all Assembly members on the floor.

Thank you again for contacting me. Please feel free to contact me again in the future if I can be of assistance regarding this, or other state issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Spencer Black", written over a horizontal line.

Spencer Black
State Representative



MARC
DUFF

STATE REPRESENTATIVE

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

January 27, 1998

Representative Spencer Black
State Capitol, Room 219 North
Madison, WI
HAND DELIVER

Dear Representative Black

In a January 23, 1998 article in the *Milwaukee Journal Sentinel*, you mention a legal opinion on Senate Bill 3, which you claim backs up your statement that an Assembly Amendment 4 to Senate Bill 3 "...makes the bill meaningless."

Throughout the debate on the issue of sulfide ore mining, you have been adamant in your demands that the Crandon Mining Company and other groups give the public "full disclosure" of documents relevant to this issue. In keeping with your call for full disclosure of information on this issue, I am asking that you provide me with copies of any legal opinions on SB 3 your office has which contradict the views of the Legislative Council and the Department of Natural Resources. I would also be interested to know who paid for the legal opinion you cite in the *Milwaukee Journal Sentinel* article.

My staff has twice (on January 23rd and January 26th) phoned your office to ask for these documents. As of this morning, however, we have received neither a response from you or copies of any documents. Perhaps this written request will expedite the process.

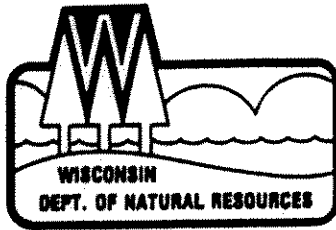
It is important that these documents be provided **immediately** so the Senate has an opportunity to consider this information in advance of acting on these amendments next week. Thank you in advance for your prompt attention to this request.

mwp/MCD

Sincerely,

Marc C. Duff
State Representative
Chair, Assembly Committee on Environment





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

PO Box 7921
101 South Webster Street
Madison, Wisconsin 53707-792
TELEPHONE 608-266-262
FAX 608-267-357
TDD 608-267-689

DATE: January 22, 1998

TO: Rep. Tom Ourada

FROM: George Meyer

SUBJECT: Mining questions

At this morning's caucus, the following questions were asked of me. You then asked me to put my responses in writing.

1) Will Assembly amendment 3 preclude the abandoned southwestern Wisconsin mines from being used to satisfy the criteria for a moratorium?

Sec. Meyer's response: Yes.

2) Will Assembly amendment 4 limit the number of sites which could be used as examples to satisfy the criteria for a mining moratorium?

Sec. Meyer's response: Yes.

3) There were a number of questions concerning Superfund sites and contested case hearings.

Sec. Meyer's response: I support additional language to Assembly amendment #4 that will guarantee that Superfund sites, while they are in their "listing" phase, will be covered. I also support deleting the language Assembly amendment 4 concerning notice and opportunity for a contested case hearing, because not all other states have the same process that Wisconsin does.

4) Does Assembly amendment 4 gut the bill?

Sec. Meyer's response: No. Assembly amendment 4 with the suggested changes strengthens Engrossed Senate Bill 3.

Thank you for the opportunity to respond to these questions.



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
Fax (608) 266-3830

DATE: January 23, 1998
TO: INTERESTED LEGISLATORS
FROM: William Ford, Senior Staff Attorney
SUBJECT: 1997 Senate Bill 3, As Approved by the Assembly on January 22, 1998

A. INTRODUCTION

This memorandum explains 1997 Senate Bill 3 ("the Bill"), relating to metallic mining, as amended and approved by the Assembly on January 22, 1998. The memorandum also explains each of the Assembly amendments adopted to the Bill. These are Assembly Amendment 2; Assembly Amendment 3 and Assembly Amendment 1 to Assembly Amendment 3; and Assembly Amendment 4 and Assembly Amendment 2 to Assembly Amendment 4.

B. 1997 SENATE BILL 3, AS APPROVED BY THE ASSEMBLY

The Bill establishes two preconditions that must be met before the Department of Natural Resources (DNR) may issue a mining permit for the mining of a sulfide ore body. These two preconditions are in addition to all of the other requirements of current mining law. Before the DNR may issue a mining permit for mining of a sulfide ore body, the DNR must determine, based on information provided by a mining permit applicant and verified by the DNR, that both of the following have occurred:

1. A mining operation has operated in a sulfide ore body which has, together with the host rock, a net acid generating potential, in the United States or Canada for at least 10 years without the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

2. A mining operation that operated in a sulfide ore body which has, together with the host rock, a net acid generating potential in the United States or Canada has been closed for at least 10 years without the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

The Bill defines "pollution" to mean "degradation that results in any violation of any environmental law as determined by an administrative proceeding, civil action, criminal action or other legal proceeding." The Bill provides that issuance of an order by an administrative agency requiring corrective action or acceptance of an agreement by a mine operator requiring corrective action or a stipulated fine, forfeiture or other penalty is considered a determination of a violation regardless of whether there is a finding or admission of liability. The Bill defines "sulfide ore body" to mean "a mineral deposit in which metals are mixed with sulfide minerals."

The Bill also provides that the DNR may not base its determination with respect to either of the two preconditions on any mining operation that has been listed as a federal superfund site or any mining operation for which the operator is no longer in business and has no successor that may be liable for any contamination from the mining operation and for which there are no other persons that may be liable for any contamination from the mining operation.

C. AMENDMENTS TO THE BILL ADOPTED BY THE ASSEMBLY

1. Assembly Amendment 2

Assembly Amendment 2 explicitly requires the DNR to independently verify information submitted by a mining applicant that the two preconditions established in the Bill have been satisfied.

The Bill requires the DNR to determine that the two preconditions have been satisfied "based on information provided by an applicant for a mining permit." Assembly Amendment 2 explicitly states that the DNR is required to independently verify the information submitted by the mining applicant that the two preconditions have been satisfied.

2. Assembly Amendment 3

Assembly Amendment 3 revises the type of mine that may be used by a mining applicant to show that the two preconditions established by the Bill have been satisfied.

Under the Bill, as passed by the Senate, both preconditions must be satisfied with respect to mines operated "in a sulfide ore body which is not capable of neutralizing acid mine drainage." Sulfide minerals, when exposed to oxygen and water, can progress through a series of chemical and biochemical reactions to produce acid. Other minerals (principally, carbonate minerals such as calcite) have the capacity to neutralize acid. If sufficient neutralizing minerals are present at the mine site or mine waste site, the acid generating reactions will be counterbalanced by the neutralizing reactions with the net effect that the mine waste drainage will not become more acidic.

The Amendment would provide that both preconditions of the Bill must be satisfied with respect to mines operated in a sulfide ore body that has a net acid generating potential.

3. Assembly Amendment 1 to Assembly Amendment 3

Assembly Amendment 1 to Assembly Amendment 3 explicitly states that the host rock in which a sulfide ore body is located, as well as the sulfide ore body itself, must be considered in determining whether a mine has a net acid generating potential.

4. Assembly Amendment 4

Assembly Amendment 4 specifies what constitutes the violation of an environmental law and is intended to clarify the definition of "pollution" under the Bill, as passed by the Senate.

Both preconditions in the Bill require that the mine have been operated or have been closed for the applicable period in the United States or Canada "without the pollution of groundwater or surface water" "Pollution" is defined in the Bill to mean "degradation that results in any violation of any environmental law." However, the Bill, as passed by the Senate, does not state what is included in the phrase "violation of any environmental law."

Assembly Amendment 4 specifies that violation of an environmental law includes a determination by an administrative proceeding, a civil action, a criminal action or other legal proceeding which affords the alleged violator due process rights of notice and an opportunity for a contested hearing. In addition, the Amendment 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 a finding or admission of liability.

5. Assembly Amendment 2 to Assembly Amendment 4

Assembly Amendment 2 to Assembly Amendment 4 expands the circumstances under which a violation of an environmental law is deemed to have occurred by providing that a violation of an environmental law also includes an order issued by an administrative agency to a mining operator, or acceptance of an agreement by a mining operator to take corrective action to avoid or to remediate the pollution of groundwater or surface water from acid drainage at the tailings site or at the mine site or from the release of heavy metals.

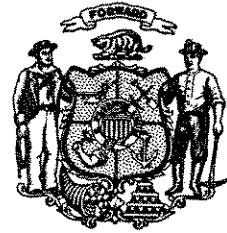
In addition, Assembly Amendment 2 to Assembly Amendment 4 provides that the DNR may not base its determination with respect to either of the two preconditions imposed by the Bill based on the environmental record of a mining operation which has been listed as a federal superfund site or a mining operation for which the operator is no longer in business and has no successor that may be liable for any contamination from the mining operation and for which there are no other persons that may be liable for any contamination from the mining operation.

Assembly Amendment 2 to Assembly Amendment 4 also deletes language from Assembly Amendment 4 that provides that a determination by an administrative proceeding, a civil action, a criminal action or other legal proceeding is a violation of an environmental law only if the action or proceeding affords the alleged violator due process rights of notice and an opportunity for a contested hearing.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

WF:kjf:rv:wu:jt;ksm;kjf

State Representative Spencer Black



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

January 20, 1998

Rep. Marc Duff
RM. 306 North Capitol
Madison WI
Interdepartmental

Dear Marc:

Thank you for contacting me in regard to Senate Bill 3. In your letter, you basically repeat a press release issued by lobbyists for Exxon mining in March of 1997. I am always glad to see things recycled.

You quote me incorrectly regarding the history of sulfide mining. Here is a direct quote from a recent article in the Counties Magazine I wrote. I have written similar or identical language for many other publications..

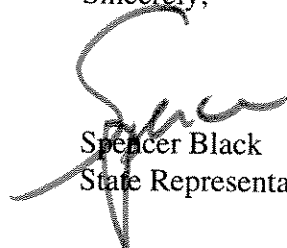
"Across the country, sulfide mining wastes have caused extensive environmental damage from acid draining into rivers, lakes and drinking water supplies. A great many rivers in Appalachia and the Rocky Mountains remain lifeless due to acid drainage from mines.

EXXON admits that past mines have caused great environmental damage, but now EXXON claims that new technologies will prevent that damage at their Wolf River mine. However, those technologies are unproven. Reports indicate that some recent mine operations have been promising, but other new mines have become environmental disasters. Some of these new technologies may eventually prove to be effective, but they have yet to pass the test of time. Even EXXON admitted at a recent legislative public hearing in Green Bay that there is no mine that they can point to so far that been operated and reclaimed for a reasonable length of time without environmental damage."

None of the mines cited by you (and previously by EXXON lobbyists) have operated and been closed for a reasonable length of time. In addition, at least one of the mines cited by you has had significant pollution of nearby waters. Several others are in carbonate rich environments where there is no risk of acid mine drainage.

Thank you again for contacting me.

