SUCCESS STORY!!

Precedent Set in Indiana—Enforcement of Erosion and Stormwater Control Laws

By Kim Ferraro

This autumn, the Legal Environmental Aid Foundation (LEAF) of Indiana obtained a $100,000 settlement of a lawsuit against developers for repeated violations of the Clean Water Act that harmed Salt Creek in Porter County, Indiana.

In 2004, developers of a residential subdivision in Valparaiso, clear-cut all vegetation from 14 acres of natural, forested property to build single-family homes and condos. Over the four-years of construction, the developers failed to institute and maintain even minimal soil erosion and stormwater control measures at the site which caused more than 8,000 tons of soil and dirty runoff to enter a tributary of Salt Creek. The polluted runoff degraded the watershed, and damaged adjacent property owned by LEAF’s clients. Consequently, in 2007, LEAF filed a lawsuit against the developers.

The Clean Water Act requires states to regulate runoff from construction sites of one-acre or more. The Indiana Department of Environmental Management (IDEM), is charged with implementing this law in Indiana through a state regulation known as “Rule 5.” Unfortunately, enforcement of the law is variable, leaving developers with the impression that the regulation is merely a suggestion for adopting “Best Management Practices” at their construction sites. That misguided view changed when LEAF won their recent lawsuit.

“The case sets positive precedent in Indiana that sends a message to Indian Department of Environmental Management and developers alike that Rule 5 is more than a lofty goal—it is the law—and LEAF will hold them accountable if they fail to follow it.”

The settlement will be used to remediate a large downstream wetland on the neighbor’s property. In addition, the developers agreed to implement necessary erosion/sediment for future construction at the site.

In December 2011, LEAF merged with the Hoosier Environmental Council. To learn more about their programs visit www.hecweb.org.
Does Your Pie Have A Piece of Civic Engagement?

Jill Ryan, Executive Director

Like pie—blueberry is my favorite. But there is another type of pie, I have been paying more attention to lately—the piece of my life pie that has to do with being involved in my community and participating as a citizen. If you think of your life as a pie—most of us divide our time and energy between six different pieces: 1) work; 2) relationships/family; 3) health; 4) spiritual activities; 5) leisure time/fun; and 6) community or contributing to others.

Grab your favorite marker, crayon, pen and a piece of scratch paper and draw your life pie, making the size of the piece equal to the amount of time you generally spend on that activity. Do you like the size of the pieces? I would bet the leisure time/fun piece of pie is probably smaller than you would like.

For most of our readers, I would guess the majority have a pretty big piece for community involvement. Thank you. Your involvement and willingness to speak out is critical to making our democratic institutions work.

Here at Freshwater Future, we know that being an involved citizen is key to getting successful changes to laws that will ultimately protect our lakes, rivers, wetlands and drinking water. We often ask you to speak out and it makes a difference. Your voices are helping us make progress on the Asian carp and other issues.

In the coming year, Freshwater Future will provide you many opportunities to engage. I invite you to share your voice and opinion to your elected officials about issues facing the Great Lakes. We’ll also share what other people are doing to benefit their communities. Personally, I’ll be making that piece of my life pie a bit bigger too. Will you join me?

Rain Gardens Can Help Alleviate Impacts of Climate Change

Pennoyer Park Neighborhood, Root-Pike WIN—Milwaukee

Rain, snow, sleet—all kinds of precipitation is on the rise in the Great Lakes. According to the Wisconsin Initiative on Climate Change Impacts (WICCI), southeastern Wisconsin has been experiencing increased annual rainfall and increased and more intense precipitation in recent years. More rain means more runoff and more pollution to our lakes. It may also mean a greater chance for a wet basement!

One increasingly popular adaptive solution to help alleviate this situation is to create rain gardens. According to the Root-Pike Watershed Initiative Network (Root-Pike WIN), a 300-square foot rain garden can infiltrate 12,000 gallons of water every year. Soil, fertilizers, and pollutants are trapped and filtered out by the plants within the garden, allowing the water to soak through to recharge the groundwater supply. Rain gardens need little maintenance and they add natural beauty to a neighborhood.

In 2011, 20 rain gardens were created by Root-Pike WIN in the Milwaukee area (some funding was provided by Freshwater Future). One of these, located at a local business in Pennoyer Park Neighborhood within the city of Kenosha, is helping to reduce the amount of pollution that drains to the local beach.

According to Root-Pike WIN executive director Susan Greenfield, “Our rain garden workshops are attracting around 150 people a year.” All told, the organization has funded 90 rain gardens through an active outreach and education effort.

Through education programs and rain garden workshops, Root-Pike WIN has increased awareness of climate change and provided practical tools that will help residents reduce risks of flooding and help to keep public beaches cleaner.

