Wisconsin Conservation Congress
Environmental Committee
Meeting Minutes

ORDER OF BUSINESS
09/16/2017  9:00 A.M.  Mead Wildlife Area Visitor Center

I. ORGANIZATIONAL MATTERS
A. CALL TO ORDER

| Meeting called to order by | Co-chair Chris Underwood at 9:00 A.M. |

B. ROLL CALL

| ATTENDEES                  | Robert Erdman, Douglas Kurtzweil, Jacob Macholl, Claude Bovi, Dave Blunk, Ron Krueger, Marc chultz, Chris Underwood, Scott Pitta, Meade Grim, Randy Connour, Juliee De la terre, Larry Meyer, Mary Ellen O'Brien, Madison Houchin, Deb Dix (DNR), Adam Fretheofer (DNR), John Gillen (DNR), Kari Lee-Zimmerman (DNR) |
| EXCUSED                    | Krystal Westphal, Tom Johnston, Lester Ryder, Karen Wollenburg, Tom Christman |
| UNEXCUSED                  | Charlotte Nicholes (New Richmond), John Endrizzi (Nekoosa), Connie Connour (Green Bay), Sharon Reilley (Minoqua), Larry Osegard (Neillsville), Ki Dupre (Emerald), Virginia Drath (Emerald), Sally Leong (Avoca) |

C. AGENDA APPROVAL/REPAIR

| DISCUSSION                 | Motion by Meade Grim and seconded by Marc Schultz to make friendly amendment to the agenda consisting of discussing resolution items 1, 8, 13, 14, and 15 first to accommodate guests wishing to speak or having an interest in these items. Motion passed by voice vote. |
| ACTION                     | Discuss resolution items in order noted above. |

D. REVIEW COMMITTEE MISSION STATEMENT

| DISCUSSION                 | The Environmental Committee Mission Statement was read to the group by Chris Underwood. The mission of the Environmental Study Committee of the Wisconsin Conservation Congress is to review citizen resolutions, rules, policies, regulations, and legislation affecting the air, land, and waters of the state of Wisconsin. The committee's purpose is to ensure that the ecosystems of Wisconsin are fully protected with every effort taken to support Wisconsin's native flora and fauna and educate the citizenry. The committee will work with DNR staff and the citizens of the state to effectively protect the health and integrity of Wisconsin's natural ecosystems, utilizing the best available knowledge, technical resources keeping a balance for all interested stakeholders. Ron noticed that there seems to be a word/punctuation missing in the last phrase of the Mission Statement. Ron made a motion to edit the last phrase by adding a comma and the word "and" after the word "resources" [...utilizing the best available knowledge, technical resources, and keeping a balance for all interested stakeholders]. Motion seconded by Dave Blunk and passed by voice vote. |
| ACTION                     | Notify DNR about this grammatical change to Environmental Committee Mission Statement. |

E. PUBLIC COMMENTS

| DISCUSSION                 | Chris received written comments from Forest Jahnke regarding resolutions on hydrogeological surveys in Wisconsin (see Attachment 1). Mr. Jahnke's comments were read to the group by Chris. |
| ACTION                     | None |

II. INFORMATION & ACTION ITEMS

A. Citizen Resolutions

1. 010217, 120517, 180117, 390217, 630417, 700417, 720517 (high capacity wells cumulative impact)

| DISCUSSION                 | John Endrizzi spoke on this resolution. He expressed concern about the relationship between deteriorating groundwater quality and quantity and high capacity wells. Withdrawal of groundwater for high capacity wells in central Wisconsin has become a critical issue. A number of lakes have disappeared in Portage, Waushara, and Adams counties. John mentioned that 14-Mile Creek which ultimately drains to the Wisconsin River at the Petoosuco flowage, feeds these man made lakes (Blackwood, Camelon and Arrowhead) that are part of a major economic development area. Impacts to groundwater are having a major economic impact on Adams County. Groundwater and other water resources belong to the public and we need to take a close look at how it is being used and allocated. Chris read the resolution |
Environmental Committee

Randy Connour stated that the resolution implies DNR doesn't have the authority to consider cumulative impacts of high capacity wells as part of the permitting process. Adam Trachschfer (DNR) responded that DNR can only regulate groundwater and high capacity wells as specified in the statutes. He noted that recently passed Senate Bill 76 calls for more study on the effects of high capacity wells in the central sands region of the state, and makes high capacity well approvals permanent. Further, a 2016 Attorney General's opinion on DNR's review authority of high capacity wells stated that DNR does not have authority to consider cumulative impacts or to impose monitoring requirements on high capacity well improvements.

Additional discussion included the amount of water allowed to be pumped from high capacity wells, transfer of well approvals to new landowners, difficulty in getting area legislators to support legislation requiring consideration of cumulative impacts in the permit process. Doug Kurtzweil noted that if this resolution gets a lot of support at the WCC spring hearing, this support would help keep this issue before the public and legislators, even if it would be difficult to garner legislative support. Marc Schultz noted it will be important to word this resolution and its preamble in a way that correctly reflects the issue and is easily understandable by the public. He also noted that while there has been a focus on central Wisconsin counties, this is a statewide issue. DNR staff will have an important role in formulating the final language.

**ACTION**
A motion to advance this resolution was made by Meade Grim, seconded by Doug Kurtzweil, and passed unanimously by voice vote.

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2. 530117 (ban the use of neonicotinoid insecticides on state owned agriculture and forest land)

**DISCUSSION**
Julie De la terre explained that these nicotine based insecticides are used to treat GMO crop seeds such as soybeans and corn to prevent the seeds from being destroyed in the ground by aphids and other insects. As the plants grow, the insecticide becomes a systemic poison that kills pollinators when they land on these plants. Doug Kurtzweil stated there have been recent studies indicating that exposure to even small amounts of neonicotinoids is affecting the reproductive capability of queen bees, and could be responsible for loss of bee colonies. Marc Schultz asked about the resolution language that seems to call for a ban on using this insecticide on state lands. Juliece affirmed that this is the case - the resolution is written to apply only to state owned land.

