

Midwest Environmental Advocates

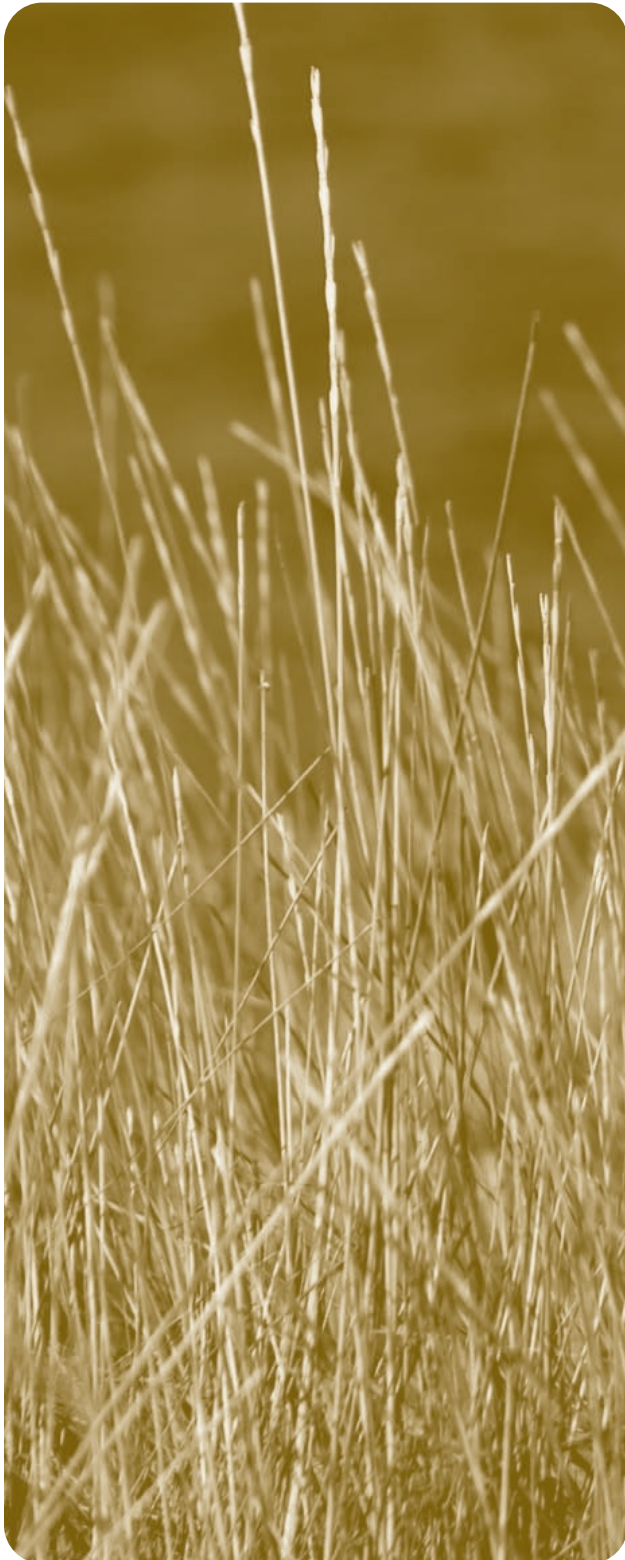
2005 ANNUAL REPORT



THE VISION TO SEE CORN AS TALL GRASS



THE VISION TO SEE CORN AS TALL GRASS



What It Takes to Restore the Tall-Grass Prairie

Dozens of eight-year-olds collecting
thimbleweed, yarrow, dodder, aster,
sweet joe pye, rattlesnake master... .

Three months to gather the plants.

Five weeks to clean the seed
in the Dane County Parks garage.

Dancing feet that press umbels
of Golden Alexander until
they drop grains on a dust-gray tarp.

An off-season nursery owner
with a push-broom, sweeping up
chaff. Retired mechanics

in surgical masks, running
the fanning mills—ancient Clippers
bought cheap at auction from
farms gone to developers.

Farm wives with plastic bags,
hay-forks, and chippers.

Scales to weigh milk vetch
and compass plant. Sharpies
to mark purple coneflower
on lunch bags full of clean seed.

Wayne, who's in charge.

Louise, who recruits volunteers.

Girl Scouts who come in the spring
to scatter the seed on the ground.

