

SUMMARY OF SPECIFIC COMMENTS (PDF FILES ATTACHED)

AREAS OF CONCERN / SEDIMENTS

- **Environmental Protection Agency:** The Environmental Protection Agency provided detailed comments on the Aquatic Invasive Species, Habitat/Species, Coastal Health, Areas of Concern/Sediments, Nonpoint Source, Toxic Pollutants, and Indicators and Information sections of the draft report.
- **U.S. Department of Transportation:** For recommendation to "Align Governance to Enhance Sustainable Planning"- need to define what is meant by the term "ecosystem services".
- **Ohio DNR:** It would be helpful for the strategy discussion to acknowledge that surface transportation planning is conducted at the metropolitan and statewide level; FHA funding programs provide options to support call for collaboration on tourism; include other entities than those listed on page 29 with whom coordination is needed; consider abandoned coal mines for use of sediments
- **Buffalo Niagara Riverkeeper:** LAMPS not sufficient for bi-national AOC management.
- **Sediment Management Work Group:** Includes detailed comments noting its support for the recommendations included in the Plan.
- **The Nature Conservancy:** In its comments, The Nature Conservancy includes general observations as well as specific comments on this Section of the report.
- **Crop Life America:** Important to maintain financial support for removing unintended consequences of Legacy Act- Recommendation 1 on page 27 is a high priority.
- **Council of Great Lakes Industries:** Important to remove unintended impediments in Legacy Act is essential to clean up remaining sediments in AOCs.
- **Northeast Ohio Area Coordinating Agency:** NOACA strongly supports adequate stable funding for RAP partners, especially local partners.
- **Peggy B. Johnson:** Full funding of states and community councils is critical.
- **John K. Bartow, New York State Tug Hill Commission:** Recognition of PCB contaminants in Black River sediments may be appropriate in the problem statement.
- **Greg Mund, Michigan Statewide Public Advisory Council:** Federal funding needed for implementation actions and programmatic and technical capacity at all government levels; specific funding allocations should be given to existing federal programs; changes needed in the Post-delisting Monitoring and Stewardship, U.S.-Side Only Delisting in Binational AOCs, and the Draft Restoration sections.

- **Saint Clair River Binational Public Advisory Council:** Made specific comments with regards to Funding the Great Lakes Legacy Act, Delisting AOCs, and Funding for Existing Programs; continued monitoring and stewardship in AOCs following delisting is a cause for concern; a recovery stage or delisting status that failed to recognize the St. Clair River as one comprehensive Area of Concern is a poor approach.
- **Great Lakes Boating Federation:** Permanent solution to the contaminated sediment issue needed; in situ remediation is a cause for concern; sediment capping is a poor approach; dredging of contaminated sediment to reduce the resuspension of contaminants in stirred sediment should be pursued.
- **Concerned Groups' Collective Comment on the Great Lakes Regional Collaboration Draft Plan:** Recognize sources of impairment beyond toxic sediments; make recommendations for cleaning land-based sites impairing uses; section entitled "Toxic Sites Outside AOCs" should address contaminated sediments and toxics sites falling outside official Areas of Concern; specific comments made with regards to the Goals and Milestones, Use of Legacy Act, Potentially Responsible Parties, Expanding AOC Program Capacity to Include Community Involvement, Establishing a Federal-State AOC Coordinating Committee, and "Mining" Confined Disposal Facilities sections.
- **City of Waukegan:** We strongly support the clean-up and delisting of Waukegan Harbor as one of the ten recommended sites for priority delisting.
- **Tip of the Mitt Watershed Council:** "Mining" of existing confined disposal facilities is a poor strategy unless the contents are clean sands and the beneficial use of the materials will not release contaminants; specific comments made with regards to Sediment Concentration, Binationality, Toxic Sites outside AOCs, Use of Legacy Act, Potentially Responsible Parties, Expanding AOC Program Capacity should Include Community Involvement, Establishing a Federal-State AOC Coordinating Committee, and "Mining" Confined Disposal Facilities.
- **EPA Region Five Waste, Pesticides, and Toxics Division:** EPA should encourage the use of authorities beyond the great Lakes Legacy Act to address contaminated sediments; report should be careful when mentioning current disposal methods, mainly the use of confined disposal facilities; funding request is unlikely to be granted.
- **The Nature Conservancy Great Lakes Program:** Biodiversity and habitat conservation goals should be included in the list of criteria for delisting AOCs; AOC Remedial Action Plans should be developed within a broader ecological context.
- **Council of Great Lakes Industries:** Maintaining financial support and removing unintended impediments in the Great Lakes Legacy Act is essential.
- **Ashtabula City Port Authority:** Supports goal of delisting the Ashtabula River as an AOC by 2010 and finding that accelerated progress requires appropriations under the Great Lakes Legacy Act; supports the first priority stated in the chapter.

- **John Beeker, Northeast Ohio Area Coordinating Agency:** We support enactment of Great Lakes River Restoration Act funded at \$40 million/year combined with efforts to restore heavily degraded urban streams.
- **Terry Korzan:** Why is so little of the total budget for the action plan designated for RAP groups?
- **Jan Miller, Army Corps:** Jan provided a memorandum for the record that spells out the ACOE technical comments on the draft report.
- **Great Lakes Sea Grant Network:** The network provided a series of general recommendations and a set of comments based on a series of workshops held during the 2003-2004 Great Lakes Restoration Workshop Series; in addition the network provided more specific comments on each of the 8 issue areas contained in the Draft report.
- **Kalamazoo Environmental Council:** We have particular concerns with the PCB contamination that placed the Kalamazoo River on the superfund list in 1990; Fifteen years later, as much as 200-400 pound of PCBs flow annually into Lake Michigan from the River; need to create a strategy to increase available funding for sediment clean up; reinstate the Superfund tax; establish a risk assessment process for awarding Legacy Act grants for clean up of sediments in areas of greatest need.
- **Lee Botts:** The AOC section concentrates only on funding for cleanup of sediments; without considering that the upcoming review of the Water Quality Agreement could offer an opportunity to revise or abandon this policy.
- **Genesis Fluid Solutions, LLC:** We specifically endorse the recommendations of this team; we have an innovative sediment handling, dewatering technology that could be used in the GL to hydraulically dredge AOCs.
- **Great Lakes Boating Federation:** We have grave reservations about in situ remediation and even more concern about sediment capping.
- **Alliance for the Great Lakes:** We recommend that the Waukegan Harbor AOC be slated as a short-term priority for clean up.
- **Macomb County Environmental Prosecutor (and Others):** We think it is unrealistic to de-list the US side of the St. Mary's River and St.Clair river, by 2010; delisting should occur at the same time in both countries.

EPA Comments on the Great Lakes Regional Collaboration's Draft Strategy to Restore and Protect the Great Lakes

Aquatic Invasive Species

- Page 9, 3rd paragraph. It is incorrect to state that all invasive species are causing serious ecological and economic damage. Many are, but there are also several species that have a minimal impact. The sentence should be rewritten to say something like “adding to the more than 180 species that have already been introduced, many of which are causing serious ecological and economic damage.”
- Page 10, recommendation #1, 2nd bullet: EPA is concerned about this section citing support for a specific legislative vehicle on this subject (S. 770), and recommends that the team identify issues or subject areas which would need to be addressed in any legislation intended to improve upon the existing statutory framework.
- Page 10, recommendation #1, 5th bullet: The use of Clean Water Act discharge permits to regulate mobile sources such as vessels engaged in international or interstate voyages is inconsistent with existing Clean Water Act regulations, and is not considered by the Administration to be the most effective method for dealing with the invasive species issue.
- Page 10: The focus on vessels as a vector for the spread of invasive species is appropriate. However, other vessels (tugs, barges,) moving between the Great Lakes and other watersheds (e.g., Mississippi/Illinois River system) will also need attention to reduce the risk of inter-basin species transfer.
- Page 11: Under the rationale for the second set of Recommendations, where dam removal is discussed, EPA believes the sentence should be modified to read: “Dam removal, while often an important element of habitat rehabilitation, should be done carefully, *with full coordination of all appropriate Federal, state and local agencies*, so as not to solve one problem by creating another, an AIS pathway.”

Habitat/Species

- EPA believes that the emphasis on restoration and protection of wetlands is essential to the restoration of the Great Lakes ecosystem, and would recommend that the Strategy address the issue of how to build State and Tribal capacity for wetlands assessment, restoration, and protection of the Great Lakes Basin. Support for State and Tribal wetlands program implementation in the Great Lakes Basin would enable the State Programs (and perhaps some Tribal programs) to better integrate their wetlands, habitat and surface water planning and implementation with the efforts of USDA, the Corps, USFWS and private

partners, so that the resources spent on wetlands restoration and protection are targeted to the best integrated watershed solutions.

- This section primarily focuses on biological states. Necessary physical processes (water flows, frequency of fires, etc.) also should be included in setting management targets.
- It would be useful if the section explained how coordination should occur for different activities that are operating independently across the various habitat types. This is a concern because these systems are linked habitats that will affect each other as they degrade or improve.
- On page 15, can statistics be added for New York and Pennsylvania?
- This section places heavy emphasis on impacts and possible remedial measures to improve coastal wetlands. Additional emphasis on non-coastal wetlands should be considered, as these wetlands also are ecologically important, especially in a watershed context.
- Page 18, 3rd recommendation: EPA disagrees with the statements that “There is no national program to support restoration of the physical integrity of our nation’s rivers.”, and “The Clean Water Act (CWA) fails to address the physical habitat issues which often preclude attainment of the CWA’s stated national goals.” While there is no one specific program to support restoration, the strategy should acknowledge the efforts of the Clean Water Act Section 319 program to restore habitat as well as improve water quality. Also, the states and EPA are beginning to address, through Section 303(d) of the CWA, waterbodies that are not attaining designated uses due to impairments resulting from habitat alteration.

Coastal Health

- General - While an earlier draft placed an emphasis on source water protection and recommended amending the Safe Drinking Water Act to require development and implementation of protection plans, the final draft gives the impression that upgrading deteriorating infrastructure and implementing security measures are the most important activities that will protect drinking water quality. EPA recommends that the final strategy clearly indicate that states and local communities need to use the information from source water assessments to identify appropriate source water protection measures to implement. The strategy also should stress that addressing infrastructure deficiencies and security vulnerabilities are critical to ensuring that drinking water provided to customers is safe.
- Page 20, Problem Statement, bullets: In order to make the strategy more relevant, the data presented should focus specifically on Great Lakes states instead of

national data.

- Page 20, Problem Statement, 2nd bullet: The text should note that the data presented is for recreational water outbreaks in 2001-02, not for drinking water. It should also fairly represent that most of the outbreaks were associated with swimming pools, not fresh water. For drinking water in 2001-2002, 19 states reported 31 outbreaks affecting 1,020 people (7 died). Six of the outbreaks were in Great Lake states (IL, IN, MN, OH and WI), but 5 of the 6 were related to ground water, not surface water sources; and 2 of the 6 were associated with private wells, not public water systems.
- Page 20, Problem Statement, 3rd bullet: “The NRDC's annual survey of water quality monitoring...” This bullet should be updated with the 2004 swimming season data from the recently released 2005 report.
- Page 20, footnote #18 contains inaccuracies: Please see the italicized sentence below for where the inaccuracies occur. The section appears to have mixed the CSO Policy and guidance together. The CSO Policy came out in 1994 and that is what outlines the requirements for LTCPs. The guidance is not the driving force, the policy is. The CSO Policy does not make reference to a 15 year time frame in which the implementation of the LTCP was to occur, nor do EPA guidance documents. The CSO Policy does talk about requirements for implementation of the nine minimum controls, which was no later than January 1, 1997.

“The date given in this goal assumes approximately five years for communities who have not done so already to create their long-term control plans (LTCPs) or other comprehensive wet weather solutions, and 10 years for these communities to implement their plans. *(The U.S. EPA CSO guidance of 1994, the driving engine for the LTCPs, specified that implementation should take no more than 15 years, but the guidance did not provide a date by which communities needed to submit their plans for approval)*. The recommended federal grant program described in Recommendation Action 1 would provide communities with the funding resources and incentives to accelerate both their planning process and their LTCP (or other comprehensive wet weather solution) implementation. Particularly given the recommended 45 percent local match to this federal grant program, local funding would significantly leverage this accelerated schedule.”

- Page 20, footnote #19 contains inaccuracies: See the italicized sentence below for where the inaccuracies occur. Sewer systems do not operate under a LTCP. Municipalities operate under NPDES permits and portions of the LTCP are included in a permit or other enforceable mechanism. Municipalities do implement LTCPs, but again they do not operate under them. In addition, LTCPs address CSOs, not SSOs, as the italicized sentence below refers to.

“This goal is intended to capture the intent of the U.S. Policy Committee’s 2002 Great Lakes Strategy goals, several of which are now outdated. For example: •

“By 2003, U.S. EPA and States will assist local governments in establishing alternate funding vehicles to implement CSO/SSO abatement construction projects. Storm water permits will be in place for all phase II storm water discharges • By 2005, 100 percent of all CSO permits in the Great Lakes will be consistent with the national CSO policy. • *By 2010, all sewer systems will be operated under LTCPs which will optimize performance and minimize discharges from SSOs.* • By 2010, 90 percent of monitored high priority Great Lakes beaches will meet bacteria standards more than 95 percent of the swimming season.” See the Nonpoint Source chapter for goals and action items related to minimizing storm water runoff from urban and agricultural areas. See the Persistent Bio-accumulative Toxics chapter for more on preventing discharges of industrial and pharmaceutical wastes from municipal sewage treatment systems.”

- Page 22, footnote #20, last sentence should read: The CWNS is repeated and updated every four years. When the January 2004 data are published, the Coastal health team’s recommendations should be updated to reflect the most recent data.
- Pages 22-23: The recommendation on pages 22-23 is for end-of-pipe controls. This section should consider whether the need for some wastewater treatment controls could be reduced by minimizing the amount of paved or hard surfaced land. Land-use planning and BMPs are mentioned in the rationale. They should be in the recommendation itself.
- Page 24, recommendation #3, bullet #2: edit text to read: “U.S. EPA to complete new field testing processes, approve real-time test methodologies, and provide guidance on their application and implementation.”
- Page 24, recommendation #4, 1st bullet: EPA does not recommend amending either the SDWA or the CWA to require the development of specific water quality criteria. EPA has an existing process in place to identify appropriate contaminants for which water quality criteria should be developed to protect human health. It is critical to maintain flexibility in the process to ensure that we are able to prioritize our actions to address the highest risks. As part of the Office of Water Strategic Plan, EPA has committed to identify and develop 12 new or revised human health criteria by 2008 for critical drinking water contaminants of concern in surface waters.
- Page 24, recommendation #4, 2nd bullet: It is unclear if this bullet is speaking to drinking water or recreational waters. If the latter, the section should specify that the “treatment” referenced refers to “conventional wastewater treatment”.
- Page 24, recommendation #4, 2nd bullet: The bullet recommends that EPA fully fund the Clean Water State Revolving Fund (CWSRF) program. While the authorization for the CWSRF program ended in 1994, EPA has requested funding in every subsequent year. EPA has made a commitment to fund the CWSRF annually through 2011 at an amount that will allow the program to achieve a long-

term assistance level of \$3.4 billion per year.

- Page 24, recommendation #4, Rationale: It is unclear what the sentence “Ambient water quality criteria related to drinking water following conventional treatment are needed to support source water protection programs” means. Is the report suggesting that criteria be set at a level that would be consistent with the removal requirement (e.g., MCL)...or that the level could be greater than the MCL with the assumption that conventional treatment could decrease it to the MCL?
- Page 25, recommendation #5, 1st bullet: The bullet recommends that EPA fully fund the Drinking Water State Revolving Fund (DWSRF) program through 2010. While the authorization for the DWSRF program ended in 2003, EPA has requested funding in every subsequent year. However, EPA has made a commitment to fund the DWSRF annually through 2018 at an amount that will allow the program to achieve a long-term assistance level of \$1.2 billion per year.
- Page 25, recommendation #5, 2nd bullet: The bullet overemphasizes security measures and confuses source water assessment with security vulnerability assessments. To be clear, recommend rewrite as follows: “States and local public water supply systems to implement and enforce infrastructure improvement plans that include measures to address potential threats to drinking water identified in source water assessments, and vulnerabilities to critical infrastructure identified in vulnerability assessments required under the Bioterrorism Act.”
- Page 25, recommendation #5, Rationale: Related to previous comment. Rationale should clearly distinguish between implementation of source water protection measures that address potential threats to sources of drinking water and measures to address vulnerabilities to critical infrastructure.
- Page 25, recommendation #5, Cost. Why is there an ending date for DWSRF funding (2010) when there is no ending date for CWSRF funding (Recommendation #4)?
- General: Some important sources of pathogen (and nutrient) contamination that did not appear on the source lists (or in the control strategies) include failing septic systems near the shoreline or tributaries, and inappropriate/illegal cross-connections into storm drainage systems.

Areas of Concern/Sediments

- Page 26, general: It is clear that the 31 AOCs are referring to the 26 sites in U.S. waters and the 5 sites in bi-national waters. It should be clear in other parts of the document (e.g., the Executive Summary) that the 31 refers only to the U.S. AOCs.

- Page 26, paragraph #3: The statement “*Contaminated sediment is linked to impairments in all 31 US AOC’s*” is not correct. In EPA Region 2, Beneficial Use Impairment #7 “Restrictions on Dredging” is not applicable to the Oswego River AOC.
- Page 26, Contaminated sediments issues paragraph: The paragraph states “It is critical to address concentrated deposits of contaminated sediments before they reach the lakes, where cleanup is virtually impossible. But remediation projects are constrained by the complexity and cost of design and implementation, limited disposal capacity, difficulty establishing disposal sites, limited alternatives to dredging and to disposal, and a lack of clear standards for beneficial use of some sediment.” Comment: The barriers identified in this paragraph will continue to exist and pose challenges even if the GL Legacy Act were to be funded per the first recommendation. For other than the limited disposal capacity issue, the recommendations provided in this Strategy do not address these issues.
- Page 26, Delisting: The statement “...no US AOCs have been delisted” should be expanded to acknowledge both the AOCs that have achieved “in recovery” status, as well as the Oswego River, which has received IJC concurrence for delisting and is expected to be delisted in 2006.
- Page 26, Delisting: The sentence that begins “Further, most impacts are not clearly aligned with existing federal water quality regulations...”, is unclear as written.
- Page 27, recommendation #1: The report states that the Great Lakes Legacy Act should be the primary authority to address contaminated sediments in the Great Lakes. In addition to the Legacy Act, EPA recommends that this section recognize other agencies’ authorities in order to maximize efforts to address the problem of contaminated sediments, for example the Water Resource Development Act (WRDA) to allow the Corps of Engineers to increase environmental dredging under its programs. This section also should encourage the creative use of other regulatory authorities when applicable, such as CERCLA and RCRA Corrective Action. There have been instances where these other authorities have been successful in contaminated sediment remediation projects, and they should not be discounted.
- Flagged as Significant Policy Statement. “Polluter Pays” issue. Page 27, recommendation #1: As part of the rationale presented for the first recommendation the draft Strategy states: “the Act’s original intent to permit potentially responsible parties (PRPs) to participate as the nonfederal sponsor should be clarified and reiterated...” EPA notes that if it is determined that the intent was to permit PRPs to participate as a nonfederal sponsor, then a separate and important issue to be addressed is that of what the PRP’s share should be.

- Page 29, recommendation #4, Rationale: This section states that, in order to increase disposal capacity, the Corps and state agencies should encourage local communities to "mine" existing CDFs for beneficial use of dredged material. Perhaps an example of where this has been successful would be helpful.

Nonpoint Source

- EPA recommends specifically including Low Impact Development (LID) in the problem statement and recommendations for funding in the "Nonpoint Source" section (pages 30-34). Low Impact Development approaches and practices can play an important role in restoring and maintaining desirable flow regimes and water quality in the Great Lakes Watersheds. LID also can be used to reduce runoff management costs by decreasing infrastructure and maintenance costs.
- Clean Water Act Section 319 Nonpoint Source Management Program funding and the Clean Water State Revolving Loan Fund can be used to implement some of these milestones and recommendations. Combined, the Great Lakes States have funded nearly \$946 million for nonpoint source projects from the CWSRF program. How much is directly related to the lakes is unknown.
- EPA recommends that the National Management Measures to Control Nonpoint Source Pollution be included as a tool to implement programs to address nonpoint source loadings to the Great Lakes.
- The section also should consider the following areas:
 - 1) source control in urban/suburban sources (e.g., maintaining and locating septic systems, fertilizer use by homeowners, increasing imperviousness, etc.)
 - 2) treatment of urban/suburban sources. Wetlands and buffer strips may be appropriate for treating sources from some locations, but both are land-intensive and are not suitable for more urbanized areas.
- Page 30, 4th paragraph: The statement that "funding to increase point source control beyond 90 or 95 percent is less effective than providing the same amount of funding to address nonpoint sources" should have a reference.
- Page 31, goal #2: The goals for reduction of phosphorus and nitrogen loading should be expressed more clearly than merely "pounds of phosphorus, pounds of nitrogen."
- Page 31: Goals #2 and #3 appear to be redundant. Recommend either combining them or changing the focus to distinguish them from one another.
- Page 31, goal #4: This section appears to address livestock farmers, but not crop farmers or nurseries.

- Page 31, goal #5, “*Improve flow regimes*”: the accompanying paragraphs contain too much jargon for a person unfamiliar with the topic. Does “improve flow regimes” mean a reduction in overland flow or stream flow or both?
- Page 31, goal #5: EPA encourages integration of the efforts contemplated in this goal with the concepts described in the Sustainable Development Section of the document.
- Page 33, Critical Geographies bullets: Although it would be appropriate to provide examples of areas to be addressed (e.g., phosphorus impaired watersheds), to the extent that specific geographic locations are identified, rationale should be provided on why they were included in the report.
- This section should identify connections between coastal health (CSOs, SSOs) and the following nonpoint source recommendations: 1) “wetland conservation efforts should occur throughout the watershed in areas strategically selected to best impact water quality concerns” (p. 32) and 5) “A new, integrated federal initiative is needed to address flow regime issues in urban watersheds including infiltration and groundwater recharge. The anticipated results and benefits of protecting, conserving, and improving the hydrology of watersheds will be reduced infrastructure costs due to elevated stream flows and excessive sediment loadings, improved shipping capacity, increased public use, and improved aquatic ecosystem health” (p. 34).

Toxic Pollutants

- Page 35: The Toxic Pollutants strategy describes “certain Persistent Toxic Substances” without defining which pollutants of concern meet that definition. Recommend that the Strategy use the same definition of PBT as in the Binational Toxics Strategy.
- Page 35, Goals 1-4 Interim Milestones, bullet #4: It would be helpful to have an explanation of the different forms of mercury, and a statement regarding which are most important to eliminate because of solubility in water (related to fish uptake).
- Page 35, Interim Milestones for Goal 5, second bullet: The second milestone states that “by 2010 implement 200 P2/E2 projects for small to medium sized businesses in the Great Lakes States.” To have flexibility to prevent the most pollution in the Great Lakes Area, consideration could be given to expanding this goal to include P2 actions by larger businesses, in the event a larger business should be a major source of pollution in the Basin. While small to medium sized businesses might remain the priorities for incentives or funding, the P2

accomplishments of larger businesses should also be recognized toward achieving the goal.

- Page 36, Goal 7 Interim Milestones: More information is needed to understand the interim milestone, "By 2010, complete an intercomparison study of mercury and PCB models." It is not clear what models are being referenced.
- Page 36, footnote #32: It is unclear which chemicals are being referred to as "endocrine disrupting" chemicals.

Indicators & Information

- Selecting a suite of indicators may require more effort than is described in the strategy. It is noted that for existing indicators "there are multiple explanations for observed changes." This situation may be improved by careful consideration of indicator suite selection.
- The document does not address the data management system needed to store the monitoring information gathered and allow it to be accessible to decision-makers and the public. The STORET database should be considered as a potential repository for Great Lakes monitoring information.
- This section should include a recommendation for collating natural resources and environmental information in graphic (including maps) forms that the public and managers can understand and provide information on trends in ecosystem health. Since most problems and concerns by stakeholders (municipalities, cities, counties, states, provinces) are at the scale of tributary and harbor, coastal watershed, and nearshore waters, an emphasis should be placed on those waters and those scales.
- This section overemphasizes open water observing systems. Most regulatory and management challenges and needs for information are in coastal watersheds, tributaries and harbors, coastal areas of concern, coastal ecosystems (including beaches and wetlands) and nearshore waters. The majority of Great Lakes environmental and ecosystem problems (including invasive species) are located in these coastal areas. The Strategy should recommend that monitoring and observing designs and diagnostic indicators should address management and restoration needs and recommend seeking ways to increase the data flow in efficient ways, perhaps through development of an information hub.
- The recommendations should build upon existing efforts at coordinating monitoring and research at the federal-state-tribal level and among U.S. and Canadian agencies. The recommendations need to be broadened to include the research and monitoring needs of State, Tribal and Federal partners, perhaps through 1) an integration of the recommendations and needs for monitoring and

research incorporated in the seven other Strategy Team reports, and 2) a needs assessment of monitoring and research priorities of the States, Tribes and Federal partners which will support environmental management decisions. We also believe that a greater focus must be placed on information management and communications plans based on the needs of State, Tribal and Federal groups, and the public.

GLRC  **Review Comments**

Date Submitted: 2005-09-09 21:05:34

Sections: Strategy Team Area -- Invasive Species
Strategy Team Area -- Sustainable Development

Name: Camille Mittelholtz

Organization: U.S. Department of Transportation

Street Address: 400 7th St. SW

City, State/Province, Zip: Washington, DC, NA 20590

Country: United States

E-mail: Camille.Mittelholtz@DOT.gov

Telephone (optional): 202 366-4861

Add to GLRC news? No

Comments:

Attached file: [Click this link to view or download](#)

Assigned respondent(s):

Comments of the U.S. Department of Transportation

Sustainable Development

Page 47, third paragraph under recommendation 2, Align Governance to Enhance Sustainable Planning and Management of Resources.

This paragraph states that a key to sustainability is “the integration of local and sub-regional planning and management of ecosystem services, including land use, transportation and water infrastructure. The paragraph further recommends that the Great Lakes serve as a three-year demonstration for development of consistent, sustainable land use plans that are integrated with regional plans and other public infrastructure plans. It is not clear what is meant by the term “ecosystem services” and DOT suggests that this term be clarified.

It would be helpful for the strategy discussion to acknowledge here that surface transportation planning is conducted at the metropolitan level, including multi-state metropolitan areas, and the statewide level. The recently enacted surface transportation authorization, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), includes provisions that promote coordination of surface transportation planning with land use, economic and environmental planning, as well as airport and freight planning. In addition, the transportation plan is to address potential environmental mitigation activities. SAFETEA-LU includes provisions promoting planning for nationally significant transportation corridors. While these new provisions would support integrated planning, the integrated planning over the Great Lakes Region that the strategy appears to recommend would require legislative change and significant changes to current planning processes and infrastructure programs. Working to promote integrated planning within existing legislation may be easier to implement.

The strategy does not recognize the ongoing Great Lakes-Saint Lawrence Seaway System Navigation Study as an example of multi-agency regional collaboration. U.S. and Canadian agencies are working together to identify long-term navigation needs and related environmental and economic issues.

Page 48, third and fourth paragraphs under Build outreach that brands the Great Lakes as an exceptional, healthy, and competitive place to live, work, invest, and play. DOT notes that the strategy calls for collaboration on tourism. Federal Highway Administration funding programs provide states options for funding activities that support recreation, tourism and historic preservation (including the Scenic Byways, Recreational Trails and Transportation and Community and System Preservation programs and the Transportation Enhancements setaside. The strategy also cites the state-Federal partnership of the Great Lakes Dredging Team, of which DOT is a member, as an example of a partnership that promotes sustainability.

Aquatic Invasive Species. Recommendation 1 cites a number of proposed actions to prevent and control the spread of aquatic invasive species. DOT notes that it is cooperating with other agencies to support research on treatment methods and other control approaches. DOT also notes that the St. Lawrence Seaway Development



Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

September 16, 2005

Great Lakes Regional Collaboration Executive Committee
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, IL 60604-3511

Dear Executive Committee Members:

I am writing on behalf of the Ohio Department of Natural Resources and wish to begin by commending you for the *Draft Strategy to Restore and Protect the Great Lakes* released on July 7. The action plan contains many thoughtful recommendations to advance our common goal of restoring and protecting the Great Lakes resources.

The message from people and organizations in the Great Lakes region that our Great Lakes resources are in crisis and major restoration and protection initiatives are needed is indeed an urgent message. Ohio's Lake Erie and the other Great Lakes do indeed face challenges such as destructive invasive species, harmful algae blooms, beach closures, fish consumption advisories and continued loss of coastal wetlands and habitat.

Several overall comments regarding the *Draft Strategy to Restore and Protect the Great Lakes* are provided below. In addition, various Ohio Department of Natural Resources (ODNR) divisions/offices have reviewed the *Draft Strategy* and their comments specific to the chapters of the document along with formatting comments are attached.

Overall Comments

An Ocean Blueprint for the 21st Century prepared by the U.S. Commission on Ocean Policy in 2004 addressed many of the same issues as the *Draft Strategy*; however, there is no reference made to *An Ocean Blueprint* or any of its recommendations which include the Great Lakes. Building on existing recommendations that will compliment or help ensure implementation of the *Draft Strategy* should be considered. Both *An Ocean Blueprint* and the *Draft Strategy* involve numerous federal agencies with responsibilities in the Great Lakes.