John Gillan (DNR) noted there has been discussion with farmers leasing state land for crop production on insecticide options other than neonicotinoids. On the forestry side, two chemicals mentioned in the resolution are currently used for treating Emerald Ash Borer and insects affecting Hemlocks. However, because these tree species do not flower, they do not attract pollinators. Julie noted there is still a concern about these insecticides being transferred to and taken up by plants on the forest floor. John stated this topic will be discussed at the upcoming state forester’s meeting.

**ACTION**
A motion to advance this resolution was made by Ron Krueger, seconded by Scott Pitta, and passed unanimously by voice vote.

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3. 720717 (Designate all karstic Wisconsin as sensitive areas)

**DISCUSSION**
See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action.

**ACTION**

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4. 120417 (Designate Crawford County and all karstic Wisconsin as sensitive areas)

**DISCUSSION**
See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action.
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5. 1S0317 (Designate Door County and all karstic Wisconsin as special groundwater management area)                  [PRESENT]ER

**DISCUSSION**
See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action.

**ACTION**

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6. 230217 (Designate Green County and all karstic Wisconsin as sensitive areas)                  [PRESENT]ER

**DISCUSSION**
See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action.

**ACTION**

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7. 250317, 250517 (Designate Iowa County and all karstic Wisconsin as sensitive areas)              Sally Leong and Kim Dupre

**DISCUSSION**
Sally Leong (author of 250317) showed a State of Wisconsin bedrock map and pointed out that Iowa County is almost completely karstic. She also noted that Kewaunee and Green counties have issues with water pollution due to manure spreading which could lead to groundwater pollution. There needs to be more recognition of the breadth of this type of geology in the state.

Deb Dix (DNR) noted that proposed rule changes to Wisconsin Administrative Code Chapter NR 151 (Runoff Management) are intended to develop targeted performance standards to address spreading of manure on soils in sensitive areas where depth to bedrock is shallow and the bedrock is fractured (karst topography).

Kim Dupre (author of 560317 - agenda item # 11) provided a copy of her comments (see Attachment 1). She lives near a 1,600 cow dairy farm that was built in 2001 and is now being proposed for expansion to 6,000 cows. DNR's initial environmental assessment concluded that this dairy operation would be fine as long as the manure management plan was followed. This has not been the case as there have been some significant manure spills that have resulted in high levels of ecoli in well water downstream from the spills.

At this point, Meade Grim asked whether agenda items 3 through 11 could be combined into one item (Item 7) for purposes of discussion and action. The resolution authors had no objection to combining the items. Ron Krueger made a motion for a friendly amendment to combine agenda items 3 through 11, seconded by Dave Blank, and passed by voice vote.

Chris Underwood read a resolution received from Forest Jahnke (see Attachment 2). Mr. Jahnke strongly supports protection of groundwater in karst geology areas in eastern Wisconsin. However, he notes there are other areas in the state with karst geology or other sensitive geology such as sandstone aquifers in western Wisconsin. He agrees with combining the resolutions, but would like the Environmental Committee to develop more inclusive language for a single, representative resolution.

Chris read a comment received from Dave Wernecke (see Attachment 3). Dave noted he presented Resolution 570617 at the Sauk County Conservation Congress meeting designating portions of Sauk County and all karstic geology areas in the state as sensitive areas. He encourages the Environmental Committee to combine the Sauk County resolution with other county resolutions designating all karstic geology areas in Wisconsin as "sensitive areas which merit special groundwater protections by the state, and freeing municipal governments to make additional rules and regulations based on local geological considerations."
Ron Krueger noted he had received a lengthy e-mail and attachment regarding agenda item #8 (Resolution 310217). Ron will circulate this e-mail to the committee so the attachment can be reviewed.

Meade Grim and Dave Blunk stated their opinion that "sensitive areas" in the resolutions on karstic areas needs to be defined and related to the language and intent of NR 151 to avoid confusion with other definitions of sensitive areas in DNR literature and state statutes. Deb Dix (DNR) pointed out that Resolution 150317 (see agenda item 5) is different in that it states that all karstic Wisconsin areas should be designated as special groundwater management areas. Adam Freihoefer (DNR) stated that there are designated groundwater management areas in the state. Meade Grim stated that DNR needs to develop definitions of "sensitive", "karstic". Further, NR 151 should be modified to specify both dolomite and calcareous bedrock areas.

After further discussion, it was suggested that the representative resolution language for action will be from Resolution 720717 which says "Designate all karstic Wisconsin as sensitive areas." See agenda item No. 3.

| ACTION | A motion to advance Resolution 720717 was made by Jacob Macholl, seconded by Scott Pitta, and passed unanimously by voice vote. |
| PERSON(S) RESPONSIBLE | DEADLINE |

8. 310217 (Designate Kewaunee County and all karstic Wisconsin as sensitive areas) [PRESENTER]

| DISCUSSION | See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action. |
| ACTION | |
| PERSON(S) RESPONSIBLE | DEADLINE |

9. 420517 (Designate Monroe County and all karstic Wisconsin as sensitive areas) [PRESENTER]

| DISCUSSION | See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action. |
| ACTION | |
| PERSON(S) RESPONSIBLE | DEADLINE |

570617 (Designate portions of Sauk County and all karstic Wisconsin as sensitive areas) [PRESENTER]

| DISCUSSION | See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action. |
| ACTION | |
| PERSON(S) RESPONSIBLE | DEADLINE |

560317 (Designate St. Croix County and all karstic Wisconsin as sensitive areas) [PRESENTER]

