



WSNetwork News

December 1, 2001

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

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Announcing...

The Wisconsin Stewardship
Network's

*2002 Annual
Conference*

January 25-26, 2002

Stevens Point, WI

- **New conference location: UW-Stevens Point.**
- **Issue sessions, effectiveness workshops, and more!**
- **In these uncertain times, we get strength from healthy natural resources...attend and feel great about the impact you're making.**

Very special event...

**GUBERNATORIAL
CANDIDATE
FORUM**

Friday, January 25, 2002

Hear what the candidates for Wisconsin's Governor have to say on conservation, the environment, and other topics of interest to you!

- Reception beforehand — meet the candidates.
- The forum is free and open to the public, but conference attendees are guaranteed a seat.

Registration materials will be available to you soon. Check www.wsn.org for conference details as they unfold.

Arrowhead-Weston Transmission Line

Three line opponents file suit

Opponents of the Arrowhead-Weston transmission line filed lawsuits on Nov. 29 seeking to block the progress of the recently approved Arrowhead-Weston transmission line running from Wausau to the Duluth. The Citizen's Utility Board, Wisconsin's Environmental Decade, and Save Our Unique Lands (SOUL) filed petitions for review with the Marathon County Circuit Court. The transmission line was approved earlier this year by the Public Service Commission of Wisconsin.

SOUL continues litigation against utilities on two legal fronts

Save Our Unique Lands (SOUL) is continuing litigation against utilities on two legal fronts. First, an appeal of the PSC Commission's decision to construct the unneeded Arrowhead-Weston Transmission Line [has been] filed in Circuit Court this week. The appeal will be based on the complete 10,000 page transcript and over 300 exhibits created during both the Public and Technical hearings on the line. With generation being constructed in the area of need (eastern Wisconsin) displacing the need for power transferred across the existing interface, SOUL will again demonstrate the lack of need for this line. This will be in complete agreement with testimony of PSC staff, DNR staff, and pre-filed testimony of the National Parks System. Additionally, it is hoped that the courts will respect the testimony of over 1,200 public citizens.

Second, filing at the Supreme Court regarding the legality of the American Transmission Company has elicited a response. The court has asked Wisconsin Public Service to respond to the contents of the filing. This case is based on the legality of the creation of a utility from a section of the 2000 budget bill, rather than the statutes as defined in the Wisconsin State Constitution. Wisconsin Public Service has sold their transmission assets to the ATC, along with several other eastern Wisconsin utilities. Additionally, ATC changed its filing status in the Arrowhead-Weston Transmission Line proceedings at the PSC from full party to applicant directly after the Technical Hearings. After this response, SOUL will receive more information as to the status of this appeal.

SOURCE: Save Our Unique Lands.

WHO SUPPORTS THE LINE?

The Energy Lifeline Coalition of Wisconsin is a broad-based group that supports the construction of the Arrowhead-Weston 345 kV transmission line. Coalition members include:

- League of Wisconsin Municipalities,
- Midwest Food Processors Association,
- Municipal Electric Utilities of Wisconsin,
- Wisconsin Alliance of Cities,
- Wisconsin Economic Development Association,
- Wisconsin Federation of Cooperatives,
- Wisconsin Grocers Association,
- Metropolitan Milwaukee Association of Commerce,
- Wisconsin Health and Hospital Association,
- Wisconsin Builders Association,
- Wisconsin Industrial Energy Group,
- Wisconsin Manufacturers and Commerce,
- Wisconsin Merchants Federation,
- Wisconsin Paper Council,
- Utility Workers Coalition and
- Wisconsin Restaurant Association.

DNR Independence

Factory Farming

EPA to release agribusiness runoff data

EPA officials will soon issue a raft of new data submitted by agribusiness interests on the agency's controversial rule to control polluted runoff from animal feedlots that sources say supports a general weakening of the proposed rule. A state official says based on the data, it appears the agency is preparing to scale back the rule, called the concentrated animal feedlot operations (CAFO) rule, originally proposed by the Clinton administration.

SOURCE: EPA contact.

Farm bill senate vote expected this week

With the Senate in a crunch to finish its business before the targeted adjournment of December 8, reports keep circulating that the Farm Bill will come up for a full Senate vote at any time. That said, there is still no concrete indication of when to expect it — leaving us with the estimate of sometime between tomorrow and next Friday. While the bill reported by the Senate Agriculture Committee is better than the House bill passed in October, there is still plenty of room for improvement:

- The Senate bill subsidizes factory farm livestock operations,
- More investment in conservation is needed,
- The Competition Title should be reinstated,
- The Commodity title won't help raise prices for farmers, and
- The forest stewardship provisions pose serious ecological concerns and need to be changed.

