



A matter of the heart

“What is fundamental about our relationship with water is a matter of the heart... If the heart is not engaged, the waters will not be saved.”

— Jerry Beasley, Author



Photo caption: Members of FLOW's board and staff at our December 2019 board meeting. Photo by Nayt Boyt.

FLOW's Mission

To protect the common waters of the Great Lakes Basin through public trust solutions.

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FLOW Board Chair Mike Vickery and Executive Director Liz Kirkwood. Photo by Jacob Wheeler.

Dear friends of FLOW,

All of FLOW's programs are designed to protect our Great Lakes, surface water, and groundwater for all of us to enjoy and sustain ourselves. Together we are helping to restore the rule of law on Line 5 and in legal cases involving Nestlé's insatiable thirst for Michigan's groundwater. We are developing protective policies and environmental education campaigns and collaborating on water infrastructure solutions that are fair to all. In this age of climate change and high water in the Great Lakes Basin, we need to make sure that no one treats our water as a high-risk shortcut or a commodity.

Thanks to your generous support, FLOW in 2019 made significant strides in our policy work while celebrating our shared love of water. The following pages of this report detail these key accomplishments.

We remain inspired by the legacy of environmental stewardship of a beloved and influential Great Lakes luminary, former Michigan Governor William G. Milliken, who passed away in October 2019. We include a memorial tribute to the Governor in this report. "In Michigan," Gov. Milliken said, "our soul is not to be found in steel and concrete, or sprawling new housing developments or strip malls. Rather it is found in the soft petals of a trillium, the gentle whisper of a headwater stream, the vista of a Great Lakes shoreline, and the wonder in children's eyes upon seeing their first bald eagle. It is that soul that we must preserve."

Developing a deep sense of stewardship for our Great Lakes also means celebrating the creativity sparked by these magnificent freshwater resources. In these pages, you'll learn about several special moments in FLOW's ongoing initiative to honor the space where Art Meets Water.

As we pause to reflect on our 2019 accomplishments, we are deeply grateful to the community of supporters who fuel our work. Thank you for your generosity, your passion for our waters, and your dedicated stewardship.

We look forward to increasing the momentum in 2020 and the new decade. Together, we're moving forward with solutions to Great Lakes water issues based on science and law—solutions that inspire real hope for our water in all who love it.

We enter this consequential new decade heartened by your support and your confidence in FLOW's ability to meet the significant challenges that lie ahead. Our mantra for 2020, no matter what it brings, is to "just do the next right thing" for the love of water.

Best wishes,



Mike Vickery,
Board Chair

Liz Kirkwood,
Executive Director

Preventing Great Lakes and Groundwater Diversions, Exports, and Privatization

Public water should go hand-in-hand with public justice. Citizens deserve protection from threats to our water rights posed by the likes of global water-bottling giant Nestlé, Taiwanese multinational electronics manufacturer Foxconn, and others striving to profit from loopholes in the Great Lakes Compact, which protects the basin's water quality and quantity.

In a big win for water protection in late 2019, the Michigan Court of Appeals nullified a lower court order that would have allowed the Swiss multinational Nestlé to build an industrial booster pump facility to transport by pipeline up to 210 million gallons per year of groundwater that feeds headwater creeks in Osceola Township near Ewart, Michigan, that are tributaries to Lake Michigan.

The proposed pumping station violated local zoning when failing to meet the definition of a listed use or “essential public service” in a long-established agricultural district.