<p>| DISCUSSION | See Agenda Item No. 7 in which a motion was passed to combine agenda items 3 through 11 regarding karstic areas, into one item (Item 7) for purpose of discussion and action. |
| ACTION | |
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<td>Scott Pitta stated that this pipeline has leaked in Adams County and that no additional pipeline should be authorized by DNR. DNR Dia (DNR) read DNR's statement regarding the Enbridge Pipeline 61 project (see Attachment 4). All of the required DNR permits (wetland, erosion control, and air construction permit for expanding storage tank capacity) were met for the pipeline expansion and a determination of compliance was made with the Wisconsin Environmental Policy Act (WEPA) and Wisconsin Administrative Code Chapter NR 150 which contains DNR's WEPA responsibilities. Julice De la terre stated she had organized a walk across Wisconsin regarding Pipeline 61 and its branches. Landowners did not have good things to say about the pipeline. Although the various permit obligations have been met, leaks have not been responded to in a timely or complete manner. If capacity is expanded, Pipeline 61 will be three times the size of the Keystone pipeline. Ron Krueger stated that Enbridge is a Canadian company that does not have a good environmental reputation; preparation of an EIS should be standard procedure for such projects. Larry Mayer stated that he lives a mile from the pipeline and is concerned about the spread of invasive species due to initial construction and future expansion and maintenance activities. There is no accountability for invasive species. Marc Schultz stated his concern about lack of public input on permit issuance for the pipeline. The eminent domain process that is used for land acquisition does not require public input.</td>
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<td>A motion to advance this resolution was made by Randy Conner, seconded by Julice de la terre, and passed unanimously by voice vote.</td>
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<td>Larry summarized key points of the resolution - DNR should establish a water quality monitoring program for all streams in the state. Initial water quality tests will provide a baseline for future changes. This would be a good opportunity to get youth involved in such a program and this would lessen the burden on DNR. Larry stated he is concerned about water quality in a stream near his home due to close proximity of a sand mine and large pig farm. Scott Pitta mentioned this topic was discussed by the Trout Committee and that it has been kicked around before by the Environmental Committee. Schools have no extra money for this type of activity. There is a state level volunteer program (WAVE = Water Assessment by Volunteer Evaluators) already in place, and this might be the best group to do any additional monitoring. Adam Freihoefer (DNR) noted that there are some long-term water quality monitoring programs in place that show water quality trends over time, for example phosphorus levels. With 88,000 miles of flowing water in the state and 15,000 lakes, there are limited staff resources to monitor all streams. DNR encourages citizen participation in monitoring such as the WAVE program. Julice de la terre stated that it would not be difficult to provide water quality monitoring equipment and training at local libraries throughout the state. Doug Kurtzweil said a monitoring program has merit and would be a good way to encourage youth participation and perhaps get them interested in the WCC.</td>
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<tr>
<td>A motion to advance this resolution was made by Dave Blunk, seconded by Julice de la terre, and passed unanimously by voice vote.</td>
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<td>Sharon Reilly summarized the intent of this resolution - There is an ongoing need to address lead contamination in the environment and the effects on non-target species. The resolution recommends that DNR and the State Legislature establish funds through an excise tax on the sale of lead tackle and lead ammunition that would be used to conduct research on ways to minimize and mitigate lead contamination in the environment.</td>
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<td>1. 010117, etc. – see below (Hydrogeological surveys be conducted in counties lacking them)</td>
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<td>Kim Dupre, read by Ron Krueger</td>
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<td>2. 010117, 120117, 230117, 250217, 390317, 420617, 530217, 540117, 560217, 570717, 630817, 720817 (Hydrogeological surveys be conducted in counties lacking them)</td>
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<td>Ron Krueger confirmed that the wording on all of these resolutions is identical. Kim Dupre passed around aerial photos showing runoff contamination plumes. If hydrogeological surveys were available, it would be possible to better understand and predict runoff movement through the environment. This would allow us to be better prepared for catastrophic events such as the mamre runoff she talked about earlier.</td>
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<td>3. Forest Jahnke provided written comments to the committee supporting the need for hydrogeological surveys in the state, particularly in karstic areas. (see Attachment 5). Fred Wollenburg also provided written comments in support of surveys (see Attachment 6).</td>
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<td>4. Adam Freihofer (DNR) stated that DNR works with USGS mapping and modeling data to help determine the capture zone for runoff. New maps are available for some counties. Marc Schultz noted that USGS has been doing hydrogeological surveys and modeling for a long time, and good techniques and tools are available. However, updating their models is a constant investment.</td>
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<td>5. Dave Blank asked who can request hydrogeological studies and how much they would cost. Adam responded that counties typically request the studies and that the cost can range from $280,000 - $800,000.</td>
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<td>A motion to advance this resolution was made by Jacob Macholl, seconded by Scott Pitta, and passed unanimously by voice vote.</td>
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<td>1. 090317, etc. – see below (Preserve the intent of 1997 Wisconsin Act 171, the mining moratorium law)</td>
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<td>Comments noted below read by Ron Krueger</td>
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<td>2. 090317, 130617, 130717, 160217, 280117, 290117, 320217, 390117, 410617, 420417, 440217, 540417, 580517 (Preserve the intent of 1997 Wisconsin Act 171, the mining moratorium law)</td>
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<td>Comments received from Karen Wollenburg (see Attachment 7). Provided information on Senate Bill SB395 that would roll back Wisconsin's long-standing &quot;prove-it-first&quot; sulfide mining law. The WCC should oppose this law because it would no longer require mine operators to show that mining can be done safely, exempts parts of the mining process from environmental procedures, removed protections for public and private water supplies, and other reasons.</td>
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<td>3. Ned Gatzke provided comments in support of Resolution 420417 (see Attachment 8). Ned noted that Act 171 provides standards and environmental protections regarding mining that should be retained to protect the integrity of Wisconsin's waters.</td>
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<td>4. Patricia Popple provided comments supporting Resolution 090317 (see Attachment 9). She summarized past attempts that have occurred to change the provisions in Act 171, such as removing prohibitions on approvals for</td>
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Environmental Committee

high capacity wells, and relaxing standards and deadlines for permits.

Craig Hanson provided comments in support of resolutions to preserve (defend) the provisions of Act 171 (see Attachment 10). Craig noted that Senate Bill SB395 would exempt parts of the mining process from environmental requirements and would remove protection of public and private water supplies from over pumping and depletion.

Ed Jeannette provided comments supporting resolutions to keep the Mining Moratorium Law. He also noted that Senate Bill SB 395 has been recently introduced in the State Senate and that it would repeal the "prove-it-first" language/requirement currently in Act 171.

**ACTION**
A motion was made by Ron Krueger to advance this resolution with a friendly amendment that all of the resolutions on this topic be combined into one amendment. The motion was seconded by Jacob Macholl and passed unanimously by voice vote.

