

2017 Vol. 3

RIVER CURRENTS A Quarterly Publication of Milwaukee Riverkeeper

ESTABROOK DAM IS FALLING DOWN!

Milwaukee Riverkeeper is so excited to see the Estabrook Dam removed in 2018! For nearly a decade, we have advocated for removal of the dam because we know its a detriment to the health of the Milwaukee River.

We know removing the dam will mean massive improvements in water quality. Oxygen levels will increase and temperature levels will drop. Fisheries and wildlife will return.

We know removing the dam is the best decision for the community. Flood risk for people upstream of the dam structure will decrease. The risk to public safety in the case of dam failure and portaging around the dam for recreationists will go away.

Milwaukee Riverkeeper has been tirelessly advocating for and watchdogging the issues surrounding Estabrook Dam since 2008. With your help and the help of community partners and stakeholders, we paved the way for the right decision for the Milwau-

kee River and the Milwaukee community to be made: **removal of the Estabrook Dam.**

Thank you for:

- continuing to show up and speak up at public hearings, county board meetings, common council meetings,
- for making phone calls to your elected officials,
- for signing our petition, and
- for writing hundreds of letters and emails to decision makers.

Your continued public input has turned the tides on what has largely been an environmentally and economically unsound position to repair the dam. The Estabrook Dam is a failing, 80 year old structure that, as it stands, represents an outdated approach to managing our natural resources. Removing it represents a willingness and commitment to meet our current and future environmental challenges in sustainable and healthy ways. Removing the Estabrook Dam is a major step towards restoring our rivers to a condition where we can swim and fish in them.

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WELCOME!



Jennifer Bolger Breceda | Executive Director

Dear Friend of the Rivers.

Significant change and uncertainty define 2017. Many safeguards that, for years, ensured clean water for future generations are being torn apart and dismantled with even more planned and in the pipeline. These major changes to vital state and federal water protections create uncertainty for our collective clean water future. But our hope and inspiration is you – our loyal supporters! Your unwavering commitment and support keeps us engaged, driven, and determined. We asked you to monitor, to cleanup, to learn, and take action by writing, calling and showing up. We know that when we ask, we can count on you to answer.



We asked you to Protect our three rivers.

You answered by volunteering to monitor the baseline health of our three rivers at more than 100 locations throughout our Milwaukee River Basin once every month from May through October. We targeted emerging water quality issues, such as road salt application and pharmaceutical contaminants, and you showed up to help. We started monitoring for mussels at 25 locations to better understand long-term water quality health of our river basin and you continued to volunteer your time.



We asked you to Restore our three rivers.

You answered by showing up by the thousands. Our 22nd Annual Spring River Cleanup was RECORD BREAKING with more than community members removing 100,000 pounds of trash from 55 locations and our first-time partnership with Rock the Green to throw a zero-waste after party. We launched our new Adopt-A-River Program which will help us keep our rivers clear of trash all year long and more than 45 individuals and groups stepped up to participate.



We asked you to Connect with our three riv-

You answered by registering and selling out our summer events on the water. We grew our guided paddles, educational workshops, and partnerships, and, with your help, we doubled the number of people we connect to our rivers through new and different ways.



We asked you to Advocate for our three riv-

You answered by writing more than 4,200 letters to elected officials and government agencies. You stopped the rollback of federal clean water protections, like the Clean Water and Drinking Water Safe Revolving Funds. We launched a brand new advocacy leadership program called River Defenders and we know you are ready take action at a moment's notice.

Undergoing change is a defining characteristic of rivers. In fact, flowing and moving forward is the only way a river stays healthy. Now, we need your help to keep us moving forward. Donate:

- \$1,000 to help us encourage 1,000 Milwaukee River Basin community members to take action to defend clean water,
- \$500 to register 500 more volunteers for our 23rd Annual Spring River Cleanup (Saturday, April 21, 2018),
- \$75 to help us connect 75 more people to our waterways next summer,
- \$50 to continue to monitor the more than 50 phosphorus monitoring sta-
- \$35 to become a member and support swimmable, fishable rivers all year round!

Patti McNair

Mike Sauer

Brian Spahn

Catherine Mercuri

To healthy, flowing rivers,



Jennifer Bolger Breceda









Abby Kuranz, M.S.

