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☛ September 2011 Special Session Assembly Bill 24

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Natural Resources...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2013)

Dear Frank Lasee, Gary Bies, and other legislators,

Please protect Wisconsin's fisheries from further damage by industrial pollution. The Wisconsin Department of Natural Resources needs the time and resources to evaluate mining projects and other types of permit applications in order to adequately protect our natural resources.

Prior to the federal Clean Water Act, there was a lack of regulations which allowed industrial polluters to dump tons of PCB into our waterways seriously affecting the health and safety of Wisconsin residents who rely on Wisconsin fish species as a food source. Unfortunately, most Wisconsin fish species have consumption warnings. The catfish caught by the young man in the photo have a "do not eat warning," yet, by necessity, they will be consumed by his family. The whitefish caught by subsistence fisherman in the Little Sturgeon Bay area have a consumption warning of "eat only one meal every two months for adult males and females not of child bearing age, and do not eat for others."

While the existing damage to Wisconsin's fisheries is unconscionable, progress is being made in cleaning up our waterways thanks to Wisconsin's regulations and enforcement of the Clean Water Act. Please act to ensure that Wisconsin's water resources continue to be protected and that citizen concerns continue to be part of the permitting process.

Sincerely,

Dean Hoegger

Dean Hoegger
Sturgeon Bay



The catfish caught by this young man have a "do not eat warning," yet, by necessity, they will be consumed by his family.





CRANBERRY LAKE ASSOCIATION, INC.

Cranberry Lake Association, Inc.
1427 Snowshoe Lane
Eagle River, WI 54521
October 20, 2011

Senator Jim Holperin
Room 126 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

RE: Senate Bill 24

Dear Senator Holperin,

My name is Carole Linn and I am the Secretary and Treasurer of Cranberry Lake Association, Inc. Cranberry Lake is one of the lakes comprising the Eagle River Chain of Lakes in Vilas County. At our annual meeting in August our members discussed the newly instituted pier regulations. The following position statement is a result of that meeting:

RESOLVED that Cranberry Lake Association (the "Association") comprised of 253 lakefront property owners propose to the Wisconsin State Legislature (the "Legislature") that (i) all piers constructed in Wisconsin prior to February 6, 2004, be grandfathered as was previously done with respect to boathouses constructed prior to 1978; (ii) the officers of the Association provide notice of this Resolution to all other Wisconsin lake associations; and (iii) that a new Wisconsin Statute be enacted by the Legislature that would provide for the grandfathering of all such piers as described above, it being observed that there was no Wisconsin statutory authority regulating the size of piers until February 6, 2004.

Cranberry Lake Association strongly urges the grandfathering of all existing piers constructed prior to February 6, 2004.

Please ensure that this letter be entered as testimony and placed on record at the public hearing on October 26, 2011.

I will be awaiting your response to this letter.

Thank you for your support.

Carole Linn

Carole Linn, Secretary/Treasurer Cranberry Lake Association, Inc.



Polluters Over People Bill

My name is Karen Matteoni. I live at 1710 Yahara Place in Madison, Wisconsin. I am appalled at this bill to pollute Wisconsin streams, rivers, lakes and ground water.

My husband and I moved from Chicago to Madison thirty years ago for a better quality of life with lots of outdoor activities. We hike, bike, kayak, canoe, snowshoe and ski throughout Wisconsin from Lake Geneva to the Apostle Islands. This bill will destroy our environment and the reason we moved to Wisconsin.

This is a picture of Marengo Lake in northwest Wisconsin. A couple of weeks ago I paddled a kayak on the Marengo River and Lake to view the gorgeous fall colors. The Penokee Mountains were awesome from the water. I can't imagine why you would destroy this scenic treasure for a subsidiary of the Canadian-based Cline Mining Corporation.

Tourism is the third largest industry in Wisconsin's economy and this bill will kill tourism and jobs. Our friends from Illinois come to see the beauty of Wisconsin. When we vacation in Wisconsin, we buy food, eat in restaurants, and stay in campgrounds, hotels, motels, and bed and breakfast inns. We buy wild rice, maple syrup, jams, sausage, clothes, and pottery to bring home.

We need good jobs that support families and are good for the environment. The clean energy jobs are being held up by the current administration.

Walker is desperate to increase jobs after his actions have ravaged the economy of our state. Walker wants jobs in the worst way and this is the worst way. Long after Walker is gone, we and following generations will need to deal with the devastation and pollution that this bill will cause.

Mines take what they need and when the price drops, they walk away and leave a mess. Before you vote on this bill, you need to visit abandoned strip mines and other environmental disasters. The open pits scar the landscape and toxic chemicals leach into the groundwater, streams, rivers and lakes. Please think of our future.

Thank you.

