

SB290

56

History of Senate Bill 290

SENATE BILL 290

An Act to repeal 281.165 (2) (intro.), 281.165 (2) (a), 281.165 (2) (b) and 281.165 (2) (e); to renumber 281.165 (2) (c) and 281.165 (2) (d); to amend 59.692 (6m), 62.231 (6m), 87.30 (1) (d), 281.165 (title), 281.165 (1) and 281.165 (3) (a) (intro.); to repeal and recreate 281.165 (3) (title); and to create 281.166 of the statutes; relating to: water quality standards for wetlands for an activity at a site in Trempealeau County and review of certain changes to shoreland, wetland, and floodplain zoning ordinances as they relate to an activity at a site in Trempealeau County. (FE)

2001

10-23. S. Introduced by Senator Moen; cosponsored by Representative Gronemus.

10-23. S. Read first time and referred to committee on Environmental Resources

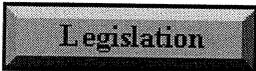
11-30. S. Fiscal estimate received. 418

2002

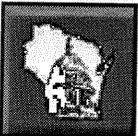
02-21. S. Public hearing held.

03-20. S. Failed to pass pursuant to Senate Joint Resolution 1 653

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WISCONSIN WETLANDS ASSOCIATION

222 South Hamilton Street · Suite #1 · Madison, Wisconsin 53703 · (608) 250-9971

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To Members of the Senate Environment Committee
February 21, 2002

TESTIMONY: SB 290—Wetland Exemption Bill

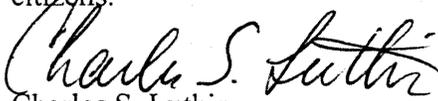
Wisconsin Wetlands Association, a statewide member-based organization, opposes SB 290—the exemption from state law to fill a wetland of less than 15 acres in Trempealeau County. We have several key objections to this bill.

- The bill exempts all cities in Trempealeau County from state water laws. At first blush, this exemption appears to be targeted exclusively for Ashley Furniture Industries in Arcadia. However, it is our understanding that the exemption would apply to *any industry* within *any city* in Trempealeau County. The exemption from all water quality standards, shoreland zoning and wetland permitting requirements would apply to sites “zoned for industrial use and in the vicinity of a manufacturing facility.” and “within the corporate limits of a city [in Trempealeau County] on January 1, 1999.” There are six cities in the county, including Arcadia, Blair, Whitehall, Independence, Osseo and Galesville. Five of these cities lie along rivers or streams, and likely have shoreland wetlands and floodplain areas within the city limits that would be exempt from all pertinent water laws. The bill, therefore, could impact important floodplain wetlands by exempting them from local zoning and state law throughout Trempealeau County.
- The terms of the bill are indefinite. Not only is this bill broad in scope, but it is for an indefinite period of time. This suggests that Ashley and any other entity zoned industrial in the county could fill wetlands now and decades into the future.
- The bill bypasses the standard legal procedure for wetland fill permitting. The federal Clean Water Act of 1972, and the subsequent adoption of administrative rules for Section 401 permitting by the State of Wisconsin in 1991 (NR 103), established a clear process for permitting activities that discharge fill materials in wetlands. Every citizen, landowner or company that wants to fill a wetland must file a permit application with the Army Corps of Engineers and with the DNR. The permit application requires the publishing of proposed plans, and an alternatives analysis is completed often in collaboration with the DNR. The permit process allows citizens the opportunity to comment on the proposed wetland fill and to request a public hearing if warranted. For the Legislature to give a single entity exemption from state law denies the public opportunity to evaluate the proposal and make comment. Preferential treatment for any single entity will significantly erode the public’s trust in the state’s ability to regulate its waters and wetlands. Allowing a corporation an exemption from the legal process adopted by the State would set a terrible precedent.

- The Trempealeau River at Arcadia is highly prone to flooding and is therefore an inappropriate waterway for removing additional important flood water retention areas through fill activities. Through interviews with several Arcadia natives, we have learned that the Trempealeau River floods on an almost annual basis, and sometimes several times over the course of a year (with the rare exception of the past few years when flooding was moderate). Basements in the downtown area are unusable and in recent years sewers backed up and collapsed due to flood waters. The city has applied for considerable funding for flood relief projects and has put in place expensive infrastructure to alleviate flood conditions. In 2001, funding was secured to reactivate the water monitoring gauge on the Trempealeau River in Arcadia *explicitly for using to monitor flood conditions as requested by the National Weather Service.*
- The wetland proposed to be filled by Ashley was until recently a high quality floodplain forest, with extensive sloughs, oxbows and old river meanders, and covered with dense and diverse lowland vegetation. Old-time residents of Arcadia call the existing Ashley Furniture factory site (a filled wetland), and the adjoining wetland owned by Ashley, "Gavney Bottoms," an area formerly characterized by dense waterfowl populations. Within the past several years Ashley deliberately, systematically and continually cleared, burned and mowed the vegetation within the tract proposed to be filled in an attempt to convince the general public that the site is not a wetland. Even degraded, the site serves as a storage area for flood waters and a stopover area for migrating waterfowl. Furthermore, it serves as a buffer to the river, cleansing runoff waters of nutrients, chemicals and silt coming from the adjoining uplands. Finally, the site has potential for restoration back to some semblance of its original condition—but only if left intact and unfilled. The state has a stated policy to "reverse the loss" of wetland destruction--what better place to start than in a degraded wetland.

This proposed exemption for Ashley Furniture represents a citizen subsidy. There are tangible environmental costs associated with filling wetlands—higher flood volume, increased flood frequency, increased sedimentation of our waterways, more pollutant runoff. These cost will be borne by all of the state's citizens, and especially by those who live downstream in Dodge. Are we willing to pay these costs? That question must be pondered as this decision is being deliberated.

In conclusion, Wisconsin Wetlands Association encourages the Senate Environment Committee to vote against SB 290 and advise Ashley Furniture to follow the normal permit process for filling its wetland. Through that process Ashley's entire proposal can be presented and any practicable alternatives can be identified. Mitigation can be proposed as part of that permit "package." Were the Legislature to give Ashley an exemption from state law for filling its wetland, this would represent an unfair and unjust privilege being provided a single corporate entity to the exclusion of all other citizens.


Charles S. Luthin
Executive Director

**TESTIMONY: SENATE BILL 290
SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES
FEBRUARY 21, 2002
REPRESENTATIVE BARBARA GRONEMUS**

MR. CHAIRMAN AND COMMITTEE MEMBERS:

AS THE ASSEMBLY COSPONSOR OF SENATE BILL 290, AND THE AUTHOR OF ASSEMBLY BILL 580 WHICH HAS PASSED THE STATE ASSEMBLY BY A VOTE OF 71-27 AND IS PRESENTLY IN THE SENATE COMMITTEE ON RULES, I AM PLEASED TO ADDRESS THE ISSUES INVOLVED IN THESE LEGISLATIVE PROPSALS AND I THANK YOU FOR AFFORDING SB290 A PUBLIC HEARING TODAY. MY GRATITUDE FOR THIS HEARING IS FOUNDED IN THE TRUST THAT EACH MEMBER OF THIS COMMITTEE WILL LISTEN TO TESTIMONY PRESENTED AND WILL MAKE AN OBJECTIVE AND INFORMED DECISION IN REGARD TO THE "REAL ISSUES" OF SB290 AND AB580; I ESPECIALLY MAKE THIS COMMENT INLIGHT OF AN ARTICLE THAT APPEARED IN THE *EAU CLAIRE LEADER-TELEGRAM* ON FEBRUARY 7TH

WHERE THE SECRETARY OF THE DNR DECLARED THIS LEGISLATION TO BE DEAD IN COMMITTEE. IN MY LEGISLATIVE OPINION, NO SECRETARY OF ANY DEPARTMENT HAS THE RIGHT TO MAKE SUCH A STATEMENT, TO THINK HE OR SHE CAN DICTATE THE FATE OF LEGISLATION BEFORE A COMMITTEE! - IT MAKES ONE WONDER IF THE DNR IS BEING ADMINISTERED BY A SECRETARY AND A BOARD, OR BY SPECIAL INTEREST GROUPS!?!

NOW TO THE "REAL ISSUES" OF SENATE BILL 290:

- SB290 DOES EXACTLY WHAT JUDGE MOREY STATED IN HIS OPINION: "NOTHING IN THIS RULING PREVENTS ANY OF THE PARTIES FROM ASKING THE LEGISLATURE FOR A SEPARATE BILL EXEMPTING PARCELS FROM WETLANDS REGULATION THROUGH AN OPEN, INFORMED AND PUBLIC PROCESS"; IS NOT THE INTRODUCTION OF SB290, ITS COMMITTEE REFERRAL, TODAY'S HEARING, EXECUTIVE SESSION, AND STATE SENATE CONSIDERATION WHAT JUDGE MOREY NOTED? AT LEAST THE LAST TIME I READ, "HOW A BILL BECOMES LAW", IT IS! JUDGE MOREY DID NOT

RULE THAT LEGISLATION OF THIS NATURE WAS UNCONSTITUTIONAL, AS MR. LUTHIN OF THE WETLANDS ASSOCIATION STATES AS FACT IN HIS "TODAY'S MAIL" LETTER IN *THE WISCONSIN STATE JOURNAL* OF FEBRUARY 19TH, **BUT RATHER** THE INCLUSION OF A PROVISION IN THE 1991 STATE BUDGET OF ALIKE NATURE WAS, AND I QUOTE: "UNCONSTITUTIONAL BECAUSE IT WAS TOO SPECIFIC AND NOT OF BENEFIT TO THE ENTIRE STATE". SB290, AND AB580, ARE BOTH IN ACCORDANCE WITH THE RULING OF JUDGE MOREY! I WOULD URGE THE OPPONENTS OF THIS LEGISLATION TO READ THE OPINION AND GET THE FACTS STRAIGHT BEFORE MAKING STATEMENTS. AND, WHILE READING IT, NOTE THAT JUDGE MOREY MADE ABSOLUTELY NO COMMENT OR RULING AS TO WHETHER OR NOT THE 1991 STATE BUDGET PROVISION WAS, OR THE PASSAGE OF SEPARATE LEGISLATION, WOULD BE DETRIMENTAL TO THE ENVIRONMENTAL WELL-BEING OF LOCAL AREA, COUNTY, OR STATE WETLANDS. TO THE BEST OF MY KNOWLEDGE, NONE OF THE SPECIAL INTEREST GROUPS OPPOSING THIS LEGISLATION HAS EVER SET FOOT ON THE LAND IN

QUESTION!?! IN FACT, IN EVERY NEWS ARTICLE I'VE READ ABOUT THIS ISSUE THE OPPONENTS CANNOT EVEN GET THE NUMBER OF ACRES INVOLVED CORRECT- IT HAS RANGED FROM 9-23 ACRES; FOR CLARIFICATION, WE ARE DEALING WITH 13.25 ACRES!

- SB290 AND AB580 WERE BOTH INTRODUCED FOR LEGISLATIVE CONSIDERATION BY SENATOR MOEN AND MYSELF BASED ON OUR MUTUAL CONCERN WITH THE ECONOMIC WELL-BEING OF OUR RESPECTIVE ASSEMBLY AND SENATE DISTRICTS, AND NOT AT THE REQUEST OF ASHLEY FURNITURE INDUSTRIES OR AS A "PAY OFF" FOR CAMPAIGN CONTRIBUTIONS, AS WE HAVE BEEN ACCUSED OF BY MR. LUTHIN AND OTHER SPECIAL INTEREST GROUPS OPPOSED TO THIS LEGISLATION. AT NO TIME DID, OR HAS, ANY ONE CONNECTED WITH ASHLEY EVER ASKED ME, AND I CAN SAFELY SAY SENATOR MOEN, TOO, TO INTRODUCE EITHER OF THESE TWO BILLS IN RETURN FOR CAMPAIGN CONTRIBUTIONS - I PERSONALLY CONSIDER BOTH OF THESE ACCUSATIONS TO BE LIES AND AN INSULT TO MY PERSONAL CHARACTER AND LEGISLATIVE INTEGRITY! I

DID HAVE A GOOD NUMBER OF FORMER FARMERS WHO ARE EMPLOYEES ASK ME, "BOBBY, WHAT ARE YOU GOING TO DO TO SAVE OUR JOBS SO MY FAMILY HAS AN INCOME AND HEALTH INSURANCE! FURTHER, I HAVE NEVER RECEIVED ONE CENT IN CAMPAIGN CONTRIBUTIONS FROM ASHLEY FURNITURE INDUSTRIES; THE CONTRIBUTIONS BOLDLY PROCLAIMED BY THE OPPONENTS OF THIS LEGISLATION WERE PERSONAL INDIVIDUAL CONTRIBUTIONS FROM EXECUTIVE PERSONNEL AND EMPLOYEES OF THE COMPANY; TOTALLING IN 20 YEARS TO A WAMPING \$1,500! – REALLY A "BIG PAY OFF"!

MR. CHAIRMAN AND MEMBERS, MAYBE IT WOULD BE ENLIGHTENING TO KNOW HOW MUCH MONEY THE SPECIAL INTEREST GROUPS AGAINST THIS LEGISLATION HAVE COLLECTED TOWARDS THEIR OPPOSITION EFFORTS AND HAVE PROVIDED IN POLITICAL CAMPAIGN CONTRIBUTIONS!?! HAVE THEY REPORTED EVERY LEGISLATIVE CONTACT BY LETTER, PHONE, E-MAIL, FAX, OR IN PERSON MADE IN OPPOSITION TO THIS LEGISLATION?

