



G.L.A.H. News

Great Lakes Aquatic Habitat

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CLEAN WATER ACT UNDER ATTACK

By: JULIE SIBBING, WETLANDS POLICY SPECIALIST, NATIONAL WILDLIFE FEDERATION



Wetland in Illinois Beach State Park
Credit: Illinois-Indiana Sea Grant, photo by David Riecks

Last October marked the 30th anniversary of the passage of the Clean Water Act – one of the most successful environmental laws in history. While celebrating the very significant progress that has been achieved to date, many also took note of the major challenges that remain to achieving the Act's goal of making all waters once again safe for fishing and swimming. Yet as daunting as that remaining task is, recent moves by the Bush Administration threaten not only to prevent any further progress, but to turn back the clock on the progress that has already been achieved over the past 30 years.

When the U.S. Supreme Court ruled in January of 2001 that Clean Water Act protections do not extend to certain "isolated" wetlands and ponds,

conservationists were quite concerned. The court's ruling in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (the SWANCC case) struck down the Corps' policy of applying protection to "isolated," intrastate, non-navigable waters, based only on the fact that the water body is used by migratory birds. Although quite narrow, the decision did create a new loophole in Clean Water Act coverage of the nation's beleaguered wetlands. This loophole would apply not just to dredge and fill permits, but to all provisions of the Act, including National Pollutant Discharge Elimination System (NPDES) permits, regulations governing oil spill liability, etc.

Yet none could have predicted that this narrow loophole would be seized upon by developers, mining interests, and

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CLEAN WATER ACT UNDER ATTACK



DIRECTOR'S NOTES



A SINGLE VOICE

BY JILL RYAN

I am often asked the question “what good can my single voice do?” Well, based on the amazing work accomplished by members of the GLAHNF network over the past eight years, I would say your single voice can do just about anything.

One citizen can start a watchdog group, organize their neighbors into local action, encourage friends to write letters or call their elected officials, educate other citizens and decision-makers, restore a wetland or shoreline, protest an ill-conceived project, and many more.

As you look around at both the local and regional levels, and see issues that need attention, projects that need an advocate, or questions that need an answer, don't feel your voice is not important. Your voice is the first step in creating change, and combined with a few other voices, such as those in the GLAHNF network, it quickly becomes a chorus.

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has.” Margaret Mead

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industry-friendly officials in the Bush administration to mount an unprecedented attack on the types of waters that receive protection under the Clean Water Act. It seemed that the most serious threat posed by SWANCC was mis-implementation by regulatory staff who were given very little guidance from headquarters on what the decision meant in practice. While a memo to provide this kind of guidance was carefully developed by staff of the U.S. EPA and U.S. Army Corps of Engineers, orders from political appointees kept it from being released. As a result, many wetlands, ponds, and even streams were needlessly destroyed or degraded.

In September, 2002, just a month before the Clean Water Act's 30th anniversary, administration officials testified before a Congressional subcommittee, announcing their intent to change the rules governing which waters are protected under the Clean Water Act. They specifically mentioned their intent to consider which tributaries (streams), manmade conveyances (canals, ditches, culverts, etc.), and wetlands adjacent these waters should retain protection. Since the SWANCC ruling never contemplated such waters and the Corp's migratory bird policy, which was struck down by the SWANCC decision, was never part of the official Clean Water Act rules, it became clear that a political decision had been made to use the SWANCC ruling to pursue changes to weaken protections under the Clean Water Act.

On January 10, 2003, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers began the rulemaking process by

releasing an Advance Notice of Proposed Rulemaking (ANPRM) regarding Clean Water Act Jurisdiction. While the ANPRM only marks the first step in the lengthy rulemaking process, attached to the notice was a newly-prepared guidance memo with immediate direction to regulatory staff regarding the SWANCC decision. In the EPA's own estimate, this guidance memo alone removed protection from about 20 million acres of wetlands – about 20 percent of the wetlands remaining in the contiguous 48 states.

Instead of offering clear direction to field staff – consistent with the Department of Justice's legal positions in brief after brief – the guidance memo fosters confusion by providing an unbalanced and confusing discussion of post-SWANCC legal cases. The memo orders staff to immediately stop extending protections to ANY “isolated” water and requires field staff to gain approval from their headquarters offices to extend protections to any water that could possibly be considered “isolated.” No approvals are required when jurisdiction is declined and there is no requirement that the agency keep records regarding their decisions to decline jurisdiction – shutting the public out of any opportunity to appeal inappropriate decisions.

The ANPRM requested public comment on several questions regarding which waters should be protected under the Clean Water Act. It asks whether the term “isolated” should be defined in rule, whether other factors used to extend protection to so-called “isolated” waters should still apply,

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CLEAN WATER ACT UNDER ATTACK



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and what other changes are needed to Clean Water Act rules. This last question seemed to specifically invite the legal theories of industry groups that contend that the Clean Water Act was never intended to apply to anything but navigable rivers and lakes, and wetlands directly touching these waterways.

The comment period on the ANPRM ended on April 16. An impressive 115,000 public comments were submitted, the vast majority of which opposed rule changes as unnecessary and an attempt to undermine the Clean Water Act. Diverse interests, such as state water and sewer authorities, scientists, hunting and fishing groups, religious organizations, floodplain managers, and over 22 state agencies weighed in against the rules. The term, "isolated," as noted by many commenting on the ANPRM, is meaningless when applied to waterways. Nearly all waters are connected to other waters in some way, be it through periodic overflow, underground or groundwater connections, or through biological and functional connections to the rest of the watershed. Since pollution doesn't stay put, eliminating Clean Water Act protections for even a small percentage of the nation's waters could wreak damaging consequences for downstream rivers and lakes.

The Administration has suggested that states be left to protect the waters removed from protection. However, most state laws have co-evolved to compliment and/or implement, not replace Clean Water Act protections. As a result, only about one-third of the states have any wetland protection programs. Even where state laws exist,

many have gaps that make them weaker than federal law. Many other states have adopted no-more-stringent-than policies or laws, that keep them from enacting policies that exceed federal standards. Additionally, most states are currently facing large budget deficits and have cut back environmental protection staff. Even if they wanted to take on more water protection authority, most would be hard-pressed to fund such programs.

While conservationists and others continue efforts to stop the administration from going forward with a rulemaking, legislation has been introduced in both the House and Senate to end any argument regarding Clean Water Act jurisdiction by putting the long-standing regulatory definition of Waters of the United States into law – restoring the extent of protections that existed prior to the SWANCC decision. The Clean Water Authority Restoration Act was introduced in the House by Reps. Oberstar (D-MN), Dingell (D-MI), Leach (R-IA), and Boehlert (R-NY), and in the Senate by Senators Feingold (D-WI), and Jeffords (I-VT).

