Over the past decade, record rainfall has taken a toll on communities across Wisconsin. From Coon Valley to Darlington, Green Bay to Madison, and Mazomanie to the Town of White River, severe storms and flooding have led to property damage, lost homes, and even loss of life. In recent years, flooding has also had negative impacts on Wisconsin’s environment, including the destruction of wildlife habitat and drinking water contamination.

Increasingly extreme weather events highlight the urgent need to develop greater climate resilience. Resilience is a term used by ecologists to describe the capacity of an ecosystem to resist damage and to recover. Similarly, our ability to prepare for, recover from, and adapt to severe storms and other impacts of climate change is called climate resilience.

At MEA, we are working to ensure that policy makers and elected officials protect public health and the environment by making climate resilience a priority at both the state and local levels.

At the local level, updating stormwater ordinances can be an important part of developing flood resilience. Madison revised its stormwater ordinance in 2020 to require that any new development be able to handle heavier rainfall events. Other Wisconsin communities have updated their floodplain ordinances. In Waukesha County, any authorized fill in the floodplain must be compensated one-to-one by replacement of floodplain storage capacity.

At the state level, statutes and administrative rules dealing with stormwater and floodplain management also need to be updated. Most references to rainfall events in Wisconsin’s administrative codes are based on historic data rather than rainfall projection models. These gaps allow serious flood loss to take communities by surprise.

Finally, equitable flood resilience must become a policy priority. As with many natural disasters, the damage caused by flooding is often inequitably distributed. Some community members may be more at risk because of income inequality, decreased mobility, or for other reasons. Communities must plan for the needs of those individuals and ensure that everyone has the opportunity to participate in the planning process.

These changes would lay the groundwork for meaningful and long-overdue action to address the impacts of climate change on Wisconsin communities and build greater climate resilience.

A version of this article originally appeared on the website of the State Bar of Wisconsin. To read the full article, visit https://bit.ly/2POXVKI.
A Message from the Director
Tony Wilkin Gibart

Dear Friends,

We hope you and your loved ones are safe and well. 2020 was a challenging year for many, but the continued generosity of MEA supporters fueled progress on a range of environmental issues. In the coming year, MEA will continue to lead important efforts to protect drinking water from PFAS contamination, challenge the proposed construction of a new portion of the Line 5 pipeline, and reduce nitrate pollution in rural areas of the state.

I know our attention is pulled in many directions right now, but I truly believe the period immediately ahead of us will be pivotal for protecting public health and advancing environmental justice in Wisconsin. Thank you for standing with us and with others around the state who are defending the rights of all people to live in a clean and healthy environment.

Tony

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2020 FINANCIALS

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<th>REVENUE</th>
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<td>Supporting Activities:</td>
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<td><strong>Total Expenses</strong></td>
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REVENUE

- Contributions 31%
- Fees 3%
- Grants 66%

EXPENSES

- Fundraising 13%
- Management & General 10%
- Program 77%
MEA ARGUES CASE BEFORE WISCONSIN SUPREME COURT

On April 12th, MEA Senior Staff Attorney Andrea Gelatt presented oral arguments before the Wisconsin Supreme Court in a key environmental case. The case was brought by residents of Kewaunee County who were concerned that a water pollution permit issued to Kinnard Farms, a large concentrated animal feeding operation (CAFO), did not do enough to protect surface water and groundwater.

Our clients are asking for two modest permit conditions to protect their water: (1) a requirement that the farm monitor groundwater quality in areas where vast amounts of manure are spread on agricultural fields and (2) a cap on the number of cows allowed under the permit. In 2014, an administrative law judge agreed that these conditions were reasonable and could be included in Kinnard Farms’ water pollution permit, but after years of appeals, our clients are still waiting for the modest groundwater protections they asked for.

