

Wisconsin Infrastructure Investment Now, Inc.
4230 East Towne Blvd. #245
Madison, WI 53704
www.wisconsininfrastructure.com



May 8, 2018

Via E-mail JFannin@co.forest.wi.us
Forest County
Land & Water Resource (Zoning) Committee
200 East Madison Street
Crandon, WI. 54520

Re: Public Comments on the Proposed Mining Ordinance

Dear Committee Members,

Wisconsin Infrastructure Investment Now, Inc. (WIIN) is a nonprofit organization, and its mission is to educate the public, elected officials and regulators on the societal and economic benefits of the responsible investment in, and expansion of, transportation facilities, renewable and traditional energy projects, mining and other infrastructure projects. WIIN thanks the Committee for the opportunity to comment on an ordinance regulating metallic mining in the Forest County.

The recently-enacted state legislation created a framework to allow for tremendous economic growth. A typical mine could create 300+ family-sustaining jobs in the local community. The Flambeau mine, for example, utilized local people for 85% of its workforce. Taxes and fees to local and state governments from a single mine would be over \$27 million. These numbers don't take into account the indirect economic development that would result from a new facility, including businesses needed to support project operations, housing development, and even increased spending at local restaurants and other establishments.

Despite rhetoric and fear-inducing hyperbole, mining can be safely and cleanly developed in Wisconsin, particularly in light of recent technological advances in the industry. It is imperative that, as the mining industry is renewed in Wisconsin, regulators take balanced, unbiased and responsible approaches to industry analyses and site-specific projects. The proposed ordinance appears to strike the proper balance between local control of health, safety and the environment and industry development. For example, we understand that current draft ordinance allows for job creators and the community to work together to establish appropriate terms for a potential project through a local agreement, as opposed to imposing generic standards or prohibitions without regard for project specifics.

Furthermore, local sourcing of resources means local control over workplace safety and environmental standards. For example, according to the Office of the United States Trade Representative, the United States imported \$1.7 billion in copper from Chile in 2016. See <https://ustr.gov/countries-regions/americas/chile>. The workforce safety and environmental standards utilized in Chile are less stringent than Wisconsin's standards, although Chile continues to develop and improve its

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Land & Water Resources (Zoning) Committee

environmental regulations. Additionally, the transportation costs (financial and environmental) are largely avoided if resources are sourced locally.

Again, WIIN appreciates the opportunity to comment on the proposed mining ordinance. We look forward to working with County officials as the ordinance process progresses.

Sincerely,

/s/ Tom Schaitel

Tom Schaitel
WIIN Board Member and Secretary

May 4, 2018

To: Forest County Zoning

From: Town of Lincoln Plan Commission

Re: Metallic Mining Public Hearing May 8, 2018 by Forest County

As requested, the Town of Lincoln Plan Commission met on May 2nd to consider comments and suggestions regarding the proposed Forest County Metallic Mining Ordinance. Following are some items we felt should be addressed:

Item #1 - The proposed ordinance addresses open space but there is no mention of possible berms to block off possible unsightly views. We would like to see that addressed as to height, local vegetation plantings, maintenance and a 40-yr after closure requirement same as the open space section.

Item #2 - In addition to a section protecting local wells, we would like to see a section protecting lakes and streams from potential drawdown. The Town is currently looking at amending our local zoning ordinance particularly to address that issue in our mining section. Following is the wording we are considering:

Item 1 - Section 15.35.2 - Add a second paragraph, as follows:

The applicant shall be required to monitor lake and stream levels and potential lake and stream drawdown as directed by the Town Board, to gather base line data concerning water levels and quality, and to assess and monitor the impact of permitted operations on the lake and stream levels/drawdown. A program to mitigate any detriment to the lake and stream levels shall be established at the time of the permit and shall be a condition thereof.

We would appreciate consideration of these items in your proposed ordinance. In addition, the Town of Lincoln would like to be kept apprised of any updates or changes that might come along regarding the metallic mining proposals. We do anticipate there will be some representatives from the Town of Lincoln at the Public Hearing on the 8th.

Thank you for your consideration regarding this issue.

Kathryn Gibbs, Secretary
Town of Lincoln Plan Commission



May 8, 2018

JFannin@co.forest.wi.us

Forest County
Land & Water Resource (Zoning) Committee
200 East Madison Street
Crandon, WI. 54520

Re: Proposed Mining Ordinance

Dear Committee Members,

The Wisconsin Building Trades Council represents the interests of 15 trade organizations and over 40,000 working men and women, some of whom call Forest County home. The trade organization members of the Council are Boilermakers, Bricklayers & Allied Craftworkers, Carpenters, Electrical Workers, Elevator Constructors, Insulators & Allied Workers, Iron Workers, Laborers, Operating Engineers, Operative Plasterers & Cement Masons, Painters & Allied Trades, Roofers, Sheet Metal Workers, Teamsters, and United Association.

