

MINUTES OF THE MINING OVERSIGHT / LOCAL IMPACT COMMITTEE
MEETING # 1-2010

DATE: January 14, 2010

TIME: 9:00 a.m.

PLACE: Committee Room # 2, 2nd Floor, Court House, Rhinelander, WI

PRESENT: Chairman Tom Rudolph; Committee Members Gary Baier; Larry Greschner; David Hintz; Peter Wolk (newly officially appointed 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; Tom Evans, Geologist, UW—Extension;

OTHERS PRESENT: Manny Oradei (DNR Liaison Forester); Kathleen Kelly; Karl Fate; Dan Kuzlik (UW—Extension).

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 Wolk, seconded by Hintz, to approve the January 14, 2010 agenda, with the order of agenda items at Chair's discretion. Motion carried.

APPROVE MINUTES OF DECEMBER 3, 2009 MEETING—It was moved by Baier, seconded by Hintz, to approve the minutes of the December 3, 2009 meeting. Motion carried.

PUBLIC COMMENTS—Karl Fate, Town of Crescent resident, disagreed with the attorneys list provided by Corporation Counsel; was concerned about the wetlands mining ordinance impact; concerned about the jurisdiction of lake beds; and questioned the location of public comments on the agenda. Kathleen Kelly from Rhinelander, WI stated that she felt it should be determined if an area can be mined first; and also questioned the placement of public comments on the agenda; she'd like to see it after each agenda item.

Bilogan stated that he had heard from Ann Coakley, Director, Bureau of Waste & Materials Management, with the WDNR concerning SB 139 and Ann felt that if the bill passes, it will force the DNR to rewrite the bill, which could eliminate mining in Wisconsin.

David Schatzley stated that he is concerned with mining exploration's impact on well and ground water flows. Tom Evans stated that information concerning ground water and

well impact is collected and determined by the WI Geological Survey. This in turn creates an assumption of responsibility by the mining company. Ground Water Trust Funds are set up for these types of situations should they become evident.

TOM EVANS, GEOLOGIST, UW--EXTENSION

A) ROLE HE CAN PLAY AS AN EXPERT IN GEOLOGY AND MINING FOR ONEIDA COUNTY (AVAILABILITY, LIMITATIONS)—See attachment.

B) ROLE HE CAN PLAY IN DEVELOPING A NEW EXPLORATION & MINING LEASE—See attachment.

C) DEVELOPMENT OF A TIME LINE OR LIST OF EVENTS FOR THE ONEIDA COUNTY MINING OVERSIGHT / LOCAL IMPACT COMMITTEE TO FOLLOW—See attachment. And, Mr. Evans suggested resolving issues with WDNR first via a letter reconstituting the Mining Impact Board, which in turn may lead to some of the Mining Impact Board Resources Budget Account funds for legal counsel, etc.

D) KNOWLEDGE PERTAINING TO SPECIAL LOCAL AGREEMENTS—See attachment. And, Mr. Evans stated that at this time it's too early and not necessary at this time to discuss special local agreements.

FUNDING AVAILABLE TO THE MINING OVERSIGHT / LOCAL IMPACT COMMITTEE—Bilogan stated that the County has a 2010 budget of approximately \$4,000.00 with \$1,000.00 being for legal services. Corporation Counsel Desmond stated that up to \$20,000.00 can be request from the County's Contingency Fund. Mineral Resources Account has approximately \$44,000.00 in it. And the Department of Revenue's Mining Impact Board may have funds available if that board is reconstituted. It was moved by Greschner, seconded by Wolk, to have Chair Rudolph and Corporation Counsel write a letter to Governor Doyle requesting that the Mining Impact Board be reconstituted, authorize Chair Rudolph to sign the letter of request, and send copies to the Department of Revenue (Mining Impact Board) and legal legislators, etc and any others deemed appropriate. Motion carried.

CORPORATION COUNSEL REPORT—OUTSIDE LEGAL COUNSEL THAT SPECIALIZE IN MINING—NAMES, COST ESTIMATES, ETC.—Corporation Counsel Desmond reported that the attorneys he suggests for outside legal counsel that specialize in mining are Attorney Kent and Attorney Thiel. Corporation Counsel Desmond also suggested that \$10,000.00 be requested from the Oneida County Contingency Fund via County Board resolution. It was moved by Baier, seconded by Greschner, to direct Corporation Counsel to draft the resolution requesting funds from the County's Contingency Fund for general expenses including legal services. Motion carried.

REVIEW ONEIDA COUNTY ZONING CHAPTER 9.61--Steve Osterman, Planning Manager, stated that there have been many different mining exploration technologies in the past decade. It was decided to postpone review of Chapter 9.61 until the February 11, 2010 meeting.

SELECT DATE OF NEXT MEETING—February 11, 2010 at 8:00 a.m. was selected as the next meeting date, in order to have the resolution signed and submitted to the County Clerk’s Office by 9:00 a.m.

FUTURE AGENDA ITEMS—Resolution; Governor Doyle letter; Update on OHWM determination; Chapter 9.61; Rusk County Mine Site Visit Update; Christiansen visit Update; Flambeau Mine Site Tour / Visit Update;

ADJOURN—With business completed, it was moved by Greschner, seconded by Wolk, to adjourn the meeting at 10:56 a.m. Motion carried.

TOM RUDOLPH
COMMITTEE CHAIR

CINDY ECKARDT
RECORDING SECRETARY