



Waukesha County Environmental Action League Protecting Waukesha County's Natural Resources since 1978.

E-Newsletter April 2024

“If every day were Earth Day, we wouldn't be in the mess we're in.” deGrasse Tyson

Planet vs. Plastics: Earth week theme 2024

Rose Reinders

Researchers have discovered that humans inhale 22 million micro and nanoplastics annually through food, water, and air. This is one reason why Earth Day April 22, 2024, is focused on Planet vs. Plastic.

Pervasive plastic pollution, its production and consumption, is a national and global challenge which affects our health, our homes, families, our lands, companies, oceans, waterways, etc.

Since its invention in the 1800s, plastic, which was once considered a great benefit to all, has become a major worldwide threat. Sources show that one of the biggest threats is climate change because plastics are basically produced by fossil fuels. From microplastics to rocket ships, plastic has become part of our lives whether we like it or not. A key effort is to identify carefully the role plastic plays in our individual lives: shopping, cooking, working, entertaining, etc. We can then take steps to move forward with reducing, reusing, and recycling in those areas that we specifically identify.

The second key effort is to identify areas in the community that are most affected by plastic pollution. By focusing on a few key areas, we can take action to remedy the problems in those areas. The third and most challenging effort is to work with companies and lawmakers on national and global issues through education, letters, meetings, marches, fundraising, etc.

Everyday actions are powerful statements that can be used to combat plastic production and consumption in our world. These changes are motivational efforts for us and others to move forward in our fight.

For 100 ways to reduce plastic pollution:
www.myplasticfreelife.com/plasticfreeguide



Contested case hearing on St. John's Bay transient pier scheduled: June 17-21, 2024.

Fay Amerson

Since March of 2023, WEAL has taken ACTION to object to the placement and use of a transient pier proposed by the city of Delafield in St. John's Bay, a State-designated sensitive area on Nagawicka Lake, Waukesha County. Because of its location in a state-designated sensitive area of Nagawicka Lake, the placement of the pier structure requires the approval of a WDNR Individual Waterway Protection Permit. WEAL requested a public information hearing on the City's waterway protection permit application. The public informational hearing was held on March 27, 2023. WEAL members and city of Delafield residents testified against this pier, citing the negative impacts this structure and its use would have to the fish and wildlife habitat, and conflicts with paddlers using the bay for non-motorized recreation.

Unfortunately, the WDNR issued permit coverage to the City to place the pier structure in St. John's Bay. Undeafated, the local residents organized and formed the Defenders of St. Johns Bay Organization. WEAL and the Defenders of St. John's Bay commenced collaboration to oppose the funding and the permitting of this pier structure.



WEAL and the Defenders of St. John's Bay petitioned the WDNR, formally appealing the WDNR's decision to issue the waterway protection permit to the City of Delafield to place a transient pier in St. John's Bay, a sensitive area on Nagawicka Lake. The WDNR forwarded the appeal petition to the Wisconsin Department of Hearings and Appeals. The appeal will be heard in a contested case hearing conducted by Administrative Law Judge Kristin Frederick.

- **Contested Case Hearing Dates: June 17-21, 2024.**
- **Contested Case Hearing Location: Room 151 at the Lee Sherman Dreyfus State Office Building, 141 NW Barstow Street (west building entrance) in Waukesha, Wisconsin.**

Public Comment Period: Members of the public will be allowed to offer sworn comments and testimony for the record at the outset of the hearing on Monday, June 17, 2024, at 1:00 p.m.

Public comments will be limited in time and **limited in scope to the issues identified below:**

1. Whether Permit Application IP-SE-2022-68-02139 met the standards set forth in Wis. Stat. § 30.12(3m), or whether any additional permit conditions are necessary to protect the public interest in Nagawicka Lake.
2. Whether the proposed pier and boat slips constitute a reasonable use of the riparian property.
3. Whether the City of Delafield has granted any riparian right in land to St. John's Northwestern Academy contrary to Wis. Stat. § 30.133.