- **NOW FOR THE LAND IN QUESTION. AS REPORTED BY THE TREMPEALEAU COUNTY LAND CONSERVATION DEPARTMENT, BASED ON DATA PROVIDED BY THE DNR, IT IS 13.25 ACRES OF 46,500 WETLAND ACRES IN TREMPEALEAU COUNTY. WHILE THE SPECIAL INTEREST GROUPS AND THE DNR FEEL THIS IS “VALUABLE WETLAND”, IT HAS BEEN CLASSIFIED BY TWO INDEPENDENT WETLAND CONSULTANTS AS “LOW TO MEDIUM GRADE WETLANDS”. THE LAND IN QUESTION HAS NO STANDING WATER, NO MARSHY GROUND, NO CATTAILS, NOT EVEN A FROG OR A TURTLE! DIRT! GRASS! OH, YES, SOMETIMES WHEN IT RAINS, PUDDLES OF WATER – SOMETHING LIKE THE WALKWAY AROUND THE CAPITOL! A SO-CALLED WETLAND UPON WHICH THIS LATE FALL A 17 TON TRUCK LOADED WITH FURNITURE ITEMS WAS DRIVEN ON IT – DID THE TRUCK SINK OR GET STUCK? NO! THE REPRESENTATIVE OF THE WISCONSIN SIERRA HAS BEEN QUOTED IN NEWS ARTICLES AS SAYING THAT THE LAND IS A “NAVIGABLE WATER”; MR. CHAIRMAN, FOR ALMOST A**

YEAR WE BOTH SAT ON A LEGISLTATIVE COUNCIL STUDY COMMITTEE ON THIS SUBJECT, IN TRUTH THE DEFINITION OF "NAVIGABLE" IS STILL IN QUESTION. THE LAND IN QUESTION WOULDN'T EVEN PASS THE OLD LAW "CANOE TEST" – EVER TRY TO FLOAT A CANOE ON DRY LAND! I CAN TELL YOU: THE ENTIRE UW-MADISON CAMPUS SETS ON A WETLAND, THE NEW AMERICAN FAMILY INSURANCE COMPLEX OUT BY HIGHWAY 30 SETS ON A WETLAND, THE MONONA TERRACE CONVENTION CENTER SETS ON WHAT USED TO BE A PART OF LAKE MONONA, AND, I 'VE BEEN TOLD A GOLF COURSE IN THE CHAIRMAN'S DISTRICT SETS ON A WETLAND AND LAKE SHORELAND – ALL "VALUABLE WETLANDS"! **BUT**, OH LORD WE CAN'T LET ASHLEY EXPAND ON THE LAND IN QUESTION! LET'S BE "REAL" AND "FAIR"!

- ON THE SUBJECT OF MITIGATION. ANY AND ALL ACCUSATIONS THAT ASHLEY WON'T MITIGATE ARE NOTHING BUT BOLDFACE LIES! ASHLEY HAS A PROVEN RECORD BACK TO 1984 OF MITIGATION WHEN THE DNR GAVE THEM PERMISSION TO USE 27 ACRES OF LAND.

- **WHEN THE WHOLE PROJECT WAS COMPLETED, ASHLEY HAD RECEIVED ONLY 15 ACRES AND HAD ENHANCED 50 ACRES – 23 ACRES MORE THAN THE DNR REQUIRED! SINCE 1984 AND TO 1995, ASHLEY’S MITIGATION PROJECTS HAVE NOT ONLY PROVIDED NEW VALUABLE LAND AND PROJECTS BUT ALSO HAVE SAVED THE CITY OF ARCADIA FROM BEING A VICTIM OF SERIOUS SPRING FLOODING! ASHLEY STANDS READY TO COMPLY WITH THE US CORPS OF ENGINEERS RULES, AND THE NEW MITIGATION LAWS RULES OF OUR STATE. ASHLEY WILL RESTORE 1.5 ACRES FOR EVERY ONE OF THE 13.25 ACRES IN QUESTION!**
- **IT IS CLAIMED BY THE DNR AND THE SPECIAL INTEREST GROUPS THAT ASHLEY COULD USE ALTERNATIVE LAND PRESENTLY BEING USED AS A TRUCK MAINTENANCE FACILITY, EMPLOYEE PARKING AND A DELIVERY AREA FOR NEW RAW PRODUCTS. YES, THIS LAND DOES EXIST, AND IT IS USED FOR THE MENTIONED PURPOSES. THEN, WHY CAN’T IT BE USED TO EXPAND ON RATHER THAN THE LAND IN QUESTION? WELL, THE PROBLEM WITH THE ALTERNATIVE LAND IS THAT IT DOES NOT PROVIDE WHAT**

- IS CALLED “CONTIGUOUS” OR CONTINUED UNINTERRUPTED STRAIGHT LINE PRODUCTION THAT TAKES THE RAW PRODUCT TO FINAL PRODUCTION AND TO TRUCK OR RAIL TRANSPORTATION. LAST OCTOBER 31ST IN A REPORT, “*STRATEGIC OUTLOOK FOR THE WISCONSIN ECONOMY 2001 WELLS FARGO ECONOMICS*”, TO OUR LEGISLATIVE COUNCIL, PRESENTED IN PERSON AND IN WRITING, BY DR. SUNG WON SOHN, THE EXECUTIVE VICE PRESIDENT AND CEO OF WELLS FARGO BANKS, IT WAS NOTED THAT THE MANUFACTURING AND ECONOMIC FUTURE OF WISCONSIN RESTS WITH CONTIGUOUS LINE PRODUCTION. IT WAS ALSO NOTED THAT OUR STATE’S STRONGEST ECONOMIC SECTORS ARE NOW LUMBER AND WOOD AND FURNITURE AND FIXTURES (ASHLEY IS NOW THE #4 FURNITURE MANUFACTURER IN THE NATION). DR. SOHN VIGOROUSLY STRESSED, AND I QUOTE: “WISCONSIN CAN ATTRACT AND KEEP MANUFACTURING AND TECHNOLOGY-BASED COMPANIES BY STREAMLINING AND MAKE REGULATORY PROCESSES MORE EFFICIENT, SUCH AS REDUCING THE TIME IT TAKES

TO GET STATE REQUIRED PERMITS. IF YOU MAKE IT SO DIFFICULT, THEY (PRESENT MANUFACTURERS AND POTENTIAL MANUFACTURES) WILL GO ELSEWHERE”.

THE 13.25 ACRES IN QUESTION WILL PROVIDE FOR A TOTAL PLANT CONTIGUOUS OPERATION AND THE ALTERNATIVE LAND WILL NOT. IS CONTIGUOUS IMPORTANT TO EFFICIENT AND ECONOMICAL PLANT OPERATIONS? MR. CHAIRMAN, I SUGGEST YOU ASK THE KOHLER COMPANY, SARGENTO CHEESE, AND JOHNSONVILLE; SENATORS COWLES AND HANSEN, I SUGGEST YOU ASK PACKERLAND MEATS, KRAFT CHEESE, PROCTOR-GAMBLE, AND FT. JAMES PAPER; SENATOR WIRCH, I SUGGEST YOU ASK SIEMER-AMBER MILLING AND GENSIS CABLE; AND SENATOR SCHULTZ, I SUGGEST YOU ASK RAV-O-VAC, LAND’S END, AND ALLAN BRADLEY.

- LET’S DEAL WITH THE ISSUE OF THE ACCUSATION THAT ASHLEY IS TRYING TO, “CIRCUMVENT THE NORMAL DNR PERMIT PROCESS”. FOR 12 YEARS ASHLEY FURNITURE INDUSTRIES ATTEMPTED TO WORK WITH THE DNR ON THIS

ISSUE, ONLY TO CONTINUALLY BE TOLD BY LOCAL AND STATE DNR PERSONNEL THAT IT WOULD BE A WASTE OF TIME TO APPLY FOR A PERMIT BECAUSE IT WOULDN'T BE CONSIDERED. IN PLAIN ENGLISH, WHY SHOULD THEY GO THROUGH A PROCESS KNOWING ALL THE TIME THAT THE END ANSWER WILL BE "NO!"? ASHLEY CAN'T BE ACCUSED OF NOT ACTING IN "GOOD FAITH". I SUBMIT THE DNR CERTAINLY HASN'T ACTED IN GOOD FAITH! THIS SITUATION COULD BE LIKENED TO THE OLD STORY OF THE TRAVELLING SALESMAN WHO FOR MILES SAW SIGNS ADVERTISING "A PLACE OF RELAXATION", SO HE FINALLY TOOK THE ROAD TO IT, DEPOSITED THE REQUIRED MONEY THROUGH A SLOT, ENTERED VIA A DOOR ONLY TO SEE ANOTHER DOOR THAT SAID "OPEN" AND WHEN HE OPENED IT HE WAS OUT ON A PORCH IN THE BACKYARD AND SAW A SIGN THAT TOLD HIM IT WAS HOPED HE HAD ENJOYED HIS EXPERIENCE – WOULDN'T ASHLEY HAVE BEEN PRETTY DUMB TO SUBMIT AN APPLICATION KNOWING FULL WELL THAT IT WOULDN'T BE APPROVED!?! COOPERATION IS A TWO-WAY STREET!

- **SB290 AND AB580 ARE ABOUT GOOD RURAL JOBS, AND I MAKE NO APOLOGIES FOR THIS FACT! ASHLEY FURNITURE EMPLOYES 2,700 – 3,000 EMPLOYEES AT ANY ONE TIME, AND TAKES IN 50-100 NEW JOB APPLICATIONS WEEKLY. THE PROPOSED EXPANSION ON THE LAND IN QUESTION WILL ADD 174-200 NEW JOBS – ALL JOBS AT EXCELLENT WAGES (AVERAGE WAGE \$11.91 per hour), HEALTH INSURANCE COVERAGE (\$18 million + annually), AND MORE THAN \$34 MILLION ANNUALLY IN PROFIT SHARING AND QUALITY AND SAFETY INCENTIVE AWARDS AND PROGRAMS. AT THE PRESENT TIME ASHLEY GENERATES \$152 MILLION ANNUALLY TO OUR STATE’S ECONOMY, AND THE PROPOSED EXPANSION WILL INCREASE THAT FIGURE BY ANOTHER \$20-50 MILLION. WITH OUR STATE DEALING WITH THE STATE BUDGET DEFICIT AND HAVING THE RANKING OF THE 3RD HIGHEST UNEMPLOYMENT IN THE NATION, CAN WE AFFORD TO LOSE ANOTHER 175-200 NEW JOBS AT ASHLEY?! OR HOW ABOUT 3,000 OR MORE JOBS IF ANOTHER STATE**

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HAS HEEDED DR. SOHN'S WORDS OF WARNING WHEN IT COMES TO ENCOURAGING AND MAINTAINING IN-STATE MANUFACTURING EXPANSION?! 3,000 OR MORE JOBS WITH HEALTH INSURANCE IS CERTAINLY NOTHING TO TURN OUR BACKS ON! IN RURAL WISCONSIN TO LOSE A JOB IS A JOB!!!!!!!

- **AND, YES, THERE IS AN ENVIRONMENTAL ISSUE INVOLVED IN SB290 AND AB580. IT IS THE ENVIRONMENTAL ISSUE OF WHAT WILL HAPPEN TO THE RURAL LAND OF THOSE FORMER FARMER EMPLOYEES OF ASHLEY, IF ASHLEY WERE TO DECIDE WISCONSIN ISN'T A STATE THAT FAVORS THE EXPANSION OF MANUFACTURING. I CAN TELL YOU WHAT WILL HAPPEN TO THE LAND - IT WILL BE BOUGHT UP BY LARGE CORPORATE FARM OPERATIONS OR BY DEVELOPERS, AND THEN THE "SUPER ENVIRONMENTALISTS" AND SPECIAL INTEREST GROUPS AGAINST SB290 AND AB580 WILL HAVE A REAL ENVIRONMENTAL LAND ISSUE TO DEAL WITH, ONE FAR MORE NEGATIVE IN SCOPE AND RAMIFICATIONS THAN THE 13.25 ACRES IN QUESTION!**

I URGE THIS COMMITTEE TO IGNORE THE DECLARATION OF DEATH FOR SB290 ISSUED BY THE DNR SECRETARY, I ASK YOU TO SERIOUSLY CONSIDER THE FACTS AND TRUTHS OF THIS ISSUE RATHER THAN THE MISINFORMATION AND DIRECT LIES AGAINST IT BY THE OPPOSITION SPECIAL INTEREST GROUPS, AND FOR THE ECONOMIC AND ENVIRONMENTAL WELL BEING OF WISCONSIN, ESPECIALLY THIS PART OF RURAL WISCONSIN IN QUESTION, REPORT SB290 TO THE STATE SENATE FOR FULL LEGISLATIVE CONSIDERATION, AND LET THE CHIPS FALL WHERE THEY MAY.

THANK YOU FOR YOUR TIME AND PATIENCE OF MY PRESENTATION, FOR ME THIS LEGISLATION IS IN ESSENCE ONE OF LIFE AND DEATH FOR THE FUTURE OF MY ASSEMBLY DISTRICT AND ALL OF WESTEN WISCONSIN.

Senator Jim Baumgart, Chair, Senate Committee on Environmental Resources
Senator Bob Wirch
Senator Dave Hansen
Senator Rob Cowles
Senator Dale Schultz

Dear Chairman Baumgart and Committee Members:

Thank you for the opportunity to be before your Committee today. I am submitting this testimony as a private citizen in opposition to SB 290. I have a great deal of personal knowledge of the wetland site proposed to be filled by Ashley Furniture. As a former Division Administrator and former DNR Secretary, I was directly involved with this proposal for over 15 years and I have personally been on the site and observed the wetland in question five times.

Under current state law, a wetland cannot be filled if there is a practical alternative to the proposed filling. If there is no practical alternative, filling of the wetland is allowed only if the filling will not have an adverse effect on wetland functional values.

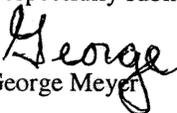
The proposed Ashley project fails to meet both of these standards. First, there is a practical alternative to the proposed Ashley Warehouse site on land immediately adjacent to their current warehouse. Secondly, the proposed fill will have significant adverse effects on wetland functional values. This is true despite the efforts of Ashley Furniture to destroy the wetland values of the site by cutting vegetation on the property. My personal observations and those of the professional staff that I worked with are that the wetland in question provides valuable flood storage, water purification and wildlife habitat. I have observed numerous waterfowl living in the area proposed to be filled. If Ashley would cease trying to alter the wetland, it would revert once again to a very valuable wetland.

Chairman Baumgart, you and each member of this Committee have deservedly received considerable praise for the work that you did last year to reenact Wisconsin's valuable wetlands protection law. Senate Bill 290 is 180 degrees opposite to your actions of last year. This would allow a private wetland fill 5 to 10 times greater in size than ever allowed under current Wisconsin wetland protection laws.

