



**Earth provides enough to satisfy every man's needs,
but not every man's greed. ----Mahatma Gandhi**

Waukesha County Environmental Action League E-Newsletter October 2017

WEAL continues to await judge's ruling on West Waukesha Bypass

Nancy Gloe

Well we knew it would be an uphill slog and we weren't wrong. On July 11, 2017 our suit against the Wisconsin Department of Transportation (DOT) and the Federal Highway Administration, regarding the West Waukesha Bypass (WWB), went to "summary judgment hearing." We and our attorneys from Meyer, Glitzenstein and Eubanks (public interest law firm) were there. Unfortunately, it doesn't matter how damaging the project will be to the environment or the local community, or how much local opposition there is. Our arguments were reduced to a few ways in which the DOT's

Environmental Impact Statement did or didn't follow the National Environmental Policy Act (NEPA)...procedural stuff, and the rationale that Judge Lynn Adelman used when he ruled in our and the Hwy J Group's favor in the Hwy J lawsuit from a few years back.

Our attorneys did the best they could with their arguments but, after the hearing was over, they told us that this judge, Judge Pamela Pepper, is known for "deference." By that they meant she usually sides with the local elected officials who approved the project. Not great for our case.

We continue to await the judge's ruling, for better or for worse.

There is, however, another interesting development going on

with respect to the south part of the bypass that you may have heard about...

Originally, the WWB plan included a bridge over the Wisconsin and Southern Railroad (WSR) tracks. For those of you familiar with the area, these are the tracks just south



of the Glacial Drumlin Trail at Merrill Hills Road (Hwy TT). At some point during the DOT planning process, presumably to save costs, the bridge disappeared. WSR has, apparently, a problem with this. There are currently only a couple trains that use the tracks each day and the train speed is only about 10-15 miles per hour. WSR has stated that they plan to use the tracks at least

three times more than that in the next couple decades and they plan to triple the train speed. It is also important to note that when the four-lane road is built, it will cross the tracks at a 45 degree “skewed” angle. Train safety experts are on record as opposing a 45-degree angle crossing because it has dangerous blind spots, especially to trucks and busses (school busses!). The four-lane road will also cross the tracks at a different location that would restrict “coupling and decoupling” and other railroad operations. It would also make routine maintenance activities more dangerous (track maintenance staff are, supposedly, not allowed to put the gates down during their work activities).

At this point, the Wisconsin Commissioner of Railroads and an

administrative law judge have sided with the railroad although the commissioner continues to look into the issue.

Further, there is the issue of the adjacent Glacial Drumlin State Trail.

This is already a bad crossing for trail users, especially when well-meaning motorists stop to let trail users pass. DOT plans to put in an underpass for trail users.



he DOT has admitted, however, that the underpass will be frequently flooded due to its proximity to Pebble Creek. Trail users would then need to cross the four-lane road with only the help of road stripes. During the public

comment period, WEAL submitted comments on behalf of trail users and a “grade-separated crossing.” We continue to be skeptical about DOT’s assertion that the new road will be safer than the old one, especially if you consider all those impacted.

Four-lane bypass advocates complain that a grade-separated crossing will add 10 million dollars, or some such number, to the road’s cost (the bridge would need to span Poplar Creek, the Glacial Drumlin Trail and the railroad tracks) although this figure remains in dispute. They also claim that it could delay completion of the project by up to four years.

In any event this is a serious hot potato.

A final decision is expected in early October 2017.

Water diversions everywhere and not a radium-compliant drop to drink—not until 2023 . . . maybe

Laurie Longtine

It certainly appears that the City of Waukesha will get its much yearned-for

water diversion from Lake Michigan.

In June 2016, the Great Lakes Council (of



Governors) approved Waukesha’s diversion request, though

at a significantly reduced amount of 8.2 million gallons per day (mgpd), compared to the 10.1 mgpd it wanted. Most of that “extra” water was for the extended water service area, which encompassed the entire Town of Waukesha, parts

of the townships of Genesee and Delafield, and part of the City of Pewaukee. The Great Lakes Council severely reduced the water service area as well, cutting it back to the current service area, essentially the City of Waukesha. As it should be. All of the towns said they didn't need the water now or in the foreseeable future and, anyway, townships lack the infrastructure to obtain city water if a need arose.

