

Minutes of the Sixteenth Meeting of the
ENVIRONMENTAL JUSTICE TASK FORCE

DATE: September 2, 2010
TIME: 4:00 p.m.
PLACE: Independence *First*
540 South 1st Street
Milwaukee, Wisconsin

Members Present

Adelene Greene..... Director, Division of Workforce Development,
Chair Kenosha County
Nancy Holmlund..... President, WISDOM Interfaith Coalition
Vice Chair
Ella Dunbar Program Services Manager, Social Development Commission, Milwaukee
Ness Flores..... Attorney, Flores & Reyes Law Offices
Lynnette McNeely Attorney, Law Offices of Thomas J. Awen; NAACP
Brian Peters..... Housing Policy Advocate, Independence *First*
Wally Rendon Member Education/Outreach Representative, Racine Educator's
Credit Union; former Racine Police Officer
Yolanda Santos Adams Director, League of United Latin American Citizens
Jackie Schellinger Indian Community School
Willie Wade Alderman, City of Milwaukee

Guests and Staff Present

Stephen P. Adams Public Involvement and Outreach Manager, SEWRPC
David Bagwell Citizen
Robert P. Biebel..... Special Projects Engineer, SEWRPC
Lisa Conley Town and Country Resource Conservation and Development, Inc.
Dennis Grzezinski..... Midwest Environmental Advocates
Gary K. Korb Regional Planning Educator, UW-Extension/SEWRPC
Catherine Madison..... Policy Analyst, UWM Center for Economic Development
Benjamin R. McKay Principal Planner, SEWRPC
Karyn Rotker..... Attorney, ACLU of Wisconsin
Kenneth R. Yunker Executive Director, SEWRPC

CALL TO ORDER

Ms. Greene called the meeting of the Environmental Justice Task Force to order at 4:10 p.m., welcoming those in attendance.

APPROVAL OF MEETING MINUTES OF MARCH 4, 2010, AND JULY 8, 2010 (DISTRIBUTED FOR APPROVAL VIA E-MAIL)

Ms. Greene noted that not enough Task Force members had voted on the July 8, 2010, meeting minutes by e-mail and requested that the Task Force vote on the minutes. She asked if there were any questions or

comments on the minutes. Hearing no comments, Mr. Rendon made a motion to approve the minutes from the July 8, 2010, meeting. Ms. Santos Adams seconded the motion. The motion was approved unanimously. Ms. Greene noted that the March 4, 2010, meeting minutes had been approved via e-mail.

CONTINUED DISCUSSION OF CONCLUSIONS AND RECOMMENDATIONS OF THE SOCIO-ECONOMIC IMPACT ANALYSIS OF THE PRELIMINARY RECOMMENDED REGIONAL WATER SUPPLY PLAN – UWM CENTER FOR ECONOMIC DEVELOPMENT

Ms. Greene stated that the primary order of business at this meeting is to provide Task Force members an opportunity for further discussion on the socio-economic impact analysis (SEI) of the regional water supply plan that was prepared by the UWM Center for Economic Development (CED). Ms. Madison distributed updated SEI materials including an Appendix with example water sale agreements and an insert regarding possible socio-economic impacts of the City of Waukesha application for a Great Lakes water diversion (the insert is shown as Attachment 1). A SEWRPC staff memorandum regarding comments received from the Regional Water Supply Planning Advisory Committee on the SEI was also distributed to the Task Force (see Attachment 2). The following discussion points and comments were made regarding the SEI:

1. Ms. Holmlund asked for clarification regarding whether the Task Force was reviewing an incomplete report at the July 8 meeting because the insert regarding possible socio-economic impacts of the Waukesha diversion application was not yet completed. Ms. Schellinger asked for further clarification as to whether the analysis included in the insert was part of the original scope of work for the SEI. Mr. Yunker responded that UWM analyzed whether there would be any socio-economic impacts regarding the cost difference between a Lake Michigan water supply source and a groundwater supply source to the City of Waukesha, which is approximately \$20,000,000. He then noted that the diversion application is not a part of the regional water supply plan (RWSP), therefore, analysis of the application was probably not part of the envisioned scope of work for the SEI.
2. Mr. Peters noted that he read a newspaper article regarding the extension of municipal water service to an area of the Village of Caledonia near Interstate Highway 94. Mr. Peters asked if this proposed extension of water service was considered in the SEI. Ms. Madison noted that the SEI was based on the comprehensive plans of communities. Mr. Biebel noted that a large portion of Caledonia is included in its planned water service area. Ms. Holmlund noted that the expansion of urban uses towards Interstate Highway 94 has been slowed in Racine County compared to Kenosha County. Mr. Biebel noted that some areas of Caledonia are served by the City of Oak Creek.
3. Ms. McNeely made a point of order that time be reserved for Task Force comment on the SEI and a Task Force vote to accept the SEI or table it. She then stated that the SEI report seems disjointed and asked the opinion of other Task Force members regarding the cohesiveness of the report. Mr. Flores suggested that each member of the Task Force should have three minutes to comment on the SEI report. Ms. Greene agreed and asked Mr. Flores to start.
4. Mr. Flores stated that he does not have many concerns regarding the SEI other than the report being submitted to the Regional Water Supply Plan Advisory Committee at their August 24, 2010, meeting, prior to final acceptance by the Task Force. He stated that the sequence of events was disheartening because the Task Force put a great amount of effort into review of the SEI,

