



G.L.A.H. News

Great Lakes Aquatic Habitat

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A REVOLUTION FOR THE GREAT LAKES

BY CHERYL MENDOZA, LAKE MICHIGAN FEDERATION



Lake Michigan

Courtesy Michigan Travel Bureau

If you lived in the West, what would you say to a proposal that would allow the sale of a few mountains in the Rockies? If you lived in Florida, how would you feel if some of the Everglades could be sold to the highest bidder? As someone who lives, vacations, or just plain cares about the Great Lakes, would you make your voice heard if someone wanted to sell Great Lakes water?

The Great Lakes contain 20 percent of the world's fresh surface water and 95 percent of North America's fresh surface water. However, the Great Lakes are a gift from the glaciers that are, for the most part, a non-renewable resource. Unfortunately, current laws may not be able to stop harmful withdrawals or the sale of Great Lakes water.

Why the Great Lakes May not be Safe From Harmful Withdrawals

In the next 25 years, at least 55 percent more fresh water than is now available will be needed to satisfy the growing global population. And thirst is not just a third-world problem. Fast growing communities around the United States are out-growing their water supply. For example, Los Angeles is moving toward privatizing public drinking water because demand is fast outpacing supply. Moreover, parts of North America's largest aquifer, the Ogallala Aquifer in the Midwest, are being depleted. There are even communities just outside the Great Lakes Basin that are looking at the Great Lakes as a potential new water supply as they outgrow their own.

The second part of this scenario is that less than one percent of water in the Great Lakes is renewed annually

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DIRECTOR'S NOTES



RENEWAL BY JILL RYAN

We all work so hard to protect our local resources and the resources of the entire Great Lakes Basin. This work can bring great fulfillment, and can also bring the need for personal renewal. I find renewal in the out-of-doors, among friends, in good books, and recently at a meeting of like-minded activists at a Great Lakes Aquatic Habitat Network and Fund gathering of advisors. Thanks to all those that make such get-togethers relaxing, productive times of personal restoration.

I also hope you each are able to take an opportunity soon to renew your energy for habitat protection work through whatever means works for you. We easily forget in our urgency to accomplish our resource protection goals that we can't go without rest and renewal. So, as you finish that big mailing, adjourn the important board meeting, or send that last e-mail, step back and renew your spirit so you can continue the important work you have taken on. Best wishes, for your work and your relaxation.

A REVOLUTION FOR THE GREAT LAKES

through rain, groundwater re-charge, and snowmelt. Add these up and it's not outrageous to think that our precious Great Lakes could be tapped and sent to other parts of the country or around the world.

Unfortunately, we may not be able to protect the Great Lakes by "just saying no" to future water withdrawal projects, as we've been doing. Under international trade laws and the Constitution, we can't restrict the flow of goods – water possibly included – from one state or country to another without a fair and consistent evaluation process for users.

To withstand legal challenges under these laws, we need objective decision-making standards that don't discriminate between water withdrawal proposals coming from inside the Great Lakes, the Southwestern U.S., or overseas. If we move fast, we can develop standards that will benefit business while restoring the Great Lakes. Ironically, it appears that we may best protect the Great Lakes from harmful withdrawals by permitting other, limited withdrawals.

The Great Lakes Charter Annex: A Solution

Commendably, to strengthen our ability to protect the Great Lakes from harmful withdrawals the Great Lakes governors and premiers have proposed an annex to an existing agreement called The Great Lakes Charter, which is a voluntary agreement through which the Great Lakes States and Provinces cooperatively manage the waters of the Great Lakes. The Great Lakes Charter Annex is the first step in developing standards to regulate water withdrawals that are objective and non-discriminatory and that protect the Great Lakes ecosystem. An effective Great Lakes Charter Annex will regulate water withdrawals in a sustainable

manner and actually restore the Great Lakes and its resources. According to legal analysis requested by Great Lakes governors, basing the law on ecosystem protection and restoration will provide a strong legal defense to withdrawal proposals that could endanger Great Lakes ecology. The Great Lakes Charter Annex has the potential to revolutionize the way we regulate water use.

The Great Lakes Governors and the Premiers of Ontario and Quebec signed the Great Lakes Charter Annex on June 18, 2001 in Niagara Falls, New York. In the Annex, the Governors and Premiers outline the framework for a set of binding agreements and established a series of principles for a new standard for reviewing proposed withdrawals of Great Lakes water. Within this framework are principles that, once defined, will be used to review new proposals to withdraw water from the Great Lakes Basin.

These principles are:

- Preventing or minimizing water loss in the Great Lakes Basin through return flow and implementation of environmentally and economically feasible water conservation measures;
- No significant adverse individual or cumulative impacts to the quantity or quality of the waters and water-dependent natural resources of the Great Lakes Basin;
- An improvement to the waters and water-dependant natural resources of the Great Lakes Basin; and

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- Compliance with the applicable state, provincial, federal, and international laws and treaties.

Challenges of the Great Lakes Charter Annex

The challenge now is for Great Lakes governors, businesses, civic organizations, municipal water providers, and other interests to come together and define the principles into standards that are fair, predictable, and protective of the Great Lakes. The standards should embody the following goals:

- ❖ Any water withdrawal must – with no compromise – result in a tangible “improvement” to the Great Lakes ecosystem. To simply offset a water withdrawal with something that results in “no harm” or “no net loss” of ecosystem health does not protect the resource. Requiring an improvement accomplishes two things. First, it leads to sustainable water use in the basin and means that water withdrawals could produce a net benefit to the Great Lakes ecosystem. Second, it helps ensure that water withdrawals are a last resort;
- ❖ Ensure comprehensive and equal participation of Native American Tribes.
- ❖ The Great Lakes states and provinces retain decision-making authority, with some checks and balances by the federal government to ensure that states and provinces don't engage in "back scratching" for water;
- ❖ Decision-making standards must be flexible to reflect environmental conditions. For example, standards must provide increasing protection if global warming results in less rainfall to the Great Lakes;
- ❖ Restrictions must apply to all Great Lakes waters, including its rivers, streams, and even ground-water, not just the lakes themselves; and
- ❖ The Great Lakes are a national and even an international treasure. Congress needs to do its part to fund research and management efforts under Great Lakes Charter Annex.



