

Forest preserve farming

John McMullen, Secretary, Woods & Wetlands Group

If you read the Winter Issue of the W&W News, you know that the Lake County Forest Preserve District ("the District") leases some of its holdings for conventional farming. When the District acquires land that is currently being farmed, they find that continued agricultural use is an economical interim management strategy. This agricultural use generates revenue for the District and affords the District time without surrendering the land to invasive plants to plan and implement restoration of the native ecosystems.

Does the Forest Preserve District take a stewardship role for these lands?

In the previous issue, we queried whether the District assumed the same responsibility toward this farmland as it did toward the land it actively manages for more public use. We left open several questions. How much acreage is involved? What kind of crops are being grown? How are the leases arranged? And most importantly, what conservation strategies, if any, are in place?

It was a good sign that on the first phone call the District quickly put me in touch with an individual responsible for the District's Farm Management Plan. Debbie Maurer, Restoration Ecologist for the District, enthusiastically described the conservation program applicable to the District's farmland. Her answers reflected a thorough understanding of conservation ideals and farming realities.

How the program works

Here are the bones of the program. In 2005, approximately 1,987 acres will be leased out for farming. The majority of acreage will be in commodity row crops, namely soybeans and corn. A small fraction, perhaps about 90 acres, will consist of hay fields.

The land is licensed to farmers ("licensees") through a public bid process. Potential winning bids are evaluated on the following criteria: (1) highest per-acre-bid, (2) farming experience, (3) past compliance with the District's farm license agreement (including compliance with conservation plans). Each license is generally for a term of three years and then put out for public bid again. The District will issue approximately 15 licenses this year. The smallest license is about 20 acres and the largest about 230 acres. The typical license is about 75 acres.

Program addresses conservation issues

On the conservation front, it appears that the District is seriously addressing conservation issues on this farmland. To that end, the District and the farmer, with cooperation and assistance from the Natural Resource Conservation Service (NRCS), Lake County Soil and Water Conservation District (LCSWCD) and the FSA, implement soil and water quality protection standards through site-specific conservation plans. Each licensee, with assistance from these entities, must develop and submit for District approval a Conservation Plan for each farm field included in the license agreement before farming begins. A Conservation Plan addresses soil erosion, conservation of soil quality, maintenance of water quality, management of runoff, use of buffers and grassy waterways, nutrient management, pesticide management, wildlife habitat, and adjacent land use.

The District perceives its Conservation Plan to be more rigorous than the plans farmers typically submit in various subsidy programs. The District specifies a few practices to be strictly observed: crop rotations, no fall tillage, and the avoidance of nutrient application in the fall. A violation of the Conservation Plan can justify termination of the farm license agreement.

Cover crops should be encouraged

There is, however, no cover cropping requirement, and the benefits it bestows to the land are forfeited. Moreover, there is no requirement of putting fields into hay as part of the rotation. On the first count, it is true that very few conventional farmers have found viable ways to cover crop on any significant scale, but we think the District should do more to encourage it. And on the second count, it would be difficult to have mandatory hay rotations under the three-year license and public bidding process that have been implemented for fairness reasons. Perhaps the District should consider longer leases that make stewardship of the land as much a priority for farmers as it is for the rest of us who use these lands more passively.

In sum, there is reason to applaud the District for its conservation efforts on the farming front. Their conservation program is detailed, comprehensive, and in writing for the public to review. We should encourage the District in its current efforts and help it pursue innovative ways to move conservation farming forward. ☘

Illinois EPA's dirty little trick

Few concerned about Wauconda's expanding Sewage Treatment Plant will miss departing Illinois EPA Director Renee Cipriano. During her tenure the IEPA failed to protect the Fiddle Creek wetlands from Wauconda's plan to double its sewage treatment plant (STP). Unfortunately, this has been business as usual at the IEPA for decades.

At a well attended IEPA hearing in September of 2003, experts for Lake Barrington exposed how Wauconda has since the 1980's piped its STP discharge to the edge of town and dumped it into Fiddle Creek. This severely violated the Clean Water Act. They showed that the draft plant expansion permit would allow further degradation of the creek and its wetlands. And they cited data that Wauconda was violating its current NPDES permit, and threatening Lake Barrington residential wells.