In conclusion, passage of this bill would be a terrible precedent. Many individuals and companies have and will continue to propose filling in small and large pieces of Wisconsin's valuable wetlands. If this bill passes, it will make it very difficult for DNR regulators and yourselves as legislators to look those other individuals in the eye and, in good conscience, deny their permits or proposed legislation. Secondly, if this bill is passed, there is the likelihood that there will be numerous other similar bills introduced in the Legislature to destroy wetlands. This bill clearly opens the floodgates. Either it is the Legislature's policy to protect wetlands or it is not, passage or failure of this bill will likely decide. Lastly, due to many events happening both in Wisconsin and at a national level, many citizens are wondering who government really represents. They ask whether decisions are made based on the merits of an idea or on who you know. This bill gives great credence to that skepticism.

Please review this matter very carefully and then vote down Senate Bill 290. Thank you very much for your time today.

Respectfully submitted,


George Meyer



WISCONSIN'S ENVIRONMENTAL DECADE

Testimony Given by Mark Redsten to Senate Committee on Environmental Resources

In OPPOSITION to Senate Bill 290

February 21, 2002

Wisconsin's Environmental Decade, a 32-year old environmental advocacy organization with 15,000 members across Wisconsin, is opposed to SB290 for many reasons, but chief among them is the terrible precedent that would be set if Ashley Furniture is allowed to circumvent the normal wetlands permit process established by the state to ensure the protection of our wetlands and water resources.

Many industries and individuals are watching the outcome of this Senate bill. If Ashley Furniture is successful and this bill passes, the door will be open for a stream of lobbyists asking Wisconsin legislators for favors for their well-funded special interest.

Ashley Furniture has spent tens of thousands of dollars to avoid the normal wetlands permitting process, yet they have never formally asked the DNR for a permit to fill in the wetlands on their 14-acre property. Instead, they have contributed heavily to politicians, lawyers and lobbyists in order to buy treatment that most can't afford, and ethically nobody should be allowed to have.

In the wake of national scandals like Enron, it is clear the public is fed up with big business' attempts to sidestep protections or to buy special treatment. The public wants current laws and regulations enforced; it wants to have faith in its lawmakers, and it wants to be rid of the corrupting influence of money from wealthy individuals and industries.

Senators on the environmental committee must send a signal that Wisconsin lawmakers care about the interest of its citizens and about responsible environmental conservation, and not just the big money of a few. We urge you to vote against SB290.



**Wisconsin
Manufacturers
&
Commerce**

Memo

TO: Senate Environmental Resources Committee
FROM: Jeff Schoepke, Director, Environmental Policy
DATE: February 21, 2002
RE: Senate Bill 290

Thank you for the opportunity today to provide comments on Senate Bill 290. Wisconsin Manufacturers & Commerce supports SB 290 and urges the committee to take quick action as this legislative session draws to a close.

WMC is a general business trade organization representing over 4300 businesses and organizations. WMC's interest in SB 290 is in its concerns not only for one of our members and one of western Wisconsin's largest employers, but about wetlands policy in general and the role inflexible regulations play in the health of Wisconsin's economy.

SB 290 allows the fill of no more than 15 acres of wetlands in Trempealeau County if a municipal resolution is passed to approve the project. SB 290 allows Ashley Furniture of Arcadia, Wisconsin, one of the country's premier furniture manufacturers, to expand in its home state.

Furniture is a highly competitive business, and like other industries feels the pain of the country's economic downturn. However, Ashley still has bold, long-term plans to grow in western Wisconsin, an area of the state sorely lacking in good manufacturing jobs. It proposes an expansion of its Arcadia facility that would create a significant number of new jobs for this community.

As you consider this legislation, you should consider the value of Ashley to the Wisconsin and the Coulee region economies. On an annual basis, Ashley invests about \$134 million in employees' wages and in purchases from local suppliers. In addition Ashley pays about \$1.1 million per year in sales taxes, \$706,000 in motor fuel taxes, and \$495,000 in local property taxes. In total Ashley adds about \$2.9 million to the state and regional economies each week, or \$150.8 million per year. If allowed to expand, these contributions would continue to grow.

To the extent that it can, the State of Wisconsin should encourage, not inhibit this expansion. However, the DNR and current state wetlands policy stands in the way of this project. Ashley cannot expand in Wisconsin if it cannot build at a site contiguous with existing operations, and this means a wetland of 13 acres must be filled. Wisely, SB 290 allows this project to move forward.

This issue has been portrayed as a tradeoff: 13 acres of wetlands for new jobs and protection of existing jobs. If this were the deal, we would argue the choice is simple. Western Wisconsin and Trempealeau County need good manufacturing jobs, and Ashley Furniture is willing to provide them. While our wetlands are important, the price of preserving this small patch of land is too high.

However, the truth is the tradeoff portrayed by many is not what the company is offering. Ashley furniture has offered to replace the wetlands with additional wetlands elsewhere in an amount acceptable to the State of Wisconsin. That is, for every acre of wetlands proposed to be covered by those good manufacturing jobs, additional wetlands would be restored elsewhere. This project is a net gain wetlands project, both pro-economy and pro-environment.

This Legislation raises other concerns about Wisconsin wetlands policy. In addition to being opposed to the rule on political grounds, the DNR claims not to have the authority to approve this project even if wanted to do so. The inflexibility of the department and state law is indeed unfortunate, and clearly prevents the consideration of economic criteria when making decisions.

WMC urges the Senate Environmental Resources Committee to take quick action on SB 290, and in future sessions to consider legislation that allows DNR the flexibility to approve such projects and prevent the necessity for legislation like SB 290.

Again, thank you for the opportunity to speak to the committee today.

GARVEY & STODDARD, S.C.

Attorneys at Law

634 W. MAIN STREET, SUITE 101
MADISON, WISCONSIN 53703

EDWARD R. GARVEY
GLENN M. STODDARD
KATHLEEN G. McNEIL
PAMELA R. MCGILLIVRAY
DIANE L. MILLIGAN

OF COUNSEL:
PETER E. MCKEEVER

PHONE 608/256-1003
FAX: 608/256-0933
EMAIL: GARVEYLAW@AOL.COM

Testimony of Glenn M. Stoddard

Assembly Environment Committee

On Behalf of

The Sierra Club, John Muir Chapter

In Opposition to

SB 290 & AB580

(The "Ashley Exemption" Bills)

February 21, 2002

I. Introduction.

Thank you Mr. Chairman and Committee members for the opportunity to present testimony on Senate Bill 290 and its companion, Assembly Bill 580 (a/k/a the "Ashley Exemption" bills).

My name is Glenn M. Stoddard. I am an attorney and shareholder in the law firm of Garvey & Stoddard, S.C. I also currently serve as the Legal Chair of the Sierra Club's John Muir Chapter. I represented the Sierra Club and other conservation organizations in the successful legal challenge to the nearly identical "Ashley Exemption" that was improperly passed by the Legislature as part of the 1999 State Budget Act, 1999 Wis. Act. 9. That case was captioned, Sierra Club, et al. v. Ashley Furniture Industries, et al., Trempealeau County Circuit Court, Case No. 99-CV-178. ~~A copy of the final judgment in that case is attached hereto for your reference.~~

My testimony today is in opposition to SB 290 and AB 580, the Ashley Exemption bills, on behalf of the Sierra Club.



These two Ashley Exemption bills represent not only a cheap and improper assault on Wisconsin's environment for the sole benefit of a private corporation, but they also represent the worst of what has become of politics and law-making in this great state of ours. Unfortunately, these two bills represent the worst kind of special interest, campaign-contribution-inspired legislation. These bills are, in effect, the very definition of what has come to be called "Pay-to-Play Legislation." As such, the Assembly's passage last fall of AB 580, at a time when Assembly Speaker Jensen and others were publicly talking about legislative reform to end the practice of passing "Pay-to-Play Legislation," shows just how hypocritical and corrupt the legislative process has become, at least in the Assembly. This is one reason it is so important for the Senate to reject this ill-conceived "Pay-to Play Legislation" that would only serve one corporation, Ashley Furniture Industries, Inc.

Equally important to the above concerns is that if passed into law, the Ashley Exemption bills would very likely be found by a court to be in violation of the Wisconsin Constitution—a body of law that every member of this Legislature has sworn to uphold upon taking office. However, the unconstitutional nature of these two bills, as currently presented, is different than when the Ashley Exemption was improperly passed as part of the 1999 State Budget Act.

If passed as separate legislation, the primary offense to Wisconsin's Constitution would not be in the process by which the legislation is passed, as it was before. Instead, the constitutional offense would be a violation of the Public Trust Doctrine. In effect, the Legislature would be violating its duty to act as the trustee of the waters of the State—an important constitutional duty which requires the Legislature to act for the benefit of the public and not solely for the benefit of private parties like Ashley Furniture Industries, Inc.

II. SB 290 & AB 580 Violate the Public Trust Doctrine.

The Public Trust Doctrine emanates from Wis. Const., Art. 9, § 1. It provides that all navigable waters are to be held in trust for the public. Early in the development of the Public Trust Doctrine, the Wisconsin Supreme Court declared that the rights of the public to enjoy navigable waters should be broadly construed. This expansive reading is set forth in Diana Shooting Club v. Husting, 156 Wis. 261, 271-72, 145 N.W. 816 (1914):

The wisdom of the policy which, in the organic laws of our state, steadfastly and carefully preserved to the people the full and free use of public waters, cannot be questioned. Nor should it be limited or curtailed by narrow constructions. It should be interpreted in the broad and beneficent spirit that gave rise to it in order that the people may fully enjoy the intended benefits. Navigable waters are public waters and as such they should inure to the benefit of the public. They should be free to all for commerce, for travel, for recreation, and also for hunting and fishing, which are now mainly certain forms of recreation. Only by so construing the provisions of our organic laws can the people reap the full benefit of the grant secured to them therein.

The Legislature's duty to protect public trust rights is an affirmative duty. See Milwaukee v. State, 193 Wis. 423, 449, 214 N.W. 820 (1927). Associated with this legislative duty is the requirement that no person may be authorized to destroy or impair navigable waters. See State v. Adelmeyer, 221 Wis. 246, 256, 265 N.W. 838 (1936). Similarly, the State may not exercise its power under the Public Trust Doctrine to benefit private interests to the detriment of public interests. See Priewe v. Wisconsin State Land & Improvement Co., 93 Wis. 534, 552, 67 N.W. 918 (1896).

The legislature has no more authority to emancipate itself from the obligation resting upon it which was assumed at the commencement of its statehood, to preserve for the benefit of all the people forever the enjoyment of the navigable waters within its boundaries, than it has to donate the school fund or the state capitol to a private purpose.

Priewe v. Wisconsin State Land & Imp. Co., 103 Wis. 537, 549-50, 79 N.W. 780 (1899).

The Public Trust Doctrine is a limitation upon the Legislature to protect public rights in navigable waters from dissipation or diminution by acts of the legislature as trustee of such waters. See Omernik v. State, 64 Wis. 2d 6, 14, 218 N.W.2d 734 (1974). It has been settled for at least a century that not even the Legislature itself can insulate its actions from scrutiny under the Public Trust Doctrine, and that the judicial branch is the ultimate arbiter of questions concerning the propriety of legislation concerning public waters. See Priewe, 103 Wis. at 549-50.

Over the last one hundred years, particularly the last twenty years, the Wisconsin Supreme Court has increasingly emphasized the State's public trust duty to protect and preserve the State's natural resources for the enjoyment of its citizens. See Wis. Environmental Decade, Inc. v. DNR, 85 Wis. 2d 518, 526, 271 N.W.2d 69 (1978); Just v. Marinette County, 56 Wis. 2d at 16-18; State ex rel. Chain O'Lakes P. Asso. v. Moses, 53 Wis. 2d 579, 582, 193 N.W.2d 708 (1972); Zealy v. City of Waukesha, 201 Wis. 2d 365, 382, 548 N.W.2d 528 (1996). Public rights in navigable waters include in addition to the more direct incidents of navigation--boating, swimming, fishing, and recreation--the related incidents of scenic beauty and the protection and preservation of wildlife, vegetation,

aquatic habitat, and the shoreline and lake environment. See State v. Bleck, 114 Wis. 2d 454, 465, 338 N.W.2d 492 (1983); Wis. Environmental Decade, Inc. v. DNR, 85 Wis. 2d at 526; Clafin v. Department of Natural Resources, 58 Wis. 2d 182, 193, 206 N.W.2d 392 (1973); Just v. Marinette County, 56 Wis. 2d at 16-18; State ex rel. Chain O'Lakes P. Assoc. v. Moses, 53 Wis. 2d at 582; Hixon v. Public Service Comm., 32 Wis. 2d at 619; Muench v. Public Service Comm., 261 Wis. at 507-08, 511-12.

The water regulation, wetland, shoreland zoning and water discharge requirements, from which Ashley's proposed industrial expansion project would be purportedly exempt by this legislation, all promote the public trust and the public rights in State waters protected by the trust. See State v. Trudeau, 139 Wis. 2d 91, 101, 408 N.W.2d 337 (1987) (chapter 30 of the Wisconsin Statutes is a codification of the public trust doctrine); Just v. Marinette County, 56 Wis. 2d 7, 10-11, 18-19 (lands near navigable water exist in a special relationship to the State and are subject to State public trust powers); Wis. Stat. §§281.11, 281.31; Wis. Admin. Code §§NR 103.01; NR 117.01; NR 340.01.

The DNR's staff have previously determined that to permit Ashley's proposed expansion project and its encroachment on the wetlands, shoreland and river, would cause significant harm to the wetlands and watershed, could change the river, and would severely degrade and compromise the area's storm and floodwater storage capacity, wildlife habitat, ability to filter and store sediments and nutrients from the river, and water quality.

If the Ashley Exemption were enacted, the Legislature would have to ignore the substantive criteria that it imposed to fulfill its affirmative public trust responsibilities in State water regulation, water quality, wetland, shoreland, and water discharge laws.

III. The Ashley Exemption is Nearly Identical to the County Board Law Struck Down in Muench v. Public Service Comm., 261 Wis. 492 (1952).

The Ashley Exemption would exempt activities in the wetlands and navigable waters on and adjacent to Ashley's Arcadia property from the public trust standards set forth in Wis. Stats. Ch. 30. Those standards are a codification of the common law protections of State waters under the Public Trust Doctrine. See State v. Trudeau, 139 Wis. 91, 101 (1987); Hixon v. Public Service Comm., 32 Wis. 2d 608, 616-618 (1966); State v. Deetz, 66 Wis. 2d 1, 21-22 (1974).

