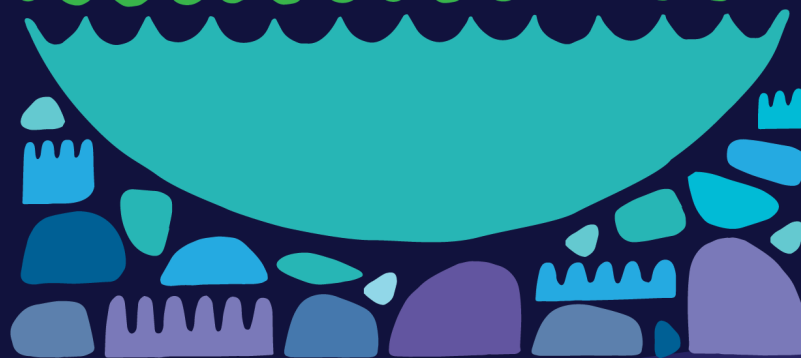




**THE GREAT
LAKES**



BELONG TO



ALL OF US

FORLOVEOFWATER.ORG



FLOW staff and board, including board chair Mike Vickery and founder Jim Olson (left photo), floated the Boardman River in southern Grand Traverse County on September 25, 2020.

FLOW's Mission

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

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Storymap Designers

Kathryn DePauw
Holly Wright

Report designed by Jacob Wheeler. Cover art by Miles Carey & Ryan Greaves.

Dear Friends of FLOW,

Being in, on, or near water brings us into balance, restores clarity, and grounds us in understanding what matters most. Water is life. These elemental connections to water and nature were profoundly important to all of us in the tumultuous year of 2020, as the coronavirus upended our lives and economy.

This year also taught us at FLOW about the critical importance of maintaining strong connections—with our colleagues, partners, and supporters like you—while unable to gather safely in person. We quickly embraced new ways of reaching out, collaborating, exchanging ideas, and sharing what we were learning and doing. We never lost sight of advocating for our public waters. The resilience and effectiveness of the staff and board at FLOW is no less than extraordinary and truly inspiring.

In reflection, November 2020 marked an extraordinary milestone for the Great Lakes—and for FLOW. After seven long years of advancing public trust law as the legal basis to shut down Line 5, FLOW watched Governor Gretchen Whitmer and DNR Director Daniel Eichinger assert public trust law as the cornerstone of the state's action to advance critical legal action to protect the Great Lakes from a catastrophic oil spill.

Equitable and affordable access to clean drinking water remained at the forefront of our work in 2020 as we partnered with frontline Detroit and Flint groups to successfully persuade Governor Whitmer, and then the legislature, to extend a moratorium on water shutoffs through March 2021. We also partnered to form Water for All of Michigan to evaluate equitable and just financing and funding strategies to assure safe, affordable water for all communities. FLOW's model legislation, [Public Water, Public Justice](#), is a key part of this work.

FLOW also worked to spotlight and protect the Sixth Great Lake, Michigan's groundwater, un-

veiling a [groundwater story map](#) in March and a [June webinar](#) to highlight the implications of a preliminary state decision approving Nestlé's permit to increase withdrawals for commercial bottled water. And we chronicled a [baffling decision in November](#) by the State of Michigan to dismiss the citizen-led contested case challenging the Nestlé permit.

In a year dominated by a global pandemic, a reckoning with racial injustice, [record-high Great Lakes water levels](#), an unprecedented national election, and profound challenges to our most important institutions, FLOW stood firm as a fair witness to, and advocate for, the power and value of the public trust in moving forward. Working alongside our partners, allies, supporters, and friends, FLOW [planted new seeds](#) from which will grow a more just, diverse, inclusive, equitable, prosperous and resilient water future for generations to come.

Your support and passion for the Great Lakes, groundwater, and drinking water for all inspires us and helps drive us forward. Thank you for our shared successes.