While it is not expected that Committee Chairmen in the House or Senate will allow the legislation to be voted on in this Congress, only through its eventual passage will the SWANCC loophole be closed completely.

**For more information visit
www.nwf.org/wetlands/ or
www.savethecleanwateract.org.**

GLAHNEWS:

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Director: Jill Ryan
Program Assistant: Jennifer Barnett

Address correspondence to
Great Lakes Aquatic Habitat News,
c/o

Tip of the Mitt Watershed Council,
426 Bay Street, Petoskey, MI 49770

Phone:
(231) 347-1181

Fax:
(231) 347-5928

Jill's extension: 106
e-mail: jill@watershedcouncil.org

Jennifer's extension: 107
e-mail:
jennifer@watershedcouncil.org

Visit us on the web at:
www.glahabitat.org, and
www.GreatLakesDirectory.org

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THE MINNESOTA ENVIRONMENTAL PARTNERSHIP: STRENGTHENING ENVIRONMENTAL EFFORTS AT THE HEAD OF THE LAKES

By: DAVID SYRING

When a group of leading Minnesota environmental activists began meeting regularly for coffee and conversation seven years ago, one question seemed to rise above the talk of individual issues and actions – how could activists work together to build the political clout of environmental groups?

The answer to that question became the Minnesota Environmental Partnership (MEP), incorporated in 1998 as a tax-exempt coalition of Minnesota environmental and conservation organizations. Today the coalition has more than 80 member groups, representing more than 500,000 citizens, working together to protect and preserve Minnesota's natural environment. The Partnership provides a way for environmental organizations to collaborate in their efforts to assure Minnesota's natural resources are well cared for.

For each of the past seven years the Partnership has created a legislative briefing book that outlines significant environmental issues. For the past two years the coalition has conducted an annual legislative campaign to "Protect Our Water." We have focused on five priority issues for healthy waters: reducing contamination from four major pollutants—phosphorus, mercury, pesticides and animal/ human waste – and increasing our state's investment in protecting natural resources. This year's top legislative agenda is on making Minnesota the first state to remove phosphorus from automatic dishwashing detergent, cleaning up the state's 170,000 failing septic systems, and maintaining state funding for environmental protection.

While much of the population and political power in the state lies outside the Great Lakes Basin, Lake Superior occupies a special place in the consciousness of our citizens, and the Minnesota Environmental Partnership recognizes that our coalition can and should play an active role in Great Lakes issues. Last fall, with funding from the C.S. Mott Foundation, the Partnership opened a half-time northeastern office in Duluth. One of the main agenda items for this office is to find ways for MEP to engage constructively with Great Lakes environmental efforts.

"The world's largest concentration of fresh water is part of our heritage," said Ron Kroese, executive director of MEP. "So it's important for our partnership to add its collective voice and effort to Great Lakes issues. Minnesotans have a responsibility to help protect the waters we treasure and depend on."

MEP's northeastern organizer, David Syring, worked previously as administrative coordinator for one of MEP's member groups focused on regional issues. With a Ph.D. in anthropology, Syring has long been interested in understanding and protecting the unique characteristics that help to define a place.



David Syring at home with wife Mitra Emad and daughter Selene Emad-Syring.

"Lake Superior, the Boundary Waters, the incredible inland lakes and North Shore rivers—so much of what defines northeastern Minnesota as a place revolves around the fact that we are at the head of the Great Lakes," said Syring, who will serve as MEP's representative on the advisory panel for the Great Lakes Aquatic Habitat Network and Fund. "I look forward to working on the advisory panel

because I think GLAHNF really makes a difference for this place at a grassroots, community level."

The Minnesota Environmental Partnership's mission is to strengthen the effectiveness of the Minnesota environmental community in protecting and enhancing the state's natural resources. We count among our members the state's leading environmental and conservation organizations whose leaders understand the power and productivity that comes from joining forces and working together toward a common vision.

MEP strives to enhance the ability of participating organizations to fulfill their individual missions and better realize the expectations of a supportive public by providing a forum for: information sharing and education among participating organizations; coordination of efforts, strategies and legislative issues; coordination and sharing of media strategies; and discussion of a forward looking, affirmative agenda for Minnesota's environment and natural resources.

For more information about the Minnesota Environmental Partnership, and for a list of member groups, visit our web site at www.MEPpartnership.org.



WATER IN THE TOWN OF PINES UPDATE

By: SANDRA L. WILMORE

There have been major developments in the Town of Pines concerning the Yard 520 Brown Landfill in Porter County, Indiana, just upstream from the Indiana Dunes National Lakeshore. In July 2002, Save the Dunes Council, Hoosier Environmental Council, and the citizens group People in Need of Environmental Safety (PINES) filed a 60-day Notice of Intent to Sue the owners of the landfill. The allegation was violations of the Clean Water Act and Resource Conservation and Recovery Act (RCRA), beginning decades ago when fly ash and other materials were dumped in a wetland area just south of Highway 20 in the Pines. (Fly ash is a by-product of burning coal to make electricity.)

In early January of this year, after many meetings, the EPA, Brown Inc., and Northern Indiana Public Service Company (NIPSCO) entered into a Consent Order. The EPA is currently supplying bottled water to 30 residences about a mile north and northeast of the landfill. Under the Consent Order a water line is being constructed that will provide public water from Michigan City to one third of the Pines residents. This line is expected to be complete by December 2003.

It has been proven that metal contaminants from the landfill tainted over 130 residential wells north of Highway 20, with boron being the most prevalent contaminant. Tests conducted in the area registered high levels of both boron and manganese in a landfill well, including areas where contaminated liquids seeped to the surface, polluting nearby Brown Ditch. EPA also documented the level of boron in Brown Ditch downstream of the landfill at 100 times the level upstream. Brown Ditch flows through the Town of Pines and the Indiana Dunes National Lakeshore before entering Lake Michigan.

"We are pleased the Consent Order has been filed", said Tom Anderson, Executive Director of Save the Dunes Council. "We are encouraged that NIPSCO joined the cleanup effort on their own, but this is just the first step. We will continue our involvement in this issue until we are sure the site is contained and that impacts to the National Lakeshore and Lake Michigan are eliminated."

