



**GREAT WATERS GROUP
NEWSLETTER**

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Summer 2020 NO. 2



The scenic Kawishiwi River flows near Ely, Minn., where the pollution created by Twin Metals' plans to build an underground copper-nickel mine would disrupt local canoeing.

Boundary Waters news mixed

Legal action has brought mixed results in environmental groups' efforts to halt two large copper-nickel open pit mines that would border the pristine Boundary Waters Canoe Area Wilderness in Minnesota.

In the first case, the Minnesota Court of Appeals on March 23 struck

down the Department of Natural Resources air pollution permit granted to PolyMet for its project near Hoyt Lakes.

According to the Minnesota Center for Environmental Advocacy (MCEA) newsletter, MCEA petitioned the courts to review the DNR's decision to deny a request for a contested case hearing and to issue PolyMet a permit to mine and a dam safety permit.

Joining MCEA in these appeals were Friends of the Boundary Waters Wilderness, Duluth for Clean Water, Save Lake Superior Association, Center for Biological Diversity, Friends of the Cloquet Valley State Forest, and Save Our Sky Blue Waters.

MCEA and its allies also asked the court to throw out the rules that DNR relied on in issuing the permit on the grounds that they are so vague that they allow the DNR to do whatever it wants. In the

(Continued on page 6)

Summer Programs

The May general meeting will be conducted on Zoom from 6:30 to 8:30 p.m. on May 18. It will include a preliminary report and listening session on the Joint City County Task Force on Climate and Economic Equity. You will need to download a free Zoom file beforehand. Look for connection or registration information in the GWG e-letter.

Notes from the Chair

I hope this newsletter finds you all healthy and safe. I don't know of anyone who was around the last time a global pandemic swept the globe in 1918, so these times are truly unprecedented for us. Our medical and scientific knowledge has improved considerably in the last hundred years, but we still have many questions that remain unanswered.

Staff and volunteers at all levels of the Sierra Club have been hard at work to address the pandemic in addition to supporting outdoor appreciation and preservation. Because of the need to do our part to prevent the spread of COVID-19, Sierra Club at the national level has temporarily stopped all in-person Sierra Club activities until June 14.

It is much more challenging to fill our roles when we can only

meet electronically with one another. The Volunteer Leadership Committee has been learning to use various technologies to "meet" online. The teamwork has been impressive to me. I hope some of you were able to participate in the Virtual Earth Day Events and that many of you will be able to join us in virtual beer gardens this summer until we're able to resume in-person activities.

It's an understatement to say the pain and suffering of the victims of the pandemic has been very great. I hope by the time you receive this that we'll have seen that staying home has been able to flatten the curve and kept suffering less than it would otherwise have been. I also hope that when data comes in we'll learn that by driving less and consuming less, we've been flattening the curve of climate change and will carry that momentum forward.

Crystal Hoecherl

DNR responds to CPC concerns

Excerpted from the Clean Power Coalition Newsletter

In 2018 the Clean Power Coalition (CPC) tested the creeks, streams, and marshes near We Energies' Oak Creek coal plants and found a variety of toxic heavy metals exceeding state health standards, including high levels of manganese and boron that can be indicators of coal ash contamination. In a January letter, the CDC asked the Department of Natural Resources to conduct independent testing.

It also asked that the DNR determine if the growing coal piles near the plant exceed permit restrictions, and it expressed concern about We Energies' self-reporting of air quality.

In response the DNR wrote, "Because the results so indicate elevated levels of metals, the department intends to conduct follow-up sampling on these surface waters in an effort to identify the source of contamination and take appropriate follow-up action to the extent that a source can be clearly identified. This follow-up sampling is scheduled during the 2020 filed season (April-October 2020)."

Unfortunately, CPC was told that the coal piles aren't restricted by size or height, but that air monitoring is how any coal-pile-related issues would be flagged for DNR attention. In regard to We Energies self-reporting for permit compliance and department supervision, the DNR stated, "Under federal and state laws, the WPSDES permit program is a self-monitoring program, and testing and reporting methods and procedures are specified in state administrative code."

The Coalition extended a great thank you to Sister Janet Weyker of the Eco Justice Center for her leadership in communication with the DNR.

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Club backs new mining bill

By Rose Both, Political Chair

The Sierra Club John Muir Chapters' legislative committee has voted to support AB756, legislation repealing three state acts related to metallic sulfide mining.

Act I artificially split iron mining from metallic mining regulation under the false premise that iron found in the Penokees wasn't in sulfides and therefore deserved deregulation.

