

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # 10-25-17-D**

### **Opposition to 2017 Senate Bill 395 Regulation and Permitting of Nonferrous Metallic Mineral Prospecting and Mining**

**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Wisconsin State Legislature is currently considering 2017 Senate Bill 395 (SB395) which would repeal existing state law that prohibits the Department of Natural Resources from issuing sulfide ore mining permits until the Department of Natural Resources determines that there is a mining operation in a potentially acid-generating sulfide ore body in the United States or Canada that has been in operation for at least ten years, or that has been closed for at least ten years, without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals; and

**WHEREAS,** SB 395 would also modify the point of application for groundwater standards; exempt wetland regulations from applying to some state-regulated wetlands; change the bulk sampling process; modify the application, review and permitting process; and exempt nonferrous metallic mining from certain fees required under Wisconsin law; and

**WHEREAS,** the regulatory process proposed under SB 395 does not provide Indian tribes with an adequate, recognized role as most of the proposed mines are in areas where tribal lands and/or interests will be impacted by such mining; and

**WHEREAS,** acid mine drainage is a serious, long-term environmental problem as can be seen through the example of Roman-era mines in Europe, which are more than 1,500 years old and still resulting in acid mine drainage; and

**WHEREAS,** the Flambeau Mine, which the State of Wisconsin uses as an example of a successful mine, has resulted in tributaries to the Flambeau River currently being classified as impaired waters due to acute aquatic toxicity for both copper and zinc under the Wisconsin Department of Natural Resources Impaired Waters Search Tool; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation opposes SB 395, which would repeal the moratorium on nonferrous metallic mining, until there are proven technologies relating to non-polluting mining.

**BE IT FINALLY RESOLVED,** that the Oneida Nation opposes SB 395 until modifications are made to the regulatory process to increase environmental protections as SB 395 does not adequately protect the interests of Indian tribes and the public from the harms of such mining.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of October, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."