

DCEC Newsletter



published by
the door county environmental council, inc.
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Summer
2004

Environmental News for Door County

See pages 2 and 3 for latest info
on Great Lakes Water Diversions

Page 4
Renewable Energy in Door County

“The Greening of Green Bay and Lake Michigan”

The Adverse Effects Of Excessive Nutrients In Our Waters

Wednesday, August 25, 7:30 p.m.

Bailey’s Harbor Town Hall

The increasing growth of algae and the effects on Green Bay and Lake Michigan will be the subject of an in-depth presentation at our DCEC Annual Summer Program. Victoria A. Harris of the University of Wisconsin Sea Grant Institute will explain the impacts of the increased levels of nutrients in our waters. She will also address the known sources, and probable solutions to this increasing problem.



Vicky Harris

Harris has a varied background of experience with Wisconsin DNR and U.S. Fish and Wildlife Service and has been involved with Green Bay water quality issues for many years, facts that made her a perfect choice to highlight DCEC’s year-long focus on the topic of excessive phosphorus and nitrates in our water resources.

Vicky Harris holds a B.S. Degree in Ecosystems Analysis and Environmental Management and an M.S. in Environmental Science and Policy from the University of Wisconsin-Green Bay. She has been involved professionally in water resource research, planning and management for over twenty-five years. Presently, she is the Water Quality and Habitat Restoration Specialist for the University of Wisconsin Sea Grant Institute and manages the Green Bay Field Office of Sea Grant Advisory Services.

Harris also worked for 17 years at the Wisconsin Department of Natural Resources-Northeast Region as a water resource planner and policy analyst (1982 to 1999), where she served as the Lower Green Bay and Fox River Remedial Action Plan (RAP) Coordinator. Prior to that, she was employed as a Biologist for the U.S. Fish & Wildlife Service and as an environmental consultant for government agencies and businesses. Ms. Harris is Past-President of the International Association for Great Lakes Research (IAGLR) and serves on numerous Great Lakes advisory committees.

Be sure to mark the date!

AUGUST 25th, 2004. Bailey’s Harbor Town Hall, 7:30 p.m.

Bring a friend. Refreshments after the program.



DCEC Incorporated in 1971 under the laws of Wisconsin as a nonprofit, tax-exempt organization.

Great Lakes Water - For Sale?

A strong new “Annex” will help avert diversion threats

You may remember that our summer program last year (2003) was on this topic, presented by Cheryl Mendoza, Water Resources Director of the Lake Michigan Federation. We learned of the threat of Great Lakes water diversions, and the forthcoming revised “Charter Annex” plan to protect our waters.

This year, that Charter Annex is complete, and soon will be released for public hearings. The governors and premiers in the region of the Great Lakes authorized this document that ultimately will determine how proposals for water use will be handled. The Annex agreement should be made public this summer, and will be subject for review during a 30 day public comment period. As presently scheduled, hearings will be held in two locations: Chicago and Toronto.

Concerned citizen groups are petitioning the Great Lakes governors for a *series of local hearings* in each jurisdiction and an *extension* of the hearing input period. This is essential for all of us who live, work and vacation in the Great Lakes region, to be able to voice our concerns and have an impact on the outcome of the new water diversion regulations. The governors surely should realize the need for public information and input into the Great Lakes water maintenance plan, as the results will affect us far into the future.

The quest for a new agreement began in 1998 when the NOVA Group, an investor group, sought permission to withdraw millions of gallons of Lake Superior water for re-sale in Asia. This was a wake-up call for the

Canadian Provinces and American State Governors that some mechanism needed to be in place to regulate these requests for water withdrawal. Prior to that, the Boundary Waters Treaty of the 1800’s was the regulating authority, reinforced by the first Charter Annex which was signed by Canada and US Governors in 2001. The need for regulation emphatically was brought to everyone’s attention also by recurring lower lake levels since 1999. There is concern also about the provisions of NAFTA that would allow withdrawals because of the “non-discrimination” clauses, and by World Trade Organization proposals.

The United States and Canada must develop water diversion standards that will withstand legal challenges and not be discriminatory for other nations. The revised “Annex” will set minimum standards for permitting water diversion, and the states will need to be more stringent with their own implementation of water management programs.

Some states already have water withdrawal regulations in place. Ohio has water allocations for farming use. **Wisconsin has no regulations whatsoever, other than permits needed for high-volume wells.** Ontario has a permitting process for uses over 15,000 gallons a day. Large farmland irrigation systems, many businesses, and large cattle operations can use millions of gallons of water each day and should be regulated by permit.

