



See coverage inside on historic purchase by Wisconsin tribes.



WSN Network

November 1, 2003

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

Click on these WSN priority issue section links or scan the Acrobat bookmarks on the left:

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Award-winning outdoor & conservation writer Michael Furtman to speak at WSN conference Feb. 6-7



The WSN is pleased to announce that noted outdoor writer ([more](#))

Arrowhead-Weston Line

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

Doyle announces utility and transmission line siting agreement

From the Oct. 27 Milwaukee *Journal Sentinel*, "Flanked by key Republican and Democratic legislative leaders, Governor Jim Doyle announced today a bipartisan agreement that will streamline our regulatory process for utility siting and help ensure a reliable, affordable, environmentally sound energy infrastructure for Wisconsin. 'This agreement will enable us to build and maintain a modern, reliable electric transmission grid for Wisconsin's families, and our economy,' Governor Doyle said. 'Together, we can deliver the electricity our state needs to promote growth and create high skill high wage jobs for our citizens.'

'Most importantly, this agreement means that the system will work faster, while preserving our high environmental and health standards,' said Governor Doyle. 'And it will protect the public's right to have input into the process. I am committed to the kind of regulatory reform that speeds up the process without lowering standards or threatening public input, public health, public safety, or our environment.'"

SOURCE: Jessica Erickson, (608) 261-2156, Milwaukee *Journal*, October 27, 2003.



Green Delaware, have submitted recommendations for the DNREC, but DNREC deputy secretary David Small said that the guidelines would be developed internally.

SOURCE: SERC *Wildlines Report*, October 14, 2003, wildlines@serconline.org.

Fair Motorboat Gas Revenue Allocation

WSN issue chair: open
Contact the WSN

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ATV bill would get added funds through revised gas tax allocation

A bill before the Wisconsin Assembly number AB-596 would create some new programs for all-terrain vehicles and would fund them by raising the ATV gas tax allocation from the current 25 gallons/vehicle to 52 gallons/vehicle. At a recent hearing on the bill, some legislators criticized the bill on the grounds it would take money away from highway projects.

SOURCE: WSN.

Farm Manure Management & Polluted Runoff Enforcement

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

EPA's final CAFO pollution rules prompts state revisions to NR 243

In response to U.S. EPA's final revisions to federal NPDES requirements for Concentrated Animal Feeding Operations (CAFOs) the Department has begun to revise ch. NR 243, Wis. Adm. Code. A Technical Advisory Committee (TAC) has been formed consisting of various interested parties (e.g., environmental groups, trade associations for animal feeding operations, other state and local agencies) to oversee the rule revision process. The first meeting was held on September 18, 2003, in Madison and provided TAC members with an overview of federal and state CAFO regulations as well as main issues on which the TAC will be asked to provide their input. The next TAC meeting is October 17.

SOURCE: WDNR "Basin Briefs," 10-7-03.

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Kedzie, Johnsrud ask state to exempt CAFOs from new air pollution rules

An Oct. 9 story by Mike Ivey reports, "Two prominent rural legislators are coming under fire for seeking an exemption for farming operations from pending new state air pollution rules. Sen. Neal Kedzie, R-Elkhorn, and Rep. DuWayne Johnsrud, R-Eastman, have sent a letter to the state Department of Natural Resources seeking a specific exemption for large livestock operations. The new rules, NR445, do not mention agricultural uses specifically but the two legislators said they want language included in the measure to make it law.

“But Andrew Hanson of Midwest Environmental Advocates accused the lawmakers of trying to insulate agribusiness from regulation of hazardous air emissions. Hanson said so-called ‘factory farms’ are already given special favors under the state’s Right to Farm Law and are now seeking further exemptions. ‘This is another example of how agribusiness refuses to be held accountable for harming the rural quality of life in Wisconsin,’ he said.”

SOURCE: Mike Ivey, Milwaukee *Journal Sentinel*, mivey@madison.com.