What are the Next Steps for the Great Lakes Charter Annex?

The Council of Great Lakes Governors is working to define the principles in the Great Lakes Charter Annex by bringing together a diverse group of stakeholders and experts including industrial, municipal, environmental, agricultural, governmental and other representatives to provide input. Within the next few months this draft will be released to the public followed by a comment period. There will be public hearings throughout the Great Lakes Basin where people can relay their support, concerns, or suggestions for the Council of Great Lakes Governors to consider when finalizing the Great Lakes Charter Annex.

Once the Great Lakes Charter Annex is finalized, the Great Lakes states will likely enter into an intra-state compact, a law between multiple states authorized by the United States Congress, to make the Annex legally binding between the eight Great Lakes states. How this will become a legally binding mechanism between the provinces of Ontario and Quebec is still not determined. However, there has been a commitment made by the governors and premiers to finalize and implement the Great Lakes Charter Annex by 2004.

What can you do to Help Protect the Great Lakes?

To strengthen our ability to protect against future water export and diversion proposals, we need to make water conservation and ecosystem protection the basis of the region's water use laws. With demand for fresh water increasing around the country and the world, we need to practice what we preach—water conservation – in order to defend our Great Lakes from harmful diversions.

The United States uses more water per capita than any other nation in the world, up to 4.5 times as much as some European countries. You can start protecting our Great Lakes today by educating others and making small changes that help conserve water in your home and garden.

Additionally, when the Great Lakes Charter Annex draft is released for public comment, let your voice be heard! Share your support or concerns by attending and speaking at a public hearing or sending written comments to the Council of Great Lakes Governors. Your comments or support will help shape how the Great Lakes Charter Annex will manage, restore and protect the Great Lakes for future generations.

If you would like to receive notice of the public comment period or for more information about the Great Lakes Charter Annex, contact Cheryl Mendoza at cmendoza@lakemichigan.org or toll-free at 1-866-850-0745.

IT' A GOOD YEAR FOR... WATER!

By: CHARLIE LUTHIN, WISCONSIN WETLANDS ASSOCIATION



Wisconsin will experience an unprecedented focus on its water resources over the next 12 months, due to a variety of "water initiatives" that have been planned and synchronized by diverse organizations and agencies.

- **Waters of Wisconsin: The Future of our Aquatic Ecosystems and Resources**, a two-year campaign spearheaded by the Wisconsin Academy of Sciences, Arts and Letters, is truly an extraordinary interdisciplinary program. The Academy has engaged some of the state's top scientists, scholars, agency personnel and "users" as advisors to this effort. WOW activities have included holding seminars around the state on various water themes, and crafting a "State of Wisconsin's Waters" overview report. The Academy's journal, *Wisconsin Academy Review*, has featured various articles about water in recent issues. The Academy's program will culminate in a statewide Waters of Wisconsin Forum to be held in Madison on October 21-22 of this year. WWA is organizing a session on "Restoring Wisconsin's Waters" during the forum. Check the Academy's website for more information: www.wisconsinacademy.org/wow/forum/index.html.
- **"Year of Water"** is a proposal forwarded to Governor McCallum by the Academy of Sciences, Arts and Letters. The Academy has encouraged the Governor to declare 2003 the "Year of Water" in Wisconsin, and has asked that each state agency engage in activities to highlight

our important water resources. A coalition of state conservation organizations have embraced the proposal, and are planning a series of activities next year to bring attention to water issues, threats and conservation needs. The "Year of Water" would recognize the 30th anniversary of the federal Clean Water Act signed into law in October 1972.

- **Rivers 2002-A Watershed Event** is a conference planned by the River Alliance of Wisconsin (RAW) November 8 - 10 in Rosholt, Wisconsin. This conference aims to assemble over 100 representatives of organizations working for local watershed protection in Wisconsin to develop a strategy, "River Works 2002-2005: A Citizen Action Plan for Wisconsin's Watersheds." WWA is a co-sponsor of this event.
- **Clean Water Coalition** is a loose coalition of diverse organizations coordinated by the River Alliance of Wisconsin that works together on water issues. The most significant effort of the CWC has been promoting new non-point pollution rules for the state. The coalition is presently developing its water strategy for 2003 and beyond.
- A day-long "all water" workshop is planned as part of the Wisconsin Association of Lakes (WAL) 25th annual lakes summit in April, 2003, in Green Bay. The workshop will include presentations and discussions on issues that affect ground water, wetlands, rivers and lakes.



DID YOU KNOW?

ECO-QUOTE OF THE SEASON



"You should know that bicycling improvement construction costs run about \$70,000 a mile; for 12-foot shared paths about \$128,000 a mile; 5-foot bicycle lanes about \$189,000 a mile; 5-foot paved shoulders on rural roads about \$102,000 a mile. You should also know that one mile of urban freeway costs on average \$46 million a mile. Don't let anyone tell you we can't afford bicycle lanes! You know better."

— Congressman James Oberstar, (D-MN)

THE WATER EDUCATION COLLABORATIVE: A UNIQUE APPROACH TOWARDS A COMMON GOAL

By MARGIT BRAZDA POIRIER, DIRECTOR, WATER EDUCATION COLLABORATIVE



Community Water Watch Training Session.

The Rochester area of western New York is situated in a “playground” of lakes, streams, and rivers that include Lake Ontario, the Genesee River, the Finger Lakes and many streams and ponds. With this luxury comes the added responsibility of protecting and improving water quality. Monroe County (Rochester) has a long history of water quality problems as well as improvements. In the 1980’s discharges from sewage into Lake Ontario were virtually eliminated via construction of a combined underground tunnel system that carries both stormwater and sewage and ends up at the wastewater treatment plant. Point sources of pollution from the larger industries such as Kodak and Xerox have been reduced significantly in the last 20 years.