**PERSON(S) RESPONSIBLE**

**DEADLINE**

| 540317 (Require penalties for tilling land within 5 feet of channel of surface water) |
| Larry Meyer |

**DISCUSSION**
Larry Meyer is author of this resolution and he read it to the group. Larry explained there is currently no penalty for tilling adjacent to surface water; farming occurs right up to the edge of the stream bank allowing fertilizer and other materials to wash into the streams. He also noted there is no incentive to stop this from occurring such as a farmland tax credit. Doug Kurtzweil noted that hardly anyone participates in farmland credit programs anymore. Dave Blank stated there is a similar problem in northern Wisconsin - lake shore preservation. There are shoreland zoning setbacks for buildings, but not tilling.

**ACTION**
A motion to advance this resolution was made by Doug Kurtzweil, seconded by Meade Grim, and passed unanimously by voice vote.

**PERSON(S) RESPONSIBLE**

**DEADLINE**

| 410917 (Require pipelines to be at least 5 miles from lake or river banks) |
| Read by Ron Krueger |

**DISCUSSION**
Randy Connour stated there should be better winnowing of these types of resolutions before they are sent to committees.

**ACTION**
A motion was made by Dave Blank to reject this resolution, seconded by Robert Erdman, and passed unanimously by voice vote.

**PERSON(S) RESPONSIBLE**

**DEADLINE**

| 380117 (Sulfide mining along boundary waters of Wisconsin) |
| Read by Chris Underwood |

**DISCUSSION**
Randy Connour moved to waive reading of the entire resolution, seconded by Meade Grim, and passed unanimously by voice vote. Chris did read just the resolution portion.

Comments in support of this resolution were received from Thomas Johnston (see Attachment 12) and read by Chris.

Deb Dix (DNR) read a statement from DNR on this topic (see Attachment 13). The Michigan Department of Environmental Quality (DEQ) issued mining and air permits for the Back 40 mine project near the Menominee River. The Menominee Tribe has requested a contested case hearing on the permit which has not yet been scheduled. Following extensive review of the NPDES permit by EPA, DNR has made a preliminary determination that if the project operates in compliance with this permit, Wisconsin's applicable water quality standards would be met. Michigan is still reviewing the wetland permit application.

Doug Kurtzweil asked if there has been any communication with the Michigan DNR. Deb stated DNR provides comments to Michigan.
ACTION

A motion to advance this resolution was made by Meade Grim, seconded by Jacob Macholl, and passed unanimously by voice vote.

PERSON(S) RESPONSIBLE

DEADLINE

B. Department Information Items and Updates

DISCUSSION
None.

ACTION

PERSON(S) RESPONSIBLE

DEADLINE

C. [DESCRIPTION OF TOPIC]

DISCUSSION

ACTION

PERSON(S) RESPONSIBLE

DEADLINE

III. MEMBERS MATTERS

DISCUSSION

Chris Underwood stated is our job to get resolutions in proper order before bringing them to the committees. If a resolution makes it through the spring hearings and gets assigned to a committee, it will be on the committee agenda. Effort needs to be made at the spring hearing to make sure resolutions are correct and ready to be passed on to committees.

Scott Pitta stated that arrests were being made in Douglas County in conjunction with the Enbridge pipeline. We cannot allow what happened elsewhere in Wisconsin. Enbridge has rights and workers need to be protected. What happened in North Dakota should not happen here.

Ron Krueger noted that resolution items from year to year have an emphasis on water quality issues. It is important to educate Wisconsin's citizens on the concerns that are being raised.

Larry Meyer stated that we need to make more of an effort to review and track how our resolution motions have fared. Starting the meetings with a review of the resolution status would be a good idea.

Meade Grim stated that an Environmental Committee member will be at the Leadership Council meeting to find out if the resolutions were advanced.

ACTION

IV. ADJOURNMENT

MEETING ADJOURNED
2:00 P.M. - Motion to adjourn by Robert Erdman, seconded by Dave Blunk, passed.

SUBMITTED BY
Mary Ellen O'Brien, acting secretary for 9/16/2017 meeting

DATE
09/27/2017
Hydrogeology studies in areas without

Our story.......

I live 1.5 miles from Emerald Sky Dairy, a Concentrated Animal Feeding Operation (CAFO) of ~1,600 cows that started in 2001 in St. Croix County. A new owner purchased the facility in March 2016 and now has an application for a conditional use permit to expand to 6,000+ cows.

We were promised in the DNR’s Environmental Assessment in 2001 when Emerald Dairy first started operations that everything will be fine if they follow their manure management plan, but 15 years later....everything is NOT fine.

I have three neighbors within my square mile who now have excessive nitrates in their wells when their previous years’ tests were below the 10 ppm recommended health standard. Ecoli & salmonella have also been found in wells in other areas in our township.

Our Town Hall in Emerald (which sits directly across the road from Emerald Sky Dairy) saw their nitrate readings nearly quadruple in less than 10 years....from 6.9 in 2007 to 27 in 2017.

Here in St. Croix County, the Town Hall in Forest has ecoli in their well; the Town Hall in Stanton has excessive nitrates and citizens cannot drink the water there; Warren Township had their own groundwater committee for several years to address concerns of high nitrates in resident well water. Two of our County Parks have contaminated wells, one from bacteria and the other from nitrates.

And to add insult to injury....there was a "massive" manure spill by Emerald Sky Dairy into their storm water pond and adjacent wetlands that went UNREPORTED for 3 months! Residents weren’t notified for over three weeks after authorities knew of the problem. The pregnant women in my township were IRATE......had they been drinking contaminated water? Where did this manure end up and when? Will it affect their drinking water in the future?

The DNR’s investigation is still open and details are not available....what we do know is the storm water pond’s construction specs showed it could hold 4.4 million gallons and no mention of a liner of any kind to protect ground water and a grate was on the one end to drain into adjacent wetlands. Depending how full this storm water pond was with manure water and solids....my fear is this spill could be the largest single manure spill in Wisconsin history. Where did it go during those months it was unreported?