Video on Wisconsin CAFO water stewardship released

The video on Wisconsin CAFOs and stewardship of our water resources is now finished and we received copies. It is 10 minutes long and talks about what Wisconsin has been doing in both regulatory and volunteer programs to help protect state waters from ag runoff. It highlights some individual farm operators, Discovery Farms, biogas generation, DNR/DATCP agency cooperation, CAFO permitting, and DNR grants programs. Since the footage was shot over a year ago, it’s somewhat outdated in the regulators (Jim Harsdorf is interviewed as DATCP Secretary) but I think the message is still the same.

SOURCE: WDNR “Basin Briefs,” 10-29-03.

Bush administration consent decree would weaken CAFO compliance

The EPA has issued a consent decree that proposes to give Concentrated Animal Feeding Operations (CAFOs) immunity from the Clean Air Act and Superfund law. This decision had been suspected by environmental groups and is only now being made public by the Bush Administration. In response, Ken Midkiff, Sierra Club senior representative specializing in issues related to animal factories, issued the following statement: “The Bush Administration is endangering communities by allowing giant animal factories to pollute indefinitely. This proposal is the result of a backroom deal that gives all the benefits to agribusiness industries and places all the burdens on citizens who live near the huge livestock facilities.”

The EPA has the statutory responsibility and the authority to restrict harmful air emissions from Concentrated Animal Feeding Operations. Pressures brought by the large polluters resulted in a hand-out from the Bush Administration. The consent agreement would allow CAFOs to pay a mere \$500 fine, and buy permanent immunity from lawsuits. This is a major reduction from the current fine of \$27,000 per day. Read more at http://www.sierraclub.org/pressroom/cafo_papers/.

SOURCE: Sierra Club.

Milwaukee River better after dam removal

Nearly three years after removing the Chair Factory dam on the Milwaukee River, state environmental researchers have more proof that such a move improves water quality and boosts fish populations.

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The most recent evidence is a greater variety of fish than ever before found in the now shallow, fast-flowing water upstream of Falls Road in this Ozaukee County community. Where carp once dominated a sluggish, murky artificial lake that had formed behind the dam, few of the nuisance aliens remain in this stretch of river, said Will Wawrzyn, a fisheries biologist with the state DNR. Their place has been taken by hundreds of smallmouth bass, of all sizes, and more than a dozen additional fish species, including the rare greater redhorse and others not tolerant of muddy water, he said after five hours of wading in the river and counting its aquatic residents.

[...] Such variety and abundance of fish would not have been possible without removing the dam and draining the impoundment behind it, he said. The 8-foot-tall concrete wall had been declared a safety hazard in June 2000, and it was demolished at a cost of \$96,000 in December of that year. A wooden dam was built on the site in 1847, and it was rebuilt with concrete in 1914.

SOURCE: WDNR "Basin Briefs," 10-7-03.

PA finding their farm nutrient laws often not implemented

An October 16 story in the *Post Gazette* at <http://www.post-gazette.com/localnews/20031016farmslocal4p4.asp> reports that a study released by Citizens for Pennsylvania's Future finds large farms, commonly known as factory farms, are creating a number of environmental problems. These include air pollution from pungent odors, a number of human health concerns, and the degradation of soil and water due the large amount of manure generated in small areas. The current regulations in place to protect the environment from factory farms have been unable to keep up with the pace at which the farms are developing. Even though Pennsylvania has had a nutrient management law in effect since 1993, many individual plans have not been implemented by the farmers, and there is little thought to the cumulative impact of a number of factory farms on a watershed. Pennsylvania also lacks regulations concerning odor, air pollution (from hydrogen sulfide, for example), and excessive phosphorous from manure spread on fields. The report also criticizes the use of low-level antibiotics in factory farms. To view the report, visit http://www.pennfuture.org/items/factoryfarmreport_101003.pdf.

