



WSNetwork News

July 1, 2003

News on issues of common interest to Wisconsin's sporting, conservation, and environmental communities.

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Arrowhead-Weston Transmission Line

DNR Independence and PIO Restoration

Fair Motorboat Gas Revenue Allocation

Farm Manure Management & Polluted Runoff Enforcement

Hixton citizens ask DNR for public hearing on feedlot

A group of farmers and neighbors in the Town of Hixton in Jackson County has asked the WDNR to hold a public hearing on the DNR's proposal to issue a permit to discharge water pollution by one of the largest livestock factories in Jackson County. The DNR is proposing

WPDES Permitted CAFOs in Wisconsin

Year⇒	1985	1990	1995	2000	3/13/2003
Animal Type↓					
Dairy	0	2	8	53	91 (+12 pending)
Poultry	1	18	25	27	11* (+1 pending)
Swine	0	2	5	8	8
Beef	0	2	2	3	3 (+1 pending)
TOTAL	1	24	40	91	113 (+14 pending)

* Effective July 2002, a single permit issued to Jennie-O Turkey Store now covers 55 JOTS operations. Previously 17 separate permits covered JOTS operations

SOURCE: WDNR

to issue the permit to Sedelbauer Farms, Inc. to confine approximately 3,000 dairy heifers in partially enclosed open front sheds and a 30-acre open dirt lot. The thousands of cattle will be allowed to wander the dirt lot, but Sedelbauer Farms, Inc. will not be required to dispose of the thousands of tons of animal waste that will accumulate there. Instead, the waste will pile up on the dirt lot indefinitely, or until rain washes it into the groundwater or a nearby dirt pit adjacent to a stream.

The local community group, which is calling itself Concerned Farmers and Neighbors of the Town of Hixton, is concerned about the safety of their drinking water and that nearby rivers and streams may be polluted by runoff from the open dirt lot. The facility proposes to spread manure almost daily, even on frozen ground in the winter.

SOURCE: Andrew Hanson, Attorney Midwest Environmental Advocates, Inc., (608) 251-5047, ahanson@midwestadvocates.org Mike Helstad, Concerned Farmers and Neighbors of the Town of Hixton, (715) 963-5602,

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Supreme Court turns down review of landmark nonpoint water case

The U.S Supreme Court has turned down a request from the agriculture industry to review a landmark Clean Water Act case that allows EPA to set pollution ceilings for waterbodies impaired by nonpoint sources even though the agency has no legal authority to directly regulate such discharges. The court's decision, announced in a June 16 order, lets stand the U.S. Court of Appeals for the 9th Circuit's decision in *Pronsolino v. Nastri*, which allows EPA to set aggregate discharge limits, known as total maximum daily loads (TMDLs), to meet water quality standards for waters impaired by nonpoint sources. Pollution from such sources is considered to be the major remaining water pollution source following decades of efforts to control traditional end-of-pipe discharges.

Both EPA and a group of wastewater treatment facilities — parties that often collide over regulatory policy — filed briefs with the high court in May urging the justices not to reconsider the appeals court's 2002 decision in the case, which upheld EPA's ability to establish a TMDL for sediment in California's Garcia River. In a brief to the high court late last month, the agriculture industry blasted EPA efforts opposing review of the landmark case, charging that EPA cited no legislative language to support efforts to regulate nonpoint source pollution and claiming the agency overturned two decades of a policy that limited the agency's reach to point source dischargers. An industry attorney says there are currently no other nonpoint source cases that raise similar concerns, but "it is inevitable that there will be others."

SOURCE: WDNR "Basin Briefs," June 26, 2003.

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Ontario considering tough "source watershed protection" effort

Ontario is contemplating creation of the strongest system in the Great Lakes basin for protecting sources of drinking water from contamination by pollution such as manure and toxic chemicals. In addition to protecting drinking water safety, the new system could limit sprawl and generally advance habitat and ecosystem protection. An advisory committee appointed by the province has released a report with far-reaching recommendations on what to do. The report includes a descrip-

tion of needed legislation, an outline of the process that would be followed to develop watershed-based source protection plans, mandatory content and candidate boundaries for the plans, suggested new powers for municipalities and others, timelines, indications of the types of circumstances in which source protection plans would supersede other rules and policies, and much else. Find the report at the Ontario Ministry of Environment's Web site at <http://www.ene.gov.on.ca/envision/water/spp.htm> or at www.glu.org/sourcewater.htm.

