


**Addressing Challenges Obtaining
Special Use Permits For Nonmetallic
Mining Operations**



Proactive By Design.
Our Company Commitment

Mark J. Krumenacher, PG, CPG
Senior Principal/Senior Vice President
GZA





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Issue



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Introduction

- How Do We Address This?




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Background

- Mining - Core Industry for >30 years
 - Client and Industry Advocacy
 - Industry Association Support – (not just name on list)
 - NSSGA, MAA, IAAP, IMA-NA, NISA, WISA,
 - Committees, Subcommittees, Task Forces – Chair and Support
 - Papers, Presentations, Training
- Proactive
- One Company








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Background

- Industry Advocacy
 - DC Capitol Hill Visits
 - State Senate Testimony
 - IPCB and DNR Testimony
 - Rule Making - MNSSRAP
 - Regulatory Agency Interaction
 - Draft Rule Making Review





Commitment is the Daily Triumph of Integrity over Skepticism



Aggregate Producers of Wisconsin - Annual Convention; November 29, 2018 Page | 6

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Background

- Industry Advocacy
 - Industry Group Presentations and Webinars
 - Stakeholder Presentations
 - National Transportation Safety Board (NTSB)
 - Society for Mining, Metallurgy & Exploration (SME)
 - American Planners Association
 - County Engineers, County Zoning Officials




Aggregate Producers of Wisconsin - Annual Convention; November 29, 2018

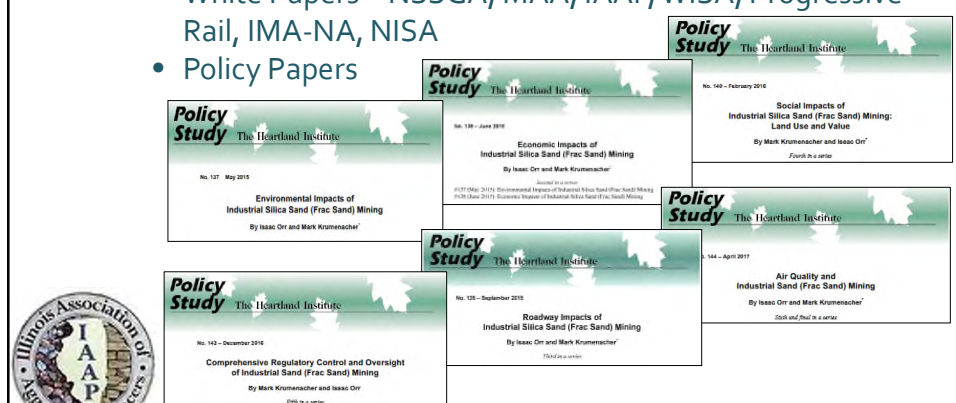
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Background

- Industry Advocacy
 - White Papers – NSSGA, MAA, IAAP, WISA, Progressive Rail, IMA-NA, NISA
 - Policy Papers




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Issue

- Public Does Not Understand Mining
 - Most Do Not Care
- Opposition Uses Fear to Spread Misinformation
 - Majority is Local – But Not All
- No Mine or State is Insulated
- Trend – Not Getting Easier




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Issue

Mine Permit Process – Creates Routine Need to Defend Mining – Not Just a Mine



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Issue


... as if it is a New Industry




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Issue

... and, as if it is Not Needed

Every American Born Will Need...


26,634 lbs. Salt

15,366 lbs. Phosphate

73,334 gallons Petroleum

51,614 lbs. Cement

1,024 lbs. Copper



11,190 lbs. Clays

6.92 million cu. ft. Natural Gas

1.94 Troy oz. Gold

1.28 million lbs. Stone, Sand, & Gravel

867 lbs. Lead

347,429 lbs. Coal


473 lbs. Zinc

2,206 lbs. Bauxite (Aluminum)

plus 43,813 lbs. Other Minerals & Metals

3.03 million pounds of minerals, metals, and fuels in their lifetime

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Issue

... as if it is a New Industry



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Issue

... as if it is a New Industry



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Issue

... and, as if it is Not Needed- [is Mining Important?](#)

Every American Born Will Need...



26,634 lbs. Salt	11,190 lbs. Clays	1.94 Troy oz. Gold
15,366 lbs. Phosphate	6.92 million cu. ft. Natural Gas	1.28 million lbs. Stone, Sand, & Gravel
73,334 gallons Petroleum	51,614 lbs. Cement	867 lbs. Lead
1,024 lbs. Copper	19,227 lbs. Iron Ore	347,429 lbs. Coal
473 lbs. Zinc	2,206 lbs. Bauxite (Aluminum)	plus 43,813 lbs. Other Minerals & Metals


3.03 million pounds of minerals, metals, and fuels in their lifetime

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Issue

- In Addition to Ongoing Education
- Will Share a Strategy That Evolved to Include:
 - Engaging Multiple Stakeholders;
 - Understanding the Regulatory Environment, Ongoing Research and Education; and
 - Addressing Concerns in Technically Sound, Straightforward Approach that Supports a Permit Application and Defends Mining.