WEAL, the Defenders of St. John's Bay, and the Public are limited to present sworn testimony and evidence on any of following public interests and rights the WDNR did not consider in their decision to approve the City's application and pier construction plan:

- Public right to **navigate** Wisconsin waterways.
- Public right to **protect fish and wildlife habitat** in Wisconsin waterways.
- Public right to **protect water quality** in Wisconsin waterways.
- Public right to **recreate** in Wisconsin waterways, including **fishing, swimming, boating, hunting.**
- Public right to the **enjoyment of scenic beauty** in Wisconsin waterways.

WEAL and the Defenders of St. John's Bay argue that these undisputed public rights and interests will be impacted by the construction and the use of a transient pier structure in the state-designated sensitive area on Nagawicka Lake, as proposed by the City of Delafield.

- **The proposed permanent pier structure and the boats moored at its slips will cover the near shore habitat, impacting fish and wildlife in St. John's Bay. The near shore habitat is a vital area for fish and wildlife for feeding, cover and rearing.**
- **The proposed pier will lure motorized boats into the shallow St. John's Bay, disturbing, scouring and distributing the bottom sediment deposits into the water column, releasing phosphorus and reducing water clarity. Reduced water clarity impacts swimming and site-feeding fish species.**
- **The metal structure will interfere with the enjoyment of scenic beauty with its shiny metal surface against the woody shore cover.**
- **The use of the proposed pier by transient boats motoring in-and-out of St. John's Bay will result in importing and colonizing of invasive aquatic species, such as starry stonewort, into St. John's Bay, resulting in a shift of the current healthy native plant community to a nuisance invasive plant community.**



WEAL argues that the WDNR did not consider the CUMULATIVE EFFECTS OR IMPACTS of their decision to issue the pier permit to the City of Delafield.

“Cumulative effects” means compounding effects resulting from repeated or other proximal actions, activities or projects.

The WDNR must consider cumulative public interest impacts of piers and boat slips on the shores of navigable waters when evaluating a pier permit application, as outlined in Wisconsin case law. Allowing the proposed transient pier in the St. John’s Bay sensitive area increases the likelihood for more or larger piers and a greater number of boat slips on similarly situated properties and similar construction..

Detrimental cumulative impacts which would be reasonably expected to occur include reductions in densities of native aquatic plants and associated adverse impacts to fish spawning and nursery areas, and adverse impacts and conflicts with motorized and non-motorized lake-based recreation resulting from such piers.

Following the hearing, Administrative Law Judge Kristin Frederick, will consider the hearing record and exhibits, sworn testimonies from the public and expert witnesses, State Statutes and Administrative Rules and case law. The Judge can approve the permit as issued by the WDNR, deny the permit, or issue the permit with additional conditions.

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More about St. John’s Bay: St. Johns Bay is located on the southwestern area of Nagawicka Lake, which is a high-quality lake covering more than 950 acres and is designated as an “aquatic area of statewide importance or greater.” Nagawicka Lake supports endangered, threatened, or “special concern” species, as defined by the WDNR. Five *Sensitive Areas* have been identified and mapped on Nagawicka Lake by the WDNR, including the St. John’s Bay Sensitive Area. These sensitive areas exhibit special importance biologically, historically, geologically, ecologically and even archaeologically. Sensitive areas with aquatic vegetation commonly offer critical or unique fish and wildlife habitat, including life-cycle critical feeding, refuge and life-stage requirements.

More about the Proposed Pier: The city proposes to place a 6-slip transient pier in the St. John’s Bay, a state-designated sensitive area. Five of the boat slips will be available to the general public. One slip will be dedicated to the exclusive use of St. John’s Bay Academy. The pier will be permanent and will not be removed during the off-season. The pier will be made of shiny aluminum material and the deck planks will not have any gaps and will be impervious to light penetration in the near shore habitat. The City proposed no restrictions on the use of the pier, nor are there any navigational routes to the pier through the shallow bay. The city of Delafield pitched a “wait-and-see” respond when asked about the use of the pier.

