



# G.L.A.H. News

Great Lakes Aquatic Habitat

GLAHNF GREAT LAKES, CONNECTING COMMUNITIES

FALL EDITION 2005 VOLUME 13 ISSUE 4

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## DID YOU KNOW?

*While the Great Lakes are vast, containing nearly 20% of the earth's fresh surface water, this bounty can be deceiving. If we stood a 1,000 foot tanker on its end in the deepest part of Lake Michigan about 200 feet of that tanker would still be visible above water! Revealing that these lakes are truly a thin and fragile resource.*

## DON'T MISS THIS OPPORTUNITY TO HAVE YOUR VOICE HEARD ON GREAT LAKES ISSUES!



### The Future of the Great Lakes Water Quality Agreement

First signed in 1972, the Great Lakes Water Quality Agreement between Canada and the United States expresses the commitment of each country to restore and maintain the chemical, physical and biological integrity of the Great Lakes basin ecosystem.

The governments of the United States and Canada are required to review the operation and effectiveness of the Agreement every six years and determine whether it needs to be amended in any way. It is now time for the governments to launch that review.

The governments have asked the International Joint Commission to consult with citizens to find out how well they think the Agreement has worked so far and how they would like to see it changed.

### What do you think?

The International Joint Commission will hold fourteen public meetings across the Great Lakes basin, conduct an online dialogue and accept written and oral submissions. For more information, call toll-free at (866) 813-0642 or visit [www.ijc.org/glconsultations](http://www.ijc.org/glconsultations).

### Can't Attend?

Contribute online  
[www.ijc.org/glconsultations](http://www.ijc.org/glconsultations)  
Call toll-free (866) 813-0642  
Fax (613) 993-5583  
Write International Joint Commission

Great Lakes Regional Office  
100 Ouellette Ave., 8th Floor or  
P.O. Box 32869  
Windsor, ON N9A 6T3  
Detroit, MI 48232

The governments will receive your submission in full, in the format in which it was submitted (audio-visual or written).

**Deadline for submissions:**  
Midnight, November 30, 2005



Lake Superior North Shore. Photo Courtesy of Jane Elder.

## DIRECTOR'S NOTES

### INSPIRATION



JILL RYAN

I was truly inspired this weekend at the Great Lakes Aquatic Habitat Network and Fund Grassroots Symposium.

Hearing the stories of local community leaders from across the Great Lakes Basin left me humbled and in awe. These heroes and heroines of our time are quietly practicing democracy and public engagement in order to bring a better quality of life to their communities.

These leaders advocate for clean water, protection of habitat for our fish and wildlife populations, maintaining the integrity of our wild places and so much more. In doing so they are telling the members of their communities and decision makers that immediate short-term gain is not more worthy than long-term health and well-being for our future generations.

The stories shared at the symposium exemplify the accomplishments that are possible when local community leaders work to inspire those around them to care for our future. I thank each person that attended the symposium and shared their personal stories. Your leadership truly does provide me with inspiration to continue the work we have all taken on, ensuring a vital Great Lakes region for future generations.

*Leadership is based on inspiration,  
not domination; on cooperation,  
not intimidation.*

William Arthur Wood



## Grassroots Symposium

### GRASSROOTS SYMPOSIUM A SUCCESS!



On October 14th and 15th almost 70 people from around the Great Lakes Basin gathered in Lakeside, Ohio for our Second Annual Grassroots Symposium. Here's some of what folks had to say:

"I learned so much, and was re-energized." "I think the GR Advocate Award was a great idea and this year's winners truly deserved the recognition you gave them!" "[the symposium was] a great networking opportunity. As always, it's inspiring to hear people's stories." "I came away with so much valuable information that I know will be applied in my work." "I saw a lot of

smiling faces—sure evidence of a successful conference." "Thank you for the outstanding conference! It was one of the best events I've been to in years!"

We are excited to introduce to you in this issue our Grassroots Citizen-Advocate Award Recipients. Our *GLAHnews* in December of this year will highlight more of the Symposium including workshops, materials and issues covered. If you were unable to attend this year, don't be discouraged. We are already working on next fall's Grassroots Symposium - to be held on Lake Superior... Next year's theme: *Stormwater*

## RESTORE THE LAKES

### MOVEMENT TO RESTORE THE GREAT LAKES GAINS MOMENTUM

Citizens, industry leaders, government officials, Tribal representatives, and conservationists gathered September 8th-9th in Grand Rapids, Michigan, at the First Annual Great Lakes Restoration Conference to encourage state and federal elected officials to invest billions of dollars to clean up the Great Lakes. The conference was modeled after the Everglades Coalition annual conferences, which were essential for winning billions of state and federal dollars to restore the Florida Everglades. The Great Lakes

Restoration conference comes as the movement to restore the Great Lakes gains momentum, stemming in large part from the July release of a \$20 billion plan to restore the Great Lakes ecosystem. The plan was drafted as part of the Great Lakes Regional Collaboration, a fast-track process established by President Bush to craft a Great Lakes restoration plan. For more information on Great Lakes Restoration, visit: <http://www.restorethelakes.org/>



## Grassroots Profile

### UNIQUE PARTNERSHIPS PLAN FOR A HIGHER QUALITY OF LIFE IN THE DETROIT RIVER REGION

By Don A. Griffin, Advisor to the Friends of the Detroit River Board of Directors



**DON GRIFFIN**

The Friends of the Detroit River has received, from a variety of sources, positive responses to its environmental statements, yearly events and activities. Seeking a higher quality of life is a goal mutually supported by diverse organizations, agencies, and businesses in Wayne County.

A recent Green Buildings Forum was hosted by a partnership of groups as a public service. Participants enjoyed a program of speakers, as well as a tour of "green" facilities of the Environmental Interpretive Center and two packets of materials on the subject. The audience of lay people, elected officials, architects, university professors and environmentalists applauded the principal speaker, Paul Goldsmith, chairman of the Detroit Chapter of the U.S. Green Building Council (USGBC) when he said, "Sustainability is not an issue of doing less bad, but what we need to do is more good."

