

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

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MEDIA RELEASE

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BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS RESPONSE TO PROPOSED MINING LEGISLATION TO BE ANNOUNCED BY MEMBERS OF THE WISCONSIN ASSEMBLY

The Bad River Band of Lake Superior Tribe of Chippewa Indians ("Band") is very concerned about the announcement by members of the Wisconsin Assembly that a mining bill will be rushed through the Assembly during the holiday season, without substantial opportunity for participation by the public or government-to-government consultations with Wisconsin Indian tribes. The Band has the following comments and observations, according to Mike Wiggins, Jr., Chairman of the Band:

While mining industry advocates argue that new laws that help the mining industry are needed to create jobs, there is no credible evidence from independent sources showing that mining will lead to sustainable jobs and economic development in Wisconsin. Instead, the evidence from around the world and from past mining activities in Wisconsin and neighboring states shows that mining leads to a boom to bust cycle of economic activity that does not support long-term economic prosperity. Equally important, mining may destroy many more local jobs related to the very large tourism, farming and commercial fishing sectors of northern Wisconsin's economy, while creating only a relatively small number of short-term jobs in the mining sector. It remains unclear how many jobs will be created for Wisconsinites, rather than out-of-state workers already skilled in mining-related jobs; it is also unclear whether mining companies will commit to train local workers or if local governments will be expected to finance this training. Local communities situated near mining operations may be subjected to air and water pollution that leads to chronic illnesses and the need for long-term cleanup. The public health impact and other economic impacts of mining on local communities must be carefully studied before Wisconsin undertakes any efforts to streamline the mining permitting process. We emphasize that Wisconsin laws meant to protect people and the environment should not be rewritten to benefit a single out-of-state company, especially where there has been no independent analysis of the economic impact of an enormous open-pit mine and taconite processing facility on the region as a whole.

As a responsible government and largest employer in Ashland County, the Band believes in the importance of supporting existing industries and employers and hopes the

legislature will slow its drive to support an out-of-state company and focus instead on supporting its local communities and business-owners.

First, the Band's position on proposed iron mining legislation is that such legislation should be based on sound science and sound legal principles.

Second, the Band opposes the proposals that were included in LRB 2035, which, like now, was scheduled for a hearing only days after the 180-page technical document was made available to the public. The recommendations in LRB 2035 proposed to weaken the Wisconsin Department of Natural Resources ("DNR") permitting process and hamper public participation. The Band opposes any similar legislation that may be introduced at this time.

Third, it is the Band's position that there is no need for a change in current law to address iron mining because the state's mining laws already cover all metallic mining, not just sulfide mining.

Fourth, the current mining laws in Wisconsin were written to level the playing field through a consensus process based on science and legal principles. These principles included protecting the environment and protecting local communities from adverse economic impacts. These are important principles that should not be forgotten or abandoned.

Fifth, the state's timeline for permitting mining applications is no longer than that of neighboring states and should not be shortened merely to please a single, out-of-state company that wants to rush a huge open-pit mine through the approval process.

Finally, it is the Band's steadfast position that any new proposals to change Wisconsin's metallic mining laws should include the following ten principles, which the Band previously presented to the governor and released to the public in September of this year.

The ten principles proposed by the Band are:

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 IRON MINING PERMIT APPLICATIONS 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 TIME FRAMES. IT SHOULD ALSO PROVIDE SUFFICIENT TIME FOR THE DNR, THE PUBLIC,

FEDERAL AGENCIES, AND AFFECTED INDIAN TRIBES, TO FULLY REVIEW AND PARTICIPATE IN THE PERMITTING PROCESS.

4. EXISTING WETLAND PROTECTION STANDARDS SHOULD BE MAINTAINED 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 BE CORRECTED AND NOT WEAKENED.

6. THERE SHOULD BE CONTESTED CASE HEARINGS TO ALLOW FULL PARTICIPATION BY INTERESTED PARTIES, INCLUDING INDIAN TRIBES.

7. THERE SHOULD BE NO PREEMPTION OF LOCAL CONTROL.

8. CITIZEN SUITS SHOULD BE MAINTAINED TO MAKE SURE PERMIT PROVISIONS AND LEGAL RESTRICTIONS ON NEW MINES WILL BE ENFORCED.

9. CONSULTATION WITH INDIAN TRIBES BY THE DNR SHOULD BE REQUIRED AS PART OF THE PERMITTING PROCESS.

10. INTERESTED PARTY FINANCING SHOULD BE PROVIDED FOR THE CONTESTED CASE HEARING PROCESS.

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