

GREAT LAKES AQUATIC HABITAT NETWORK AND FUND SPRING 2003 GRANT CYCLE REQUEST FOR PROPOSALS



DEADLINE MARCH 31, 2003

The deadline for the Great Lakes Aquatic Habitat Network and Fund's spring grant cycle is March 31, 2003. To receive a current request for proposals, please visit our website at www.glahabitat.org or contact Jennifer Barnett at jennifer@watershedcouncil.org or (231) 347-1181 x107. The goal of the grants program is to provide financial support to advocacy activities that strengthen the role of citizens working locally to protect and restore shorelines, inland lakes, rivers, wetlands, and other aquatic habitats in the Great Lakes Basin.

**A PORTION OF THE AVAILABLE FUNDING WILL BE
DEDICATED TO THE GLAHNF THEME.
THE CURRENT GLAHNF THEME IS WETLANDS.**

As always, if you would like to discuss ideas for a proposal or need assistance in completing your application please contact contact Jill Ryan at (231) 347-1181 x106, your local Network Hub Coordinator, or an Advisory Panel Member (Please see RFP for contact Information).

Great Blue Heron, Don Breneman

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Great Lakes Aquatic Habitat News

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Fact Sheets: Deciding the Fate of the Great Lakes
www.theoec.org/cwater_supply_links.html

Registration Form: Benchmarking for Success Workshop
www.icl.org/programs-workshops/fli.shtml

RESOLUTION ON GAS PIPELINE REDUCES WETLAND IMPACTS

WISCONSIN SETS PRECEDENT WITH STRICT PERMIT CONDITIONS ON GAS COMPANY
 BY: CHARLIE LUTHIN, WISCONSIN WETLANDS ASSOCIATION



Construction on the Guardian Pipeline



Following extensive negotiations between We Energies (formerly Wisconsin Gas Co.), the Wisconsin Department of Natural Resources (DNR), two environmental organizations (Wisconsin Wetlands Association [WWA] and Waukesha County Environmental Action League [WEAL]), an organization of affected property owners (Neighbors Standing United [NSU]), as well as individual affected area citizens, agreement has been reached that allows the controversial 35-mile "lateral" gas pipeline to proceed. The negotiations resulted from the threat of a contested case

hearing requested by WEAL, NSU and affected citizens challenging the permit request by the company.

The strict permit conditions established by the DNR for the lateral pipeline have set a new precedent for environmental protection that can be applied to all future pipeline projects in the state. The lateral pipeline is being constructed to connect the recently-completed 140-mile Guardian pipeline between Joliet, Illinois and Ixonia, Wisconsin with customers in the Milwaukee area.

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DIRECTOR'S NOTES



CHANGING FACES

BY JILL RYAN

As with any group, the faces making up the GLAHNF Advisory Panel change from time to time. The past few months have been no exception.

This issue's Wisconsin Update highlights the exciting new position that Todd Ambs, former GLAHNF Advisory Panel member and Executive Director of River Alliance of Wisconsin, has taken as the Administrator of the Division of Water for the Wisconsin Department of Natural Resources. We wish Todd the best of luck in this endeavor and know that he brings a great deal of experience, passion, and dedication to his new position working for Wisconsin's waters. We will miss your commitment and enthusiasm on the Advisory Panel Todd.

We are also happy to welcome some new members to the Advisory Panel. Merritt Frey has graciously agreed to join our group of advisors representing the national group Clean Water Network. Julie Sibbing, of the National Wildlife Federation has recently rejoined GLAHNF as an advisor, after having served as the original Ohio hub coordinator in the early history of GLAHNF. Finally, Walt Pomeroy has joined our group of advisors representing the Pennsylvania Organization for Watersheds and Rivers.

Thank you so much to both the incoming and outgoing members of the GLAHNF advisory panel. Your input, insight, and hard work continue to help shape GLAHNF in its mission of empowering citizens to take action at the community level to protect aquatic habitats in the Great Lakes Basin. We are grateful for your time, expertise, and dedication in helping us meet this mission.

I hope the changing faces in your organization bring as much insight, energy, creativity, and enthusiasm as ours continually bring to GLAHNF.

Jill M. Ryan

RESOLUTION ON GAS PIPELINE REDUCES WETLAND IMPACTS

The results of the agreement include: a significantly modified pipeline route that will impact considerably fewer wetlands and waterbodies; stringent permit conditions that control run-off and erosion from uplands into wetlands, rivers and streams; and a plan for the gas company to restore wetlands that have been impacted during pipeline construction. Whereas the original pipeline route would have impacted 152.8 acres of wetlands, encompassing 11.3 miles of wetland crossings (almost 1/3 of the route), the route will now impact an estimated 82.8 wetland acres, representing a reduction in wetland impacts by 46%. Furthermore, the most ecologically-sensitive wetlands have been avoided altogether.

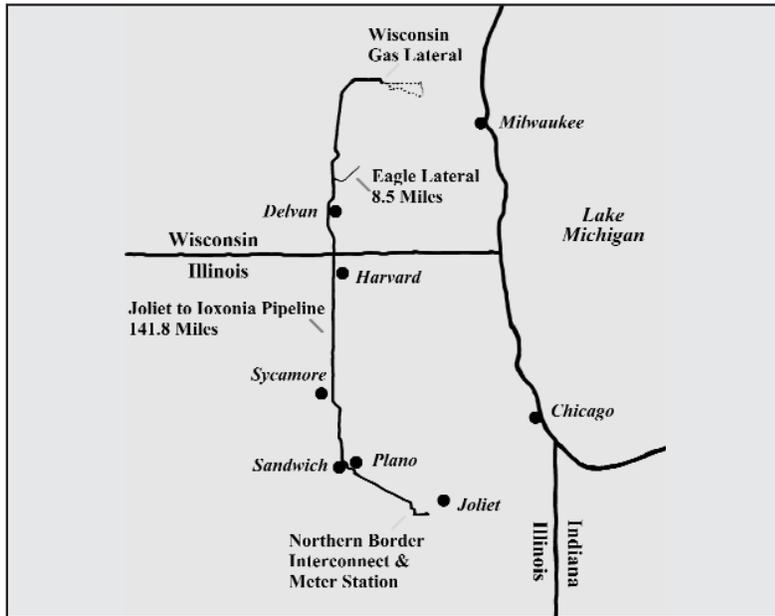
Special construction conditions are spelled out in the permit, issued by the DNR dated January 17, 2003, that will minimize impacts to wetlands and rivers that will be crossed by the pipeline. The permit also obligates the company to establish a large performance bond or comparable financial assurance to protect against construction problems and environmental damage, ensuring that the project is completed according to the permit. The company must hire and pay for a DNR-approved private third-party monitor that will oversee construction and report potential permit violations to the DNR. We Energies has also offered to undertake scientific research on the impacts to and restoration of wetland habitats impacted by construction.

