Prairie River Notes

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Photo credit: Prairie Rivers Networ

Legislation to Require Fees for Water Pollution Control Permits Introduced

Prairie Rivers Network Staff

On February 19, 2003, Senator Susan Garrett introduced SB 1060, a bill that would assess fees for water pollution control permits in the State of Illinois and deposit those fees into a new Illinois Clean Water Fund.

Illinois is one of forty-three states with delegated authority from the U.S. Environmental Protection Agency under the Clean Water Act to administer a water pollution control permit program. These permits, known as National Pollution Discharge Elimination System (NPDES) permits, are required to discharge pollution to any waterbody of the United States. NPDES permits must impose water pollution discharge limits on point sources, specifying the amount and type of pollution that can be legally discharged, and spelling out requirements for monitoring water quality and

Threats to Wetland Protection at State and Federal Level

Jean Flemma, Executive Director

Wetlands are critical for flood control, protection of water quality and propagation of wildlife. Unfortunately, the State of Illinois has lost approximately 90% of its original wetland acreage. To protect the wetlands that remain, the state has traditionally relied on the federal government, especially the U.S. Army Corps of Engineers and the Environmental Protection Agency.

Unfortunately, recent court decisions have resulted in gaps in federal protections for wetlands. In particular, the federal courts have held that the Clean Water Act does not protect wetlands against many activities that can destroy them, including certain draining and excavating activities. Further, in 2001, the U.S. Supreme Court held in *Solid Waste Agency of Northern Cook County* v. U.S. Army Corps of Engineers (the "SWANCC decision") that wetlands are not protected under federal law at all unless they are connected to or adjacent to navigable waters.

Due to that decision, the Environmental Protection (continued on 3)

biological trends and reporting compliance with the permit.

Facilities that typically apply for and receive NPDES permits in

Point source pollution Illinois include municipal sewage treatment plants; industry; coal, gravel, and aggregate mines; some large confined animal feedlot operations; municipal combined sewer overflows; and stormwater discharges for cities and industrial and construction sites falling within certain parameters.

Among the forty-three states with delegated authority to administer a permit program, Illinois is one of only eight that does not charge fees for issuing NPDES permits, though it costs millions of dollars each year to process, issue, and monitor compliance with these permits. As a result, Illinois taxpayer dollars are subsidizing the

(Continued on 6)



Wetlands 101: How to Tell a Swamp from a Fen

Emily Bergner, former staff member, Prairie Rivers

Wetlands are an essential part of the natural environment. They provide habitat for an abundance of living creatures, control flooding, clean water, provide recreational opportunities for people, and are beautiful and interesting places to visit and admire. Many wetlands are adjacent to rivers and are necessary to the river's ecosystem, serving as breeding grounds for fish and habitat for young fish and other river creatures. (Continued on 5)

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Working Together, We can Renew Illinois' Rivers!

Last fall, I was offered the opportunity to work with an incredibly talented group of people, the staff and volunteers that are the backbone of Prairie Rivers Network. I feel very lucky to be working with an organization that strives to give individuals and local groups the tools they need to help reduce pollution, protect habitat, and ensure the long-term health of the rivers and streams of Illinois. These waterways are the lifelines of this state. Paddlers, birders, and anglers flock to them daily; wild species by the thousands live on and in them; and from them millions of Illinois residents draw the water that sustains their lives.

Pollution and many land-use mistakes have degraded many of Illinois' rivers. Still, working together, the prospects are good for reviving their health, their beauty, and their recreational appeal. Working together, we can make the Prairie State an even more attractive and enjoyable place to call home.

As many of you may know, I spent the past thirteen years working in Washington, DC for the House of Representatives. During that time, I was involved in a broad range of environmental policy debates and learned something very important along the way: the way to improve environmental policies and regulations is with strong citizen interest and support. One Representative I worked for used to tell groups he spoke to, "You <u>can</u> influence public policies and protect your environment, if you mobilize and make your voices heard." This is not something you would expect to hear from a "Washington insider" who had been working in DC for twenty-five years, but he really believed it, and we both had seen the results of such efforts. That is why I believe the Prairie Rivers Network approach to protecting our rivers and streams is so important. Every year, an estimated 400-500 permits are issued or renewed by the state to allow pollution discharges into our waters. Countless other projects to develop, dredge, and degrade our rivers are also proposed. Prairie Rivers cannot possibly track all of these impacts. Instead, we work together with interested citizens—so that they can be the eyes and ears of their individual watersheds. By working together, we create a strong force of individuals throughout the state promoting the health of Illinois' streams.