SOURCE: SERC *Wildlines Report*, October 20, 2003, wildlines@serconline.org.

Forest Fragmentation

WSN issue chair: John Schwarzmann,
ECCOLA eccola@newnorth.net

Mercury Reduction

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

Legislators call mercury rule supporters ‘extremists’

Some of our legislative leaders are very publicly attacking the issue of mercury reductions and the groups that support reductions. This started at an August public hearing on the mercury rule where members of the public were grilled by legislators on the Senate and Assembly Natural Resources Committees. Now, they are labeling groups that support mercury pollution reductions as ‘extremists.’ Here are a couple links to news releases for your review:

<http://www.thewheelerreport.com/releases/Oct03/Oct24/1024GardDNR.PDF>.

<http://www.thewheelerreport.com/releases/Oct03/Oct23/1023kedzieDNR.PDF>.

The Natural Resources Board will be voting on how to respond to the legislature’s attack on important mercury health protections in the next couple weeks. Please stay tuned.

SOURCE: Marc Looze, Clean Wisconsin, mlooze@cleanwisconsin.org.

Sierra Club asking Governor, NRB to hold firm on mercury rules

“Polluting companies and their lobbyists worked overtime to convince two legislative standing committees to stall and weaken rules to address mercury and cancer-causing air pollution,” said Caryl Terrell of the statewide John Muir Chapter of the Sierra Club. “But Secretary Scott Hassett can show the commitment of the Doyle Administration to clean healthy air for our families and tourist anglers by standing tall for cleaner air and controlling toxic air pollution.”

Added Eric Uram, the Sierra Club’s Regional Representative for the Midwest Office, “Mercury and toxic air pollution threaten public health. Ignoring it doesn’t make it go away. The rules are based on sound science and represent the agency’s best efforts to protect both the public’s health and industry’s profits. To backpedal now only promotes a political agenda.”

WWF writes NRB: hold track on mercury rules

In an October 22 letter to Tryg Solberg of the Wisconsin Natural Resources Board, Wisconsin Wildlife Federation Executive Director George Meyer wrote, “The Wisconsin Wildlife Federation encourages the Natural Resources Board...to reaffirm its prior decision to adopt mercury emission regulations for utilities in Wisconsin. As the Wisconsin Wildlife Federation testified at your June meeting, this is an important health issue for our members and their families. The sooner that Wisconsin utilities start to implement the reductions called for in the regulations, the sooner there will be less mercury going into our lakes, our fish and our children.

“In June of this year you did your job and you did it well. You looked at the science and the policy and you adopted a sound set of rules. Many of us in the conservation community asked for more stringent rules. You listened respectfully to all sides of the matter and you ultimately made a sound and reasoned decision. The respective Senate and Assembly Committees returned this matter to you for more discussion. Time is now of the essence.... This issue is no longer one of science and policy, it has become one of hardball politics. That is not your job, that is the job of Secretary Hassett, those in the legislature that support the rule, the many fishing and environmen-

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tal groups that support the rule and ultimately Governor Doyle. Please complete your job by returning this rule to the Legislature as recommended by DNR staff and let the remainder of the legislative review process begin. Thank you for your time and seasoned, respectful judgment.”

SOURCE: George Meyer, Wisconsin Wildlife Federation.

CSWAP warns residents about high Badger plant mercury levels

Citizens for Safe Water Around Badger (CSWAB) has sent a letter to 20 area residents that received a permit to fish at the former Badger Ammunition Plant in Baraboo warning them that the level of mercury detected in large-mouth bass was 0.78 parts per million. At this level, the Wisconsin Department of Health and Family Services (DHFS) said that people that are more sensitive to mercury, including women of childbearing age and children under 15 years old, should not eat any of these fish. Other people should not eat more than 13 meals per year of these fish, DHFS said.