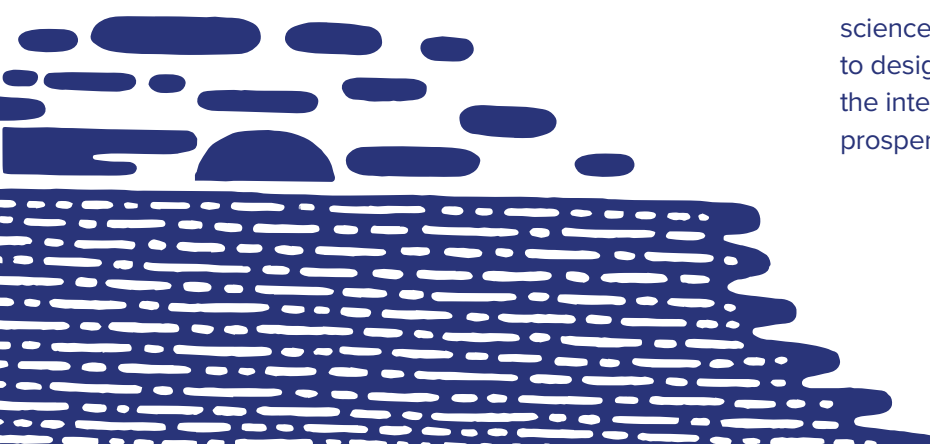
The ruling affirms that no matter how you pump it, the removal of 576,000 gallons per day, seven days a week, of public water for private bottled water sales is not essential, not necessary, and not a public service or public water supply. FLOW's legal work exposes the truth: the bottled water industry has only one purpose—maximize profit from the sale of packaged public water.

Breaking the Endless Cycle of Great Lakes Ruin and Recovery

In 2019, FLOW Executive Director Liz Kirkwood was honored to be appointed to the Great Lakes Water Quality Board. It's been nearly 50 years since the United States and Canada established the binational body to assist the International Joint Commission in watchdogging Great Lakes cleanup and meeting water quality goals.

Since then polluted ecosystems have been revived. But we also have seen a rollback of major federal environmental laws and regulations, the Flint water crisis, Detroit household water shutoffs, inadequate investment in crumbling regional water infrastructure, lack of safe and affordable drinking water, wetland destruction, water privatization, legacy and emerging pollutants like PFAS, and unprecedented climate change impacts.

In her new position on the Great Lakes Water Quality Board, Liz sees our challenge—our hope—in this new century defined by the need to break the endless cycle of ruin and recovery, and replace it with sustained protection and prosperity. This is critical in the context of the climate crisis, where we are testing the capacity of our ecosystems to rebound. We must imagine a future in which natural and human ecosystems can thrive and prosper together. We must draw not only on science, but also on traditional ecological knowledge to design and enact bold policies that acknowledge the interconnectedness of human health, economic prosperity, and thriving ecosystems.





Michigan Attorney General Dana Nessel. Photo provided by Michigan Department of Attorney General.

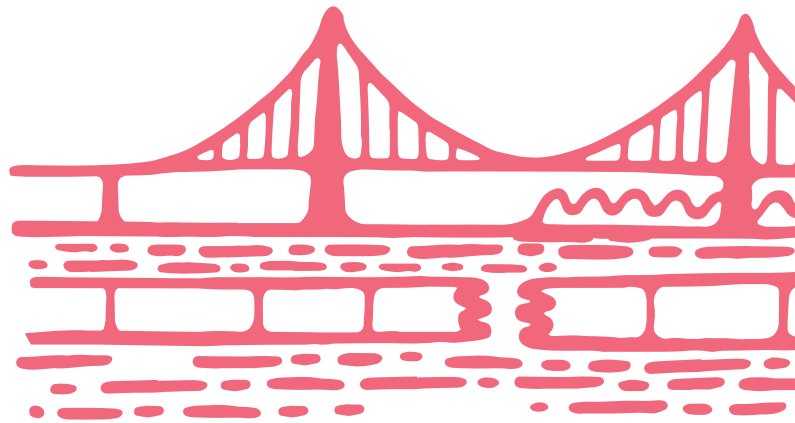
Restoring the Rule of Law to Shut Down Line 5

Multinational oil-transport giant Enbridge moves 23 million gallons of oil and natural gas liquids daily from Western to Eastern Canada through 67-year-old steel dual pipelines in the open waters of the Straits of Mackinac—the worst possible place for an oil spill in the Great Lakes, according to a University of Michigan study. U of M scientists found that an oil spill there could pollute up to 720 miles of shoreline along Lakes Michigan and Huron, harming economies, ecosystems, and human health.

“No state can cede the Great Lakes or soils under them to a person or private corporation.”