One of our newest efforts in this regard is the development of a training program to teach other watershed activists how to evaluate and comment on pollution permits that are being proposed for their area. We held our first training in January, and it was a big success.

In years to come, we will continue our commitment to conserving the rivers and streams of Illinois. We will also continue our efforts to educate and mobilize others who share our vision that Illinois' rivers can once again be corridors teeming with fish and wildlife stretching throughout the State—perfect for fishing, or canoeing, or just watching the birds fly by. Still, we are only as strong as our many voices, and you are essential to our success. Thank you for the opportunity to work with you.

Tenna

Executive Director Prairie Rivers Network

McKnight Foundation Issues Challenge to Prairie Rivers Network Members

In December, Prairie Rivers received a grant of \$40,000 from the McKnight Foundation – and an exciting challenge:

The foundation will match dollar for dollar up to \$10,000 all donations that Prairie Rivers receives between December 18, 2002, and November 30, 2003, from new donors or from our present members who increase their level of giving to Prairie Rivers. Any new donation and any donation that exceeds the total given by a member in 2002 will count toward the McKnight Foundation match total.

McKnight is a Minneapolis-based foundation which for several years has generously supported Prairie Rivers' work to restore and protect streams in the Illinois River Basin. We are very pleased that the foundation chose both to continue that support and to issue this exciting challenge.

We invite you to help us meet the challenge: Consider increasing your support of Prairie Rivers in coming months. And use the membership form on page 9 of this issue to invite family, friends, and colleagues to join Prairie Rivers.

Remember that each new dollar will move us closer to the \$10,000 challenge, and when the challenge is met, every dollar donated will do twice as much to restore and protect Illinois rivers!

Threats to Wetlands, continued from 1

Agency and the Army Corps of Engineers can no longer enforce Clean Water Act protections for some "isolated" wetlands. In Illinois, the State Department of Natural Resources has estimated that about 150,000 acres of our wetlands have lost CWA protection as a result of the SWANCC decision.

In addition, the Bush Administration has now proposed new regulations that could go much further than the SWANCC ruling, leaving many more wetlands, streams, ponds, and lakes at risk, and endangering the health of all our Illinois rivers. Because Illinois lacks a wetland protec-



tion program of its own, the growing loss of federal protections directly threatens our communities with increased flooding, water pollution, loss of recreational opportunities, and wildlife habitat destruction.

The Cache River includes wetland ecosystems containing wetland species such as tupelo and cypress. Photo credit: Jason Lindsey

Some in Congress are working to re-establish the original intent of the Clean Water Act of 1972 to protect all waters of the United States. At the end of February, the Clean Water

Authority Restoration Act was introduced in both the House (H.R. 962) and the Senate

(S. 473). These bills include three important provisions: a statutory definition of "waters of the United States" based on the longstanding definition of waters in the Corps of



Various forms of wildlife can be found in Illinois' wetlands.

interests, including hunting and fishing.

Engineers' regulations; the deletion of the term "navigable" from the Act to clarify that Congress' primary concern in 1972 was to protect the nation's water from pollution rather than just sustain the navigability of waterways; and a set of findings that reaffirm Congress' constitutional authority over isolated wetlands and other waters in order to protect water quality, public safety, wildlife and other public

The effort to re-establish the intent of the Clean Water Act on the federal level could take many months, however, and may not ultimately be successful. This highlights the need to implement a state law to protect wetlands. In Springfield, discussions are currently taking place among county and state officials, environmentalists, and business groups regarding the specific provisions that should be included in an Illinois wetlands protection law. The goal is to pass a bill in the General Assembly before the conclusion of this legislative session.

