

The *informed* Voter



League of Women Voters ® of Appleton, Wisconsin

"Serving the citizens of the Appleton Area & Outagamie County"

www.lwvappleton.org

January/February 2014

Upcoming League Program Events

LUNCH and LEARN

BRING YOUR OWN LUNCH. COFFEE AND WATER PROVIDED

Thursday, February 13 from 11:30- 1:00

Appleton Public Library Meeting Room A

Topic: NAMI: Crisis Intervention and Law Enforcement

Speaker: Karen Schiller, Development Director, NAMI Fox Valley

**Library
News**



**Local Study - Updating the LWV Position on
the Appleton Public Library**

Study Presentation and Consensus Meeting

Thursday February 27, 2014, 4 - 6 p.m.

Appleton Public Library



KIM WETZEL VP PROGRAM

Lunch and Learn – Bring Your Own Lunch- Coffee and Water will be provided

Thursday, February 13 11:30- 1:00 pm at Appleton Public Library Room A

NAMI: Crisis Intervention and Law Enforcement

Speaker: Karen Schiller, Development Director, NAMI Fox Valley

Law enforcement agencies across the country have trained officers for Crisis Intervention Teams (CIT). The CIT model is a dynamic collaboration of law enforcement and community organizations committed to ensuring that individuals with mental health treatment needs are referred to appropriate services and supports rather than thrust into the criminal justice system. CIT programs have several essential components, including: training to help first responders (including law enforcement) better understand individuals experiencing psychiatric crisis and how to respond compassionately to a crisis; designation of officers who have completed CIT training to respond to crisis situations; collaboration between law enforcement and adult or child serving systems to create effective linkages with mental health services instead of arrest and incarceration; and inclusion of people with mental illness and their families at every level of the program.

1939-2014

Happy 75th Birthday

League of Women Voters of Appleton

PRESIDENT'S MESSAGE

Sara Companik

Dear Members,

Welcome New Member Deborah Werth.



75th Anniversary – Start Marking your Calendar for Celebration Dates.

In 2014 LWV of Appleton has started its 75th year of working in the community with study, education, and advocacy in the public arena. This is a year to toot our horns and be visible in the community.

May 19, *Can you be there for support?*

May 26, at the Memorial Day Parade, LWV of Appleton hopes to have a presence to ride or march in the parade. We have the availability of some convertibles for riders. The Cronmiller Family has agreed to represent three generations of League members with Mary, Debra and James, and Katie. *Can we count on you too?*

May 30, at the Paper Valley Radisson Hotel, LWV of Appleton will have a **Celebration Dinner** for members, past members, state convention attendees, and the community. The keynote speaker will be Kevin Kennedy who is the Director and General Counsel of the Government Accountability Board. *The first LWV of Appleton Democracy Award will be presented. Will you join us to celebrate our 75th year?*

May 31, the LWV Wisconsin State Convention will be held at the Paper Valley Radisson Hotel.

LWV of Appleton “League Memories”

Watch for memories of the past 75 years from the Archives.

LWV of Appleton Speakers' Bureau has formed.

At the Holiday Brunch in December, Carolyn Castore from the state league spoke about Redistricting. League members were enthused about educating others on this topic. A [Speakers' Bureau](#) has formed to give presentations to local organizations. Thank you to Chair Amy Oberg, and presenters Jacqueline Klimaszewski, Richard Schoenbohm, and Irene Strohbeen.

. The Speakers' Bureau Needs:

[Names of organizations to contact for presentations.](#)

Thank you Richard Schoenbohm

Carolyn Castore was in the hospital with pneumonia last week. A Big Thank you to Richard for presenting the Redistricting program to the Manitowoc League in her place. They are very appreciative.

Lively Issues

The January cold weather is a big topic of conversation, but the 2014 League Lively Issues wasn't the coldest day. We had 18 people attend Lively Issues and share in active conversation. First, the group responded to the state league request to review the LWVWI positions and decide whether to Retain, Drop, or Update the positions. The annual review of League positions is one of the best ways to educate members on what the League believes in and what we are doing about it. Members, who had accepted the task to review positions before the meeting, gave their opinions.