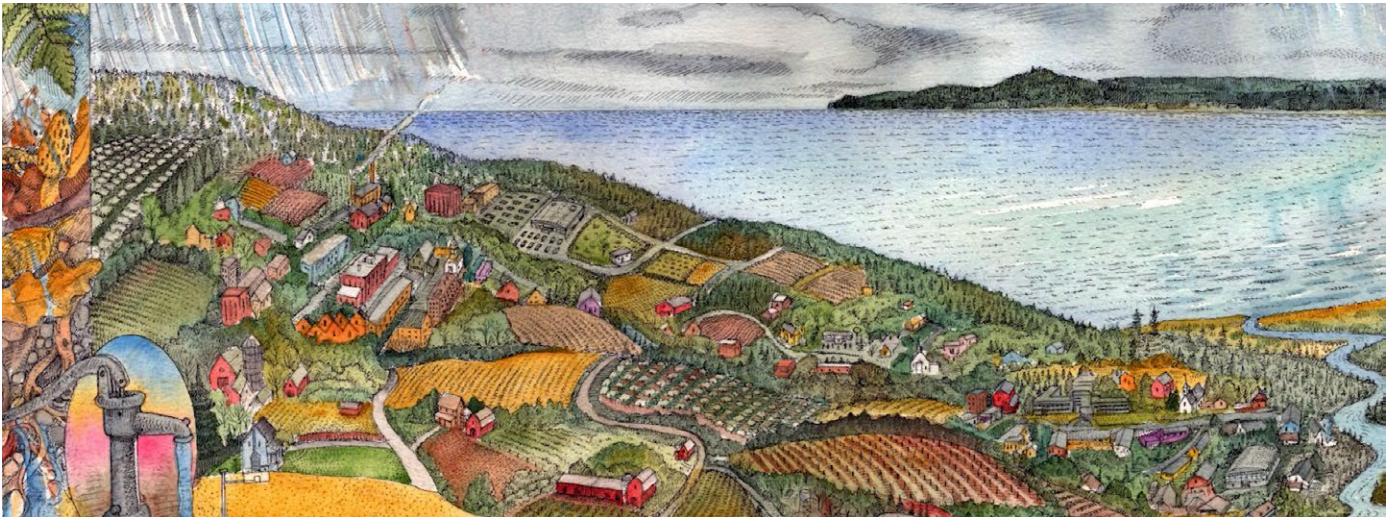
—Jim Olson, Founder and President of FLOW

June 27, 2019, marked the first major environmental and natural-resource protection lawsuit filed by the State of Michigan in almost 30 years when Attorney General Dana Nessel announced that she would take legal action against Canadian-based Enbridge to decommission the Line 5 oil pipelines in the Straits of Mackinac. This filing argues that Enbridge’s continued operation of the Straits pipelines violates the Public Trust Doctrine—which is central to FLOW’s work and the argument we’ve been making against Line 5 from the very beginning.



In fact, Attorney General Nessel in an October 2019 article credited FLOW founder Jim Olson and other advocates for raising the public trust legal argument around Line 5. The attorney general’s action was truly historic and a huge step forward for Great Lakes stewardship.

“No state can cede the Great Lakes or soils under them to a person or private corporation,” said FLOW’s founder and president Jim Olson, an environmental attorney with 45 years of experience. “These lakes and the soils under them are held in public trust for fishing, boating, drinking water, recreation, bathing, and swimming for all citizens. This trust cannot be suspended by private agreements. The use of these trust waters and soils can only be authorized under law with transparent findings that there is no private deal or gain, and no risk of impairment of current and future generations.”



Artwork by Glenn Wolff.

Protecting Groundwater, the Sixth Great Lake

Our groundwater supplies drinking water to approximately 45 percent of Michigan’s population and feeds surface water throughout the Great Lakes Basin, yet this resource vital to public health is left vulnerable to degradation from PFAS and other chemical pollutants, CAFOs (high-density, industrial livestock-feeding facilities), pharmaceuticals, failing septic systems, and more.

During National Groundwater Awareness Week in March 2019, FLOW shared our inspiring video narrated by poet and author Anne-Marie Oomen, produced by Joe VanderMeulen, and featuring original artwork by Glenn Wolff; released two podcasts developed by writer and broadcast professional Sally Eisele; posted blogs by FLOW experts shining a spotlight on PFAS and other groundwater pollution problems, as well as protective solutions; and issued a fact sheet summing it all up.