However, the larger problem of non-point source pollution remains. A study of phosphorus loadings showed that 90% of phosphorus in our area comes from non-point sources. Since most non-point sources of pollution come from the collective activities of many people, educating citizens has become a priority in the effort of improving water quality.

The first step is convincing people that we are all part of the problem of water pollution (and, of course, part of the solution). In a recent random phone survey conducted by the County, people were asked, “What is the main cause of water pollution in Monroe County today?” Over 51% of respondents answered “industry”, when in fact most of our major pollutants, such as phosphorus, metals, PCB’s and others, come from non-point sources. Non-point source pollution, or polluted stormwater, includes excess fertilizers and pesticides from lawns and agriculture, air pollution, erosion from construction sites, leaky septic systems, and animal waste to name a few.

The Water Education Collaborative (WEC) was formed in 2001 to work towards a common goal: educating citizens about how to protect and improve water quality. The Collaborative is a

coalition of public and private organizations that work together to increase water quality education in the community. The purpose of the Collaborative is to inspire people to help protect and improve water quality in the lakes and streams of the Genesee Region watershed. The WEC includes members from Monroe County Departments, University of Rochester, Cornell Cooperative Extension, the City of Rochester, Eastman Kodak, and others.

The uniqueness of the WEC is that it is not a new not for profit organization, but rather was built on the infrastructure of an existing not for profit organization. Therefore, the Rochester Museum & Science Center [a 501(c)(3)] serves as fiscal partner and host to the Water Education Collaborative. In 2002, the Collaborative is being funded primarily from public sources (County and state grant) and local foundation grants. In 2003, the WEC will undertake a community-wide dues-paying membership campaign to gain public support and involvement, and to reduce the reliance on limited public funds.

The WEC:

- 1) supports existing educational programs and creates new ones as needed,
- 2) serves as a resource/clearinghouse, and
- 3) seeks funds to support water quality education.

The group meets regularly to develop, improve and/or support public education programs that include:

- ❖ Community Water Watch Program, a program where citizens learn to monitor the health of streams
- ❖ Great Lawns/Great Lakes Program, an effort to work with residents to keep lawn chemicals out of waterways
- ❖ Workshops to train teachers on water quality testing through the University of Rochester
- ❖ Interactive displays at the a local Nature Center
- ❖ Involving youth and families in community service, such as the upcoming Coastal Clean-Up Event along the Genesee River and Lake Ontario
- ❖ Community-wide events such as “Our Fragile World” at the Seneca Park Zoo
- ❖ Helping local towns and villages meet the EPA Phase II Stormwater Regulations which require educating and involving citizens in reducing pollutants from stormwater runoff.

For more information about the Water Education Collaborative, contact Margit Brazda Poirier, 657 East Avenue, Rochester NY 14607, phone (585) 271-4552, ext. 320 or visit: www.thewec.org.



GIANT INVADERS THREATEN GREAT LAKES FISHERY

By: JOEL BRAMMEIER

A new aquatic invader is eating its way north through Illinois and threatening to enter the Great Lakes via the Chicago River, and the last chance to stop them is just 30 miles from Lake Michigan.

The newest, but certainly not last, biologic threat to the health of the Great Lakes is the Asian carp. The “Asian carp” moniker actually refers to a group of carp species including bighead, silver, grass, and black carps. Aquaculture farmers imported bighead and silver carp into the United States in the early 1970s. The aquaculture industry believed that the carp’s prodigious appetite for small plants and animals (plankton) would make them useful as pond cleaners. While the success of this enterprise is debatable, what is certain is that the fish were somehow released into the wild. A combination of flooding and intentional release likely allowed Asian carp to establish in the Mississippi River ecosystem, where they now dominate the food web in some areas.

The bighead carp can grow to over 50 pounds, while silvers can tip the scales at 100 pounds plus, larger than any native Great Lakes fish. These filter-feeding fish consume huge quantities of plankton using large gill rakers. One estimate suggests that they can consume up to 40 percent of their body weight daily and can fully exchange the contents of their gut 4 times in 24 hours. Silver carp can jump up to 10 feet clear of the water when disturbed, posing a unique hazard to boaters.

The potential impact of this fish is tremendous. The Great Lakes are a plankton-based food web, and most fish in the system rely on plankton as a food source at some point in their life cycles. Smaller fish are wholly dependent on a healthy plankton population. Of course, these small fish provide the forage base for larger predator fish, so the entry of a highly efficient plankton-feeder could be disastrous. The Great Lakes could become a carp pond.

Several factors suggest that the Asian carp could successfully establish in Lake Michigan. They are native to large rivers and lakes of eastern Asia at the same latitudes of the Great Lakes. The fish are highly temperature tolerant, shunning only the coldest temperatures found in the Great Lakes. They reproduce in great numbers and can grow to over 12 inches in less than a year. Free flow of carp from the Chicago River would effectively provide unlimited natural stocking of the fish and encourage an established population.

Biologists have sighted bighead and silver carp less than 60 miles from Lake Michigan in the Illinois River. Between these carp and the lake is an electrical barrier, years in the making, but

only turned on in April 2002. The barrier, located approximately 30 miles southwest of the mouth of the Chicago River, was originally designed to prevent other invasive fish, including ruffe and round gobies, from entering the Mississippi River. With gobies already present in Illinois, city, state, and federal agencies are hoping the barrier will prove effective against carp entering the Chicago waterway system. But the use of an electrical barrier that was not designed for this problem can only be a temporary fix.



Illinois Natural History Survey biologists collecting carp on the upper Mississippi

In the short term, prevention of this invasion requires funding for continued operation of the electrical barrier and immediate construction of a second barrier using different technology. This will require at least \$15 million, according to Sea Grant estimates. This funding could be provided through reauthorization of the National Invasive Species Act (NISA). In the longer term, agencies and citizens should prioritize complete separation of the waters of the Mississippi River basin and Lake Michigan. This could be accomplished using a lock system or by actual physical separation, eliminating navigation between the two basins.

This is not a Chicago problem, nor is it a Great Lakes problem. The connection between the Mississippi River basin and the Great Lakes basin affects the ecology of over half of the United States. While the Great Lakes states concern themselves with prevention of an Asian carp invasion, the Mississippi River basin has already suffered the impacts of zebra mussel and round goby invasion from Lake Michigan.