In solidarity,



Liz Kirkwood

Liz Kirkwood,
Executive Director



Michael Vickery

Mike Vickery,
Board Chair

Reflecting on 2020, Looking Forward to 2021—FLOW's 10th Anniversary Year

By Jim Olson, FLOW's Founder and President

In this report, FLOW is taking a moment to look back at 2020 and forward to the entirety of 2021, our 10th year of partnering with you to protect the Great Lakes. This is a tremendously exciting time. Our organization now enjoys a solid foundation built from the work we've done to protect the Great Lakes through application of [public trust principles](#), work that cuts through politics and sustains communities with water that is clean, safe, affordable—and public.



[Watch a video of Jim reflecting on FLOW's progress and looking forward to 2021.](#)

We slogged through a lot in 2020. We all feel the pain and disorientation of the pandemic, political unrest, climate disaster, poverty, and systemic racism that dominated last year. Families and friends were separated, schools disrupted, and many lives lost or left with health challenges.

But 2020 also yielded good things. After seven years of work by FLOW, our allies, and countless thousands of individuals, families, businesses, and communities, the public trust doctrine became the legal basis for Michigan Governor Gretchen Whitmer to revoke the 1953 easement and order an end to Line 5 and to the transport of crude oil through the Straits of Mackinac. Line 5 is dangerous, and under the public trust law it shouldn't exist. Gov. Whitmer had no other lawful choice, and she did the right thing.

We also saw the beginning of the end of water shutoffs and the recognition that people are entitled to have access to drinking water. Thank you to Governor Whitmer, for taking charge,

thank you to Detroit Mayor Mike Duggan for suspending water shutoffs in your city through 2022, and thank you to the Michigan Legislature for passing the bipartisan bill to continue the statewide water shutoff moratorium through March 2021. We've also seen progress in our work on [Public Water, Public Justice](#) to ensure safe, clean, and affordable drinking water for all. There's a real battle underway globally over the question of who owns the water and whether it can be sold and traded on Wall Street, as if it's iron ore, oil, or coal. Water is a commons, and the public trust protects it for all of us.

Looking to the future of FLOW's work, this is a time to build on the successes that we've had, and to understand, particularly in this last year, that individual rights coexist with the commons, and the common good comes first. Individual rights have no value at all if you don't have common good, and if you don't have the commons, like water, which everyone shares. There are no short-term gains if this water is destroyed.

We at FLOW are looking forward to celebrating 2021 with you. We're moving toward an economy buoyed by clean water and clean energy, and we're going to make it happen together.

We thank you for your support, and ask that you continue to power our work to protect the Great Lakes, groundwater, and drinking water for all.



**KEEPING OUR WATER
PUBLIC AND PROTECTED**

Gov. Whitmer's Decisive Action to Shut Down Line 5 Affirms FLOW's Public Trust Strategy

On November 13, 2020, Michigan Governor Gretchen Whitmer [announced that she was upholding public trust law](#) and revoking and terminating Enbridge's easement to operate the Line 5 oil pipelines along the bottomlands of the Straits of Mackinac.

"As public trustees of our waters, the State of Michigan is affirmatively upholding the rule of law and protecting the public's treasured Great Lakes from the clear and present danger of an oil spill catastrophe from Enbridge's Line 5 pipeline," said FLOW executive director Liz Kirkwood. "[November 13 was an historic day](#) of state leadership by the Whitmer administration brought about by many years of dedicated action by environmental groups, Indian tribes, communities, businesses, faith communities, fam-

exposed to uncontrollable and powerful forces, including exceptionally strong currents, lakebed scouring, new anchor and cable strikes, and corrosion. These forces dramatically increase the risk of this elevated, outdated pipeline collapsing and causing the unthinkable: a catastrophic oil spill in the heart of the Great Lakes."



"Indeed, [Enbridge counterattacked in late November 2020](#) with a federal lawsuit that seeks to deny the State of Michigan's sovereign title and authority to protect the public trust in the Straits and Great Lakes from Line 5," says FLOW founder and legal advisor Jim Olson. And on January 12, 2021, the Canadian pipeline giant said that it won't comply with Governor Whitmer's Line 5 easement revocation, and plans to continue operating the pipelines, no matter what the law says.