The Wisconsin Supreme Court struck down a similar exemption in Muench v. Public Service Comm., 261 Wis. 492 (1952). The court in Muench blocked a delegation of the trust to county boards, taking the position that the Legislature must be protected from succumbing to pressures of purely local interest. The county board law struck down

in Muench delegated to counties the ability to permit the construction of a dam, even if it violated public rights in navigable waters, if a county passed a resolution authorizing the dam. This law allowed counties to preclude the Public Service Commission from determining whether a dam meets public trust standards, and to themselves impair rights protected by the public trust, subject to no overarching state permitting system. The court found this unconditional delegation to constitute a complete abdication of the trust, and held that the delegation was therefore void.

In much the same way, the Ashley Exemption, if passed again as either AB 580 or SB 290, would purportedly allow a city in Trempealeau County to preclude the DNR from determining whether activity in the waters of the State on and adjacent to Ashley's property meets public trust standards, and to authorize the harm to public rights protected by the public trust, subject to no overarching state permitting system. Therefore, if passed into law, the Legislature would have violated the Wisconsin Constitution by abdicating its public trust responsibilities through the passage of a law that allows encroachments on waters of the State to be authorized by a job creation resolution by a city but without a permit from the State. See Village of Menomonee Falls v. DNR, 140 Wis. 2d 579, 601, 412 N.W.2d 505 (Ct. App. 1987). Just as the county board law was invalidated in Muench, so the city law here would be subject to challenge and invalidation as a violation of the Public Trust Doctrine.

IV. Ashley Will Not Close its Wisconsin Operations and Move Out of State if it Does Not Obtain this Exemption; It is Merely Threatening to Expand its Operations Elsewhere.

Finally, after the 1999 Budget Act provision was declared unconstitutional by the Trempealeau County Circuit Court earlier this year, Ashley apparently tried to create the perception with its press releases that without the wetland exemption it would move its Wisconsin operations out of State. However, during the discovery phase of the litigation, it became very clear that Ashley was only considering expanding elsewhere if its exemption was not upheld by the court. There was never any evidence to indicate that Ashley would ever seriously consider closing its existing operations in Wisconsin and moving them out of State. Thus, the only real issue is whether Ashley will be able to expand its existing Wisconsin operations by encroaching into and filling the wetlands and floodplain of the Trempealeau River, adjacent to its existing plant in Arcadia. The Legislature should not be fooled by Ashley or its lobbyists. You should demand that they be fully honest with you about this issue. If you do, and if you get a truthful answer, I'm certain you will find that Ashley has no intention of leaving the State of Wisconsin.

As such, no jobs will be lost in Arcadia or anywhere else in Wisconsin if this legislation is not passed! Moreover, passage of this legislation would probably have no effect on the creation of new jobs by Ashley, because it appears Ashley has already decided to expand its operations elsewhere for other sound economic reasons that are totally unrelated to this legislation. You should ask Ashley to be honest about this as well.

V. Conclusion.

For all of the above reasons, I urge you and your fellow members of the Legislature to be true to your oaths of office and to uphold the Wisconsin Constitution by decisively rejecting the proposed Ashley Exemption, as reflected in SB 290 and AB 580, as bad public policy which is unconstitutional and not in the public interest.

Thank you.

SB 290 Kelsey Buehler
Wis. Wetland Association

We cannot set a precedent where someone in the state of Wisconsin is exempt from the rules everyone else has to follow. If we do allow for this to happen, we are setting ourselves up for potential problems.

The issues here - a wetland being filled, a storage facility being constructed, and jobs being saved - whether any of these should occur - is best addressed in the existing regulatory program developed by the legislature, the Wisconsin Department of Natural Resources and the citizens of the state of Wisconsin.

There is a chosen path to deal with these issues and to subvert that is disingenuous to the state of Wisconsin.

Thank you for giving me the opportunity to speak Mr. Chairman and members of this committee.

NR 103 of the Wis. Administrative Code

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University of Wisconsin Law School

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Wisconsin Department of Justice

Dennis Grzezinski
Law Office of Dennis Grzezinski

Beth Anne Yeager
Attorney
Fox & Fox, S.C.

Testimony of Melissa K. Scanlan

Senate Environment Committee

On Behalf of

C. W. Wood Products, LLC

In Opposition to

SB 290

(The "Ashley Furniture Exemption" Bill)

February 21, 2002

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Melissa K. Scanlan, Attorney
Founder & Executive Director

Thank you Mr. Chairman and Committee members for the opportunity to be heard on Senate Bill 290 (the "Ashley Furniture Exemption" bill).

My name is Melissa Scanlan. I am an attorney and the Executive Director of Midwest Environmental Advocates, Inc., a non-profit environmental law center that represents organizations working to protect the environment. Today I appear before you representing C.W. Wood Products, LLC, a small furniture manufacturer based in Oconto County, in Northeastern Wisconsin. On behalf of Midwest Environmental Advocates, Inc. and C.W. Wood Products, LLC, I am here to testify against SB 290.

We oppose SB 290 (and its companion bill, AB 580) because it not only violates the state's duty to protect the waters of Wisconsin under the Public Trust Doctrine, but it also unfairly discriminates against all other furniture businesses in Wisconsin that are following the state's water laws.

The proposed exemption from our state's water laws for one private company clearly violates the Equal Protection Clause of Wisconsin's Constitution and is bad public policy.

The practical impacts of this proposed bill are that it will allow Ashley Furniture to fill a 14-acre wetland in order to construct what is, essentially, a warehouse and parking lot. There are better places to build a storage facility than in a floodplain wetland. Filling a floodplain wetland (especially in the steep valley of the Trempealeau River) would

22 E. Mifflin Street, Suite 301, Madison, WI 53703
Telephone 608.251.5047 Fax 608.268.0205

E-mail: advocate@chorus.net Web: www.midwest-e-advocates.org

reduce the water-retention capacity of the site, increase flood volume and intensity downstream, eliminate the water cleansing properties provided by the wetland, and destroy wildlife habitat. You will hear and have heard extensive testimony from my colleagues about the potential environmental harm that this bill will cause to our natural resources.

I am here to focus on the harm that this will cause to other businesses that will be placed at a competitive disadvantage if you give special treatment to one large company. My client, C.W. Wood Products operates a furniture manufacturing company in rural Oconto County. They have wetlands on their property and a trout stream running through their property. Although it is very difficult for small furniture businesses to survive in this economy, C.W. Wood Products has been able to operate its business in compliance with Wisconsin's water laws. This is the case for all the other small businesses out there that are "burdened" by meeting our state's water laws, but somehow manage to operate their businesses in a way that avoids harm to our public water resources. We reject the jobs versus the environment dichotomy. C.W. Wood Products has not sacrificed water resources and harmed public rights in those resources in order to survive as a furniture company. We should not accept this kind of excuse from a large company that is arguably in a much better position to avoid environmental harm.

The Ashley Exemption bills tell these businesses that if you are large enough, you will get special treatment from the Legislature and exemptions from basic water law requirements that everyone else is required to follow. This is inherently unfair, has no rational basis for the discriminatory treatment, and sets a bad precedent. Should we soon expect to see the Senate giving a special exemption from public health codes to large fast food restaurant chains, while requiring every mom and pop diner to meet strict health codes? Of course not. This is an inappropriate way of setting public policy and the public will not tolerate this type of treatment for special interests.

Ashley should first apply for their permit through appropriate channels as is required by law. We expect Ashley, as with every other person or company, to follow the normal permitting process. The DNR requires an "alternatives analysis" for wetland fill projects that might help identify other locations for the construction of their warehouse and parking lot.

I urge you in the strongest terms to reject AB 580.

Thank you.



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John Muir Chapter

In Opposition to SB 290 and AB 580, the Ashley Wetland Exemption
Before the Senate Environment Committee

Feb. 21, 2002

By Caryl Terrell, Chapter Director

With the state budget crisis looming, the Sierra Club asks the State Legislature to reject corporate favoritism that increases the tax burden of Wisconsin families. Local and state taxpayers paid more than \$34 million to move more than 283 Wisconsin homes and businesses out of floodplains since 1990. Attached to our testimony are maps and documentation of the flood impacts on Wisconsin taxpayer. We ask you to reject SB 290 and AB 580, companion bills that allow Ashley Furniture Industries to build in floodplains without any state reviews. Tell developers to stay out of wetlands now rather than pay to move houses later.

Why should the legislature let businesses build in floodplains and wetlands, then turn around and bail them out? Wisconsin homeowners are paying higher taxes each year for such nonsense. We need to end this corporate favoritism.

State Emergency Management Agency figures show that flood costs have increased 25 times in the 1990's versus the 1980's. The state has a backlog of more than \$100 million on businesses and homes waiting for removal from floodplains and wetlands. One cause is the increased paving from sprawl development that destroys 38,000 acres of farmland and 300 acres of permitted wetland filling each year, almost twice the size of the Horicon Marsh, causing increased flood runoff.

Many Wisconsin families, businesses and farmers live downstream from the Ashley site. The best way to protect these Wisconsin citizens from flooding is to protect wetlands from development. Wetlands act like sponges to store floodwater, filter drinking water, and provide homes for fish and wildlife. Ashley Furniture Industries should not continue to build where the Trempealeau River will flood—the floodplain.

To quote Chicago hydrologist Donald Hey, a wetland expert: "Watersheds with wetlands have less flooding. Restored wetlands cut flood damage costs right away and far into the future. That's a great investment. In Wisconsin, we drained and filled approximately half of our wetlands—five million acres—in the last century. Now we need to protect and restore wetlands to get back some of the flood holding capacity. This will reduce flood damage and costs."

The Sierra Club is also concerned with the stream of political contributions received by Wisconsin politicians from Ashley Furniture Industries employees and corporate officers. The previous total was \$56,850 since 1991. Pay to Play is still a troubling issue. In the last six months, Ashley employees and corporate officers have given an additional \$4,350 to Governor McCallum. We are waiting for the data to be available to check on other contributions to legislators. The lead sponsors of SB 290 and AB 580 have received money over the years. Senator Moen received \$800 in May 1994 and \$1,000 in June 1998. Representative Gronemus received \$500 in August 1998 and \$1,000 in January 2000.

Thank you for the opportunity to speak in opposition to these bills.

Flood Damage Backlog in Wisconsin -- Key Facts

WI Funded Mitigation Projects, 1990-99

Number of homes, businesses and parcels purchased	283
Number of homes and businesses floodproofed	76
Number of storm sewer systems installed or improved	4
Total costs from HMGP and FMA funds	\$29,872,617*
Cost to Local Governments	\$ 4,142,806**
Total costs, 1990-99	\$ 34,015,423
Backlog in homes and other mitigation needs	\$100,985,326

* Hazard Mitigation Grant Program and Flood Mitigation Assistance, **Costs are incomplete
Source: Wisconsin Emergency Management Agency, 2001.

- Wetlands are marshes, forests, and bogs that are low-lying areas that are wet for at least two weeks in the summer. Wetlands filter our drinking water, soak up floodwater, clean our river and lakes, and provide homes for fish and wildlife.
- In the period 1971-98, Wisconsin had 20 flood disasters that cost local, state and federal taxpayers at least \$ 1.7 billion in public and private damages. Floods cost an average of \$61 million per year, according to the State Emergency Management Agency. 82% of that damage was in 1990-2000, 25 times the 1980 damage level. That does not include agricultural damages.
- Developers, timber companies, and agribusinesses have drained and destroyed almost half or 46% of the original wetlands through 1985, according to the U.S. Fish and Wildlife Service.
- "The 1993 floods demonstrated that Wisconsin's wetlands and floodplain programs protected Wisconsin lives and property, compared with neighboring states," said former WI DNR Secretary George Meyer.
- Southern Wisconsin developers and agribusiness destroyed more than 90% in some counties. In SE WI, 94,000 acres of wetlands acres have been filled and destroyed, resulting in the loss of more than 90 billion gallons of flood storage. That is equivalent to losing 225 Deep Tunnels of flood storage, worth more than \$100 billion. The Deep Tunnel stores 400 million gallons of storm and floodwater and cost \$500 million to build again.
- The Army Corps of Engineers, the federal agency that gives out the wetland destruction permits, approved 99% of the wetland fill permits between 1988 and 1996, according to their data.
- Most of those permits, two-in-three or 62%, were granted in counties that the President declared a flood disaster areas between 1989-98. Sauk, Vernon, Crawford, Juneau, and Richland Counties were Presidentially declared flood disaster counties three times since 1993. Forty-nine of 72 Wisconsin counties were flood disaster counties from 1988-1998. Dane County and 16 others were flood disasters twice, and Milwaukee, Racine, Kenosha and Sheboygan Counties were flood disasters once from '89-98.

- Wisconsin families and communities have had six Presidential major disaster designations between 1990-98, according to the Wisconsin Emergency Management Agency. Between 1988 and 1997, floods killed 26 people and caused \$133 million average annual damage in Wisconsin, according to the Army Corps of Engineers. The 1993 flood cost Wisconsin almost \$871 million in destroyed homes, businesses, and farms.
- One-in-five, or 19% of the Wisconsin's wetland destruction was from Nationwide Permit 26, the easy wetland destruction permit that allowed developers to destroy up to 10 acres of "isolated" wetland, without warning neighbors of future flood risks. The good news is that these are now phased out.
- An acre of wetland can store up to 1.6 million gallons of floodwater, according to researchers, depending on the type of wetland. Isolated wetlands store the most floodwater.

Local Contacts

Tom Bernthal, Wisconsin DNR, Lakes and Watersheds, 608-266-3033.

Richard Wedepohl, DNR Floodplain Program, 608-266-1926.

Larry Larson, Association of State Floodplain Managers, 608-274-0123.

Roxanne Grey, Wisconsin Hazard Mitigation Officer, 608-242-3211.

Diane Kleiboer, Wisconsin Division of Emergency Management, 608-242-3200.

Donald Hey, The Wetlands Initiative hydrologist, 312-922-0777.

For more information on the web:

Sierra Club, www.sierraclub.org/wetlands,

Association of State Flood Plain Managers <http://www.floods.org/>.

Natural Hazards Center at the University of Colorado, Boulder
<http://www.colorado.edu/hazards/index.html>,

United Nations International Strategy for Disaster Reduction <http://www.unisdr.org/>,

File: wetlands/WIFlood3prs.