Sincerely,



Spencer Black
State Representative

Save

SB 3

SPEAKING FOR

SPEAKING AGAINST

- Rep Spencer Black
- Joanne Tacopina, Pickerel
- Gerald Gunderson, Slf, Milw
- John Berge, Sierra Club, Racine
- Bart Olson, Sauk Cty Alderman, Merrimac
- Matt Krzeminski, Local 23N GCIU, Milw
- James Baldock, Wis Wildlife Federation, Waukesha
- Joan Slack-DeBrock, Northwoods Alliance, McNaughton, WI
- Ed Seefelt, WGA, Amherst Jct, WI
- Paulette Tenurierl, Slf, Milw
- Anton Williams, Slf, Milw
- Lorrie Greco, Milw Cty League of Women Voters, Franklin, WI
- Philip Blank, WI Council of Sr Citizens, Milw
- Frank Zuern, Slf, Oshkosh

- Gov Anthony Earl
- Larry Lynch, DNR
- Louise Hermsen, P&H Mining, Milw
- Glen Wicklund, Local 1114, New Berlin
- Tim Sullivan, Slf, New Berlin
- Bob Glaser, United Steelworkers, Brkfld
- Charles Curtis, Foley & Lardner, Madison
- Gene LaBerge, Slf, Oshkosh
- Dale A. Miller, Operating Eng Local 139, Deerfield Wi
- Todd F Lundin, People for Wis, Crandon
- Richard Thomas, Ames Const., Burnsville MN
- Rebecca Clark, People for Wis, Fairchild, WI
- James Botz, STS Consultants, Ltd., Green Bay
- Jesse Buechel, Buechel Stone, Chilton, WI

Add Ken Fish

For Moratorium	Against Moratorium
Bill Sherer, Trout Unlimited, Boulder Jct, WI	James Buchen, WMC, Madison
Frank Zuern, Sif, Oshkosh	Roger W Clark People for Wis, Fairchild, WI
- Walt Bresette, Red Cliff Chippewa Tribe, Bayfield, WI	Sally LaBerge, Sif, Oshkosh
- Jeff Puerner, Potawatomi, Stevens Point	Emil Giese, PFW, Alma Center, WI
Dianna Brown, Sif, Taylor, WI	John Gardner, Sif, Three Lakes, WI
- Sam Gieryn Env Decade, Milw	Arlene Frelk, PFW, Merrilan, WI
- Rebecca Pittner, Env Council, Stevens Point	Tim Chrisman, Pine River Lumber, Laona, WI
- Allison Zapel, Env Council, Wausau	Marilyn Mayenschein, PFW, Thorp, WI
- Ann Fleischli, Democracy Unltd., Madison	Victor Bellamy, Sif, Crandon
- George Rock, Sif, White Lake, WI	Jerry Bowman, PFW, Fairchild, WI
Robert E Schmitz, Wolf River Watershed Alli., , WI	Roy Burlingame, Sif, Black River Falls, WI
Ben Manski, IWW, Madison	David Popelier, Sif, Madison
Patricia Derks, Lake LuCerne Assn, Green Bay	Gary Richards, Sif, Appleton
Darwin Swille, Sif, Green Bay	Henry Koch, USA Waste Services, Richfield, WI
- Myrtle Kastner, Sif, Milw	Michael G. Daily, Harnishfeger, Oak Creek, WI
Tod Ohnstad, UAW Local 72, Kenosha	Mary Torgerson, Sif, Crandon
Dr Kenneth Maly, Sif, Arcadia	Richard Sberna, Harnischfeger, Germantown
Robert Litzau, Sif, Milw	Tom Vollmar, Sif, Crandon
- Kim Dowat, Frnds of Coulee Region, Mindoro, WI	George A. Patrick, Sif, Brookfield
Chris Zapf, Sierra Club, New Berlin	Donald Mathews, Crandon Mining, Gresham WI
Jim Klein, Pickerel/Crane Lake Protection & Rehabilitation District, Appleton	Eunice M Schilling, Crandon Mining, Gresham
- Clarence Schrameyer, Sif, Hazelhurst, WI	Mike Mihultu, Prople for Wis, Crandon
- Vera Boone, Sif, Twin Lakes	Kay Starkey, P&H Mining, Wauwatosa
- Susan Michetti, Sierra Club, Racine	Tim Leverentz, P&H Mining, Oak Creek
- Rick Whaley, Milw Greens, Milw	Kenneth Nelson, Nordberg, Muskego
- Charles Gasper, Sif, Wauwatosa	Lynn Smith, Sif, Crandon
- Evans Smith, Sif, Crandon	Kenneth Meyers, Luisier Drilling, Lena, WI
Sherry Poler, Sif, LaCrosse	Ran Archer, P&H Mining New Berlin
Steven Schutz, Sierra Club, New Berlin	Kris Kriofske, Poly Flex Inc, Rowlett TX
- John C Faucher, Sif, New London	Andy Dorau, Sif, Crandon
Charles Johnson, Badger State Boating Soc Waukesha	Mark Hostetter, Geologist, LaCrosse
- Jane Schrameyer, ECCOLA, Hazelhurst	Jean Hermsen, Sif, Suring, WI
James Koch, Sif, Oak Creek	Sean Bradley, Sif, Oconomowoc
Mary Guentner, Sif, Wauwatosa	Larry Palubicki, Sif, Crandon
- Bernice Popelka, United for Diversity, Inc, Glendale WI	Jack Travis, Sif, Pewaukee
- Donald Cashmore, Cash's Little Shoppe of Bait, New London	David Meurer, Meurer Co Inc, New Berlin
- Kim Shuppe, Sif, Fort Atkinson, WI	Rod Eveland, Sif, Crandon
- Kim Banz, Sif, Madison	Dee Wm Dailey, Sif, Argonne, WI
Kevin McGettigan, Sif, Madison	Beverly, Crandon
James G. Young, WI Green Party, Madison	
Sierra Powers, Sif, Madison	
Jim Carpenter, Milw Greens Milw	
- Kathy Wolf, Sif, Middleton, WI	
- Peter I. Slaby, Sif, Minocqua	
Dennis Grzezinski, Sif, Milw	
Kathy Sojkowski, Sif, Greendale	
- Julie Neely, Sif, Milw	
- Sarah Backus, Sif, Milw	

- James Kerler, Sif, Wauwatosa
- Liesa Nesta, Sif, Milw
- Steve Barney, Sif, Oshkosh
- Roberta Grafen, Sif, Green Bay
- Joyce Melville, Sif, Madison
- Elizabeth Bates, Sif, Wauwatosa
- Karen Coakley, Sif, Milw
- Tom Klema, Sif, New Berlin
- Terrance Brehmer, Sif, Milw
- Emily Forst, Sif, Glendale
- Candace Ahrendt, Sif, Glendale
- Michael Filipiak, Sif, Milw
- Laura Furtman, Sif, Webster, Wi
- Roscoe Churchill, Sif, Ladysmith
- John Styczinski Jr., Sif, Conrath, WI
- Claire Vanderslice, Mining Impact Coalition,
 Grafton



Facsimile Cover Sheet

TO: MARC DUFF /
 Company: MARSHA
 Phone:
 Fax:

FROM:
 Company: WMC
 Phone: 608/258-3400
 Fax: 608/258-3413

DATE: _____

PAGES (including cover): 10

COMMENTS:

Please
 Call me - The "Liner + CAP"
 piece describes the
 technology fairly
 well if you want to
 include this in
 your response.
 → ALSO included is
 our original memo
 on SB 3 -
 → I've got more
 suggestions.
 THANKS
 [Signature]

What's New at WMC

WMC Members receive a discount off the registration fee for the Wisconsin Council of Safety's Safety and Health Fundamentals for Supervisors seminar. A must for all supervisors, this one day training program provides the expertise supervisors need in defining their roles in workplace safety and health. For more information, contact Tim Le Mondes of WCS at 800-236-3400.

WMC supports solid, understandable education standards for Wisconsin children. For a full copy of WMC's position on education standards, please call Jim Morgan at WMC.

Forty-nine companies have been nominated for the 1996 Wisconsin Manufacturer of the Year Award. Winners will be announced at a black tie awards banquet on February 27, 1997 at The Pfister Hotel in Milwaukee. Governor Tommy Thompson has been invited to speak. The awards program is co-sponsored by WMC and Virchow, Krause & Company. For more information, contact Neil Fauerbach at Virchow, Krause at (608) 249-6622.

Landfill Technology and Environmental Protection

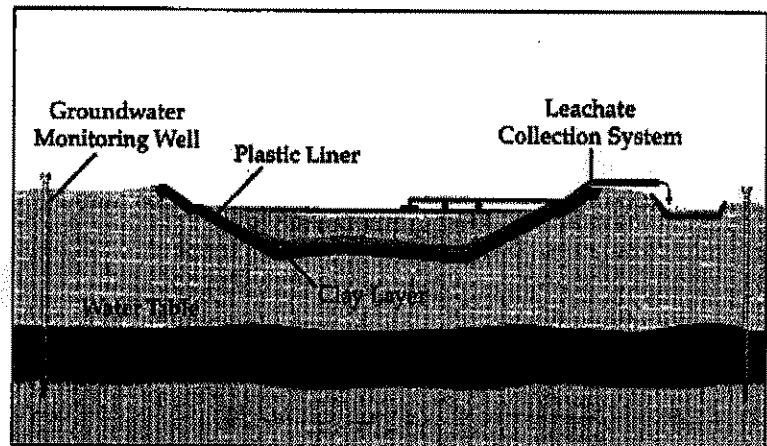
Unregulated garbage dumps once caused severe ground and surface water pollution. Today, engineered landfills contain society's wastes safely and protect our water resources. Modern landfills use liner-and-cap technology, proven effective for more than two decades. More than 50 landfills in Wisconsin - including 10 in the northern counties - have liners and caps. Crandon Mining Company plans to use similar technology to safely manage tailings from its proposed zinc and copper mine in Forest County.

Liners and Caps: How They Work

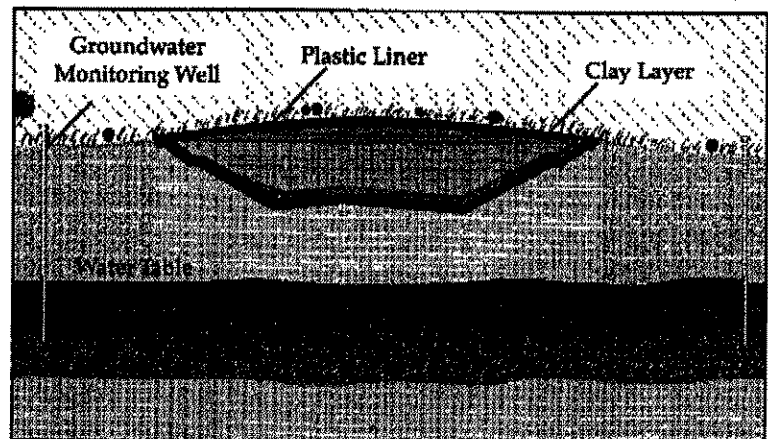
Regardless of the material being stored, liner-and-cap systems operate on the same principles. Modern facilities have composite liners and caps, each featuring a layer of clay covered by a sheet of heavy-duty plastic called a geomembrane. In basic terms, here is how liners and caps work:

Liner system. The liner rests at the bottom of the waste site, forming a protective barrier for groundwater. The liner does its most important work while the facility is being filled. Rainwater that trickles through the waste collects atop the liner, then flows down a sloping drain to a collection point. This water, called leachate, is then pumped out and sent to a wastewater treatment plant.

