



2013-2014 Annual Report

**Protecting the common waters of the Great Lakes Basin
through public trust solutions.**

153 1/2 East Front Street, Traverse City, MI 49684 • flowforwater.org • 231.944.1568

MESSAGE FROM OUR EXECUTIVE DIRECTOR & CHAIR

Dear Friend,

It is so rare to find a moment to pause and reflect on the past year, and to plan and contemplate the year ahead. Thank you for making the time to join us and learn more about FLOW and our work to protect the Great Lakes.

2014 marked many defining moments as we gained international recognition with the International Joint Commission's Lake Erie report recommendations, were invited as experts before the Michigan Governor's Petroleum Pipeline Task Force, became an independent 501(c)(3) non-profit organization, and continued to help communities in need. All in all, it has been a hallmark year for FLOW!

News of our work and mission has gained attention from a broad and diverse audience, bringing new partners, programs, and supporters to our door. Citizens and decision-makers are requesting FLOW's expert advice on protective ordinances, crude oil transport in and around our lakes, Lake Erie's toxic algal bloom, and Detroit's water shut-offs.

Our message about the central role water plays in all policy decisions affecting food, energy, and climate change risks resonates not only in the Great Lakes Basin, but around the world. Water crises now rank as the number one risk according to the World Economic Forum's report.

We have a great deal of work ahead of us in 2015, and we invite you to stay involved with FLOW for what is sure to be another exciting year.

We are delighted to present this annual report as our newest publication, and we take our hats off to all of our donors, funders, volunteers, board, and staff for helping us reach our 2014 milestones.

We are grateful for your continued support, humbled by our recent successes, and look forward to serving you and our common waters in 2015.

With gratitude,

The image shows two handwritten signatures in black ink. The signature on the left is 'Liz Kirkwood' and the signature on the right is 'Mike Dettmer'.

Liz Kirkwood, Executive Director

Mike Dettmer, Chair

A VISION FOR OUR LAKES: COMMON WATERS, COMMON PURPOSE

FLOW is a Great Lakes water law and policy nonprofit dedicated to protecting the common waters of the Great Lakes Basin through public trust solutions. The *public trust* – an ancient and durable legal doctrine – exists in all Great Lakes jurisdictions and provides its 40 million citizens a legal right to use these common waters for drinking, fishing, swimming, recreation, navigation and the like. It also holds state governments accountable for ensuring these waters and public uses are protected for current and future generations.

The public trust demands that we all are responsible for protecting water as a common shared resource.

Our work comes at a time when the health of the Great Lakes hangs in the balance from an onslaught of systemic

Below, FLOW staff and interns L-R: Alicia Rusch, Casey Spitzer, Courtney Hammer, Liz Kirkwood, and Jack Dingeman



Above: Jim Olson, FLOW President and Founder (Photo Cred.: Alan Ward)

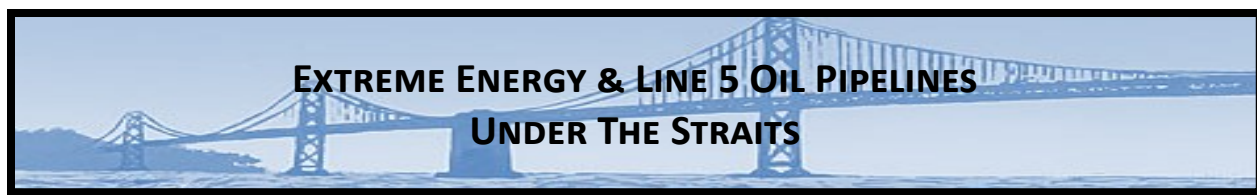
threats, increased water conflicts, and climate change impacts. We need adaptive and resilient solutions more than ever before and the public trust can help us get there.

How many existing water and environmental laws can you think of – other than the public trust – that protect water resources for current *and* future generations?

