

Prairie River Notes

A publication of Prairie Rivers Network

Volume 12, Issue 2

The Illinois Affiliate of the National Wildlife Federation

Summer 2010

Big Wheels Keep on Rolling

by Cecily Smith,
Water Resources Specialist

What's 40 feet long, almost 9 feet wide and lurks next to Illinois rivers? It's the Traveling Science Center (TSC), a river-education project sponsored by Prairie Rivers Network and the Illinois Natural History Survey. Housed in a trailer, the TSC is a mobile encyclopedia on Illinois rivers, complete with vivid, interactive and fun exhibits. Since April, more than 1,500 school-aged kids and adult visitors have toured the TSC, learning about Illinois' best natural feature: our rivers!

In May, the TSC made its public debut as part of the Kickapoo River Discovery Day at Kickapoo State Park. Activities included a get-your-feet-wet aquatic insect workshop, and viewing tanks full of fish, turtles and mussels from the Middle Fork of the Vermilion River. Designated a National Scenic River in 1989, the Middle Fork is the premier jewel among Illinois' rivers; its healthy river habitat supports more than 57 types of fish and 190 different birds.

Unfortunately, the Middle Fork is not typical of many of Illinois' rivers and streams. The TSC tells the story of Illinois's degraded rivers and water quality problems; its



exhibits explain the complexity and dynamics of healthy river ecosystems, trace historical changes to Illinois' rivers from agriculture, industry and development, and also provide individuals with actions they can take to clean up and protect their local streams.

Although schools are the primary stopping point for TSC visits, PRN and the Natural History Survey will continue to take the TSC on the road for weekend River Discovery Programs. We will be celebrating this year's "It's Our River Day" with a Sangamon River Discovery Program on Saturday, September 18th. The Sangamon River is perhaps best known for its historical connection to Abraham Lincoln; as a young man, he and a friend hired themselves to ferry cargo from close to Springfield all the way to New Orleans. However, the Sangamon is also home to a variety of flora and fauna, which can be enjoyed in natural areas such as Allerton Park in Monticello and Rock Springs Conservation Area near Decatur.

Details on the Sangamon River Discovery Day will be posted soon on our website. If you are interested in scheduling the TSC for a school, camp, or event visit, please contact Jen Mui at jmui@inhs.illinois.edu.



Table of Contents

A Message from our Executive Director 2	Helping Homeowners Manage Stormwater. 3	PRN Studying Public Waterway Rights..... 6
PRN Annual Dinner - Oct. 29th..... 3	Illinois Contaminated by Coal Pollution..... 4	Webpages for Watershed Groups 7
River Steward Nominations 3	How You Can Help Coal Problem 5	Thank You Interns & Volunteers Needed..... 7

A Message from our Executive Director



Dear River Friends,

Greetings! With summer coming to a close, I hope that you are able to look back on some enjoyable adventures. At Prairie Rivers Network, we kicked off the summer with a lovely adventure – our member hike at Bell Smith Springs, in the Shawnee National Forest. Clear, spring-fed streams ran through a unique canyon landscape, surrounded by lush forest. Natural pools were plentiful, and we made frequent use of them during our hike. Our guide, Sam Stearns of the Friends of Bell Smith Springs, showed us beautiful areas that would have been destroyed by logging if not for the actions of local activists. It was a pleasure to take time to appreciate the beauty of natural places that have been saved; it helps rejuvenate us for our continuing work to protect clean water and healthy rivers in Illinois.

In this issue of *Prairie River Notes*, we share some of our current efforts to protect our rivers. Traci Barkley writes about how we are fighting pollution from coal-fired power plant waste. Coal is expanding in Illinois, and Prairie Rivers Network is at the front of the fight to make sure that this historically under-regulated industry is held accountable to high standards for preventing pollution and habitat destruction (see page 4). Board member Eric Freyfogle and Legal Intern Jill Rountree discuss the public's right to swim, paddle, and fish in Illinois rivers. Many readers may be surprised to learn that state law restricts public access on many of our rivers and streams (see page 6). Alison Meanor highlights resources available on our website, part of our continuing program to help clean water advocates across Illinois be more effective in protecting local waters (see page 7).

