

Great Lakes Compact: Gov. Kasich Vetoes Bad Water Withdrawal Bill!!!!

The Ohio Great Lakes Compact Advisory Board of 26 appointed members began their work in March of 2009 and submitted their final report in December of 2010. This report was the fruition of wading through myriad details to arrive at workable recommendations for legislation necessary to implement the **Great Lakes-St. Lawrence River Basin Water Resources Compact in Ohio**. Each state must pass its own Compact regulations regarding water use and withdrawal that are in accordance with the other states and territories in this legally binding international agreement.

In October 2008 The United States and Canada entered into a complex agreement to prevent major diversions from the Great Lakes watershed. It is written solely in volumetric terms; preservation of water quality is presumed to reside in existing law. The **Great Lakes-St. Lawrence River Basin Water Resources Compact is a legally binding interstate agreement among the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin**. It details how the states manage the use of water in the Great Lakes Watershed. It puts limits on consumptive use (withdrawal without return) and suggested means for developing water use efficiency and conservation in the region. Ohio Gov. Ted Strickland signed the compact in June 2008, and the U.S. entered into agreement with Canada when Pres. G. W. Bush signed the compact in October 2008.” (Bob Heath, *Shorelines*, Vol 24, No. 1, Spring 2011 pg. 1, for more details of this agreement).

“At the heart of the Compact is an intertwined pair of fundamental objectives: a prohibition of any diversion of water outside of the Great Lakes basin and the conservation and sustainable use of water use within the basin.” (Kristy Meyer, Director of Agricultural and Clean Water Programs at the Ohio Environmental Council (www.theoec.org), *Akron Beacon Journal* July 14, 2011)

In June 2011, the Ohio House and Senate passed a piece of legislation that could “...invite lowered water flows in the inland lakes, rivers, and ground water that drain to Lake Erie. This, in turn, risks concentrated pollution levels which can result in increased harmful algal blooms, fish habitat degradation, and impacts to sport – and commercial-fishing. **The end result, scientists warn, could be a long-term threat to our Great Lake Erie’s fragile ecosystem and the people, wildlife, and tourism industry that depend on a healthy lake.**” (Kristy Meyer, op cit)

On July 15th, 2011, Governor John Kasich vetoed (*his first veto in office*) what the Ohio Legislative body had passed in June – the Ohio Lake Erie water use bill, that agreement by which all states must conform to the Great Lakes Compact, the international treaty. If he had not vetoed it, the bill would have violated the Great Lakes Compact signed in 2008 in two ways, according to Bob Heath, emeritus professor of biological sciences at Kent State University and

(Continued on Pg. 2, Col. 1)

OCRMP Founder Edith Chase Known as ‘The Grande Dame of Lake Erie’

Edith Chase has been around a long time – so long that the pitiful state of the Cuyahoga and other rivers, the tributaries, watersheds, living organisms dependent upon water (including humans), all waters entering Lake Erie and even Lake Erie itself – have almost faded into nightmare memories of what once was. Almost, but not quite. Her tireless and unrelenting pursuit of clean waters, reduction/elimination of practices that dump pollution into all waters from air, land, people (think invasive species and diapers), and just and fair laws that work for both the environment and people have kept her driving from Cleveland to Columbus and to all points in between, and attending national and international meetings that touch on Lake Erie, its shoreline and watershed. Having endless phone conversations with legislators, organizations, concerned citizens for the latest scuttlebutt as to what is going on “right now”; continuously writing letters of support or insight into controversial issues. Being asked for input from local, state and regional entities; speaking at meetings and to anyone who would stand still for 5 minutes so she could further educate the populace about Lake Erie and its issues. Always seeing Lake Erie and all other waters for what they could be and not how they were.