Sincerely,

Karen Matteoni





GOOD MORNING - MY NAME IS CHUCK MATYSKA, FROM CECIL, WI.
I AM PRESIDENT OF THE WISCONSIN WILDLIFE FEDERATION, A MEMBER
OF WIS. BOWHUNTERS, WIS. TRADITIONAL ARCHERS AND TREASURER
OF THE WISCONSIN BOWHUNTING HERITAGE FOUNDATION - MUSEUM (WILDLIFE ARTIFACT)
I AM A PATRON LICENSE HOLDER FOR THE PAST 20 YEARS - AN AVID
SPORTSMAN.

I HAVE A TROUT STREAM ON MY PROPERTY AND, KNOW + UNDERSTAND
HOW IMPORTANT WISCONSIN LAKES + STREAMS ARE TO SPORTS MEN +
WOMEN OF THIS STATE. WITHOUT GOOD HABITAT FOR FISH + WILDLIFE
OUR SPORTING HERITAGE IS THREATENED, AND, OUR CHILDREN WILL
BE THE LOSERS.

ON BEHALF OF THE WI. WILDLIFE FEDERATION REPRESENTING 170
HUNTING, FISHING, TRAPPING, DOG GROUPS, AND WOODLAND OWNERS, THE
WI. WILDLIFE FEDERATION IS OPPOSED TO SB + AB 24 IN ITS PRESENT
FORM, 2

BECAUSE OF THE DAMAGE THAT WILL OCCUR TO WIS. FISHERY AND
WILDLIFE HABITAT:

- 1) BY LIMITING THE WIS. CITIZEN FROM EVALUATING PROPOSED PROJECTS
WITHOUT SUFFICIENT INFORMATION.
- 2) BY FORCING THE DNR TO MAKE PERMIT DECISIONS WITHOUT COMPLETE
INFORMATION OR INCOMPLETE APPLICATIONS
- 3) BY CREATING DEFAULT PERMITS DUE TO INADEQUATE INFORMATION AND/
OR TIME RESTRAINTS
- AND 4) BY NOT ALLOWING DNR SUFFICIENT INVESTIGATIVE PROCEDURES
TO PERFORM THE PROPER SCIENTIFIC ANALYSIS OF PROJECTS INVOLVING
STREAMS + LAKES TO MEET EXISTING WISCONSIN ENVIRONMENTAL
LAWS - CONCERNING AIR + WATER QUALITY STANDARDS.

WE HAVE A GREAT HERITAGE OF GOOD FISHERIES AND WILDLIFE HABITAT BECAUSE WISCONSIN CITIZENS ARE CONCERNED ABOUT ENVIRONMENTAL ISSUES. LET US MAINTAIN THESE STANDARDS FOR THE GENERATIONS OF OUR CHILDREN THAT WILL INHERIT THIS GREAT STATE & ITS RESOURCES.

THANK YOU FOR YOUR TIME,

CHUCK MATYSKA
5055 Co. Hwy. V
CECIL, WI. 54111

715-745-6382
MMATYSKA@YAHOO.COM

Wisconsin Wildlife Federation
www.wiwf.org



Chuck Matyska
President
Endangered Resources Chair

5055 County V
Cecil, WI 54111
Phone: 715-745-6382

Email: mmatyska@yahoo.com

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Sierra Pope
305 Norris Court, Apt. 1E
Madison, WI 53703

Testimony in Opposition to Special Session SB/AB 24

I grew up just south of Eau Claire, Wisconsin; 'Eau Claire,' of course, in French, meaning 'Clear Water.' I was lucky to live in the country, with clean air and clear water, and just down the street from Lowes Creek Park, where I spent every available afternoon and weekend exploring the woods and streams, watching the turtles and fish, taking nighttime pictures of the stars through the trees, and learning to appreciate Wisconsin's natural resources and beauty.

I lived out of state while working on my Bachelors and Masters of Science degrees, but I always thought back to Lowes Creek. That kept me motivated to pursue a graduate degree in environmental science and to continue to fight for strong and effective environmental regulation.

I moved back to Wisconsin last year, and I love it here. However, legislation like AB/SB 24 – legislation that could allow toxic ^{FILL} ██████████ ██████████ to contaminate the waterways I grew up playing in, legislation that would allow private companies to build structures into the public waterways I love, legislation that could lead to deadly and eutrophying increases in sediment and runoff, legislation that permits the DNR to only 'publicly' notice building permit applications on its website, disregarding the disadvantage this causes for rural populations and those without internet access to have a say in what goes in to the water in their own back yards – legislation like this causes me to strongly reconsider staying in Wisconsin and raising a family here. I really appreciate the opportunity to voice my concern, and I hope the legislature reconsiders this damaging bill.



Comment on Special Session AB/SB 24 hi-cap well permitting proposals

I am Charley Preusser, editor of the Crawford County Independent & Kickapoo Scout, a weekly newspaper in Gays Mills, Wisconsin. I am concerned with provisions in Special Session AB/SB 24 that would change public notice requirements for high capacity well permits. I am also concerned with portions of the bill that would limit public comment.

My interest in this bill comes from direct experience with the process. On Tuesday, May 3, well past our noon deadline for the Thursday, May 5 edition, I received an e-mail from DNR Hydrogeologist Larry Lynch. The e-mail sought public comment on a high capacity well permit for a property owned by Darrell Long in the Town of Utica. I sensed the proposed well might be important to our readers and included the notice seeking comment in that week's edition. The news release stated public comments would be taken through Monday, May 16.