The work necessary to prevent Asian carp invasion of the Great Lakes is work that will prevent ecological destruction of the kind that has become far too common in the last 100 years. Rare is the opportunity to see a new invasion coming, much less one that arguably has the greatest potential negative impact on the Great Lakes fishery since European settlement. This is a golden opportunity to begin elimination of an ecological problem that affects millions of citizens while reinforcing the fact that, just like extinction, invasion is forever.



QUEBEC PROPOSES PESTICIDE BAN ONTARIO ENVIRONMENTAL GROUPS CALL ON PROVINCE TO BAN LAWN PESTICIDES

By: LINDA PIM

Pesticide Free Ontario, a network of environmental groups, are calling on the Ontario government to follow the lead of the Province of Quebec and ban the cosmetic use of lawn and garden pesticides. The proposed ban, announced this morning by Quebec Environment Minister Andre Boisclair, would be effective immediately on public and municipal parks and around schools and daycare centers. In three years, the ban would extend to private property.

"We congratulate the Province of Quebec for placing the protection of human health above the protection of the interests of the pesticide industry," says Janet May, coordinator of Pesticide Free Ontario.

The announcement follows a report from the Cousineau study group, which looked into the cosmetic use of pesticides in Quebec, and was released earlier this year. The report, released in March, supported adoption of the precautionary principle in

order to protect the health of children and recommended a ban on lawn and garden pesticides on both public and private lands.

"Unlike the Province of Quebec, Ontario has been silent about the serious health and environmental problems caused by lawn and garden pesticides. We call on Environment Minister Chris Stockwell to follow Quebec's lead," says May.

"If the Province of Quebec can pass pesticide legislation, then what is holding up the City of Toronto?" says Rich Whate of the Toronto Environmental Alliance. "Toronto should immediately pass a pesticide by-law."

For Further Information Contact:

Janet May 416 596-0660

Rich Whate 416 596-0660

Edith Smeesters,

Coalition for Alternatives to Pesticides (Quebec) 450 441-3899

<http://www.wetlands.com/regs/sec404fc.htm>

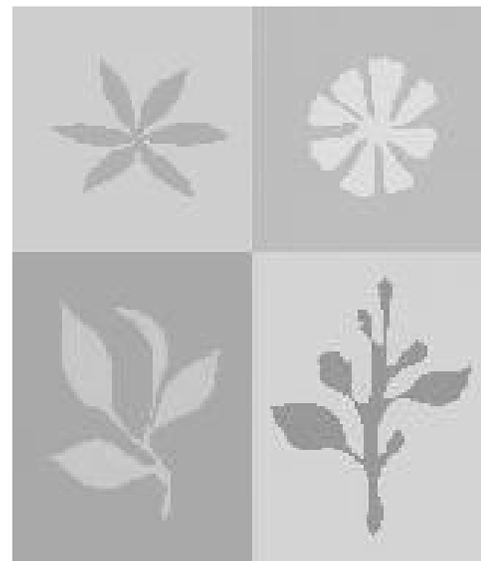
GREAT LAKES SNIPPET

GREAT LAKES STATES AND TEXAS ARE WORST POLLUTERS



The Commission for Environmental Cooperation, set up under the North American Free Trade Agreement, recently released a

report revealing that the Great Lakes states and Texas are the worst industrial polluters on the continent. That's pretty disturbing, considering the Great Lakes hold 90% of the U.S. surface freshwater supply. The report says 16 of the top 50 worst polluting facilities are located in the Great Lakes basin. On the bright side, Minnesota and Wisconsin release less pollution than any of the other Great Lakes states/provinces.





GROUNDWATER CONTAMINATION UNRESOLVED IN THE TOWN OF PINES

By: SANDRA L. WILMORE

Residents in the Town of Pines know better than to take drinking water for granted. In April of 2000, drinking water wells were found contaminated with several volatile organic compounds (VOCs) and metals. Two years and several test series later, nine of 32 sites tested are confirmed contaminated, the source or sources are uncertain, and there is no sign of resolution.

The Town of Pines is located less than one mile inland from Lake Michigan and borders the Indiana Dunes National Lakeshore. Groundwater contamination in this rural community of 800 residents was first discovered in April of 2000, when a resident reported foul drinking water that smelled like nail polish remover. The Indiana Department of Environmental Management (IDEM) tested several wells in response, surrounding and including the residence of complaint. Tests revealed the presence of several VOCs and benzene levels at 140ug/l at the residence of complaint; no other wells were found contaminated.

Several months later, tests confirmed benzene and metals, including chromium, copper, lead, nickel, arsenic, and cadmium, in other wells. Tests conducted in September of 2000 discovered two additional wells with benzene in excess of Maximum Contaminant Levels (MCLs). One well was also found to contain levels of arsenic above MCLs. Elevated levels of manganese (180 - 8200 ug/l) were detected in eight wells. In April of 2001, the U. S. Environmental Protection Agency (EPA)'s removal program took the lead for the site and confirmed IDEM's results. EPA testing also identified elevated levels of MTBE in the area. On July 16, 2001 IDEM staff again sampled wells in the area. Sampling results at this point revealed that

three other residential wells contained elevated levels of lead. In September of 2001, another residential well was found to contain elevated levels of nickel. Elevated levels of chromium were detected in the soils of the city park, and 20 wells showed elevated levels of boron, manganese, lead, iron, sulfate, nickel, and arsenic.



Dirty Water: Pines residents Debbie Loyd holds up a bottle of her tap water during a press conference announcing possible legal action against the Brown Land fill. At back is Jeff Stant, a consultant with the Clean Air Task Force of Boston.

Photo by Vicki Urbanik of the Chesterton Tribune.