The hearing, originally scheduled for January 6 in Waukesha, was deemed unnecessary in light of the agreement reached. Nonetheless, citizens impacted by the pipeline had an opportunity to share their concerns with the administrative law judge on January 15th. A number of the citizens and conservationists, outraged by the innumerable environmental and private land violations they observed during construction of the Guardian pipeline, and concerned that the lateral pipeline was poorly planned and unjustified, requested the hearing months ago when the gas company filed for its DNR permit. The citizens may still have a chance to challenge the lateral pipeline in its entirety during a forthcoming Public Service Commission hearing on the routing and costs associated with the project.

Dennis Grzezinski, the Milwaukee-based attorney representing the environmental groups and affected landowners on the project, stated to the judge in his closing remarks, "No one should interpret this agreement as indicating that any of my clients endorse this pipeline project, or agree that it is needed, or believe that it is in the public interest of the citizens of this state... My clients are agreeing with issuance of this negotiated permit because it is the best they can do—it is the lesser of two evils—which they needed to choose because of a broken regulatory system in this state." Grzezinski further remarked, "If there had been

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RESOLUTION ON GAS PIPELINE REDUCES WETLAND IMPACTS



Map of the Guardian Pipeline Through Illinois and Wisconsin.

a Public Intervenor when this pipeline was first proposed, I am certain we would not be here today.” Alice Thompson, a local wetland consultant and chair of Wisconsin Wetlands Association said, “Having observed the damage inflicted on numerous wetlands during construction of the Guardian pipeline under a very weak DNR permit, I hope that wetland impacts will be significantly reduced on the lateral [pipeline construction] under these newly established conditions.”

Although strong environmental protection measures have been gained through this negotiation process, many area residents are disheartened. Some have argued that the lateral pipeline is entirely unnecessary, excessively expensive, and disruptive of private lands and landowners along the route. They claim that there is adequate room in the existing ANR pipeline to carry the gas from the Guardian line to the

Greater Milwaukee area without the need for the lateral pipeline. The gas company has argued that the lateral pipeline would provide competition with other pipelines, thereby reducing costs for the consumer.

There is a forthcoming contested case hearing on the main (Guardian) pipeline sometime this spring. Citizens will complain that the construction of the pipeline caused irreparable damage to their farms and wetlands, and that the DNR should retroactively impose the same conditions as it has now included for the lateral pipeline. The environmental community will argue that the company should be forced to pay a performance bond, and restore impaired wetlands disturbed during construction.

GLAH NEWS:

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Visit us on the web at:
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www.GreatLakesDirectory.org

Disclaimer:

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.



Clean Water Network

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THE CLEAN WATER NETWORK: WORKING TO PROTECT RIVERS, LAKES, WETLANDS AND COASTAL WATERS

BY: MERRITT FREY



Originally from Michigan, Merritt is thrilled to re-establish her connection to the Great Lakes.

The Clean Water Network is an alliance of more than 1,000 organizations working together to protect, strengthen, and enforce the Clean Water Act – the nation’s main law protecting our rivers, lakes, wetlands, and coastal waters. Network members include a variety of organizations representing environmentalists, commercial fishermen, anglers, surfers, farmers, faith communities, environmental justice advocates, labor unions, urban communities, consumers, recreationalists, and others. The Network strives to connect grassroots groups to clean water policy debates in Washington, DC. Network staff also support grassroots members’ work to strengthen Clean Water Act implementation in their state or watershed.

Merritt has worked for the Network for nearly seven years – five of those years in Washington, D.C. as a policy analyst and organizer and the last two in Idaho. Merritt is currently the watershed restoration program director, which allows her to focus on Total Maximum Daily Load watershed cleanup plans, water quality standards, and drinking water source water

protection. Merritt coordinates discussion about these topics, creates tools and trainings to help Network members use the Clean Water Act to protect their watersheds, and produces media materials to help educate the public and decision makers about the Act’s programs.

“I have the best job in the Network! I work directly with our members to find or create the tools and resources they need to restore their watersheds. And I learn so much from our members that can be brought back to Washington, D.C. to ground federal policy in the reality of watershed needs,” Merritt said.

Merritt is excited to be asked to participate on GLAHNF’s Advisory Panel. With years of experience in crafting and implementing national grassroots campaigns, she hopes to contribute ideas and support to help with region-wide campaigns and grassroots support activities in the Great Lakes Basin.

“I’m so happy to have found a way to work in the Great Lakes region again,” Merritt said. “Michigan is still home to me and I think of the Great Lakes as the reason I do the work I do. I am really pleased to have joined GLAHNF’s efforts to protect and restore such a significant ecosystem.”

You can reach Merritt at 208-345-7776 or mkfrey@mindspring.com for help with GLAHNF grant applications or questions about using Clean Water Act tools in your watershed. You can explore Clean Water Network’s resources, news updates, and membership activities by visiting www.cwn.org.

GREAT LAKES RESIDENTS LOVE THEIR LAKES BUT WORRY ABOUT POLLUTION



The results of a three-phased research project, conducted by Beldon Russonello and Stewart for The Joyce Foundation and the Biodiversity Project, 2002, indicate that Great Lakes residents feel strong personal responsibility for the health of the Great Lakes.

Some key points from the poll:

- People who live near the lakes believe they are “vital to the region’s economy” (70%); a “place for recreation” (63%); and “one of the natural wonders of the world” (57%).
- Nearly all survey respondents (94%) agree that each of us has a personal responsibility to protect the lakes.