Provinces in Canada have a reasonable concern over water uses within their jurisdiction and are skeptical about the ability of the United States to manage water resources effectively, as many of the states that are in the Great Lakes basin have a minor portion of that state within the basin. For example; Minnesota, Illinois, Ohio, and New York State have a small portion of

shoreline and their percentage of state land in the Basin is relatively minor, while Michigan is entirely in the Basin. Wisconsin is split diagonally from the middle of upper Wisconsin to the southeast near the Illinois border, with the larger western portion of Wisconsin located in the Mississippi Basin.

We can anticipate that states with small portions of their total area within the basin will be less concerned about water diversion and might be more easily convinced that the water diversion would not affect their future.

Another concern is the shifting of population from the Midwest to western states where water resources already are being stressed. This shift is creating a louder voice for tapping our water, and eventually will increase those states’ representation in Congress. This prospect reinforces the need for states in the Basin to enact water diversion restrictions that will bear the challenge of the more populated western states as well as international trade rules.

We are planning an information presentation as soon as the Charter Annex update is released and has been analyzed for content.

It is evident that most public officials and local government participants are not aware of the consequences if new regulations are not adopted. This is an issue of great significance and the public and our governing officials need to be informed!

We **all** need to become involved in planning for the long-range future of our Great Lakes. **Watch for our announcements of the public information meetings** and then contact your town and county representatives to make sure **they** become informed of the possible effect on our Lake Michigan and Green Bay.

Environmental Groups meet in Detroit To plan strategy for a strong Great Lakes Charter Annex

By Jerry Viste

The Door County Environmental Council (DCEC) was one of the participants in a Symposium held in Detroit in June. Great Lakes United along with the Lake Michigan Federation and the National Wildlife Federation assembled a conference and planning session for environmental leaders from around the Great Lakes Basin.

Organizations from all of the Great Lakes states and some of the provinces of Canada attended the meeting, where strategy in promoting the new Charter Annex revision was planned. Jerry Viste, Executive Director of DCEC was there, along with the other group representatives from Wisconsin, including George Meyer (former DNR Secretary and now Director of the Wisconsin Wildlife Federation).

The sessions were planned to promote the contents of the Annex when it is released and to ensure that critical people were knowledgeable about the provisions, good and bad, contained in the new water diversion regulations.

Once the Annex is released and can be analyzed, the public and local officials will be able to react to the provisions in a series of hearings and/or public information meetings. If the hearing schedule as it is now cannot be modified, there will be very limited chance for input into the process. Therefore, we have petitioned Governor Doyle to request a series of hearings to make it possible for more of the public to become involved in the process.

Regardless, it will be up to groups such as DCEC to provide the information to local government

officials and the general public, as there is no agency involved in disseminating the contents of the Charter Annex updated.

We have a head start on this information process with the DCEC Annual Program presentation a year ago on this important issue. There will need for much more to be done, because the general awareness of the water diversion prospects is very limited.

For example, did you know that the natural recharge of the "lakes" is estimated at a mere 1%? If more water is withdrawn than is naturally restored back into the Basin, we have a net loss of water resource in the lakes.

The federal government is purposely being left out of the water diversion plan negotiations because the states will have the ultimate control over the usage of water resources along with the Canadian provinces. The federal government could look at the entire national problem and possibly dictate removal of the fresh water resource to resolve western water shortages or trade deficit problems. This would be a dangerous situation with long-term ramifications as a result of hurried politically motivated lobbyist-inspired decisions common to Washington.

The following is a listing of past proposals and enactments that affected our Great Lakes resource:

1800 - New York State Barge Control diversion from Great Lakes to Hudson River watershed.

1848 - Illinois Michigan Canal diversion from Lake Michigan to Mississippi River.

1860 - Construction of Portage Canal diversion from the Mississippi River into the Great Lakes.

1939 - Long Lac diversion redirects water naturally flowing to James Bay into Lake Superior.

1943 - Ogoki diversion sends James Bay water to Lake Superior to support power generation.

1959 - Great Recycling and Northern Development Canal proposal to divert Great Lakes water to Saskatchewan, Southern U.S. and Mexico.

1983 - Bid to construct 400-mile concrete canal from Lake Superior to the Missouri River.

1985 - Proposal to pipe Great Lakes water to High Plains and Southwest U.S.

1987 - Federal plan to send Lake Michigan water to Southern Illinois.

1998 - NOVA Group. A private company proposes to ship Lake Superior water to Asia in tankers.

You can see the obvious increased efforts in the last few decades to tap into the water resources of the Great Lakes Basin. This trend will continue and be magnified as demands for more water to satisfy the wasteful depletion practices that our nation is accustomed to with our present lifestyles.

