Addressing Challenges Obtaining Special Use Permits For Nonmetallic Mining Operations

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

• How Do We Address This?
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

- Proactive
- One Company

Commitment is the Daily Triumph of Integrity over Skepticism
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

- Illinois Association of Aggregate Producers - Annual Convention; March 5, 2020
  - Background
    - Industry Advocacy
      - White Papers – NSSGA, MAA, IAAP, WISA, Progressive Rail, IMA-NA, NISA
    - Policy Papers
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

Issue

Mine Permit Process – Creates Routine Need to Defend Mining – Not Just a Mine
... as if it is a New Industry

... and, as if it is Not Needed

Every American Born Will Need...

3.03 million pounds of minerals, metals, and fuels in their lifetime
... as if it is a New Industry

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... as if it is a New Industry

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Mark Krumenacher, PG
Principal/Senior Vice President
GZA GeoEnvironmental, Inc.
... and, as if it is Not Needed- is Mining Important?

Every American Born Will Need...

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

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.
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

Issue

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

**Wisconsin**

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

**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
**Issue**

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

**Issue**

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

Michigan

• March 2015 - Residents Hope Township Will Deny Sand Mining Operation – Courtland Township
• February 2016 - Mine Bid Pits Michigan Town Against Boy Scouts – Metamora Township

Why?

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

*If it Can’t be Grown – It Must be Mined*
Why?

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

Encroaching Development on Aggregate Resources
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Encroaching Development on Aggregate Resources

Issue

The Overwhelming Publicly 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
**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:

**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 Credentialled Experts
  - Rare - May Have Personal Exposure [NIMBY]
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

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
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

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
Who

- Misguided Credentialled 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

Who

- Misguided Credentialled 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
False Science Persists

- Intellectual Dishonesty

An Assessment of the Economic Impact of the Proposed Stoneco Gravel Mine Operation onuk Hand Township

August 25, 2006

George A. Erickcek
Senior Regional Analyst
W.L. Erikcek Institute for Employment Research

From: Various Sources
Originally From Erickcek

False Science Persists

Value losses in Scandia according to the Diane Hite study

Source: OGD based on Erickcek

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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

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...
Opposition Continues

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

Addressing Challenges
Addressing Challenges

• Recognize Concerns

Two Kinds of Public Concerns
Genuine and Disingenuous

1. Genuine
• Common, Justified and Fact Based
• Can be Resolved
Addressing Challenges

2. Disingenuous
   • Smoke Screens
   • No Resolution Possible

Addressing Challenges

• Approaches
**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