Act 81 carved out an exemption for iron mining that allowed a company to close substantial amounts of land enrolled in the managed forest law program from the public.

Act 134 repealed the "Prove It First" law for mining (AKA Mining Moratorium) and repealed other administrative rules including exempting "bulk sampling" from most protections.

Black history fete honors pioneers



Eleven activists from the Milwaukee African American community were honored as “Environmental Pioneers” by the Great Waters Group at a first ever ceremony held at the Wisconsin Black History Museum.

The honorees were (From left) Andre Lee Ellis of We Got This; Dr. Patricia McManus Ph.D.,-Black Health Coalition

of Wisconsin; Antonio Butts, Walnut Way Conservation Corps; Venice Williams, Alice’s Garden; George Martin, Peace Action Milwaukee; David Johnson, Cream City Farms; Brenda Coley, Milwaukee Water Commons; Sharon Adams and Larry Adams, Adams Garden Park; and Deneine Powell, Groundwork Milwaukee. Not pictured is Will Allen of Growing Power.

DOT report on I-43 project misleading

The Wisconsin Department of Transportation has proposed expanding Interstate 43 from Milwaukee’s Marquette Interchange to Highway 60 in Grafton, and its plans include a recently released Environmental Report and Environmental Assessment (ER/EA) that contains a great deal of misleading information.

The report covers only the first 1.5 miles of the first phase of a planned \$60 million six- phase project that involves expanding the road from two lanes to three lanes in each direction, rebuilding five existing interchanges and building a new one at Highland Road. Under the plan, the Union pacific railroad bridge over I-43 would be replaced, and a section of Port Washington Road in Glendale would be expanded from one to two lanes in each direction.

There are at least five major problems with the project and/or the report:



First, it’s been proven that adding lanes to interstates doesn’t decrease congestion. A *Congestion Con* report released by Transportation for America found that despite adding 30,511 new freeway lane-miles of road in the 100 largest urbanized areas between 1993 and 2017 delays actually increased by a staggering 144 per cent. It may be counter-intuitive, but induced demand, generally increases congestion rather than decreases it.

Second, the ER/EA fails to accurately evaluate the project’s
(Continued on page 4)

Dallet gets golf ruling wrong

By Rose BothPolitical Chair

Rebecca Dallet's statewide victory in the 2018 Wisconsin Supreme Court race was seen as a triumph for liberals. Dallet beat Michael Sorenock to win a seat on the State's highest court, but she ran against Donald Trump. Her campaign featured Trump in TV commercials that asserted "our values are under attack."

But campaigns are one thing and the business of being a Supreme Court Justice in Wisconsin is apparently another.

On Feb. 14 the Court issued a favorable decision for the Kohler Company's plans to build a championship golf course north of Kohler-Andrae State Park, using state park land to construct an entrance and a maintenance facility and destroying a magnificent beech forest and a rare dunal ecosystem in the process.

DOT report on I-43 expansion misleading

(Continued from page 3)

impacts on air quality. The DOT concludes that the project is exempt from having to perform a conformity evaluation for fine particulate matter smaller than 2.5 microns (PM_{2.5}) and mobile source air toxins (MSAT). Both exemptions are unsupported by the actual data and project scope.

The DOT claims an exemption from PM_{2.5} under 40 CFR 93.126 because the project is not adding any travel lanes, saying spuriously that the lanes in the first 15-mile section are "auxiliary lanes." Then it claims exemption from MSATs despite the fact that a legal exemption would require that the project would not have not have "significant impacts on travel patterns."

It is also worth noting that the population impacted by this section of the project is disproportionately black and low income.

Third, the report fails to evaluate the impact of the project on climate change. Governor Tony Evers, as well as the Mayors of Glendale and Milwaukee have all committed to meeting the Paris Climate Accord goals. Yet the DOT ignores the impact of this project on the ability of Wisconsin or those two cities to meet the Paris Climate Accord goals.

Fourth, the ER/EA misstates that the project is in line with the Southeastern Wisconsin Regional Planning Commission's (SWRPC) *Vision 2050* because *Vision 2050* "does not make

Justice Dallet not only voted with the majority, she wrote the decision that gave the city of Sheboygan the right to annex 247 acres from the Town of Wilson, land that belongs to Kohler. According to the *Sheboygan Press*, three out of five Town of Wilson board members oppose the golf course, as do most of its residents.