However, the Great Lakes Council did write in its "Findings" that Waukesha lacked a reasonable source of potable water which is a basic standard in the Great Lakes Compact. WEAL with its regional and statewide partners, argued that Waukesha didn't meet this very basic threshold of need.

This is why, in this writer's opinion, the Great Lakes Compact has failed its first test and the Great Lakes Council of Governors has failed to uphold the most basic of standards in the Compact: establishment of need.



I fear the political process and political pressure from those who weren't at the table influenced the process and ultimate decision. Wisconsin Governor Scott Walker and Michigan Governor Rick Snyder, two Republican governors in neighboring states, had worked together on other issues, namely limiting the rights of public workers and unions to organize and collectively bargain. I believe, but we'll never know for sure, of course, that Walker reached out to Snyder and asked him to support the diversion. From there it went to Snyder's representative on the Great Lakes Council, an attorney named Grant Trigger, who worked very hard to justify Michigan's 'yes'. Trigger pressured other states that were wavering for various reasons—Minnesota and New York in particular—into also voting 'yes.' It likely went something like this: "You don't want to be the only hold-out." "This won't set a precedent. Waukesha's case is unique." "Your governor won't want the inevitable lawsuit." And "If your state should ever need water, Wisconsin will remember this and

veto your diversion request."

This is why the first test of the Great Lakes Compact failed: It failed to protect the resource from the politics.

A bright light in this murky storm is this: the public roared. So many of you—in Waukesha County and around the Great Lakes region—wrote letters, attended hearings, testified, and supported WEAL's and the Compact Implementation Coalition's efforts to oppose this unnecessary and environmentally-damaging diversion. It was truly overwhelming. Eleven thousand comments were generated at the state level (when Wis DNR was making its decision whether or not to pass the application onto the regional level) and 35,000 comments were generated (97% opposed) again when the matter went to the Great Lakes Council.

People care about their Great Lakes, the greatest source of freshwater on Planet Earth. They are willing to speak out,

"A bright light in this murky storm is this: the public roared."

stand up and support strong protections for these incredible resources at our doorstep.

Please do not tire of raising your concerns and your voices. Our governments are ignoring us for now, but there is a future beyond, a future in which our voices will once again be heard, our votes counted, and our concerns considered and attended to.

Hang on until then. Keep the faith.

WEAL and its state and regional partners continue to monitor the permitting process and ensure that Waukesha meets its permit requirements. There is still time and opportunity to make a

difference. Not a single permit has been issued yet. The Public Service Commission (PSC) has not even approved the project yet.

Meanwhile, we continue to build the record of Waukesha's big and little misleadings of the public and public agencies.

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Stay in touch with the latest developments on this website: www.WEAL.org and the Compact Implementation Coalition website: www.ProtectOurGreatLakes.org

Postscript on Waukesha's water Diversion

(This update arrived just before newsletter's press time.)

On Tuesday October 3, the Waukesha Common Council met for nearly an hour in closed session to discuss negotiations on a water deal that would bring Lake Michigan water to the city.

Oak Creek and Milwaukee have submitted bids, but to date, Waukesha hasn't committed to either as it continues to evaluate which deal is better for the city.

Following the meeting, City Administrator Kevin Lahner said he didn't anticipate a decision on the water agreement for at least another two or three weeks. Currently the focus is on evaluating both proposals and costs associated with them.

Waukesha has until 2023 to meet a federal requirement to reduce

the radium concentration in the city's water supply.

Source: Waukesha County NOW October 11, 2017

Single-Use plastic bag bans expand across the globe

Charlene Lemoine

Plastic bag bans have been enacted around the world. Some programs completely ban plastic



bags while others charge a fee per bag. Although

programs can be structured differently, they all aim to limit single-use plastic bags.

Plastic Bag Use in the USA

More than 100 billion single-use plastic bags are discarded annually in the United States. Very few get recycled.

Municipal recycling programs do not generally accept plastic bags because they wrap around sorting machinery and cause breakdowns at recycling facilities. Most plastic bags are landfilled or incinerated. Plastic bags litter roadways, rivers, streams and oceans and become a significant

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threat to marine life, birds and other animals.

