



G.L.A.H. News

Great Lakes Aquatic Habitat

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VICTORY FOR THE CLOUD BAY WETLAND

By GLENN DALE, PRESIDENT SHORELINE STEWARDSHIP ASSOCIATION OF CLOUD BAY AND LITTLE TROUT BAY

Residents at Cloud Bay and neighboring Little Trout Bay still congratulate each other on their land-use hearing win. Memory of the hugs and handshakes is vivid.

Cloud Bay is a small, enclosed bay, 24 miles south of Thunder Bay, Ontario, and 12 miles from the Minnesota border. It is roughly circular and sheltered by two peninsulas, which provide protection. The bay has relatively warm waters in comparison to cold Lake Superior. Conditions such as these, which are conducive to wetlands, exist on only 1% of Lake Superior's Canadian shoreline. On the horizon, between the peninsulas, Michigan's Isle Royale is visible. The government of Ontario designates Cloud Bay's wetland as "Provincially Significant", and an Environment

Canada Atlas also maps it as environmentally sensitive for spawning fish and migratory waterfowl.

This treasured wetland, located in the Neebing Municipality of Ontario, was suddenly threatened when in late August 1999, neighbors of the wetland came upon workers clearing brush and pulling "weeds" in preparation for the development of a 300 to 600 site trailer park. In September of 1999, several residents requested an informal meeting with trailer park investors, but when residents arrived at the meeting they found that in addition to the trailer park investors, Neebing Municipality's mayor, and the Neebing Municipality councilors were also in attendance. Subsequent meetings verified that the council planned approval by mid-fall.



Cloud Bay, area targeted for development.

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DIRECTOR'S NOTES



BUILDING...

BY JILL RYAN

Building partnerships, relationships, coalition. All are important ways of coordinating and strengthening our voices on environmental issues, and the list could go on and on. By working effectively and efficiently with others of like-minds, we maximize the effects of our efforts.

I recently had the honor of attending the first-ever meeting of the Great Lakes Aquatic Habitat Network and Fund Indigenous Peoples Hub. What most struck me about this meeting of both indigenous and non-indigenous activists was the desire to share resources, knowledge, expertise, and common interests. Through this gathering, I believe we were able to build by meeting new partners and creating new options for future collaborations.

I thank all those that shared their work, wisdom, and energy. I especially appreciated the natural viewpoints provided in the beautiful setting on Sugar Island in the St. Marys River as a way of putting our work in perspective.

As the new year approaches, I hope you make many opportunities to build by meeting new people, exploring new ways of work, and thinking creatively about strengthening the voice for protection and restoration of the Great Lakes ecosystem.

Jill M. Ryan

VICTORY FOR THE CLOUD BAY WETLAND



Concerned neighbors met, elected an executive and decided to call themselves the Shoreline Stewardship Association of Cloud Bay and Little Trout Bay. Seventy families signed petitions, protesting the rezoning of the land from rural to commercial for the trailer park; twenty-one of the families were year-round residents, and the rest were seasonal residents.

A public meeting, required for zoning change, was held in November 1999. Participants spilled into the halls. A trailer camp concept of 75 phase one sites was presented. Objectors spoke formally. Julian Holenstein, of the Federation of Ontario Naturalists, instructed masterfully on the value and sensitivity of the wetland. The process was to be delayed until January 2001 as a second technically improved public hearing was deemed mandatory. Resident and councilor exchanges continued. In February, the Neebing council rammed through two bylaws in one night, one for commercial zoning of the land in question, and one amending Neebing's Official (Land Use) Plan.

The Ontario Municipal Board (OMB), our avenue of appeal, is the most senior land use planning tribunal in the province and is unique to Ontario. In the event of an appeal, a Toronto based OMB hearing officer (called a chair) would attend a meeting in the Neebing municipality to hear both sides of the controversy and then pass judgment.

The combination of the \$30,000 estimated cost of an appeal (eventually to become \$60,000) and the remote location, of "us northerners" and the land in question, (approximately 1,400 KM or 900 miles from Toronto), was of no reassurance to our group of concerned neighbors. However,

the residents met and by December they had answered our funding plea with \$16,000. Hard knock laborers, mill workers, professionals, retirees, and contract workers all pitched in; some had the cash to spare, some used a line of credit or borrowed from their life savings, some gave in increments. GLAHNF also answered our plea for assistance. In addition, Environmental Defense Canada, our registered charity partner, shared with us wetland grants from the Peacock and Richard Ivey Foundations.

With the neighborhood mandate to oppose the trailer park, we appealed the zoning change to the OMB. Because Ontario Natural Resources had declared this a "provincially significant" wetland, some asked why they couldn't just stop the construction of the trailer camp in the wetland. Nothing could be that simple for protecting Ontario's wetlands! Finally we decided to ask a lawyer to take over our well-documented paper trail. We also decided to engage an OMB experienced planner.

A resolution passed by the Council before our 2002 provincial hearing reads in part, "... that there be an instruct (sic) to the Ministry of Natural Resources to removal (sic) these private properties from the Lists of "Wetlands" and" Provincially Significant Wetlands "and the Values Maps or that they make financial restitution to these private property owners."

We continued lobbying. Something unusual was happening. There was no Ontario Ministry of Municipal Affairs approval of the council's amended Official (Land Use) Plan forthcoming after nine long months. In partnership the municipality and developer appealed the delay to OMB and once again the Shoreline

continued on next page

VICTORY FOR THE CLOUD BAY WETLAND



Stewardship Association of Cloud Bay and Little Trout Bay appealed the situation in the president's name (mine).

Anxious residents raised funds and looked to the OMB hearing, finally to be held locally in June. Each expert planner presented his case, biologists testified, five residents testified and in an open portion of the hearing representatives from the Ontario Naturalists, U.S. National Wildlife Federation, Thunder Bay Field Naturalists, Ducks Unlimited and Bob Olsgard from the Lake Superior Alliance spoke.

The OMB Chair's written words in his decision ten weeks later show that environmental protection was our strong suit. "Environmental considerations played a very significant role in this hearing, therefore, the Board embarks on the land use and environmental context which together with the policy context shaped the proposal, influenced the testimonies to the Board and ultimately shaped the Board's consideration of the proposal and its decision."