New Mussel

Monitoring Program

Twice the Summer Event

RIVERKEEPER **WATCH**



In this edition of our Riverkeeper Watch, I highlight a few of the current challenges we are facing at the federal state, and local levels. We are facing unprecedented some would existential, threats to some of America's most important environmental laws, including the Clean Water Act, as well as collaborative efforts to protect the Great Lakes and other iconic waterways and public lands.

Protect Waters of the US

Milwaukee Riverkeeper joined with many others in opposing the Trump Administration's proposal to delay the 2015 Clean Water Rule (aka Waters of the US Rule) by more than two years by retroactively adding an applicability date to the final rule. We have urged the EPA and the Army Corps of Engineers to immediately withdraw this latest misguided proposal and to implement the Clean Water Rule as soon as they are authorized to do so in order to protect streams, wetlands, and drinking water supplies across the country. We also oppose the Administration's future plan to replace the 2015 Clean Water Rule with a weak version that would only protect "navigable in fact" waters. which could lead to removal of

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bedrock to alleviate flooding and facilitate development.

Estabrook Dam built as New Deal Era public works project to raise water levels upstream after the Army Corps of Engineers straightened the river and blasted bedreck to allowing and facilitate development. (1937 - 2018)

After decades of neglect and deferred maintenance, Wisconsin Department of Natural Resources (DNR) cites Milwaukee County for several safety and maintenance violations and orders repairs.

After a severe rain event, DNR orders Milwaukee County to open gates and drawdown the impoundment (pool of water resulting from the dam) to protect public safety because the County neglected to address safety and maintenance violations; DNR orders more repairs.



Milwaukee County misses deadline to inform DNR of plans to repair or remove the dam; Milwaukee Riverkeeper sues Milwaukee County for failure to operate and maintain the dam in good working condition creating a public nuisance condition.

Milwaukee County releases report assessing cost of removal at \$2 million and cost for repair at \$12 million (including 20 years of operation and maintenance); DNR formally orders Milwaukee County to repair or abandon (remove) the dam calling the structure a "danger to life, health,

> Milwaukee County Circuit Court rules in favor of **Milwaukee Riverkeeper** declaring the dam a public nuisance; DNR extends Milwaukee County's deadline to repair or remove the dam from 2012 to 2014.

and property."



Milwaukee County changes policy to removal facing increasing cost estimates and misses DNR's deadline for repair or removal again; DNR extends deadline (again) to 2016.

Despite recommendations provided by Milwaukee Riverkeeper, other environmental experts, and County staff to remove the dam, restore the river, and save taxpayers millions of dollars, the Milwaukee County Board votes to repair the dam and insufficiently allocated \$2 million for repair and sediment removal.



Milwaukee County Finance Committee changes the policy back to repair in a budget amendment without proper notice to the public of the issue and vote; Milwaukee Riverkeeper sues the Milwaukee County Finance Committee for failing to properly notice the public in advance of taking up the issue of repair or removal of the dam effectively excluding the public from the decision-making



Milwaukee Riverkeeper sues Milwaukee County for appropriating public funds to repair the Estabrook Dam for a select group of private riparian property owners under the public purpose doctrine.



DNR releases an Environmental Impact Statement that does not consider dam removal; Milwaukee Riverkeeper sues the DNR for failing to evaluate all alternatives.

Milwaukee County Executive, Mayor of Milwaukee, Metropolitan Sewerage District (MMSD) announce plan to remove the dam.

MMSD plans to start construction on the Estabrook Dam; Milwaukee Riverkeeper plans to continue to restore the Milwaukee River and celebrate its continued revitalization.





MMSD purchases the dam from Milwaukee County; DNR grants MMSD permit to remove the dam; Milwaukee Riverkeeper settles or withdraws lawsuits regarding open

meetings and EIS.

RIVERKEEPER WATCH (Cont.)

federal pollution safeguards to intermittent, seasonal, and rain-dependent rivers and streams, as well as tens of millions of acres of important wetlands. If we want to protect big rivers and waters, like the Great Lakes, we also need to protect the smaller streams that flow into them and the wetlands that buffer them.

Protect Our Wetlands

The State Legislature has proposed to remove protection for over one million acres of wetlands that are "non-federal" or not protected under the Clean Water Act (which the Clean Water Rule was meant to address). If new revisions to the Clean Water Rule are passed by the Congress, even more State wetlands could be at risk. Wetlands filter out pollutants and sediment, provide vital fish and wildlife habitat, and minimize flooding. There is still time to contact your State Legislators and urge them to protect non-federal and "isolated" wetlands and vote against LRB 4115/1 & LRB 4410/1.