After the spill cleanup was complete, we got a report of a cluster of 8 families not far from my house that had bacteria (ecoli) in their well water. The DNR requested from Madison for further testing/investigation to find the cause of such wide-spread contamination, but were told the scenario didn’t fit “protocol” for further testing.

After 15 years, we still don’t have answers to many questions concerning the water pollution in our rural residential zoned township.

There are 90 families living within 2 miles of Emerald Sky Dairy. If they lose clean drinking water through no fault of their own, they bear the brunt of the costs to restore clean drinking water through reverse osmosis, UV filters or bottled water. Wisconsin does not have rural water cooperatives similar to other Midwestern states.
Water knows no boundaries.

The areas that have good data on groundwater quality represent a small percentage of the state. Most areas of the state that do have widespread well testing data and analysis have found issues with their groundwater from nitrates, coliforms including e-coli, viruses, metals, arsenic, and/or various agro-chemicals.

Our Town Board has often wondered why one residence has safe water...and another one just down the road has contaminated water.

So when a manure spill occurs like the one at Emerald Sky Dairy, we may be able to predict how fast and how far any contaminates might reach so those residents, like my pregnant neighbor, who would be in harm’s way could take precautions if they so choose. A hydrogeology study would help answer some of these unknowns.

Access to clean drinking water is becoming an issue of environmental justice, in many parts of the state, including St. Croix County, attainable only by those able to pay for expensive water purification systems or bottled water. I have many neighbors hauling and drinking bottled water due to ecoli or salmonella or excessive nitrates because they cannot afford water treatment systems or to dig a new well.

This is simply not acceptable. Immediate action is necessary to assure the current and long-term preservation of these irreplaceable resources. Water is our most precious resource, and access to clean drinking water is a basic right that the state should do everything in its power to protect. Hydrogeological studies are a fundamental step in this effort.

**While I enjoy the cream in my coffee every morning, I need clean drinking water to make my coffee in the first place!** This is a matter of priorities and a matter of life itself. Our next generation is depending on us to give them a viable rural way of life – without clean drinking water, that will be impossible.

Thank you for your time and consideration,

Kim Dupre
2308 County Road G
Emerald, WI 54013
Phone: 651-491-2575
Email: duprekk@gmail.com
Resolution to designate Crawford County and all of karstic Wisconsin as a sensitive area

I was glad to see and strongly support the proposed enhanced protections for groundwater in 15 Wisconsin counties having sensitive karst geology in eastern Wisconsin. However, I find it inexplicable why only these counties were selected for additional groundwater protections when it is well known that the Silurian dolomite is not the only karstic bedrock layer extremely susceptible to pollution.

All karst regions of the state are very susceptible to poor manure handling or any other potentially polluting activities. In fact, karstic carbonate bedrock in the western part of the state is much older and often more extensively fractured and dissolved than that of eastern Wisconsin. On top of that, our sandstone aquifers in western Wisconsin, once polluted, will remain so for the foreseeable future. That there is not the same evidence of widespread groundwater contamination could be due to differences in land use, or possibly simply a lack of well testing data.

Overwhelming majorities in Crawford County and County Conservation Congresses across the state called for state recognition of special consideration for the entire karstic area of the state. While there are minor differences in these resolutions, reflecting local variations in geology, the basic message is the same: all karstic areas of the state require designation as sensitive areas and special protections to prevent groundwater contamination.

I agree to have the Crawford County resolution combined with the other counties who passed similar resolutions, and leave it to the Conservation Congress Environmental Committee to use their best judgment on how best to create one resolution for the citizens of Wisconsin to vote on in next years’ Conservation Congress. I would hope that this combined resolution would carry considerable weight as it goes forward in the process, considering that it was passed by many counties and passed in each with decisive majorities.

Thank you for your time and consideration.

Forest Jahnke  
*Program Coordinator*  
Crawford Stewardship Project  
(608) 632-2183  
www.crawfordstewardship.org  
43188 Guthrie Rd,  
Rolling Ground, WI  
54631
WCC Environmental Advisory Committee meeting
1 message

David Wernecke <dwjsn@centurytel.net>
To: ronknruegersr@gmail.com, cnmunderwood@gmail.com

Fri, Sep 8, 2017 at 8:08 PM

Hello Mr. Krueger, Sr. & Mr. Underwood,

Thank you for inviting me to your September 16, 2017 meeting to discuss resolution 570617 passed by attendees at the Sauk County Conservation Congress spring meeting. Below is a letter I'm submitting since I am unable to attend your meeting. I've also attached it as a file in case you wish to pass it on to your fellow committee members. Thank you in advance for your resolution and your important work on behalf of all Wisconsin residents.

Best Regards, David Wernecke

September 8, 2017
To: Wisconsin Conservation Congress - Environmental Committee
Attn: Ronn Krueger, Sr. & Christopher Underwood
RE: Resolution 570617 to designate portions of Sauk County and all karstic Wisconsin as sensitive areas.
From: David Wernecke, Baraboo, WI
Thank you for the opportunity to comment on your agenda resolution #10 on designating portions of Sauk County and all karstic Wisconsin as sensitive areas.
Unfortunately, I will not be able to appear before you at your September 16th, 2017 meeting.
You have, no doubt, reviewed resolution 570617 and have seen its similarity to resolutions passed in other county Conservation Congress spring meetings. I understand that you will be provided additional scientific background on the sensitivity of karstic geology to water pollution as well as the importance of the actions urged by these resolutions.