**The vision to see corn
as tall grass**, prairie as park,
the past in the future,
our mark on the wilderness.

Judith Strasser



THE VISION TO SEE CORN AS TALL GRASS

Dear Friends,

The faces you see throughout this year's Annual Report are the people of vision who make up Midwest Environmental Advocates: staff, board, volunteers, clients, donors, and the beneficiaries of our work.

The vision to see corn as tall grass is the clarity and optimism needed to restore land and community.

At Midwest Environmental Advocates we have the vision to turn environmental problems into opportunities for positive change. We combine community organizing and education with litigation and lobbying for clean air, clean water, and clean government. As you read through our Annual Report (September 1, 2004–August 31, 2005), we hope you too are inspired to turn your vision of a better world into a reality.

Thank you for being part of the progress.

Arlen Christenson
President, Board of Directors



Melissa K. Scanlan
Founder and Executive Director





In 1999 a small group of dedicated people formed Midwest Environmental Advocates, Inc. (MEA) to provide legal, organizing, and technical assistance to groups fighting for clean air, clean water, and clean government.

MEA's mission is to provide high quality legal services that support a diverse, grassroots social movement; build local leadership; and implement innovative solutions to environmental problems.

In addition to direct legal representation, MEA also connects groups with the 44 attorneys and experts who have joined our Advocacy Network and have agreed to provide free or reduced fee services. Additionally, through MEA's Impact Litigation Fund, we have expanded environmental groups' access to excellent legal representation by providing a one-third matching grant for cases that have the potential to set an important legal precedent.





BUILDING LOCAL LEADERS AND EDUCATING THE PUBLIC

"Midwest Environmental Advocates taught our group how to protect our creeks. We learned we could take on the most powerful polluters and special interests in Wisconsin—and win."

Russ Tooley, President, Centerville Citizens for Air, River, and Environmental Solutions

Midwest Environmental Advocates is laying the foundation for long-term change by providing the tools to build the leadership skills of grassroots activists throughout the state. Our unique advocacy combines community organizing and education with litigation and lobbying. Our goal is to teach people how to speak for themselves.

BUILDING LOCAL LEADERS

Midwest Environmental Advocates provided legal and community organizing advice to several local groups this year. When the city of Sheboygan, Wisconsin needed a site to build a new police station and firing range, it targeted historic Sheridan Park for its new location. Concerned that the destruction of Sheridan Park, located in a low-income neighborhood and used primarily by children of color, would leave the neighborhood children with nowhere to play, the Friends of Sheridan Park turned to us for help.

After creating signs, hosting park events, generating massive attendance at City Council meetings, circulating a petition to change the city's zoning ordinance to protect the park, and turning the park into an electoral issue, the community group successfully persuaded the City Council to preserve the park and find a new site for the police station. Even more exciting, one member of the group won a seat on the City Council and another became the first Latino mayor of Sheboygan.

GETTING ACTIVE IN YOUR COMMUNITY

When the DNR failed to take seriously its responsibility to conduct a thorough environmental review of a proposed 9,000-cow livestock factory within a half mile of Lake Michigan, local residents were there to enforce the law.

Representing the grassroots group, Centerville CARES, on December 8, 2004, Midwest Environmental Advocates filed a lawsuit challenging the DNR's finding that the expansion of Maple Leaf Dairy to up to 9,000 cattle near the shore of Lake Michigan would have no significant environmental impacts. This lawsuit was necessitated by the DNR's refusal to fully evaluate the air and water quality impacts of the expansion plans. The court agreed with us and ruled that the DNR's review was inadequate and unreasonable.

Our efforts on this lawsuit resulted in the DNR significantly changing the water pollution discharge permit for the facility. The changes include the DNR prohibiting the application of liquid manure on frozen and snow-covered ground and limiting the amount of manure that Maple Leaf Dairy can spread on the land during all other times of the year.

USING CITIZEN-GATHERED DATA TO IMPLEMENT THE CLEAN WATER ACT

One of the biggest barriers to protecting and restoring Wisconsin's rivers and lakes is the lack of water quality monitoring data available to the DNR to justify its regulatory and cleanup decisions.

We convinced the DNR that citizen-monitoring data can be used for other regulatory purposes in implementing the Clean Water Act, such as for preparing Wisconsin's Water Quality Report to Congress, in setting the designated uses for rivers and lakes, and in preparing Total Maximum Daily Loads. The DNR set forth this new policy in its "Water Resources Monitoring Strategy for Wisconsin."