In addition, there is rumor that an amendment that would allow for drilling in the Arctic Refuge might be added to the bill. Please call your Senator TODAY and tell him or her to support the above measures to improve the Farm Bill. You can reach your Senator through the Capitol switchboard at the following toll free number 1-800-648-3516. For more information, please visit www.familyfarmer.org.

SOURCE: Scotty Johnson, defenders.returns@reply.net.

Milwaukee small producer market receives USDA grant

Growing Power will receive a \$110,000 grant to expand its Small Farmer Distribution Center program from the USDA Natural Resources Conservation Service (NRCS) National Office of Outreach. The Distribution Center brings healthy foods to urban consumers while providing a market for small rural producers nationwide. USDA-NRCS funding will support Growing Power's efforts to reach out to farmers who are not involved in conventional agriculture.

SOURCE: Renae Anderson, renae.anderson@wi.usda.gov.

Delaware farms supporting manure transport plan

From the November 21 *Newszap* web site: Delaware farmers are supporting a program that reduced the amount of poultry manure that they produce and that gets into waterways. Since July, 21,650 tons of poultry manure has been transported from the Delmarva Peninsula to other less environmentally sensitive locations. The state's manure relocation program provides funds to transport poultry wastes from farms with an excess of litter or high soil phosphorus levels to alternative-use projects or farms in need of manure. Once the program is fully implemented in 2007, the program will cost taxpayers \$2.1 million a year. More at http://www.newszap.com/display/inn_delmarva/news07.txt.

SOURCE: WDNR "Basin Briefs," 11-21-01.

Groundwater Protection

Perrier foes to have day in court Dec. 4

The Concerns Citizens of Newport (CCN) will be in court in Montello County Dec. 4 to pursue their claims against the WI DNR. CCN are represented by Glenn Stoddard and Melissa Scanlan of Midwest Environmental Advocates, a nonprofit legal support center. CCN claims in their suit that the permits granted to Perrier for high impact drilling for water was illegal for several reasons:

- The DNR inappropriately made an agreement with Perrier without any public notice.
- They inappropriately separated the well site drilling from the plant site. CCN claims that they should have been considered together since one cannot drill for water and then not have any place to bottle it.
- The DNR failed in its duty to protect the natural resources for the all of the citizens of the state which they should do under the public trust doctrine.
- The Ho-Chunk nation which is included in this lawsuit claims that the well site is located on their sacred grounds and should not be desecrated.

Therefore CCN is requesting the judge to declare that the permits were issued illegally and should be withdrawn. Judge Wright's ruling should come within 30 days after which either party can

appeal. Although the suit is against the DNR, Perrier decided late after the filing that they wanted to take a part in the suit on the side of the DNR. The judge allowed them to join the suit.

SOURCE: Hiroshi Kanno.

Michigan Dems offer groundwater protection legislation

A group of Democratic state lawmakers and Attorney General Jennifer Granholm joined environmental activists Nov. 15 to call for increased state regulation of underground water. Current law doesn't provide sufficient protection for underground aquifers, they said, raising the prospect of commercial users damaging or draining residential water supplies. The proposal calls for automatic permits when the state has good hydrogeological data and finds nearby wells won't be affected by the withdrawal. But if the information isn't available or wells would be affected, the company applying for the withdrawal must provide data showing no harm will be done.

Earth's resources vanishing faster than ever, says UN

The human race is using up the Earth's resources faster than ever before, according to a new report by the United Nations Population Fund (UNFPA). "Environmental devastation is not simply a waste of resources, it is a threat to the complex structures that support human development," says the report. Urgent attention must be paid to find a balance between human and environmental needs, it says.

WATER STATISTICS — Over the past 70 years, the world's population has tripled to 6.1 billion people, with water-use increasing six-fold.... Already 508 million people living in 31 countries lack water. Global the population is projected to rise to eight billion by 2025. By 2050, the UNFPA predicts 4.2 billion people will be living in countries that cannot meet people's daily basic needs. Unclean water and poor sanitation already kills over 12 million people every year.

The report, State of the World Population 2001, says that water supplies and agricultural lands are coming under such increasing pressure that, if left unchecked, our planet will not be able to support us in future years.

SOURCE: WDNR "Basin Briefs," 11-14-01.

