

Tom Tiffany: How Wisconsin can help America make things again

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By Tom Tiffany

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In 1998, the state of Wisconsin enacted a “mining moratorium” law. The law requires a company applying for a mining permit to prove that a similar mine has operated for 10 years and been closed for 10 years without the pollution of groundwater or surface water – the mine could be located anywhere in the U.S. or Canada.

“We already have in place the statutory authority and technical ability to fairly judge any mining proposal on its merits. ... Moreover, we think the bill adds nothing to our understanding of environmental safety and provides no additional level of environmental protection.”

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This quote is from the Department of Natural Resources (DNR) in 1997 when the “mining moratorium” was first debated. At the time, then DNR Secretary George Meyer, thought the moratorium would not add to Wisconsin’s rigorous environmental standards. Meyer opposed the “moratorium” and went as far as to ask the legislature to abandon the bill. He said the legislation doesn’t increase environmental protection and would force the DNR to assess mining processes on the basis of decades old technology.

In truth, this is not a moratorium at all but a condition that must be met before permits are granted. Sulfide mining can be done safely and effectively. The Flambeau Mine in Ladysmith has demonstrated this. During its operation, the

Flambeau Mine successfully purified the surface area drainage and pit pumping water through a treatment plant. Upon closure, to avoid long term acid rock drainage (ARD), the pit was backfilled with 30,000 tons of limestone to neutralize any ARD that forms.

Critics claim the mine has violated environmental pollution laws. In 2012 the United States District Court for the Western District of Wisconsin found that the Flambeau mine had violated the Clean Water Act (CWA). The CWA has a strict liability statute so the district court found Flambeau liable and imposed a penalty.

In the ruling, Judge Barbara Crabb emphasized that “the amounts were so modest that I would declare them de minimis” and that Flambeau’s “efforts to protect the environment during its mining operations and reclamation effort” were “exemplary” and “deserve commendation, not penalties.” The penalties she imposed were later revoked as an appeals court found Flambeau to NOT have violated the Clean Water Act.

Mining has occurred in Wisconsin for thousands of years. It is deeply entrenched in our culture and history – it is why we were first called the Badger State. I authored legislation that successfully reformed ferrous mining laws in 2013, but there are many other varieties of mineral deposits in Wisconsin. Reforming Wisconsin’s “Prove it First” law could provide a spark to Wisconsin’s rural economy.

Our neighbors in both Minnesota and Michigan have utilized their mineral resources. This includes the expansion of traditional taconite mines, and a new wave of copper mines. According to a study by the University of Minnesota Duluth’s Labovitz School of Business and Economics, Minnesota’s existing iron ore mining made a \$3.2 billion economic impact in the state and was responsible for 11,500 jobs. The study concluded that if new copper mines and current taconite mines expand, those numbers could more than double!

It’s clear that Minnesota has put shovel to dirt. Wisconsin can do it too and we can do it in a responsible way. We have comprehensive mining laws in place, but the moratorium prevents them from being used. As Sec. Meyer said at the time, we should allow the DNR to review a permit and make a decision based on current technology and science. Every mining opportunity and mineral deposit is unique. Judging the success or failure of a mine in another state or country – which the moratorium requires – is irrelevant and bad public policy.

People want to make things in America again. As the world's energy and technology demands change, nonferrous metals are becoming increasingly rare. Every Toyota Prius requires about 64 pounds of copper and it has to come from somewhere. I would rather have the mining take place in Wisconsin where we can regulate it, employ Wisconsinites, and have our schools and local governments reap the windfall. It is time to remove the mining moratorium.

— *Tiffany, R-Hazelhurst, represents the 12th Senate District.*