In addition, we re-released our seminal report on groundwater policies and problems, “The Sixth Great Lake: The Emergency Threatening Michigan’s Overlooked Groundwater Resource.”

Meanwhile, Kalkaska County Commissioners in northern Michigan put forth a 2019 proposal to eliminate the sanitary code that requires inspections of septic systems when residential properties sell. Currently, Michigan is the only state without a statewide septic code, leaving the job of protecting waters from septic systems up to a patchwork of local government regulations. FLOW and our allies urged Kalkaska County officials not to eliminate the requirement, and fortunately, this attempt to weaken septic system regulations and groundwater protection failed, and the Kalkaska County point-of-sale requirements remain in place today.



Nature Change’s Joe VanderMeulen and FLOW’s Liz Kirkwood launch the Michigan Septic Summit in November in Traverse City. Photo by Rick Kane.

In November, FLOW hosted the first-ever Michigan Septic Summit, convening a diverse set of more than 150 stakeholders—from public health officials to realtors to environmental nonprofit leaders—to generate new partnerships and political will to pass a statewide septic code in Michigan. Following this sold-out event, we’re working to establish a statewide campaign in 2020 to build support for smart, state-level septic system regulation.

Ensuring Safe, Affordable Drinking Water for All

Michigan faces a water infrastructure funding gap of approximately \$800 million per year, covering wastewater, drinking water, and stormwater. Closing this funding gap and investing resources wisely is imperative for Michigan to meet its responsibility to foster public health and a clean environment.

FLOW applies our law and policy experience and expertise to the challenge of effecting positive change as we partner with organizations working to uphold public water rights. Among our allies is the People's Water Board (PWB), a grassroots coalition formed in Detroit in 2008 that now includes statewide, national, and international partners.

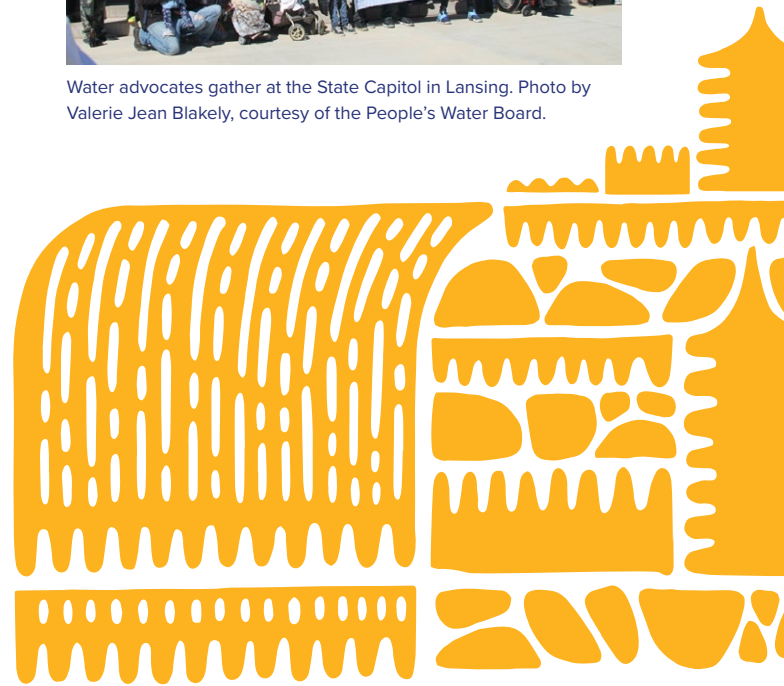
As an organizer with the PWB and the Michigan Welfare Rights Organization, Sylvia Orduño is a powerful advocate for water justice. She works tirelessly to ensure that all people—regardless of their race, class, or status—have access to clean, safe, affordable water and sanitation. The coalition, Orduño says, benefits from the efforts of several strong member groups and committees.

Through PWB's Legal-Legislative Committee, the coalition leverages its connections to reach out to Michigan's governmental leaders for a statewide response.