Allan Harris, acknowledged as an expert in evaluating wetlands in Northern Ontario, testified for the developer and municipality; he dealt primarily with the land-based area. He recommended 15 mitigations to protect the wetland. The word "minimize" was glaring as linked to disturbance of migratory wildlife, disturbance of vegetation and soil, area of septic field within the wetland boundary, and area of paved surfaces. The use of "should" and "where ever possible" also stood out; our protest letters had characterized these as immeasurable "weasel words". It was also suggested that boaters and "seadoos" would be "discouraged" in the wetland; we had argued this would be impossible to enforce.

Dr. Pat Chow-Fraser (Wetland Research Project, McMaster University, Hamilton, Ontario) was our standard bearer. She is acknowledged as a wetland specialist and has extensive research experience on the Cloud Bay Wetlands. Her testimony on the aquatic aspect of the wetland was key to our victory. She attested to the vertical and symbiotic relationship between the emergent and submergent plants and various plankton. She identified Cloud Bay as an extremely high quality wetland; among the top 5 of over 70 wetlands sampled around the Great Lakes during three summers, including 2001. Under cross-examination, Mr. Harris concurred with the report prepared by Dr. Chow-Fraser.

The Ontario government planner testified that all provincial requirements on land use policy could be met, however the Natural Resources planner insisted under fire of cross-examination that negative impact would occur, that boating could not be regulated, and she agreed with the biologists that incremental damage would occur over a prolonged period.

The OMB Chair wrote a final assessment, which denied approval of the Neebing council's amended Official (Land Use) Plan to accommodate commercial zoning for the trailer park. It stated that "... persuasive to the Board was the fact that the proposal was not compatible with what was acknowledged as a pristine environment. An environment that is unique on the North shores of Lake Superior. An environment that must be protected from harm. An environment that must not be put at risk."

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GREAT LAKES UNITED BUILDING REGIONAL COALITION

By: JENNIFER NALBONE

In each issue of the newsletter, GLAHNF profiles one of its Advisory Panel Members. In this issue, we're pleased to tell you about Jennifer Nalbone and Great Lakes United. Jen has served as a GLAHNF Advisory Panel Member since 1999.

Growing up on the shores of Lake Erie, Jennifer Nalbone never thought she would make her way back home for a career in environmental activism. "Through school I dreamt about diving with Jacques Cousteau or hanging Greenpeace banners. I didn't realize that there was amazing work protecting the Great Lakes in my own backyard. My mom is thrilled."

After receiving a masters in environmental science and spending a few years in research, "... an excellent training for an environmental activist, applying the concept of ecosystem carrying capacity to the way we behave as a society..." Jen found her way back to the Great Lakes and began working for Great Lakes United in 1999 as the Habitat and Biodiversity Task Force coordinator.

Great Lakes United (GLU) is an international coalition of organizations and individuals from the United States, Canada and First Nations/tribes working to protect and restore the Great Lakes-St. Lawrence River basin. GLU's members include environmental, conservation, hunting and fishing organizations, unions, tribes, academic groups, and many more. "Its exciting," Jen said "when the coalition gets together, we hammer out a sound, practical, and progressive 'ecosystem approach' to the constantly evolving and interrelated issues occurring in the Great Lakes basin. What fantastic direction the grassroots provides."

For GLU's Habitat and Biodiversity Task Force, Jen builds regional coalition and coordinates campaigns on critical and emerging issues that impact habitat and



biodiversity in the entire Great Lakes-St. Lawrence River system. Currently, she is responsible for three campaigns addressing the Great Lakes Navigation System review, aquatic invasive species, and proposals to bury utilities under the Great Lakes. These campaigns were chosen by the Task Force to fill critical voids in regional leadership until the issues are resolved, or Great Lakes organizations build capacity to address the issues. In a sense, the GLU's Habitat and Biodiversity Task Force often works as an incubator for urgent Great Lakes-specific campaigns

"Working with GLAHNF in the capacity of a regional coordinator is absolutely essential. For many of the inquiries that come across my desk, GLAHNF is the first resource to which I send people. I am happy to serve as an Advisor and ensure that GLAHNF continues to be one of the best services to citizen volunteers and activists in the Great Lakes region. To provide good-minded folks with the leverage to move forward...its very rewarding. I love what I do."



INDIANA CASE THREATENS WETLANDS PROTECTION

By: SANDRA L. WILMORE

FORT WAYNE, Ind. - GLAHNF aid will help Hoosiers protect wetlands after a Marion County Superior Court decision threatened a significant number of previously-protected state wetlands.

Save the Dunes Conservation Fund (SDCF), as the Indiana Hub of the Great Lakes Aquatic Habitat Network and Fund, sponsored the Cedar Creek Wildlife Project of Fort Wayne in its proposal entitled, "Supporting the State of Indiana's Authority to Regulate Isolated Wetlands". The proposal received a \$2000 grant from GLAHNF to contract with a lawyer and file a "friend of the court" brief supporting the Indiana Department of Environmental Management's (IDEM) authority to regulate "isolated wetlands." On June 20th the Save the Dunes Conservation Fund and the Cedar Creek Wildlife Project filed the brief with the court in the case of Twin Eagle LLC v. Indiana Department of Environmental Management.

Twin Eagle LLC, a real estate developer in Allen County brought the original case against IDEM challenging the state's authority to regulate filling activities of certain "private ponds" and "isolated wetlands", which the court ruled are not "waters of the state." IDEM appealed the lower court's decision to the Indiana Supreme Court, which is scheduled to hear the case this fall.

While the Twin Eagle 460-acre site contains only 14.75 acres of such land, the Indiana Supreme Court decision will affect over 311,000 acres of wetlands statewide, according to IDEM. Wetlands are a vital component of the ecosystem, providing flood control, groundwater recharge, wildlife habitat, and filtration of polluted runoff.

According to Sandra L. Wilmore, SDCF Director, "This case will have significant long-term ramifications for wetlands and water quality in Indiana. We are confident that IDEM has clear authority to regulate these waters of the state."

In January 2001, the U.S. Supreme Court removed federal jurisdiction over certain isolated waters used by migratory birds in the case of Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers. Prior to the SWANCC decision, IDEM regulated wetlands under section 401 of the federal Clean Water Act. Following this decision, IDEM declared that discharges to waters no longer regulated under federal permits would require a permit from the state's National Pollution Discharge Elimination System (NPDES). IDEM is using the NPDES "interim regulatory process" while the state clarifies



Wetland within Indiana Dunes National Lakeshore. Indiana Sea Grant, photo by David Riecks

its rules in response to SWANCC decision. The lower court declared this rule making process unlawful.