We are also pleased to report on some recent achievements:

- Working with many other Illinois and national groups, we fought off an unwise taxpayer subsidy for the Mississippi barge industry, keeping it out of this year's

plan for federal expenditures along the river (the 2010 Water Resources Development Act, now in the US Senate). The lock and dam system along the Upper Mississippi supports dwindling levels of barge traffic at untold cost to the great river's ecosystem; further subsidies that mask true costs and benefits of that system are not in the public interest.

- With the Illinois Natural History Survey, we launched our rivers-themed Traveling Science Center. This vehicle has visited schools in Central Illinois, inspiring young people to learn about and care about our rivers. This fall, we will launch a companion program, River Discovery courses. These field courses will get adults out onto local waters to inspire an appreciation of rivers and learn about local issues affecting river health (see Cecily Smith's article on page 1).
- We helped Champaign residents deal with flooding problems by providing tools and education on what people can do at the household level to help rain water soak into the ground so less runs off into city streets. We distributed 50 rain barrels in two flood-prone neighborhoods, and helped residents build a demonstration rain garden. Rain barrels and rain gardens help reduce water pollution and help local streams by reducing unnatural flood surges that scour banks and wash away stream life (see Stacy James' article on page 3).

As always, thank you for your support; we couldn't do our work without you. We hope to see you at our Annual Dinner October 29th.

Sincerely,

A handwritten signature in black ink that reads "Glynnis Collins". The signature is written in a cursive, flowing style.

Glynnis



... strives to protect the rivers and streams of Illinois and to promote the lasting health and beauty of watershed communities.

By providing information, sound science, and hands-on assistance, PRN helps individuals and community groups become effective river conservation leaders.

Board of Directors

Jon McNussen, President
Eric Freyfogle, Secretary
Charles Goodall, Treasurer
Brian Anderson
Margaret Bruns
Clark Bullard
Dan Deeb
Jean Flemma
Jason Lindsey
Chad McKenzie
Michael Rosenthal

Staff

Glynnis Collins - Executive Director
Steph Adams - Development Coordinator
Traci Barkley - Water Resources Scientist
Stacy James - Water Resources Scientist
Laura Kammin - Habitat Conservation Specialist
Kim Knowles - Water Resources Specialist
Alison Meanor - Water Resources Advocate
Vickie Nudelman - Operations Manager
Cecily Smith - Water Resources Specialist
Sarah Scott - Support Staff

PRN Annual Dinner - Oct. 29th

Save the date! Prairie Rivers Network's Annual Dinner will again be at the I Hotel in Champaign on Friday, October 29, 2010.

Keynote speaker: The **Rivers Corps of Discovery** will bring the beauty of our rivers to life with their presentation: Impressions, Discoveries and Adventures.



The River Corps of Discovery, developed by biologists Dr. Michael Jeffords, Susan Post, and Carolyn Nixon, at the Illinois Natural History Survey, is based on the original Lewis & Clark Expedition that started in Illinois and became one of the greatest exploratory endeavors undertaken on the North American continent. The members observe and record the beauty and changing nature of Illinois' river systems with sketches, photographs, journals, and other artistic media.

Formal invitations and RSVP instructions will be available on our website and mailed out next month.

River Steward Nominations

Do you know a volunteer who is working hard to protect the state's rivers and streams? Help celebrate and elevate their important work by nominating them for our 6th annual River Steward Award.

There are many dedicated citizen volunteers around our state that spend countless hours working to protect Illinois' rivers. They educate us; they do the legwork; they speak the unpopular truths; they go above and beyond.

Prairie Rivers Network wants to recognize and celebrate these river stewards, sharing their victories and inspiring other river advocates around the state.

The River Steward Award winner will be announced at our Annual Dinner. The honoree and a guest, as well as the nominator, will be invited to attend the dinner.

Go to prairierivers.org for nomination guidelines and to see past winners. Deadline for nomination is September 17th.

Helping Champaign Homeowners Manage Stormwater

by Stacy James, Water Resources Scientist

PRN is very excited to have been awarded a 2010 Environmental Grant from Illinois American Water. The grant is funding our new stormwater outreach campaign called "Reining in the Rain in Champaign." We are working on this campaign with the City of Champaign, the John Street Watershed Steering Committee, the Washington Street East Watershed Steering Committee, and the Washington Street West Watershed Steering Committee.