OUR PROGRAMS

Our four Great Lakes policy and education programs include:

1. Extreme Energy and the Line 5 Oil Pipelines Under the Straits
2. Model Local Ordinance Program on Fracking
3. Public Trust Policy and Education
4. The Nexus – Prioritizing Water in Food, Energy & Climate Change Decisions



The Public Trust Issue:

In the heart of the Great Lakes, twin 61-year-old pipelines silently push nearly 23 million gallons of oil and other petroleum products a day through the Straits of Mackinac. Without an easement authorized by the State of Michigan in 1953, Canadian-oil transporter Enbridge could never have built these Line 5 pipelines in public waters on public bottomlands. Since then, the state has largely forgotten its perpetual public trust duty to ensure that these pipelines will never harm our common waters. In 2014, Enbridge admitted to violating the easement's anchoring terms that attach the pipelines to the public bottomlands.

What We Are Doing:

To address the unthinkable risk of a catastrophic spill in the Straits, FLOW authored a sign-on letter to the Michigan Governor's office and made a formal presentation to the Governor's Petroleum Pipeline Task Force along with our partners in the *Oil & Water Don't Mix* campaign. We are urging the state to evaluate the risks of underwater pipelines under the Great Lakes Submerged Lands Act and to immediately open this process to the public. FLOW continues to collaborate with our *Oil & Water Don't Mix* campaign partners to raise awareness and compel state action on the Line 5 pipelines in 2015.

Why it Matters:

This is an untold story about the power of the public trust to enforce the legal duties of a state trustee, and to exercise the rights of citizen beneficiaries to their public trust waters and bottomlands in the Great Lakes, the source of drinking water and recreation for 40 million people and the region's economic engine. This story also has much larger implications than a single skirmish because the twin oil pipelines in the Straits are connected to a vast network of pipelines that owner/operator Enbridge is rapidly expanding to transport heavy tar sands oil from Alberta, Canada to U.S. refineries for domestic and international markets.

We believe our work is inspiring growing conversations about using the public trust as an overarching framework to ensure long-term protection of our air, water, and land resources.

OIL & WATER DON'T MIX CAMPAIGN

Because of our collaborative campaign efforts so far, we have put the Enbridge Line 5 pipeline issue on the radar of many regional and state media outlets, and advanced a strong, clear message for state leadership that is being evaluated by Governor Rick Snyder's administration.

We're proud of our collective campaign efforts to date, which are highlighted below:

- Growing partnership of more than 16 groups, and nearly a dozen businesses;
- Sign-on letter, with nearly 3,000 signatures so far, petitioning Governor Snyder to take charge and apply state law to the Enbridge Line 5 pipelines in the Straits,
- Formal presentation to the Governor's Petroleum Pipeline Task Force;
- Dedicated band of dozens of volunteers who circulated a citizen petition among walkers at the annual Labor Day Mackinac Bridge Walk;
- Comprehensive website (www.OilandWaterDontMix.org) with content about the problem, solutions, events, and action steps;
- TV commercial that ran all summer and early fall in northern Michigan; and
- Number of educational meetings with residents in various communities, public officials, and Governor Snyder's administration.



Our Campaign Partners:

ARTICLE32.ORG, Clean Water Action, Concerned Citizens of Cheboygan & Emmet Counties, Environmental Law & Policy Center, Food & Water Watch, Les Cheneaux Watershed Council, Michigan Coalition Against Tar Sands, Michigan Environmental Council, Michigan Land Use Institute, Michigan League of Conservation Voters Education Fund, MN350, Michigan Resource Stewards, Northern Michigan Environmental Action Council, Sierra Club of Michigan, SURF Great Lakes, TC350, West Michigan Environmental Action Council.

PUBLIC TRUST EDUCATION

What is the Public Trust Doctrine?

Dating back to the Roman times some 2,000 years ago, this legal concept recognizes that water must be protected as a shared common resource given its essential nature to all life on the planet. Public trust laws in all 50 states give modern citizens the legal right to use and enjoy these common resources, like the Great Lakes, and establish states as protectors and trustees of public waters for future generations. The public trust protects precious resources for the public from beaches (below the ordinary high-water mark line) to navigable waterways and harbors, to wetlands and wildlife, to tributary streams and even groundwater.