The location of the proposed high capacity well is about seven miles west of Gays Mills on Highway 171. It would have the capability of pumping 500 gallons of water per minute and could pump 500,000 gallons per day. If drilled, it would be within 1,200 feet of a trout stream, known as Copper Creek.

Community reaction and input began immediately. At a Utica Township meeting on May 16, more than 30 concerned citizens discussed the situation. At a meeting held on May 24, more than 100 people attended.

A group called Save Copper Creek was formed. On July 21, that group submitted their legal and scientific responses to Long's high capacity well permit application. Along with that information, they submitted a petition to the DNR with more than 850 signatures of those opposed to permitting the well.

On October 8 at the invitation of local clergy, Dr. Darrell Long met with over 100 members of the community to answer questions about his proposed well. On many levels, this process is working. It started with public notice, which allowed public involvement.

I am opposed to the portion of this bill that would change the required notice from newspapers to the DNR website. Here's the problem. The newspaper is a common source of information for people. While the newspaper may one day be replaced by a commonly viewed website, that day has not yet arrived. Certainly, the DNR website is not that website. If this provision of the bill were to pass and the DNR could publish notice on their own website, it would not truly be public notice.

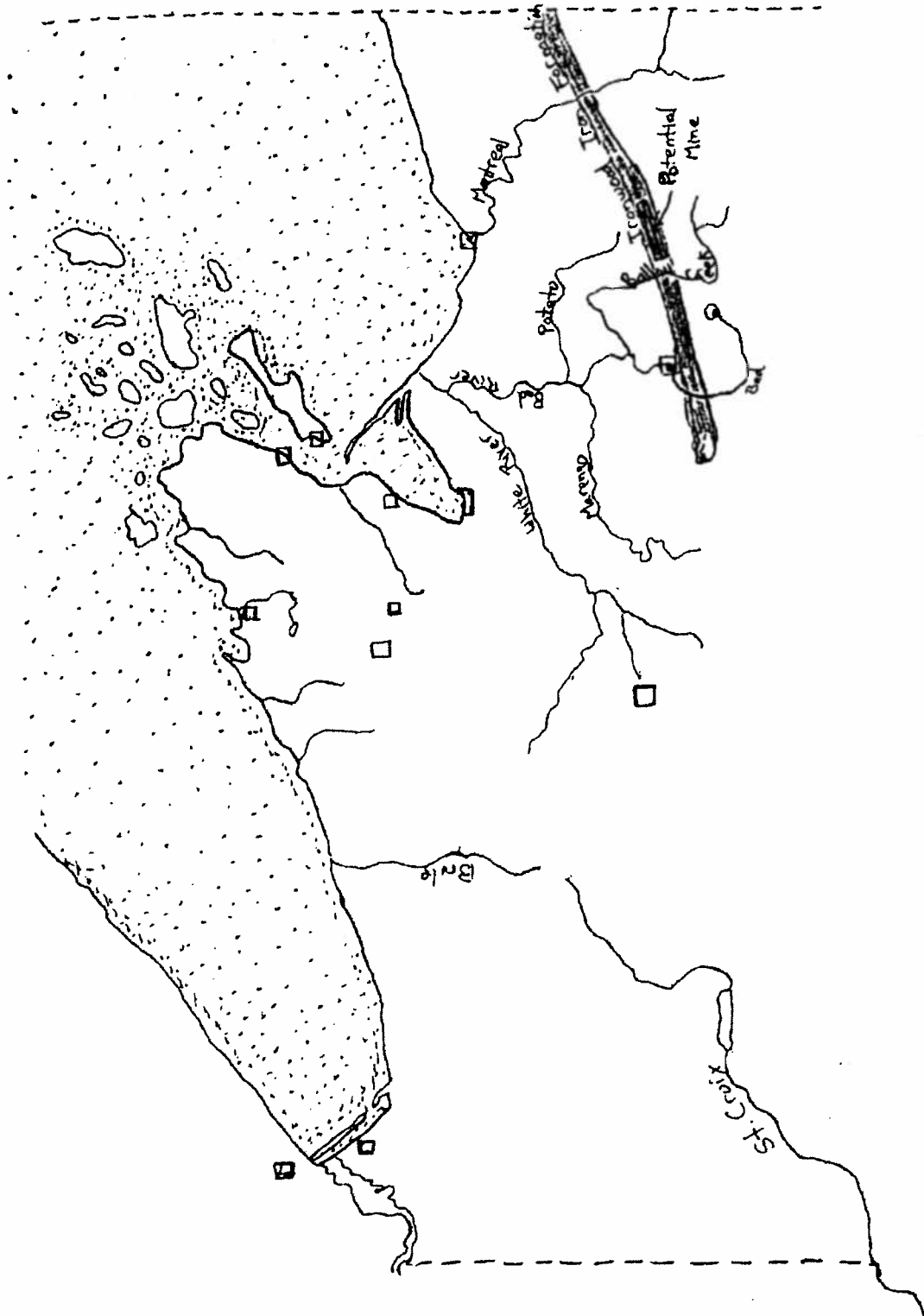
The example of what has happened in Crawford County is what happens when public notice is published in the newspaper. That process needs to be reinforced, not replaced. Would the concerned citizens of Utica Township have been alerted by a public notice about this high-capacity well being posted on the DNR website? Probably not.