Since 2013, [FLOW has filed extensive legal and technical reports](#) with the State of Michigan citing extensive evidence of Enbridge operating Line 5 illegally and risking the public's water. Governor Whitmer's announcement that she was terminating Enbridge's easement mentioned "public trust" five times—that's the approach that FLOW has championed to shut down Line 5 from the very beginning. The governor's leadership on shutting down this pipeline will have national and international repercussions in citizen-led efforts to protect water, oppose dirty fuels, and combat climate change.



Photo by Beth Price

ilies, and individuals. People of diverse backgrounds have come together to work tirelessly on a common purpose: protecting the Great Lakes, drinking water, fishing rights, the economy, coastal communities, and a way of life from the most dangerous oil pipeline in America.

"While this is a moment to celebrate," Kirkwood cautioned, "we must remain vigilant until the oil stops flowing for good, because Line 5 remains

Racial Equity and Clean Water for All of Us

"We need racial equity and access to clean water for all now,"

[read a statement FLOW published on June 5, 2020](#), at the

height of demonstrations throughout the United States calling for racial equity and justice. "The murder of George Floyd in Minneapolis and protests across the country and globe require each of us to re-examine our basic principles and to envision anew the diverse, inclusive, equitable,



Photo courtesy WikiCommons

and just society we must seek together. This is no less true of FLOW than of other organizations with a public-interest mission.

"At its heart, the environmental movement is about ensuring that future generations are not shortchanged of their right to a sustainable society. We cannot achieve this goal without addressing the many ways in which people of color—our neighbors, friends, family, and community members—are deprived today of economic and social opportunity, and of their very lives.

"Our Great Lakes region includes many communities of color that bear a disproportionate burden of environmental contamination, lack meaningful opportunities to participate in government decision-making, and cope without access to clean air and water and basic living conditions. The growing threat of climate change poses a disproportional risk to many of these communities as well. A significant portion of FLOW's current work reinforces partnerships with affected communities of color and low-income populations whose health is put at risk by unredressed contamination and punitive policies that deny access to the most fundamental public service of

all—safe, clean, and affordable drinking water. Water-shutoff policies are particularly deplorable at a time when a global pandemic makes water for basic sanitation critical to health—indeed, to survival.

"FLOW and our allies and partners in front-line communities are working hard right now to develop transformative and lasting policy solutions and funding sources that [ensure affordable drinking water for all](#), along with the revenues to fund infrastructure that will keep the water flowing. And we are committed to helping bring about the broader social change that leads to true environmental justice—for everyone, regardless of differences in age, religious affiliation, range of mobility, gender identity, geographic location, economic status, or race.

"FLOW will strengthen and undertake additional initiatives to achieve environmental justice within our stated mission of assuring that the public trust right to access clean water is secured for all of us."

Water Access Plays Critical Role During Global Pandemic


Across Michigan and the United States—in both cities and small towns—residential water rates have skyrocketed. An exclusive report found that in 12 diverse U.S. cities, the combined price of water and sewage [increased by an average of 80 percent between 2010 and 2018](#). This water affordability crisis is especially acute and painful during the COVID-19 pandemic, when public health officials are stressing the importance of handwashing and sanitation generally.

During World Water Week in August 2020, former executive director of the Detroit Health Department [Abdul El-Sayed told](#)

[FLOW](#) that “not everyone gets to take (water access) for granted. It accentuates the fact that water is life. Public health started in the moment when we realized how to keep people from drinking polluted water and to make sure that the water they drank was clean and pure.”

