Local sand mine rules working, lawmaker says

By Joe Knight, The Leader-Telegram, Eau Claire, Wis. McClatchy-Tribune Information Services

Oct. 23--Local governmental regulations appear to be addressing residents' environmental and public health concerns about silica sand mines, a Trempealeau County legislator told an audience gathered to discuss the topic Monday in Eau Claire.

"Our default position in Wisconsin should be to let the people who feel the most impact have the most say," state Rep. Chris Danou, D-Trempealeau, said at a meeting at Florian Gardens sponsored by Xcel Energy, Momentum West and the Wisconsin Counties Association.

Danou, who said he has more silica sand mines in his district than anywhere in the state, said the recent rejection of a proposed mine in the Trempealeau County town of Chimney Rock is evidence local governments don't necessarily rubber stamp proposed mines, an often-heard criticism.

Danou said he feared sand mining companies would convince state legislators to adopt rules preempting local control of mines. However, that hasn't happened, in part because local governments appear capable of making reasonable decisions about mining, he said.

Silica sand mining -- also known as frac sand mining because the sand is used to extract oil and natural gas from the ground in a process known as hydraulic fracturing -- has become highly controversial in Wisconsin and elsewhere across the U.S. as mines and processing plants have sprung up in the past couple of years. Mine proponents tout the jobs the industry creates and the importance of aiding U.S. energy independence, and opponents have expressed environmental and health concerns about sand mining.

While long-term sand mines in his district, such as a mine at Maiden Rock, have been good corporate citizens, Danou said he understands residents' concerns regarding sand mining. In some cases it has turned neighbor against neighbor and has torn apart long-time friendships, he said.

John Behling, an Eau Claire attorney with the law firm of Weld, Riley, Prenn & Ricci who represents sand miners, said mining companies are OK with local controls but oppose the imposition of fees that wouldn't be charged to other industries.

Rep. Scott Suder, R-Abbotsford, said the sand mining boom represents an opportunity for economic development, and local governments should only use mining moratoriums as a last resort.

"This is about jobs and the economy. This is not about Democratic or Republican jobs," he said.

Suder said counties should conduct economic impact statements as part of their decision-making processes regarding sand mines. He said health-related concerns about sand mining are overblown.

However, John Welter, a staff member with Trout Unlimited and a former Natural Resources Board member, said Wisconsin counties have used mining moratoriums wisely to buy time to study the issue before designing sand mining rules. He said the state Legislature should revisit sand mining regulations because the state, not local government, has the authority to protect surface and groundwater.

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