Cap system. The cap is the key to permanent environmental protection. When the waste site is full, it is covered with a composite cap that acts like an umbrella, sealing out rain water. Because very little water gets into the waste site, there is nothing to carry harmful substances out. Soon after the cap is installed, the amount of leachate declines rapidly. The waste stays contained between the cap and the liner, and water resources are safe.



The Liner System contains water within the waste site so that it can be collected, pumped out and treated.



The Cap System covers the waste site like an umbrella, keeping water and oxygen out.

Why Composite Liners and Caps?

Composite liner-and-cap systems - geomembrane over clay - provide the best available environmental protection. Geomembranes are made of high-density polyethylene (HDPE), highly resistant to rips and punctures and extremely durable. No insects or bacteria can eat it, and chemicals do not break it down. In fact, the strongest acids used in industry and laboratories are typically stored in HDPE bottles. All evidence suggests that, once buried, an HDPE geomembrane will last for hundreds of years.

Before a liner or cap is installed, the geomembrane seams are overlapped, double-welded and air-pressure tested. The finished geomembrane lies atop a layer of clay. Any water that may seep through the geomembrane is then contained by the clay. Clay has the extra benefit of being able to expand and "self-seal" any cracks or leaks that may develop.

Comparing Landfills and Tailings Management Areas

Liner-and-cap technology applies equally well to municipal garbage and mine tailings, with some differences in facility design.

MUNICIPAL GARBAGE

From the day it enters a landfill, municipal garbage contains materials that could harm groundwater. It is a diverse mixture that includes food scraps, animal wastes and other items that easily decompose. It also may contain paints and thinners, drain cleaners, motor oil and other substances that some people improperly place in their trash. With municipal garbage, the main goals are to contain the waste immediately, slow the process of decomposition, and manage methane gas that forms as the organic material breaks down. Municipal landfills usually have systems to collect the methane and, in many cases, use it as fuel for electrical generators.

MINE TAILINGS

Unlike municipal garbage, mine tailings begin as harmless material - finely ground rock particles with known characteristics. Here, the main goal is to prevent acid rock drainage, which can occur only if sulfide minerals in the tailings are exposed to water and oxygen. The facility must be designed for maximum effectiveness in keeping water and oxygen out. A properly constructed composite cap forms a water and oxygen barrier, keeping the tailing in a harmless state. A long-term care program then ensures that the cap is maintained so that the groundwater is permanently protected.

Proven In Wisconsin

Here are several landfill sites in Wisconsin that use cap-and-liner technology similar to that proposed for the Crandon mine tailings management area:

- *Ridgeview Recycling and Disposal Facility*
- *Whitelaw Valley Trail Recycling and Disposal Facility*
- *Berlin Lake Area Disposal Landfill*
- *Savona Winnebago County Landfill*
- *Oshkosh Timberline Trail Landfill*
- *Manathon County Landfill*
- *Ringle Eau Claire County Landfill*
- *Oneida County Landfill*

Effective, Long-Term Protection

Composite liner-and-cap technology that now safeguards landfills can apply successfully to mine tailings management. While the specific features may differ slightly, the basic principles are the same. Using proven cap-and-liner technology, Crandon Mining Company's tailings management area will be among the most advanced in the world. It will meet all requirements of the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers and will permanently protect the Northwoods environment.





Memo

TO: Members of the Wisconsin Senate

FROM: James A. Buchen, Vice President, Government Relations

DATE: March 11, 1997

RE: 1997 Senate Bill 3 - Moratorium on Metallic Mining

Wisconsin Manufacturers & Commerce (WMC) strongly opposes 1997 Senate Bill 3 introduced by Senator Shibilski and Representative Black. Senate Bill 3 in effect places an indefinite moratorium on sulfide metallic mining in Wisconsin.

Senate Bill 3 states that before a mining permit can be issued in Wisconsin there must be proof that a mine has operated in the US or Canada for at least 10 years without polluting groundwater or surface water, and that the mine has been closed for 10 years without polluting groundwater or surface water. Furthermore, it requires a mining company to demonstrate that no groundwater or surface water pollution has occurred in a sulfide ore body of "similar geological characteristics."

While the language of the bill seems reasonable upon initial review, a more thorough analysis reveals that the bill attempts to establish a zero impact or activity standard for mining. If this standard were applied across the board, virtually every industry and municipality in Wisconsin would be shut down.

SENATE BILL 3:
Zero Impact or Activity Standard

The bill seems to establish a zero impact or activity standard because it states that a mining company must provide evidence that a sulfide mining operation has operated for ten years "without the pollution of groundwater or surface water" and that a sulfide mining operation has been closed for at least ten years "without the pollution of groundwater or surface water".

Pollution is defined under Wisconsin statutes as "contaminating or rendering unclean or impure the waters of the state . . ." Under this standard, any change to background level would be considered pollution regardless of whether it has an adverse impact on human health or the environment.

There are no other industries subjected to a zero impact or activity standard, nor are there any state or federal regulations which require such a standard. The reasons for this are obvious. A zero impact or activity standard is not necessary to protect public health, welfare or the environment. Second, such a standard is

neither technically or economically feasible. To require a zero impact or activity standard for mining operations would be a substantial departure from the entire federal and state regulatory scheme.

Requires Old Technology

SB 3 is definitely a step in the wrong direction because it *requires* that old technology be examined for current or future mining projects in light of today's technology. Mining projects currently operating are using the most state-of-the-art technology of today and continuously upgrade operations to ensure that the environment is being protected.

Ambiguous

Senate Bill 3 is tied to an ambiguous reference point. It requires a mining company to demonstrate that no groundwater or surface water pollution has occurred from mining operation in "a sulfide ore body of similar geological characteristics." To some extent, all geological characteristics are unique. Even if parameters could be determined, the real issues that should be examined are the size, location, nature of the operation and hydrologic considerations associated with the ore body, not the geological characteristics.

CURRENT LAW

Wisconsin law is clear. The Wisconsin Legislature has specifically allowed for mining in the state as long as it is accomplished in an environmentally sound manner.

Under current law a mine cannot be granted a permit unless it can be determined that the environment, public health, safety and welfare will be protected. The Department of Natural Resources will only grant a permit if all of the following conditions are met:

- All state and federal laws, as well as local zoning ordinances, are complied with;
- Land with unique features such as critical ecological importance or historical value is safeguarded;
- A suitable plan for reclamation is included; and
- A net positive socioeconomic impact will be provided.

These requirements include protecting groundwater, surface water, wetlands, air, unique land, endangered species, etc. It requires a tailings management plan, a feasibility report, a plan of operation and several other reports and studies. Finally, financial and perpetual responsibility is required under the law.

ECONOMIC DEVELOPMENT

There are literally hundreds of Wisconsin-based companies employing 10,000 plus individuals in mining and mining-related companies, whether it be manufacturers, suppliers or transporters to the industry.

Crandon Mining Company

Metallic mining is an extremely important industry in Wisconsin. The Crandon mine, for example, will provide hundreds of long-term mining and mine-related jobs to Forest, Oneida and Langlade counties. \$43 million will be spent for goods and services in the tri-county areas during three years of mine construction, and an average of \$1.2 million more will be spent each year during its 28 years of operation.

As far as tax revenue is concerned, it is estimated that the mine will contribute up to \$110 million to the local tax base in property taxes to benefit the Towns of Lincoln and Nashville, Forest County and the Crandon School District. In federal and state income taxes, Crandon Mining Company will pay an estimated \$175 million over the life of the mine.

Furthermore, the mine will have to pay a net proceeds tax. This is an additional tax that only mining companies pay, over and above the corporate and property tax. The net proceeds tax will generate approximately \$119 million in revenue to local communities and the Native American tribes over the mine's life.

Not only will the proposed Crandon mining project contribute directly to the economy in Northern Wisconsin, but also to the entire state in mining-related industries.

Flambeau Mining Company

Since 1991, the Flambeau mine in Ladysmith Wisconsin, one of the world's richest concentrations of copper, has created jobs for an area of the state where jobs were badly needed. They have contributed \$20 million to the tax base and will contribute even more before their project is finished.

The Flambeau mine in Ladysmith has operated without any of the environmental problems predicted by its opponents. Its state-of-the art technology has proven to be exceptional in protecting the environment.

MINING IS FUNDAMENTAL.

Mining is fundamental to society. Everything used in modern society is a product of mining: cars, roads, planes, telephones, appliances, computers, stereos, TVs, electricity, roads, heat, buildings, machinery, equipment, agricultural equipment, fuel, fertilizers, etc.

Placing an outright moratorium or ban on an essential and legal economic activity that must comply with all state and federal environmental laws, as well as all mining laws and regulations, is unreasonable. Senate Bill 3 sets a bad precedent by singling out the mining industry. If the ban becomes law, other industries could become the target for extremists bent on legislating an industry out of existence.

WMC urges the Wisconsin Senate to reject 1997 Senate Bill 3.

JAB:JMh:jr

MILWAUKEE JOURNAL SENTINEL

TUESDAY, MARCH 11, 1997

Environmentalists should welcome Crandon mine

Design and operational standards
are a victory for natural resources

By CHRISTOPHER ROG

Certain politicians have adopted what they perceive as an environmental activist pledge to promote a moratorium on metallic mineral production in Wisconsin.

It is profoundly ironic that, here in the heartland of natural resource consumption and environmental activism, people could be so outspokenly opposed to what is potentially the most highly engineered, environmentally responsible mining project this planet has ever seen.

Crandon Mine Project opponents cite the potential pollution of ground water leaking from the tailings facility and concerns related to the waste-water pipeline or ground water drawdown as their reasons for opposition.

As evidence for their claims, well-intentioned environmental activists point to historic mining practices and the environmental problems created in days gone by.

In the rhetoric of the public dialogue, mine opponents outrageously lumped together the sins of virtually every past mining project since the days of the copper-mining Roman Empire and laid them at the feet of the CMP.

In its attempts to counter these claims, industry is faced with the difficulty of crafting simple answers to simple criticisms. When an environmental activist says the mine will "pollute ground water," or will "kill fish," who among us would favor such a project?

Unfortunately, the technical responses to these queries are found in the volumes containing engineering design concepts, construction plans and environmental laws, which might require college education in civil engineering, hydrogeology and inorganic chemistry, plus three to four years to apply the education and study the details.

In an age in which political battles are fought with sound bites that last less than five seconds, mining projects with their troubling track record and complicated answers to simple criticism are at a considerable disadvantage in the public forum.

If mining had a track record under the new rules, the discussion would have recent history to

Christopher Rog:
"The closest analogy might be the Flambeau Mine, where mine opponents made the same unfulfilled promises of environmental damage and dead

fish as are being made today for the Crandon Mine Project."

IN MY OPINION

point to as successful evidence of modern mining methods.

The closest analogy might be the Flambeau Mine, where mine opponents made the same unfulfilled promises of environmental damage and dead fish during the permit hearing process as are being made today for the Crandon Mine Project.