If you are interested in supporting the protection of the 10% of wetlands that remain in Illinois, you can do several things:

- 1) Call, write, or e-mail your Senator or Representative in Washington, DC. Ask them to co-sponsor the Clean Water Authority Restoration Act (S. 473 or H.R. 962) and to oppose any efforts to redefine the scope of the Clean Water Act through Administration rulemaking and oppose efforts to limit protection for isolated wetlands.
- Submit your comments to the EPA before April 16th on the Administration's rulemaking at <u>http://cascade.epa.gov/</u> <u>RightSite/dk_public_collection_detail.htm?ObjectType=dk_docket_collection&cid=OW-2002-</u> 0050&ShowList=items&Action=view.
- 3) Here in Illinois, you can call, write or e-mail your State Representative or Senator and ask them to support efforts to pass a strong state Wetlands Protection Act that—
 - Addresses the gaps in federal programs and comprehensively protects wetlands in Illinois.
 - Maintains existing local authority and programs that provide adequate protection for wetlands.
 - Charges a fee to cover the costs of the program.
 - Allows exemptions for normal farming in wetlands and other activities that do not destroy wetland functions, consistent with current federal programs.
 - Allows for a permitting process that is efficient, simple, and fair.
 - Makes the Department of Natural Resources the lead agency for decisions about wetlands.

Need help identifying your State and Federal representatives? Just go to http://www.elections.state.il.us/DLS/Pages/DLSaddressCrit.asp and type in your address, or simply call your County Board of elections.

Let's Celebrate! 1st Annual Kickapoo Paddle Festival

The state of Illinois has many miles of beautiful streams and as many opportunites to enjoy paddling and fishing. The members, staff, and board of Prairie Rivers Network know this well, and we have been working to bring this message to many in the state who haven't yet realized how wonderful our rivers truly are!

In order to showcase some of these opportunities, Prairie Rivers has been working with the Illinois Department of Natural Resources and other interested organizations to bring about a paddlesport and river expo. This event will take place Saturday, May 17th (9 AM-6 PM) and Sunday May 18th (9 AM-4 PM), and will be held along

the state's only National Wild and Scenic River, the Middle Fork of the Vermilion, at Kickapoo State Park.

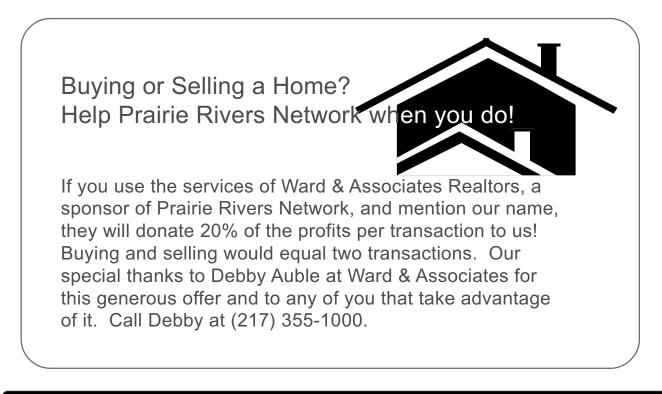
This will be an outdoor family-oriented festival where attendees will see, visit or participate in:

- Information kiosks from canoe clubs and conservation organizations;
- Canoe and kayak manufacturer demonstrations;
- Featured speakers including Prairie Rivers' Clark Bullard and Marc Miller on rivers, recreation, and natural resources;
- Paddle a voyageur canoe with re-enactors from the French furtrading era;
- Canoe and kayak clinics;
- Climbing wall, folk music, and children's corner;
- Walking nature tours; and
- Much, much more!



canoe with reenactors from the French fur-trading era Photo credits: Prairie Rivers Network

For more information, contact event coordinator Missy Schaumleffel at schmlffl@students.uiuc.edu or call Kickapoo State Park at (217) 442-4915.



Earth Share of Illinois is seeking a Campaign Associate to help with its annual workplace fundraising campaign. For info contact E1Michael@cs.com.

Wetlands 101, continued from 1

In broad terms, wetlands are defined as transitional areas between dry land and bodies of water, such as lakes, rivers and streams. More specifically, they contain soils that are frequently wet, plant communities adapted to wet conditions, and have hydrology that is different from non-wetland areas. Individual wetlands can be quite unique, but can generally be grouped according to the source from which they receive water, their dominant vegetation, and their geologic and topographic characteristics.

Perhaps the most familiar type of wetland is a floodplain, the flat, low area adjacent to many large rivers and streams. This area becomes flooded periodically when stream flows are high. Floodplains support a variety of plant species, and provide temporary storage for floodwaters and sediments from the river's watershed.

