



# G.L.A.H. News

Great Lakes Aquatic Habitat

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## SMART ROADS PLAN LEVELS THE PLAYING FIELD

By KEN SMITH

Without question, Traverse City, Michigan is known throughout the Midwest as a great place to visit and to live. But ask people in Northern Michigan and many will say Traverse City is an example of what happens when a great small town appears on the radar screen of national developers.



*The Boardman River near the site of the proposed bridge. Traffic models indicate that 30,000 cars and trucks a day would cut through the site soon after the road is completed. Credit: Kay Smith*

Ugly sprawl development, rising taxes to cover infrastructure costs, pollution, and traffic congestion are problems that many feel are destroying the qualities that make this beautiful region so attractive to so many.

This is a familiar story, played out in communities across America. What's different in Traverse City, though, is the emergence of a powerful coalition of environmentalists, community leaders and ordinary citizens that is fighting back...and winning.

This group has chosen to take a stand against a newly-proposed highway and bridge that would slash the longest undeveloped stretch of the Boardman River in half. The Boardman River is a blue-ribbon trout stream that supplies one-third of the water flowing into Grand

Traverse Bay. The stretch in question encompasses a county-owned Nature Education Reserve that is visited by thousands of people each year and is planned to soon be linked into the Traverse Area's network of recreational trails.

The proposed bridge would form a critical link in a bypass around Traverse City. First proposed in 1987 by the county road commission in a road bond referendum, the bypass idea was soundly voted down by the public. It surfaced again in 1995 in a study by the Michigan Department of Transportation (MDOT) to set the route for a 35-mile state highway bypass around Traverse City. In a parallel study, the county road commission asserted that a new bridge was needed to replace a "critical bridge" located three miles upstream and that the new road would

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## SMART ROADS PLAN LEVELS THE PLAYING FIELD



### DIRECTOR'S NOTES



#### CHANGE

BY JILL RYAN

This issue of the GLAHNews focuses a great deal on positive changes happening around the Basin. Changes can be hard to accept, yet often the work we are trying to accomplish to protect aquatic habitats requires changes in policies, plans, thinking, and more.

I find Kevin Blanchard's seven dynamics of change help me understand how people may react to change in particular ways, 1) people will feel awkward, ill-at-ease and self-conscious, 2) people initially focus on what they have to give up, 3) people will feel alone even if everyone else is going through the same change, 4) people can handle only so much change, 5) people are at different levels of readiness for change, 6) people will be concerned that they don't have enough resources, and 7) if you take the pressure off, people will revert back to their old behavior. (<http://www.kevblanchard.com/highfive/seven.cfm>)

Understanding these dynamics can help us manage changes that are needed, whether they are at home, in our organization, or in our community. As you consider the changes you are trying to bring about, keep these dynamics in mind as a way of being prepared for some of the challenges you may face. But by all means, do continue to work for those important changes. After all, *nothing endures but change*. Heraclitus (540 BC - 480 BC)

*Jill M. Ryan*

ensure "east-west mobility" and relieve traffic congestion in the region.

Convinced that this project would trigger a whole new cycle of sprawl development, a handful of environmental leaders mobilized the Coalition for Sensible Growth (CSG), now more than 500 members strong. Together with the Northern Michigan Environmental Action Council (NMEAC) and the Michigan Land Use Institute (MLUI), the Coalition held a citizens' workshop in 1997 that culminated in the publication of the "Smart Roads Plan." In a full-color booklet, CSG and MLUI outlined a set of proposals for using existing roads and "smart growth" design concepts to provide mobility to residents while minimizing traffic congestion, pollution, and sprawl.

The Plan has proven to be a powerful tool for showing people there is a better way. With the help of a grant from the Great Lakes Aquatic Habitat Network and Fund, CSG and MLUI distributed more than 10,000 copies of the Smart Roads Plan. Well-reasoned letters to the editor and opinion-editorial pieces against the bridge project soon became a regular feature of the public discourse. The Traverse City Commission and two township planning commissions officially came out in opposition to the bridge proposal.

With growing evidence of public opposition to the project, Congressman Bart Stupak persuaded the reluctant road commission that it needed to carry out a full-blown Environmental Impact Study. Meanwhile, the MDOT announced it had taken the bypass



*One of the many real estate speculators' signs that frequent the route of the proposed bypass. These signs are indicative of the commercial development that is sure to accompany the proposed highway and bridge. Credit: Kay Smith*

## SMART ROADS PLAN LEVELS THE PLAYING FIELD



around Traverse City off its long-range development plan, leaving the county road commission to push the bridge as a strictly local initiative. Opponents held a “The Bypass is Dead” celebration on the VASA Trail, a park that would have been cut in half by one of the bypass routes that MDOT had considered.

In October of 2003, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources individually sent letters to the Michigan Department of Environmental Quality announcing opposition to environmental permits for the highway and bridge project. These dealt a powerful blow to the road commission’s plan. A key theme of the letters was the road commission’s failure to consider “prudent and feasible” alternatives as required by state and federal law. They referred specifically to alternatives outlined in the Smart Roads Plan.

Currently the road commission and its consultants are busily working on design refinements they hope will alleviate the agencies’ concerns. Whether they will succeed remains to be seen.

Meanwhile, highway and bridge opponents are elated with the progress to date. They are especially encouraged by the attentiveness of the conservation agencies to the flaws in the road commission’s analysis. They are gratified also by growing public expressions of concern about actions that would trade environmental quality for driver convenience. Recent editorials in the local press have called for a closer look at

the alternatives outlined in Smart Roads, a dramatic reversal from just a few years ago when editors decried “endless studies” holding up the bridge plan as a quick fix for traffic congestion.

The implications are huge. The defeat of the bridge would assure the future of the Boardman River Valley as a close-in wildlife and outdoor recreation refuge.

The combination of citizen energy and a proactive proposal, the Smart Roads Plan, have leveled the playing field for people concerned about the shape of the region’s future. It is possible that Traverse City could emerge as a powerful model of the way growth should happen rather than an example of how unfettered development can destroy a beautiful, unique community. Stay tuned.