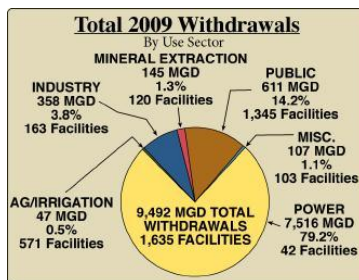


In April of 2011, The Ohio Environmental Council’s Brian Kaiser, Director of Green Jobs & Innovation (www.theoec.org) interviewed Edith about the first Earth Day on April 22, 1970. (Watch this interview at www.YouTube.com/OECOOhio.) This was only the latest of many interviews of Edith – long ago she was recognized as the Grande Dame of Lake Erie by those individuals, organizations and agencies who have worked with her, and again in 2011 the OEC said “Her four decades of advocacy have earned her the nickname of the ‘Grande Dame of Lake Erie’ among the OEC staff.” (*Green Watch*, Summer 2011 Pg. 10, The Ohio Environmental Council)

Over the years awards have piled up, among them are the following:

- 1990: Inducted into the Ohio Women’s Hall of Fame**
- 1992: Inducted into the Department of Natural Resources Conservation Hall of Fame**
- 1995: “Ohio Lake Erie Award”, Ohio Lake Erie Commission**
- 1999: “Portage County Environmental Conservation Award”, Portage County Environmental Roundtable**
- 2001: “Orville T. Magoon Service Award”, NOAA, Coastal Zone 2001**
- 2001: “R. Livingston Ireland Award”, Water Management Ass’n. of Ohio**
- 2002: “President’s Award”, Ohio Environmental Council**
- 2002: “Leadership Recognition” as Chair of the Coastal Resources Advisory Council, 1996-2002, Ohio Dept. of Natural Resources, Ohio Coastal Management Program**
- 2004: “John Manry Award” for Protection of the Great Lakes, Great Lakes United**

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ODNR Div. Water Summary Report

Great Lakes Compact (Continued from Pg. 1)

president of the International Association for Great Lakes Research.

First: “(The Great Lakes Compact) really says any withdrawal greater than 1 million gallons per day would not be allowed. The bill does not do that. It does not even come close.” According to Kristy Meyer “...a water user would only have to seek a state permit when a factory, mining operation, or other use tapped more than 5 million gallons of water a day from Lake Erie, 2 million gallons from a river or groundwater source, or 300,000 from a designated high-quality stream. ... As for those high quality, small streams, according to scientists a 300,000 gallon of water per day withdrawal would completely dry up the stream.” (www.theoec.org)

Second: Heath “... also believes the bill lacked a mechanism to allow scientists to check for adverse impact of withdrawals on the lake and surrounding areas, also in violation of the contract” (*Record-Courier*, July 16, 2001, Pg. 1, Thomas Gallick staff writer)

The road, or should we say the waterway, has not been easy to travel even this far, experiencing waves and sometimes seiches along the way. And the journey is not over yet: Per federal law, passage of these water limits to enforce provisions in the compact do not have to occur until 2013.

Or, as Edith Chase once said in 2005 “...We need to think in terms of results and performance and measuring progress toward our goals – our Treaty obligations.”

Joan Sturtevant: Info: www.theoec.org, Kent Record-Courier www.recordcourier.com, Great Lakes United www.glu.org

Edith Chase (Continued from Pg. 1)

2004: Chase Park dedicated, Franklin Township (Portage Co.)

2005: “Walter B. Jones Memorial Award”, NOAA

2005: “Grassroots Citizen-Advocate” Award, the First GLAHNF

Award by Great Lakes Aquatic Habitat Network and Fund, now Freshwater Future (www.freshwaterfuture.org)

2005: “Steward of the Year”, National Oceanic and

Atmospheric Administration (NOAA), a national Conservation Award ‘...for her tireless commitment of conserving Lake Erie resources for four decades as a volunteer citizen and president and founder of the Ohio Coastal Resource Management Project, established in 1982.’ “Ms. Chase has worked with government leaders to identify coastal resources issues and played a critical role in mobilizing proponents for comprehensive coastal management legislation. Her dedicated efforts have resulted in policy changes at the federal level, public awareness and improved stewardship of coastal resources and watersheds of Lake Erie and the Great Lakes. She joined in the effort to pass important environmental legislation in the early 1970s, worked for the passage of the Great Lakes Water Quality Agreement and was an early proponent for Ohio’s participation in the national coastal Management program. **She founded the Ohio Coastal Resource Management Project (OCRMP) in 1982.**” The Ohio Coastal Resource Management Project drafted a report, ‘**Who’s Minding the Shore?**’ that provided substantial input to Ohio’s Coastal Management Plan.” (*The Trust for Public Land* Vol.6, No 1 Fall 2005)

2008: “Friend of Public Health” Award, Portage Co. Health Dep.

