



WSNetwork News

October 15, 2003

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

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Mark your calendars!

**WSN annual conference set for
Feb. 6-7 at UW-Stevens Point:**

- Great speakers
- 2003-04 priority issue voting
- Networking, training, and more!

Arrowhead-Weston Line

WSN issue chair: Logan Edinger, Save Our Unique Lands, edinger@centurytel.net

Transmission line hearing: Can the PSC hear it?

They came to Ladysmith with police but no microphones. Expecting public anger and outrage over the unpopular Arrowhead-Weston 345,000 volt transmission line proposed across northern Wisconsin, the Public Service Commission (PSC) began its second day of public hearings without a sound system but with several private security cops on hand. Neighbors, unable to hear testimony in the crowded room, spoke up in protest from the audience. Tempers flared and the hearing examiner briefly halted the hearing, promising to send staff to the local Radio Shack for a portable public address system.

Meanwhile, security approached one outspoken man who had volunteered to help read anyone's prepared testimony with his strong voice, and suggested to him that he leave the room. When the hearing resumed, the outpouring of opposition to the transmission line mirrored the previous day's public testimony in Solon Springs. The public's perspective was at times emotional and frequently eloquent and articulate in voicing common concerns.

(Read the rest of Will Fantle's story above at http://www.wsn.org/energy/public_opposition_clear.html.)

WDNR starts Office of Energy for environmental permitting

A new Office of Energy has been established at the WDNR to organize environmental permitting and manage technical policy analysis for major utility and energy projects. The Office of Energy is responsible for coordinating utility project reviews with the Public Service Commission under a cooperative agreement between the two agencies that Gov. Jim Doyle announced in September. The agreement streamlines approval of power generation and transmission facilities to help Wisconsin deliver the electricity needed to support economic growth and high-skilled, high-wage jobs while maintaining environmental quality standards.

“The DNR Office of Energy will be made up of a team of knowledgeable environmental professionals responsible for managing the review process for major energy projects so sound and timely decisions can be made,” said DNR Secretary Hassett. Dave Siebert, a wetlands ecologist who has worked on several major energy projects for the department’s environmental analysis program, is temporary director of the new energy office while a permanent director is recruited. Siebert will report to Jack Sullivan, acting administrator of the department’s Enforcement and Science Division.

SOURCE: WDNR, (608) 264-6048.

Rep. Sherman on A-W: no “state of emergency”

The Oct. 2 Ironwood *Daily Globe* reports, “Rep. Gary E. Sherman, D-Port Wing, Wednesday submitted his written testimony to the Public Service Commission regarding the proposed Arrowhead-Weston Transmission Line project. ...after analyzing the initial application and the Environmental Impact Analysis, Sherman concluded that the proposed power line was not the most efficient or beneficial manner of addressing Wisconsin’s projected need for additional electric supply.

“This summer Wisconsin was able to satisfy an all-time record demand without any glitches,” said Sherman. “We safely sailed through the stress to the grid which caused the major blackout in the East. Even Michigan, right next door, was affected. It is clear to me that we are not in a state of emergency. We should not jump to a hasty, single-source solution when developing a mixed approach would better meet our energy needs. Th

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lion barrels a day to 3.4 million over the next decade as it extracts more oil from deposits of oil sand. Enbridge said that the pipeline, with an initial capacity, of 250,000 barrels a day would give it access to the St. Louis area and to Kentucky.”

SOURCE: *New York Times*.

DNR Independence & Public Intervenor Office Restoration

WSN issue chair: Caryl Terrell, Sierra Club —
John Muir Chapter, cterrell@execpc.com

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Automatic permits would harm state’s quality of life

Wisconsin lawmakers are considering legislation that would automatically approve the permit applications of polluting facilities if the government does not act within a short timeframe. These facilities may emit toxins that threaten human health, build in potentially sensitive areas that cannot be regained once destroyed, or otherwise negatively impact our public health, air and water.

