

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

May 5, 2008

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 – Proposed State Rule

Dear Mr. Heinrich,

Great Lakes Indian Fish and Wildlife Commission (GLIFWC) staff submit the following comments related to the proposed state rule to control mercury emissions from coal-fired power plants. These comments are consistent with comments previously submitted by GLIFWC and the Voigt Intertribal Task Force to the Department of Natural Resources (Department). 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. Because of social and cultural ties to natural resources and consumption of resources harvested from the wild (Kuhnlein 1995, Meeker et al. 1993), those tribes have particular interest in elimination of toxins that bio-accumulate in the food chain. Specifically, GLIFWC's member tribes favor an aggressive schedule to eliminate mercury emissions.

Comments on specific aspects of the proposed rule follow:

Reduction goal:

The proposed rule for 90% capture of the mercury found in the coal burned at the largest power plants by 2015 is a step in the right direction, yet is unlikely to achieve the state's commitment to the Binational Program's goal of 80% emissions reduction from a 1990 baseline

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by 2010. Mandating reductions based on the mercury content of coal may be more manageable than mandating mercury emission reductions from a baseline; however, to achieve the emission reductions committed to under the Binational Program a more aggressive mercury capture target is needed.

Multi-pollutant option:

Participation in the multi-pollutant option would further delay the reductions in mercury that are needed. Participation in the multi-pollutant option should not delay achievement of 90% capture of mercury from coal until 2021. This time schedule needs to be shortened.

Accounting for new plants:

When new plants that are already under construction are taken into account the projected reduction in mercury emissions from the current estimated level of 3,022 pounds to a level of 536 pounds is only a 82% reduction by 2015. As additional coal fired plants are brought on line, the proposed regulation will fall farther and farther below the stated goal of a 90% reduction in emissions.

The true measure of success in a mercury control program must be reduction in the number of pounds of mercury expelled to the environment by the targeted power plants. To achieve a true 90% reduction in the amount of mercury that is emitted, Wisconsin must set a more aggressive schedule and more aggressive mercury capture targets. In summary, the schedule for both the mercury only pathway and the multi-pollutant pathway should be shortened and, because of the continued construction of coal burning power plants, the ultimate mercury capture targets for both pathways should be more aggressive.

Thank you for your consideration of these comments, please contact me (608-263-2873) or Ann McCammon Soltis (715-682-6619) if you have any questions or need further information.

Sincerely,



John Coleman
Environmental Section Leader

cc: Voigt Intertribal Task Force
Neil Kmiecik, Biological Services Director
Ann McCammon Soltis, Division of Intergovernmental Affairs Director

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Referenced Documents:

Kuhnlein, H.V. 1995. Ojibwe health and traditional food use. GLIFWC. 46p

Meeker, J., J. Elias, J Heim 1993. Plants used by the Great Lakes Ojibwa. GLIFWC. 440p