The architectural firm of Hamilton Anderson, hired by Wayne County Parks, presented their preliminary plans for the Gateway Project of the Detroit River International Wildlife Refuge. The audience was thrilled that the goal for the project is a LEED certified Platinum rating. The USGBC certifies buildings using their Leadership in Energy & Environmental Design (LEED) criteria. The county hopes to use a combination of methods to achieve this high level of LEED certification.

Sandra Nelson, director of special projects for the Wayne County Department of Services says the building and site for the Gateway Project on the Detroit River fall right in line with Wayne County Executive Robert Ficano's goal of creating

a high quality of life in Wayne County. She added, "We are shooting for the stars because we think it's important to develop a LEED certified building."

These statements were happily received by those in attendance, and especially by John Hartig, Manager of the Detroit River International Wildlife Refuge, whose office will be at the Gateway Project Visitor Center. A great deal needs to be done to achieve such a lofty goal. A Visitor Center and grounds that achieve a high LEED certification will attract world-wide attention and draw a variety of visitors to the Detroit area.

Michigan already is among the top 10 states for environmentally friendly and energy efficient buildings that have been certified using LEED criteria. In spite of this trend it is estimated that 19 of every 20 buildings, now being constructed in the U.S., will never be energy efficient nor environmentally friendly.

The common belief is that it costs less to build structures that are not "green." However, there are LEED certified buildings and homes at all levels of the cost strata. In addition, the buildings boasting LEED certification also report savings that more than make up for any initial costs.

*continued on page 14*



*Photo of the Gateway site for the Detroit River International Wildlife Refuge was taken by Robert Burns, Detroit Riverkeeper.*

## GLAHNews:

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### **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.*

# Great Lakes Aquatic Habitat Network and Fund 2005 Grassroots Citizen-Advocate Award



## OUTSTANDING WATER ADVOCATE DON GRIFFIN RECEIVES FIRST GLAHNF AWARD

Don Griffin has been active in protecting water resources in the Great Lakes region since 1942 when he was involved in a conservation club with a theme of “Preserving the Great Lakes.” Don has been active in many organizations including the Friends of the Rouge, Friends of the Detroit River, the Detroit River International Wildlife Refuge, the U.S. Fish and Wildlife Service “Conservation in Action Summit,” and many more.

Because he is a creative thinker and dynamic personality, Don inspires people to volunteer to improve the quality of community life for present and future generations. He is generous in spending time and money on worthwhile causes. He would like to see the Detroit River and its shoreline become the magnificent natural resource it can be. He would also like to see the St. Marys River, the St. Clair River and the St. Lawrence all become International Wildlife Refuges. Don is an eternal optimist. He celebrates each success and his enthusiasm is contagious.

Projects on which Don has actively participated include working to save Humbug Marsh in the Detroit River; working to establish the first and only international wildlife refuge, the Detroit River International Wildlife Refuge; a Green Buildings Forum to promote responsible building; and projects to provide public access to our waterways. In addition he is currently working to establish the purpose, mission, and vision for the Detroit River International Wildlife Refuge and projects to limit the expansion of a landfill with harmful potential.



*Jill Ryan presents Don Griffin with the 2005 Grassroots Citizen-Advocate Award; Don was quick to acknowledge his wife, Laurine Griffin.*



*Krystyn Tully and Don Griffin discuss Issue Messaging at 2005 Grassroots Symposium.*

A friend observed that “his tenacity and “no-holds barred” commitment for [his] vision inspired others – individuals and groups to join together in making that a reality almost beyond belief. Not only was the National Wildlife Refuge created by Congress, but also the Canadian Government, equally inspired, created a refuge on the Canadian side of the river resulting in the formation of an International Wildlife Refuge.” Another noted “Don has a keen understanding of group dynamics, he doesn’t hesitate to jump in when he senses...faltering and cajole or bribe with food the key people he believes will right the ship. I have never met anyone like Don, his background and early life have together crafted a unique individual, tough, pragmatic, and vitally aware, and protective of, the natural cycles that make life on earth possible.”

Don states “I cannot wield a shovel or axe as well as I once could, but by writing, speaking and coordinating to the best of my ability, I may be able to be an effective advocate for the Great Lakes for many more years.”

We can’t do justice to this award without mentioning, as Don did as he accepted his award, that his wife Laurine has been with him in this work every step of the way. Thank you Laurine for all you have done for this cause over the years.

The Friends of the Detroit River nominated Don Griffin, of Dearborn Michigan, for the 2005 Grassroots Citizen-Advocate Award.

# Great Lakes Aquatic Habitat Network and Fund 2005 Grassroots Citizen-Advocate Award



## OUTSTANDING WATER ADVOCATE EDITH CHASE RECEIVES FIRST GLAHNF AWARD



*Jill Ryan presents Edith Chase with the  
2005 Grassroots Citizen-Advocate Award.*

**E**dith Chase has spent the last 30 years or more working to protect the resources in the watershed of Lake Erie and throughout the Great Lakes Basin. Her affiliations include the Ohio Coastal Resource Management Project, League of Women Voters, Kent Environmental Council, Ohio Environmental Council, Trust for Public Land, Greenspace Working Group of the Cuyahoga County Planning Commission, Advisory Board of Eco-City Cleveland, and the Coastal Resources Advisory Council. Edith is active – not just belongs to, but is active with – many groups that advocate for habitat protection.

In the 1970's Edith began her activism for Lake Erie and its tributaries by joining a citizens' effort to modernize the state's water pollution laws, then went on to work for passage of the Great Lakes Water Quality Agreement. She began to use the federal coastal management program to push for a state version, and in 1982 founded the Ohio Coastal Resource Management Project, where she published "Who's Minding the Shore?" a treatise that advocated hard for protection of near-shore fisheries and other habitat.

Edith has been one of the main contacts on a controversial dam near Akron, Ohio, on a beautiful stretch of the Cuyahoga River. This dam, situated in Gorge Metro Park, is being considered for a hydro-electric power plant that is dubious for many reasons. Edith is always willing to make herself available as a resource for people looking for good information. In this case, she was available to tell people how the power plant would prevent the return of many species of fish that biologists are seeing upstream and downstream of the dam.