including choosing the consultant. He noted that Task Force comments and suggestions typically go to an Advisory Committee for reaction.

5. Ms. Dunbar stated that as a new member of the Task Force she is becoming familiar with the issue of water supply. She is concerned about how the information in the regional water supply plan has been presented to low-income communities at SEI public meetings. She attended the SEI public meeting at HeartLove Place and stated that attendance was low. She is concerned that the low-income community does not participate in issues such as regional water supply planning and that information is not presented so citizens can readily understand the issues.
6. Ms. Santos Adams stated that she is concerned that the 2035 plan design year for the RWSP is so far into the future. She noted that planning assumptions can change quickly and noted that the RWSP should be reviewed in five years and amended if the planning assumptions do not seem accurate. She stated that she is not yet comfortable with accepting the SEI because, as a watch dog for low-income communities, she feels the possible socio-economic impacts of the Waukesha diversion application need more discussion. She also stated that she appreciates the ability to ask questions to experts regarding water supply planning issues, some of whom are not on the Task Force. She also appreciates comments and e-mail communications from the public.
7. Mr. Peters stated that he is largely satisfied with the SEI; however, he would like stronger language regarding report assumptions and socio-economic analyses and recommendations. He noted that some of the information in the report is confusing and stronger language might clarify the report. He then asked if the RWSP recommendations support the Waukesha diversion application. Ms. Greene stated that SEWRPC staff will answer questions after each Task Force member has had their opportunity to comment on the SEI.
8. Ms. Holmlund stated that the Waukesha diversion application insert clarified many of her questions regarding the SEI. She noted that SEWRPC is an advisory body and communities do not have to follow Commission recommendations. She noted Pabst Farms as an example. The regional land use plan recommended that the area remain in agricultural use; however, it is being developed with urban uses. She stated that SEWRPC's advisory role can be frustrating. Mr. Peters suggested that the DOT and SEWRPC should not continue to provide planning support for the expansion of the freeway interchange adjacent to Pabst Farms.
9. Ms. McNeely stated that she is still confused by the SEI. She stated that the SEI needs a summary. She feels that the summary includes a lot of text, and is not clear. She also felt that the scope of the SEI should have included a focus on the impact of the RWSP recommendations on residential and commercial development in outlying areas of the Region and the impact of this development on the Region's low-income and minority communities, which she did not feel the SEI accomplished. She is also concerned about the assumptions incorporated into the SEI and what happens if the assumptions are incorrect. She also would have liked more discussion between Task Force members on the SEI.
10. Mr. Flores commented that although SEWRPC is advisory and the Task Force is advisory to SEWRPC, the Task Force still needs to work to increase equality and opportunity for low-income and minority communities in the Region. He stated that the Waukesha diversion application is a divisive issue, even within the City of Waukesha. He noted that there was a mayoral change due in part to the diversion application. He stated that he has watched the debate as a resident and that it seems many of the experts feel a Lake Michigan water supply is a better option than

groundwater. He also noted that the diversion application is controversial to Milwaukee because the perception is that all of Waukesha County will be supplied with Lake Michigan water. He noted that only the City of Waukesha would be supplied with Lake Michigan water under the diversion application and noted that in the second paragraph on page three of the SEI summary it states minorities will account for all of the projected growth in the City of Waukesha through 2035. He stated that there is not much land for growth in the planned Waukesha water service area and the diversion will not fuel a large amount of urban sprawl.