Similarly, I feel proposals contained in Special Session AB/SB 24 that would limit time for public comment or DNR review are wrong. Adequate time must be granted for informed input to be collected. I am not opposed to high-capacity wells. I do believe improvements must be made in how the Wisconsin addresses groundwater issues and high capacity well permitting. However, I don't believe the changes proposed in this bill are those needed improvements.

-Charley Preusser
12532 Zehrer Drive
Soldiers Grove, WI 54655
608-624-3737



Testimony - AB24 - FROM MARY REHWALD
715 ELLIS AV, Ashland
682-4662



My name is Mary Rehwald and I am from Ashland, 300 miles north of here. After looking at AB 24, it is obvious to me that this bill has come up for one reason only: to reduce environmental standards for water quality. There is no other reason for this bill than to open the door to the largest open pit mine proposal in Wisconsin's history. No matter what you call this legislation, in northern Wisconsin we know that AB 24 is a mining bill. This legislation will decrease the amount of public input and exempt taconite pellet processing plants from air quality standards – these plants are already the largest source of mercury in Lake Superior.

What is even more disturbing to me is the fact that this hearing was called on one week's notice, and it also happens just one day before another hearing up north that was announced just last Friday. What is it about this process that wipes out with one hand in the south our environmental protections, and riles up citizens clamoring for jobs in the north at the same time? This strategy shows a complete lack of respect for public input.

It also seems to be a part of Scott Walker's new mantra that Wisconsin is open to jobs. But I ask you on whose backs? Last Winter it was on the backs of teachers, firefighters, and policemen. This month, it looks like it could be on the backs of the thousands of people who live up north and have been stewards of a pristine environment there that draws visitors from far and wide.

I have brought a simple map that shows the watersheds that will be impacted by this huge open pit mine. The Bad River watershed is connected to the Kakagoan Slough. I have taken my students on tours of the Kakagoan Slough which is recognized by many people as one of the most pristine estuaries in all of North America. I invite you to come north and explore why so many of us are passionate about the beauty of the north. Its beauty is breathtaking; its fragility demands protection and stewardship.

I find it very troubling that I've come south to Madison 300 miles to testify about an actual bill that you will vote on to wipe away environmental protections, and then tomorrow morning I'll drive 300 miles back home for a hearing in Hurley on jobs. With one hand the legislature wipes out protections, and with the other it simply riles up people who are clamoring for jobs. - and there is no balanced mention in the advertising for the hearing up north about the major changes to clean air and water protections. It seems someone is trying to divide our community between either jobs or the environment and that we're not getting the whole story. Pitting members of our community against one another is heartbreaking.

When I go back to Hurley tomorrow to testify, I will be speaking in a community in which the Chamber of Commerce has posted signs all over town to "Be in Time if you want the Mine" to its community members. I agree, yes, we want jobs in Ashland County, we want something good for our community, but we also demand protections for the air our children breathe and for the water that drives our tourism economy. The Polluters Over People Bill doesn't meet that standard. "I served for 10 years on the Ashland city council and I know as a decision-maker that we have to consider a lot of input to reach a balanced decision, this legislation is unbalanced, it's rushed, and my community hasn't had its say.

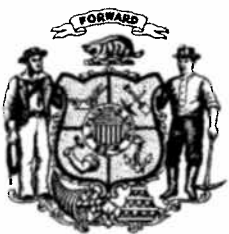
I ask you think about what your children and grandchildren will view your vote on this issue. Will you be able to say you stood up for environmental protection, or you were willing to strip

*300 miles of
hills from
the proposed
mine area -
among the highest
quality lakes
in Wisconsin
They empty into
Lake Superior
Drainage*

protections away so a few people up north could get jobs to ship our natural resources to Asia for 30 years? Many years from now we will look back at this period in history and either say, "Wisconsin stood at the forefront in protecting its environmental heritage and look what we have now!" or we will say, "Back in 2012 Wisconsin decided to sacrifice its great mineral resources to meet the demands from Asia, and tore down its land protections in the process, small step by small step. The choice is yours. I urge you to vote against AB 24. Thank you.



WISCONSIN STATE LEGISLATURE



Good Afternoon - First I apologize for being ^{unable} to comment direct.
You should have a copy of my written comments. I waited 3 hours to comment and have another commitment I was going to make, just a few comments in my verbal comments.

First - Current law requires 65 business days to complete an application review of a complete application.

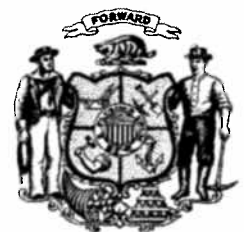
Second - Current staffing for high capacity wells is quite low.