- Nearly all survey respondents (96%) agree that we need to do more to protect the Great Lakes from Pollution.
- Seven in ten residents oppose exporting Great Lakes water to other regions.

For more information about how the research was conducted or to receive a copy of the report, *Protecting the Great Lakes: Responsibility to Awareness to Action*, Public Opinion research in the Great Lakes States, please contact the Biodiversity Project, 214 N. Henry St. Suite 201, Madison, WI 53703, (608) 250-9876 or visit their website at www.biodiversityproject.org.



INDIANA'S ANNUAL GREAT LAKES AQUATIC HABITAT NETWORK AND FUND CONFERENCE MAKES HEADWAY ON DRAINAGE ISSUES

BY: SANDRA L. WILMORE

“The most pernicious, invasive, and confiscatorial statute ever inflicted on the people of this state,” were a few of the words that Tom Dustin used to describe Indiana’s Drainage Code. Tom Dustin is a member of the Izaak Walton League and one of many who want to make sure their voice is heard. The maintenance actions that the drainage code authorizes are condemned by many for devastating environmental impacts, yet they are encouraged by many others for improving farmland production.

On Saturday, November 16th, 2002 Save the Dunes Conservation Fund held its annual Great Lakes Aquatic Habitat Network and Fund (GLAHNF) Conference to address the complex and controversial issues that surround Indiana drainage ditch maintenance and regulation.

The conference was held at Amish Acres in Nappanee, IN, with an agenda jam-packed with diverse speakers, including farmers, governmental regulators, a lawyer, county surveyor, environmentalists, and home owners. At issue is how to improve the way ditch maintenance activities are planned, implemented, and regulated to accommodate both minimal impacts to the environment and the needs of the farmers. The gathering, though potentially contentious, was an extremely positive development. The speakers voiced their thoughts and suggestions and took questions from opposing sides in a constructive manner.

While there was agreement to disagree on some points, there was clear consensus on one: the need for increased and improved communication and education among all parties. Wabash County Surveyor and speaker John H. Stephens suggested that there should be educational requirements, currently nonexistent, for surveyors and drainage board members. Several others echoed the sentiment. Another common suggestion was that more people need to take initiative and be involved in holding elected officials accountable. Regulators in particular emphasized the need for people to be politically involved in order to affect and improve the processes that guide environmental decision-making.

Many of the participants were amazed at the destructive practices being used in other counties with a decided lack of public notice, as demonstrated by speakers Aldona Martin and Judy Bernacchi. Martin and Bernacchi are both immersed in campaigns to stop or reduce drainage ditch activities affecting their properties. The disparity between counties likely reflects how critical the need is to have set qualifications for county surveyors and drainage board members.

We are grateful to the commendable speakers and all participants who helped make the conference a success. Anyone interested in the full conference summary should call (219) 879-3564 or E-mail sand@savedunes.org.



Speaker Aldona Martin presenting her case to the participants at the Indiana Drainage Ditch Maintenance and Regulation conference.



NORTH SHORE EROSION CONTROL

BY: JOEL BRAMMEIER

The city of Highland Park recently hosted a public meeting to discuss the erosion problems plaguing Illinois' north shore. The shoreline

from Waukegan to Wilmette consists of a series of dramatic bluffs that naturally erode into the water. The material from these bluffs would traditionally feed material to the shoreline further south, but a history of armoring and hardening has resulted in significant erosion with no natural sand replenishment in sight. As hardening occurs in northern sections of the shoreline, it prevents sand from being re-deposited along the southern sections of the shoreline. Find a stretch of shoreline in Lake County that has been hardened, look south and you'll see reduced sand deposition and reduced ability of the shoreline to withstand wave action.

With the beaches in the area now largely dependent on artificial means to keep sand levels up, area residents are

searching for a long-term solution. The U.S. Army Corps of Engineers is proposing sinking tons of clean gravel into the lakebed near the shoreline to guard against erosion. This would be accompanied by berms to keep the gravel in place.

Unfortunately, the project's projected cost is \$50 million. The Corps has run out of funding to complete the project study, and has announced that the project is a low priority because of an apparently low cost to benefit ratio.

However, a community process is beginning that will supplement the Corps' work. U.S. Representative Mark Kirk's office proposed forming a task force of those impacted by the erosion problem to gauge the true costs of erosion and look at alternative solutions to the problem.

Lake Michigan Federation volunteers have been enormously helpful in staying on top of this issue. A thank you goes out to our Lakefront Task Force for bringing a Great Lakes voice to the discussion.

ASIAN CARP UPDATE



Big Head Carp, Photo Courtesy of TNWRA.

Illinois scientists are estimating that the bighead and silver carp threatening to invade Lake Michigan from the Mississippi River will reach an electrical barrier near Chicago by spring 2003. The real test of the barrier will come when hundreds of these fish line up to challenge the uncomfortable shock felt when attempting to slip through an electrified canal.

Laboratory tests demonstrate that the carp are sometimes able to penetrate electrical fields that simulate the real barrier in the Chicago Ship and Sanitary Canal. Researchers are hoping that the actual barrier proves more effective due to its significantly higher strength. Field tests utilizing a small number of grass carp have not yet shown any penetration of the

fully powered barrier.

A committee in Chicago is already moving ahead with plans to build a second barrier in the canal. The new structure will likely combine sound and bubbling water to create a disturbance that repels the carp. This project should be completed sometime in 2004, and will provide extra insurance against species transfer between the Mississippi and Great Lakes basins.

Continuing support of these programs is strongly tied to passage of the new National Aquatic Invasive Species Act. The bill would provide several million dollars in funding and authorize the Corps to continue supporting barrier operations and new construction.



OHIO GOVERNOR TAFT PROMISES LAKE ERIE DRILLING BAN

By: MOLLY FLANAGAN



The directors of the Ohio Environmental Protection Agency and the Ohio Department of Natural Resources along with Senator George Voinovich recommended that Governor Bob Taft consider banning oil and natural gas drilling in the state waters of Lake Erie. The Ohio Public Interest Research Group (PIRG) has been lobbying for a permanent ban on drilling beneath the Ohio side of Lake Erie and believes it has gained an important ally in the fight: Governor Bob Taft.

