

**RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF ASHLAND,
WISCONSIN TO DEFINE PRINCIPLES WHICH SHOULD BE CONTAINED IN
MINING REGULATIONS ADOPTED BY THE STATE OF WISCONSIN**

WHEREAS, a proposed mine in the Penokee Range of Ashland and Iron Counties could have direct impacts on the residents of Ashland, the City's water sources, air quality, infrastructure, and way of life; and,

WHEREAS, the current and future citizens of the City of Ashland require any mining regulations adopted by the State to provide access to clean, safe, and plentiful drinking water; provide resources for addressing the pressure increased economic activity will have on local infrastructure; maintenance and expansion of community and emergency services; ensure continued local participation in decision making through impact committees; to maintain authority of local communities to enter into public/private agreements with mining companies; and provide for the protection of treaty rights negotiated over the centuries with Native American communities; and,

WHEREAS, the state legislature is currently considering changes to Wisconsin mining regulations that will have a profound effect on local communities should AB 1/SB 1 be adopted in its present form.

WHEREAS, the City of Ashland is a regional economic hub dependant on clean water and air for many of the jobs in the region; and,

WHEREAS, economic impact study funded by Gtac with the inputs provided by Gtac do not give a full picture of the impacts of the project they propose.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Ashland, after hearing public comment in special session on February 26, 2013, hereby demands that any revisions to Wisconsin's mining regulations abide by the following principles:

1. The definition of iron mining should be clearly set forth to exclude any project proposal that has the potential to cause acid mine drainage.
2. The completeness of an iron mining permit application should be clearly defined and the burden of preparing and submitting a complete application should be entirely on the permit applicant.
3. The permitting time frame should be reasonable, flexible, and consistent with federal agency timeframes. It should also provide sufficient time for the Department of Natural Resources, the Public, federal agencies, and affected Native American communities to fully review and participate in the permitting process.

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4. Existing wetland protection standards should be maintained, with no exemptions for any industry or company, and the federal/state partnership in the environmental review process under state and federal law should not be jeopardized.
5. Federal Clean Water Act implementation by the DNR should follow current law and should not be weakened in any way.
6. There should be contested case hearings to allow full participation by interested parties, including local and Native American citizens and governing bodies before the permit is issued.
7. There should be no preemption of local control.
8. That the ability of local communities to negotiate local agreements with mining companies be preserved.
9. Citizen suits should be maintained to make sure permit provisions and legal restrictions on new mines will be enforced.
10. Consultation with affected Native American communities by state agencies shall be required as part of the permitting process.
11. Interested party financing should be provided for the contested case hearing process.
12. Mining operations, which do not pay property taxes, should pay a gross tonnage tax, 100 percent of which should be allocated to affected communities within 75 miles of the mine site for the purposes of:
 - a. Protecting and upgrading public infrastructure affected by mining operations;
 - b. Supplementing the cost of providing required municipal services; and,
 - c. Providing for economic development monies to be utilized for creating a diverse sustainable economy for the time after mining operations cease.

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- 13. Water resources should be maintained for the public good and legislation should not allow industrial interests to draw down nearby rivers, lakes, and streams as contained in the Public Trust Doctrine .
- 14. To protect private and municipal water supplies from adverse effects of mining activities.
- 15. A complete cost benefit analysis shall be required of any mountain top removal or open pit mine paid for by fees charged to the permit applicant before the mining permit shall be issued.

BE IT FURTHER RESOLVED that the Common Council for the City of Ashland directs that copies of this adopted resolution be sent to the Governor, all the members of the State Assembly and State Senate, along with media outlets to communicate with the State's elected representatives the position of the City on proposed mining legislation and that the City of Ashland opposes adoption of any legislation that does not abide by the principles outlined in this resolution.




Councilperson

PASSED:


ATTEST: 

Mary Garness, City Clerk



William C. Whalen, Mayor

APPROVED AS TO FORM:



David Sieglar, City Attorney

(Reso 1179)