

# Prairie River Notes

A publication of Prairie Rivers Network

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The Illinois Affiliate of the National Wildlife Federation

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## The Sangamon River System Needs Your Help!

There is a beautiful spot of relatively untouched land in a state that has precious little pristine land left—and it's in danger of being lost. Not only might it be lost, it might be completely underwater, and in fifty years it might be under several feet of mud.



The City of Springfield “needs” 10 million more gallons of water per day, and to get it, they want to build a dam and reservoir just outside of Springfield.

If built, the reservoir dubbed “Hunter Lake” would impound Horse Creek and Brush Creek, both tributaries to the Sangamon. Over 3,000 acres of wetlands, bottomland forest, stream channel, ponds and farmland would be inundated, affecting almost 500 acres of riverbank. In total, the project would directly impact nearly 8,000 acres. This dam, first proposed in the early 1970s, has gone through several iterations, but was always rejected due to anticipated environmental impacts.

On Dec. 3rd, a public hearing was held in Springfield in order to provide an opportunity for citizens to ask the hard questions and submit comments regarding the proposed reservoir. The hearing was part of a process in which the Illinois EPA (IEPA) must certify that the supplemental water supply project for the City of Springfield will meet water quality standards and not impact fish and other inhabitants upstream and downstream of the proposed dam. A certification that is completely false—there is no such thing as a “no impact” dam.

The hearing was attended by over 150 people. Public comments (including by PRN staff and board members) were overwhelmingly opposed to the dam. Some of the issues raised were:

- The reservoir would provide 21.5 million gallons of water a day, although the demand report forecasts the needs of the city are less than half that amount.
- Two published reports predict that water quality standards cannot be met in the proposed reservoir.
- Reservoir construction cannot begin until the upstream communities of Pawnee, Divernon, and Virden agree to divert sewage treatment plant wastewater from the reservoir. Representatives from Pawnee and the Virden Sanitary District have indicated they are not in a financial position to install the diversion pipes.
- The dam could lead to flooding problems both upstream and downstream of the dam; the city has not considered this impact.
- Places to restore or create new stream, wetland, and forest habitat to make up for those destroyed by the project (as is required by law) have not been identified and the proposed “mitigation plan” is woefully inadequate.
- Areas that would be inundated for the reservoir include several hundred historical Native American and pioneer settlements and trails.

There are less costly ways of meeting this demand.

Opponents to building the dam have long held that the environmental costs of the project far outweigh the benefits and that projected water needs can be met through:

- water savings in power production practices;

*(continued on page 2)*

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## Sangamon River System (continued from page 1)

- water conservation measures throughout the service community;
- installation of groundwater wells and use of nearby sand and gravel pits to meet the temporary needs for additional water in times of extreme drought; and
- implementation of conservation pricing and a new rate structure for large volume water users to create incentives for more efficient water usage.

We know this. Alternatives to giant engineering projects are mainstream options being put into practice all over the world. Many people benefit when these alternative options are implemented. The problem is that it takes a lot of individuals to voice their preference for alternatives to dams—enough to counter the weight of the engineering and construction interests who win when a big dam is ordered.

The public hearing and the 30-day public comment period to follow are the final

steps in the process towards environmental permitting for the reservoir—this is the time for the public to speak up for alternatives to damming.

Damming tributaries of the Sangamon River will result in the loss of stream and streamside habitat, an altered fish community, additional water pollution, and a massively wasteful public expenditure. The destruction from damming lasts forever. The water provided only lasts until the reservoir fills up with sediments.

It is critical that the IEPA hears all public concerns now. Written comments can be submitted by fax, mail or email at the number and addresses listed below. This is a once-in-a-generation opportunity to protect an ecologically, historically and socially important resource, the Sangamon River system. If you would like help in developing comments for IEPA, please contact Traci Barkley (tbarkley@prairierivers.org).

### Take Action Now!

View information about IEPA's certification for the project at:  
<http://www.epa.state.il.us/public-notice/2007/cwlp-antidegradation/index.pdf>

Tell IEPA that they should **NOT** approve the permit to construct Hunter Lake reservoir.

