



TROUT UNLIMITED  
**WISCONSIN COUNCIL**

Conserving, protecting and restoring our country's coldwater fisheries and their watersheds



**The Wisconsin Trout Unlimited is opposed to SB 395, a bill that makes changes in the laws relating to the regulation and permitting of nonferrous metallic mineral prospecting and mining.**

**Wisconsin Trout Unlimited** does not support the proposed amendments to the bill because they do not go far enough to mitigate the impact of the legislation that will have on the surface and ground water habitats that support trout.

This bill will directly impact how sulfide ore mining is permitted and occurs in Wisconsin.

Sulfide ore mining is the process of extracting nonferrous metals from sulfide-rich ore deposits. That process creates sulfide-rich byproducts (such as tailings), and disturbs and exposes sulfide-rich earth.

When sulfide-rich tailings and earth are exposed to air and water, **acid mine drainage** may occur. Acid mine drainage, in turn, can have incredibly harmful impacts upon both surface and groundwater, and the negative impacts of sulfide mines are well documented across the country.

As a result, under current law, the Wisconsin Department of Natural Resources (DNR) is prohibited from issuing sulfide ore body mining permits until it is determined that 1.) there is a mining operation in a potentially acid-generating sulfide ore body in the United States or Canada that has been in operation for at least ten years without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals; and 2) there is a mining operation that operated in a potentially acid-generating sulfide ore body in the United States or Canada that has been closed for at least ten years without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals.

**SB395 would end these common sense “prove it first” requirements which require proof that would-be sulfide mine operators can do it safely in Wisconsin.**

In addition, current Wisconsin law requires mine operators to obtain high capacity well permits if mine dewatering or groundwater withdrawals for mining or prospecting operations will exceed 100,000 gallons per day. DNR is currently prohibited from issuing such permits if a mine's dewatering or groundwater withdrawals would result in unreasonable detriment to the public's right of the waters of the state.

**SB 395 would end this prohibition.**

In its place, SB 395 would allow DNR to issue high capacity permits for dewatering and withdrawal even when they result in an unreasonable detriment to the public's right in the water of the state, with conditions such as requiring that applicants provide replacement water supplies, and/or temporarily augment the quality of water flowing in, into, or from impacted water bodies.

In addition, SB 395:

- Gives mining companies wider berth to pollute groundwater by limiting the depth to which DNR may apply groundwater enforcement standards;
- Repeals existing Administrative Code standards related to wetland disturbances associated with mining operations;
- Changes the way that bulk sampling occurs, specifying deadlines and specifically stating that DNR is not required to prepare environmental impact studies as part of the bulk sampling process;
- Changes sulfide-mining applications, limits the extent of predictive modeling that may be required as part of the permit process, and limits the types of financial assurance that may be required of applicants;
- Specifies timelines for DNR action on various applications;
- Makes changes, sets deadlines, and limits the manner in which permits are reviewed and contested case hearings may be requested; and,
- Exempts mining operations from review, license, tonnage fees and recycling fees associated with solid waste disposal.

**Angling and other outdoor sporting activities in Wisconsin depend on clean water. A 2016 economic impact study found that recreational trout angling in the four State Driftless Area (situated primarily in Wisconsin) is a \$1.6 BILLION annual economic generator.**

According to an American Sportfishing Association ("ASA") 2013 report, Wisconsin ranks 9th in angler expenditures, with 1.24 MILLION anglers combining for a total 21.28 MILLION fishing days, and accounting for \$1.4 BILLION of spending each year. That same report finds Wisconsin ranks 3rd as a non-resident fishing destination, with over 335,000 out-of-state anglers spending \$445 MILLION here in our State each year. Angling directly supports 21,542 jobs in Wisconsin.

Wisconsin Trout Unlimited cares about cold, clean, drinkable, and fishable water, and the huge economic benefits that such waters create now and will create in the future. Further, Wisconsin Trout Unlimited supports strong protections for our ground and surface waters, and is a strong proponent of common sense "prove it first" requirements for sulfide mining operations.

**For these reasons, Wisconsin TU is opposed to SB 395.**