The federal government used to lend a hand and help Americans turn on their faucets. Despite rising capital needs, the U.S. government’s contribution to water infrastructure spending has fallen over the past 30 years from 63 percent of total capital spending in 1977 to nine percent in 2014. In terms of per capita spending on water infrastructure, federal spending has fallen from \$76 per person to \$11 per person during that time, [according to the Congressional Budget Office](#). That trend has left local utilities to raise the money that is needed to upgrade water infrastructure, comply with standards for toxic contaminants like PFAS, lead, and algal blooms, and adapt to extreme weather conditions linked to climate change, like drought and floods.

Water shutoffs in Michigan’s cities—including Detroit, Flint, and Benton Harbor—impacting large numbers of residents rightfully [command](#)



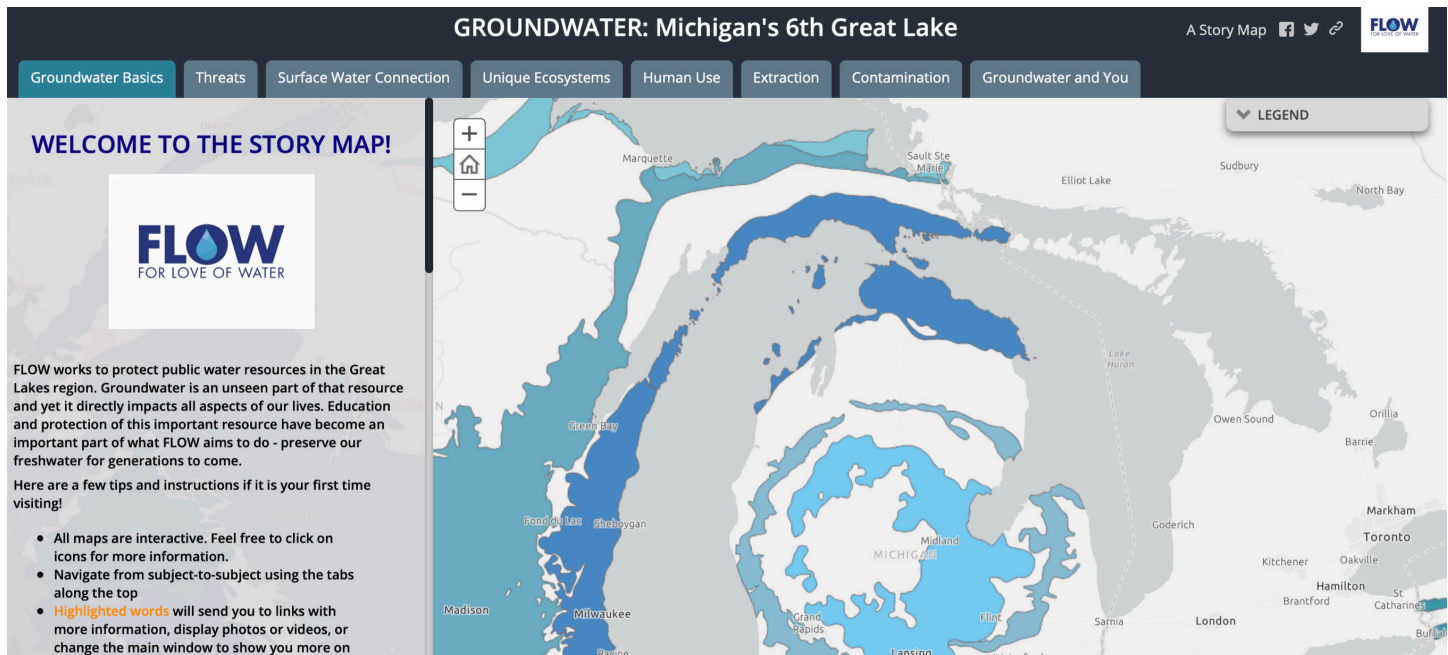
**NO ONE SHOULD HAVE
THEIR WATER SHUT OFF
DURING A GLOBAL
PANDEMIC**

Photo by Michigan League of Conservation Voters

[the headlines and generate movements for moratoria](#), but the [water affordability crisis is real in rural Michigan as well](#). Data collected by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) as part of efforts to ensure the restoration of water services to all Michigan households during the coronavirus pandemic indicate that more than 1,600 households in rural counties were without water due to shutoffs for nonpayment at the onset of the pandemic in early 2020.