Our Message

Understanding how the *public trust* works allows us, as citizens, to hold our government accountable for maintaining the Great Lakes' water quality and quantity for present and future generations. FLOW develops lasting public awareness about the public trust doctrine and commons through policy papers, presentations, film, curriculum, and social media in collaboration with organizations across the Great Lakes Basin. This spring we partnered with author and water activist Maude Barlow, National Chairperson of the Council of Canadians on her "Great Lakes Need Great Friends" tour, where we engaged with Detroit citizens about the importance of raising public trust protections against water privatization efforts.

FLOW staff and Coalition members at work Protecting the Great Lakes in Lansing



2013-2014 OVERVIEW

- 38** Presentations
- 7** Policy Reports
- 4** Articles & Op-Eds
- 17** Community Outreach and Festival Events
- 2** Fundraisers
- 12** Media Appearances

MODEL LOCAL ORDINANCE PROGRAM ON FRACKING

What is Fracking?

Fracking is a water-intensive oil and gas extraction method that uses up to 21 million gallons of water, mixed with chemicals, to remove oil and gas from deep shale rock. Once contaminated by these chemicals, the water is permanently removed from the water cycle and injected into deep wells. Deep shale horizontal fracking raises a host of local community concerns and associated resource impacts, including potential surface and groundwater contamination, spills, air emissions, road traffic, water and chemical disposal, chemical disclosures, related environmental risks to headwaters, wetlands, surface waters and groundwaters, and the permanent loss to the water cycle.

Steve Grimm, Cannon Twp Supervisor

“FLOW got us started and provided a great road map to develop ordinances protective of the health, safety, and welfare of citizens and the environment. With our adoption of three ordinance amendments, we are committed to making sure our citizens voices are heard as the state considers any permit application for hydro-fracturing.”



What We Do

In 2012, FLOW pioneered this model local government fracking ordinance program to empower townships and counties in Michigan to address the industrial land-use impacts of fracking and oil and gas development and to chart their own futures. Since then, FLOW has worked with five communities to engage leaders and citizens in developing a menu of local zoning and police power ordinance recommendations to protect quality of life and natural resources. Cannon Township is the first of these communities to pass protective ordinances.

Our program continues to fill a vital need in the State of Michigan as FLOW works with a coalition of organization to educate leaders and citizens about state and local legal strategies to regulate ancillary oil and gas activities in Michigan. With Wege Foundation support, FLOW will assist three (3) additional interested townships or counties in 2015.

THE NEXUS— PRIORITIZING WATER IN FOOD, ENERGY & CLIMATE CHANGE DECISIONS

Access to water for food and energy needs has always defined and shaped successful communities. This nexus between water, food, and energy needs protection more than ever before given the threats that climate change, pollution, overuse, and mismanagement pose to the Great Lakes fresh water supply. Think Detroit's water shut-offs affecting over 27,000 households or Toledo's emergency municipal water ban caused by toxic algal blooms from agricultural and municipal phosphorous runoff into Lake Erie.



FLOW friends enjoying a Maritime Heritage Alliance tall ship adventure in Grand Traverse Bay.

At FLOW, we are elevating water as a central issue in policy decisions concerning food, energy, and climate change risks in the Great Lakes Basin. FLOW is prioritizing education and policy development to address (1) non-point source pollution and “dead zones” in Lake Erie and beyond, (2) expansion of tar sands oil transport and production in the Great Lakes region, and (3) water diversions and exports from the Great Lakes. FLOW also has partnered with Northwestern Michigan College's Water Studies Institute to offer a new freshwater policy curriculum as part of the school's existing science program in 2015.

International Joint Commission's 2014 Lake Erie Ecosystem Priority Report

Recommendation 2:

“...governments should apply this [public trust] framework as an added decision-making tool in policies, permitting and other proceedings...”