We need to be more concerned about our next generation's ability to sustain itself in the future even if it means amending our present wasteful practices and start thinking about our children and grandchildren!

* * * * *

University Students Visit Door County Renewable Energy Homes

DCEC Renewable Energy Task Force arranges Tour

A small group of UW Green Bay students enrolled in a Senior Seminar on "Developing Sustainability" saw sustainability in action this past April, during a visit to Door County homes that are centered around renewable energy. Their instructor, Larry Smith (a resident of Door County), is UWGB Professor of Social Change and Development and Economics. The tour was arranged by DCEC's Renewable Energy Task Force. The students toured a home that gets most of its heat from the sun, and another that gets most of its electricity from the sun.

Heating from the Sun

Their first visit was to Don Pardonner and Judy Reninger's home, designed and constructed to make full use of solar energy for heating. Large roof panels (four of them, each 10 feet by 8 feet) contain a water/glycol mixture that is heated by the sun and then circulated through a massive "heat sink" of 96 tons of sand below the house, which releases its heat gradually to the house, keeping it warm enough that "no furnace is needed". A propane fireplace provides back-up heat as necessary, but even when the family was away for five days in January of 2003, the minimum temperatures reached in the house were 59 degrees F downstairs, and 57 degrees upstairs. The same heated fluid is passed through a heat exchanger to heat their domestic water system.

Don and Judy's solar system was funded in part by the Focus on Energy Program. The Focus on Energy is public-private partnership offering energy information and services to energy utility customers throughout

Wisconsin, with the goal of encouraging energy efficiency and use of renewable energy. Don and Judy wanted to demonstrate that renewable energy is viable in a northern climate, which they clearly have done.

Electricity from the Sun

The students found a home that is completely "off the grid" when they arrived at their next stop, the home of Janice and John Stiefel. Electricity for the home is supplied by 1350 watts of solar panels that convert sunlight to electricity. The electricity is stored in a battery bank, and drawn upon as needed. A back-up generator, propane fueled, is used to top up the batteries and to supplement the electrical supply as necessary, particularly during prolonged cloudy periods and the shortest days of winter.

A large part of the up-front cost of a solar electrical system is the photovoltaic (PV) panels that convert sunlight to electricity. Therefore, conservation measures are a key element of a solar-electric home, to reduce the number of photovoltaic panels needed. Conservation includes eliminating "phantom loads" - located on items that have internal devices that run all the time (such as clocks on a VCR or oven). A power switch is easily attached to all such appliances, to turn them off completely when not in use.

The Stiefels have energy efficient metal halide lighting in their home, and to further reduce electricity use they use propane to fuel their refrigerators. They do have an electric freezer, and a full array of computers, scanners and printers, used by Janice for producing two statewide newsletters (Wisconsin Botanical Club



The sun heats this home and its domestic hot water.

and Wisconsin Entomological Society) and for her extensive computerized database of plants and insects, including photos. However, they are careful to power only what is needed at any given time. Their total electric use is only about 4-kilowatt hours per day.

Grid Intertie

Another variety of renewable energy system being used in Door County uses PV panels or wind generators to make electricity but also is connected to the utility grid. An example is the home/gallery of Errol Keir and DCEC Board Member Donna Brown. In their case, photovoltaic panels produce electricity for their own use, and also is fed back into the grid when they are producing more than they are using. "Grid intertie" systems such as these have an economic benefit even beyond the avoided cost of electricity. When they are supplying the grid, the meter runs backwards!

* * * * *

*DCEC's Renewable Energy Task Force would welcome your participation! Please call or write Don Pardonner, if you would like to attend meetings or simply to be kept informed.
920-839-1182 or
PO Box 260
Sister Bay, WI 54234*

Hines Emerald Dragonfly Habitat Litigation

As reported in the last newsletter, DCEC has been a co-litigant in the suit to force the United States Fish and Wildlife Service (USFWS) to designate critical habitat for the endangered Hine's Emerald Dragonfly, *Somatochlora hineana*. Suit was filed three months ago when the USFWS refused to respond to notices of intent regarding the pending legal action. Notices of intent were filed in March of 2003 and again in October of 2003 which had no response or action by the Service.

Groups involved in the suit are: Door County Environmental Council - Fish Creek, Wisconsin; Wisconsin Center for Biological Diversity - Tucson, Arizona; Northwoods Wilderness Recovery - Upper Michigan; Habitat Education Center - Madison, Wisconsin; and the Michigan Nature Association - Williamston, Michigan.