At public meetings Edith is a regular participant, and can be considered a true-across-the-board environmentalist. For example, at a meeting earlier this year of the Lake Erie Commission, Edith promoted a wind farm being built in northern Ohio, then went on to promote hearings on the Great Lakes Regional Collaboration's plans for Great Lakes Restoration.

Edith is a person who is energetic, savvy, inspirational, knowledgeable and can speak with clear arguments for protecting Lake Erie, and who can disarm her opponents with her sensibility. This has resulted in Ohio becoming a participant in NOAA's coastal management programs, the adoption of water quality laws, and the establishment of grant programs for coastal protection – all the while being a committed grassroots activist.

In her own calm but confident manner, Edith sets a stage for success. Her commitment to the Great Lakes comes through in all of the conversations that you have with her. She really is top-notch – the kind of leader that does communicate and build coalitions, not just talk about it.

An excerpt from Edith's 1997 oral testimony to the International Joint Commission exemplifies why she is a deserving recipient of this award:



*Edith Chase, recipient of the  
2005 Grassroots Citizen-  
Advocate Award.*

"We've made progress in the last 25 years. How much more can we accomplish in the next 25? Today, we need to share a vision or we will share the consequences. How much will it cost for a clean Great Lake? The right question is how much will it cost for children with three point lower IQ? Or more people on welfare or in jail? Or added health care expenses? To control the pollution in the Great Lakes so far we have tried to stop a waterfall at the top. There can only be frustration in our plans

to clean up contaminated sediments while the same contaminants are released to our air, land and water... We need to think in terms of results and performance and measuring progress toward our goals – our Treaty obligation."

The Ohio Environmental Council nominated Edith Chase, of Kent, Ohio, for the 2005 Grassroots Citizen-Advocate Award.

# Partnership Profile

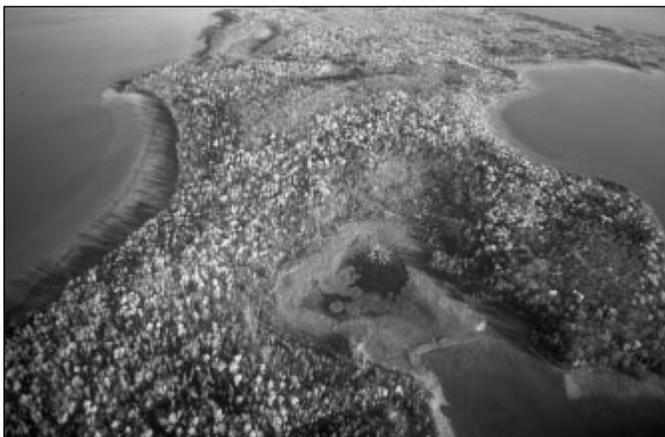


## **PROVINCIAL PARTNERSHIP PROTECTS RARE HABITAT ON STAWBERRY ISLAND: *Project Will Conserve Natural Features and Web of Life***

By Canada-Ontario Agreement Project, Great Lakes Branch, Ministry of Natural Resources, Peterborough, Canada

The Ontario government is enriching Ontario's natural heritage by partnering to protect Strawberry Island's rare habitat, Natural Resources Minister David Ramsay announced today. "Located in Lake Huron's North Channel, Strawberry Island is home to extremely rare natural habitats, as well as vast expanses of unspoiled shoreline and coastal wetlands," said Minister Ramsay. "By working with the Nature Conservancy of Canada to preserve this beautiful and biologically rich natural area, we are safeguarding important natural heritage features, including nesting areas for bald eagles, habitat for at least six provincially rare plant species and significant plant communities."

This project is a partnership between the Nature Conservancy of Canada and the Ontario government. The conservancy acquired 912 hectares of the 1,040-hectare island for \$1.6 million. The province contributed \$250,000 towards the purchase price. Future plans include establishing the island, which is located off Manitoulin Island, as a nature reserve class provincial park. Purchase of the island also supports Canada/U.S. efforts to conserve biologically diverse islands throughout the Great Lakes basin.



*Strawberry Island from above.  
Photo credit Phil Kor 1997.*



*Strawberry Island from above, taken  
by Phil Kor, October in 1997.*

The island is home to a unique natural habitat, called an alvar. Alvars are sparsely vegetated rock barrens that develop on flat limestone bedrock with shallow soils. Globally rare, alvars are found only around the Great Lakes and the Baltic Sea, and support an extraordinary diversity of hardy but rare plants, animals and invertebrates. "Protecting Strawberry Island is part of our continuing effort to conserve some of the most pristine alvar and coastal wetland communities in the Great Lakes," said John Grant, Midwestern Ontario Program Manager for the Nature Conservancy of Canada. "NCC and partners have acquired 9,500 hectares of land throughout the basin to protect alvar habitat in places such as Manitoulin Island, the Carden Alvar northeast of Lake Simcoe and the Stone Road Alvar on Pelee Island."

Since 1996, more than 16,000 hectares of land valued at over \$20 million have been protected to secure provincially significant lands that will be managed as part of Ontario's parks and protected areas system. The purchase of Strawberry Island is also one of more than 160 projects that the Ministry of Natural Resources is undertaking this year to restore, protect and better understand the environment of the Great Lakes basin through the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA).

*For more information please contact: Steve Payne, Ministry of Natural Resources, at 416-314-2103. Or visit Ontario's Ministry of Natural Resources website: <http://www.mnr.gov.on.ca/>.*



## GIVING MEANING TO INDUSTRIAL POLLUTION LAWS



KRISTYN TULLY

In 1961, speaking about civil liberties, United States Attorney General Robert Kennedy said that high-minded laws and high-sounding rhetoric were meaningless unless people breathe meaning and force into them.

In 2005, thinking about the environment, his words still ring true. In the last thirty-five years, a generation of activists has built a movement by identifying gaps in environmental protection and lobbying for new law and policy.

Their hard works – and frequent successes – have paved the way for a new generation of environmentalists: enforcers. Powerful tools like the Clean Water Act and the Ontario Water Resources Act, won by the first wave of environmentalists, now need vigilant citizens to push for the enforcement of them.

In Ontario, one of the most ambitious efforts to curtail industrial pollution is the Municipal/Industrial Strategy for Abatement (MISA). “MISA” is a dispassionate sounding name for a program that requires strict monitoring at industrial facilities and mandatory reporting to the public. Through MISA, we know who is dumping what into our waterways and every Ontario citizen has the legal ability to reign in polluters.