FLOW is exploring these issues through our work on water infrastructure and equity and calling for more state and federal funding sources for water infrastructure to relieve the burden on residential ratepayers. Drawing partly on the concept and framework of the Michigan Natural Resources Trust Fund, our Public Water, Public Justice model legislation would affirm the state’s public trust duty to protect access to safe, clean, and affordable water for the people of Michigan. It also would create a dedicated fund to support water affordability and water infrastructure, with revenues generated from the collection of royalties on water bottling operations.

Protecting Our Sixth Great Lake: The Groundwater Beneath Our Feet



Groundwater, as one component of a single hydrological cycle, is essential to the quantity and quality of Michigan's wetlands, lakes, and streams and to the watershed's Great Lakes. Its connection to surface waters protected by the public trust is abundantly clear. Yet groundwater is the least protected arc of that cycle.

While laws and policies protecting air and surface water are well established, dating to the early 1970s, the same cannot be said for groundwater. Despite increasing scientific understanding of groundwater's importance to the healthy sustainability of species and communities in a watershed, its out-of-sight character has often left protective policies out of mind. Only piecemeal protections attempt to limit threats to groundwater quality.

The patchwork approach is inadequate to meet the needs of the 21st century. It has led to a lack of emphasis on pollution prevention and legal provisions that allow groundwater to remain contaminated instead of being cleaned up. The result is a Michigan groundwater emergency posing serious current and future health risks. In 2020, FLOW released an [innovative groundwater story map](#). Packed full of information about

the environmental significance of this resource, the story map is a window into one of Michigan's overlooked assets. Michigan prides itself on being an environmental leader, particularly in curbing water pollution. But in one area of water policy, Michigan is dead last among the 50 states. It is the only state that lacks a uniform sanitary code requiring periodic inspection and maintenance of septic systems—even though 30% of Michiganders rely on such systems. [The Great Lakes state needs a septic inspection law.](#)

In 2018, [FLOW released our first report](#) on the precarious state of Michigan's groundwater. We pointed out that groundwater supports agricultural and industrial water needs, and is the source of drinking water for 45% of Michigan's population. We offered several policy proposals that state officials are considering. But more needs to happen if we are to end the Michigan groundwater emergency. In March, FLOW will release our second report on groundwater, which calls for comprehensive solutions, including a new state Groundwater Protection Act. We're acting on our commitment to assure that groundwater, a key part of the water cycle, is fully protected and safe for drinking water now and in the future.

Water Privatization: The Struggle To Stop Nestlé's Groundwater Grab Continues

For years, a fight has been brewing over public water worldwide. From Michigan to drought-stricken California, to Canada, to Germany, and beyond, the Nestlé corporation is a key player in a worldwide effort to privatize our finite water resources, and then sell it back to us in plastic bottles—in Michigan's case, in and outside the Great Lakes Basin.

FLOW and our allies, including Michigan Citizens for Water Conservation (MCWC) and the Grand Traverse Band of Ottawa and Chippewa Indians, continue to call on the state of Michigan to withdraw the permit for Nestlé's groundwater extraction in Mecosta County. On June 17, 2020, [FLOW and MCWC co-hosted a webinar](#) that provided frontline, scientific, and legal insights into citizen-led efforts to challenge the Swiss-based corporate giant in its quest to expand its extraction of groundwater in mid-Michigan. Every year, Nestlé in its operations near Evart pumps hundreds of millions of gallons of public groundwater virtually for free, bottles it, and sells it under the Ice Mountain brand back to the public at a huge markup—while threatening streams that provide aquatic habitat and flow to Lake Michigan.