Wisconsin Flooding Disaster

Most Flooded Counties and Percentage of Wetland Destruction Permits Granted

Number of Times Flooded	County	Years	Wetlands Permits Granted 1988-96	
Nine times	Vernon	1971, 75, 78, 80, 90, 92, 93, 96, 2000	99%	
Eight times	Milwaukee	1973, 86 (twice), 93, 96, 97, 98, 2000	99%	
	Buffalo	1971, 73, 75 (twice), 78, 80, 92, 93	99%	
	Crawford	1971, 73, 75, 78, 90, 92, 93, 2000	100%	
Seven times	Sauk	1971, 78, 90, 93, 96, 2000	98%	
	Green	1971, 73, 78, 90, 93, 96, 98	99%	
	Pierce	1971, 75 (twice), 78, 80, 92, 93	99%	
	Pepin	1971, 73, 75 (twice), 78, 92, 93	100%	
	Trempealeau	1971, 75 (twice), 78, 80, 92, 93	99%	
Six times	Waukesha	1973, 86 (twice), 91, 97, 2000	98%	
	Lafayette	1971, 78, 90, 93, 98, 2000	100%	
	Monroe	1978, 80 (twice), 90, 93, 2000	99%	
	Richland	1971, 78, 90, 92, 93, 2000	100%	
Five times	Iron	1971, 72, 85, 99, 2000	98%	
	Ashland	1971, 72, 85, 99, 2000	99%	
	Chippewa	1971, 73, 80, 93, 2000	99%	
	Eau Claire	1971, 73, 80, 93, 2000	99%	
	Grant	1971, 75, 90, 93, 2000	100%	
	Dane	1978, 90, 93, 96, 2000	99%	
	Kenosha	1973, 86, 93, 96, 2000	98%	
	Dunn	1971, 73, 75, 80, 93	100%	
	La Crosse	1973, 75, 78, 80, 93	99%	
	Juneau	1978, 90, 92, 93, 2000	97%	
	Four times	Rusk	1973, 93, 99, 2000	98%
		Racine	1973, 93, 98, 2000	98%
		Jackson	1980, 92, 93, 2000	100%
Columbia		1971, 93, 96, 2000	99%	
Iowa		1978, 90, 93, 2000	100%	
Clark		1973, 80 (twice), 93	100%	
Marathon		1971, 73, 80, 93	99%	
Outagamie		1973, 90, 93, 96	99%	
Fond Du Lac		1986, 93, 96 (twice)	99%	

	Ozaukee	1973, 86, 96, 97	99%
	Dodge	1986, 93, 96, 2000	100%
Three times	Douglas	1972, 85, 99	99%
	Bayfield	1972, 85, 99	100%
	St. Croix	1971, 80, 93	100%
	Adams	1973, 93, 2000	99%
	Sheboygan	1973, 86, 98	99%
	Walworth	1973, 96, 2000	99%
	Lincoln	1971, 73, 93	99%
	Wood	1971, 73, 93	99%
	Portage	1971, 73, 93	99%
	Washington	1986, 96, 97	98%
	Jefferson	1973, 93, 96	97%
	Brown	1973, 90, 93	99%
Two times	Sawyer	1999, 2000	99%
	Oneida	1999, 2000	99%
	Price	1993, 99	98%
	Langlade	1971, 73	100%
	Door	1973, 80	99%
	Waupaca	1973, 93	98%
	Kewaunee	1973, 90	100%
	Waushara	1973, 90	97%
	Winnebago	1990, 93	99%
	Calumet	1990, 93	99%
	Manitowoc	1973, 90	99%
	Marquette	1973, 93	99%
	Green Lake	1973, 93	99%
One time	Vilas	1999	99%
	Burnett	2000	98%
	Washburn	2000	98%
	Forest	2000	98%
	Polk	2000	99%
	Barron	2000	99%
	Florence	1999	98%
	Marinette	1973	97%
	Oconto	1973	99%
	Taylor	1980	96
	Menominee	1993	100%
	Shawano	1993	99%

Source: Wisconsin Emergency Management Agency and the Army Corps of Engineers.

APPENDIX E

FUNDED MITIGATION PROJECTS IN STATE - HAZARD MITIGATION GRANT PROGRAM

Disaster Number	Year	Community	County	Cost HMGP Funds	Project Description	Comments
DR-874	1990	Darlington, City	Lafayette	\$ 605,572	Part of a larger project funded under DR-993. 12 commercial structures acquired. 19 commercial structures floodproofed.	An additional \$178,608 locally provided (used for match in DR-994) Local match was purchase of land for business park
DR-874	1990	DePere, City	Brown	\$ 95,160	Storm sewer project	An additional \$42,301 locally provided
DR-912	1991	Jefferson County	Jefferson	\$ 108,684	Acquisition of 3 residential structures	Local match provided by HUD & DNR
DR-959	1992	Washara County	Washara	\$ 38,868	Completion of a Geographic Information System (GIS) in a defined area of the 100 year floodplain of the Pine River	
DR-963	1992	Cross Plains, Village	Dane	\$ 37,000	Clearwater infiltration abatement project	
DR-963	1992	DeForest, Village	Dane	\$ 202,034	Construction of the Linde Detention Basin	An additional \$67,394 provided locally CDBG provided \$485,000 to construct Halsor Street Detention Basin and a storm sewer leading to the basins
UR-963	1992	Sun Prairie, City	Dane	\$ 137,340	Development of a stormwater management plan and improvement of a storm sewer	Additional \$91,021 locally provided
DR-964	1992	Black River Falls, City	Jackson	\$ 281,929	Construction of storm sewers	\$43,971 provided by CDBG funds
DR-964	1992	Blair, City	Trempealeau	\$ 109,144	Implementation of modifications to the Lake Henry Dam	\$109,173 provided by CDBG funds and \$43,460 provided by DNR funds
DR-994	1993	Darlington, City	Lafayette	\$4,175,790	Acquisition of 12 commercial structures and floodproofing of 19 commercial structures	Local match provided = \$178,608 Purchase of business park \$282,084 CDBG funds \$187,744 DNR funds
DR-994	1993	Eau Claire, City	Eau Claire	\$2,152,831	Acquisition of 45 residential structures and 5 vacant parcels - Floodproofing of 1 commercial structure	\$461,000 CDBG funds = local match
DR-994	1993	Eau Claire, County	Eau Claire	\$1,217,227	Acquisition of 16 residential structures and 1 commercial structure - Floodproofing of 2 residential structures	\$285,250 CDBG funds = local match
DR-994	1993	Jefferson, County	Jefferson	\$ 459,635	Acquisition of 7 structures (Flood Mitigation Assistance funds helped purchase one of these structures)	This was part of a larger project that included \$500,000 CDBG funds and \$611,000 DNR funds.
DR-994	1993	Pierce, County	Pierce	\$6,000,000	Acquisition of 67 residential structures, 3 commercial structures and 3 vacant parcels	Local match provided by CDBG funds An additional \$187,989 was provided by program revenue. (\$52,211 of that amount given to Darlington towards floodproofing project)
DR-1131	1996	Monroe, City	Green	\$ 143,311	Construction of a detention pond	Additional \$36,218 locally provided
DR-1131	1996	Oakfield, School Dist.	Fond du Lac	\$ 202,216	Reinforcement of walls in new school	
DR-1180	1997	Brookfield, City	Waukesha	\$ 139,203	Acquisition of 1 residential structure	

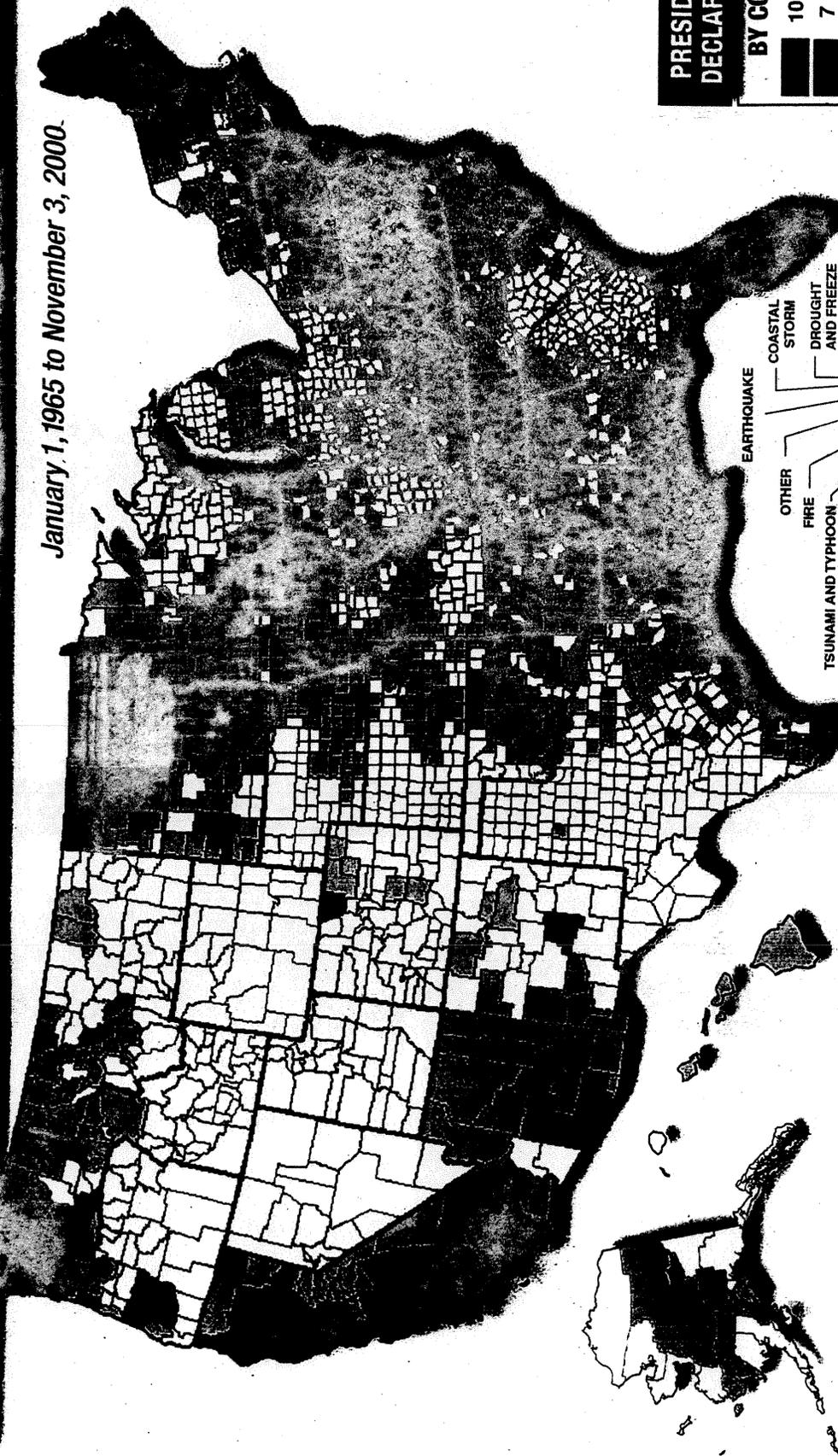
**FUNDED MITIGATION PROJECTS IN STATE
Flood Mitigation Assistance Program**

Year	Community	County	Cost FMA Funds	Project Description	Comments
1998	Darlington, City	Lafayette	\$420,003	Acquisition of 1 commercial structure and supplemental funds for floodproofing 1 commercial structure	Local match was provided by a global match under DR-994
1998	Jefferson, County	Jefferson	\$115,332	Acquisition of 1 residential structure and supplemental funds for another structure acquired under DR-994	Local match provided by a global match under DR-912 and DR-994
1999	Kenosha, County	Kenosha	\$166,800	Acquisition of 2 residential structures	Local match provided by a global match under DR-1238

3 Projects: Total of \$702,135 in FMA Funds

Presidential Disaster Declarations

January 1, 1965 to November 3, 2000.

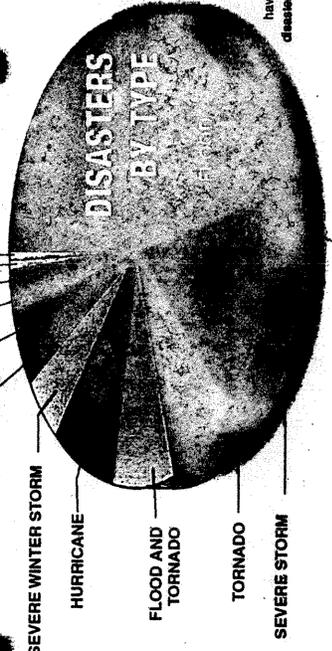


PRESIDENTIAL DECLARATIONS

BY COUNTY

10 to 20	[Darkest Shading]
7 to 9	[Dark Shading]
4 to 6	[Medium Shading]
1 to 3	[Light Shading]
0	[White]

Mapped Total = 1,162*
Data used with FEMA's permission.