The Ontario government introduced the MISA rules between 1993 and 1995. Their goal is the virtual elimination of persistent toxic substances in the nine major industrial sectors in Ontario, including Iron and Steel Manufacturing.

Ten years have passed since MISA rules were introduced. The reporting structure is in place. Now it is time to start tightening the noose on pollution.

In a study conducted by law students in 2004-2005, Lake Ontario Waterkeeper discovered that the MISA rules for steel plants granted four of the province’s large polluters permits to dump a combined total of up to 87.4 kg – almost 200 lbs – of lead into the Great Lakes in one day. Two of the plants are located in the same place – Hamilton Harbour, at the west end of Lake Ontario.

The permits are unseemly. Lead is widely considered one of the most toxic substances we can release into the environment. It is a probable human carcinogen that can result in developmental and reproductive problems in humans. There is no known “safe” level of exposure to lead.

After ten years, Waterkeeper thinks MISA can do better. We responded to the permits by filing a legal brief with the Ontario government, challenging them to update the MISA rules and move closer to the goal of virtual elimination.

Our challenge is just the tip of the iceberg. Using the MISA rules, Lake Ontario Waterkeeper can protect our lake by forcing every major industrial facility in the basin to start using the best treatment technology possible.

MISA, like the Clean Water Act, the Ontario Water Resources Act, and the environmental rules still being drafted, is a tool. It is up to us – as Robert Kennedy reminds us – to wield them.



Coal-fired station on Lake Erie, Dunkirk, New York.

Coal-fired power plants are the largest source of mercury pollution.

Photo Credit: David Parsons/NREL



Factory discharging toxic chemicals into Lake Huron.

Photo Credit: EPA



# Lake Erie Basin Update - U.S. Side

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## BULLDOZER AMENDMENT

By David R. Celebrezze, Outreach Coordinator, the Ohio Environmental Council



DAVID R. CELEBREZZE

Even when issues are cut and dry on what is environmentally best, if wording is not crafted just right, the environment may still lose out. A case in point is the recent budget bill fight here in Ohio.

The State of Ohio passes an operating budget every two years that takes effect July 1. The Governor introduces his version of the budget to the State House

of Representatives. Once the House votes on the bill it moves to the Senate for their vote. If the Senate passes a different version of the bill it then moves to Senate/House Conference Committee to iron out the differences. Next, the bill heads back to each respective house for a vote. Once passed, it is up to the Governor to sign (or line-item veto) it into law.

This year's budget bill included several amendments that would have gutted environmental protections. In the original version of the budget bill, Governor Taft (at the request of the Ohio EPA and pressure from environmental groups) requested that the 401 wetland impact fees be increased from \$15-\$200 to \$250-\$25,000 with a cap for local governments. This increase would allow the program to be 80% applicant funded instead of the current 90% taxpayer funded. However, in the dead of night, the Ohio House of Representatives amended this section at the request of the homebuilder industry. The amendment would have increased the range of mitigation, removed protections from category 2 (medium quality) wetlands, opened up state scenic rivers to developers, created a two-tiered review process that tied the Ohio EPA Director's hands in denying a permit, and added an onerous provision that the applicant would only pay the fee if approved - a perverse incentive for the Ohio EPA to approve all applicants.

This amendment was added to the budget bill Sunday night and subsequently passed a few short hours later. From the very beginning the Ohio Environmental Council (OEC) dubbed this amendment the "Bulldozer Amendment" because it gave developers a license to bulldoze and destroy Ohio's remaining (less than 10%) wetlands.

As word spread of the damage the "Bulldozer Amendment" would cause, the OEC formed a loose coalition of 15 state-wide groups to stop it. The groups in the coalition represented hunters, anglers, conservationists, and environmentalists. As a coalition we had several conference calls to ensure everyone had the same over-arching message, while allowing flexibility on minor issues.

From the start we referred to the amendment as the "Bulldozer Amendment" to the press and in internal discussions. This created consistency and repetition, which lends itself to easy understanding among the public. In fact, elected officials and editorial boards were using the term to describe the amendment. Each group sent action alerts to their members and list serves with the same message.

As a coalition we targeted several key legislators, heads of committees, Speaker of the House, President of the Senate, Governor's Office and swing legislators. The coalition sent several sign-on letters to these targets that acknowledged any positive changes, but suggested specific improvements to the amendment. In many cases, the Senate letters were the first piece of information the Senators received on the issue.

In the end, the Senate and House/Senate Conference Committee removed the most egregious aspects of the amendment and the Governor vetoed the remaining harmful section. This victory happened for several reasons: messaging in the media, grassroots pressure, radio ads, press events, fact sheets, and finally, and very importantly, the Ohio EPA stood with us in opposing this legislation. We did not agree on all parts but we worked together on overlapping concerns. By working in tandem, we had a strong front that represented different parts of the community. This coalition represents years of working together on different environmental issues and building up trust and understanding.

*For more information on this victory please contact David R. Celebrezze, Outreach Coordinator, the Ohio Environmental Council at david@theoec.org.*



*Top Photo: Vernal Pool: would have been removed by the "Bulldozer Amendment" Photo by Paul Buescher.*

*Bottom Photo: Would have been widespread, had the "Bulldozer Amendment" gone through... Photo by Mick Micacchion*



# Lake Erie Basin Update - Ontario Side

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## NIAGARA RIVER AREA OF CONCERN FISH BARRIER PROJECT

By David Beamer, Environmental Project Manager, Niagara Restoration Council

One of the biggest concerns with fish habitat, in addition to its destruction, is its accessibility to fish. Theoretically, thousands of hectares of prime fish habitat may not be accessible due to private dams, weirs, crossings or publicly-owned, perched culverts. These obstructions also impede the transport of sediment and nutrients, and the flow of water. Fish are not able to jump over such obstacles, which makes them dependent on other accessible waters for the trek to spawning habitat in the spring. Obstructions within watercourses have gradually appeared throughout the Niagara River watershed with little or no public knowledge of their existence or location.

