Lawyers For The Environment

This issue of the Great Rivers Reporter highlights work from our Sustainable Lands, Wetlands and Floodplains, Climate and Energy, and Environmental Justice programs.

The Current River (Photo courtesy of Rick Thom)
As you receive this Spring Great Rivers Reporter Covid-19 is affecting all of us. Our staff today is working from home as we do our part to keep our community healthy and avoid contributing to the transmission of the virus. We hope you and your loved ones are safe and well. In the midst of this pandemic, we carry on with our mission to protect the public health and the environment.

This edition of the Reporter focuses upon some of the recent work in our Sustainable Lands, Wetlands and Floodplains, Climate and Energy, and Environmental Justice Programs. Not reported here, but of still greater significance, is our work to combat the Trump Administration’s latest proposal to gut the National Environmental Policy Act (NEPA). On January 10, 2020 the Administration proposed to rescind many of NEPA’s vital protections, including the requirement that federal agencies examine the cumulative and indirect effects of their actions. The proposal, if not successfully challenged, likely will have horrific effects on our Nation’s public health and environment. Great Rivers has submitted extensive opposition to this proposal. We expect we will need to sue as well. Stay tuned!

From our home offices, we remain committed to protecting and preserving the environment for all who inhabit our Earth today, and for the generations who will be here after us.

Stay healthy and safe, and know that we are all in this together.

Bruce
Our nation's forests are terrific carbon sinks. As they consume carbon dioxide during photosynthesis, they offset emissions from burning fossil fuels. As CO2 levels climb daily to new record levels, the last thing we need to do is cut down our forests, which serve as a valuable ally in the fight against climate change.

In the Shawnee National Forest in Southern Illinois, Great Rivers is objecting to a United States Forest Service plan to conduct a mechanized commercial cutting of 500 acres of forest (and applying herbicides to another 2,400 acres). Instead, Great Rivers is urging the Forest Service to leave the forest undisturbed or to use uneven-aged management - a process which is shown to be both profitable and sustainable.

The Forest Service's plan is a bad plan for other reasons - the plan has the potential to harm several endangered species, erode the land, pollute the Little Cache River, and introduce toxic chemicals to the Forest.

Wetlands often are described as natural sponges. They have the ability to store tremendous amounts of floodwater. They also naturally filter pollutants and provide valuable habitat for plants and animals. Indeed, on its website, EPA says that, “Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs.”

For these reasons, Great Rivers has been monitoring a proposal which would destroy wetlands and develop a frequently flooded area which borders the Missouri River in St. Louis County, Missouri. The National Audubon Society considers these very same wetlands an “urban oasis” for the habitat they provide for many migrating waders, waterfowl, and shorebirds, and they are a cherished oasis for the birders who come to see them.

Great Rivers’ attorneys Bob Menees and Sarah Rubenstein voiced the concerns to the Maryland Heights TIF Commission – that the proposal would destroy important habitat and increase flooding, jeopardizing the safety of nearby communities. Together they alerted the TIF Commission to the legal shortcomings of using $151 million in tax increment financing (TIF) to subsidize the development.

On December 18th, the TIF Commission surprised an assembled crowd by announcing that they were delaying their vote, and on January 3, voted down the proposal.

Sustainable, uneven timber management
(Photo courtesy of Greg Iffrig)
We grieve the loss of two long time friends. We are forever grateful to them for their boundless support and encouragement.

“There are some who bring a light so great to the world that even after they have gone the light remains.”

Would you like to leave a legacy of clean air, clean water, and a safe, sustainable future?

Making a bequest to Great Rivers is easy to do and will plant a seed that will bear fruit for generations to come. Let your advisor know your wishes and they will put the appropriate language in your will. If you already have a will, there is no need to rewrite it to include Great Rivers; your lawyer can add a bequest through a simple codicil. Important information to include is: Legal Name: Great Rivers Environmental Law Center; Address: 319 North Fourth Street, Suite 800, St. Louis, MO 63102; Federal Identification Number: 43-1943334; Telephone: 314-231-4181.

In Memory of:

CHARLES B. BELT, JR.: Louise Belt
JIM JOINER: Vergeen Joiner


LEWIS GREEN: Judith Stix

LOUISE GREEN: Anne Green Romig and Kenneth Romig

ALF J. STOLE: Barbara Stole

Gifts received in 2020 in honor of Marie Schmitz will be listed in our 2020 donor listing

In Honor of:

KAY DREY: (‘My old friend’) Rick and Rita LaMonica

KATHLEEN ‘KATY’ GREEN HENRY: (‘For her long-standing commitment to the environment’) Dan and Connie Burkhardt, Winfred Colwill, Mary Green and Wally Thoreson, John Karel, Grace West

MATTHEW ‘PAT’ MCCAULEY: Dave and Agnes Garino, (‘in honor of Matthew and Bridg’) Carolyn Wolff

JOHN RAVA: Daniel Schesch

ROSS TOLLMAN AND DEBRA WIENSKI: Mike and Vicki Bolger

SUSAN BROWN: (For her birthday): Mike Fredholm

THE GREEN WOMEN: KATY GREEN HENRY, FRANCES V. GREEN, LOUISE GREEN, ELIZABETH GREEN: John Green, Kathy Green

TRUDY BUSCH VALENTE: John and Judy Buchelt

- SUPPORTERS FOR THE LAST 5-9 YEARS.
- SUPPORTERS FOR THE LAST 10 OR MORE YEARS.