11. Ms. McNeely suggested that the water supply of surrounding communities, and their potential for growth, could be limited if Waukesha uses groundwater for water supply.
12. Ms. Schellinger stated that Task Force members were identified as people who represent underrepresented and disenfranchised populations. She stated that as a representative of these populations, she is concerned about any SEWRPC studies and recommendations that may affect limits to education, jobs, and housing for environmental justice communities. She also stated that regional population and housing projections for the next 25 years seem to be optimistic in light of the recent financial downturn and questioned how many new homes will be built over this period of time to contribute to additional urban sprawl.

Ms. Schellinger stated that the original Task Force motion regarding SEIs called for a qualified independent consultant to review SEWRPC plan recommendations and ensure they include environmental justice considerations such as no barriers for environmental justice communities to jobs or housing based on growth patterns. She stated that the regional water supply plan SEI reaches the conclusion that the water supply recommendations do not create barriers to jobs or housing for environmental justice communities. She suggested that the Task Force should accept the SEI findings and direct its attention towards issues such as housing and public transit.

Mr. Wade stated that water is essential to other development issues such as housing and economic development, which must take place where water is located, which makes water supply planning very important to environmental justice communities. He suggested that the Task Force's role in water supply planning is to disseminate honest facts to help policy makers plan for future use of water resources. He noted that water is an important issue to many, and politicians may win and lose elections based on water issues. The Task Force should ensure a record of the facts for use in the future to compare to past actions. It should also be recognized that this Region needs to plan for water resources carefully because the Region's access to water gives it a natural advantage over other regions. Mr. Wade also stated that local governments tend to act in their own best interest, so it is important for the Task Force to provide facts regarding development issues such as water supply to hold local governments accountable for their actions. It is not the Task Force's job to alter the politics of the Region, but to ensure that low-income, minority, and other underrepresented communities have representation.

Ms. Schellinger asked Mr. Wade if he thought the Task Force has accomplished the goal of providing factual information to local governments regarding development issues. Mr. Wade stated that there may be a sense of frustration among some of the Task Force members because the Task Force has been trying to go beyond the provision of facts, but he feels the SEI report provides fair and accurate information to local governments. Ms. Schellinger agreed and stated that local governments usually act in their own interest and the SEI report does provide information that local governments can use in their decision making process, so the Task Force should accept the SEI and move on to other issues.

13. Mr. Flores referenced Chapter 7 of the SEI report and noted that the RWSP has concluded that Southeastern Wisconsin is currently a water abundant Region and that the provision of Lake Michigan water to suburban areas is not essential if groundwater resources are properly managed to support the projected development through 2035. He then noted that the Great Lakes Compact will not allow a major diversion, such as to the southwestern or southeastern U.S. where there are severe water shortages, and that very few areas can apply for a diversion like the City of Waukesha. He also noted that there are strict regulations regarding water return to the Great Lake Basin. Mr. Flores stated that the SEI includes important factual information and should be accepted by the Task Force; however, SEIs on future SEWRPC plans should not be presented to SEWRPC Advisory Committees prior to acceptance by the Task Force, such as this one was.
14. Mr. Yunker noted that the SEI was not purposely presented to the Regional Water Supply Plan Advisory Committee prior to acceptance by the Task Force. He explained that at the July 8 meeting the Task Force asked that the CED add analysis to the SEI regarding possible socio-economic impacts associated with the cost differences among the water supply alternatives included in the Waukesha diversion application. Mr. Yunker noted that he suggested a Task Force meeting be scheduled for early August to discuss the results of this additional analysis and conclude Task Force work on the SEI; however, Professor Rast of the CED staff stated that the CED's contract with SEWRPC was ending at the end of July and suggested that the additional and final review be completed via e-mail by the Task Force members. All of the Task Force members present at the July 8 meeting agreed to this suggestion; however, after the Regional Water Supply Plan Advisory Committee meeting was scheduled and the meeting notice and materials were mailed, some Task Force members asked that the SEI be discussed at an additional Task Force meeting. Mr. Yunker stated that all of the Task Force comments and concerns expressed at this meeting will be transmitted to the SEWRPC Regional Water Supply Plan Advisory Committee for their consideration. Mr. Flores stated that he was not in attendance at the July 8 meeting, and now understood why the Regional Water Supply Plan Advisory Committee met before this Task Force meeting.
15. Ms. Holmlund referred to Ms. Dunbar's previous statement that public outreach materials should be easy to understand and noted that other issues, such as the regional housing plan, will be more understandable to the general public. She stated that the Task Force should review public outreach materials related to the regional housing plan. Mr. Yunker stated that the regional housing plan will be the next focus of the Task Force and that Mr. Adams and Mr. Korb could give a presentation on public outreach efforts related to the regional housing plan.
16. Ms. Dunbar suggested that some of the lessons learned from the water supply planning process are transferable to the housing planning process. Mr. Yunker noted that the CED staff did a great amount of work, but agreed that their work could have been summarized more succinctly. Regional housing plan summary materials and presentations will not be as lengthy and will cover only the key information and findings. Mr. Peters noted that the Task Force now has a better idea of what to request in the scope of work for the next SEI now that they have gained experience through the RWSP SEI.
17. Ms. McNeely reminded the Task Force that time needs to be allotted during the meeting for public comment. She noted that water is a finite resource and there is a limited amount of clean water available, which makes the issue important. She also stated that she feels the SEI analyses fell short regarding the socio-economic impacts of water supply on low-income and minority communities. Ms. Schellinger stated that she thought the verbal summary by CED staff at the