SOURCE: Reg Gilbert, reg@glu.org, (716) 886-0142.

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Forest Fragmentation

Sierra Club publishes Chequamegon-Nicolet comment alert

Wisconsin's John Muir Chapter of the Sierra Club has published a comprehensive set of recommendations people can use to craft their own personal comments on revisions to the Chequamegon-Nicolet National Forest plan. Comments are due July 11, so there is still time to be heard on how you think the C-N Forest should be managed. View the alert at <http://Wisconsin.Sierra-Club.org/press.htm>.

SOURCE: Sierra Club, cterrell@execpc.com.

ECCOLA suggests people send ATV concerns with C-N Forest comments

ECCOLA will shortly be submitting lengthy comments to the Forest Service on the entire plan for the [Chequamegon-Nicolet] forest. It is a good idea however, to call and send a letter dealing specifically with the ATV issues. Please use our ideas and others, but make your voices heard. I have heard credible reports from Forest Service officials that some ATVers are daring the Forest Service to stop them from going anywhere they please, the law and land be damned. For more on ECCOLA's thoughts on this issue as it pertains to the C-N National Forest, visit <http://www.eccola.org/atvissuecheqnic.htm>. Or contact the WSN for a copy of ECCOLA's comments.

SOURCE: John Schwarzmann, ECCOLA@newnorth.net.

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Mercury Reduction

Natural Resources Board unanimously approves mercury rule

The Natural Resources Board met in Waupaca on June 25 to address the mercury reduction rule that WSN member groups have been working on for nearly three years. Several leaders of WSN groups provided testimony on the need for a strong mercury rule. The Board approved the mercury rule 6-0 with little discussion. The approved rule includes an 80% reduction of mercury in

fuel by 2015. Basing reductions on mercury in fuel means more mercury goes up the smokestacks and ends up in our lakes and fish.

The mercury rule that passed the NRB is a step in the right direction, but falls short of what WSN groups support: a 90% reduction in mercury pollution from power plants and other large sources. Sporting and environmental groups worked to strengthen the rule before it was adopted by the NRB.

The mercury rule now goes to State Legislature for review. The WSN will continue to push for a stronger rule than what passed the Natural Resources Board. Specifically, we will work for:

- a 90% reduction of mercury based on current smokestack pollution and
- a provision that will require new mercury polluters coming into Wisconsin to offset their new mercury pollution.

Please see the links below for more information:

Milwaukee Journal story on NRB vote:

<http://www.jsonline.com/news/State/jun03/150849.asp>.

Wisconsin State Journal editorial on the need for a stronger mercury rule:

<http://www.madison.com/archives/read.php?ref=wsj:2003:06:24:271749:OPINION>.

SOURCE: Marc Looze, WSN mercury issue chair, (608) 251-7020, mlooze@cleanwisconsin.org.

Metallic Mining

Groups file to sue DNR over mining moratorium law

A coalition of 24 Wisconsin citizens, environmental and conservation organizations, and the Town of Nashville announced...they filed a complaint and formal notification letter with the WDNR over the DNR's failure to implement and enforce the state's metallic mining laws and regulations. The coalition filed a 30-day notice of intent to file a civil lawsuit against the DNR over its failure to develop administrative rules establishing minimum qualifications for mining permit applicants. The complaint and notification letter also alleges that the DNR has failed to determine whether the Nicolet Minerals Company (NMC) has complied with the Mining Moratorium law passed in 1998, with respect to its proposal to develop a metallic sulfide mine in the Wolf River watershed near Crandon, Wisconsin. If the DNR does not respond to the complaint and notification letter within 30 days, a lawsuit may be filed against the DNR by the coalition's members and their attorneys, Garvey & Stoddard, S.C., of Madison, Wisconsin.

In April 2003, NMC was acquired by Northern Wisconsin Resource Group (NWRG), which is owned by the Connor family. The Connor family logging company had sold much of the proposed Crandon mine site land to mining companies during the 1970's. NWRG has recently attempted to find an experienced mining company to join as a partner in the project. Unable so far to convince another company to join it, NWRG has asked the DNR to agree to "stay" the mining permit review process for the proposed Crandon mine by putting further DNR review of the supporting permit application information on hold for an undetermined amount of time while the company reconsiders its position.

SOURCE: Mining Impact Coalition, Dave Blouin, (608) 233-8455, Burroak15@aol.com.