BACKGROUND: Mercury at Badger site

The Ballistics Pond at Badger — once used as an evaporation and settling basin for industrial wastewater — is one of 92 Wisconsin inland waters that warrant a stronger “Do Not Eat” advisory than the general recommendations for all Wisconsin waters.

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SOURCE: Laura Olah, Executive Director, Citizens for Safe Water Around Badger, E12629 Weigands Bay S, Merrimac, WI 53561 (608) 643-3124 info@cswab.org.

Metallic Mining

WSN issue chairs: Jim Wise, ECCOLA ecowise@newnorth.net and Claire Schmidt, Clean Wisconsin, schmidt@cleanwisconsin.org

Crandon Mine permit withdrawn after tribes purchase Nicolet Minerals Co.

Declaring a victory for the environment and northwoods tourism, two Indian tribes purchased the proposed Crandon mine. The Sokaogon Chippewa Community Mole Lake Band and the Forest County Potawatomi Community will divide ownership of the mining project land and the Mole Lake tribe will assume ownership of the mining applicant, Nicolet Minerals Company (NMC).

“With this purchase, we can prevent environmental threats from unsafe proposals to mine at the headwaters of the Wolf River,” said Sandra Rachal, Mole Lake Chairwoman. “The risks to the water, the land and the air from the proposed project were much too great.” “This purchase protects the Wolf River, the wetlands, and the groundwater of Northern Wisconsin,” said Gus Frank,

Web sites for further information on Crandon Mine sale, fallout, and opinions

Stories and editorials on the Crandon Mine site sale could fill this newsletter, so rather than try to summarize all of them, here are a couple good places to check for further information:

www.wsn.org

www.treatyland.com

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Chairman of the Forest County Potawatomi Community. “It ends the threat to the tourism economy — the economy that most of us in northern Wisconsin, including the tribes, depend on. We all depend on the waters and natural resources of the Northwoods — for recreation, to bring tourists to our State, and, for the Tribes, to sustain our traditions. We’re proud to be a part of protecting this area for future generations.”

SOURCE: Bill McClenahan, Martin Schreiber & Associates, (608) 259-1212.

DNR accused of illegal billings to former mine owner

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A suit has been filed against the WDNR by the former owner of Nicolet Minerals Company, Gordon Connor Jr., seeking compensation for hundreds of thousands of dollars the plaintiff claims were unlawfully billed the company for research. According to a story in the *Wisconsin State Journal*, “By billing Nicolet for costs associated with researching its mining proposal, the Dane County Circuit Court lawsuit alleges, the Department of Natural Resources violated U.S. and Wisconsin constitutional protections against taking private assets for the public good without just compensation.”

SOURCE: *Wisconsin State Journal*.

Citizens: legislature should deal with cyanide ban now

More than 20 sporting, conservation, and environmental organizations called upon Assembly Environmental Resources committee chair Rep. DuWayne Johnsrud (R-Eastman) to hold a hearing and committee vote on the bill to ban cyanide in Wisconsin mines (AB 91). A 2001 poll shows that Wisconsin citizens support the ban by a 3-1 margin. A previous, identical version of the AB 91, (SB 160) was passed on a bi-partisan vote by the state Senate in 2001. The Assembly failed to take the bill up for a vote after it passed in the Senate during the 2001-02 legislative session.

SOURCE: Kathy Pielsticker, Executive Director, League of Conservation Voters.

Iron mining firm seeks OK to test in Iron County

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An Oct. 10 report by Ralph Ansami in the Ironwood *Daily Globe* reports, “A Minnesota company is seeking a developer for mining 15,000 acres of property it owns in Iron and Ashland counties. The last mine on the Gogebic Range closed 40 years ago and while there has been interest shown in opening other mines since then, projects haven’t gotten beyond the test drilling stages. The LaPointe Iron Company, a Wisconsin corporation with headquarters in Hibbing, Minn., is seeking designation of a ‘conceptual development area’ to allow for a mining project in ‘Smart Growth’ planning for Iron County.”