Over the course of the past four years, the Niagara Restoration Council has been implementing a plan for the identification and remediation of all potential fish barriers within the Niagara River Area of Concern (AOC), and its tributaries.

The Fish Barrier Project was made possible with the financial assistance of the Great Lakes Sustainability Fund, the Ontario Trillium Foundation, and the logistical and technical support of the Niagara Peninsula Conservation Authority along with other supporters.

The commonly used definition of a fish barrier is "any obstacle that fish can not navigate around or past." Therefore, the initial inventory of potential barriers included removable barriers such as crossings, perched culverts and debris as well as barriers that could not be removed such as power dams, and some log jams that provided beneficial fish habitat. The initial inventory was done with the use of digital photography and the recording of the UTM coordinates (latitude and longitude) associated with each individual barrier. Most of the creeks and streams throughout the 1,000-plus-square-kilometre (400-square-miles) Welland River basin that drains into the Niagara River were visually assessed by car, canoe, and by foot.

After the inventory was completed, the Niagara Restoration Council spent a year removing the barriers that did not require permits to do so from various regulatory agencies. A steering committee was formed to ensure that the detrimental barriers were removed and potential barriers that offered habitat benefits were left. The steering committee consisted of

biologists from regulatory agencies such as the Ontario Ministry of Natural Resources, the Niagara Peninsula Conservation Authority, and the federal Department of Fisheries and Oceans, as well as representatives of the public such as Bassmasters.



Canborough weir pre-remediation.  
Photo by Dan Mcdonell.



Canborough weir during remediation.  
Photo by Dan Mcdonell.

The years since have involved the remediation of the remaining barriers. Typically, remediation of these barriers requires design (occasionally to engineered specifications); numerous permit applications for "in stream works," and considerable financial support. These projects have ranged in cost from \$500 to \$600,000 to implement. Examples of remediation techniques include the full removal of the barrier, repair of the structure causing the barrier, and the building of a fish bypass channel around the barrier.

Occasionally, additional projects and studies have been undertaken resulting from the work done by the Fish Barrier Project. These projects include the construction and/or enhancement of wetlands, the restoration of great lengths of riparian habitat, and radio telemetry studies to research the migratory ability of northern pike (available at [www.niagararestoration.org](http://www.niagararestoration.org)). Only native plant material is used in these projects and many restoration projects have enhanced habitat for not only fish but also wildlife such as butterflies, birds and mammals. Also, this project has provided numerous opportunities to promote aquatic habitat protection through public and

school events.

To date, 134 barriers have been removed and 208 have been inventoried. Many could never be feasibly remediated. In total, there were approximately 864 kilometres (536 miles) of locked-up fish habitat when this project began. This project has removed enough barriers to unlock 404 kilometres (250 miles) of the 864 km. Including the habitat that never had barriers, 558 kilometres (346 miles) of fish habitat is now open and devoid of fish barriers. Of the 74 remaining barriers, a maximum of 55 are candidates for remediation. Of these 55, three have been considered "critical" barriers to fish migration. The final stages of remediation will be completed for two of these critical barriers this year. As well, two to five other "major" barriers are slated for remediation this year.

For more information contact David Beamer, Environmental Project Manager, Niagara Restoration Council, at (905) 788-0248 or [niagararestoration@becn.org](mailto:niagararestoration@becn.org).

# Lake Huron Basin Update - U.S. Side



NATIONAL  
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CHRIS GRUBB

## PUBLIC TRUST DOCTRINE “ALIVE AND WELL” SAYS MICHIGAN SUPREME COURT IN BEACH - WALKING CASE

The Michigan Supreme Court tipped its cap to beachcombers of the state this summer by ruling that the public has the right to walk along the shores of Michigan's Great Lakes up to the “ordinary high water mark.” The case of *Glass v. Goeckel* gained wide

attention across the state in recent months as it wound from circuit court, where it started as a neighbor dispute, to the Michigan Court of Appeals, which ruled that property owners had “exclusive use” of the lakeshore, and finally to the Michigan Supreme Court.

The court ruled that, “Because walking along the lakeshore is inherent in the exercise of traditionally protected public rights of fishing, hunting, and navigation, our public trust doctrine permits pedestrian use of our Great Lakes, up to and including the land below the ordinary high water mark.” Slip Op. No. 126409, at 5 (July 29, 2005). The public trust doctrine traces back to the Roman Emperor Justinian and essentially says the state must hold in trust for the public access to certain things common to all such as air, the sea and seashore. A U.S. Supreme Court case from 1892, *Illinois Central Railroad Company v. Illinois*, found that the public trust doctrine applies to the Great Lakes (including bottomlands of the Great Lakes) as well.



Walking along the beach, legally. Photo from the Michigan Travel Bureau – EPA

Referring to the public trust doctrine as “alive and well in Michigan,” the court emphasized that private littoral property conveyed by the state is subject to the public's right to certain types of access, including walking, to waters of the Great Lakes and lands beneath them that remain under the protection of the state. The court also adopted the State of Wisconsin's definition of “ordinary high water mark” to “clarify a term long used but little defined in our jurisprudence.”

The Michigan Supreme Court's ruling in *Glass v. Goeckel* is a major victory for people and natural resources in the State of Michigan. You can read the Michigan Supreme Court's Opinion at:

<http://courts.michigan.gov/supremecourt/Clerk/Opinions-04-05-Term/126409.pdf>

## RIVER EROSION

### FUNDING AUTHORIZED BY HOUSE FOR CORPS OF ENGINEERS STUDY OF ST. CLAIR RIVER EROSION

An article that appeared in the last issue of *GLAHNews* (Summer 2005) described a study by W.F. Baird & Associates Coastal Engineers of Toronto, and commissioned by the Georgian Bay Association, which has found that Lakes Michigan and Huron have permanently lost a foot of water from erosion in the St. Clair River caused by dredging and other man-made causes. The Baird study puts the permanent loss of Lake Huron water at 845 million gallons per day.