This action for declaratory judgment and injunctive relief challenges the failure of the FWS to fulfill the mandatory duty to designate critical habitat for the Hine's Emerald Dragonfly as required by the Endangered Species Act 16 U.S.C. The Hine's Emerald is listed as "endangered" and is the only dragonfly so

protected in the United States. 60 Fed. Reg.5, 271 (Jan.26,1995). The Endangered Species Act requires the Secretary of the Interior to designate critical habitat for the endangered species and also requires the Secretary to protect these areas from adverse modification. This is done by reviewing federal and other activities in these areas and suggesting changes that reduce risks to the species and its habitat.

Studies have shown that endangered species that have critical habitat designated are twice as likely to be recovering compared to those species who have no critical habitat designated.

The Hine's Emerald is still found in Mackinac, Presque Isle, and Alpena Counties in Michigan; Door, Kewaunee and Ozaukee Counties in Wisconsin; Cook, DuPage and Will Counties in Illinois; and Iron and Reynolds Counties in Missouri. It already has been lost in Ohio, Indiana and Alabama. Critical habitat could be designated relatively fast and easily for the Hine's Emerald as recovery plans are already in place and designation is the best and most effective way to counter habitat loss.

THE GOOD NEWS: The United States Department of Justice, which is the intermediary between agencies such as the USFWS and the litigants, has been negotiating a settlement of the case. There have been settlement proposals by the Department of Justice and counter proposals by the litigants in an effort to preclude this issue going before a Federal Judge for determination.

The benefits of having this issue settled before a long judicial review process would be that of eliminating the risk of a non-favorable decision if the Judge would deny the action, and avoiding the possibility of a long legal process if the Judge does not act on the action quickly. The loss of resolving the issue before the Judicial review *might* mean a later date for implementation of the critical habitat designation, which would be determined by the settlement and would be agreeable to all parties.

The Hine's Emerald would be the benefit in either situation and the *precedent will have been established* that the U.S. Fish and Wildlife Service does have an obligation to promptly fulfill the requirements of congressional action.

* * * * *

Beach Monitoring Continues, and You Can Help!

Although the funding for official beach monitoring has been cut, which means less frequent monitoring by the designated monitoring groups, the need for *individual* monitoring continues and need not be diminished.

Private beach owners have been cooperating very well in the effort to examine the condition of their beaches, but there still are areas that

need volunteer monitors to make a continuous record of the activity in those beaches that are more remote or unrecorded.

You can get involved and do a great service to the future quality of our fine beaches and add to the enjoyment of those who use them.

Please call the Door County Soil and Water Department at 920 746 2214

or stop in to their office in the courthouse in Sturgeon Bay. They'll be glad to update you on the needs of the monitoring effort and help you get started in your area. You can be a great help in finding the causes for the beach closings and ensuring that water quality will be improved through these cooperative efforts.

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DO YOU LOVE DOOR COUNTY???

Then help us protect it... please.

I support the Door County Environmental Council, working to preserve our heritage of natural resources .
Please enlist me as one of the following: (check enclosed)

Individual Member	\$15	Family Membership	\$25
Student Member	\$10	Sustaining Member	\$35
Guarantor	\$50	Donor	from \$100

Renewal? _____ **New Member?** _____ **Door County Voter?** YES _____ NO _____

Name _____

Summer Mailing Address _____

Winter Mailing Address _____

E-mail Address and/or Fax number _____

Please name your Door County municipality (town, village or city) _____

All donations are tax deductible to the extent the law provides.

DCEC is a nonprofit, tax exempt organization.

We supply receipts that meet IRS requirements for your gift of \$250 or more.

Thank you for being part of DCEC!

mail to: Door County Environmental Council, Inc. P.O. Box 114 Fish Creek WI 54212

for more information, call DCEC at 743-6003 email dcec@itol.com

Please contact DCEC if you are interested in volunteering for the Board or special projects.

Visit DCEC on the Internet!
www.dcec.us or
doorcountycompass.com/dcec/

Read the DCEC Column in the Door Peninsula Voice (pick it up free at many locations).

Governor James Doyle Room 115 E, State Capitol Madison, WI 53702	Representative Gary Bies PO Box 8952 Madison, WI 53708	US Senate Washington DC 20510 WI Representative Mark Green US House of Representatives Washington DC 20515
Senator Alan Lasee PO Box 7882 Madison, WI 53707	WI Senators Russ Feingold and Herbert Kohls: <i>write them at</i>	

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Fifteenth Annual Essay Contest

The 2004 essay contest on the topic of "Sources of Pollution in Door County and Solutions to the Problem" had over 80 entrants, according to Fritz Renner, Essay Contest chairman.