[There are still positions to review. Can you help?](#)

[February 28](#) is the final date for LWV of Appleton to propose a new program item to the state and to voice our opinion on the state positions.

Fund Raising Committee: Donations have been received from **30** League members and **17** Friends of the League. Thank you for your support.



**Do you remember
this Appleton Library?**

Local Study Check the website

lwvappleton.org click on **Local Study**

Local Study Chair Miriam Douglass has written an inclusive and impressive summation of Library study materials in preparation for the

Library Study Consensus Meeting,

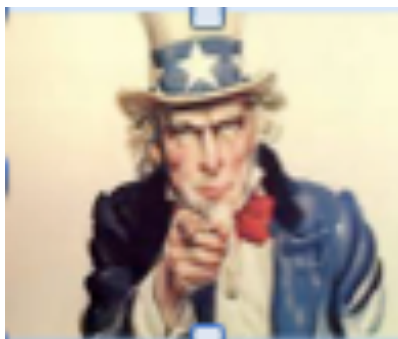
Thursday, February 27 from 4-6 pm

Appleton Public Library Room C

Natural Resources

Read the February issue of "[Forward](#)" to find the updated draft position on water which Natural Resources Director Karen Jansen helped to create. It will be voted on at the State Annual meeting in Appleton. Karen will continue to present environmental articles in [The Informed Voter](#).

Observer Corps- One of the best ways to improve the quality of government is to "put it in the spotlight". League has long believed in the value of an observer corps whose job it is to stay abreast of issues by maintaining a presence at as many government meetings as possible. It is interesting to watch our local government in action. How about attending one City Council, School Board, or County Board meeting this year, wearing a league pin, and observing. Our presence is welcomed as community members who value the issues of government.



OBSERVER CORPS

Appleton City Common Council

First/Third Wed. @ 7:00pm

Appleton School Board

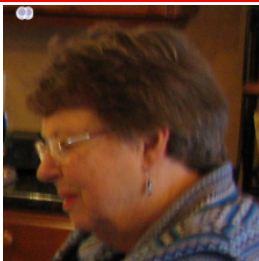
Second/Fourth Monday @ 7:00 pm

Outagamie County Board

Second/Fourth Tuesday @ 6:30pm

Stephanie Malaney Membership Director

Membership year is from January 31, 2014 to January 31, 2015



Local Study

Miriam Douglass Chair

Local Study - Updating the LWV Position on the Appleton Public Library

**Updating the LWV Position on the Appleton Public Library
Study Presentation and Consensus Meeting
Thursday February 27, 2014, 4 – 6 p.m.
Appleton Public Library, Lower Level Meeting Room C**

The consensus questions for this study will be snail mailed to you soon. The mailing will also include summaries of background information for each section of the questions. More detailed information has been provided to you throughout the year and can be accessed through the links on the Appleton LWV website, www.lwvappleton.org/ (**click on Local Study for a list of Study Resources**), several “Countdown to Consensus” emails and issues of The Informed Voter. Please come to the meeting informed on how 21st Century libraries are evolving. We look forward to a really good discussion as we reach consensus on updating our positions on the Appleton Public Library. I hope to see you there.



League of Women Voters
WISCONSIN Education Network



Penny Robinson
Legislative Director



We have good news to share! The Fox Cities RTA bill (SB 259) passed in the Senate Committee on Transportation, Public Safety and Veterans and Military Affairs with a vote of 4/1 with Senator Leibham voting against it. It is our understanding from Senator Ellis and Senator Petrowski that they want to have it taken up by the full senate the first week of February.

Thank you all for all your help and support. We may call on you again when it comes to the Senate floor for a vote.

Watch for Action Alerts for ACTION

Mission Statement:

The League of Women Voters, a non partisan civic organization, encourages informed and ACTIVE participation in government, works to increase understanding of major public policy issues, and influences public policy through education and ADVOCACY.