Protect Our Federal Great Restoration Pro-Lakes grams

Milwaukee Riverkeeper has also been advocating with our Great Lakes partners for full funding for the Great Lakes Restoration Initiative (GLRI) in the next Federal budget, which appears to be on track for receiving \$300 million for water quality, fisheries, and habitat improvements. We remain concerned about steep cuts in the Federal budget for EPA, NOAA, and other Federal agencies that help implement the GLRI as well as the Coastal Management Program. Please continue to contact

2016 Milwaukee River Basin receives a D+, down from a C- in 2015

Our 7th Annual Milwaukee River Basin Report Card is here! Every year, Milwaukee Riverkeeper provides details about the health of the Milwaukee River Basin's three rivers (the Milwaukee, Menomonee, and Kinnickinnic) with the help of an ever-growing group of engaged citizen scientists, university researchers, and partnerships with key government agencies. Milwaukee Riverkeeper staff analyzes data collected by more than 100 volunteer water monitors, the Milwaukee Metropolitan Sewerage District (MMSD), the Wisconsin Department of Natural Resources (WDNR), and Ozaukee County Parks and Planning Department's Fish Passage Program and then compares data to state and federal water quality standards and guidance to assign watersheds letter grades based on how frequently the data meet those standards. Milwaukee Riverkeeper averages results from eight water quality parameters including 1) water temperature, 2) dissolved oxygen, 3) pH, 4) turbidity, 5) phosphorus, 6) chloride, 7) conductivity, and 8) bacteria. Here are some of our top

TOD TAKE AWAYS

TOP TAKEAWAYS	
NEGATIVE TRENDS	POSITIVE TRENDS
The same parameters – phosphorus, bacteria, specific conductivity – drive the below average grade year after year.	Significant progress has been made to remove sediment contaminated with PCBs in Cedar Creek.
The entire basin received a B+ for chloride, but targeted monitoring showed high concentrations in winter months, indicating major impact from road salt application.	All of the watersheds, except the Kinnickinnic River, received fair to good community health scores based on a biotic index, which measures aquatic animals and organisms that live in our rivers.
All of the watersheds and subwatersheds received an F for specific conductivity, or the measure of the amount of charged particles in the water, but the exact cause(s) is difficult to pinpoint. (More pollut- ed streams generally have higher conductivity.)	Total Maximum Daily Loads, which outline water- shed-wide plans to ratchet down the amount of phosphorus, bacteria, and total suspended solids, were submitted to the Environmental Protection Agency (EPA) by the Wisconsin Department of Nat-

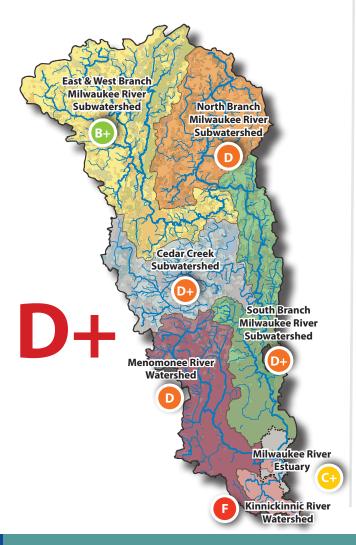
Our monitoring data show the same parameters control the grade year after year. Phosphorus and bacteria enter our rivers and streams most often from agricultural land use in rural areas, while polluted stormwater runoff, treated wastewater, and leaky infrastructure are often the sources in urban areas. If we want to see improvement in water quality across the Milwaukee River Basin, we need to directly address these problem pollutants. The good news is the DNR submitted plans to the EPA for approval that aim to address these pollutants. Milwaukee Riverkeeper will take an active role in implementing the TMDLs in 2018.

ural Resources (DNR). Implementing these plans

aims to improve water quality.