These bills are described as “economic development” and “regulatory reform,” but in reality undermine the very basis of our economic prosperity: our clean and abundant natural resources and high quality of life. Senate Bill 246, which passed on September 23, 2003, and Assembly Bill 486, which passed on October 2, 2003, call for state agencies, including the Department of Natural Resources (DNR), to establish short timetables for the review and processing of applications. If the agency fails to meet established deadlines, the application is automatically approved.

The artificial deadlines imposed by SB 246/AB 486 undermine the DNR’s ability to protect the needs of individual sites. DNR permits are not just granted or denied; they are customized on a case-by-case basis. Artificial deadlines will lead to less detailed, less protective permits and more “rubber stamping.” In the case of automatic approvals, the DNR loses any real protective capability. Wisconsin should not sacrifice its public health, safety and environmental protection standards under the false notion that this is necessary to attract more industry. Businesses thrive in places with abundant and well protected natural resources and a high quality of life. Instead of balancing development and environmental sustainability, automatic approvals would ensure that the DNR was unable to negotiate with applicants and write permits that satisfy both business and environmental needs. There is no longer an incentive for applicants to make the compromises necessary to protect public land and health knowing the permit is automatically approved when the clock runs out.

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SOURCE: Melissa K. Scanlan, Executive Director, Midwest Environmental Advocates, Madison, mscanlan@midwestadvocates.org.

Fair Motorboat Gas Revenue Allocation

WSN issue chair: open
[Contact the WSN](#)

New York signs timber theft law

A story in the Oct. 1 *Environmental News Service* reports that Governor George Pataki signed legislation that increases the penalties for timber theft and announced the availability of \$645,000 in financial, educational, and technical assistance for owners of private forests in New York. Provisions of the law, which takes effect March 1, 2004, will prohibit the cutting, removal, injury or destruction of any trees or timber or other property on state lands or private lands without consent of the owner, and make such actions eligible for prosecution as a Class A misdemeanor. The measure will increase the penalty from \$10 per tree to \$250 per tree or treble damages based on the current fair market value of a tree as it stands prior to the time of sale, cutting, or removal, in addition to potential reparations paid to the rightful owner. The new law helps encourage the practice of forestry on public and private lands by establishing a Right to Practice Forestry. The initiative is similar to New York's Right to Farm law and will help ensure that legitimate, and sustainable, forestry activities are not restricted or banned by local regulations or ordinances.

SOURCE: SERC "Wildlines Report," October 6, 2003.

NY citizens organize to combat state land ATV damage

The Sept. 29 *Skidmarks* reports that the Residents' Committee to Protect the Adirondacks, the Adirondack Mountain Club, the Association for the Protection of the Adirondacks, and the Adirondack Council all agree: New York's Department of Environmental Conservation needs to address the use of off-road vehicles in state forest preserves now. The Department began considering an all-terrain vehicle (ATV) off-road policy for the Catskill and Adirondack regions last year. The Residents' Committee's Peter Bauer said that, although ATVs are "shredding" the land, "For more than a year nothing has happened and the forest preserve continues to suffer." The Department has responded to critics by saying it continues to work to develop an ATV policy, but that it will take some time since the issue is sensitive and complicated. The current unofficial policies vary between different regions. In the northern and western Adirondacks, ATV use is widely allowed, even in areas where such activity may conflict with the State Land Master Plan. In the High Peaks and central and southern Adirondacks, ATVs are not allowed off road. An additional effect of the Department's delay is that a number of management plans covering the Adirondacks, which were ordered by Governor George Pataki, are on hold until an official ATV off-road policy

is in place. The complete story is at http://wildlandscpr.org/newsletters/Skid_Marks/skidmarks74.htm.

SOURCE: SERC *Wildlines Report*, October 6, 2003.