2009: “Champion of the River”, Cuyahoga River RAP, Cuyahoga American Heritage River

2010: “Award for Years of Service on the Policy Committee”, Portage County Solid Waste Management District

Edith is still on the telephone, still traveling, still testifying, still attending meetings, still talking to anyone who will listen, still asking questions, and still at it. In fact you may just happen to see her in the audience at any meeting that has anything to do with Lake Erie, its shoreline and its tributaries.

Joan Sturtevant

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Master Plan for Port Clinton Waterworks Park and Downtown Presented to Officials in May!

Port Clinton city officials reviewed the recently completed master plan for the Waterworks Park area at a special meeting held in May, 2011. According to the presentation by Jeffrey Homans, vice president of URS Corp., and manager Thomas Evans, **the 200,000 square feet of development proposed could accommodate hotels, retail operations, residential units and restaurants while offering ‘walkability’ and a unique sense of place.**

The cost of improving the infrastructure would be about \$6.7 million, but that could be done in what he called “bite-sized pieces”. The plan was not intended to suggest specific uses, Homans said. “To keep those options open is important” he said. “There’s a lot of flexibility ... What’s important, I think, is the basic layout, its relationship to the water, and its relationship to downtown.”

The study concluded that a lake marina, and especially the breakwall that would have to be built to protect it, would be costly and would not offer a reasonable benefit to the city. **Instead, the study suggested a 20-slip transient marina, which was tentatively called the ‘Madison Street Marina’ to be built along the Portage River. “It’s a more protected site, more cost-effective and also helps to form a link between downtown and waterfront property.” A promenade that optimizes the waterfront experience was recommended.**

In February of 2011 URS presented two alternative plans for the Waterworks Park area. Evans said the people at the February session preferred the plan with more open space and less development. **“It wasn’t a close call. It was a pretty clear preference for Plan B,” he said. He said the plan offers a compact development area, “walkability” and a unique sense of place; qualities he said have proven themselves in the marketplace.**

One issue that was identified as a concern was the possibility of contamination at Waterworks Park. An Environmental Protection Agency study of the site done in 2008 was unusual because it was vague. The City has applied for financial help to resolve any contamination under the Waterworks Park building and there is an ordinance before City Council to demolish it. Additional study to learn what is located elsewhere in the park will be needed.

Walter Wehenkel, Ottawa County

Success Story!! Lake Erie Water Snake Recovery!

How much can one person do to bring back an endemic species from a population low of around 2000 to a present high of around 12,000? Kristin Stanford, known as the Island Snake Lady by Lake Erie locals, could give you an example. For the last 10 years she has been working to do just that with the Lake Erie Water Snake (LEWS), a harmless snake that is listed on the United States Fish & Wildlife Service (USFWS) federal Threatened Species list and Ohio’s Endangered Species list (www.ohiodnr.com).



When the glaciers melted over 4000 years ago, a large population of northern water snakes was stranded on limestone islands in Lake Erie. Over time they developed into a new race of northern water snake. More recently, as humans populated and developed the islands the snakes lost a lot of their habitat and slowly declined in numbers. **When the snake was federally listed it was stated that humans were the main cause of the population decline.**

Tracking migration patterns, learning of their habitat needs, interacting with people, spreading the word that snakes are not ‘bad’ – changing people’s opinions of the snakes – were all part of (Continued on Pg. 3, Col 1)

Water Snake Recovery (Continued from Pg. 2)

what went into Kristin's research.

"Kristin's research found that the LEWS often stay within 13 meters of the shore. This finding helped her work with agencies, private landowners, and the Lake Erie Islands Chapter of the Black Swamp Conservancy to permanently protect 11 miles of shoreline and 300 acres of habitat for the snake. In 2008 Kristin and her mentor Dr. Richard King of Northern Illinois University, who has been researching the LEWS since the 1980s, relocated LEWS to protect the animals during the Middle Bass Island Marina construction and built two artificial hibernation areas. " (*TwineLine* 2011 Winter/Spring Ed)(www.ohioseagrant.osu.edu/publications/twine/line/) The USFWS is now finalizing the process of delisting the Lake Erie Watersnake, thanks to Kristin's efforts resulting in delisting criteria being met.

