

## **TO THE DEPARTMENT OF NATURAL RESOURCES:**

The undersigned petition the Wisconsin Department of Natural Resources (“DNR”) pursuant to Wis. Stat. § 227.12 and Wis. Admin. Code § NR 2.05(2) for the amendment of rule number § NR 102.11 and § NR 102.10 to include 100 river segments identified in this petition as proposed Exceptional Resource Waters (“ERWs”) under § NR 102.11, or as appropriate, Outstanding Resource Waters (“ORWs”) under § NR 102.10.

ERWs are surface waters that:

provide valuable fisheries, hydrologically or geologically unique features, outstanding recreational opportunities, unique environmental settings, and which are not significantly impacted by human activities.<sup>1</sup>

ORWs are not defined in the administrative code, but are listed individually in the code and include Wild and Scenic Rivers.<sup>2</sup>

This Petition specifically excludes any portion or segment of a river, creek, or stream flowing within the exterior boundaries of any federally recognized Indian reservation, except where those segments were requested for inclusion by a formal resolution of a tribal government.

## **THE GROUNDS FOR THIS PETITION ARE:**

### **I. SUMMARY**

1. Petitioners have identified 100 northern Wisconsin stream and river segments that need greater regulatory protection to ensure that the DNR has sufficient

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<sup>1</sup> Wis. Admin. Code § NR 102.11 (current through Wis. Admin. No. 567, March 31, 2003).

<sup>2</sup> Wis. Admin. Code § NR 102.10 (current through Wis. Admin. No. 567, March 31, 2003).

authority to protect the high water quality of those rivers for future generations of Wisconsin's citizens, residents, and tourists.

2. To date, the DNR has not provided specific use designations for these 100 northern Wisconsin river segments. These 100 rivers currently fall into the less protective default classification of Fish and Aquatic Life.<sup>3</sup>

3. The DNR has already laid the groundwork for reviewing existing stream protections in northern Wisconsin. In 1997, in response to the growing public concern about overdevelopment and declining water quality in northern Wisconsin, the DNR conducted an evaluation of almost 1,500 rivers in a DNR document known as the Northern Rivers Initiative. A portion of Northern Rivers Initiative is excerpted and attached to this Petition as Exhibit 1.<sup>4</sup>

4. The Northern Rivers Initiative ranked streams in northern Wisconsin according to their natural resource values, recreational values, and cultural values. Each of these categories contains several criteria, many of which are designed to reflect the water quality and shoreland habitat of the stream.

5. In reviewing the existing information about the water quality and shoreland habitat of the streams in northern Wisconsin, the DNR has already initiated the necessary work to review the adequacy of current stream protections under DNR regulations.

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<sup>4</sup> Wisconsin Department of Natural Resources, Northern Rivers Initiative, (2002), attached as Exhibit 1, at 1.

6. Although Petitioners note that up to 433 river segments qualify for formal designation as ERWs or ORWs,<sup>5</sup> Petitioners recognize the limited human and financial resources available to the DNR as a result of budget reductions imposed by the Wisconsin legislature. As such, Petitioners specifically request that the DNR give priority to reviewing the highest quality 100 river segments out of the 433 segments that Petitioners have identified. The list of 100 segments is attached to this petition as Exhibit 2, and the list of the 433 river segments is attached as Exhibit 3.

7. Petitioners formally request that the DNR apply the data gathered during the Northern Rivers Initiative and similar supporting data to review and designate 100 river segments identified in this Petition as ERWs under § NR 102.11 or ORWs under § NR 102.10. These designations will ensure that the DNR has the legal authority to protect the high water quality of those streams.

**II. WISCONSIN'S NORTHERN ECONOMY RELIES ON CLEAN WATER, AND NORTHERN WATERS ARE UNDER PRESSURE FROM OVER-DEVELOPMENT OF COMMERCIAL AND RESIDENTIAL PROPERTIES AND OTHER SOURCES OF POLLUTION.**

8. A 1995 Natural Resources Board Report found that high water quality contributes significantly to local economies.<sup>6</sup> For example, tourism activities in

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<sup>5</sup> Petitioners calculated this number by taking the total number of river segments reviewed by the DNR in the Northern Rivers Initiative (see paragraph 3 of this Petition), or 1,494 river segments, and subtracting the 835 river segments that already had an ERW or ORW designation. The resulting 659 river segments, were classified as being in the default Fish and Aquatic Life category. Of those 659 river segments, 433 were ranked by the DNR as high or higher than the lowest ranked ERW on the Northern Rivers Initiative list.

<sup>6</sup> Wisconsin Natural Resources Board, Outstanding and Exceptional Resource Waters: Analysis of Effects on Marinette County, Wi, 6, (1995). The Natural Resources Board chose to study Marinette County

Marinette County in 1993 generated \$42.7 million and 1,135 full-time equivalent jobs from a work force of more than 16,000.<sup>7</sup> In 1990, “tourism accounted for 28 percent of the county’s economic output.”<sup>8</sup>

9. A study ordered by the Natural Resources Board in 1995 found that ERW and ORW status does not increase the costs of regulatory compliance with water quality regulations, nor does it prevent all point source pollution to Wisconsin’s water bodies.<sup>9</sup> Instead, ERW or ORW status ensures that discharges to high quality waters do not degrade those waters to the point where they no longer exhibit their high quality.<sup>10</sup>

10. Tourism in northern Wisconsin is dependent on Wisconsin’s high quality waters. Wisconsin’s waters need to be protected in order to maintain and promote our tourism industry.

11. Tourism may be harmed when the waters of Wisconsin are degraded by increased pollutant discharges from commercial, industrial and residential development on or near northern Wisconsin’s high quality rivers and streams.

12. Petitioners are concerned that pollution to high quality waters that are not protected as ERWs or ORWs will increase as unsewered communities develop plans for

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because it had the highest number of ORW and ERW designated streams in Wisconsin. *Id.* at 3. For a history of the designation of ERWs and ORWs in Wisconsin, *see Id.* at Appendix A.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Id.* at 2.

wastewater treatment facilities, or where existing plants expand their capacity to accommodate new commercial, residential or industrial development.