Ohio PIRG along with other Ohio environmental groups argue that an Ohio moratorium is necessary because the environmental and economic risks of drilling for natural

gas far outweigh the benefits. Ohio consumes a trillion cubic feet of natural gas each year, but Lake Erie can produce only 20 billion square feet annually. Consequently, Lake Erie would only produce eight days of natural gas for Ohioans per year. Drilling beneath the Lake is made even riskier because of toxic wastes such as lead, mercury, and chromium that can be stirred up during production activities from where they have settled at the bottom of the lake.

Governor Taft has announced that he will issue an executive order to prevent drilling under Lake Erie. If the governor issues such an order, Ohio would become the second Great Lakes state with such a ban. Michigan has a ban, effective April 5, 2002, prohibiting future leases for the purpose of directional drilling under the Great Lakes.

LAKE ERIE DEAD ZONE:



Why is Anoxia again occurring in the central basin of Lake Erie? There is no one answer to this question. Scientists do know that the bottom waters in the central basin of Lake Erie became anoxic (without oxygen) in late summer last year. Aquatic creatures need oxygen in the water to survive.

When the oxygen is depleted, organisms suffocate, and a barren area, often referred to as a "dead zone," is all that remains of once thriving aquatic populations.

Anoxia has been a historical problem since the 1930s. The problem was thought to have peaked in the late 1960s and early 1970s. However, it was largely alleviated at that time by pollutant and discharge regulations that included phosphorous controls, the banning of phosphates in detergents, and encouraging the construction and upgrading of sewage treatment plants around the Great Lakes.

Last summer, researchers were alarmed by increased phosphorous concentrations in Lake Erie as well as by anoxia in the cold, deep waters of the central basin. There are a variety of factors, which may be contributing to this problem. The configuration of the central basin of Lake Erie is partly responsible for the problem, the discharge of too many nutrients from human activities is also a major factor, and the problem may also be intensified by lower water levels, warmer water, and clearer water.

Clearer water allows sunlight to penetrate further, which contributes to algae growth. Lake Erie waters are clearer since the

invasion/colonization of the lake by zebra and quagga mussels, which consume and filter floating debris. Massive die-offs and decay of exotic species unsuited to ecosystem conditions in the lake may also be consuming oxygen.

Zebra and quagga mussels may be contributing to the increased phosphorous concentrations of Lake Erie. Work at the Great Lakes Environmental Research Laboratory (GLERL) suggests that zebra and quagga mussels may be responsible for recent water quality problems in the Great Lakes www.glerl.noaa.gov/pubs/brochures/mcystisflyer/mcystis.html.

The GLERL has shown that zebra and quagga mussels influence nutrient availability. Where phosphorous is found in higher concentrations, such as in the relatively phosphorous-rich waters of Lake Erie, mussels increase phosphorous availability by immediately excreting the phosphorous contained in the phytoplankton they ingest. In other systems, where phosphorous is found in very low concentrations, phytoplankton contain little phosphorous, and the mussels retain the phosphorous in their tissues, because they need a certain amount of phosphorous to survive.

The anoxia problem of Lake Erie may be related to weather, mussels, human influences, or some combination of these factors. In an effort to unravel this mystery and determine the cause of oxygen depletion in central Lake Erie, the United States Environmental Protection Agency in cooperation with universities and other agencies in the U.S. and Canada, began an intensive study in June of 2002. Stay tuned for the conclusions of this important study.

Drawing from GLERL Photo Gallery.



MICHIGAN'S WETLAND PROGRAM UNDER SCRUTINY BY THE EPA

By: SCOTT McEWEN



In 1984 the State of Michigan assumed regulatory permitting oversight over Section 404 of the federal Clean Water Act (wetland protection) from the Environmental Protection Agency* (EPA). After receiving complaints about the State's permitting program as well

as a request from the Michigan Environmental Council to "either ensure reform of Michigan's Section 404 program or withdraw it," in 1997, the EPA began a thorough review of Michigan's program. EPA recently released its findings and suggested corrective actions to the program administered by the Michigan Department of Environmental Quality (MDEQ). Some problem areas are identified below.

1. Isolated Wetlands. Michigan's jurisdiction is problematic in that its wetland program does not extend jurisdiction over any isolated wetlands in counties with populations of less than 100,000 people (until a statewide inventory is completed), nor does MDEQ regulate isolated wetlands less than 5 acres. In addition, MDEQ does not regulate filling activities that occur in non-contiguous lakes or ponds with surface areas of less than 5 acres. The State intends to correct the most significant part of the jurisdictional problem by performing wetland inventories in all counties over the next five years.

2. Exemptions. The EPA found problems with several state exemptions. The farming, horticultural, silvicultural, lumbering, and drainage permit exemptions need to be stricter. In addition, Michigan must delete its exemption that allows construction of tailings basins and water storage areas associated with mining because there is no such exemption in the federal law.

3. Permitting Authority Issues. The EPA found problems with (a) Michigan's Inland Lakes and Streams provisions for minor permits; (b) time limits are absent in Michigan's Section 404 permits; (c) and various other problems that will require either promulgation and implementation of administrative rules or amendment of the statute to rectify the problems.

4. Threatened and Endangered Species. EPA is concerned that Michigan law does not clearly prohibit the issuance of permits that either will jeopardize the continued existence of threatened and endangered species and their critical habitats, or will result in significant degradation of waters of the United States. Several rule changes are suggested to correct this problem.

*Pursuant to subsections 404(g) and 404(h) of the Clean Water Act, 33 USC §§ 1344(g) and (h).

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MICHIGAN'S RIVERS

Mobilizing Citizens to Protect Michigan's Rivers

In November of 2002 individuals from across the State of Michigan gathered at Michigan River Network's (MRN) annual meeting to learn how to use the Clean Water Act in their water resource protection work. Gayle Killam, the director of river protection and restoration for the national group River Network, was our featured speaker. Gayle facilitated a one-day workshop that covered what citizens can do at the state and local levels to play important roles in protecting our waters through knowledge of the Clean Water Act, the pollution permitting processes involved, and state regulations that currently affect Michigan's waters. Participants were given copies of River Network's publications "The Clean Water Act, An Owner's Manual" and "Permitting an End to Pollution".