Joan Sturtevant: Info: www.ohiodnr.com

Asian Carp Update – Hydraulic Separation Needed Continuing controversy swirls around how to stop the Asian Carp from entering the Great Lakes Ecosystem and River Basin

"The threat Asian carp pose to the Great Lakes community may be politically controversial, but pales in comparison to the costs and danger of continuing to wring hands over established facts. It's time, a Michigan State University fisheries expert says, to let science drive policy and put knowledge into action.

"You know it's big when academics and the management community say we don't need five more years of study," said Bill Taylor, University Distinguished professor in global fisheries sustainability at Michigan State University and a member of MSU's Center for Systems Integration and Sustainability. **"The costs of hydrological separation are high, but it's a one-time expense and remediation in the Great Lakes from these invasive species will eventually make separation look cheap."**

Taylor and his fellow researchers/authors – Jerry Rasmussen of Natural Resource Management Associates in Le Claire, Iowa; Henry Regier, University of Toronto; and Richard Sparks, a senior scientist at the National Great Rivers Research and Education Center, Godfrey, Ill., - published 'Dividing the Waters: The Case for Hydrologic Separation of the North American Great Lakes and Mississippi River Basins' in the July Issue of *The Journal of Great Lakes Research*.

"The authors conclude that the threats posed by the Asian carp and other invasive species remain high and warrant action to prevent further ecological and economic harm to the Great Lakes ecosystem. Implications that more study is needed are exasperating the science community, Taylor said. Science has done its job by reaching thoughtful and clear conclusion. Now, he said, is a time for action – or at the least a clear decision not to take action.

"I am tired of studying what we already know is going to happen," Taylor said. "We've watched this coming on for 10 years. We know what's going to happen.

"Taylor said science clearly points to the likelihood that invasive Asian carp, which are voracious feeders, will prove to be highly effective food competitors to native fish species. **It's not the vast open areas of the Great Lakes he sees as threatened, but rather the lake's near shore areas, wetlands and tributaries – rivers that now serve as rich habitat for diverse and highly productive fish communities, including our economically important game fish.**

"The Asian carp are going to whack the tributaries," Taylor said. "They're going to eat all the food – they eat anything they get in their mouth and that means they'll eat the food base that our resident fish would normally eat. They will change the food web and dominate our streams and near shore regions in the Great Lakes basin."

Joan Sturtevant INFO: *Science Daily* June 30, 2011; (www.sciencedaily.com)

Letters to the Editor

"One-Stop Shop" for CAFO's?

Ohio has undergone a huge shift toward industrialized livestock production – so you would assume there would be strict regulatory oversight to protect public health and the environment. After studying the Ohio Department of Agriculture's large livestock permitting program, it was troubling to find that the original rules intended to protect the environment have been systematically removed or weakened over the past five years.

According to experts, improperly applied manure has caused significant environmental problems and the #1 source of algae-growing phosphorus is farm runoff. There were catastrophic algae problems last summer associated with industrial livestock farms, not only in Grand Lake St. Marys, but in Lake Erie and elsewhere. The answer is not to allow more manure to be applied to saturated farm fields, nor is it to haul the manure to other states. We must stop the pollution – not find ways around it. We must stop listening to the emotional rhetoric of industry and the greed behind it. These industrial operations are artificially propped up by political influence and government subsidies. Many of these industrial operations are simply too large to be sustainable so they exploit and degrade the environment.

The ODA is currently petitioning the US EPA for authority over Ohio's Clean Water Act permitting program for Concentrated Animal Feeding Operations. If this should happen, the ODA would be a "one-stop shop" for CAFOs. This transfer would remove all the checks and balances for CAFO oversight and could further jeopardize Ohio's water resources.

Please contact your federal representatives. Ask them to contact the US EPA and request that Ohio's CWA oversight remain with the Ohio Environmental Protection Agency and not transferred to Ohio's "agricultural protection agency".