Prairie Rivers Network is using the grant to promote the adoption of green infrastructure in the community. Green infrastructure is a way of managing stormwater with less reliance on pipes and other man-made materials. Residents can help reduce the amount of water that floods streets and storm sewers by getting more rainwater and snowmelt to soak into the ground on their own properties. Two types of green infrastructure that homeowners can easily install are rain gardens and rain barrels.



On June 5, a rain garden was created at a private residence in Champaign's John Street neighborhood. A volunteer crew of 14 people assisted with the project, which was planned and supervised by Prairie Rivers staff. Our thanks go out to this hearty crew and the homeowners, who labored through rain and in muddy conditions.

Two weeks later, we gave away 50 rain barrels to homeowners in the John and Washington Street neighborhoods. The barrels were manufactured by Prairie Rain Harvester, a business based in Farmer City, IL and a Prairie Rivers supporter. Residents were very grateful for the barrels, and were excited about

having a free water supply for their flowerbeds.

Later this summer, PRN will be completing two more rain gardens in the Washington Street neighborhoods. If you would like to find out more about rain gardens or barrels, please contact Stacy (sjames@prairierivers.org, 217/344-2371).

Illinois Contaminated by Coal Pollution

by Traci Barkley, Water Resources Scientist

In Illinois, the oversight and permitting of the disposal of coal ash is insufficient to ensure adequate protections of our water supplies, resources and communities. Coal ash is a dangerous waste product of burning coal. Depending on where the coal ash is disposed of, different regulations and units of government apply. For example, if coal ash is disposed of onsite at a power plant or in a coal mine or a quarry, no permit is required and no review of potential threats to groundwater or surface waters is conducted.

Yet over the past 10 years, additional research by the National Academies of Science, USEPA, and academic researchers has shown that some of the initial assumptions about how to safely dispose of coal ash have been false. Citizens have been working over the past decade to convince regulatory agencies that greater protection for water resources and public health is merited, but agencies have resisted due to industry pressure. It took a major ash impoundment failure in late 2008, where residents living near the Tennessee Valley Authority Kingston Steam Plant were flooded with approximately 1.6 billion gallons of toxic coal sludge, for Illinois decision makers to start investigating further.

In February of 2008, then-Lieutenant Governor Pat Quinn requested a thorough assessment of the threat posed by coal ash impoundments from Illinois EPA's Director Doug Scott. The evaluation was limited only to the coal ash impoundments, or wet storage sites at power plants, leaving coal ash landfills and coal mine dump sites uninvestigated at this point.

Over the last eighteen months, IEPA has evaluated Illinois' eighty-three ash impoundments on the basis of structural integrity and potential for leakage to groundwater and drinking water wells. What the Agency has found and reported is startling:

- 1. Most coal ash impoundments do not have liners to contain waste and prevent pollution of groundwater.***
- 2. Groundwater monitoring was not required at most coal ash impoundments.***

- 3. Groundwater is contaminated at all power plant sites evaluated (6 of 24).***
- 4. Dams creating the impoundments at most sites are unpermitted and have not been inspected for safety or stability by the Illinois Department of Natural Resources – Office of Water Resources.***