[FLOW submitted formal comments](#) to the state on January 30, 2020, citing deep and fundamental deficiencies in a state-approved groundwater monitoring plan fashioned by Nestlé. FLOW demonstrated that the plan's failure to adequately address hydrological effects leads to the perverse outcome that the monitoring plan will mask, rather than reveal, the actual

adverse impacts of the pumping allowed by the permit at issue.

"Michigan waters are held by the state as sovereign," FLOW founder and president Jim Olson said, "meaning, held for all of Michigan's citizens, so by its very nature, a monitoring plan must be fully transparent, independent, reliable, and accurate to collect data and understand existing hydrologic, geologic, and ecological conditions."

[On November 20, 2020](#), Michigan's Department of Environment, Great Lakes, and Energy (EGLE) dismissed a case challenging the state permit issued to Nestlé in 2018 for increased water withdrawals from springs in Osceola County. The announcement also dismissed more than 80,000 comments EGLE received opposing the permit. [FLOW and MCWC believe](#) it is the duty of the state to make sure that multinational corporations like Nestlé don't privatize public water and don't harm water resources in their water bottling operations.

"If anything is important to the people of Michigan, I don't care what party you're in, it's water," [said Olson](#), who has led the legal fight against Nestlé since the early 2000s.



Art Meets Water: FLOW's Creative Collaboration with Artists and Writers

Developing a deep sense of stewardship for our Great Lakes also means celebrating the creativity and passion sparked by these magnificent freshwater resources. [“Art Meets Water”](#) is FLOW's ongoing series of collaborations with committed artists, inspired by the ability of art to amplify our critical connection to water.

[The Great Lakes Belong to All of Us](#): “All of Us” speaks to the many kinds of beautiful diversity in our Great Lakes community. The rainbow-colored handprint on the cover page of this report—including the black and brown stripes at the top to honor queer and trans people of color—was featured in summer 2020 in front of Hotel Indigo in downtown Traverse City to remind us that environmental justice and water rights are inextricably connected to racial justice and the rights of people of all orientations and identities.

[FLOW took part in a July 31, 2020, “Words for Water”](#) open-air throwdown in the forest behind the Glen Arbor Arts Center—an event that complied with the COVID-19 restrictions—and celebrated water and our creative relationship with the essential element.

[On September 27, 2020, FLOW co-hosted a virtual launch](#) for Sally Cole-Misch's novel, *The Best Part of Us*, featuring a conversation with senior policy advisor Dave Dempsey about how the book captures our essential connections to nature and celebrates the Great Lakes. “I hope this novel can resonate deeply and optimistically for readers, because, if they can recognize the value nature holds in their lives, they will consider how their actions are impacting what they value, and hopefully change those behaviors as much as possible to become part of the solutions,” said Cole-Misch, a longtime communicator for the International Joint Commission's Great Lakes Regional Office.



[On January 17, 2021, FLOW hosted another virtual book event](#), this time with poet Alison Swan, whose new collection of poems, *A Fine Canopy*, illustrates how the natural world envelops and encloses us with so many beautiful things: crowns of leaves, the ubiquitous blue sky, our luminous moon, and snow. “So much snow.” An eco-poet whose writing reveals her advocacy for natural resources, Swan in this collection calls the reader to witness, appreciate, and sustain this world before it becomes too late.



A Fine Canopy author Alison Swan

50 Years of Earth Day: Celebrating a Golden Anniversary

Although American environmentalism reaches back to the early 20th century, public demands for clean water, clean air, and healthy ecosystems reached a crescendo in 1970. Last year, FLOW took time to remember and reflect on all that happened 50 years ago to protect the natural systems on which we depend—and how we can make the next 50 years a time of further dramatic progress for our precious waters and the environment.



The 50th anniversary of the [first Earth Day](#) is of more than historical importance. What happened on and around April 22, 1970, is relevant at this moment. It's a time to consider what has happened to America's environment since then, but also to take stock of how lessons learned can inform our journey forward.