“When Women Succeed, America Succeeds”: Women’s Economic Agenda

I recently attended a conference in New York City for Family Values at Work, a coalition for fair work practices to improve the economic security for families. Although I was there due to our work on Family Medical Leave, I gradually learned about several other legislative initiatives that all contribute towards what some call the “Women’s Economic Agenda.” Primary elements of this agenda include:

- equality in employment especially equal pay,
- affordable quality dependent care, and
- paid sick and family leave to provide a workable balance between work and family.

Current legislation related to this agenda includes specific bills such as paycheck fairness, paid sick days, and pregnant workers fairness.

On December 12, 2013, a bill was introduced in the US Senate and House of Representatives to provide partial wage replacement for Family/Medical Leave, another issue under the Women’s Economic Agenda umbrella. Known as the FAMILY act, this is seen as a key provision to allow working women AND men to take necessary time off to care for themselves or their family members without having to totally sacrifice income to do so: too many employees have had to choose between income and family, thus giving up any aspect of work-family balance in their lives. The Wisconsin version of Family Medical Leave Insurance is planned to be introduced into the WI State Legislature in March of 2014.

In the upcoming months, expect to hear more about the FAMILY act and the WI bill for Family Medical Leave Insurance so that you can contact your elected representatives to let them know you support these bills that support families and workingwomen and men in Wisconsin and throughout the nation.



Irene Strohbeen with honoree Gloria Steinem at Family Values at Work conference Dec. 10, 2



Voter Services Update

January has been a busy month for providing registration assistance for students in the Appleton high schools. At West on January 8 and January 22 we helped 22 students complete their registration form, and assisted another 18 (they needed to include a copy of their driver's license). We were able to connect with that number of students because we were there for most of the day on the 8th in the media center and over lunch in the commons. This was a shortened day for students. At East on Jan. 21 we were in the commons on a regular day over lunch and helped 4 students complete their registration and assisted another 7.

We also have North High School scheduled for January 28 and UW-Fox Valley for January 29. During the spring months we hope to schedule more sessions for registration assistance, and **we can always use more volunteers. If you are interested in helping out, training will be provided and you will always be scheduled with another volunteer.**

I am also looking for someone with some graphic arts background to help me develop a poster that can be supplied to the various sites to help advertise and promote the upcoming registration assistance sessions.

One additional way you can help is to volunteer to work one of the upcoming Candidate Forums, which will be held in the evening. They are in the planning stages, but will be set up for late February or in March. We need a variety of help: timers, runners with questions, registration, etc. Please consider pitching in with one of the above items that you feel comfortable with.

You can contact me at 830-2919 or JJKlim@new.rr.com. THANKS!



Karen Jansen Natural Resources

State Water Position Committee Update

The Committee has created a draft position, which will be presented to the LWV WI Board of Directors. The draft is scheduled to be published in February's issue of "Forward." If all goes well, this draft will then be presented to the membership for possible adoption at the State Annual Meeting in Appleton in May. In the meantime, I would like to continue to present articles about environmental laws and water monitoring in our state.



City Councilmen, 1964: city councilmen inspect pollution in the Cuyahoga River in 1964.
Image from Cleveland Historical, at http://clevelandhistorical.org/items/show/63#.UtF7A_thtw8

The Need for Clean Water

Evidence of a cultural awareness for the need to protect sources of clean water can be traced back to the federal Rivers and Harbors Act of 1899, which made it illegal to discharge refuse into navigable waters, or tributaries thereof, in the United States. Environmental awareness grew and spread over subsequent decades of the 20th century, in part due to the efforts of prominent environmentalists such as John Muir, Aldo Leopold, and Rachel Carson. Eventually, in 1969 the latest of decades' worth of fires on the perpetual oil slick coating Ohio's Cuyahoga River caught the nation's attention, and in **1972 the Clean Water Act** was unanimously passed by a bi-partisan Congress.

This Act was actually an amendment to an earlier law. Despite the influence of the navigable waters terminology introduced by the Rivers and Harbors Act, current federal laws on water pollution control trace their origins to the Federal Water Pollution Control Act (FWPCA) of 1948. The FWPCA established legal authority for water quality regulation to “enhance the quality and value of our water resources and to establish a national policy for the prevention, control and abatement of water pollution.”