*Ken Smith is Executive Director of the Northern Michigan Environmental Action Council and a co-founder of the Coalition for Sensible Growth. He lives with his wife, photographer Kay Smith, on the Boardman River.*

### GLAHNEWS:

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*The Great Lakes Aquatic Habitat News is intended to provide a forum for the free exchange of ideas among citizens and organizations working to protect aquatic habitats in the Great Lakes Basin. The interpretations and conclusions presented in this newsletter represent the opinions of the individual authors. They in no way represent the views of the Tip of the Mitt Watershed Council, the C.S. Mott Foundation, subscribers, donors, or any organization mentioned in this publication.*

# Grassroots Project Profile

## WAUKEGAN STUDENTS PARTICIPATE IN EDUCATIONAL EXCHANGE PROGRAM

BY: SUSIE SCHREIBER

### **About Waukegan Harbor Citizens, Advisory Group**

The Waukegan Harbor Citizens, Advisory Group (CAG), founded in August of 1990, is an environmental grassroots group that is dedicated to fostering among the public a sense of responsibility for restoring and maintaining the ecological integrity of the Waukegan Area of Concern (AOC). Our mission is to promote a lakeshore environment for the public to use and enjoy in recognition that public access to the lakeshore will significantly benefit both the economy and the citizens of Waukegan.

### **Who We Are:**

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Several years ago the Waukegan Harbor Citizens' Advisory Group (CAG) was asked by Dr. Elena Kusevanova, a leading hydrobiologist from Irkutsk State University in Siberia, as to what useful methods we use in the Waukegan Area of Concern (AOC) to both remediate and protect our portion of the Lake Michigan watershed. Dr. Kusevanova was interested in this information because, like the Great Lakes of the U.S., Lake Baikal (near Irkutsk, Siberia, Russia) contains about 20% of the world's fresh water and is being threatened by industrial and other forms of pollution.

We responded with a quick email describing the work of the International Joint Commission, the Great Lakes National Program Office of the U.S. EPA and that of the Waukegan CAG. This immediately peaked Dr. Kusevanova's interest and it prompted her to visit the U.S. to gather more information. Since that time several other visits back and forth have taken place. Site visits to Lake Michigan AOCs, meetings with many governmental and non-governmental organizations working on the restoration of the Lake Michigan watershed, and presentations to school classes were included in the partnership visits.

The recurring idea that kept surfacing during Dr. Kusevanova's visits was how to enable students in Lake Baikal and around Lake Michigan to learn about each other's rich ecological resources and the various means of protecting them for future generations.

A working Partnership Agreement was signed between the Baikal Ecological Network and the Waukegan Harbor Citizens' Advisory Group at the end of the first visit. Schools signed on to participate in Lake Baikal and in the Waukegan area over the past two years.

Waukegan area school students have enthusiastically embraced active participation events in dunal research and studies, river and lake shore clean up events, hands on water and sediment studies on research ships such as the W.G. Jackson and all of the presentations by Dr. Kusevanova and local researchers to their schools.

Educational materials have been prepared by scientists in Lake Baikal for use by Lake Michigan students, and we have sent quantities of useful watershed studies material to Lake Baikal for use in their formal and informal environmental work in the schools and groups. Dr. Kusevanova spent three days last April out on the lake near Waukegan observing classes working with the Grand Valley State University's W.G. Jackson staff.

The students go online to research their topics, identify lake-wide and local remediation issues, select active local projects to work on, and personally invite speakers knowledgeable about their study areas to the classroom. The class hopes to have a small local conference in April convening students from each of the schools to present and discuss their work.

As a result of their cleanup work at a creek near their school, the students identified a small parcel of property at the edge of their playground which borders the creek. They are now working with the County and Park District to use tax maps to

*Continued on page 15*

## GREAT LAKES JR. SCIENCE CORPS

The Great Lakes Jr. Science Corps is evolving out of the work that has been accomplished to date, and is being implemented in Lake Baikal and Waukegan schools as of October 2003. Partnership classrooms assign students to the following research teams:

- Fisheries biologists
- Avian biologists
- Amphibian biologists
- Animal community biologists
- Plant biologists
- Hydrobiologists
- Benthic community biologists
- Invasive species researchers
- Coastal geologists
- Pre – settlement historians
- Post – settlement historians
- Photographers
- Press release writers



LAKE MICHIGAN FEDERATION

# Hub Profile

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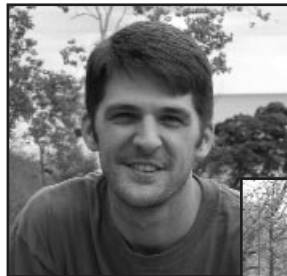


## LAKE MICHIGAN FEDERATION - CITIZEN ACTION TO PROTECT A GREAT LAKE

BY: JOEL BRAMMEIER

I'll admit: my first memories of life on the Great Lakes are not all that positive. Although the fruits of my family's dinghy expeditions into Saginaw Bay were the delicious yellow perch fish fries at week's end, my most vivid recollection is leaning over the side of the aluminum boat and wishing my father would just wrap up for the day so we could head in. The overwhelming power of Lake Huron's waves at Pinery Provincial Park in Ontario on an overcast day sticks in my mind as well. Of course I recall the experience as my nearly drowning, though I'm sure it wasn't quite that serious.

In time, my attitude towards the lakes changed and matured, and I began to relish any opportunities available to get out on a boat, which seemed to become few and far between as I grew older. By determining the right stance and by employing a bit of common sense, I found I could stand up to the breakers coming across a favorite sandbar and eventually would spend hours in the water. The relatively few yellow perch hitting our lines in the late 1980s had me wondering what was going on underneath it all.



*Joel at the Lake Michigan shoreline near Indiana Dunes National Lakeshore  
Credit: C. Davis*

My early attachment to the Great Lakes served as a springboard into my work as manager of habitat programs at the Lake Michigan Federation. As the oldest citizen-based Great Lakes organization in the country, the Federation has a long history of supporting the protection and restoration of aquatic habitats in the same vein as GLAHNF. Founded in 1970 by acclaimed citizen activist Lee Botts, we work on a number of levels:

- Locally to help citizens protect habitats in their backyards
- Partnering lakewide with a coalition whose members share common interests
- Advocating and advising on Great Lakes policy at the state and federal level

To accomplish this work, the Federation maintains a multi-disciplinary staff across two offices in Chicago and Michigan. With in-house legal capabilities, long experience working with communities to eliminate contaminated sediment problems, professional educators on staff, progressive thinking on habitat restoration, and a strong network of volunteers, the Federation is well positioned to provide solutions to Great Lakes problems by working through strategic partnerships.

Our efforts as the Illinois Hub of GLAHNF are somewhat unique. The Lake Michigan shoreline in Illinois is a minute 63 miles, and the watershed pales next to giants like Ontario. Likewise, we lack the tremendous expanses of coastal wetlands found in Green Bay or the massive dunes of west Michigan. But what Illinois lacks in ecosystem quality, it makes up for in quantity - of people. Home to the largest city in the Great Lakes basin, Illinois is also home to a burgeoning network of urban environmental activists.