Marshes are another common type of wetland. They occur along the shallow edges of lakes and rivers, and in poorly drained depressions in the landscape. They are dominated by floating leafed plants, and soft-stemmed aquatic plants. Most water in marshes comes from surface waters, but some ground water also enters marshes. Marshes are the wet-lands with the greatest biodiversity, as well as the highest productivity, of all types of wetlands.

There are a number of wetlands that, like marshes, support primarily herbaceous vegetation, but unlike marshes, derive



Volo Bog, a unique wetland located in Illinois Photo credit: Jason Lindsey, www.perceptivevisions.com

water mostly from precipitation. These include wet meadows and wet prairies, grasslands with waterlogged soils and frequent standing water. Prairie potholes, which develop in the pockmarks left by glaciers, are found mainly in the Dakotas, Iowa, and the Canadian prairie, and may dry up during dry times. Playas are similar to Prairie Potholes, but are found in the southern High Plains of the United States, and occur in low areas. Finally, vernal pools are small, shallow ponds found in both grasslands and forests that are covered at the bottom by bedrock or hard clay, which holds in water. They often have water in the winter and spring, but may be dry in the summer and fall.

Swamps are wetlands with woody plant life—trees, shrubs, or both. They are fed primarily by surface water inputs, have standing water for some of the year, and have very wet soils during the growing season. They often occur in floodplains.

A final category of wetlands are bogs and fens, wetlands containing a spongy organic material called peat. Bogs are found in the formerly glaciated areas of the northern U.S., in the Southeast, and on mountains. They form in old lake basins or depressions in the landscape. As plants present in bogs die and sink, they form a layer of peat and gradually decompose. Bogs are often covered by a layer of sphagnum moss, which supports a mat of floating plants. They contain

evergreen trees, shrubs, and herbaceous vegetation. The water in bogs derives mainly from rainfall, and its high acidity creates conditions for a unique community of species, including carnivorous plants such as the Venus flytrap. Fens, unlike bogs, derive their water from groundwater, and are less acidic than bogs or even basic, which allows them to support a wider variety of plants and animals. They are usually covered with grasses, sedges, reeds and wildflowers, and often look like meadows. They, too, contain a bottom layer of peat, and occur commonly in the same areas as bogs.



Photo credits: Ralph Freese

Wildflowers commonly found in various Illinois wetlands.

Though different, all wetlands have an important part to play in the natural world.

Fees Legislation, continued from page 1

degradation of rivers and lakes valued for drinking water, wildlife, and recreational opportunities. At the same time, Illinois citizens are charged license fees to fish or paddle in our streams. In other words, it costs less today to pollute a stream than to go fishing or paddle a canoe in Illinois!

At a time when Illinois is facing enormous budget shortfalls, and when needs for water quality and conservation are so great, it makes sense to stop subsidizing water pollution and charge fees for these permits. Specifically, SB 1060 will—

- Enable Illinois EPA to collect annual fees for all discharges that require an NPDES permit.
- Establish a fair and equitable fee structure that dischargers must pay to receive an NPDES permit. In general, fees in the bill are structured so that the relatively small dischargers will pay a more modest fee while larger dischargers of toxic chemicals will pay higher fees.
- Create the Illinois Clean Water Fund. The bill directs the fees to be deposited into the Illinois Clean Water Fund which will be used by Illinois EPA to perform NPDES permitting activities and to provide grants to units of local governments in the state to achieve the goals of the permit program, including activities to monitor, maintain, and improve water quality.

It has been estimated that the proposed fees could generate between \$13-15 million annually to administer the NPDES program, improve water quality, enhance wildlife habitat and fishing, and continue IEPA's work to protect Illinois' waters from the harmful effects of water pollution.

If you agree that recipients of pollution permits, not taxpayers, should pay for the costs of administering the permit program, please call your State Senator or Representative and urge them to support SB 1060. You can find them by going to <u>www.elections.state.il.us/DLS/Pages/DLSaddressCrit.asp</u> and typing in your address.

