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To: Senate Committee on Natural Resources and Environment
Assembly Committee on Natural Resources
From: Bob Rice, 74355 Kaukamo Rd. Iron River, WI 54847
Re: Opposition to Special Session Bills SB24 and AB24, The Navigable Waters Bill
Date: October 26, 2011

The Bad River Watershed Association is a community organization that works to involve all citizens in taking care of and enjoying their home watershed. We are a data driven organization that is, among other things, working to take the emotion out of what will be a series of challenging decisions regarding the potential establishment of a taconite mine in the Eastern portion of the Bad River Watershed. We have been working with local citizens, governments, our statewide representatives, and other organizations to give people in this area an opportunity to understand what this development would mean to land and water resources.

On Wednesday, October 19th, BRWA delivered a petition with over 1400 signatories which states:

Companies seeking to establish mining operations in Wisconsin should meet requirements that protect water quality and supply, while providing opportunity for public input. Current environmental regulations should not be weakened.

While SB 24 is being presented as a bill that streamlines the process of permitting in relation to treatment of navigable waters in association with a special session that is supposed to create jobs, we believe that the bill has several points which have little to do with job creation, but would weaken the current environmental regulations, and would erode the structure of public input currently enjoyed by citizens in the State of Wisconsin. This bill will have direct impact on the permitting process for Gogebic Taconite, or any other company wishing to mine Iron Ore in the Penokee Range.

Amongst our concerns are:

Legislation which would allow for default permitting of large capacity wells. We believe that requiring the DNR to permit high capacity wells, even when there isn't adequate time to evaluate the impact on other wells in the area and on surface water, allows for the potential of many private wells being drawn down. Taconite mining requires significant amounts of water, and an automatic approval of a high capacity well for a taconite mine in the Bad River Watershed, without collection of data proving that neighboring wells would not be drawn down, weakens

important environmental protections found in current legislation, and could potentially result in a situation where we have jobs for some at the cost of enough clean water for others.

Legislation which exempts pellet processing plants from having to do clean air modeling.

Taconite production requires a pellet processing plant, and these facilities are a major contributor of mercury in to the waters of the upper Great Lakes. Weakening the environmental standards that Wisconsin has set for clean air will be detrimental to the health of humans and animals. We need a permitting process that assures the operation of a processing plant that does not increase air pollution.

Legislation which would limit the opportunity for public input by significantly shortening the comment period, and by limiting notification of the comment period to a posting on the DNR website. Strange as it may seem to many in a larger city, in Northwestern Wisconsin, there are still many people who don't have access to the internet, and thus rely on newspapers for notification of public comment periods. Furthermore, the DNR website is cumbersome and difficult to navigate, and it is likely that notices of public comment will be hidden deep within that site. Taking away the opportunity for citizens to comment on endeavors that will impact their lives and the lives of future generations is not an example of legislation fairly protecting the rights of the citizens.

Legislation in which the period of public comment sees the clock start ticking after an application is submitted, instead of after it has been deemed complete. This, quite simply, does not allow for adequate public comment regarding what is being permitted and gives no opportunity for public comment on the actual, completed application.

Legislation which authorizes the DNR to deny a public hearing if there is not "significant public interest". We are concerned that this vague and arbitrary determination will deprive concerned citizens of their right to give comment. We, as an organization committed to letting data tell the story and inform decisions regarding what happens in our watershed, find this sort of legislation in conflict with making those sound decisions based on the story that data tells. It is the kind of legislation that has citizens increasingly less trustful that the democratic process is in place for important issues that will impact our home for many, many years.

Our organization strives to achieve change and development that occurs with a stewardship ethic that recognizes the importance of maintaining clean water and healthy natural resources for future generations. This stewardship ethic is strong within a great many of the people who live, work, and play within the Bad River watershed. SB 24 tells us that our stewardship ethic is not important. It tells us that the spectacular views from Mt. Whittlesey outside of Mellen, the awe-inspiring gorges and falls of the Tyler Forks River, the clean and healthy waters of the Potato, Bad and Marengo Rivers and Javorsky, Devils, and Ballou Creeks are OK to pollute while taking away much of our ability to say anything about it. These are not small and insignificant changes to our clean water protections. These are major changes that stand to have a lasting impact not

only on clean water, but on the very fabric and ethic of many of the people who call the Bad River watershed home. Don't put jobs for a few people ahead of clean water for everyone. Please, do not pass SB 24.