Connors offers Spirit Hill near mine to tribes

The Appleton *Post-Crescent* reported on June 30 that "owners of the site of a proposed

COMMENTS ON THE MINING LAW SUIT

"We expect the DNR to fulfill its duty under the law to establish minimum qualifications for companies that apply for mining permits in Wisconsin, including NMC and NWRG. Our complaint and notification to DNR has been triggered largely because the new owner of the proposed Crandon mine has stated publicly that it is unqualified to operate a mine and has been unable to attract a qualified mining company to join it as a partner. The fact that we have filed this complaint and notification letter with the DNR doesn't necessarily mean we will sue the state, because it gives the DNR the opportunity to address these important issues by doing its duty under the law to ensure that unqualified applicants cannot obtain mining permits. It also provides the DNR with the opportunity to properly implement the 1998 mining moratorium law, which has been largely ignored by the agency since it was enacted. But if the DNR does not act quickly to address these important concerns in a positive way during the next 30 days, we would then have the right to sue the DNR in state court over these issues."

—Attorney Glenn Stoddard representing plaintiffs

"Communities all across Northern and Western Wisconsin are open to the threat of intimidation and economic blackmail by any one of hundreds of companies who would like to open this region up to exploitation. The DNR should set firm standards for who can undertake such activities and make a timely decision that would fulfill the legislative intent and promise of the Mining Moratorium Law."

—Tom Wilson, Chairman of the Headwater's Group of Northern Thunder

"Ensuring that the DNR follows its rules will help ensure that my grandchildren's right to clean water is protected."

—George Rock, Trout Unlimited-Wolf River Chapter.

"This lawsuit will give our natural resource protectors the tools that they need to protect Wisconsin's northwoods from irresponsible mining. Mining companies should be aware that they need to have their act together before they contemplate mining in Wisconsin."

—Claire Schmidt, mining campaign director for Clean Wisconsin

"The State would not allow a logging company to operate a nuclear power plant. Why should it allow an inexperienced company to operate a mine that would use cyanide? The rest of us cannot ask the DNR to put our fishing licenses on hold just because the fish aren't biting."

—Zoltan Grossman, Wolf Watershed Educational Project

(Wis. Stat. § 293.89 was passed in 1977 and gives citizens the right to commence a civil action to enforce Wisconsin's metallic mining laws under Wis. Stats. Ch. 293. Citizens may commence a civil action against DNR when there is alleged to be a failure of the DNR to perform any act or duty under Chapter 293 which is not discretionary with the DNR. Citizens may file suit 30 days after filing notice of intent to sue with the DNR.)

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zinc and copper mine have offered to sell a small but important piece of the property to two Indian tribes bitterly opposed to the project. Gordon R. Connor said he has contacted both the Mole Lake Chippewa and Forest County Potawatomi tribes about his intention to sell Spirit Hill. The hill is the grave of more than 500 Chippewa and Sioux warriors who died in an 1806 battle for control of the wild rice beds on nearby Rice Lake.”

SOURCE: Appleton *Post-Crescent*.

Shoreland Zoning & Water Protection

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NR115 committee agrees to nonconforming home repair language

The advisory committee helping to update state rules guiding development along Wisconsin lakes and rivers has agreed to proposed changes to existing, controversial limits on maintaining or repairing homes closer to the water than current rules allow.

The group’s recommendations will be shared with the public at statewide listening sessions later this summer and fall. The recommendations and feedback from the listening sessions will guide the DNR in writing the proposed language revising the shoreland protection rules.

BACKGROUND ON NR-115 RULES

Those rules, mandated by the Legislature’s 1966 Water Resources Act and found in Natural Resources Chapter NR 115 of the Wisconsin Administrative Code, seek to protect shoreline areas important for good water quality, fish and wildlife, and scenic beauty. They set minimum standards in unincorporated areas for how far structures are set back from the water (“set-backs”), lot sizes, and limits on removing trees and other plants. The law required counties to adopt ordinances that meet these or more protective standards. For more information on the committee’s activities, contact the WDNR.

SOURCE: Al Shea, WDNR, (608) 267-2759.

WDNR releases 2002 Congressional water report

To read an electronic copy of *Wisconsin Water Quality Assessment Report to Congress 2002*, go order a print copy, go to DNR’s web site at www.dnr.state.wi.us and click on “Environmental Protection,” then “Water,” “Watershed Management,” and finally, “Announcements.”