Other organizations named in the brief include Save the Dunes Council, Hoosier Environmental Council, Indiana Division Izaak Walton League of America, and the National Wildlife Federation.

THE PINES UPDATE:

Residents with contaminated wells resort to suing landfill owners to get action

THE PINES, Ind. - Residents are taking matters into their own hands and plan to sue the owner of a local landfill they contend is responsible for contaminating their drinking water wells. Members of People in Need of Environmental Safety, PINES, say the suit may motivate state and federal officials to force Brown Inc., the owners of the Yard 520 landfill, to clean up the off-site contamination and possibly provide them with a municipal water supply. The landfill is located near Pines, a town of 590 people, located just west of Michigan City, IN.

Environmental groups Save the Dunes Council, Hoosier Environmental Council, and Clean Air Task Force, have joined PINES on filing a notice of intent to sue against the landfill owner. For more information please contact Save the Dunes.



SMART STORMWATER MANAGEMENT IN WAUKEGAN

By: JOEL BRAMMEIER

The network of ravines that dominates the northern Illinois Lake Michigan shoreline is at times unrecognizable due to the intense development that has drastically changed the region. But at least one community is using this natural feature to its advantage.

The city of Waukegan is built on a ravine landscape. Several small streams gather water that runs down the ravines and channel it into the Waukegan River. The river is one of only two that naturally flow into Lake Michigan from Illinois. While the Waukegan is hardly mighty by Great Lakes standards, the narrow waterway is deep enough to provide habitat for larger lake fish.

Development has hidden much of the Waukegan River system from view. Roadways have been constructed over the water, and the river has been channeled through pipes in several locations. But the Waukegan Park District is making big strides in repairing past damages.

Many of the city's parks contain wetlands that have historically fed the Waukegan River, but some have been filled to create parkland. The district is working in several locations to remove this fill and restore natural wetland function. A current example is the Roosevelt Park project, in which a major outfall will discharge stormwater in a controlled manner into a wetland before feeding into the Waukegan River.

The long-term goal is re-establishing natural character to much of the Waukegan River and its associated ravines and wetlands. This will require continued wetland restoration and removal of the construction that has obscured and channelized the river.



Roosevelt Park stream shoreline



Roosevelt ravine prior to restoration

Of course, much of the success will be dependent upon funding and community dedication to the process. The Lake Michigan Federation is working with city agencies and local groups to enhance volunteer involvement and emphasize the need to conserve this unique river.

WATER QUALITY



BEACH CONTAMINATION A GROWING PROBLEM FOR ILLINOIS

Beach closures in Illinois skyrocketed again in 2002, according to a recent press release issued by the Federation. The two Illinois Lake Michigan counties had a combined total of 427 closings, up from 339 in 2001.

While that number is startling, it does reflect the impact of one positive change. Lake County, along the northern shore of Illinois, switched to using the U.S. EPA recommended test for *E. coli* bacteria. The county had been using an older test for fecal coliform bacteria until 2002. Use of the more restrictive test nearly doubled the number of closings, resulting in enhanced public health protection but indicating a serious contamination problem.

Illinois experienced two massive sewer overflows this year, and these seem to be the culprits responsible for approximately half of the closings. In mid-July, a power outage at the North Shore Sanitary District resulted in the discharge of thousands of gallons of raw, untreated sewage that appeared to impact the shoreline for a week after the spill. Then in late August, to deal with high water levels caused by stormwater run-off, rivers that usually flow away from Lake Michigan were reversed, allowing millions of gallons of combined sewage and stormwater into the lake and onto Chicago's beaches.

Coinciding with the Federation's press release, the Great Lakes Recreational Water Quality Association held its Beach Conference 2002 at Chicago's historic South Shore Cultural Center on Lake Michigan in October. The conference brought together over 80 agency officials, beach managers, researchers, and representatives of non-governmental organizations from around the Great Lakes basin.

Ohio Update

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PRESERVING SHORELINE HABITAT ON EAST SANDUSKY BAY

By Kate Pilacky, GLAHNF Advisory Panel Member

Imagine a one-mile strip of bald eagles, migratory bird habitat and protected shoreline with public access along the Lake Erie shore in Ohio!

A unique opportunity exists to preserve the last large unprotected coastal marsh on Lake Erie. Several landowners have come forward expressing their willingness to sell and preserve 1200 acres of land on East Sandusky Bay in Erie County. This area is adjacent to other conserved lands, including Sheldon's Marsh State Nature Preserve and Putnam Marsh. Some of the land may also be donated. The total cost for preservation of this land will be about \$6 million dollars. The area to be preserved was home to the only bald eagles that survived in Ohio when DDT and other factors wiped out the eagle population in the 1960's. The area currently has a nesting pair of bald eagles.

The properties are in close proximity to the Old Woman Creek National Estuarine Reserve, one of 25 National Estuarine Research Reserve System (NERR) sites around the country and currently the only one located on the Great Lakes. Protection of East Sandusky Bay offers tremendous water quality and ecological benefits, as well as numerous recreational and educational opportunities.

Because East Sandusky Bay has become a heavily visited recreational area, development has moved into the area quickly and developers have shown interest in the available property. Acquisition of the 1200 acres will help to protect dwindling shoreline open space amidst a rapidly developing area, and will also help to protect water quality along two tributaries of East Sandusky Bay flowing through the project area, Plum Brook and Dildine Ditch. Acquisition of this land will also prevent an increase in storm runoff and other non-point pollution, which could result from its development, thus helping to stop further erosion and nutrient loading into the streams and Lake Erie.

Senator Mike DeWine has helped secure a \$2 million appropriation from the Federal Coastal and Estuarine Land Conservation Program in the fiscal year 2003 Commerce-Justice-State Appropriations bill, which still has to pass the full Senate and House. There needs to be a local match for these funds to be allocated, therefore additional funding will be sought from the Clean Ohio Fund. The Trust for Public Land is managing the purchase, however if the purchase is finalized, the area would be managed through the Erie MetroParks.



