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July 8, 2015

Nancy Larson

Agency Spokesperson, Badgerwood CAFO

State of Wisconsin Department of Natural Resources

Ashland Service Center

2501 Golf Course Road

Ashland, Wisconsin 54806

NancyJ.Larson@Wisconsin.gov

Re: DNR Decision to Prepare an Environmental Impact Statement for Proposed Bayfield County Badgerwood LLC Swine Operation

Ms. Larson:

Midwest Environmental Advocates (MEA) thanks the Department of Natural Resources (DNR) for responding to the requests of numerous concerned citizens, elected officials, Tribes and interest groups and agreeing to prepare an Environmental Impact Statement (EIS) for the proposed Badgerwood, LLC concentrated animal feeding operation (CAFO) in Bayfield County.

Badgerwood submitted an application to DNR to operate a 26,000-hog factory farm in Eileen Township. The proposed factory farm is sited in the Fish Creek Watershed, a watershed that contains outstanding and/or exceptional resource waters and is less than eight (8) miles upstream from Lake Superior. MEA applauds the large constituency who quickly responded to Badgerwood's application by calling for robust permit review and preparation of an EIS by the DNR.

As you're aware, the DNR must comply with statutory and regulatory requirements when preparing an EIS. Pursuant to Wis. Admin. Code § NR 150.30(2), an EIS must contain "issues relevant to the evaluation of the action and provide a level of detail commensurate with the complexity of the action." The regulatory provisions of § NR 150.30(2)(a)-(i) provide the base requirements that the DNR must fulfill when completing an EIS. These requirements include but are not limited to consideration of the human environment that the project will likely affect (Wis. Admin. Code § NR 150.30(2)(f)), as well as any unavoidable adverse environmental effects (Wis. Admin. Code § NR 150.30(2)(g)(1)).

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Wisconsin Admin. Code § NR 150.30(2) requires the Department to look beyond minimum statutory and regulatory requirements and utilize an EIS to provide “a level of detail commensurate with the complexity of the action.” The DNR acknowledged the complexity of Badgerwood’s proposal by indicating that the Department will hold a public EIS scoping comment period as the first step in a robust EIS analysis process. MEA appreciates the DNR’s commitment to receiving EIS scoping comments from all interested persons.

MEA will review the Badgerwood EIS to ensure that both the EIS process and final product comply with applicable statutes, regulations, and case law. We join the list of individuals and groups that encourage the DNR to utilize the EIS scoping process and methods to comprehensively analyze the potential impacts of Badgerwood’s proposal.

Please don’t hesitate to contact MEA with questions or concerns regarding this letter or other issues relating to the proposed Badgerwood CAFO.

Sincerely,

/s/

Adam Voskuil
Law Clerk
Midwest Environmental Advocates

Tressie Kamp
Staff Attorney
Midwest Environmental Advocates

cc: Mary Dougherty, Farms Not Factories