While the *Draft Strategy* contains numerous, important actions to proceed with restoration and protection of the Great Lakes, it may be necessary to consider some type of prioritization of the actions and funding recommendations in the final strategy in the event that the funding level recommended is not available. In addition, some consideration should be given to a dedicated funding source recommendation such as the one recommended in *An Ocean Blueprint for the 21st Century*.

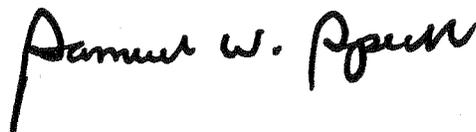
Great Lakes Regional Collaboration Executive Committee
September 16, 2005
Page Two

A description of the process for tracking and monitoring goal attainment, a schedule for reporting accomplishments and who is responsible for this should be provided in the final strategy.

The relationship to the *Draft Strategy* actions in the main body of the report and the Appendix is unclear. The Appendix includes background information and actions. The Strategy Team Reports section in the main body of the report states that the actions highlighted are the highest priorities for early action, yet some of the goals and milestones provided extend far beyond the five-year action plan timeframe. Clarification regarding a five-year action plan vs. long-term goals, the actions in the main body of the report and the Appendix is needed. In addition, a consistent format for providing goals, milestones, five-year actions and funding in each chapter is needed.

Thank you for the opportunity to provide comments on this important strategy to restore and protect our invaluable Great Lakes resources. If you have any questions or need additional information please contact Michele Hoffer, ODNR Deputy Director, Resource Conservation at 614-265-6894 or michele.hoffer@dnr.state.oh.us.

Sincerely,

A handwritten signature in black ink that reads "Samuel W. Speck". The signature is written in a cursive style with a large, prominent initial 'S'.

Samuel W. Speck, Director

attachment

SWS/mh

The following comments are provided by chapter:

Aquatic Invasive Species

Recommendation 2 (page 11):

- The study of options to investigate permanent hydrological separation of the Great Lakes and Mississippi River systems should also include investigation of biological separation.
- A study of canal systems linking the Great Lakes basin with other basins beyond the Lake Champlain Canal and the Chicago Sanitary and Ship Canal should be included.

The Great Lakes Fishery Commission (GLFC) has successfully carried out the sea lamprey control program. Was an expanded role of the GLFC considered regarding coordination and control programs for other AIS efforts?

Habitat/Species

Goals and Milestones, Open/Nearshore Waters short-term goals (page 16): The goal to develop predictive models to improve fish stock assessment and management protocols is unclear. What are the models predicting? An alternative need is to identify critical habitats for various life stages of species of interest and assess the potential for restoration.

Recommendation 4, Coastal Shore and Upland Habitats, first sentence (page 18): The goal to design a coastal shore and upland habitat conservation program to coordinate funding ...should include the existing Coastal and Estuarine Land Conservation Program (CELCP). Coastal states that develop their own CELCP consistent with NOAA guidance are eligible to receive federal funds for acquiring coastal and estuarine areas that have significant ecological value. Ohio has previously received CELCP funds to assist in the acquisition of acreage on the ecologically significant North Bass Island as a line item amount. Ohio will also be working to establish its own CELCP to be eligible for future federal funds.

General comment: The terms protection and restoration are frequently used; however, the role of working lands should also be recognized. Working lands can make it economical to hold such lands while also creating and maintaining certain habitats thus reducing the amount of land converted to an incompatible use.

Coastal Health

Goal to eliminate inputs of untreated or inadequately treated human and industrial waste from municipal wastewater treatment systems (page 20): Elimination of untreated or inadequately treated human waste from private on-site septic systems should be considered as part of this goal. Significant improvements could be made regarding failing on-site septic systems with low interest loans or cost-share grants. In Ohio, private on-site septic systems are regulated by the Ohio Department of Health and the Local Health Departments while the public wastewater treatment systems are regulated by the Ohio Environmental Protection Agency. Funding considerations for both municipal and private on-site septic systems would improve coastal health and reduce the risk to human health.

Recommendation 1 (page 22): Education regarding the true cost of clean water would be an important component of the 55/45 percent federal/local cost share for federal grants to gain public support for the local cost share.

Recommendation 2 (page 24): There is no cost provided for the research and new regulation components described in the bulleted list. The only cost estimate provided is for education and initiation of remediation.

AOC/Sediments

Recommendation 4 (page 29):

- USEPA, USACE and the states are listed as entities that should examine innovative approaches for the beneficial use and disposal of contaminated sediments through a research and development program. It would be helpful to note that coordination should be done with other organizations providing research funds such as the Great Lakes Protection Fund.
- Abandoned coal mines or quarries may provide an opportunity for use of sediments dredged from ports/harbors. ODNR Division of Mineral Resources Management is considering possible reclamation of old mines with dredge material.

Nonpoint Source

Recommendation 2 (page 32):

- This recommendation calls for massive planting efforts for buffers; however the use of trees is unspecified and yet it is an important component.
- The management of buffers should also be compatible with a working lands/active management protocol.

Toxic Pollutants

Recommendation 1 (page 36): Who will oversee the “coordinated intergovernmental strategies?” The Great Lakes Binational Strategy is listed in a coordinating role under implementation but this does not appear to be an entity that will oversee all the intergovernmental strategies.

Indicators and Information

Priorities for research should be established as part of the goals and recommendations of this chapter. For example, the recommendation to double the research budget over the next five years should include consideration of priorities for the research needed.

Sustainable Development

Overall comments:

- This chapter appears to be weak compared to the other chapters. The recommendations appear to be more of a philosophy than specific measurable actions. While philosophically, ODNR divisions/offices support the theme of balancing economic, societal and ecosystem needs, there is an inherent conflict between sustainable planning and development where everyone does the right thing for the long-term and public demands on public administrators to provide something now for the least amount of money. This strategy needs to be redirected into components that can be managed, accomplished and measured. For example,

to “realign governance institutions to sustain ecosystem services and integrate the planning and management of these services” is a lofty goal but what are the actions to begin this realignment? While ODNR supports the outreach strategy that brands the Great Lakes as a great place to live, work and play, this is not achievable without significant education, money and a change in public thinking. Again, there are no specific actions or funds recommended for this outreach strategy.

- There are issues identified in this chapter that overlap with issues addressed in other chapters. For example, aging water and wastewater infrastructure have already been addressed.
- The final sentence of this chapter states that “it is recommended that the GLRC be reformed to provide high-level governmental leadership that blends.....” Most readers would probably view the GLRC as this high-level governmental leadership which makes this an awkward statement with which to end the report.
- The Ohio Lake Erie Commission (OLEC) has been working on a balanced growth approach for the Lake Erie watershed which includes designated pilot development and protection areas. This approach was developed as incentive-based and voluntary to work in Ohio where the state does not have the authority to mandate land use planning and development. Land use planning and development is accomplished at the local level. Perhaps the OLEC approach could be considered as part of a sustainable land use and development recommendation.
- The original Great Lakes Governors’ priority was to adopt sustainable use practices that protect the environmental resources and may enhance the recreational and commercial value of our Great Lakes. This priority should include waterborne transportation issues (commercial value), yet this is not readily identifiable as a key issue.

Problem statement (page 45): Clarify problem by rewording “fragmentation of privately owned forest lands into smaller tracts making active management more difficult and less likely and decreasing levels of active management on public forest lands.”

Recommendation 1 (page 46):

- Suggest careful consideration of disincentives (taxes) for non-sustainable practices where some businesses are already struggling against foreign competition with unfair advantages such as no environmental laws, government subsidies, etc.
- A statement recognizing the role of working lands such as forests and that it can be a sustainable use/practice is suggested. The Leadership in Energy and Environmental Design (LEED) and the Green Building Initiative (GBI) can discriminate against wood usage to a certain extent yet proper forestry management can lead to sustainable use.
- Recognition of existing metrics for sustainability should be provided. For example, according to ODNR Division of Forestry, this has already been done for forests (Montreal Protocol and regional criteria and indicators).

Appendix: ODNR Division of Watercraft disagrees with the recommendation that a greater portion of fuel taxes paid by recreational boaters be used to support projects that restore ecosystem services. Many grant programs already exist to provide funding for ecosystem restoration projects and a substantial portion of Wallop-Breaux funds are used for aquatic ecosystem service projects.

The following comments are regarding format or errors:

- Where quantitative goals are stated, for example on page 17, “protect and restore 10,000 acres,” suggest inserting “at least” – “protect and restore at least 10,000 acres.”
- Check funding amounts to ensure they match when referenced elsewhere. For example, on page 17, the recommendation for funding for habitat conservation and species management is between \$177M and \$288.7M but the breakdown on page 18 comes to a total of \$177.7M to \$288.7M.
- Use the same rounding for funding figures where possible, to the one-tenth or one-hundredth decimal if needed, and check the math. For example, on page 22, \$7.535B and \$6.21B does not equal \$13.70B. Another example, on page 32, Recommendation 1 states between \$77M and \$188.7M but the cost at the end of the rationale is \$110M.
- The use of either an annual amount or a five-year funding amount is mixed throughout the document. It would be helpful to provide the funding amounts in a consistent timeframe in each chapter.
- Some costs include existing funds and new funds; some include federal funds and local match funds. This leaves the reader wondering if the other chapters may also include a mix of funds although not specified. A consistent method for providing the cost estimates is needed.
- Some chapters contain interim milestones, some have long-term and short-term goals and others such as Sustainable Development do not provide either. In addition, some chapters such as AOC/Sediments provide milestones within the five-year strategy while other chapters go well beyond the five-year strategy. A similar format for each chapter is recommended.
- It is unclear in some of the recommendations which agency is responsible for actions. For example, on page 43, recommendation 3 of Indicators and Information states that a Great Lakes Research Office should be funded although an agency is not referenced.



BUFFALO NIAGARA RIVERKEEPER

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Board of Directors

- Thomas DeSantis
- Paul Dyster
- Kofi Fynn-Aikins
- Dave Gianturco
- Michael Hamilton
- William Hilts
- Richard Jeffers
- Gretchen Leffler
- Andrea Lockwood
- Ryan McPherson
- Neil Patterson
- Lynda Schneekloth
- Harish Sikka
- Jill Singer
- Margaret Wooster

Riverkeeper

Julie Barrett O'Neill

2005 Support from

- F.B.N.R. Members and Donors
- U.S. EPA Great Lakes National Program Office
- N.Y.S. Great Lakes Protection Fund
- N.Y.S. Council on the Arts
- The City of Niagara Falls
- The Margaret L. Wendt Foundation
- The John R. Oishei Foundation

September 9, 2005

Dear Great Lakes Regional Collaborative:

Buffalo Niagara Riverkeeper strongly supports the recommendations and urges Congress to provide full funding for its implementation.

Buffalo Niagara Riverkeeper (formerly Friends of the Buffalo Niagara Rivers, Inc.) has worked for nearly twenty years to restore the health of the Buffalo and Niagara River Great Lakes Areas of Concern. Both Areas of Concern and many miles of their tributaries are severely degraded, severely undermining recent regional efforts to rebuild the Western New York economy through the development of water dependent and enhanced uses, eco and heritage based tourism.

For decades, local, state, federal and bi-national projects have worked to improve the Rivers. Their success stories include remediation of many inactive hazardous waste sites, implementation of the State Permitted Discharge Elimination System, the Niagara River Toxics Management Plan, Niagara River Remedial Action Plan, Regional Municipality of Niagara's Niagara Water Quality Protection Strategy and several habitat restoration projects.

Nevertheless, throughout the Niagara River watershed:

- The water remains unswimmable and undrinkable due to elevated bacteria levels from combined sewer overflows, failing septic systems and agricultural runoff
- There remains a long standing fish consumption advisory due to contamination from urban runoff, historic dumping and inactive hazardous waste sites
- Fish and birds continue to suffer from botulism, tumors, deformities and reproductive problems
- Those that survive, have limited habitat due to development pressures and shoreline bulkheading
- Dredged sediment from navigational maintenance must be transferred to confined disposal areas due to high contamination levels

We believe that the regional perspective and agenda cultivated and promoted by the Great Lakes Collaborative are critical to our local ability to address these many problems. To that end we have joined several of our colleagues in submitting comments on the overall plan.

Printed on recycled paper.



In addition, we would like to offer the following specific comments that relate directly to how the Collaborative plan might be strengthened to better support our on-the-ground efforts to restore the Buffalo and Niagara River Areas of Concern.

1. **LAMPS NOT SUFFICIENT FOR BI-NATIONAL AOC MANAGEMENT.** Many of the issues and impairments of the Buffalo and Niagara Rivers fall well outside the scope of the topics discussed under the AOC section. While it has been suggested that the LaMPS might be an appropriate forum for managing these other issues, the Niagara River Area of Concern (of which the Buffalo River is a major tributary) community does not naturally fit well into either the Lake Erie or Lake Ontario Lakewide Management Plans. In fact, instead of allowing the region two opportunities to have issues addressed, it appears that the River gets lost in between the two. There is a need to find a mechanism for managing, ideally in a bi-national manner, the connecting channels – and the bi-national Areas of Concern in particular.
 2. **ENVIRONMENTAL JUSTICE.** The Niagara Region's extensive environmental degradation coupled with its dramatic economic decline, has resulted in widespread incidence of environmental INJUSTICE as low income communities bear the burden of historic contamination, slow progress towards remediation and continuing pollution from suburban development (in the form of both increased incidence of combined sewer overflows due to storm water runoff and failing septic systems). These urban communities, built for workers in the shadows of massive industrial complexes along the Buffalo and Niagara Rivers, cannot typically afford to fish in the center of the Niagara where pollution is diluted, swim in private pools versus the river itself, or travel to rural open space preserves. Environmental restoration is critical for these urban areas and consideration to environmental justice should receive much more attention in the final plan than the current draft.
 3. **SWIMMABLE ≠ BEACHES.** The document continually refers to beaches to define swimming areas. In our experience, even in severely degraded urban waterways, residents regularly utilize rivers and their tributaries for swimming, wading and bathing. The plan must take into account these informal swimming areas and work to make all waterbodies swimmable in accordance with the Clean Water Act – not just beaches.
 4. **FAILING SEPTIC.** The Plan gives much deserved attention to the problem of failing municipal sewer systems. Locally, we have also developed recent research that indicates for some water bodies that as much as 90% of bacteria in impacted areas is arriving from the upper watershed. Follow up research indicates that the vast majority of that pollution may be generated by failing, poorly maintained, or badly sited septic systems. This issue is not adequately addressed by current health department dye test provisions and must be addressed.
 5. **STRONGER NONPROFIT ROLE.** After decades of very slow progress in restoring the Buffalo River, two recent changes have greatly accelerated our clean up efforts:
 - a. The US EPA provided a grant to the Friends of the Buffalo Niagara Rivers to strategically manage efforts to update and implement the Buffalo River Remedial Action Plan.
 - b. The US Army Corps of Engineers Water Resources Development Act changed to allow nonprofits to serve as the non-federal sponsor for funding of an environmental dredging feasibility study for the clean up of Buffalo River contaminated sediments.
-

This model, of engaging nonprofits as active management and funding partners in the restoration of the Great Lakes is critically important. Far more than a mechanism for public comment and feedback on policy decisions, nonprofit entities are essential to the actual implementation of cost-effective and strategic projects to restore the Great Lakes. The plan must be amended to clarify and support the nonprofit role in project implementation.

Similarly, citizen suit provisions must be included in all proposed legislation and regulations to ensure effective long term and independent enforcement. Such provisions are the foundation for the success of the Clean Water Act and the Waterkeeper movement.

6. **FUNDING FLEXIBILITY.** In working to remediate Buffalo River contaminated sediments, our organization has worked with both the EPA Legacy Act and the Corps 312 Environmental Dredging program. At various times, narrow criteria or different match requirements made it necessary for our organization to work with both agencies and programs. In the end, this approach worked to our advantage, as we were able to secure Corps funding for large scale planning when ineligible under the Legacy Act and seek site-specific implementation program under Legacy Act.

Based upon this experience, it is critical that any proposed funding be flexible to allow communities to work with agencies with unique institutional knowledge of their local ecosystem, weather internal agency policy decisions that might prevent project funding and carefully tailor the restoration efforts to their particular locality.

7. **ENFORCEMENT OF EXISTING LAWS.** Resources are needed to support better agency enforcement of existing laws to protect wetlands and clean water immediately. Increasing policing and prosecution over the next five years and through the life of the agreement could dramatically impact the rapid rate of wetlands loss and continuing pollution of our region's waterways by sewerage treatment plants.
 8. **LOCAL MUNICIPALITIES.** Resources for the education and support of local municipalities in sustainable land use management and economic development could help to curtail the numerous local losses of wetlands, stream buffers and floodplains misplaced development projects. Too often, local municipalities feel they must trade environmental degradation for the preservation of jobs and tax base. Research and education must be funded to address these misconceptions –such as the work of the Northeast Midwest Institute's research on the impacts of contamination on property values.
 9. **PUBLIC HEALTH.** In working on the Buffalo and Niagara Rivers we often lack good local data regarding the potential and actual impacts of the region's extensive contamination on local health, particularly in relation to the region's elevated Multiple Sclerosis, heart disease and cancer rates. As the primary responsibility of the government to protect the PUBLIC HEALTH of their community, such research must be generated to help guide future land use and production decisions.
 10. **ANNEX INTEGRATION.** While developed simultaneously, there is little indication in the plan that the water conservation strategies and hydrological studies proposed in the recent Annex agreement have been integrated into the proposed actions of the Collaborative. To expedite and improve implementation, these programs must be integrated – particularly in areas of water conservation and waste management.
-

We would like to extend our thanks to the hundreds of dedicated Great Lakes citizens and partners who have contributed to this effort. We reiterate our support of the Collaborative plan and strongly urge Congress to provide for its full funding. Please contact us with any questions with regard to these comments at 716-852-RIVER or info@fblr.org

Sincerely,
Julie Barrett O'Neill, Executive Director
Buffalo Niagara Riverkeeper

GLRC  **Review Comments**

Date Submitted: 2005-09-09 13:52:54

Sections: Strategy Team Area -- AOC
Appendix -- AOC

Name: Steven C. Nadeau

Organization: Sediment Management Work Group

Street Address: 660 Woodward Ave., Ste. 2290

City, State/Province, Zip: Detroit, MI 48226

Country: United States

E-mail: snadeau@honigman.com

Telephone (optional): 313.465.7492

Add to GLRC news? No

Comments:

Attached file: [Click this link to view or download](#)

Assigned respondent(s):

SEDIMENT MANAGEMENT WORK GROUP

WWW.SMWG.ORG

C/O STEVEN C. NADEAU, COORDINATING DIRECTOR
2290 FIRST NATIONAL BUILDING
660 WOODWARD AVENUE
DETROIT, MICHIGAN 48226
E-MAIL SNADEAU@HONIGMAN.COM
TELEPHONE: (313) 465-7492
FACSIMILE: (313) 465-7493

September 6, 2005

Mr. Gary Gulezian
Great Lakes National Program Office, U.S. EPA
77 W. Jackson Blvd. (G-17J)
Chicago, IL 60604

Re: *Sediment Management Work Group Comments on the Great Lakes Regional Collaboration Draft Action Plan, "A Strategy to Restore and Protect the Great Lakes" (July 2005)*

Dear Mr. Gulezian:

Introduction

The Sediment Management Work Group ("SMWG" or "Group")¹ is pleased to provide comments to the Great Lakes National Program Office of the United States Environmental Protection Agency ("GLNPO") on the Great Lakes Regional Collaboration Draft Action Plan, "A Strategy to Restore and Protect the Great Lakes" (July 2005) ("Strategy"). Based on the SMWG's focus on contaminated sediment, the Group's comments primarily will address the "AOC/Sediments" chapter of the Strategy.

Many of our Members have one or more facilities on or near the Great Lakes. In addition, the SMWG is interested in the progress of the recovery of the Great Lakes and the use of innovative remediation approaches and techniques, administrative processes and funding to address contaminated sediment. The methods and approaches utilized in addressing contaminated sediment in the Great Lakes can serve as a potential template for non-Great Lakes projects.

Specific comments on the AOC/Sediments Chapter

¹ The Sediment Management Work Group is an ad hoc group of industry and government parties actively involved in the evaluation and management of contaminated sediments. (See Exhibit "A" for a list of its Members.) The Group is dedicated to the use of sound science and risk-based evaluation of contaminated sediment management options. The SMWG recognizes that the management of sites involving contaminated sediments frequently involves unique and complex scientific and technical issues, including assessment methodologies and evaluation of risk and risk reduction options. As an active participant in the national discussions on sediment management issues, the SMWG welcomes the opportunity to offer observations and comments on the PCB cleanup and disposal regulations as they relate to contaminated sediment remediation.

1. The SMWG supports the Strategy's recommendation that the Great Lakes Legacy Act (GLLA) be the primary authority to address contaminated sediment in the Areas of Concern ("AOCs"). The SMWG also fully concurs with the Strategy's strong support for funding the GLLA to the \$150 million annual appropriation level for the next ten (10) years.
2. The SMWG believes it is important to recognize that in order to address the contaminated sediment aspect of the recovery of the Great Lakes, a variety of remedial alternatives will be necessary, including dredging, in-situ caps, in-situ remediation techniques (although these are still in the embryonic stage), as well as monitored natural recovery (MNR). The SMWG advocates a risk-based approach which evaluates each of these remedial alternatives on an even playing field, sound science basis.
3. The SMWG supports the four recommendations in Section III of the AOC/Sediments Section (p. 27), which suggest ways to overcome the obstacles to restoring the AOCs:
 - addressing inefficiencies in the Legacy Act and increasing available funding to a level sufficient to reach the goal of cleaning up all sediment sites in the AOCs by 2020;
 - providing for program capacity to develop measurable endpoints, design and implement remedial actions, and measure results;
 - making better use of existing programs and funds through increased coordination at the federal, state, local and tribal levels; and
 - working toward better alternatives to removal and disposal of sediments.
4. The SMWG agrees with the Strategy's recommendation to address the existence of several inefficiencies in the GLLA which are significantly (and we believe, inadvertently) hampering progress with its implementation.
 - a. The SMWG concurs with the Strategy's recommendation that the "maintenance of effort" language in the GLLA should be dropped. This language, found in 33 USCA § 1268(b)(12)(E) of the GLLA, can inappropriately and inadvertently disqualify or limit valuable and otherwise eligible projects. This language appears to have been borrowed from other federal grant programs where it is important that the level of effort undertaken by the grant recipient in prior years not be diminished by virtue of receiving the new grant. In the context of remediation of contaminated sediment, however, the level of activity can vary dramatically from year to year. Consequently, this provision artificially restricts potential funding for valuable projects. In fact, this language is counter-productive by potentially penalizing local sponsors that undertake remediation projects on their own prior to applying for GLLA funding for other projects. The good judgment of those administering the program should be more than adequate to ensure that the funding is appropriately disbursed to worthy projects. Therefore, the "maintenance of effort" requirement should be either completely eliminated or more liberally drafted in order to avoid this inadvertent and unfortunate restriction.
 - b. The SMWG agrees with the Strategy's recommendation that the GLLA should be clarified to permit disbursement of funds by GLNPO to the non-federal sponsor of a GLLA project to cover some or all of the 65% federal share. Currently, this apparently is not possible due to administrative restrictions and an absence of an express authorization to disburse funds. This restriction also is a significant impediment to effective collaboration between the federal and non-federal sponsors. For example, where the non-federal sponsor is contributing a large percentage towards the overall project costs through implementation of a sediment remediation activity, it makes no sense to require a second contractor to be retained under GLNPO's contracting authority to conduct the remaining portion of the work. Having

two different contractors working on the same job is inefficient and often problematic. In addition, having the smaller portions of the work performed by another contractor hampers the efforts of the non-federal sponsor to supervise the project and insure that it is optimally implemented. Other similar statutes, such as WRDA, expressly authorize the federal agency (in that case -- the U.S. Army Corps of Engineers) to directly disburse funds to the non-federal sponsor.

- c. The SMWG supports the recommendation of the Strategy calling for clarification and reiteration of the role of potentially responsible parties (PRPs) to participate as the non-federal sponsor in GLLA projects. The SMWG notes that the GLLA was passed through the strong cooperative efforts of a diverse array of stakeholders. In fact, Congressman Ehlers complimented the representatives from industry, environmental groups and state government for their cooperative efforts in supporting the Legacy Act concept. At that time, and at the present time, it was and is industry's understanding and expectation that PRP sites could qualify for GLLA funding by virtue of PRP contributions serving as the source of the non-federal sponsor portion of a project. The GLLA refers specifically to the eligibility of funding for the non-federal share to include "monies paid pursuant to or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree ..." 33 USCA § 1268(b)(12)(E)(iii)(I). Despite this express authorization, some have suggested that a "polluters pay" principle should apply precluding PRP eligibility to serve as the source of the non-federal share in whole or in part. The SMWG strongly supports the recommendation of the Strategy that "PRPs' ability to apply for and receive GLLA funding should not be artificially limited on the basis on the "polluters pay principle" only to sites with orphan shares or covering work performed above and beyond the specific requirements of a selected remedy." Limiting PRP eligibility to participate in GLLA projects in only those two scenarios, or worse, as some advocate, completely barring to PRP eligibility to serve as a non-federal sponsor, would cut-off one of the best opportunities to meet the objective of the GLLA to accelerate the remediation of contaminated sediments in the Great Lakes. Therefore, the SMWG supports the Strategy's recommendation to clarify that "polluters pay" principle does not apply and that the eligibility of PRPs to serve as a source of the non-federal share of GLLA projects should be evaluated based on the site-specific merits of the proposal.
 - d. The SMWG also supports the recommendation of the strategy under Priority #1 of the Appendix (Additional Recommendations) that the life of the appropriated GLLA funds be extended beyond the two years currently envisioned. This change is important to accommodate responsible remediation and long-term remedy effectiveness monitoring. In the first instance, some remedies will include reliance on monitored natural recovery in whole or in part and may require longer than two years to achieve objectives. In other situations, such as dredging and capping, long-term monitoring is also a component of the remedy. The two year limitation is inconsistent with the realities of current sediment management approaches.
5. The SMWG also supports the Strategy's recommendation in Priority #2 to increase funding at the state and local levels to assist in the progress of addressing contaminated sediment in the AOCs.
 6. The SMWG supports the concept identified in Priority #3 of the Strategy that better federal, state and local coordination would optimize the benefits of the efforts by the federal agencies.
 7. Finally, the SMWG supports the recommendation in Priority #4 of the report fostering further exploration of disposal capacity, destruction technology, treatment and beneficial reuse. In particular, to the extent promising in-situ sediment treatment technologies are identified, the

research component of the GLLA should be maintained to permit field prove-out of technologies meriting further evaluation. Likewise, CDF and landfill space is becoming more limited with each passing day. Research and development of cost-effective destruction and beneficial reuse technologies also should be a priority.

Conclusion

Overall, the SMWG supports the recommendations in the Strategy in the AOC/Sediments Chapter. The additional funding and enhancements to the GLLA recommended by the Strategy would substantially increase the likelihood of meeting the goals and objectives identified for the improvement of the environmental condition of Great Lakes.

Please feel free to contact the SMWG's Coordinating Director, Steven C. Nadeau, at (313) 465-7492 or snadeau@honigman.com should you have any questions regarding these comments.

Respectively submitted by,

By: Steven C. Nadeau
Steven C. Nadeau, Coordinating Director
Sediment Management Work Group

EXHIBIT A

MEMBERSHIP IN THE SEDIMENT MANAGEMENT WORK GROUP

ALCOA, Inc.
Atlantic Richfield (a BP company)
BASF Corporation
Boeing Company, The
Consumers Energy
Dow Chemical Company
E.I. duPont de Nemours and Company
El Paso Corporation
ExxonMobil
General Motors Corporation
Georgia-Pacific Corporation
Glenn Springs Holdings, Inc.
Hercules Incorporated
Honeywell International, Inc.
Monsanto Company
NW Natural
Phelps Dodge
Corporation
PPG Industries, Inc.
Sherwin Williams Co.
Tierra Solutions, Inc.
U.S. Steel Group
Viacom

WE Energies
WTM I
American Chemistry Council (ACC)
American Forest & Paper Association
American Gas Association
American Petroleum Institute
Centre for Advanced Analytical
Chemistry
Council of Great Lakes Industries
(CGLI)
EPRI
International Lead Zinc Research
Organization
National Council of Paper Industry for
Air & Stream Improvement
Norwegian Institute for Water
U.S. Army Corps of Engineers,
Waterways Experiment Station
U.S. Navy Space and Naval Warfare
Systems Center, San Diego
U.S. Navy Naval Facilities Eng.
Command
Utility Solid Waste Activities Group

DETROIT.1878437.1



The Nature Conservancy
Great Lakes Program
8 S. Michigan Avenue, Suite 2301
Chicago, IL 60603

tel (312) 759-8017
fax (312) 759-8409

nature.org/greatlakes

September 9, 2005

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, IL 60604-3511

RE: The Nature Conservancy's Comments on the Draft Great Lakes Strategic Action Plan

Dear Great Lakes Regional Collaboration Executive Committee:

Thank you for the opportunity to comment on the Great Lakes Regional Collaboration's Draft Strategic Action Plan. We appreciate the leadership of the Federal Interagency Task Force, Great Lakes Congressional Task Force, Council of Great Lakes Governors, Great Lakes and St. Lawrence Cities Initiative, and Great Lakes Tribes in facilitating regional participation to develop this draft plan for protecting and restoring the Great Lakes.

The Nature Conservancy was an active contributor to several of the Strategy Teams. The Nature Conservancy has been and will continue to be engaged in protecting and restoring the Great Lakes ecosystem. The Nature Conservancy has a long history of working to conserve the range of natural systems that support the tremendous variety of plants and animals in the Great Lakes region, many of which occur nowhere else on Earth.