Flawed Restoration Plans May Suggest Trouble Ahead

In February, Prairie Rivers Network scrutinized the pollution clean-up plans for Rayse Creek in Washington and Jefferson Counties, and the East Fork of the Kaskaskia River in Marion and Clinton Counties. These plans, referred to as "total maximum daily loads" or TMDLs, were recently proposed by the Illinois Environmental Protection Agency (IEPA). Required by the federal Clean Water Act, TMDLs determine the amount of pollution that is allowable from various sources throughout a watershed. While the two plans in question include a lot of good information, they also contain significant flaws that we fear will crop up in future TMDLs.

Most disturbing, the TMDLs do not fairly and effectively require reductions from the many sources of pollution affecting these streams. For example, the Rayse Creek TMDL includes recommendations for pollution reduction from agricultural sources while condoning an increase in pollution from a municipal sewage treatment plant. IEPA must develop a strategy for allocating pollution loads that is fair and effective. The precedent the agency is setting with this TMDL is neither.

The treatment of livestock facilities in the Rayse Creek TMDL is also problematic. Several livestock facilities are identified as significant sources of pollution in the TMDL, but IEPA makes no specific recommendations for addressing these sources. The plan further does not specify if any of these facilities are large factory farms which IEPA has the authority to regulate.

The TMDLs examined by Prairie Rivers do not even ensure that the streams will be healthy if the TMDLs are implemented. For many of the pollutants covered, there is no strong link between the water quality goals identified in the plan and the needs of aquatic life in the streams. For example, while the TMDLs suggest that measures be taken to reduce phosphorus and silt to specified levels, these levels are somewhat arbitrary, and there is no evidence provided to suggest that those reductions will be sufficient to assure that the fish and other life will thrive.

If you would like to know more detail regarding these and other technical concerns or would like to read our extensive comments to IEPA contact Prairie Rivers Watershed Scientist Beth Wentzel (bwentzel@prairierivers.org).

Advocates Pack Water Pollution Permit Training

On January 18, 2003, Prairie Rivers Network conducted a full day training session on strengthening water pollution permits (NPDES permits) in the southwest Chicago suburb of Hinsdale. The response to the training was overwhelmingly positive, with more than forty river advocates participating in the program.

The session included a brief overview of the Clean Water Act, reasons to participate in the NPDES permitting program, extensive information on how to review permits, instruction for submitting written and oral comments, a hands-on review exercise, and information on ensuring that terms of permits are enforced. Each participant left the training with the inspiration, understanding, and materials necessary to tackle the next pollution discharge that is proposed in his or her own community.

Prairie Rivers Network plans to conduct additional training sessions on this important topic. If you are interested in attending this type of training, please contact Beth Wentzel (bwentzel@prairierivers.org). More information on NPDES permit review, including our handbook, "Permitting an End to Pollution," is available on the Prairie Rivers' website, www.prairierivers.org.



Former Executive Director Robert Moore and Watershed Scientist Beth Wentzel direct permit training in Hinsdale.



Photo credits: Prairie Rivers Network

Stewards Sought for Middle Fork River

Prairie Grove Volunteers, a group associated with The Nature Conservancy, is looking for conservation-minded groups, families, or individuals to adopt areas along the Middle Fork of the Vermilion River to love and care for, a few days of the year. These areas are located along the portion of the river that runs through the Middle Fork State Fish and Wildlife Area, Kennekuk Cove County Park, and Kickapoo State Park near Danville.

The only designated National Wild and Scenic River in Illinois, the Middle Fork has three dedicated nature preserves along its banks: Horseshoe Bottom Nature Preserve, Windfall Prairie Nature Preserve, and Middle Fork Woods Nature Preserve. Exotic plants threaten these areas, and Prairie Grove Volunteers is asking you to help keep them beautiful and healthy!

Middle Fork Talks and Hikes

In order to introduce potential stewards (and anyone else who is interested) to the wonders of the Middle Fork, Prairie Grove Volunteers has organized a series of talks and hikes this spring, two of which are yet to take place.

April 12 – Hike to Horseshoe Bottom Nature Preserve, past Windfall Prairie Nature Preserve and see seeps and beautiful views of the Middle Fork. Bring a lunch, water, and a daypack, and be prepared for some slightly wet and vigorous hiking for most of the day. Meet at the Anita Purves Nature Center, 1505 North Broadway in Urbana, at 9:00 AM to carpool, or at the Lake Mingo dam parking lot in Kennekuk Cove County Park at 9:45 AM.