13. In addition, a recent increase in residential development threatens northern rivers. The demand for waterfront property in northern Wisconsin for seasonal and permanent housing has risen dramatically in recent years.<sup>11</sup> Property values have increased from 100% up to 400% from 1990 to 1994 in one county in northern Wisconsin.<sup>12</sup>

14. Approximately two out of every three previously undeveloped lakes in northern Wisconsin have been developed since the 1960's.<sup>13</sup>

15. On those developed lakes, the density of development is increasing. The DNR conducted a 1995 study on the rate of shoreline development and found that a 500 to 1,000 acre lake now has nine times the number of homes than it did in the 1960's.<sup>14</sup>

16. Moreover, according to the DNR, the scarcity of desirable lakefront property is increasing pressure for development on other bodies of water, including smaller lakes, wetlands, and other areas less suited for building; these areas are essential habitat for fish and wildlife.<sup>15</sup>

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<sup>11</sup> Wisconsin Department of Natural Resources, Northern Rivers Initiative (2002), attached as Exhibit 1 ("Northern Rivers Initiative").

<sup>12</sup> Wisconsin Department of Natural Resources, Shoreland Management Program Assessment, § 3.1.1 (1997) <http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/documents/WT50897.pdf> (last visited August 16, 2004).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

17. Rural housing development has created other stresses on natural resources, including subdivisions, more wells drawing more groundwater, more septic tanks or other systems discharging into the basin's aquifers, and more roofs and driveways that increase storm water runoff to waterways.<sup>16</sup>

18. In some of the more urbanized areas of the northwoods, municipalities will need to maintain and improve their wastewater treatment plants to keep pace with the growth and development in their sewer service areas.<sup>17</sup>

19. The rate of commercial and residential growth in northern Wisconsin shows that the DNR should review existing stream classifications and determine which rivers will need additional protection from water pollution in the future.

### **III. FEDERAL AND STATE CLEAN WATER LAWS SET REQUIREMENTS TO PROTECT AND MAINTAIN HIGH QUALITY WATERS.**

20. Wisconsin's public waters are supposed to be protected through a state and federal regulatory program intended to eliminate pollution in our public waters. The United States Congress enacted the Federal Water Pollution Control Amendments ("Clean Water Act") of 1972, 33 U.S.C. § 1251, to "restore and maintain the chemical, physical and biological integrity of the Nation's waters."<sup>18</sup> Both Wisconsin law and the

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<sup>16</sup> Wisconsin Department of Natural Resources, State of the Wolf River Basin, (2001). [http://www.dnr.state.wi.us/org/gmu/wolf/wolf\\_final\\_801.pdf](http://www.dnr.state.wi.us/org/gmu/wolf/wolf_final_801.pdf) (last visited August 16, 2004).

<sup>17</sup> Wisconsin Department of Natural Resources, State of the St. Croix Basin, 50, March 2002. [http://www.dnr.state.wi.us/org/gmu/stcroix/stcroix\\_final\\_3-26-02.pdf](http://www.dnr.state.wi.us/org/gmu/stcroix/stcroix_final_3-26-02.pdf) (last visited August 16, 2004).

<sup>18</sup> 33 U.S.C. § 1251(a) (2004). The Clean Water Act established a national goal of water quality that "provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in

Clean Water Act set as a goal that “the discharge of pollutant into the navigable waters be eliminated by 1985.”<sup>19</sup>

21. Under the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.*, the DNR is required to manage water quality in Wisconsin’s rivers and lakes by establishing regulations known as water quality standards that protect the fish, wildlife, and human recreational uses of those waters.<sup>20</sup>

22. In setting a water quality standard for a stream, the DNR first designates a “use” for that stream. Under the DNR’s regulations in Chapter NR 102, these designated uses consist of Outstanding Resource Waters, Exceptional Resource Waters, Fish and Aquatic Life waters, and Great Lakes System waters.<sup>21</sup> The DNR has created several subcategories of the “fish and other aquatic life” use, including “cold water communities” (e.g. trout waters), “warm water sport fish communities,” “warm water forage fish communities,” “limited forage fish communities,” and “limited aquatic life.”<sup>22</sup>

23. All waters that have not been specifically designated as ERWs, ORWs, Great Lakes system waters, or have otherwise been specifically listed in the regulations

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and on the water...” 33 U.S.C. § 1251(a)(2); *EPA v. California ex rel. State Water Resources Board*, 426 U.S. 200 (1976).

<sup>19</sup> 33 U.S.C. § 1251(a)(1); *see also* Wis. Stat. §283.001(1)(a);

<sup>20</sup> Wis. Stat. § 281.15(1); Wis. Admin. Code Chs. NR 102, 103, 104, 105, and 106 (current through Wis. Admin. Reg. No. 567, Mar. 31, 2003).

<sup>21</sup> Wis. Admin. Code, §§ NR 102.11, 102.10, 102.04 (current through Wis. Admin. Reg. No. 567, Mar. 31, 2003); *see also* Ch. NR 104 (listing “variance” waters).

<sup>22</sup> § NR 102.04(3).

fall into the default category of Fish and Aquatic Life waters.<sup>23</sup> Petitioners understand that the DNR’s practice is to apply the warm water sport fish designation to all waters that fall into the default category.

24. ERWs are waters that are not significantly impacted by people and provide valuable fisheries or have some hydrologically or geologically unique features.<sup>24</sup> Section 102.11 lists specific waters that the DNR has designated as ERWs.

25. ORWs are not defined in section 102.10 of the Wisconsin Administrative Code, but include National Wild and Scenic Rivers designated under the National Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271 to 1287, as well as State Wild and Scenic Rivers designated under Wis. Stat. § 30.26 and other enumerated waters.<sup>25</sup>

26. The DNR applies water quality criteria to protect these designated uses.<sup>26</sup> An example of a water quality criterion is the numeric level of dissolved oxygen in the water that is necessary to allow cold water community trout populations (the “use” of a stream) to adequately breathe.<sup>27</sup>

27. The purpose of designated uses and water quality criteria is to guide regulatory decisions about whether and when to allow activities that may harm water quality in a river, including the issuance of Wisconsin Pollutant Discharge Elimination

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<sup>23</sup> § NR 102.13.

<sup>24</sup> § NR 102.11(1).

<sup>25</sup> § NR 102.10.

<sup>26</sup> Wis. Stat. § 281.15(1).

<sup>27</sup> *See e.g.*, § NR 102.04(4)(e)2. (requiring no less than 6.0 milligrams per liter of dissolved oxygen in cold water community streams).

System permits to municipalities and industries that discharge pollutants to rivers and lakes from “point sources” like pipes and ditches,<sup>28</sup> grading and dredging along shoreline and riverbanks,<sup>29</sup> and the siting and location of high capacity groundwater wells,<sup>30</sup> among other activities.