Other important amendments to the FWPCA include: the Water Quality Act of 1965, establishing authority for water quality standards to be set and enforced by local and state governments, and which became the basis for interstate water quality standards; the Water Pollution Control Act of 1965, which allowed individual states to make requests to the federal government for pollution abatement suits in situations where health is endangered; the Clean Water Restoration Act of 1966, which imposed fines on non-reporting polluters; and the Water Quality Improvement Act of 1970, giving states authority to conduct certification procedures to prevent water quality from degrading below allowable standards.

The Water Resources Development Act of 1972, commonly known as the Clean Water Act, remains arguably the most widely known and influential amendment to the FWPCA. This amendment was enacted after creation of the Environmental Protection Agency (EPA). While it restructured and consolidated authority for water pollution control under the administrator of the EPA, it also made clear the primary rights and responsibilities of states to prevent or eliminate pollution. Among the most basic changes under this Act was the shift of responsibility for issuing permits for effluent discharges to the states and away from the Army Corps of Engineers.

The Act’s initial goals were eliminating discharge of pollutants into traditionally navigable waters by 1985, and protecting fish, shellfish, wildlife and recreation by 1983. The Act shifted the focus of enforcement from monitoring the amount of pollution present in a given body of water to controlling or reducing the level of allowable effluents from point sources, taking into consideration the costs vs. benefits of the technology required to achieve these goals.

Under the FWPCA, states are required to submit to the EPA water quality standards for all inter- and intrastate navigable waters, and to classify those water bodies as to their usage (i.e. whether they are used primarily recreational, fish and wildlife propagation, public water supplies, industrial or agriculture). This report includes setting the standard of water quality required to achieve those uses, and detailed plans for maintaining those standards. However, the EPA has the right to reject standards which fail to meet legal requirements as measured against the FWPCA, to revise those standards, and if necessary to revise the usage classifications given to the bodies of water affected.

Though states are required to annually report point sources of pollution to the EPA, at present they do not report non-point sources such as runoff from paved lots, filled in wetlands, agriculture, storm water runoff, or other seepage into groundwater from nonpoint sources.

The relationship between the states and the EPA is reciprocal, and Wisconsin's participation in Great Lakes agreements has impacted the Clean Water Act. For example, Title I of the Great Lakes Critical Programs Act (1990) between the United States and Canada required participation by the EPA. The two countries agreed to reduce the levels of twenty-nine toxic pollutants in the Great Lakes deemed safe for humans, wildlife, and aquatic species. This made it necessary for the EPA to establish standards for maximum levels of those environmental contaminants. It also required the EPA to develop a program implementation schedule for the states involved.

One of the most notable challenges to the CWA was made against the definition of traditionally navigable waters, and the "nexus" or reach of connections to those. The challenge was made through the Supreme Court case of *Solid Waste Agency of Northern Cook County (SWANCC) vs. United States Army Corps of Engineers*, decided January 2001. SWANCC had applied for a permit for baled non-hazardous solid waste disposal into an excavated sand and gravel pit which had evolved into permanent and seasonal ponds connected to open bodies of water via drainage ditch. Those ponds had acquired a natural character and were known to be used extensively by migratory birds. The Corps of Engineers denied the permit, but the Supreme Court decided for SWANCC based on the decision that the dumping site did not constitute wetlands inseparably bound with traditionally navigable waters of the United States.

The second major challenge to the CWA was based on what defines tributaries to waters of the United States, and again questions what constitutes a "nexus." This challenge was through the Supreme Court cases of *Rapanos vs. United States*, and *Carabell vs. U.S. Army Corps of Engineers* (together referred to simply as "Rapanos") decided June 2006. Civil suit was brought against Rapanos and Carabell for backfilling wetlands adjacent to traditionally navigable bodies of water. The Supreme Court ruled that CWA protections extend only to relatively permanent, standing or continuously flowing bodies of water "forming geographic features" that are described in ordinary parlance as "streams," "oceans, rivers, [and] lakes," and does not include channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall, such as could possibly be described by arroyos, or a ditch. The Supreme Court further stated that to be covered by CWA any tributaries must significantly affect the chemical, physical and biological integrity of the waters they connect to.