The attorney for Sierra Club and other environmental organizations, Albert Ettinger, reminded everyone that NPDES stands for "National Pollution Discharge Elimination System." He said that it was Wauconda's burden to prove that its STP discharge would not harm Fiddle Creek, and IEPA's job to insist that Wauconda do so. His point was subtle, but well learned, and prophetic.

While putting the burden of proof back on Wauconda, Albert shined a bright light on IEPA's dark little trick. He'd seen it happen countless times before, and in the case of Prairie Rivers Network v. Black Beauty Coal Company, his was the only third party NPDES case ever to go to a final decision in Illinois. Black Beauty won the case, but not because they proved their proposal satisfied the Clean Water Act (CWA).

After the hearing, Wauconda realized that its STP permit was in jeopardy. They had already permitted thousands of new homes, and needed to accept new sewage from them too. They began negotiating with Lake Barrington to solve their development problem. We all hoped Lake Barrington would pressure Wauconda to restore the Fiddle Creek wetlands that they degraded, and that the IEPA would prevent future injury.

We were disappointed, but Albert wasn't surprised when, before the villages sealed an agreement, the IEPA issued Wauconda a weak permit. It was better than the draft presented at the hearing, but it failed NPDES and non-degradation requirements. It had a curious little "Special Condition" tacked on the end requiring that the effluent not violate 35 Ill. Adm. Code 302. This is the very part of the CWA that calls for non-degradation and NPDES. Rather than insist that Wauconda prove that their plant expansion design wouldn't foul Fiddle Creek, IEPA passed their responsibility on as a special condition for us to prove that it will.

This is the IEPA's dirty little trick. Once they approve a permit, the burden of proof shifts from the applicant, who was supposed to prove no harm, to the public to prove that the plant is harming our waters. And because the IEPA has granted a permit, the co-defendant and expert witness for the polluter in court is the IEPA. It's a trap. By the time we have hard evidence, the sewage plant is built and in operation, the damage to our waters is done, and any other approach is too expensive. This is how Albert lost the Black Beauty case. It happens regularly, and stream and wetland quality suffers.

To rescue the negotiations with Wauconda, Lake Barrington and the Sierra Club appealed to the Pollution Control Board to review the permit. So did the Residents' Group and the Slocum Drainage District. But it was too late. Wauconda now knew that it could hide behind its IEPA permit. So their willingness to pay for measures to prevent further degradation of Fiddle Creek, and to restore the wetlands they degraded, drained away. Wauconda's could focus on more pragmatic considerations: avoiding construction delays and legal expenses.

Ultimately, volunteers and staff of the Sierra Club and Prairie Rivers helped guide the effort to negotiate an Inter-Governmental Agreement. It includes significant additional commitments from Wauconda not entirely contingent on outside funding. We also insisted on access to data taken at the plant and at test wells near the discharge. It would have been very difficult to achieve more through a long legal battle, so we dropped our appeal. To review the documents and data see <http://illinois.sierraclub.org/W&W/wetland/wtlfiddle.html>.

This outcome would have been much worse had there not been hundreds of concerned citizens and some responsive leaders both in the community and local government devoting themselves to protecting their environment and their access to clean water. And several other grave facets to this story are not included here.

Moreover, this case raised awareness of the inadequacy of IEPA's discharge permits to protect our waters. The Pollution Control Board, which writes the rules that the IEPA follows when reviewing permits, is lowering limits for new STP discharge permits. That could significantly reduce the impacts of future plants, and it would be a big step forward. In a future issue we'll explore whether artificial methods are the best way to deal with our wastewater, and some of the other ideas out there. ☘

Conservation Committee chooses priority action issues

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Your Woods & Wetlands Conservation Committee has now had its first few meetings since I've become the chair. We've discussed a number of issues in our meetings and now have a list of our priorities. These are the issues that we will track closely and actively work on. There will always be new and urgent issues, and committee members will decide which to work on. That, in a nutshell, is what our Conservation Committee does—learn about environmental issues, decide which we should act on, then develop plans and strategies to solve these problems.