The Consent Order is also only a first step for many Pines residents, who are planning a multi party suit against NIPSCO, Brown Inc., and an unidentified third company believed to be involved in handling waste material that may have led to the contamination. About 56 residents have indicated interest in joining the suit and sharing in the

expense. They are seeking compensation for property damage under RCRA and for personal injury resulting from decades of groundwater contamination. Other possible outcomes are a civil fine and remedial cleanup action.

BILLS STALLED

TWO BAD WETLANDS BILLS STALLED

Save the Dunes Council, together with the Indiana Division of the Izaak Walton League, and Cedar Creek Wildlife Project, Inc. continue to educate Indiana residents about two wetlands bills that have stalled in the General Assembly. A Senate committee has stripped the legislation from the House bill (HB 1221) it was considering, and the chairman of the corresponding House committee said he would not hear the Senate bill (SB 491).

The language in both bills is threatening to Indiana's remaining wetlands and would be especially devastating to small, rare wetland types such as the dune and swale in northwest Indiana. Both bills, as last amended, would exempt most of Indiana's remaining functioning wetlands from protection. They would facilitate development in wetlands, and lack adequate mitigation requirements. The bills would also impose new costs on state government, while making no calculation of the loss to the public of wetlands benefits for clean water, flood control, wildlife habitat, and recreational opportunities. Other problems in the bills include removing authority from Indiana regulatory agencies and their rulemaking boards, and diminishing Indiana's Water Quality Standards, policies, and goals.

The groups are urging support of the Indiana Department of Environmental Management rules for wetlands that were preliminarily adopted in February 2002. Opposition from some in the regulated community caused Indiana legislators to block final passage of the rules, which would have provided much better protection of wetlands and water quality.



A Dune and Swale in Northwest Indiana

Credit: Paul Labus



LAKE CALUMET PLANNING PROCESS OPENED TO PUBLIC INPUT AND SCRUTINY

BY: JOEL BRAMMEIER

Planning efforts for the future of Lake Calumet on Chicago's south side have taken a positive turn in recent months with the opening of the process to local community members. The board of the Illinois International Port District (IIPD), which governs use of the lake, has held three public meetings to garner input from environmental, recreational, and commercial interests.

Not surprisingly, these meetings have been well attended. The January environmental meeting drew 25 representatives from over a dozen groups, and the recreational meeting brought in 40 participants from at least 20 groups. Public access to the resource tops the list of concerns being raised at these meetings. Hindered by fences for several years, access to Lake Calumet has become even more difficult since IIPD's unsuccessful proposal to build a powerboat marina in 2002. As Candace McFadden from the local group Folks on Spokes points out, "Adults in the Lake Calumet region don't have the recreational opportunities that other parts of Chicago seem to enjoy."

A strong coalition of grassroots and regional groups continues to emphasize the need to manage Lake Calumet's natural areas as a valuable resource. The Cook County Forest Preserve District recently held discussions with a number of community members on the possibility of purchasing land in the Lake Calumet region.

While budgets at the District are tight, this proposal is enticing for a number of reasons. The land surrounding Lake Calumet has a relatively low market value compared to other locations in Chicago, and offers a great "bang for the buck" in terms of the quantity of land available. Additionally, there is potential to establish a cooperative agreement with the Illinois DNR, which could alleviate management pressure on the District. Regardless of the outcome of this proposal, citizens are continuing to search for innovative ways to ensure that the right people are managing Lake Calumet's ecological resources.



Lake Calumet on South Side of Chicago
Credit: Illinois Department of Natural Resources

GREAT LAKES LEGACY ACT PASSES, FINAL PUSH NEEDED FOR FUNDING

Congress authorized funding for contaminated sediment cleanup in Great Lakes Areas of Concern in November by passing the Great Lakes Legacy Act. But emerging federal budget controls jeopardize full funding. Though Congress took the first step in the funding process, "authorization" for a given amount, it has yet to approve the amount in "appropriations," the second step.

"Not a single Area of Concern has been cleaned up in the U.S. since they were designated in 1987," said Cameron Davis, executive director of the Lake Michigan Federation. "It's time to fully fund efforts to

protect public health and water quality. Congress has set up the bank account, now it needs to write the check."

Passage of the act caps two years' collaborative efforts by the Federation, Sierra Club, Council of Great Lakes Industries, and others. With a well-organized citizen coalition at the ready in the Waukegan Harbor Citizens' Advisory Group, Illinois could soon benefit from any funds made available for cleanup efforts. Projects funded under the Legacy Act could help to jumpstart a more comprehensive effort to achieve full restoration of Areas of Concern and other Great Lakes ecosystems over the next decade.



SPRING IS HERE: DIVE INTO A VERNAL POOL NEAR YOU!

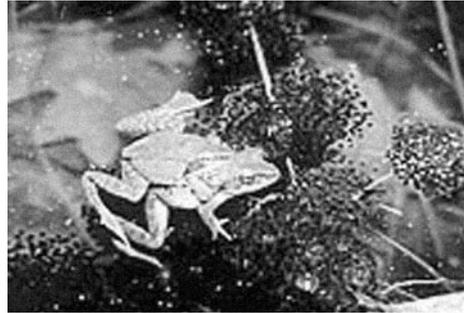
By: MOLLY FLANAGAN

Vernal pools are bodies of water that typically appear in the spring when rain and melting snow fill them. These usually small, but very dynamic wetlands fill with water, blossom with life and host a cacophony of sounds and an abundance of life forms every spring. They often dry up during the summer, but when they are full of water they are also full of life. Mole salamanders, freshwater shrimp, plankton, wood frogs and toads, among other organisms lay their eggs in the pools. In addition to providing a breeding ground for many species, vernal pools reduce flooding impacts by retaining water. The plants that exist in these pools also help to clean and purify the water that moves through them.

Vernal pools are dynamic ecosystems, changing from week to week, season to season and year to year. The organisms that inhabit vernal pools race against time and compete with each other every year, their life histories fine-tuned to live in a world where rain on a day too late, a few grams of weight, or an unlucky encounter with a predaceous beetle larvae means the difference between life and death. It is a miniature, fascinatingly complex and fragile world, with all of its drama played out close to our homes in a few months every year, and yet most people have never witnessed it.

Vital as they are to the health of a watershed, vernal pools are easily destroyed and virtually impossible to replace. Since they often dry up in the late summer and fall, a pool might be damaged or destroyed by development without anyone knowing that the pool was present in the watershed. The Ohio Environmental Council (OEC) has received reports from members throughout Ohio about the rampant filling and destruction of these vernal pools.