Lastly The proposed change regarding high capacity wells is short sited and unnecessary. It is better to leave the current law and administrative code as they are.

I urge you to vote against AB-24 at the special session as it is written or at least remove the references to high capacity wells.
Thank You Robert Schaefer



WISCONSIN STATE LEGISLATURE





CHRIS TAYLOR

STATE REPRESENTATIVE ♦ 48th ASSEMBLY DISTRICT

**Rep. Taylor's Testimony in Opposition to Special Session Assembly Bill 24 and
Special Session Senate Bill 24**

Chairman Mursau and Kedzie and committee members,

Thank you for the opportunity to submit written testimony summarizing my concerns and opposition in to SSAB 24 and SSSB 24.

SSAB 24 and SSSB 24 put limits on the amount of time the state Department of Natural Resources has to consider permit applications for everything from filling or dredging streams and lakeshores to sinking high capacity wells.

The bill specifically eases permitting requirements in a number of areas related to mining, in addition to dredging and dumping materials in waterways and wetlands. It also makes it easier to build dams to create reservoirs, build high capacity wells, and release certain air pollutants.

Under the bills, such activities would be automatically approved if the DNR didn't act on the application before the deadline, which would be 30 days.

In addition the bill would reduce the amount of time the public has to comment on Chapter 30 permits from 30 days to 20. It would also eliminate requirements for the DNR to publish notices about hearings and comment periods in newspapers and allow the agency to publish the notices only on its website.

Wisconsin's pristine environment generates millions of dollars in revenue and hundreds of thousands of jobs each year, a fact these bills ignore with their reckless environmental rollbacks. Tourism, which is the second largest industry in Wisconsin and generates almost \$12.1 billion in travel expenditures and provided 286,394 jobs in 2009 alone, is largely dependent on our pristine natural resources, which these bills seem intent on destroying.

These bills put at risk an industry that generates over \$12 billion in expenditures for Wisconsin and could permanently damage Northern Wisconsin's economy. Without clean lakes, rivers and streams anglers will not come to fish; families will not come to vacation, and nature enthusiasts will stay home.

Further, it is bad policy to endanger water and air protections through automatic permitting. It is absolutely irresponsible to jeopardize the health and welfare of our communities merely because the DNR was delayed on acting on a permitting application. A 30 deadline is not going to be sufficient in all cases for the DNR to do the work that is

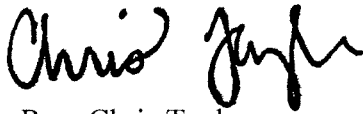
needed to evaluate an application. This deadline could result in the DNR taking shortcuts and not using due diligence to properly evaluate applications, which again not only has ramifications for the health of our environment but for the health of Wisconsinites.

Finally, it appears that these bills conflict with federal clean air and water protections. Why is the majority in this legislature wasting taxpayers' money in promulgating legislation that does not meet federal environmental standards? Doing so will result in litigation, again footed by Wisconsin taxpayers with no jobs being created in the process.

As a report issued yesterday by the Environmental law & Policy Center indicates, we have tremendous opportunities in our state to create jobs responsibly, in a way that protects and enhances our precious natural environment. Wisconsin has over 250 local companies in wind and solar development that are ready to grow and provide even more jobs. But state supports for these businesses have been eroded by this legislature and the Walker administration.

I urge committee members to reject these bills and maintain our current environmental protection standards which safeguard the health and welfare of our citizens.

Thank you.

A handwritten signature in black ink that reads "Chris Taylor". The signature is written in a cursive, flowing style.

Rep. Chris Taylor



Testimony in Opposition of SSAB 24

My name is Judy Treml. I am a citizen, homeowner and mother from Northeast Wisconsin. Since February 2004 I have been a citizen advocate for our environment in Wisconsin.

How I became involved in working to protect our water resources in Wisconsin came during a time when I was desperately working to protect my children and my community from an industry interested in putting profit before people and the DNR's lack of resources to enforce proven violations of state and federal environmental laws.

My experience with the DNR's lackadaisical approach in issuing a permit in our community is very similar to the one proposed in this bill. Anyone familiar with the various geological aspects in Wisconsin should realize general permitting of industries in Wisconsin would be a detriment to our groundwater, lakes, and streams. Putting our families, our water resources and our air at risk by cutting corners in the permitting process, as in our case, will have disastrous results to our communities.

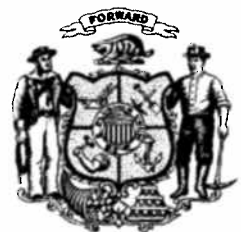
My entire family was poisoned by a CAFO (large farm) when the permitting process failed. All three of my daughters were sickened, my youngest being 6 months old was the hardest hit. When a family in Wisconsin has to face the prospect of an illness that can cause death when an industry looks to be following the rules in their individual permit, (supposedly tailored to suit the needs of the area and resources), can you imagine what harm would come from the DNR issuing permits that read the same no matter where you are located in Wisconsin or what the industry it is? This sort of relaxed and automatic permitting process has the potential to do irreparable harm to a community and a family. General permitting might look good on paper, but from my families experience, it is not the answer in Wisconsin.