To ensure greater collaboration and to provide a sound scientific basis for conservation decisions, The Nature Conservancy led a large-scale study, with input from over 220 scientists and conservation experts, to identify the lands and waters critical to the conservation of biodiversity in the Great Lakes region. The process contributed to the recently completed *Binational Conservation Blueprint for the Great Lakes*,¹ which scientifically and systematically identifies native species, natural communities, and ecological systems (i.e., biodiversity) characteristic to the region. It then determines where they need to be protected to ensure their long-term survival.

Based on The Nature Conservancy's broad place-based conservation experience, science expertise, and regional conservation planning history, The Nature Conservancy strongly supports inclusion of the following six elements in any Great Lakes restoration plan. Consistent with these six elements, The Nature Conservancy also offers the attached detailed comments (Attachment I) to help strengthen the Great Lakes Regional Collaboration's strategic action plan. These comments follow the structure of the Draft Strategic Action Plan.

1. Direct investments to areas identified in existing lake-wide conservation plans, including The Nature Conservancy's *Binational Conservation Blueprint for the Great Lakes*.

¹ The Nature Conservancy & Nature Conservancy of Canada. in prep. *Binational conservation blueprint for the Great Lakes*. [brochure]. <http://nature.org/greatlakes>.

Numerous credible conservation planning and prioritization efforts have taken place in the Great Lakes. These initiatives should be drawn upon when identifying geographic priorities. Attached are revisions made to the Habitat/Species Team's *Appendix 7. The Nature Conservancy Great Lakes Priority Conservation Areas Chart* (Attachment II). This chart draws from the U.S. portion of the *Binational Conservation Blueprint for the Great Lakes* to provide a list of action sites that:

- advance goals and recommendations of the Great Lakes Regional Collaboration;
- contribute to the overall health of the Great Lakes ecosystem; and,
- represent places distributed across the Great Lakes basin.

2. Protect and restore the diverse Great Lakes ecosystem types (i.e., Open/Nearshore Waters; Wetlands; Coastal and Upland Habitats; Riverine Habitats and Related Riparian Areas) critical to maintaining the overall ecological health of the Great Lakes ecosystem.

The Great Lakes Regional Collaboration must support goals and recommendations for protecting, restoring and managing representative examples of the full range of Great Lakes biodiversity. By protecting the diverse Great Lakes ecosystem types, we will protect the natural communities and native species that depend upon them as well as provide for the ecosystem services they deliver to human society. Because Great Lakes ecosystems are interconnected and interdependent, protection of the diverse ecosystem types is critical to maintaining the ecological integrity of the overall Great Lakes ecosystem.

3. Invest in the protection of biodiversity, and associated ecosystem services, in remaining high-value conservation areas as a top priority. The most cost-effective approach to conservation is to invest in high-value conservation areas and prevent degradation *before* large-scale restoration and/or remediation action is needed.

An excellent demonstration of the effectiveness of investing in *protection* efforts before it is too late or too expensive, is the Northern Great Lakes Forest project in Michigan's Upper Peninsula. Here, minimal federal investment of \$10 million will protect 423 square miles of habitat, including 300 inland lakes, 516 miles of river and 52,000 acres of wetlands. The ecosystem services provided by this protection effort are significant, including water and air purification, food sources for people and wildlife, flood and drought mitigation, and vast recreational activities.

4. Place priority on abating the top threats to Great Lakes biodiversity: 1) habitat destruction caused by incompatible development, 2) invasive species, 3) alterations to natural water level and river flow patterns, and 4) incompatible forestry and agricultural practices.

The Nature Conservancy defines conservation strategies as "the full array of actions necessary to abate the threats or enhance the viability of conservation targets."^{2,3} It is important to establish a common understanding of the top threats to Great Lakes biodiversity; this understanding helps prioritize to address these threats.

5. Commit to a systematic approach for identifying and regularly monitoring indicators of ecosystem integrity in areas where threats are greatest (e.g., Great Lakes coastal and nearshore areas).

² The Nature Conservancy. 2004. *Conservation by design: a framework for mission success*. [brochure]. Arlington, VA.

³ Appendix 2 of the Habitat/Species Report includes a full list of Great Lakes Conservation Targets.

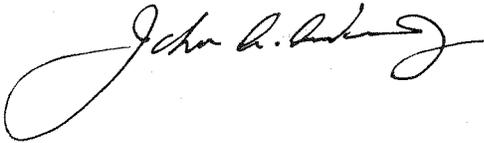
The region should collect, analyze, and share the indicator data so that adaptive management can be applied as appropriate in these areas. The indicator data should be compiled in a centralized location where it is readily accessible to decision makers, stakeholders, and the public.

6. Commit to coordinating, streamlining and/or enhancing existing Great Lakes programs to meet Great Lakes protection and restoration goals.

Many Federal agencies need to be involved in protecting and restoring Great Lakes species and habitat. Each brings tools and expertise, and each has an important and complementary role to play. While we recognize that major new investments in conservation of the Great Lakes ecosystem is going to be essential, any current financial limitation should not be perceived as a barrier. We can begin making progress today through increased coordination, efficiencies, and effective investments in existing Federal programs.

The Nature Conservancy looks forward to supporting the completion of a regional strategic action plan and contributing to its implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Andersen, Jr.", with a large, stylized flourish at the end.

John A. Andersen, Jr
Great Lakes Director

Attachment I (*detailed comments on the Collaboration's report structure*)

Attachment II (*revisions to Habitat/Species Report Appendix #7*)

ATTACHMENT I

**THE NATURE CONSERVANCY'S
DETAILED COMMENTS CONSISTENT WITH THE
GREAT LAKES REGIONAL COLLABORATION'S
REPORT STRUCTURE**

Comments on the Executive Summary & Introduction

It is important to establish, among all partners, a common understanding of the ecological significance of the Great Lakes ecosystem as well as the types of threats that are ubiquitous throughout the region. This will help in reaching agreement on the priority recommendations needed to address the threats and thus advance conservation goals.

1. The Introduction should include a review and recognition of the rich natural history of the Great Lakes region; and, the importance of protecting and restoring the ecological health of the Great Lakes ecosystem and its biodiversity (i.e., native species, natural communities, and ecological systems).

- A. Add a sentence about the rich biodiversity of the Great Lakes region to the Executive Summary's "The Resource" section, 2nd paragraph:

"A rich diversity of life thrives in the Great Lakes region, which includes inland waters that span the United States and Canada. Here, one finds 46 species that are found nowhere else in the world, as many as 180 species of native fish and 279 globally rare plants, animals, and natural communities."

(NOTE: These figures are binational - we could provide for U.S. only, if preferred.)

- B. Add paragraph illustrating what makes the Great Lakes a national treasure from a biodiversity perspective to the Introduction's "A National Treasure" section:

"Large, unfragmented boreal forests in the north gradually give way to the tallgrass prairies in the south and remarkable sand dunes on the coasts. Swamps, bogs, and fens also dot the Great Lakes landscape, as do critical coastal wetlands. Natural systems, such as these, are critical to economic health, along with humanity's general well-being. Scientists refer to these kinds of benefits as 'ecosystem services.' They include things nature gives us—clean water, fresh air—for free. Forests, for example, purify our air, while wetlands help control floods. It also takes into account things directly tied to our economies. Forests are essential for products made from wood, while wetlands support water quality and fisheries. The Great Lakes region provides rich and immeasurable ecosystem services.

These same ecosystems also contain a rich array of plants and animals – 46 species that are found nowhere else in the world, as many as 180 species of native fish and 279 globally rare plants, animals, and natural communities."

- C. Add bullet describing the number of endemic species and communities dependent upon the ecological integrity of the Great Lakes region to the Introduction's "Looking for Solution" section:

"The U.S. portion of the Great Lakes contains natural treasures found nowhere else in the world, including 41 globally rare species and natural communities."

(NOTE: This is a U.S. figure.)

2. The introduction should include clear identification of the top threats to Great Lakes biodiversity: habitat destruction and degradation due to incompatible development, invasive species, altered water levels and river flows, and incompatible forestry and agricultural practices.

The following is suggested language for acknowledging the ecological threat from hydrologic alterations.

- A. Add a sentence to the Executive Summary's "Challenges" section, 1st paragraph, reflecting the threat of altered flow regimes on biodiversity.

"In many places, humanity has changed the way water naturally courses through the landscape. Dams, levees, dredging, groundwater, and surface water withdrawals are some of the ways water levels and river flows are disrupted. These changes represent one of the most prevalent threats to freshwater biodiversity."

- B. Add a paragraph to the Introduction's "The Price of Prosperity" section that describes the threat of altered flow regimes on biodiversity.

"Changes in water's natural flow patterns, often called hydrologic alteration by scientists, threaten the long-term ecological health of the Great Lakes ecosystem. Dams impact the migration of fish and other species. Dikes and groundwater and surface water withdrawals increase problems with runoff and flooding, changing the natural water flow patterns Great Lakes' species depend upon. In general, these disruptions can lead to poor water quality and declines in suitable habitat for native plants and animals."

3. The document does an excellent job addressing the threat of aquatic invasive species. However, it needs to include, or at least explicitly acknowledge, the threat of terrestrial invasive species, including the need for prevention, early detection, eradication, restoration and research of terrestrial invasive plants, animals, insects, and diseases within all Great Lakes habitat types.

Invasive plant and animals are now widely recognized as second only to habitat loss as a threat to biological diversity. Noxious, non-native weeds, for example, cause severe economic and environmental losses. Generally, non-native weeds damage natural lands by out-competing and replacing indigenous vegetation. Loss of this vegetation can transform the physical characteristics of the affected landscape as well as eliminate the animal species that depend on the native vegetation.

In Michigan alone, landowners could see a loss of \$1.7 billion if the 693 million ash trees grown on timberland die. Should emerald ash borer spread, monetary losses in Eastern states might reach \$25 billion. Both of these figures are based on stumpage value. A study by the USDA Forest Service determined that if the emerald ash borer became established across the country, it could cause undiscounted losses of city trees of \$20 to \$60 billion (USDA APHIS Federal Register: October 14, 2003 (Volume 68, Number 198)). The undiscounted compensatory value of the estimated 7 billion ash nationwide is \$282 billion (USDA APHIS Federal Register: October 14, 2003 (Volume 68, Number 198)).

4. The Strategic Action Plan acknowledges the impact of pollution on water quality, but it also needs to further acknowledge the connections between water quality and habitat. Habitat is created when the appropriate range of physical, biological, and chemical characteristics all intersect. Thus, improvements to water quality could also help to improve habitat. Places in the document that this should be more explicitly acknowledged are:

Executive Summary, add “habitat loss” to the following sentence in the 1st paragraph under the “Challenges” section:

“Continued pollution from nonpoint sources in these areas and many others contribute to the water quality, habitat loss, and related problems.”

The following sections should also reference the important connections between water quality and habitat:

- Coastal Health report,
 - AOC/Sediment report, and
 - Toxic Pollutants report.
5. Many Federal agencies need to be involved in protecting and restoring Great Lakes species and habitat. Each brings tools and expertise, and each has an important and complementary role to play. While we recognize that major new investments in conservation of the Great Lakes ecosystem is going to be essential, any current financial limitation should not be perceived as a barrier. We can begin making progress today through increased coordination, efficiencies, and effective investments in existing Federal programs.

A number of Great Lakes-specific as well as national Federal programs currently exist that support the protection and restoration of Great Lakes biodiversity. The following programs should be assessed to ensure coordination and maximum contribution to Great Lakes conservation goals:

- EPA’s Great Lakes National Program Office,
- FWS Great Lakes Coastal Program,
- FWS Great Lakes Fish and Wildlife Restoration Program,
- NOAA Great Lakes Habitat Restoration Program,
- NOAA National Center for Research on Aquatic Invasive Species,
- U.S. ACE Great Lakes Fishery and Ecosystem Restoration Program, and
- USGS National Assessment of Water Availability and Use: Great Lakes Pilot Study.

Comments on the Aquatic Invasive Species Report

The Nature Conservancy aims to control the threat to biodiversity posed by invasive non-native plants, animals, insects, and diseases through a combination of prevention, early detection, eradication, restoration, research, and outreach. The Conservancy believes that the threat of invasive species can be effectively abated by using this comprehensive set of techniques and approaches.

The Nature Conservancy supports reauthorization of the National Invasive Species Act of 1990. We believe that the National Aquatic Invasive Species Act (NAISA) is an excellent starting point. NAISA’s comprehensive legislative approach mirrors the Conservancy’s own comprehensive strategy to abate the threat of invasive species, and cover all waters of the U.S. including inland lakes and streams. The provisions providing for pre-screening of intentional introductions, establishment of an early warning system coupled with rapid response capability, and more aggressive monitoring for invasive species are

important new authorities that merit enactment. We also support the continued emphasis on ballast water and shipping, with the enhancements associated with consideration of alternative pathways of introduction. Finally, the provisions on information, education, and outreach will improve the nation's capacity to better manage and mitigate for aquatic invasive species.

The Nature Conservancy supports the U.S. Fish and Wildlife Service's use of the existing authority provided by the Lacey Act to prohibit the importation, possession, or shipment of any injurious wildlife into or within the United States. In particular, we recommend the addition of Asian carp (including black, bighead, and silver carp species) to the list of injurious wildlife because of the damaging impacts they have had on native freshwater biodiversity in waterways in which they have become established.

Comments on the Habitat/Species Report

General comments to strengthen Habitat/Species Report

1. Add a sentence in the Problem Statement, last paragraph, second sentence that underscores the importance of protecting representative examples of the full range of Great Lakes biodiversity:

"To ensure the long-term ecological health of the Great Lakes ecosystem, we must protect, restore, and manage representative examples of the full range of habitat types in the Great Lakes basin. The following systems. . . ."
2. Add reference in the Problem Statement about the fact that there are 41 globally rare endemic species and natural communities in the U.S. portion of the Great Lakes region, and that priority should be given to protection and restoration actions targeted at this list.
3. A long-term goal should be added to each relevant habitat type to continue progress on recovering state and federally listed species and communities as well as taking proactive steps to prevent future listings.
4. The Great Lakes region is an important migratory route, and breeding and wintering habitat for landbirds, waterfowl, shorebirds, raptors, and songbirds. An emerging issue of growing concern in the Great Lakes is the siting of towers/structures which could negatively impact bird migration. Consideration should be given for protecting known priority habitats (both breeding and wintering grounds, and migratory stopover sites) and connecting pathways between them.
5. All of the appendices are excellent. The following appendices are particularly important as they provide the scientific basis for the Strategy Team's goals and recommendations. Appropriate steps should be taken to revise, clarify, and fact-check. these appendices so that they serve as credible resources.

Appendix 2. Great Lakes Conservation Targets

Appendix 3. Partial Listing of Laws, Regulations, and Policy Issues

Appendix 4. Habitat/Species Issue Summaries

Appendix 6. Wetland Restoration Information

Appendix 7. The Nature Conservancy Great Lakes Priority Conservation Areas Chart

(NOTE: Attachment II includes revisions to help strengthen Appendix 7)

Attachment II is The Nature Conservancy's revisions to Appendix 7 – the chart of priority conservation areas where we are confident in the conservation actions needed to help advance Great Lakes Regional Collaboration plan goals and recommendations.

Comments to strengthen Recommendation #2: Wetlands

1. This recommendation, and its short- and long-term goals, must recognize the importance of ensuring that a representative diversity of wetland habitat types are protected, restored, and managed.
2. This recommendation must be coordinated with the Nonpoint Source Strategy Team recommendation on wetlands. Wetlands designed to address threats of nonpoint source pollution will have differences from wetlands functioning to protect and restore habitat and other ecosystem services.
3. See Attachment II, revisions to Habitat/Species Appendix 7, for priority areas for wetland protection and restoration.

Comments to strengthen Recommendation #3: Riverine Habitats – Great Lakes River Restoration Act

This is an important recommendation because Great Lakes freshwater-dependent species, communities, and ecosystems are inextricably linked to the health of the basin's water resources. Hydrologic alteration is known to threaten biodiversity at over half of the conservation areas identified in The Nature Conservancy's *Binational Conservation Blueprint for the Great Lakes*. With the growing potential for water withdrawals and diversions in the Great Lakes basin, all freshwater-dependent biodiversity is potentially threatened by hydrologic alteration.

The Nature Conservancy is working to advance policies and practices that protect the ecological integrity of areas affected by water management while meeting human needs for water (for both present and future generations). The Nature Conservancy would like to help further develop this important recommendation to promote ecologically sustainable water management throughout the Great Lakes basin.

Specific comments include:

1. The Great Lakes region currently does not have methods in place for characterizing or classifying watersheds based upon degree of altered hydrology. Similarly, the Great Lakes region currently does not have target flow regimes identified for major Great Lakes tributaries. Because of this, a short-term goal should be added:

“Adopt a credible method for assessing the degree of hydrologic alteration of river flow regimes and establishing target flow regimes based on an understanding of natural or reference conditions.”

We are fortunate that work is underway to characterize flow regimes for watersheds in the Great Lakes – St. Lawrence River basin. Flow data from U.S. Geological Survey gauges are used to develop regression models based on watershed characteristics; these models can be used to predict flow behavior for ungauged streams. These efforts, among others, can provide the foundation for development of a method to assess degree of hydrologic alteration and set flow regime protection and restoration goals for all Great Lakes tributaries.

This recommendation is consistent with the concept of Environmental Water Allocations (EWA), which seeks to define the water requirements that are essential to sustain natural ecosystems and to continue to provide the ecosystem goods and services upon which society depends. South Africa, Australia, and the European Union are also implementing national or multinational water policies that assess degree of hydrologic alteration and establish environmental flow requirements, or target flow regimes. These policies all share a common principle: without explicit recognition of and management toward environmental flow requirements, ecosystem function will be lost.

2. Sound water management is a necessary component to the health of Great Lakes biodiversity, and any program based upon protecting and restoring the physical integrity of Great Lakes tributary systems should be built upon scientifically-based principles. We recommend using the following Hydrologic Regime Principles:
 - A. *Restore and maintain the natural hydrologic regime and its natural variability to the greatest extent possible. This should include:*
 - *Restoring and maintaining the natural inter- and intra-annual variability of hydrologic regimes to the greatest extent possible;*
 - *Restoring and maintaining the natural magnitude, frequency, timing, and duration of different hydrologic conditions, particularly high and low conditions, to the greatest extent possible; and*
 - *Restoring and maintaining the natural rate at which hydrologic conditions change (i.e., flows/lake levels) to the greatest extent possible.*
 - B. *Restore and maintain hydrologic regimes that are protective of the full range of species, communities, and ecosystems that naturally occur or that could be expected to naturally occur in the watershed.*
 - C. *Use site-specific information about the species, communities, and ecosystems that naturally occur or that could be expected to naturally occur in the watershed as a basis for decisions related to the active management of hydrologic regimes.*
 - *Use adaptive management when active management of hydrologic regimes occurs so that changes in the ecological system can be observed and the management approaches adjusted as necessary to achieve the goal of protecting and restoring ecological integrity.*
 - *Include a margin of safety in hydrologic regime management programs.*
3. This recommendation must be coordinated with the Nonpoint Source Strategy Team recommendation #5, to “hydrologically improve 10 watersheds of various sizes.”
4. See Attachment II, revisions to Habitat/Species Appendix 7, for priority areas for protecting and restoring altered hydrologic regimes.

Comments to strengthen Recommendation #4: Coastal Shore and Upland Habitats

1. This recommendation, and its short- and long-term goals, must recognize the importance of ensuring that a representative diversity of coastal shore and upland habitat types are protected, restored, and managed.

2. Great Lakes coastal and nearshore areas are among the most important for biodiversity. They are also the most threatened as human interaction with the Lakes is greatest in the coastal and nearshore areas. The report lists an important short-term Coastal and Upland Habitats goal to help address the critical information and prioritization needs surrounding Great Lakes coastal habitats: *Inventory and assess Great Lakes coastal habitats and prioritize them for protection and restoration*. However in order to ensure success, this goal must be translated into a specific action which includes assigning it to a lead Federal Agency.

The Nature Conservancy is beginning a process to inventory, assess and prioritize Great Lakes coastal habitats, consistent with this short-term goal. The Nature Conservancy would like to ensure that our process is coordinated with this action, to help accomplish this important goal.

3. See Attachment II, revisions to Habitat/Species Appendix 7, for priority areas for protecting and restoring coastal shore and upland habitats.

Comments on the Areas of Concern Report

Comments to strengthen AOC delisting statement and goal:

Important statements on delisting criteria are made in the last paragraph of the Problem Statement as well as the third bullet under "Goals and Milestones." The Nature Conservancy recommends that biodiversity and habitat conservation goals be included in the list of criteria for delisting. AOC Remedial Action Plans need to be developed within a broader ecological context which includes integrating regional habitat restoration goals.

Comments on the Nonpoint Source Report

1. Recommendation #1 – Wetlands Recommendation & Goal. This recommendation and goal should be coordinated with Habitat/Species Strategy Team recommendation and goal on wetlands. *See comments in the Habitat/Species section, Recommendation #2, above.*

The Nature Conservancy supports the critical geographies identified in the Nonpoint Source report for protecting and restoring wetlands:

- Watersheds in Saginaw Bay Watershed
- Maumee River Watershed
- Western and Central Lake Erie Watersheds
- River Raisin & Macatawa Watersheds
- Eastern Wisconsin Riparian Areas

See Attachment II, revisions to Habitat/Species Appendix 7, for additional priority areas for protecting and restoring wetlands.

2. Recommendations #2 & #3 – Buffer Strip Recommendation & Goal; Residue Management Recommendation & Goal.

The Nature Conservancy supports the critical geographies identified in the Nonpoint Source report for creating buffer strips and residue management:

- Land areas draining to western and central Lake Erie
- Maumee River Watershed
- Green Bay
- Saginaw Bay
- Lake St. Clair
- Nearshore waters of Lake Michigan

See Attachment II, revisions to Habitat/Species Appendix 7, for additional priority areas for implementing agricultural best management practices and sediment management strategies.

3. Recommendation #5 – Hydrologic Regime Restoration Recommendation & Goal. This recommendation and goal should be coordinated with Habitat/Species Strategy Team recommendation and goal on Riverine Habitats – protecting and restoring natural flow regimes. *See comments in the Habitat/Species section, Recommendation #3, above.*

See Attachment II, revisions to Habitat/Species Appendix 7, for additional priority areas for protecting and restoring hydrologic regimes.

Comments on the Indicators and Information Report

1. The report's Problem Statement accurately captures the importance of:
 - having indicators focused on biodiversity, threats to biodiversity and adaptive management; and
 - having a small set of indicators useful for management and the public (i.e., as small as possible and still meet monitoring objectives).

However, these important points have not but should be incorporated into the report's goals and milestones.

2. In the Problem Statement's last sentence of the 4th paragraph – it states that “Additional observation and monitoring are particularly needed for the open lakes.” There must be complementary, if not more intensive, indicator development and monitoring for the nearshore waters of the Great Lakes. Although the nearshore areas are among the least understood and least studied zones of the Great Lakes, they are among the most important for biodiversity. An estimated 80% of all fish species in the Great Lakes use nearshore areas for at least part of the year. The diverse physical habitats, influenced by water levels, wave action, tributary inputs, and vegetation, provide spawning and nursery areas, and refugia. In addition to their ecological benefits, human interaction with the Lakes is greatest in the nearshore areas.
3. Developing, maintaining and utilizing indicators would be much more effective if there was a centralized Great Lakes data repository that was easily accessible to researchers, natural resource managers, decision makers, and stakeholders.
4. A lot of great work on Great Lakes indicators has already been done and a lot of information has already been collected. The report should better acknowledge this and promote building on existing groups and expertise, such as U.S. EPA and Environment Canada's State of the Lakes Ecosystem Conference (SOLEC).

ATTACHMENT II

THE NATURE CONSERVANCY'S REVISIONS TO THE HABITAT/SPECIES REPORT'S APPENDIX #7

Appendix 7. The Nature Conservancy Great Lakes Priority Conservation Areas Chart

This set of action sites was selected from the U.S. portion of the *Binational Conservation Blueprint for the Great Lakes*⁴ to represent places distributed across the Great Lakes basin where the goals and recommendations under discussion by the Collaboration could be advanced, where there are opportunities for protection as well as restoration, and where conservation actions will contribute to the overall health of the Great Lakes ecosystem. These sites all provide important habitat and ecosystem services; investing in them now will save significant costs of restoration and/or remediation action in the future. The Nature Conservancy has detailed information available on each project to guide conservation action. This is only a subset of potential sites for consideration.

KEY TO CHART

Basin

ER – Lake Erie
 HU – Lake Huron
 MI – Lake Michigan
 ON – Lake Ontario
 SU – Lake Superior
 SL – St. Lawrence

System (Based upon Habitat/Species Team classification)

Open/Nearshore Waters
 Wetlands (coastal, inland lakes & wetlands)
 Riverine Habitats & Related Riparian Areas
 Coastal Shore
 Uplands

Project Name (<i>Conservation Blueprint site name if different</i>)	State	Basin	System	Recommended Action
Illinois Beach State Park (Chiwaukee Prairie-Illinois Beach)	IL/WI	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Implement non-structural erosion control
Lake Michigan Lakefront	IL	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Implement non-structural erosion control • Protection through acquisitions/easements

⁴ The Nature Conservancy & Nature Conservancy of Canada. in prep. *Binational conservation blueprint for the Great Lakes*. [brochure]. <http://nature.org/greatlakes>.

Project Name (<i>Conservation Blueprint</i> site name if different)	State	Basin	System	Recommended Action
Indiana Dunes	IN	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Implement non-structural erosion control • Coordinate land use planning/mgt. • Protect, restore, and enhance wetlands • Implement ecologically appropriate fire mgt. regimes • Protection through acquisitions/easements • Promote responsible recreation • Reduce deer browse
Calumet Basin (Indiana Tolleston)	IN/IL	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Coordinate land use planning/mgt. • Prevent or remediate toxics • Implement ecologically appropriate fire mgt. regimes • Protect, restore, and enhance wetlands • Protection through acquisitions/easements • Promote responsible recreation
Hoosier Prairie	IN	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Coordinate land use planning/mgt. • Implement ecologically appropriate fire mgt. regimes • Protection through acquisitions/easements • Promote responsible recreation
Highest priority dune sites on eastern shore of Lake Michigan ⁵ (Cathead Bay, Elberta – Portage Point Shoreline, Fox Islands, Grand River Bayoux, Herring Lake Dunes, Beaver Islands, Lower Manistee River, Saugatuck Dunes, Sleeping Bear-Manitou Islands, Betsie Bay Bayoux, Big Sable Point – Hamlin Lakes, Fisherman’s Island, Stony Creek – Camp Miniwanca, Waugoshance)	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Prevent, eradicate, and control invasives • Promote responsible recreation • Reduce deer browse
Elberta-Portage Point	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Prevent, eradicate, and control invasives

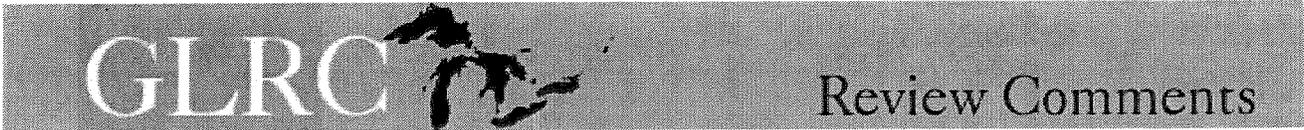
⁵ Michigan Dune Alliance. July 2003. *Eastern Lake Michigan shoreline plan.*

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Northern Great Lakes Forest – Upper Peninsula (Porcupine Mountains/Presque Isle River, Michigamme Highlands, Whitefish-Au Train Rivers, Whitefish-Grand Marais Shoreline, Two Hearted River, Seney Fens, and East Branch Fox River, Lower Tahquamenon – Tahquamenon Falls State Park, Hiawatha)	MI	MI/SU	<ul style="list-style-type: none"> • Wetlands • Riverine Habitats • Uplands 	<ul style="list-style-type: none"> • Protection through acquisitions and working forest easements • Implement sustainable forestry practices • Implement best practices in road/stream crossing designs
Garden Peninsula	MI	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Protection through acquisitions/easements • Reduce deer browse
Keweenaw South Shore and Bluffs	MI	SU	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Promote responsible recreation • Protection through acquisitions/easements
Point Betsie (Sleeping Bear-Manitou Islands)	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements • Prevent, eradicate, and control invasives
Presque Isle Shoreline	MI	HU	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements
Saugatuck Dunes	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements • Promote responsible recreation • Reduce deer browse
Ontonagon River Watershed	MI/WI	SU	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Protection through acquisitions and working forest easements • Implement sustainable forestry practices
Upper Menominee Headwaters (Iron, Brule, Paint Rivers)	MI/WI	MI	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Protection through acquisitions and working forest easements • Implement sustainable forestry practices • Coordinate land use planning/mgt.
Brule River and Brule Lake Complex	MN	SU	<ul style="list-style-type: none"> • Wetlands (inland lakes & wetlands) • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Protection through acquisitions and working forest easements • Implement sustainable forestry practices • Coordinate land use planning/mgt.