Working locally with this Hub network, the Federation has found that a primary result of removal of most natural habitats is a fierce devotion in citizens to protect and enhance what remains. Birders in Illinois have taken ownership of the migratory flyway that traces Chicago's shoreline. Neighborhood organizations have worked with the Federation to restore habitat and open space in the Lake Calumet and Wolf Lake regions. Citizens from Waukegan, when not focused on cleaning up the contaminated sediments in the local harbor, are working to restore dunes and wetlands near the Waukegan River.



*Joel-Taking a break from streambank stabilization on the Waukegan River  
Credit: T. Schreiber*

My favorite part of working as a Hub has to be seeing up close how protection and restoration of habitats works hand in hand with enhancement of the quality of life in an urban setting. Nowhere is it more apparent than in Illinois what tremendous value city dwellers place on their local "special places," whether that means the scenery of Illinois Beach State Park, a tiny patch of marram grass on Chicago's shoreline, or a waterway that clings to a remnant of biological diversity despite a century of industrial encroachment.

The Federation values the opportunity to work both at the community level and to impact Great Lakes policy on a broader scale. While it can be difficult to balance these efforts, our involvement with GLAHNF ensures that our work at the state and federal level is always informed by those who know the lakes best - the citizens.

You can contact Joel in the Lake Michigan Federation's Chicago office at 312-939-0838 ext. 4 or by e-mail at [jbrammeier@lakemichigan.org](mailto:jbrammeier@lakemichigan.org). For more information about the Federation's wide array of environmental programs see our website at [www.lakemichigan.org](http://www.lakemichigan.org).



## A NEW LAKE MICHIGAN SHORELINE FOR CHICAGO?

BY: JOEL BRAMMEIER



The city of Chicago is often lauded, both regionally and internationally, as a model of what an urban waterfront can be. With long stretches of public green space

bounded only by the seemingly limitless horizon of Lake Michigan to the east, the virtues of the “city by the lake” have attracted countless businesses, tourists, and residents to Chicago over the past 150 years.

As any resident of Chicago’s north side can tell you, this is only part of the story. From the end of Lakeshore Drive at Hollywood Avenue north to the city limits, the lakefront park system gives way to three miles of privately owned apartment buildings interspersed with patches of green space and beaches until the shoreline park system starts up again in Evanston. Beachgoers and families in this part of the city must content themselves with seeking out these rare access points by crossing a major thoroughfare. Cyclists and runners try to peacefully coexist with traffic of both the automotive and pedestrian variety in an attempt to fit in a good workout amidst the city’s bustle.

There may be a new future ahead for the lakefront if city plans taking shape right now come to fruition. Last year, the mayor announced his intention to extend the lakefront park system from Hollywood to Evanston by establishing a series of islands in Lake Michigan. This proposal has raised more than a few eyebrows - some in amazement, some in skepticism, and some in concern over how this new plan might impact the character of the shoreline beloved by Chicago residents.

One thing is clear - this project would involve the largest creation of artificial land on the bottom of Lake Michigan since the disposal of the remnants of the Great Chicago Fire under what is now Grant Park. Done wrong, the lakefill could actually have a negative impact on the health of the lake. Done right, this project could be a tremendous environmental asset to the city and reverse the trend of treating our urban waterfront like a sacrifice zone for fish and wildlife.

Of primary concern is ownership of and access to any lake property. All land created by the project must become property of local or state residents. Since the lakebottom is already held in trust for the people of Illinois by the state, the only acceptable transfer of property can be to another public entity, such as the Chicago Park District. This will ensure that the land will continue to serve the interests of the public. Additionally, public access must be paramount to any development. The express purpose of this project should be



*A bike path that runs along the Chicago shoreline.*

to allow residents and visitors to enjoy Lake Michigan in a healthy, sustainable way.

From an ecological perspective, the natural character of the lake’s water and bottomland should be preserved and enhanced. It’s no secret that Chicago’s lakebottom has been highly altered since settlement of the area. The park extension is an opportunity to provide real improvements to the zone near the shoreline by enhancing degraded fish and wildlife habitat. Likewise, the project should not cause erosion of shoreline land along Lake Michigan. Sediment in the waters of the lake naturally replenishes beaches and other landscapes worn down by waves, and poorly planned structures in the water can accelerate this erosion by cutting off supplies of essential sediment.

The design process is already under way. The Graham Foundation, a philanthropic organization dedicated to “informed and creative public dialogue concerning architecture and the built environment,” is sponsoring a competition to help develop ideas for the site. A new grassroots organization, Friends of the New Lakefront, has formed in Edgewater to begin consideration of more design ideas and monitor the city’s progress.

When city planners leave behind the baseball diamonds and fieldhouses of inland parks for the blue waters of Lake Michigan, they open another “kettle of fish” entirely, so to speak. It is fair to say that the world will be watching Chicago’s next move to improve its crown jewel of a lakefront. With the right planning and implementation, the city could be on the receiving end of a unique park that combines biodiversity benefits with public access in an unprecedented way.



## REPRESENTATIVE VISCLOSKY HONORED, ANNOUNCES NORTHWEST INDIANA SHORELINE PLAN

BY: SANDRA L. WILMORE

On October 26, Save the Dunes Council honored U.S. Representative Peter J. Visclosky for outstanding service to the cause of preserving and protecting the Indiana Dunes. Visclosky was the Council's featured speaker at its annual dinner on October 28, and was surprised when presented with the Council's Paul H. Douglas Award. During his shoreline vision speech, Visclosky reminded the audience of their mission to keep Indiana's Lake Michigan shoreline open and called for renewed enthusiasm and determination to realize this goal.

Only two days later, Visclosky convened a press conference announcing that five Northwest Indiana mayors entered into a memorandum of understanding in which each of their cities will contribute \$8,000 toward a \$40,000 local match for a \$160,000 Lake Michigan Coastal Grant. The \$200,000 will be used to develop a feasibility study based on Visclosky's vision for the shoreline that he originally proposed 18 years ago. Mayors from East Chicago, Whiting, Hammond, Gary, and Portage are supporting the plan, now called the Marquette Green Way.

The three goals of the plan are 1) to obtain free public access along 75 percent of the Lake Michigan shoreline between the Illinois state line and the east boundary of the city of Portage; 2) to require a minimum setback of 200 feet from the water for new buildings; and 3) to establish a continuous pedestrian and bicycle path along as much of the shoreline as possible.

Considered a wild-eyed idea by many when it was initially introduced, the plan is now considered favorably and quite timely. The steel industry has downsized and can now be productive without using all of its owned land. The unused land is a tax burden as well as a cleanup liability. Acquiring and cleaning up this land will be costly, but as Rep. Visclosky said, "if we do not seek this opportunity today, it will be lost forever."