"Considering all the political and legislative activity surrounding wetlands, the timing of this workshop was perfect", said one participant. "I learned about the Clean Water Act standards, and was surprised to find out how limited some of the pollution permits are."

After a half-day workshop discussion during the business part of the meeting, the MRN participants made a big decision – they voted to start the process of moving MRN into a bigger realm – one that would make it an official coalition with dues-paying and voting members. "This would be an organization that would meet regularly and be collectively active on issues affecting our rivers, creeks, and streams", said Scott McEwen, the Director of Michigan River Network. More work-session meetings are planned in the near future to iron out the details of this exciting expansion!



Minnesota Update

ENVIRONMENTAL ASSOC. FOR GREAT LAKES EDUCATION (EAGLE): SERVING AS HUB COORDINATOR IS JENNIFER TAHTINEN
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DULUTH LIVING GREEN CONFERENCE

By: JENNIFER TAHTINEN

On February 8th, 2003, environmental activists, professionals, and concerned citizens congregated at the 11th Annual Living Green Conference at Peace Church in Duluth. The Conference serves as an opportunity for everyone concerned with environmental issues to gather and share both ideas and information. Forty area environmental groups tabled at the event, but it wasn't all business. Seated massage, organic food and good conversation were an important part of the success of this year's conference.

The keynote speaker this year was John Jackson, former president of Great Lakes United, speaking on issues of water privatization. Nine workshops were held throughout the day with presentations on multiple environmental issues, offering something that appealed to every conscientious citizen and group. Building the Superior Hiking Trail through Duluth, cleaning your home without toxins, and transitioning from nuclear power were among the topics. The Conference was an informative and fun afternoon for everyone, from the networking activist to the citizen looking to get involved.

THE MINNESOTA DNR, ATV USERS AND CONSERVATIONISTS CLASH IN COURT

Snowmobiles and ATVs have used a 35-mile long trail around Tettegouche State Park unofficially for years, but the Minnesota Department of Natural Resources (DNR) proposed to designate it

an official ATV trail, requiring six extra miles of trail construction. Minnesotans for Responsible Recreation (MRR) filed suit claiming that miles of wetlands were not protected by the DNR during construction of the trail. The DNR claimed there were 1,000 feet of wetlands, whereas MRR claimed it was closer to six miles.

In a recent ruling, a judge decided that the DNR had adequately investigated the environmental effects of the ATV trail. The judge stated that the DNR had both identified environmental concerns and also addressed ways to mitigate potential environmental affects. MRR has not decided whether they will appeal the ruling.

This battle in Minnesota will continue, as the DNR conducts an environmental impact survey on a proposed 39-mile ATV trail west of Itasca State Park.

UPDATED MINNESOTA DIRECTORY AVAILABLE

EAGLE has updated the EcoSource directory, Minnesota's most comprehensive listing of environmental organizations, including nonprofits, businesses, and government agencies. The directory is available in print format or can be accessed on the web through GLAHNF's Great Lakes Directory at www.greatlakesdirectory.org/mn/mn.htm. The website, a one-stop shop for environmentalists, offers information on many organizations, but also provides newsworthy articles and a calendar of events. The EcoSource Directory, both the hard copy and the online version, supply important organization information that can be difficult to find otherwise. Be sure to check out this valuable resource!

WATER PRIVATIZATION :

Water Privatization Issues Come to the Forefront

The Environmental Association for Great Lakes Education (EAGLE) has kicked off a massive campaign to educate and mobilize citizens of the Great Lakes Region about water privatization. Corporate bottling companies are pushing to sell Great Lakes water, calling it "Blue Gold." EAGLE wants to preserve this incredible resource as the global water crisis increases.

The UN predicts that two-thirds of the world's population will live in water-scarce regions by 2025, many of them in regions previously considered water-rich, like the

United States. In other words, water is the oil of the twenty-first century. The Great Lakes hold 20% of the world's surface freshwater and 95% of the surface freshwater of the United States. EAGLE is taking a proactive stance against this possible privatization, protecting water from corporate profit and preserving this resource for the public, to whom it actually belongs.

To learn more or to get involved visit EAGLE's website at www.eagle-ecosource.org.



Pennsylvania Update

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EPA UPGRADES PRESQUE ISLE BAY'S RECOVERY STATUS



By: SUSAN SMITH

On December 6, 2002 the EPA upgraded the environmental status of Presque Isle Bay, located on the southern shore of Lake Erie

in the northwestern corner of PA, to an “area of concern in recovery stage” from the previous designation of “area of concern”. This marks the first time in the United States that a Great Lakes area of concern has been upgraded to the recovery status.

The International Joint Commission, the joint U.S.-Canadian body that assists governments in the management of the Great Lakes, listed Presque Isle Bay as an area of concern in 1991 when sediment contamination was linked to fish tumors and restrictions on dredging activities. Most of the Presque Isle Bay watershed comprises urban and industrial areas within the city of Erie and Millcreek Township.

Presque Isle Bay's designation came as a result of a petition from Erie area residents in 1988. The designation meant the bay was so polluted it required attention. Recent studies indicate that the incidence of fish tumors has dropped dramatically since the early 1990s and sediments have proven less toxic than originally believed.

The redesignation as an area of concern in a recovery stage — commonly referred to as an area of recovery — recognizes the improvements in the bay's health. “We are delighted that EPA has approved the formal request that we made a few months ago in Erie,” DEP Secretary David E. Hess said. “We made the recommendation after Erie area citizens and DEP agreed that the environmental health of Presque Isle Bay has significantly improved over the past decade. This is great news for a community that has worked to bring attention to the bay's problems and is now able to celebrate some success.”



Presque Isle Bay, “area of concern in recovery stage”.

“The redesignation does not mean that we can or should let up in any way with our efforts to improve the environmental quality of the area,” he said. “No one should be fooled into thinking that Erie no longer has any concerns about its environmental quality, but we should be proud of the progress that has been made,” said Gannon University Professor Rick Diz, the immediate past chairman of the Presque Isle Bay Public Advisory Committee.