Written comments must be postmarked or e-mailed by midnight, January 5, 2009

Hearing Officer Kurt Neibergall  
Illinois Environmental Protection Agency #5  
1021 North Grand Avenue East, P. O. Box 19276, Springfield, IL 62794-9276

Phone 217-785-3819 TDD (hearing impaired) 217-782-9143

E-mail Kurt.Neibergall@illinois.gov

## Welcome Kim Knowles

PRN would like to welcome Kim Knowles as our Water Resources Specialist. Kim is a former staff attorney for the Missouri Coalition for the Environment and comes to PRN with years of experience in clean water policy and river and wetland protection work. In addition to working with government agencies to strengthen Illinois' clean water policies, Kim will be

working to ensure that water permits comply with state and federal law and are sufficiently protective of our rivers, streams and wetlands. Kim has a J.D., an M.A. in Public Policy Analysis and a B.S. in Economics. We welcome her to our team.



*... 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.*

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# 2008 Accomplishments & Looking Ahead to 2009

## 2008 Accomplishments

### *Clean Water*

Reduced pollution from sewage treatment plants – We negotiated lower pollution levels from five treatment plants, with negotiations underway for several more. Because of our positive track record, polluters often seek our input before applying for permits to discuss alternatives to higher pollution levels.

Held agencies and coal companies accountable – PRN has seen a rapid increase in new coal mining permits proposing to use longwall mining techniques which can be particularly damaging to rivers and wetlands. Despite limited public review due to a fragmented regulatory framework, we have been able to improve permit requirements for four mines, and are poised to appeal two more permits if clean water and habitat issues are not addressed.

### *Habitat and Natural Stream Flows*

Protected headwater streams from ill-conceived drainage projects – Please see article on page 5 about our support of landowners in a successful challenge to the Upper Salt Fork Drainage District's vague plans for "maintenance" of the Salt Fork of the Vermilion River.

### *River Awareness and Stewardship*

Helped local groups protect rivers and riverside habitat – With funding from EPA, we created and distributed a survey, the first of its kind, to over 11,000 individuals and groups working to protect Illinois waterways. Our analysis of the survey results, plus discussion at a follow-up workshop will be the starting point for a new two-year effort to provide training and support to address identified needs.

Trained Piasa Palisades Stormwater Team – As a result of training from PRN and Sierra Club, the Sierra Club Piasa Palisades group (Madison County) has formed an active construction site monitoring team and is reporting illegal pollution to government staff.

### *Organizational Capacity*

Planned and improved PRN outreach materials - With a very generous donation of design services from Royse Wagner, Inc., we have been able to develop a beautiful new Web site and outreach materials. These will help us better tell our stories and reach new potential partners and members.

## Looking Ahead to 2009

### *Clean Water*

Reduce pollution from sewage treatment plants – We will produce and distribute a "how-to" guide for municipalities explaining alternatives that can allow growth without increasing water pollution.

Enforce McLean County sewage violations – We will work to force Illinois EPA to resolve ongoing violations with several McLean County homeowner associations that have been dumping improperly treated sewage.

Build coal mining movement – To combat a flawed regulatory process, we will work to build a coalition of concerned citizens who can participate effectively and provide an appropriate level of scrutiny for these huge and potentially destructive projects.

### *Habitat and Natural Stream Flows*

Create framework to protect natural stream flows – With groundwater and stream flows threatened by new industry and the possibility that global warming may lead to more irrigated agriculture in Illinois, we need to make sure that a fair framework is in place to deal with conflicts among water users. PRN will take a leadership role in the planning processes to ensure that enough clean water for aquatic organisms is a basic principle of any such framework.

Designate "outstanding resource waters" – Illinois clean water laws allow for the designation of outstanding resource waters, which are then protected from future increases in pollution because of their significant ecological or recreational value. We will nominate several high quality streams for this designation to preserve their special values.

### *River Awareness and Stewardship*

Build capacity for groups working to clean up water pollution – Based on our survey of local groups working on clean water issues, we will provide targeted workshops and training sessions. The sessions will address topics identified by these groups as challenges limiting their capacity to make positive changes in water quality.

