

METALLIC MINING COMMITTEE MEETING MINUTES

April 1, 2013

Ground Floor Conference Meeting Room

Present were members Rollie Thums, Dennis Fuchs, Roger Ewan, and Ray Soper. Also present were Attorney Bill Scott, Kyle Noonan, Arlen Albrecht, Steve Oberle, Mark Berglund (*Star News*), Paul Herder and Sue Noland. Myron Brooks, Jess Sackmann and Ken Schmiede were absent.

The meeting was called to order at 10:00 AM by Chairman Thums.

Motion by Ewan and seconded by Fuchs, to approve the agenda as posted. Motion carried.

Motion by Fuchs and seconded by Ewan, to approve the minutes of the February 11 Committee meeting. Motion carried. The minutes of the February 25 Public Hearing were reviewed. Motion by Fuchs and seconded by Ewan, to approve the hearing minutes. Motion carried.

Public Hearing comments and other changes were discussed.

- A question was asked how solution mining would be addressed. Attorney Scott indicated if an application were submitted for solution mining, either stipulations of application approval or a local agreement would clarify special requirements.
- A proposed addition was reviewed to the *Cash Deposit to Trust for Roadway Damage Compensation* section for county to enter agreements with other units of government affected by mining to provide for road construction, maintenance and repair with the County disbursing funds from the road damage trust to address roads under jurisdiction of such other governments.
- Discussed adding Nonferrous to clarify regulation of only nonferrous deposits which are not an iron deposit. (This ordinance does not regulate ferrous deposits). The title of ordinance will be *Nonferrous Metallic Mineral Mining Land Use and Reclamation*.
- The definition of "Nonferrous Metallic Mineral" will be added to definitions. (j) Nonferrous Metallic Mineral means an ore or other earthen material to be excavated from the natural deposits on or in the earth for its metallic content but not primarily for its iron oxide content.
- Incorporate Mr. Soper's changes under Part V: Conditions on Metallic Mineral Mining License, which would identify examples for types of issues which may be considered as conditions of license.
- Attorney Scott proposed changes to sections 47.12 & 47.13 discussing local agreements. Soper's intention was to be able to negotiate anything except for the standards. After discussion, it was decided to not make any changes to the proposed revision as presented.
- Statute 59.69 under Statutory Authority was discussed. Motion by Fuchs, second by Soper to remove 59.69 in Statutory Authority and change Section 47.03, Intent. Motion carried.

Motion by Fuchs, second by Soper, to approve above discussed changes as submitted from Attorney Scott and from Ray Soper. Motion carried.

Motion by Fuchs, second by Soper to approve the Nonferrous Metallic Mineral Mining Land Use and Reclamation draft ordinance as amended with changes and present to the County Board. Motion carried.

Chairman Thums stated that a second signature page for all ex-officio signatures will be included of the parties involved with ordinance drafting. Committee asked that Attorney Scott attend County Board session on April 16th when draft ordinance will be reviewed.

Motion by Ewan and seconded by Fuchs, to adjourn at 11:30 AM. Motion carried.

Kyle Noonan
Zoning Administrator

METALLIC MINING COMMITTEE
PUBLIC HEARING
March 25, 2013 6:00 to 8:00 PM
Community Center, Fairgrounds

Present were members Rollie Thums, Dennis Fuchs, Ray Soper, Roger Ewan, and Myron Brooks. Also present were Attorney Bill Scott, Attorney Ken Schmiede, Kyle Noonan, Arlen Albrecht and Sue Noland. Absent were Steve Oberle and Jess Sackmann.

The hearing commenced at 6:00 PM. A public hearing was conducted on the newly drafted Metallic Mineral Mining Land Use and Reclamation ordinance. There were 14 individuals present from the public. Chairman Thums welcomed everyone to the hearing and made opening statements. The guidelines for conducting the hearing were read. It was pointed out that this hearing is for a proposed ordinance not a mining proposal.

Administrator Noonan showed a power point presentation. The history and purpose of the committee to set goals and objectives, and plan strategy was established; County Board amended ordinance and established five County Board members, appointed ex-officio members being Zoning Administrator, UWEX Community Resource Agent, Highway Commissioner, and County Conservationist; the purpose is to protect the human health, safety and general welfare of Taylor County; the mining committee shall serve and carry out duties of Local Impact Committee, and be primary decision maker of regulations. The Mining Committee has met since January 2012 to develop a Metallic Mineral Mining Land Use and Reclamation Ordinance. Committee members, ex-officio members and important contributors were introduced.

Administrator indicated and briefly summarized the seven major Parts to the draft ordinance. Part I – General; Part II – Standards; Part III – Notice of Intent; Part IV – Metallic Mining Licensing; Part V – Conditions of Metallic Mineral Mining License; Part VI – Administration and Procedures; and Part VII – Enforcement. A timeline from Day 1 to Day 695 was reviewed of process, if and when an application is received. There are 3 public hearings that would be conducted throughout the process.