Bag Restrictions in the USA and US Territories

Plastic bag bans have been enacted by many municipalities across the USA. In Massachusetts, 47 communities have some type of bag ban. In the state of Washington, one county and 13 cities have plastic bag restrictions.

In July 2017 Seattle launched a ban prohibiting all retail stores from providing single-use plastic carryout bags, including bags labeled “biodegradable” or “degradable.”

Additionally, retail stores must charge a minimum of 5 cents for paper bags 882 cubic inches or larger. Seattle has also banned plastic straws and plastic utensils at businesses selling food or drinks. Compostable, or recyclable, options must be offered.

Although the plastic straw and utensils ban is

not effective until July 2018, more than 200 businesses have already stopped using them.

Chicago initially enacted a ban based on bag thickness and retailers avoided the ban by offering thicker bags. Since the ban did not meet Chicago’s expectations to limit plastic bag use, a fee-based program was introduced. A recent study, commissioned by Chicago, states the city’s 7 cents per bag fee reduced plastic and paper bag use by 42% in the first month after the fee was imposed in February 2017.

States have also taken action. California enacted a statewide program that bans single-use plastic bags and also charges 10 cents for a reusable plastic bag or a recycled content paper bag to encourage reusable bags. In Hawaii, every county enacted a ban which effectively bans single-use plastic bags statewide by 2020.

The US territories of American Samoa, Puerto Rico and the US Virgin Islands have also enacted various limitations on plastic bags.



Bag Restrictions Across the Globe

Denmark, Ireland, England, Italy, Wales, Scotland and Germany have some type of restrictions or fees already in place. The European Union has a goal of reducing plastic bag use by 80% by 2019.

In Africa, 15 countries ban, or charge a fee, for plastic bags. In August (2017) Kenya enacted the most stringent plastic bag restrictions in the world. Anyone in Kenya selling, manufacturing or even carrying a plastic bag can face up to four years in prison and more than \$38,000 in fines!

In Asia, various restrictions on plastic bags have been enacted in Bangladesh, Cambodia, India, Indonesia, Malaysia, Taiwan and Hong Kong.

Several Pacific island nations have also enacted, or are considering, restrictions on plastic bags. In August 2017 Fiji enacted a 10-cent fee on plastic bags.

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Wisconsin moved in the opposite direction and "banned" bag bans

In 2016, Governor Walker signed AB 730 which prohibits local governments from enacting restrictions to regulate the commercial use of plastic bags. Additionally, the law does not allow fees or surcharges to be placed on plastic bags, or other auxiliary containers such as cups, bottles or other packaging.

Similar laws have been approved in Arizona, Idaho, Michigan and Indiana. A 2008 Florida law prohibiting bag bans was recently found to be "unconstitutionally vague." In May 2017, Coral Gables was the first city in Florida to ban single-use plastic bags.

In Wisconsin, our anti-bag-ban law will either have to be overturned or a statewide ban enacted. In the meantime, avoid single-use plastic bags by taking reusable bags with you when shopping.



**Take action
buckthorn cutting
work party**

Nancy Gloe

Are you frustrated? Or grumpy? Well, given recent events, so are we. Let's do something about it!!!

Please join us in taking out our collective frustrations on some buckthorn on City of Waukesha parkland which is the gateway to the Glacial Drumlin State Trail.

This area is high quality, primary environmental corridor (next to a river) and it was previously an oak savannah. The beautiful burr oaks are still there but they are being choked out by buckthorn which will, eventually, out-compete and kill the oaks unless we do something about it.

What: A buckthorn-cutting work party.

When: Thursday October 26th from 3-5 pm

Where: City of Waukesha EB Shurts Environmental Education Center. When you get to the Shurts Center, head over to the City's trail which connects to the Glacial

Drumlin Trail. You'll find us just before the bridge.

Bring: Work gloves and a hand saw, if you have one. Call Nancy at (262) 832-4573 for questions or additional information.

Obituaries

Richard M. 'Dick' Franz

July 10, 1915 -
February 12, 2017

"The challenge to each of us is to become kind and compassionate to those around us."

On April 29, a "celebration of life" was held for our dear departed friend Dick Franz. Many WEAL members, friends and family were present. Others marched at the Climate Change March in Washington, D.C., an action which he'd heartily approve.