Mercury Reduction

WSN issue chair: Marc Looze, Clean Wisconsin, mlooze@chorus.net

Metallic Mining

WSN issue chairs: Jim Wise, ECCOLA ecowise@newnorth.net and Claire Schmidt, Clean Wisconsin, schmidtc@cleanwiscon-

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Crandon Mine owners want new county agreement

A story by Dean Acheson in the Oct. 8 *Forest Republican* reports, “The new owners of a proposed metallic mine have asked Forest County officials to reopen the local agreement that was signed in 1985 between Nicolet Minerals Co. (NMC) and the county, according to a document obtained by the *Forest Republican*. The county Forestry Committee has met twice to review the proposed changes, but those discussions have taken place in closed session. The committee forwarded suggested changes to Corporation Counsel Fred Kawalski after the first meeting. The committee did not release particulars.”

The story quotes Gordon Connors as saying, “Like any other business we’re evaluating our lease agreement, contract obligations, and maximize them to get us to that end point the most effectively.”

SOURCE: *Forest Republican*.

Shoreland Zoning & Water Protection

WSN issue chairs: Jim Wise, ECCOLA ecowise@newnorth.net and Donna Sefton, WI Assn. of Lakes, dfsefton@charter.net

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Navigability hearing packed in opposition to AB-506

Today’s hearing at the State Capitol of the Assembly Natural Resources Committee was packed with people, most of whom were opposed to AB-506 that would define “navigable waters” as those that could float a person in a canoe for a period of six months of the year. Insiders have called AB-506 an “end run” by Rep. Scott Gunderson who was not able to build support for redefining navigability in the recent Legislative Council study on recodifying Chapter 30. People at today’s hearing were, however, supportive of AB-514, a bill that implements many of the suggestions that came out of the Legislative Council study. AB-514 would also place into the statutes the same definition of navigability enunciated by the Wisconsin Supreme Court in its rulings over the years.

TU column provides insight on navigability issue

In a column in the October, 2003, *Wisconsin Trout*, attorney and Wisconsin State Council of Trout Unlimited Chair Jon Christiansen offers some insight into the legislature's attempt to redefine the term navigability.

Christiansen writes, "In government — as in affairs between neighbors — occasionally somebody pokes their nose into somebody else's business. That is what's happening right now concerning the public's right to navigate the waters of our state. The Supreme Court cases taken in conjunction with the DNR's implementation provide for a completely workable system. Completely, that is, unless the legislative purpose is to exclude certain streams for navigability in order to engage in additional property development. By draining swamps and channelizing small streams that occasionally act as staging area for fish fry and home for other aquatic life, more land go into development.

"The Constitution establishes the Public Trust Doctrine and the concept of navigability. It is the job of the Supreme Court to define navigability and it has addressed this task admirably in the case law. While the Legislature is free to enact laws implementing constitutional intent, it may not be free to change a Supreme Court's decision. Whether or not this is so would have to await a court challenge to the proposed statute. Representative Gunderson's bill defines a stream to be navigable if it can float a watercraft carrying a person at least six months during a calendar year. In reality, this definition is no more precise than the existing definition of the Supreme Court's cases. So, is this bill a solution in search of a problem?"

SOURCE: Jon Christiansen column, *Wisconsin Trout*, www.WisconsinTU.org.

WDNR updating "impaired waters" list

The DNR is in the process of updating their "impaired waters" list, aka 303d list, a list required by the Clean Water Act which is published every two years. This list is one of the most powerful tools available to give the public a real sense of the current state of our waters. Under the Clean Water Act, the DNR is required to plan for the clean-up of those waterways listed as "impaired." Furthermore, listing of a waterway is a criterion that may be used to prioritize future restoration measures, such as the implementation of buffers.

THE PROBLEM... Because the DNR lacks water quality data for the majority of our waterways, the River Alliance and many other organizations have long maintained that the current list underestimates the true extent of impaired waters in Wisconsin, and includes only a fraction of our impaired waterways. Last month DNR staff sent a letter to a number of universities and agencies asking them to submit their water quality data for consideration as the list is updated. Unfortunately, they didn't extend this request to citizen organizations that may be doing on-the-ground monitoring, or otherwise have information of impaired waters around the state.