In our last two newsletters, Freshwater Future has highlighted two climate grants that utilized rain gardens to help communities adapt to climate change. There are many other tools and approaches available for Great Lakes communities. Please visit our website, www.freshwaterfuture.org and www.cahek.org to learn more.
Climate change is here. Are you ready? After a couple of days filled with learning and laughter, the participants at our Milwaukee, WI Climate Symposium in November 2011 now have the basics for getting their community prepared for the impacts from climate change. Participants shared that they came to learn the basics of climate change and adaptation, and felt their expectations were fully met as they left with a solid foundation of information, knowledge of resources, and a network of people to engage with on this subject. Equally important, participants gained access to needed tools to develop a climate savvy project and write an adaptation grant application for Freshwater Future’s climate grants.

Ruth Johnson, from Town & Country Resource Conservation and Development shared, “I particularly liked and was impressed by the tenor and skill set used by all on the presentations. It was accurate and constructive and very on point yet given in such a neutral, supportive manner that people could drink in the information.”

Are you interested in making your community more climate savvy? If so, join us in Buffalo in Spring 2012 for our next Climate Symposium.

Special thanks to the following helping to make the event a success:
- Kresge Foundation
- New Prospect Foundation
- Brico Fund
- Lara Hansen, EcoAdapt
- Jennie Hoffman, EcoAdapt
- Marilyn Goris, Water Table
- City of Milwaukee
- Karen Sands, Milwaukee Metropolitan Sewer District
- Gail Oberholt, University of Wisconsin Extension
Freshwater Future’s Citizen Advocate Awards:

Citizen Award: Diane Hofner, CROP PLUS – Portland, New York
(CROP-PLUS stands for Concerned Residents of Portland – People Like Us Portland)

It takes strength to stand up for the truth, especially when the alternative means changing a system that has been in place for years as well as higher dollar costs for a community.

When Diane Hofner and her husband retired to their summer home in Portland, NY, she started paying closer attention to the piles of dark ash that were used on the roads to increase traction during the winter. She discovered that the coal ash was available for free from the local coal plant and putting it on the road kept it out of the landfill. She also discovered that this had been going on for decades.

Diane made her first call to the Health Department and began a long, informative, and alarming journey that revealed many levels at which her community could be contaminated by disposal of both waste products from coal burning: bottom ash and fly ash.

Diane found out that the use of coal ash was allowed through the state of New York as a cheap alternative to more costly sand and salt. She also discovered that nearby wells had been contaminated as a result of a golf course built on millions of tons of fly ash.

Initially using her money for expensive tests on the ash, it was a lonely, uphill battle. Eventually, Diane was connected to Freshwater Future. “At first, a consultation grant in 2009 was awarded which helped me organize my thoughts,” explained Diane who had never before written a grant and had minimal computer skills. A second grant of $4,000 was used for testing the ash samples. “I did what people needed to see as proof. With the grant, we were able to hire a professional sampler this time.”

In 1980, Congress stopped regulating coal ash. Diane’s recent work is supporting ongoing efforts to reinstate regulation of coal ash and to define it as a hazardous waste.

Today, Diane’s local community has stopped using coal ash on their roads. We commend Diane for standing up to protect the lakes, rivers and drinking water in her community from pollution and award her the 2011 Citizen Advocate Award.

Group Award: Cool Learning Experience – Waukegan, IL

Nature is good for the body, mind and soul. Ok—we know we are preaching to the proverbial choir—but it is true.

Research continues to show that the amount of time kids spend outdoors has an impact on academics, their self-esteem, and their mental and physical health. No matter where a child is from or what that child’s past has been, nature offers unlimited opportunities for learning, growing, and finding peace. Just ask, Coyote (also known as Barbara Waller), the creator and director of Cool Learning Experience in Waukegan, Illinois—how getting kids outdoors makes a difference.

Over the past several years, Barbara and her daughter, Kimberly (Monarch Butterfly) have organized a six-week summer program for upper elementary kids in Waukegan, Illinois. Their mission is to foster the well-being of children—mind, body, soul and spirit within the context of the web of relationship among which they live out their lives.

They are also raising academic performance. One of their most outstanding accomplishments was a marked increase (overall 17% for all grades) in students’ academic performance as measured by the Illinois State Achievement Test (ISAT) sample exam in the areas of science and reading.

After choosing their own token animal name, the students are encouraged to be kids! For example, in their “Exploring Waukegan’s Ravines” activity—children investigate wild places in their neighborhood: Waukegan’s ravine system, lakefront dunes, beach, and harbor areas. Nature games and self-discovery activities heighten the children’s interest, foster a “sense of place,” and stimulate a thirst to learn more about the local environment.

Children bring the learning home, encouraging their parents to conserve water and recycle. One parent shared a story of how her
If you asked Cynthia Pryor, 16 years ago what was the biggest threat to the Yellow Dog River—she probably would have answered unchecked logging. In 1995, when the Yellow Dog Watershed Preserve first organized, mining was not on the radar screen.

In 2003, that changed when Kennecott Minerals—a Utah based mining company revealed a proposed mining site located directly below the Salmon Trout River, adjacent to the Yellow Dog River, all within a watershed that drains to Lake Superior. In addition, the location of the mining facility is next to a rock outcropping known by the Keweenaw Bay Indian Community as Eagle Rock, a site of spiritual significance to the tribe.