Implement factory farm watch program – PRN is initiating a new program so that both we and citizens will be able to keep a more watchful eye on factory farms, a relatively unwatched source of illegal water pollution from manure. We will assist citizens who live near existing or proposed facilities, and will conduct monitoring of streams for illegal discharges.



# Pharmacists Must Be Part of The Solution to Drugs in Our Water

By the end of this year, residents in the southern Illinois communities of Godfrey, Granite City and Swansea will not have any place to take their unused and unwanted medications. In November 2007 the Schnucks' pharmacies in these towns began a pilot pharmaceutical take-back program funded for one year by the U.S. Environmental Protection Agency. The end of funding meant the end of the program; future reinstatement of the program is uncertain.

Pharmaceuticals in our waters are dangerous for the fish and other wildlife living in our rivers and streams. With growing awareness of this issue, more people want to make sure that their unused and unwanted medications are disposed of properly and permanently. However, like the residents of Godfrey, Granite City and Swansea, most Illinois residents living outside of the Chicago metro area do not have access to permanent collection facilities.

Pharmacies are critical partners in attempts to create convenient and consistent collection programs. Most drugstores and pharmacies are reluctant to collect pharmaceuticals on-site due to concerns about expense and security. However, pharmaceutical take-back programs

initiated by independent pharmacies such as Doc's Drugs, Sartoris Drugs and Basinger's Pharmacies demonstrate that overcoming these obstacles is possible. The success of these programs results from partnerships formed among key entities including city and county officials, police departments, pharmacists and the Illinois Environmental Protection Agency (IEPA).

Help Prairie Rivers Network send a clear message to pharmacists that they must be a part of the solution to provide locally convenient, secure and permanent disposal options to Illinois residents for their unwanted and unused medicines.

## **You Can Protect Streams from Pharmaceuticals**

**Sign our petition at**

**<http://www.thepetitionsite.com/1/protect-Illinois-rivers>**

You can also send the link to your family and friends.

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## Capacity Building Workshops

### Recent Workshop A Big Success

On October 10th, in collaboration with the Illinois Environmental Protection Agency, U.S. Environmental Protection Agency, Illinois Lake Management Association, Tetra Tech Inc., and Hydrolab/Hach Environmental, Prairie Rivers Network held a forum about building the technical capacity of people and groups working to protect Illinois' rivers and streams.

Approximately 60 people from diverse backgrounds attended. City managers, watershed group volunteers, resource conservationists, and state and federal employees who work on water resource issues came together to talk about how we can strengthen our efforts to improve water quality and protect wildlife habitat.

As a result of this forum, Prairie Rivers Network will spend the next two years partnering with other nonprofits, watershed groups, private businesses, and agencies to deliver a series of workshops and networking opportunities that provide valuable information and tools to these groups and that will foster collaboration among the diverse entities working to protect our streams.

### Upcoming Workshop

The first of this series of workshops will occur on February 18th at Pere Marquette State Park. PRN is co-sponsoring the workshop with the Illinois Lake Management Association. This workshop will provide a broad spectrum of information related to grant opportunities for lake and watershed projects with federal and state agencies. Representatives from Illinois EPA, Illinois DNR and Peoria County SWCD/NRCS will present attendees with a list and description of grant opportunities from their agencies and related information such as tips for writing or applying for grants, application deadlines, contact information, website links, leveraging funds for match, and estimated funds available. Two additional presenters will provide information about funding options for lake and watershed projects from a homeowner's perspective. The session will conclude with a panel discussion that will allow attendees to obtain more specific information regarding funding for their own lake or watershed project. Funding for this series of workshops comes from EPA's 319 Program.

To register, visit the Illinois Lake Management Association's website at [www.ilma-lakes.org](http://www.ilma-lakes.org).

# Court Case Protects Salt Fork from Vague and Costly “Maintenance”

Our Spring 2008 newsletter reported the success of landowners in winning their lawsuit against the Upper Salt Fork Drainage District (USFDD). The landowners objected to the USFDD’s petition filed with the Champaign County Circuit Court asking for an increase in annual assessment fees for drainage maintenance from \$1.15 acre to \$5.00 an acre.