In an effort to protect these fragile ecosystems, the OEC hosted a "Vernal Pools Monitoring Program—Train the Trainers" workshop on February 1, 2003. The OEC worked with scientists, agencies and environmental groups around Ohio to develop the Vernal Pool Monitoring Program. A number of residents from around the state attended the workshop and learned more about vernal pools and how to identify and monitor them.



Wood frogs go to vernal pools in early spring. During the brief breeding period in early March—often before the ice has completely melted—woodland ponds may suddenly become full of courting wood frogs. Their call is a series of five or six explosive clucking notes. A week or so after breeding, the ponds are completely abandoned by these solitary masked mavericks.
Credit: Vernal Pool Association, www.vernalpool.org

By providing the training and resources for watershed residents to document the vernal pools in their area, the OEC hopes to raise awareness of the diversity of life found in vernal pools, the links that make them an integral part of larger ecosystems, and to improve protection of vernal pools.

The program will provide a special opportunity for local groups to build their memberships by organizing volunteers around fun and interesting events in their watersheds. The program will also provide citizens, natural resource managers, and regulatory agencies with information that can be used to better manage and protect these fragile ecosystems. Finally, the program will provide a forum for exchanging ideas and experiences, and integrating the knowledge about these systems in Ohio.

Vernal pools are a vibrant, sensitive, and unfortunately, threatened type of wetlands. Look for them in the coming months in your own watershed. To become involved in this program or to learn how to start your own program, please contact Keith Dimoff at keith@theoec.org or Molly Flanagan at molly@theoec.org or (614) 487-7506. The OEC can provide information on how to contact a "Trained Vernal Pool Monitor" in Ohio as well as other important monitoring information. The OEC can also put you in contact with scientists in your area to answer questions and address concerns that you may have about vernal pools. Please visit our website at http://www.theoec.org/cwater_vernal.html for more information.



BREAKING LOGJAM ON NATURAL RIVERS HEARINGS SCHEDULED FOR PINE AND UPPER MANISTEE RIVERS PROTECTION

BY: ANDY GUY, MICHIGAN LAND USE INSTITUTE

After almost two years of sharp prodding from conservation groups, the Michigan Department of Natural Resources will sponsor public hearings this spring on a citizen-based plan to protect the Pine and Upper Manistee Rivers.

Approval of the Natural Rivers plan for the Pine and Manistee, which northern Michigan's conservationists, ecologists, state scientists, and local leaders have worked on for more than six years, would encourage local governments to protect the two rivers from the steady march of new development. Both of these Blue Ribbon trout streams flow across the northern Lower Peninsula into Lake Michigan.

For the plan's supporters, the public hearings present a long-awaited opportunity to highlight the risks confronting the Pine-Upper Manistee river system and tout the lasting benefits of Natural Rivers protection. The hearings could also set the stage for a statewide revival of the Michigan Natural Rivers Act.

For opponents, the hearings offer a final chance to sink the safeguards proposed for the two still largely untouched streams. Private property rights activists have sought to kill both this specific plan and the state law, saying it systematically violates private property rights and usurps local control.

But water resource experts agree that the Natural Rivers Act is a fundamental strategy for safeguarding waterways and the Great Lakes that they replenish. The law was established in 1970 to keep riverbanks stable with native vegetation and protect places for birds, insects, fish, and other creatures.

The Natural Rivers Act works by enabling local citizens and state officials to write a conservation plan together that includes uniform zoning rules throughout a river corridor. The primary goals of the rules are maintaining shoreline trees and plants, and positioning new septic tanks and buildings back from the river's edge — two basic strategies for slowing erosion and limiting pollution.



Manistee River
Credit: National Park Service

Since the law was enacted 30 years ago it has kept 14 of Michigan's most beautiful streams — like the Rogue River flowing through the heart of metropolitan Grand Rapids — clean, quiet, and full of fish. Despite this record of accomplishment, the Natural Rivers Act has not been used since 1988 to protect additional rivers from the negative consequences of sprawling development.

Opponents assert that the draft plan for the Pine-Upper Manistee river system threatens to excessively limit individuals' freedom to construct new homes, businesses, and shoreline structures such as docks and gazebos. They also contend that implementation of Natural Rivers development standards would improperly shift the powers of local governments to the state DNR.

Supporters of the new protections disagree. They stress that the plan is, in fact, locally based and would enable state and local authorities to maintain water quality and natural habitats by facilitating coordinated community planning and zoning. State records show that 60 percent of the 1,698 miles of Michigan waterways already designated as Natural Rivers systems are actively managed by local, not state, ordinances.

Blessed with more than 400 miles of popular fishing and canoeing waters, the Pine and Upper Manistee rivers are tremendous public assets. Hearings on the plan to encourage their protection for future generations will be held across the State this spring.

Michigan Update Continued on page 13



MINNESOTA ENVIRONMENTAL PROGRAMS SUFFER BUDGET WOES

BY: JENNIFER TAHTINEN

Environmentalists across the state of Minnesota are worried that integral programs will be cut from the state budget and the end result for Minnesotans will be dirtier air and water. State spending on pollution control is expected to decrease dramatically. Governor Pawlenty's budget would take about \$38.5 million from natural resource and environmental projects and put it into the general treasury, roughly a 14 percent cut in spending.

The ability of the Minnesota Pollution Control Agency to operate may be affected, cleanup of superfund sites may be impacted, and wetland and watershed programs may be cut. Local water management programs will feel the sting as the Minnesota Board of Water and Soil is expected to receive a 25 percent reduction in grant money, causing the loss of an estimated 1,500 local projects in 80 nonmetro counties. According to Don Arnosti, campaign coordinator for the Minnesota Environmental Partnership, "under Governor Tim Pawlenty's proposal, general fund spending on conservation and environment from 2001 to 2005 drops a stunning 33 percent."

The proposed budget in no way reflects the high value Minnesotan's place on their clean water and their environment. To learn more or get involved, contact EAGLE at 218-726-1828 or visit our website www.eagle-ecosource.org.

RESEARCHERS AWARDED SEA GRANT MONEY

The Minnesota Sea Grant recently awarded \$678,500 to nine University of Minnesota research projects over the next two years. Each project selected involves aquatic habitats ranging from coastal ecosystems to fishery issues including:

- Determining the habitats favored by spawning and juvenile lake trout over two shoals of the Apostle Islands.
- Using DNA fingerprinting to determine whether E. coli bacteria in the Lake Superior watershed are coming from sewage or from sediments that erode into the Duluth-Superior harbor and Lake Superior.
- Exploring ways to speed the breakdown of PCBs in the Great Lakes by mixing elemental iron with microscopic organisms. Enhancing the ability of natural microorganisms to breakdown PCBs might complement or replace expensive and controversial dredging.
- Comparing the reproductive success of hatchery-stocked steelhead trout to that of Lake Superior's naturalized steelhead.