The primary issues for streams continue to be degraded habitat and polluted runoff, while for lakes, it’s mercury contamination from airborne pollutants, polluted runoff, hydrologic modifications, shoreline development, and exotic invasive species such as zebra mussels and Eurasian water-milfoil, according to Al Shea, who directs the DNR Bureau of Watershed Management.

SOURCE: Chuck Ledin, WDNR, (608) 266-1956 or Lisa Helmuth, (608) 266-7768.

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‘Coastal Roundtable’ in Milwaukee July 23

On July 23, the Biodiversity Project is hosting a “Year of Water” Wisconsin Coastal Roundtable in Milwaukee to convene organizations, agencies and institutions working on public education related to Wisconsin’s coastal environment. The Biodiversity Project is launching two public education projects on Great Lakes issues this year, and we are eager to take advantage of a diverse range of collective wisdom and experience to identify needs, gaps and opportunities for public education and communication programs related to the ecological health of the Great Lakes coastal regions. We have a particular interest in biodiversity, coastal habitat, and water resource issues, but we are eager to learn about the broader range of current public education work related to coastal issues in Wisconsin.

The meeting will take place at Pier Wisconsin (500 North Harbor Drive) in Milwaukee on July 23 from 9:30 a.m. -12:30pm. We would also like you to be our guests at A “Taste of the Lakes” lunch, where we will serve food and drinks that come from the Lake Michigan and Lake Superior basin. After the meeting and lunch, you are welcome to join us, along with guests from the media for an afternoon sail on Lake Michigan on the schooner Dennis Sullivan.

Because of the limited space available on the schooner, anyone who plans to attend the meeting will need to pre-register by July 11. We will be contacting you again shortly with more details. If you know of other key organizations and agencies that are engaged in public education about the Great Lakes coasts, please forward their names so we can contact them.

SOURCE: Jane Elder, Rebecca Sanghvi, and Carlos Pabellon, Biodiversity Project, 214 N. Henry Street, Suite 201, Madison, WI 73703 (608) 250-9876 fax (608) 257-3513, www.biodiversityproject.org

GAO Report: FERC values public lands at pennies

On May 21, the General Accounting Office issued its report assessing the value of federal lands used by hydropower dams. The report finds that the fees collected by FERC for this use are far below the fair market value of the lands. From the report:

“According to GAO’s analysis, FERC is receiving less than 2 percent of the annual fair market value for the use of these lands. [...] Under these [varying electricity market] scenarios, the fair market value for the use of federal lands by GAO’s sample of hydropower projects is at least \$157 million annually and, under some market conditions, hundreds of millions of dollars more. In comparison, FERC collected about \$2.7 million in annual charges from these projects in 2002.”

Read the report or the report summary at <http://www.gao.gov/new.items/d03383.pdf>.

SOURCE: *Running Rivers*, the Newsletter for Hydropower Reform, June 2003, Hydropower Reform Coalition, hydroreform@action.amrivers.org.

Lawsuit claims Poland Spring water ads are false

A June 19 Associated Press story reports, “Some Poland Spring bottled water is actually taken from sources that are surrounded by asphalt parking lots or potentially dangerous contamination, according to a lawsuit filed in Superior Court. The suit filed Wednesday against Nestle Waters North America, Inc., the Greenwich-based subsidiary of Nestle S.A., seeks designation as a class action.”

The story continues, “Nestle advertises that Poland Spring water comes from ‘some of the most pristine and protected sources deep in the woods of Maine.’ Poland Spring water is bottled at plants in Hollis and Poland, Maine. The lawsuit contends that while the water comes from Maine, it doesn’t meet the scientific definition for spring water. Similar suits also were filed in New Jersey and Massachusetts, attorneys said.”

SOURCE: Associated Press.

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ANNOUNCEMENTS

Event planning for enviro, conservation leaders July 22 in Duluth

A session titled “Event Planning 101 — Environmental Education Workshop” will be held in Duluth Tuesday, July 22, from 9:30 a.m.- Noon. Organizing an environmental or educational event soon? In meeting planning, it’s details, details, details. Coordinating environmental or educational events may seem simple at the surface, but it doesn’t take long to find that here is a profession where the devil is in the details. It’s these details that can make an event a success, or one that is talked about for years because the details were overlooked. This workshop is geared for those who plan a few events every year but meeting planning is not their full-time job.