WHAT YOU CAN DO. For all these reasons, we hope you will contact DNR staff and:

(1) Submit to them any data that you or your organization may have showing impaired water quality (it may be from pollutants, sediments, or a number of different sources), and

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(2) Submit to them a list of all local waterways that appear to be impaired (i.e., this may be a visible decrease in water quality, or waters that you know no longer support fisheries or other uses they once did).

Ask the DNR to immediately begin monitoring these waterways so the data may be available to consider them for inclusion into the “impaired waters list” in 2006. For further details, I have pasted below the letter the DNR recently sent out asking for data. If you have any questions, you may contact me directly. However, questions specific to your data should be forwarded to Jim Baumann of the DNR at (608) 266-9277.

SOURCE: Diana Toledo, River Alliance of Wisconsin, diana@wisconsinrivers.org, (608) 257-2424.

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WI Academy holding WOW follow-up event Nov. 3 in Brookfield

Join the fun and keep Waters of Wisconsin ongoing. Come to “Water, Community, and the Arts,” celebrate the Year of Water, and reconvene on Water of Wisconsin. We’ll be in Brookfield on Monday, November 3, at the Sharon Lynne Wilson Center for the Arts for a great program in a really neat space — policy and the arts — with the day culminating in a special performance of water-themed selections by the Waukesha Symphony Orchestra. All the details are listed below or go straight to the website to register — hope to see you there! The registration fee is \$36 and includes the symposium, reception with buffet, and orchestra concert. Register by October 22 to ensure your space — registration will be accepted after this date as space allows.

SOURCE: Shaili Pfeiffer, smpfeiffer@wisc.edu, (608) 263-1692, www.wisconsinacademy.org.

State settles with Fond du Lac on industrial wastewater violation

Attorney General Peg Lautenschlager announced her office has settled a lawsuit against the City of Fond du Lac for violations of state water pollution laws. Under the terms of a settlement between the city and the state, the city has agreed to pay a total of \$25,000 in forfeitures and penalties.

According to the complaint, as a result of the city’s failures to properly control the wastewater being discharged into its plant by one company-ECI Special Waste Services, Inc. the city’s plant became inoperative on two occasions, in January and March 2002, causing the city’s wastewater discharges into Lake Winnebago to exceed the discharge limits contained in the city’s permit.

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Brochure addresses Upper Mississippi water level management

A new brochure that explains how wildlife officials are using water level management as a tool to restore habitat on the Upper Mississippi River is now available to the public. Along with a short explanation of the water level management process, the brochure includes a brief summary of the results of the Pool 8 demonstration draw downs and the future direction of water level management on the river.

The brochure is available at many state and federal offices along the river including U.S. Army Corp of Engineers, U.S. Fish and Wildlife Service, and Wisconsin and Minnesota Department of Natural Resources offices or on the web <http://www.mvp.usace.army.mil/docs/brochure.pdf>. The Nature Conservancy of Minnesota and Wisconsin paid for the printing of the brochure.

SOURCE: Ruth Nissen, WDNR Mississippi River Unit, (608) 785-6363.

Greenseams announces first big project

Greenseams, an effort to reduce flooding risks, protect riverfront land from development, and provide increased public access, has announced its first big project. Teaming with the River Revitalization Foundation, the Milwaukee Metropolitan Sewerage District's (MMSD) Greenseams program has purchased a conservation easement on nearly 4.5 acres along the Milwaukee River. The easement connects two Milwaukee County-owned parcels along the western shore of the river between Gordon Park and North Avenue.

SOURCE: Kimberly A. Gleffe, Executive Director, River Revitalization Foundation, 200 N. Jefferson St. #201, Milwaukee, WI 53202 (414) 271.8000 riverfdn@hotmail.com.