The property includes the ridge and swale wetland Kohler wants to replace with greens and golf carts. Town residents are likely to be impacted by the development as it disturbs, not only a fragile Lake Michigan ecosystem, but also a rapidly eroding shoreline.

The written decision by Dallet was based on the "rule of reason" – basically that, if it promotes the interest of the municipality seeking the annexation, it gets done. Ironically, the
(Continued on page 8)



Backward thinking has been prevalent in the Department of Transportation's cars-only approach to expanding Interstate 43.

any recommendations with respect to whether I-43 should be constructed with or without additional lanes."

However, the goals of Vision 2050 are clear. The chairman's summary of objectives are to maintain existing streets in good condition, only adding capacity strategically on highly congested roadways. It is abundantly clear from these stated objectives that needless highway expansion, which is not even usable by bicyclists or pedestrians, don't align with *Vision 2050*.

Finally, the DOT fails to evaluate the alternative of repairing I-43 along with rebuilding interchanges and bridges without adding a lane. Maintaining existing infrastructure in good repair is in line with SWRPC's *Vision 2050* and important for the safety of road users while not inducing additional demand.



Earth Day had a much different look this year, but activists were able to gather at Havenwoods for a socially distant weed-out before state parks were closed.

Photo by David Thomas

Earth Day celebration goes on-line

The fiftieth annual Earth Day passed quietly without the usual teach-ins, marches and activities seeking to repair our Mother Earth from the damage of modern technology. These were replaced by webinars, Zoom meetings and Do-It-Yourself neighborhood cleanups.

Locally, Milwaukee Riverkeeper which traditionally draws thousands

Study shows PFAS filter results aren't all the same

A study conducted by Duke University and North Carolina State University has shown that various types of filters have varying results in removing toxic perfluoroalkyl substances, commonly known as PFAS, from drinking water. While using any filter is generally better than using none, many are only partially effective, and a few if not properly maintained can make matters worse.

Key takeaways include:

- Reverse osmosis filters and two-stage filters reduced PFAS levels, by 94% or more, but further testing is necessary.
- Activated-carbon filters removed 73% of PFAS contaminants, on average, but in some cases, the chemicals were completely removed, and in others they were not reduced at all. Changing out filters regularly is recommended.
- The PFAS-removal efficiency of whole-house systems using activated carbon filters varied widely. In four of the six systems tested, PFSA and PFCA levels actually increased after filtration. Because the systems remove disinfectants used in city water treatment, they can also leave home pipes susceptible to bacterial growth.

The under-sink reverse osmosis filter was found to be the most efficient system in North Carolina, but they also cost much more than other point-of-use filters.

Summer 2020

of volunteers for its river cleanup, is going the “Do it Yourself” route. Using the hashtag #MeMyselfAndDebris, it is encouraging folks to go out on their own and post photos on social media to celebrate collective, but socially distant action.

Friends of Lincoln Park has posted a map of garlic mustard concentrations so that spring weed-outs can take that nasty invasive in their own hands and rip it out by the roots. Find it at www.Facebook.com/LincolnParkFriends.

Nationally, the Sierra Club is strongly reminding everyone to stay safe but stay involved. The administration in Washington seems to be using the panic to justify cutting back on clean air, water and energy standards.

Nationally, Earth Day and Earth Month are being used to promote virtual teach-ins and mass action around the climate strike. www.earthdayLive2020 is hosting several days of live events and calls to action that will be relevant long after Earth Day.

www.sierraclub.org/topics/earth-day provides several stories reflecting on Earth Day in a time of pandemic. So, get outdoors close to home, get online and stay active both physically and politically.

Air in Oak Creek monitored

For the past eighteen months, “PurpleAir monitors” purchased by the Clean Power Coalition have been installed in six locations near the We Energies Oak Creek Power Plant, plus one in downtown Racine. The monitors provide information in real time on the amount of particulate matter in the air, although they cannot identify the source of the pollutant.

They examine the pattern of spike periods and compare it to the data received by the air monitors We Energies uses in the area. We encourage you to check the PurpleAir Monitor map online at any time.

Coalition offers Transit vision

Wisconsinites deserve an effective, convenient and clean transportation system that connects everyone to the places they want and need to go. The state-wide Coalition for More Responsible Transportation has outlined its vision for transportation priorities that accurately reflect our citizens' needs. They include:

Connections within and between communities: No one should have to own a personal car. Our communities should be connected with safe walking and biking infrastructure, good roads and a robust public transit system. Our state and the region should be connected by a high-quality rapid transit network.