To date, the only recorded dead fish associated with the Flambeau Mine is the fish the protesters brought to the project's master hearing and laid on the table as an emotional demonstration of what the project would do to the river and its fish if the mine was allowed to operate.

These and other environmental horror stories purveyed by opponents have turned out to have been false on a wholesale basis, a point that is conveniently forgotten or ignored by the activists and the representative electorate in the public dialogue involving the CMP and the mining moratorium.

In my opinion, the fact that only two or three of the world's several hundred multinational mining companies have chosen to operate in Wisconsin — where a highly regulated (and expensive) political climate challenges their every move — should be cause for environmentalists to cheer.

The presence of the CMP and the design and operational standards that have been proposed for it represent, by any rational measure, a significant environmental victory.

Those who have been at the front of the fight for environmental regulation of mining in Wisconsin for the last two decades should be at the head table welcoming the company and the project.

The true environmentalists' role at this point should be an important one in seeing that the environmental rules enacted by the people of Wisconsin are fulfilled in design and in practice, and with a positive "let's make it work" attitude.

For if the opponents push hard enough — and push the right legislative buttons — and the project is dropped and moved to some other unregulated corner of the globe, how could that possibly be construed as an environmental "victory," as activists would have us believe?

Many of us in the North Woods are of the opinion that the currently contemplated "show me one successful mine closure" moratorium should be adjusted to include this concept:

Show us one or more zinc mines from the world's currently operating zinc mines better engineered than the CMP. If there aren't any, the Department of Natural Resources must issue permits for the CMP.

Such language would put Wisconsin on the map and into history as a leader in global environmentalism, a spot in history of which we could all be proud.

Christopher Rog, of Rhineland, is a professional hydrogeologist, has a master's degree in geology and is president of Sand Creek Consultants, an environmental consulting firm with offices in Wisconsin and Montana.

WISCONSIN STATE JOURNAL

OPINION

Sunday, March 9, 1997.

Anti-mining bill should be rejected

The state Senate is scheduled to vote Tuesday on a bill that would not only block the opening of the Crandon zinc and copper mine but make it nearly impossible for shaft mining to exist in Wisconsin under almost any conditions.

Senate Bill 3 probably won't be defeated, but it should be.

The bill that advanced last week on a 3-2 vote by the Senate Agriculture and Environmental Resources Committee is a textbook example of what happens when legislators set out to ban disfavored products, practices or behaviors — but lack the intellectual honesty to label it as such.

The bill would prohibit the state Department of Natural Resources from issuing permits to the Crandon Mining Co. or any other metal-ore mine, until two conditions are met:

1. The DNR determines a mine has operated in a similar sulfide ore body in the United States or Canada for at least 10 years without polluting ground water or surface water.

2. The DNR certifies such a mine has been closed for 10 years without polluting ground water or surface water.

It's the equivalent of setting the high jump bar 2 feet higher than the world record — and still insisting it's a fair test for all the competitors.

For decades in Wisconsin, mining opponents followed a reasonable path. They sought to make Wisconsin's mining laws the toughest in the nation. The goal was not to end all mining but to enact strict standards to protect the environment, particularly Wisconsin's bountiful and clean water.

That approach worked. Tougher mining standards based on solid science

led to better mining technology and more careful practices by operators.

Modern mines can and do operate safely. For example, the new Flambeau Mine near Ladysmith has failed to fulfill the dire prophecies of the doomsdayers. Around the country, other mines are being operated at minimal environmental risk. It's not your father's sulfide shaft mine anymore.

The remaking of the mining industry led hard-core opponents to change tactics. The goal became to block mining, not just regulate it.

Senate Bill 3 isn't a moratorium bill, but it might as well be. The Crandon Mining Co., which is owned by Exxon and Rio Algom, has pointed to many examples of "clean" mines, but opponents counter that those examples haven't operated long enough, haven't been shut down long enough or aren't "similar" enough to the 55-million-ton Crandon deposit to really count.

In other words, the bill sets a standard that cannot be met and, therefore, becomes tantamount to a moratorium.

Either Wisconsin's existing mining laws are tough enough, or they're not. If they are, and the Crandon mine meets the test, necessary permits should be granted. If specific parts of the laws aren't sufficient, they should be tightened.

The Crandon mine proposal should rise or fall on its merits. And fall it might, depending on how the DNR views plans to discharge water pumped out of the mine. That outcome would be easy to accept. A quasi-moratorium is a lot harder to swallow.

Green Bay Press-Gazette

1/29/97

Comments and suggestions? Call Opinion Page Editor Mike Blecha, (414

In our view**Mining bill obviously flawed**

Why do legislators have so little faith in laws they write? Why do they propose bills they know are flawed?

We ask in light of Republican Rep. Eugene Hahn's bill that says: "No person may discharge wastewater from the mining of a sulfide ore body into the Wisconsin River or any of its tributaries."

Hahn says he introduced the bill after pressure from constituents in Columbia County. It is aimed at a proposed mine in Forest County.

Crandon Mining Co., a partnership of Houston's Exxon Coal and Minerals Co. and Rio Algom Ltd., of Toronto, wants state and federal permits to take 55 million tons of zinc and copper ore from a site five miles south of

Crandon.

Crandon Mining proposes to build a 38.3-mile-long buried pipeline to move waste water to Hat Rapids Dam on the Wisconsin River south of Rhinelander. The water will meet environmental standards for the river

and will be piped that far, mine spokesman say, to keep it away from cleaner streams, such as the Wolf River.

Even though a permitting process designed by the Legislature and the Department of Natural Resources is under way, foes seek legislation,

including a moratorium on mining, to block the project.

Citizens certainly are free to ask legislators to introduce bills, and lawmakers can act for them. But

Hahn's proposal is off base because:

- It would undermine a process the Legislature, DNR and Crandon Mining agreed upon.

- If passed, it is unlikely to meet a court challenge. Such a law would discriminate against miners but allow papermakers, packagers and municipalities to continue discharging treated water into the Wisconsin River.

As we often have said, the Crandon mine's fate must depend on scientific evidence gathered and analyzed during the permitting process. That process must follow stringent environmental rules and standards set by the state.

Lawmakers must have enough faith in the process they established to let it work. They must have enough political courage to tell constituents that obviously flawed bills will not pass legal muster.

■ **Issue:**
Proposed Crandon zinc, copper mine

■ **Our view:**
Lawmakers' attempts to stop project sidestep procedure

An editorial**Mining firms
deserve equal
consideration**

Changes to mining ordinances are under review by the Oneida County Planning & Zoning Committee. A major part of that review is consideration to a change in the standards of treated water coming from The Crandon Mine for discharge into the Wisconsin River.

If enacted this would "require they meet standards which are stricter than state law" according to a letter to the Zoning Committee from Crandon Mine and Noranda Minerals. In fact, standards for treated water are set by The State of Wisconsin not local authorities.

Why should Crandon Mine or Noranda or any other industry be required to meet different standards than the paper companies or power plants? This is another transparent effort by a very few individuals to stop any metallic mining in Wisconsin—land Crandon in particular.

It is very strange that in the counties in Wisconsin with the highest year round unemployment and the lowest per capita income a small elite—most of whom do not even live in this area—are trying to prevent a company which will bring an economic tidal wave of good paying jobs for lifetime careers to hundreds and hundreds of folks.

We can expect that attorneys for CMC and Noranda will be facing off with any group who would attempt a double standard of environmental ordinances in order to kill this project.

We encourage locally elected town and county officers not to be intimidated by threats and aspersions about their ability to serve.

The Native Americans have turned their collective heads and have hollered so much about injury to 'Mother Earth' one has to wonder if they ever examined their gaming casinos in the same light. While enjoying a government-given monopoly for gaming on their reservations they are now denying their neighbors in the same county the chance to engage in high paying long term jobs.

Stay tuned....



draft

WISCONSIN STATE ASSEMBLY

MEDIA ADVISORY

For Further Information Contact:

State Representative Marc Duff, Chair
Assembly Environment Committee

(608) 266-1190

Duff Calls Second Public Hearing on Senate Bill 3

MADISON... The Assembly Environment Committee will hold a second public hearing on Senate Bill 3, relating to metallic mining permits for mining of sulfide ore bodies, announced state Representative Marc Duff (R-New Berlin), chair of the committee.

To accommodate those who have not had the chance to testify before the committee on SB 3, anyone who testified at the May 12 Ladysmith hearing will be placed at the end of individuals waiting to testify. Those testifying will be given approximately four minutes to present their statements. Written comments will be accepted in lieu of public testimony.

ASSEMBLY ENVIRONMENT COMMITTEE

Representative Marc Duff, Chair

PUBLIC HEARING, Senate Bill 3

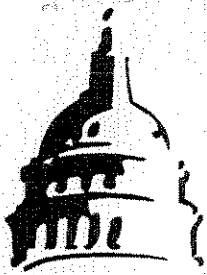
TUESDAY, OCTOBER 14, 1997

STATE FAIR PARK-TRADE MART

WEST ALLIS

1:00 P.M.

ATTN: Assignment Editor



MARC
DUFF

STATE REPRESENTATIVE

Chair: Environment & Utilities

Vice Chair: Urban Education

Co-Chair: Joint Legislative Council

A Column of Personal Opinion by
State Representative Marc Duff
(608) 266-1190

July 21, 1997

THE MINING MORATORIUM BILL THAT ISN'T

Non-partisan legislative agency confirms DNR view of Senate Bill 3

Few bills have generated as much confusion and emotion as Senate Bill 3, the so-called "mining moratorium" bill which passed the state Senate in March. Because of amendments added to SB 3 in the Senate, there has been a great deal of confusion over what the bill actually does. Four very different opinions have emerged on what SB 3, as passed by the Senate, accomplishes.

State Rep. Spencer Black (D-Madison), the lead Assembly author of SB 3, claimed the bill was vital to our environment, and that it created a true moratorium on metallic mining in Wisconsin. Opponents of a proposed mine near Crandon, Wisconsin hoped that SB 3 would kill the Crandon mine project, and produced yard signs, placards and bumper stickers reading, "STOP THE EXXON MINE...PASS SB 3." The mining industry said that the bill effectively banned mining in Wisconsin. Wisconsin's DNR thought the bill did nothing to enhance environmental protection and was not a mining moratorium at all.

In an effort to end the speculation, I asked an attorney from the Wisconsin Legislative Council, a non-partisan body which provides legal advice to members of the state legislature, to draft a legal opinion on the bill, detailing exactly what SB 3 would do if it became law.

According to this attorney, the DNR is right. SB 3, as passed by the Senate, will **not** result in a moratorium on mining in Wisconsin and will **not** stop the proposed Crandon mine. In addition, the bill provides no new safeguards to protect our environment from unproven mining practices.

The intent of the authors of SB 3 was to prohibit the DNR from issuing a metallic mining permit until the applicant can show that a similar mine in the US or Canada was operated and reclaimed without violating environmental laws relating to surface water or groundwater pollution.

(more)

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Unfortunately, SB 3 is so poorly written that a mine which operated in the 1870s, decades before any of Wisconsin's tough environmental laws were written, would be permitted under SB 3 because the mine violated no environmental laws—there were none to break.