The EPA and the Army Corps of Engineers jointly published draft guidelines seeking to expand the range of water bodies covered under the Clean Water Act in the May 2, 2011 edition of the Federal Register. In it, the criteria for what constitutes nexus includes the entire watershed draining to the nearest traditionally navigable water body or waterway.

Why are the Rivers and Harbors Act of 1899, the FWPCA of 1948, and the Clean Water Act important for us to understand? Why are we concerned about nexus, nonpoint sources of pollution, or traditionally navigable waters? A survey of Leagues around the state will show that any and all parts of these Acts are being discussed in the context of local issues, from the dead zone created by phosphorus runoff in Green Bay, to groundwater contamination through industrial waste disposal in Northern Wisconsin, or groundwater contamination by coal ash disposal in unlined sand and gravel pits across multiple counties within the state. LWV Lake Michigan Region is advocating for

reduction of nonpoint sources of pollution by restricting stormwater runoff. We currently have groundwater contamination through non-point seepage issues ourselves, and have experience cleaning industrial effluents out of local lakes. Understanding these Acts is important because we recognize our responsibility to maintain the natural environment, and the quality of the water which is the foundation for our quality of life.

Related resources:

EPA's 2014 webcast series, Water: Green Infrastructure:

http://water.epa.gov/infrastructure/greeninfrastructure/gi_training.cfm

Resources:

Collin, R. W. (2006). *The Environmental Protection Agency: Cleaning Up America's Act*. Westport, CT: Greenwood Press.

EPA website resources on the summary, history and enforcement of the Clean water Act: <http://www2.epa.gov/laws-regulations/summary-clean-water-act>

Public Radio International's week of January 3, 2014 interview with William Ruckelshaus, "The Birth of the Clean Water Act": <http://www.loe.org/shows/segments.html?programID=14-P13-00001&segmentID=3>

Devine, J., Goldman-Carter, J., Hammer, R., Mulhern, J., Murphy, J., Thompson, J. (2012). The Historical Scope of Clean Water Act Jurisdiction. *Environmental Forum*, (29)4, 56-66. Retrieved through <http://web.ebscohost.com/ehost/detail?sid=6e42d33c-beea-4a3e-ae80-cdb1309ec7d2%40sessionmgr4004&vid=1&hid=4201&bdata=JkF1dGhUeXBIPWNvb2tpZSxpcCxcGlkMjN1c3RpZD1zNjI1MjM1NyZzaXRIPWVob3N0LWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#db=sch&AN=78153884>

Landers, J. (2011). New Guidelines Would Expand Reach of Clean Water Act. *Civil Engineering*, (81)6, 12-13. Retrieved through <http://web.ebscohost.com/ehost/detail?sid=9e4943ca-e57c-4a4d-9342-e66247e85193%40sessionmgr4003&vid=1&hid=4201&bdata=JkF1dGhUeXBIPWNvb2tpZSxpcCxcGlkMjN1c3RpZD1zNjI1MjM1NyZzaXRIPWVob3N0LWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#db=8gh&AN=61135756>

Cornell University Law School, Legal Information Institute, SWANCC: <http://www.law.cornell.edu/supct/html/99-1178.ZS.html>

Cornell University Law School, Legal Information Institute, Rapanos: <http://www.law.cornell.edu/supct/html/04-1034.ZS.html>

Walker signs bills repealing water testing requirement, granting office power to veto state rules. *Associated Press*, May 2011, retrieved from http://host.madison.com/wsj/news/local/govt-and-politics/walker-signs-bills-repealing-water-testing-requirement-granting-office-power/article_e0ae25be-8589-11e0-b5fa-001cc4c002e0.html

Bergquist, L. (2011, Aug. 2). EPA finds 75 'water deviations,' sends letter to Wisconsin DNR. *Milwaukee Journal Sentinel*, retrieved from: <http://www.jsonline.com/news/wisconsin/126641438.html>

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6th - Gary Tauchen (608-266-3097)

5th - Jim Steineke (608-266-2418)

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search <http://waml.legis.state.wi.us/Index.aspx>