EPA releases recommendations from the National Watershed Forum

The EPA has released recommendations from the National Watershed Forum held June 28-30, 2001. The National Watershed Forum — designed to give voice to geographically, politically, and culturally diverse organizations interested in protecting and restoring aquatic resources through geographically based partnerships — was attended by nearly 500 delegates. Key issues addressed in the recommendations report include:

- managing monitoring data and other information,
- protecting source water,
- implementing total maximum daily loads,

- protecting endangered species and habitat,
- planning for watershed protection,
- funding watershed projects, and
- education and outreach.

For a report copy see <http://www.epa.gov/owow/forum>.

SOURCE: WDNR "Basin Briefs," 11-14-01.

Mercury Reduction

Metallic Mining

Wolf Watershed Project to review new mining legislation Dec. 8

A Wolf Watershed Educational Project meeting will be held Saturday, December 8, in Green Bay to discuss the bills now before the Assembly to ban cyanide use in mining and to end special treatment for the mining industry. It will be from 10-3 p.m. at the Bay Beach Park Wildlife Sanctuary shelter. Take I-43 to the first exit east of the big bridge, go north on Webster Ave./East Shore Dr. If traveling from Hwy 29, turn left on Webster to the park. For information log on www.alphacdc.com/treaty/cyanide.html.

SOURCE: Wolf Watershed Educational Project.

Montana cyanide ban upheld

A Montana state judge has upheld Montana's 1998 anti-cyanide mining law as constitutional. The judge dismissed four claims in the suit against the state filed by Canyon Resources and others who planned a gold mine near Lincoln. He left one constitutional challenge in place, the voter-approved Initiative-137, which prohibits new cyanide heap-leach gold mines in Montana.

SOURCE: Zoltan Grossman, mtn@igc.org.

Public Intervenor Office Restoration

Falk considering PIO session at WSN conference

Dane County Executive Kathleen Falk, a former WI state public intervenor, is considering presenting a session at the Saturday, Jan. 26 WSN annual conference on revamping the defunct Pub-

lic Intervenor Office. Falk's session would look at possible changes to the structure of the office in order to re-invigorate the debate on re-instating the office. More details next newsletter.

SOURCE: WSN.

Shoreland/Wetlands

DNR looking for water supply conservation ideas and efforts

I work at WDNR and am currently compiling some preliminary information about water conservation for the public water systems personnel here. The idea is the department will use this information in the future to guide WDNR efforts in water conservation throughout the state. I am wondering if anyone in the Wisconsin Stewardship Network or any of your contacts has been working on water conservation from the water supply side of things.

I am looking at things in terms of water rates, water recycling (greywater recycling), reducing use, water conservation devices (low gallon per flush toilets, low gal./min. shower heads, etc.), and water conservation education to name a few. If you could provide me with some contacts of relevant people or information that would be great! Thanks for your help in advance!

SOURCE: Steven Elmore, 101 S. Webster St., Box 7921, Madison, WI 53707-7921 (608) 264-9246, Fax: (608) 267-7650, elmors@dnr.state.wi.us.

Nonpoint rules moved little in November

The only public movement on the nonpoint rules during November was the Agricultural Resource Management and Conservation (ARMC) committee meeting. ARMC is a subcommittee of the DATCP board. ARMC reviewed ATCP 50 (the agricultural implementation rule) on November 5. At the meeting, DNR and DATCP staff presented 30 issues and suggested changes for ATCP 50.

We were pleased with progress made on the phosphorus standard, the cost share wording change from "offered" to "received," the revision of maintenance payments to exclude normal operating routines, increased funding for county staff, and the more standard economic hardship determination. However, we are still very concerned about a few provisions that remain unclear — new vs. existing operation entitled to cost-share, payments for land out of production, maintenance periods for NMPs, and new payments for no-till, contour stripping, etc.

SOURCE: River Alliance of Wisconsin.

ATCP criticism reported in farm newspapers

Both *The Country Today* (November 7) and *Agri-View* (November 8) reported how ATCP 50, DATCP's nonpoint rule, continues to draw critical comments. Both newspapers were at the November 5 meeting of the DATCP Board's Agricultural Resource Management Committee. Among the comments reported in *The Country Today* story: the proposed rule was not needed (Richard Brock, ag board member from Milwaukee), the proposed rule puts Wisconsin's agricultural industry on an uneven playing field (Ag Board Chairman John Malchine); and the proposed rule might not "get at the 10 percent of polluters who are not in compliance with current laws" (Jennifer Sunstrom, lobbyist with the Wisconsin Counties Association). The *Agri-View* story highlighted concerns about the short amount of time when cost sharing would be available, the different points of view of county board members vis a vis county land conservation committees and departments, and a concern that the proposed rule was a de facto deed restriction of farmers' land. It is expected that the committee would be meeting at least one more time before making recommendations to the full DATCP board on ATCP 50.