Chairman Thums asked for public comment based on comment cards that were completed. A 4 minute allotment for each question/comment was given.

- Speaker 1 - Juliana Reimann: Protection of water, assurance of economic growth/harm and protection of landowners affected by impact. Presented statistical information regarding the Flambeau Mine and unemployment rate, per capita income, and population living in poverty.
- Speaker 2 – Mary Quante: Section referring to public roadways: does this refer to town roads as well? Does the township receive any monies to repair any damaged roadways.
- Speaker 3 – Al Gedicks: He stated Aquila Resources lobbyist has testified before the WI Senate Committee on Mining that the mining moratorium law should be repealed because of the recent court case regarding pollution at the Flambeau Mine. Is the committee aware of the ongoing pollution at the Flambeau Mine and how Wisconsin's Prove it First law is still relevant and should be incorporated in Taylor County's mining ordinance.
- Speaker 4 – Karl Fate (presented 4 separate questions):
 - a) How does the ordinance address groundwater drawdown impacts?

- b) How does the ordinance protect Taylor County from our current State Government?
- c) Does the ordinance prohibit Solution (cyanide) mining?
- d) How does the ordinance protect the Towns ability to protect themselves?

After all questions/comments were heard an informal recess was declared at 7:00 PM. The hearing reconvened at 7:45 PM. Since there was time available, Mr. Gedicks further commented the ordinance contains baseline water quality and performance bond provisions for covering costs. He commented on scientific studies and predictions on previous contaminations. Gedicks is basically asking to expect worse-case scenarios rather than be surprised.

Chairman Thums indicated there will be a Metallic Mining Committee meeting on Monday, April 1 at 10:00 AM in the Ground Floor Conference Room. The committee will be finalizing the ordinance. After Committee has given final approval, the ordinance will be presented to the full County Board.

A digital recording of the hearing is filed in the Zoning Office.

The public hearing concluded at 8:00 PM.

Kyle Noonan
Zoning Administrator

METALLIC MINING COMMITTEE MEETING MINUTES

February 11, 2013

Ground Floor Conference Meeting Room

Present were members Rollie Thums, Dennis Fuchs, Roger Ewan, Ray Soper, and Myron Brooks. Also present were Al Christianson (*Ladysmith Administrator*), Attorney Bill Scott, Attorney Ken Schmiede, Kyle Noonan, Arlen Albrecht, Jess Sackmann, Steve Oberle, Mark Berglund (*Star News*), Paul Herder and Sue Noland.

The meeting was called to order at 9:30 AM by Chairman Thums.

Motion by Soper and seconded by Ewan, to approve the agenda as posted. Motion carried.

Motion by Fuchs and seconded by Brooks, to approve the minutes of the January 21 Committee meeting. Motion carried.

Mr. Al Christianson was present to give an overview of the Flambeau Mine operations. He stated the mine was originally discovered in 1968 but was not pursued due to permitting and low copper prices. In mid-1980, discussions started with 19 negotiation/learning sessions being held over a 10 month period. The construction of the mine was from 1991-93 with the last ore stripped out in 1997. The mine was 225' deep over a 35 acre area. There was a 3" thick gold deposit in the mine. It was stated that the mine company reimbursed meeting costs and legal counsel expenses. There were also grants and other sources of revenue received during mine operations. Incoming revenue allowed for various projects/buildings constructed and numerous citizens employed. The DNR relocated their Ladysmith Service Center to the former Flambeau Mine site. Mr. Christianson indicated there are no lingering environmental issues after the mine project has been completed. The presentation was very informational and Mr. Christianson answered numerous questions. Al departed the meeting at 10:20 a.m.

The fifth draft of the Metallic Mining Ordinance was discussed. Attorney Scott went over some of the changes that were made since the last meeting. The penalties section has been completed. This section was set up for Administrator and mining company to be able to talk and try to resolve any violation(s) before revocation of license. The section for Procedures for Application Review and Public Hearing and section for License Denial were modified with the most important items being the opportunity for the Committee to change their proposed recommendation after a public hearing is conducted and prior to County Board approval or denial. The County Board can only either approve or deny the Committee's final recommendation and cannot make modifications to the license. It will be an up or down vote. The draft ordinance has been reformatted to fit Taylor County Code and other minor adjustments made. After discussion, motion by Ewan and seconded by Fuchs, to take reformatted proposed ordinance to public hearing subject to typos and scripter errors. Motion carried.

There are no changes in the proposed timeline.

A draft public hearing notice was handed out. A class 2 notice will be published. Things to prepare for public hearing is to prepare an overview of how the ordinance was structured, have comment cards, allow for a 2 minutes limit, etc. Attorney Schmiede will research some items and report to the Committee. The public hearing is set for Monday, March 25, 2013 from 6-8 PM in the Community Center.