Richard M. Franz, "Dick" died on February 12, 2017 at the age of 101. Despite great personal loss, he lived an extraordinary life that continues to positively impact the lives of others.

He was born in Milwaukee, graduated from North Division High School, and later from Milwaukee State

Teachers College majoring in Art and English. Dick was a proud veteran of the United States Army Corps of Engineers and Army Corps Mapping Unit during World War II. At age 100, he boarded an Honor Flight to the World War II memorial in Washington, D.C.

He married Maxine Hipkoe in 1944 and they had two children, Erich and Emily. Both preceded him in death as well as his only sibling, Edwin.

After Emily died in a tragic car accident in her early 20s, Dick and Maxine started three local chapters of the Compassionate Friends to help bereaved parents cope with the loss of a child. They also established the Emily Franz Scholarship Fund to grant college scholarships to graduating seniors of Shullsburg, Wisconsin, where Emily had taught fourth grade.

Dick and Maxine helped start the New Berlin Ecology Association that was an early promoter of household recycling in Waukesha County. In 1978, he co-founded the Waukesha County Environmental Action League (WEAL), still

going strong at nearly 40 years of age.

Dick generously supported many causes and organizations about which he was passionate: Environmental Defense Fund, Greater Milwaukee Foundation, Peace Learning Center, Planned Parenthood, Plowshare, SHARP Literacy, Urban Ecology Center, Waukesha County Land Conservancy, WEAL, Waukesha Public Library, and Women's Center of Waukesha.

Dick was an avid reader of non-fiction, typically reading several books at once. He was always ready to engage friends in energetic discussions about the books and other topics. He wrote frequent "Letters to the Editor" published in the Waukesha Freeman and the Milwaukee Journal advocating for innovative ideas to create a better community and world.

Throughout his life, Dick opposed war, nuclear testing, and the House Un-American Activities Committee. He marched for peace, for civil and women's rights, for social justice. Dick and Maxine were active in the United Nations Association, Waukesha Chapter. They were awarded the YWCA's Peacemaker

Award in 1997. In 2015, Dick was honored with Plowshare Center's Peace builder award for his commitment to social justice, peace and environmental sustainability.

An avid bicyclist, Dick regularly biked 60 - 80 miles several times a week in retirement, even riding from New Berlin to Retzer Nature Center for WEAL meetings. For his 100th birthday, he canoed the Milwaukee River.

He will be greatly missed by all of us in WEAL and the many people whose lives he touched in the most profound ways.

Ken and Maxine Leenhouts

Ken and Maxine Leenhouts were the founders, with Jerri Osenga, of the Waukesha County Environmental Action League on September 11, 1978. Its first focus was generally on "land use." This was in response to the increasing expansion of sprawling large-lot subdivisions where there had been farms.

Ken was the initial president from 1978 to 1981. During that time the name (abbreviated WEAL) was decided on

and an array of topics were addressed by various committees: land use, wetlands, farm preservation, rustic roads, political action, and others. Open WEAL meetings featured local and state leaders, but with an emphasis on County officials and committees.

WEAL has continued pressing on the same issues since those early years. County government has increasingly favored development over preservation of natural resources. (In recent years state government has joined in.) Lately WEAL has attempted to slow highway expansions as well as continuing all of its initial areas of involvement. The Leenhouts family led WEAL as it started and the group has been agitating on environmental issues ever since.

Ken's death in March 2006 and Maxine's in July of 2017 saddened us. We are grateful to them for their vision in helping to start a local, grassroots organization that can take on local challenges that affect the environment around us and our quality of life. Thank you, Ken and Maxine! The beauty of the natural world that

you helped to preserve is a fitting tribute to you both.

On the National Scene

What Trump has undone

President Trump has repeatedly argued that he's done more than any other president. That's not true as measured by the amount of legislation he's been able to sign. It is true, though, that Trump has *undone* a lot of things that were put into place by his predecessors. Since January 20, Trump's administration has enthusiastically and systematically undone or uprooted rules, policies, and tools that predated his time in office. Below is a partial list of environmental changes.

1. Blocked the Clean Power Plan. The plan implemented under Obama **focused** on reducing greenhouse gas emissions from power plants. **In October, The Post reported** that the administration would **seek to repeal it entirely.**

2 Ended a study on the health effects of mountaintop-removal mining. The process involves blasting away the tops of hills and mountains to get at coal seams under the surface.