Unfortunately, special interest groups and Republicans in the Legislature have joined the farm in fighting these modest clean water protections every step of the way. In doing so, they are advancing arguments that would significantly weaken DNR’s authority to protect clean water and public health across Wisconsin. If the Court accepts their arguments, communities throughout the state would be vulnerable to the same kind of regulatory failure that led to Kewaunee County’s drinking water crisis. Although legal disputes about the authority of DNR may seem academic, neighbors of Kinnard Farms know firsthand that the outcome of these cases should be of concern for all of us who care about public health and clean water.

IMPROVING WISCONSIN’S METALLIC MINING RULES

Over the past year, MEA has collaborated with Tribal and grassroots partners to successfully advocate for improvements to Wisconsin’s metallic mining rules. The new rules, approved by the Natural Resources Board in January, add clarity, strengthen environmental protections, and increase opportunities for public participation.

There is still a lot of work to be done, however, to repair the damage that was done in 2017 when the Legislature rolled back regulations for one of the world’s most polluting industries. Since that time, MEA has supported efforts at both the state and local levels to achieve better mining regulations. In February, Rhinelander became the latest Wisconsin municipality to pass a local resolution opposing metallic mining. Rhinelander joins a growing list of municipalities that have taken a stance against mining and have asked lawmakers to repeal the 2017 law.

Oneida County residents Eric Rempala and Karl Fate are committed to educating their community about the dangers of metallic mineral mining. They are currently working to encourage more local municipalities to pass anti-mining resolutions. “We’re working on getting more local power, more voices heard, but we know it’s a long process,” says Eric, pictured at right. While making the connections that grassroots organizing requires can be time-intensive, it is critical to building lasting support for the environmental safeguards that protect our communities.
DEFENDING WISCONSIN’S PUBLIC TRUST DOCTRINE

A proposal to construct a private restaurant on the top floor of the Bradford Beach Pavilion on Milwaukee’s lakefront has raised concerns about public rights. MEA is working to ensure that officials reviewing the project understand how commercial developments can conflict with the public’s right to access the lakefront under Wisconsin’s Public Trust Doctrine. The project also raises important questions about the way equity and inclusion should guide the use of Public Trust lands. The public means all of us, and officials have an obligation to ensure that public beaches remain equitable and inclusive spaces.

PROTECTING RURAL DRINKING WATER FROM AGRICULTURAL POLLUTION

In late 2020, MEA attorneys submitted a formal request to the Department of Natural Resources on behalf of more than 200 Crawford County residents who are asking the agency to prepare a full Environmental Impact Statement (EIS) before issuing permits for the construction of a massive hog confinement facility overlooking the Kickapoo River. Jeff and Sue Robinson, who graze cattle on farmland near the proposed operation, are among those who requested an EIS. “Here in Crawford County, groundwater is our only source of drinking water,” says Jeff. “Spreading massive amounts of liquid manure over fractured bedrock could easily contaminate this precious resource.” The Robinsons and other local residents are awaiting the DNR’s decision.

Meanwhile, the DNR is in the process of developing new manure spreading rules aimed at reducing nitrates in Wisconsin’s groundwater. The new rules would apply to areas of the state—including much of southwest Wisconsin and the Central Sands—where groundwater is particularly vulnerable to pollution. They are modeled on similar rules put in place in 15 eastern Wisconsin counties in 2017. The DNR is currently asking the public to weigh in on the draft rules and the accompanying economic impact analysis. We expect there to be additional opportunities for public input this summer.

BUILDING ENVIRONMENTALLY JUST TRANSPORTATION SYSTEMS

The Wisconsin Department of Transportation (WisDOT) is seeking federal approval to resume a project to expand and rebuild I-94 in Milwaukee. Together with other environmental and civil rights organizations, MEA is urging authorities not to expand the highway, but to invest in public transportation and infrastructure improvements instead.

The current I-94 expansion plan would increase our dependence on cars, add to greenhouse gas emissions, disproportionately hurt Milwaukeeans of color, cause significant harm to surrounding neighborhoods, and reinforce a pattern of long-standing neglect of public transit.