If you are interested in what the committee does, you are invited to our monthly meetings on the fourth Wednesday of each month; see notice in the meetings list below. You can also call or write me to find out more about our activities by mail or phone.

Protect the Arctic National Wildlife Refuge

It's far from Illinois, but as one of the last unspoiled places in the U. S., ANWR is a symbol that resonates for the Woods & Wetlands Group. We can't lie down in front of the bulldozers (without a long bus trip), but we can work with our federal legislators who are in critical positions to sway the outcome. Mark Kirk, Melissa Bean, Dick Durbin and Barack Obama cross party lines and ideologies, but amazingly they all agree that saving ANWR is important. Our job is to keep them in mind and help them do the right thing.

YOUR ACTION NEEDED

Call the office for each of those below. Thank them for past support of ANWR and tell them to continue protection of this refuge.

- ☎ **Senator Dick Durbin**
312-353-4952 (Chicago)
- ☎ **Senator Barack Obama**
866-445-2520—toll free from Illinois
- ☎ **Congressman Mark Kirk**
847-940-0202
- ☎ **Congresswoman Melissa Bean**
847-519-3434

Preserve Lake Forest savannah

Costco and the City of Lake Forest are plotting to **bulldoze and pave some of the best wetland and prairie land in Lake County to put up a parking lot, shopping center and salt storage dome.** Not to mention that this land is connected to our Middlefork Savannah Forest Preserve and could ruin this beautiful place as well. See article in the attached *Lake & Prairie*.

Located between the Tollway oasis to the west and the Bears training camp to the east, this new Costco and Lake Forest municipal complex could be one of Lake County's worst environmental acts.

UPDATE: A large crowd of Lake Forest residents, Sierra Club, Lake County Stormwater Management, Lake County Forest Preserves, TAP Pharmaceuticals and the Chicago Bears (their attorney, not the players, unfortunately) rallied as an overflow crowd on May 11 and gave unanimous comments opposing this unwise development to the LF Plan Commission. A clearly chastened board did what any good politician does—they delayed enabling zoning changes for 30 days, hoping we'll go away. We won't.

YOUR ACTION NEEDED

Write or call the people listed in the article on this topic elsewhere in this issue to tell them no Costco or municipal services center on our wetlands, prairies or savannas. These lands should be preserved and added to the Middlefork Savannah Forest Preserve.

Stop SB761 to save Lake County wetlands

Illinois bill SB761 is one of those clever, wolf-in-sheep's-clothing bills that developers love to write and their legislative cohorts love to vote for. It starts with a fictional, environmentally sensitive title, "Isolated Wetlands Protection Bill," then goes on to emasculate what it professes to protect, in this case the last bit of our Illinois wetlands.

The anti-environmental crowd knows well that isolated wetlands have lost their federal protection due to a

Supreme Court decision (referred to as SWANK) and that we are working hard to gain that protection back. In fact, Lake County and a number of other Chicago area counties have continued protection on these wetlands. So this bill is trying to turn back the clock to the days when bulldozing swamps was "progress."

SB761 does this in two ways: First, it strips all the authority from the counties and local governments to protect their own wetlands—including Lake County—and gives it to the heavily underfunded Illinois Environmental Protection Agency (IEPA). Then the proposed law limits the minimum size wetland that can be protected to a half acre.

Turns out that most of the remaining wetlands in Illinois are under a half acre, including over five square miles of wetlands in Lake County alone! As for the larger wetlands, you can be sure that the IEPA, with little allocated money and thousands of wetlands around the state, won't be doing much protecting.