The Town of Pines is located on an unconfined aquifer, and the 17-35 feet deep wells are located in a highly porous sand layer that experiences large seasonal fluctuations. The area sampled appears to be down gradient from at least three landfills, two of which are no longer active. The active landfill accepts the by-products of coal-combustion processes used by utility power plants and other industries. Although well data from the active landfill indicates no VOC or metal migration, Hoosier Environmental Council representatives point out that the presence of boron, manganese, and calcium sulfate in down gradient wells is consistent with contamination from coal-combustion waste. Other potential sources of contamination include fly ash used 30 years ago for road and residential fill; underground gasoline storage tanks; dredging spoils from Trail Creek allegedly deposited in the area; and unregulated junk and scrap yards.

With only 10% of wells tested, data are insufficient to determine a pattern leading to a source. Of course, residents whose wells have not been tested are concerned that their wells may be contaminated. Residences of known contamination are being provided with filters and/or bottled waters. Officials from both the EPA and IDEM have held several public hearings, but to date there are no long-term plans ensuring all residents safe drinking water. The Hoosier Environmental Council is actively supporting residents, and Save the Dunes Council continues to monitor progress.



CLEAN WATER AUTHORITY RESTORATION ACT OF 2002 BILL INTRODUCED TO RECOGNIZE ISOLATED WETLANDS

BY: SCOTT McEWEN

On July 24, 2002, The Clean Water Authority Restoration Act of 2002 (Senate Bill 2780) was introduced to “amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States”. If enacted, this Act would substantially amend the Federal Water Pollution Control Act of 1972, the Clean Water Act of 1977, and the Water Quality Act of 1987.

Among the most important changes that this Act would make is to recognize the ecological importance of intra-state waters, including waters that appear to be isolated. The Act recognizes that water is transported through interconnected hydrologic cycles, and that the pollution, impairment, or destruction of part of an aquatic system may affect the integrity of other interconnected parts of the aquatic system.

The Act recognizes that “the term ‘waters of the United States’ means all waters of the United States... including wetlands adjacent to bodies of water and other wetlands and waters often referred to as isolated.” The Act further recognizes that inconsistent State water pollution control laws are insufficient to protect the intra-state aquatic ecosystems, and that uniform water quality and aquatic ecosystem protection standards are essential.

The Bill recognizes the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognizes that achieving this objective requires restoration and maintenance of the natural structures and functions of the aquatic ecosystems of the United States.

Introduction of this bill is a substantial first step toward undoing the negative effects created by the United States Supreme Court in the SWANCC* decision, which, if read broadly, can be interpreted to mean that wetlands not directly connected to federally “navigable waters” were considered “isolated” and therefore did not fall under the protection of the federal Clean Water Act. The bill was introduced by Senator Feingold and has been referred to the Committee on Environment and Public Works. To read the text of the bill, go to: <http://thomas.loc.gov/cgi-bin/query/z?c107:S.2780>:

- Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers

WETLAND SITE

VICTORY FOR ELK RAPIDS WETLAND SITE

In the March/April issue of the Great Lakes Aquatic Habitat News, we reported that a large wetland had been improperly filled in Elk Rapids, a small town in northern lower Michigan. The Tip of the Mitt Watershed Council and many other concerned residents, after visiting the site, sent detailed information on the development, including the permitting history of the dredging and proposed construction, as well as historical aerial photographs showing that the wetland is connected to Lake Michigan (and therefore does not fall under the SWANCC ruling), to Michigan’s U.S. Senator Carl Levin and U.S. Congressman Bart Stupak.

Senator Levin and Congressman Stupak both contacted the Environmental Protection Agency (EPA) urging that the legality of wetland destruction be investigated and that no further dredging occur until and unless the Army Corps of Engineers issued a permit. The Michigan Department of Environmental Quality contends that the wetland in question was non-jurisdictional; thus, any fill placed in the wetland would not require a permit.

On August 7, 2002, the EPA ruled that the Elk Rapids Preserve falls within the federal jurisdiction of Section 404 of the Clean Water Act* and ordered that developers must apply for an Army Corps of Engineers’ permit in order to dump dredge or fill material into the wetlands in question. “I have seen firsthand the enormity of fill and I trust that the Corps will find that the developers must either restore the wetlands or require that they create appropriate wetlands mitigation”, said Stupak after the ruling. Levin stated that the ruling “will bring consistency to the administration and protection of Michigan’s endangered wetlands.”

Pictures of the wetland destruction may be found at the Michigan Sierra Club’s website:

http://michigan.sierraclub.org/traverse/elk_rapids_preserve.htm

<http://www.wetlands.com/regs/sec404fc.htm>

<http://www.wetlands.com/regs/sec404fc.htm>



By: CRAIG MINOWA

HAMATREYA

Earth laughs in flowers to see her boastful boys
 Earth-proud, proud of the earth which is not theirs;
 Who steer the plough, but can not steer
 their feet clear of the grave.

– Ralph Waldo Emerson

UNDERWATER LINES

A coalition of electrical utilities is planning on laying powerlines under Lake Superior. Northwest Energy Works, a partnership of six utilities hope to lay the massive transmission lines all the way from Thunder Bay, Ontario to the Keweenaw Peninsula. Environmentalists claim little research has been done in regards to the possible negative impacts of such a major subterranean project on the aquatic ecosystems of Lake Superior.

CITY OF DULUTH GOING SOLAR?



Duluth, the largest city on Lake Superior has signed resolutions to reduce greenhouse gases locally. This is one of the new electric vehicles purchased.

True or false: Duluth's local government is anti-environment. The answer is "E", none of the above. Actually, our local Lake Superior port government makes some pretty Green decisions every now and then. You may remember, not too long ago, Duluth became the first city in North America to ban the sale of mercury thermometers. Well, there's great news this summer, too. Thanks in part to local eco-superheroes like Carin Skoog, Coordinator of Cities for Climate Protection, a while back, the Duluth City Council signed a resolution to become one of a handful of cities in the world to be a part of a campaign to reduce greenhouse gases on a local level. This action will benefit the Great Lakes, a region that computer models show will be greatly affected by global climate change.