Providing a range of transportation options for everyone: A connective, effective, modern multi-modal transportation system means that all people have a variety of low- or no-carbon options – whether it's by driving, by taking public transportation, by biking, by walking, or by taking other forms of transportation.

Including everyone in planning and decision-making: A 21st century transportation system that works for everyone will only come about if we include everyone's voice in creating it. That means that public transit users – including seniors, people with disabilities, young Wisconsinites, People of Color, bus drivers and workers, and many others – must be able to shape the transportation decision-making process at the local and state level.

Redesigning our communities: Creating a better transportation system goes hand-in-hand with designing our communities to be more livable. We need to bring housing, jobs, school, shopping, health care, spiritual care and leisure closer together.

Focusing on investments that will benefit all Wisconsinites: By prioritizing investments in the walking, biking, and public transportation systems instead of continuing to prioritize widening highways, we can ensure that Wisconsin has a 21st century transportation system that benefits our environment and public health and improves quality of life in our communities.

Good news, bad news for Boundary Waters

(Continued from page 1)

appeals, MECA argued that the DNR illegally allowed PolyMet to proceed despite not knowing how the reactive mine waste generated will be prevented from causing pollution when the mine closes.

MECA also argued that DNR failed to require PolyMet to use feasible and prudent alternative methods for managing its waste that would avoid the hazards created by a poorly constructed earthen dam that is supposed to hold back a 900-acre lake of contaminated water and tailings forever.

In the second case, the Boundary Waters Newsletter reports that a federal judge in Washington, DC, sided with Twin Metals' proposal to build an underground mine near Ely.



GWG members will be enjoying beer garden events again, only the first two will be without the gardens as the gatherings go online.

Beer garden gatherings will be back, but on line

The Great Waters Group will continue the beer garden gatherings everyone enjoyed last summer, only this time we'll do the first two on-line. Because of Sierra Club rules on in-person gatherings, we're asking you to join us on Zoom and bring a picture, a T-shirt or an anecdote about the park you would LIKE to be in. And we won't get rained out!

Haven't Zoomed before? It's easy. We have the ability to use separate chat rooms to make it easier to converse. Sign up via the calendar at www.greatwatersgroup.org, and we'll email you the Zoom link and password the day before.

The virtual beer gardens will be live from 5:30 to 7 p.m. on May 14 and June 11.

We hope to do more in-person gatherings on the second Thursday of the month: July 9 and Aug. 13. Check the GWG website, Facebook page and Twitter for updates and locations. The Facebook page is @SierraClubGWG and the Twitter account is @SierraClubMKE.

Judge Trevor McFadden said the U.S. Department of the Interior did not err when it reinstated mineral leases to Twin Metals. The Trump administration in 2017 had reinstated the company's leases, reversing a decision made in the final days of the Obama administration.

A group of nine businesses – mostly canoe outfitters – then sued the Department of Interior, arguing pollution caused by the mine would hurt their businesses. Environmental groups also filed two separate, but similar lawsuits, and all three suits were eventually merged.

Friends of the Boundary Waters, one of the environmental groups that filed the lawsuit said it would appeal the case to the D. C. Circuit Court of Appeals.

Nearby Nature seeks support

Our Youth Outdoor programs had to be shuttered while we wait out the virus. This leaves two part-time staff people short on income, and we are working to make sure they can meet their basic expenses.

Our foundation funders are giving us tremendous flexibility to get through the crisis, but funds we raise from private donors offer more flexibility. For 2020, funding from the James E. Dutton Foundation will match all personal contributions up to \$10,000.

We have set up a crowdfunding page with IOBY.org. IOBY is an acronym for “In Our Back Yards,” and it supports nonprofit fundraising with lower costs than sites such as GoFundMe. Please consider contributing to Nearby Nature’s work at this link. www.ioby.org/project/nearby-nature-milwaukee

Support for Nearby Nature Milwaukee is part of the Great Waters Group commitment to environmental Justice, equity and inclusion. This work goes on in communities historically impacted by systemic and institutional racism.

COVID-19 has created a tragedy on top of tragedy. Marginalized communities are experiencing much higher infection and death rates. The cause is nothing short of the same racist system that shuns this community in so many other ways.

Anti-Bias Series for Environmentalists Still Planned

A four-week series of Anti-Bias Workshops, which grew out of “On

The Table” discussions on Environmental Justice and Equity, had to be canceled, but we still plan to hold them as soon as we can gather safely. August Ball, a recognized professional in anti-bias training, will facilitate. More than 30 people had registered, representing 15 environmental organizations, agencies and companies.