Presently the DNR has their hands full issuing permits in manner that fulfills the duty that they have been charged with...to protect our land and water resources. Reducing the time they would have to

adequately permit an industry that poses a threat to our health and environment, is not the answer. In this economic climate it's understandable that this state would welcome new industry, to promote job and economic growth, but please don't steal from Peter to pay Paul. Don't sell out families, communities and the environment by passing this bill.



WISCONSIN STATE LEGISLATURE



COMMENTS

SPECIAL SESSION SENATE AND ASSEMBLY BILLS 24

LA CROSSE COUNTY CONSERVATION ALLIANCE

The La Crosse County Conservation Alliance strongly opposes the above bills as presently written!

It is particularly demeaning to the citizens of Wisconsin that these bills are being rapidly shoved through this special session without providing adequate time for thorough review by either the legislature or public. Such actions are not only undemocratic but usually result in very poor and often damaging legislation. In addition, the potential damage to our navigable waters that will result from these bills means, you, our legislative representatives, are negating your Constitutional Public Trust Doctrine responsibilities.

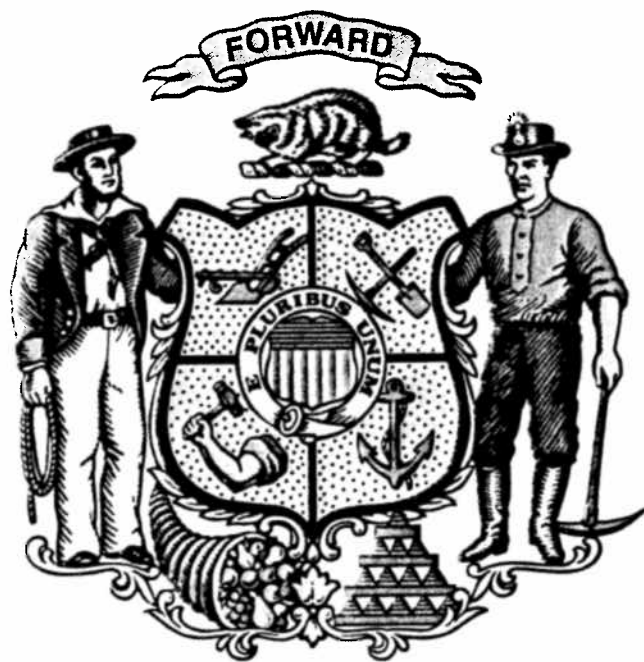
These bills attack basic environmental laws and regulations that protect our lakes, rivers and streams. It is anti-environmental and anti-conservation legislation that will negatively affect all Wisconsinites including the states hunters, anglers and other outdoor enthusiasts.

We seriously ask – Where are the “JOBS” in these bills? They will, however, negatively affect tourism and businesses catering to the outdoors.

We recommend that we all take a step back and slow down this process. We need good jobs legislation but it needs to be well thought out and reviewed and acceptable to all parties and the public.

Thank you for this opportunity to comment. We hope to have further opportunities to revisit this legislation at a later date.

Comments Presented By: John Wetzel – For the La Crosse County Conservation Alliance
N8020 Amsterdam Prairie Rd.
Holmen, WI 54636
608-526-4238





**The Polluters Over People Bill:
How Special Session AB/SB 24
Rewards Polluters and Disregards Citizens**

The Polluters Over People Bill Rewards Bad Actors and Cuts the Public Out of Decisions that Impact their Waterways

Current Law

- Once the DNR determines that a permit application is complete, the DNR must notify the public within 15 days.
- The public is then given 30 days to review a *completed* permit application and make comments. The public can also request that the DNR hold a hearing on the application.
- If a member of the public challenges a permit, the burden of proof is on the applicant to show that the project will not cause negative impacts on the waterway.
- Current permits for activity in or near waterways are valid for 3 years.

Consequences of *The Polluters Over People Bill*

- The public comment period is limited to 30 days from the time the applicant submits a *draft* permit for review. This means the public is only reviewing draft permits that may be radically changed or for which there is not enough information yet provided to make an informed decision.*
- The DNR can deny a public hearing on a permit if there is not "significant public interest." "Significant public interest" is not defined in the bill.*
- The DNR is only allowed to ask for more information *once* if they believe an application is lacking critical information. The DNR is forbidden from denying a permit due to incomplete information from the applicant.*
- The DNR only has to publicly notice that a permit application is available for review somewhere on their website, and no longer in newspapers. This will put some rural communities and those without internet access at a disadvantage for weighing-in on changes occurring in their own communities.*
- When members of the public believe that a permit for a new project is not protective of the waterway, the burden of proof is on the *citizens* to prove that the well-paid consultants hired by the applicant were wrong and that the project will cause harm. This makes it much harder for local community members to participate meaningfully on projects in their area.*
- DNR must grant a 5-year automatic extension on permits, nearly tripling the amount of time a permit goes without review from the public.*

The Polluters Over People Bill Guts Wisconsin Water Quality Protections

Current Law

- Requires that those seeking permits to do construction or projects near a waterway assure that runoff from their site will not cause soil erosion, flooding, or pollution of ground or surface waters.
- Prohibits mining waste from being disposed of near private properties or next to rivers or lakes where flooding could cause downstream pollution and/or harm waterfront properties.
- Requires complicated projects in or near waterways to receive individual permits that will consider the full impact of the project on natural resources by undergoing a more thorough environmental review.