SOURCE: WDNR "Basin Briefs," 11-14-01.

Wetlands Assn. holding annual meeting Dec. 3

The annual meeting of Wisconsin Wetlands Association is Monday, December 3, at 7:00 p.m. in the Bolz Auditorium, 124 Brooks St., Madison. The featured speaker is Dr. George Archibald, co-founder and Chair of the Board of Directors of the International Crane Foundation in Baraboo. He will show slides and talk about two exciting crane projects — the reintroduction of whooping cranes into Wisconsin (now on their maiden migration to Florida) and the ICF conservation initiatives in the Himalayan Mountains of Central Asia.

The meeting/program is open to the general public and is free of charge. Refreshments will be available. WWA members are encouraged to come; it is the opportunity to meet and elect new directors for the Board of Directors.

SOURCE: Wisconsin Wetlands Association, 222 S. Hamilton, Suite #1, Madison, WI 53703 (608) 250-9971 fax (608) 256-4562, www.wiswetlands.org.

Water project grant applications sought

The National Association of Counties, the National Fish and Wildlife Foundation, and the Wildlife Habitat Council, in cooperation with the U.S. Environmental Protection Agency (EPA), the Community-Based Restoration Program within NOAA Fisheries, and other sponsors, are pleased to solicit applications for the Five-Star Restoration Challenge Grant Program.

The Five-Star Restoration Program provides modest financial assistance on a competitive basis to support community-based wetland, riparian, and coastal habitat restoration projects that build diverse partnerships and foster local natural resource stewardship through education, outreach,

and training activities. In 2001, 60 projects received grants of on average \$10,000 out of approximately 230 applications received. Applications must be postmarked by March 1, 2002. For more information, please see <http://nfwf.org/programs/5star-rfp.htm>.

Story reviews arguments in proposed WPS FERC land sale

The *Green Bay Press-Gazette* has printed a story quoting both sides in the argument over whether Wisconsin Public Service Corp. (WPS) should be allowed to pursue selling their lands along the Peshtigo River which are currently part of a longterm Federal Energy Regulatory Commission (FERC) management agreement. The story quotes River Alliance Executive Director Todd Ambros and WPS spokesman Kerry Spees. The state announced plans to buy the 9,200-acre tract for \$25 million on Nov. 14. The complete story can be viewed at <http://www.thewheelerreport.com/papers/1126gazettewpsland.htm>.

Black Earth Creek trout kill continues to mystify

The DNR has been unable to pinpoint a single culprit in the Black Earth Creek fish kill of last June, according to the Nov. 8 *Wisconsin State Journal*. Andy Morton, a DNR staff member who studies water resources in the Lower Wisconsin River Basin, said the kill apparently reflects a stew of pollution — including pesticides and fertilizers — carried into the water by heavy rainfall. “Anything you put on the land will be reflected in the stream,” he said. “This stream has been vulnerable for a long time.” According to the article, the fish population west of the Village of Black Earth was down about 24 percent, according to Scot Stewart, a DNR regional fisheries expert. Fish populations upstream around the Village of Cross Plains weren’t affected. But about 85 percent of the trout near South Valley Road died.

SOURCE: WDNR “Basin Briefs,” 11-14-01.

Developers fighting storm water rules on tribal lands

Several local governments and developers are fighting new state storm water discharge rules they claim make it harder to build within Indian reservations, according to the November 8 issues of the *Appleton Post-Crescent* and *Green Bay Press-Gazette*. The new rules, which went into effect October 1, require individual permit applications to be filed 6 months before construction begins on projects bigger than five acres inside reservation boundaries of the Oneida Tribe. Previously, general applications for such projects were filed two weeks before construction began. The lawsuit filed against the DNR alleges the new process “create(s) substantial delays and uncertainty for developers and planners” and will affect “thousands of non-tribal members,” according to lawyer Paul Kent. The new rules were included in the 1998 state compact negotiated with the Oneida Tribe and are in accordance with federal Environmental Protection Agency rules. More at www.wisinfo.com/postcrescent/news/110801-5.html.

SOURCE: WDNR “Basin Briefs,” 11-14-01.