Michigan Congresswoman Candice Miller (R- 10th District) is working to get to the bottom of the erosion issue. Congresswoman Miller's district abuts the St. Clair River and she has recently stepped up as a St. Clair River and Great Lakes

champion by persuading the U.S. House of Representatives to authorize funding for the U.S. Army Corps of Engineers to conduct a follow-up study on the St. Clair River erosion, and offer possible solutions. The funding was included in the reauthorization of the Water Resources Development Act of 2005, which recently passed the House and now must be approved by the Senate. Congresswoman Miller also worked to get \$5 million authorized for the Corps of Engineers to conduct habitat restoration and combat invasive species in Lake St. Clair.

For more information, visit: <http://candicemiller.house.gov/> or <http://www.georgianbay.ca/index.html>



# Lake Huron Basin Update - Ontario Side

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## PROTECTING SIGNIFICANT FEN HABITAT

By April Mathes, Ontario Nature's Stewardship Coordinator

Ontario Nature is fortunate to own one of the finest shoreline fens in all of Ontario – Petrel Point Nature Reserve on the Bruce Peninsula at the shores of Lake Huron. The nature reserve consists of a bed of wet sand overlying limestone bedrock. Slight changes in elevation in the fen separate distinct communities of plants, many of them rare. “A garden of wildflowers” is a turn of phrase that recurs often in descriptions of Petrel Point. The wonderful sprinklings of pink, mauve, red, blue and yellow that fill the fen through the seasons can only inspire a passion for nature.

Fens are a type of wetland (also known as meadow marshes) characterized by a high water table with slow internal drainage by seepage down low gradients. Fens are not as low in nutrients as bogs and as a result, are more productive. The Petrel Point fen is a hospitable home to many unusual wildflowers because what would typically be acidic groundwater that keeps it constantly wet is actually basic. This is due to the calcium in the limestone bedrock that the percolating groundwater passes through. Clear evidence of this is the accumulation of marl precipitate, a ghostly white muck lying at the bottom of the fen's shallow pools of standing water.

Petrel Point is part of a Life Science Area of Natural and Scientific Interest (ANSI) and a Provincially Significant Wetland. A portion of the property is a scientific reserve and is off-limits to visitors. Due to the delicacy of the plant life in the open fen, visitors can explore the remainder of the reserve only from the walkways provided.

A constant concern at Petrel Point Nature Reserve has been the impact of drainage created for nearby cottage developments and roads. Areas of the fen may be drier than normal during the summer months because of increased drainage, and this in turn may be affecting the very character of these portions of the fen. Additional research is necessary to determine the effect that the development is having on this unique wetland.



Ontario Nature's Petrel Point Nature Reserve on Lake Huron. Taken by Ric Symmes.

Other stewardship concerns include people picking wildflowers, trampling vegetation for photography (particularly orchids) and leaving the boardwalk. With Ontario Nature's help, several nature reserve neighbours have joined to form a local stewardship group in the hopes of establishing a presence on the property so as to encourage visitors to respect the permitted uses while educating them about the importance of the fen ecosystem. The volunteer stewards will also help undertake an ecological monitoring program on the property.

Ontario Nature has taken several proactive measures to address these concerns including developing interpretive signs to educate visitors about the significance and fragility of the fen. Also, additional sections of boardwalk have been constructed with the help of volunteers from our Volunteer for Nature working vacations program. This allows people to visit more of the nature reserve,

while protecting its significant features.

Back in 1961, Ontario Nature started what is now one of Ontario's largest member-owned nature reserve systems. With 21 properties totalling over 1,900 hectares (4,800 acres), the system preserves some of the province's best remaining examples of imperilled and vulnerable habitats. You can check out Petrel Point and our other nature reserves on our website: [www.ontarionature.org](http://www.ontarionature.org).

Volunteer for Nature is a provincial conservation program designed in partnership between Ontario Nature and the Nature Conservancy of Canada. Conservation volunteers work outdoors and learn new skills while working alongside experts in the field. Wetlands are restored, habitat is created, hiking trails are maintained, surveys are conducted and species-at-risk are monitored – all through the efforts of volunteers.

For more information, contact April Mathes, Ontario Nature's Stewardship Coordinator, at 416.444.8419 x 264 or [aprilm@ontarionature.org](mailto:aprilm@ontarionature.org).

# Lake Michigan Basin Update

ALLIANCE FOR THE GREAT LAKES

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JOEL BRAMMEIER

## LAKE MICHIGAN STATE LAWMAKERS LEADING CHARGE AGAINST AQUATIC INVADERS

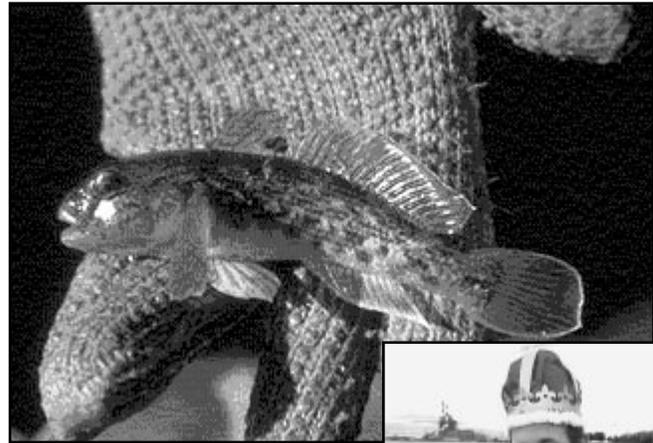
As reported in the last issue of *Great Lakes Aquatic Habitat News* (Summer 2005), federal lawmakers in the U.S. are pursuing comprehensive regulation of the persistent and devastating invasive species problem. Entering the basin through ballast water, various types of live fish trade, and artificial connections between the Great Lakes and other watersheds, invasive species have caused billions of dollars in damage to our waters. Unlike other types of pollution, the jury is still out on who will take ultimate authority and responsibility for fixing this ongoing problem.

Around Lake Michigan, state elected officials aren't waiting for the federal government to stop destructive invasive species from entering the Great Lakes as stowaways in ships' ballast water – the source of the majority of damaging invasions. Michigan is leading the way after Gov. Jennifer Granholm signed legislation this summer allowing Michigan to set its own controls against invasive species. Shepherded by state Sen. Patricia Birkholz (R-Saugatuck) and Rep. David Palsrok (R-Manistee), the new law is a revision of the Natural Resources and Environmental Protection Act. Starting in January 2007, ocean-going vessels must either certify that they won't discharge invasive species, or that they employ approved ballast water treatment technology.