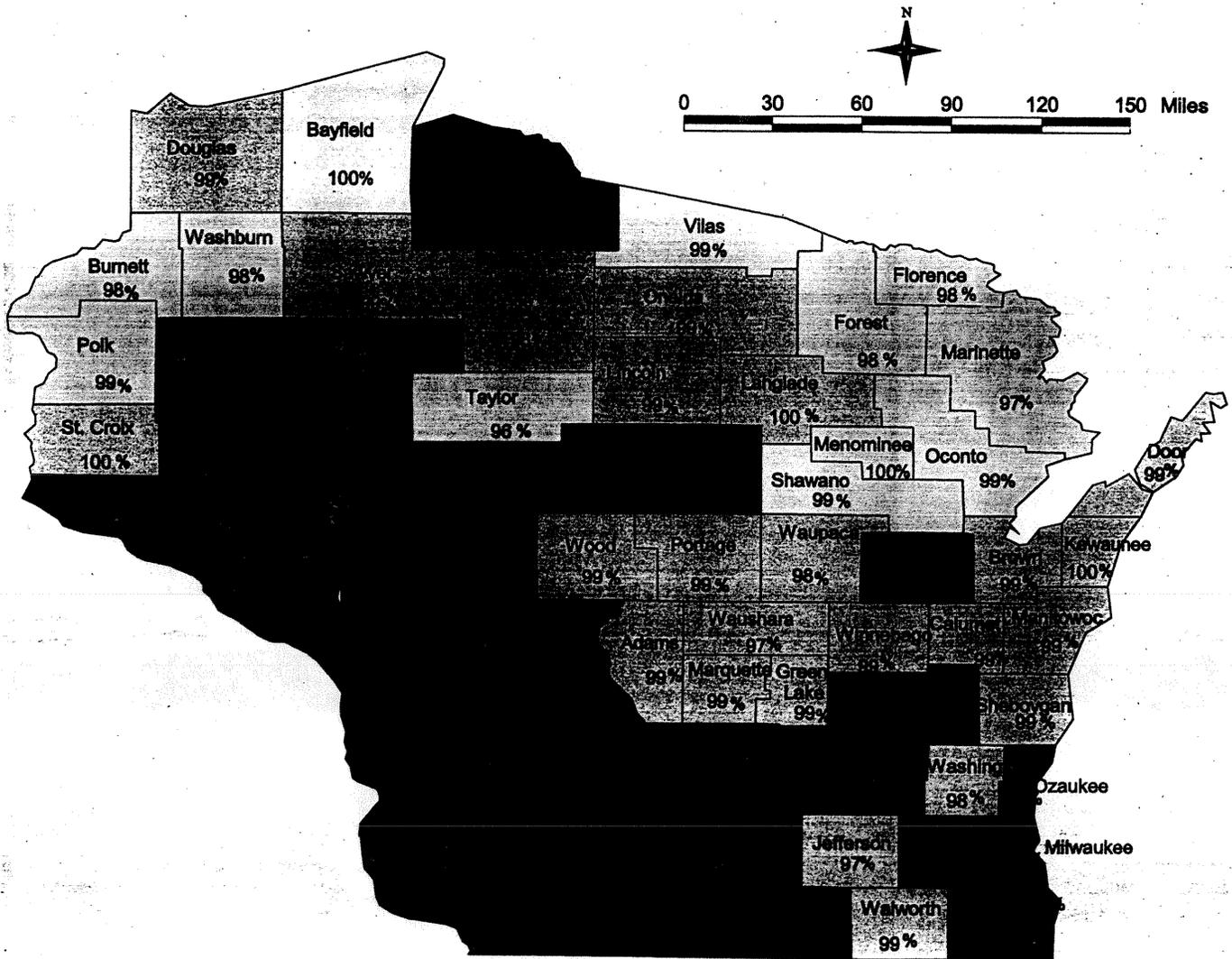
* Prior to January 1965, 185 declarations did not have county designations. Therefore, of the total declared disasters (1,347), only 1,162 are included in the Mapped Total.

Baker
www.mbakercorp.com

Mitigation Strategies for the New Millennium

Most Flooded Counties 1971-2000

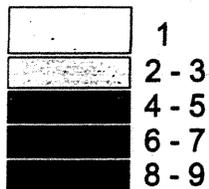
Comparing Number of Floods with Percentage of Approved Wetland Fill Permits by County.



Legend

Wisconsin Counties 1971-2000:
Number of Times Flood Disaster
Designation Requested.

Number of floods per county



* County name is followed by numbers representing the percent of permits approved for wetland fill.

* Information from the Wisconsin Emergency Management Agency and the Army Corps of Engineers.

Produced by:



University of Wisconsin-Madison
College of Agricultural & Life Sciences
School of Natural Resources
Land Information & Computer Graphics Facility (LICGF)

for the Sierra Club, April 2001

\$\$ Campaign Finance Profile \$\$

Prepared by:

From:

Wisconsin Democracy Campaign
210 North Bassett Street, #215
Madison, WI 53703
608-255-4260

Campaign finance reports filed with
the Wisconsin State Elections Board

Employer: Ashley Furniture Industries

Candidates' Contributions From an Employer

Interest: Manufacturing & Distributing

Begin Date: 1/1/91

End Date: 6/30/01

Candidate	Party	Amount Donated
Thompson, Tommy G	R	\$31,500
Jensen, Scott R	R	\$5,000
Prosser, David	R	\$4,450
Madden, Terry	R	\$2,100
McCallum, Scott	R	\$2,000
Meyers, Mark	D	\$2,000
Moen Rodney	D	\$1,800
Foti, Steven	R	\$1,500
Gronemus, Barbara	D	\$1,500
Johnston, DuWayne	R	\$1,500
Huebsch, Michael	R	\$1,400
Kreibich, Robin	R	\$1,200
Lazich, Mary	R	\$500
Zien, David	R	\$200
Kader, Audrey	R	\$100
Suchala, Deb	R	\$100
Total		\$56,850

We've barely started processing campaign finance reports through the end of 2001 for most of the legislators. I can say Moen got no more contributions in the last half of 2001, but we haven't looked at reports for the other three. In addition, McCallum received five contributions totaling \$4,350 from Ashley owners and executives in the last half of 2001.

Fiscal Estimate Narratives

DNR 11/20/01

LRB Number 01-3675/1	Introduction Number SB-290	Estimate Type Original
Subject Wetland exemption in Trempealeau County		

Assumptions Used in Arriving at Fiscal Estimate

Bill Summary: This bill provides broad exemptions from water quality and zoning related provisions related to filling a wetland area of up to 15 acres in Trempealeau County.

Fiscal Effect. None. This will not affect the Department's costs related to wetland water quality certification or shoreland or floodplain zoning.

Long-Range Fiscal Implications

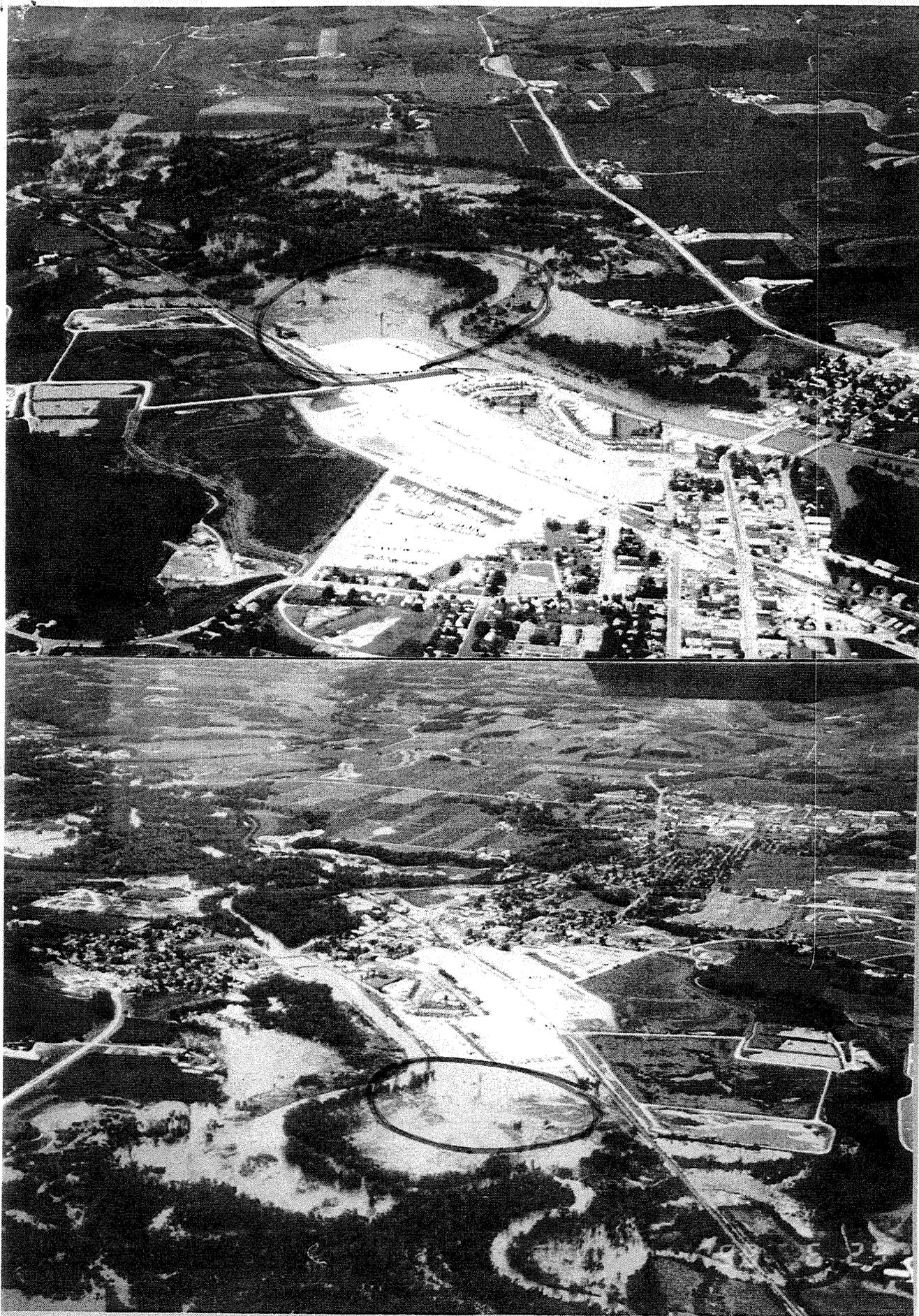
None.

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-3675/1		Introduction Number SB-290	
Subject			
Wetland exemption in Trempealeau County			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
None.			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	11/20/01



Arcadia WI 6/29/98. Trempealeau River flood.
Circled area is the proposed wetland fill site.

ASHLEY BOUNDARY

PROPOSED OVERBANK
RETAINING WALL

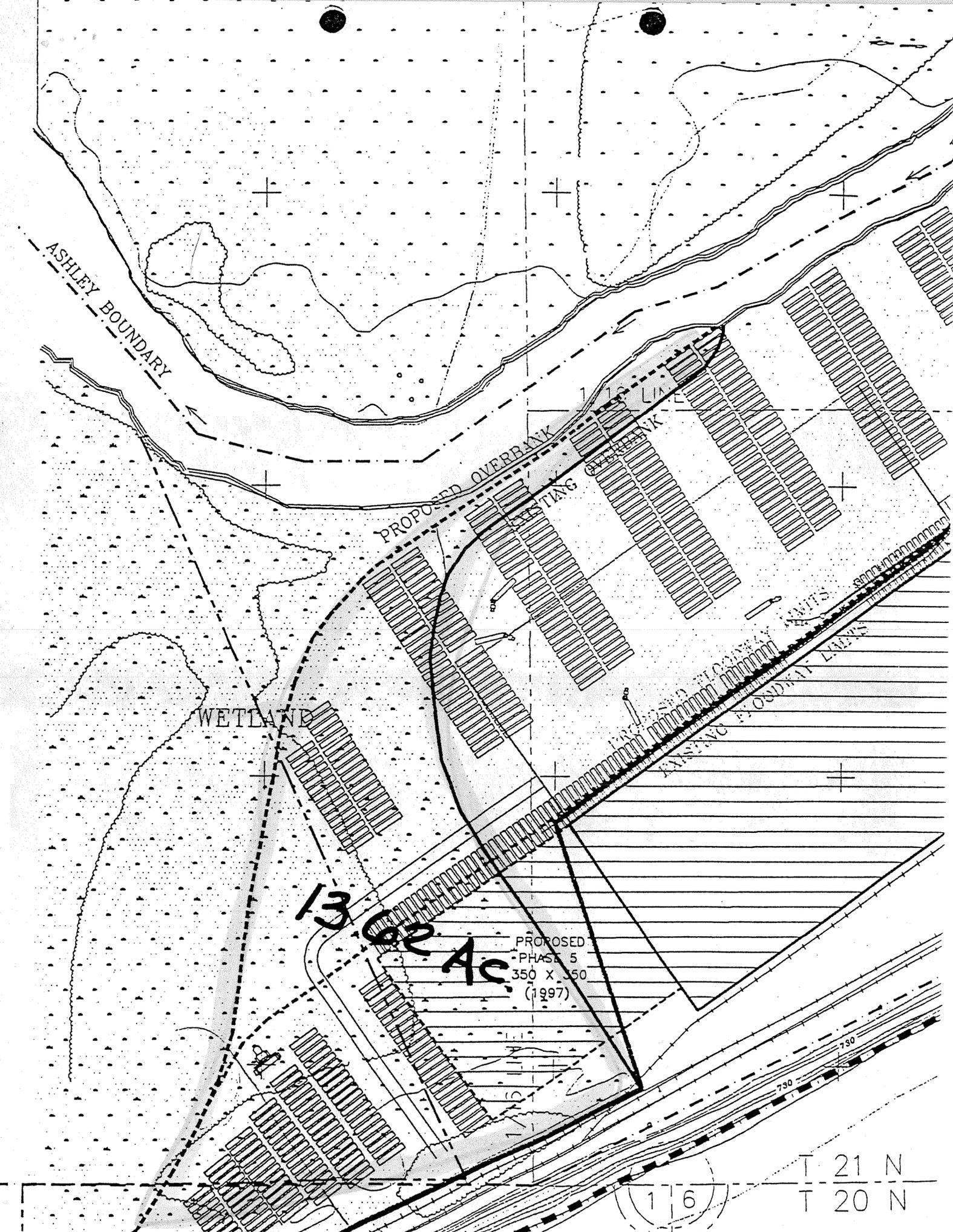
WETLAND

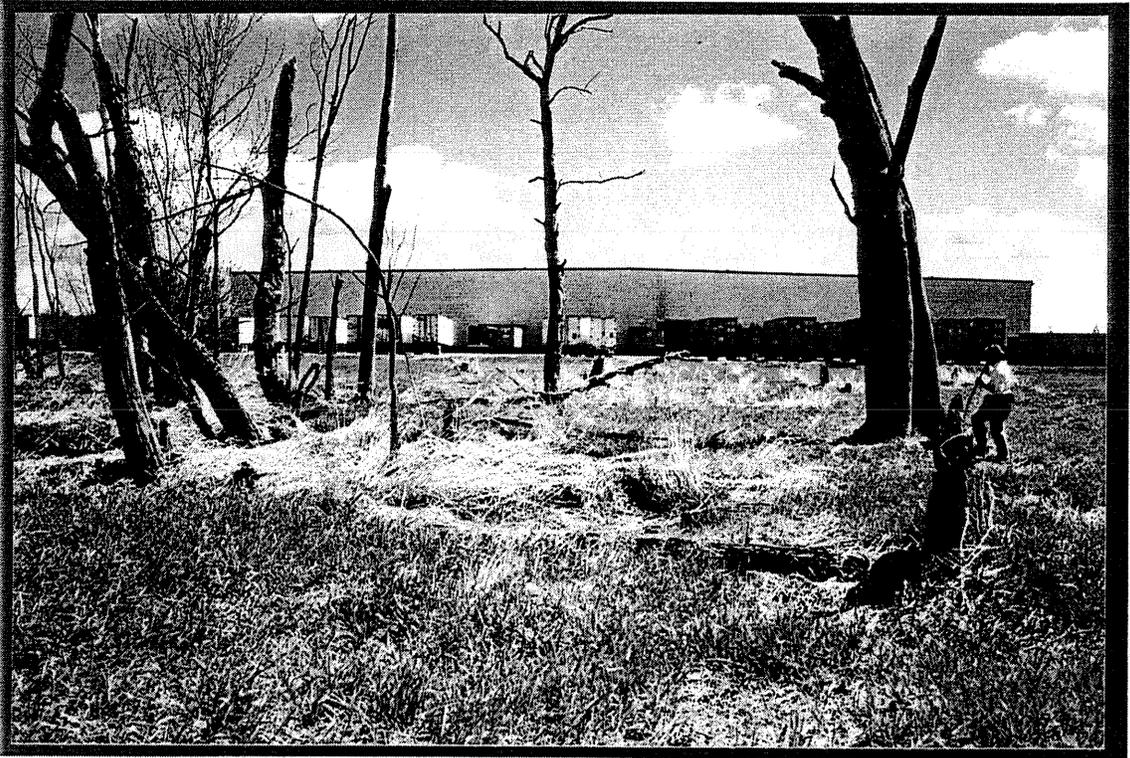
13.62 Ac.

