

MINUTES OF THE MINING OVERSIGHT / LOCAL IMPACT COMMITTEE  
MEETING # 7-2009

DATE: December 3, 2009

TIME: 9:00 a.m.

PLACE: Committee Room # 2, 2<sup>nd</sup> Floor, Court House, Rhinelander, WI

PRESENT: Chairman Tom Rudolph; Committee Members Gary Baier; Larry Greschner; David Hintz (new member); Ex Officio David Schlatzley; Forest Director John Bilogan; Forestry Office Secretary Cindy Eckardt; Corporation Counsel Brian Desmond; Planning Manager Steve Osterman; Planning & Zoning Director Karl Jennrich.

EXCUSED: Patricia L. Peters

OTHERS PRESENT: Manny Oradei (DNR Liaison Forester); Ann Coakley (Director of WDNR Bureau of Waste & Materials Management); Carol Schatzley; Kathleen Kelly; Karl Fate; Peter Wolk; Chuck Wickman.

**CALL MEETING TO ORDER**—The meeting that had been properly posted in accordance with the procedures set forth by the Wisconsin Open Meeting Law was called to order by Chair Rudolph at 9:00 a.m.

**APPROVE AGENDA OF PRESENT MEETING**—It was moved by Baier, seconded by Greschner, to approve the December 3, 2009 agenda. Motion carried.

**APPROVE MINUTES OF NOVEMBER 5, 2009 MEETING**—It was moved by Baier, seconded by Rudolph, to approve the minutes of the November 5, 2009 meeting. Motion carried.

**PUBLIC COMMENTS**—Karl Fate distributed a copy a Notice of Intent to Collect Data and Proposed Scope of Study from Noranda from several years ago. He also commented on the importance of public hearings to keep the general public updated on the status of mining in Oneida County. Kathleen Kelly from Rhinelander, WI commented on the concerns of water quality for future tourism (i.e. fishing) as it relates to mining.

**ONEIDA COUNTY PLANNING & ZONING DEPARTMENT'S REPORT ON THEIR ROLE IN THE EXPLORATION AND MINING PROCESS AS ONEIDA COUNTY MOVES FORWARD**—Steve Osterman, Planning Manager, distributed and explained Chapter 9, Article 6—Non-Metallic Mining and Metallic Mineral Exploration, Prospecting, and Mining, as well as the CUP process (\$1500.00 fee, town board input and recommendation to the Oneida County Board, Planning & Zoning Committee meetings, rezoning formal process requirements, County Board  $\frac{3}{4}$  approval, DeNoble hearing meetings, special mining CUP \$50,000.00 fee, and County Forest Land withdrawal).

Osterman suggested an expert such as Tom Evans (Geologist, UW—Extension in Madison, WI) be contacted to discuss local agreements.

**ONEIDA COUNTY CORPORATION COUNSEL REPORT ON FINDING CONCERNING OUTSIDE LEGAL COUNSEL AND COST ESTIMATES PERTAINING TO REVISING EXISTING EXPLORATION AND MINING LEASE**

—Brian Desmond, Corporation Counsel, stated that he had contacted the county’s insurance company and inquired if there were any available funds for outside legal counsel and cost estimates pertaining to revising existing exploration and mining and was told no. He also asked if the county’s insurance company could recommend any outside legal counsel attorneys and they did not know of any specific to mining law. In other research, Mr. Desmond was given the names of Attorney Bill Teal and Attorney Paul Kent to contact. Mr. Desmond will contact those attorneys and inquire of their time, rate, availability, and cost estimates pertaining to revising existing exploration and mining lease for Oneida County. Mr. Desmond feels that mining law attorneys would research if prior leases ended properly, update the lease agreement, and make sure proper bid specifications and the bid process is accurate. Steve Osterman stated that the Department of Revenue may have some funds available for legal counsel. Manny Oradei suggested contacting the mining attorneys that were involved with the Flambeau Mine, Crandon Mine, and Marquette Mine. Ann Coakley, Director, WI DNR Bureau of Waste & Materials Management, suggested contacting the Back 40 Mining Co. Chair Rudolph reiterated that the reaffirmation resolution that was passed recently reaffirms Resolution # 54-97 that *endorses* mineral exploration and the Mining Oversight Local Impact Committee *implements* the policy.

**ONEIDA COUNTY CORPORATION COUNSEL ON THE PROCESS AND PROCEDURE TO APPOINT PETER WOLK TO THE MINING OVERSIGHT LOCAL IMPACT COMMITTEE**

—Corporation Counsel, Brian Desmond, stated that he had reviewed the process with County Board Chair Andrew Smith to fill the temporary vacant position on the Mining Oversight Local Impact Committee and that the correct process was utilized in appointing Peter Wolk to fill in at the November 5, 2009 meeting. However, at the November 10, 2009 County Board meeting, David Hintz was appointed to the Mining Oversight Local Impact Committee.

**WDNR REPRESENTATIVE TO DISCUSS THE WDNR’S ROLE IN THE EXPLORATION AND MINING PROCESS AS ONEIDA COUNTY MOVES FORWARD**

—Ann Coakley, Director, WDNR Bureau of Waste & Materials Management, was in attendance to answer any questions in the WDNR’s role in the exploration and mining process. Ann Coakley stated that *after* a company would obtain a lease, *then* the DNR gets involved with the licensing process. Corporation Counsel Desmond inquired on the WDNR’s regulations concerning core samples and waste. Planning Manager Steve Osterman inquired on the time frame of the Notice of Intent. Ann stated that the time frame for the DNR to react is 90 days after the hearing. Ann also suggested contacting Tom Evans and Phil Fable to answer specific questions concerning the WDNR’s role in the exploration and mining process. David Schatzley inquired of the

amount of fees that go to the DNR. Mining Committee Member Gary Baier suggested development of a time line of goals and objectives, and a check list of the processes.

**INFORMATION PERTAINING TO POSSIBLE GEOLOGICAL EXPERTS TO PUT ON RETAINER**—It was suggested that Tom Evans, Geologist, UW—Extension, to invited to participate in the development of a time line and check list of goals, objectives, and processes.

**SELECT DATE OF NEXT MEETING**—January 14, 2010, 9:00 a.m.

**FUTURE AGENDA ITEMS**—Corporation Counsel’s Report of finding and update concerning outside legal counsel and cost estimates; UW—Extension (Tom Evans, Geologist) input on local agreements concerning mining / exploration law via telephone conference; Chapter 9 zoning review by Planning & Zoning Director Karl Jennrich and Planning Manager Steve Osterman; check with Finance Director Margie Sorenson on clarification of funds from past mining and / or where funds might be obtained and the process to obtain funds; update / appoint Peter Wolk to fill temporary vacant position on mining committee; perhaps in February invite Rusk County or Marquette County Mining Oversight Committee members for input on their county’s related mining exploration experiences.

**ADJOURN**—With business completed, it was moved by Greschner, seconded by Baier, to adjourn the meeting at 10:30 a.m. Motion carried.

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TOM RUDOLPH  
COMMITTEE CHAIR

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CINDY ECKARDT  
RECORDING SECRETARY