



## EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

132 Main Street Menasha Wisconsin 54952-3100 (920) 751-4770 Fax (920) 751-4771  
Website: www.eastcentralrpc.org Email: staff@eastcentralrpc.org

*An Economic Development District and Metropolitan Planning Organization  
Serving the East Central Wisconsin Region for over 30 years*

July 8, 2003

Representative DuWayne Johnsrud, Chair  
Assembly Natural Resources Committee  
Room 323 North, State Capitol  
P.O. Box 8952  
Madison, WI 53708

Senator Neal Kedzie, Chair  
Senate Environment and Natural Resources Committee  
Room 313 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Re: AB 411/SB 198, relating to an exemption from requirements for nonmetallic mining reclamation.

Dear Rep. Johnsrud and Senator Kedzie:

East Central Planning, as administrator of the NR-135 Non-Metallic Mining Reclamation Ordinances for Calumet, Outagamie, Winnebago, Waupaca, and Shawano Counties, offers these comments regarding the proposed Senate Bill 198 which adds a 'pond exemption' to Wisconsin Administrative Code NR-135. Our staff opposes the proposed change for the following reasons:

1. A lack of discussion and recommendation on this issue from the State's Non-Metallic Mining Advisory Committee. This committee had been charged to develop the original administrative code language and is now charged with monitoring its performance. Such a modification should, at a minimum, be formally discussed and agreed upon by this committee, with input from ALL of the regulatory authorities (i.e., counties, etc.). Even if a modification is approved, it would be more appropriately placed in NR-135, not Chapter 295.
2. The proposed exemption does not foster the 'level-playing field' concept which was originally intended for by Chapter 295 and NR-135 and, as such, will allow for a significant competitive advantage for a sector of the operators who do not have the additional requirements and expenses. Additional expenses for the non-exempted operators will also be incurred since our staff must take time to monitor all exempted sites,
3. For East Central's program, such a change could result in the removal of 43 (out of 206, or 20.8%) of its currently permitted sites. These sites are currently 3 acres or less and, if the operator chose not to expand the sites, they could simply state it was now going to be a pond and is exempt from the requirements. Although the fiscal impacts of this change would not significantly affect our existing program, the potential for negative environmental and social impacts would increase as these sites would not be required to be reclaimed to the same standards as other sites.

Please take these comments, as well as those that I have attached from some of our program counties, into consideration during the public hearing process.

Sincerely,

  
Eric W. Fowle, AICP  
NR-135 Coordinator

## Eric Fowle

**From:** Bob Jacobson [PNDBOB@co.shawano.wi.us]  
**Sent:** Tuesday, July 08, 2003 3:36 PM  
**To:** Eric Fowle  
**Subject:** Re: URGENT!!!! FW: Proposed Exemption from NR135

Hi Eric--I don't have a problem with a wetland exemption of 3 acres or less if the operators are held to some specific design requirements. They should be required to follow NRCS specs for the construction of the wetland. The pond exemption does not sound good. Thanks.

>>> "Eric Fowle" <efowle@eastcentralrpc.org> 07/08/03 03:11PM >>>  
To all of EC's NR-135 Program Counties:

Please read the forwarded e-mail and attachment. This comes as a complete surprise to me (us) and I have the same concerns as Mindy on the subject. We, as staff implementing the program, have used internally a 'duration' factor since day one of the program. I personally think a pond could be constructed in a single 'season' or 'year', while a mine would go beyond that. This would effectively allow a number of existing mines, as well as new ones to 'skirt' the regs by claiming that their mine is a pond.

I'm on vacation this Thurs/Fri and can't make the hearings. I am proposing that Scott Konkle attend to bring up our concerns. I assume that our five counties would be against such a change, but please let me know if you support/do not support this change and/or have any other concerns not listed.

If you would like to send me an e-mail voicing your opinion which Scott could then submit at the hearing.

Sorry for the short notice!

- Eric

Eric W. Fowle, AICP  
Principal Environmental Planner  
East Central Wisconsin Regional Planning Commission  
132 Main Street, 3rd Floor  
Menasha, Wisconsin 54952  
Phone: (920) 751-4770  
Fax: (920) 751-4771  
E-mail: efowle@eastcentralrpc.org  
Web: www.eastcentralrpc.org

-----Original Message-----

From: Manegold, Mindy [mailto:mindy.manegold@co.fond-du-lac.wi.us]  
Sent: Tuesday, July 08, 2003 2:51 PM  
To: 'Jakubowski, Ryan T'; 'ablackbu@co.pierce.wi.us'; 'abuehler@co.kenosha.wi.us'; 'ahoff@co.monroe.wi.us'; 'Andros@co.dane.wi.us'; Bauer, Christina; Benzschawel, Dave; 'bethk@co.jefferson.wi.us'; 'bob@hobart-wi.org'; 'brazzals@co.portage.wi.us'; 'ctesky@centurytel.net'; 'daschm@co.vilas.wi.us'; 'dferris@sirentel.net'; 'dgraff@co.door.wi.us'; 'dmiller@co.lincoln.wi.us'; 'dnashold@co.chippewa.wi.us'; DNR\_WA\_MINE\_NONMET; Eric Fowle; 'everson.daniel@co.dane.wi.us'; 'franke.donald@co.la-crosse.wi.us'; 'gabe.moody@co.oconto.wi.us'; 'Gaylord.Olson@co.jackson.wi.us'; 'gldjr@town-menasha.com'; 'GTemplin@co.sauk.wi.us'; 'JAN@CENTURYTEL.NET'; 'jforster@dunncounty.net'; 'jlefebvre@marinettecounty.com'; 'juliea@racineco.com'; 'jvcavey@mail.co.marathon.wi.us'; 'kjurcek@northernenvironmental.com'; LaBine, Pam; 'lcdscotts@co.washington.wi.us'; 'lcdtroy@co.washington.wi.us'; 'lclandrr@newnorth.net'; 'LOlson4@co.walworth.wi.us'; 'ltrumble@widarlingt.fsc.usda.gov'; 'mail@highpointrealty.com'; 'markw@co.jefferson.wi.us'; 'mary@hobart-wi.org'; 'mbiller@northernenvironmental.com'; 'mencoinspector@hotmail.com';

**Eric Fowle**

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**From:** Braun, Bob [BBraun@co.winnebago.wi.us]  
**Sent:** Tuesday, July 08, 2003 4:01 PM  
**To:** Eric Fowle  
**Subject:** RE: URGENT!!!! FW: Proposed Exemption from NR135

Eric:

I would concur with the concerns as stated by Mindy, and would ask that East Central, as the implementation agency for the Winnebago County ordinance, indicate my concern at the hearing. I am in complete agreement that a change of this sort should be initiated, or at the very least reviewed and recommended by the NMAC.

Bob Braun  
Winnebago County Zoning Administrator  
bbraun@co.winnebago.wi.us

-----Original Message-----

From: Eric Fowle [mailto:efowle@eastcentralrpc.org]  
Sent: Tuesday, July 08, 2003 3:35 PM  
To: bbraun@co.winnebago.wi.us  
Subject: FW: URGENT!!!! FW: Proposed Exemption

from NR135

Importance: High

<< File: SB-198.pdf >>  
SECOND TRY!

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