

News

DNR deems 44 streams as exceptional or outstanding

By CHAD DALLY

Published: Friday, October 20, 2006 3:00 AM CDT

What began as a petition drive more than two years ago ended recently with the designation of 44 stream segments throughout northern Wisconsin as Outstanding and Exceptional Resource Waters.

The move adds an extra layer of protection against pollution and unchecked growth on stream segments that first the Department of Natural Resources, and later the state legislature, deem to be at the top of the class when it comes to water quality and recreational opportunities.

Of the two, Outstanding Resource Waters segments would be considered the more pristine because they have no potential pollution problems from pipes or other stormwater discharges. Exceptional Resource Waters are still considered high-quality waters, but they might have some point source pollution upstream from the area designated as exceptional, according to Gail Pierce, northern rivers advocate for the River Alliance of Wisconsin.

But there are four areas that are considered when approaching an ORW or ERW designation: Whether the segment is an important fishery; significant recreational use; water quality and whether it fits either designation based on point source pollution.

Included in the ORW designations are parts of the east and west forks of the Chippewa River, a segment of the Totogatic River and part of the Potato River, among others.

Those segments newly classified as ERW include parts of the north and south forks of Jump River, Vaughn Creek from its origin to the Bad River Indian Reservation boundary and a section of the Bad River.

The grassroots coalition of 40 environmental and conservation organizations originally petitioned for about 100 river and stream segments. However, upon researching the picks for ORW and ERW, the DNR found that it did not have enough data on some of the areas, leading officials to shorten the list.

Petitions were submitted in August 2004 to the state Natural Resources Board, which unanimously approved the designations in June 2005. Public hearings began in January 2006 and because the Senate, and then the Assembly, took no action on the matter, it received approval in early October and was announced by the DNR Tuesday.

It was the first time the state has updated the ORW and ERW lists since 1998, according to Bob Masnado, water quality standards program supervisor for the DNR.

Although Masnado said public sentiment was generally 3-to-1 or 4-to-1 in favor of the designations, he said some of the opposition came from the Rhinelander area. Pierce said that, while the public hearings in Madison and Ashland were "all positive," she agreed that more of the negative feedback came from Oneida County.

Some of the opposition was based on a potential conflict between resource protection and economic development possibilities along the stream segments.

"There was a feeling that this could obstruct economic development," Pierce said, adding that property

rights and values, forestry and agriculture were also areas of concern.

Pierce added that the biggest change is a 1,200-foot buffer for high-capacity wells used in agriculture operations, and said the move would not prohibit sustainable forestry practices.

"This still allows for growth around the rivers, and in some cases the rivers can assimilate the growth, but whoever is looking for a permit has to demonstrate a need to do so," Masnado said.

The next step for the DNR and environmental and conservation groups is to fill in the blanks with regard to data on those rivers and streams where there is not enough information. Pierce said the River Alliance, along with groups like the Bad River Watershed Association, will continue working as citizen-based monitoring groups, collecting data according to DNR standards so that the information is valid and can be used toward future decisions affecting various areas.

But she also said the process for determining the ORW and ERW could use some tweaking, in particular with regard to rivers that fall within reservations around the state.

Pierce said she was questioned by the Bad River Indian Reservation and other tribal groups as to why segments that fall within their boundaries haven't been included in the designations. The answer is fairly simple: Because they have sovereign nation status, the DNR has no jurisdiction on reservations, and therefore cannot impose any regulations or special status to resources within the reservations.

As for enforcement along the current and any future areas, Pierce said it falls back to the honor system.

"You can have all the laws in the world, but you still have to have faith that humans want to do the right thing, ♦ she said. ♦And trust that most citizens understand the value of what they've been given and want to pass that along to future generations."