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Manitou River	MN	SU	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Coordinate land use planning/mgt. Protection through acquisitions and working forest easements Implement sustainable forestry practices Implement best practices in road/stream crossing designs
Sand Lakes/Seven Beavers (Sand Lake Complex and St. Louis River Headwaters)	MN	SU	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Implement best practices in road/stream crossing designs Coordinate land use planning/mgt. Protection through acquisitions and working forest easements Implement sustainable forestry practices Protect and restore forest structure and species composition
St. Louis River Estuary	MN	SU	<ul style="list-style-type: none"> Wetlands (coastal) Riverine Habitats Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Coordinate land use planning/mgt. Prevent, eradicate, and control invasives Restore altered hydrologic regimes (river flows and lake levels) Protection through acquisitions/easements Protect, restore, and enhance fisheries Develop alternative dredging and disposal plans
Eastern Lake Ontario Watershed	NY	ON	<ul style="list-style-type: none"> Wetlands (coastal) Riverine Habitats Coastal Shore 	<ul style="list-style-type: none"> Restore dune habitats Restore altered hydrologic regimes (river flows and lake levels) Prevent, eradicate, and control invasives Reduce nutrient inputs Implement agricultural best mgt. practices
Montezuma Wetlands Complex	NY	ON	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Coordinate land use planning/mgt. Restore altered hydrologic regimes (river flows and lake levels)
Salmon River (East Branch Fish Creek – Tug Hill Matrix)	NY	ON	<ul style="list-style-type: none"> Riverine Habitats Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Restore altered hydrologic regimes (river flows and lake levels) Protection through acquisitions/easements Implement sustainable forestry practices Implement watershed planning/assessment
Jefferson County Alvars	NY	ON/SL	<ul style="list-style-type: none"> Uplands 	<ul style="list-style-type: none"> Protect and restore alvar core habitats Prevent, eradicate, and control invasives
St. Lawrence Corridor	NY	ON/SL	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Maintain grasslands for breeding birds Restore altered hydrologic regimes (river flows and lake levels) Implement agricultural best mgt. practices Implement sustainable forestry practices Implement watershed planning/assessment

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Southern Lake Ontario Coastal Marshes (Nine-Mile Point-Derby Hills, Sodus Bay to Nine-Mile Point Lakeshore Marshes, Braddock Bay Complex)	NY	ON	<ul style="list-style-type: none"> Wetlands (coastal) Coastal shore 	<ul style="list-style-type: none"> Protection through acquisitions/easements Restore altered hydrologic regimes (river flows and lake levels) Prevent, eradicate, and control invasives Implement agricultural best mgt. practices Reduce nutrient inputs Coordinate land use planning/mgt.
Western Finger Lakes (Hemlock-Canadice-Honeoye-Canandaigua Lakes)	NY	ON	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Uplands 	<ul style="list-style-type: none"> Protection through acquisitions/easements Implement sustainable forestry practices Protect, restore, and enhance wetlands Prevent, eradicate, and control invasives
Cattaraugus Creek/Zoar Valley	NY	ER	<ul style="list-style-type: none"> Riverine Habitats Coastal Shore Uplands 	<ul style="list-style-type: none"> Protection through acquisitions/easements Implement sustainable forestry practices Implement watershed planning/assessment
Tonawanda Marshes – Iroquois National Wildlife Refuge	NY	ON	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Prevent, eradicate, and control invasives
Grand River	OH	ER	<ul style="list-style-type: none"> Riverine Habitats 	<ul style="list-style-type: none"> Protection through acquisitions/easements Restore altered hydrologic regimes (river flows and lake levels) Implement sustainable forestry practices Implement agricultural best mgt. practices Prevent, eradicate, and control invasives Promote responsible recreation
Upper Cuyahoga River	OH	ER	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Restore altered hydrologic regimes (river flows and lake levels) Coordinate land use planning/mgt.
Western Lake Erie Tributaries (Sandusky River, Huron River – DuPont Marsh, Old Woman Creek, Lower Vermillion River – Bradley Woods)	OH	ER	<ul style="list-style-type: none"> Wetlands (coastal) Riverine Habitats Coastal Shore 	<ul style="list-style-type: none"> Sediment reduction/management Restore altered hydrologic regimes (river flows and lake levels) Prevent, eradicate, and control invasives
Western Lake Erie Islands and Reefs	OH	ER	<ul style="list-style-type: none"> Open/Nearshore Waters Wetlands (coastal) Coastal Shore 	<ul style="list-style-type: none"> Coordinate land use planning/mgt. Protection through acquisitions/easements Prevent, eradicate, and control invasives Implement agricultural best mgt. practices Restore altered hydrologic regimes (river flows and lake levels)
Western Lake Erie Marshes – Cedar Point National Wildlife Refuge	OH	ER	<ul style="list-style-type: none"> Wetlands (coastal) 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Prevent, eradicate, and control invasives

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Brule River Conservation Area (Brule River State Forest)	WI	SU	<ul style="list-style-type: none"> • Riverine Habitats • Uplands 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Implement sustainable forestry practices • Restore altered hydrologic regimes (river flows and lake levels)
Chequamegon Bay	WI	SU	<ul style="list-style-type: none"> • Open/Nearshore Waters • Wetlands (coastal) 	<ul style="list-style-type: none"> • Protect, restore, and enhance wetlands • Priority area for protection (National Estuarine Research Reserve designation) • Protect hydrologic regimes (river flows and lake levels)
Door Peninsula and Green Bay Watershed (Door Peninsula, Cat Island)	WI	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Riverine Habitats • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Protection through acquisitions/easements • Protect, restore, and enhance wetlands • Implement sustainable forestry practices • Implement agricultural best mgt. practices • Restore altered hydrologic regimes (river flows and lake levels) • Prevent or remediate toxics
Pine, Popple and Peshtigo Rivers	WI	MI	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Implement sustainable forestry practices • Protection through acquisitions/easements



Date Submitted: 2005-09-09 13:01:02

- Sections:**
- Overview -- Executive Summary
 - Overview -- Introduction
 - Strategy Team Area -- Invasive Species
 - Strategy Team Area -- Habitat/Species
 - Strategy Team Area -- Coastal Health
 - Strategy Team Area -- AOC
 - Strategy Team Area -- Nonpoint Source
 - Strategy Team Area -- PBT
 - Strategy Team Area -- Indicators and Information
 - Strategy Team Area -- Sustainable Development
 - Appendix -- Invasive Species
 - Appendix -- Habitat/Species
 - Appendix -- Coastal Health
 - Appendix -- AOC
 - Appendix -- Nonpoint Source
 - Appendix -- PBT
 - Appendix -- Indicators and Information
 - Appendix -- Sustainable Development

Name: Michael Naig

Organization: CropLife America/Mid America CropLife Association (MACA)

Street Address: 1156 15th Street, NW, Suite 400

City, State/Province, Zip: Washington, NA 20005

Country: United States

E-mail: mnaig@croplifeamerica.org

Telephone (optional):

Add to GLRC news? Yes

Comments:

Attached file: [Click this link to view or download](#)

Assigned respondent(s):

X



September 9, 2005

Mr. Gary Gulezian
USEPA-GLNPO
77 W. Jackson Blvd. (G-17J)
Chicago, IL 60604.

Dear Mr. Gulezian:

CropLife America ("CLA") and Mid America CropLife Association ("MACA") are pleased to submit comments on the Great Lakes Regional Collaboration Draft Action Plan, *A Strategy to Restore and Protect the Great Lakes*, proposed July 2005. CLA and MACA are not-for-profit trade, technical and educational organizations that represent the companies that produce, sell, and distribute virtually all the active compounds used in pesticides registered for use in the United States.

These organizations submit the following comments on behalf of our member companies. Agribusiness is an important contributor to the Great Lakes Basin ("Basin") economy and the pesticide industry, a key part of the agribusiness community, actively participates in the protection and continuing restoration of the Great Lakes ecosystem through numerous research and educational stewardship projects. We are pleased to participate and provide the following observations and recommendations to improve the draft action plan.

Collaboration Objectives and Process:

As part of the Great Lakes Regional collaborative process, the pesticide industry agrees that the systematic review of the status, progress, and needs associated with the Great Lakes Basin clean-up effort is important. In addition to an updated technical assessment, the broad multi-stakeholder design of this process provides important public involvement opportunities.

The tight timetable established for the assessment process has limited the detail that can be woven into the final recommendations, but the process has clearly identified a draft scope of effort that many believe is needed to address the Region's remaining environmental issues and restoration goals. The draft action plan has summarized this outcome.

The more difficult part will come during final action plan development, when each proposed action of the draft plan must be gauged against its likely ability to provide the needed benefits and ranked in importance among all other proposed actions. The continued input of various stakeholders will be important throughout these deliberations.

It is important to recognize that only the core section of the draft action plan, the Task Force reports contained in the first 48 pages, has been extensively reviewed by collaborating stakeholders and represents, to the extent possible, consensus reached. This is not the case with the material contained in the appendices, which contain numerous lists of proposed actions developed in “brainstorming sessions” not subjected to the detailed review and revision sessions that defined the Task Force reports. Therefore, the appendices must be recognized as background material for the work that remains in progress and not be considered integral to the recommendations of the collaboration report.

In view of this, the last sentence in the Introduction portion of the report, under the heading “Seeking Public Input” on page 7, must be revised. Rather than stating “[L]onger-term recommendations, as well as much supporting information, appear in the appendices. Instead, the sentence must read “[S]upporting information considered by collaboration team members while drafting these recommendations appears in the appendices.”

Justification for the Strategy:

Certainly it is necessary to look both backward and forward to understand the status and needs of the Lakes. However, the discussion in the introductory section of the draft action plan under the headings *The Price of Prosperity* on page 5 and *Looking for Solutions* on page 6 is unnecessarily bleak and, in some cases, misleading or inaccurate. For example:

- The “physical changes to the Great Lakes ecosystem” were not so much “wrought by heavy industry, agriculture, and rampant development” as they were a lack of understanding by society of how far reaching the impacts of demand for these activities would be. The “growth” era described in the previous section did not include necessary policies and practices to adequately protect the ecosystem and promote sustainable development. The causes should be characterized as social ignorance rather than malice.
- The phrase that these “discharges poisoned rivers” in the second paragraph at the top of page 6 misrepresents the issue. A more accurate characterization would be that “discharges caused depletion of oxygen and the release of toxic pollutants in rivers.”
- In the list of bullet points near the bottom of page 6, the statement “[d]rinking water supply contamination risks remain, threatening the health of Great Lakes residents” mischaracterizes the situation. While specific water supply contamination episodes have occurred, this has not been a widespread issue. Municipal water agencies treat the raw water to provide safe drinking water to residents. And, given recent wellhead protection programs, watershed protection programs, and other efforts in the Basin, we’re better off in this regard than ever. This item should be removed from the list of bullet points.
- The first two sentences in the last paragraph on page 6 make it appear as though no action has been taken by governments or any of the private sectors. Nothing could be further from the truth. Local, state, and federal governments have launched many programs over the past several decades. Individuals, communities and industries have taken voluntary actions. The result has been the substantial progress achieved. As the latter portion of the paragraph states, coordination is needed to improve the effectiveness of these and future efforts.

But the first two sentences should be removed and replaced with a statement that recognizes the substantial efforts and progress that has been made.

Making the Final Plan:

The introductory section on pages 7 and 8, entitled *Making the Final Plan* summarizes the environment into which the Collaboration recommendations must be implemented. There are both continuing and new priority ecosystem needs for the Basin, and the relative importance of these needs have shifted. As a result, the final Strategy will need to:

- Shift some of the emphasis from the programs of the past.
- Maintain essential portions of existing programs.
- Reallocate some resources to other areas.
- Identify new funding needs to support new or renewed elements of the action plan.

The “funding climate” acknowledge in the last bullet at the top of page 8 describes one of the biggest challenges that program managers will face. Moving forward to address the more difficult issues within the Basin will require that we identify and advance a new paradigm regarding how these needs are funded. The financial responsibility cannot simply be placed on perceived “deep pockets” as in the past. It must be fairly distributed throughout all societal sectors in the Region.

Creating a Shared Vision:

The factors discussed in the draft report introduction, under the heading *Creating a Shared Vision* on page 8, identifies a number of important aspects that must be included in the development of the “shared vision” for the final Strategy. However, the draft plan overlooks the importance of a strong and vibrant economy to achieving the objectives of the Collaboration recommendations. A statement regarding this need should be added to this section.

The Collaboration Recommendations:

The draft Collaboration report recommendations show that a wide variety of actions must be included in a revised Great Lakes Strategy. As mentioned above, while some degree of prioritization did occur within some individual Collaboration Teams, time constraints did not allow for listing priorities between the differing Teams or complete design of detailed elements that will be needed to define final implementing programs. Individual action items that may become part of these plans must be fully evaluated to confirm their potential for cost effective attainment of Strategy goals. Specific comments that agribusiness stakeholders believe should be considered as the “final” Strategy is being assembled include:

- **Invasive Species**
 - This important priority must be advanced from a position of sound understanding. Research needs regarding the origin and best management options for these invasive species continue. It may, or may not, be advisable to pass “comprehensive federal AIS legislation” as mentioned in AIS recommendation no. 1, page 10. Clear plans of action are needed and approaches other than legislation must also be considered.
 - It is critical to balance measures for preventing the introduction of these species with those for controlling the destructive organisms already

present to avoid unintended eco-system consequences and serious economic threats. Measures such as “closing canals and waterways,” mentioned in AIS recommendation no. 2 on page 11, can result in unacceptable costs. Collaboration follow-up efforts need to define detailed implementing programs that balance needs.

- **Habitats and Species**

- Protecting habitat and native species is an important objective, as suggested in the Habitats/Species report Goals and Milestones section, on page 16. However, established goals such as specific numbers of acres of wetlands and associated uplands, or specific numbers of breeding pairs of species will be arbitrary unless they are set within a context of what is possible, practical and of sufficient quality to provide significant ecosystem value.

- **Coastal Health**

- It is imperative that the final action plan adequately address wet weather-associated effluent issues, whether untreated or inadequately treated, and funding for improved waste water treatment capacity in general, as highlighted in Coastal Health Team recommendation number 1 on page 22,. However, the draft report’s characterization that “industrial waste” is included in the “untreated or inadequately treated effluent” is inaccurate as it applies to agribusiness. Overflows of independently operated industrial wastewater treatment plants are not permitted, and industrial effluents treated in municipal systems must first be pretreated by the agribusiness before discharge to the municipal system. This factor and the nature of these effluents is such that, should release of this effluent during a wet weather event occur, it is not as significant an event as the release of untreated or partially treated sanitary wastes.

- **Great Lakes Areas of Concern (AOCs)**

- Maintaining financial support for and removing some of the un-intended impediments of the Great Lakes Legacy Act are essential to enhance effective clean up of remaining sediments in the Great Lakes Areas of Concern (AOCs). As such, the AOC/Sediments Task Force recommendation number 1, page 27, is a high priority need.

- **Non-point Sources**

- Focusing pollution prevention efforts on non-point sources (NPS) is an essential part of agribusiness’ continuing clean-up efforts. However, the design of NPS control programs and reduction goals need to be based on attainable and meaningful performance targets. The wetland and buffer restoration or protection targets described in non-point sources recommendations 1-3 on pages 32 and 33, appear to be arbitrarily set, and not based on measurable performance criteria.
- Decisions regarding use of river or stream flow alterations (i.e dam removal or dam operational restraints) to “hydrologically improve” surface or ground waters, as discussed in recommendation number 5 on page 34, must include consideration of all benefits derived from the impacted systems. Flood control, power generation, navigation, and other uses of waterways are important uses of these river flow control systems that must be weighed against the potential benefits of removal.

- **Toxic Pollutants**
 - Continued reduction of Persistent Toxic Substance (PTS) inputs into the Great Lakes is an important objective. But, consideration of the magnitude and relative importance of potential sources, evaluated in a risk management versus available funding context, is important to insure that resources are directed towards those priority reductions that will have the most positive outcome on the Great Lakes Watershed.
 - Management actions regarding “new toxic chemicals” described in recommendation no. 2 on page 37 should also include application of risk management elements.
- **Indicators and Information:**
 - The fortified and enhanced environmental data collection, storage, dissemination, and public communication efforts described in the Indicators and Information Team report are essential to the continued improvement of the Great Lakes ecosystem. However, the improvement of this important infrastructure element must incorporate the many monitoring, Lake-Wide Management Plan (LaMP), and State of the Lakes Ecosystem Conference (SOLEC) programs currently in existence. It is not necessary or wise to start over as is inferred by the draft report in the indicators and information section, pages 40-44. We are concerned that the recommendations in this section would overlook those important existing programs, and recommend that the final action plan fully embrace existing programs.
 - CGLI believes that maintaining a coordinated monitoring and assessment program based on a scientifically derived set of indicators is essential to assuring success in Great Lakes Protection and Restoration efforts. We agree, but also envision such a program to include:
 - Coordination of data gathering efforts carried out by U.S. Great Lakes states, the Canadian provinces, U.S. and Canadian federal agencies, and private sector organizations.
 - A central reporting and storage home for this data.
 - Maintenance of a key set of indicators, such as those developed through SOLEC, which will use the data to track ecosystem status and progress.
 - A SOLEC style biennial review of the indicators to receive, peer review, and disseminate ecosystem status information.
 - A communications element to broadcast the results of this coordinated monitoring effort to the public at large.

These efforts should be done as efficiently as possible, utilizing the infrastructure that already exists, and augmenting it only where needed to enhance monitoring, data housing, and coordination elements.
- **Sustainable Development:**
 - It is essential that society support and work to achieve sustainable practices within all Great Lakes Basin sectors, supported by governance that promotes the Region as an “exceptional, healthy, and competitive place to live, work, invest, and play.” The Sustainable Development Team report describes these objectives on pages 45-48. Agribusiness believes that pursuing sustainable development is not a separate task or the responsibility of a single set of practitioners, but must be part of the overall policy framework for the Great Lakes Basin.

The balancing of environmental, social, and economic factors within a sustainable development framework must be incorporated into each of the areas discussed in this report.

CropLife America and Mid America CropLife Association appreciate the opportunity to submit these comments. Please let us know how we can assist as the Collaboration process moves forward.

Sincerely,

Bonnie McCarvel
Executive Director
Mid American CropLife Association

Rich Nolan
Vice President,
Government Affairs
CropLife America



2 sided
separate pdf

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Dear Sir or Madam:

This letter contains the comments of the Council of Great Lakes Industries (CGLI) regarding the Great Lakes Regional Collaboration Draft Action Plan, "A Strategy to Restore and Protect the Great Lakes," dated July 2005 (the Strategy or Strategy).

These comments are submitted on behalf of CGLI members and additional industry associations and companies who also participate in CGLI's Great Lakes Regional Collaboration Stakeholders Group. Industry sectors represented by the Stakeholders Group include: chemical, iron and steel, petroleum refining, timber products, pulp and paper, electric utilities, mining and minerals, shipping and transportation, rubber products, aluminum and other non-ferrous metals, and general manufacturing interests. All are important contributors to the Great Lakes Basin (Basin) economy. All are active participants in the protection of the Lakes. And, all are keenly interested in the continuing restoration of the Great Lakes ecosystem. Collectively this large and diverse group is referred to as "industry" in these comments.

Representatives of industry are pleased to be part of the Great Lakes Regional collaboration process. The concept of a systematic review of the status and progress of the use and management needs of the Great Lakes is supported by industry. The multi-stakeholder design of the collaboration process provides for essential public involvement.

Summary and Key Points

We are commenting on the Collaboration process, the need for a revised Great Lakes restoration strategy, and the draft Collaboration recommendations. Key points that follow in the discussion below can be summarized as follows:

- The Collaboration has been beneficial in focusing attention on the needs and resource management efforts in the Great Lakes Basin. Brought to final and successful conclusion, the Collaboration will greatly enhance these efforts.
- The Collaboration process has resulted in a set of recommendations arrived at through a process aimed at achieving near consensus. Supporting points and suggestions representing differing views for which consensus could not be established, or was not attempted, have been placed in the individual task force

report appendices. These appendices must be clearly labeled as “not representing the consensus of all officials and stakeholders.” They represent a record of discussions, not a consensus roadmap for actions. Without the application of this caveat, the collaborative nature of the process could be compromised.

- The Collaboration has focused on ecosystem status without regard to the role that these resources play in maintaining a strong, vibrant Basin economy. Industry is not saying that there must be a trade-off between environmental protection and a strong economy. Rather, industry is pointing out that there is an important need to acknowledge that if the Great Lakes protection and management objectives are to be met, they must be supported by a robust economy. In other words, all aspects of sustainable development, the environmental, social, and economic needs of the Basin, must be considered simultaneously and serve as the underpinning of the final resource management agenda.
- The need for balancing ecosystem and economic considerations is highlighted by measures discussed for control of invasive species. For example, any evaluation of closure of the St. Lawrence Seaway must include economic considerations as well as complete assessment of shipping alternatives that would replace it.
- Numeric goals, such as those contained in the Habitats and Species, Coastal Health, and Non-point Source task group report sections, must be based on measurable and science centered ecosystem outcomes rather than arbitrary targets.
- Source characterization and prioritization, based on risk analysis, must be included in goals, milestones, and recommendations associated with issue areas such as Toxic Pollutants. The focus should be on priority sources that represent a significant risk to human health and the environment.
- Nowhere is the need for Basin-wide coordination of multi-jurisdictional programs better demonstrated than in the Indicators and Information area. All agencies must work together to provide this essential status and trends information.
- A substantial number of areas/recommendations call for public communication programs. It is imperative that these communication programs be prioritized to ensure efficient use of limited resources, be targeted for appropriate audiences, and coordinated to avoid duplication and conflicting messages.
- As of this time, there has not been an effort to prioritize across the different issue areas. The final strategy or implementation of the final strategy should ensure that the Region’s limited resources are focused on the priority issues for the Great Lakes.

Detailed Comments

The tight Collaboration timetable has limited the detail that can be woven into the final recommendations. But, the process has clearly identified a draft scope of effort that many believe is desired and needed to address the Region’s goals. Through substantial effort, the draft Strategy report has summarized this outcome. But, of course, even harder work lies ahead.

The more difficult part will come in the final Strategy development steps described in the Making the Final Plan section starting on page 7. Each proposed action must be tested against its ability to provide needed benefits and ranked in importance among all other

proposed actions. It will be important to continue the “collaboration” aspect of the Strategy development process so that stakeholders continue to have input into the ongoing discussions.

Collaboration Objectives and Process:

The last sentence in the Introduction portion of the report, under the heading “Seeking Public Input” on page 7, must be revised to read “supporting information used by Collaboration team members to draft these recommendations appears in the appendices. It is important to note that these supporting materials do not necessarily represent the consensus of all officials and stakeholders, but are rather a record of issues raised by the teams in preparing the draft Strategy.”

The core section of the draft report, the first 48 pages, has been extensively reviewed by Collaboration participants and represents, to the extent possible, a consensus statement of needs. This has **not** been the case with the material contained in the appendices. The lists of proposed actions are the result of “brainstorming sessions.” Though some Task Force discussion was held on them, these lists have not been subjected to the same level of detailed review and revision as the Task Force reports. Therefore, the appendices must be recognized as background material for the work that remains in progress and not considered as recommendations in the Collaboration report.

Justification for the Strategy:

Rewording is needed in the Introduction Section on pages 5 – 6, as described below.

Certainly, it is appropriate to look both backward and forward to understand the status and needs of the Lakes. However, the discussion in the Introduction section of the Collaboration report under the headings “The Price of Prosperity” on page 5 and “Looking for Solutions” on page 6 is more bleak than necessary. In some cases, statements are misleading or inaccurate. For example:

- The “physical changes to the Great Lakes ecosystem” were not so much “wrought by heavy industry, agriculture, and rampant development” as they were a result of expressed or, perhaps, a short-term focus on Regional and community needs. The “growth” era described in the previous section simply did not benefit from today’s policies and practices. **The cause of physical changes to the Great Lakes ecosystem should be characterized as a lack of agreement on social and environmental policies rather than the result of a carefully crafted (and flawed) resource management policy .**
- The phrase “discharges poisoned rivers” in the second paragraph at the top of page 6 misrepresents the issue. **A more accurate characterization would be “discharges to rivers in absence of permitting standards caused depletion of oxygen and releases of contaminants at elevated levels.”**
- In the list of bullets near the bottom of page 6, the statement “[d]rinking water supply contamination risks remain, threatening the health of Great Lakes residents” mischaracterizes the situation. While specific water supply

contamination episodes have occurred, this has not been a widespread issue. And, given more recent wellhead protection programs and other efforts in this area, we're better off in this regard than ever. **The drinking water supply contamination risk statement should be removed from the list.**

- The first two sentences in the last paragraph on page 6 make it appear as though no action has been taken by governments or any of the private sectors. Nothing could be further from the truth. Local, state, and federal governments have instituted many protection programs over the past several decades. Individuals, communities and industries have also taken voluntary actions. The results have been the substantial progress that we have achieved. As the latter portion of the paragraph states, coordination is needed to improve the effectiveness of these and future efforts. **But the first two sentences should be removed and replaced with one that recognizes the efforts and progress achieved.**

Making the Final Plan:

The discussion in the Introduction section on pages 7 and 8, entitled "Making the Final Plan" has accurately summarized the climate into which the Collaboration recommendations must fit. There are both continuing and new Great Lakes Basin ecosystem needs. The relative importance of these needs has shifted. Consequently, the new Great Lakes Strategy will need to recognize that:

- There must be a shift in emphasis from some valued programs of the past to areas now found to be of higher priority and needed to support a going-forward strategy.
- We must maintain essential portions of existing programs that are successful.
- It will be necessary to reallocate some resources to other areas.
- New funding will be needed to support some elements of the action plan.

The "funding climate" acknowledged in the last bullet at the top of page 8 describes one of the biggest challenges that program managers will face. We must use a new funding paradigm to move forward and address current priority issues within the Basin. All of the financial responsibility cannot simply be placed on commercial interests. Both public and private resources have their place in the formula for funding of management priorities and must also include incentives and market-based mechanisms. Industry has committed substantial funding and other resources to eliminate or reduce pollutant releases and remediate contaminated areas. Much of industry is already fully committed. The reality of world markets has limited the ability of industry to pass-on additional costs to their customers and remain competitive. Non-point sources are among the priority issues and the financial responsibility to address these, as well as other challenges must be equitably distributed throughout all sectors in the Region.

Creating a Shared Vision:

The discussion on page 8 of the Introduction, under the heading "Creating a Shared Vision," identifies a number of important factors that must be included in the development of the Strategy "shared vision." However, an important one has been left out. **A strong and vibrant economy is essential to achieving the objectives of the**

Collaboration recommendations. A statement regarding this need should be added to this section.

Specific Collaboration Recommendations:

The draft Collaboration report recommendations show that a wide variety of actions must be included in a revised Great Lakes Strategy. Some degree of prioritization was accomplished within some individual Collaboration Teams. However, time constraints did not allow for setting of priorities for the needs identified by the Teams, or for complete design of detailed elements listed for final program implementation. Action items that become part of these plans must also be fully evaluated to confirm their potential to cost effectively attain Strategy goals. To fill these needs industry recommends the following:

- **Invasive Species**
 - This important priority must be first advanced from a basis of scientifically sound understanding of the issue. Research needs regarding the origin of and best management options to address these invaders continue. **It is premature to advocate “comprehensive federal AIS legislation” as mentioned in AIS recommendation no. 1, page 10. More information and clear plans for action are needed prior to considering additional legislation.**
 - Measures for preventing the introduction and control of destructive organisms already present must be balanced to avoid unintended ecosystem consequences and serious economic threats. **Measures such as “closing” canals and waterways, mentioned in AIS recommendation no. 2 on page 11, can result in unacceptable and unanticipated costs. Collaboration follow-up efforts are needed to define detailed implementing programs that balance needs.**
- **Habitats and Species**
 - Protecting habitats and species is an important objective. However goals such as numbers of acres of wetlands, associated uplands, or breeding pairs of species must be set within a context of what is possible, practical and of sufficient quality to provide significant ecosystem value. **The goals suggested in the Habitats/Species report Goals and Milestones section, on page 16, appear arbitrary. These goals must be scientifically justified and include measurable ecosystem based outcomes.**
- **Coastal Health**
 - As highlighted in Coastal Health Team recommendation number one on page 22, addressing wet weather associated untreated or inadequately treated effluent issues and waste water treatment capacity, in general, is an imperative. However, the characterization in the recommendation language that “industrial waste” is included in the “untreated or inadequately treated effluent” is inaccurate. The only industrial effluents most likely to be by-passed from a treatment facility during wet weather events are those treated in municipal treatment plants. Overflows of independently operated industrial wastewater treatment

plants are not allowed. Industrial effluents discharged to municipal systems must first be pre-treated by industry before discharge to the municipal system. This factor and the nature of these effluents is such that, should release of this effluent during a wet weather event occur, it should not be as significant an event as the release of untreated or partially treated sanitary wastes. **The real challenge regarding the combined sewer overflow (CSO) issue is how to fund these infrastructure needs. The Collaboration “final plan” must include a thoughtful analysis of the funding options.**

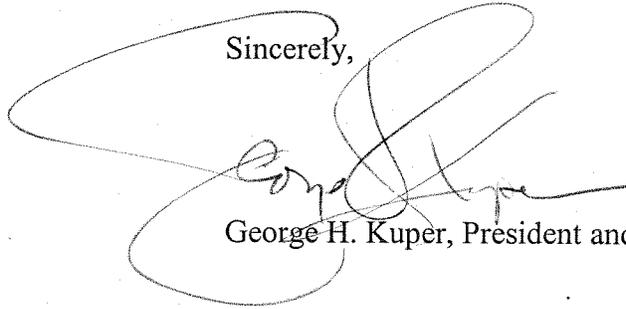
- **Great Lakes Areas of Concern (AOCs)**
 - Maintaining financial support of and the removing of the un-intended impediments incorporated in the Great Lakes Legacy Act is essential to enhance effective clean up of remaining sediments in the Great Lakes Areas of Concern (AOCs). **The AOC/Sediments Task Force Recommendations are a high priority need.**
- **Non-point Sources**
 - Focusing pollution prevention efforts on non-point sources (NPS) is an essential part of our continuing clean-up efforts. However, the design of NPS control programs and reduction goals need to be based on established best management practices that include attainable and meaningful performance targets. **The area targets described in non-point source recommendations 1-3 on pages 32 and 33 regarding wetland and buffer restoration or protection appear to be arbitrary.**
 - The decisions regarding use of stream flow alterations (*i.e.* dam removal or dam operational restraints) to “hydrologically improve” surface or ground waters discussed in recommendation no. 5 on page 34 must include consideration of all benefits derived from these systems. **It is important to include flood control, power generation, navigation, and other uses of waterways when considering river flow control systems (dams).**
- **Toxic Pollutants**
 - **The draft Strategy should be consistent in its terminology and focus throughout this section. In order to be consistent and ensure that recommendations are focused on priority substances, all references should be to “persistent toxic substances that pose a significant risk to human health and the environment”.**
 - While continued reduction of Persistent Toxic Substance (PTS) inputs into the Great Lakes is an important objective, management actions regarding “new toxic chemicals” described in recommendation no. 2 on page 37 should also ensure that any pollution prevention or risk management efforts are focused on priority sources that represent a significant risk to human health and the environment. **It is important to consider the magnitude and relative importance of potential sources from a risk management/pollution prevention perspective**

- to ensure that resources are directed towards reductions that will have positive outcomes on the Great Lakes Watershed.
- Government officials should carefully evaluate the milestones related to Great Lakes biomonitoring programs. This may not be the most efficient use of resources and could be duplicative of national biomonitoring programs that already include data from the Great Lakes region such as the CDC NHANES biomonitoring program.
 - **Indicators and Information:**
 - The fortified and enhanced environmental data collection, storage, dissemination, and public communication efforts described in the Indicators and Information Team report are essential to the continued improvement of the Great Lakes ecosystem. However, the improvement of this important infrastructure element must incorporate the many monitoring, Lakewide Management (LaMP), and State of the Lakes Ecosystem Conference (SOLEC) programs currently in existence. It is not necessary or wise to start over as is inferred by the draft report. Frankly, we are very confused by the discussion presented in the indicators and information section, pages 40-44 on how to fill these needs. This report language does not reflect the discussions held between Indicators and Information Team members; nor do the recommendations reflect those proposed during Team deliberations. **This section needs to be rewritten to reflect the points listed below that were repeatedly made during the Collaboration discussions.**
 - A coordinated Basin derived monitoring and assessment program is essential to assuring success in Great Lakes Protection and Restoration efforts. Such a program should include:
 - Coordination of data gathering efforts carried out by U.S. Great Lakes States, the Canadian Provinces, U.S. and Canadian Federal agencies, and private sector organizations.
 - A central reporting and storage home for this data.
 - Maintenance of a key set of indicators, such as those developed through SOLEC, which will use the data to track ecosystem status and progress.
 - A SOLEC style biennial review of the indicators to receive peer review and disseminate ecosystem status information.
 - A communications element to broadcast the results of this coordinated monitoring effort to the public at large.
 - All of the above need to be provided through better coordination of the many existing efforts rather than starting from scratch and building entirely new programs.
 - **Sustainable Development:**
 - It is essential to achieve sustainable practices within all Great Lakes Basin sectors, supported by governance that promotes the Region as an “exceptional, healthy, and competitive place to live, work, invest, and

play". The Sustainable Development Team report attempts to describe these objectives on pages 45-48. Industry believes the overall policy framework for pursuing the strategy proposed in the Collaboration report must be done in the context of sustainable development for all Great Lakes Basin sectors. **Pursuing sustainable development is not a separate task or the responsibility of a single set of practitioners. The balancing of environmental, social, and economic factors is key to sustainable development pursuits, and must be incorporated into each of the areas discussed in this report.**

CGLI appreciates the opportunity to submit these comments. Please let us know how we can assist as the Collaboration process moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read "George H. Kuper", is written over a large, loopy scribble that also forms a partial signature.