Consequences of *The Polluters Over People Bill*

- May allow mining tailings containing toxins such as arsenic and lead to be placed in or near waterways. This could lead to groundwater contamination and contamination of local drinking water supplies.*
- The greatly expanded use of more lenient "general" permits for complicated (and potentially harmful) projects, like a mining tailings pond, could be treated to the same review as a pier on a lake.*
- Allows private companies to build structures into public waters.*
- Allows for more structures like roads, piers, culverts, etc which will cause sediment and runoff could end up in our waters, choking off fish and plant life and resulting in more algae blooms.*
- Forces DNR to issue automatic permits for oil and gas production and mine prospecting if they do not act on the permit within a certain (shortened) timeframe.*

The Polluters Over People Bill Threatens Water Quantity in Wisconsin's Rivers, Lakes, and Wells

Current Law

- Requires a permit to set conditions on the "location, depth, pumping capacity, rate of flow, and ultimate use" of all high capacity wells (those that draw over 100,000 gallons/day).
- Requires that the permit process include adequate groundwater testing to accurately predict the effects of pumping the requested amount of water and ensuring that it does not draw down public or private water supplies *and* does not draw down surface waters, such as rivers, lakes, and streams.

Consequences of The Polluters Over People Bill

- Threatens wells and surface waters by forcing DNR to issue permits for high capacity wells, even when they may not have the time and resources to make adequate assessments of the impact of high capacity wells on neighboring wells and nearby surface waters. {Currently, Wisconsin does not have a clear and timely way to deal with water shortages in this situation, which is why these conflicts end up being litigated in court. This legislation may lead to more lawsuits and conflicts in our communities over who has rights to use water.}*
- Does not consider the potential cumulative impact on water supplies where – as is the case in many communities across the state – multiple high capacity wells are proposed. Areas that could be especially impacted by water shortages are the Central Sands area in central Wisconsin, Dane County, and Western Wisconsin.

The Polluters Over People Bill Undermines Wisconsin's Clean Air Protections

Current Law

- Requires that all new sources of air pollution from smokestacks demonstrate what affects the new pollution will have on public health standards before they can be issued a permit.

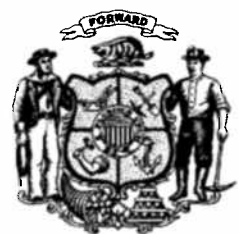
Consequences of The Polluters Over People Bill

- The bill does not allow the DNR to analyze how a new source of pollution (ie smokestack) will impact air quality in areas where there is not already a known air pollution problem.
- This bill explicitly exempts "pellet processing facilities" from having to do clean air modeling. Pellet processing facilities are necessary for taconite mining and they are one of the largest sources of mercury in the upper Great Lakes waters.*

***Indicates a provision with direct implications on mining operations in Wisconsin.**



WISCONSIN STATE LEGISLATURE





WISCONSIN NEWSPAPER ASSOCIATION

...world's oldest press association, established 1853

Assembly/Senate Natural Resources Committees—Special Session Bill 24

The Wisconsin Newspaper Association, on behalf of its more than 230 daily and weekly members, respectfully opposes only that portion of Special Session Bill 24 that amends the publication of Department of Natural Resources public notices.

The elimination of public notice in the newspaper in favor of a Web site posting is the fundamental reversal of a basic government responsibility. It is government that serves the public, and it is the responsibility of government to ensure proper notification to the public of its actions...and not the other way around.

The elimination of DNR public notices in newspapers will require that the citizens of Wisconsin take the initiative to track down the actions that pertain to air and waterway protections.

Public notices published in newspapers are vital to the proper functioning of democratic government. Allowing government to post public notices **removes the third-party oversight function** of the newspaper, and **removes any independent proof of publication**.

Government has a fundamental responsibility to ensure adequate notification to the public of its actions. Newspaper public notices are the most effective medium to reach the greatest number of citizens in a verifiable, predictable format.

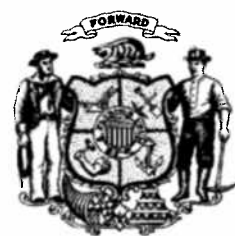
The WNA recognizes that government now augments public notice publication with postings on their Web sites. For citizens who already may have a reason to visit those sites the additional posting is helpful. But for the majority of taxpayers who have no reason to sit down at their computer, and in this instance call-up the DNR Web site, for those citizens, this proposal serves as a barrier between them and the government that they financially support.