Indiana Congressman Peter J. Visclosky (left) receives the Paul H. Douglas Award from Save the Dunes President Thomas C. Serynek (right). Visclosky recently unveiled plans to reclaim Indiana's Lake Michigan shoreline for public use and enjoyment.

Save the Dunes, together with other environmental groups from the region, is anxious to help facilitate implementation of the Marquette Green Way. The goals will take time to achieve, but proponents are excited and motivated to build on the support that the proposal is generating to move the plan forward.

## EPA RANDOM WELL TESTING INADEQUATE

The Town of Pines is a small community located less than a mile inland from Lake Michigan and is adjacent to the Indiana Dunes National Lakeshore. Residents of the town and its surrounding area rely solely on individual groundwater wells for their drinking water. In April of 2000, results from random well testing conducted by the EPA and the Indiana Department of Environmental Management showed that several drinking water wells were contaminated with volatile organic compounds and metals. Residents' complaints that their water smelled like nail polish prompted the testing. With only 10% of the wells tested, residents insisted that accurate results could not be obtained until all the wells were tested.

The Town of Pines sits on an unconfined aquifer and the wells are located in a highly porous sand layer, down gradient from three landfills. One of the landfills, owned by Brown, Inc., accepted by-products of coal combustion processes used by utility power plants. Other sources of contamination include fly ash, underground gasoline storage tanks, dredging spoils and unregulated junk and scrap yards. Northern Indiana Public Service Company's

(NIPSCO) Michigan City generating station has been identified as a source of fly ash. NIPSCO and Brown, Inc. have been named responsible parties.

The citizens of the Town of Pines founded the People in Need of Environmental Safety (PINES) in March 2002 in response to the discovery of the contaminated wells. Environmental groups Save the Dunes Council, Hoosier Environmental Council, and Clean Air Task Force, joined PINES to file a notice of intent to sue against the landfill owner. NIPSCO and Brown, Inc. have since entered into a consent order with the EPA to fund a \$2 million water pipeline to provide about 30% of the homes with water.

The EPA has maintained that random testing provides a representation of the total contamination. After over a year of denied requests for further testing, PINES contracted for independent testing. The results show levels of boron in a previously untested well almost double what the EPA considers a long-term health risk. The EPA conducted their own additional tests, which preliminarily validated the independent tests, and PINES has renewed its call for comprehensive testing.



## AGENCIES PARTNER TO ENHANCE STEWARDSHIP AND PROTECT VITAL WATER RESOURCES

BY KAREN DE VITO

On Wednesday, October 29, 2003, Governor George Pataki announced a \$62 million dollar agreement between the New York State

Agriculture Commission and the United States Department of Agriculture (USDA) to implement the New York State Conservation Reserve Enhancement Program (CREP). The \$62 million is a combination of state and federal investments, with \$10.4 million coming from New York State's Environmental Protection Fund, and the remaining \$52 million coming from the USDA.

CREPs are used across the United States in an effort to address significant agriculture-related environmental problems, such as increased nutrient loading and erosion, decreased water quality, and increased presence of pathogens. The New York CREP will help farmers address these issues by providing financial incentives from the USDA to voluntarily retire cropland or pastureland for a period of 10-15 years. Once enrolled in the program, the land will be converted to native grasses, trees and other vegetation, which will enhance water quality and provide additional habitat for wildlife.

This newly created CREP will join the two CREPs that have already been established in New York, one in the metropolitan New York region and the other in the Syracuse region. Under this agreement 12 major watersheds across New York, which when combined comprise approximately 73 percent of the state's farmland, will be targeted. Of the twelve watersheds selected, the following four fall within the Great Lakes Basin: Black River/St. Lawrence Watersheds, Genesee-Oswego-Seneca-Oneida River Watershed, Lake Erie-Niagara River Watershed, and the Lake Ontario Direct

Drainage Watershed. The 12 watersheds were specifically selected because they are all listed as impaired as a result of agricultural activities on the New York State's Priority Waterbody List.

This new New York CREP, was established with the following four goals:

- 1) Reduction of nutrient loading of:
  - phosphorus from 145, 284 pounds per year to 72,642 pounds per year
  - nitrogen from 77,376 pounds per year to 38,688 pounds per year
  - sediments from 175,316 tons per year to 70,126 tons per year
- 2) Reduction of the potential for waterborne pathogens
- 3) Establishment of riparian buffers adjacent to 4,598 stream miles and 473, 457 acres of surface waters
- 4) Establishment of conservation cover on areas that serve as EPA approved wellhead zones

In order to enter into the program, cropland must have been cropped four of the six years between 1996 and 2001 and the land must be physically and legally capable of being cropped in a normal manner. For their participation in the program farmers receive rent for the acreage they enroll, as well as tax credits, reimbursements for following USDA-approved conservation practices, and incentives for certain conservation methods.

CREPs are just one tool used as part of New York State's Agricultural Environmental Management Program (AEM), which was created in 2000 to address water quality issues associated with agricultural practices. AEM operates at the state and local level to provide financial, educational and technical assistance to farmers for developing and implementing AEM Plans. AEM in New York has proven to be successful across the state with more than 8,000 farms participating. In fact, NY's AEM has been hailed by the United States Environmental Protection Agency (EPA) as "an innovative state program that has put New York in the forefront of a national effort to help farmers identify and address agricultural nonpoint source pollution," (EPA Section 319 Success Stories, Vol. III).

For more information about the CREP program contact your local USDA Farm Service Agency or go on the web at [www.fsa.usda.gov](http://www.fsa.usda.gov). For additional information about NY's AEM visit <http://www.agmkt.state.ny.us/SoilWater/AEM/AEM2002AnnualReport.pdf>.



*Unique state and federal partnerships allow farmers to receive incentive payments for installing specific conservation practices.  
Credit: Don Breneman*



# Pennsylvania Update

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## ENVIRONMENTAL GROUPS AND COMMUNITIES JOIN TOGETHER TO CLEAR LAKE ERIE SHORELINE

By SUSAN SMITH

Collecting and inventorying 42,000 pounds of trash from the Lake Erie shoreline and streams is no small feat. Determined watershed and conservation groups, assisted by community volunteers, came together on September 20, 2003 to participate in an international study called the International Coastal Cleanup (ICC), the oldest and largest volunteer project of its kind. Pennsylvania Department of Environmental Protection (DEP) Northwest Regional Director Kelly Burch reported, "Over 600 volunteers spent September 20 recording and collecting cigarette butts, food wrappers, plastic bottles, old tires and other debris along 37 miles of shoreline. This achievement underscores what can be accomplished by community teamwork."