The draft Questions & Answers regarding Metallic Mining and draft informational press release were discussed. They will be distributed for public information.

The next meeting was scheduled for Monday, April 1 at 9:30 AM in the Ground Floor Conference Room.

Motion by Fuchs and seconded by Ewan, to adjourn at 11:40 AM. Motion carried.

Kyle Noonan
Zoning Administrator

METALLIC MINING COMMITTEE MEETING MINUTES

January 21, 2013

Ground Floor Conference Meeting Room

Present were members Rollie Thums, Roger Ewan, Ray Soper, Dennis Fuchs and Myron Brooks. Also present were Attorney Bill Scott, Attorney Ken Schmiede, Courtney Graff, Jim Metz, Kyle Noonan, Arlen Albrecht, Jess Sackmann, Steve Oberle, Paul Herder, Tracy Benzel, Mark Berglund (*Star News*) and Sue Noland.

The meeting was called to order at 9:30 AM by Chairman Thums.

Motion by Ewan and seconded by Brooks, to approve the agenda as posted. Motion carried.

Motion by Brooks and seconded by Fuchs, to approve the minutes of the December 10 Committee meeting. Motion carried.

Ken Schmiede introduced his new assistant Courtney Graff. All parties present introduced themselves to Courtney.

Mr. Thums reported he invited a representative of Flambeau Mining to the next meeting. Al Christiansen is the Administrator for Ladysmith.

Attorney Scott reported a 260 page State Mining Legislation has been prepared. This bill separates ferrous from non-ferrous materials. The Bend Project will likely not be impacted by this bill. The bill appears to have no changes in groundwater protection for either ferrous or non-ferrous mining. If necessary, amendments can be made to our ordinance in the future.

The fourth draft of the Metallic Mining Ordinance was discussed. It was questioned if our proposed ordinance is too restrictive. Basically our current draft is asking for the same information that the State application requires. After discussion it was decided to remove itemized application materials that duplicate the content of State application materials, except County Impact Statement will remain. If no State application is required, we would request Chapter 132 Metallic Mineral Mining requirements be met. Motion by Fuchs and seconded by Soper to make the following changes to Part IV-LICENSING under 3. Application for License. A Signed and Notarized Statement will be added to (1) Application. Further, omit (4) Signed and notarized statement; (5) Project description; (6) Utilities; (7) Roadway and Traffic Analysis; and (8) Environmental Impact Report from current draft. Motion carried.

Administrator Noonan also went through changes he and Albrecht had discussed. All areas in the ordinance where nonrefundable fee is stated, will be removed.

Pauses in the timeline for the county were discussed. It was felt that the ability of the County to pause the process should be included for specific reasons and those reasons should be stated to justify why the pause is necessary. The advantages of advancing the County process at the same pace as the state process was discussed.

A handout was reviewed from Attorney Scott and his revisions of the Findings section to accommodate for Taylor County's population, groundwater and other impacts. These Findings and Intent will be incorporated to the draft ordinance.

Standards will remain as currently printed, as they are in place to protect our people and lands.

Miscellaneous typos were also pointed out for correcting.

Attorney Scott will update required changes for February meeting.

Metallic mining annual fee was discussed. Since county dollars would be tied up during the mining process, it was suggested to charge an annual fee to administer the program. The annual fee would be for phone calls, emails, discussions with landowners, meetings, etc. It

could be called a yearly operational fee. Fuchs suggested Administrator Noonan research with other counties to see if they have such a charge. Briefly discussed was whether these costs are already addressed under the Administrative Fee Procedures. Attorney Scott advised that the charge must reflect actual costs or it will be viewed as an unlawful tax. With regard to fees paid, Attorney Scott will omit the words "non-refundable" so that amounts paid to the County that are not spent are all refundable to the applicant or licensee.

The penalties section has not been completed. Mr. Scott suggested a couple ways to address this. He will prepare a couple alternatives and will discuss at the February meeting.

The revised timeline was reviewed with 3 built in pauses, all of which are at the Applicant's discretion.

Future public hearing will likely be held in March after final review and Committee approval of draft ordinance. A class 2 notice will be published. If comments are made from public hearing, ordinance may need to go back to Committee before forwarding to County Board.

The draft Questions & Answers regarding Metallic Mining will be discussed at the next meeting.

Other Business: a) An addition to the financial assurance section was discussed. This additional wording indicated bonding should not be required longer than 20 years after completion of reclamation. This will be included in re-draft. b) Tracy Benzel made a couple brief statements regarding mining in Iron County and the process they are following.

The next meeting was scheduled for Monday, February 11 at 9:30 AM in the Ground Floor Conference Room. If this date is not available for Al Christiansen to attend, then we will meet February 18.

Motion by Fuchs and seconded by Ewan, to adjourn at 11:35 AM. Motion carried.

Kyle Noonan
Zoning Administrator