ATIKAMEG ENVIRONMENTAL COMMITTEE

BY: BETTY ANGECONEB

The Atikameg Environmental Committee (AEC) is an Aboriginal group whose members live in and around the Sault Ste Marie area. In the Anishinabe language, "Atikameg" is our word for "Whitefish". The name was chosen for many reasons. This area was known in our people's history for its fishing and as a meeting place. In our culture, the whitefish, which is found in all of the Great Lakes, symbolizes abundance, fertility and beauty. The whitefish and all the animals and plants in this land have the right to live, and as Anishinabe people we recognize that we are all part of this world, that we depend on each other, and that we sustain each other. Pollution that results in the destruction of the land, the air, and waters, places all life in jeopardy. Many people are now beginning to realize that this is true and that it is happening all over the world. The members of the AEC committee are becoming increasingly concerned about the continued contamination and destruction of the land and have decided to take a stronger, more public position on the issues that affect us all.

The committee was formed in 1999 in response to a concern around the importation of MOX fuel through the area. The AEC has submitted position papers to Transport Canada on the issues of MOX nuclear fuel and to the International Joint Commission on the export of bulk water. The committee has planned events and supported fund raising efforts on behalf of the Walk to Remember and the Migration Journey for the Protection of the Great Lakes. These projects were undertaken to promote awareness regarding water quality issues and to bring communities together to exchange information and to begin work on some of these issues.

If you are interested in participating on this committee, please e-mail or call – Atikameg Environmental Committee, c/o 191 Maple St., Sault Ste. Marie, Ontario P6B 2H9, (705) 253-5045, e-mail: atikamegec@yahoo.ca We welcome all those interested.

The Atikameg Environmental Committee is a member of the Ontario Environmental Network and Northwatch. They are also affiliates and supporters of the Great Lakes Aquatic Habitat Network and Fund Indigenous Peoples hub. The hub sends a big Migwich, Nway Weh, thank you, for their work in coordinating the Indigenous Peoples hub Organizational Development meeting at Sugar Island Cultural Camp outside of Sault Ste. Marie, Michigan October 26 - 27, 2002.



COASTAL WETLANDS IN PERIL

By: SCOTT McEWEN

Some of Michigan's most important natural resources are often overlooked – the Great Lakes coastal wetlands. These unique habitats are integrally tied to the health and diversity of the Great Lakes ecosystem. The extensive coastal wetlands of the Great Lakes are unique in ecological character, size, and variety. In Michigan, they range from shoreline wetlands and marshes along our northern coastline, to the extensive wetlands of Saginaw Bay, to the freshwater delta marshes of the St. Clair River. Coastal wetlands (1) improve water quality in the Great Lakes by filtering nutrients and sediments, (2) protect against erosion during periods of high water, (3) provide habitat for many species of fish, birds, and wildlife, and (4) offer recreational opportunities such as bird watching and hiking.

The bad news is that a bill has been introduced into the Michigan Legislature that would allow riparian property owners to use bulldozers and tractors to destroy Michigan's Great Lakes coastal wetlands – all without any public review or permitting requirements.

If passed, House Bill 6418 would allow mechanized mowing, plowing, and disking, leveling of sand, and destruction of native vegetation, (sometimes called "grooming") *along the 3,288 miles of Great Lakes public trust bottomlands* [Michigan's coastal wetlands]. Because of normal fluctuations in the water levels of the Great Lakes, newly-exposed bottomlands (emergent wetlands), owned by the State of Michigan, have naturally sprouted diverse vegetation. This vegetation serves many important ecological functions, which include creating and maintaining fish feeding and spawning areas, and providing habitat for waterfowl, bird, and other diverse wildlife. In fact, natural fish production would be impossible in many cases without lake and shoreline marshes. Once these bottomlands are mechanically altered by activities exempted in HB 6418, rare coastal marshes may not recover for decades.

A well-funded riparian property owners' group, ironically calling themselves "Save Our Shorelines", is lobbying hard for this legislation – and it is mobilizing to push the bill through the Michigan Legislature in the upcoming lame duck session. Twenty-eight of the twenty-nine states with coastal wetlands presently have permit compliance programs to protect beaches and dunes, including Michigan. H.B. 6418 would remove Michigan from this list.

At the present time, the Michigan Department of Environmental Quality and the Army Corps of Engineers (ACOE) are citing property owners who illegally fill in the wet areas on their beach with sand, or who "groom" new vegetation below 4" deep -- the depth at which the vegetative roots are damaged and/or killed. The ACOE has jurisdiction over emergent Great Lakes bottomlands and regulates what can be dredged from navigable waters [under the Rivers and Harbors Act] and what can be discharged into the water (below the ordinary high water mark) [under the Clean Water Act]. The citations are only given for activities in the area between the water's edge and the ordinary high water mark. "The coastal wetlands that have emerged as the water levels have dropped are among the most biologically important, biologically active habitats in North America", said Bill Leiteritz, physical scientist with the ACOE. "Those coastal wetlands are important not only locally but globally."

Chris Shafer, a law professor and former scientist for Michigan's Department of Natural Resources said, "It is important to allow plants to grow on shore during times of low water levels, in order to allow the ecosystem of the lake to recover from times of higher water levels. This is almost a priceless time in terms of healing the shoreline. These areas are of tremendous ecological value".

The Michigan Sea Grant has an informational page on its website that discusses the issue of low water levels exposing shorelines and the detriments to disturbances of those emergent wetlands:

www.miseagrant.org/pubs/up/fallo2/pages.html.

We will be watching what happens in the Legislature carefully.



Great Lakes Coastal Wetland

Credit: USDA Natural Resources Conservation Service, Romy Myszka



NATIONAL GEOGRAPHIC COMES TO DULUTH

BY: CRAIG MINOWA

National Geographic is writing a comprehensive story on the debate over privatization of Great Lakes water, and they recently sent reporters to Duluth's Environmental Association for Great Lakes Education (EAGLE) to get the scoop.

Lake Superior water may presently be public domain, but the bottling companies are pushing hard to privatize it and sell it. Lake Superior holds nearly half of the U.S. surface freshwater.

Although the Water Resources Development Act (WRDA) mandates that all Great Lakes Governors must approve water exports out of the Great Lakes watershed, Perrier bottling company (now owned by Nestle) has successfully established a bottling plant in the state of Michigan. The plant will initially extract about 80 million gallons of Great Lakes ground water per year. It is evident from this example that WRDA legislation does not necessarily guarantee the protection of this resource.