Despite the exemption for ballast water from the federal Clean Water Act, states are free to impose regulations that are stricter than federal rules. Language adding ballast water to the list of regulated pollutants under the state's National Pollutant Discharge Elimination System (NPDES) permit program allows Michigan to set standards for these discharges – and fine ships that fail to comply.

Another component of the Michigan law is for the Department of Natural Resources to pursue a partnership with the resource management agencies of the other 7 Great Lakes states when developing standards. This will ensure that a common standard is applied throughout the U.S. Great Lakes basin and minimize the regulatory burden for ships that discharge ballast into the waters of multiple states on their voyages in the Great Lakes. While Michigan cannot enter into official agreements with the governments of Canada or the Canadian provinces, the DNR plans to consult across international borders prior to announcing final standards.

This cooperative approach will only be effective if other Great Lakes states are able to implement similar rules. Years of federal delays on comprehensive invasive species legislation



*The Goby King: winner of a round goby fishing tournament on Chicago's south side lakefront. Gobies are one of the many invasive species brought to the Great Lakes in the ballast tanks of ocean going ships.*



have raised the hackles of Wisconsin lawmakers as well. Sen. Neal Kedzie (R-Elkhorn) and Rep. Scott Gunderson (R-Waterford), Senate and Assembly chairmen of their respective Natural Resources Committees, have stated that they plan to introduce legislation modeled after the Michigan bill to prohibit ballast water discharges unless those vessels have the proper permit from the Wisconsin Department of Natural Resources.

Wisconsin officials have grown weary of the blockades continually thrown in the way of federal legislation. "I am frustrated by the lack of leadership and the lack of action by the federal government," Wisconsin governor Jim Doyle said in June. "Neither the Coast Guard nor the EPA have aggressively pursued any solutions that would prevent new introductions." Doyle is working with the Wisconsin DNR to evaluate the Michigan approach.

"These unwelcome species are ecological and biological bullies and without a concerted effort, they'll continue to push us around for decades to come," said Kedzie when announcing Wisconsin's next move. Illinois state Rep. Julie Hamos (D-Evanston) has introduced a bill, as have legislators near other lakes in New York and Minnesota, readying themselves to pick up the slack should federal bills continue to be stymied.



# Lake Superior Basin Update

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## WORKING ON ENVIRONMENTAL ISSUES BUILDS A NEW SENSE OF COMMUNITY

By Adrienne Falcón

The goal of the Save Lighthouse Point Campaign is to preserve Lighthouse Point as a natural and public space for residents and visitors, now and for future generations. Lighthouse Point is located between Agate Bay and Burlington Bay in Two Harbors, Minnesota on the North Shore of Lake Superior. The area has been used by the community as a natural park and walking trail for years. It is also the site of one of the community's most valuable historic, cultural, tourism, and ecological assets. But the Community did not come together in its appreciation of the Point until the past few years.

In December 2002, a developer bought extensive property in Two Harbors, including the majority of the Lighthouse Point. The developer has proposed to build up to 75 condominiums on a grassy portion of the point by the lake shore and has left open the possibility of additional hotel and restaurants on the forested ridge of the Point.

The Save Lighthouse Point Campaign is the most recent incarnation of a three year effort to protect Lighthouse Point in Two Harbors on the shore of Lake Superior. Volunteer community members have been urging the city to buy the land and not to grant the developer the rezone he has requested. As you can perhaps imagine, over time, the group size has increased and decreased.

This summer the group again increased and brought together a wide range of people, politically conservative and liberal, of all ages, who share the simple fact that they want to preserve



*Natural Park on Lighthouse Point,  
Lake Superior. Courtesy of  
Todd Ronning.*

the point. Among the group members are active participants in Republican and Democratic causes, college students, and retired citizens who have been active in Two Harbors civic life for over 50 years. New friendships have been formed. These new bonds can last not only beyond the battle over Lighthouse Point to other environmental issues in the community, but also to sharing people's lives across different worlds. While saving Lighthouse Point

remains critical to the group, involved members appreciate what coming together has brought them in different arenas of their lives.

This summer, the group received emergency support from GLAHNF through the Minnesota Environmental Partnership to engage the legal services of Jane Reyer to plead their case to the city. They also gathered 250 signatures, enough to require the City to hold a referendum on a proposed waterfront amendment plan, which the City then decided that they did not need to hold. Even so, the group persisted and in August of this year, the group had a major victory when the city denied the developer his rezone request and conditional use permit. The group knows that they have to keep working on permanently protecting Lighthouse Point by continuing to advocate for its protection and helping the City to raise the funds to purchase the Point. There are also potential legal battles ahead with the developer.

A few weeks ago, almost forty people came together for a hike around the Point and a picnic to celebrate the recent denial of the rezone and conditional use permit, as well as the sense of community and new friendships that people have built through their efforts. It has been an exciting group to be a part of because it has brought together a variety of unlikely allies, crossing typical political boundaries, as people have come together to conserve what they see as the jewel of their community.



*Aerial photo of Lighthouse Point, Two Harbors, Minnesota.  
Courtesy of Todd Ronning.*

*For more information, you can see the group's website,  
[www.savelighthousepoint.org](http://www.savelighthousepoint.org).*

# RESOURCES



## **Discount/Free Web Hosting for Nonprofits**

ThinkHost is a privately owned progressive company providing high performance website hosting services to a global market and has a special commitment to assisting nonprofit organizations. ThinkHost has a limited number of free hosting accounts to offer to U.S.-based, registered nonprofit progressive organizations whose primary focus is environment, grassroots democracy, peace, social/economic justice or human rights. Each package provided under this initiative allows for a gigabyte of server space, thirty gigabytes of bandwidth, and many other features. Nonprofit organizations that provide a direct benefit to the community, but don't fall into the categories listed above, can still qualify for a hosting discount - free setup and up to 20% off monthly fees. Further details visit ThinkHost.com

## **A Single Website Unifying Federal Grants**

[www.grants.gov](http://www.grants.gov) is a website dedicated to connecting people/organizations with the federal grants they need. There are two key features on the site: finding grants and applying for grants, everything else is a tool to support one of these functions. There are also registration tools and checklists designed to guide you through the entire grant process.