In addition to coordinating a joint DNR/Citizen Monitoring Pilot Project with one of our client groups, Centerville CARES, we provided a legal analysis to the DNR that shows the DNR's efforts are in step with national trends. It is this combination of collaboration and community organizing that moved Wisconsin forward in engaging citizens to implement basic regulatory requirements under the Clean Water Act.

EDUCATING THE PUBLIC

Communities can solve environmental problems with access to information and advocacy training. One way Midwest Environmental Advocates educates the public is through speaking at events and gatherings.

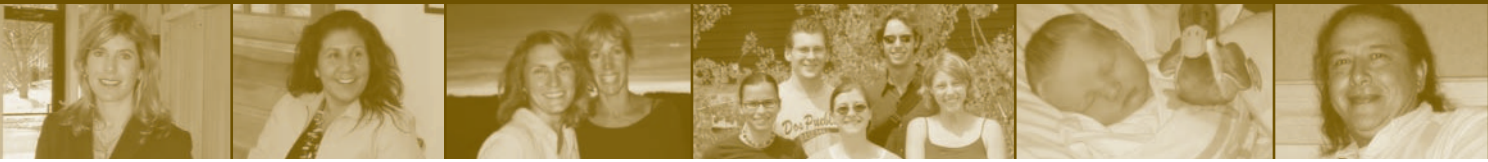
We continued to organize support for the Northwoods Hundred Healthiest Rivers Campaign Petition. For example, Staff Attorney Andrew Hanson was a featured speaker at a grassroots event to recognize the Flambeau River in northern Wisconsin. The DNR formally responded to the rulemaking petition when it announced in a press release in August 2005, that it would propose new protections for some of northern Wisconsin's most pristine rivers.

We also made multiple presentations to groups on Great Lakes water diversion and conservation issues. We educated the public on these topics in venues ranging from the U.S. Panel of experts, sponsored by the University of Toronto and Michigan State University, to the Public Policy Forum's "Solving the Water Puzzle" Symposium in Brookfield, Wisconsin.

FISCAL YEAR 2005 NUMBERS

MEA has:

- Increased the education of the public through 28 speaking events.
- Appeared in 87 media stories about protecting air and water.



BUILDING BRIDGES

"I know a lot of people think that the land is theirs. They own it and it's theirs. They think that they can do whatever they want with it. That is a pretty common feeling. Of course, I would respectfully disagree. The land is a gift. We need to befriend it instead of fight it. Working with the land, it's amazing. It will work with you, if you work with it."

Rebecca Goodman, organic dairy farmer, Northwood Farm, Wonewoc, Wisconsin

Clean air and water are values that we all share. Midwest Environmental Advocates is building strategic alliances between diverse groups to protect our land, air and water.

HONORING WOMEN IN FARMING

Over 100 people from communities across Wisconsin attended our event at Folklore Village near Dodgeville, Wisconsin to honor women in farming. Wisconsin artist, Kelly Parks Snider, and video producer, Jane Bartell, collaborated with Wisconsin farmers to create *Rural Women: Voice and Spirit*. The event showcased the integral role of women in Wisconsin agriculture and their thoughtful ideas about the changing landscape of family farming. Supported in part by a grant from the Wisconsin Arts Board with funds from the National Endowment for the Arts, Midwest Environmental Advocates sponsored this project to raise awareness about the important role women play in producing food and protecting the environment.



Participants at the *Rural Women: Voice and Spirit* event.

BUILDING ALLIANCES BETWEEN NATIVE AND NON-NATIVE CONSERVATIONISTS

Midwest Environmental Advocates organized a diverse alliance of native and non-native conservationists to explore issues and threats to our collective right to clean water.

Recognizing the need for greater collaboration and cooperation, we put together a steering committee to hold *Joining the Waters*, a forum on tribal sovereignty and clean water. The steering committee consisted of the Lac du Flambeau Band of Lake Superior Chippewa Indians, the law firm of Brown & Lacounte, LLP, the River Alliance of Wisconsin, the Great Lakes Indian Fish and Wildlife Commission, and other partners.

