

SIGURD OLSON
Environmental Institute
.....
NORTHLAND COLLEGE

March 27, 2015

Mr. David Siebert
Bureau Director
Energy, Transportation and Environmental Analysis
Wisconsin Department of Natural Resources
101 S. Webster St.
Madison, WI 53703

Dear Mr. Siebert,

On December 23, 2014, the Wisconsin Department of Natural Resources (WDNR) received a preliminary application to build a new Concentrated Animal Feeding Operation (CAFO) in Eileen Township of Bayfield County. Badgerwood LLC proposes to place 26,000 swine in three barns and to apply approximately 6.8 million gallons of liquid manure on 880 acres of farmland in the Fish Creek and White River watersheds. While CAFOs operate in the southern part of the state with significantly different natural resource setting and conditions, this CAFO would be the first of its kind in northern Wisconsin. Of particular interest and concern for a project of this nature in this area is manure storage and management on the heavy clay soils, coupled with a cold climate and documented changes in precipitation frequency specific to this area. Given the disparity in setting and conditions, and potential severity of environmental impacts, the Sigurd Olson Environmental Institute of Northland College requests the WDNR to prepare an environmental impact statement for this project as prescribed under Wisconsin Administration Code.

The WDNR has broad discretion in determining the development of an EIS. While only one of eight criteria are necessary to justify an EIS study, we believe that this project meets six of the criteria.

The project involves multiple department actions.

Applicants state that they will need to receive a WPDES permit and a stormwater runoff permit.

The project may be in conflict with local, state, or federal environmental policies.

Bayfield County recently adopted livestock facility siting rules and instituted a temporary moratorium on siting CAFO facilities while local authorities study the impacts. Manure spreading within the White River watershed (which drains to the Bad River) raises the potential need to interact with the Bad River Band of Lake Superior Chippewa, who have their own set of federally-approved water quality standards that must be met for all waters flowing onto their reservation.

The project may result in deleterious effects over large geographic areas.

The project is located in the South Fish Creek watershed, which drains to Chequamegon Bay of Lake Superior. Northland College has been studying the interaction of the ecosystem within Chequamegon Bay and the Apostle Islands area with its watershed over the past year. Preliminary hydrodynamic (water circulation) modeling in the Chequamegon Bay/Apostle Islands area suggests that Fish Creek inputs may affect coastal areas up the Bayfield peninsula towards Bayfield and Red Cliff and east to the Bad River depending on weather patterns. Areas within the Bay itself, such as the location of the City of Ashland's drinking water intake and public beaches like Maslowski Beach in Ashland, likely are influenced to an even greater extent by inputs from Fish Creek.

Manure spreading is also planned for areas of the White River watershed, which drains through the Bad River Indian Reservation and out to Lake Superior through the Bad River/Kakagon Sloughs. A more complete understanding of how tributary runoff affects the Chequamegon Bay and the Apostle Islands National Lakeshore is needed to determine how land use changes affecting Fish Creek and White River watersheds might impact these areas.

The project may result in deleterious effects on especially important, critical, or sensitive environmental resources.

It is critical that the potential impacts of this project be looked at in the context of areas downstream, particularly given the unique soil and climate conditions around the project site and the ecological and cultural value of natural resources in this area. As noted above, added nutrients into Chequamegon Bay may be carried by currents to areas of the Bad River/Kakagon Sloughs and the Apostle Islands National Lakeshore. These waters are also the source of drinking water for thousands of people living in Ashland.

The Sigurd Olson Environmental Institute coordinates the work of the Chequamegon Bay Area Partnership (CBAP), a coalition of agencies, governments, organizations, and institutions working to maintain and improve the health of the Bay and its watershed (WDNR is an active CBAP partner). CBAP has developed a Strategic Priorities document (www.northland.edu/assets/files/SOEI/CBAP.Strategic.Priorities.2013.Final.pdf) that describes some of the significant ecological resources in the Chequamegon Bay area. Because Fish Creek and the White River drain to the Chequamegon Bay area, it is important to highlight some of these resources and develop a more complete understanding of how a large-scale agricultural operation may impact them.