Water is necessary to human life. When they threaten our water – they threaten our lives. We must remember that we have only one beautiful planet and we all have a responsibility to protect it for our children and grandchildren.

Vickie Askins, Cygnet, OH Wood County Citizens Opposed to Factory Farms www.wccoff.org
Steering Committee – Ohio Environmental Stewardship Alliance

More Mercury Entering Lake Erie???

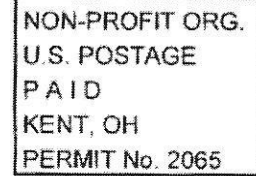
The Environmental Protection Agency has given regulatory approval to more than 70 waste-water treatment plants for mercury discharges **above their permitted limits**. Among those are plants in Mentor and Madison, which can now discharge higher levels of mercury into waters that eventually reach the shorelines – and into Lake Erie.

Long past are the days when chemistry students would roll the mercury around on their palm or watch it roll over the desk top!! Today this waste comes from local industrial uses as well as dental offices. "In the mid-1990's, the Great Lakes Initiative set the limit for discharging mercury at 1.3 parts per trillion, comparable to one drop in 20 Olympic-size swimming pool." (Kent Record-Courier 7-26-11) **Think about it:** How does **MORE** mercury ultimately getting in to Lake Erie improve the water quality????

Mercury is a persistent bio-accumulative toxic element. EPA estimates that dentists discharge approximately 3.7 tons of mercury each year, about 50% of the total contributed, to publicly owned treatment works.
USEPA, Dental Amalgam Effluent Guidelines <http://water.epa.gov/>

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FLASH!!

The Ohio Environmental Council reports that the Ohio House and Senate will **not** take a vote to override the Governor's veto. Instead, Ohio Senate President Tom Niehaus and Ohio House Speaker William Batchelder will work together to tweak the bill for the bare minimum to comply with the Great Lakes Compact. Thresholds will be lowered to what?? Less water in Lake Erie means more concentrated pollution and more impacts, such as harmful algal blooms. Ohio really **benefits** from clean water so **PROTECT LAKE ERIE!** *Edith Chase, from Kristy Meyer, The Ohio Environmental Council*

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Reduction of CSO Effluent Ahead!

The Northeast Ohio Regional Sewer District (NEORS D) recently received approval from the U.S. District Court in Cleveland to move ahead on a \$3 Billion pollution control deal with the U.S. EPA. This Sewer District serves Cleveland and 61 neighboring communities.

NEORS D had to find a way to reduce discharges of about 4.5 billion gallons a year of untreated waste into waterways which then goes into Lake Erie, contributing heavily to beach closings and water pollution. This often happens during times of heavy rains and flooding when sewage by-passes the treatment plants. About 25% of this sewage is from Combined Sewer Overflows from about 126 outfalls, some built in 1876. Discharges must be reduced about 90% to 500,000 gallons per year by 2036.

How to do this? Think huge storage tanks – then think huge tunnels! The plan is to build seven tunnels which would store this wastewater until things calmed down a bit and this overflow could be treated. **The tunnels will be 300 feet underground, from two to five miles long and up to 24 feet in diameter.** “The tunnels are similar to the nearly complete Mill Creek Tunnel, a structure with the capacity to store 75 million gallons of combined sewage for treatment at the NEORS D southerly Wastewater Treatment Plant. In 2011, NEORS D will begin construction on its second large-scale project, the Euclid Creek Tunnel System. The five other remaining tunnel projects are: The Dugway Tunnel, Shoreline Tunnel, Southerly Tunnel, Big Creek Tunnel and the Westerly Tunnel.” (*Project Clean Lake NEORS D* www.neorsd.org). In addition, “The district also must invest at least \$42 million in so-called green solutions, which rely on plant and soil systems, green roofs and cisterns and other methods to capture, store and filter storm water before it reaches combined sewer systems.” (*Akron-Beacon Journal* 7-9-2011)

Joan Sturtevant INFO: Akron-Beacon Jrnl. www.thebeaconjournal.com
 For more information: ChapmanJ@neorsd.org

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