George H. Kuper, President and CEO

cc: Mr. Gary Gulezian
U.S. EPA GLNPO
77 W. Jackson Blvd. (G-17J)
Chicago, IL 60604

RESOLUTION NO. 2005-043
(Support for Great Lakes Regional Collaboration Draft Strategic Action Plan)

**RESOLUTION OF THE GOVERNING BOARD
OF THE
NORTHEAST OHIO AREA WIDE COORDINATING AGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is an organization of local public officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina established to perform certain regional planning functions under local direction and in accordance with federal and state mandates; and

WHEREAS, NOACA has been designated as a 208 Areawide Water Quality Management Planning Agency for the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina; and

WHEREAS, In May 2004 President Bush issued an Executive Order, which recognizes the Great Lakes as a national treasure and created a federal Interagency Task Force to improve federal coordination on the Great Lakes, and directed the USEPA Administrator to convene a "regional collaboration of national significance for the Great Lakes"; and

WHEREAS, The Great Lakes Regional Collaboration (GLRC) draft Plan is the outcome of this collaborative process which commenced last December and involved hundreds of stakeholder organizations from all levels of government and sectors of society across the Great Lakes to produce a comprehensive strategy for the restoration, protection and sustainable use of the Great Lakes; and

WHEREAS, NOACA EAC Water Quality Subcommittee discussed the draft plan document at the August 17, 2005 meeting, identifying several issues which it wanted to highlight in comments and recommended Board support for the draft plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Northeast Ohio Areawide Coordinating Agency, consisting of thirty-eight principal elected and other officials of general purpose local government throughout and within the Counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, that:

Section 1: the Governing Board endorses the Great Lakes Regional Collaboration Draft Strategic Plan with the comments provided in Exhibit A.

Section 2: The Executive Director is hereby authorized and directed to forward certified copies of this Resolution to the Administrator of the U.S. Environmental Protection Agency and other appropriate officials in the executive and legislative branches of the federal and state governments.

Certified to be a true copy of a Resolution of the Governing Board of the Northeast Ohio Areawide Coordinating Agency adopted this 9th day of September, 2005

Secretary: _____

Date Signed: _____

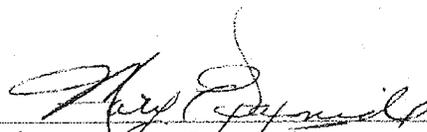

9/9/05

EXHIBIT A

NOACA Comments on the Great Lakes Regional Collaboration Draft Strategic Action Plan

General Comments

The sponsors of this collaborative effort are to be commended for engaging all levels of government and other interested parties in a comprehensive assessment of Great Lakes restoration needs. This assessment is long overdue.

The range of issues addressed in this plan represents the best current thinking about the scope and scale of what is needed for a comprehensive approach to the Great Lakes problem.

Strong Leadership from the federal government and substantial federal financial commitments are needed to fully implement the recommendations in this plan.

Specific Comments

A few key elements in the comprehensive plan relate to the water quality management responsibilities of NOACA's member communities and should have high priority for implementation. If implemented these elements would enhance the capacity of our local member units of government to address the complex environmental issues of Great Lakes restoration.

Habitat/Species Strategy

NOACA supports the enactment of a Great Lakes River Restoration Act funded at \$40 million annually. Restoring health to the tributary rivers of the Great Lakes is critical to healthy populations of aquatic life including fish throughout the basin. NOACA's Clean Water 2000 Plan identified the most significant water quality threat to northeast Ohio over the next twenty years to be the urbanization of streams in relatively undeveloped areas of our area currently in possession of high water quality. Conservation of these streams should be combined with efforts at restoring heavily degraded urbanized streams.

Coastal Health Strategy

NOACA supports the establishment of a \$7.5 billion grant program over five years for wastewater treatment improvements and wet weather controls, especially for combined sewer overflows (CSO). The need for funding for CSO improvements has been well documented. The Cuyahoga River RAP identified CSO control as the single most important step for river restoration in that AOC. Having said this we believe that the goals and timetables set forth in the strategy concerning CSO controls are unrealistic. While the funding levels proposed would go a long way toward control of CSO's consistent with current USEPA policy, funding levels would need to be doubled to approach complete elimination of CSOs in northeast Ohio. In addition, implementation would require a far longer time horizon than fifteen years to generate local funds necessary to match proposed federal grants.

NOACA joins our sister agency TMACOG in recommending that the CSO grant program include a set-aside for regional planning, such as §§205(j) and 604(b) of the Clean Water Act. Regional planning agencies are critical participants in the work needed to address complex environmental problems in our urban areas.

NOACA supports a more aggressive pursuit of the risk-based approach for managing recreational waters. For a number of years we have worked with partner agencies in the Black River and Cuyahoga River RAPS to promote public awareness of bacteria exposure risk programs for Lake Erie beach visitors. Closing the gap on developing reliable real time information on bacteria exposures is much needed.

NOACA supports full funding of the Clean Water State Revolving Fund for both Wastewater and Drinking Water infrastructure improvements. These systems are the front line in environmental protection for the basin's residents.

AOC/Sediments Strategy

NOACA supports full funding of the Great Lakes Legacy Act. The reasons, which compelled Congress to enact this authority, stand as powerful reasons to fully fund the program.

NOACA strongly supports adequate, stable funding for RAP partners, especially local partners such as the Cuyahoga River RAP Coordinating Committee and the Black River RAP Coordinating Committee. The funding level proposed of \$10 million per year is a reasonable proposal provided that local partners share equally with states in the disbursements. As noted above, NOACA has worked hard with other members of these local RAP committees to sustain a RAP program in the face of virtually no financial support from federal and state agencies and we have managed to sustain these programs through local initiative and ingenuity. These committees are critical links in the planning and consensus building efforts needed to focus and implement RAP strategies.

Nonpoint Source Strategy

NOACA especially supports the recommendations to provide \$110 million annually for five years to restore wetlands and \$335 million to restore riparian buffers in the Great Lakes basin. These two initiatives are critical to restoring the health of the Great Lakes and its tributary rivers. NOACA has been working with member communities in partnership with local watershed groups on a program of promoting the enactment of local riparian setback ordinances as part of the Phase II Storm water Program. Funds to underwrite costs of conservation and restoration of these critical resources are much needed.

Sustainable Development Strategy

It is recognized that no comprehensive multistate transportation planning organization exists for the Great Lakes region and there is a strong need for this kind of cooperation if progress is to be made toward a sustainable regional transportation system. However every metropolitan area in the Great Lakes possesses a metropolitan planning organization engaged in comprehensive transportation planning and led by local elected officials. Many of these metropolitan organizations, including NOACA, have a strong record in pursuing sustainable development through transportation investment strategies. The GLRC strategic action plan should identify these agencies as key participants in the recommended multistate initiative and look to their experience to help shape the sustainable transportation vision for the Great Lakes.

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Governing Board

FROM: John Beeker, Environmental Planning Director

DATE: August 30, 2005

RE: **Support for Great Lakes Regional Collaboration
Draft Strategic Action Plan/Resolution 2005-043**

The Great Lakes Regional Collaboration (GLRC) is a wide-ranging, cooperative effort to design and implement a comprehensive strategy for the restoration, protection and sustainable use of the Great Lakes.

In May 2004 President Bush issued an Executive Order, which recognizes the Great Lakes as a national treasure and created a federal Interagency Task Force to improve federal coordination on the Great Lakes. The Order directed the USEPA Administrator to convene a "regional collaboration of national significance for the Great Lakes." The draft Plan is the outcome of this collaborative process which commenced last December and involved hundreds of stakeholder organizations from all levels of government and sectors of society across the Great Lakes.

The draft plan document was discussed at the August 17, 2005 meeting of the NOACA EAC Water Quality Subcommittee, which recommended Board support for the draft plan.

The committee identified several issues that it wanted to highlight in comments. These comments were delivered in writing at a public meeting held in Cleveland on August 23, 2005 and are incorporated in the attached resolution as Exhibit A.

To: Comments Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Blvd. (G-17J)
Chicago, IL 60604-3511

From: Peggy B. Johnson
4364 Thornville Road
Metamora, MI 48455

Date: August 25, 2005

I am submitting these comments as an individual. But for identification purposes I am a member of the Board of the Clinton River Watershed Council and was for 20 years the Executive Director; I am a member of the Public Advisory Council for the Clinton River Remedial Action Plan for that AOC and was staffing the RAP for a number of years from 1987 on; for the past ten years I have been a member of the Lake Erie LaMP Forum; since the 1970s I have participated in the Water Quality Management Plan for Southeast Michigan.

XXXXXXXXXXXXXXXXXXXX

This "Strategy for the Restoration and Protection of the Great Lakes" represents a laudable effort at collaboration and provides an important focus for all to rally around to proceed with implementation. I have held this strategy up against several "filters" with which I have been involved for many years and find it an agreeable match. These filters include the Southeast Michigan Water Quality Management Plan, the Clinton River Remedial Action Plan, the plan for lake St Clair, and the Lake Erie LaMP. I agree with the priorities as they are set forth and offer suggestions in the spirit of "resource limitations require choices among these recommendations".

In my experience coordination and partnerships are the way to make effective use of funds and authorities. So most of all I hope the collaboration of the past six months will continue over the next five years and well beyond and care will be given to institutionalize this collaboration.

Aquatic Invasive Species Twenty years ago I recall the prediction that the day would come when we would be more concerned with biological pollution than toxics pollution of the Great Lakes. This strategy recognizes that the day has arrived. The #1 priority must be ship mediated introductions. (Remember the old saying "When the floor is flooded a wise man turns off the tap before reaching for the mop." But I agree it is also important to have effective educational campaigns to reach the various people who can be agents for the spread of the invasive species.

Habitat/ Species Certainly urban sprawl continues to be a major impact on habitat loss and therefore loss of species diversity. Yes, a growing population means more development but the excessive amount of land associated with each new residence can be addressed as well as the location of new development. Reports document this excessive factor for the Detroit area. Smart Growth policies need to be promoted and targeted at local communities. Please retain and even add emphasis to tributary rivers and riparian areas. Here are the means of connecting every resident of the region to the Great Lakes and building political support for the lakes through that connection.

Coastal Health I am delighted with the primary goal of elimination of the discharge of untreated or inadequately treated wastewaters (SSOs and CSOs) by 2020. Reports exist on the extent of these in southeast Michigan and the huge estimated costs for remedy of the old sewer systems. We must identify sources of funding that promise timely correction.

AOC/Sediment We must maintain the goal of restoring and protecting all of the Great Lakes AOCs. Step #2 is essential "funding the states and community-based coordinating councils" Lack of funding and lack of federal interest has been an obstacle for progress and cause of burnout among stakeholders. Step #3 is also essential since "Much of the work is administered at the state and local levels a broader collaborative framework is needed."

Nonpoint Sources I absolutely agree with the statement "effective reduction of nonpoint sources will also include integrating control strategies with local land use and smart growth issues." It is the use of land that determines the fate of our waters. And land use decisions are made at the local level. While significant progress is expected from the Phase II regulations these are aimed at areas already well along with urbanization and remediation of existing pollution. We need to also emphasize pollution prevention by integrating stormwater management in newly developing areas. "An ounce of prevention is worth a pound of cure." Yes, remedial efforts should be geographically targeted.

The goal of protecting and restoring wetlands is a priority in watershed management. Reducing sediment and phosphorus loading is also an important goal.

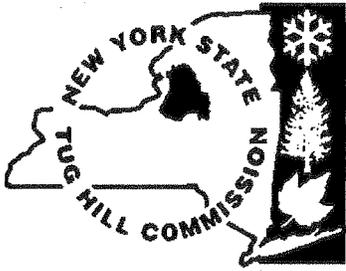
This section seems more rural oriented than urban with the exception of the goal of improving flow regimes a major issue for urban streams. Perhaps the assumption is that Phase II is in place to address urban nonpoint sources.

Toxic Pollutants I am happy to see the goal "Virtually eliminate the discharge of any or all persistent toxic substances (PTSs) to the Great Lakes basin ecosystem". I wish the milestones did not extend to 2025 and hope that it will not prove to be long after that.

Indicators and Information "If you cannot measure it, you cannot manage it" is a lesson we have learned with attention to Lake St Clair. After sustained effort a significant new monitoring system has been funded and is being implemented following the 1994 crisis of beach closings. The call for "a comprehensive research coordination strategy across partnering institutions" is supported by our experience with the Lake Erie Millennium Project at the University of Windsor.

I would suggest adding the requirement for a Biennial Report to the public on progress under the Great Lakes Regional Collaboration and status of the Great Lakes ecosystem components ie the extent to which implementation is occurring and conditions improving or worsening.

Sustainable Development I am glad to see in the problem statement "Loss of natural and agricultural lands to development at rates far exceeding population growth." It has been documented that this is a serious problem for the Detroit area.



315-785-2380 / 2570

315-785-2574 (fax)

e-mail: tughill@tughill.org

website: www.tughill.org

Dulles State Office Building
317 Washington Street
Watertown, New York 13601-3782

Chairman

Arnold E. Talgo

Vice Chairman

Kenneth W. Vigus

Secretary

Anne C. Schuler

Members

Leona M. Chereshnoski

Timothy V. LeVan

Roger W. Maciejko

J. David Stone

Michael G. Yerdon, Sr.

Executive Director

John K. Bartow, Jr.

September 9, 2005

Comments – Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Dear Sir/Madam:

On behalf of the Tug Hill Commission, I would like to thank you for the opportunity to offer our comments on the Great Lakes Regional Collaboration's Draft Strategy to Restore and Protect the Great Lakes. On behalf of the Commissioners and staff at the Commission I submit the following.

The Tug Hill region of northern New York State is found at the eastern end of Lake Ontario. Tug Hill is a 2,100-square-mile area that gradually rises from lake elevation to over 2,000 feet on its eastern side. The region contains over 4,000 miles of rivers and streams, with 10 major river systems that contribute directly to Lake Ontario's water quantity and quality. Additionally, Tug Hill contains over 117,000 acres of wetlands, including open swamps, bogs, and wet woods that filter out impurities from the water as it flows down stream. This Great Lakes watershed contains large and small communities dependent on high-quality water, from the city of Rome in its southeast corner, to the hamlet of Osceola in the region's center, to the village of Lowville along the Black River, to the city of Watertown. Charged with caretaking the land and waters of Tug Hill for its 100,000 residents are 62 locally elected municipal governments, for which the Tug Hill Commission provides vital information and technical assistance services.

First, we would like to applaud all of those responsible for convening this collaboration. The generation of such an important piece of work in such a short time period is nothing less than extraordinary. The solutions to the challenges faced by this phenomenal global resource will need to be based in good science, facilitated by customer oriented civil servants, funded by a congress that realizes the significance of the Great Lakes to all of America, and dependent upon the hard working caring folks that make up the myriad of local governments with the ultimate responsibility to restore and sustain this challenged environment. Success will eventually be characterized by informed residents that embrace the complexity of the ecosystem and assume singular responsibility to participate in its restoration. In the near term, our effectiveness as a regional society embracing the cause must be measured by the extent to which we will have institutionalized resource management curriculums into all educational levels, by the pervasive inclusion of Great Lakes goals into all local land use

plans, by the informed enabled and engaged involvement of all the region's locally elected leaders, by the applied nature of critically important research, and by our willingness to participate in the financing of change.

Before we provide specific comments on recommendations in the draft report, we want to highlight two generic comments that apply throughout the report. First, throughout the entire report there is **a glaring omission in regard to local governments and their critical role** in finding solutions to the challenges faced by the Great Lakes, and all of us who choose to call the basin home. Because of the key role that local governments play in the rural regions of the basin regarding land use, infrastructure development and finance, and constituent involvement, it is essential that their capacity be enhanced to maximize the predictable role that they will play in implementing solutions. This is particularly true in New York State given the tradition of "home rule" and the extensive role that the region's cities, towns and villages play in the management of the Great Lakes watershed of our state.

Secondly, throughout the report **there is inconsistent attention given to managing the entire Great Lakes Basin and upland areas**. While many management issues are in lake, near shore and coastal zone areas, the solutions to these issues often will take a watershed or basin-wide approach. In addition, if we hope to garner the political will to pass substantive measures and request resources for long-term protection of the Great Lakes Basin, we will need the support of the masses that reside throughout the basin. In the Tug Hill region, for example, we need not only the support of our coastal communities on Lake Ontario, but the support of our more upland communities (e.g., the town of West Turin) that border the Black River (tributary to Lake Ontario). One need only see the impact of the recent agriculture lagoon failure in our region and its devastation on the river's fish population, to recognize the importance of upland, as well as coastal engagement, in the management of the Great Lakes.

Solutions are sure to include the financing of new sewer, waste water, and storm water systems throughout the basin. Considering the dwindling aid available, it is apparent that local communities will need to bear an ever-increasing part of the burden of new construction and the responsibility of continuing to operate and maintain those systems at higher standards. For this reason alone all local governments in the Great Lakes basin need to be intricately and meaningfully involved throughout the process. Recognizing this, it must also be noted that many, if not most of these local governments, have no staff available to shepherd initiatives. This fact, coupled with the key role that high quality land use controls will play, dictates that these local governments are empowered with staff. The circuit rider model advanced by the Tug Hill Commission in upstate New York offers an excellent example of capacity development.

The self-help aspects and citizen awareness needs of any initiative in this regard are also best served through local government. Without the buy-in and vesting of local communities we will be advancing on a task without the critically needed local troops. Staff can train, educate, and communicate in both directions between local governments and other regional, state, and federal partners so that discoveries can be uncovered and solutions have the best chance of being implemented. This suggestion places emphasis on the importance of informed decision making on the part of every rural local government in the region.

Consider also the challenge and importance of having communities embrace water quality and environmental standards as an integral part of their economic recovery. These are standards that historically have been perceived locally as mandates rather than benchmarks of excellence. Part of this reality lies in the practice of local governments not "owning" the information. Local governments will be increasingly interested in assisting in the regular tracking of water quality indicators and management of the resource if they participate in the development of strategies which build on the relationship of such standards to their economic and physical well being. This leap will never be made as long as water quality standards are perceived as somebody else's criteria. Ownership is critical. Staffing and capacity development is the only way to move toward this new paradigm.

The threats of ubiquitous sprawl and landscape fragmentation, both mentioned in the report, are addressed through local land use control which remains the responsibility of local governments, at least in New York

State. The sharing of best practices, creating incentives for local governments to do the right thing, communicating local concerns are all part of the distributed approach to resolving Great Lakes issues which can be facilitated and expedited through capacity enhancing staff assistance.

As stated in the report "the collaboration partners expect that responsibility will continue to be shared among those who value and currently invest in the preservation and restoration of the Great Lakes." Local governments must be empowered, at least in the near term, if they to be going to step up to the tasks at hand. Technical assistance is key to that empowerment.

As an organization, we would like to place emphasis on the suggestion that our federal and state infrastructure policies must be amended so that they stop working at cross-purposes to sustainable land management practices so critical to the Great Lakes integrity. Conditions for receiving government aid on sewer and water projects must require the development of effective land management elements that do more than just "negative declaration" sprawl causing infrastructure developments. Sprawl follows infrastructure. Using the carrot of federal and state aid preconditioned to avoiding sprawl is the way to garner support by local communities in this comprehensive effort while at the same time avoiding one of the most ubiquitous threats to the ecosystem. Rural communities are inspired by the prospect of financial aid. Good planning can be encouraged if it is a condition of receiving aid.

Focusing on the Tug Hill area and its effect on the Great Lakes, we see a watershed that plays a phenomenal role in the recharge of this magnificent resource. The collaboration report calls for the restoration or acquisition of some 1.5 million acres of wetlands and associated uplands. From our recent experience in marshalling an acquisition of in excess of 45,000 acres on Tug Hill for conservation, we can say without a doubt it never would have happened without the staff assistance we were able to extend to those local governments that partnered in this initiative.

As part of our comments we would like to bring attention to a locally driven, model collaborative effort initiated eight years ago on the Black River, a major tributary to Lake Ontario. A group of five very rural local governments along an eight-mile stretch of the river has managed, in this short period of time, to not only construct in excess of 16 million dollars worth of sewage collection systems, but have also leveraged that opportunity into developing a sustainability plan for the newly sewered area. The coalition totes the critical importance of the technical assistance they received from the Tug Hill Commission in achieving their goal of treating in excess of 4.5 million gallons of waste before it flows into the Great Lakes system. Circuit riding technical assistance providers helped create the environment where such a meaningful collaboration could work. Before the introduction of the "circuit rider" to this effort, it had languished for some 60 years in spite of having multiple engineering reports on the shelf for each of the partner communities. In this regard we would like to suggest that you have already achieved one of your goals of restoring one of the ten tributaries you have suggested. That is, the Black River could be considered now as "substantially restored" or certainly on the way to substantial restoration. Even in light of the catastrophic manure spill in Lewis County last month, the local communities increasingly see the river as their responsibility and key to their economic future. Any new program should look for ways to celebrate such local success. These communities, as a result of this collaborative effort, for the first time consider themselves as partners in the Great lakes restoration.

Listing just a few of the solutions from the draft report, it is easy to see the role that local government must play and what greater basin-wide involvement will yield: planting of riparian buffers; major improvements in waste water discharge; improved drinking water infrastructure; promoting and implementing innovative technologies; instituting surveillance capabilities; and keeping research significantly based in reality with an eye toward implementation. These are all increasingly complex responsibilities of local government and no less so for our small rural local governments.

Specific Recommendations

The following highlights more specific comments.

Habitat/Species

I. Problem Statement – We would like clarification in forest lands that significant percentages of New York's forests (particularly Tug Hill) are working forests. It also should recognize the role of privately owned forest lands and the need for forest stewardship assistance to private forest owners.

We would like more addressed on the need for land conservation and acquisition as a means of habitat and species management. A good example of upland habitat and species protection is the East Branch of Fish Creek (NY) land protection project - a 45,000 acre initiative (see our website www.tughill.org for more information). Working forests play a critical role in providing watershed protection while at the same time maintaining available property for the wood products industries, recreation, and other economic benefits.

II. Goals and Milestones – As groups are targeted for receiving aid to assist in the preservation and management of “Coastal Shore and Upland Habitat,” it is an oversight to not include local government in the list of potential recipients who are considered to be responsible for a “resource management program.” Such an inclusion will encourage other resource management groups to focus on local governments as customers as opposed to falling into the trap of just serving the regulations. Again, it is imperative that we not forget that it is local governments that will finance, own, and operate many of the resource management solutions for the Great Lakes.

Land acquisition is noticeably absent from all goal areas, yet this is a vital tool. Land acquisition also needs to focus on working landscapes (agriculture and forestry) as a means of protecting preferred land uses in the basin and land uses that have habitat and species value.

Under wetlands there needs to be as much emphasis on upland wetlands which function in the Great Lakes system as there is on shore land wetlands.

Under Coastal and Upland Habitats there is not enough attention to upland habitats. The report needs to be clear that we are talking about the entire Great Lakes watershed. For example, only one of three short-term goals reference “upland” habitats. Need Areas of Concern to be upland as well. The report mentions protecting 10,000 acres per year of coastal shore and upland habitats per year. The East Branch of Fish Creek project alone protected 45,000 acres; 10,000 per year will not accomplish enough. We estimate that New York has protected over one million acres in the basin in the last ten years and we leave many more areas that drastically need protection.

Under Riverine Habitats and Related Riparian Areas there needs to be recognition of the extent of agriculture in riparian areas and the fact that this is a preferred land use in those environments. Also, what are “coaster brook trout?” Are brook trout and sturgeon the only fish species we are concerned about? What about all the salmon?

Coastal Health

I. Problem Statement – Not enough connection to basin-wide sources of pollution. Problem statement places almost exclusively on CSO sources and while these are a significant source they are not the only source.

II. Goals and Milestones – Need to identify funding sources for states and municipalities to achieve wet weather overflow interim milestones as outlined in the goals. The costs associated with achieving these milestones will be substantial and a number of municipalities (villages and towns as well as cities) will need the technical and financial assistance necessary to accomplish this.

Most interim milestones reference “coastal communities” and there is no real definition of “coastal communities.” There needs to be recognition of basin communities rather than just the veneer along the coastline. Note that there should be interim milestones for the Clean Water Act and CWRSRF that correspond to references to the Safe Drinking Water Act and SDWSRF. Many of these interim milestones are CWA requirements and not just SDWA. Recognition must be given to the need for planning funds to support the level of infrastructure planning and security that is called for in these milestones. Presently, such planning is not covered under existing funding sources and needed resources or financial assistance is not getting to the municipal level.

III. Recommendations – A 55/45 percent federal cost share for waste water treatment improvements is very high for many rural communities in the basin. We need to have a realistic hardship assistance formula much like the CWSRF allotments for hardship.

Need a correlating amount of local assistance to the amount provided to EPA and the states to administer wet weather programs. Neither EPA nor the states own any of these facilities – local governments own, operate, and manage them and they most need the assistance.

Need to recognize the costs associated to local implementation of parasite, pathogen and DBP precursors if new criteria are imposed on local water suppliers. It will be costly for local governments to implement higher standards.

AOC/Sediment

I. Problem Statement – Although it is not an AOC, might be appropriate to acknowledge PCB contaminants in Black River sediments.

Nonpoint Source

I. Problem Statement – Nonpoint source pollution is a land use issue and that needs to be stated more clearly. This is a local government issue that needs to be coordinated from the bottom up. Otherwise, we will continue to get more of the same academic and top down type of assistance that presently occurs. Technical assistance will be critical in our rural areas.

II. Goals and Milestones – There is a call for tripling the number of CNMP providers in the basin by 2010. We need to also increase the assistance provided to local governments to manage all non-point sources of pollution. This is a land use and development issue, not only an agriculture issue.

III. Recommendations – The emphasis needs to be on \$188.7 million and not \$77 million for wetland restoration. This is also much bigger than just the USDA Conservation Reserve Program.

Three hundred and thirty-five million dollars for buffers needs to be eligible to rural communities as well as urban and suburban communities. Recognizing that leadership must come from the local level and not just USDA, NRCS and FSA is very important.

Given the recent Marks Farm incident on the Black River in Northern New York, it is obvious that more than USDA and NRCS have to be engaged in Comprehensive Nutrient Management Plans. More emphasis should be on comprehensive watershed management rather than just farms. One hundred six million dollars is clearly not adequate for what is really needed to support development and implementation of watershed management plans which fully engage local governments in their development and implementation.