Report: half of world's lakes in trouble

From the November 12 *Detroit News*: More than half of the world's 5 million lakes are being dried up or polluted to the point of ecological collapse, according to experts attending a conference on lake conservation in Shiga, Japan. Lakes hold nearly 90 percent of all surface freshwater, yet they are "among the most vulnerable and difficult to restore of all natural ecological systems," according to Massahisa Nakamura, director of the Lake Biwa Research Institute in Shiga, Japan, where the 9th International Conference on the Conservation and Management of Lakes is being held. In industrial countries, shallow lakes are the most endangered, especially in areas of intensive farming or population growth. And once a lake becomes degraded, it can take decades to restore water quality, according to Nakamura. More at www.detnews.com/2001/nation/0111/12/a05341695.htm.

SOURCE: WDNR "Basin Briefs," 11-14-01.

Suit names Dane County Chiquita plant for waste violations

An environmental lawsuit in Dane County has been filed against Chiquita Processed Foods LLC for violating its wastewater discharge permit at its Sun Prairie canning plant in September of 2000, according to a Wisconsin Department of Justice news release. According to the complaint, Chiquita violated the terms of its wastewater discharge permit, which does not permit the company to spray canning-related wastes on land the company leases near Sun Prairie and by discharging wastewater directly into Koshkonong Creek and an unnamed tributary of Koshkonong Creek. The 3 September 2000 discharges turned adjacent streams milky white, and additional unlawful discharges also took place on 2 days in 1998, according to the complaint. The case has been assigned to Dane County Circuit Judge Robert DeChambeau.

SOURCE: WDNR "Basin Briefs," 11-21-01.

Fitchburg adopts storm water utility

The Fitchburg City Council voted unanimously to adopt a storm water utility at their November 13 meeting, according to the November 14 *Wisconsin State Journal*. The average city homeowner will pay about \$52 a year, with rural homeowners paying \$18 annually, according to the article. Commercial properties will pay about \$52 for every 3,700 square feet of paved or impervious surface. The city is planning a formula of credits to encourage on-site infiltration systems, such as prairie plantings and similar practices. To give Fitchburg residents time to budget for the new expense, the city plans to borrow \$130,000 from the general fund to pay the fees for the first 3 months of 2002, with the first property owner billing due in July.

SOURCE: WDNR "Basin Briefs," 11-21-01.

Minnesota considering phosphorus reduction legislation

From the November 15 InForum Web site: Minnesota senators are studying legislation that would “allow Minnesotans to grow green lawns but not see green lakes.” Legislation is being considered that would restrict the use of phosphorus in lawn fertilizer. A representative from the Minnesota Department of Natural Resources said it costs about \$375 a pound to remove algae from the state’s waterways, and an estimated 500 pounds of algae can be produced by a pound of phosphorus. While the majority of testimony at recent public hearings has been from people supporting the phosphorus restriction, a representative from Scotts (the country’s largest lawn fertilizer supplier) said there is “no substitute for phosphorus in fertilizers.”

PHOSPHORUS ORDINANCES — About 40 Minnesota cities have already passed ordinances restricting the use of phosphorus in lawn fertilizer. —WDNR

SOURCE: WDNR “Basin Briefs,” 11-21-01.

ANNOUNCEMENTS .

Forest certification videoconference Dec. 4

Landowners, natural resource professionals and others interested in finding out the latest information on forest certification can attend a videoconference being held Dec. 4 at four locations around the state, or they can monitor the broadcast live on the World Wide Web from their home or work computers. Forest certification is an attempt to use the market place to encourage landowners and wood buyers to use certain types of forest management protocols with the ultimate goal of protecting the environment while providing for sustained timber production. For more information contact Mark Rickenbach, UW-Cooperative Extension, (608) 262-0134.

WSNetworkNews is published twice monthly by the Wisconsin Stewardship Network, a network of Wisconsin hunting, fishing, conservation, and environmental groups.

The WSN’s Steering Committee consists of representatives from the following organizations: Citizens for a Better Environment, ECCOLA, Federation of Fly Fishers, Izaak Walton League of America, Lake Superior Greens, Madison Audubon Society, Muskies, Inc., Northern Thunder, Pheasants Forever, River Alliance of Wisconsin, Sierra Club — John Muir Chapter, Wisconsin Association of Lakes, Wisconsin State B.A.S.S. Federation, Wisconsin Conservation Congress, Wisconsin Council of Sportfishing

Organizations, Wisconsin’s Environmental Decade, and Wisconsin Trout Unlimited.

The WSN’s mission is to build a cooperative network that recaptures and 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 State Coordinator Todd Hanson at wsn@chorus.net.

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