As part of its commitment to reducing greenhouse gas emissions, the City of Duluth has purchased two electric vehicles, a solar powered recharging station and has installed 8 – 300 watt photovoltaic (PV) modules on the roof of the Duluth Public Library. The 2.4 kW solar paneling system will save the library over \$1,000/year in energy costs as it quietly produces clean, renewable energy. St. Louis County has also recently installed an 855 watt PV system on the County garage. Both systems were designed and installed by locally owned and operated Conservation Technologies.

According to Skoog, the ringmaster of this earth-friendly energy bonanza, "Putting this system on one of the area's most heavily-utilized educational facilities with over 250,000 annual visitors is a great way for the City to educate and motivate the community to conserve energy resources." Following the PV installation, an 'energy and environmental resource display' will be built in the Library. The kiosk's computer will show real-time data about how much energy the panels are producing, how much greenhouse gas emissions are being saved, and compare those statistics with other energy sources, such as coal, oil, natural gas, wood, wind, and hydro.

TOXIC WASTE

WATERSHED TOXIC WASTE PROBLEMS:

Put In Your Two Cents

Are you sick of having to deal with the toxic waste dump along Duluth's lower St. Louis River? Well you finally have a chance to do something about it. The Minnesota Pollution Control Agency (MPCA) is looking for citizen input to assess the environmental damage that has taken place on and near this 255 acre Superfund site. The land and water was contaminated by 4 companies from 1904 until 1962, and they're responsible to help with the clean-up. The MPCA says this public feedback and damage assessment will determine the clean-up plan, as well as any compensation issues that may have arisen.

Speaking of the dire need for citizen input, John Guenther, Regional Administrator for the Minnesota Department of Natural Resources, and Lead Authorized Official for the natural resource damage assessment said, "People who live and work along the Lower St. Louis River, and especially those that enjoy fishing, boating, and seeing the many different kinds of plants and wildlife, know first-hand the incredible resources the river has to offer. These individuals and groups, such as the St. Louis River Citizens Action Committee (SLRCAC), are very important to help make sure the trustees are working in the right direction to restore natural resources at the site."

To see the current clean-up plan, go to <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

More info?

Lynelle Hanson at the SLRCAC: 733-9520
 or
 MPCA's Anne Perry Moore 723-2356.



Pennsylvania Update

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ERIE BAYFRONT CENTER EARNS GREAT LAKES GRANT

By: SUSAN A SMITH

Gov. Mark Schweiker and Department of Environmental Protection Secretary David E. Hess on May 28 announced a \$54,000 Great Lakes Protection Fund grant to the Bayfront Center for Maritime Studies (BCMS), located in Erie, PA. "This is a rewarding way to celebrate Watershed Awareness Month," Secretary Hess said. "The Great Lakes Protection Fund is an important source of money for local people who care about the future of the Great Lakes and the watersheds that support them. We are pleased to present this grant to the Bayfront Center for Maritime Studies (BCMS) because it stimulates student interest in the environment and creates a deeper understanding of the Lake Erie ecosystem."

BCMS Executive Director James Stewart said, "BCMS has already reached thousands of youngsters in Northwestern Pennsylvania. This grant will allow us to reach even more kids. We believe that children develop a life-long interest in nature when they have an opportunity to explore it in a way that is meaningful to them. BCMS captures the imagination of young people by exposing them to sailing and then follows up with environmental education through water and sediment sampling and testing."

In partnership with DEP and the Pennsylvania Sea Grant, BCMS developed the Environmental Rediscoveries program. The program uses the 42-foot Friendship Sloop "Momentum" to teach youngsters how to sail, chart a course, navigate to their



Erie educators Lillian Rose with Earth Force students on the Erie Bay with Anne Danielski and Jim Stewart of the Bayfront Center for Maritime Studies, studying water and sediment samples.

sampling site using a global positioning system, collect sediment samples using a ponar dredge, and monitor the water quality using a Hydrolab. The students then perform microscopic analysis of the samples, and all data is compiled and shared on-line with schools and the DEP.

The Bayfront Center for Maritime Studies was a 2001 winner of a Governor's Award for Environmental Excellence in the education and outreach category. The center was honored for its environmental rediscoveries program that provides hands-on sailing activities and ecosystem studies on Lake Erie's Presque Isle Bay.

Governors of the Great Lakes States created the Great Lakes Protection Fund in 1989 as the nation's first multi-state environmental endowment. Since its inception, the fund has awarded 145 grants worth more than \$21.6 million for projects throughout the Great Lakes regions.

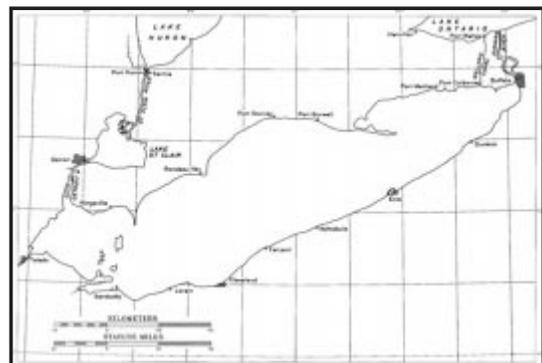


Image courtesy NOAA, Great Lakes Environmental Research Laboratory.

Minnesota Update *continued*



NORTHSHORE URBAN SPRAWL CONTINUES

A major development project is quietly underway near Beaver Bay. The Lake County Board recently approved the purchase of 20 acres of shoreline property for the construction of a massive 157 room hotel. According to Glenn Maxham of the Save Lake Superior Association, permits have already been issued to the Australian based "American Towers" company for construction, but extensive environmental mitigations will need to be completed before the development can officially begin. Learn more by contacting Glenn Maxham of the Save Lake Superior Association 218-727-4554.



THE NEXT GREAT WETLAND CHALLENGE: PROPOSED AIRPORT EXPANSION TO DESTROY 54 ACRES OF WETLANDS

By: CHARLIE LUTHIN

The City of West Bend (population ca. 30,000) in Washington County has made plans to greatly expand its municipal airport, arguing that it needs the expansion to create a more “industry-friendly” environment. The proposed expansion would not only extend and widen the existing airport and runways, but would also result in State Highway 33 being expanded from two lanes to four lanes and rerouted to a new alignment. The total project “preferred alternative” would impact 324 acres, including 106 acres of quality habitat identified as an important component of a regional biological corridor, 54 acres of wetlands in the floodplain of the Milwaukee River and another 69 acres in the “floodplain fringe.” A total of 35 acres of additional impervious surface would be added to the landscape with the proposed expansion.