**IV. THE DNR’S NORTHERN RIVERS INITIATIVE PROVIDES SUBSTANTIAL EVIDENCE THAT MANY NORTHERN WISCONSIN RIVERS REQUIRE ERW OR ORW DESIGNATION TO ENSURE THAT THE DNR HAS THE LEGAL AUTHORITY TO PROTECT HIGH WATER QUALITY IN THOSE RIVERS.**

**A. There are Four Basic Criteria to Guide the Designation of ERWs and ORWs.**

28. The DNR has established criteria for determining which waters should be designated as ERWs and ORWs.<sup>31</sup>

29. In determining whether a water should be listed as an ERW or ORW, the DNR examines four broad categories: 1) Importance of the Fishery, 2) Significance of the Recreation or Preservation Use, 3) Water Quality, and 4) Sources of Pollution. Within each category are subcategories providing more detailed criteria.<sup>32</sup>

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<sup>28</sup> Wis. Stat. Ch. 283.

<sup>29</sup> Wis. Stat. Ch. 30.

<sup>30</sup> 2003 Wisconsin Act 310.

<sup>31</sup> Wisconsin Department of Natural Resources, *Guidance for Completing the Outstanding and Exceptional Resource Waters Worksheet for Streams* (1989) (“ERW/ORW Guidance”), attached to this petition as Exhibit 4.

<sup>32</sup> *Id.* at 4.

30. In the “Important Fishery” category, the DNR examines the abundance of sport fish populations, the size of individual fish in the population, the diversity of fish species, and the presence of endangered, threatened, or “watch list” species.<sup>33</sup>

31. In the “Significant Recreation or Preservation Use” category, the DNR examines whether fisheries provide outstanding catch rates, aesthetics, solitude, tubing and whitewater canoeing, state and federally protected waters or bordering protected lands, and the extent to which the watershed is already developed.<sup>34</sup>

32. In the “Water Quality” category, the DNR examines whether the water is of excellent water quality, whether there are violations of water quality standards, and whether point source discharges, dam operations, low stream flows, and channel modifications have not caused or do not have the potential to cause water quality problems.<sup>35</sup>

33. In the final “Sources of Pollution” category, the DNR examines whether there are actual or potential impacts from point sources or culturally induced nonpoint sources, including wastewater discharges and unsewered communities.<sup>36</sup>

34. In order to qualify as an ORW, a waterbody must meet at least one criterion in each of the four categories described above.<sup>37</sup>

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<sup>33</sup> *Id.* at 1-2.

<sup>34</sup> *Id.* at 2-3.

<sup>35</sup> *Id.* at 3.

<sup>36</sup> *Id.* at 3.

<sup>37</sup> *Id.* at 1.

35. The difference between ORWs and ERWs is that ORWs must be free of actual or potential pollution impacts, whereas ERWs permit pollution impacts to the extent that such impacts do not impair the overall high quality of the water that makes it an ERW.<sup>38</sup>

**B. According to the Northern Rivers Initiative, at Least 100 River Segments Meet the Criteria for ERWs or ORWs.**

36. To designate a river as either an ERW or ORW, the DNR must first evaluate the existing quality of that river.

37. Through the Northern Rivers Initiative, the DNR conducted an evaluation of 1,494 river and stream segments in the twenty northern-most Wisconsin counties and rated them according to their outstanding ecological, recreational, and cultural values.<sup>39</sup>

38. The DNR initiated the Northern Rivers Initiative in October of 1997 in response to citizen concerns about the changing character of northern Wisconsin's lake and river shorelands.<sup>40</sup> Changes associated with increased shoreland development pressures were affecting the natural and scenic qualities that make the area attractive to residents and visitors.<sup>41</sup>

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<sup>38</sup> *Id.* at 2. To qualify as an ERW:

[A] waterbody must meet at least one criterion in each category except for the last one – i.e. it would not necessarily be free of actual or potential pollution impacts.

<sup>39</sup> Northern Rivers Initiative, Ex. 1 at 1.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

39. According to the Northern Rivers Initiative, “the demand for waterfront property as building sites for seasonal and year round housing in northern Wisconsin has escalated in recent years.”<sup>42</sup> Public opinion collected in 1994 and 1998 by the DNR indicated that residents and visitors were concerned about development on lake and river shorelands, and called on the DNR to “keep the North the North.”<sup>43</sup>

40. The Northern Rivers Initiative was spearheaded by the DNR in cooperation with more than 225 participants from state and federal agencies, tribal and local units of government, non-profit conservation organizations, industry, educators, and individuals. According to the DNR, the goal of the Northern Rivers Initiative is “to safeguard rivers and streams from the growing pressures that threaten them.”<sup>44</sup> The Northern Rivers Initiative does this by providing landowners and local units of governments with information on the value of their streams so they can make sound land use decisions, but also to guide future river protection efforts.<sup>45</sup>

41. The Northern Rivers Initiative scored and ranked northern Wisconsin streams according to twenty-six criteria in three broad categories, and assigned weighted values to those scores for each category according to their importance.<sup>46</sup>

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Northern Rivers Initiative Value Categories, attached as Exhibit 5, at 1.

42. For example, one category includes Natural Resource Values, which accounts for up to 78% of a stream's total score. Within the Natural Resources Values category, the Northern Rivers Initiative examined the natural conditions of the stream corridor, road density, dam impacts, point source discharge impacts, presence of rare, endangered, significant plants, animals and habitats, fish community structure and instream habitat, wildlife, and scenic quality.<sup>47</sup>

43. Another category includes Recreational Resource Values, which evaluates fishing, canoeing and kayaking opportunities, wildlife viewing, and hunting and trapping opportunities. The Recreational Resource Values category represents 12% of the total score.<sup>48</sup>

44. The final category, Cultural Resource Values, includes subsistence harvesting and the presence of historical structures and archeological sites. The Cultural Resource Values category represents the remaining 10% of the Northern Rivers Initiative score.<sup>49</sup>

45. Petitioners used the stream evaluations from the Northern Rivers Initiative list to determine whether Fish and Aquatic Life waters should be designated as ERWs or ORWs. The DNR's criteria for scoring and ranking waters on the Northern Rivers Initiative list is functionally equivalent to its criteria for listing waters as ERWs or ORWs.

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<sup>47</sup> *Id.* at 1-5.

<sup>48</sup> *Id.* at 5-6.

<sup>49</sup> *Id.* at 7-8.

46. Information gathered in the Northern Rivers Initiative can be used to inform the decision to list a water as an ERW/ORW as it is consistent with the ERW/ORW Guidance's four elements: 1) Importance of Fishery, 2) Significance of Recreation or Preservation Use, 3) Water Quality, and 4) Sources of Pollution.