“Our work is not done,” Secretary Hess said. “Under EPA guidelines, the new status calls for a pollution prevention plan and a monitoring program to reduce the risk of future degradation to ensure that the recovery continues.” Hess termed it a “historic milestone.”

Presque Isle Bay becomes the first area of concern to achieve recovery designation — a new designation accepted by the EPA to show improvement and considered a major first step toward eventual delisting. EPA's requirements for the redesignation include a pollution prevention plan and a monitoring program to reduce risk of future degradation and ensure the recovery continues. To date, only one of the 43 areas of concern designated by the International Joint Commission — Collingwood Harbour in Ontario — has been delisted.



ONTARIO WETLANDS AND WATER ACTIVISTS ARE CELEBRATING TWO RECENT VICTORIES:

By: LINDA PIM

At the end of November 2002, the Ontario Divisional Court found in favor of the Grey Association for Better Planning (GABP), part of whose work has been funded by GLAHNF, when it ruled that water-taking of more than 50,000 liters per day (13,209 US gallons per day) is a land use under Ontario's Planning Act and therefore falls under the jurisdiction of municipalities and the Ontario Municipal Board (OMB). In the landmark decision, the court upheld an appeal by GABP of an earlier OMB ruling that dismissed municipal plan policies addressing commercial water-taking in Grey County and that allowed Artemesia Waters Ltd. to operate a water storage and trucking facility near Flesherton (in the Lake Huron watershed). Artemesia has shipped water to bottled-water giant Echo Springs Water Co. in the past and wants a further court decision that would allow future water-taking. Continued groundwater extraction at the Flesherton site would likely suck a nearby wetland dry and threaten brook trout spawning habitat.

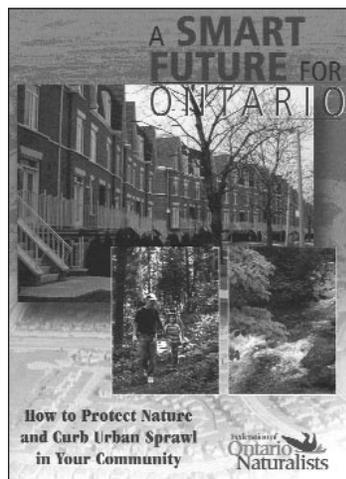
The OMB had ruled in 2001 that water-taking was not a land use and decided to deal only with matters pertaining to water storage and loading facilities. The Divisional Court agreed with GABP that this was an unacceptable narrowing of the scope of the issues that the OMB ought to have been considering. The court has sent the case back to the OMB, ordering the board to rehear the matter in a broader way. But in December 2002, Artemesia asked the Ontario Court of Appeal for permission to appeal the court ruling. The appeal court decision is pending. GABP's valiant struggle to protect groundwater and a wetland, while victorious, has been expensive, and the group is in debt. For updates and to help financially, please contact GABP at our_water_works@hotmail.com.

In another stunning victory for conservation, the Ontario Municipal Board ruled in December 2002 that The Hearn Group Inc., a Windsor-based developer, cannot build an 18-hole golf course on its 79.5-hectare (196-acre) portion of Marshfield Woods, a swamp, near the southwestern tip of Ontario, that is classified as a provincially significant wetland in the Lake Erie watershed. The win could not have come without the tireless efforts of Dr. John Spellman, an area resident who, without legal

representation, was successful in persuading the OMB to take the highly unusual step of changing the zoning of someone else's land. The board "downzoned" the Hearn property to a wetland designation from the previous agricultural one. The wetland zoning prevents the establishment of the golf course.

Supporting Dr. Spellman in his bid to save the Marshfield swamp were Ontario's Ministry of Municipal Affairs and Housing, the Essex Region Conservation Authority, the Federation of Ontario Naturalists (represented by the Sierra Legal Defence Fund), the Essex County Field Naturalists, and Friends of Marshfield Woods. While Hearn may seek to appeal the OMB decision, the 73-page ruling is a testament to the great ecological significance of southern Ontario's remaining wetlands and woodlands. The Marshfield case exemplifies the importance of identifying and protecting significant natural features across Ontario through municipal official plans. For further information on the Marshfield win, please contact lindap@ontarionature.org.

WORKSHOP SERIES AND NEW RESOURCE BOOK



The Federation of Ontario Naturalists (FON) continues its series of 11 community workshops on protecting aquatic habitats and other natural areas through curbing urban sprawl. The workshops build on FON's recent book *A Smart Future for Ontario: How to Protect Nature and Curb Urban*

Sprawl in Your Community. Watch our website at www.ontarionature.org for upcoming workshops (typically posted approximately two weeks before the workshop), which will extend into April. You can also read the entire book on the website.



“LAND LEGACY” REPORT DRAFTED

BY: CHARLIE LUTHIN

The Wisconsin Department of Natural Resources is producing an extraordinary publication that identifies the most important conservation lands throughout the state. At the request of the Natural Resources Board, DNR staff developed the “Wisconsin Land Legacy Report: An Inventory of Places Critical in Meeting Wisconsin’s Future Conservation and Recreation Needs.” This document is being produced to identify conservation priorities for the next 50 years. In it, the state is divided into sixteen ecological regions, and each section identifies existing and potential protected landscapes. To view elements of the draft Land Legacy Report, visit the DNR website: www.dnr.state.wi.us/master_planning/land_legacy/index.html.

Long Time River Champion Becomes WIDNR Administrator of the Division of Water

Long-time GLAHNF ally and river champion Todd Ambs, executive director of River Alliance of Wisconsin (RAW), has left his position at RAW to become the Administrator of the Division of Water for the Wisconsin Department of Natural Resources (DNR) under new DNR Secretary Scott Hassett. Hassett was recently appointed by incoming Governor Jim Doyle. Todd now oversees a staff of 700. Todd has dedicated the past five years to building River Alliance into one of the most successful (and formidable!) grassroots groups in the state. He is widely respected in the environmental community for his super-human efforts to help develop and pass stringent non-point pollution administrative rules for Wisconsin, one of the toughest non-point standards in the country.