Duluth's Environmental Association for Great Lakes Education (EAGLE) has been preparing to launch a massive binational public education and citizen's mobilization campaign around the entire Great Lakes, with the hopes of proactively fending off the impending privatization of this incredible freshwater resource. Petitioning and rallies will be held in cities all around the basin. To learn how you can get involved, go to www.eagle-ecosource.org or call the EAGLE office toll-free at (877)-264-4440.

CLIMATE CHANGE NAILS GREAT LAKES REGION; YET DULUTH CUTS CLIMATE CHANGE PROGRAM

The United States Environmental Protection Agency (EPA) recently released an intense climate change report that says the Greenhouse Effect is already producing "dire consequences". President Bush scoffed at the report, calling it the product of "bureaucrats". The report specifically states: "For the Great Lakes region, the next century could bring one of the greatest environmental transformations since the end of the last Ice Age." The study goes on to say that the bulk of the catastrophe is already beginning now and will continue to worsen through the next few decades. This comes as no surprise, as nearly half of the U.S. underwent severe drought conditions during the summer of 2002. Despite these warnings, the City of Duluth recently made major cuts in its "Cities for Climate Change Protection Program."

In the spring of 2002, the Duluth City Council passed resolutions stating that Lake Superior's future is being jeopardized by climate change. The resolution went on to say that the City of Duluth has a responsibility to cut greenhouse gas emissions. As a result, a city government greenhouse gas emissions inventory was held, and a staff person was hired to focus on this issue. Due to a tight city budget, that position has now been cut. Whether the program is permanently discontinued or temporarily stalled will be determined at future City Council meetings.

Minnesota Update continued on page 11

THREE LEGGED FROG:



Deformed Frogs and the EPA

The cause of the recent outbreak of mutated frogs in MN, WI and around the world has now been clearly pegged. Research from the University of

California at Berkeley found that atrazine, one of the most common pesticides on the market, causes mutations in frogs. In other words, our environment is literally soaked in a chemical

that is causing animals to mutate. According to Stanley Dodson of the University of Wisconsin at Madison said this discovery is "the most important paper in environmental toxicology in decades."

Despite these findings, the Environmental Protection Agency is considering reducing drinking water standards in a manner that would allow this toxic atrazine to be present at levels 120 times that which Berkeley researchers found would mutate frogs.



Pennsylvania Update

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PRESQUE ISLE BAY MAY DROP 'AREA OF CONCERN'

EXCERPTS OF ARTICLE BY JOHN BARTLETT, PUBLISHED ON OCTOBER 1, 2002 BY THE ERIE TIMES-NEWS

Neither Jerry Allender nor Pat Lupo [of Lake Erie-Allegheny Earth Force] can remember the details of the first meeting of the Presque Isle Bay Public Advisory Committee, but both can quickly recount improvements the bay has encountered throughout the past 11 years.

In early October, they witnessed a significant event marking those improvements and the advisory committee's efforts.

State Department of Environmental Protection Secretary David Hess formally requested that federal Environmental Protection Agency officials have Presque Isle Bay designated as an "area of recovery", no longer an "area of concern."

Allender and Lupo are among a handful of people who began service with the Erie Harbor Improvement Council in 1988 and remain active with the Advisory Committee, which succeeded the council in 1991.

Even though there were hotly disputed points of view about the level of pollution in the bay and what could or should be done about it, members of the Harbor Improvement Council agreed there was work to be done, Allender said. The goal of the council – first proclaimed by the Erie County Environmental Coalition – was "a swimmable bay in 20 years."

The Presque Isle Bay was designated the 43rd area of concern in 1991. It was the only area of concern that was identified based on a local, grassroots petition for designation, Lupo said. With the designation, the Harbor Improvement Council went out of business and the Presque Isle Bay Public Advisory Committee came into being.

Among the first tasks for the council was to determine which of the bay's beneficial uses was impaired by pollution under the

terms of the Great Lakes Water Quality Agreement. The two that surfaced were fish tumors and other deformities in fish, and restrictions on dredging.

Since then, the committee has helped oversee studies documenting the health and problems of the bay and it has developed plans for the bay's clean up and continued monitoring. Earlier this year, the committee decided that they had done all they could to improve the bay.

The committee voted to have DEP formally request that the bay's status as an area of concern be changed to "recovery stage." That means the bay is responding to the corrective actions taken. However, it does require on-going monitoring to ensure that improvement continues.

It is a big step. Presque Isle Bay is the first U.S. area of concern to seek the area of recovery designation. "We can celebrate as long as we stay focused on the fact that everything is not A-OK," Lupo said.

"Everybody involved agrees there has been significant improvement," Allender said. "The major sources of contamination entering the bay have been addressed and reduced and the result is an improved bay"

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Office of the Great Lakes has New Director

On August 28th, Pennsylvania DEP Secretary David E. Hess announced the appointment of Lori Boughton as director of the Office of the Great Lakes of the Pennsylvania DEP.

"During the past year, Lori Boughton has been involved in watershed issues and activities in Northwest Pennsylvania through a partnership between DEP and the U.S. Environmental Protection Agency (EPA)," Secretary Hess said. "This experience, combined with the environmental cleanup and brownfield-development work she did at EPA, has prepared Lori to address a wide variety of issues that are important in the Great Lakes region."

"Lori's appointment will continue Pennsylvania's very skillful representation in Great Lakes matters at the local, national and international levels."

From PA DEP UPDATE <http://www.dep.state.pa.us/Update/>.



Presque Isle, Thompson Bay

Credit: Pennsylvania Sea Grant



DRINKING WATER SOURCE PROTECTION NEEDS GOOD WATERSHED PLANNING

By: LINDA PIM

At long last, the Ontario government has responded to the call for a watershed-planning approach to protecting drinking water sources. The call for safe drinking water through good watershed planning came in the May 2002 recommendations of the Walkerton Inquiry.

This judicial probe examined the deaths of seven people and the illness of 2,000 others in the town of Walkerton (in the Lake Huron watershed) and how such deaths could be avoided in the future. The deaths and illnesses occurred during the spring of 2000 after the contamination of the town's well-water supply by a virulent strain of E. coli bacteria.