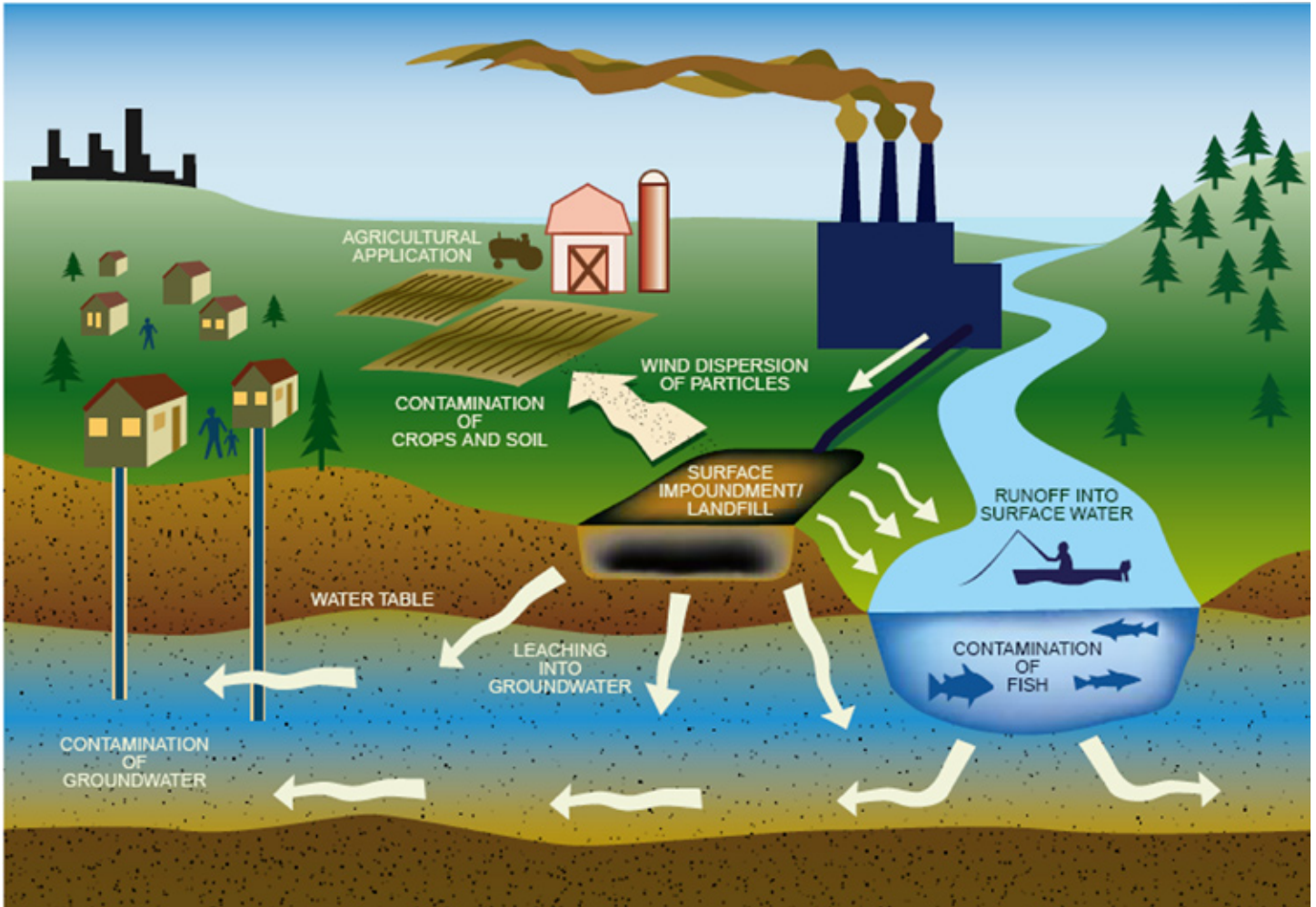
This is in addition to the seven contamination sites in Illinois acknowledged by the USEPA in a 2007 report and an additional site contaminated by coal ash in Vermilion County, according to a 2009 Earthjustice report.

Now, in a new report, an additional three contamination sites have been documented in Illinois by Earthjustice, with support by PRN staff.

The report is expected to be released in mid-August. As citizens, public interest groups and regulatory agencies investigate more ash disposal sites, unfortunately more contamination resulting from the improper disposal of coal waste will likely be found.

But don't be discouraged. After decades of fighting to get this waste regulated as the hazardous material it is, we are now close to a resolution. The USEPA is proposing two possible alternatives for regulating coal ash. One alternative will allow states to escape further regulation and continue with business as usual. The second alternative will require states to take coal ash waste seriously. The coal and electric utility lobby will be loud, but we must be louder!

**YOUR VOICE
IS
NEEDED
TO
FIGHT BIG COAL!**



This diagram shows how pollution from coal-fired power plants and coal ash impoundments can make its way into our waterways and drinking water supplies.

How You Can Help Reduce Illinois' Coal Pollution Problem

Prairie Rivers Network would like to thank all of our members and supporters who have helped us so far in calling for stronger regulation of coal industry pollution. Our

members have been attending meetings, signing petitions, and donating their money. We still need more money, we still need you to show up at meetings, and we need your voice.

