State, feds feud over Fox proposals

A spokesman for seven paper mills says they will wait to see which has the better plan.

By Jeff Decker
News-Chronicle

MADISON — A major restoration and compensation plan for the Fox River and Green Bay is at the starting line, but disagreements between state and federal agencies may throw the plan into courtrooms for years before it sees the light of day.

The U.S. Fish & Wildlife Service and the Wisconsin Department of Natural Resources have developed...
conflicting compensation plans to pay back for damage wrought by PCBs. Six government tribal organizations have joined with the but a consensus has not been reached with the trustees of Wisconsin resources.

"We will reach reasonable damage settlements with the responsible parties to settle natural claims independent of the Fish & Wildlife unless they come to a more moderate

Secretary George Meyer said in an interview News-Chronicle.

The DNR has been negotiating with paper mill representatives on its own since "it was wouldn't find common ground (with the Fish & Service)," Meyer said. The state agency release its own compensation plan in late

Estimates of the cost of the Fish & Wildlife plan range up to $365 million. Meyer said had not seen enough data to consider his agency supporting it and compensation

DNR consultants believe the plan's formulas to be weak.

He also said the state's settlement would supersede the Fish & Wildlife plan. "If we settle the resources, then (Fish & Wildlife) couldn't claim them under their document," Meyer said.

JURISDICTION A MAJOR QUESTION Fish & Wildlife regional director William Hartwig insisted that his researchers worked "extremely closely" with DNR personnel and that the agency's plan will be executed.

"If we had figures that support a better settlement for the public" than the possible DNR settlement, "then we
would like to argue for that on behalf of Hartwig said.

If the issue of whose plan has jurisdiction question, Hartwig said going before federal be unavoidable.

"We would have to go to court, and we're do that," he said. The offer to join is Hartwig, and both he and Meyer said a cleanup would be more efficient.

Meyer stated firmly that there will be no cooperation until all relevant documents and shared, and DNR input allowed. Hartwig those documents and reports were shared, the final elements that came in the night report was officially released Wednesday.

Hartwig said jurisdictional disputes between the federal government were common. He acknowledged that the DNR generally is the trustee of all land in Wisconsin, but that situations and places where his agency is

MILLS COULD CHALLENGE SETTLEMENT
Whatever happens, the bill for compensation restoration will fall to seven paper companies (The Fox River Group) that have been declared responsible for the compensation and cleanup of 39 miles of River.

The exact cost of the compensation plan won't be project is known fully until another enormous Fox River began: The U.S. Environmental Protection Agency DNR remediation and cleanup plan for the PCBs in sediment. The more that is cleaned, the less there is to compensate, Hartwig said.
Mayer said the DNR is ready and has been waiting for the EPA for more than a year.

"I would rather see the greatest bulk of the money (the paper mills must) pay go for cleanup rather than compensation," he said.

Even if the DNR and the Fish & Wildlife Service reach a consensus, Hartwig said they could still be in court by the Fox River Group, adding that the lawsuit would be strengthened by consultants' work for Wisconsin criticizing the federal plan.

Fox River Group spokesman Tim Dantoin said they are currently very skeptical of the Fish & Wildlife procedures used to calculate damage, and to have two plans to pick from.

"We support the Wisconsin DNR as the lead trustee in this, so we'll wait and see what they put in there," he said.

GROUP DISLIKES "PILING ON" approach of Dantoin also said the federal plan's

restoring one area of nature to compensate of another is flawed.

"PCBs do not cause poor water clarity, nor do they ruin wetlands, so what this methodology asks of the public rather than the companies' criticism expected. "It's no surprise to us that the public have to pay for the conclusion disagree with Fox.

"How much can you afford of this big number?" Department of Justice accountants would sit
River Group accountants and go over their statements before a final bill is determined. Hartwig noted one of the federal plan's three main goals was to promote a stable local economy.

Bantoin said the ERH has more concern over economic stability. "I'm glad to see one of government agencies is concerned and doesn't see this as an opportunity simply to pile on every project in the region," Bantoin said.

Service include the Menomine's Indian Tribe of Wisconsin, the Oneida, Traverse Bay Bands of Odawa Indians of Michigan, the Chippewa of the Thames, the Haudenosaunee Band of Seneca Indians of New York, the Yurok Tribe, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Great Lakes Fish Management Committee, the attorney general and the EPA.