UPDATE: Senate Bill 761, which has been dubbed in Springfield the "Wetland Destruction Act," died May 11, 2005 after votes for it on the House Energy and Environment Committee evaporated in the face of strong opposition from environmental groups, local governments, the Blagojevich Administration, and Attorney General Lisa Madigan. **Our own Lake County State Representative Karen May worked tirelessly for wetlands as usual.** The SB 761 sponsor and committee chairman said the bill had been assigned to a subcommittee "for a future hearing... maybe"—Springfield-speak for the legislative recycling bin. The defeat of SB 761 is clearly a big victory for citizens across the state who made their voices heard in Springfield. We sent postcards to Lake County legislators at our last Woods & Wetlands General Meeting, and I urge all of you to attend our general meetings to get the latest, often urgent, issue information.

This victory does not provide new protection for wetlands abandoned by the federal government in much of the state. For that, we'll need to craft a new proposal. But with the threat of SB 761 extinguished, we can move on to building consensus for a bill that provides real protection while respecting local authority. ♣

YOUR ACTION NEEDED

Call your Illinois State Rep listed below (look on your voter's registration card for the district number) and tell him/her that killing SB761 was great, but we need to pass a real wetlands protection bill ASAP.

- ☎ **Rep Ed Sullivan Jr. (R)**
51st District 847-566-5115
- ☎ **Rep Mark H. Beaubien Jr. (R)**
52nd District 847-487-5252
- ☎ **Rep Sidney H. Mathias (R)**
53rd District 847-222-0061
- ☎ **Rep Karen May (D)—Thanks!**
58th District 847-831-5858
- ☎ **Rep Kathleen A. Ryg (D)**
59th District 847-680-5909
- ☎ **Rep Eddie Washington (D)**
60th District 847-623-0060
- ☎ **Rep JoAnn D. Osmond (R)**
61st District 847-838-6200

Call this legislator and tell him his support for SB761 was disappointing and we hope he votes to give real protection next time around:

- ☎ **Senator William Peterson**
26th District 847-634-6060

Join our free e-mail lists—It's easy to join our ISSUES list and our ALERTS list right from our website!

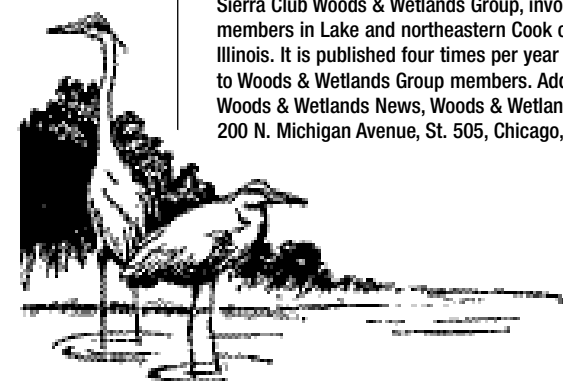
If you've changed your e-mail address, remember to resubscribe. To sign up, visit <http://illinois.sierraclub.org/w&w>

Sierra Club Woods & Wetlands Group

illinois.sierraclub.org/w&w

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Woods & Wetlands Calendar of Events

- June 22 Conservation Committee Meeting***
- July 19 General Meeting**—Speaker Joyce O'Keefe, Associate Director and Policy Director of Openlands Project, *Midwin: From World's Largest TNT Factory to First National Tall Grass Prairie*. This beautiful prairie is now a nationally protected park on the site of the old Joliet Arsenal.**
- July 27 Conservation Committee Meeting***
- August 16 General Meeting**-- Joan Garland of the International Crane Foundation (ICF), *Saving the Midwest's Whooping and Sandhill Cranes*. ICF is the organization that helps newly fledged cranes migrate from Wisconsin to Florida using ultralight aircraft. Meeting location to be determined.
- August 24 Conservation Committee Meeting***

* All Conservation Committee Meetings are held at College of Lake County South Lake Campus, Room 103, 1120 South Milwaukee, Vernon Hills (Brown brick building on west side of Milwaukee Ave., 0.2 miles north of US 45 and about two miles south of Town Line Rd; park in back.)

**Unless otherwise noted, General Meetings held at the Fremont Township Office. It's located southwest of Grayslake, on Rt. 60 between Erhart Rd. and N. Fremont Center Rd. Park in the lot in back and enter through the door in back

For maps and details, please visit <http://illinois.sierraclub.org/w&w/meet/index.html>