Thanks to pressure from environmental and social justice advocates, including Midwest Environmental Advocates, WisDOT recently announced it will seek additional public input and study the negative environmental impacts of the project before proceeding. Milwaukeeans—and all Americans—deserve a transportation system that works for everyone. Our collective efforts are making a difference by moving Wisconsin toward transportation policies that are more environmentally and socially just.

“We call on WisDOT to develop an alternative that rebuilds the highway without adding lanes and provides benefits to lower income communities of color equal to the benefit that will be provided to affluent white communities. And we call for that same racial equity in terms of the many jobs that will be created and access to transit alternatives for those without cars.”

-Rev. Joseph Jackson, Milwaukee Inner-city Congregations Allied for Hope
IT'S TIME TO TEST ALL MUNICIPAL DRINKING WATER FOR TOXIC PFAS CHEMICALS

Despite the risks to our health and to the environment, our legislature has done little to protect Wisconsinites from PFAS contamination. Even worse, it appears that some lawmakers are actively working to undermine the limited regulatory measures that DNR has so far attempted to take. In recent months, procedural maneuvers have repeatedly been used by lawmakers to block portions of an emergency rule that would protect people and the environment from the toxic health effects of PFAS chemicals in firefighting foam.

While we support DNR’s ongoing efforts to regulate PFAS through the rulemaking process, the process will not be finalized for years. Meanwhile, an untold number of people will continue to drink contaminated water. We believe the people of Wisconsin have a right to know if their drinking water is contaminated with toxic chemicals so they can protect themselves and their families from exposure. That’s why MEA is partnering with other environmental advocates, public health professionals, and others to create #PFASFree Wisconsin, an advocacy campaign designed to build a broad base of support for testing all public drinking water systems in Wisconsin for the presence of PFAS.

As part of this effort, we’ve created a website that helps individuals reach out to local water utility operators and public officials to ask that their municipal water supply be tested. The campaign will be launched in May. Learn more at www.midwestadvocates.org/pfas-free.

DONOR IMPACT >

INVESTING IN THE FUTURE OF ENVIRONMENTAL LAW

MEA’s clerkship program draws law students from top law schools across the country and creates real-world training for tomorrow’s environmental leaders. During their time at MEA, clerks are introduced to a wide spectrum of environmental issues, and they gain a deep appreciation of the practical application of legal principles while assisting Wisconsinites who face environmental threats in their communities.

We are thrilled to announce that three named clerkships have been established with gifts from the following generous individuals:

THE JOHN C. BROGAN ENVIRONMENTAL LAW SUMMER CLERKSHIP established by Gisela H. and Anja N. Brogan

THE TESCHENDORF-DERHEIMER ENVIRONMENTAL LAW SUMMER CLERKSHIP established by Glenn Teschendorf and Mary Anne Derheimer

THE MATT AND LUKE SUMMER ENVIRONMENTAL LAW CLERKSHIP established by Bill Lynch and Barbara Manger, with generous support provided by Ryan Mallery and Margarete and David Harvey

These generous individuals have an extraordinary impact by investing in a public interest law career that will continue for years into the future. We are grateful for their support!

Growing up on the West Coast, I loved the outdoors. In college, I was involved in grassroots organizing, but I never considered a career in environmental law until 2018. That year, California experienced the deadliest fire in its history. I was working as a journalist at the time, but witnessing the devastation of the Camp Fire led me to reconsider what I wanted to do with my life. I’m now a first-year law student at the University of Colorado. I sought out a clerkship with Midwest Environmental Advocates because of MEA’s focus on grassroots advocacy. The opportunity to clerk at MEA will be invaluable as I begin my career as an environmental attorney.

-Sean Wagner-McGough
John C. Brogan Environmental Law Clerk
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Katherine Houston
Dan Howlett

We are so grateful to the generous donors who make MEA’s work possible. Your support helps ensure a healthy environment so that future generations can thrive and allows us to provide much needed legal services to people facing environmental threats today. Thank you!

-Susan Davidson, M.D., Board President