"Picking the winners was made difficult due to the many well-crafted essays," said Renner. "What separated the winners from the rest was the amount of research and information used in their essays."

A very sincere thank you to all who participated in this 15th annual essay contest from the DCEC Board of Directors.

2004 DCEC Essay Contest Winners

"Sources of Pollution of Surface and Groundwater in Door County and Solutions to the Problem"

Middle School

1st place	\$100	Katie Holdridge	7th grade	Corpus Christi
2nd place	\$75	Brittany Hunt	8th grade	Corpus Christi
3rd place	\$50	Joe Stawicki	7th grade	Corpus Christi

High School

1st place	\$100	Paula Anschutz	11th grad	Gibraltar High
2nd place	\$75	Alissa Ehmke	12th grade	Gibraltar High
3rd place	\$50	Hannah Coulson	10th grade	Gibraltar High

You can read the essays on the DCEC website: www.dcec.us

By means of the annual essay contest, DCEC encourages students to think carefully about environmental issues, and recognizes excellence with cash prizes. We would welcome members' support of this project. Please consider underwriting this contest with a special donation.

Ahnapee Headwaters Hearing Request Denied

The Highway 57 four-lane construction project will have a severe impact on the woodlands and large wetlands near Tornado Park in Southern Door County. These large wetlands are the major contributor to the headwater tributaries, which combine with Silver Creek to form the Ahnapee River. The Highway as proposed will impact all of these wetlands in addition to Silver Creek which has its sources in the wetland areas closer to the Brussels Hill. We are very concerned about the effect of the disruption of the natural spring flows that are evident within these wetland areas and along the present roadway.

To ensure that all of the concerns would be addressed regarding these important wetlands, DCEC requested a formal hearing under the procedures outlined in (33 Code of Federal

Regulations 327.3) before the deadline. In conversation with Mr. Jerry Smith, U. S. Army Corps of Engineers, Green Bay office, he indicated that the chances of an actual hearing on the issue were very slim. In most instances regarding highway issues, the concerns of citizens were forwarded to Department of Transportation for resolution before a hearing would take place, thus negating the need for a hearing.

Apparently, the Corps feels that all of the issues were addressed in the *information meetings* held by the DOT prior to the fast-paced beginning of land purchases, building removal, etc. to lock in the roadway location. In the denial of the request for hearing, dated June 8, 2004, the Corps Chief, Robert J. Whiting, Chief, Regulatory Branch, St. Paul District Office, stated: "As a result of your comments and those received from others, and data developed through our permit evaluation process, we believe we have

sufficient information to make a valid permit decision without holding a public hearing. Your objections to the proposal were clearly stated in your letter, and the facts you presented will be considered in our evaluation of the project. Therefore, we have determined that there is not a valid public interest to be served by conducting a hearing at this time. The Wisconsin Department of Transportation has held numerous public meetings to describe the project to the public."

We will be watching the protective measures that may or may not be installed to ensure the longevity of the source springs, and also to ensure that the resultant "mitigation" of the lost wetlands is not the usual depression filled with surface water. We have seen enough "make believe" mitigated wetlands which are of no real value.

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door county environmental
council, inc.
p. o. box 114
fish creek, wi 54212

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**Come to the DCEC Annual
Summer Program
Wed. Aug. 25 7:30 p.m.
Bailey's Harbor Town Hall
*The Greening of Green Bay
and Lake Michigan***

Please read this letter to you from DCEC! If you have renewed in 2004, thank you! If you have not renewed, we hope you will do so now. If we haven't heard from you for a few years, we will remove your name from our list, rather than send you possibly unwanted mail. Please get in touch!

Dear friend,

We need you! DCEC board members and volunteers spend many hours defending the environment in our beloved Door County. By renewing your membership, you will give us a boost. Even at basic membership levels your financial support is essential to our efforts. Basically, we are funded by membership dues. We operate on a tight budget. We greatly need funds for communicating with the public to educate and inform, which is essential to our mission.

Including you on our membership list means more than the money, of course. It gives *us* the means to be in touch with you via newsletters and other member communications. It gives *you* a chance to participate on issues of particular interest. While we never share our member list with anyone, we often are asked how many members we have. The larger that number, the more the community and its elected officials will listen to us.

We know you love Door County's environment and ask you to become a current member of DCEC. We count on you all - and if you can afford a larger donation than the minimum membership categories on the enclosed form, you will be helping us to do a better job. There is important work to be done, to educate, inform, and effect change for better protection of Door County's natural splendor.

Sincerely,
Carol Sills, President, and the Board of Directors

P.S. The membership form is on Page Six.