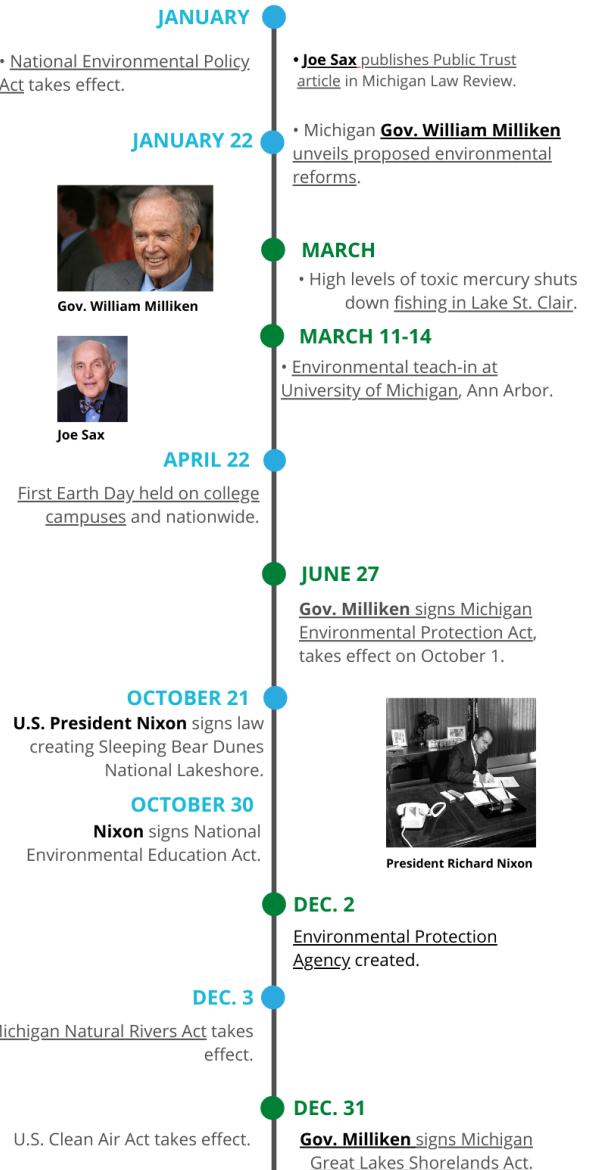
For Michigan, Earth Day really began in March 1970 with a nationally publicized Environmental Teach-In at the University of Michigan. It continued all year with landmark changes like the passage of Michigan's Environmental Protection Act and the [creation of Sleeping Bear Dunes National Lakeshore](#). In the decade that followed, Michigan won recognition as a state with some of the strongest environmental protections in the country.

What can we learn from the massive citizen movement that made 1970 a year of decision for Michigan and the nation? What can we learn from the progress and setbacks, defeats and triumphs since then?

[FLOW's coverage in 2020 of the 50th anniversary](#) of the national environmental awakening included stories by [Dave Dempsey](#), [Liz Kirkwood](#), [Lana Pollack](#), and [JoAnne Cook](#), reflections on the origins of the state's environmental movement and how we've fared since 1970, and a mixed legacy nationwide for the U.S. Environmental Protection Agency.

FIFTY YEARS SINCE THE 1970 ENVIRONMENTAL AWAKENING

REMEMBERING 1970, IN MICHIGAN AND NATIONWIDE



FLOW Financial Position, Fiscal Year 2019-2020

The great story behind this financial snapshot is what you, as a community of supporters, have accomplished this past fiscal year at FLOW. Our day-to-day work is a dynamic array of actions and results made possible by your investment in FLOW.

Your financial support in fiscal year 2020 remained steadfast, and gifts and grants awarded to fund FLOW's commitments—spanning months into the future—resulted in rising revenue and a net surplus. This welcome financial position secured FLOW's ability to fulfill our programmatic commitments into the current fiscal year and to quicken the pace of our work to protect the public's water in the Great Lakes. This is your great gift to FLOW—the ability to increase our impact even in uncertain times.