I offered resolution 570617 to attendees at our Sauk County Conservation Congress meeting with the intention that their vote was to designate not only portions of Sauk County but also all areas of Wisconsin with karstic geology as sensitive areas. The wording of the resolution our attendees considered reflected this and I believe that attendees voted on the resolution knowing that it applied to all karstic geologic areas of the state, including Sauk County's areas.
The Sauk County vote in favor of resolution 570617 and other water related resolutions passed at the spring hearings also reflected the general concern of attendees about the critical importance of protecting and maintaining water quality and quantity throughout Wisconsin.
I encourage the Wisconsin Conservation Congress Environmental Advisory Committee to combine the Sauk County Resolution with other county resolutions designating all karstic Wisconsin "as sensitive areas which merit special groundwater protections by the state, and freeing municipal governments to make additional rules and regulations based on local geological considerations."
Thank you for your consideration and your important role in maintaining the highly valued democratic processes of the Wisconsin Conservation Congress.
Sincerely, David Wernecke

wcc env committee meeting-sauk co resolution.pdf
25K
Line 61 Expansion project

In late 2013 and early 2014, Enbridge submitted application materials to the WDNR for an air permit, a wetland permit, and erosion control permits for work activities associated with the “Line 61 Mainline Enhancement Project”—a project to expand this 2008-vintage line through WI. DNR followed the legal process for all of the permits we had to issue. No one challenged those decisions.

The wetland permit and erosion control permits were for several pump station sites along the route, and those permit authorizations were issued in April and May 2014. No one requested a hearing for the wetland permit.

On June 12, 2014, the Department issued a decision to approve an air construction permit for expanding storage tank capacity at the Superior terminal owned by Enbridge. The air permit required a public hearing and comment period.

All of the required DNR permits for the capacity expansion project included a determination of compliance with the Wisconsin Environmental Policy Act (WEPA) and Chapter NR 150, Wis. Adm. Code.
Resolution for hydrogeological surveys in Wisconsin counties lacking them

The areas that have good data on groundwater quality represent a small percentage of the state. Most areas of the state that do have widespread well testing data and analysis have found issues with their groundwater from nitrates, coliforms including e-coli, viruses, metals, arsenic, and/or various agro-chemicals.

After years of unsuccessfully trying to convince our local and state government to do the necessary science to better understand our bedrock complexities, Crawford Stewardship Project has embarked on a Karst Landscapes and Groundwater Susceptibility Survey of Crawford County. Our initial findings tell us that there is an extensive and interconnected fracture pattern below shallow soils through much of the county, making our groundwater extremely susceptible to contamination. We are doing what we can with limited resources, but we expect our government to step in and fill in important holes in the data, particularly as it relates to groundwater quantity and susceptibility.

Access to clean drinking water is becoming an issue of environmental justice, in many parts of the state attainable only by those able to pay for expensive water purification systems or bottled water. This is simply not acceptable. Immediate action is necessary to assure the current and long-term preservation of these irreplaceable resources. Our water is our most precious resource, and access to clean drinking water is a basic right that the state should do everything in its power to protect. Hydrogeological studies are a fundamental step in this effort.

Thank you for your time and consideration,

Forest Jahnke
Program Coordinator
Crawford Stewardship Project
(608) 632-2183
info@CrawfordStewardship.org
43188 Guthrie Rd,
Rolling Ground, WI
54631
Resolution: 39-03-17  Hydrological Survey  (corrected number from 37 03 17)

Submitted by Fred Wollenburg, Marquette Co.

To: Environmental Committee Members:

I am writing in support of hydrological surveys being done in the counties that do not currently have them. Scientifically based management of the water resources in the state of Wisconsin require that we have adequate and relevant science based data in all areas of the state.

Areas of current concern include karst formation and sandy soil issues, manure spreading and other human and environmental factors that contaminate or have the potential to contaminate our ground and drinking waters.

Accurate management approaches require valid information, hydrological surveys are a basis for environmentally and healthy water management for all citizens of our state and most critically for those in our rural areas not directly provided with municipally tested and supervised water sources.

Respectfully, Fred Wollenburg
9/9/2017
Resolution: Keeping the existing mining law in place

A bill authored by state Senator Tom Tiffany and Representative Rob Hutton (171) will soon be before the Senate Committee on Sporting Heritage, Mining and Forestry and would roll back Wisconsin’s long-standing “prove-it-first” sulfide mining law. (1997 Act 171) The Conservation Congress should take a firm stance in opposition to this change for the following reasons:

**SB 395 repeals the “prove it first” sulfide mining law.** The prove-it-first law was a common sense environmental protection enacted in 1997 that required a mining company to actually show, not just say, that sulfide mining for metals and minerals can be done safely. The law requires a mining applicant to show that there is a single mine anywhere in the United States or Canada that has operated for 10 years and a single mine that has been closed for 10 years without causing environmental pollution.

*The impacts of mining are typically much more significant than mining companies predict.* In fact, research has demonstrated that regulators and mining companies vastly underestimate the potential for mining projects to pollute the environment. For example, a 2006 study that examined “the reliability of pre-mining water quality predictions…in the United States” found that a majority of the mines studied caused pollution in surface and ground waters despite regulators often predicting that the potential for pollution was low. Perhaps most disturbingly, 90% of the mines for which regulators had predicted a low potential for acid mine drainage did in fact develop acid mine drainage (See "Comparison of Predicted and Actual Water Quality in Coal- and Sulfide-Mine Drainage," U.S. Geological Survey, 2006, ES-9).

**SB 395 exempts parts of the mining process from important environmental protections.** Bulk Sampling involves the removal of up to 10,000 tons of earth and exposes rock to rain and air which causes sulfuric acid and pollution. This sampling would be exempt from groundwater protections. The bill also severely restricts the DNR’s ability to enforce violations of those requirements that remain. SB 395 does this by eliminating DNR’s authority to issue orders to a person to require compliance with bulk sampling requirements.

**SB 395 removes protections for public and private water supplies from over-pumping and depletion.** The mining industry uses a lot of water and pumps a lot of water out of a mine site. Under current law, the DNR may not issue a pumping permit to a mining company if the pumping would “result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state.” The bill would require DNR to issue the permit, even if the pumping would deplete water supplies and destroy public resources, so long as the mining company provides a “replacement water supply of similar quality.”

**SB 395 eliminates financial obligations for the mine that were designed to ensure there would be money to address any long term problems at a mining site.** Because sulfide mines have the potential to create dangerous pollution for hundreds of years after they are closed, DNR currently has the authority to require a mining company to put funds into an irrevocable trust that could last in perpetuity. This bill prohibits DNR from implementing this requirement, and limits a mining company’s financial responsibilities to about 40 years after closure of the mine.