For several years, numerous volunteers and the small staff of the Yellow Dog Watershed Preserve—Cynthia, Emily Whittaker, Chauncey Moran, and Wendy Johnson—have worked to raise awareness of the looming threats of sulfide mining in this Great Lakes watershed.

The 2011 Grassroots Advocate Award for an Organization goes to the Yellow Dog Watershed Preserve for their leadership to build a collaborative effort and partnerships to protect the Salmon Trout River and the surrounding environment from the negative impacts associated with mining. The Yellow Dog has demonstrated that addressing threats to our environment are best accomplished by local groups working with partners. Through each hurdle whether legal or administrative, the Yellow Dog remained optimistic and never gave up.

While construction of the mining facility began in the spring of 2010 and this past fall, blasting began at Eagle Rock, Yellow Dog Watershed Preserve has persevered and today is diligently monitoring the operations and doing all it can to hold the mining industry accountable and protect the watershed.

The dedicated staff and volunteers of the Yellow Dog Watershed Preserve are to be commended for all they have done and continue to do to protect this northern Michigan wilderness watershed.
Does your group or organization need funds for your work to protect the environment? If you have a budget under $200,000 and you are engaged in advocacy that will improve your community’s environment—you should check out our grants programs.

Congratulations to Our Fall 2011 Grant Awardees:

**Project Grants**
- Buckeye Forest Council, $5000.00
- Lake Superior Watershed Conservancy, $1,000.00
- Lake Superior Watershed Conservancy, $3,000.00
- Lakeshore Natural Resource Partnership, Inc., $4,012.50
- Mid-Michigan Environmental Action Council, $2,668.50
- Save Lake Superior Association, $5,000.00
- Save the Wild U.P., $4,000.00
- Wisconsin Resources Protection Council, $3,500.00

**Insight Grants**
- Blanchard River Watershed Partnership, $843.75
- Buckeye Forest Council, $1,518.75
- Friends of the Shiawasee River, $1,856.25
- Highway J Citizens Group, $1,012.50
- Lakeshore Natural Resource Partnership, Inc., $1,012.50
- Mid-Michigan Environmental Action Council, $2,025.00
- Saugatuck Dunes Coastal Alliance, $450.00
- Save Lake Superior Association, $1,237.50
- Three Lakes Association, $675.00

**Special Opportunity Grants**
- Blanchard River Watershed Partnership, $500.00
- R-CAUSE (Rochestrians Concerned About Unsafe Shale-gas Extraction), $500.00
- Seneca Lake Pure Waters Association, $500.00

Take Advantage of Your Freshwater Future Membership—Apply for a Grant

Organizational members are eligible to apply for our Project Grants, Insight Grants, Climate Grants and our Special Opportunity Grants. Below are the basics about the different grant opportunities. In order to get a grant, you have to apply—don’t delay, apply today! Not a member, join today!

**Project Grants Purpose:**
Provide financial support to grassroots organizations working to influence community and or individual behavior or opinion, corporate conduct, and/or public policy to protect and restore shorelines, inland lakes, rivers, wetlands and other aquatic habitats in the Great Lakes Basin.

- Amount: $500-$5,000
- Deadline: March 30 and September 30, 2012

**Insight Service Grants Purpose:**
Insight Services Grants help grassroots organizations with organizational needs such as strategic planning, fundraising, communications, board development, and issue strategy. Grant funds are used for Freshwater Future staff to provide professional assistance to build your capacity to do your environmental work.

- Amount: $500-$2,500
- Deadline: No deadlines, applications accepted all year.
- Match: 25%

**Climate Grants Purpose:**
This grant program provides funds to grassroots initiatives to make communities better prepared to handle the impacts of climate change and educate and provide tools for municipalities to incorporate climate change into decision-making.

- Amount: Up to $5,000
- Deadline: June 1, 2012

**Special Opportunity Grants Purpose:**
These funds support urgent projects or those that present special, time limited opportunities that do not coincide with our grant deadlines and can be accomplished in for under $500.

- Amount: $500 or less
- Deadline: No deadline available until funds run-out.

**HOW (Healing Our Waters) Grants:**
The Healing Our Waters grants program, with awards up to $15,000, provides financial support that will aid in the development and implementation of Great Lakes Restoration Initiative and other Federal proposals or projects by organizations working in or impacting the Healing Our Waters Priority Areas. Additionally, there is a second, new program with awards up to $5000 to be used for technical grant writing assistance to develop GLRI applications. NOTE: The HOW grants program has different requirements and guidelines than Freshwater Future’s other programs. See the full RFP and maps of Priority Areas at www.freshwaterfuture.org under “Grants Programs.”

Visit our website, www.freshwaterfuture.org for more info or contact us by phone or email.
Thank You to All of Our Donors from October through December 2011

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New Prospect Foundation

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Firelands Audubon Society
Friends of Big Creek
Friends of the Jordan River Watershed
Friends of the St. Clair River Watershed
Highway J Citizens Group
Kalamazoo River Watershed Council
Mid-Michigan Environmental Action Council
Midtown Phillips Neighborhood Association
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Scugog Lake Stewards, Inc.
Sisters of St. Francis of Assisi
Sustain Rural Wisconsin
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