"That's where FLOW is such a strongly aligned partner," Orduño comments. "FLOW builds PWB's knowledge base in the intersection among the environment, human rights, public health, and legal statutes, while helping to connect with state agencies and legislators on policy and advocacy around water issues. We gain a better understanding of the legal challenges, as well as the potential for practical protective laws and regulations. We can point lawmakers to model legislation that FLOW developed, legislation that addresses the multiple needs of different kinds of communities."



Water advocates gather at the State Capitol in Lansing. Photo by Valerie Jean Blakely, courtesy of the People's Water Board.



Through working with FLOW, Orduño says, she came to understand more deeply the connection between privatization of water and the ability of corporations to manipulate generous state policies that allow them to benefit from public resources. "In the context of water," says Orduño, "the contradictions are stark between corporations benefiting financially while residents who should be protected by the state are suffering from inadequate access to safe, clean, affordable water and sewer systems."

FLOW works with PWB to build public education around this dichotomy and inform legislation and policies designed to reduce injustice and protect residents. Throughout 2020, Orduño says, the PWB will concentrate on providing research and data to inform the electorate, as well as those who are making laws and policies, on water justice. "We are involved in community conversations that drive political engagement. We need to make candidates state their position, and get people to the polls," Orduño concludes.



Launching OUR20 Communities: A Great Lakes Movement

Placing water stewardship at the heart of planning, policies, and practices that support human health and the environment builds community resilience to meet climate challenges. By taking responsibility for our 20 percent of the world's fresh surface water, local decision-makers can reduce rising costs of impacts to infrastructure, health, and the economy.

What is needed is visionary local leadership to address both the immediate and long-term challenges and threats to our water, united by a common and shared value that protecting our region's water quantity and quality is paramount and essential for healthy, vibrant communities.



Volunteers cleaning a Traverse City beach on Lake Michigan's West Grand Traverse Bay. Photo by Rick Kane.

Unified by a set of shared principles for community water stewardship, FLOW's new OUR20 initiative will increase community water resilience and strengthen our Great Lakes region's capacity to face the profound challenges of the 21st century.

OUR20 Community principles include:

- Recognizing all the benefits provided by water that encompass economic, social, and ecological dimensions;
- Being guided by credible science, shared data, collaborative partnerships, and the public trust doctrine;
- Putting water first in community decision-making practices, policies, planning and stewardship;
- Developing collaborative solutions aimed at building champions and ownership at all levels across stakeholders;
- Keeping public waters in public hands;
- Committing to public education based on best available techniques.

Celebrating the Space Where Art Meets Water

Developing a deep sense of stewardship for our Great Lakes also means celebrating the creativity and passion sparked by these magnificent freshwater resources. That's why in June 2019, FLOW hosted a very special evening of poetry and music—In Praise of Water: The Mad Angler Meets the Mad Cellist—featuring Michael Delp and Crispin Campbell. This expressive performance featured Delp's Mad Angler poems paired with Campbell's deeply moving cello music, and was the culmination of a recording project supported by FLOW to honor the space where Art Meets Water.

The following month, FLOW presented a spoken-word and musical performance reflecting the ability of art to amplify our critical connection to water. "These waters are valuable to us on a deeply psychic level," said writer Anne-Marie Oomen, who together with the Beach Bards "by heart" storytellers and musicians Glenn Wolff and Steve Carey presented "Love Letters to the Lakes" to the International Joint Commission during its July visit to Traverse City. "When we write these love letters to water, it affirms our deepest selves and our commitment to the water," Oomen noted. "It also lets the International Joint Commission know about that psychic need we have to care for the water and see that it is valued, protected, and defended."

At another Art Meets Water event—the opening for the "Artists for FLOW" exhibition at Higher Art Gallery in Traverse City in October—Liz Kirkwood told those gathered that "art and nature are intertwined. As French painter Pierre Bonnard said, 'Art will never be able to exist without nature.'"



In Praise of Water: An enthralled audience absorbs the words and sounds of the performers at FLOW's In Praise of Water event in Traverse City. Photo by Jacob Wheeler.