More updated Contested Case Hearing information can be found on the Defenders of St. John’s Bay Website: <https://stjohnsbaydefenders.com>

Contact Fay Amerson with your questions or comments about WEAL’s participation in this Contested Case Hearing: famerson@mac.com



WEAL Board welcomes new member

Mary Hiebl

Sandy Klingensmith, a recently retired mechanical engineer, joined the WEAL Board at the



March 2024 meeting. Having grown up in Colorado and spending her youth in Colorado's high country in the winter and summer, she comes equipped with first-hand experience in nature. Sandy lives that experience by having as her goals water conservation, native landscaping, sharing plants with others, reducing waste, observing nature and maintaining a small footprint on this planet. She, with the help of her husband, rewilded about ½ acre of their New Berlin property. A favorite hobby is gardening, even attempting organic gardening. Being in nature allows her to keenly observe bugs and plants.

Sandy has volunteered to focus on WEAL's website: posting info, updating and prioritizing content, and reorganizing the site for easy access and navigation.

WEAL sponsors *Sand County Almanac* reading

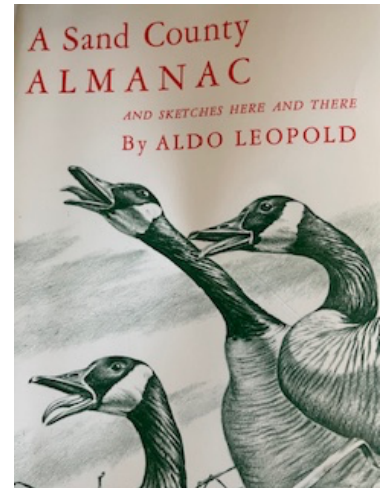
Mary Hiebl

WEAL, partnering with Waukesha County Land Conservancy (WCLC), sponsored a reading of Aldo Leopold's *Sand County Almanac* on March 2nd at the Calhoun Creek Prairie Preserve in New Berlin. The 5-7p fireside reading was part of a statewide project of reading from Leopold's *Almanac* during the first weekend in March.

The event began with a background overview of Yale graduate Aldo Leopold including his entry into the US Forest Service, his professorship of wildlife ecology at UW-Madison, the purchase of 80 acres of 'dead' land along the Wisconsin River near Baraboo which he purchased for \$8/acre, the rehabbing of the land, and the restoration of the famous, still-existent Shack, which was the hub of family activity. Anecdotal musings from *Stories from the Leopold Shack*, written by his youngest daughter Estella, augmented Leopold's life.

After background, the group read the Forward to the *Almanac* followed by excerpts: The Good Oak, the Geese Return, Prairie Birthday, Substitute for a Land Ethic, plus If I were the Wind.

This year is a milestone of anniversaries related to Leopold. For starters, *A Sand County Almanac* is celebrating its 75th publication anniversary. Further, this year marks the 100th anniversary of the Gila Wilderness Area, the world's first designated wilderness. The area was formed based on Leopold's visionary proposal and has led to the National Wilderness Preservation System. And 2024 is the 25th anniversary of community



reading events in Wisconsin honoring the book. The first was held in Lodi.

In 2004, the Wisconsin state legislature designated the first weekend in March *Leopold Weekend in Wisconsin*. This year marks the 20th anniversary of that formal recognition.



Participants enjoy a spring sunset at the bonfire while listening to readings from *Sand County Almanac*.

SAVE THE DATE--April 24,7pm.

WEAL.org

**Breaking up
with plastic
is hard to do!**

**Dr. Marissa Jablonski.
Executive Director
Freshwater Collaborative of Wisconsin**

marissajablonski.com



Dr. Jablonski is an accomplished environmental advisor and plastics-reduction expert whose work has touched more than 45 countries. A goal of hers is to reach as many people as possible in the realm of plastics reduction and policy change.



We're surrounded by plastic: plastic straws, plastic bags, plastic packaging, plastic bottles---plastic everywhere. Dr. Jablonski will offer plastic-free pocket guides and a catalog of eco-alternatives to break free from plastic.



You are invited to join WEAL

April 24,2024 7pm

New Berlin Public Library

Community Room

15105 Library Lane

Dr. Marissa Jablonski's exciting and interactive presentation on single-use plastics will motivate you to take a deep look at your plastic footprint, encourage you to reassess your needs and seek more sustainable options.

Marissa has an ability to connect with her audience by weaving personal anecdotes and scientific data which makes her an incredibly effective speaker.

Marissa's passion for her work is contagious

Come join us!