PROPOSED
PHASE 5
350 X 350
(1997)

1 6

T 21 N
T 20 N



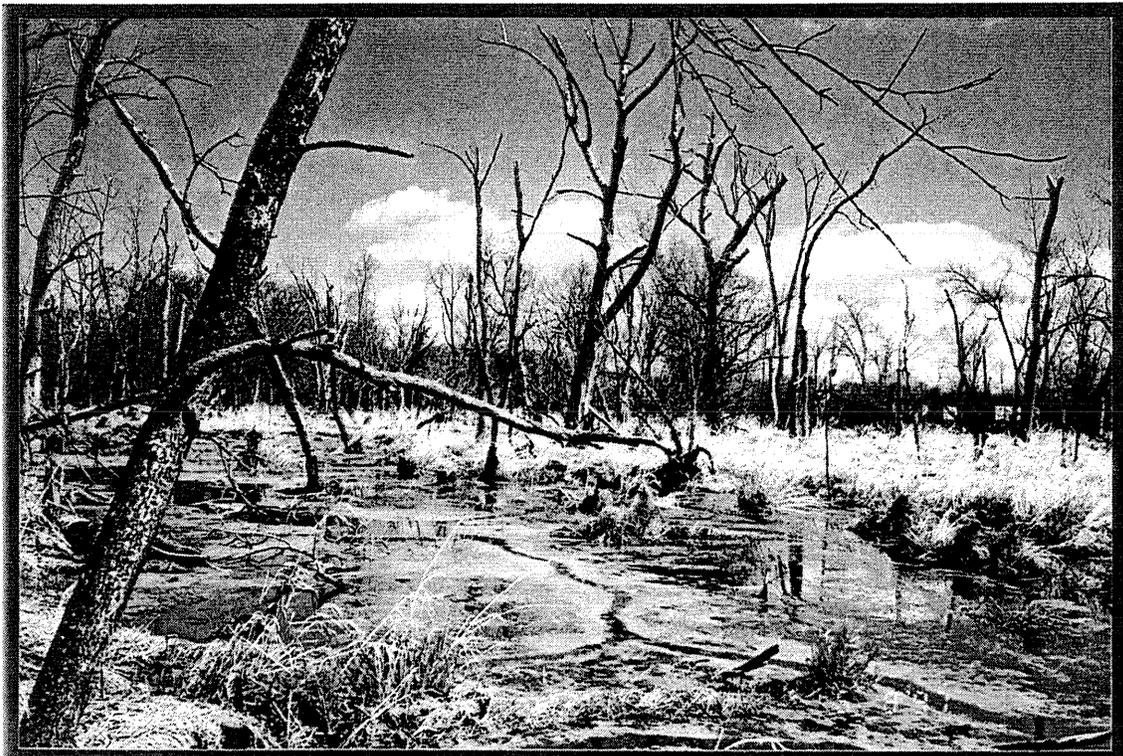


WETLAND W-1 LOOKING NORTHEAST THROUGH PROPOSED FACILITY EXPANSION AREA. GROUND LAYER IS NEARLY EXCLUSIVELY REED CANARY GRASS. LIVING TREES INCLUDE SILVER MAPLE, GREEN ASH, AND CRACK WILLOW.



**GRAEF
ANHALT
SCHLOEMER**
and Associates Inc.

ENGINEERS & SCIENTISTS



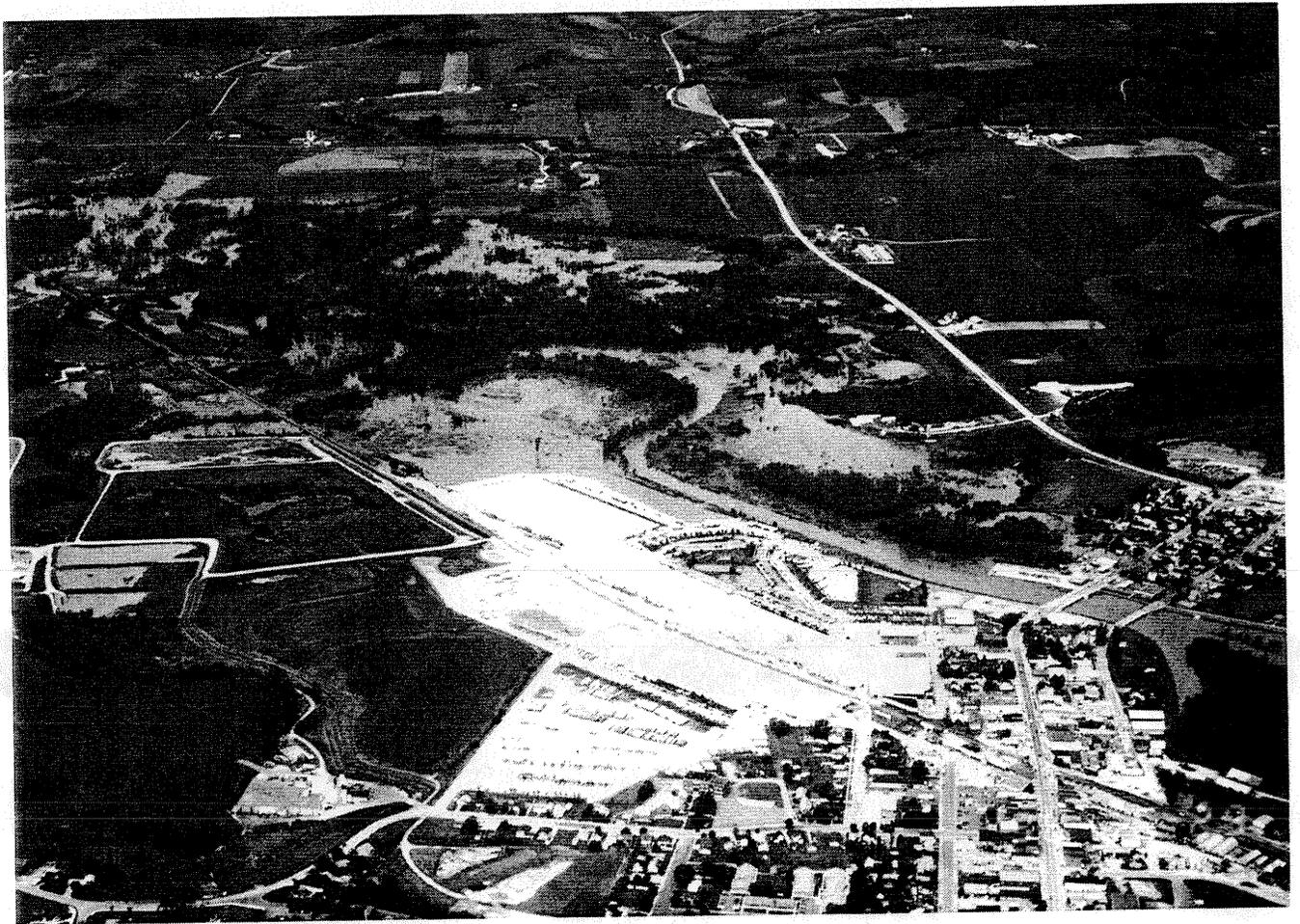
INTERIOR OF WETLAND W-1 SHOWING TREE MARKED WITH ORANGE PAINT.
TREE MARKS 720' SOUTHWEST OF EXISTING BUILDING.
FOREGROUND IS A WETTER PORTION OF W-1 - POSSIBLY A FORMER RIVER
MEANDER SCAR.



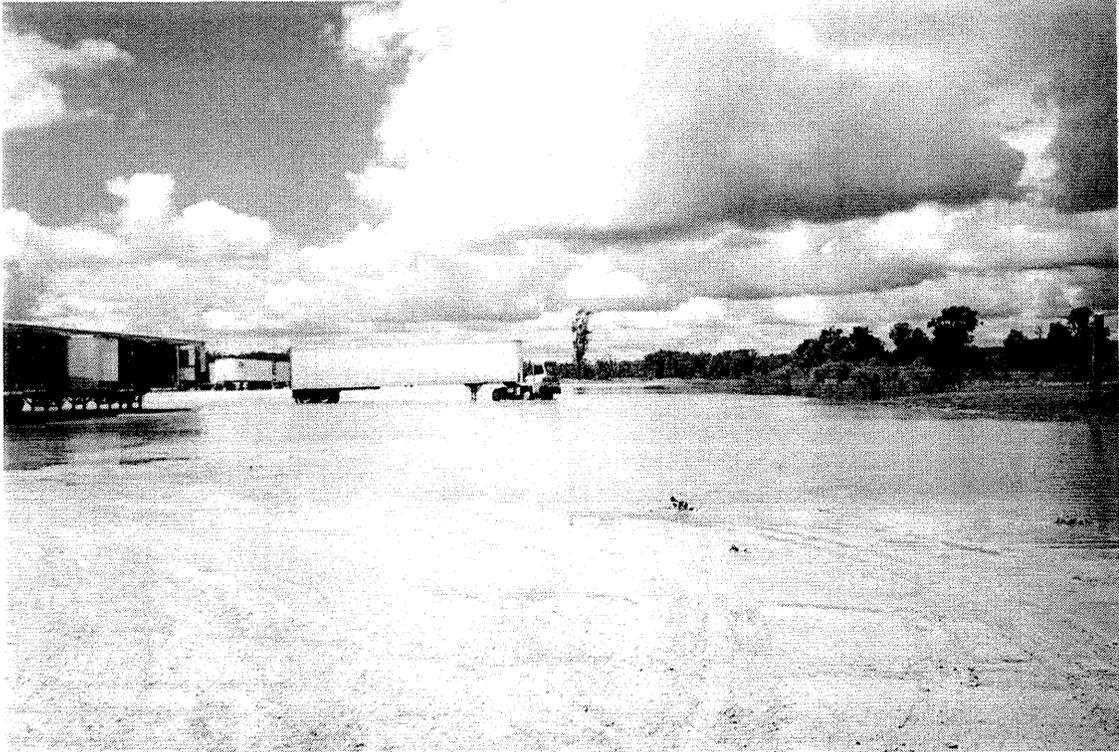
**GRAEF
ANHALT
SCHLOEMER**
and Associates Inc.
ENGINEERS & SCIENTISTS



6/30/98: Looking across parking lot at south west corner of site.



6/98: Looking west toward Ashley plant



6/30/98: Looking across parking lot at south west corner of site.



6/98: Looking northeast toward Ashley plant

Ashley plant expansion bill passes state assembly; heads for senate consideration

By a vote of 71-27, the State Assembly passed a bill allowing Ashley Furniture Industries to expand its Arcadia plant operations onto 13.25 acres of low- to medium-grade wetlands.

Assembly Bill 580 was introduced by State Representative Barbara Gronemus (D-Whitehall) after Buffalo County Circuit Court Judge Dane Morey ruled that a 1999 state budget provision was too specific to be in a state budget.

In his decision, Morey noted that his ruling did not prohibit the introduction of separate legislation of the same nature.

Morey made no comment on whether the state budget provision or separate legislation was detrimental to the environmental well-being of the area or Trempealeau County.

The 13.25-acre question are a part of 46,500 acres of wetlands in

Trempealeau County.

If AB-580 is passed by the State Senate and signed into law by Governor Scott McCallum, Ashley will be required by U.S. Army Corps of Engineers regulations to restore 1.2 acres of land for every acre of the wetland in question.

According to a Gronemus aide, Ashley has a proven record of land restoration, restoring 52 acres instead of the 27 required in 1984.

Commenting on the bill's passage, Gronemus said, "Ashley has a proven record of being a good employer and a good steward of natural resources."

"I am confident that when AB-580 becomes law, Ashley will adhere to its record of the past in land restoration and working cooperatively with the Corps and the state," she added.

Gronemus continued, "I introduced this legislation because I strongly feel that keeping the present jobs and the

extra 175-200 jobs the proposed expansion will create [is] vital to the economic stability and well-being of Trempealeau County and all of western Wisconsin."

The bill has been referred to the State Senate Committee on Economic Development and Corrections, and should receive legislative consideration in the Senate during the next floor session, scheduled for January 2002.

"Ashley is not only providing good paying jobs, but also much-needed health insurance for the residents of our part of rural Wisconsin," Gronemus added.

"I am grateful to the chairman of the Assembly Committee on Environment for moving AB-580 along in the committee process, the Assembly majority leadership for scheduling it for a prompt vote, and the 70 other members of the Assembly, of both political parties, for joining me in voting for its passage."