Attend the Public Hearing in Chicago!

Citizens from all over the Midwest will be gathering on SEPTEMBER 16th in Chicago to show their support for federal regulations for coal ash waste that will protect our drinking water.

Date: September 16, 2010

Time: 10am to 12pm, 1pm to 5pm, 6:30pm to 9pm

Where: Hilton Chicago, 720 South Michigan Avenue, Chicago

Pre-Register: <http://www.epa.gov/wastes/nonhaz/industrial/special/fossil/ccr-rule/ccr-form.htm>

Collect POSTCARDS for Public Comments!

We have a goal of collecting 5,000 public comments throughout Illinois.

We need EVERYONE to make this happen!

If you are able to collect comments in your community, we'll send you postcards.

Please contact: Traci Barkley (tbarkley@prairierivers.org or 217/344-2371) to coordinate carpooling to public hearing or for more information on public comment postcards.

PRN Studying Public Waterway Rights

by Eric Freyfogle, PRN Board of Directors, and Jillian Rountree, PRN Legal Intern

One reason why Prairie Rivers Network works to keep rivers and lakes healthy is so boaters and anglers can enjoy them. What waterways, though, are open for public use, and what rights do the public have?

Prairie Rivers Network is studying this important legal issue to help bring greater certainty to public rights. The study will produce a full legal analysis of public rights in Illinois waterways as a tool to help all parties concerned—landowners, waterway users, and law enforcers—understand their rights and responsibilities.

Public rights in waterways have been enshrined in Anglo-American law for centuries. In England, the public had vast rights to use all navigable waterways and fiercely protected their rights against invasion by landowners and the Crown. Nearly all disputes involved fishing, including shellfish harvesting. Rarely did people argue over the use of rivers for travel or transport. Indeed, even nonnavigable waterways were commonly open for public use as “public highways.”

This legal scheme was adopted in the United States in modified form. The chief modification was that navigability was legally expanded to include all waterways navigable in fact, whether or not subject to tides. As in England, disputes over navigability centered on rights to fish and occasionally hunt; few disputes actually involved travel, recreation, or transport, which took place freely whenever physically possible.

Today’s uncertainty about public rights arises mostly because waterways are governed by law coming from both states and

the federal government. Too often, even trained lawyers ignore this fact; they look only to state law, not realizing that public rights also arise under and are protected by federal law. A state cannot restrict public rights that arise under federal law. It can only go further and expand public rights beyond what federal law provides.

Rulings by the Illinois Supreme Court, mostly from around a century ago, imply that Illinois law does not extend public rights beyond those arising under federal law. For Illinois residents, then, federal laws are the important ones. A much-overlooked provision of federal law is the still-binding Northwest Ordinance, under which all “navigable waters” in Illinois, “and the carrying places between the same, shall be common highways and forever free.” The federal navigation servitude directly protects public rights as does the public trust doctrine, which applies to all lands beneath navigable waters, even when privately owned.

These and other federal provisions contain general definitions of navigability. Taken together, they guarantee public rights to travel and fish in all waterways navigable in fact, which seem to include all waters capable of floating a canoe. The need for modest portages does not undercut navigability, nor do log-jams or human created obstructions (e.g., dams).

The PRN study will cover, not just these basic issues, but further details about public rights, including incidental rights to use shorelines and gain access to waterways from public roads. The study will also consider when a waterway obstruction qualifies as a public nuisance—creating potential liability (perhaps even criminal liability) if the obstruction is deliberately inserted—and the resulting rights of boaters to use self-help to remove obstructions. We hope this study will allow more Illinoisans to enjoy their waterways.



Ready to Unveil! Webpages for Watershed Groups

by Alison Meanor, Water Resources Advocate

If you have a stake in watershed protection and improving the water quality in Illinois, you need to visit PRN's "**For Watershed Groups**" webpages. Everyone - from experienced watershed planners and land managers to organizers of grassroots watershed groups - will find beneficial information on our website.