The IJC's inclusion of the public trust framework in its final 2014 Lake Erie report was a major milestone for FLOW. By applying public trust standards, the states could then hold polluters accountable because their actions violate the public trust and the public's ability to enjoy our common waters with closed public beaches, contaminated drinking water supplies, and decimated fisheries.

MAKING WAVES: A YEAR IN REVIEW (2013-2014)

- Authored 7 major legal and policy reports.
- Published *All Aboard: Navigating the Course for Universal Adoption of the Public Trust Doctrine*, Vermont Journal of Environmental Law
- Served as key partner in the *Oil & Water Don't Mix campaign* to educate state leaders about public trust role in regulating twin 61-year-old oil pipelines in the Straits of Mackinac.
- Hosted and participated in three online webinars.
- Developed a new water policy curriculum for colleges and universities to educate our future leaders.
- Conducted 38 formal presentations in all four programs.
- Persuaded the IJC to adopt our public trust legal framework as one of its sixteen final recommendations to address Lake Erie's harmful algal blooms.
- Awarded the 2014 Northern Michigan Environmental Action Council's (NMEAC) John Nelson Water Steward Award.
- Named February 2014 Great Lakes Information Network (GLIN) featured Site of the Month.
- FLOW partnered with West Michigan Environmental Action Council (WMEAC) and other groups to host a statewide conference on fracking.

EVENTS & FUNDRAISERS

- **Pete Seeger Tribute Concerts:** Tim Joseph of Spirit of the Woods Music and Gretchen Eichberger of Northwest Michigan Folklife Center organized three *Pete Seeger Tribute Community Concerts* in Northern Lower Michigan, and donated the proceeds to support internships at FLOW.
- **Yoga Day:** Yoga For Health Education owners Libby and Michael Robold in Traverse City held 2 community yoga day events to support our work.
- **2nd Annual Betsie Bay Furniture Fundraiser:** We hosted our second annual fundraiser event in Frankfort, MI, at the Betsie Bay Furniture Store. Performances featured pianist Jimmy Olson and harpist Becky Somsel.
- Special thanks to **Great Northern Roasting Company, Trick Dog Gallery, Landmark Books** and **Beth Price Photography** for earmarking a portion of their proceeds to support FLOW's work.

THANKS TO OUR GREAT LAKES SOCIETY MEMBERS

* Indicates Great Lakes
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From our collaborative work on the Oil & Water Don't Mix campaign to our Model Local Ordinance Program, every single thing we do here at FLOW is made possible with your generous and unwavering support. From the bottom of our hearts, ***thank you for everything you've done.***

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Council of Canadians

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Food & Water Watch

Great Northern Roasting Co.

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Maritime Heritage Alliance

Oleson Food Stores of Traverse City

Oryana Food Cooperative

Trick Dog Gallery

Yoga for Health Education, LLC



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Council of Canadians

Environmental Law & Policy Center

Food & Water Watch

Freshwater Future

Friends of the Jordan River

Great Lakes Water Studies Institute at Northwestern Michigan College

Kent County Water Conservation

Michigan Environmental Council

Michigan Land Use Institute

Michigan League of Conservation Voters

Northern Michigan Environmental Action Council

Sierra Club

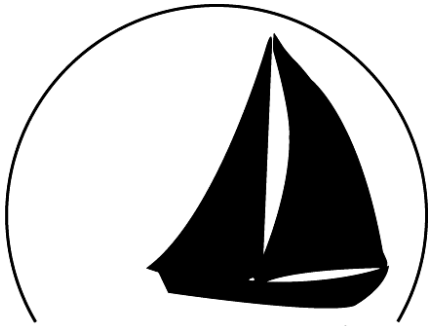
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Tip of the Mitt Watershed Council