The forum was held in October of 2005 on the Lac du Flambeau reservation, and provided an important gathering to heal past wounds surrounding the exercise of tribal sovereignty and tribal fishing rights. (More on this event and its follow-up will be included in next year's report. Until then, you can visit our website at www.midwestadvocates.org to learn more.)



Keynote speaker, Josephine Mandamin, and Andrew Hanson at the *Joining the Waters* forum.



IMPROVING PUBLIC POLICY

“Midwest Environmental Advocates’ lawyers play a critical role in shaping public policy. They were vital in shaping the 2004 Groundwater legislation, and have continued their active advocacy for responsible groundwater management on the state Groundwater Advisory Committee. Similarly, they argued aggressively, as members of a statewide Manure Management Task Force, for stronger rules to prevent water pollution from manure runoff—using specific examples drawn from their grassroots advocacy and litigation work. These are just some examples of their essential role in advocating for a clean and healthy environment in the Badger State.”

Stephen M. Born, Emeritus Professor of Planning and Environmental Studies, UW-Madison

The political process can move at a blinding pace, and it is difficult and time-consuming for citizens to participate in every political decision that may affect their lives. This is why Midwest Environmental Advocates has two lobbyists on staff to advocate for laws and policies that protect your right to clean air and water.

PROVIDING AN ENVIRONMENTAL VOICE FOR BETTER GROUNDWATER PROTECTION

On November 26, 2004, Governor Doyle appointed MEA’s Jodi Habush Sinykin to serve as the environmental representative on the Groundwater Management Advisory Committee. The Committee will address some of the more difficult issues left unresolved by the Groundwater Quantity Act. We are working with a coalition of organizations to ensure that their interests are heard on this important policy committee.

ADVOCATING FOR STRONG RULES TO PREVENT AIR POLLUTION

The so-called “Job Creation Act I” directed the DNR to overhaul Wisconsin’s regulations for air pollution. Often highly technical and obscure, these regulations impact public health by impacting the amounts and location of air pollution. Midwest Environmental Advocates provided a voice for the public when the DNR created its administrative rules. Our role in this process limited the damage industry was inflicting on air quality.

PREVENTING STORMWATER RUNOFF THROUGH BETTER REGULATION

Midwest Environmental Advocates is working to control water pollution from any source, agricultural or urban. Urban runoff to our lakes, rivers, and streams is supposed to be controlled through discharge permits issued by the DNR. In late 2004, the DNR proposed “general” permits to control urban stormwater runoff from cities, construction sites, auto salvage yards, and scrap metal recyclers. We worked with a coalition of organizations to press the DNR for better runoff controls and monitoring in those permits. And, on January 7, 2005, we submitted technical comments that urged the DNR to modify the permits to ensure that the waters we use for swimming, boating, and fishing are protected from pollutants carried from city streets, construction sites, and industrial scrapyards by chronic rainfall, melting snow, and intense storms. In addition, we submitted technical comments on three other DNR permits for cities on Lake Michigan that allow too much urban runoff into the lake.

ADVOCATING FOR CLEAN AIR AND GOVERNMENT

The Republican-led State Legislature continued its assault on both clean air and clean government by introducing the Dirty Air Bill (AB 277) in April of 2005. The Dirty Air Bill could allow the largest sources of air pollution in the state to avoid construction permit requirements and prevent neighbors from commenting on new air pollution sources in their neighborhoods. The bill also eliminates periodic review of pollution levels by allowing permits to never expire.

Midwest Environmental Advocates responded on 24-hour notice to provide a critical legal analysis and shape the public debate. We testified against the bill at the State Capitol, and helped convince a majority of Democratic Assembly members to vote against the bill.

PROVIDING POLICY ALTERNATIVES TO WATER PRIVATIZATION

Midwest Environmental Advocates is working to ensure sound water policy to address the growing demand for water from the Great Lakes. We submitted extensive public comments on the Great Lakes Compact. We also provided our expertise on the topic at speaking events and in an expert water law group convened by the Public Policy Forum.

STOPPING THE DUMPING OF LIQUID MANURE ON FROZEN GROUND

As result of Midwest Environmental Advocates’ litigation and policy advocacy, the DNR is preparing to prohibit livestock factories from surface applying liquid animal waste on frozen ground from February 1 to March 31 each year, which is when animal waste is most likely to run off into water bodies.