LEGISLATIVE UPDATE

Bill Banning Lead Fishing Tackle Watered Down: Despite the efforts of groups like the Audubon Society and the Minnesota Office of Environmental Assistance, a Minnesota bill that would ban lead fishing sinkers and jigs has been watered down after heavy protests from the angling industry. The new bill promotes education and calls for state agencies like the Department of Natural Resources to develop incentive programs for fishermen to replace their lead fishing tackle.

Lead tackle is responsible for about twenty percent of loon deaths in Minnesota, an occurrence that environmental groups feel is easily avoidable by using non-toxic sinkers and jigs. The angling industry feels that Minnesota's loon population is strong enough to withstand the use of lead tackle. The bill has recently passed the Environment and Natural Resources Committee and is headed to the Minnesota Senate floor.

Phosphorous Bill Moving Through House: The Protect Our Waters initiative sponsored by the Minnesota Environmental Partnership (MEP) calls for a reduction in phosphorous content in dishwasher detergent. An alarming amount of phosphorous is dumped into our waters each year, leading to massive algal blooms. The bill (H.F. 1401) would restrict the phosphorous content in dishwasher detergent to 0.5% or less by 2005. The bill will be read in the Environment and Natural Resources Finance Committee. For additional information on the Protect Our Waters Initiative, please visit the MEP's website at www.mepartnership.org.

2002 Legislature Passes Phosphorus-Free Lawn Fertilizer Law: The 2002 Minnesota legislature was able to make significant progress in the effort to reduce phosphorus pollution by passing the nation's first phosphorus-free lawn fertilizer law. Under this law, lawn fertilizer containing phosphorus cannot be sold in metro counties after January 1, 2004. Non-metro counties were limited to three percent phosphorus content for lawn fertilizers but were given the option to exceed this standard by selecting a zero phosphorus requirement. For additional information please visit www.mepartnership.org.



Pennsylvania Update

LAKE ERIE-ALLEGHENY EARTH FORCE; SERVING AS HUB COORDINATOR IS ANNETTE MASHALL, OSB
6270 E. LAKE ROAD ERIE • PA 16511
(814)-899-2572 • (814)-899-0253 (FAX)
ANNETTEMARSHALL@ADELPHIA.NET • WWW.EARTHFORCE.ORG



REDUCTION IN GREAT LAKES POLLUTANTS

By: SUSAN SMITH

Recently, US EPA and Environment Canada issued a news release announcing that levels of the most critical and persistent pollutants around the Great Lakes continue to

fall. According to the agencies' 2002 Great Lakes Binational Toxics Strategy Progress Report, these reductions are part of a downward trend in toxic substances in the Great Lakes over the last 15 years. On the US side, mercury releases have been reduced by 40 percent since 1990; dioxin releases have dropped 92 percent since the 1980s; hexachlorobenzene emissions fell 75 percent; and benzo (a) pyrene went down 25 percent.

According to the report, success in reducing these pollutants has been due to a combination of stronger regulations and voluntary actions. Some of the voluntary projects undertaken in 2002 were:

- Industry phase-out of the use of PCBs. Participating companies included Algoma Steel in Canada and Ford Motor Co. in the United States;
- The "Burn-it-Smart!" campaign in Ontario which promotes cleaner wood-burning technologies, helping to reduce emissions of benzo (a) pyrene; and

- The Burn Barrel and Household Garbage campaign which educates the public that burning garbage is a source of dioxin and promotes clean alternatives to this common practice.

While voluntary reductions are welcome, enforceable regulations remain extremely important to continued reductions.

The Great Lakes Binational Toxics Strategy is an agreement between Canada and the United States to reduce or eliminate persistent, bioaccumulative toxic substances from the the Great Lakes basin. Environment Canada, EPA, tribes, First Nations and other government, public and private partners work together toward that goal. 2002 marks the halfway point in the 10-year timeline of the strategy, which was established in 1997.

Level 1, or priority, substances identified by the strategy are mercury, PCBs, dioxins/furans, hexachlorobenzene, benzo(a)pyrene, octachlorostyrene, alkyl lead, aldrin, dieldrin, mirex, chlordane, toxaphene and DDT. The report is available on www.binational.net.

McGINTY TO HEAD PA DEP

*Rendell Taps
Kathleen McGinty for PA DEP*

Pennsylvania Governor-elect Edward G. Rendell turned to a highly regarded veteran of government and public service to head the Pennsylvania Department of Environmental Protection. Kathleen McGinty, the former senior White House aide is Rendell's nominee for Secretary of the Department of Environmental Protection. Kathleen McGinty's credentials include a stint as Director of the White House Office on Environmental Policy before being appointed by President Clinton and confirmed by the U.S. Senate to Chair the White House Council on Environmental Quality. Until June of 2001, McGinty served as Counselor to former Vice President Al Gore. Previously, she worked for then-Senator Gore as his Senior Legislative Assistant for Energy and Environmental Policy. <http://www.rendelltransition.state.pa.us/dep118.htm>

Watershed Awareness Month in Pennsylvania

May 2003 is designated as Watershed Awareness Month in Pennsylvania, featuring the theme "Take a Walk in Your Watershed!" Scheduled events will promote the importance of watersheds at the grassroots and community levels and encourage people to organize and conduct watershed education and awareness activities.

Several activities are being planned for Watershed Awareness Month including a kick-off educational event at the Capitol Rotunda in Harrisburg on May 1. The event is open to the public and will feature interactive displays, special presentations, and networking opportunities.

To focus on Watershed Awareness Month, the Lake Erie-Allegheny Earth Force group has planned the first "Bike Around the Bay" event on May 17 in Erie, PA. Participants will bike along Lake Erie and the Presque Isle Bay, biking 10, 25 or 50 mile routes. Event displays will focus on the Lake Erie watershed and include watershed related games and activities conducted by the Pennsylvania Lake Erie Watershed Association (PLEWA) and JrPLEWA. Contact: 814-899-2572.





PROVINCIAL ELECTION HAS AQUATIC HABITAT ACTIVISTS CONCERNED

By: LINDA PIM

It is clear that Ontario is headed into a provincial election, likely by or before the end of May. The actual election date is the decision of Premier Ernie Eves. After the election writ is dropped, the 28-day campaign period will allow both the political parties and civil society groups to make their voices heard on urgent matters of public policy. The current government's record on aquatic habitat protection has been somewhat underwhelming.