In late October 2002, Ontario Premier Ernie Eves announced that his government would put together an advisory committee to develop a watershed framework for water source protection. Among the groups that have been pressing for a watershed approach to safe drinking water are the Canadian Environmental Law Association, the Federation of Ontario Naturalists, the Nature Conservancy of Canada, the Soil and Water Conservation Society, Conservation Ontario (the association of conservation authorities) and Ducks Unlimited. It is hoped and expected that the government will appoint some or all of these organizations to the advisory committee. For further information and updates, visit the website of the Canadian Environmental Law Association at www.cela.ca.

Protecting Aquatic Habitats with Smart Growth

On November 1, 2002, the Federation of Ontario Naturalists (FON) launched a new book titled *A Smart Future for Ontario: How to Protect Nature and Curb Urban Sprawl in Your*

**"GIVES COMMUNITY ACTIVISTS
A TOOLBOX OF 32 WAYS TO
PROMOTE SMART GROWTH..."**

Community. The book, written by FON staffers Linda Pim and Joel Ornoy, describes the environmental havoc wrought by urban sprawl, explores smart growth as the solution to sprawl, provides FON's vision for a smarter Ontario future, and gives community activists a toolbox of 32 ways to promote smart growth, both in their own communities and through pressure on provincial and federal governments for legislative and budgetary reforms. The book is available in hard copy for \$8.00 (Can.) by calling FON at (416) 444-8419 or toll-free within Ontario at 1-800-440-2366, or through our website at www.ontarionature.org. You can also download some or all chapters of the book (as PDF files) from our website for free. The book is to be followed by a series of community workshops around southern Ontario. For further information, contact Linda Pim at lindap@ontarionature.org, (416) 444-8419 ext. 243 or toll-free within Ontario at 1-800-440-2366 ext. 243.

Minnesota Update continued from page 9

SPIRIT MOUNTAIN SCANDAL CONTINUES



The Ojibwe Division of Resource Management has officially denounced the proposed development of a golf course and hotel on Spirit Mountain. Gerald White, the Director of the Leech Lake Band of Ojibwe Division of Resource Management sent a reprimanding letter to the Duluth City Council.

Spirit Mountain overlooks the mouth of the St. Louis River, the largest US tributary to Lake Superior. It holds the largest tract of old growth forest of its kind left in Minnesota and is sacred Anishinabe land. Environmentalists are concerned the development will increase pollutant runoff into the St. Louis River.

In the letter, White pointed out that his national Ojibwe office has been approved by the National Park Service and is

authorized under the National Historic Preservation Act, a federal law. "Under this law, all agencies must consult with Indian Tribes when an undertaking affects Historic properties," wrote White.

White's letter to the council goes on to say, "Since we have an interest in this area, your city government should have notified our office and the other Ojibwe Bands in Minnesota, Wisconsin, Michigan, and Canada and you have failed to do so. It appears to me that capitalism is the driving force here and it also appears that the minority views are being pushed aside in the name of progress."

Despite much controversy, the Spirit Mountain golf course work permits have been approved. A state Land and Water Conservation complication is currently the only thing stalling the construction.

Wisconsin Update

WISCONSIN WETLANDS ASSOCIATION

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GAS PIPELINES SPELL DISASTER FOR WETLANDS

By: CHARLIE LUTHIN

Two major gas pipeline projects— one under construction, one in the permit stage—will result in considerable impacts to scarce wetlands in southeastern Wisconsin. The “Guardian,” a 141-mile 36-inch pipeline that passes from Joliet, Illinois through two southern Wisconsin counties—Walworth and Jefferson—will be directly impacting 60 total wetland acres on 45 wetland crossings. Furthermore, the pipeline crosses 36 waterways, meaning that the riverbanks and adjoining ecosystems will be heavily disturbed in order to lay the pipe through or under the waterway. Whereas the Guardian staff have argued that there will be no permanent impact to the wetlands since the excavated trench is temporary, we are certain that the impacts will be extensive and in some cases, permanent. The indirect impacts are considerable and at present, immeasurable.

The Department of Natural Resources (DNR) has already granted permits for the Guardian pipeline and it is being constructed at a frantic pace. A crew of 700 is working diligently to meet an unrealistic timeline for completion, and in the process is being careless and irresponsible in observing permit conditions that would offer modest protection to the wetland and river resources. During a visit to four different wetland sites by WWA staff and board chair Alice Thompson, together with DNR personnel, seven permit violations and a serious violation of state law were observed. Landowners along the route have repeatedly shared observations of permit violations, with little response by the water regulatory staff of DNR. As of this writing, no enforcement action has been taken, weeks after the discovery of violations.

Unfortunately, we are seeing a double standard for wetland protection by the DNR in Wisconsin—stricter measures for the “little guy” while large construction projects continue to destroy and impact wetlands unabated. The Guardian pipeline and associated “lateral” pipeline project (35 miles) that extends eastward will undoubtedly represent the single largest cumulative impact to wetlands over the next year in Wisconsin. The lateral pipeline is in the final stages of planning, and the company is seeking a permit for the nearly finalized route. WWA is arguing that the route selected will directly impact considerably more wetlands than is necessary, and is trying to have the route altered.



“The Guardian Pipeline construction.”

WATCH OUT...

Purple Loosestrife!

With financial support from the Wisconsin Coastal Management Program, Great Lakes Aquatic Habitat Network, and the American Transmission Company, Wisconsin Wetlands Association coordinated a late-summer citizen-based inventory of purple loosestrife infestations in thirteen Great Lakes coastal counties. Over 130 volunteers logged more than 6,000 miles, covering highways, by-ways and back roads as well as lakes and rivers in search of the invasive loosestrife. This survey represents the most extensive inventory of the invasive loosestrife in the past 16 years.

All occurrences of the exotic plant, with a special focus on large infestations, were recorded on standard data sheets and maps. The data are presently being entered into a web-accessible GIS system through the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). The website is: www.glifwc-maps.org

As a follow-up to the inventory, WWA and the Department of Natural Resources (DNR) are coordinating workshops in four coastal locations this fall to train volunteers in the biological control of purple loosestrife. Teachers are the primary target audience of the training program. WWA has developed a teacher’s guidebook to purple loosestrife ecology and bio-control, and is presently sharing the guide with teachers in the hope that the teachers will engage their students in the project next spring and summer.

continued on next page



West Bend Airport Plans Stalled... Briefly

The proposed expansion of the controversial West Bend airport, and relocation and widening of State Highway 33, have met with a significant obstacle—wetlands! Whereas the Wisconsin Department of Transportation (DOT) was confident early this summer that it would be issuing its “Finding of No Significant Impact” (FONSI) and a final Environmental Assessment (EA) that would essentially be the “green light” for the airport project, a sternly worded letter from the U.S. Environmental Protection Agency (EPA) has halted the project, at least for the moment.