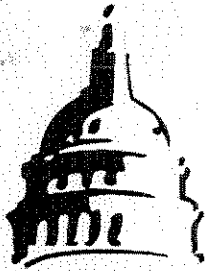
One can't help but wonder why the bill's authors failed to draft SB 3 in a way that would actually result in a moratorium on mining in Wisconsin. Perhaps supporters of the measure knew SB 3 wouldn't pass the Senate in that form. Or maybe they were more interested in creating a hot political issue than in working to strengthen Wisconsin's already tough environmental laws. Supporters of SB 3, who claimed to be protecting the environment, cast anyone opposed to this doing nothing legislation as a villain. In truth, their actions and their bill were nothing but political posturing and empty rhetoric.

Our environment is far too important to be used as a pawn in a game of political chess. Rather than trying to fool the public with slick political tricks and scare-tactics, my Republican colleagues in the Assembly and I are committed to passing legislation which gives the DNR the regulatory tools it needs to protect our environment.

Our position is clear: If a mining company can't prove its operation is safe, if they can't prove that their mine won't contaminate ground or surface water in Wisconsin, they won't receive a mining permit to operate in our state. Period. Instead of pointing fingers and playing games, I hope that the advocates of SB 3 will join my colleagues and I in our efforts to pass meaningful legislation that actually does something for our environment.

#

State Representative Marc Duff (R - New Berlin) is Chairman of the Assembly Committee on Environment. He represents the 98th Assembly District, which includes the Village of Elm Grove and large portions of New Berlin, West Allis and Brookfield.



MARC
DUFF

STATE REPRESENTATIVE

Chair: Environment & Utilities

Vice Chair: Urban Education

Co-Chair: Joint Legislative Council

Column of Personal Opinion
State Representative Marc Duff
September 17, 1997

KEEP WISCONSIN'S MINING & ENVIRONMENTAL LAWS TOUGH

Few issues in Wisconsin generate strong emotion, political activism, protests leading to arrest and doomsday predictions as metallic mining. This is ironic considering Wisconsin was named the "Badger State" because of its rich mining history dating back to the 19th century.

The proposed Crandon mine has prompted recent uprisings among concerned parties and environmental groups, including some considered extreme and radical, like *Earth First!* and the *Wisconsin Greens*. These groups oppose the Crandon mine and back legislation authored by State Rep. Spencer Black (D-Madison) which attempts to stop metallic mining in Wisconsin for decades. While Rep. Black's bill (Senate Bill 3) and mining issues deserve thorough attention, the Legislature must be careful and not allow politics and radical agendas to interfere.

Proposing a mining moratorium automatically suggests Wisconsin's environmental regulations are inadequate to protect our lands, forests and waters. This is ludicrous. When Wisconsin's comprehensive mining and environmental laws were enacted in the early 1970's and 1980's, they were considered the best in the nation. Since that time, these laws have only been strengthened.

A publication by the National Mining Association credited Wisconsin with enacting "arguably the toughest environmental regulations impacting mining early in the environmental movement." In fact, Rep. Black wrote a column on Wisconsin's continual high rank on environmental quality, published February 17, 1995, in the *Clark County Press* in which he writes, "When states are ranked on the quality of their environment, Wisconsin is almost always at or near the top...Wisconsin has long been a leader in enacting strict laws to keep our outdoors clean."

In light of this, we should have confidence in our state's environmental regulatory structure and allow the mining permit process to work rather than let emotional politics intervene. It is better to trust the state's technical experts, scientists, independent consultants and professionals to scrutinize proposed mine projects and protect the environment.

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There is no doubt the cavemanish methods of mining in the 1800s and early 1900s were damaging to the environment. However, modern mining technology and engineering has dramatically changed that record so that environmentally responsible mining is the standard. In fact, the only way a mine can receive a DNR permit to operate in Wisconsin is if it will meet strong environmental requirements and it will not endanger public health, safety or welfare.

Modern mines have operated throughout North America without harm to the environment. Colorado's Henderson Mine, Missouri's Viburnum Mine #27, California's McLaughlin Mine, and Montana's Stillwater's Cannon mine have all operated in an environmentally responsible manner, many in sensitive areas. Wisconsin's Flambeau Mine in Ladysmith, which operated from 1993 until this year, has been hailed as a success and complied with all of our tough environmental regulations. It is important to note that if Rep. Black's mining moratorium bill had been in effect in the 1980's, the successful Flambeau Mine would have been prevented for many decades.

Few bills have generated as much confusion and emotion as SB 3, the so-called "mining moratorium" bill, which passed the state Senate in March. Because of amendments added to SB 3 in the Senate, there has been a great deal of confusion over what the bill actually does. As a result, an impartial legislative attorney was asked to write a legal opinion on SB 3. The conclusion was that the bill imposes no moratorium on mining and adds no more stringent provisions to protect the environment or Wolf River from unproven mining practices.

One can't help but wonder why the bill's proponents failed to pass SB 3 in a way that would actually result in a moratorium on mining in Wisconsin. Perhaps supporters of the measure knew SB 3 wouldn't pass the Senate in that form. Or maybe they were more interested in creating a hot political issue than in working to strengthen Wisconsin's already tough environmental laws. Supporters of SB 3, who claimed to be protecting the environment, cast anyone opposed to this do-nothing legislation as a villain. In truth, their actions and their bill were nothing but political posturing and empty rhetoric.

While the focus has been placed on SB 3, which provides no further protections to the environment, many of my Republican colleagues have been working on initiatives guaranteed to give the DNR the regulatory tools it needs to protect the environment while allowing mining to occur. Some of these are as follows:

- 1) Last session a new law was enacted which makes mining companies perpetually responsible for costs and clean up associated with mine waste facilities;
- 2) New rules were requested to enhance the groundwater rules as it relates to mining;
- 3) DNR was asked to forward new rules that require mine operators to place in a special fund adequate moneys to cover any preventative and remedial actions necessary to clean up the site or problem caused by the mine; and

- 4) A bill, AB 236, would require an applicant demonstrate they will use proven technology to protect surface and groundwater from contamination in order to obtain a mining permit.

Our environment is far too important to be used as a pawn in a political game, use scare-tactics and make questionable prognostications. Just as a diverse group of people came together to create our tough mining laws in 1981, I would welcome those who would join me to reach a consensus on improving our current laws.

Our position is clear: If a mining company can't prove its operation is safe, if they can't make assurances their mine won't contaminate ground or surface water in Wisconsin, they won't receive a mining permit to operate in our state. Current Wisconsin mining laws require state-of-the-art engineering design, technology for pollution prevention, environmental monitoring, and strong financial rules to guarantee mines in Wisconsin are built, operated and reclaimed to high environmental standards. There is no need to have politics delay mining in Wisconsin for several decades because of what is already in place.



**MARC
DUFF**

STATE REPRESENTATIVE

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

INDIANS EXEMPT FROM PROPOSED MINING MORATORIUM

**FOR IMMEDIATE RELEASE
DECEMBER 11, 1997**

**CONTACT: REP. MARC DUFF
608-266-1190**

MADISON... Mining moratorium legislation pending before the state legislature would have no authority over the state's Indian tribes according to an analysis by the non-partisan Legislative Council.

The recently issued opinion by the Legislative Council concludes that under federal law the new stricter mining permit requirements of Senate Bill 3 (the so-called "Mining Moratorium Bill") would not apply to any mining operations conducted on tribal lands. The paper further states that the same federal laws pre-empt all state environmental regulations on tribal lands.

"This information is extremely disturbing," said Assembly Environment Committee Chairman Marc Duff (R-New Berlin). "We are trying to pass strong environmental regulation for the whole state. To learn that hundreds of thousands of acres of tribal land will be left completely unprotected under these laws is troubling."

"If the tribes are not bound by our environmental protections on mining, the so-called Mining Moratorium Bill is a sham. We will be merely closing shop for non-Indian mining operations while opening the door on Indian lands for metallic mining completely free from the oversight of our Wisconsin Department of Natural Resources."

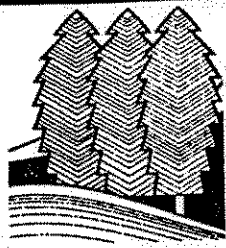
Duff said that he hoped that the Indian issue would be addressed before the Assembly takes action on SB 3 in January of 1998.

"We intend to take prompt action on SB 3, but I would hope that we can close this huge environmental protection loophole in the current bill before we would consider making it state law," said Duff. "The environmental laws of Wisconsin should apply uniformly across the state. We need to make sure that we do not have one set of laws for some people in Wisconsin and another set for others."

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Downstream

NOV 01 1997

Brought to you by the Mining Impact Coalition of WI, Inc. P.O. Box 55372 Madison, WI 53705 1-888-211-7271
SUMMER 1997

DEDICATION: TO THE CITIZENS OF NORTHERN WISCONSIN

This first issue of *Downstream* is dedicated to those citizens of northern Wisconsin who have given untold hours of their own time and money campaigning to keep Wisconsin's waters clean and our environment safe from the threats of metallic sulfide mining. Thank you!

PUBLIC HEARING IN MILWAUKEE

Rep. Marc Duff (R-New Berlin), Chair of the Assembly Committee on the Environment, scheduled and then canceled a public hearing to take place in Milwaukee in July or August. It is possible that the Mining Moratorium Bill (AB70) could go before the Assembly for a vote - without any public input!

The first hearing on the Mining Moratorium Bill was held in early May in Ladysmith where industry representatives showcased the recently closed, but still-to-be reclaimed, Flambeau Mine, was attended by over 300 people - most of whom spoke in favor of the Mining Moratorium.

This is a prime opportunity to exercise your democratic rights to let other committee members - and your own Assembly representatives - know that the citizens of Wisconsin want to have public hearings and then have the bill to go to the Assembly for a vote. All concerned citizens, environmentalists, hunters and anglers, tribal members, human rights activists, and everyone who wants Wisconsin's environment and economy to remain strong should contact their representatives NOW!



Support the Mining Moratorium Bill
Call your representative today!
Legislative Hotline: 1-800-362-9472

Even if you don't wish to speak, your attendance is essential and greatly appreciated! Please contact the Mining Impact Coalition for more information and to let us know that you will be attending the hearing (Milwaukee: 964-5758 / toll-free: 1-888-211-7271).

You can also call your representative and Rep. Duff's office for more details. Legislative Hotline: 1-800-362-9472.

ACTION ALERT - ACTION ALERT

Support the Mining Moratorium Bill (AB 70)

THE "BETTER SAFE THAN SORRY" LAW!

Extensive citizen lobbying efforts resulted in the Wisconsin Senate version of the Mining Moratorium Bill, SB3, passing the Senate on March 11, 1997, with a very strong bipartisan vote of 29-3.

Despite what you might have heard from industry, the Mining Moratorium Bill is NOT a ban on mining - it is a straight-forward, common-sense bill, designed to prevent potential pollution from mining. The Bill simply says that until the mining companies - multinational corporations like Exxon (Texas), Noranda (Canada), Broken Hill Proprietary (Australia), and others with notorious environmental records - can find safely operated and reclaimed metallic sulfide mines, they will not be allowed to mine in Wisconsin. These companies have not yet been able to find any such mines!