Eighteen million dollars for ten watersheds is woefully inadequate for what really needs to be done, i.e., basic local planning that educates constituents, inventories resources, recommends and prioritizes improvements, assists in funding projects and implements ongoing monitoring.

Toxic Pollution

I. Problem Statement – Need to recognize the local implications of toxics. For example, uncontrolled burning of household garbage is the largest source of dioxins in the basin yet there is no money or assistance for local code development or enforcement.

III. Recommendations - A “robust and ongoing” waste and pesticide collection program needs more than just state support. It needs local centers and funding to help.

Pollution prevention and waste minimization in rural areas needs a much broader agricultural focus than is outlined in the report. The importance of cleaning up old industrial sites and resources to do so needs more emphasis.

Indicators and Information

I. Problem Statement – Need a clear recognition that many of the decision-makers are local officials and indicators and information need to be driven from their need and not federal and state bureaucrats and scientists.

III. Recommendations – Consider making at least 10% of increased funds directed to local research driven needs. We entirely agree with Item 4 – now we need the funding to back it up.

Sustainable Development

This entire section of the report needs much greater emphasis. Early drafts from the Sustainable Development Team had more detail. It has no specific recommendations and no funding suggestions. Yet, this section is the one overarching section of the entire report. The goal of the entire Great Lakes Regional Collaboration is a sustainable Great Lakes Basin.

In summary, we highlight the need to include local government in every aspect of the recommends and the need for more emphasis on a watershed approach. Thank you for the opportunity to represent, through these comments and our experience on Tug Hill. We have no doubt that our partner communities will continue to step up to the plate in assisting in the restoration of the Great Lakes and its associated watershed.

Sincerely,



John K. Bartow, Jr.
Executive Director

JKB/pac



STATEWIDE PUBLIC ADVISORY COUNCIL

September 7, 2005

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

Dear Great Lakes Regional Collaboration:

I am writing on behalf of the Statewide Public Advisory Council for Michigan's Great Lakes Areas of Concern Program to submit comments on the draft *Strategy to Restore and Protect the Great Lakes* prepared under the auspices of the Great Lakes Regional Collaboration. The Council applauds the Regional Collaboration for preparing the draft restoration strategy for the Great Lakes and appreciates the opportunity to provide suggestions on how the strategy can be strengthened and improved.

The Statewide Public Advisory Council is a coalition of local advisory councils that works with state, federal and local agencies to advance restoration efforts in Michigan's 14 Great Lakes Areas of Concern (AOC). Since its formation in 1991, the Council has advocated with Congress and the Michigan Legislature for increased resources and more effective programs and policies for restoring the AOCs. Several members of the Council have participated on the AOC Strategy Team, and the full Council has been briefed regularly on the Regional Collaboration and provided with the draft report. While we have limited our comments to the AOC chapter, the Council supports funding and implementation of a comprehensive restoration strategy for the Great Lakes. We trust that other chapters of the draft strategy will be revised appropriately to reflect comments from stakeholders with expertise and experience in the relevant subject matter.

General Comments on the AOC Chapter

The Statewide Public Advisory Council supports the overall content and focus of the AOC chapter and its recommendations. With the exception of post-delisting monitoring and stewardship (discussed below), the recommendations address the major needs facing the AOC program.

A key point – that cannot be over emphasized – is that Congress, through the U.S. Environmental Protection Agency (U.S. EPA) and other federal agencies, must provide adequate funding both for implementation actions (e.g., contaminated sediment cleanups under the Great Lakes Legacy Act) *as well as* programmatic and technical capacity at the federal, state and local levels. Restoration actions will not be consistently and effectively implemented unless there is adequate technical capacity in place to design and secure funding for cleanup activities. In particular, the states are the primary “drivers” of the AOC program and must be provided with ongoing and reliable federal support to rebuild and sustain their capacity to administer the AOC program within their jurisdictions. This support is consistent with the Federal Government's obligations under the Great Lakes Water Quality Agreement. If funding for the Great Lakes Legacy Act is substantially

increased, this will increase demands on federal and state agencies to administer the funds, develop cleanup proposals, secure nonfederal funding, and oversee implementation of cleanup projects. In short, a commensurate increase in federal and state capacity is needed to ensure that Legacy Act projects “get off the ground.” The AOC chapter should reiterate and emphasize this linkage in the strongest possible language.

Programs and Authorities for Remediating Contaminated Sediments

Recommendation #1 states that the Great Lakes Legacy Act “should be the primary authority used to address contaminated sediments in the AOCs.” While we agree that the Legacy Act is a cornerstone of the AOC program and likely will be the principle “driver” of contaminated sediment remediation efforts, we believe the AOC program should utilize all available programs, authorities and resources to advance restoration of the AOCs. Superfund, authorities of the Army Corps of Engineers and other programs may have unique applicability to individual AOCs that should be explored and applied. No federal program should be ignored or removed from the suite of policy “tools” available to address the AOCs. Instead, federal, state and local agencies responsible for the AOC program should develop a strategic plan for remediating contaminated sediments in the AOCs that, among other purposes, identifies the programs and authorities most applicable to each AOC (or each sediment site within an AOC).

U.S. EPA, in consultation with the states, should develop guidance on how the Great Lakes Legacy Act interacts with enforcement provisions and the polluter pay principle under the Superfund program and other relevant federal authorities. This guidance should be completed within six months of the release of the Great Lakes restoration strategy and should provide for a balanced approach that preserves the polluter pay principle where possible while ensuring that contaminated sediment cleanups can be implemented in a timely manner. While Superfund rightly emphasizes holding responsible parties accountable for cleanup costs, this process too often delays cleanups. The Legacy Act, on the other hand, emphasizes rapid implementation of cleanups. This issue is briefly discussed in the appendix to the AOC chapter, but should be addressed explicitly in the body of the chapter to ensure it receives prompt, high-level attention from U.S. EPA.

Funding Needs and Responsibilities of State and Local Agencies

The plan should more explicitly recognize and recommend approaches for addressing funding needs and responsibilities among state and local agencies involved in the AOC program. The Great Lakes states are the principle implementors of the AOC program; their sustained engagement and technical capacity will be vital to fully utilizing federal programs and resources to restore the AOCs. In particular, the states likely will be the nonfederal sponsor for many of the contaminated sediment cleanups funded under the Great Lakes Legacy Act. Their ability to secure the 35% nonfederal cost share currently required under the Act will be necessary to ensure the Act’s continued success. The federal-state AOC coordinating committee called for in recommendation #3 should address this challenge, and the individual states should outline options for funding the nonfederal portion of cleanup costs in their AOCs. They should consult with local communities to explore funding options, such as tax increment financing, and provide technical and legislative assistance where needed.

NOAA's Great Lakes Habitat Restoration Program; and U.S. EPA's Great Lakes National Program Office Funding Guidance for Great Lakes restoration projects. Fish and wildlife restoration in the AOCs has been overshadowed by contaminated sediments and is largely unfunded. This remains a key challenge to restoring and delisting the AOCs.

Post-Delisting Monitoring and Stewardship

U.S. EPA, the states, and local stakeholders in the AOCs should develop a program, with dedicated funding, to ensure that effective monitoring is conducted, and that stewardship programs and community-based watershed management efforts are sustained, after AOCs are formally delisted. This program will prevent future contamination, identify and address renewed contamination should it be discovered, and facilitate continued environmental improvements beyond levels required for AOC delisting. The AOC program has generated substantial community engagement in pollution prevention, watershed management and related environmental protection efforts. These efforts, and the public support that fuels them, should be maintained following delisting. A post-delisting program should be the focus of a fifth recommendation in the AOC chapter.

U.S.-Side Only Delisting in Binational AOCs

Attachment 4 in the appendix to the AOC chapter lists AOCs that could be delisted or in Recovery Stage by 2010, including two of Michigan's AOCs (St. Marys River and St. Clair River) projected for "U.S. side only delisting/Recovery Stage." These AOCs have always been considered single, binational AOCs that have been guided by binational public advisory councils. The Statewide Public Advisory Council recognizes and supports this binational, ecosystem approach and opposes the delisting of only the U.S. or Canadian "side" of these AOCs. The AOCs are single, unified water bodies; delisting should occur when AOC-wide restoration targets, developed jointly by the relevant U.S. and Canadian agencies and the local binational advisory council, are achieved throughout the AOC.

General Comments on the Draft Restoration Strategy

The overall restoration strategy appears to lack a process or mechanism for reviewing and assessing progress in implementing the recommendations and achieving the goals outlined in the plan. This is necessary to track and communicate progress to the public, ensure accountability among responsible agencies and Congress, and sustain public support and engagement.

The strategy also needs to outline mechanisms for ensuring effective, ongoing coordination among federal agencies with management responsibilities for the Great Lakes, and between the federal government and the Great Lakes states. Coordination at these two levels is critical to optimizing limited resources and applying disparate and often duplicative federal and state programs and authorities in a rational and efficient manner.

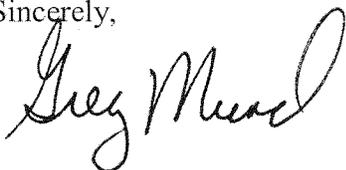
Conclusion: Invest in the AOCs to Achieve Positive Environmental Outcomes for the Great Lakes

In conclusion, the Statewide Public Advisory Council believes the AOCs have great potential for achieving positive environmental outcomes in the near term. By building on well established programs, strong engagement from state agencies and local stakeholders, and more than a decade's worth of research and monitoring, modest new investments will yield real, on-the-ground improvements that will substantially improve the health of the Great Lakes while strengthening the economy and quality of life for local communities in the region. With several large scale contaminated sediment cleanups underway in Michigan's AOCs, we are starting to realize a return on our investment in the Great Lakes Legacy Act. Continued support for this and other programs, coupled with adequate technical capacity at the state and local level, will enable us to achieve the strategy's ambitious goals of delisting 10 AOCs by 2010 and remediating all known contaminated sediment sites by 2020.

The Council thanks the Great Lakes Regional Collaboration for the opportunity to comment on the draft restoration strategy and commends the hundreds of people who contributed to this important effort. We look forward to collaborating with our many valued partners in implementing the final strategy and are hopeful that it lives up to its promise of restoring and protecting the Great Lakes within our lifetimes and for future generations.

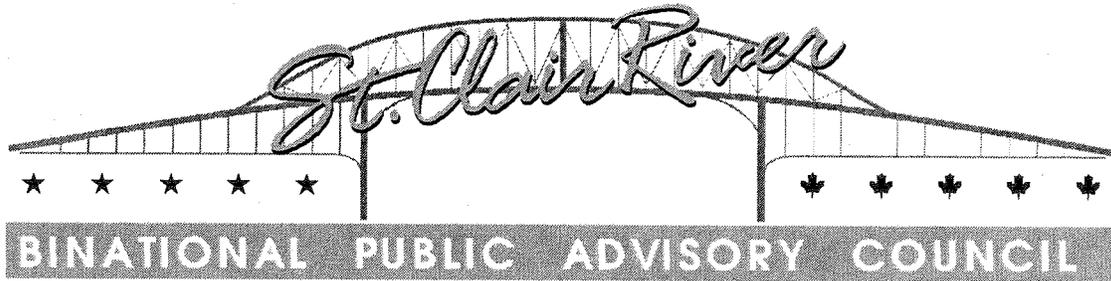
Background on the Statewide Public Advisory Council and resources on Michigan's Great Lakes Areas of Concern are available from our website at www.glc.org/spac. If you have questions about our comments on the draft restoration strategy, please contact me at 231-740-9309, grmund@aol.com.

Sincerely,



Greg Mund
Chair, Statewide Public Advisory Council

cc: Statewide Public Advisory Council members
Co-Chairs, Great Lakes Regional Collaboration Area of Concern Strategy Team:
Steven Chester, Director, Michigan Department of Environmental Quality
Joe Koncelik, Director, Ohio Environmental Protection Agency
Dave Cowgill, U.S. Environmental Protection Agency, Great Lakes National Program Office



Great Lakes Regional Collaboration Committee
c/o USEPA-GLNPO
77 W. Jackson Blvd (G-17J)
Chicago, IL 60604

August 31, 2005

Dear Great Lakes Regional Collaboration partners;

The members of the St. Clair River Binational Public Advisory Council have enthusiastically received and reviewed the GLRC draft strategy plan. We are pleased to see the much-deserved focus of attention and efforts that the Great Lakes are receiving, and are appreciative of your collective work in producing this action plan. We recognize that this five-year plan will help to stimulate the allocation of the funding necessary to restore and protect this international treasure.

As we represent an Area of Concern (AOC), we are familiar with the Beneficial Use Impairments (BUIs) that must be remediated and protected in order to delist an AOC. All of the strategy team areas in the report contain recommendations that are directly or indirectly applicable to these BUIs. We recommend focusing the recommended actions specifically on the AOCs wherever that is appropriate.

We concur with the emphasis that the report places upon aquatic invasive species. Invasive species are not limited to exotics; native species can also become unbalanced, as is the case with cormorants in many areas. The effective control of ballast water requires coordinated binational legislation and enforcement efforts to include 100% of ocean-going ships.

Habitat and non-point source categories overlap in many ways, and recommendations that improve one will likely positively impact the other. We believe the funding recommended is short of what will be required to "restore, recover and protect" to the levels stated and that effective use of partnering with other fund sources will be necessary. The AOCs should receive priority consideration in project selections.

Coastal health recommendations rightly emphasize stormwater management and illicit discharges. Stormwater management programs are already required in many areas, and require full funding to ensure effectiveness. An important activity is the identification and elimination of illicit discharges from failed private disposal systems. This is another example of activities that can directly and immediately benefit AOCs.

The AOCs/sediment section correctly notes that remediation of contaminated sediments is required in many AOCs. Amending and reauthorizing the Great Lakes Legacy Act (GLLA) to streamline efforts and increase the funding is a high priority. For the GLLA to be effectively implemented, support must continue for the EPA Great Lakes National Program Office and the RAP/Lamp programs. Collaboration with industry should be promoted to provide effective stewardship of sediment remediation projects. We have seen a recent example of this collaboration with Dow Chemical of Sarnia in the removal of over 13,000 cubic meters of contaminated sediment in the St. Clair River immediately adjacent to their facility.

As a public advisory council, we know first-hand the struggles that the AOCs have faced in maintaining their programs in the face of declining funding. Local involvement and initiative in the AOC process is critical, and so is involvement of the agencies in the local effort.

The goal of delisting AOCs (10 by 2010, all by 2020) is certainly ambitious. We note that the appendix to this report section mentions the potential for "US-side only delisting/recovery stage" for the St. Clair River and St. Marys River AOCs by 2010. We recognize that our AOC, while facing unique challenges as a binational, is one area and that the issues transcend boundaries. We would be opposed to a recovery stage or delisting status that failed to recognize the St. Clair River as one comprehensive Area of Concern. Another concern is for the continued monitoring and stewardship in AOCs following delisting. We would like to see provisions for maintenance and monitoring efforts, and the structure to respond to any arising issues.

The section regarding persistent toxic pollutants needs to emphasize the sustainability of reductions. Mixing zones must be eliminated for persistent toxics, and the National Pollution Discharge Elimination System must be fully funded and effectively managed toward elimination of these discharges. The increase in the number of coal-burning power plants with the attendant arsenic and mercury discharges requires examination.

Some of the work called for in the area of indicators and information has been accomplished and the report rightly notes that the information needs to be managed to ensure that it is available in a coordinated and accessible format.

The potential envisioned by this ambitious report is entirely achievable, but only if the requested funding is consistently provided over the next decade. Developing the political will necessary to realize the financial commitments will be a major challenge. In requesting the funding to the tune of an estimated \$20 billion for the programs outlined in this report, it is important to note that these are not entirely new funding requests. Many

of the requests are for full funding of existing regulatory programs. In many cases, structures for the funding mechanisms are already in-place, and the report can emphasize that readiness. In many cases, programs for the implementation of the report's recommendations are also in-place and there need be no delay in implementation.

For the AOC program, we recommend increased funding for existing programs that will respond to the report's recommendations and expedite successes in Great Lakes "toxic hot spots." These programs include state and local RAP/LaMP programs and federal programs: the Great Lakes Legacy Act, the Army Corps of Engineers Great Lakes Remedial Action Plan Program and the US Fish and Wildlife Service Great Lakes Fish and Wildlife Restoration Program.

The Great Lakes are a tremendous resource, an international treasure, for which we share in an obligation to restore and protect. We are appreciative of this report and hopeful that it will provide impetus for the allocation of greater resources and efforts on behalf of the Great Lakes. Thank you for your attention to our comments on the GLRC draft report.

Sincerely,

Bela Trebics PT
Bela Trebics
Canadian Chair

Kris Lee PT
Kris Lee
Canadian Vice-chair

Patty Troy
Patty Troy
US Chair

Fred Fuller PT
Fred Fuller
US Vice-chair

cc. Governor Jennifer Granholm
U.S. Senator Carl Levin
U.S. Senator Debbie Stabenow
U.S. Representative Candice Miller
State Senator Jud Gilbert
State Representative Daniel Acciavatti
State Representative John Espinoza
State Representative Phillip Pavlov
St. Clair County Commissioner Pat Anger

Great Lakes Boating Federation's Public Comment
On the Draft Report of the Great Lakes Regional Collaboration

The Great Lakes Regional Collaboration is an unprecedented opportunity for boaters to tell the federal, state, and local governments what needs to be done to enhance our cherished freshwater seas. On behalf of boaters from around our region, the Great Lakes Boating Federation thanks President George W. Bush for issuing his executive order that established the Great Lakes Regional Collaboration. We also thank the broad range of other government officials who have helped make the Regional Collaboration a success thus far.

The Great Lakes Boating Federation has been active in the Regional Collaboration process representing the interests of recreational boating on the Great Lakes. We have viewed first-hand much of the hard work, expertise, and dedication that have been brought forth during this extraordinary initiative and salute our fellow contributors.

While the Great Lakes Boating Federation has been a proud participant on the Sustainable Development Working Group, many other Strategy Teams are tackling issues that will also have a direct impact on Great Lakes boaters. Accordingly, the Great Lakes Boating Federation offers the following comments upon the work done by the Strategy Teams that, in our view, has the most direct impact on recreational boaters in our region.

Areas of Concern (AOC) Restoration/Sediment Strategy Team

How contaminated sediment is remediated should be of particular concern to boaters and marina operators. It will serve as either a catalyst for urban revitalization and marina development or permanently stifle development along our waterfronts. If contaminated sediment is removed by dredging then the lake bottom will be reclaimed. However, contaminants are frequently "capped," which will forever limit navigational dredging and constrain potential marina development.

We appreciate the concern over the risk of resuspension of contaminants that is presented by some antiquated dredging technology. Anglers are among the largest subset among boaters. Any negative impact to the health of fishermen and their families as well as the fisheries themselves is of concern to the Great Lakes Boating Federation.

It is for this very reason we seek a permanent solution to the contaminated sediment issue. When scientists speak in the abstract about pathways of concern and bioaccumulation of persistent toxins as they work their way up the food chain, the top of that food chain is not merely some figure on a chart. The top of the food chain is anglers and their spouses, their sons and daughters. They are boaters.

The Great Lakes Boating Federation is concerned about some of the "permanent" solutions that are contemplated by the draft report. We have grave reservations about in situ remediation and even more concern about sediment capping. In situ remediation, if effective, is not the permanent solution this crisis needs. The Great Lakes Boating Federation hopes a stronger showing of effective remediation can be demonstrated by in situ remediation methods before they are included among the remedial tools available for sediment cleanups.

The Great Lakes Boating Federation is also strongly opposed to sediment capping. Dredging of contaminated sediment can and must occur, and can be executed in a manner that drastically reduces the threat of resuspension of contaminants in stirred sediment. The solution to the concern over re suspension of contaminants is not to anchor these contaminants to our lake bottom for eternity. Capped sediment will preclude navigational dredging and the future development of our lakeshores.

While capping may be viewed as an economical solution when viewed in the short-term, the long-term losses will far outweigh any short-term benefits. To this end, Great Lakes Boating Federation seeks a true permanent solution to the problem of contaminated sediment, dredging that utilizes all technical means of abating the concern of resuspension.

Persistent Bioaccumulative Toxics (PBT) Reduction Strategy Team

As stated previously in commenting on the work of the Areas of Concern (AOC) Restoration and Sediment Strategy Team, fishermen and their families make up an extremely large share of the recreational boating population. The figures atop the food chain diagrams tracing the bioaccumulation and biomagnification of toxins as they travel up the food chain are not abstract imagines to boaters; they depict our families and friends. We, the boaters on the Great Lakes, are among those ingesting these toxins when we prepare and eat our catch.

Persistent Bioaccumulative Toxics (PBT) reduction is a top priority for the Great Lakes Boating Federation. These chemicals threaten the health of anglers their and families who eat the fish they catch. Current and future fish consumption advisories must be protective enough to truly protect human health and be sue-friendly enough to communicate this critical public health message.

Moreover, we must address the root cause for the fish consumption advisories on our Great Lakes. Our nation must acknowledge that mercury entering the Great Lakes from air pollution is the source of most fish consumption advisories. Steps must be taken at the federal level to reduce mercury air emissions from its primary sources, coal-fired power plants and hospital incinerators.

We also want to see adequate steps taken on the federal and state levels to bring about pollution prevention measures in the marketplace. Economic stimulants such as tax incentives and government subsidies can not only promote pollution-preventing products reach the marketplace but also serve as an incentive for consumers to purchase these examples of green technology.

Coastal Health Strategy Team

Recreational boaters, who include water skiers, tubers, and personal watercraft operators, face health risks from bacteria and pathogens in our Great Lakes waters just as much as swimmers. In addition to the problem of beach closings, the health impacts of recreational boaters from waterborne bacteria and pathogens must also be addressed by the Coastal Health Strategy Team. Long-term solutions to issues such as combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs) not only benefit beachgoers but also all those who take to the water from boats and personal watercraft.

Accordingly, the Great Lakes Boating Federation supports measures that are aimed at reducing introduction of bacteria to our waters. The Great Lakes Boating Federation stands ready and willing to help develop and disseminate among boaters any public awareness campaigns on curbing any harmful activity among the recreational boating community.

Invasive Species Strategy Team

According to the Recreational Boating and Fishing Foundation, nationally 73% of all boaters fish. The Great Lakes Boating Federation suspects this percentage is accurate for anglers among Great Lakes boaters. It is widely acknowledged that the introduction of invasive species is the single biggest threat to sportfishing on the Great Lakes. Invasive species also impact boat care and maintenance.

Accordingly, the Great Lakes Boating Federation shares the concern of others over proliferation of previously introduced invasive species as well as the threat of new introductions. Our waters are harmed by previously introduced invasive species, like sea lamprey, zebra mussels, and round gobies, and are threatened by potential new introductions like the Asian carp.

Therefore, the Great Lakes Boating Federation fully supports the call for resources to be spent on combating new introductions of invasive species and slowing the spread of previously introduced invasives. The Great Lakes Boating Federation stands ready and willing to help develop and disseminate among boaters any public awareness campaigns on invasive species among the recreational boating community.

Sustainable Development Strategy Team

This Strategy Team may have the most immediate impact on recreational boaters. Issues covered by the Sustainable Development Strategy Team include waterfront restoration, brownfields (abandoned industrial sites eyed for redevelopment), land-use and preservation practices, transportation, economically sustainable practices, and recreation, including recreational boating.

While the Great Lakes Boating Federation has been active on this strategy team, the draft of the team's work product submitted for public comment does not reflect a completion of the task at hand. The revisions to the Sustainable Development Strategy Team's report must better incorporate how the economic resources of recreational boating and fishing can be harnessed in our region to help state and local tourism and to improve the quality of family life. Moreover, while the draft report presents a good start, the needs of the sportfishing and recreational boating have not been adequately addressed in the current draft of the Sustainable Development Strategy Team report.

The Sustainable Development Strategy Team has an opportunity to call for more attention to the infrastructure needs of recreational boaters and marina operators. As was addressed in Great Lakes Boating's May/June issue in the article *Is Your Marina Ready For the Future?*, recreational boating infrastructure on the Great Lakes is not receiving the federal attention that is warranted for recreational navigation dredging and infrastructure maintenance. The United States Army Corps of Engineers functions on the Great Lakes for the benefit of one entity, the commercial navigation industry. Decision makers must come to understand that recreational boating is not served by commercial navigation's agenda. The lop-sided expenditures from the USACE

for the benefit of one segment of the economy must end.

Also, the industries of the Great Lakes region, while supplying the economic lifeblood for the Midwest for more than a century, unfortunately brought about decades of pollution. It is essential for our region's economy in the 21st Century to be based upon business activity focused on sustainable uses, as underscored by the work of the Great Lakes Regional Collaboration. The thrust of current lakefront revitalization plans is how to convert our shores from industrial uses to low impact recreational and leisure uses that provide the public access to our sweetwater seas.

Moreover, the manufacturing base that served as the staple of the region's economy has been in decline, documented in recent articles in boating trade publications as creating a slump in the boating industry. The industrial decline has also resulted in a number of abandoned industrial sites, referred to as "brownfields," languishing along the shores of the Great Lakes and their tributaries.

In the Great Lakes region alone, recreational boating is an industry that generates by some estimates \$16 billion annually. Recreational boating, especially when compared to other industries on the Great Lakes, is a sustainable use able to anchor local economies along the coasts of the Great Lakes. Recreational boating can become, if it is not already, the keystone to the tourism economy filling the void being left by the Midwest's shrinking industrial base. Other regional tourism initiatives must partner with recreational boating to keep our leisure dollars at home instead of seeing them exported from the Great Lakes to other areas.

A common sense solution exists for what to do with brownfield site on the Great Lakes. Recreational boating presents a viable means for reclaiming brownfields along our coasts and tributaries. Where parks may not be cost-efficient due to soil contamination and cleanup costs and soft edges and natural shorelines are not feasible due to steep sea walls and deeply dredged harbors, such brownfields still have a viable recreational purpose to bolster the emerging tourism economy.

Marinas can in most instances be developed on these brownfield sites. Marinas are water-dependant uses that should be given priority consideration when new uses for abandoned industrial lakefront property are reviewed. In fact, many of these old industrial sites come equipped with much of the infrastructure needed to develop marinas (revetments, breakwalls, previously dredged channels and harbors, electrical and sewer systems, underground storage tanks, etc.).

Also, these brownfield sites, most commonly found in urban areas, are frequently near dense population centers that can utilize, and would in fact welcome, additional marina capacity. With the understanding that marina planning and development should reflect the actual slip demand that exists in a given location to determine an appropriate size for a marina, such urban marinas may have little problem filling their slips with the craft of nearby boaters. Additionally, environmentalists would likely welcome new marinas developed on these brownfield sites because such marina development would consolidate shoreline development, perhaps allowing undeveloped shoreline areas elsewhere to remain pristine and preserved.

Moreover, by increasing the supply of slip and launch capacity to meet the growing demand for

boating access to the Great Lakes, marina development at brownfields and other abandoned properties on our shores will spur the sale of new boats. This will provide an additional spur to the Midwest's economy because the majority of the nation's boat manufacturing occurs in the Midwest states.

Let us not lose sight of the non-economic benefits that are gained through meeting the demand for additional boating access to the Great Lakes. The social benefit that is gained from supporting the growth of recreational boating is promoting a means for more people to interact with the waters of our Great Lakes. As more and more people take up the hobbies of boating, sailing, and fishing, the more people will become personally vested in the Great Lakes issues being undertaken by this Regional Collaboration. Thus, the number of stewards of our Great Lakes waters will grow as recreational boating grows.

Recreational boating has also been established as an activity with positive impacts on the development of children. As discussed in an August 5, 2005, article by Shirley Levy published in the Toledo Blade:

Parents who encourage their children to participate in boating are helping them develop habits that reap benefits in school and personal proficiency, according to Marty Lauber, a Chicago family psychologist. Ultimately, they are building confidence and learning the value of teamwork, she says.

In a time when electronic media is proliferating and there is less time for families to interact with each other, the effort to build more lake stewards by getting people on the water through boating is also a way to bring families together and strengthen these vital bonds.

Marina development on industrial sites is also an optimal use because it is a business opportunity that can revitalize the communities near brownfields. Communities near these abandoned industrial sites are frequently economically underserved minority communities. These communities may welcome a low-impact use for their abandoned lakefront that won't add to the pollution of their community that may have occurred with the previous use of the industrial site. Marinas developed on brownfield sites appear to be the best vehicle for urban renewal and economic development in these coastal communities.

Simply put, marina development on brownfields appears to be a win-win for all the shareholders on the Great Lakes. Marinas are the best water-dependant use for coastal brownfields, an economically viable yet sustainable use for the abandoned industrial land that is able to take advantage of the existing infrastructure at many of these brownfields.

Municipalities and other divisions of government should convert brownfields with few options for beneficial use into marinas. This explicit recommendation must be added to the Sustainable Development report.

However, for reasons unknown to the Great Lakes Boating Federation, marinas are not among the first options considered by municipalities for reclaiming brownfields. Either the municipalities do not understand the economic benefit of recreational boating or the regulatory maze for

reclaiming brownfields is too burdensome to attempt. This lack of action leaves these critical pieces of coastal land susceptible to being snatched up by land developers that rarely if ever utilize the waterfront land for water-dependant uses. Time is of the essence to prevent unwise development.

The use of brownfields for marina development and the threat of land developers underscore a theme that appears to be missing from the Sustainable Development Working Group's draft report. The report must make an explicit call for coastal lands to be designated for water-dependant uses only. The report's silence on making this explicit demand is a grave oversight.