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Issue

- Mining Unique Industry
- Special Use or Conditional Use Permits Are the Local Permit to Operate
- Business Outcome Determined or Influenced by Public Opinion
- Open Public Process – With Decision Makers and the Public
 - Too Often Decision Makers Are Swayed by Minority Opposition – Fear of Losing a Vote




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Issue

- Contributing Factors:
 - Size
 - Location / Neighborhood
 - Encroaching Development
- Varies to Some Extent by State - But Few Are Insulated



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Issue



Wisconsin

- Organized Misinformation and Fundraising
- Lawsuits
- Anticipatory Nuisance Claims
- Moratoriums
- Restrictive Ordinances
- Recall Elections



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Issue

Illinois

- Sierra Club With Attorneys and Students From the University of Chicago
 - Challenging Permit Within a Mile of a State Park
- Preserve Utica's Surrounding Habitat (PUSH)
 - Challenging Permit on Behalf of a Neighbor
- Northwestern University School of Law
 - Plan to Fight Every Permit
 - Challenging Permit on Behalf of a Neighbor



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Issue

Minnesota

- Statewide Ban - Attempt by LSP – Failed
- 2013 Legislature Directed Rulemaking
 - MDNR, MPCA and EQB
 - Advisory Panel Formed – 2014 -2015
 - Possible Completion Anticipated 2017 – Not yet
- Houston County – Ban Failed
- Winona County – Ban November 2016
 - Now Lawsuits



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Issue

Iowa

- Allamakee County – Effective Ban
- Winneshiek County – Same
- Clayton County – Attempt Made – But Failed



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Issue



Michigan

- March 2014 - Nearly 500 Residents Join Jeff Daniels [Movie Star Power BS] Opposing New Sand Mine Near Chelsea
- March 2015 - *Residents Hope Township Will Deny Sand Mining Operation* – Courtland Township
- February 2016 - *Mine Bid Pits Michigan Town Against Boy Scouts* – Metamora Township




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Why?

- Increased Entitlement?
- Self-righteousness?
- NIMBY, BANANA, CAVE?
- No Appreciation of Concept

If it Can't be Grown – It Must be Mined



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Why?

- Intensified by:
 - Connectivity
 - Instant Access to Information
 - Encroaching Development on Aggregate Resources



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Encroaching Development on Aggregate Resources



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Encroaching Development on Aggregate Resources



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Encroaching Development on Aggregate Resources



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Encroaching Development on Aggregate Resources




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Issue

The Overwhelming Publically Available Information Concerning the Impacts of Mining is Negative:

- Press - Letters to the Editor and Interviews
- Facebook and Blogs Devoted to Negative Engagement
- Rallies and Fundraisers
- Hollywood Heroes
- Misguided Politicians
- Biased Academia

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Issue

Negative Advocates Cannot Rely on Science to Support Their Position


- Concerns are Based on Real Issues -But the Science is Intentionally Ignored
- Bottom Line – With Almost All Local Opposition:






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Who


- Individuals and/or Small Groups
 - Tiny % That Claim to Represent the Public
 - Google Educated
- Misguided Local Politicians
 - Some With Personal Exposure [NIMBY]
- Misguided Academia
- Misguided Credentialed Experts
 - Rare - May Have Personal Exposure [NIMBY]



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Who

- Misguided Academia – Example of Intellectual Dishonesty


THE COMMUNITY ECONOMIC IMPACTS OF MINING
 Carl Duley
 Agricultural Educator
 Buffalo County UW-Extension

Steven Deller
 Department of Agricultural and Applied Economics
 University of Wisconsin-Madison/Extension



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Who



THE COMMUNITY ECONOMIC IMPACTS OF MINING

- In many ways mining can provide well-paying jobs leading to lower levels of poverty. But on the other hand, mining activity appears to be associated with poorer overall health levels within the community.**
- Lower Poverty
- Lower Income Inequality
- Higher Rates of Unemployment**
- Higher Property Crime**
- Higher Share of People with a HS Degree
- Lower Share of People with a College Degree**