July 8 meeting tied the report together. Ms. McNeely stated that the report did not contain enough explanation about how water supply will affect demographics in the real estate market. She also noted that there are many examples of SEIs that were conducted previously and that because the Task Force is advisory, it is free to provide fair and balanced information that does not reflect the politics or segregation of the Region. Mr. Wade asked Ms. McNeely to clarify her feelings regarding the SEI. Ms. McNeely responded that she felt that there could be some negative socio-economic impacts, and that the explanation of the SEI findings was not clear.

18. Ms. Holmlund stated that residents of the Region, regardless of socio-economic standing, deserve access to clean water and that the cost of water supply alternatives and its impacts on environmental justice communities is the issue examined by the SEI. Mr. Yunker noted that the section of Chapter 7 that was discussed previously concludes that the Region has an abundant water supply and also noted that the studies conducted found that the groundwater supply of the Region could support a development pattern of one to two acre residential density served by private wells, which is a development pattern that would likely have negative socio-economic impacts on environmental justice communities. He also noted that the RWSP recommendations and findings of the SEI put the City of Milwaukee in a position to consider whether they would, or would not, want to sell water to the City of Waukesha. Mr. Flores noted that the City of Milwaukee has the capacity to sell water to the City of Waukesha and this may indeed lower water rates for City of Milwaukee residents.
19. Mr. Peters asked when the first update of the RWSP will take place. Mr. Yunker responded that regional plans are typically updated every ten years.
20. Ms. Greene noted Ms. McNeely's concerns regarding the SEI and asked if the Task Force had input into the development of the SEI scope of work at the beginning of the process. Mr. Yunker responded that a portion of a Task Force meeting was dedicated to the review of the scope of work. Ms. McNeely stated that she understood that there would be an analysis of possible demographic changes in the Region resulting from the recommendations of the RWSP and she feels this analysis did not include enough detail; however, other members of the Task Force seem satisfied with the analysis. Ms. Holmlund stated that the Task Force should demand this type of analysis from the regional housing plan.
21. Ms. Schellinger asked if a motion accepting the SEI would send the SEI to the Advisory Committee or the full Commission for review. Mr. Peters stated that he would not vote on a motion accepting the SEI until the public has had a chance to comment. Ms. Schellinger stated she would only make a motion and the vote on the motion should take place after public comment. Ms. Schellinger moved acceptance without exceptions of the UWM socio-economic impact analysis report for transmission to the Southeastern Wisconsin Regional Planning Commission. It is also recommended that the submission by members of the public be transmitted to the Southeastern Wisconsin Regional Planning Commission from the Environmental Justice Task Force. Ms. Holmlund seconded the motion. Ms. Greene opened the meeting to public comments regarding the SEI report.
22. Ms. Rotker commented that it is not accurate that the focus of past public opposition regarding the RWSP recommendations has been on the City of Waukesha, but on recommendations regarding several suburban communities that are less diverse than the City of Waukesha. She also noted that minorities are combined in the SEI demographic projections for the City of Waukesha through 2035. The African American population is projected to be only 5 percent of

the City's population in 2035. Ms. Rotker stated that the July 8 meeting minutes and the SEI do not reflect the statement made by Professor Rast that the adequate groundwater supply may make it difficult to approve the City of Waukesha diversion application. She stated that she finds this omission deeply troubling. She also stated that she is concerned with a number of assumptions in the SEI, which she described in an e-mail (see Attachment 3). Her chief concerns among the SEI assumptions are that communities will comply with existing land use plans until at least 2035; existing water supplies will be managed sustainably until at least 2035; there are reasonable alternatives to Lake Michigan water until at least 2035; the costs of providing alternative water sources are very similar to the cost of providing Lake Michigan water; and the statement that studies not addressing whether the existence or sustainability of water supplies past 2035 is irrelevant to planners, developers, and other decision makers.