While soccer fields, tennis or basketball courts, band shells, and housing developments can be placed just about anywhere, marinas and other similar amenities need to be on the water. To fully harness the tourism potential and sustainable use of our coastal areas, regional planning initiatives such as Coastal Zone Management efforts must designate these scarce lands as to be used only for water-dependant uses, including water access for boaters. This demand must also come from the Great Lakes Regional Collaboration.

Respectfully submitted,

F.Ned Dikmen, Ph.D.
Chairman, Great Lakes Boating Federation

Michael J. Fischer, Esq.
Deputy Director, Great Lakes Boating Federation

Comment on Great Lakes Regional Collaboration draft plan

September 9, 2005

<u>Alliance for the Great Lakes</u>	<u>Great Lakes Aquatic Habitat</u>	<u>National Parks</u>
<u>American Rivers</u>	<u>Network and Fund</u>	<u>Conservation Association</u>
<u>Audubon</u>	<u>Great Lakes</u>	<u>National Wildlife Federation</u>
<u>Audubon Pennsylvania</u>	<u>Boating Federation</u>	<u>New York Rivers United</u>
<u>Audubon Minnesota</u>	<u>Great Lakes United</u>	<u>Ohio Environmental Council</u>
<u>Audubon New York</u>	<u>Institute for</u>	<u>Prairie Rivers Network</u>
<u>Audubon Ohio</u>	<u>Agriculture and Trade Policy</u>	<u>Public Interest</u>
<u>Biodiversity Project</u>	<u>Izaak Walton</u>	<u>Research Group in Michigan</u>
<u>Buffalo Niagara Riverkeeper</u>	<u>League of America</u>	<u>River Alliance of Wisconsin</u>
<u>Citizens Campaign</u>	<u>Lake Erie Region Conservancy</u>	<u>Save the Dunes Council</u>
<u>for the Environment</u>	<u>League of</u>	<u>Save the River!</u>
<u>Clean Water Action</u>	<u>Women Voters of Michigan</u>	<u>Sierra Club</u>
<u>Clean Wisconsin</u>	<u>League of</u>	<u>Tip of the Mitt</u>
<u>Environmental</u>	<u>Women Voters of Wisconsin</u>	<u>Watershed Council</u>
<u>Advocates of New York</u>	<u>Michigan</u>	<u>Union québécoise pour la</u>
<u>Environmental Association for</u>	<u>Environmental Council</u>	<u>conservation de la nature</u>
<u>Great Lakes Education</u>	<u>Michigan Land Use Institute</u>	<u>United States</u>
<u>Erie County</u>	<u>Michigan</u>	<u>Public Interest Research Group</u>
<u>Environmental Coalition</u>	<u>League of Conservation Voters</u>	<u>Western Lake Erie</u>
<u>Friends of Milwaukee's Rivers</u>	<u>Michigan United</u>	<u>Waterkeeper</u>
	<u>Conservation Clubs</u>	<u>Wisconsin Wildlife Federation</u>

Hyperlink contents

[Introduction](#)
[Overarching comments](#)
[Aquatic Invasive Species](#)
[Habitat / Species](#)
[Coastal Health](#)
[AOC / Sediments](#)
[Nonpoint Source](#)
[Toxic Pollutants](#)
[Indicators and Information](#)
[Sustainable Development](#)

(to jump, click a link, or, if necessary, place cursor in the link and hit Enter)

Introduction

(top)

The Great Lakes and its surrounding watershed sustain our economy and quality of life and have long needed attention commensurate with that importance to the region. After years of citizen calls for comprehensive solutions to the Great Lakes' many environmental problems, we enthusiastically welcome the government's "Great Lakes Regional Collaboration" initiative to plan and implement just such a comprehensive approach. We are sobered, however, by the imperative that any proposed plan must be fully funded if it is to make a difference in the health of the lakes.

We are especially happy to see support in the draft plan for an effective federal solution to the potentially catastrophic introduction of invasive species to the region, and for independent state action, in the same timeframe, should federal action prove ineffective. However, the plan should also stress the need for immediate use of available authority and enforcement of existing laws to combat the invasive species problem. Also, terrestrial invasive species should be addressed by the plan.

We are also happy to see the recommendation for an end to sewage dumping into the rivers and lakes of the basin. While expensive, the reduction in disease organisms and nutrients to the region's waters will have widespread benefits for basin quality of life and will remove a major stress on the functioning of the Great Lakes ecosystem. However, a comprehensive problem to the sewage threat to coastal health should also support real-time beach testing, encourage industrial pretreatment of wastewater, and prioritize funding for communities who have implemented good stormwater management.

We also applaud the significant commitment to restoring the basin's wetlands, although we recommend doubling the acreage of that commitment, specifically dedicating some funds to urban wetland restoration, and clearly separating restoration intended to provide habitat for the basin's fish and wildlife and that intended to reduce polluted rainfall runoff.

We are gratified by the plan's substantial funding and rapid timeline proposed for fixing the basin's Area of Concern toxic hotspots, and the recommendation that action be better coordinated among federal and state agencies. However, we hope that the plan will ultimately recommend that community AOC coordinating bodies be included in the development of any cooperative agreements.

While there is much to applaud in the proposed plan, we believe that there are also some significant weaknesses to be addressed. Recommended controls on mercury pollution from coal-burning power plants are too weak and should be dramatically strengthened. The plan does not discuss funding options for cleaning up old contaminated "brownfield" industrial sites near the lakes, which continue to be human health hazards while also impeding redevelopment of the region's cities and their waterfronts. And the plan does not fully recognize that new technologies and methods can help manufacturers use fewer toxic chemicals that continue to pollute the lakes and our region.

We consider the proposed plan to be an excellent basis for the final document scheduled for completion in December. The current draft's strengths substantially outweigh its weaknesses, but the weaknesses are sometimes serious and must be addressed for this admirable initiative to succeed.

Overarching comments

(top)

The Great Lakes Regional Collaboration's draft strategy makes a substantial start on identifying the actions needed to restore the Great Lakes. In the following sections we make a number of specific suggestions as to how the strategy could be strengthened. Here we wish to outline suggestions whose adoption by plan writers would require overarching change.

Binationality. First is the need for the strategy to address the fact that any comprehensive restoration of the Great Lakes must be a binational effort. Throughout the plan there should be references to, and requested support for, binational information sharing and, most importantly, decisionmaking.

Overlapping stresses. The plan should recognize and substantively respond to the scientific understanding that what might be termed the "perfect ecological storm" is a possibility for our basin. The returning "dead zone" in Lake Erie is but one example of the possible result of a combination of forces identified in the draft strategy's six sections dealing with particular stresses to the Great Lakes. The region's best scientific understanding is that multiple stresses can overlap in certain places or throughout an entire lake, potentially causing catastrophic effects that are more than the sum of several stresses and may not be effectively addressed by incremental progress on those stresses individually.

We suggest that the draft plan include an overarching recommendation that the possibility of such a catastrophic combination of stresses be the subject of dedicated, ongoing research, and that any coordinating bodies, whether of information or remedial action, established under this restoration effort be designed so as to be able to flexibly respond to the results of such research.

Implementation specifics. The plan should include a funding and implementation strategy complete with specific agency roles and responsibilities, timeline, and recommended funding levels.

Sequencing. Although plan writers are limited by space in the likely more influential main report, both the report proper and, where appropriate, its appendices, should either suggest an effective sequencing of the plan's proposed actions or recommend the provision of funding to determine effective sequencing.

Protection. Finally, the report should consistently note that any drive to restoration must not shortchange ongoing efforts to protect the lakes and their surrounding watershed. Protection efforts must be increased and assured for the long term if the benefits of restoration are to be maintained and the dramatic proposed investment in restoration ultimately justified.

Aquatic Invasive Species

(top)

In general, the draft Aquatic Invasives Species strategy is an outstanding overall strategy which, if expeditiously adopted, funded, and implemented would dramatically reduce threats and impacts of invasive species. It should be approved and implemented immediately.

However, we are concerned about the possibility of delay in adopting the recommendations. Recent experience gives us little reason to believe that the federal government recognizes the urgency of addressing the problem of aquatic invasive species in the Great Lakes. The longer the plan's aquatic invasive species recommendations are delayed, the proportionally greater risk of severe and irreversible economic and ecological injury to the region. The legislation pending in Congress explicitly endorsed in this action plan was introduced years ago and has since languished in committee. We believe that immediate and unequivocal endorsement of the legislation by the administration would give the legislation the momentum it needs to pass. Having called for creation of a comprehensive restoration plan for the Great Lakes, the administration has the responsibility to take a leadership role in what is arguably the number one problem now facing the lakes, and one for which there is a full and cost-effective solution ready to hand.

Prevention principle. We strongly endorse the recommendation that policies and approaches be based on prevention. So far, government approaches have been reactive, or worse. Parts of the federal government are blocking aggressive action.

Immediate enforcement and action. We strongly support interim steps including:

- Mandating that the U.S. Coast Guard adopt by the beginning of the 2006 shipping season, under its existing authority granted by the current National Invasive Species Act (NISA), interim treatment regulations such as the so-called "swish and spit" for ships entering the Great Lakes in the "no ballast on board" (NOBOB) condition. To assure no misunderstanding about this mandate, Congress should immediately clarify the intent of NISA to cover NOBOB vessels operating in the Great Lakes
- Mandating that the Environmental Protection Agency by 2007 regulate releases from ships as point source discharges under the Clean Water Act. In particular, EPA should comply with the recent relevant federal court ruling. To assure no misunderstanding about this mandate, Congress should immediately pass language clarifying the intent of CWA to cover invasive species being discharged in the ballast of commercial ships
- Using existing authority under the Lacey Act to list as injurious black, bighead, and silver carp and provide sufficient funding to enable expanded use of this tool for other species and pathways
- Immediately producing a list of species of concern for the Great Lakes basin and institute an immediate moratorium by the States on the trade of species on that list, until the species are screened and approved for trade
- Immediately investigating alternatives to ballast water treatment, including shore-based treatment facilities and cargo transfer stations, that would effectively close the Great Lakes to any releases from ocean vessels

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

- Requiring ocean-going ships operating in the Great Lakes to carry liability insurance sufficient to compensate individuals, companies, and political jurisdictions who could suffer from new invasive species introduced by ocean-going ships
- Providing funding for fiscal year 2006 to complete the construction of a second, permanent dispersal barrier on the Chicago Sanitary and Ship Canal, to upgrade and make permanent the existing experimental barrier, and to operate and maintain the barriers at federal expense

Comprehensive approaches. We support immediate adoption of comprehensive approaches proposed in S. 770 and HR 1591 and 1592 (the National Aquatic Invasive Species Act). We oppose proposals, such those contained in S. 363, which fail to address all pathways or would hamstring state efforts to adopt more stringent approaches.

However, we must stress that the 2011 deadline articulated in S. 770 for treatments to protect national waters from ballast-mediated invaders results in a dangerous wait for the Great Lakes region, which experiences a new invasive species at least every eight months. For this reason, we recommend an expedited timeline for implementation of standards for all ocean-going vessels operating in the Great Lakes region. An advanced mandatory final standard timeline in NAISA should occur by 2008, which is the same deadline for installation of technology to treat ballast water onboard all new ships entering service.

State action. We strongly support the draft strategy's recommendation that, should Congress and the administration fail to move expeditiously to adopt and implement the needed legislation and regulations, the states proceed independently on several fronts. We particularly support the draft strategy recommendation that the states prepare for implementation of independent means to end the introduction of invasive species via ballast water *during* the leadup to congressional and administration action, so that implementation of solutions can take place on schedule—by 2008—whether or not the federal government ultimately acts.

Hydrological separation of basins. We support elements of the draft strategy calling for rapid investigation of permanent hydrological separation of the Lake Michigan and Mississippi River basins. The draft strategy's recommendation for a 2006 implementation and full funding for a reconnaissance study of such an endeavor is the only means by which we can ensure new invaders will not enter the Great Lakes through the Chicago Sanitary and Ship Canal.

We recommend that the final restoration plan also support study of hydrological separation of other man-made connections between the Great Lakes and other watersheds, such as that of the Champlain portion of the New York State canal.

Habitat / Species

(top)

Implementation of the Habitat / Species section's recommendations of the draft strategy would result in substantial improvement in Great Lakes habitat extent and quality. However, the section's recommendations could be strengthened.

Terrestrial invasive species. The strategy should address terrestrial invasive species as a critical threat to habitat integrity. The strategy should set as a goal elimination of unintentional introduction

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

and spread of terrestrial invasive species, both plants and animals, within all terrestrial Great Lakes habitats. The strategy should recommend expenditure of \$20 million annually through 2010 for prevention, eradication, and management of terrestrial invasive plants and animals, with priority given to wetlands and globally significant habitats within the Great Lakes watershed.

Tributary restoration. We strongly support the general idea of the Habitat / Species section's short-term goal for riverine habitats: "Restore ten tributaries in each Great Lake state or ten percent of all Great Lakes tributaries (whichever is smaller)," which is fleshed out in recommendation 3. However, we suggest that the recommendation include:

- The goal in the recommendation itself, not only in the section's opening list of goals
- An initial phase during which all Great Lakes tributaries are assessed for potential for enhanced ecological functioning due to restoration efforts
- A reference to a corresponding recommendation in the Information and Indicators section that would support assessing tributaries for this purpose
- A reference to "scientifically based hydrologic regime principles" as the main basis for tributary restoration projects
- Reservation of sixteen of the watersheds (two per state) whose restorative purpose is soil conservation
- Assurance that ten of the watersheds include significant urban reaches whose restorative purpose is a combination of habitat enhancement and nonpoint source pollution reduction

Wetland restoration purposes. We strongly recommend separating the Habitat / Species and Nonpoint Source wetland restoration recommendations. We feel strongly that the 550,000-acre recommendation in the Nonpoint Source section (and the longer-term recommendation of one million acres) should be above and beyond the recommendation in this section.

While there may be some overlap in the acreage recommendations from the two sections, the geographies would usually be different for wetland restoration projects focused on providing habitat and on abating nonpoint source pollution, respectively. However, we do not mean to imply that the different wetland geographies require different programs.

With the staggering losses of wetlands seen across the Great Lakes, and their multiple functions and values, it is important to put significant resources to the task of vastly increasing wetland acreage across the basin. In effect we are recommending that the plan recommend restoration of a total of 1,100,000 acres of wetlands over five years, and a total of two million acres over the longer term.

Protecting "isolated" wetlands. The strategy should strongly advocate the development of new policy to institute protection of so-called "isolated" wetlands lost as a result of the "SWANCC" court decision. The strategy should recommend expenditure of \$5 million dollars annually for five years to support federal and state coordination in the development of new policy

The section should also recommend 1) that the Congress adopt the Clean Water Authority Restoration Act, which clarifies the definition of "waters of the United States" so that so-called isolated wetlands are protected, and 2) that the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers reaffirm their commitment to protecting so-called isolated wetlands in the Great Lakes basin by replacing current policy guidance with pre-SWANNC Clean Water Act protections for so-called isolated wetlands

Regulating wetlands restoration. Nearly all restoration efforts involve activities regulated by state and federal law, which in turn mandate a permit review process. The current regulatory process has in

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

some cases been effective for protecting wetlands from destruction—it is decidedly not conducive to supporting restoration efforts. Existing wetlands regulation legislation and its implementation often does not distinguish activities that restore or enhance wetlands from those that destroy them.

We recommend that the regulatory review process of all appropriate agencies be modified to effectively regulate and encourage ecological restoration. To increase the consistency and efficiency in which new permitting processes are implemented, we recommend that regulation of restoration activity be consolidated into one department in all appropriate permitting agencies.

The above notwithstanding, we are concerned that any process for reviewing and modifying wetlands regulation could result in a weakening of protection for existing wetlands. We recommend that the draft plan explicitly warn of this danger and suggest means by which to prevent it.

Rare biological systems. Recommendation 4, dealing with coastal shore and upland habitats, makes clear that efforts in these areas are intended to protect and restore many of the unique and rare plant and animal systems within the Great Lakes. We suggest only that this recommendation could be strengthened by noting the fact that the Great Lakes basin is home to forty-one globally rare plant and animal species.

Coastal shores in urban areas. As an analogous comment on tributary restoration above, we recommend that urban areas receive dedicated attention in any coastal habitat restoration effort. At least 10 percent of the acreage targeted for short-term coastal shore protection and restoration should be along urban shorelines.

One-million-acre goal. Recommendation 2 of the strategy's habitat / species section, spending between \$77.7 million and \$188.7 million annually to achieve the Great Lakes goals of the North American Waterfowl Plan and related Joint Venture, should explicitly state the long-term goal of one million acres of added wetlands, rather than only the five-year goal of 550,000 additional wetland acres. The recommendation should clearly be separate from the restoration goal for the purpose of nonpoint source pollution reduction.

General use of existing programs. We recommend that the final report include a short section making it clearer to readers 1) which very specific existing programs could be used to support each of the Habitat / Species recommendations, and 2) what key reform to particular programs could make those programs more effective. Some of the programs are already listed in the report, some are not—in some places we are recommending a more complete list, in others only a more specific list. The purpose of this recommendation is to assure that the final report is written in such a way that those writing or supporting implementing legislation can quickly determine what statutory vehicles are available, and, where appropriate, how those vehicles might need to be reformed, so as to achieve the report's goals.

We suggest the following lists of relevant programs and their useful reform be integrated into the respective recommendations:

- Recommendation 1: Native fish communities in open-water near-shore habitats
 - Great Lakes Fishery and Ecosystem Restoration Program, or WRDA section 506 (key reform: U.S. Army Corps of Engineers improve its effectiveness in securing partnership with states and municipalities)
 - USFWS Coastal Program (key reform: direct dedicated funding for the Great Lakes for “on the ground,” community-led restoration projects)

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

- USFWS Great Lakes Fish and Wildlife Great Lakes Restoration Act (key reform: the act should be reauthorized)
- NOAA Community-Based Restoration Program
- Recommendation 2: Wetlands
 - NOAA Coastal and Estuarine Land Conservation Program (key reform: establish a subprogram dedicated to the Great Lakes)
 - North American Wetlands Conservation Act
 - USDA Wetland Reserve Program (key reform: increase funding for Great Lakes under the wetland reserve enhancement option)
 - USFWS Great Lakes Fish and Wildlife Great Lakes Restoration Act (key reform: reauthorize the act)
 - USFWS Partners for Fish and Wildlife Program
 - USFWS Coastal Program (key reform: see above)
 - GLNPO Grants Program
- Recommendation 3: Riparian habitat
 - USDA Conservation Program (key reform: facilitate reenrollment of Conservation Reserve Program lands in critical Great Lakes watersheds)
 - EPA Nonpoint Source Program, or Clean Water Act 319
 - USDA Environmental Quality Incentives Program (key reform: increase priority of practices that benefit water quality in critical Great Lakes watersheds)
 - GLNPO Grants Program
- Recommendation 4: Coastal shore and upland habitat
 - USDA Conservation Reserve Program (key reform: add additional incentives / bonuses for restoration of rare and unique habitats, for example, prairies and oak savannas)
 - USDA Wildlife Habitat Incentive Program
 - USDA Conservation Security Program (key reforms: provide more oversight on farm evaluation and tie the Wetland Reserve Program, the Conservation Reserve Program and the Wildlife Habitat Incentive Program to the Conservation Security Program in order to assist landowners in maximizing conservation programs on their land)
 - USFWS Coastal Program (key reform: see above)
 - USFS Forest Legacy Act
 - USFWS Partners for Fish and Wildlife Program
 - GLNPO Grants Program

Specific use of Clean Water Act section 404. When mentioning wetland protection, the strategy should note the need to more effectively employ section 404 of the Clean Water Act and parallel state and tribal protection programs.

Visualization. We think the power of this section's recommendations could be substantially enhanced by inclusion of a map that demonstrates the potential geographical extent of the impact of its recommendations.

Coastal Health

(top)

The Coastal Health section of the strategy makes a strong start on improving coastal—largely human—health conditions, as the Coastal Health Strategy Team was charged to do. However, the section would be strengthened by several changes, including an accelerated timeline and more specific beach closings and drinking water protection recommendations.

Timeline. A 2020 deadline for cleaning up combined and sanitary sewer overflows is over forty-five years after the passage of the Clean Water Act, which was supposed to put an end to sewage dumping. We recommend a 2015 date as being more appropriate, especially since the funding request is for only the first five years. The deadline of 2020 is ten years past the deadline by which most government plans expect wastewater treatment plants to have implemented Long-Term Control Plans, which are intended to end sewage overflows.

Prioritize communities with good stormwater management. Experts agree that the most effective way to stop sewage and stormwater overflows that affect coastal health is by stopping stormwater at its source, not by building enormous infrastructure projects to transport and treat the water. These “soft-path,” “non-infrastructure,” “green infrastructure” solutions to overflows are discouraged by current federal funding programs.

A strong idea discussed by the strategy team but ultimately de-emphasized by relegation to the appendix is rewarding communities that are most effectively managing stormwater. Therefore, we recommend this section explicitly prioritize funding for communities with strong stormwater overflow and watershed management plans, especially those that are implementing a “no net increase of stormwater” rule for new development

Include industrial pre-treatment. Industrial pre-treatment of wastes is addressed only tangentially in this section, a significant shortcoming. Proper pre-treatment of industrial waste is necessary in order to reduce the loading of toxic pollutants to the Great Lakes, especially from cities with combined and sanitary sewer overflows.

This section should advocate a focus on the industrial pre-treatment program by requiring the U.S. Environmental Protection Agency and the states to review, upgrade, and, where necessary, enforce the pre-treatment program in all cities. This recommendation should be coordinated with a similar recommendation introduced to the Toxic Pollutants section of the strategy.

Improve funding and regulatory program for indirect sources of pollution. While the Coastal Health section has a strong goal in reducing beach contamination by 90 to 95 percent, it sets no target date for reducing the major cause of such contamination—rainfall-associated contamination. The section also fails to advocate enforceable programs for achieving this goal, recommending only education and research goals along with encouragement to enforce and promulgate existing regulations on boaters discharging waste. Research, education and enforcement of boater regulations will not lead to a 90 to 95 percent reduction in beach contamination by 2010. Moreover, the funding is listed as “variable,” based on sources, not a clarion for government support of the needed effort.

We recommend \$5 million annually to support state and local government programs to eliminate

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

pollution from boats and other indirect sources. Such a recommendation should be coordinated with a recommendation from the Nonpoint Source section of the strategy.

Advocate real-time beach testing. The section supports fully funding the BEACH act and implementing a "risk-based approach to manage recreational water." Although these are fine goals, they need to be stronger and more specific to truly protect public health. The goal needs to be not merely that beaches are closed less often, but also that they are closed when they need to be closed and open when they are safe.

We recommend that the proposed funding in this section (\$2 million annually to states and \$9 million to the U.S. Environmental Protection Agency) be explicitly targeted at making widely available by 2007 the new testing technology that provides water quality data in less than two hours. The current system, whose test results lag reality by more than a full day, is unable to protect public health early in a contamination phase and often leaves beaches closed when they have in fact become safe.

Strengthen drinking water source protections. The Coastal Health section's goal of protecting drinking water sources from "chronic and episodic threats of chemical and biological contamination" come with no new funding, only full funding for state revolving funds at authorized levels through 2010, requiring only state strategies for protecting water quality by 2010 and new tests for parasites and other hazards.

We recommend inclusion in the restoration strategy of goals and incentives for states to truly protect source water, including prioritization of drinking water sources. The precedent-setting programs now being established in Ontario, following the drinking water contamination incident that killed seven people and poisoned two thousand in Walkerton in 2000, could be a model. See information on the legislation at www.ene.gov.on.ca/water.htm

Enforcing current law. The premise of the Coastal Health section is that current requirements and associated regulations under the Clean Water Act are strong enough to correct wet weather discharges and their adverse impacts.

We recommend that the final report contain a recommendation that declares, "U.S. EPA and the States should fully implement, enforce and report on their wet weather control programs to identify and correct deficiencies to ensure the requirements of the Clean Water Act are achieved in a timely fashion."

AOCs / Sediments

(top)

We strongly support the draft AOC / Sediments section of the draft restoration plan. If implemented, the section's recommendations will move us much closer to a healthy Great Lakes ecosystem. However, a few key areas of the section require strengthening if the strategy as a whole is to meet its goal or restoring the Great Lake basin ecosystem. In particular, the section should overtly recognize that, while sediment contamination is usually the most extensive and expensive problem faced by Areas Concern, they are also usually not the only problem they face.

General comments

The draft strategy rightly identifies toxic sediments as a major contributor to continued beneficial use impairment at almost all Areas of Concern. Other major sources of impairment, including sewage overflows, nonpoint source pollution, and habitat loss, are covered by other sections of the draft strategy, making the section's focus on contaminated sediments largely appropriate. However, we believe that the section should address sources of impairments not addressed elsewhere in the strategy:

Land-based sites impairing uses in AOCs. The section identifies runoff from land-based hazardous waste sites as a common cause of beneficial use impairments in Areas of Concern. In addition, these sites can pose a severe threat to human health, disproportionately that of low-income and minority communities. However, the section makes no recommendations for cleaning these sites up, although they are addressed nowhere elsewhere in the strategy.

We strongly recommend expanding this section to provide funding for the identification, cleanup and restoration of land-based toxic waste sites that contribute to beneficial use impairments and pose a serious risk to human health in Great Lakes urban communities.

Toxic sites outside AOCs. Although this strategy team was tasked with addressing only Great Lakes AOCs, it remains the case that contaminated sediments and toxic sites that fall outside of official Areas of Concern also damage the Great Lakes ecosystem and should be addressed somewhere in the strategy. This section of the strategy seems the most appropriate for this purpose.

Specific comments

Goals and milestones. Pursuant to our recommendations above, we think the section's goals and milestones should be expanded to include restoring land-based toxic waste sites that contribute to Great Lakes beneficial use impairments and pose a serious risk to human health. We also support defining the notion of restoration in the current goal to more specifically reflect the goal of "restoring beneficial uses" in all Great Lakes Areas of Concern.

Use of Legacy Act. We support the use and expansion of the Great Lakes Legacy Act as a major vehicle through which to address contaminated sediment cleanup, particularly at orphan sites. In addition, we support most of the recommended revisions to the Legacy Act to enable more effective use of its funds, but we are concerned about the proposed revision to the ways in which "potentially responsible parties" are dealt with.

Potentially responsible parties. We recommend that the section explicitly state that neither the Great Lakes Legacy Act nor any other public funding mechanism should replace the use of Superfund or other enforcement vehicles where there is a viable private entity responsible for the pollution at issue. In these cases, the private interests should be primarily responsible for cleanup of the site.

Expanding AOC program capacity should include community involvement. The draft is correct in tying the lack of progress in AOCs to a lack of funding and unclear roles and responsibilities. We strongly support increased funding for program implementation, tied to increased accountability. However, community AOC coordinating bodies should be included in the development of any cooperative agreements. Either the councils or other local entities should receive increased funding

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan for public outreach. The lack of extensive public involvement and dialog from the beginning of a sediment cleanup can lead to significant problems and opposition towards the end of the process.

We recommend that this section include funding recommendations tied specifically to community outreach and coordination.

Establishing a federal-state AOC coordinating committee. We very strongly support a federal-state coordinating committee as an excellent vehicle for assuring common policies and, most importantly, easy access by AOC and Remedial Action Plan coordinators to authoritative information. However, we do not see how the recommendation's laudable goal of providing "one-stop shopping" for those implementing AOC recovery plans can possibly be achieved without some recommended funding.

"Mining" confined disposal facilities. We strongly support this section's recommendation 4, promoting development of clean sediment treatment and disposal alternatives. In the long term, toxic sediment treatment, using technologies that produce no new contaminants and do not release contaminants into the environment, is a much better solution than the continued removal and relative isolation of contaminants in disposal facilities. Use of such technology is also likely to speed up community consensus on conducting cleanups.

However, we do not support the "mining" of existing confined disposal facilities, unless the contents are clean sands and the beneficial use of the materials will not release any contaminants into the environment.

Nonpoint Sources

(top)

The Nonpoint Source section of the restoration strategy charts a steady course toward addressing this difficult but critical pollution problem. We agree with the fundamental barriers identified by the Strategy Team and generally feel that the goals, interim milestones, and recommendations put forth will help to overcome those barriers.

We are also very happy to see the inclusion of critical geographic areas in this section. While nonpoint source pollution is clearly a basinwide issue, there is little doubt that addressing the problem in critical geographic areas will more effectively deliver the most ecological effect per restoration dollar.

However, we think some changes in the section could strengthen it.

Wetlands restoration purposes. We strongly recommend separating the Habitat / Species and Nonpoint Source wetland restoration recommendations. We feel strongly that the 550,000-acre recommendation (and the longer-term recommendation of one million acres) in the Nonpoint Source section should be above and beyond the recommendation in the Habitat / Species section.

While there may be some overlap in the acreage recommendations from the two sections, geographies would usually be different for wetland restoration projects focused on providing habitat and on abating nonpoint source pollution, respectively. With the staggering losses of wetlands seen across the Great Lakes, and their multiple functions and values, it is important to put significant resources to the task of vastly increasing wetland acreage across the basin. In effect we are

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan recommending that the plan recommend restoration of a total of 1,100,000 acres of wetlands over five years, two million over the longer term.

Confusing wetlands milestone. We believe that the language “restore, recover, and protect” used in the interim milestone for the wetlands goal of the section may confuse the agreed-upon concept of a net increase of wetlands. We suggest rewording the interim milestone to read:

- By 2010, restore, recover, and protect wetlands to achieve a net increase of 550,000 acres of wetlands within the Great Lakes basin.
- By 2015, restore, recover, and protect wetlands to achieve a net increase of 1,000,000 acres (450,000 additional) of wetlands within the Great Lakes basin.