Meanwhile, some of us are participating in an online 21-day challenge for anti-racist habit-building. You can take the challenge at www.fsnequitychallenge.org. Anyone interested in participating in a weekly Zoom meeting to discuss the challenge can contact David Thomas at david@thomerwald.net.

Bill seeks CAFO moratorium

US Senator Corey Booker of New Jersey has proposed a moratorium on expanding large factory farms called CAFOs (Concentrated Animal Feeding Operations). The Farm System Reform Act of 2019 would break up monopolistic practices and hold large corporate farms accountable for environmental damage.

The bill would also phase out the largest operations through a buy-out program as well as add protections for family farmers and ranchers who can be caught in unfair predatory purchasing contracts.

Pesticides need holistic approach

Excerpted and edited by GWG from Ensia December 11, 2019

The herbicide Roundup has been a topic of discussion around the US following large jury awards to several people who claim their cancer was caused by long-term exposure to the product. Strong federal policy to protect communities from such harmful substances is lacking so local action is needed.

That action, however, should not focus on individual chemicals, which is too narrow and short sighted an approach. Instead, communities need to focus on regulating all kinds of pesticides at the local level. This sounds daunting, until you realize that there are blueprints out there from communities already taking such action.

As just one example, suburban Evanston, Ill., passed a policy in 2010 that starts with, in part, a broad statement that the city “seeks to serve as a model to the public for the use of sustainable pest management practices, including natural lawn care and integrated pest management, a well-established protocol that uses common sense practices to control pests and weeds, with the least toxic pesticide used only as a last resort.”

For full article see: https://ensia.com/voices/roundup-glyphosate-chemicals-ban-herbicides-insecticides-pesticides/?mc_cid=1341ceb05e&mc_eid=8ca03aacaf.

Summer 2020

Street design guide has flexible strategies

Excerpted from the National Association of City Transportation Officials Website

The Wisconsin Department of Transportation has maintained that bicycle and pedestrian projects aren’t eligible for funding because they’re not aligned with current plans or design criteria. The argument is that tax dollars shouldn’t be spent on a mishmash of non-integrated plans and designs.

But the answer to that argument could be contained in the Urban Street Design Guide, a publication that provides flexible, but coordinated ideas and standards for streets, intersections, and controls, as well as interim design strategies that at least give consideration to travelers not in cars.

Nine states have endorsed the standards cited in the guide, and they all look as if they were adopted administratively. For example, Utah’s endorsement simply states “The Utah Department of Transportation (UDOT) will include the guide in our Acceptable Standards for Project Design Policy and Project Delivery Network as an additional resource for reference in city street design.”

See <https://nacto.org/publication/urban-street-design-guide/> for more information.



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Dallet disappoints with golf ruling

(Continued from page 4)

only justices who made any objection were staunch conservatives Rebecca Bradley and Brian Hagedorn, both of whom voted with the majority but felt compelled to raise some issues. Bradley pointed out that this “rule of reason” idea is not statutory, and Hagedorn noted that the “rule of reason” is a tricky one. What seems reasonable today may not be so reasonable tomorrow.

Exactly. The question is, once the beech forest and the rare plants are gone, replaced by rolls of sod, diesel-spewing mowers, Round-up to keep the greens green, and a big old club house and parking lot, with a few reeds popping out of a dune here and there for atmosphere and design detail, will the golf course plan still seem “reasonable”?

Is it reasonable to chop down a beech forest to build yet another golf course when the company already has three in the area? Is it reasonable to tout the jobs another golf course will bring to the area when employers in Sheboygan already have more openings they can fill – openings for skilled jobs like welders and machinists, not for college kids on summer break making eight bucks an hour joyriding on lawn mowers?

And is it reasonable to build another attraction in Sheboygan that will draw thousands of cars on weekends – through what was once a pristine State Park, mind you – when Sheboygan County already has some of the worst ozone levels in the State?

I think somebody needs to sit down with Rebecca Dallet and ask her what the word “reasonable” means.

We must take into account the role that forests and wetlands play in climate regulation and in our spiritual, economic and physical health. According to the recently released Wisconsin Statewide forest Action Plan, forests provide a unique opportunity to address climate change because they have the ability to work as carbon sinks, meaning they can offset about 11 per cent, annually, of the total greenhouse gas emissions in the US.

Donald Trump, meantime, seems to feel that forests and other wild lands are just so much empty space that needs to be developed in order to give it value. It is disappointing to discover that Rebecca Dallet’s values are not so different from Trump’s after all.