### **1. ERW/ORW Guidance: Important Fishery Element**

47. The ERW/ORW Guidance establishes an "Important Fishery" element that requires the DNR to evaluate whether the stream has "[s]port fish populations that are unusually abundant (in about the top 10%) compared to similar species assemblages in the region."<sup>50</sup>

48. The "Important Fishery" element of the ERW/ORW Guidance also analyzes whether the stream has "[s]port fish populations that have a high proportion of the population that are 'quality' size" and "[w]aters known to have an unusually high diversity of fish species compared to other similar waters in the region."<sup>51</sup>

49. The Northern Rivers Initiative "Recreational Resource Values" Category contains several criteria similar to the ERW/ORW Guidance's "Important Fishery" element. For example, the Northern Rivers Initiative examines the recreational and natural resource values of a stream, including "[a]bundance of sport fish," "[p]roduction of quality-sized sport fish," and "[p]resence of a unique fishery," scoring points according to the value of each of those factors.<sup>52</sup>

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<sup>50</sup> See ERW/ORW Guidance, Ex. 4 at 1.

<sup>51</sup> *Id.* at 2.

<sup>52</sup> Northern Rivers Initiative Value Categories, Ex. 5 at 5.

50. Also similar to the ERW/ORW Guidance’s “Important Fishery” element, the Northern Rivers Initiative “Natural Resource Values” Category includes a review of the biotic integrity of the aquatic community as well as the quality of the fish community and habitat.<sup>53</sup>

**2. ERW/ORW Guidance: Significant Recreation or Preservation Use Element.**

51. The ERW/ORW Guidance includes a “Significant Recreation or Preservation Use” element, which evaluates whether the stream supports “[f]isheries that provide outstanding catch rates, high angler use, and high size distribution of the catch” and whether the stream is a “[water] known for other outstanding environmental/social factors associated with the fishery, e.g., aesthetics, solitude, fly fishable, etc.”<sup>54</sup>

52. The “Significant Recreation or Preservation Use” element of the ERW/ORW Guidance also includes “waters contained or partially contained in designated public fishing grounds” or “contained, partially contained in, or bordering a state or federal wildlife refuge.”<sup>55</sup>

53. Finally, the “Significant Recreation or Preservation Use” element in the ERW/ORW Guidance evaluates the amount of existing development within the watershed. The DNR may list a river as an ERW or ORW if “[a] large proportion of the

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<sup>53</sup> *Id.* at 3.

<sup>54</sup> *See* ERW/ORW Guidance Ex. 4 at 2.

<sup>55</sup> *Id.* at 3.

watershed area is in a wild or undeveloped state and provides exceptional scenic or aesthetic values.”<sup>56</sup>

54. Similar to the “Significant Recreation or Preservation Use” element of the ERW/ORW Guidance, the Northern Rivers Initiative “Recreational Resource Values” examines the recreational and natural resource values of a stream, including “[a]bundance of sport fish,” “[p]roduction of quality-sized sport fish,” and “[p]resence of a unique fishery,” scoring points according to the value of each of those factors.<sup>57</sup>

55. The Northern Rivers Initiative “Recreational Resource Values” Category also examines the quality of the stream for canoeing and kayaking and the presence of white water, as well as its potential for people to visit the stream and view wildlife.<sup>58</sup>

56. Also similar to the “Significant Recreation or Preservation Use” element of the ERW/ORW Guidance, the Northern Rivers Initiative “Natural Resource Values” Category ranks streams according to their scenic qualities, including:

scenic features that are visible from the stream, such as – waterfalls, rapids, gorges, bluffs, cliffs, rock outcrops, boulders, islands, diversity of landforms, natural vegetative cover diversity of vegetative cover, old growth trees, and other features felt to enhance scenic quality.<sup>59</sup>

57. The Northern Rivers Initiative “Natural Resource Values” Category also examines indicators of urban development near a river such as the percentage of a stream

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<sup>56</sup> *Id.*

<sup>57</sup> Northern Rivers Initiative Value Categories, Ex. 5 at 5.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 4.

corridor in natural cover types, the number of road crossings per mile of stream length, miles of road in corridor per mile of stream length, the number of dams on the stream, and the number of point source discharges to the stream. All of these factors affect the aesthetic and scenic quality of the river and inform the extent to which the stream corridor has been developed.<sup>60</sup>

### **3. ERW/ORW Guidance: Water Quality Element**

58. The ERW/ORW Guidance examines the water quality of the stream and evaluates whether water quality is better than applicable water quality standards, whether there are excellent levels of water quality, and whether the stream:

experience[s] water quality problems or does not have significant potential for problems relating to dam operation, channel modification, low stream flows, background conditions, etc.<sup>61</sup>

59. Similar to the Water Quality Element of the ERW/ORW Guidance, the Northern Rivers Initiative “Natural Resource Values” Category likewise examines existing water quality, including whether there are water quality impacts from dams and point source discharges of pollution.<sup>62</sup>

60. The Northern Rivers Initiative “Natural Resource Values” Category also examines factors that impact water quality, such as the natural condition of the stream

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<sup>60</sup> *Id.* at 1-3.

<sup>61</sup> *See* ERW/ORW Guidance, Ex. 4 at 3.

<sup>62</sup> Northern Rivers Initiative Value Categories, Ex. 5 at 2.

corridor and the road density (or the number of crossings and miles of roads along the stream corridor).<sup>63</sup>

61. The Northern Rivers Initiative’s “Natural Resource Values” Category also examines the presence of rare, endangered, and significant plants, animals, and habitats, as well as fish community structure and instream habitat, and habitat for aquatic and amphibious wildlife, which depend on good water quality for their habitats.<sup>64</sup>

#### **4. ERW/ORW Guidance: Sources of Pollution**

62. The ERW/ORW Guidance examines whether there are potential or actual sources of pollution on a stream. This criterion is only applied to those waters that are candidates for ORW, not ERW, protected status.<sup>65</sup>

63. The Northern Rivers Initiative “Natural Resource Values” Category also examines whether there are any existing sources of pollution on a stream, ranking streams more highly on the list where fewer sources are present. For example, the Northern Rivers Initiative examines the presence of dams, point sources of pollution, road densities near the stream, and nonpoint source pollution from degraded stream corridors.<sup>66</sup>

#### **C. Petitioners Devised a Methodology For Comparing the Northern Rivers Initiative Ranking Categories to the Criteria in the ERW/ORW Guidance to Develop the Candidate List of 100 Stream and River Segments for Protection.**

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<sup>63</sup> *Id.* at 1.