AB70, the Assembly Mining Moratorium Bill, places "... a reasonable moratorium on the mining of ore bodies containing acid-causing sulfides in Wisconsin until it can be demonstrated that a mine with similar geological characteristics has operated for 10 years and closed for 10 years (been reclaimed) in the United States or Canada without causing pollution."

"Pollution" is defined as "degradation that results in violation of an environmental law." (SB3, as amended on March 11, 1997). "Similar geological characteristics" were determined by the Senate to be "that which is not capable of neutralizing acid mine drainage."

Enclosed in this newsletter is a *petition* form (with more information on the back) which you can copy and circulate among co-workers, family and friends. These petitions are being used to show our legislators how many people in Wisconsin are serious about protecting the environment - and don't want their lawmakers to jeopardize Northern Wisconsin's strong economy by allowing mining to proceed without adequate safeguards!

For more information, contact the Wolf Watershed Education Project, 1-800-445-8615

Downstream is a newsletter published with the help of a generous grant from the Wisconsin Community Fund by the Mining Impact Coalition of WI, Inc., a 501(c)(3) non-profit organization committed to research and education about the social, economic and environmental impacts of metallic sulfide mining. The intent of this publication is to provide you with information about metallic sulfide mining and to keep you up-to-date of mining-related events taking place around Wisconsin. Special Action Alerts give you / your organization opportunities to keep Wisconsin's water clean and our state's environment and economy strong for future generations!

ENVIRONMENTAL THREATS OF METALLIC SULFIDE MINING



There is a well-documented history of metallic sulfide mining in the US and Canada, which illustrates the damage caused to ecosystems by acid mine drainage, heavy metal contamination, chemical process pollution, sedimentation and groundwater imbalances.

Ore and Tailings (Waste Rock): Many of the rocks in northern Wisconsin were formed billions of years ago along an underwater chain of volcanoes, similar to the mid-Atlantic rift. These rocks contain concentrated pockets of minerals chemically bonded with sulfur to form "metallic sulfide" such as iron sulfide (iron pyrite or "fool's gold"), zinc sulfide (sphalerite) and copper sulfide (chalcopyrite). The problem with these mineral deposits is that many of the rocks only contain up to 5% of the desired mineral, leaving the remaining 95% as waste that needs to be disposed of - permanently.

Despite corporations' attempts to say that there are "safe mines," we need to remember that nowhere in the world has a metallic sulfide mine been safely reclaimed and returned to the state it was prior to mining!

Acid Production: Because these rocks were formed underwater, and still are deep underground, most of these rocks have never been exposed to oxygen. When ground up and exposed to air and water during the mining process, they "oxidize" (like iron rusts) and ultimately produce sulfuric acid (battery acid). Even though sulfide ores were mined in places like Mineral Point, in Southwestern Wisconsin, the limestone rocks in that part of the state have prevented disastrous acid mine drainage formation, though problems with sulfates in the groundwater have been found.

Heavy Metals: The ancient bedrock also contains minerals such as cadmium, lead, arsenic, selenium, and others known to be toxic to humans and other life. Sulfuric Acid: Sulfuric acid also leaches these non-useful minerals out of the rocks, where they can be washed into streams and rivers, or enter the groundwater that supplies over 75% of Wisconsin with drinking and irrigation water. In the United States alone, over 12,000 miles of rivers have been contaminated with acid runoff from sulfide mines. Over 60 sulfide mines are on the EPA's list of "Superfund" emergency clean-up sites - which means they pose a direct and urgent threat to human and environmental health.

Sedimentation: Sedimentation can disrupt or destroy aquatic ecosystems by changing the biochemistry of the water, as well as burying valuable riverbed hatcheries. Dust that is allowed to escape into the environment during the mine milling process (ore is ground up until it has reached the consistency of talcum powder), can contaminate soil, surface water and groundwater because it contains heavy metals and radionuclides.

Groundwater Impacts: Any pit or shaft that is below the water table will naturally accumulate groundwater. Any underground mine must therefore be "dewatered" - or pumped continuously to prevent water from entering the mine. Often, such pumping causes severe groundwater drawdown, which impacts local wells, can dry up rivers, lakes, wetlands, and streams overlying soil layers and rocks subside, settling as water is pumped out. dependent on groundwater recharge. It can also alter landscapes as

WISCONSIN 'STRINGENT' MINING LAWS — AND EXCEPTIONS TO THE RULES

Contrary to what mining proponents say - Wisconsin's current mining laws are not strong enough to protect our environment and are riddled with loopholes. For example, metallic mining is the only industry in Wisconsin exempt from our state's groundwater law - the law that protects our drinking water.

Recent discussion by Department of Natural Resources and the Metallic Mining Council (consisting primarily of mining industry representatives), resulted in a recommended rule change to Wisconsin Statute 182, which would still allow the mining industry to legally pollute groundwater up to 1200 feet from any facility, within a so-called "design management zone" The DMZ (also known as the "compliance boundary") is the distance from the mining facility (mine, mill, mine waste dump) to the point at which the standards of our groundwater law must be met and enforced.

Compliance requirements for waste disposal facilities other than those for mining are much more stringent

- ◆ Hazardous landfill: 0 (zero) feet compliance boundary
- ◆ Municipal solid waste landfill: 150 feet
- ◆ Sewage treatment lagoons: 100 feet

Bill Tans, DNR Mine Project Coordinator, indicated that the industry regulatory difference is based on "facility design requirements versus predictable computer modeling." Essentially, the DNR is asking the citizens of Wisconsin to accept a mining company's computer groundwater model as a guarantee for the protection of our state's groundwater resources! According to the Milwaukee Journal-Sentinel (1/13/97), "the Crandon Mining Company failed to substantiate its claims that operating the mine would not significantly reduce water levels in nearby lakes and streams .. and there have been some problems gathering information." Ongoing research has shown that the

Visit the following Web sites for more information about mining in Wisconsin:

<http://www.earthwins.com>

<http://www.alphacdc.com/treaty>

<http://www.menominee.com/nomining/home.html>

FLAMBEAU VERSUS CRANDON (comparing cherries and pineapples)

FLAMBEAU MINE

Small open-pit mine
3-4 year life span
All ore shipped out for processing & smelting
No tailings

EXXON'S CRANDON MINE

Underground mine
Proposed 30-year project
Milling / chemical processing plant on site
350-acre tailings (waste rock disposal area)
38-mile pipeline for mine waste

groundwater computer models used by the mining company do not provide a very complete picture of the numerous impacts on groundwater movements, contaminant flow and subterranean water levels.

Another example of economic interests overcoming statutory requirements is one made at the often-cited Flambeau Mine in Ladysmith. Wisconsin statutes prohibit mines from being sited within 300 feet of a navigable river or stream. There, the DNR granted an exemption for the Flambeau Mining Company, owned by RTZ / Kennecott (now the world's largest mining multinational) to excavate the mine pit 140 feet from the Flambeau River. By law, the DNR is allowed to grant variances to mining companies - a major weak point in our supposedly "stringent" mining laws.

Petition To Support The Sulfide Mining Moratorium Bill

We the undersigned citizens of the state of Wisconsin hereby support Representative Spencer Black's Mining Moratorium Bill. This proposal will place a moratorium on mining on sulfide mining in Wisconsin until:

- (1) A sulfide mine in an ore body with similar geologic characteristics in the United States or Canada has operated for at least 10 years without polluting groundwater or surface water from the release of heavy metals or from acid drainage at the mine site or the tailings site; and
- (2) A sulfide mine in an ore body operating in similar geologic characteristics in the United States of Canada has been closed for at least 10 years without polluting groundwater or surface water from the release of heavy metals or from acid mine drainage at the mine site or the tailings site.

SIGNATURE:	PRINT NAME	ADDRESS	CITY	ZIP	DATE
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SAVE THE WOLF AND WISCONSIN RIVERS PASS THE SULFIDE MINING MORATORIUM BILL

Facts Everyone Should Know About Metallic Sulfide Mining

FACT: EXXON is proposing to dig a gigantic copper and zinc mine in a sulfide ore body at the headwaters of the Wolf River near Crandon Wisconsin. This mine will threaten to pollute both the Wisconsin and Wolf Rivers.

FACT: The Wolf River is one of Wisconsin's purest and most scenic rivers.

FACT: EXXON is proposing to dump over 1,000,000 gallons of wastewater each day into the Wisconsin River through a 38 mile pipeline.

FACT: EXXON's mine will leave behind a waste tailings pile 90 feet tall and the size of 350 football fields right at the headwaters of the pristine Wolf River.

FACT: EXXON's waste tailings pile will be the largest TOXIC waste dump in Wisconsin history and will need to be isolated from mixing with air and water for thousands of years in order to prevent contamination of area ground and surface water.

FACT: The Wisconsin Department of Natural Resources reports that no sulfide mine in a similar ore body has ever operated without polluting ground and surface waters. Nationwide, over 500,000 mining sites are contaminated and 52 of these are on the National Superfund Cleanup list.

FACT: Existing Wisconsin mining laws and DNR rules are riddled with loopholes and do not protect Wisconsin's taxpayers and environment from mining pollution and cleanup costs.

FACT: The Sulfide Mining Moratorium Bill, introduced by Representative Spencer Black, will prohibit the DNR from permitting a mine in a sulfide ore body in Wisconsin until a similar mine has been operated elsewhere in the United States or Canada for at least 10 years without causing significant pollution or area groundwater or surface water.

FACT: Wisconsin's economy and environment cannot afford to be EXXON's guinea pig for unproven mining technology.

FACT: This important bill will only pass with the strong support of conservationists from all parts of Wisconsin.

**Contact Your State Senator And State Representative
You Can Call Them Toll Free At 1-800-362-9472
Tell Them To Support The Mining Moratorium Bill**

Money, Metals and Jobs - The Issues

Mining and Labor

The track records of Exxon and Rio Algom, Exxon's partner on the Crandon Mine project, are some of the worst in the world. The United Steelworkers of America have been some of the most vocal opponents of Rio Algom's practices at the Elliott Lake uranium mines in Canada. USAW members from that region stated that Rio Algom deliberately understated radiation levels and at its thorium-separation plant, exposed workers to up to 40 times the recommended safe radiation level. In 1990, the U.S. Occupational Safety and Health Center said that Exxon "had the nation's overall worst corporate mine safety record among the nation's largest 20 underground coal producers."

In two gigantic Exxon-owned coal mines in Illinois, 7.8 miners out of every 100 full-time miners suffered fatal or serious accidents in 1989. State of Wyoming officials found Exxon to be unusually uncooperative in dealing with environmental health problems, worker safety, and economic impacts around its Highland uranium mine. Closer to home, members of a Milwaukee USAW Local 1114 recently ousted president Dennis Bosanac, who appeared in one of Exxon's deceptive television ads earlier this year. Several other locals have submitted resolutions against the proposed Crandon Mine. For more information and a draft resolution, contact Gerry Gunderson, USAW member, through the Mining Impact Coalition - Milwaukee Chapter (414) 964-5758.