April 19 – Hike through the Middle Fork State Fish and Wildlife Area (on the west side of the river). Bring a lunch, water, and a daypack, and be prepared for some slightly wet and vigorous hiking for most of the day. Meet at the Anita Purves Nature Center, 1505 North Broadway in Urbana, at 9:00 AM to carpool, or at the Newtown School parking lot (North of Oakwood at Road 2150 N) at 9:45 AM.

For more information or to arrange a guided hike along the river contact: Rick Larimore (217) 337-7006 (hm), (217) 244-6716 (w), rllarimo@inhs.uiuc.edu; Dan Busemeyer (217) 378-5352 (hm), (217) 244-2470 (w); or Connie Carroll (217) 352-4731 (hm), (217) 244- 7741 (w), carrollc@inhs.uiuc.edu.

Office Makeover

Since our expansion into adjacent office space last spring, the Prairie Rivers Network office has been slowly changing... several pieces of furniture at a time.

Jon McNussen, Prairie Rivers board member and treasurer, should take the lion's share of the credit for this transformation. Jon's extremely generous donations of capital, time, and labor have brought the office a new layout with matching desks and chairs, bookshelves, filing cabinets, cubicle dividers, and area rugs. With the help of Tony Watkins, Jon worked tirelessly so that our space reflects the professionalism and pride in Prairie Rivers' history and mission.

Lending a helping hand was Charles Goodall, another board member, who donated his time and equipment to paint our eclectic collection of filing cabinets to match. Larry and Susan Miller donated a compact refrigerator to provide volunteers with cold sodas.

Finally, Michael Mietzner, Marc Miller's uncle, donated four stained glass window inserts for our doors. The two front doors now have matching river scenes to welcome our guests and volunteers. (Mietzner's work can be found at craft kiosks in Sullivan and Mattoon.) Jon McNussen also installed the donated windows.

The staff and board of Prairie Rivers Network would like to thank Jon, Charles, Tony, and members of the Miller family who have helped make the Prairie Rivers office a wonderful place to work and volunteer. Please stop by to see their contributions!

Prairie Rivers Network

The Illinois Affiliate of the National Wildlife Federation

...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 handson assistance, Prairie Rivers helps individuals and community groups become effective river conservation leaders.

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Join Prairie Rivers Network! Renew your membership!





Photo credits this page: Jason Lindsey www.perceptivevisions.com

Join Prairie Rivers Network - the

streams:

Protect Illinois' rivers and

only state-wide organization in Illinois working solely on river issues. Your donation will help fund our efforts to bring science and technical information to bear on issues affecting all of our state's flowing waters. Your name on our membership roster will add strength to our campaign to restore and protect Illinois rivers and streams.

Already a member?

Please hand this membership application to friends, neighbors, and colleagues. Help us meet a challenge issued by the McKnight Foundation (see page 2). Protect our rivers today and in years to come.



All who join Prairie Rivers will receive our newsletter and action alerts. Your contribution to Prairie Rivers is tax deductible.

* Those who join at \$50 or above will also receive a Prairie Rivers Poster featuring the nature photography of Jason Lindsey.

809 South Fifth Street Champaign, Illinois 61820 217-344-2371 fax: 217-344-2381 www.prairierivers.org

Prairie Rivers Network

Mark Your Calendar!`

1st Annual Kickapoo Paddle Festival A Celebration of the Middle Fork River Kickapoo State Park near Danville, IL Saturday and Sunday, May 17 and May 18 For info: (217) 442-4915

Prairie Rivers' Ice Cream Social To honor our donors Lake House, Crystal Lake Park, Urbana, IL Sunday, July 13, 2003, 2:30 - 4:30 PM For reservations: djackson@prairierivers.org Paddling in the Park A canoeing and kayaking festival Twin Lakes Recreation Area, Palatine, IL Saturday and Sunday, July 26 & 27 For info: Donna@paddlinginthepark.com

6th Annual Salt Fork River Clean-up To enhance this fine recreational stream Salt Fork River Forest Preserve near Homer, IL Saturday, October 4, 2002, 8:30am - 12:30pm For info: jflemma@prairierivers.org

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