<sup>64</sup> *Id.* at 3.

<sup>65</sup> ERW/ORW Guidance, Ex. 4 at 3.

<sup>66</sup> Northern Rivers Initiative Value Categories, Ex. 5 at 1- 2.

64. Based on the similarities between the criteria contained in both the Northern Rivers Initiative and the ERW/ORW Guidance, Petitioners devised a methodology for establishing the list of 100 streams contained in Exhibit 2. Petitioners used scores from the Northern Rivers Initiative to evaluate whether streams that the DNR has designated as the default Fish and Aquatic Life use should be designated as ERWs or ORWs.

65. As part of the methodology, Petitioners relied on the elements in the Northern Rivers Initiative that are analogous to criteria contained in the DNR's ERW/ORW Guidance. For example, Petitioners re-calculated the Northern Rivers Initiative ranking scores using the following criteria: scenic quality, fishing abundance, fishing quality, uniqueness of the fishery, fish community, fish habitat, wildlife viewing (published and recommended sites), point sources of pollution, presence of dams, canoeing and kayaking (published canoe trail and whitewater sites), road crossings, and road density.

66. In re-calculating Northern Rivers Initiative scores, Petitioners eliminated those factors in the Northern Rivers Initiative that do not relate directly to the categories identified in the ERW/ORW Guidance, such as wildlife – habitat, wildlife – deeryard, wildlife – corridor.<sup>67</sup> As a result, Petitioners' methodology is conservative in estimating which streams are candidates for ERW or ORW status.

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<sup>67</sup> This is in spite of the fact that the Clean Water Act can be reasonably interpreted to require that those uses be protected with an ERW or ORW designation. *See* 33 U.S.C. § 1251(a)(2) (protecting waters for the propagation of fish “*and wildlife*”) (emphasis added).

67. Petitioners then used the “edited” Northern Rivers Initiative score, maintaining the weight system for each factor established in the Northern Rivers Initiative, and compared scores between ERWs already included in Section NR 102.11 of the administrative code and those streams that do not receive any special protection, (e.g. non-ERW/ORW streams). With these edited scores, Petitioners derived the list of 100 segments identified in Exhibit 2. Petitioners believe that streams contained in this list are candidates for ERW or ORW protected status under Sections NR 102.11 and 10.

68. In summary, the Northern Rivers Initiative list of high quality northern Wisconsin streams and rivers provides more than adequate grounds for the requested rulemaking and provides substantial evidence that the 100 high quality waters listed in Exhibit 2 should be designated as ERWs, or in some cases, ORWs.

**THE MODIFICATION OR CHANGE DESIRED IS:**

To amend rule number Wis. Admin. Code NR §102.11, and as appropriate, § NR 102.10, to include 100 river and stream segments (identified in this petition as Exhibit 2) as Exceptional Resource Waters under Wis. Admin. Code NR §102.11, or as Outstanding Resource Waters under NR §102.10;

For waters flowing through tribal lands or lands contained within exterior tribal boundaries, to require that the DNR work closely with individual tribes or bands, if requested by the Tribal governing body, to coordinate state and tribal efforts to protect high quality waters.

## **THE PETITIONERS' INTEREST IN THE REQUESTED RULEMAKING IS:<sup>68</sup>**

Petitioner **River Alliance of Wisconsin** is a non-profit, non-partisan group of citizens, organizations, and businesses dedicated to advocating for the protection, enhancement and restoration of our rivers and watersheds. Petitioner River Alliance of Wisconsin is a membership organization with approximately 1,600 individual, organizational, and business members. River Alliance of Wisconsin makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The River Alliance of Wisconsin's mailing address is 306 East Wilson Street, Suite 2W, Madison, Wisconsin 53703.

Petitioner **Midwest Environmental Advocates, Inc.** is a non-profit environmental law center that provides legal representation and community organizing assistance to groups working for clean air, clean water, and environmental justice. Midwest Environmental Advocates makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Midwest Environmental Advocates' mailing address is 702 East Johnson Street, Madison, Wisconsin, 53703.

Petitioner **Friends of the Jump River** is a non-profit organization whose mission is to preserve the wild and natural character of the Jump River corridor. Petitioner Friends of the Jump River, Inc. seeks alliances with landowners, the community, and government agencies to advocate for the health of the watershed through education, monitoring, and the development of resource management techniques aimed at protecting the river for future generations. Friends of the Jump River makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Friends of the Jump River's mailing address is N3395 Cty Rd I, Catawba, WI, 54515.

Petitioner **Vilas County Lakes Association** is a nonprofit organization founded in 1994 by to preserve, protect and enhance Vilas County lakes and waterways for present and future generations. Vilas County Lakes Association has grown from 14 member organizations in 1995, to 43 lake organizations, 28 families, and 18 individuals in 2004. Vilas County Lakes Association makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Vilas County Lakes Association's mailing address is 1342 Shields Road, St Germain, WI 54558.

Petitioner **Douglas County Association of Lakes and Streams** is a nonprofit organization whose mission is to protect and improve the water quality and shoreland of Douglas County lakes and streams by sharing knowledge, forming common goals, and speaking with a unified voice to mutually benefit all Douglas County lakes and streams. Douglas County Association of Lakes and Streams makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Douglas County Association of Lakes and Streams' mailing address is 15961 S. Bass Lake, Gordon, WI 54838.

Petitioner **Burnett County Lakes and Rivers Association (BCL&RA)** represents 43 organizations and about 3,000 members. Over the past 14 years BCL&RA has been actively involved in committees for lakes classification and shoreline restoration and preservation as well as in organizing the annual Northwest Wisconsin Lakes Conference. BCL&RA makes this Petition to the DNR because it recognizes

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<sup>68</sup> In addition to the named Petitioners, twenty (20) county chapters of the Wisconsin Conservation Congress enacted resolutions of support for protecting waters identified in the Northern Rivers Initiative. Those counties chapters include Ashland, Dane, Dunn, Eau Claire, Iron, Jefferson, Kenosha, Marathon, Menominee, Milwaukee, Monroe, Pierce, Price, Racine, Rock, Rusk, Sheboygan, Vilas, Washburn, and Waukesha. The resolutions of support are attached as Exhibit 6 to this Petition. A letter from the Wisconsin Conservation Congress to the River Alliance of Wisconsin identifies the county chapters supporting the Petition and is attached as Exhibit 6.

the importance of protecting high quality waters in the State of Wisconsin. The mailing address for Burnett County Lakes and Rivers Association is 7410 Co Rd. K, #107, c/o Burnett County Government Building, Siren, WI 54872.