Great news for farmers

The Trempealeau County plaintiffs include Larry and Martha Thompson, Eddie and Lynn Thompson, David Thompson and Sky View Acres LLC, Blair. Also listed is Rory Holiday, Estrick.

Other plaintiffs are Roger and June Erickson, Wallace and Norma Erickson, Erickson Farms, Inc. and Ralph and Karline Schmidt, Nettville; John and Janice Haen, Matthew and Coleen Haen, Harold and Muriel Seidl and Mark Seidel, Luxembourg; Gordon and Kathy Michaels and George and Kathy Muth, West Bend; Robert and Marcia Hardie, Taylor; August Jr. and Joanne Heeg, Unity; and Jeff Pollack, Van Dyne.

In general, the farmers contend the power companies were negligent and breached their duty to farmers by installing electrical power distribution systems that caused stray voltage, in failing to warn plaintiffs of the risks and dangers of stray voltage and in testing for stray voltage, according to the law firm of Parke O'Flaherty, Ltd.

of help

groups, Wisconsin Chestnut the nurse's Santa's C Arcadia Arcadia In Tr Arcadia DARE, Volunteer Comm stretch to donation leukemia. Every d Commu cause.

This year the Septer community tragedy. The 20 Chestnut As the pr nears, it is haven't re Send in drop it of

Arcadia Public School LUNCH MENU

Menu for Nov. 19-23
Milk is served daily.

- Monday - Teriyaki chicken strips, rice pilaf, peaches.
- Tuesday - Hot ham and cheese, scalloped potatoes, pineapple.
- Wednesday - Hot dogs on a bun, baked fries, mixed fruit.
- Thursday - No school.
- Friday - No school.

know that they are loved, that they are not alone, and that there is hope for the future. You can't accomplish this in one shot or overnight. It takes time and patience.

So don't rush the funeral. Take the time. This is a busy world but some things take time. Share one another's burdens. It is to the Word of God. Know that there is hope for the future. Just one postscript: God's promises can be heard and proclaimed anywhere, but the best place to do so is in a church building.

each other. Some people think that the only reason we have traditions is because we have just always done it that way before. Sometimes that's true, but sometimes we have traditions because they work.

There are two things I know are both involve sharing. We need to share our feelings and memories with others especially those who are grieving. It is not just for us, it is for them. Let's share our hearts with one another.

2 Corinthians 1:3-4: Blessed be the God and Father of our Lord Jesus Christ, the Father of mercies and the God of all consolation, who consoles us in all our affliction, so that we may be able to console those who are in affliction by the consolation we have received from God.

More over we have I am sure we will find comfort in the life, death and resurrection of our Lord Jesus Christ. Let us not grieve as those who have no hope, but let us grieve with hope, for the Lord's love never fails.

the Arcadia answer! I have a return

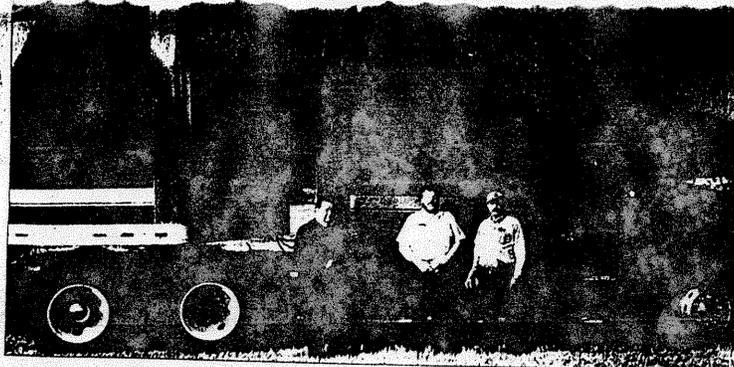


Photo by Ron Marose

A truck in the wetlands: Ron Wanek, Ashley Furniture president and chief executive officer stands to the left of Don Henderson, fleet superintendent and Gary Bauch, facilities engineer. The truck was driven across a 14-acre piece of land that is classified as wetland. Ashley has long sought to expand at the site.

Here's one wetland where you can drive a 17-ton trucking rig

Ron Marose
News-Leader Editor

It doesn't look like a wetland, one of those soggy pieces of vanishing wilderness, where northern pike spawn and ducks come to lay their eggs.

You can walk all over the 14 acres of land that sit in the heart of a costly 17-acre site owned by Ashley Furniture Industries in Lincoln, Wis.

It's a Department of Natural Resources (DNR) and never get your boots wet. You can even drive a 34,000-pound semi-tractor and trailer over most of it without sinking the tires. Sometimes it's just a matter of the right time.

You can drive a truck out there any time of the year," said Ron Wanek, Ashley president and CEO. "If it rains two inches, it gets wet just like any farm field."

That last statement mirrors the fine line in a long dispute between Ashley, which wants to build a huge warehouse on the land, and state

conservation officials, who haven't budged from the wetlands designation in two decades.

Technically, according to Ashley's own consultants, the land is low- to medium-grade wetland.

"It does have some wetland plants, the soil shows traces of wetland material, and for about two weeks every year, the site is saturated with water," said Don Henderson, Ashley's fleet superintendent.

"That's what it takes," said Joe Pagliara, who has worked on the Ashley case as an employee of the Wisconsin Department of Natural Resources. "The DNR usually has to make a decision, and there are plenty of environmental groups that back the DNR, even though their spokesmen have never visited the site causing all the disagreement."

The concern about wetlands preservation began growing in the 1970s after decades of unrestricted agricultural and commercial "swamp drainage" had removed mil-

lions of acres of wetlands from the national landscape.

Many states reacted with strict legislation and regulation. The laws often required that a wetland could not be drained unless the company involved restored an equal or greater than equal parcel of wetlands in the same watershed.

But Ashley did just that, creating more than 100 acres of wetlands near the plant.

The company hauled away the remains of an old building on the site and built a new one.

So far, 100 rain acres and the DNR allowed limited development of part of the 27-acre site targeted for expansion by Ashley. But that didn't include the 14 acres that come right up to the truck parking area in back of the plant.

"We still want our (originally requested) 27 acres," said Wanek. "We even had to move the city dump."

See Wetlands, page 3

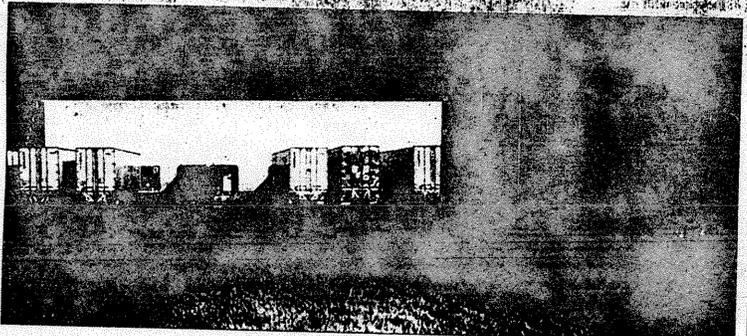


Photo by Ron Marose

The 14 acres of wetland at the rear of Ashley's manufacturing facilities is dry for most of the year. The presence of certain plants and subsoil, and partial flooding a few weeks each year, make it technically a wetland according to the Wisconsin Department of Natural Resources, which won't allow the company to expand there.

rise; more stree

Ron Marose
News-Leader Editor

As Arcadia Mayor Gary Bautch noted, it's always hard to lock in the tax rate until the state gets around to telling a city how much it's worth.

This year the process was also delayed because assessor's notices didn't reach some city property owners in time.

Trempealeau County was also late in supplying some assessments.

That didn't give some property owners adequate time to gripe, assuming they wanted to, before the 2002 budget was adopted.

The Board of Review meeting is now set for Nov. 27, a lot later than usual.

Mayor Gary Bautch said the Arcadia City Council will adopt the budget as soon as any smoke from the review meeting clears.

Bautch is still optimistic about hold-

ing the line on last year's rate. Last year, the rate was \$1,000.

That meant a house \$90,000 paid \$750.60 for

"I'm going to hard to keep i at that lev

- Gar

tion, street repair, fi snow removal, library ser control and other city serv

"I'm going to work ha down at that level," said can be done."

Bautch said during a Tuesday that he doesn't i posed budget sacrifices

White-tailed dee remains high in

Wisconsin's regular nine-day gun deer season opens statewide on Saturday, Nov. 17, and state wildlife managers say with the state white-tailed deer herd including around 1.5 million animals, hunters should look for a good season.

T permit with each de license they purchase.

The antlerless permit can any of the 76 deer manage designated as 2001 Zone T

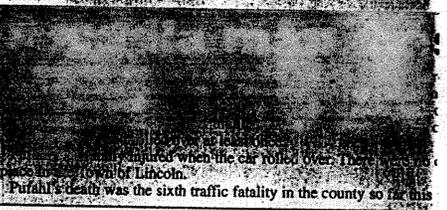
deer and bear ecologist. "As always, weather can play a big role in how successful the hunt will be, but if the weather cooperates, hunters should have a good year."

Last year hunters registered a total of 442,001 deer during the regular nine-day season. Hunters set both a state and national record with more than 618,000 deer harvested in all of last year's deer seasons.

Again, this year, hunters will receive one free antlerless-only Zone

Deer cover

Zone T units deer herd 100 percent over that limit



Purdell's death was the sixth traffic fatality in the county so far this

Stray voltage suits filed

More than 25 dairy farmers filed suits across Wisconsin on Tuesday, alleging that several utilities including Riverland Energy Cooperative, Arcadia, have been negligent in dealing with stray voltage, according to a news release from one of the law firms representing the plaintiffs.

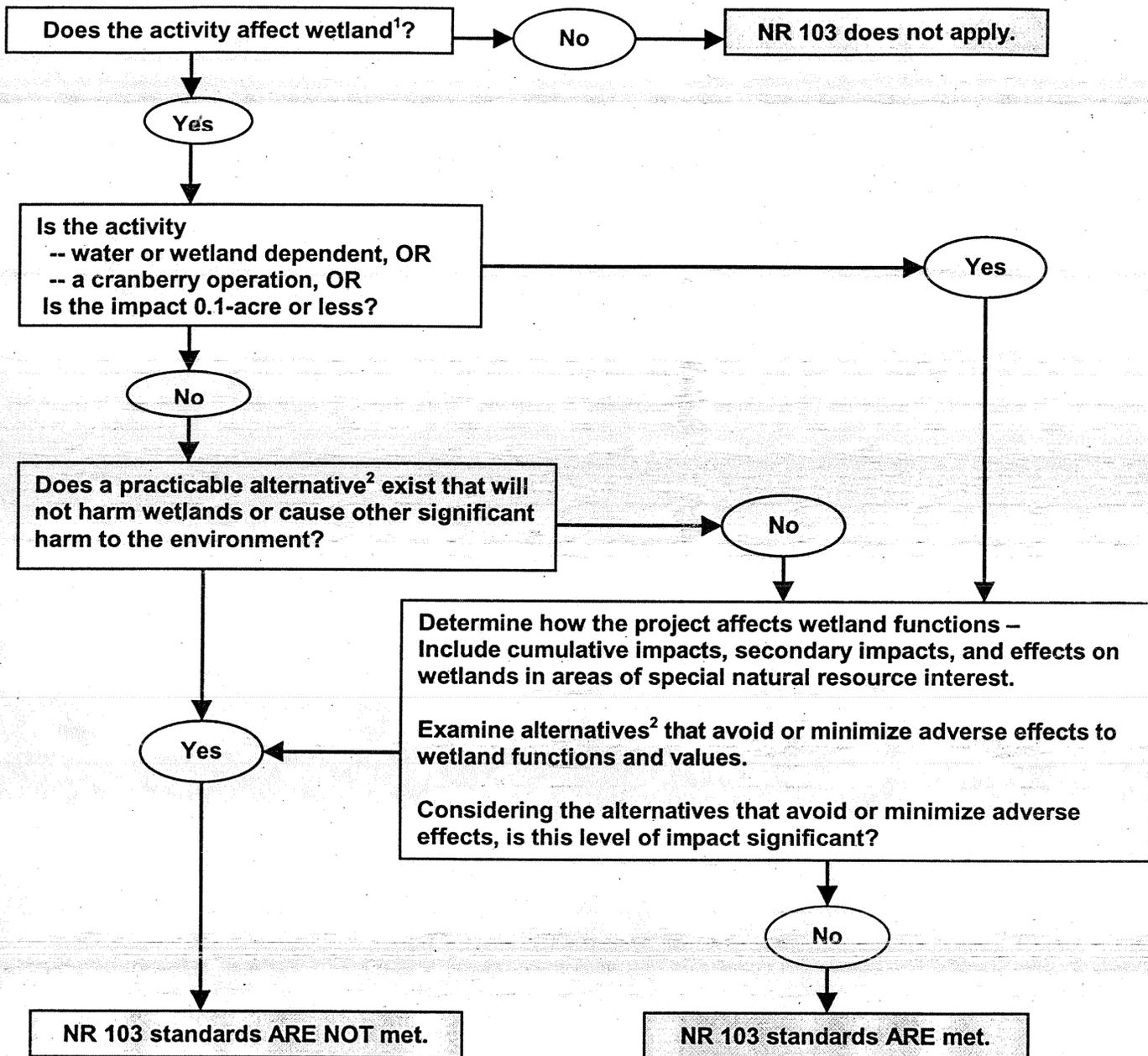
The farmers have sued Wisconsin Electric Power Company, Wisconsin Public Service Corporation, Xcel

2001 Arc: Chest co

By Marie Kowahl
Community Chest Board

Six weeks ago, Community Chest began for your help to raise \$10 this year's giving ca. Checking the fund them at the State Bank, one Arcadians have been respon

REVIEW OF ACTIVITIES UNDER NR 103



¹The following artificial wetlands (created wetlands with no prior wetland or stream history) are EXEMPT from NR 103 ONLY IF they provide no significant aquatic or wildlife habitat function, or recreational, cultural, educational, scientific or natural aesthetic value:

- Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention or flood storage purposes
- Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds
- Actively maintained farm drainage or roadside ditches
- Artificial wetlands within active non-metallic mining operations

²For landfill expansions, alternatives MAY be limited to areas adjacent to or on the same property. For expansions of existing cranberry operations (existing prior to June 1, 1998), alternatives are limited to areas adjacent to or on the same property. PUBL-FH-025-00REV