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Who



THE COMMUNITY ECONOMIC IMPACTS OF MINING

- Lower Rates of Youth Without Health Insurance
- **Higher Rates of People with “Poor or Fair” Health**
- **Higher Rates of People with “Poor Physically Healthy Days”**
- **Higher Rates of People with “Poor Mental Health Days**



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Who

THE COMMUNITY ECONOMIC IMPACTS OF MINING



- **Higher Smoking Rates**
- **Lower Obesity Rates (weak)**
- Lower Rates of STDs
- Lower Teen Birth Rates
- **Higher Number of Poor Air Quality (Ozone) Days**



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Who

- Misguided Credentialed Experts
 - Rare - May Have Personal Exposure [NIMBY]
 - Example of Intellectual Dishonesty

**The Economic Benefits and Costs of
Frac-Sand Mining in West Central Wisconsin
Phase One of Study – General Economic & Community Overview**



A report prepared for
**Wisconsin Farmers Union
Wisconsin Towns Association
Institute for Agriculture and Trade Policy**

By:
**Power Consulting, Inc
Thomas Michael Power, Ph.D.
Donovan S. Power, MS**



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Who

- Misguided Credentialed Experts
 - Example of Intellectual Dishonesty

**An Assessment of the Economic Impact of the
Proposed Stoneco Gravel Mine Operation on
Richland Township**

August 15, 2006


**George A. Erickcek
Senior Regional Analyst
W.E. Upjohn Institute for Employment Research**



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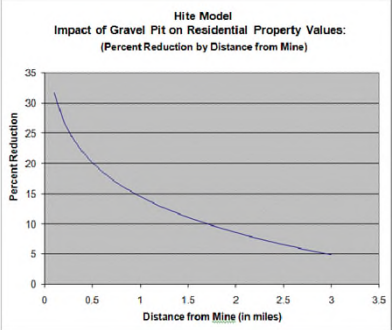
False Science Persists

- Intellectual Dishonesty


An Assessment of the Economic Impact of the Proposed Stoneco Gravel Mine Operation on Richland Township

August 15, 2006

George A. Erickcek
Senior Regional Analyst
W.E. Upjohn Institute for Employment Research




From: Various Sources
Originally From Erickcek



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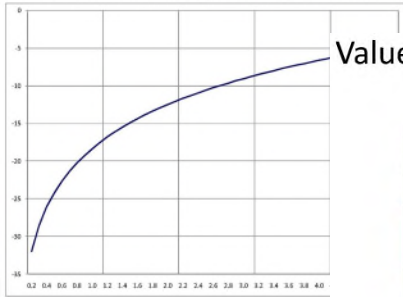
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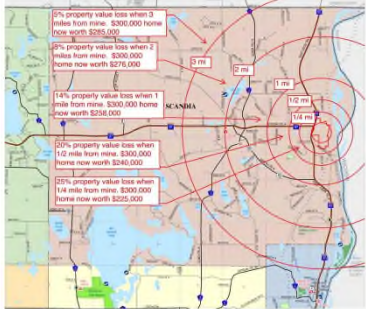
False Science Persists


Exhibit 6
Impact of Gravel Pit on Residential Property Values
Percent Reduction (Vertical Axis) by Distance in Kilometres from Gravel Pit (Horizontal Axis)



Source: G&E based on Erickcek

Value losses in Scandia according to the Diane Hite study







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False Science Persists

- July 2014 - *The proposed gravel pit would depress property values in Lyndon Township by at least \$17 million*
Friends of Chelsea and Lyndon Township

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Opposition Continues

- On-Line Support
 - So Your Community is Going to be Fracked, Mined, Factory Farmed, or fill in the blank
 - How To Videos for organizing opposition
 - Facebook Pages and Blogs
 - Concerned Citizens of ...






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Opposition Continues

- Risk Communication Principles
 - Mental Noise
 - Perception of Threats
 - Elements of Trust
 - Dominance of Negative



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Addressing Challenges



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Addressing Challenges

- Recognize Concerns



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Addressing Challenges

Two Kinds of Public Concerns Genuine and Disingenuous

- Genuine
 - Common, Justified and Fact Based
 - Can be Resolved



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Addressing Challenges

2. Disingenuous

- Smoke Screens
- No Resolution Possible



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Addressing Challenges

- Approaches





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Addressing Challenges

- Approaches - Continued
 - Understand the Ordinance and Process
 - Understand the Decision Shapers
 - Understand the Decision Makers


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Addressing Challenges



- Strategies for Success
 - Professional Associations
 - Community Involvement
 - Know the Decision Shapers
 - Know the Decision Makers
 - Develop Strong Technical Team
 - Recognize the Concerns
 - Address Concerns Early




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Our Company Commitment



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