Petitioner **Bayfield County Lakes Forum, Inc.** was founded in 1999 to coordinate activities which contribute to the preservation and protection of Bayfield county lakes, shorelands and watersheds. Bayfield County Lakes Forum strives to protect and enhance the natural, scenic, recreational and economic values of these resources. Bayfield County Lakes Forum's members are lake organizations and individuals who subscribe to its mission of protecting waters in Bayfield County. Bayfield County Lakes Forum is an affiliate member of Wisconsin Association of Lakes. Bayfield County Lakes Forum makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Bayfield County Lakes Forum's mailing address is 46560 Tri Lakes Road, Drummond, WI, 54832.

Petitioner **Washburn County Lakes & Rivers Association (WCLRA)** enthusiastically supports the designation of the 100 river segments listed in Exhibit 1 as ORWs, or in some cases ERWs. WCLRA is a non-profit organization formed to promote the environmental protection and responsible use of Washburn County surface waters and their attendant wetlands, shorelands and wildlife resources through sharing ideas and information, education and active local participation. In supporting this petition, WCLRA notes that (1) these re-classifications represent neither an expansion nor a relaxation of the existing standards for ERWs or ORWs and (2) the selection of river segments for additional protection is based on an analysis of existing data prepared by the DNR in the Northern Rivers Initiative. In 2002, WCLRA was awarded the State of Wisconsin North West Regional Award for Water Quality Leadership. WCLRA represents 26 lake association members, 105 individual members, and 3 business members. WCLRA makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The mailing address for WCLRA is 850 W. Beaverbrook Ave., Suite 1, Spooner, WI, 54801.

Petitioner **Rusk County Waters Alliance** is a not-for-profit 42 member organization formed in October of 2002 to preserve, protect and improve the waters and shorelines of Rusk County for future generations. Rusk County Waters Alliance makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Rusk County Waters Alliance's mailing address is PO Box 361, Bruce, WI, 54819.

Petitioner **Price County Waterways Association** represents 10 organizations and over 750 members of associations and districts in Price County. Price County Waterways Association was incorporated in April 2002 to represent the associations of Price County, to learn from each other, compare experiences, and help other groups develop. All of the associations in PCWA are actively involved in water clarity and water quality measurements under the self-help programs of the DNR. Price County Waterways Association makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Price County Waterways Association's mailing address is N14734 W. Turner Lake Road, Lac du Flambeau, WI 54538.

Petitioner **Protect Our Wolf River** is a not-for-profit organization formed in 1996 to prevent the negative environmental impacts associated with the operation of what is popularly known as the Crandon Mine. Its twenty core members work state wide to protect and preserve water resources through education and communication. Protect our Wolf River makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The mailing address for Protect Our Wolf River is N6725 Balsam Row Road, Shawano, WI 54166.

Petitioner **Lake Superior Alliance** is a 501(c)3 non-profit organization incorporated in Wisconsin and was founded as an environmental coalition serving the Lake Superior basin in 1992. Lake Superior Alliance includes 40 member groups and more than 3000 individuals and families. The mission of the Lake Superior Alliance is to work together to protect, restore, and enhance the ecological and economic health of natural and human communities in the Lake Superior Basin through a variety of goals and methods. Since Lake Superior Alliance makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The mailing address of the Lake Superior Alliance is PO Box 33 Ashland, WI 54806.

Petitioner **Wolf River Chapter of Trout Unlimited** is headquartered in Langlade County and is the first Trout Unlimited group in Wisconsin. Members are concerned about the water quality of the Wolf River and its tributaries for the sake of the trout population as well as for their grandchildren's benefit. Wolf River Chapter of Trout Unlimited makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The Wolf River Chapter of Trout Unlimited's mailing address is N2610 Log Cabin Drive, White Lake, WI 54491.

Petitioner **Environmentally Concerned Citizens of the Lakeland Area (ECCOLA)** is a non-profit organization formed in 1992 of concerned citizens that working to educate others about environmental issues and provide solutions. ECCOLA has a strong commitment to protecting the forests, wildlife and water quality of the abundant lakes, rivers and wetlands of the Northwoods. ECCOLA makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The mailing address for ECCOLA is P.O. Box 537, Minocqua, WI 54548.

Petitioner **Balsam Branch Partnership** is a non-profit corporation, organized as a collaborative of several organizations, land owners, local government, and private citizens for the purpose of providing and sustaining environmental areas in the Balsam Branch Watershed. The mission of the Balsam Branch Partnership is to provide and sustain environmental areas in the Balsam Branch Watershed where educational and recreational opportunities are promoted for all ages through all seasons. Balsam Branch Partnership makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The Balsam Branch Partnership's mailing address is 963A Longwood Road, Amery, Wisconsin 54001.

Petitioner **Friends of the Prairie River** is a non-profit organization dedicated to the preservation of the Prairie River. It is the intent of Friends of the Prairie River organization to help maintain its cold, clean waters and esthetic beauty. Friends of the Prairie River consists of approximately 130 dedicated members helping in the rehabilitation of the Prairie River and its trout population through the alliances with land owners, local DNR authorities and the community. Friends of the Prairie River makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Friends of the Prairie River's mailing address is W4917 April Ave., Merrill, WI 54452.

Petitioner **Lake Superior Greens** is a grassroots group founded in 1991 aligned with other Green groups in dedication to a more sustainable lifestyle and a healthier planet. The Lake Superior Greens are active locally as well as on a state, national and international level, recognizing that all issues are interrelated. They work on a range of issues including water quality, wetlands preservation, biodiversity, sustainable agriculture, and environmentally responsible lifestyle choices. Lake Superior Greens makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The mailing address for Lake Superior Greens is P.O. Box 1144, Superior, WI 54880.

Petitioner **Northern Thunder** is an organization of people concerned about and working on issues relating to the human and natural environment in northern and western Wisconsin. Northern Thunder's recent issues of concern are mining, land use, support for urban transit alternatives, forestry policy, water

pollution, population growth, Project ELF, and Indian treaty rights. Northern Thunder makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Northern Thunder's mailing address is 316 Eau Claire Street, Eau Claire, WI 54701.

Petitioner **Save Our Unique Lands** is a grassroots organization whose mission is to promote efficient and orderly management of power based on the needs of Wisconsin while protecting the natural, social, and economic environments and citizens of Wisconsin. Save Our Unique Lands makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Save Our Unique Lands' mailing address is P.O. Box 11, Mosinee, WI 54455.