In April of 2004, we filed a notice of intent to sue a livestock factory for spreading liquid manure on frozen ground and letting it run off and contaminate a creek and a rural family’s drinking water. We also participated on a DNR Technical Advisory Committee, a Dane County Manure Spreading Task Force, and a statewide Manure Task Force. Through this combination of litigation and policy work, we aim to get the DNR to follow through on its current proposal to finalize the ban in regulation by early 2006.



LEVELING THE PLAYING FIELD

"When our water well and creek became grossly contaminated, finding Midwest Environmental Advocates was a Godsend. We were looking for attorneys with integrity that were committed to protecting our rights as rural property owners and not just a large cash settlement. In the end we found more than that."

The Treml Family: Scott, Judy, Kaitlyn, Emily and Samantha

Companies that do not play by the environmental rules not only harm the air we breathe and the water we drink, but can gain an unfair competitive advantage. Midwest Environmental Advocates brings "citizen suits" to enforce clean air and water laws when the government has failed to take action. We are holding polluters accountable for their misuse of our public air and water.

STOPPING LIVESTOCK FACTORY MANURE POLLUTION IN TWO TROUT STREAMS

Representing Concerned Farmers and Neighbors in the Town of Hixton, Wisconsin, Midwest Environmental Advocates brought and settled a lawsuit that will stop Sedelbauer Farms, a 2,300-head livestock factory, from continuing to dump manure into two valuable trout streams: Tank Creek and a tributary to the Trempealeau River. The settlement required Sedelbauer Farms to install manure storage, build a confinement facility to remove cattle from dirt lots, contain potential runoff from the feed storage areas, and re-vegetate outdoor animal exercise areas, at an estimated cost of up to \$750,000. The settlement also provided \$40,000 in fees, costs, penalties, and a contribution to Wisconsin Trout Unlimited for sediment reduction and habitat restoration in the impacted watersheds.

REDUCING OIL AND GREASE INTO LAKE MICHIGAN

In October of 2004, Midwest Environmental Advocates, on behalf of the Sierra Club, filed a lawsuit to force Emmpak Foods, an industrial slaughterhouse, to stop its illegal dumping of oil, grease, and animal parts into Milwaukee's sewerage system. Emmpak had over 71 documented violations of its Wastewater Discharge Permit since May of 2000. We successfully settled our lawsuit with Emmpak. In response to our legal action, Emmpak installed the technology necessary to control their illegal pollution. Additionally, the settlement provides \$30,000 to two Milwaukee-area community groups who will use the funds to help promote environmental education.

GETTING A SEAT AT THE ENFORCEMENT TABLE

Midwest Environmental Advocates strongly believes that solutions to pollution must involve the impacted community. Advancing that notion, we successfully intervened on behalf of the Treml family in a state court enforcement case. In the previous winter, liquid manure from Stahl Farms, a 900-cow livestock factory, contaminated the Treml's well and a nearby stream. Every member of the Treml family became seriously ill. The Tremls filed a lawsuit against Stahl Farms in federal court. Three months later, the state filed a lawsuit against Stahl Farms in state court—the outcome of which could affect the Treml's case. The state court judge ruled that the Tremls were entitled to intervene in the state's lawsuit against Stahl Farms. This gave the Tremls a voice in the outcome of the state's enforcement lawsuit.

INNOVATIVE SOLUTIONS

Violators of the Clean Air and Clean Water Acts are liable for up to \$32,500 per day of violation. Penalties are typically paid to the state or federal government. When Midwest Environmental Advocates seeks penalties from a polluter, however, we try to direct the money back to the local community that has been harmed by the pollution by using "Supplemental Environmental Projects."

As a way of implementing innovative solutions to environmental problems, we directed \$30,000 in

penalties from the settlement with Emmpak Foods to two Milwaukee-area community groups promoting environmental education. The Urban Ecology Center will use the money to conduct a feasibility study for the creation of a satellite environmental education center in the Menomonee Valley. The parent-teacher association of Jefferson Elementary School in Wauwatosa will use their share of the money to create rain gardens and conduct environmental education programs at the Hawley Environmental School in Milwaukee.



EXPANDING RESOURCES FOR ENVIRONMENTAL JUSTICE

“Our citizen group needed a financial boost to assert their rights in the legal system. Pursuing legal rights with an attorney in the legal system can be expensive and challenging. MEA provided that help for our group with the Impact Litigation Fund. People involved realize that access to justice is fundamental to our democracy.”