As one of the leading organizers of the local cleanup, Waste Management's Melanie Williams emphasized that the ultimate goal of the activity is to change habits since individual behavior creates most litter and debris found on shorelines. "Volunteers recorded what they found to help us find out what work we need to do together to stop the littering of our shoreline and streams," Williams said. "Cleanups aren't truly effective tools in a pollution prevention campaign if they don't go hand-in-hand with public education. It is education that leads more people to properly dispose of waste."

The cleanup was staged at ten sites across northern Erie County: Presque Isle State Park; the Elk Creek and Walnut Creek access areas; Walnut Creek at Asbury Woods; the mouth and headwaters of Mill Creek; McDannel Run at Six Mile Creek and Seven Mile Creek; Cascade Creek at Presque Isle Bay and Garrison Run; and North East Marina at Freeport Beach and Twenty Mile Creek.

One of the sites, Raccoon Creek Access Area in Springfield Township, was an illegal dump where debris had been improperly disposed over a period of years. "This is the site that substantially boosted the weight of what we collected since volunteers at Raccoon Creek cleared 332 tires, appliances, couches, batteries and other heavy debris that was not found in big quantities at other sites," DEP Coastal Zone Manager Don Benczkowski said. "We will be working with Springfield Township and other agencies in the weeks ahead to make sure that we don't find a similar situation during next year's International Coastal Cleanup." Recoverable material was recycled, while collected material that could not be recycled was transported to Lake View Landfill for proper disposal.

In the 2002 ICC, 391,000 volunteers collected and documented the types and quantity of trash found along shorelines in 100 countries. The nonprofit Ocean Conservancy, which runs the international cleanup, reports that the 2002 cleanup volunteers collected 1.64 million cigarettes and cigarette filters and 675,360 food wrappers and containers. Cigarettes and cigarette filters topped the Top 10 list of litter that volunteers worldwide picked up during the 2002 event. The conservancy is still compiling the worldwide information from September's cleanup.

"About 18,000 area students will use the Erie Times-News in the classroom as part of the Erie Times-News in Education program, which will include activities and talks on preventing pollution," said Anna McCartney, the Newspaper in Education (NIE) and literacy-projects coordinator for the newspaper.

The 18th annual International Coastal Cleanup is expected not only to make shorelines cleaner, but to get people to start thinking about changing their habits. Each piece of debris that enters oceans or waterways could potentially harm aquatic habitats.

Earth Force educator, Nancy Way & Klein School Earth Force volunteers.



Volunteers clean up Cascade Creek in Erie, PA.

Members of Junior PA Lake Erie Watershed Association volunteer to clean up and document debris found on Lake Erie's shoreline.





# Michigan Update



TIP OF THE MITT WATERSHED COUNCIL; SERVING AS HUB COORDINATOR IS CHRIS GRUBB  
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## RIVER ADVOCATES GATHERED FOR MICHIGAN RIVER ALLIANCE ANNUAL MEETING

By CHRIS GRUBB

A group of nearly 50 river advocates from across the state of Michigan gathered at the University of Michigan-Flint Campus on October 24-25 to participate in the Michigan River Alliance (MRA) Annual Meeting. MRA (formerly known as the Michigan River Network) is a coalition of groups and individuals working to protect and restore Michigan's rivers and watersheds. MRA assists groups working at the grassroots level by increasing communication, information-sharing, and providing technical assistance.

At this year's meeting, Michigan river advocates were joined by national experts Gayle Killam of the River Network, Betsy Otto of American Rivers, and Peter Lane of the Institute for Conservation Leadership. Each presenter brought a unique perspective to the meeting. The MRA Annual Meeting offered workshops on using the clean water act to prevent stormwater pollution and on board and volunteer leadership development. Attendees were also updated on state and national river issues and learning about the Heritage Water Trail System.

A portion of the meeting was dedicated to discussing the future direction of MRA. After having existed as a project of Tip of the Mitt Watershed Council for several years, MRA is currently in the process of evolving into a separate organization. An interim board of directors is in place, and they have been busy completing Bylaws, Articles of Incorporation, and preparing to file for 501(c)(3) or "charitable organization" status with the Internal Revenue Service. The interim board has agreed on three priority programmatic areas for when they get up and running: 1) small dam removal, 2) working on needed changes to the list of impaired and threatened waters (303(d)) list, and 3) issues surrounding the Natural Rivers Act.

Betsy Otto and Jessica Opfer of the Clinton River Watershed Council added national and local perspectives to Gayle Killam's workshop, "Making Michigan's Stormwater Program Local: Community and Watershed Opportunities." They focused on how to prevent stormwater pollution impacts from urbanized areas, construction sites, and industrial facilities. Otto discussed Michigan's State Revolving Loan Fund as a source of funding for stormwater projects, while Opfer highlighted some of the Clinton River Watershed Council's successes in utilizing a subwatershed strategy and



American Rivers presenter Betsy Otto gave a river issues update and a presentation on how to prevent stormwater pollution impacts from urbanized areas, construction sites, and industrial facilities at the MRA conference.



Gayle Killam of the River Network presented and all-day workshop entitled "Making Michigan's Stormwater Program Local: Community and Watershed Opportunities".

student monitors. The workshop closed with an exciting problem-solving session where those in attendance discussed how they could apply some of the ideas presented to their own watersheds.

Peter Lane led the workshop on organizational capacity building, which was focused around two themes: "Board Development: Achieving Results Through Leadership" and "Volunteer Leadership Development: Involving the Community." The workshop gave participants the chance to critically examine their organizations and strategize ways to strengthen them.

During Friday's river issues update, Betsy Otto announced that the scope of the Clean Water Act, which has ensured broad protection of waters in the United States for over 30 years, is under threat of being narrowed. Following a 2001 Supreme Court ruling that limited federal jurisdiction over isolated, non-navigable, intrastate waters and wetlands, Bush administration officials have drafted a rule that would eliminate an estimated 20 percent of the nation's wetlands from protection under the Clean Water Act. Otto also noted that a significant portion of seasonal and ephemeral streams would go unprotected. Chris Grubb, of the Tip of the Mitt Watershed Council, in Petoskey, MI, gave an update on legislation that recently passed the Michigan House to dramatically weaken the Natural Rivers Act.

MRA would like to send a special thanks to the people of the Flint River Watershed Coalition and the University of Michigan-Flint Center for Applied Environmental Research who were a tremendous help in hosting the event and providing organizational support.



## GROUPS URGE LAKE ERIE SHORELINE REMAIN IN PUBLIC TRUST

By: MOLLY FLANAGAN

Stop now, before you rob the Lake Erie shore from Ohio's 11 million citizens and hand it over to private property owners. That's what a former state natural resources director and conservation groups are warning Ohio lawmakers. The debate revolves around Ohio House Bill 218, which proposes to strip thousands of acres of Lake Erie shoreline from the public and hand it over to adjacent private property owners.