Whether you are reading this during the election campaign or after it, the issues of greatest concern remain the same. The most likely election outcomes are a majority Progressive Conservative (PC) government under Ernie Eves (as exists at the time of writing), a minority PC government, or a minority Liberal Party government. If there is a minority Liberal Party government, it would likely be the New Democratic Party that would hold the balance of power. The Green Party is making inroads on the Ontario political scene, although it has yet to hold a seat in the Ontario Legislature.

Ontario environmental activists working to protect aquatic habitats are concerned that the next government, of whatever political stripe, take action in the following areas:

- Fully and expeditiously implement all the recommendations of the Walkerton Inquiry, which examined the failure of provincial and municipal authorities to prevent drinking water contamination by a virulent E. coli strain that killed seven people and sickened over 2,000 others in the town of Walkerton, in the Lake Huron watershed, during May 2000. The inquiry report called for watershed-based planning as the first line of defense for protection of drinking water sources.
- Develop policy and legislation for tighter control by the Ontario Ministry of the Environment (MOE) over the extraction of both surface water and groundwater for water-bottling and other commercial purposes. Two recent cases have shown that current controls are sorely wanting – Artemesia Waters Ltd.'s plans to suck dry a Grey County wetland (in the Lake Huron watershed) in the process of pumping groundwater for water bottling; and the recent success of OMYA Canada Inc. in persuading MOE Minister Chris Stockwell to allow the company to massively increase their bulk water-taking from the Tay River at Perth (in the Ottawa River watershed) to combine it with calcium carbonate and sell the resulting slurry for use in toothpaste and other products.
- Provide stronger protection for wetlands – both those confirmed as Provincially Significant Wetlands by the Ministry of Natural Resources and those identified as regionally or locally significant in municipal official plans – through the Provincial Policy Statement (PPS) under the Planning Act. Wetlands on the Canadian Shield should be accorded the same protections as those that are south and east of the Shield (a current, artificial distinction in the PPS).
- Embrace the full suite of legislation, policies and incentives that are needed to create a smart, nature-first future for Ontario. The needed measures have been documented in the Federation of Ontario Naturalists' book *A Smart Future for Ontario: How to Protect Nature and Curb Urban Sprawl in Your Community* (see Ontario Update, GLAHNews, Early Spring 2003), available on-line at www.ontarionature.org (click on Urban Sprawl / Smart Growth).



Pigeon River, Middle Falls, Ontario, Canada.

Credit: USDA Forest Service Superior National Forest, W.J. Nelson

Wisconsin Update

WISCONSIN WETLANDS ASSOCIATION

WISCONSIN WETLANDS ASSOCIATION; SERVING AS HUB COORDINATOR IS CHARLIE LUTHIN
222 S. HAMILTON STREET – SUITE 1 • MADISON, WI 53703
(608)-250-9971 • (608)-256-4562 (FAX)
CHARLIE@WISCWETLANDS.ORG • WWW.WISCWETLANDS.ORG



STATE BUDGET PROPOSALS THREATEN CONSERVATION PROGRAMS

By: CHARLIE LUTHIN

The newly elected governor of Wisconsin, Jim Doyle, has submitted his budget proposal to the state legislature. As with most states, Wisconsin is no exception in needing to cut spending in the coming biennium. The Department of Natural Resources (DNR) will be suffering greatly from budget cuts. Programs that will be completely cut or severely impacted include all wetland management programs (\$194,000 eliminated), all grassland management (\$200,000 eliminated), the purple loosestrife bio-control program, and various wetland restoration projects. Other general issues of concern with the budget are:

- Loss of Legal Support at DNR. Removing attorneys from all state agencies and consolidating attorneys into the Department of Administration. Without a staff of informed and experienced attorneys at the DNR, the regulated community (industry, agriculture, developers) will easily avoid tough enforcement actions, permitting issues and other legal challenges.
- Loss of Stewardship Fund dollars. During every budget cycle the conservation community has to fight for the \$60 million/year Stewardship Fund support used for ecologically-important land acquisition. Although the bond program has been very popular among Wisconsin citizens and has been approved by the Legislature, there are continual challenges that could erode the level of support.

Wisconsin Response to EPA/Army Corps Proposed Rule Changes That Affect the Clean Water Act

It is heartening that the national Clean Water Network and other national groups rallied groups to submit comments concerning proposed rule changes by the EPA and Army Corps of Engineers that would weaken wetland and stream protection under the Clean Water Act. Although Wisconsin acted quickly in 2001 to fill the regulatory gap created by a Supreme Court decision (the "SWANCC" case), thereby giving the state jurisdiction over so-called "isolated" wetlands, other states have not done as well. Nonetheless, despite the restored protection to Wisconsin's wetlands, Wisconsin Wetlands Association is gathering signatures on a letter to the EPA from a variety of local, regional and statewide groups opposing any weakening of the Clean Water Act, and requesting the narrowest interpretation of the Supreme Court ruling.

- Motorboat gas tax allocation. In Wisconsin, gas tax from 50 gallons of gasoline per registered motorcraft goes into a segregated fund used for lake and river clean up, restoration and management. Neighboring states have similar programs, that may allocate the taxes for up to 110 gallons. The conservation community would like the gas tax allocation to increase from 50 to 80 gallons per motorboat and personal watercraft (including "JetSkis"), and would like for the additional funding to be spent on new water protection programs, including wetland restoration.
- Reduce Transportation Support. The state's Department of Transportation (DOT) continues its unprecedented new roads program despite a flagging economy. Many new and expanded roads are costly and completely unjustified, but are supported by the powerful road builders' lobby. The Governor, supported by the conservation community, has proposed that \$500 million from the DOT's segregated roads account be used for general budget deficit relief. This reduction in transportation dollars would slow the rate of environmental destruction—and wetland losses due to highway construction.

WILD RIVERS

Florence County Wild Rivers Zoning Update

There was a vote by the Florence County Board on February 18 to rescind and repeal the County's Wild Rivers Zoning Ordinance, enacted in the 1970s to help preserve and protect the Pine and Popple Rivers, two of Wisconsin's three state Wild Rivers.