Love Letters to the Lakes: The Beach Bards storytellers, accompanied by musicians, present Love Letters to the Lakes at the IJC's July event in Traverse City. Photo by Rick Kane.



Artists for FLOW: Construction paintings by Rufus Snoddy were among the works represented in Traverse City at Higher Art Gallery's group exhibition. Photo by Jacob Wheeler.

Spotlighting Environmental Investment and Innovation

A love of our Great Lakes waters unites us, and underpins vibrant communities supporting a new ethic of protective policies that prioritize the health of individuals, families, and societies, while fostering innovation, sustainability, and economic gains.

Our freshwater seas are of paramount importance to Michiganders and other inhabitants of the Great Lakes Basin. They uphold our economy and represent our very way of life. According to the Great Lakes Commission, Michigan's more than 3,000 miles of freshwater coastline and 11,000 inland lakes are directly linked to more than 800,000 Michigan jobs and \$62 billion in resulting annual wages.

FLOW's environmental economics work seeks to build public understanding and awareness of the economic benefits of protective measures as we move into the future. In the fall of 2019, FLOW hosted two community engagement sessions and published a series of four "Resetting Expectations" policy briefs, written by FLOW's former board chair Skip Pruss.

“We need to get the trust back in our government to establish better rules and regulations.”

—Bob Sutherland, President of Cherry Republic

Available on FLOW's website, these reports make the economic case for government's role in protecting the environment and aim to reset the public narrative on environmental policy. The briefs trace the history of environmental regulation, and illustrate how environmental policies protect individuals, families, and communities while fostering innovation and economic gains.



The public sessions offered many perspectives, including insights from community leaders. “We need to get the trust back in our government to establish better rules and regulations,” Cherry Republic president Bob Sutherland declared at FLOW's community engagement session in Traverse City. “As a businessman, I wish that my competitors were operating with the same principles that drive me to continuous improvement in how we treat the environment. Wouldn't it be great if every company were working on clean water and protecting our land? That's where government regulations come in. Let's start a movement in getting a fair, continuously improving, and level playing field for business.”

Elected officials have a key role to play, too. “Let me start with a modest proposition—mayors will save the world!” former Grand Rapids Mayor George Heartwell asserted at FLOW's community engagement session in Grand Rapids. “The work that's done by cities, by progressive mayors, by visionary and innovative mayors will turn down the thermostat on global temperatures. I know it sounds like a very small step toward saving the human species, but green infrastructure in every city will at least save us from stormwater and flooding damage and buy us the time we need to do other climate-change mitigation.”



FLOW's Financials in FY 2019

October 1, 2018, to September 30, 2019

Thanks to generous support from our individual, family, business, and foundation supporters, FLOW's impact is increasing across the Great Lakes Basin.

In 2019, 53 percent of our \$497,045 in revenue was provided by grants, 42 percent by gifts from individuals, 4 percent from events and other programmatic activities, and 1 percent from other sources such as interest on savings.

We put this support in 2019 toward action through our essential programmatic work. Your generous support has allowed us to further our substantive policy and legal work to address some of the most profound water challenges of the 21st century. This includes an expansion of our programs to address the importance of protective measures, and hosting the Michigan Septic Summit to collaborate with our partners and begin work to protect fresh water from septic system pollution—as well as legal work to shut down Line 5 and halt Nestlé's water grab.



Of our expenditures, 82 percent was allocated to programs, 9 percent to fund development, and 9 percent to operations.

FLOW is a 501(c)(3) nonprofit; our Forms 990 are available for viewing at [guidestar.org](https://www.guidestar.org)

Thank you for your support for FLOW and the waters of the Great Lakes Basin!

With a recognition that it is only through support from our generous donors and volunteers that FLOW's work can be accomplished, we salute and thank those whose contributions made our work possible in fiscal year 2019.

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A heartfelt thank you to the dedicated volunteers, partners, and supporters of FLOW and our mission!

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Traverse City, Michigan

"This is my first year doing a fundraiser for a local nonprofit, and I felt like something pertaining to the Great Lakes would be something everybody cares about."

—Shanny Brooke, Higher Art Gallery



Photo by Jacob Wheeler.