James Peters, attorney with Peters & Peters, PLC

ADVOCACY NETWORK

When Midwest Environmental Advocates opened its doors with one full-time attorney and no other staff in 1999, we knew that we needed a strategy to expand the legal resources for public interest environmental issues beyond our office. So we formed an Advocacy Network of attorneys and experts who have agreed to provide free and reduced fee services to environmental groups.

The cases we refer to Advocacy Network members involve people who are facing toxic pollution, road expansions, and sprawling developments, among other things. Without the resources we provide, they would have lacked legal representation.

FISCAL YEAR 2005 NUMBERS

- MEA has 44 attorneys and experts in the Advocacy Network.
- MEA advised 80 groups or individuals and connected them to attorneys in our Advocacy Network.

THE ADVOCACY NETWORK IN ACTION

In Northern Wisconsin’s Polk County, local residents have been working to keep the quiet, secluded nature of their community intact. So when the DNR acquired a 13 mile trail in Polk County, several community members pushed for a limited motorized use designation. Instead, the County and the DNR listened to the motor sports lobby and designated the trail as all-year all use, opening it up year-round to ATVs.

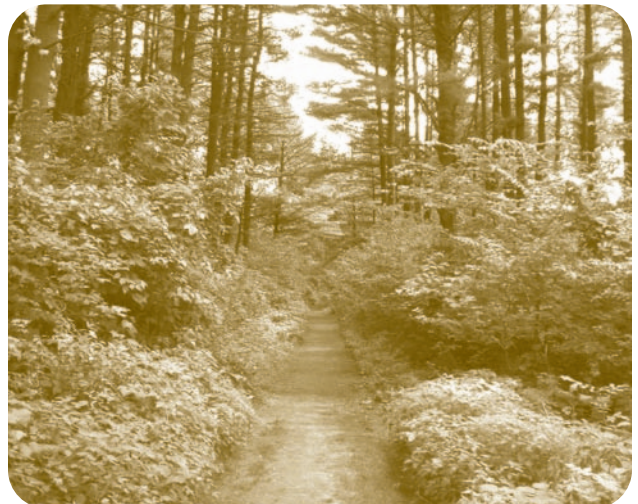
Frustrated with their lack of input in the decision, the group contacted Midwest Environmental Advocates, and an attorney in our Advocacy Network was able to file a petition challenging the use designation and lack of environmental review. The DNR settled the case and agreed to void its previous decisions. The community will now be involved in a full environmental review of the use of the trail system. Our Advocacy Network was able to give residents a much-needed voice in their community’s land use decisions.

IMPACT LITIGATION FUND

While our Advocacy Network is essential for small cases or issues that require short-term time commitments, we found that lawyers in the Advocacy Network were unable to take on larger cases on a pro bono basis. Likewise, we saw community groups struggling to pay lawyers’ bills for cases that really served a general, widespread public interest. To address this problem, we created the Impact Litigation Fund in order to fund legal actions that have the potential to set a statewide or larger precedent and expand low-income community groups’ access to excellent legal representation.

The Impact Litigation Fund is a valuable tool to increase access to justice. We work with an Advocacy Network attorney to cap the total costs of the case so the client will have a full opportunity to assess the costs and benefits of a lawsuit. Then the lawyer donates one-third of his or her time, the client group pays one-third of the fees, and Midwest Environmental Advocates provides a one-third matching grant.

In FY 2005, we made grant commitments of \$38,500 to other groups to fund important litigation. We are funding a variety of cases ranging from those fighting against global warming and asthma-causing pollution by coal-burning utilities to those fighting for reasonable land use decisions.



FY 2005 IMPACT LITIGATION FUND GRANT RECIPIENTS

Sarona Landfill Appeal: \$2,000

Clean Wisconsin—WEPCO Elm Road Generating Facility: \$8,000

Sierra Club (lobbying—air regulations): \$10,000

Sierra Club Weston 4: \$18,500

THE FUND IN ACTION: STOPPING POLLUTING FACILITIES

In November of 2002, a group of residents in Preston, Minnesota, formed a community group, Southeastern Minnesotans for Environmental Protection (SEMEP), to fight a proposed tire burning facility named Heartland Energy & Recycling. If built, Heartland would have become the largest tire burning facility in the United States, incinerating 10 million scrap tires annually, and would be located within a half mile of a grade school and a nursing home. Despite the potential significant environmental impact the tire burning facility posed, the Minnesota Pollution Control Agency (MPCA) refused to require an Environmental Impact Statement that would provide a comprehensive analysis of the air pollutants emitted by Heartland. In September of 2003, SEMEP began legal action against MPCA's approval of an air permit for Heartland.