West Michigan Environmental Action Council

AND TO OUR GENEROUS FUNDERS

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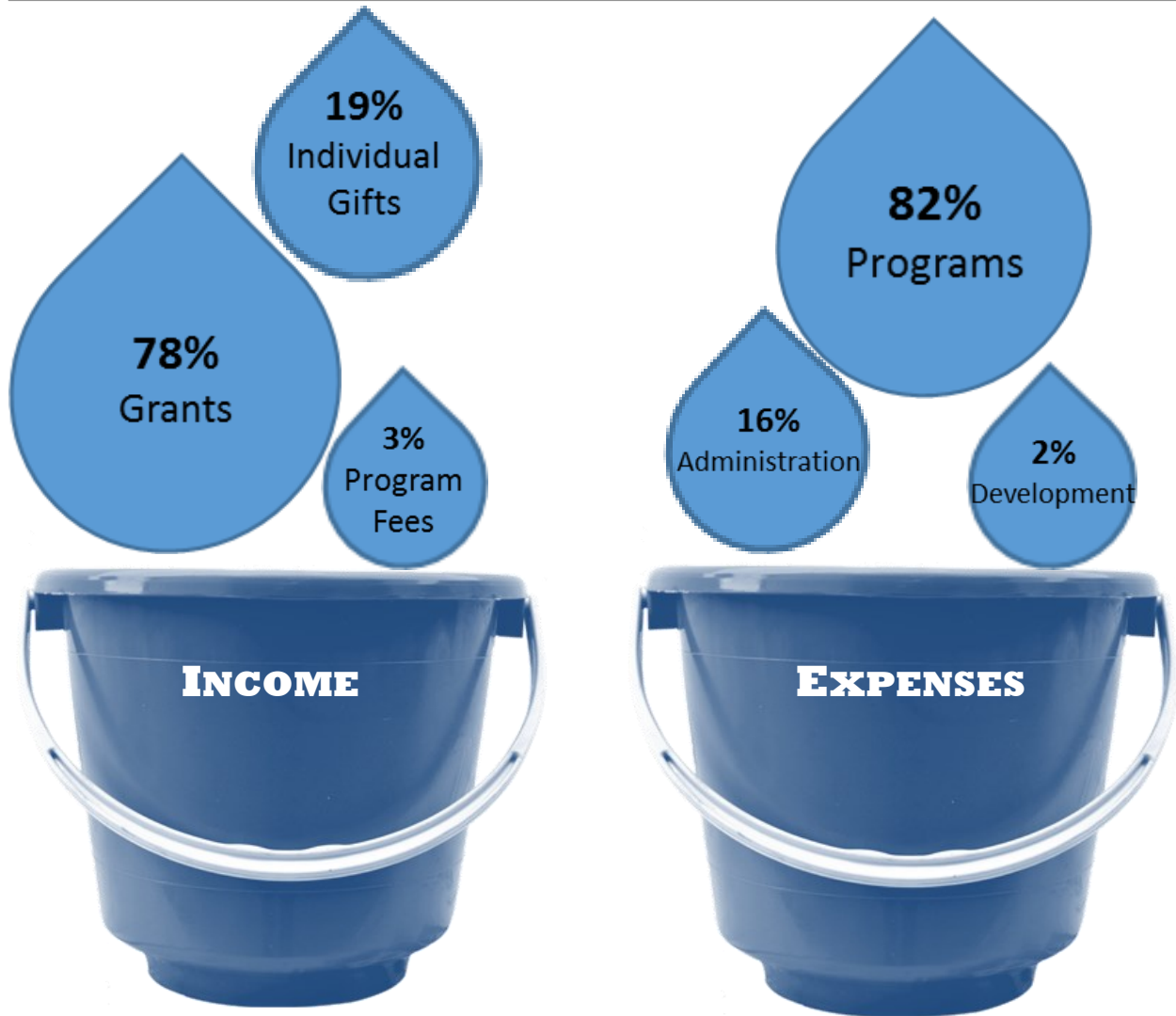
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FINANCIAL REPORT
2013-2014



“Water is the most critical resource issue of our lifetime and our children's lifetime. The health of our waters is the principal measure of how we live on the land.”

- Luna Leopold

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President & Founder

Jim Olson

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Gary Street, Volunteer P.E.

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Photo: Looking out over Lake Michigan and Empire Beach

