



Wisconsin Wildlife Federation

Testimony Before the US Senate Homeland Security and Governmental Affairs Committee Regarding the USEPA Waters of the United States Rule and the Clean Power Plan Rule

Chairman Johnson, thank you for the opportunity for the Wisconsin Wildlife Federation to testify before the US Senate Homeland Security and Governmental Affairs Committee on the USEPA Waters of the United States Rule and the Clean Power Rule.

Before I address those rules however, the Federation would like to thank you personally for your support for the delisting of the gray wolf in Wisconsin, your support for the State Wildlife Grant Program and your willingness to oppose the sale of federal lands in this country.

The Wisconsin Wildlife Federation was formed in 1949 and is comprised of 195 hunting, fishing, trapping and forestry related organizations in the state of Wisconsin. The Federation has a dual Mission including the support of conservation education and the advancement of strong conservation policies on a state and federal level. On a more specific level, the Federation works on policy issues related to protection of fish and wildlife and their habitat, the provision of public access for hunting, fishing and trapping, support of the Second Amendment and the shooting sports, supporting adequate conservation funding and the promotion of conservation education. The Wisconsin Wildlife Federation is a state affiliate of the National Wildlife Federation.

Waters of the United States Rule

Sportsmen and Women Strongly Support the USEPA Waters of the United States Rule

The Wisconsin Wildlife Federation is a very strong supporter of the USEPA Waters of the United States Rule. The wetlands and small waterways protected by the this rule provide the vital habitat that is so critical for the fish and wildlife that forms the basis for our members to hunt, fish and trap in Wisconsin and throughout the fifty states of this country. Our one hundred and ninety-five hunting, fishing and trapping groups in this state are not alone in this support. The Waters of the Unites States Rule has been supported by the major sporting organizations across the United States including Ducks Unlimited, Trout Unlimited, Pheasants Forever, the Izaak Walton League along with scores of other hunting, fishing and trapping organizations.

Without the protection of this vital habitat, there will be a reduction in fish and wildlife populations and a significant decline in the economic benefit to the economies of the various states and the nation. **Don't be mistaken, hunting, fishing and trapping is big business** that should be considered by policy makers and business trade organizations that opposed the rule.

Each year 40 million Americans hunt, fish and trap in the United States. Retail sales from these activities total \$86 billion with a total economic impact of \$201.4 billion supporting 1.5 million jobs. In Wisconsin sportsmen and women pay almost \$100 million just in hunting, fishing and trapping license and stamp fees and contribute voluntarily in excess of another \$50 million for conservation purposes. The U.S. Fish and Wildlife Service reports that in 2011, \$5.5 billion was spent on wildlife recreation in Wisconsin, including \$1.4 billion on fishing, and more than 3.5 million people participated in these recreation activities throughout the state. The wetlands and small bodies of water protected by the USEPA Waters of the United States Rule are as critical a part of the economic infrastructure of this state as highway, schools and forests.

The USEPA Waters of the United States Rule Does Not Place Any Significant Regulatory Burden on Wisconsin Citizens

Wisconsin is truly unique when it comes to the regulatory requirements of the Waters of the United States rule. Wisconsin already regulates the same waters and activities as does the new Waters of the United States rule. Wisconsin adopted the equivalent of the rule in 2001. The new Waters of the United States rule was the law of the land until the US Supreme Court limited the jurisdiction of the Clean Water Act in the SWANK case. Wisconsin was greatly concerned by the loss of the protection of these wetlands and was prepared to act in anticipation of the US Supreme Court ruling against the EPA. Within 90 days Wisconsin adopted a state law placing the same regulations on the newly federal exempt wetlands and that law remains in effect today. This 2001 law was strongly supported by the great majority of the citizens of Wisconsin and was passed by a Republican Senate, a Democratic Assembly and signed into law by a Republican Governor. **Therefore the USEPA Waters of the United States Rule does not place any significant regulatory burden on Wisconsin business, agriculture, utilities and forestry.** And any duplication of regulation can be prevented, as historically been done by the Wisconsin DNR and the Corps of Engineers by entering into Memorandum of Agreements and the issuance of Federal General Permits. These cooperative tools have been used for over 25 years in this state to prevent the duplication of regulation and surely can be utilized to prevent any such duplication with the new Waters of the United States Rule.

