



Wisconsin Trout Unlimited
736 Meadowbrook Ct.
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Position of Wisconsin Trout Unlimited
IN OPPOSITION OF AB 426, THE WISCONSIN ASSEMBLY IRON MINING BILL
January 10, 2012

Position Summary

On behalf of 4,500 Trout Unlimited members in the State of Wisconsin, Wisconsin Trout Unlimited would like to express our strong opposition to AB 426, the IRON MINING BILL. Wisconsin Trout Unlimited is a member of the Trout Unlimited national organization which represents 147,000 members in 50 states, including Wisconsin. The mission of Trout Unlimited is to protect, reconnect and restore America's coldwater resources. This Bill would severely weaken current protections for the State's trout streams, wetlands, and other coldwater related resources, and could easily lead to significant degradation and irreparable harm to these resources. The proposed exclusions from many of the State's mining standards and regulations, making separate accommodations for ferrous mining activities, are unnecessary and ill-advised from an environmental and economic perspective.



Tyler Fork Native Brook Trout

Statement of Opposition

The proposed mining bill, AB426, would effectively move the clock back for the regulated protection of environmental resources, clean water, and the rights of the citizens of Wisconsin. The mining bill would remove important environmental protections that the citizens of the State have relied on for many years.

The bill would result in waivers and exclusions that would only be available to the ferrous mining industry. The bill allows iron mining law to supersede all other environmental regulations, unlike current law which gives deference to existing environmental laws, and unlike laws all other industry is subject to.

Wetlands serve as a filter and cooling source for waters flowing into our highly sensitive trout streams through seeps and springs. The loss of wetlands near trout streams can easily lead to resource impairments such as lower flows and warmer water, and alter the ecosystem in these watersheds to an undesirable and unnatural condition. Many of these trout streams are currently classified as Exceptional and Outstanding Resource Waters as recognized under state administrative rule which prevents these streams from being degraded. The bill would significantly



Tyler Forks River above the gorge
stream quality and ecosystem damage.

weaken the current law requirements for mitigation, and then requires wetland fill permits to be issued as long as mitigation under those weakened laws is offered. Wetland mitigation would not even be required to occur in the same general area as the wetland being destroyed. In the process of allowing fill material disposal, the bill would allow mining corporations to dump toxic mine waste into sensitive wetlands and floodplains.

Considering the fact that sulfide-containing rock is fairly common to find in taconite ore formations, the waste disposal would lead to acidified runoff resulting in degraded stream quality and ecosystem damage. The bill clearly alters several provisions meant to protect our watersheds from this acid mine drainage. Specifically, the bill says the mining company no longer needs to provide information to the WI DNR on the nature and depth of waste rock when submitting a mining plan.

The bill effectively removes the opportunity for the public to participate in processes that directly influence the environment and quality of life they are accustomed to. This bill would remove the citizens' right to file litigation for illegal environmental damages resulting from mining operations, even though citizens have undeniable legal standing under the Clean Water Act. All contested case hearings would be removed, which provide the only opportunity to challenge data and question mining officials on the record. There would only be a requirement for one public hearing for the entire mining project, current law requires a minimum of three. The bill caps the amount of money a mining company must pay the State for analyzing its permit, leaving the public to pay the remainder of the expenses involved. The bill also allows mining corporations to seek an end to their long-term responsibility for a mining site by cutting the length of time to one-half of that required by current law.

Solutions or Alternatives

While we certainly recognize the need for raw materials, and jobs that support local economies, we disagree that the weakening of environmental requirements and regulations is the correct manner for cultivating these goals. Creation of jobs and extraction of raw materials are not mutually exclusive of having a clean, protected environment.

Conclusion

Wisconsin Trout Unlimited respectfully requests and urges opposition to the ill-advised bill AB 426, Iron Mining Bill in the interest of the citizens of Wisconsin and the continued protection of our natural resources.