

# GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



## • MEMBER TRIBES •

### MICHIGAN

Bay Mills Community  
Keweenaw Bay Community  
Lac Vieux Desert Band

### WISCONSIN

Bad River Band  
Lac Courte Oreilles Band  
Lac du Flambeau Band  
Red Cliff Band  
St. Croix Chippewa  
Sokaogon Chippewa

### MINNESOTA

Fond du Lac Band  
Mille Lacs Band

June 11, 2007

VIA ELECTRONIC MAIL – ORIGINAL BY MAIL

Jon Heinrich  
Wisconsin Department of Natural Resources  
Bureau of Air Management - AM/7  
101 S. Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

Re: Mercury Emission Rule – State Rule Revision

Dear Mr. Heinrich,

Great Lakes Indian Fish and Wildlife Commission (GLIFWC) staff submit the following comments related to the adoption of the federal Clean Air Mercury Rule (CAMR) as part of the state mercury emission rules. These comments are consistent with comments previously submitted by GLIFWC and the Voigt Intertribal Task Force to the Department of Natural Resources (Department) and the US Environmental Protection Agency (EPA). As you know, GLIFWC and the Department enjoy a longstanding relationship regarding mercury contamination and monitoring; GLIFWC staff participated on and provided comments to the Department as part of its Citizen Advisory Committee on this issue.

As the Department is aware, GLIFWC exercises delegated authority from its member Tribes regarding their treaty reserved hunting, fishing and gathering rights in the ceded territories. GLIFWC assists its member Tribes in the conservation and management of natural resources subject to those rights, and in the protection of habitats and ecosystems that support those resources.

GLIFWC's member tribes favor an aggressive schedule to eliminate mercury emissions from coal fired utilities. Unfortunately, the federal reduction schedule that the Department proposes to follow fails to provide adequate protection to subsistence users of natural resources and fails to ensure environmental protection. Furthermore, the reductions are not consistent with commitments made by the State of Wisconsin under the Binational Program to Restore and Protect Lake Superior (Binational Program), that is, an 80% reduction of emissions in the Lake Superior basin by 2010 and "zero discharge" by 2020.

Mr. Jon Heinrich  
June 11, 2007  
Page 2

Comments on specific aspects of the proposed rule follow:

**Cap and Trade Program:**

We are pleased to note that the Department is not proposing to adopt the federal trading provisions that would permit the trading of mercury allowances, either within the state or between states. This provision could have allowed the development of localized “hot spots” of mercury contamination in certain regions.

**Mercury Allocation:**

It is also encouraging that the state has proposed to set aside a percentage of its state mercury emission budget that is greater than the federal proposal, at least for Phase II. Although we express no opinion about whether 5% is sufficient to provide for new growth, this allocation does not provide an environmental set aside. In previous comments to the Department, GLIFWC recommended that an environmental allocation be at least 15%.

**Reduction Goal:**

The state’s rule mandates a 69% reduction by 2018 with a further commitment to develop rules that would require at 90% reduction by 2020. This goal is not sufficient to comply with the Binational Program goals, nor is it as aggressive as a number of Wisconsin’s neighbors. More aggressive reductions should be required.

Although addressing mercury emissions from utility sources is of primary importance, Wisconsin must also address emissions from non-utility major stationary sources. We look forward to participating in such an initiative. Thank you for your consideration of these comments, please contact me if you have any questions or need further information.

Sincerely,

Ann McCammon Soltis  
Director, Division of Intergovernmental  
Affairs

cc: Voigt Intertribal Task Force  
Neil Kmiecik, Biological Services Director  
John S. Coleman, Environmental Section Leader