Given Wisconsin Waters Protection, why do Wisconsin sportsmen and women so strongly support the Federal USEPA Waters of the United States rule.

The members of the Wisconsin Wildlife Federation and the other sports groups supporting the Federal Waters of the United States rule have been very active in supporting the rule because our members hunt, fish and trap across all of the states and quality fish and wildlife habitat is vital for fish and wildlife populations in this states also. In addition, many of the species that we hunt and fish are migratory in nature and rely on quality wetlands and waters in neighboring states and flyways. A federal rule is necessary to protect that habitat for the benefit of all hunters, anglers and trappers in this country regardless of their permanent residence. Another important reason for a Federal regulatory program to protect the water resources protected by the Waters of the United States rule is the remote possibility that future Wisconsin policymakers might be short-sighted and ignore the support of the people for state protection of those resources and pass a law rescinding the current state regulatory framework.

Clean Power Rule

Wisconsin Cost Estimates to Implement Clean Power Rule Are Greatly Overstated

The Public Service Commission and the Department of Natural Resources have estimated that the cost of implementing the Clean Power Rule in Wisconsin is between \$4 billion and \$13 billion. The Wisconsin Wildlife Federation believes that estimate to be greatly overstated. In my forty-five year involvement in implementing new state and federal environmental regulatory programs, I have found consistently that the initialcost estimates for implementing such programs developed by those opposed to the programs have been over inflated by a factor of five to ten times.

The following are some factors which will lead to far smaller cost estimates to implement the Clean Power Rule in Wisconsin:

1. The high end of the PSC analysis range is the result of an arbitrary increase in gas prices above the Energy Information Administration forecast as well as an early closure of the Point Beach nuclear plant. An early closure of that plant is highly, highly unlikely.
2. The entire range of costs is artificially inflated because the PSC assumed that Wisconsin would use only renewable generation in Wisconsin to comply. This clearly will not be the case as Wisconsin utilities have historically used out-of-state renewable generation to comply with the Wisconsin Renewable Portfolio Standard requirements

3. The analysis is further flawed by assuming there will be no emission trading with other states and utilities. The final Clean Power Rule makes it abundantly obvious that EPA expects utilities to trade credits with utilities in other states and has made it very easy for states to write implementation plans that allow their utilities to do so.
4. The analysis only looked at the costs of the Clean Power Rule compliance and completely ignored the positive impacts that energy efficiency investments are bound to have on energy bills – the Public Service Commission completely ignored the cost benefits of the rule including health benefits.

The Use of 2012 as a Baseline for the Clean Power Rule Reductions

1. If EPA had used a 2005 baseline, but made the target more aggressive to ensure a similar environmental outcome (stringency), half of the utilities in the nation would be complaining more than they are now (the half that didn't do as much); and that would include some Wisconsin utilities.
2. With that in mind, you can recognize and reward early action in setting the target AND/OR in your compliance plan, and it will be more meaningful (for the reason stated in #1) to do so in the compliance plan. The point is that states still have the flexibility to reward early action. They can take a mass-based approach and give more allowances to utilities that invested more in renewable energy between 2005 and 2012, and less to those that didn't. That would truly reward those who took early action (unlike using a 2005 baseline to set the target but making the reductions required greater to achieve the same reductions between now and 2030).
3. Utilities are receiving the benefit of their investments in clean energy between 2005 and 2012 because if you invested a lot in clean energy then you have built fewer fossil fuel plants and your target is easier to reach because you have fewer regulated facilities that have to make reductions.

The Wisconsin Wildlife Federation thanks Senator Johnson and the Homeland Security and Governmental Affairs Committee for this opportunity to testify in support of the USEPA Waters of the United States and the Clean Power Rule.

Submitted by George Meyer, Executive Director, Wisconsin Wildlife Federation---November 12, 2015