The Council understands that the County is considering enacting a metallic mining ordinance in light of recent state legislation that was passed to spur responsible metallic mining development in Wisconsin. The 300+ local jobs that one mine could bring to a Forest County community is of particular import to the Council. Mining jobs are skilled jobs, with average annual salary and benefits packages of \$81,000-\$88,000. The median household income in Forest County, as reported by the U.S. Census Bureau, is \$41,378, which is well below the State median household income. One mine could have a dramatic, positive impact on the local economy. Economic growth is imperative for Northern Wisconsin, and creating high-paying, family-supporting jobs will help keep Northern Wisconsin talent in Northern Wisconsin.

However, we understand that economic development has to be balanced with local safety and environmental protection. New advanced technologies have greatly improved mining safety and environmental impacts in the 20 years since metallic mining was effectively banned in Wisconsin. The Council is encouraged that Forest County appears to be taking a balanced and measured approach to the regulation of metallic mining. The ordinance appears to have a local project agreement provision, which allows developers and local officials to

Wisconsin Building Trades Council
1602 S Park St., Suite 204
Madison, WI 53715



cooperatively create a partnership while ensuring that protections are in place for the community and the environment. We hope that as the ordinance consideration process continues, that the elected officials of Forest County will continue this balanced and measured approach to ensure that economic development and community and environmental protection are achievable under a metallic mining ordinance.

The Council appreciates the opportunity to comment on the possible Forest County metallic mining ordinance.

Sincerely,

/s/ Dave Branson

Dave Branson
President

In November 19, Robert Russell, Manager of the Crandon Project for the Exxon Minerals Company, gave an update on the Crandon Mine. Russell addressed the North Regional Planning Commission in Wausau. He told the Commission in some detail the scope of the mine project in Forest County.

Russell stated the project would be divided into three phases. The first would be surface facilities, which include the large plant required to concentrate the ore. This phase would take about 31 million man hours. He also said that the company might decide to bring in a national general contractor for this work. The second contract area would be underground shaft and crusher facilities. This phase of the project would probably take 1.1 million manhours. This part would be done be in large by a contractor who specialist in this work. The third construction area would be mine development, involving about 3.6 million manhours if construction management is included.

From the samples taken Exxon reported that they discovered about 3.4 tons of zinc, 800,000 tons of copper, 200,000 tons of lead, about 43 million ounces of silver some 200,000 ounces of gold.

Pam LaBine

From: Larry Konopacki <LKonopacki@staffordlaw.com>
Sent: Tuesday, May 08, 2018 3:38 PM
To: Pam LaBine
Cc: Paul Kent
Subject: Follow-up

Hi Pam, great talking to you today, and thank you again for your kind words about both Paul and me. In the interest of time, I thought I would pass this on to you directly:

Under Wisconsin Statutes s. 293.41 (2) (f), local governments such as counties are given express authority to provide special exceptions to a mining company in a local agreement between the mining company and the county or town. These exceptions can be from any ordinances, resolutions, or approval requirements that would otherwise be required by the county. Best of all, this all occurs outside of the administrative maze required for zoning actions.

This statute has been discussed by the Wisconsin Court of Appeals in *Nicolet Minerals Company v. Town of Nashville*, 2002 WI App 50. In that case, the town entered into a local agreement waiving applicability of its ordinances then tried to sue to get that local agreement invalidated (as you could guess, the town board membership changed in between). The court was clear and concise in its interpretation of this statute, calling it an express delegation to local units of government to enter into local agreements with mining companies in which the local government waives applicability of its local zoning permits and other approvals in exchange for the mining company addressing land use concerns.

As we discussed, this means that a county may take a strong position under zoning law with respect to metallic mining, and reserve all of its prerogative and authority until it has a chance to review a proposed project and engage in the negotiation of a local agreement. This helps elected officials because they can vote for a strong ordinance that keeps all of the power in the county's hands while still not ruling out the possibility of allowing a well-designed and socially-acceptable mining project in the county at some point in the future.

A zoning ordinance provision that takes this approach can be very simple: it would just provide that metallic mining is only permitted in the county as provided under an executed local agreement entered into by the county under Wis. Stat. s. 293.41. Some board members may want to include language about what types of potential impacts they would like to see addressed in a local agreement, which would also be fine.

It really is that easy. This statute gives counties more power with respect to this type of activity than any other type of land use, so it just makes sense to take advantage of it.

Thanks,
Larry

STAFFORD
ROSENBAUM
LLP

Larry A. Konopacki
konopacki@staffordlaw.com | 608.259.2607 | Fax: 608.259.2600 |
| 608.259.2637 Marjorie Irving – Legal Assistant |
222 West Washington Avenue, Suite 900
P.O. Box 1784 | Madison, Wisconsin 53701-1784
www.staffordlaw.com | [profile](#) | [vCard](#) | [Stafford Blogs](#)

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