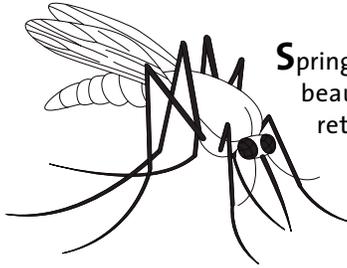
We are happy to report that, since that evening, the County Board reversed itself and restored Wild Rivers Zoning. This reversal was made in response to questions raised regarding whether appropriate voting procedures were followed on February 21. The Florence County Planning and Zoning Committee has since voted to table the issue until April.

There has been a strong show of public support for maintaining this protective zoning. The Bay Lakes Regional Planning Commission also recommends keeping Wild Rivers Zoning in place, and the River Alliance fully supports maintaining existing protections in Florence County.



DISPELLING MYTHS ABOUT WEST NILE VIRUS AND MOSQUITOES

By: SCOTT MCEWEN



Spring is here, and with it comes beautiful wildflowers, birds returning north for summer breeding, and, of course, mosquitoes. Before long the news will inevitably relay stories about the West Nile Virus that is being found in dead crows across the country. Since the virus is relatively new, there are many misconceptions about it.

Many people believe wetlands are the main culprit for West Nile Virus-carrying mosquitoes. However, healthy wetlands do not always provide the ideal habitat for mosquitoes because water conditions, water quality, and natural predators deter mosquito use of the water found in wetlands and minimize larval success if egg laying does occur. Draining wetlands will not eliminate mosquitoes. In fact, mosquito populations could actually increase because draining a wetland may destroy the mosquito's natural predators. A much more effective method of destroying mosquito habitat is to focus on eliminating human-created habitats found around the home. These areas usually do not have wetland predators, such as aquatic insects, amphibians, fish, bats, and birds, which feed heavily on mosquitoes and their larva.

With a little extra care, property owners can eliminate the breeding areas for most mosquitoes by adopting the following control methods.

- Old tires, cans, pails, and other water-holding containers are ideal breeding sites.
- Store them upside down or get rid of them
- Keep culverts and drains clear of dead leaves and trash so that water will drain properly
- Drain water from tarps or plastic sheeting covering woodpiles, boats, etc.
- Keep eaves troughs clean of leaves and debris
- Empty plastic wading pools at least once a week and store them inside when not in use
- Change bird bath water weekly
- Fill in tree rot holes and hollow stumps with sand or concrete
- Keep boats or canoes covered or upside down

MARK YOUR CALENDAR



May 19–20, 2003, *Water Reuse and Recycle Symposium*,
Penn State Conference Center Hotel
in State College, Centre County, PA,
held by the Pennsylvania DEP

Examples of household, commercial, industrial, and community water conservation technologies and practices will be featured. For more information visit www.state.pa.us, PA Keyword: "Water Reuse 03."

June 3-4, 2003, *Moving from Planning to Action: Integrating and Implementing Watershed Management*,
Columbus, OH, Ohio

Watershed Network Conference themes will be creating sustainable watershed groups and locally relevant watershed plans. For more information contact: Holly Bartholomew at 614-846-7932, E-mail: bartholomew.6@osu.edu or visit <http://ohiowatersheds.osu.edu/conference/index.html>

June 6-7, 2003, *Staying on Target*, Romulus, MI,
Sponsored by U.S. EPA, GLNPO and the Great Lakes Commission
A regional workshop to establish restoration targets for Great Lakes Areas of Concern. For more information Contact: Matt Doss at 734-971-9135, E-mail: mdoss@glc.org or visit www.glc.org/spac/workshop03.html.

June 9-12, 2003, *12th International Conference on Aquatic Invasive Species*,
by the Ontario Ministry of Natural Resources, Windsor, ONT
This conference will provide an international forum for addressing aquatic nuisance species research, policy, control technologies and public education. For more information call 800-868-8776, E-mail: profedje@renc.igs.net or visit www.aquatic-invasive-species-conference.org

June 16-18, 2003, *Invasive Species Field Course*, held by the Inland Seas Education Association, Suttons Bay, MI
A course designed to teach educators and environmental professionals about invasive species in the Great Lakes region and prepare them to pass on what they learn to students, colleagues and others. For more information contact: Colleen Masterson at 231-271-3077, E-mail: cmasterson@greatlakeseducation.org



GLAHNF NEW YORK NETWORK HOLDS ANNUAL MEETING IN SYRACUSE

BY: JENNIFER NALBONE



On March 15th, 2003, New York aquatic habitat advocates converged in Syracuse for the first annual GLAHNF New York Network meeting, entitled "Protecting New York Aquatic Habitats: Emerging Issues."

The meeting objective was to inform

New York organizations about efforts to address critical aquatic habitat issues through work with state leaders.

The New York Network convened immediately after the annual student-faculty conference of the Great Lakes Research Consortium (GLRC) at the State University of New York, college of Environmental Science and Forestry. GLRC, our host, provided wonderful meeting space, and free access to scientific presentations ranging from botulism in Lake Erie to the impact of invasive species on native food webs. Thanks to the GLRC for its hospitality. You can learn more about the Great Lakes Research Consortium by going to their website: <http://www.esf.edu/glrc/>

Three critical aquatic habitat issues were discussed at the Network meeting: directional drilling and pipeline construction in the Great Lakes; addressing the SWANCC Supreme Court ruling, and; efforts by the New York delegation to stop the Great Lakes Navigation System review.

Speaking on efforts to ban directional drilling and pipeline construction in the Great Lakes were Bryan Clark, legislative advocate for the Ohio Public Interest Research Group and Stephanie Grace Carter, special Assistant to the Assembly for Assemblyperson Sam Hoyt. Bryan presented on the environmental risks of directional drilling on drinking water, shoreline habitat, human health and the economy. Bryan also reported on the status of directional drilling in the Great Lakes: Michigan has already banned the practice, Ohio is close to issuing a ban, and New York is stepping up to the plate to address the threat. More on this issue can be found at: www.ohiopirg.org. Stephanie spoke about Assemblyperson Hoyt's efforts to introduce state legislation to close the door on directional drilling in Lake Erie (currently New York already prohibits directional drilling in Lake Ontario), and the threat to Great Lakes aquatic habitat posed by trenching or laying pipelines under the Great Lakes.

Speaking on the need to protect New York's aquatic habitats through federal and state protections were Julie Sibbing, wetland policy specialist for the National Wildlife Federation and John Stouffer, legislative director for the Sierra Club-Atlantic Chapter. Julie presented on recent federal

efforts to eliminate Clean Water Act protection for many streams and wetlands, and how reducing federal protections would impact New York's aquatic habitats. Julie also provided background on the 2001 SWANCC Supreme Court ruling, which removed from federal regulation "isolated" wetlands. More on this issue can be found at: www.nwf.org. John presented on efforts of the Sierra Club- Atlantic Chapter to protect New York's wetlands by filling the gaps created by the SWANCC ruling.