William Nye, director of the Ohio Department of Natural Resources from 1971-1975, said the bill violates longstanding state and federal supreme court decisions that charge the state with the responsibility to hold title to the lands and waters of Lake Erie in trust for all of the people of Ohio. Nye, also an attorney, said that any attempt by lawmakers to abandon the state's control over the shore up to the ordinary high watermark would be struck down by the courts. The groups including the Ohio Environmental Council, the League of Ohio Sportsmen, Great Lakes United, the National Wildlife Federation, and the Ohio Coastal Resource Management Project blasted the proposed legislation, saying that it amounted to a giveaway of public lands.

If this bill passes, there may be many negative consequences for Ohio:

- The public's right to boat, bird-watch, fish, swim, and wade along the shoreline could be severely restricted.
- It could be open season for private property owners to construct whatever structure they like along Lake Erie. In just a few years, oil rigs, fences, and private piers could stick out into the lake from Toledo to Ashtabula.
- Ohio's shoreline could continue to erode, dumping could become prevalent again, and lakefront owners could be able to fill in portions of their beaches to expand their land base.
- Private landowners who live along the lake could enjoy a giveaway of public resources of immense proportions.
- Sensitive marshland and other lake lands that provide a nursery and critical habitat for fish and wildlife could be threatened by development.

"This bill is Robin Hood in reverse. It robs from the public and gives to the privileged few. It's grand larceny, and the public gets nothing in return," said Jack Shaner, a spokesperson for the Ohio Environmental Council. Under current Ohio law, the state can allow private landowners with property next to the lakeshore to build boat docks and other structures to access the lake or to protect their adjacent property from erosion.



Hearings are already underway in the Ohio House of Representatives in Columbus on legislation to strip control over the Lake Erie shoreline away from the State of Ohio and deliver it to private property owners. Credit: Ohio Environmental Council.

The groups coordinated their efforts and released a letter opposing the bill. The letter was co-signed by Nye and three other former directors of the Ohio DNR: Francis S. Buchholzer, Joseph J. Sommer and Robert W. Teater. In the letter, the former Ohio DNR directors call House Bill 218 "bad for Lake Erie and bad for all Ohioans" and criticize its "irresponsible efforts to abandon Ohio's lake and coastal resources to an uncertain future." The letter attributes the bill to "a small but vocal handful of coastal landowners... seeking to extend their control over resources that are the heritage of all Ohioans."

A substitute bill is in the works. There is speculation that the new bill will be more moderate than the original proposal, but still will lower the ordinary high watermark – the legal boundary between Lake Erie's public trust lands and upland property, as recognized by the Ohio DNR and upheld by the courts. The conservation groups warned that any attempt to tamper with the high watermark would be illegal and a violation of the public trust.

"For 200 years, the state has protected the public's right to fish, boat and wade along the shoreline. Suddenly, some lawmakers want to reverse course and scuttle the public trust. Why? What a cruel way to mark Ohio's bicentennial," said Edith Chase a longtime advocate for the lake and president of the Ohio Coastal Resource Management Project.

Elaine Marsh of Great Lakes United pointed out that public investment in Lake Erie pays dividends to all. "The economic, environmental and recreational value of Lake Erie is totally dependent on public dollars, public recreation, and public participation."

# Wisconsin Update

WISCONSIN WETLANDS ASSOCIATION

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Becky Abel

## FARMLAND USE-VALUE ASSESSMENT PREVENTING RESTORATION OF WETLANDS?

By DEREK STROHL

A well-meant tax policy is costing Wisconsin thousands of acres of potential restored wetlands. The policy, known as use-value assessment, allows agricultural lands to be assessed at their agricultural value instead of the market value. The premise is that taxing farmers according to the use-value will result in lower taxes, making it easier for farmers to keep their land and to keep their land in farming. This policy appears to be working well at alleviating the tax burden on agricultural lands. Some agricultural lands are projected, under the current tax formula, to have negative taxes in 2004!

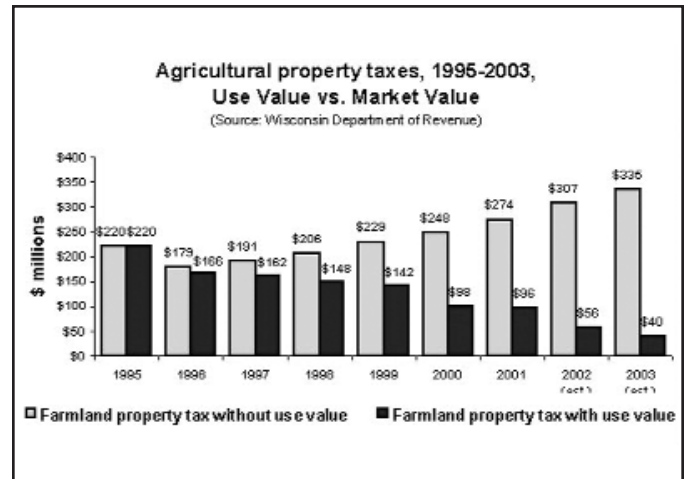
However, since a given township's total tax revenue is dictated from the state level, the taxes on wetlands have increased with the implementation of this policy. Wetland owners are claiming that their taxes are increasing as much as 30-50 times their previous rate due to this policy. Agricultural land that is enrolled in the Conservation Reserve Program (CRP), which involves, among other things, installing vegetated buffer strips and restoring wetlands, can be taxed at the use-value rate. But land that is enrolled in the Wetland Reserve Program (WRP), the federal government's premier program for converting agricultural land back into wetlands, is taxed at its market rate, which is typically very high. Staff at the Natural Resources Conservation Service have told us that more than half of the otherwise likely WRP enrollees have turned away after learning that their taxes may greatly increase if they participate. Several other sources have similar complaints – that people simply aren't interested in restoring their wetlands when they learn how much it will cost them.

Several attempts have been made to correct this problem, but there are significant obstacles in Wisconsin law to a simple solution. The State has most recently addressed this issue in its biennial budget by inserting a clause that creates a new class of land, called "undeveloped land," which includes all wetlands. Lands in this class are to be assessed according to their market value and taxed at half the assessed rate. We will see how this step impacts the decisions of landowners to restore or not to restore their wetlands.

More and more agencies and non-profits are recognizing the severity of this issue, and a panel including the Wisconsin Department of Natural Resources, Wisconsin Department of Agriculture, Trade and Consumer Protection, and the Wisconsin Department of Revenue discussed the impacts of use-value on conservation at the annual meeting of the

Wisconsin Land and Water Conservation Association on December 4th, in Madison. Wisconsin Wetlands Association has received a grant from the McKnight Foundation to spearhead a coalition to study the impacts of use-value taxation on wetland conservation in Wisconsin and to explore alternative solutions. We will be coordinating with many parties to explore systematically how use-value taxation has affected conservation in Wisconsin and to propose and evaluate solutions to this problem.