In a letter to the Federal Aviation Administration (FAA) in Minneapolis, EPA expressed significant concerns with the draft Environmental Assessment as issued by the DOT. They cite the direct loss of 54 acres of wetlands and additional impacts to 44 acres of trees (including 18 acres of forested wetlands) as worrisome, and mention that no mitigation had been proposed for these significant losses. The EPA has proposed to FAA the development of a full Environmental Impact Statement (EIS) for the project if it moves forward as written, but indicates that “we would object to the Corps [Army Corps of Engineers] issuing a Clean Water Act Section 404 [wetland fill] permit for this proposal.” In their lengthy analysis of the EA, the EPA indicated that water quality issues associated with the adjoining Milwaukee River had not been adequately addressed.

There is considerable momentum for completion of this project in the City of West Bend, and we fully expect to see a reworked airport expansion proposal sometime in late winter. In the meantime, WWA is helping a local citizens group—Taxpayers Against Airport Growth (TAAG)—challenge the airport project in its entirety. WWA staff have attended several TAAG meetings to discuss options with local landowners and concerned citizens. Furthermore, we have visited landowner properties to see what is at stake.

Extensive floodplain forested wetlands and marshland will be cleared and paved if the airport and highway expansion are approved. We have considerable concern for water quality and flooding of the Milwaukee River, as well as the direct and irreversible destruction of nearly 100 acres of wetlands. The project would undoubtedly result in serious downstream impacts in the greater Milwaukee metropolitan region. Furthermore, the airport project would represent the largest single wetland loss for any construction site in Wisconsin since 1991... and the DOT has suggested that there is no significant impact!

Year of Water Declared for 2003

During a plenary speech at the recent “Waters of Wisconsin” Forum (October 21-22) in Madison, DNR Secretary Darrell Bazzell read a statement from Governor Scott McCallum proclaiming 2003 to be “Year of Water” in which the Governor calls on agencies, organizations, and citizens to celebrate and protect our water resources. Many of the state’s environmental and conservation organizations are planning countless special events next year to acknowledge this important focus on water. The declaration came just days after the 30th anniversary of the federal Clean Water Act. The Forum was attended by over 700 people representing a huge diversity of water use, conservation, and policy entities. Follow-up to the event includes the preparation of a water policy analysis and establishing recommendations for a sustainable future for Wisconsin’s surface and ground waters.



Mark Your Calendar

December 10-11, 2002

Great Lakes Panel on Aquatic Nuisance Species Meeting Ann Arbor, Mich.

The Great Lakes Panel on Aquatic Nuisance Species works to prevent and control the occurrence of aquatic nuisance species in the Great Lakes in both the United States and Canada. For info on the meeting, contact: Kathe Glassner-Shwayder: Phone: 734-971-9135 or e-mail: shwayder@glc.org

January 15, 2003 through April 10, 2003

Minnesota Sea Grant has a series of educational programs called “Superior Science for You” to be held in Duluth, Grand Portage, and Grand Marais, Minnesota. For full details, visit the MN Sea Grant website <http://www.seagrants.umn.edu/what.html>.

April 13 - 16

Inaugural National Conference on Coastal and Estuarine Habitat Restoration Baltimore, Md.

The first nationwide forum focused solely on the goals and practices of coastal and estuarine habitat restoration. SAVE \$100 when you register by January 17th. Contact: Heather Bradley, Conference Coordinator, hbradley@estuaries.org, (703) 524-0248 or visit their website at www.estuaries.org for detailed conference information.

May 13-15, 2003

10th Annual International Conference on the St. Lawrence River Ecosystem Cornwall, Ontario

The theme of this year’s conference is “Large River Systems – Under Stress.” With major river systems around the globe facing the pressures of effluent concentration, diversion, and chemical degradation, this conference will focus on the protection, restoration and conservation of such ecosystems. Contact: Christina Collard, phone 613-936-6620 or e-mail ccollard@riverinstitute.com

Indigenous Peoples Update



GREAT LAKES UNITED

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INDIGENOUS ORGANIZATIONAL DEVELOPMENT BENEFITS AND CHALLENGES WORKSHOP

BY: MARIA MAYBEE



Participants of the GLAHNF Indigenous Peoples Hub meeting in October 2002

The Great Lakes Aquatic Habitat Network and Fund Indigenous Peoples hub coordinated an Indigenous Organizational Development Benefits and Challenges workshop, which was held October 26th and 27th at the Sugar Island Cultural Camp in Sault Ste. Marie, Michigan. The purpose of the workshop was to strengthen indigenous grassroots citizen initiatives that are working to protect and restore aquatic habitats and species in the Great Lakes Basin. Effective communication, building trust and understanding in all our relations, especially with the youth, will lead to effective organizing in indigenous communities – something that is essential for generations to come.

Our hosts Bud Byron and his wife Tammy from the Sault Tribe of Chippewa Indians, provided workshop participants – who came from both Canada and the United States - with a warm welcome, good words and great food. The setting was very comfortable, surrounded by trees and water.

Speakers from the Great Lakes basin presented their work and provided organizational models and resources for building effective campaigns that support citizens' initiatives. Presenters included Dwight "Bucko" Teeple - Chippewa Ottawa Resource Authority, Maria Maybee - Great Lakes United, Paul Smith - Heifer International, Angie Reed - River Network, Cecelia Fernandez - Northwatch, Dr. Mike Skladany - Institute for Agriculture & Trade Policy, Dr. Scott Heron - Ferris State University Assistant Professor Biological Sciences Department, Betty Angeconeb - Atikameg (Whitefish) Environmental Committee, Mike Williams - Walpole Island Heritage Center, Jill Ryan - Great Lakes Aquatic Habitat Network and Fund Director and Dave Elliot - Waasnode Geomatics.

Meeting on an indigenous territory provided the group with an up-close perspective of why organizing and networking for the preservation of the future generations of all Great Lakes habitats and species is valuable to indigenous communities. Using maps, participants identified the regions where they live and listed the kinds of environmental impacts their communities are experiencing. Most indigenous Great Lakes communities are likely to be in wetlands areas. Issues identified included: loss of habitat,

plants and species; impacts from invasive species; the Army Corp of Engineers Navigational Study; the impact of forestry, industrial development, and sprawling development on near-shore and wetland habitats on or near indigenous communities; long-term neglect of superfund sites, the impact of nuclear and hazardous waste sites on the health of indigenous peoples and on other species living in the vicinity; water level issues; air and water contamination from nuclear, coal and hydro plants used for power generation.