According to the story, “LaPointe owns about 6,000 acres in Iron County and 9,000 acres in Ashland County. It’s estimated there are 2.1 billion tons of ore on that acreage, representing about 10-12 percent of all the iron ore resources in the U.S. It would be an open pit operation, up to 800 feet



have enormous impact on our rivers and streams, as NR 115 sets the minimum shoreline zoning protections that counties and municipalities must adopt. The DNR is hosting these listening sessions to get the public's reaction to the changes that have been recommended to NR115.

Because we expect a strong showing of opponents of shoreline zoning standards, it is important that the DNR also hear from supporters of this useful river protection tool. Attending a listening session is the most effective way to learn about the proposed rule changes, and to provide your input for the final revisions. Please share this information with others. Prior to the first session, we will also be posting talking points and easy-to-follow analysis that you can use to guide your comments.

SOURCE: River Alliance of Wisconsin.

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NR 115 Public Listening Sessions

You may choose between two identical meetings (2:00-5:30 p.m. or 5:30-9:00 p.m.) for each of the sessions listed below. Please attend one of these very important sessions to speak up on behalf of the health of Wisconsin's lakes:

November 11 — Spooner Agricultural Resource Center

November 12 — Lake Tomahawk Community Building

November 13 — Eau Claire DNR Regional Headquarters

December 1 — Onalaska City Hall

December 5 — Crivitz Village Hall (Tentative)

December 4 — Grande Chute Town Hall

December 9 — Madison at the DATCP Board Room

December 11 — Waukesha County Board Room

For more information visit www.theshorelandconnection.org.

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Shoreland stewardship publications released

People who own land near the water or who spend time enjoying Wisconsin's lakes and rivers, can find out how to be good stewards of shorelands through a new series of fact sheets available from the WDNR. The shoreland stewardship series — which includes *A Fresh Look at Shoreland Restoration* (Pub# FH-429), *Protecting and Restoring Shorelands* (Pub# WT-748), and *Protecting Our Living Shores* (Pub# WT-764) — provides information on how property owners can protect waterfront areas and the ecological and economic benefits of doing so.

Three more fact sheets coming next year will extend the series to include a how-to manual for restoring shorelands, a list of appropriate plants, and an updated list of sources for native water-

front plants in Wisconsin. For copies of the shoreland stewardship series, visit the DNR shoreland management publications page at www.dnr.state.wi.us/org/water/wm/dsfm/shore/publications.htm.

SOURCE: Carmen Wagner, WDNR, (608) 266-0061, Carmen.Wagner@dnr.state.wi.us.

Fox River consent decree comment period ends Nov. 17

The formal 30-day public comment period for the Consent Decree announced on Oct. 1, 2003 between the Wisconsin Department of Natural Resources, the U.S. Environmental Protection Agency, P.H. Glatfelter Co., and WTM 1 Co. began on Friday Oct. 17, 2003, and will end on Monday Nov. 17, 2003. Formal comments relating to the Consent Decree should be submitted in writing. Comments should refer to *the State of Wisconsin v. P.H. Glatfelter Company and WTM 1 Company, Civil Action No. 03-C-999 (E.D. Wis.) and D.J. Ref. 90-11-2-1045/2* and be sent to:

**Assistant Attorney General
Environment and Natural Resources Division
PO Box 7611
U.S. Department of Justice
Washington, DC, 20044-7611**

The Consent Decree may be examined online at www.usdoj.gov/enrd/open.htm.

SOURCE: WDNR, (608) 266-1902.