Jeff Stuhr, Certified Meeting Planner and Information Officer for the MN Office of Environmental Assistance, will share with you practical information and useful tips regarding the organization of events/meetings. This workshop is free. Space is limited; registration is required. E-mail Denise Stromme at denise.stromme@moea.state.mn.us for more details. Registration deadline is Friday, July 18th. The workshop will take place in the Pollution Control Agency’s conference room, 4th Floor, 525 Lake Avenue South, Suite 400, Duluth. This workshop is open to all working in the environmental and/or education field.

SOURCE: via the River Alliance of WI.

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Biodiversity Project seeks senior program director

The Biodiversity Project seeks an experienced professional to play a key role in overall program development and management for the Biodiversity Project and especially to manage current public education projects on freshwater issues in the Great Lakes region. The preferred candidate will have five or more years experience in project and program management, experience in nonprofit

organizations, excellent networking and coalition-building skills, solid communications know-how, excellent writing skills, and proven fund raising skills. Bachelor's degree required, master's preferred. Familiarity with policy and constituencies relevant to fresh water and Great Lakes issues will be valuable, as will be a grounding in biodiversity issues and communications. To apply, please send a cover letter, resume, and a short (less than three pages) writing sample to Jane Elder, Executive Director, Biodiversity Project, 214 N. Henry St., Suite 201, Madison, WI 53703 by July 21, 2003. Phone inquiries are discouraged.

SOURCE: Biodiversity Project.

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WSN Member Groups
Get connected...join the WSN

Aldo Leopold Audubon Society
Anishinaabe Nijiji/ Protect the Earth
Badger Fly Fishers, Inc.
Brown County Conservation Alliance
Central WI Chapter of SOUL
Central Wisconsin Chapter of TU
Citizens for a Scenic Wisconsin
Clean Wisconsin
Concerned Citizens of Newport
Door County Environmental Council
Environmentally Concerned Citizens of Lakeland Areas
Families and Friends for Social Responsibility
Frank Hornberg Chapter of TU
Friends of the Jump River

Green Bay Area Great Lakes Sport Fishermen
Green Bay Chapter of TU
Groundwater Guardians
Habitat Education Center
Harry & Laura Nohr Chapter of TU
Inland Sea Society
Izaak Walton League of America - WI Division
John Muir Chapter of the Sierra Club
Lake Superior Greens
Lakeshore Chapter of TU
Madison Audubon Society
Menomonee Valley Partners
Midwest Environmental Advocates
Mining Impact Coalition of WI, Inc.
Neighbors Standing United
Northern Thunder
Pheasants Forever - Sugar River Valley Chapter
Plover River Alliance
Random Lake Association
River Alliance of Wisconsin
Save Our Unique Lands

Shaw-Paca Chapter of TU
Smallmouth Alliance Southern WI Chapter
SOUL of Kennan/Catawba
SOUL of Lake Superior
SOUL of Rusk County
SOUL of Sawyer County
Southern Wisconsin Chapter of TU
The Muskellunge Club of WI
Twin Lakes Conservancy
Waterkeepers of Wisconsin
WI Association of Lakes
WI State B.A.S.S Federation
WI State Council of Trout Unlimited
WI Wetlands Association
Winnebago Audubon Society
Wisconsin Conservation Voters Institute
Wisconsin Resources Protection Council
WI Public Interest Research Group (WISPIRG)
Wolf River Chapter of TU

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WSN Network News is published twice monthly by the Wisconsin Stewardship Network, Inc., a network of Wisconsin hunting, fishing, conservation, environmental, and other groups interested in protecting and preserving Wisconsin's natural resources.

The WSN's Board of Directors consists of representatives from the following organizations: Brown County Conservation Alliance, Concerned Citizens of Newport, ECCOLA, Izaak Walton League of America, Madison Audubon Society, Midwest Environmental Advocates, Inc., Muskies, Inc., Northern Thunder, Pheasants Forever, River Alliance of Wisconsin, Save Our Unique Lands, Sierra Club — John Muir Chapter, Wisconsin Association

of Lakes, Wisconsin State B.A.S.S. Federation, Wisconsin's Environmental Decade, and Wisconsin Trout Unlimited, plus individuals who serve as at-large members.

The WSN's mission is to build a cooperative network that strengthens Wisconsin's stewardship ethic for the betterment of its people and natural resources.

Editorial contributions to this e-newsletter are welcome. Send news of your group's activities relating to the WSN's priority issues to WSN Exec. Director Todd Hanson at wsn@chorus.net.

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