Milwaukee Riverkeeper also uses the Report Card to identify potential problems and opportunities in our watersheds, and to provide an easy-to-understand snapshot of where government, researchers, and citizens can most effectively advance policy measures and protections to better achieve swimmable, fishable rivers. The Report Card helps determine where in the watershed action is most needed to reduce pollution levels and to improve water quality and aquatic habitat. The overall grade provides a nice snapshot of overall river health from year to year, but what's unique about our Milwaukee River Basin Report Card is how we break down the overall grade by geography and pollutant. This way we can target problem areas and specific pollutants with local solutions and policies that are tailored to the community. People connect with our river is a variety of ways. Creating a shared understanding of river health throughout our Basin is important to empower decision-makers and community members to take action together. You can view Milwaukee Riverkeeper's 2016 Milwaukee River Basin Report Card online at:

http://milwaukeeriverkeeper.org/2016-milwaukee-river-basin-report-card/



Advocacy In **Action**

Waukesha Water Diversion

It has been a few months since the Great Lakes St. Lawrence River Basin Water Resources Council (Compact Council) heard arguments challenging their initial approval of the City of Waukesha's application to divert Great Lakes water. In that time, the City of Waukesha has taken several steps towards implementing and constructing its "diversion project". The Regional Body and Compact Council changed Waukesha's original application, in large part due to the THOUSANDS of public comments they received, to include a reduction in the service area it is allowed to supply water and the amount of water it will be able tem to the Great Lakes. While this to divert from Lake Michigan.

We continue to have serious concerns about the plans for returning the diverted Great Lakes water via the Root River and through the City of Racine. These concerns have only deepened since the approval of Waukesha's application and implementation of the project which now includes the expanded sewer service area, adding more quagga mussels) from entering water and pollutants from outside of the Great Lakes basin to the return flow.

We continue to have serious concerns regarding Waukesha's lack of implementation of its water conservation plan, which would decrease the amount of water Waukesha would need to divert from the Great Lakes.

Most recently, the City of Milwaukee decided to partners to challenge the settlesell water to the City of Waukesha. We continue to have concerns about the lack of transparency around this process and hope that the public will be invited to participate soon.

We are also concerned with the current application process as completed by the City of Waukesha. The Regional Body and Compact Council are Environmental Advocates in Madreviewing the process and will be seeking public input in the near future. Stay tuned for more information!

RIVERKEEPER WATCH (CONT.)

your Federal Legislators about your support for the Great Lakes and EPA. There is a concern that even with full funding, our agencies will be unable to implement important projects, policies, and permitting required for most restoration projects.

Protect Our Great Lakes from Asian Carp and Other **Aquatic Invasive Species**

Milwaukee Riverkeeper is also supporting retrofits to the Brandon Road Lock and Dam to help minimize passage of Asian carp from the Mississippi River sys-Army Corps supported project is not foolproof, it will minimize passage of aquatic invasive species to the Great Lakes. We still need a permanent "two way" solution, which would stop invasive species entering the Great Lakes from the Mississippi Basin and stop invasive species from the Great Lakes (e.g. the Mississippi Basin.

Protect Our Waters from **CAFO Runoff**

Lastly, Riverkeeper has joined a legal action with several other state ment between the Dairy Business Association and Wisconsin DNR that weakens DNR's efforts to address runoff from calf hutch facilities and vegetated treatment areas from large Confined Animal Feeding Operations (CAFOs). We are being represented by Midwest

BECOME A BUSINESS MEMBER, TODAY!

Business members receive special recognition and acknowledgment of your support on our website, our quarterly newsletter, social media and more!



SIGN UP TO RECEIVE MILWAUKEE RIVERKEEPER ACTION ALERTS

Sign up and stay up to date with all of the important issues that affect our waterways! You'll receive emails from our staff members letting you know the best action to take and when, so together we can make a difference in the protection of our waters. Take action to help Milwaukee Riverkeeper ensure a future where all people can enjoy clean drinking water and fishable, swimmable rivers. Email abby@milwaukeeriverkeeper.org to sign up!

STAY ALERT! When you see our Take Action Now logo, milwaukee RIVERKEEPER you know it's time to ACT!







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Thank You to Our 45 Adopt-A-River Program Participants!

We officially finished our very first season of the Adopt-A-River Program and the numbers are in! In our first year, 45 groups adopted 19 river miles and held 26 cleanups around the Milwaukee River Basin. We removed over 2,860 pounds of trash and connected 332 volunteers to our rivers. We repaired wild-life habitat, inspired new river lovers, and filtered garbage and debris from our three rivers. To put it simply, we made monumental breakthroughs.

The Adopt-A-River Program is essential to restoring our waterways. Adopt-A-River events give us a chance to remove more trash than ever before. We are not only cleaning our riverbanks, we are revitalizing waterways. Thank you to all of our first year Adoptors for helping us work for swimmable, fishable rivers for future generations!

Our Adopt-A-River Program is generously funded by Milwaukee Metropolitan Sewerage District. Visit www.milwaukeeriverkeeper.org/adopt-a-river to learn more!





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