What we learn in this process will be important news for land trusts, watershed organizations, and other grassroots groups that are interested in conserving wetlands in Wisconsin. We invite individuals and organizations to contact us if you are interested in participating in this coalition, and we welcome comments, not only from Wisconsin's grassroots, but also from the rest of the Great Lakes Basin, where different versions of a use-value taxation policy have been implemented with various results.



*Land that is enrolled in the Wetland Reserve Program is taxed at its market rate which is typically very high instead of the use-value rate. This discourages potential WRP candidates from participating in the program.*



## WINDS OF CHANGE BLOW THROUGH ONTARIO

By: LINDA PIM

Most Ontario environmental and conservation groups are breathing a sigh of relief since the provincial election of October 2, 2003. As Premier Dalton McGuinty, the new premier, has said, Ontarians “chose change.” What exactly that change will mean for Great Lakes aquatic habitats remains to be seen in the coming months and years, but the Federation of Ontario Naturalists and other non-governmental organizations are optimistic that the new government will make moves to undo the damage to Ontario’s natural heritage wrought over the past eight years, including massive cuts to the budgets and staff of key ministries such as the Ministry of the Environment and the Ministry of Natural Resources.

One of the Liberals’ election promises was the creation of a permanently protected, 600,000-acre greenbelt of environmentally sensitive land and farmland from Niagara Falls all the way around the western end of Lake Ontario at Hamilton and through the Greater Toronto Area to Lake Scugog well east of Toronto. It would include the Niagara Escarpment, the Oak Ridges Moraine, the Duffin-Rouge Agricultural Preserve and two-thirds of the provincially-owned Seaton lands in Pickering (just east of Toronto).

Other Liberal party election promises of interest to Great Lakes aquatic habitat advocates included:

- Reducing urban sprawl by investing in public transit through earmarking two cents per litre of the provincial gasoline tax to municipalities to shore up their transit systems.
- Discouraging sprawl by providing infrastructure funding to priority growth areas such as city centres and urban nodes rather than to greenfields, and by working with developers to get urban brownfields developed.
- Implementing every recommendation of the Walkerton Inquiry, which examined the deaths of seven people and illness of 2,300 more in the year 2000 from municipal well water in the town of Walkerton tainted with a virulent strain of the E. coli bacterium – an inquiry that directed some of the responsibility for the tragedy to provincial budget cuts. A key recommendation was water source protection by undertaking comprehensive watershed planning across Ontario.
- Reviewing Ontario’s groundwater supplies before the government issues a single new commercial water-taking permit for bottled water and, if the government is convinced that there are sufficient supplies for



*An example of urban sprawl north of Toronto. One of the Liberal party election promises is to reduce urban sprawl by investing in public transit. Credit: David Lorne*

Ontario’s needs, ensuring that water bottlers pay for the water they pump (which they now obtain free).

- Giving the Ontario Municipal Board clear planning rules to ensure that it follows provincial policies in hearing appeals of municipal land use decisions.

Amidst environmentalists’ optimism about the new provincial government are at least a couple of causes for concern. One is that before elected, Mr. McGuinty openly supported the proposed Red Hill Creek Expressway in the City of Hamilton. Many groups have called on the new premier to cancel provincial funding for this expressway, which would irreparably damage Red Hill Creek and the last large green space left in Hamilton. The previous government has promised to pay half – about \$122 million, at least – of the cost of the expressway.

Furthermore, former premier Eves had campaigned on the basis of a balanced provincial budget for this year. When the Liberals took power in late October and examined the books, they found a budget deficit for the current year of \$5.6 billion. This unexpectedly high deficit will likely mean that some of their environmental promises from the election campaign cannot be met nearly as quickly as they had anticipated, such as increasing the budgets of the environment and natural resources ministries. Still, most environmentalists expect the new Liberal government to accord more attention and sensitivity to environmental concerns than their predecessors did during the 1995-2003 period.



## MINNESOTA ORGANIZATIONS JOIN NATIONAL CAMPAIGN

By: JENNIFER TAHTINEN



The Great Lakes states are home to an abundance of agricultural and industrial commerce resulting in the use and release of excessive amounts of toxic chemicals. Minnesota alone uses millions of pounds of pesticides every year, including toxins known to be endocrine disruptors, carcinogens, and reproductive toxins that leach into the groundwater, often at levels exceeding health risk limits.

Approximately 80,000 chemicals, most of which did not exist before the 1940's, are currently used in the United States. That number grows by about 2,500 every year. In 1998, the Environmental Protection Agency studied 2,863 of the most commonly used chemicals and found that no toxicity information was available for 43% of them, and full toxicity data was available for only 7%. The hazard levels of most of these chemicals are unknown.

These possibly toxic chemicals are everywhere - in our homes, the clothes we wear, the water we drink, the toys our children play with, and the food we eat. These hazardous chemicals are having a disastrous effect on the health and well being of our children. Children and fetuses are more vulnerable to chemical exposures than adults. According to the American Lung Association, asthma in children increased more than 72% between 1973 and 1994. The National Cancer Institute reports that childhood brain and nervous system cancers in children aged 0 to 4 rose 53%, and non-hodgkins lymphoma in teenagers jumped 128% in the same time period. Learning disabilities jumped an astounding 191% between 1977 and 1994 according to the Greater Boston Physicians for Social Responsibility, and 1 in every 200 children now suffers from developmental or neurological problems caused by exposure to toxic substances.

In response to this alarming trend, hundreds of national and state organizations have launched BE SAFE, a nationwide initiative to protect children's health and the natural environment through a "better safe than sorry" precautionary approach. The BE SAFE coalition is spearheaded by the Center for Health, Environment and Justice.



*EAGLE is coordinating the BE SAFE campaign in Minnesota to make sure that our children have safe drinking water and a safe environment. Credit: USDA*

The Environmental Association for Great Lakes Education (EAGLE) is coordinating the efforts of local organizations and individuals in Minnesota that have united to plan activities and events to be held over the next year and a half.

The BE SAFE coalition is focusing on attaining regulatory policies requiring safe alternatives for chemicals, products, and technologies that cause harm to peoples' health or the environment. After reviewing the problems and concerns of Minnesota communities, EAGLE and its partners have decided to focus initially on the health risks associated with contaminated drinking water, pesticides and mercury. "We live in a state known for its thousands of lakes, yet of the 900 tested, 99% have mercury-contaminated fish," stated Janelle Sorensen, the Minnesota BE SAFE campaign coordinator.