EPA publishes new guidelines for the national nonpoint source program

The EPA has published new guidelines for the National NPS Program implemented under section 319 of the Clean Water Act. These guidelines completely replace all previous NPS grants guidelines, guidelines beginning in fiscal year 2004. The guidelines focus approximately one-half of section 319 dollars on the remediation of impaired waters through the development of total maximum daily loads (TMDLs), and the development and implementation of watershed-based plans. These plans provide an analytical framework for assessing the sources of water pollution; estimating the amount of pollutant reduction needed to achieve water quality standards; identifying the management measures whose implementation will enable those reductions to be achieved; and identifying financial and regulatory tools, as appropriate, that will enable the watershed plan's goals to be achieved. These guidelines were published in the Federal Register on Oct. 23, 2003 and are posted on EPA's NPS web site at: http://www.epa.gov/owow/nps_

SOURCE: WDNR "Basin Briefs," 10-29-03.

MMSD suit appealed by FMR, LMF

By now you may have read it in the paper, or heard it in the news. Friends of Milwaukee's Rivers and Lake Michigan Federation have appealed the dismissal of our citizen suit against Milwaukee Metropolitan Sewerage District for its sanitary sewer overflows. We believe that the judge's deci-

without specifically stated reasons for delaying the purchase or grant and requiring full committee review.

3. At times, Joint Finance Committee members used or abused their objection authority for unrelated political purposes. Historically committee members of both parties objected to DNR land purchases in order to obtain DNR favor for matters totally unrelated to the specific land purchases. At times it was very visible including a member telling a conservation group: "I objected to the purchase in order to get the DNR's attention on another matter."

4. The Joint Finance Committee has shown its specific intent to reduce the purchase of public lands contrary to the specific legislative intent of the Stewardship program. During the recent budget deliberations the Joint Finance Committee reduce the biennial spending for land purchases under the Stewardship Program from \$120,000,000 to \$25,000,000. The Committee ordered the sale of approximately 27,000 acres of conservation land. The statements of many individual members of the Committee clearly showed a bias against public land acquisition. This anti-public land bias was manifested a week earlier when the Committee rejected three out of six Stewardship land purchases and grants brought before the Committee.

5. The Joint Finance Committee review process builds unnecessary lengthy delays into an already lengthy real estate negotiation with private landowners. The Joint Finance Committee individual member objection process and the Committee hearing process has built many months delay into real estate negotiations between the state and individual landowners. We need to remember that there are individual private landowners and their rights that are adversely affected by this process. Besides the delays would you want the free market sale of your property subject to the uncertainties of a political vote of a legislative committee.