3 Rescinded a rule mandating that rising sea levels be considered when building public infrastructure in flood-prone areas.

4. Reversed an Obama ban on drilling for oil in the Arctic.

5. Reviewed the status of national monuments for possible reversal or reduction. In April, Trump signed an executive order **ordering** a review of monuments added in the past 20 years, opening up the possibility that some areas previously set aside would have that status revoked. **In August, Interior Secretary Ryan Zinke made formal recommendations** to the president.

6, Withdrew a rule regulating fracking on public land.

7. Announced plans to reconsider controversial protections for the sage grouse in western states. The bird's habitat has been reduced as sagebrush has been removed in places that are being developed, often for oil and grass drilling. While not officially endangered, conservation groups worry about the sage grouse's fate.

8. Postponed an EPA rule that would have had chemical plants better evaluate and inform the public about possible safety issues. This decision, made in June, drew new attention after Hurricane flooding led to an explosion at a facility near Houston.

9. Rejected a proposed ban on the pesticide chlorpyrifos. The month after this decision, a group of farmworkers was sickened by exposure to the chemical.

10. Reversed a ban on plastic bottles at national parks.

Repealed a ban on lead bullets. The bullets were banned under Obama because the lead can poison wildlife.

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13. Rescinded a limit on the number of sea animals that can be trapped or killed in fishing nets.

14. Delayed and potentially rolled back automotive fuel efficiency standards.

15. Repealed the Waters of the United States rule. This rule expanded the definition of water

bodies that were protected by the Environmental Protection Agency.

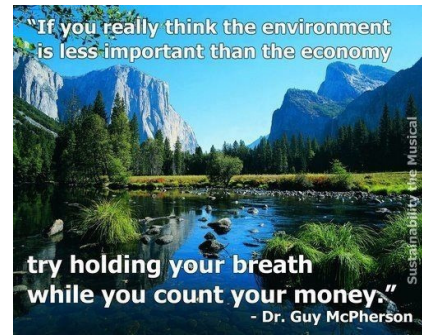
16. Ended a rule banning dumping waste from mining into streams.

17. Reversed a rule banning hunting bears and wolves. The ban applied to federal refuges in Alaska and prohibited hunting predators using certain methods.

18. Repealed a rule that would have overhauled the federal land management process.

19. Removed a bike-sharing station at the White House.

Source: Washington Post
October 6, 2017



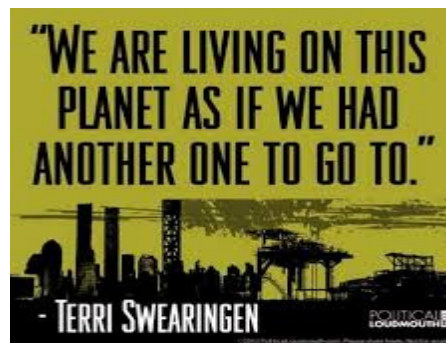
I don't want to protect the environment,



I want to create a world where the environment doesn't need protecting.

facebook.com/OfficialOlaBeliku

@OlaBeliku





Waukesha County Environmental Action League
Invites you to attend their
Annual Meeting Event November 9, 2017, 7pm
Retzer Nature Center
S14 W28167 Madison St, Waukesha, WI

Foxconn deal raises array of environmental questions

Speaker: Matt Dannenberg
Wisconsin League of Conservation Voters



Foxconn Technology Group's plans for a sprawling manufacturing facility pose an array of environmental challenges. This short list is only part of the problem:

- Handling of polluting chemicals: zinc, cadmium, chromium, copper, benzene
- Discharge of materials into wetlands
- Impact of plant size on the surrounding watershed
- Filling lakebeds to create more land and reroute streams during construction and operation without obtaining permits from state regulators
- Daily withdrawal of 10-13 million gallons of water from Lake Michigan

Matt will also discuss Sulfide Mining legislative battle + DNR Manure Spreading rules/Factory Farms + 2018 Elections

JOIN US FOR AN EVENING DISCUSSION OF THESE ISSUES FACING WISCONSIN

Learn more about WEAL at: www.WEAL.org