## **Workbook Focuses on Community Connections**

The Asset-Based Community Development (ABCD) Institute is built upon three decades of community development research. Their newest publication, "Discovering Community Power: A Guide to Mobilizing Local Assets and your Organization's Capacity," is a community building workbook - and is available now! The workbook affirms that nonprofit organizations are much more powerful community actors when they are not exclusively focused on needs, problems and deficiencies but are effectively connected to the resources, or assets of the local community. The workbook may be downloaded at no cost from <http://www.northwestern.edu/ipr/abcd.html>.

## HIGHER QUALITY OF LIFE

*continued from page 3*

### **UNIQUE PARTNERSHIPS PLAN FOR A HIGHER QUALITY OF LIFE IN THE DETROIT RIVER REGION**



The sublime comfort and ambiance experienced by visitors of the Philip Merrill Environmental Center on Chesapeake Bay is so impressive that many visitors immediately begin to consider the "greening" of their own buildings. It is the only building in North America to receive the Platinum Certification level from LEED. The only other building rated Platinum by LEED

certification is located in India.

The original planning partners: Don A. Griffin and Blair McGowan of Friends of the Detroit River; John Hartig of the U.S. Fish and Wildlife Service; and Orin Gelderloos of the University of Michigan – Dearborn expect to be joined by additional agencies, businesses, and organizations in our

continuing pursuit of a higher quality of life. A grant from the Great Lakes Aquatic Habitat Network and Fund was helpful in establishing the partnerships needed to "pull off" the first forum/seminar of what may well become a part of FDR's annual calendar of events. Additional seminars on a variety of subjects are already in the planning stage.

Our partners and supporters for this successful forum were: U. S. Fish and Wildlife Service, University of Michigan – Dearborn, Green Building Council – Detroit Regional Chapter, National City Mortgage Co., Wayne County Parks and Recreation Department, Friends of Belle Isle, the Detroit Audubon Society, Spiderweb publisher of eco-structure magazine, Past Tense Bakery, and the Heritage Newspapers that published both pre- and post coverage of the event. Thank you partners and participants.

*For more information on this exciting project, please contact Don Griffin at [DonAGriffin@wowway.com](mailto:DonAGriffin@wowway.com).*

# Notes of Interest



## *We wish to thank the following generous contributors:*

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Sandusky Waterfront Watchdogs  
Save Lake Superior Association  
Tinkers Creek Land Conservancy, Inc.

## **SUBSCRIPTION INFORMATION:**



Please email Emily at [emily@watershedcouncil.org](mailto:emily@watershedcouncil.org) if you have any changes to your contact information.

If you wish to receive GLAHNF correspondence electronically, please include your email address and be sure to note "electronic subscription" in the subject of your email.

## **MARK YOUR CALENDAR**



**National Association of Conservation Districts (NACD) Great Lakes Committee Meeting November 15-16, 2005**  
Milwaukee, Wisconsin.

Contact Christa Jones at 317.738.3849 or [christa-jones@nacdn.net](mailto:christa-jones@nacdn.net) for more information.

**Center for Stormwater Protection, 2005 Stormwater Institute November 15-17, 2005** National Conference Center, Lansdowne, Virginia. Contact Jennifer Zielinski at 410.461.8323 x 218 or [jaz@cwpp.org](mailto:jaz@cwpp.org) or visit [www.cwpp.org/S105/sio5](http://www.cwpp.org/S105/sio5) info.html for more information.

**Great Lakes Aid Kickoff November 19, 2005**, Roger McGuinn of the Byrds, Class of '91 Rock & Roll Hall of Fame, Mercyhurst College D'Angelo Performing Arts Center, Erie, PA [www.greatlakesaid.org](http://www.greatlakesaid.org). Contact Tom Fuhrman at 814-824-2407 or [lerc@mercyhurst.edu](mailto:lerc@mercyhurst.edu) for more information.

**Natural Resources Education Center, Healthy Water, Healthy People Workshop December 2, 2005** Indianapolis, Indiana. Contact Marie at NREC at 317.562.1338 or [nrec@dnr.in.gov](mailto:nrec@dnr.in.gov) for more information.

**Wisconsin Land and Water Conservation Association, Inc. December 7-9, 2005** 52nd WLWCA Annual Meeting, Eau Claire, Wisconsin. Contact Gina Kaminski at 608.833.1833 or [ginakaminski@wlwca.org](mailto:ginakaminski@wlwca.org) for more information.

**Michigan Association of Conservation Districts Annual Convention December 7-9, 2005** Big Rapids, Michigan. Contact Marilyn Shy at 231.876.0328 or [marilyn.shy@macd.org](mailto:marilyn.shy@macd.org).

**Great Lakes Regional Collaboration December 12, 2005**, Summit II Chicago, IL, The final Great Lakes Restoration and Protection Strategy will be released.

**Wisconsin Wetlands Association February 2-3, 2006**, Wisconsin Wetlands Association 11th Annual Wetland Science Forum: Wisconsin Wetlands: Biodiversity and Threats: Monona Terrace Community and Convention Center, Madison: more information, 608.250.9971 or [programs@wiscwetlands.org](mailto:programs@wiscwetlands.org)

**Invasive Plants Association of Wisconsin Annual Conference February 4, 2006**, Invasive Plants of Wetlands, Madison, WI: more information, email [info@ipaw.org](mailto:info@ipaw.org)

## Great News!

Checkout the New Site:

- grants information
- networking opportunities
- publications
- more!

[www.glahabitat.org](http://www.glahabitat.org)



## Your Contribution Counts!

Your donation to GLAHNF enables us to continue to support grassroots groups and citizens around the basin.

You can make your donation online when you visit [www.glahabitat.org](http://www.glahabitat.org) and click "Make a Donation."

If you wish you may also mail in your donation in the enclosed

envelope or call 231.347.1181 x 107.

If you would like to donate in someone's name, please provide the name and address of your recipient and indicate "gift" after his/her name. We will send a beautiful card acknowledging your gift. Please help us support those striving to protect and restore the Great Lakes Basin.

**Thank you!**

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