The BE SAFE campaign in Minnesota will highlight and coordinate the efforts of local organizations working on the aforementioned issues, and hopes to work with Governor Pawlenty in his efforts to protect and restore Minnesota's waters as outlined in the clean water initiative he introduced in June. The entire BE SAFE coalition is calling on government and industry to heed early warning signs and prevent toxic exposures to children by taking a preventative approach.

The BE SAFE campaign is gathering hundreds of thousands of endorsements by organizations and individuals to present to the newly elected President in 2005 during the first 100 days of office. The campaign outlines the critical need for government and industry to institute a "better safe than sorry" approach motivated by caution and prevention to protect children from harmful chemical and radioactive exposures and to avoid illnesses.

## WAUKEGAN STUDENTS PARTICIPATE IN EDUCATIONAL EXCHANGE PROGRAM



see if they can purchase this steep ravine for a water science study area for their school. They have a verbal agreement with the Illinois Audubon Society to help with the funding should the property become available for purchase.

These students are the future voters who will be making a difference on the environmental legislation in the United States in just eight short years. They are learning the tools now that will enable them to make thoughtful and educated decisions regarding water, air, and land-use in their

communities during their lifetimes. The Waukegan Harbor Citizens' Advisory Group is pleased to assist them. Please join these students in their efforts to link up with other students lake-wide.

You may contact the Hyde Park Elementary School students by emailing:

Susie Schreiber, Chair  
Waukegan Harbor Citizens' Advisory Group  
jschreiber@ameritech.net

Your inquiries and letters will be printed out and forwarded to Mrs. Asma's students. We all look forward to hearing from some other classes in the Lake Michigan basin.

### MARK YOUR CALENDAR



**January 29-30, 2004, *Water for a Sustainable and Secure Future: a National Conference on Science, Policy and the Environment*, Washington, DC**

Sponsored by the National Council for Science and the Environment (NCSE), the 4th National Conference on Science, Policy and the Environment will explore the role of science in achieving sustainable relationships among water, people, and the environment. This unique event will bring together a diverse group of stakeholders—both specialists and non-specialists in water resources—united by their common concern over issues of water sustainability.  
Contact: Peter Saundry, Phone: 202-530-5810  
E-mail: info@NCSEonline.org

**January 30-31, 2004, *Wooded Wetlands-Wisconsin Wetlands Association Annual Wetland Science Forum*, Wausau, Wisconsin**  
Presented by the Wisconsin Wetlands Association and the Wisconsin Woodland Owners Association. The 9th Annual Wetland Science Forum will include two days of field trips, seminars, and discussions that will focus on scientific research on the ecology and hydrology of wooded wetlands as they relate to the stewardship of wooded wetlands.  
Contact: Derek Strohl, Phone: 608-250-9971  
E-mail: derek@wiscwetlands.org

**February 9-10, 2004, *Great Lakes Clamwatcher's Conference*, Porter, Indiana**

The purpose of this mini-conference is to explore the existing knowledge of Great Lakes mollusks, their role in the ecosystem of the Lakes, the research needs that exist and how a citizen-science project to monitor the presence and relative abundance of native mollusks might be designed to meet some of those needs.

Contact: Elma Thiele, Phone: 219-787-8983  
E-mail: rwsa@myvine.com

**February 21, 2004, *Great Lakes Shipwreck Festival*, Dearborn, Michigan**

Presented by the Ford Seahorses Scuba Diving Club, this 26th annual festival will include fresh and salt water programs, seminars, and underwater photo contest results. Exhibitors will include maritime artists, historical and preservation societies and shipwreck artifact collections.

E-mail: festivalchair@fordseahorses.org

### RESOURCES

*Seize the Initiative* by Gregory L. Colvin and Lowell Finley, a publication by The Alliance for Justice. This book is a tool for nonprofit organizations on the legal do's and don'ts of "seizing the initiative" in their communities. *Seize the Initiative* is offered in recognition of the growing activism among nonprofit organizations and their experiences in ballot measure campaigns. Phone: (202) 822-6070, E-mail: alliance@afj.org, Website: www.afj.org

*Worry-Free Lobbying for Nonprofits* by the Alliance for Justice was written to stimulate the interest of foundations and public charities to explore how lobbying can be conducted legally and effectively via the 501(h) election. Phone: (202) 822-6070, E-mail: alliance@afj.org, Website: www.afj.org

Bookmark [www.GreatLakesDirectory.org](http://www.GreatLakesDirectory.org) for information on Great Lakes funders, articles on important issues within the Great Lakes Basin, a directory of over 1,000 Great Lakes organizations, stories of successful grassroots projects from around the Basin, and more.

Bookmark [www.glhabitat.org](http://www.glhabitat.org) for the latest funding information from the Great Lakes Aquatic Habitat Network and Fund and for an up-to-date listing of groups and projects that have been funded. You will also find grant application and reporting forms.



## HISTORIC JUDGMENT IN WATER BOTTLING CASE

The Great Lakes Aquatic Habitat Network and Fund commends the Mecosta County-based Michigan Citizens for Water Conservation (MCWC) and its legal team in protecting Michigan's environment and its citizens property rights by winning the landmark law suit against the global water bottler Nestle/Great Spring Waters of North America – formerly known as Perrier.

49th Circuit Court Judge Lawrence Root carefully listened to nearly 20 days of extremely complex and consistently conflicting scientific argument, and waded through over 4,300 pages of evidence to rule on November 25, 2003 that "I have ordered the termination of all water withdrawals (by Nestle with 21 days) from the well field at the Sanctuary Springs (near Stanwood in Mecosta County)."

The judge found, in part, that wetlands at and downstream of the site, and public waterways flowing from the site, especially the Dead Stream, Thompson and Osprey Lakes, were shown by the plaintiffs to have already been impacted by preliminary water pumping during 2002 and 2003, and that these waters "would drop up to an additional six inches" if Nestle was allowed to pump up to its fully permitted volume.

The judge agreed with plaintiffs that three of the four wetlands monitored at the site had already been impacted, while most of the 41 wetlands at the Sanctuary remain unmonitored by Nestle. The judge noted the defendants' "startling trial admissions" of these environmental effects while consistently denying any impact to wetlands, lakes, or streams during pre-trial testimony and since proposing the water withdrawal to state and local governmental officials in 2001.

The judge noted that Nestle's experts were "having trouble accepting the reality I have found that pumping is having effects and will have effects to a greater extent in the future as pumping increases."

GLAHNF has provided small grants to MCWC in support of its efforts, and congratulates the MCWC and the residents of Michigan in protecting the headwaters of the Little Muskegon River, downstream waters, and their crucial wetlands.

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