No matter that Milwaukee’s Mitchell airport is less than an hour away. No matter that the City of West Bend does not have adequate funds to maintain its existing airport, let alone a greatly expanded one. Ironically, even though local funds for maintaining the airport are scarce, there are ample federal and state funds available for new construction to serve as an incentive for building a vastly expanded airport and a re-routed state highway. It is further ironic that while West Bend proposes to impact at least 54 acres of Milwaukee River floodplain wetlands, the City of Milwaukee and its Metropolitan Sewerage District (MMSD) a few miles away are actively seeking ways to acquire green space and former wetlands in the Milwaukee River’s watershed to restore in order to alleviate flooding in the City!

In its draft Environmental Assessment (EA), the Department of Transportation suggested that the project will have “no significant impact” on the region’s environment and natural resources. However, a 54-acre wetland fill represents the largest fill of any single construction project since 1991! If this determination of “no impact” is sustained in the final Environmental Assessment, no Environmental Impact Statement (EIS) is necessary. An EIS is required under our National Environmental Protection Act (NEPA) for projects of “significance,” and an EIS is a more elaborate and costly process that involves careful studies of the potential impacts. Citizens of West Bend and WWA have argued that an EIS is critical to this project, and we are trying to convince the DOT to require this expanded study. This is also the sentiment of the regional office of the U. S. Environmental Protection Agency (EPA), as stated in a recent letter to the project proponents. If the DOT ignores this request, its determination of “no significant impact” could be challenged in a lawsuit.

The Common Council of West Bend recently ignored citizen concerns and adopted a plan to go ahead with the airport expansion and to seek the necessary state and federal funds to pay for it. This seems to be a project that is not going away soon.



Clough Island in the St. Louis River estuary.



LAKE SUPERIOR ISLAND SOLD TO DEVELOPER

By BOB OLSGARD, LAKE SUPERIOR ALLIANCE

Nearly a decade spent appraising the financial value and assessing the ecological significance of 370 acre Clough Island located in the St. Louis River between Superior, Wisconsin and Duluth, Minnesota has culminated in its sale to a developer. While The Nature Conservancy (TNC) had been active in approaching owners with its interest in acquiring the island, in the end TNC's policy of purchasing only for fair market value—in this case an appraised value of \$400,000.00—prevented the conservation organization from buying the island. A commercial developer by the name of North Oaks LLC purchased the island for a reported price of \$1.2 million dollars.

The developer has outlined plans for a golf course, condominiums, individual homes and a marina. The island's present lack of utilities—sewer, water and electricity—raises concerns over access from the city of Superior to the Island, a route which may affect shoreland wetlands. Clough Island and adjacent wetlands are identified in the St. Louis River Citizen Advisory Committee's recently published habitat plan as one of two of western Lake Superior's most productive areas of aquatic habitat. Potential construction on the island and consequent boating and other activities raise serious concerns about the continued health and productivity of this ecologically significant area. Multiple federal and state permits will be required. As of this time no permits have been applied for.

LONG BATTLE FOR VEGETATIVE BUFFERS ENDS IN VICTORY FOR WISCONSIN'S WATERS

By JUNIPER GARVER-HUME

CLEAN WATER COALITION COORDINATOR, RIVER ALLIANCE OF WISCONSIN

A resolution approved by the Wisconsin Natural Resources Board in May ends more than four years of debate about the need for vegetative buffer strips along waterways as part of the new state rules to control polluted runoff. The Clean Water Coalition, led by the River Alliance and representing more than three dozen groups with over 160,000 members, said that the resolution was an historic opportunity for our waterways. Soil loss from riparian fields is one of the most significant contributors to polluted runoff – our number one water quality problem.

The Natural Resources Board adopted a resolution directing the staff of the DNR to develop a science-based standard, which must be in place by the beginning of 2008, to require vegetative buffer strips for agricultural land. The standard will be based on the results of scientific research to be conducted by the Wisconsin Agricultural Stewardship Initiative with input from the University of Wisconsin College of Agricultural Life Sciences. If the research is not completed by the end of 2005, the new

standard will mirror the current buffer guidelines for Wisconsin that have been developed by the Natural Resource Conservation Service. We already have plenty of research saying that buffers clean water and that wider buffers are better. This study will not



determine if buffers are good practices for Wisconsin. Instead, this study will help us determine the most effective buffer designs for our limited cost-sharing dollars.

There remain significant concerns about adequate means to implement, monitor and enforce the entire non-point set of rules. Still, mandatory buffers for new development in urban areas, strong infiltration standards for storm water runoff, new construction site erosion standards and a series of tougher performance standards for agricultural practices make this new rules package arguably the strongest set of rules to control polluted runoff in the nation.

Indigenous Peoples Update

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INDIGENOUS DECLARATION ON WATER

BY: MARIA MAYBEE

Endorsed at the 12th annual Indigenous Environmental Network Protecting Mother Earth Conference, Penticton Indian Band Okanagan Nation Territories, British Columbia, Canada.

As Indigenous Peoples, we raise our voices in solidarity to speak for the protection of Water. The Creator placed us on this earth, each in our own sacred and traditional lands, to care for all of creation. We have always governed ourselves as Peoples to ensure the protection and purity of Water. We stand united to follow and implement our knowledge, laws and self-determination to preserve Water, to preserve life. Our message is clear: **Protect Water Now!**

As Indigenous Peoples, we recognize, honor and respect Water as a sacred and powerful gift from the Creator. Water, the first living spirit on this earth, gives life to all creation. Water, powerful and pristine, is the lifeblood that sustains life for all peoples, lands and creation. We know that by listening to the songs of the Water, all creation will continue to breathe. Our knowledge, laws and ways of life teach us to be responsible at all times in caring for this sacred gift that connects all life. In ceremony and as time comes, the Water sings. Her songs begin in the tiniest of streams, transforms to flowing rivers, travels to majestic oceans, and thundering clouds, and back to the earth, to begin again. When Water is threatened, all living things are threatened. Our hearts cry when we see the ways in which people, through governments and multinational corporations, destroy the Water in their greed. As Water has given us life, we must fight for the life of Water. We must continue to hear her songs and protect this sacred gift from the Creator. We must be prepared.