Local newspapers are and have always been the traditional medium for public notices, and they are where the public expects to find them.

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WISCONSIN STATE LEGISLATURE



Wisconsin Wildlife Federation

Fact Sheet--SS SB24/SS AB24--Alteration of Navigable Waters

SS SB24 and SS AB24 will have significant adverse impact on Wisconsin lakes and streams and will greatly limit the opportunity for Wisconsin citizens to have public input on lake and stream development projects. Specifically;

SS SB24 and SS AB24 substantially limit Wisconsin Citizen's ability to protect their lakes and streams. Lake and stream users including hunters, anglers and trappers and riparian owners have the Constitutional right to object and intervene in DNR decisions that adversely affect lakes and streams. The bills specifically:

1. force citizens to evaluate proposed projects on incomplete information from applicants;
2. eliminate notices of applications to citizens in their local newspapers. Many citizens, especially in rural areas, do not have easy access to internet notices;
3. reduce the amount of time that citizens have to review applications from 30 days to 20 days;
4. put the burden of proof on an application on the citizen rather than the permit applicant.

SS SB24 and SS AB24 significantly weaken environmental regulations protecting fish and wildlife habitat. The bills substantially reduce DNR's ability to evaluate projects that will lead to inadequate application of environmental regulations and also directly remove environmental standards. The bills specifically:

1. limit DNR's authority to ask the applicant for additional information about a project even when the applicant continues to not provide the needed information;
2. force DNR to make permit decisions on incomplete applications;
3. prohibit DNR from denying a permit application on grounds that the application is incomplete even when the applicant does not provide the needed information.

4. create default permits when DNR is unable to process an application in time even when the DNR has insufficient staff to process the permit or even when the applicant has not provided adequate information;
5. remove DNR's authority to prevent serious environmental damage by the construction of piers in the state's most sensitive water areas known as "Areas of Special Natural Resource Interest"
6. require DNR to issue a general permit to any riparian owner to remove five 10 yard dump trucks of material from the bed of a lake or stream on an annual basis for their pier or boatlift. The cumulative affect of this considering the hundreds of thousands of piers in Wisconsin can have serious adverse affect on fish and wildlife habitat and water quality;
7. require DNR to issue a general permit to any riparian owner to remove fifty 10 yard dump trucks of "plant and animal nuisance" (undefined) from the bed of a lake or stream on an annual basis. Once again, individually or cumulatively, this can have serious adverse impacts on fish and wildlife habitat and water quality;
8. remove DNR's authority to designate additional areas of the most valuable and significant scientific value for protection from development in lakes and streams;
9. require DNR to establish expedited procedures for the approval of certain dams. Often these dams can cause serious environmental damage and block spawning fish from getting to their spawning habitat.

SS SB24 and SS AB24 violate the Constitutionally based Public Trust Doctrine protecting navigable waters by allowing private development on public lake and stream beds.

The beds of lakes and the water area of streams are owned by the Citizens of Wisconsin under the State Constitution. Private structures in those areas are to be limited to whatever is necessary to allow riparian owners to use the waters for their navigation. The bills specifically:

1. remove DNR's authority (prospectively and retroactively) to prevent the construction of private condominiums and other private structures on filled public lake beds and streams which are protected by the Public Trust Doctrine. **This provision has been placed in the bills partially because of a lawsuit currently underway in the Circuit Court of Manitowoc County. These bills will directly intervene in that litigation.**

2. would grandfather many very large structures such as party decks and gazebos on the beds of lakes and streams that were built illegally. This would be contrary to a legislative compromise that was entered into in 2004 and voted for by several current legislators.

SS SB24 and SS AB 24 weaken environmental standards that apply to metallic mining in Wisconsin. Metallic mines require permits and approvals under many Wisconsin environmental laws. Many of these laws have been weakened by the provisions contained in these bills. The bill specifically:

1. would remove the requirement for the permit applicant for a major new stationary source of air pollution to perform air dispersion modeling before obtaining an air permit. This means that the proposed Penokee mine in Ashland and Iron County would not have to model their air emissions to ensure that their taconite pellet processing facility and their large electrical generating plant will meet compliance with air quality standards;
2. would create default permits for mine prospecting permits in the state. Mine prospecting can cause significant damage to land and water if done improperly and the bills would grant default permits to applicants if DNR was unable to process the permit in time;
3. would create default permits for high capacity wells. Metallic mining operations such as the proposed Penokee mine will need substantial makeup water for their operation which they will likely gain through high capacity wells. It would be virtually impossible for DNR to complete the necessary hydrological studies necessary for the mine in the short period of time set out for the high capacity well default permits;
4. would allow DNR to issue general permits rather than individual permits for the many stream alterations necessary for metallic mining projects;
5. would create default permits for the approval of licenses for oil and gas production wells in Wisconsin. Oil and gas extraction, if not done properly can cause serious environmental damage and authority

to do so should not be granted by default permits with inadequate
DNR review.