Interactive discussions addressed resources, funding opportunities, regional issues, geographic information systems, traditional ecological knowledge, how to organize to protect aquatic habitats and species, and the benefits and challenges of organizing in indigenous communities. Participants noted that indigenous communities are not given adequate consultation on processes, regulations and laws that would enable these communities to adequately protect the environment within and surrounding their communities. The federal governments of both Canada and the United States maintain a special trust relationship with Indian tribes pursuant to treaties, statutes, Executive Orders, judicial decisions, and other legal instruments. Inherent in this relationship is an enforceable fiduciary responsibility to Indian tribes to protect their lands and resources, unless otherwise unencumbered through mutual agreement. Trust responsibilities of both the United States and Canadian governments are many times not present especially to small and remote communities.

In the final session of the weekend, we discussed our common interests in moving forward for the protection of future generations. Discussion of next steps addressed communication within and between individuals, families, indigenous communities, government entities, and environmental organizations. Initiatives suggested included organizing similar meetings in Great Lakes indigenous communities to build both relationships and strong networks. Community organizers and the Indigenous People's Hub are planning to host similar events at other indigenous locations in the Great Lakes St. Lawrence River basin. Building personal relationships with each other, our families and our communities, and making sure that people's work and efforts are appreciated, are key to effective networking. Building these relationships empowers individuals to work more effectively in both their communities and within their organizations.

If you would like the support of the Indigenous Peoples hub in your community to protect aquatic habitat and species, please contact Maria Maybee. Follow-up conversations are currently in progress and feedback and campaigns from this and future hub meetings will be posted at www.glu.org. Hard copies can be mailed or faxed upon request by calling Maria Maybee at Great Lakes United, phone: 716-886-0142 or writing to her at Great Lakes United, Buffalo State College – Cassety Hall, 1300 Elmwood Ave., Buffalo, New York 14222. Maria's email address is: mmaybee@glu.org



NEW YORK STATE TURNING ON THE GREAT LAKES NAVIGATION SYSTEM REVIEW

- EXCERPTS FROM HABITAT WATCH WRITTEN BY JENNIFER NALBONE,
GREAT LAKES UNITED BIODIVERSITY AND HABITAT COORDINATOR

Organizations from both the United States and Canada oppose the Army Corps of Engineers

Great Lakes Navigation System review.

Organizations across the Great Lakes-St. Lawrence River region sent a letter to the U.S. Congress and the Army Corps of Engineers urging them to "halt this present Great Lakes Navigation System Review." The 51 organizational signatories said they "stand ready to assist the Corps with projects that restore our wetlands and fisheries, clean up the toxic hot spots and ensure that our waters are safe to drink, swim and fish," but, "this proposal runs counter to the discussions and planning underway throughout the region to mobilize efforts to restore the Great Lakes." Concerns with the Corps plan to "improve" Great Lakes commercial navigation by physically widening and deepening connecting channels, locks and ports include:

- Exotic species: More, larger ocean-going vessels entering the basin would increase the frequency and diversity of exotic species introduced into the Great Lakes and St. Lawrence River.
- Dredging: Hundreds of millions of cubic yards of sediments, much of it contaminated, will be dredged during the project. Dredging and disposal of contaminated sediments on this scale is unprecedented. In biologically rich and shallow aquatic ecosystems like Lake St. Clair, the potential for environmental destruction is dramatic.
- Blasting: Senior St. Lawrence River pilots say islands bordering the current ship channel in the Thousand Islands region would have to be blasted to accommodate larger vessels.
- Surge waves: Impacts of operating larger ships include larger surge waves that will increase shoreline erosion, property damage and water turbidity, reduce sunlight penetration, and degrade wetlands.
- Lower/higher levels: Changes to water flows threaten lake levels and shoreline habitat. The alternative is installing compensating works to mitigate changes in water flow – which would create zones of dead water and threaten fish and other aquatic life.
- Public: Potential impacts to property owners and resource-dependent communities add overwhelmingly to the economic downsides of the project.

- Past studies: Previous Great Lakes commercial navigation expansion studies have concluded that expansion is economically unjustifiable.
- Canadian participation: Thirteen of the fifteen locks on the St. Lawrence River are in Canada, Canadian funds are needed for the study to fully proceed, yet Canada remains uncommitted to the project.

New York political leadership emerges in opposition to Navigation study

On Monday, September 30th, 2002 New York Representative John McHugh (R-Pierrepont Manor) announced that he would propose an amendment to eliminate the start-up funding for the Army Corps of Engineers controversial Great Lakes Navigation System feasibility study.

McHugh's amendment would strike funding for year one of the Great Lakes Navigation System feasibility study. Currently, \$2 million is marked up in the House version of the Water and Energy Development appropriations bill. To read Mr. McHugh's announcement, go to:

www.house.gov/mchugh/pr2002/093002_Seaway.Statement.html

Gov. George E. Pataki also came out in opposition to the proposed study to expand the navigation system and Seaway. "The governor has the same concerns as Congressman McHugh and supports his position on it," said Pataki spokeswoman Jennifer Farina on October 1st in a statement for the Watertown Daily Times.

On October 16th the Times quoted gubernatorial candidate Carl McCall's spokeswoman Serena Torrey as saying, "The plan is misguided. It exacts too many environmental costs. The Army Corps of Engineers plan destroys too much and provides too little in economic benefit to be supported."

On October 19th the Times reported Senator Clinton as saying, "Deepening and altering the St. Lawrence Seaway to accommodate larger ships that cannot now navigate the system is simply the wrong plan for the St. Lawrence River and the wrong plan for the north country"

For more information, please call GLU at 716-886-0142.

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Help us to keep you up to date. We want to make sure we have the most recent contact information for you and your organization so that we can send you our publications, newsletters, alerts, and other aquatic habitat protection information. Inside this issue of GLAHNews you will find a card to complete and return with your up to date contact information. Please fill it out and mail it or e-mail your updated information to

jennifer@watershedcouncil.org.

We want to keep in touch!

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