

**MINING OVERSIGHT / LOCAL IMPACT COMMITTEE (MO/LIC)  
MEETING MINUTES # 14-2010**

**DATE:** September 29, 2010

**TIME:** 1:00 p.m.

**PLACE:** Large Meeting Room (UW—Extension); Rhinelander / Oneida County Airport Terminal Building; Rhinelander, WI

**PRESENT:** Committee Chair David Hintz; Committee Members Tom Rudolph; Gary Baier; Peter Wolk; David Schatzley, Ex Officio; Forest Director John Bilogan; Forestry Secretary Cindy Eckardt; Planning Manager Steve Osterman; Planning & Zoning Director Karl Jennrich; Corporation Counsel Brian Desmond.

**OTHERS PRESENT:** Tom Evans; Manny Oradei; Bob Berns; Karl Fate.

**CALL MEETING TO ORDER—**Committee Chair Hintz called the meeting to order at 1:00 p.m., noting that the meeting that had been properly posted in accordance with the procedures set forth by the Wisconsin Open Meeting Law.

**APPROVE CURRENT AGENDA WITH THE ORDER OF AGENDA ITEMS AT CHAIR'S DISCRETION—**It was moved by Rudolph, seconded by Wolk, to approve the September 29, 2010 agenda, with the order of agenda items at Chair's discretion. Motion carried.

**APPROVE MINUTES OF SEPTEMBER 3, 2010 MO/LIC MEETING—**It was moved by Wolk, seconded by Rudolph, to approve the minutes of the September 3, 2010 MO/LIC meeting. Motion carried.

**UPDATE ON LAKE BED VS. WETLAND ISSUES (BY STEVE OSTERMAN AND / OR TOM EVANS)—**Tom Evans was present and reiterated the lake bed vs. wetland issues, as follows: "The State of Wisconsin owns the mineral resources beneath the lake beds. For minerals occurring beneath lands that are at a surface elevation lower than the Ordinary High Water Mark (OHWM), the State owns the mineral rights and the County could not lease those rights. For mineral occurring beneath lands that are at a surface elevation higher than the OHWM, the County owns the mineral rights and can consider whether or not to lease them subject to State and the County regulations. Here, the issue is who owns the minerals. For the Lynne proposal in the early 1990's, the DNR, the County, and Noranda engaged in field investigations related to determining the OHWM for several navigable waters in the town of Lynne area. To my (Tom Evans) understanding, the DNR made preliminary decisions related to the large lake bed (Lake 15-13) to the east and north, resulting in identifying the OHWM for that former water body (mostly wetlands except for the small lake 15-13 off to the east). The DNR also identified the OHWMs for several smaller navigable water bodies in Section 22 (south of the actual deposit, which is wholly within Section 15) in the area where Noranda was proposing to locate their surface facilities (mill, waste piles, tailings impoundment, etc). Here the concern was not so much about ownership as much as a concern with environmental protection and whether or not these small areas are navigable lakes. Under State law, lake beds receive special protection: it is

not lawful to “irreparably harm” a lake bed as a consequence of metallic mineral development. My review of the information available today suggests that it was the Section 22 issues that Noranda saw as most problematic. A different company and / or a different mining approach or plan may take a different approach to those same issues.”

The navigable lake beds and streams and the environmental review process will be revisited at the appropriate time. During the evaluation phase, which is done at a later date, the environmental and economic impact studies are done. Tom Rudolph commented that until other interest in mining exploration, any further evaluation could be determined. Gary Baier asked if the County land could be sold. Manny Oradei, Liaison Forester, stated that per State regulations, the County land could not be sold, unless replacement acreage could be acquired. Steve Osterman inquired if the lease proposal would be to any land in Oneida County, or just in Lynne. Chair Hintz felt that just in the Town of Lynne, at this time, would lease exploration proposals be considered. Peter Wolk inquired if a referendum would be in order. Gary Baier didn’t approve a referendum, but thought a survey of the citizens in the towns affected by a proposed mining exploration lease could be helpful.

**RESULTS OF UPDATING THE COUNTY BOARD ON MINING OVERSIGHT / LOCAL IMPACT COMMITTEE’S PROGRESS—Overall the feedback was good.**

**DISCUSSION AND PLANNING OF NEXT STEPS—Tom Rudolph, Gary Baier, Peter Wolk, Dave Hintz, and Dave Schatzley all felt that the next steps would be to solicit bids for mining exploration leases, along with evaluation proposals, with a 30 day RSVP. It was then moved by Rudolph, seconded by Baier, to direct Corporation Counsel to draft a mining exploration lease proposal agreement for the Mining Oversight / Local Impact Committee to consider for soliciting bids, to seek advice from an attorney having experience in the mining field if necessary, and to then review the draft proposal, along with review / approval by bring back to the Mining Oversight / Local Impact Committee, for County Board approval. Roll Call Vote: Wolk—aye; Baier—aye; Rudolph—aye; Hintz—aye. Motion carried.**

**AVAILABILITY ON CONSULTING SERVICES—Corporation Counsel Brian Desmond will recheck with the attorneys having experience with mining exploration leases.**

**UPDATE ON OTHER MINING RESEARCH IN THE U.S.—Chair Hintz stated that he had checked out several websites on the internet concerning mining research in the U.S., which included country mine; and citizens for responsible mining websites.**

**PUBLIC COMMENTS: Karl Fate distributed a map of the Lynne Deposit and Wetlands, Lake beds, and Streams. Mr. Fate was concerned about the inner and outer limits of Noranda’s originally proposed mine.**

**BILLS / VOUCHERS / LINE ITEMS TRANSFERS (IF NECESSARY)—None.**

**SELECT DATE FOR NEXT MO/LIC MEETING—Wednesday, November 10, 2010, at 9:30 a.m., in Committee Room # 1, 2<sup>nd</sup> Floor, Court House, Rhineland, WI**

**AGENDA ITEMS FOR FUTURE MEETINGS—Update on outside legal counsel; draft lease proposal; lease / leasing ideas / concepts to be considered on future agendas; update from Manny Oradei concerning Forest County’s withdrawal costs.**

**ADJOURN—With business completed, it was moved by Rudolph, seconded by Baier, to adjourn the meeting at 2:52 p.m. Motion carried.**

---

**DAVID HINTZ  
COMMITTEE CHAIR**

---

**CINDY ECKARDT  
RECORDING SECRETARY**