When Minds enter Minds: An Investigation of Ladysmith and Medford, Wisconsin and the Economic Impact of the Flambeau Mine

by Tim Tynan (5/97)

The following are excerpts from a socio-economic study conducted on two similar Wisconsin municipalities: Ladysmith, site of the recently closed Flambeau Mine touted as a "cadillac of mines" by the mining industry and pro-mining legislators, and Medford, WI. The full report can be ordered from the Mining Impact Coalition at 1-888-211-7271 or email: goblinfern@aol.com.

Conclusions:

1. The Flambeau Mine had a negligible impact of the economy of Ladysmith.
2. A similar city, Medford, Wisconsin (a city without a mine) has spent roughly the same amount of tax revenue as Ladysmith but on different initiatives. Ladysmith has spent much more money on economic development than Medford, and Medford has spent much more on schools and residential amenities.
3. Medford has outperformed Ladysmith in terms of economic prosperity over the past seven years.
4. The rich copper mine which once "promised the world" to those in Ladysmith is now gone—leaving a large, empty hole just outside the city.

The spending patterns of the two cities reveal difference in planning priorities. It is apparent that Ladysmith planners have seen economic development as the number one priority and have rated school spending and other residential conveniences as second. Medford planners, on the other hand, have rated school spending the highest, followed by highway construction and pedestrian amenities.

Lessons from Ladysmith

1. Planning which prioritizes residential life will enhance communities and lead to a relatively high economic outlook. Planning which does not enhance residential life, and only attempts to grow economically, may lose residents and create enormous debts, while doing little to attract a diverse industrial base.
2. Mining does not create economic prosperity. Mining does not even create relative prosperity in rural centers where impacts should have been readily obvious.
3. Mining may even add to rural poverty as it distracts the priorities of urban planners and creates false hopes for the residents in a poor community.

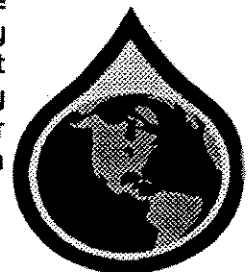
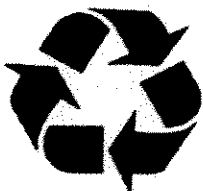
Until mining is the reason people live in northern Wisconsin, it will be difficult for mining operations to add economic prosperity to the region.

Jobs AND the Environment = Quality of Life

The 400 jobs at the proposed Crandon Mine promised to local residents by Exxon / Rio Algom will more than likely go to outside specialists and technicians who move into new mining areas and become temporary "locals." Numerous studies have shown that rapid influxes of people looking for jobs at mines typically cause "booms" in local economies, but bring with them problems of crowding at schools, quick-fix infrastructures increased traffic and noise, and leaving "old-timers" holding the bag in the form of increased property taxes once the mine has closed down. Our current standard of living, regardless of what mining proponents are trying to convince us, does not depend on mining in Wisconsin, or the opening of new mines! There is no question that we need metals and minerals. However, innumerable tons of valuable metals are lost to landfills and scrap piles.

A 1992 US Bureau of Mines study found that 10.6 million tons of steel, 800,000 tons of zinc, and 250,000 tons of copper are discarded as solid waste every year in the United States. More than a decade ago, the U.S. Office of Technology Assessment concluded that reuse, repair and remanufacturing were the most promising methods of conserving metals. Additionally, modern mining is highly technical, and fewer and fewer miners are needed to work in the mines. Far more jobs are created in reclaiming and recycling than by extracting virgin materials.

These alternatives should be considered and promoted before multinational mining companies are allowed to develop a Northwoods mining district that threatens our most precious Wisconsin resource - our clean water!



**Meet your Northwoods Neighbor: CHUCK SLEETER
Newly Elected Town Board Chairman**

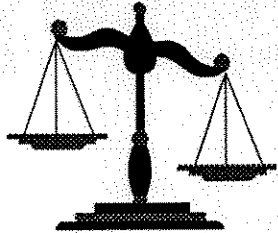
Chuck Sleeter, the new chairman of Nashville, Wisconsin's town board, believes his recent win on April 1, 1997, proves that public sentiment has turned against the Crandon Mining Company's proposed zinc and copper mine in scenic Forest County. Chuck says the real reason he got involved in throwing out the officials who favored the development of the Crandon metallic sulfide mine was to return the government to the people.

Sleeter, a former sheriff's deputy from Wood County in central Wisconsin, was infuriated by the arrogance of the former Town Board members, whose secretive meetings negotiating the "Local Agreement" with Crandon Mining Company officials were held behind closed doors.

The "Local Agreement," essentially a contract between a local government body and a mining company which overrides all other zoning regulations, and inserted in Wisconsin state law since Exxon discovered the zinc/copper deposit in mid-70s, was signed by the old town board and the Crandon Mining Company. It is being contested judicially; new town board members hope that it will be nullified on the alleged violations of the state's Open Meeting Law.

In what resulted in the most bitterly contested election (and biggest voter turnout) in local history, Sleeter, Joanne Tacopina, Duane Marshall, and Robert Van Zile, a member of the Mole Lake Sokaogon Chippewa Tribe, ousted long-time incumbents Carol Marquardt, Richard Pitts, Ed Bula, and Bill Marquardt.

This was a true indication that democracy still works in Wisconsin. Congratulations, Chuck and Co.!



**SAVE THE DATE to "Save our Water" Benefit
SEPTEMBER 30, 1997**

Benefit sponsored by the Forest County Chapter of the Wisconsin Resources Protection Council. Order your raffle tickets for a beautiful Pendleton blanket (\$1 per ticket or 6 for \$5); drawing on Sept. 30. Contact Helen Ward, Treasurer, Rt. 1 Box 795, Crandon, WI 54520

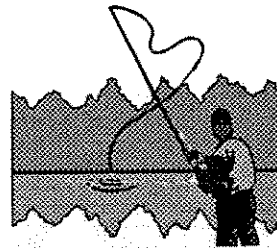
**Wisconsin's Wolf River Nominated 5th
Most Endangered River in the Nation!**

On April 17, 1997, the national river conservation group *American Rivers*, announced its nomination of the pristine Wolf River as the 5th Most Endangered River in the United States - because of the threat of environmental damage from Exxon's proposed Crandon Mine!

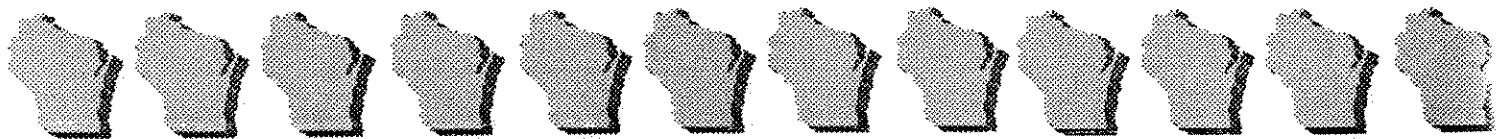
Northern Wisconsin is unique in its abundance of water resources. The lush landscape of Forest County, which would house Exxon's proposed Crandon Mine and toxic mine waste dump, has 824 lakes, 82 trout streams and 136 trout stream ponds.



These waters and the Northwoods help provide the Wisconsin tourism industry with viable economic revenues for the state - between 5 and 6 billion dollars annually!



The upper section of the Wolf River is a state-designated *Outstanding Resource Waters (ORW)*, and has been declared a National Wild and Scenic Riverway, meaning it cannot be degraded in any way!



Mining Impact Coalition of Wisconsin, Inc.

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Newsletter Coordinators: Linda Sturnot / Bonnie Mayer / Kira Henschel
Newsletter Production Support: Rick Whaley, Milwaukee Area Greens
Native American Advisor: Paula Rabideaux
Union/Labor Advisor: Gerry Gunderson (UASW)
Research Analysts: Tim Tynan, Brian Hirsch
Development Coordinator: Kathryn Wolf

Many thanks to everyone who supports and encourages MIC's efforts!

CONSERVATION CONGRESS RESULTS Pro-Water Campaign Gets Overwhelming Support

Unique to Wisconsin, the *Conservation Congress* is a private citizens group comprised of delegates from all Wisconsin counties to advise the DNR Natural Resource Board on matters under the board's jurisdiction. The Congress originated in 1934 and received statutory recognition in 1971.

As in previous years, mining-related questions on the annual state-wide spring survey of conservationists produced overwhelming results in favor of further controls on mining.

Each year, the results of the survey are forwarded to Natural Resources Board for rule-making recommendations. And each year, mining-related recommendations, despite strong vote counts, get ignored. This year's survey put the following questions to vote (amended here for space):

Q.48) Should DNR approve the criteria for evaluating Outstanding Resource Waters? (*note that DNR has been dragging its feet for a long time on this one...*) 59 counties approved, 6 disapproved, 1 tie vote, 6 abstained.

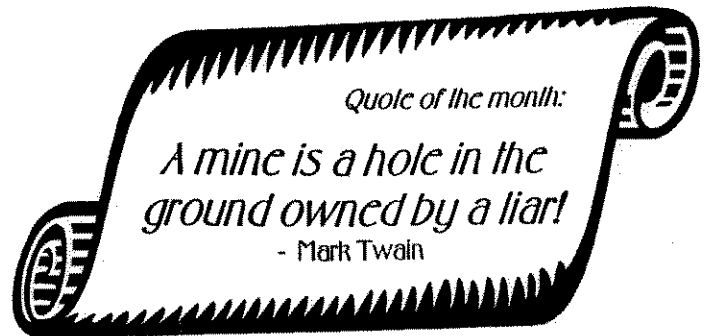
Votes: Yes 1,746 / No 191

Q.49) Should the mining industry be subject to the same groundwater standards as other industry? Of 72 counties, 69 approved and 3 did not vote.

Votes: Yes 2,456 / No 35

Q.50) Should DNR prohibit discharges of mine wastewater to the Wisconsin River? 69 counties approve, 1 disapproved and 2 did not vote.

Votes: Yes 2,314 / No 71



CRANDON MINING COMPANY'S SURVEY OF "ENVIRONMENTALLY RESPONSIBLE" MINES (a.k.a. false science and rhetoric at its best)

Mining Impact Coalition's Dave Blouin has compiled an analysis of Crandon Mining Company's (Exxon's) survey to find safely operating sulfide mines. None of the mines mentioned in the survey meet the requirements set forth in the Mining Moratorium Bill - that a mine has operated without environmental pollution for 10 years, or has been safely reclaimed for 10 years. Several of the mines mentioned were in rock formations significantly different from those in Northern Wisconsin (e.g., in limestone, which hinders the generation of acid mine drainage).

Despite numerous incongruencies with Exxon's survey, Crandon Mining Company, the Wisconsin Mining Association, Wisconsin Manufacturers and Commerce (Wisconsin's largest business lobby), and other mining proponents continue to distribute the survey to legislators as proof that the Mining Moratorium Bill is unnecessary.

The fact that Exxon has yet to find a metallic sulfide mine anywhere which has been safely reclaimed should instead reinforce the necessity of the bill!