**Authors of SB 395 want it both ways: to say mining is safe while at the same time lifting the rules that keep polluting mines from setting up shop in Wisconsin.** Senator Tiffany repeatedly says that mining is safe both in the short and long term and we don’t need as many environmental protections or long-term financial assurances. Yet, at the same time he is trying to repeal the prove-it-first law because there is not a single mine in the United States or Canada that has operated or been closed for at least 10 years without causing pollution.

If mining is safe, Wisconsin’s prove-it-first law shouldn’t be a problem. But Wisconsin’s law is only a problem for multinational mining corporations seeking profit in our state without having to follow the rules that put the health of our water and our environment first.
ATTACHMENT 8
Ned Gatzke Comments on Agenda Item #16

Comments in support of Resolution #420417

Preserve the intent of Wisconsin Act 171, the mining moratorium law

Wisconsin Act 171 was approved by both houses of the legislature in 1997 with overwhelming bi-partisan support (Senate 29-3, Assembly 91-6) indicating a significant concern over the impacts of metallic mining in sulfide ore bodies. The legislation was signed by Governor Thompson as 1997 Act 171. Coincidently, there are several legislators still in office (mostly State Senate) including the Governor who voted in favor of Act 171.

Before Act 171 was approved by the legislature, the mining industry was challenged to give one example of a mine in metallic sulfide ore body that had been operated and closed without polluting the environment. To date, the mining industry has not documented a single proven example. At the same time the Natural Resources Board requested regulators in the Department of Natural Resources to research examples of metallic sulfide operations that were not polluting the environment. Wisconsin DNR staff issued a report in 1995 that concluded: “There is no ideal metallic mineral mining sites which can be pointed to as the model approach in preventing acidic drainage industry-wide.” This conclusion by the state confirmed the industries record and provided a informed the legislature.

Act 171 creates a standard for permitting a metallic mining operation that takes place in a sulfide ore body. The standard requires a permit applicant to produce evidence that an operating mine or a closed mine has not resulted in the pollution of the environment. This is not a prohibition, but a standard that must be considered in the permit process. The mining industry views this as an obstacle to accessing metallic minerals in Wisconsin.

Metallic mining in sulfide ore bodies has a significant potential and record of producing acid mine drainage (AMD) that pollutes surface and groundwater resources and is considered one of the largest environmental problems in the U.S. by the Environmental Protection Agency.

The process of removing metals from a rock matrix that is of sulfide chemical composition involves removing the rock and crushing it to separate the metals from the remaining rock which becomes waste rock. The volume of waste rock is large in proportion to the metals recovered and has no economic value, but has significant potential to contaminate water resources. When crushed waste rock (increasing the surface area) is exposed to air and water chemical and biological processes produce sulfuric acid as well as dissolved metals present in rock, such as mercury, lead, arsenic, cadmium, zinc, copper and others that discharge to surface and groundwater resources. This AMD is extremely difficult and costly to prevent contaminating water resources and is toxic to fish and wildlife and renders water resources unusable. It is poison.

Wisconsin is endowed with surface and groundwater resources from the Great Lakes to our numerous inland lakes and streams that support local economies, recreational pursuits and life on the land and in the water. Sulfide ore mining is a significant threat to our high quality water resources.
Wisconsin also contains large sulfide ore bodies in the Northern portion of the state. Mining of these ore bodies will inevitably produce AMD that will contaminate our water resources and the mining industry has not provided any evidence that they can control the waste they produce from contaminating water resources, short term and long term. An estimate of long term monitoring for a Minnesota mine permit (in process) suggests at least 500 years of toxicity. Who will be responsible for keeping track of the mess after the value has been removed? Privatize the profits, socialize the problems usually applies and the resources have been degraded in the process.

Wisconsin water resources are much more valuable than the value of metals extracted and the potential degradation of our water resources. Act 171 requires a reasonable standard to meet before this destructive activity has a chance to do harm to the waters of the state that we each collectively own and are responsible for it’s stewardship.

The intent of Act 171 must be retained to protect integrity of our water resources. Thank you for the opportunity to comment on this important issue.

Ned Gatzke

10498 Jancing Ave.

Sparta, WI 54656
September 16, 2017
Comments from Patricia J. Popple, 561 Summit Avenue, Chippewa Falls, WI 54729
715-723-6398

Re: Resolution 090317: Preserve the intent of 1997 Wisconsin Act 171, the mining moratorium law.

The Mining Moratorium Law established a “Prove it First” permit condition requiring a company proposing to mine ores containing metallic sulfides prove that mining in similar ores have been done without polluting groundwater or surface water. Legislators (including then Representative Scott Walker) approved the law and Governor Thompson signed it in 1998.

Several attempts have been made to change Wisconsin’s mining laws:

1. Gogebic Taconite or GTAC, the company that had interest in building a taconite mine in the Penokee Mountains in Northern Wisconsin, worked with the legislature to change Wisconsin’s mining laws. This enormous bill was written by GTAC and enacted after a single public hearing was held in Madison. The bill undermines the environmental protections, removes public input opportunities, and reduces payment to local communities, and rushes the permit review process. It also allows mining waste to be dumped in sensitive areas, allows groundwater contamination with minimal public health protections, allows drawdowns of lakes, rivers, and streams, and caps permit fees, giving away taxpayer money to mining corporations.

2. Senator Tom Tiffany has introduced a sweeping that removes Wisconsin's prove-it-first protections, undermines our wetland laws and sidesteps many of our existing safeguards. As Sierra Club’s Mining Chair put it, "Senator Tiffany’s bill is a disaster waiting to happen and is a complete disregard for our natural resources and the health and wellbeing of our communities." The Mining Give-Away Bill:

- Removes the prohibition on approvals for high capacity wells if groundwater withdrawal would result in the detriment of other user’s rights — a provision that would violate the Public Trust Doctrine that requires the state protect public water rights.
- Relaxes standards and streamlines permitting deadlines and guts wetlands protections for mining.
- Repeals the requirement that mining companies post bonds for long-term cleanup and contingencies — meaning taxpayers are likely to foot the cleanup bills.
Chris,

Thank you for contacting me about providing testimony to support the resolution I submitted to the Juneau County Conservation Congress on April 10 this year. Unfortunately I won’t attend the meeting on the 16th, but I appreciate the opportunity to provide this written statement.

