

Oppose August 2017 Special Session Bill AB 1

Statement of Jennifer Giegerich

Wisconsin League of Conservation Voters

August 3, 2017

Good afternoon. I am Jennifer Giegerich, Legislative Director for Wisconsin League of Conservation Voters. Thank you for this opportunity to testify on August 2017 Special Session AB 1.

In Wisconsin, we take pride in a job well done. Building economic strength, creating jobs, and protecting Wisconsin's vulnerable natural resources are not mutually exclusive endeavors. We all love Wisconsin. We want Wisconsin's economy to be as healthy as its drinking water, air, lakes, and rivers.

We were surprised by the language in August 2017 Special Session Assembly Bill 1 that makes blanket exemptions for one company. A rollback of such an extreme nature is unnecessary. Wisconsin League of Conservation Voters asks legislators to get the job done right – protect their constituents' public health and water resources by rejecting the sweeping anti-conservation exemptions in the Foxconn bill.

We have three main areas of concern:

SS AB 1 Exempts Foxconn from doing an Environmental Impact Statement: An Environmental Impact Statement (EIS) gives DNR and the public a chance to see the full scope of a project and to understand how a project will impact the environment. The purpose of the EIS is not to stop or delay a project, but to understand from the beginning what issues need to be mitigated. An EIS is the main tool to identify site specific conditions that may need special attention. This prevents long-term problems with pollution in our drinking water, air pollution, and our wetlands.

The inclusion of this exemption from an EIS on page 30, line 30 states "The issuance of any permit or approval for a new manufacturing facility within an electronics and information technology zone designated under this section is **not a major action** for the purposes of s. 1.11(2)(c) (statute requiring Environmental Impact Statements). That is ludicrous when the size of the development is being estimated at 1,000 acres and Governor Walker's press release was quoted as saying, "Foxconn...represents **the largest new greenfield investment made by a foreign-based company in U.S. history.**" If there was ever a situation requiring an

Environmental Impact Statement, this is it.

SS AB 1 Allows Foxconn to fill in wetlands: Wetlands are not just habitats for wildlife, they are a critical component in protecting our drinking water. When rainwater causes pollutants and sediment to wash off our streets and fields, wetlands act as a natural filter that cleans our drinking water. In addition, wetlands are our best defense against flooding. When there's a lot of water on the landscape due to heavy rains or snowmelt, wetlands capture and store that water. This protects farm fields, basements, and roads from flooding.

There are two different kinds of wetlands. Those regulated by the federal government and those under the state laws. Wisconsin has additional protections for wetlands because we have so many smaller ones that didn't fall under federal protections, but still have an impact on our water. The ability to offset filling wetlands in southeast Wisconsin for this project by creating them at a ratio of 2-to-1 elsewhere in the state might sound good. But, it ignores the reality on the ground. Local communities and businesses will be put at risk for increased flooding. Wetlands are only valuable as water filters and flood protection mechanisms when close to the site.

SS AB 1 May Attempt to Circumvent the Great Lakes Compact: It is still unclear what the language in Section 56 on page 32 regarding providing water to a straddling community is intended to do, especially since no specific site has been identified. However, the Governor and the state legislature can't exempt Wisconsin from the requirements of the Great Lakes Compact. Any Great Lakes water withdrawals that Foxconn, or any other industry, would need still needs to follow the proper channels. Depending on that location, they would still need to get that request approved by the other Great Lakes Governors.

We want to thank the Assembly Committee on Jobs and the Economy for holding this hearing today. We ask the members of the committee to consider the message they are sending to the existing businesses and industries that are currently operating in Wisconsin after complying with the regulations that keep our drinking water safe, reduce the potential for flooding, and protect the rivers, lakes, and streams that are the basis for our recreational and sporting heritage. We can do economic development right. We urge the members of this committee to remove the blanket exemptions for Foxconn before proceeding.