Pewaukee, Wisconsin

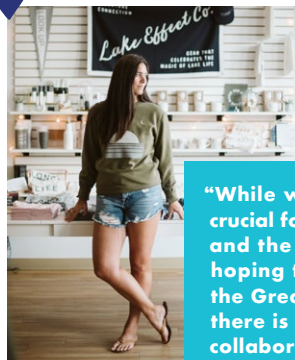


Photo provided by Lake Effect Co.

"While we know money is crucial for the work FLOW does and the legal battles they're hoping to fight on behalf of the Great Lakes and all of us, there is also so much space for collaboration by putting our heads and hearts together."

—Katherine Gramann, Lake Effect Co.

Ventura, California

"Patagonia admires and supports FLOW's commitment to defending and protecting the Great Lakes for the benefit of its communities that rely on its vital resources."

—Alex Cangialose, Patagonia Environmental Programs Associate



FLOW's Jim Olson and his wife Judy Bosma bookend Patagonia's Alex Cangialose and Tom Kaheli in Ventura, California.

This list reflects generous enhancement of FLOW's work from October 1, 2018 through September 30, 2019. We are so appreciative.

Remembering Michigan Governor William G. Milliken

In October 2019, former Michigan Governor William G. Milliken passed away at age 97 in Traverse City. The longest-serving governor in the history of Michigan, Governor Milliken distinguished himself in numerous other ways. Perhaps the Governor's most lasting policy legacy is the framework of environmental laws that came into being during his 14 years in office, from 1969 to 1982. As public consciousness of a century of environmental neglect and abuse peaked, and a clamor for a new approach grew to a crescendo, Governor Milliken took the initiative to propose or support, and ultimately sign into law, the Michigan Environmental Protection Act, the Inland Lakes and Streams Act, the Wetland Protection Act, the Wilderness and Natural Areas Act, the Sand Dune Management and Protection Act, and many more.

When the Legislature deadlocked on a proposed recycling deposit on beer and soda containers, he helped lead a citizen initiative to put the proposed law on the ballot. Voters approved it by a 2-to-1 margin in 1976. When scientists identified phosphorus laundry soaps as a major contributor to the algae blooms in western Lake Erie and elsewhere, the proposed remedy was a strict



limitation on phosphorus content. Major Republican contributors strongly opposed the change, but Governor Milliken defied them and took aggressive action to bring it into effect. Within only several years, phosphorus discharges from wastewater treatment plants plummeted, and Lake Erie began to recover.

Governor Milliken and his wife, the late Helen Milliken, spoke repeatedly of their appreciation of Michigan's beauty and the need to continue fighting to protect it. It was Helen Milliken who alerted her husband to the controversy over oil development in the wilds of the Pigeon River Country State Forest, and urged him to take a stand in favor of the forest's conservation. She was a major influence on his environmental policies.

After he left office, William Milliken famously summarized his environmental values: "In Michigan," he said, "our soul is not to be found in steel and concrete, or sprawling new housing developments or strip malls. Rather, it is found in the soft petals of a trillium, the gentle whisper of a headwater stream, the vista of a Great Lakes shoreline, and the wonder in children's eyes upon seeing their first bald eagle. It is that soul that we must preserve."

A part of Michigan's soul passed from the scene in 2019, but thanks to Governor Milliken's work, our soul will renew itself for generations to come. A memorial service for Governor Milliken will be held in June 2020. The Milliken family has asked that donations in his memory and in support of his environmental legacy be made to the Detroit Riverfront Conservancy and to FLOW.

The following donors made gifts in memory of William G. Milliken:

Bob, Cathie, Jack, and Mike
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Keith and Gabrielle Schneider

Brent Schnell

Kent and Nancy Walton, in
memory of Helen and
William G. Milliken

Roger and Linda Williams

Sharon and Wayne Workman

Cathy Zepelin

These gifts, while falling outside the fiscal year covered in this report, merit our grateful acknowledgment at this time.

**“Our soul is found in...
the gentle whisper of a
headwater stream, the vista
of a Great Lakes shoreline. ...
It is that soul that we
must preserve.”**

—William G. Milliken, former Governor of Michigan