The Resolution to Preserve (defend) the Mining Moratorium Law asks the Conservation Congress to work with the state legislature and the people of the state to preserve the intent of Wisconsin Act 171 and protect our surface water and groundwater from pollution. Wisconsin Act 171 was signed into law by then Governor Tommy Thompson in 1997. The Act requires that a mining permit proposal taking place in a sulfide ore body provide evidence of a mining operation that has been in operation for at least 10 years or been closed for at least 10 years without polluting groundwater or surface water from acid drainage or heavy metals in the United States or Canada.

At the time my resolution was introduced certain State Senators had been promoting repeal of Act 171 through media columns "Reforming Wisconsin's Prove It First Law ..." Today this promotion has resulted in the introduction of State Senate Bill SB395 authored by Senator Tom Tiffany and Representative Rob Hutton. Among other actions SB395 would do the following:

1. Exempt parts of the mining process from important environmental protections. Bulk sampling involves the removal of up to 10,000 tons of earth and exposes rock to rain which causes sulfuric acid and pollution. These bulk samplings would be exempt from groundwater protections.
2. Removes protection of public and private water supplies from over pumping and depletion. The mining industry uses a lot of water. Current law does not allow the DNR to issue a pumping permit to a mining company if the pumping would "result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state." SB395 would require the DNR to issue the permit, even if the pumping would deplete water supplies and destroy public resources, so long as the mining company provides a "replacement water supply of similar quality."
3. Eliminates financial obligations for the mining company that were designed to ensure there would be money available to address any long term problems at a mining site Sulfide mines have the potential to create dangerous pollution for hundreds of years after they are closed. The DNR currently has authority to require a mining company to put funds in an irrevocable trust that could last in perpetuity. SB395 prohibits the DNR from implementing this requirement, and limits the mining company's financial responsibilities until abut 40 years after the mine closure.

Sportsmen, people who enjoy hunting, fishing, trapping and outdoor activities in general, and conservationists believe that one of the most important things we can do to assure a great outdoor experience is to promote clean water and wildlife habitat. Everyone agrees on the importance of clean water in all public and private wells, all groundwater and all surface water. We are not opposed to mining, but we do expect mining to be done in a responsible manner that protects our waters and wildlife habitats. Opposing SB395 and supporting this resolution to preserve the intent of Wisconsin Act 171 will help to protect our surface water and groundwater from pollution.
Resolution 540417: Preserve the intent of 1997 Act 171, the mining moratorium law

1 message

Ed Jeannette <edjeannette2002@yahoo.com>  Mon, Sep 11, 2017 at 10:24 AM
To: Chris Underwood <cnmunderwood@gmail.com>

Please support my resolution to keep the Mining Moratorium Law. It is timely because SB 395 has recently been introduced in the Wisconsin State Senate. This bill seeks to repeal the "prove-it- first" sulfide mining law. If modern mining methods were so safe and clean, there would be no reason to repeal Act 171. The United States EPA has called the mining of sulfide ore "Americas most toxic industry". Please support my resolution to protect our surface and ground water. Thank you.

Ed Jeannette
To the Environmental Committee, Wisconsin Conservation Congress

The Back Forty mine is a large sulfide mine in the final permitting stages. It is being developed by Aquila Resources of Toronto. It is a large open pit mine with on-site impoundment of mine waste with pits as close as 150’ to the Menominee River.

The Menominee River is a boundary river between northern Wisconsin and the Upper Peninsula of Michigan. While the mine is entirely on the Michigan side, it poses significant risk of contamination of the river with sulfuric acid and heavy metals. Organizations like the Wisconsin Wildlife Federation and the River Alliance have expressed grave concern that this will happen. This would have severe adverse consequences for the sturgeon, walleye, and smallmouth bass fisheries present there. The consequences of climate change simply increase the risk of such events.

Michigan, understandably, must balance the risks of environmental degradation with the economic benefits of a productive gold mine. Wisconsin is in a different position. We suffer the risks without the benefits. Thus far, the Wisconsin Department of Natural Resources (WIDNR) has not been adequately involved in the mine permitting process. The very least we can do is to protect the interests of the citizens of Wisconsin under the Public Trust Doctrine. The Wisconsin Conservation Congress should advocate for increased participation by the WIDNR in the planning process, monitoring, and rehabilitation with their equivalent agencies in Michigan.

The Resolution:

Marinette County Resolutions

Marinette County Resolution on Sulfide Mining Along Boundary Rivers of Wisconsin 380116

Whereas a large mine has been proposed for construction in Michigan within 150 feet of the Menominee River, a boundary river between Michigan and Wisconsin for the purpose of extracting and processing on-site large amounts of gold, copper, and lead. All of these are either toxic by themselves or require the use of toxic agents in their processing,
Whereas the Menominee River at and downstream of the proposed mine represents a unique resource for walleye, bass, and sturgeon fishing which would be greatly harmed were the river to become contaminated.

Whereas contamination of the river on the Michigan side would inevitably lead to contamination on the Wisconsin side,

Therefore be it resolved that under the Public Trust Doctrine the Wisconsin Department of Natural Resources should protect Wisconsin’s interests in this and other similar mining projects by working with their equivalent agencies in Michigan.

Thomas D. Johnston, MD
N22930 Michelle Street
Marinette County
Niagara, Wisconsin 54151
888-729-4370
thjohnst@hotmail.com

Thomas D. Johnston, MD, FACS

"Absence of evidence is not evidence of absence"
Michigan DEQ issued the mining permit and air permit in December 2016. In February 2017, the Menominee Tribe requested a contested case hearing on the mining permit. A hearing has not yet been scheduled. The NPDES permit for the proposed discharge of treated water and stormwater to the Menominee River was issued in April 2017 following an extended review by EPA. Wisconsin wastewater staff has made a preliminary determination that if the project operates in compliance with the NPDES permit, Wisconsin’s applicable water quality standards and criteria would be met. Michigan DEQ is still reviewing the wetland permit application for the project.