In this time, we see that our Waters are being polluted with chemicals, pesticides, sewage, disease and nuclear waste. We see our Waters being depleted or converted into destructive uses through the diversion of Water systems to different lands, unsustainable economic, resource and recreational development, the transformation of excessive amounts of Water into energy, and the treatment of Water as a commodity, a property interest, that can be bought, sold and traded in global and domestic economies. We see our Waters governed by imposed foreign, colonial and inhumane laws and practices that disconnect us as Peoples from the ecosystem. These laws do not respect that life is sacred, that Water is sacred. Throughout Indigenous territories worldwide, we are witnessing the increasing scarcity of fresh Waters and the lack of access that we and other life forms such as the land, forests, animals, plants, marine life, and air have to our Waters. In these times of scarcity, we see governments creating commercial interests in Water that lead to inequities in distribution and prevent our access to the life giving nature of Water.

When Water is disrespected, misused and poorly managed, we see the life threatening impacts on all of creation. We know that our Rights to Self-Determination, jurisdiction, knowledge and laws to protect the water are being disregarded, violated and disrespected. We hear the sad and painful songs of the Water, of the land and our peoples. We hear the Waters call for protection now.

As Indigenous Peoples, we express our power, to protect the Water and call on all others concerned to open your minds and hearts and listen to our protection song, our message and support the calls for actions that follow:

We recognize that Water is a sacred gift from the Creator that gives, sustains and nurtures all life on earth. We recognize the need to share our understanding that Water is sacred and essential for the survival of all life on earth.

We recognize that as stewards of the lands and waters, and as sovereign peoples who will never sell nor trade their rights to Water, we Indigenous peoples retain inherent rights and responsibilities to protect Water.

We recognize that our knowledge and sustainable practices are essential links to the protection of Water. We recognize Indigenous governments and their jurisdiction to develop laws and treaties to protect Water.

We support the implementation of Indigenous legal systems in this effort. To retain our connection to our Waters, we must have the right to make decisions about Waters at all levels.

We resolve to communicate and express our power, our common interest to protect Water and life, through the building of Water alliances and networks worldwide.



continued on next page



LATEST ACQUISITION DOUBLES SIZE OF NATURE PRESERVE

BY: MARIA MAYBEE

Strength through partnerships is the key to the ongoing successes in permanently protecting the Klydel Wetlands in North Tonawanda. On June 27, 2002, the Western New York Land Conservancy acquired the 17 acre “heart” of the Klydel Wetlands from Herman Probst. The addition of this key parcel to the existing 18 acres nearly doubles the size of the land under protection.

Herman Probst agreed to sell the land for the appraised value. “This property is the largest solely owned parcel in the Klydel Wetlands,” stated WNYLC Land Protection Manager Amy Holt. “We thank Mr. Probst for accepting our offer and enabling the transfer to take place as quickly as possible.”

All of the protected land in the Klydel Wetlands will be added to the newly dedicated (October, 2001) North Tonawanda Audubon Nature Preserve. Buffalo Audubon will eventually hold title to the Preserve with the Western New York Land Conservancy holding a conservation easement. This will provide a double-layer of protection ensuring that the Preserve forever remains an open space oasis in the City of North Tonawanda.

We thank the New York State Department of Parks, Recreation and Historic Preservation, U. S. Fish and Wildlife, Niagara County Environmental Fund, E. I. DuPont de Nemours, the U. S Army Corps of Engineers, WNYLC and Buffalo Audubon members and the neighbors of the Klydel Wetlands for their support of this project.

Who are the conservation partners and what role have they played in protecting the Klydel Wetlands?

The Western New York Land Conservancy acts as the conservation buyer, negotiating contracts with the private landowners of the Klydel Wetlands parcels and managing the wide variety of funds that have been dedicated to the Klydel Wetlands project.

The Citizens for a Green North Tonawanda is the locally led group that placed the Klydel Wetlands in the spotlight as a community resource in need of protection. They have acted as an advocacy and educational resource, keeping residents and community leaders updated on the project’s status and promoting the benefits of having a permanently protected nature preserve in their back yard.

The Buffalo Audubon Society, under the direction of former President Tony Wagner and Executive Director William McKeever, has spearheaded the fundraising effort, raising the significant amount of funds needed to cover acquisition, closing, and ongoing stewardship costs. Buffalo Audubon will manage the North Tonawanda Audubon Nature Preserve as an outdoor education area and wildlife preserve.

INDIGENOUS DECLARATION ON WATER *continued*

We support all Indigenous peoples and grass roots movements that organize to protect Water based on their ancestral teachings and laws, and who also respect the role of Indigenous elders, women and youth to protect Water.

We call for the creation of an international monitoring body to track the trade of Water in relation to Indigenous peoples.

We resolve to use and develop indigenous, domestic and international mechanisms to hold corporations, domestic governments and international financial institutions such as the World Bank and the International Monetary Fund accountable for their actions that threaten the integrity of Water, our land and our peoples. Systems of restoration and

compensation have to be put in place to restore the integrity of water and ecosystems.

We seek support and solidarity for the opposition to any free trade agreements that purport to privatize Water and trade Water as a commodity, including the North American Free Trade Agreement and the proposed Free Trade Area of the Americas.

We endorse declarations and treaties that enshrine the goals stated above such as the Cochabamba Declaration and the Treaty Initiative of the Council of Canadians representing genuine efforts by concerned citizens, communities and grass-roots peoples to protect water.

On this 8th day of July, 2001, the international community and Indigenous peoples assembled at the International Conference on Water for People and Nature organized by the Council of Canadians, endorsed the Indigenous Declaration on Water.

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