To obtain a copy of the original survey and the MIC analysis, contact our Madison office at (608) 233-8455 or at <http://www.earthwins.com>

YES, count me in! I support Mining Impact Coalition's efforts to educate the public about the economic, social and environmental impacts of metallic sulfide mining. I want to help protect Wisconsin's Northwoods and our precious lakes and rivers!

- I need more information! Please send me a "newcomer packet."
- Yes, I want to support Mining Impact Coalition's education / outreach efforts with a generous tax-deductible donation of: \$15 \$25 * \$50 Other \$ _____

With a donation of \$25 or more, you will receive MIC's Action Alerts and newsletter: *Downstream Updates*.
I prefer to be updated by: Mail Email Fax

- Volunteers are always needed and appreciated! Please tell us where you would like to put in even a few hours.
- Phone campaign ☎ Computer entry / word processing 🖨 Mailings ✉
- Organizing / hosting meetings Other: _____

Please make check payable to Mining Impact Coalition of WI and mail to P.O. Box 55372, Madison WI 53706. Thank you!

Name: _____ (if different from that on attached label)

Address: _____ City: _____

Phone: _____ Fax: _____ Email: _____

Mining Impact Coalition also welcomes any comments, ideas or suggestions you might have:

For more information, call toll-free: 1-800-445-8615
 Mining Impact Coalition of WI - Milwaukee Chapter: (414) 964-5758
 Milwaukee Area Greens - (414) 964-5758

Compiled by Peter Watts, Watertown, WI and made available to MIC for wide
 distribution. *Thanks so much, Peter!* For your copy, please send \$5 to
 Mining Impact Coalition, PO Box 55372, Madison, WI 53705

ATTENTION EDUCATORS!
NEW Groundwater / Mining Curriculum
 Appropriate for K-12 students

Monday, July 14 / 6 p.m. Milwaukee
 Milwaukee Public Library Downtown, 814 W. Wisconsin Ave., 2nd floor
 Tuesday, July 15 / 7:30 p.m. Kenosha
 Kenosha Southwest Public Library, 7979 30th Ave., Kenosha
 Wednesday, July 16 / 6 p.m. Waukesha - co-hosted by Waukesha Environmental Action League (WEAL)
 Waukesha County Public Library, 321 Wisconsin Ave., Waukesha
 Thursday July 17 / 6 p.m. Racine
 Racine Public Library, 75 7th Ave., Racine
 Tuesday, July 22 / 6:30 p.m. Oconomowoc
 Oconomowoc Public Library, 200 South St., Oconomowoc
 Wednesday, July 23 / 6 p.m. Hales Corners
 Hales Corners Public Library, 5885 S. 116th St., Hales Corners
 Tuesday, Aug. 19 / 6:30 p.m. Port Washington
 Port Washington Police Dept. Community Room

Do you live in Southeast Wisconsin? You've heard about mining in Wisconsin but want to learn more?
 Attend one or more of the upcoming educational meetings (slides, speakers), sponsored by the Wolf
 Watershed Education Project, Mining Impact Coalition, Sierra Club, and others.

WISCONSIN RIVER CANOE FLOTILLA - from Hat Rapids near Rhinelander (just downstream from where Exxon
 proposes to dump mine wastewater through a pipeline into the Wisconsin River) to Lake Alice.
 Call 1-888-SUIFIDE for more information and to get bumper stickers, yard signs.
 Saturday, July 12

Downstream Calendar



Downstream
 Mining Impact Coalition of WI
 P.O. Box 55372
 Madison, WI 53705



Gene and Vera Stroud
 16940 W. Shadow Dr.
 New Berlin WI 53151

The Milwaukee Chapter of the Mining Impact Coalition meets every other Tuesday at 1001 E. Keefe Ave.
 Our next meeting will be Tuesday, August 12, 1997. Free and open to the public.
 For more information, please call co-chairs Linda Sturnot or Claire Vanderslice at (414) 964-5758
 For updates on the Mining Moratorium Bill, call the Wolf Education Project Hotline: 1-800-445-8615.

An Editorial Response
by State Representative Marc Duff

December 16, 1997

Concern Over Flawed Mining Bill Neither "Illogical" Nor "Divisive"

I was very troubled to read the December 15th *Capital Times* editorial attacking me for expressing concern over a serious flaw in Senate Bill 3, the so-called Mining Moratorium Bill.

Contrary to the claims of the *Capital Times*, I have never stated or implied that SB 3 would do more harm than good. I have always maintained, based on legal opinions drafted by the non-partisan Legislative Council attorneys, that SB 3 will do nothing to strengthen Wisconsin's already tough mining laws and will afford no further protection to the Wolf River and other Wisconsin waterways.

The *Capital Times* maintains that "...even if the mining moratorium bill does not cover Indian-owned land, it is still necessary" to protect lands not owned by tribes. I agree that we should continue to protect the environment of our state. That is why I have authored and supported several pieces of legislation which add additional strength to our mining laws, which already rank as the toughest in the country.

But if it's so vital to our state's future that non-tribal lands are protected, why does the *Capital Times* so cavalierly dismiss the fact that tribal-owned lands would **not** be regulated or protected under this proposal. Under SB 3, the \$1 billion ore deposit on land owned by the Sokaogon band of the Chippewa tribe at the headwaters of the Wolf River—which, ironically, is located only a few miles from the proposed mine in Crandon—could be mined by the tribes without any approval from the Wisconsin Department of Natural Resources.

I would think that such an obvious loophole would draw the immediate attention and concern of the environmental activists who have so vigorously lobbied against allowing mining in our state. Instead, State Representative Spencer Black, the primary supporter of SB 3, called this loophole a "non-issue." If Rep. Black is really so concerned about the environment, he should push for an immediate correction to this gaping loophole in SB 3, to ensure that all Wisconsin lands are equally protected by our laws. Wouldn't that be the logical thing to do?

But Rep. Black is so desperate to pass this bill that he has resorted to publicly claiming (*Capital Times*, 12-12-97) that there are "...no mineral deposits sufficient to justify mining on tribal lands," when the truth of the matter is that the \$1 billion Sokaogon ore deposit has been public

knowledge since 1981. If the loudest voice against mining in Wisconsin can't even get his facts straight, how can we take him seriously? What else has he left out of the debate on SB 3?

The *Capital Times* also claimed that I was, "...attempt[ing] to divide Indian and non-Indian interests..." Nothing could be further from the truth. I have never said, nor do I believe, that any tribe or Indian group is supporting SB 3 out of a selfish desire to later exploit the rich mineral wealth they hold on their lands. Since when did a desire to help safeguard the environment of an entire state become divisive?

I also find it interesting that these unfounded allegations against me originated from Ken Fish, the lobbyist for the Menominee Nation, who has used divisive tactics in the past during negotiations on tribal gaming and spear fishing issues. If Mr. Fish had been willing sit down and work with his non-tribal peers on these issues, maybe his accusations against me would make sense. As things stand now, I can't see how they could.

I will continue to work to develop amendments to SB 3 that ensure that tribal lands will be protected by any new mining regulations which also apply to the rest of the state. We can't afford to leave hundreds of thousands of acres of tribal land exempt from our state's environmental protection laws, and should insist that any bill we pass results in tough environmental regulation on both tribal and non-tribal lands.



WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

BILLION DOLLAR ORE DEPOSIT ON INDIAN LAND

FOR IMMEDIATE RELEASE
DECEMBER 15, 1997

CONTACT: REP. MARC DUFF
608-266-1190

MADISON...The Chairman of the Assembly's Environment Committee, Representative Marc Duff (R-New Berlin) disclosed today that the Sokaogon band of the Chippewa has a \$1 billion ore deposit on their tribal land, at the headwaters of the Wolf River, which will be exempt from the proposed mining moratorium.

Duff's revealed published reports from 1981 that the U.S. Geological Survey (USGS) had found a \$1 billion dollar ore deposit on tribal land owned by the Sokaogon Chippewa only miles south of the off-reservation mine currently proposed in Crandon. The revelations came just two days after Representative Spencer Black (D-Madison), the chief anti-mining advocate in the legislature, denied that any such ore deposits existed.

"If Rep. Black, who claims to be the legislature's mining expert, is unaware of a \$1 billion ore deposit exempt from our environmental regulations it makes you wonder what else he doesn't know," said Duff. "Before we start passing laws that create a virtual mining monopoly for the Indian tribes, we'd better find out exactly what other gold mines they might be sitting on."

Duff last week had raised concerns that Indian tribes and companies leasing land from the tribes would be exempt from a proposed mining moratorium bill (SB 3) currently before the State Legislature. Responding to Duff's concerns in Madison's *Capital Times*, Black stated that the USGS had found no mineral deposits that justified mining on tribal lands.

Milwaukee Journal reports from 1981, however, contradicted Black's claims. According to those reports, the USGS discovered an ore body containing copper and silver on the Mole Lake reservation in 1981. At the time, the USGS estimated the ore body to have a value of approximately \$1 billion. In addition, decades ago the USGS and the Bureau of Indian Affairs prepared a confidential report that discussed what other mineral deposits, if any, may exist on tribal lands. The findings of that report are not a public record and have never been released.

"It is unknown if more ore bodies exist on tribal lands because the tribes are extremely secret about his information," Duff said. "Technically, tribes could also purchase new lands with known mineral deposits and have them placed in trust status by the federal government, avoiding state environmental regulation."

(more)

Pager Two
Indian Ore Deposit

With the State Assembly poised to act on the mining moratorium bill in mid-January, Duff said he will work to develop amendments that ensure that the tribes will be bound by any tough new mining regulations applicable to the rest of the state.

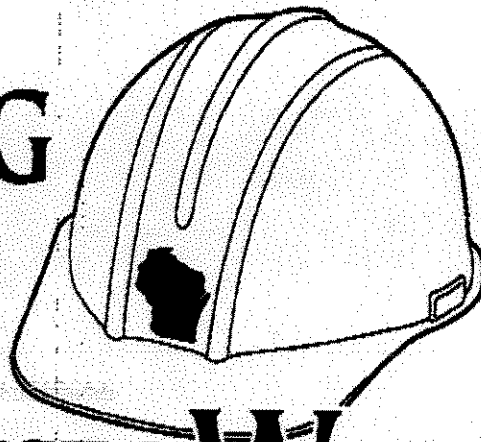
“We must not leave hundreds of thousands of acres of tribal land exempt from our state’s environmental protection laws,” said Duff. “We should insist that any bill we pass requires a level playing field for environmental regulation on both tribal and non-tribal lands.”

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CFR

Coalition for
Fair Regulation

MINING MATTERS TO WISCONSIN WORKERS



A mobilization kit
for the Milwaukee area
legislative hearing

The Coalition for Fair Regulation • P.O. Box 355 • Sussex, Wisconsin 53085 • 608-537-0537 • Fax 608-537-2823

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Peter Thies

Steering Committee:

MP Minerals - Chris Williams

Resource Information, Inc. - Dan Sullivan

Canadian Mining Company - William Hirsch

Polkman Mining Company - Jeff Erickson

Harding, Inc. - Bob Nelson

P & H Mining Equipment - Lesley Roseman

Society for Mining, Metallurgy & Exploration - Leslie Hines

Wisconsin Mining Producers - Andrew Duffey