MD legislators strengthening shoreline buffers

The October 1 Baltimore *Sun* reports that illegal building activity, including tree cutting and plant removal, has contributed to the degradation of the banks of the Chesapeake Bay. Weak penalties, amounting to fines not more than \$2000, have failed to deter builders and landowners in the area from disobeying the state laws governing building activity in this critical area. After witnessing the damage resulting from the illegal building while on a river tour of the area, members of the Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area were determined to strengthen the state laws governing building regulations on the coast. Full story at <http://www.sunspot.net/news/local/bal-md.critical01oct01,0,2965287.story?coll=bal-local-head-lines>.

SOURCE: SERC *Wildlines Report*, October 6, 2003.

ANNOUNCEMENTS

WAL seeking Communication Coordinator

The Wisconsin Association of Lakes is seeking a creative professional to coordinate media relations, fundraising, and membership recruitment for the organization. This is a full-time, regular position with benefits. The ideal candidate will have a bachelor's degree in journalism or a related field and 3-5 years of experience in writing press materials, developing publications using Page-Maker or a similar program, designing and implementing a fundraising plan. Good writing skills

and an ability to handle multiple projects a must, and a working knowledge of Microsoft Access software will be a plus. Send cover letter, resume, salary history, and one writing sample by October 17 to Peter Murray, Wisconsin Association of Lakes, One Point Place, Suite 101, Madison, WI 53719 or e-mail wal@wisconsinlakes.org.

WWF opposed to effort to repeal “smart growth” law

The Wisconsin Wildlife Federation has expressed its strong opposition to Assembly Bill 435 that would repeal Wisconsin’s Smart Growth Law. Wisconsin’s Smart Growth legislation provides funding and broad directions to cities, counties, villages, and towns enabling them to develop locally based land use plans for their communities. Sound locally based land use planning is critical to maintain fish and wildlife habitat, water quality and safe hunting opportunities through out the State of Wisconsin.

Contact: George Meyer, Executive Director, Wisconsin Wildlife Federation, (608) 516-5545.

WI Citizen Action celebrating 20th anniversary

Join us for an evening of comedy, music, dancing, good food & GREAT people Thursday, November 6, at Sprecher Brewery, 701 West Glendale Avenue, Glendale, WI (see www.sprecherbrewery.com for directions) from 5:30-9:30 p.m. Performing at the event will be five-time Emmy nominee comedian Will Durst and the incomparable Paul Cebar and the Milwaukeeans. To purchase tickets go to our website: www.wi-citizenaction.org or call Michelle McGrorty at (608) 256-1250 x13 or e-mail mmcgrorty@wi-citizenaction.org.

Nuke waste petition on-line

We urge you to take a brief moment to link to, read and sign our petition titled, “No more nuclear waste in Wisconsin” at <http://www.PetitionOnline.com/Nuke1003/petition.html>. Rest assured that your contact information will NOT be visible on the Internet. Your signature will strengthen our petition and help us continue to raise awareness that Wisconsin is being considered to become the country’s next nuclear waste dump.

SOURCE: Shauna Cook, Communications Director, Clean Wisconsin (formerly Wisconsin’s Environmental Decade), 122 State Street, Suite 200 Madison WI 53703-2500 (608) 251-7020 www.cleanwisconsin.org

Seeking support for Herb Buettner hall of fame nomination

As you may already know, the Mining Impact Coalition of Wisconsin is nominating Herb Buettner to the Wisconsin Conservation Hall of Fame. I am hoping to get our nomination letter to the Board by early next week. If you or your organization has not already submitted a letter of support, please consider doing so. If your organization is unable to pass a resolution due to one reason or another, please seriously consider sending me a personal letter of support. Contact me for a

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sample letter of introduction and sample resolution. I think we would all agree that Herb's achievements and dedication to Wisconsin's natural resources speaks to the nomination for induction.

SOURCE: Linda Sturnot, lsturnot@fcpotawatomi.com.

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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
Citizens for Safe Water Around Badger
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
Friends of Milwaukee's 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 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, Clean Wisconsin, Concerned Citizens of Newport, ECCOLA, Izaak Walton League of America, Madison Audubon Society, Midwest Environmental Advocates, Inc., Musky Club of WI, 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, 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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