Speaking on recent efforts by the New York federal delegation to stop funding for the Great Lakes Navigation System Review was Jennifer Nalbone, habitat and biodiversity coordinator for Great Lakes United. Jennifer presented an overview of the Navigation System review, efforts by Representatives John McHugh, Louise Slaughter, James Walsh, and Maurice Hinchey to strike federal funding for the study, additional opposition by Governor George Pataki and Senators Hilary Clinton and Charles Schumer, and where the Navigation Study stands now. More on this issue can be found at: www.glu.org, or please read the article below.

If you would like to become involved in any of these important efforts to protect aquatic habitat, or to contact any of the presenters mentioned above, please contact Jennifer Nalbone at 716-886-0142, or email jen@glu.org and she can help you find more information.

Army Corps approves Great Lakes Navigation System Review, with stipulations:

After almost a year of public outcry, the U.S. Army Corps of Engineers approved the Great Lakes Navigation System Review Reconnaissance Report on February 13th, but did not recommend immediate movement to the full feasibility stage. (See past issues of the GLAHNews New York Update for more information on concerns with the Great Lakes Navigation System Review).

Instead, the Corps articulated that the next step would be to prepare a "supplement" to the reconnaissance report.

Normally, Corps studies go through the following phases: Congressional Authorization, Reconnaissance Report, Feasibility Study, and then finally Project implementation. This "supplement" report is an unprecedented added step that will allow the Corps to continue work.

continued on page 15

Indigenous Peoples Update



GREAT LAKES UNITED

GREAT LAKES UNITED BUFFALO STATE COLLEGE-CASSETY HALL

SERVING AS HUB COORDINATOR IS MARIA MAYBEE

1300 ELMWOOD AVENUE • BUFFALO, NY 14222

(716)-886-0142 • (716)-886-0303 (FAX) • M.MAYBEE@GLU.ORG • WWW.GLU.ORG

1ST ANNUAL WOMEN'S WATER WALK



Lake Superior is the largest of the Great Lakes and has the largest surface area of any freshwater lake in the world. It contains almost 3,000 cubic miles of water, an amount that could fill all the other Great Lakes plus three additional Lake Eries. The lake stretches approximately 350 miles from west to east, and 160 miles north to south, with a shoreline almost 2,800 miles long. At its deepest point Lake Superior is 1,333 feet deep, 410 feet deeper than the next deepest of the Great Lakes, Lake Michigan. Reference: Great Lakes Atlas, Environment Canada and U.S. Environmental Protection Agency, 1995

The Anishinabe consider women the protectors of the waters, and as such, a core group of Native women in Thunder Bay, Ontario has organized the 1st Annual Women's Water Walk 2003. This walk with the water began April 18th, 2003 on the west side of Lake Superior in Bad River, Wisconsin, and will end at the same place in June after traveling 1,300 miles.

The group is walking to raise awareness about the importance of keeping our waters clean and free from privatization, and protecting our waters and ensuring the everlasting use of the water by our children, our grandchildren and the next generations. During the walk, the women plan to meet with people to discuss environmental threats to the Lake and discuss how they can help. To symbolize the importance of protecting the Great Lakes, the women will carry a pail of Lake Superior water the entire 1,300 miles.

It is anticipated that other Native women living around the other Great Lakes will make challenges and organize similar walks. The group also encourages other Native women to walk with them around Lake Superior.

The idea for the hike was born last year after a sundance in Pipestone, Minnesota where an elder spoke of a prophecy that in 30 years the water is going to be so polluted that it will not be drinkable. Threats to the Great Lakes include pollution, water diversion, the proposed St. Lawrence Seaway expansion, and petroleum drilling.

Coincidentally, the starting and ending point of the Women's Water Walk 2003 is the same as the summer 200 "Walk to Remember: A Sacred Journey For Lake Superior," which also circled the lake. The walk in 200 delivered a message of living in harmony with the land.

If you would like further information, please contact: Thecla Neganegijig, maangamikndodemag@yahoo.ca or Josephine Mandamin, 807-625-8564, jomandamin@shaw.ca

CONTINUED FROM PAGE 14

ARMY CORPS APPROVES GREAT LAKES NAVIGATION SYSTEM REVIEW, WITH STIPULATIONS:



Congress approved 1.5 million dollars for fiscal year '03 spending on the Great Lakes Navigation System review. The Corps cannot move to the full feasibility stage without commitment from a non-federal co-sponsor. Canada has not committed to being a non-federal cosponsor for a full feasibility study.

The Corps recommends the following limitations in the scope of work on the Great Lakes Navigation System Review for the next 2-3 years:

- That the study team prepare a supplement to the reconnaissance report to further document the current, or as-it-is-to-date, condition. This supplement will provide baseline data for the environment, engineering features and economic conditions of the Great Lakes and St. Lawrence Seaway.
- That the supplemental study will focus on actions and associated costs required to maintain the system in its current configuration for the period of 2010 to 2060.

- That alternatives for future development will not be evaluated during this study phase.

While Great Lakes advocates have asked Corps representatives about opportunities for public input and partnerships with Canada, the process in which the Corps will engage in this "supplemental reconnaissance study" has not yet been articulated. Because of the unprecedented nature of this supplemental study, all parties are scrambling to determine what the study parameters will be. Despite confusion, Great Lakes advocates should acknowledge this as a partial victory. Many thanks to everyone who have written letters, made phone calls, passed resolutions and spoken out on this issue. Special thanks to Canada and the New York delegation!

If you would like to receive regular updates on the Great Lakes Navigation System Review, please email: jen@glu.org

S. van Mechelen



Dave Brenner



Martha L. Walter



Wendy Crowell



GLSGN Exotic Species Library

FREE AQUATIC INVASIVE SPECIES ID CARDS

Sea Grant is offering free identification cards detailing characteristics of nine invasive species in the Great Lakes, and what you can do to prevent them from spreading. Before you head out to enjoy the Great Lakes this summer make sure you can identify these aquatic pests.

The cards are being distributed through bait shops, marinas, environmental education organizations, and resource management offices throughout the region or you can contact your state Sea Grant office or your state or provincial natural resource management agency.

ID Cards are available for:

Eurasian Ruffe

Round Goby

Rusty Crayfish

Spiny and Fishhook Waterfleas

Purple Loosestrife

Eurasian Watermilfoil

European Frogbit

Zebra Mussel



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