Specifically, the CBAP Strategic Priorities document describes how Chequamegon Bay and its surrounding watersheds contain approximately one-quarter of the coastal wetlands and one-fifth of the nearshore waters throughout the United States coast of Lake Superior. The area also includes many sites identified on the Lake Superior Binational Program's map of Important Habitat in the Lake Superior Basin, and its recently released Lake Superior Biodiversity Conservation Strategy. Many of its coastal tributaries have been identified as Outstanding or Exceptional Resource Waters by the State of Wisconsin and the Bad River Tribe, including the White River and portions of Fish Creek.

These diverse ecosystems support a wide range of sensitive fish and wildlife species including coaster brook trout, piping plover, walleye, and one of only two self-sustaining lake sturgeon populations on the United States side of Lake Superior. The Kakagon and Bad River Sloughs complex has been designated as a Wetland of International Importance, a Ramsar Site, and supports the largest intact wild rice beds throughout the Great Lakes.

The ecological significance of the Chequamegon Bay area has been highlighted and recognized as a high priority in a range of local, regional, national and international resource management plans. Similarly, because of their importance to the local economies and cultural identity, the protection and restoration of the natural resources of the Chequamegon Bay area has been highlighted as a key need in the majority of long-range community comprehensive plans throughout the region (e.g., the cities of Ashland, Washburn and Bayfield and counties of Ashland, Bayfield and Iron).

.The project involves broad public controversy.

The Badgerwood, LLC project has elicited significant public concern. Public testimony needed to be truncated at a recent Bayfield County Board meeting. Citizens, municipalities, and NGOs have all expressed concern about the project. With litigation a strong possibility should Badgerwood receive its permits, failure to conduct an EIS study will create more delay and expense.

The project may result in substantial risk to human life, health or safety.

A recent publication by the National Weather Service called “Atlas 14,” summarizes precipitation frequency data for Wisconsin and other areas across the United States. This document replaces precipitation frequency publications from the 1960s and 1970s that have been used in designing infrastructure to expected storm conditions for a given area. The frequency and intensity of precipitation in the area immediately around Chequamegon Bay has increased (relative to older publications) disproportionately to other areas of the upper Midwest.

Thus, manure storage and nutrient management planning must incorporate the Atlas 14 precipitation frequency data into manure storage and management for this project. At risk is the possibility that manure storage be inadequate for current climate conditions in this area and that manure spreading windows be planned for times that currently receive more (and more intense) precipitation than occurred based on old publications. Evolving climate patterns in the Chequamegon Bay area must be fully understood in order to develop manure management that minimizes risk to public health and safety, particularly on heavy clay soils in the project area.

In addition to climate considerations, we have a full year of nitrogen, phosphorus, sediment, and flow data from 11 tributaries to Chequamegon Bay, including North and South Fish Creek. Preliminary data indicate there may be existing phosphorus issues in South Fish Creek and the Fish Creek watershed is one potential source area we are studying as we work to determine the source of frequent beach health advisory warnings/closures at Maslowski Beach in Ashland. These projects will continue into 2015 and we are in discussions with partners (including WDNR) about expanded or additional monitoring to support establishing baseline conditions prior to any CAFO in the Fish Creek watershed.

We believe EIS development with respect to the Badgerwood, LLC project is clearly warranted and fully meets the criteria for EIS development as outlined in the Wisconsin Statutes. Added benefits of an EIS include furthering public understanding, transparency, applying the latest scientific studies, and resulting in the best possible decision.

Thank you for your thoughtful consideration of our request. We look forward to working with you as this project evolves.

Sincerely,

A handwritten signature in blue ink that reads "Mark Peterson". The signature is fluid and cursive, with the first name "Mark" and last name "Peterson" clearly legible.

Mark R. Peterson, Ph.D.
Executive Director
SIGURD OLSON ENVIRONMENTAL INSTITUTE

cc: Russell Rasmussen, DNR Water Division Administrator
Nancy Larsen, DNR Spokesperson - Badgerwood CAFO