Petitioner **Upper Chippewa River Basin Partner Team** is a non-profit conservation organization. Through education, sponsorship and advocacy, the Partner Team fosters protection and enhancement of the ecological values of the Upper Chippewa River Basin and the quality of life for citizens who live and recreate in the basin. The Upper Chippewa River Basin Partner Team makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The Team's mailing address is: DNR Park Falls Service Center, 875 4th Av South, Park Falls, WI 54552.

Petitioner **Lower Chippewa River Basin Partner Team** consists of individuals and organizations with an interest or stake in natural resource issues throughout the basin. The Lower Chippewa River Basin Partner Team is committed to restoring and sustaining the natural resources of the basin and promotes comprehensive resource management, information exchange, and inter-governmental coordination, and citizen involvement. The Lower Chippewa River Basin Partner Team makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin, including those waters included in the Petition. The mailing address for the Lower Chippewa Partner Team is UW-Eau Claire, SSS 439, Eau Claire, WI 54702.

Petitioner **Wisconsin Resources Protection Council** is a nonprofit conservation organization with approximately 500 members and was founded in 1982 to help counter the lack of information about the effects of large-scale metallic sulfide mining on Wisconsin's precious water supplies, on the tourism and dairy industries, and upon the many Native American communities that are located near potential mine sites. Wisconsin Resources Protection Council makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Wisconsin Resources Protection Council's mailing address is P.O. Box 263, Tomahawk, Wisconsin, 54487.

Petitioner **Wisconsin Wildlife Federation** is deeply committed to protecting Wisconsin's lakes, streams and forests and educating the residents of the state on their great value so that future generations can enjoy the wonderful Wisconsin outdoors. Wisconsin Wildlife Federation was begun in 1949 and is affiliated with the National Wildlife Federation. The Wisconsin Wildlife Federation makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The mailing address for the Wisconsin Wildlife Federation is 720 St. Croix Street, Suite 101, Prescott, WI 54021.

Petitioner **Nature Conservancy** is a leading international, nonprofit organization that preserves plants, animals and natural communities representing the diversity of life on Earth by protecting the lands and waters they need to survive. To date, the Conservancy has been responsible for the protection of more than 15 million acres in the United States and has helped preserve more than 101 million acres in Latin America, the Caribbean, Asia and the Pacific. In Wisconsin, the Conservancy has helped conserve more than 85,300 acres since 1960. The Conservancy has more than 21,000 members in Wisconsin and offices in Madison, Ashland, Baraboo, East Troy, and Sturgeon Bay. The Nature Conservancy makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of

Wisconsin. The mailing address for the Wisconsin Chapter of the Nature Conservancy is 633 West Main Street, Madison, WI 53703.

Petitioner **Wisconsin Association of Lakes** is a nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone. To accomplish this mission we work to decrease shoreline development, pollution, recreational use conflicts, the influence of exotic plants and animals, and stop new legislation that may adversely impact lakes. Wisconsin Association of Lakes makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The mailing address for Wisconsin Association of Lakes is One Point Place, Suite 101, Madison, WI 53719-2809.

Petitioner **Wisconsin Wetlands Association** is dedicated to the protection, restoration and enjoyment of wetlands and associated ecosystems through science-based programs, education and advocacy. Wisconsin Wetlands Association was established in 1969 to protect the state's wetland resources through education, training, advocacy, and research on key issues that affect wetlands. Wisconsin Wetlands Association is the only statewide organization focused exclusively on wetland protection. More than 600 members include wetland scientists and educators, conservationists, hunters, concerned citizens, and local and regional organizations. Wisconsin Wetlands Association makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Wisconsin Wetlands Association's mailing address is 222 S. Hamilton St. #1, Madison, WI 53703.

Petitioner **Wisconsin Council of Trout Unlimited** includes 22 chapters and over 3600 members across the State of Wisconsin. Wisconsin Council of Trout Unlimited's mission is to conserve, protect, and restore Wisconsin's coldwater fisheries and their watersheds. Trout require clean, cold water to survive and reproduce. Wisconsin Council of Trout Unlimited makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Expanding the list of ORW/ERW in the state will also help protect trout streams and will support Wisconsin Council of Trout Unlimited's stream restoration efforts. The Wisconsin Council of Trout Unlimited's mailing address is 237 W. Aster Lane, Mequon, WI 53092.

Petitioner **Clean Wisconsin** is a nonprofit environmental and conservation membership organization whose mission is to protect the environment and preserve the quality of life in Wisconsin through the enactment of progressive public policies, the enforcement of laws and the active participation of people. Clean Wisconsin makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Clean Wisconsin has approximately 10,000 members in Wisconsin and its mailing address is 122 State Street, Suite 200, Madison, Wisconsin, 53703-2500.

Petitioner **Sierra Club – John Muir Chapter** is the Wisconsin state chapter of the national Sierra Club, a nonprofit conservation organization, and has approximately 12,000 members in the State of Wisconsin. The Sierra Club is dedicated to exploring, enjoying and protecting the wild places of the Earth, to practicing and promoting the responsible use of the Earth's resources and ecosystems, to educating and enlisting humanity to protect and restore the quality of the natural and human environment, and to using all lawful means to carry out these objectives. Sierra Club – John Muir Chapter makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The Sierra Club – John Muir Chapter's mailing address is 222 S. Hamilton Street #1, Madison, Wisconsin, 53703-3201.

Petitioner **Gathering Waters Conservancy** is a nonprofit organization founded in 1994 to help the people and communities of Wisconsin protect their land and water resources by strengthening the state's land trust movement. As a statewide coalition and service center for Wisconsin's growing land trust community, Gathering Waters has grown from a handful of member organizations in 1994, to over 50

conservation organizations with over 45,000 members in 2004. Petitioner Gathering Waters Conservancy makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Gathering Waters Conservancy's mailing address is 211 S. Paterson, Suite 270, Madison, WI 53716

Petitioner **Sierra Club River Touring Section** is a group of approximately 400 people from around Wisconsin who are interested in paddling the rivers of the state. Sierra Club River Touring Section's mission is to promote paddling on Wisconsin rivers; to promote on-the-water safety and improve paddling skills; and to support the Sierra Club's river protection efforts in Wisconsin. Sierra Club River Touring Section makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The Sierra Club River Touring Section's mailing address is 2222 Hoeschler Drive, La Crosse, WI 54601.