River Alliance has also gained national recognition for its numerous successes in affecting the removal of small dams from Wisconsin rivers. Although Todd’s leadership will be missed in the private sector, we celebrate his appointment to this important position and look forward to working with him and the new DNR Secretary. His mantra for the past year has been, “Enforce the Clean Water Act!” and we hope he is able to institutionalize this goal.

Science Forum Features Prairie Wetlands

At its eighth annual science forum, Wisconsin Wetlands Association (WWA) attracted speakers on the theme, “Prairie Wetlands: Restoring Connections.” Over 200 people attended the Forum on January 24-25 in LaCrosse, Wisconsin. The Prairie Enthusiasts, a multi-state non-profit organization, was co-sponsor of the event. More information about the forum and its speakers is available on WWA’s newly revised website: www.wiscwetlands.org.

Michigan Update continued from page 8

Michigan’s Wetland Program Under Scrutiny by the EPA



5. Contested Cases. EPA discovered that Michigan law was often not accurately interpreted and applied consistently with the Clean Water Act’s provisions. EPA will be reviewing contested case decisions made in the future to evaluate the effectiveness of the new rules on contested case decisions.

6. Enforcement. EPA is concerned that Michigan has too low a standard of proof to constitute a criminal violation of a wetland permit. There is also concern about the amount of certain criminal fines. To correct these problems, amendments to Michigan’s Part 303 will need to be enacted.

7. Administration of the Permitting Program. The EPA found that, overall, Michigan is doing a good job of administering its permit program, but suggested some changes in a few detailed areas, most notably the Public Notice System. The EPA also suggests that MDEQ set priorities and clear procedures for Enforcement Response and for their handling of “After-the-Fact” permits.

Michigan is only one of two states (the other is New Jersey) that administers its own Section 404 program. The problems identified above outline just some of the dangers inherent with state versus federal oversight.

MICHIGAN AQUATIC NUISANCE SPECIES GRANTS PROGRAM AVAILABLE



Aquatic Nuisance Species Information and Education Small Grants Program

Michigan 501(c)(3) non-governmental organizations, citizens, schools, indigenous tribal entities, and local units of government have an opportunity to apply for funding for local information and education projects regarding aquatic nuisance species. The Application deadline is April 11, 2003 for a grant period beginning June, 2003.

Michigan's waters are under assault from aquatic nuisance species. Aquatic nuisance species (ANS) are waterborne, non-native organisms that threaten the diversity or abundance of native plants and animals, or the ecological stability of impacted waters, or threaten a commercial, agricultural, aquacultural, or recreational activity that depends on waters of the state. Much remains to be done to shut off the paths that aquatic nuisance species use to enter the Great Lakes and to disperse within Michigan.

The goal of this grants program is to foster the implementation of Michigan's Aquatic Nuisance Species State Management Plan as updated in October 2002, particularly recommendations on information and education, by providing financial assistance to local initiatives to prevent and control ANS in Michigan waters.

Types of Activities Funded

The Great Lakes Aquatic Habitat Network and Fund (GLAHNF) will consider grant applications that are consistent with Michigan's Aquatic Nuisance Species State Management Plan as updated October 2002 (www.deq.state.mi.us/documents/deq-ogl-ANSPlan2002.pdf) and employ one or more of the following methods:

Boater education activities, such as:

- Distribute existing resources targeted to recreational boaters
- Implement regional boat-wash demonstrations and/or inspections for boaters
- Develop and distribute radio and television public service announcements
- Develop newsletter inserts for user groups

Training programs, such as:

- Develop ANS curriculum to be used in various educational programs
- Conduct training sessions for educators/information providers
- Scholarships to attend training sessions

Inventory and detection system pilot projects, such as:

- Local inventory projects tied to management planning activities
- Matching funds for weevil studies or stocking
- Develop a local rapid response system if infestation is found early

Funding for this program is made available by the Office of the Great Lakes through a grant from U.S. Fish and Wildlife Service. The program is administered by the Great Lakes Aquatic Habitat Network and Fund, a project of the Tip of the Mitt Watershed Council.

Please visit www.glahabitat.org or call Jill Kimble at (231)347-1181, ext. 100 for eligibility information, Request for Proposals, and application.

MARK YOUR CALENDAR



March 31, 2003 *Deadline for GLAHNF spring grants applications.*

The GLAHNF Grants Program provides grant awards ranging from \$500 to \$3,500 U.S. For application materials and eligibility information visit www.glahabitat.org

or contact: Jennifer Barnett at (231) 347-1181 x107,
E-mail: jennifer@watershedcouncil.org

April 11, 2003 *Deadline for Michigan Aquatic Nuisance Species Grant*

For application materials and eligibility information visit www.glahabitat.org or call Jill Kimble at (231) 347-1181, ext 100

May 1 - 4, 2003 *American Wetlands Conference, Minneapolis, MN.*

A national training and networking opportunity for wetland stewards. This year's conference will include three tracks: education and outreach, wetland science, and wetland conservation policy. For more information contact: Leah Miller at 800-284-4952, E-mail: leah@iwla.org or visit www.iwla.org/sos/awm/conference

May 2 - 3, 2003 *Benchmarking for Success: Strengthening Your Organization for the Long-Haul Hartland, MI*

A workshop designed to help groups focus their organizational goals, plan for the future, and to develop skills and tools to build strong, effective organizations. Presented by the Institute for Conservation Leadership. For more information contact Peter Lane at 301-270-2900, peter@icl.org, or visit www.icl.org/programs-workshops/fli.shtml

May 3 - 4, 2003 *EcoFluency Forum and Fair, Picton, Prince Edward County, Ontario*

Ecofluency: Innovations In Ecological Waste Management Forum to feature creative waste management solutions for towns and rural areas. Presented by Quinte Watershed Cleanup, Ontario Healthy Communities Coalition, The Safe Water Group and, CREEK of Prince Edward County. For event and registration information contact Tracy Ryan, Communications Coordinator at 613-272-5395, tracyryan50@hotmail.com, or visit www.safewatergroup.org/ecofluency/ecofluency-index.htm

