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Local Group and Tribe Takes Legal Action to Protect Public Waters From Bottling Plant

Green Bay, WI- Conservationists and the Menominee Tribe initiated legal action on Friday, November 21, 2003, in order to protect public water resources. The group, which is comprised of several chapters of Trout Unlimited, the Menominee Tribe, the Langlade County Waterways Association, and other individual parties, filed a Petition for Judicial Review, challenging at the Department of Natural Resources (DNR) approval of a high capacity well permit for Polar Ice Water.

The coalition is represented by attorneys from Midwest Environmental Advocates, a non profit environmental law center, and Garvey & Stoddard.

The DNR approval would allow Polar Ice to pump spring water for the purpose of water bottling and export from the watershed. The DNR has ignored the impact this well would have on Public Trust resources and failed to provide an environmental assessment of the overall impacts from the proposed project.

Polar Ice would remove a substantial amount of ground water and may potentially damage the health of connecting surface waters, including the Rabe Pond and Creek, the Wolf River and surrounding wetlands.

"The reduced spring flow from the bottled water operation may harm the cold water trout fishery in Rabe Pond and Creek and the waters to which they are tributary," said Mitch Bent, a member of the Antigo Chapter of Trout Unlimited. "The DNR has ignored our concerns by denying a hearing on the groundwater pumping. This legal action is now necessary to make sure the DNR does its job and protects our common public trust resources," he added.

The Petition for Judicial Review challenges the DNR's failure to assess the environmental impacts, the DNR's approval of a high capacity well without protecting public trust waters, and the DNR's denial of a hearing on these issues.

"This is a very important case because the DNR has failed to protect the waters of the state in the Wolf River watershed," said Glenn Stoddard, attorney with the law firm of Garvey & Stoddard who is representing the coalition. "The DNR has once again caved into the private interests of a water bottler by granting it a permit to exploit spring water resources which are hydrologically connected to important surface waters of the state."

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