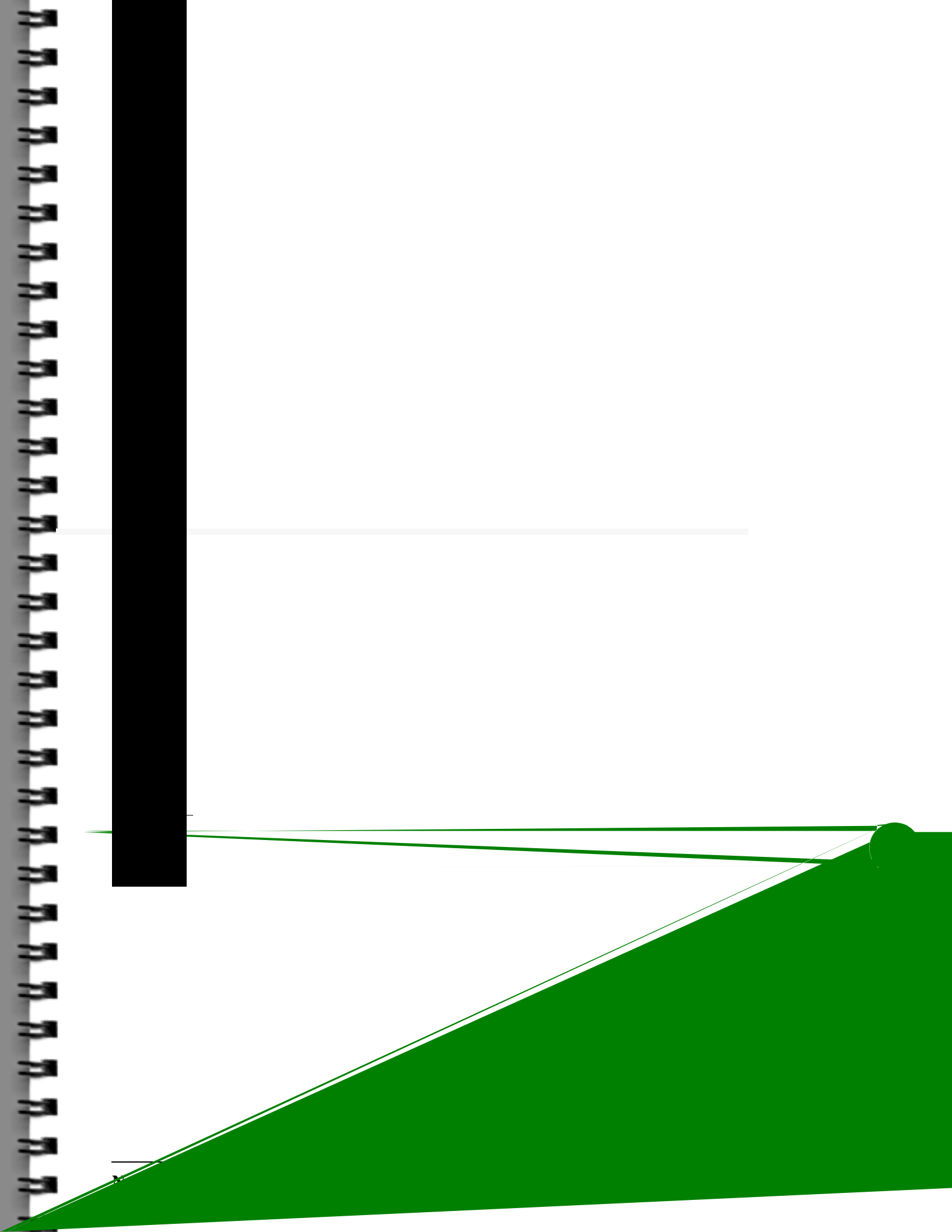
For these reasons the Wisconsin Wildlife Federation requests that the Legislature vote against Senate Bill 252 and Assembly Bill 528 and if the bills do pass both houses of the Legislature that the Governor veto the proposed law.

The Wisconsin Wildlife Federation is not opposed to strong Legislative oversight over expenditures under the Stewardship Fund but merely the exercise of that oversight on a purchase-by-purchase basis. Stewardship land purchases and grants are already highly governed by legal constraints adopted by the Legislature and the Natural Resources Board. It is reasonable that the Legislature require periodic DNR reports as to whether DNR purchases conform with Legislative requirements. In addition the Legislature can order periodic audits of the program to assure that land purchases and grants are being made. The Legislature can adjust program requirements as necessary to assure program integrity.

SOURCE: George E. Meyer, Executive Director, Wisconsin Wildlife Federation.

Wisconsin joins suit against EPA Clean Air Act enforcement

The state of Wisconsin has joined a coalition of 12 states, the District of Columbia, and local governments to sue the Environmental Protection Agency to block changes it is making to the regulations that implement key aspects of the federal Clean Air Act. The states argue that the new regulations will sharply weaken national air pollution protections and result in damage to the environment and public health.



Michael Furtman confirmed as WSN conference speaker

Ducks Unlimited named Michael Furtman Communicator of the Year at the Outdoor Association of America Annual Conference. Furtman has also taken First Place in OWAA's Excellence in Craft Award, Natural History category, and Second Place in the Take Pride In America Conservation category.

View a list of some of Furtman's recent articles at <http://www.michaelfurtman.com/articles.htm>.

For a sample of Michael's writing, visit the Izaak Walton League's Outdoor America magazine at http://www.iwla.org/OA/summer/s3_wetlandsworth.html.