Prefer to be listed differently? Please notify Linden at (314) 231-4181.
Missouri gets more electricity from burning coal than any other state but Texas. Great Rivers Environmental Law Center is happy to back the utilities when they support wind, solar and energy efficiency measures – and oppose them when they want to keep burning coal. And so -

Great Rivers’ Climate and Energy Director Henry Robertson represents the Natural Resources Defense Council (NRDC) and Sierra Club in supporting Joplin-based Empire District Electric, now also known as Liberty-Empire since it was acquired in 2017 by Liberty Utilities, a U.S. subsidiary of the Canadian company Algonquin Power and Utilities.

The change has been like going from coal-black to bright day! Empire is building two wind farms in southwest Missouri and another nearby in Kansas. Empire has just retired its only fully-owned coal plant. It is also preparing to launch its first set of energy efficiency programs under Missouri’s energy efficiency law that lets utilities earn money for helping customers save energy, even though it means selling less electricity.

We are defending this utility’s climate-friendly decisions from climate-hostile forces at the Public Service Commission (PSC), especially the Office of the Public Counsel.

OPC is supposed to protect the interests of ratepayers, but it’s doing exactly the opposite here. In their eyes, Empire has more generating capacity than it needs; it should therefore keep running the old coal plant and not add efficiency and wind, which are cheaper. We will continue to fight this.

At the other end of the spectrum is Ameren Missouri. Ameren is taking its first halting steps into renewable energy while signaling that it will cling to its aging coal fleet even with cold dead fingers. It sees wind and solar as ways to wring extra profits from people who care about clean air and the climate and will part with more money for making the right energy choice. They don’t see that renewable energy belongs at the heart of their portfolio.

Evergy, the Kansas City area utility, has signaled that it too is not open to retiring any more coal plants.

The plot thickens. The PSC has done a preliminary investigation into whether Ameren and Evergy are bidding their coal-based power into wholesale energy markets at times when they’re losing money, just as an excuse to continue running the plants instead of doing the right thing like Empire and retiring the plants. Great Rivers is the Sierra Club’s local partner in investigating this practice at the PSC.

The future – increasingly the present too – is energy efficiency, wind and solar power, and energy storage for when the sun and wind are down.

‘ENERGY EFFICIENCY SAVES ENERGY AND THEREFORE MONEY - NO KILOWATT-HOUR IS CHEAPER THAN THE ONE YOU DON’T HAVE TO USE.’ - HENRY ROBERTSON
Climate and Energy, continued

Several years have passed since the US General Accounting Office found that, “the extent of [the] risks associated with shale oil and gas development is unknown, in part, because the studies GAO reviewed do not generally take into account the potential long-term cumulative effects.” Among these overlooked long-term effects is the impact these developments will have on the Earth’s climate.

With its head in the sand, the Federal Energy Regulatory Commission (FERC) – the federal agency charged with approving new pipelines – alternates between refusing to consider, and badly considering, the long-term cumulative environmental impacts of its approvals on climate change, even though its approvals will have consequences today and for generations to come.

Great Rivers is waging a David versus Goliath fight with FERC on behalf of a lone climate activist who lives near Spire’s new pipeline intended to bring fracked natural gas to Missouri. FERC gave Spire its approval. In the process it disregarded, as usual, the danger that even the “cleaner” fossil fuel, natural gas, poses to a livable climate.

We have appealed to the United States Court of Appeals for the District of Columbia Circuit to require FERC to meaningfully evaluate the impacts of its pipeline approvals on our climate.

Environmental Justice

Through our Environmental Justice Program, we protect disadvantaged communities from bearing an unfair share of environmental harm. Low income minority communities in our Region are more likely to suffer from floods, toxic air emissions, and poisons on the land and in our waters. We serve these communities as both advocate and educator.

As advocate, we were the voice of the St. Louis County NAACP when we opposed Ameren Missouri’s request to increase its Residential customer charge. The proposed increase would force disproportionately higher costs onto people who use the least electricity and can least afford higher bills, and would remove incentives to conserve energy.

As educator, we facilitated a “Coal Blooded Training” event for the members of the St. Louis City and St. Louis County branches of the NAACP. With a growing understanding of the harmful impact of fossil fuel-based energy production on communities of color and low income communities, it is more important now than ever before that our communities take a stand to quickly move our country to an energy efficient and clean energy future.

Also, as educators, Great Rivers facilitates St. Louis County NAACP film screenings about the radiation hazards which surround the West Lake landfill and Cold Water Creek. As educators, we will help community members find their own voices and become advocates as well.
Great Rivers Makes a "Great" Addition

We proudly welcome Madeline Middlebrooks to our legal team.

Madeline will graduate from Denver University Law School this spring. She is with us now as a full-time student intern as she completes law school. Through a 2 year fellowship Madeline will return to Great Rivers in the fall as a lawyer to work on environmental justice and water contamination issues.

A Concert to Fight Climate Change

Thank you to the St. Louis musicians who threw a concert to benefit Great Rivers' climate work, and to provide relief to those impacted by the climate change - fueled Australian wildfires.

Special thanks to Michael Hagmeier and the many other musicians who participated, and to Compton Heights Christian Church for hosting.

Great Rivers Receives Recognition as a 2020 "Best Law Firm"

Great Rivers is recognized as one of the country's "Best Law Firms" for Environmental Litigation by U.S. News-Best Lawyers. It's a big honor for a little guy like us.