Indigenous Peoples Update

GREAT LAKES UNITED

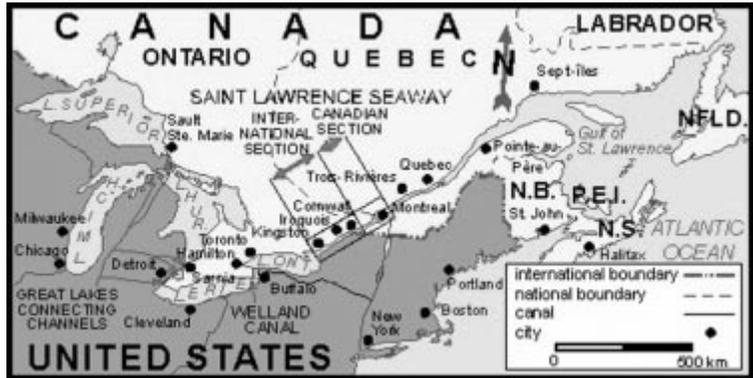
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MOHAWK NATION COUNCIL OF CHIEFS SPEAK OUT AGAINST SEAWAY EXPANSION

NEWS FROM THE MOHAWK NATION

The Mohawk Nation Council of Chiefs is the historical government of the Kahníakehaka (Mohawk) Nation formed as part of the Haudenosaunee Confederacy. The Council fire rests with the Kahníakehaka Nation, located at the Mohawk Territory in Akwesasne. The Kahníakehaka Nation of the Haudenosaunee is guided by the principles of the oral tradition such as those found in the Kaianerekowa (Great Law of Peace). Before the Mohawk Nation Council of Chiefs makes any decision, consideration must be held as to what effects this has on peace, the natural world, and the future generations.



Map of the St. Lawrence Seaway and the Great Lakes Basin
Credit: Rodrigue, J-P et al. (2002) *Transport Geography on the Web*,
Hofstra University, Department of Economics & Geography,
<http://people.hofstra.edu/geotrans>

The Chiefs, Clanmothers, Faithkeepers and the members of the Kahníakehaka Nation believe that our environment is the total integration of life's forces and physical manifestation. It is our belief, based on the original instructions from the creator that harmony and equilibrium must be maintained within natural laws. We reiterate our connection to nature and our environment within our spiritual, cultural and social beliefs. We hold in the highest regard principles that respect and protect the integrity of our lands, water, air, wildlife, and human existence. We believe we must actively work to maintain good relationships with the natural world and recognize our responsibility to respect and cherish the gifts Mother Earth provides to us. This foresight and conviction to the welfare of our people in the environment is expressed when we speak of the "seven generations to come".

The Kahníatarowanenne (St. Lawrence River) has always served as the bloodline of the Kahníakehaka at Akwesasne. The river is a major life source of the Kahníakehaka Nation. She provided us with a valuable food source and economy that has kept the community healthy. When the U.S. and Canadian governments decided to dredge the river in the mid part of the last century, we witnessed loss of lands, a loss of resources, and a loss of lifestyle that are irreplaceable to the Nation. We still grieve over these losses. The Seaway Project cut

away areas of Butternut, Hickory, Maple, and Basswood trees. Dredge spoils piled along our shorelines remain barren and useless. The Seaway Authority infringed on our right to live in harmony with the natural world. The land, the rivers, indigenous wildlife, and the people have a special relationship.

Therefore, The Mohawk Nation Council of Chiefs, the traditional government of the Kahníakehaka Nation, strongly opposes any expansion of the Seaway; to deepen the river to 35 feet to accommodate ocean-going vessels to travel throughout the Great Lakes. We are committed to take a strong stance against this project because of the grave injustice that will be done to the environment and the communities along the rivers and Great Lakes and furthermore, we encourage other governments, and communities of people to stand up against this destruction as well. We also call for the restoration of damages done 50 years ago when the river was first dredged and the natural world disrupted by construction of the Seaway.

For more information, please contact the Mohawk Nation Office at 518-358-3381.



NEW YORK STANDS TOGETHER AGAINST SEAWAY EXPANSION

By TRISH JACKSON, SAVE THE RIVER!



After months of study, and encouragement from legions of Save The River! members and New York residents, New York Senators Hillary Clinton and Charles Schumer and Representatives John McHugh, James Walsh and Louise Slaughter have all pledged to fight the Corps of Engineers plans for Seaway expansion. They will attempt to strike the \$2 million earmarked for a feasibility study from a congressional spending bill soon to reach the House floor.

The lawmakers agree that the environmental damage of the Corps' project would far outweigh any economic benefit to New York's North Country. "The viability of our vital tourism industry, the generation of economically stimulating hydropower, and the untold enjoyment that the St. Lawrence provides derives less from the shipping that the river supports than the delicate environment it nurtures," said congressman McHugh.

Senator Clinton added "We do not need to wait years and spend tens of millions of dollars for the Army Corps of Engineers to tell us what we already know: deepening and altering the St. Lawrence Seaway to accommodate larger ships that cannot now navigate the system is simply the wrong plan for the St. Lawrence River, and the wrong plan for the North Country."

The first step for Mr. McHugh is the crafting of an amendment seeking to remove the \$2 million funding for the study currently contained in the fiscal year 2003 House Appropriations bill. To support this effort, Mr. McHugh, Ms. Slaughter and Mr. Walsh sent a "Dear Colleague" letter to all 435 members of The House of Representatives asking for their support to delete the \$2 million earmarked for the Great Lakes Navigation System review in the fiscal year 2003 Energy and Water Appropriations Bill.

Concurrently, Mr. McHugh and Senator Clinton will attempt to build a coalition of like-minded lawmakers to support this initiative. Because the Seaway study is



Thousand Islands Region of the St. Lawrence River in winter.

already included in both the House and Senate versions of the spending bill, as well as the President's budget request, they face a difficult fight. And all the 2003 spending bills may be folded into one large omnibus bill, leaving no opportunity for amendment. "Nevertheless, I have no intention of abandoning the higher interests of my district because the odds are long," said Mr. McHugh

Governor George Pataki, Department of Environmental Conservation Commissioner Erin Crotty, state assemblyman Darrel Aubertine, Jefferson and St. Lawrence County Legislatures, and the Jefferson County Farm Bureau have all joined in opposition.

Visit www.savetheriver.org or call our office at 315-686-2010 for more information.