The petition stated that the USFDD was going to have a report prepared to develop a long-term maintenance plan, but the petition itself did not provide any details as to the type of maintenance that would be done; instead it mentioned possible measures, such as installing rip rap along banks.

In response to landowners’ objection, the USFDD argued that the Illinois Drainage Code only requires that a petition for increased annual assessments contain a general statement that the maintenance work is needed.

In her ruling, Judge Clemons agreed with the landowners arguments that the petition was “speculative,” with “insufficient detail...to determine whether the amount of the full request is necessary or advisable.” For this reason, Judge Clemons did not grant the full increase in assessments requested by the USFDD.

The USFDD appealed the trial court’s decision to the Fourth District Appellate Court. Among the points raised on appeals was the lower court had no authority under the Drainage Code over how a drainage district performs maintenance, and that the USFDD’s petition did not have to provide any more specific information than what it had originally filed with the court.

The three-judge appellate panel upheld Judge Clemon’s decision. Whether a petition is for new construction, material alterations or maintenance, the Court stated the Drainage Code requires a judge to make particular findings regarding the petition, including “the things which should be done,” and “the method by which the things shall be

done” (quoting section 4-24 of the Code). The appellate court’s ruling confirmed that under the Drainage Code, court decisions on drainage district petitions require court oversight to protect the broader public interest.

This case is important for several reasons. First, the drainage district was asking for a large increase in assessment fees from the landowners for unspecified “maintenance” of waterways on their property. Second, drainage district maintenance work often involves practices harmful to water quality and habitat, such as dredging, clear-cutting trees, and rip-rapping banks. Third, the

precedent set by this case will help to ensure that drainage districts must go through a more careful process of creating and justifying plans rather than arbitrarily raising fees for unspecified practices.

Unless the USFDD appeals the case to the Illinois Supreme Court, this case can be cited as precedent throughout Illinois,

meaning that drainage districts throughout the state will be held to a higher standard in terms of providing more detailed information supporting their petitions for increased landowner assessments.

Prairie Rivers Network does not support unnecessary and environmentally harmful maintenance practices and believes drainage commissioners must fully meet their obligations, including environmental consideration of drainage district projects, under the Drainage Code. We established our River Defense Fund to assist groups like the USFDD landowners; their case against the USFDD, with its precedent-setting result, would not have been possible without donations made to Prairie Rivers Network’s River Defense Fund to help pay for legal costs. You can help groups like the USFDD landowners by making a tax-deductible donation to the fund; please make checks out to PRN, include “River Defense Fund” on the memo line of the check, and send to PRN.



## PRN's Annual Dinner Was a Grand Tour for River Lovers

On November 21st, Prairie Rivers Network held its Eleventh Annual Dinner at the I Hotel and Conference Center in Champaign. Over 260 guests were welcomed, three amazing river advocates were honored, and eight lucky people won prizes.



Ann Begeron wins wine tasting at Sun Singers.

This year's keynote speaker took us on a grand tour for river lovers. Tim Palmer, photographer and author of nineteen books (including *Rivers of America*), treated us to a slideshow documenting his personal engagement with and passion for our nation's rivers over a forty year career of paddling, writing, photography, and activism. We saw rivers before they were flooded by dams. We saw the Sangamon, which Mr. Palmer photographed in the late 1960's, fearing that it would soon be flooded. We saw rivers that once were and still are because of organizations like Prairie Rivers Network. There were quite a few misty-eyed river rats in the audience thinking of the rivers they love—and the rivers we should preserve for tomorrow.



Tim Palmer autographs his book for Cynthia Hoyle

Thank you, Tim Palmer, for inspiring us. If you haven't seen Tim Palmer's book, check it out at [http://www.timpalmer.org/books\\_by\\_tim](http://www.timpalmer.org/books_by_tim).