Petitioner **Izaak Walton League of America - Wisconsin Division** is a division of the national Izaak Walton League of America, a non-profit conservation organization, and has approximately 1,400 members in the State of Wisconsin. The Izaak Walton League of America's mission is to conserve, maintain, protect and restore the soil, forest, water and other natural resources of the United States and other lands and to promote means and opportunities for the education of the public with respect to such resources and their enjoyment and wholesome utilization. Izaak Walton League of America – Wisconsin Division makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The Izaak Walton League of America – Wisconsin Division's mailing address is 5316 Forest Circle, Stevens Point, Wisconsin, 54481.

Petitioner **Wisconsin League of Conservation Voters**, established in 2002, is a nonprofit, nonpartisan organization dedicated to electing conservation leaders to the state legislature and encouraging lawmakers to champion conservation policies that effectively protect Wisconsin's public health and natural resources. In pursuit of its mission, the Wisconsin League of Conservation Voters engages in voter education, lobbying, issue advocacy, and candidate endorsements. Wisconsin League of Conservation Voters makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Wisconsin League of Conservation Voter's mailing address is 306 E. Wilson Street, #2E, Madison, WI 53703.

Petitioner **Mining Impact Coalition of Wisconsin** is a nonprofit conservation organization committed to research and education about the social, economic and environmental impacts of unsafe mining around the world. The Mining Impact Coalition consists of eight organizations comprising 722 members. The Mining Impact Coalition makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The Mining Impact Coalition's mailing address is P.O. Box 55372, Madison, Wisconsin, 53705-9172.

Petitioner **Wisconsin Waterfowl Association** is a nonprofit conservation organization dedicated to the conservation and restoration of Wisconsin's waterfowl and wetland resources, the implementation of education programs that heighten awareness of our wetland resources for Wisconsin's youth and the promotion of legislation that protects Wisconsin's resources and the rights of citizens to hunt and fish. The Wisconsin Waterfowl Association has approximately 6,000 members in Wisconsin. The Wisconsin Waterfowl Association makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. The Wisconsin Waterfowl Association's mailing address is 614 W. Capitol Drive, Hartland, Wisconsin, 53029.

Petitioner **Wisconsin Smallmouth Alliance** is a group of approximately 60 anglers who seek to improve smallmouth bass fishing opportunities throughout the state through legislation and education of the angling public. Wisconsin Smallmouth Alliance works in cooperation with the Fisheries Bureau,

Conservation Congress, and the Natural Resources Board to improve smallmouth angling opportunities in Wisconsin. Wisconsin Smallmouth Alliance makes this Petition to the DNR because it recognizes the importance of protecting high quality waters in the State of Wisconsin. Wisconsin Smallmouth Alliance's mailing address is 2701 Gust Road, Verona, WI 53593-8905.

Petitioner **Black Earth Creek Watershed Association's** ("BECWA") goal is to protect, conserve, support, and advocate for the wise long-term management of the physical, biological, environmental, cultural, and historical resources that constitute the heritage and future assets of the Black Earth Creek Watershed. Since its inception, BECWA has attempted to bring divergent, often opposing groups together. BECWA has approximately 200 members and resource professionals who support BECWA's work in Black Earth Creek basin. BECWA makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. BECWA's mailing address is c/o UW GNIES, 550 N. Park, Madison, WI 53706.

Petitioner **Citizens for Safe Water Around Badger** ("CSWAB") was organized in 1990 when the community learned private drinking water wells near Wisconsin's Badger Army Ammunition Plant were polluted with high levels of cancer causing chemicals. CSWAB's goal is to build a sustainable future which will preserve, and where possible, restore the integrity of natural systems - including soils, water, air, and biological diversity. CSWAB makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. CSWAB's mailing address is E12629 Weigands Bay S., Merrimac, WI 53561.

Petitioner **Door County Environmental Council** was formed in 1970 with the focus, then and continuing, of using all resources at its disposal to prevent further abuse and destruction of our precious Door County resources. Our organization is a 501 (c)3 non-profit with 550 family members dedicated to the common interest of resource preservation and protection. Door County Environmental Council makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Door County Environmental Council's mailing address is 1916 Viste Road, Sturgeon Bay, WI 54235.

Petitioner **Plover River Alliance**, based in Stevens Point, Wisconsin, is a 45-member organization whose sole goal is protecting the Plover River, a stream that begins in Langlade County, runs through Marathon and Portage Counties, and joins the Wisconsin River in the village of Whiting. Plover River Alliance makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Plover River Alliance's mailing address is 1032 Ridge Road, Stevens Point, WI 54481.

Petitioner **Concerned Citizens of Newport** is a not-for-profit organization in south central Wisconsin formed to educate the public about ground and surface water issues. Concerned Citizens of Newport makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Concerned Citizens of Newport's mailing address is N9947 Thompson Drive, Wisconsin Dells, WI 53965.

Petitioner **Friends of Lake Wingra** promotes a healthy Lake Wingra through an active watershed community. Friends of Lake Wingra has a group of nine board members, 15-20 active volunteers, and well over 100 friends who support the Friends of Lake Wingra through charitable contributions. Friends of Lake Wingra makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. Friends of Lake Wingra's mailing address is c/o Edgewood College, 1000 Edgewood College Drive, Madison, WI 53711.

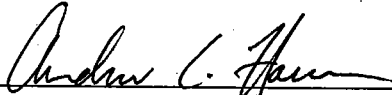
Petitioner **Squeeky Squeegee** is a small window-cleaning service company that strives to thrive in business while making the smallest negative impact on the environment and our rivers. Petitioner Squeeky Squeegee's business relies on clean, healthy wild rivers. Petitioner Squeeky Squeegee makes this Petition to the DNR because it understands the intricate web of life and the importance of maintaining riverine water quality in that web. Squeeky Squeegee's mailing address is PO Box 543, Florence, WI 54121.

Petitioner **Friends of the Branch River** in Manitowoc County works to promote and facilitate the natural health of the Branch River and its watershed. The group began stream monitoring in 1998. Goals of the monitoring program are to establish a baseline of information about the quality of water in the Branch River and its watershed, and to help build community awareness about the resource. Friends of the Branch River makes this Petition to the DNR because it recognizes the importance of protecting all waters within the State of Wisconsin. The mailing address for Friends of the Branch is P.O. Box 258 Whitelaw, WI 54247.

Dated: 8-16-04

Attorneys for Petitioners:

**MIDWEST ENVIRONMENTAL  
ADVOCATES, INC.**

  
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