Ms. Rotker continued to state that the July 8 minutes omitted Professor Rast's comments that local governments can amend their land use plans prior to 2035 and this could impact the SEI assumption that the groundwater supply would be adequate to meet future demands based on the regional land use plan through 2035. She stated that if any of the assumptions in the SEI are inaccurate there could be resulting negative impacts on low-income and minority communities in the Region. She also stated that there are significant racial, ethnic, and economic disparities in the Region that are projected to continue through 2035 and that the SEI recommends that any agreement supplying Lake Michigan water needs to address these disparities.

23. Mr. Grzezinski stated that the City of Waukesha has spent \$1.5 million to compile studies that conclude there is no reasonable alternative to a Lake Michigan water supply to meet their future water demands. He stated that he is opposed to several assumptions used in the SEI, including the SEI's analyses extending only to 2035 and the assumption that the cost of the alternative water supply sources set forth in the Waukesha diversion application are comparable to a Lake Michigan water supply source. He also stated that the SEI needs to state that if these assumptions are wrong its conclusions should be re-evaluated. He stated that a full summary of his concerns with the SEI were set forth in the letter transmitted from Midwest Environmental Advocates to the members of Task Force dated July 28, 2010, (see Attachment 4).
24. Mr. Wade asked Mr. Grzezinski if he was implying that the assumptions regarding adequate groundwater supply are incorrect and that would change the facts of the SEI. Mr. Grzezinski responded that this could be the case because the City of Waukesha has to prove that there are no reasonable alternatives to Lake Michigan water for their diversion application to be approved. Mr. Yunker responded that the phrase "no reasonable alternative," as set forth in the *State Statutes*, includes consideration of adverse environmental impacts. The RWSP concluded that a groundwater water source for the City of Waukesha would have greater adverse environmental impacts than a Lake Michigan water source. He also referenced the first paragraph on page 2 of Chapter 7 of the SEI report that states the provision of Lake Michigan water to suburban communities is not essential if groundwater is properly managed and then he noted that a Lake Michigan water source is preferable primarily because it has fewer adverse environmental impacts. He also noted that the report explicitly explains caveats of the assumptions in the SEI.
25. Mr. Grzezinski stated that the Waukesha diversion application identifies the cost difference between Lake Michigan water and groundwater as one of the reasons there is no reasonable alternative to Lake Michigan water. Mr. Grzezinski suggested that safe groundwater is too expensive for Waukesha and a Lake Michigan water source will save City of Waukesha residents and businesses money, which will lead to economic development and urban sprawl in the City of

Waukesha and environs. Mr. Yunker responded that the SEI cannot control the content of other documents. He also stated that, from an engineering perspective, the cost of implementing the Lake Michigan water supply alternative and the next least expensive water supply alternative identified in the diversion application are estimated to be within about 10 percent of each other through 2035. Ms. Rotker stated that the SEI report does not state that if the assumptions used in the SEI are incorrect there will be negative socio-economic impacts on low-income and minority communities.

26. Ms. Greene closed the public comment period to allow the Task Force to vote on the motion on the floor to accept the SEI. Mr. Peters asked that the motion be re-read. The motion was re-read. Mr. Peters asked what the term “without exceptions” means. Ms. Schellinger stated that it means the SEI report should be transmitted unchanged along with the public comments received at this meeting. Mr. Yunker stated that the public comments from this meeting will be transmitted with the SEI report. Mr. Wade stated that the comments received at this meeting should be added to the SEI report to make the report more complete. Mr. Wade requested a friendly amendment to the motion on the floor to add notes to the report regarding the public comments received at the meeting. Ms. Schellinger stated that the SEI report should not be amended, but the public comments from the meeting should be transmitted with the report. Mr. Flores added that it should be possible to amend the SEI report in the future if the assumptions in the report are found to be incorrect.
27. Ms. Schellinger amended the motion on the floor as follows: I move acceptance of the UWM socio-economic impact analysis report for transmission to the Southeastern Wisconsin Regional Planning Commission. It is also recommended that the submission by members of the public be transmitted to the Southeastern Wisconsin Regional Planning Commission from the Environmental Justice Task Force with possible amendments. Ms. Greene asked for a roll call vote on the motion. The motion was approved unanimously with Mr. Wade and Chair Greene abstaining.

ADJOURNMENT

Ms. Greene declared the meeting adjourned at 6:20 p.m.

Respectfully submitted,

Benjamin R. McKay
Recording Secretary

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