- Learn about who PRN partners with as we work toward watershed protection.
- Take our Watershed Survey and tell us the educational needs of your watershed group, planning agency, or consulting firm.
- Download toolkits and publications, including PRN's Toolkit for Watershed Groups titled "Tools for Protecting Your River" to help run/organize your local river group.

- Gain valuable knowledge, skills, and techniques presented in PRN's 2009-2010 watershed workshop series.

The "**For Watershed Groups**" webpages will be continually updated as we hold additional workshops and find relevant resources for watershed groups, planners, and managers.

Please send your ideas and comments to Alison at ameanor@prairieivers.org. Your input is welcomed as we make this a site you'll return to again and again!

Materials From Past Workshops That Are Available Online Include

- o grants and funding sources available for watershed protection efforts
- o tips on writing 319 grant proposals
- o on-line watershed planning tools and training
- o building partnerships, organizing volunteers, and broadcasting your message

Thank You Interns and Volunteers!

PRN's summer interns and volunteers ROCK! Thank you for donating your time to help our community.

Eli Chen (Hoffman Estates, IL) is helping PRN monitor key water issues, among various other tasks. Eli also serves as PRN's link to Students for Environmental Concerns (SECs) and is working to bring coal activist and Huffington Post blogger Jeff Biggers to speak at the University. She is currently a double major in Earth Systems, Environment and Society; and Creative Writing. Eli aspires to become an investigative environmental journalist in developing countries.



Jillian Rountree is researching and writing about recreational water access laws for PRN and Professor Eric T. Freyfogle, PRN Board of Directors Secretary. She graduated from the University of Illinois in 2008 and will be a second-year law student at Indiana University in Bloomington, Indiana this year. She spent the first part of her summer interning at a law firm in Delhi, India. Jillian hopes to continue her research into other water access and pollution issues as she continues her summer at PRN.



Brian Perbix is serving as PRN and Sierra Club's coal mining outreach staff and is assisting citizens and citizen groups in three coal-impacted areas of the state to form Illinois Coal County Teams (CCT). Brian is also building the organizational capacity of the CCTs, conducting water quality monitoring, increasing community awareness through education and outreach, and securing future funding to further support the Illinois Coal County Teams.



Madeleine Mahan is volunteering as an AmeriCorps VISTA intern at PRN working on developing a manual for managing partnerships in coal-impacted watersheds. She is also helping design a new volunteer stream monitoring program incorporating testing for coal-related pollution. Madeleine majored in geography at the University of Illinois and is heading to Illinois State in the fall to pursue a masters in hydrogeology.



Looking for More Volunteers

PRN is looking for more volunteers. Please contact Steph (sadams@prairieivers.org) if you are interested in donating your time or skills.



1902 Fox Drive, Suite G
Champaign, IL 61820
217/344-2371
www.PrairieRivers.org

Non-Profit
U.S. Postage
PAID
Champaign, IL
Permit No. 858

Upcoming Events

Vermilion River Conservation Opportunity Area Meeting

August 25, 2010

Vermilion County Extension Office
12190 US Route 150, Oakwood, IL
lkammin@prairierivers.org

River Steward Nominations Deadline: Sept. 17, 2010

How to Prepare a Third Party TMDL for the EPA Workshop for Watershed Groups

October 5, 2010

Hilton Garden Inn, Champaign
ameanor@prairierivers.org

Rain Garden Talk

October 19, 2010

Good Shepherd Lutheran Church, Champaign
sjames@prairierivers.org

Jeff Biggers in Champaign!

Author of: Reckoning at Eagle Creek:
The Secret Legacy of Coal in the Heartland
October 25, 2010

University Bookstore, UIUC

Prairie Rivers Network Annual Dinner

October 29, 2010; 6pm reception, 7pm dinner
I Hotel and Conference Center, Champaign

Photo Attributes: Jason Lindsey, www.JasonLindsey.com - pg 6 and border; Prairie Rivers Network - pgs 1-3; Alan Morin - pg 5;
Insert Photos: House in coal ash spill - US Gov't at Wikimedia Commons; Coal power plant, unknown location - D. Scott; Coal ash
dumping, unknown location - J. Stant

Prairie Rivers Network is a member of EarthShare of Illinois. If you participate in a workplace giving campaign, look for ESI
and you can designate PRN to receive your contributions.