Using the Impact Litigation Fund, Midwest Environmental Advocates was able to offset one-third of the costs of legal representation provided by Advocacy Network attorneys, Peters & Peters. On January 25, 2005, after hearing hours of testimony, the MPCA Board agreed with SEMEP that a full Environmental Impact Statement must be conducted before this proposed tire burner can be approved. Heartland Energy & Recycling later abandoned its proposal and left Preston, Minnesota.



Midwest Environmental Advocates is working to reduce air pollution from smokestacks like these.

FY 2005 CASE DOCKET

In addition to educating the public, organizing local conservation groups, and promoting sound legislation and administrative rules, Midwest Environmental Advocates provides legal representation to community groups in civil and administrative courts. These legal actions range from ensuring the government is accountable to the public interest to cleaning up our lakes and streams. Our FY 2005 docket of cases included the following:

Centerville CARES v. Department of Natural Resources, Wisconsin Circuit Court

Waupaca Coalition for Public Response v. Department of Natural Resources, Contested Case Hearing

SEMEP v. Minnesota Pollution Control Agency, Minnesota Court of Appeals

Scott and Judy Treml v. Stahl Farms, Eastern District Federal Court

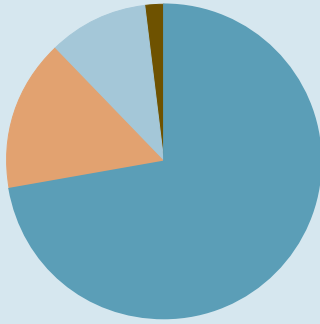
State et al. v. Stahl Farms, Wisconsin Circuit Court

Concerned Farmers and Neighbors of the Town of Hixton v. Sedelbauer Farms, Western District Federal Court

Sierra Club v. Emmpak Foods, LLC, Eastern District Federal Court

SOURCE OF FUNDING

For FY 2005 (September 1, 2004–August 31, 2005)

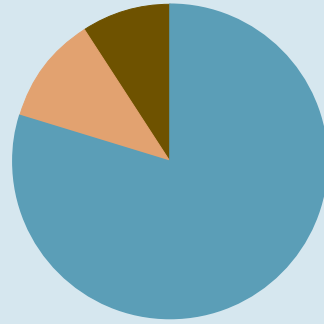


■ \$299,000	GRANTS
■ \$64,000	FEES
■ \$42,000	DONATIONS
■ \$8,000	INTEREST/INVESTMENTS

\$413,000 TOTAL INCOME

USE OF FUNDS

For FY 2005 (September 1, 2004–August 31, 2005)



■ \$295,000	PROGRAM SERVICES
■ \$42,000	MANAGEMENT & GENERAL
■ \$33,000	FUNDRAISING

\$370,000 TOTAL EXPENSES



(left to right) Andrew Hanson, Anna Manalo (volunteer), Melissa Scanlan, Florence Edwards, Janet Boerboom (volunteer) and Julian Antonio Vigo Rivera (volunteer)

STAFF

Florence A. Edwards, *Legal Assistant (started July 2005)*
 Andrew C. Hanson, *Staff Attorney and Environmental Leadership Program Fellow*
 Felicia Lin, *Legal Assistant (until July 2005)*
 Melissa K. Scanlan, *Executive Director*

OF COUNSEL

Jodi Habush Sinykin

INTERNS

Gregory Berlowitz
 Erin Chalmers
 Kate Davis
 David Loring
 Mimi Luong
 Erica Watson

BOARD OF DIRECTORS

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 Paula Oeler, *Secretary*
 Dennis Grzezinski
 Mark Kastel
 Larry Wawronowicz



(left to right) Mark Kastel, Arlen Christenson, Carol J. Brown, Larry Wawronowicz, Beth Anne Yeager, Dennis Grzezinski (not pictured), Paula Oeler (not pictured)

**Midwest Environmental
 ADVOCATES**
pro bono publico



Midwest Environmental
A D V O C A T E S
pro bono publico

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