And now...back to work! Prairie Rivers Network wishes to thank all of our longtime members, new guests, and dinner sponsors for your participation in our work. The Annual Dinner is a fundraiser and it successfully raised funds, but it also recharges all of us, brings us together and reminds us that we have a vision of clean water: water we can fish and swim in, water we can drink, water clean enough so that everything depending on it can flourish.



New PRN board member and former executive director, Jean Flemma (on left) talks with dedicated PRN members

Special thanks to our sponsors and raffle donors, whose generosity is so important to this event - please consider giving them your business!





# Give a Gift Membership or Renew/Join PRN Today!

## Looking for the Perfect Holiday Gift?



No need to battle the crowds at the mall or worry about what to get, a PRN gift membership is the perfect answer for that hard-to-please loved one or co-worker. Best of all, you'll be helping to protect Illinois waters for an entire year. Your gift membership will arrive with our beautiful new information folder and will include our 40th anniversary history booklet. For those giving a gift membership of \$250 or more, we will also send *Windy City Wild*, a fine art book by PRN board member Jason Lindsey that explores the natural areas and wildlife of the Chicago region. Give us a call today!

Yes, I want to help protect our rivers and streams.

- ☐ \$15 Student Membership      ☐ \$25 Basic Membership  
☐ \$50      ☐ \$100      ☐ \$250      ☐ \$500  
☐ Other \$ \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail (to receive Action Alerts): \_\_\_\_\_

*Thank you for your support!*

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

Make checks payable to: Prairie Rivers Network, 1902 Fox Drive, Suite G, Champaign, IL 61820



## Congratulations 2008 Award Recipients

### Lt. Gov. Pat Quinn - Outstanding Public Service

Lt. Governor Pat Quinn received our first-ever Outstanding Public Service Award. The Lt. Governor has an intense interest in clean water and is a state leader in river conservation policy and citizen activism. He rises to the top as someone who not only knows the importance of protecting our natural resources, but also takes the required steps to make a difference.

### Joyce Blumenshine - River Steward

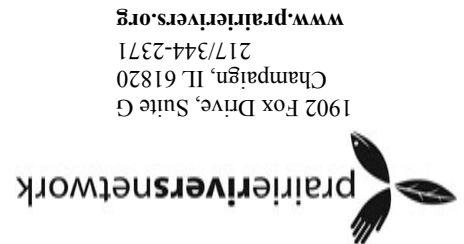
Joyce is the Conservation Chair for the Illinois Chapter of the Sierra Club, where she supports and guides the

conservation efforts of over 25,000 Sierra Club members and 15 groups. Joyce has been a pivotal leader in addressing the onslaught of new coal mines proposed in Illinois and the impact of these operations on surface and groundwater quality, as well as the destruction of wetlands. Joyce is a tireless champion for the environment.

### Mickey Kudia - Volunteer of the Year

This is Mickey's second year volunteering with PRN. He has worked on writing E-Newz articles, researched pharmaceuticals, and filed Freedom of Information Act requests on mining operations. Mickey will be graduating in 2009 with a degree in Environmental journalism.

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## Mark Your Calendar!

### **Capacity Building Workshop**

February 18, 2009 - 1 p.m. to 5 p.m.  
Pere Marquette State Park  
[kerndt@prairierivers.org](mailto:kerndt@prairierivers.org)

### **Construction Site Stormwater Monitoring Workshop**

March 7, 2009  
Chicago Area, Details TBD  
[sjames@prairierivers.org](mailto:sjames@prairierivers.org)

### **Illinois Lake Management Association**

#### **Annual Conference**

February 18-20, 2009  
Pere Marquette State Park  
[www.ilma-lakes.org/](http://www.ilma-lakes.org/)

### **Rain Garden Presentation**

March 19, 2009 - 7 p.m.  
Burpee Museum of Natural History, Rockford  
[sjames@prairierivers.org](mailto:sjames@prairierivers.org)

**PRN Staff Wish You and Your Family  
Happy Holidays and a Safe New Year!**

#### Photo Attributes

Jason Lindsey, [www.JasonLindsey.com](http://www.JasonLindsey.com): pages 3, 7, and border  
Robert Shaw, page 1; Sue Smith, page 5

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

