

Midwest Environmental ADVOCATES

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Environmental and Conservation Groups Object to Downgrading Rivers and Streams

Madison, WI: Nineteen environmental and conservation groups objected to proposed state rules downgrading protections for 94 of Wisconsin's rivers and streams. The Department of Natural Resources (DNR) rule package impacts three administrative rules and lowers water body protections across the state.

The groups asked the DNR to correct all deficiencies in the rule before seeking approval from the Natural Resources Board and the Legislature. The DNR has already agreed to drop from this list any stream where the supporting files are missing or no analysis is in the file.

The groups found that the rules do not meet the minimum requirements of the Clean Water Act. The groups are challenging the classification of:

- 22 streams due to lack of proof that the stream could not improve;
- 11 streams because of no data;
- 13 streams where the downgraded protections threaten to impair downstream trout streams or high quality water bodies;
- 4 streams where the DNR file memo actually recommends a higher classification than in the rule; and
- 4 permits where the DNR simply ignored what the current rule says about water quality standards.

The groups are not objecting to upgrading 4 trout or cold water streams, 19 streams that are upgraded slightly, and the delisting of variances for 107 streams where facilities ceased operations.

Streams and rivers must meet the designated uses established by the Clean Water Act in order to reach the goal of all waters being fishable and swimmable. Whenever a state wishes to adopt uses that are less stringent, the Clean Water Act requires the state to conduct a use attainability analysis. The DNR failed to do this analysis, according to the groups' formal comments.

Groups co-signing the comment letter include: Midwest Environmental Advocates, Sierra Club - John Muir Chapter and River Touring Section, Clean Water Action Council of Northeastern Wisconsin, Environmentally Concerned Citizens of the Lakeland Area, Friends of the Jump River, Friends of Milwaukee's Rivers, Habitat Education Center, Madison Audubon Society, River Alliance of Wisconsin, Wisconsin Association of Lakes, Wisconsin Audubon Council, Wisconsin Environmental Decade Institute, Wisconsin Public Interest Research Group, and Wisconsin Wetlands Association. Joining the Wisconsin groups are the national offices of American Rivers and Environmental Defense and two regional offices - the Environmental Law and Policy Center of the Midwest and the Sierra Club - Midwest Regional Office.

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