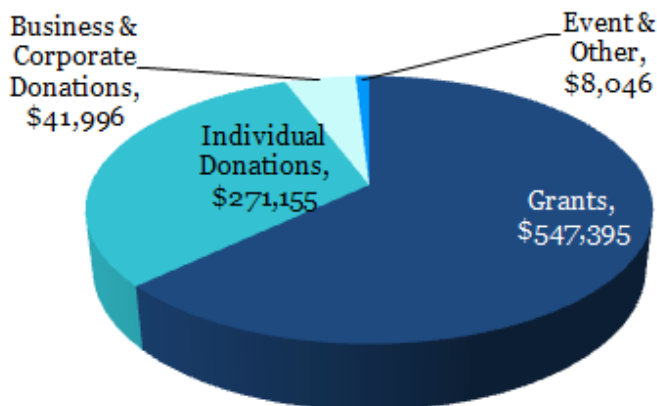
Our shared success is attributable to two factors. One is FLOW's demonstrated ability to build relationships throughout the Great Lakes watershed by assembling strong partnerships and attracting passionate supporters. The other factor is a strategic plan for growth that defines a pathway for FLOW to scale up to meet mounting threats to the Great Lakes, groundwater, and drinking water.

Robust relationships and increased support all take time and expertise to nurture and grow. Your support for FLOW's behind-the-scenes activity—our operational effectiveness—is what builds a groundswell of advocacy, advancing the rights and responsibilities encoded in public trust principles to assure that everyone has access to clean water in the Great Lakes, now and for future generations.

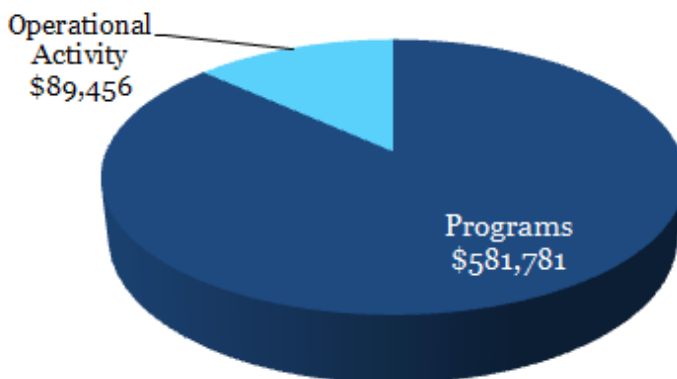
Lots of ingredients to pack into a few pie charts!

—Gary Appel, Treasurer,
FLOW Board of Directors

Fiscal Year 2019-20 Total Revenue: \$868,152



Fiscal Year 2019-20 Total Expenditures: \$678,273



The Helen and William G. Milliken Fund For Love of Water

The following donors have made gifts between July 1 and September 30, 2020, to The Helen and William G. Milliken Fund For Love of Water, established in July, 2020, to support work that:

- Protects the Great Lakes and the public trust rights of those who depend on them,
- Inspires community action advancing environmental stewardship, and
- Sustains internships at FLOW to foster a new generation of environmental leaders.

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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 in the fiscal year spanning October 1, 2019, through September 30, 2020, made our work possible.

We sincerely endeavor to recognize our supporters with accuracy, as well as with gratitude. Please contact FLOW to alert us to any error or omission—and accept our heartfelt apologies.

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Photo by Barbara Brown

“We can move forward and do so together—Native and non-Native communities, alike. Our world view in some ways is different, but when it comes to Earth, our land, water, plants, and animals, there’s a common goal in how we take care of and preserve what’s here.

“That’s one way of moving forward together—realizing our commonalities as human beings on Earth. If we can have conversations about these commonalities and those things we all support and believe in, then we’ll gain an understanding and respect.”

**—JoAnne Cook, FLOW Board Vice Chair,
tribal member, Grand Traverse Band of
Ottawa and Chippewa Indians**