Protecting “isolated” wetlands. The strategy should strongly advocate the development of new policy to institute protection of so-called “isolated” wetlands lost as a result of the “SWANCC” court decision. The strategy should recommend expenditure of \$5 million dollars annually for five years to support federal and state coordination in the development of new policy

The section should also recommend 1) that the Congress adopt the Clean Water Authority Restoration Act, which clarifies the definition of “waters of the United States” so that so-called isolated wetlands are protected, and 2) that the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers reaffirm their commitment to protecting so-called isolated wetlands in the Great Lakes basin by replacing current policy guidance with pre-SWANNC Clean Water Act protections for so-called isolated wetlands

Buffer strips. We applaud the recommendation to provide \$335 million to restore 335,000 acres of buffer strip over five years. The section should recommend that the relevant coordinating agencies be charged with identifying priority watersheds where buffer strips are most urgently needed, and work with local governments and organizations to identify the types of buffer strips best suited to those watersheds in order to achieve water quality goals.

Improve funding and regulatory program for indirect sources of pollution. As noted also in the Coastal Health section above, we recommend \$5 million annually to support state and local government programs to eliminate pollution from boats and other indirect sources.

Comprehensive soil conservation in sixteen watersheds. We strongly support the general idea of a whole-watershed approach to soil conservation represented by recommendation 3. However, we think the recommendation could better serve the overall purpose of ecosystem restoration if were integrated into (in effect become a subset of) with the recommendation made in the Habitat / Species section to “restore ten tributaries in each Great Lake state or ten percent of all Great Lakes tributaries (whichever is smaller),” fleshed out in Habitat / Species section’s recommendation 3.

We recommend that the Nonpoint Source recommendation 3 be recast to address two watersheds in each state, rather than a total of ten. These sixteen watersheds should be drawn from the list of ten watersheds in each state chosen for restoration per recommendation 3 of the Habitat / Species section. The increase to sixteen watersheds from ten would require a corresponding increase in the requested funding for the first five years of the plan from \$120 million to \$192 million.

The recommendation should require that the soil loss reduction effort in the sixteen watersheds be fully integrated into the overall watershed restoration efforts.

Hydrological restoration of ten Great Lakes tributaries. As with the soil loss reduction recommendation immediately above, we recommend that this recommendation be integrated with (become a subset of) the recommendation in the Habitat / Species section advocating hydrological restoration of ten Great Lakes tributaries per state. Therefore this recommendation should be recast to advocate that ten of the total of eighty basin tributaries targeted for hydrological restoration of some kind by the Habitat / Species section's recommendation 3 should be urban reaches of Great Lakes tributaries, and that projects carried out in those reaches should have dual purposes: habitat enhancement and nonpoint pollution source reduction.

Toxic Pollutants

(top)

We strongly support the general goals set forth in the Toxic Pollutants strategy. These goals have long been articulated in the Great Lakes basin. However, the strategy's recommendations and interim milestones fall far short of what is needed to achieve its goals. While the strategy contains recommendations that are strong and should be implemented immediately, others must be strengthened in order to protect human health and fully address toxic substances in the Great Lakes basin.

Human health. With the exception of fish consumption, the strategy does not address threats to human health stemming from toxic pollutants. Toxic pollutants contaminate our air, water, and food and are pervasive enough that we are seeing human health effects at background levels. A focus on protecting vulnerable populations from exposure to contaminants of concern would protect all citizens of the basin. We recommend the strategy include a scholarly assessment of current threats to human health, particularly children's health, with recommendations for priority actions.

Eliminating human health effects caused by toxic chemicals should—indeed, must—be one of the goals of the strategy.

Fish consumption advisories. Fish are an important source of food for a significant minority of basin residents, many of whom continue to eat contaminated fish. We support the recommendation for consistent and easily accessible fish consumption advisories, however, in order to protect those most at risk, the plan should also recommend that the advisories be posted at fishing locations that pose the greatest threat. The plan should also declare that advisories are only an interim solution, and articulate a basin-wide commitment to cleaning up the ecosystem sufficiently to eliminate the need for fish advisories.

We also recommend that the strategy ensure that the Great Lakes Sport Fish Advisory Task Force has the funding and authority needed to fulfill the recommendation. The need for consistent, basin-wide advisories still exists, despite the fact that the task force has been working on them for years. The task force should be directed to develop advisories fully protective of the most sensitive populations and consider synergistic and additive effects of fish contaminants.

Stopping current emissions—mercury. We cannot support any interim milestones or recommendations that do not protect public health. The third interim milestone references a mercury rule that is currently being challenged by six of the eight Great Lakes states because it does not protect public health. We will only be able to remove fish advisories and protect public health with

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

strong mercury standards based on sound science. The strategy will not fulfill goals 1 through 5 without strengthening the mercury sections.

The mercury recommendation should specifically indicate that utilities and other sources must reduce mercury emissions sufficient to protect human health.

To prevent the buildup of mercury from coal-fired power generation, the recommendation should allocate resources to developing and commercializing clean, safe renewable sources of power that do not emit any mercury, as well as give a greater emphasis to energy efficiency and conservation programs. We suggest that the plan recommend major investments in commercialization and implementation of technologies that are already available to conserve energy. We know that the payback for energy conservation far outpaces that of any other environmentally beneficial activity, and that it will be necessary in any case even as conventional energy prices rise and we shift to greater use of alternative sources of energy. Major incentives should be offered to businesses and homeowners who engage in conservation measures and switch to alternative and green energy sources.

Finally, the basin-wide mercury product stewardship strategy should include funding for reclaiming and recycling the mercury that is already in our waste streams, for example, switch recovery programs, and ensure that such mercury is properly disposed of, which ideally would include removal from the market.

Stopping current emissions—PCBs. We strongly support the recommendation to decommission and properly dispose of PCB-containing electrical equipment, though it must be emphasized that proper disposal means safe, permanent, non-dispersive destruction of PCBs. Stockpiles of already decommissioned equipment are a significant source of PCBs to the basin. The strategy should recommend measures and sufficient for properly disposing of PCB-containing equipment.

Stopping current emissions—other persistent toxins. The strategy does not address the many new and emerging chemicals that have been accumulating in the Great Lakes biota and in residents of the Great Lakes basin in exponentially increasing amounts in recent years. The region's history with the original Great Lakes chemicals of concern identified by the International Joint Commission demonstrates that persistent toxic substances become problems for generations with enormous costs to society in cleanup costs, health impacts, loss of economic development opportunities, and quality of life. It is far more cost-effective to address persistent chemicals as soon as we see that they pose a threat, instead of allowing them to build up in our lakes, sediments, and biota. In order to actually meet the strategy's first, third, and fourth goals, the strategy should recommend and fund the design and implementation of plans for the virtual elimination of all persistent toxic substances that are:

- Increasing in concentration in any segment of the Great Lakes biota, and/or
- Flat or increasing in sediment core concentrations in both open water areas and AOCs and/or
- Present in human tissue, blood, or breast milk in flat or increasing levels and/or
- Detected in waste water treatment plant effluent in the Great Lakes region and/or
- Detected in whole fish but not a standardized part fish consumption advisories, and/or
- Have a reasonable probability of contributing to adverse effects in people, wildlife, or aquatic life

Top priority should be given to chemicals that fit more than one of the above categories. The strategy should include an appendix prioritizing examples of above chemicals as identified by the Great Lakes Binational Toxics Strategy and the State of the Lakes Ecosystem Conference. In particular, brominated flame retardants and perfluorinated chemicals are now increasing alarmingly in biota and breast milk. Brominated compounds are approaching levels in commerce that mirror PCB use rates.

Preventing future emissions. We support the recommendation 2's pollution prevention efforts. However, pollution prevention is not sufficient to prevent new toxic chemicals from entering the Great Lakes basin. The strategy should provide resources for enhancing current chemical screening tools, for developing new ones, for ensuring that such tools use wildlife health criteria and consider the most sensitive human populations, and for ensuring that such tools are readily available to industry. Screening tools should be used in conjunction with the precautionary principle to prevent new toxic chemicals from entering the Great Lakes basin.

In order to meet the first four goals laid out in the strategy, we must find replacements for toxic chemicals currently in use. The strategy should recommend at least \$50 million annually over five years to set up a "green chemistry" network that would focus on research, education, and practical implementation of chemical creation and management systems that protect the environment and human health.

Building capacity to transform the way in which chemicals are made, the network would re-focus chemistry education, drive research to develop chemicals designed to be inherently safe, and provide technical assistance services to small- and medium-sized businesses to effectively use new pollution prevention techniques and safer chemicals. Addressing the safety of chemicals before they are produced would both be cost-effective and set a clear course for prevention rather than remediation.

Additional funds should be allocated to provide direct assistance to businesses in all aspects of product design and manufacture in order to eliminate the use of toxic chemicals. We recommend the establishment of a regional toxics use reduction institute with an academic affiliation to provide this assistance to businesses. In addition, incentives should be aligned to reward businesses that take steps to eliminate target toxic chemicals, and design products and services that are non-toxic.

By integrating toxicology and environmental effects at the outset of chemical creation and deployment, time and resources can be saved by both chemical producers and product manufacturers. If we do not re-direct our funding and attention to the synthesis of safe chemicals, we do our industries a disservice as well as fail the social imperative to make our environment chemically safer for future generations.

Adequately implementing existing regulatory programs. The strategy fails in some cases to identify existing regulatory programs that have suffered from inadequate implementation. For example, discussion on the Clean Water Act in the Toxic Pollutants appendix (pages 36 to 38) does not address several important provisions in the act that can have significant impacts on PBT chemical releases or loadings to surface waters. These include the:

- Importance of the Total Maximum Daily Load provision of the act, involving the development of restoration plans addressing all sources of pollutants contributing to impaired waters; this is particularly crucial for dealing with the large number of water bodies where nonpoint source loadings are the major contributor to PBT loadings
- Significant backlog of National Pollutant Discharge Elimination System permits that often plagues state agencies
- Need for timely implementation of triennial review of water quality standards by state agencies

Monitoring. We support the section's monitoring recommendations and suggest the following additions. The chemical screening tools described above should be used to identify a chemical watch list to ensure comprehensive monitoring. Once research on chemical properties and long-term effects of a chemical indicate that it is toxic, plans should be designed and implemented for its elimination, as described above. Priority for toxicity research should be given to the categories of chemicals listed

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

above, that is, chemicals already known to be accumulating in Great Lakes biota. Research should be used to establish new water quality standards and fish tissue criteria with consideration of additive and synergistic effects and exposures through multiple routes. Finally, the plan should recommend refining and expanding recognized indicators of progress for protection of human health.

Include industrial pre-treatment. A major pathway of toxic contamination of the Great Lakes is municipal waste water. Proper pretreatment of industrial waste is necessary in order to reduce the loading of toxic pollutants to the Great Lakes, especially from cities with combined and sanitary sewer overflows.

In coordination with the Nonpoint Sources section of the strategy, this section should advocate a focus on the industrial pretreatment program by requiring the U.S. Environmental Protection Agency and the states to review, upgrade, and, where necessary, enforce the pretreatment program in all cities.

Indicators and Information

(top)

The section poses a challenge to readers because it is highly technical and generally several steps removed from actually solving problems. This strategy section is a reduction of much more detailed and informative appendix. We strongly support the section's comprehensive treatment of the many components of information needed by decisionmakers and the public in their efforts to protect and restore the functioning of the Great Lakes ecosystem: indicator determination, information gathering, information dissemination and analysis, and research.

Broad areas of need. We also strongly support the section's awareness of and attempt to address the major broad areas of information need, particularly nearshore conditions and climate change effects.

We recommend adding two important items to that list: 1) information and indicators dealing with potential synergistic, catastrophic developments, as outlined referenced in our opening "overarching" comments on the strategy as a whole, and 2) the determination of target flow regimes for major Great Lakes tributaries. We currently do not have methods in place for characterizing or classifying watersheds based upon degree of altered hydrology. We suggest that the section include support for the development of credible protocols for measuring ecological impact based upon degree of altered hydrology.

Problem solving. We are concerned that, as written, the section does not effectively make the case to non-technical readers the critical importance of its recommendations to the success of the other elements of the strategy.

To this end, we recommend that the section be rewritten to be problem oriented. The section's four-part structure could be fundamentally retained, but in distributed form, reproduced under each of several problem headings, such as "basin water supply," "nearshore conditions," "climate change effects," and so on. Readers are more likely to be persuaded of the need for an investment in glamour-challenged information, monitoring, and research if it is clearer what problems such an investment will help solve.

New offices. Several Indicators and Information recommendations call for establishing and supporting new organizations, including a Great Lakes Communications Workgroup, a Regional Information Management Infrastructure, a Great Lakes Research Office, and a Great Lakes Information Coordination Council. The Great Lakes region has a number of well-established, basin-wide and international organizations that could possibly be charged or modified so that they could be charged to serve the intended purposes. Such institutions include, for example, the International Joint Commission's Council of Great Lakes Research Managers, the Great Lakes Commission, the Great Lakes Fisheries Commission, and the Great Lakes Sea Grant Program Network. It is a truism that creating new offices, easily tarred as "new bureaucracies," can become a political liability for a proposed new program. We understand that some of the proposed offices are assemblages of existing officials and that their purpose is to make existing programs more effective. Therefore we are recommending here only that the Information and Indicators drafting team very carefully review the draft reports proposed new offices to see where existing institutions could perform the needed tasks. The fewer new institutions proposed by the section, the better, practically speaking.

Research. The report recognizes that research and monitoring are fundamental to sound decisions and that the current level of funding for research is not sufficient to guide best courses of action for the restoration. In particular, we strongly support the proposal to double federal Great Lakes research support over the next five years to better meet restoration needs.

Additionally, we strongly endorse the proposal that, in addition, 10 percent of all new research funds to support Great Lakes restoration should be dedicated to *independent* research. Historically, the independent academic community has made significant and important contributions to policy and management actions in the Great Lakes. However, declines in funding for competitive, peer-reviewed research over the past decades has greatly diminished academic involvement in understanding and protecting the functioning of the Great Lakes ecosystem. It is imperative that these independent voices continue to be supported and heard, and that this support be delivered through independent, extramural research programs not subject to real or perceived manipulation by management agencies or government laboratories.

Sustainable Development

(top)

General comments

The Sustainable Development strategy team faced the difficult task of writing a plan for a subject area that is high-concept, cross-cutting, and more amenable to policy development than the projects that are the main focus of the Collaborative's overall strategy. Environmental stakeholders are of course highly supportive of movement toward sustainable practices. Economic activity will never cease and ecological functioning can be preserved in the long run only if economic activity is made compatible with that functioning—this is the essence of sustainable development. Given its conceptual nature, the Sustainable Development Strategy Team has done yeoman's work in submitting a draft document that is both generally right in attitude and (relatively speaking) specific in application.

Sustainability and social needs. The sustainable development paradigm is not only one of matching economic and environmental needs, as suggested by the draft report. The concept is fundamentally tripartite, including also social needs, perhaps more understandably termed “social justice needs” and not to be confused with the far more general “societal needs” mentioned elsewhere in the draft report. “Societal needs” as used by the report writers seems to mean simply “not private needs.” A cleaner environment of course satisfies “societal needs.” Often, however, environmental initiatives fail to satisfy social needs by failing to provide environmental benefits to those who need them most.

Examples of this definition of “social needs” inherent in environmental issues are fish contamination and dredging and disposal of contaminated sediments, two issues that often negatively and disproportionately impact low-income and minority communities. The Sustainable Development section writers should broadly consider how sustainable development might also include addressing the region’s social needs conceived in this way.

Barriers list demands a goals list. The problem statement lists nine barriers to sustainable development, but no part of the report lists the affirmative purposes of sustainable development. The result is a report with a fine opening declaration of the purposes of sustainable development—the Brundtland Commission definition—but little specific to flesh out the meaning of that definition for the people who live in the basin.

We recommend that the report contain such a list, which might serve the overall restoration plan by giving readers a clearer sense of the future we envision for our region. For example, nowhere does the summary Sustainable Development report mention availability of open space or enhancement of human health as endpoints of sustainable development. The list we are recommending be created would contain such items, by declaring that our region will be developing sustainably when it is, for two corresponding examples, 1) “protecting and enlarging its open space, natural and agricultural, public and private,” or 2) “assuring that air, water, and plant and wildlife food sources fully support human health.”

Metamorphosis of drafting team recommendations. We are disturbed by discrepancies between the recommendations produced by the Transportation drafting team and the representation of those recommendations by the Sustainable Development Strategy Team’s report writers in the five-page summary report.

“Aging infrastructure” was not identified as a significant sustainable development issue during the drafting team’s six months of deliberations and appears only once in the appendix (strangely, as an excerpt of the summary), yet the summary report declares aging infrastructure to be an impediment to sustainable development.

Likewise the drafting team’s number one recommendation was to “eliminate the introduction and spread of invasive species by maritime commerce and other transportation modes.” Somehow the summary report transforms this straightforward recommendation into a call for a “single, integrated and comprehensive study of regional needs for intermodal transportation and the mitigation and prevention of invasive species”—strangely mixing together the issues of optimizing the proportion of ship, truck and rail movement of goods in the region with that of preventing introduction of invasive species. We oppose this suggestion because it would complicate and dilute the necessary focus on eliminating invasive species introductions.

We confess to being perplexed as to the motive, if any, behind the metamorphosis of the drafting team’s original recommendations. However, we worry that these and other elements of the draft report will ultimately be used to justify, as a Great Lakes restoration activity, the rebuilding and possibly even expansion of the Great Lakes Navigation System. That longtime pet project of the U.S. Army Corps of Engineers is at best tangentially related to restoration and at worst would further

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

degrade the Great Lakes ecosystem.

We support a properly designed study of the region's "intermodal transportation" needs, especially if targeted at reducing sprawl and generally minimizing environmental impacts of transportation infrastructure. However, we are concerned if the restoration plan suggests that such a study be conducted by the U.S. Army Corps of Engineers, especially if it is connected to the Corps' existing studies of the Great Lakes Navigation System. Ocean-going shipping, is, of course, currently one mode in the region's intermodal transportation system. But its role in degrading the basin ecosystem, by introducing invasive species to the basin, incalculably outweighs any economic efficiency or environmental benefit it might possess by being deployed in certain circumstances instead of rail or truck shipment. As drafted, the Sustainable Development summary report undermines the top priority and laser focus intended by the Aquatic Invasive Species Strategy Team in making its first and most important recommendation the taking of measures to "eliminate the introduction and spread of invasive species by maritime commerce and other transportation modes." The report must be rewritten to accurately reflect the drafting team's intent and remove unrelated or conflicting agendas such as promotion of commercial navigation system construction projects.

Promoting sustainability. The section's first recommendation is to adapt and maintain programs that promote sustainability across all sectors. As written, this recommendation makes sub-recommendations that are good though non-specific in that they suggest no deadlines or well defined targets. The recommendations include: 1) creating incentives and disincentives for sustainable and non-sustainable practices respectively, 2) eliminating or modifying existing programs that encourage non-sustainable programs, 3) funding existing incentive programs that promote sustainability, and 4) applying specific metrics of sustainability. We generally supports the various elements of this recommendation.

A troubling "blended mission." The section's second recommendation would completely redefine the framework of the Great Lakes Regional Collaboration, away from the restoration of the Great Lakes ecosystem to sustainable development of the Great Lakes, or "a blended mission of ecological restoration and economic development." However we believe that both sustainable development and restoring our past harms are necessary in order to create a sustainable future.

We recommend recasting the language of this recommendation such that it continues to advocate programs that will promote economic development compatible with long-term ecological functioning, but as only one part of the Collaborative's mission, not its primary purpose.

In that context we applaud the Sustainable Development section's proposal to fund a large-scale pilot project—"a three-year demonstration for development of consistent, sustainable land use plans that are integrated with regional transportation plans and other public infrastructure plans with support from existing, but focused federal and state program funds." Such a pilot project would provide an exciting foundation for additional sustainable projects in the Great Lakes, "rebranding" the region (see our comments on branding below) as a progressive, forward-thinking region that seeks a balance between, economic, environmental, and social needs.

Another pilot project might examine how promotion and development of lake-based recreation such as boating and fishing could be used to enhance the environment, economy, and culture of this region. Such an initiative could examine ecological and economic issues associated with waterfront revitalization for restoration of habitat and low-impact, lake-based recreation such as fishing; brownfield reclamation, cleanup for green marina development, and consolidation of shoreline development to relieve pressure on functioning habitats. The extensive economic and people resources associated with lake-based recreation industries, in particular boating and fishing, are prime

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan candidates for sustainable development. These industries can and should be harnessed to promote Great Lakes restoration.

“Branding” a sustainably developing Great Lakes. The section’s third recommendation proposes an outreach and marketing campaign to brand the Great Lakes as an “exceptional, healthy, and competitive place to live, work, invest and play.” We support promotion of the unique and valuable aspects of the Great Lakes region in the context of sustainable development. We agree with the implicit premise of the recommendation that environmental attributes that are used by the public are also appreciated, and when appreciated by the public can be more effectively protected.

However, we think another adjective should be added to the proposed description of our ecosystem: “fragile.” Any marketing of Great Lakes waters and its surrounding basin must also promote an understanding that, while vast, they are also sensitive. Such an understanding can drive protection and restoration efforts and the behavior of humans in the region going forward. Any branding of the region that does not reflect this understanding does not fully serve the long-term interests of protection and restoration of the region’s ecosystem.

Transportation appendices comments

Overall, we hold a fundamentally different view of what should have been the overall approach taken by the team drafting the Transportation element of the Sustainable Development section. We believe the primary driver for the Transportation sub-team’s work should have been identifying transportation development recommendations that clearly restore or protect the basin ecosystem— simply put, recommendations in direct support of intentions of the Great Lakes Regional Collaboration, as originally stated.

To this extent, we believed that the charge was to identify changes to current, and opportunities for future, transportation operations that would directly benefit the ecosystem, as well as identify the economic benefits associated with such developments. The power of such a restricted interpretation would have been the unified endorsement of specific economic development opportunities that benefit the Great Lakes ecosystem. As currently drafted, the transportation-related recommendations in the appendices consistently benefit and promote transportation development—but benefit the Great Lakes ecosystem only inconsistently.

We recommend a thorough review of the Transportation appendices by expert stakeholders outside of the drafting team to ensure that all its recommendations directly benefit and restore the Great Lakes ecosystem. A few specific concerns we have identified are listed below; if a thorough review and modification of the Transportation appendices is not possible, we recommend deletion of these elements of the appendices.

Short Seas Shipping. Action 4 of this subsection of the appendix promotes short sea shipping in the Great Lakes–St. Lawrence Seaway System to relieve congestion and to reduce air emissions in heavily used railroad and highway corridors in the region.

We stress the need for language describing the ecological constraints within which short-seas shipping can be developed—development of short-seas shipping must not promote more ocean-ship access and subsequent introduction of additional invasive species, and should not come at the expense of other environmental considerations, such as aquatic habitat protection or restoration of natural flow regimes.

Additional actions recommended in the appendix. Actions 3, 5, 6, and 7 hold significant promise to protect and restore the Great Lakes, but need further development and the inclusion of specific

Environmental and conservation groups' comment on Great Lakes Regional Collaborative draft plan

information in order for us to endorse them. In particular, due to the expertise of the members of the drafting team, the recommendations were predominantly focused on the movement of freight by commercial vessels. However, rail and truck commerce as well as air transportation (personal and commercial) and personal transportation were identified as needing significantly more attention.

New channel deepening. We do not believe that under any circumstances will deeper commercial navigation channels protect or restore the Great Lakes–St. Lawrence River ecosystem. Given the significant historical modifications of the Great Lakes–St. Lawrence River system to allow for commercial navigation operation, it is our strong position that future development should be made within the confines of the system's current configuration, and ultimately the parameters set by the natural system. All references to new deepening should be struck from the Transportation appendices.

Statistics. We are concerned with the adequacy of the statistics and confusing or misleading descriptions of the value, transits, volume by tonnage, and type of maritime commerce operating in the Great Lakes and St. Lawrence Seaway (pages 3–4). In general, we are also concerned with the inconsistent use and accuracy of statistics across all modes and the incomplete description of costs and benefits for all modes. The statistics reported in the Transportation appendices are not reflective of the best work emerging from the Great Lakes Regional Collaboration and should be rewritten or struck.

All appendices comments

Finally, we strongly encourage all appendices that emerged from the Sustainable Development drafting teams be critiqued by expert stakeholders as we have recommended for the Transportation appendices above, to ensure 1) that the included statistics and charts are factually accurate (we are thinking particularly of facts presented in the Transportation appendix, but there may be problems in all the appendices) and 2) most importantly, that *all* appendix recommendations advance the protection and restoration of the Great Lakes ecosystem, reflecting, as noted above, the clearly stated mission of the Great Lakes Regional Collaboration.



City of
Waukegan

Building Department • ☎ (847) 625-6868
Code Compliance • ☎ (847) 625-6860
100 N. Martin Luther King Jr. Avenue
Waukegan, Illinois 60085
www.waukeganweb.net

Richard H. Hyde, Mayor
Wayne Motley, City Clerk
Patrick M. Dutcher, Treasurer

John J. Jurkovic, Sr.
Building Commissioner

August 19, 2005

City of Highland Park
C/o Ben Carlisle
1150 Half Day Road
Highland Park, IL 60035

Ben:

The City of Waukegan is in complete agreement with the North Shore Lake Michigan Cities initiative comments on draft action plan, a strategy to restore and protect the Great Lakes.

Richard Hyde
Mayor
City of Waukegan

July 28, 2005

USEPA-GLNPO
77 W. Jackson Blvd. (G-17J)
Chicago, IL 60604

RE: City of Highland Park's Comments on Draft Action Plan: A Strategy to Restore and Protect the Great Lakes dated July 7, 2005

To Whom It May Concern:

On behalf of the City of Highland Park, with support and concurrence from the City of Waukegan, we provide the following comments on the draft Action Plan: A Strategy to Restore and Protect the Great Lakes dated July 7, 2005 (Action Plan).

Challenges Facing the North Shore Communities

Some of the critical issues facing our communities are the following:

- Clean water issues
 - Beach closings due to contamination
 - Release of raw sewage into Lake Michigan
 - Release of toxics from contaminated sediment
 - Water pollution such as from airborne mercury deposition or agricultural activities
- Shoreline protection and restoration
 - Erosion and sedimentation
 - Need for coordinated regional approach
 - Protection and restoration of ravine and bluff ecosystems
- Economic and recreational development
- State and federal government regulation and their financial impact to local municipalities and property owners
 - Unfunded state and federal mandates
 - Aging infrastructure
- Invasive species
- Limited public interaction with Lake Michigan and too little understanding of the lake ecosystem
- Nuclear waste at Zion Nuclear Power Plant

City of Highland Park Priorities

The Action Plan calls for public input to prioritize the action items. Our priorities are as follows:

1. Develop, test, and implement beach and coastal assessment methods such as Swimcast and other best practice methods (Coastal Health Recommendations 3, 4, and 5);
2. Strongly support the clean-up and delisting of Waukegan Harbor as one of the ten recommended sites for priority delisting (AOC/Sediments Recommendations 1, 2, and 3);
3. Encourage public interaction with the Great Lakes as motivation to embrace Action Plan items (We recommend this item under Sustainable Development);

July 28, 2005

4. Secure federal financial support for regional approach to shoreline protection (We recommend this item under Coastal Health);
5. Prevent all new introductions of Aquatic Invasive Species (Aquatic Invasive Species Recommendations 1 through 5);
6. Prevent new toxic chemicals from entering Great Lakes and increase basin wide messages on fish consumption (Toxic Pollutants Recommendations 2 and 4);
7. Remove all nuclear waste out of the Great Lakes Basin (We recommend this under the Coastal Health and/or Toxic Pollution Chapters).

It is with respect to these environmental issues and priorities that we base our comments on the Action Plan.

Overall Comments:

- Overall, we are extremely pleased and encouraged by the breadth and scope of the Action Plan items. The strategy team reports and documents are very well written and contain many thoughtful, insightful action items. It is our sincere hope that this document, and the action items it contains, becomes the blueprint for restoration and preservation of our Great Lakes. We support the overall strategy and encourage the President and Congress to fund the Action Plan items in their entirety. Our Great Lakes are true treasures that need this level of protection.
- The Draft Action Plan should include recommendations for a stronger and more pointed effort related to public relations and education. While this topic is touched on throughout and emphasized in the sections on "Indicators and Information" and "Sustainable Development", it should be more aggressively pursued. A task force for education and PR should be created - similar to that proposed for data sharing in the "Indicators and Information Section". As part of their mission, task force could focus on creating alliances with other agencies, organizations, and communities. No matter how achieved, this is essential to public understanding of the issue and encouraging citizens to emphasize this topic to their elected official as all levels.
- The Action Plan does not prioritize issues. In order to better facilitate and focus any federal spending on the Great Lakes, the Draft Action Plan should recommend priorities for action. While all the areas are important, the hundreds of millions of dollars noted in the document require some type of prioritization for federal dollar and local efforts. Even if a formal "prioritization" is not possible or desired, there should be some way in which to direct where to start.
- The Action Plan does not place enough emphasis on local municipal input for coastal communities. We understand that many action items require large funding initiatives and involve near shore and open water habitats outside the typical purview of coastal communities. We recommend that each strategy team develop action items that can be approached and completed by the coast communities as a way to both lower the overall cost of the Action Plan, and as a way to elicit coastal community support. For example, our communities can be a source of volunteer help for sampling efforts, clean-up actions, and educational settings.
- The Action Plan does not consider the real and catastrophic threat to human and aquatic life for the stored nuclear waste within the Great Lakes Basin. The storage of spent nuclear material in very close proximity to the shore represents a biological and bio-terrorism threat that is not addressed in the action plan. We recommend

July 28, 2005

setting a goal of the Coastal Health and/or Toxic Pollution Strategy Team(s) to remove all nuclear material from the Great Lakes Basin within a timely timeframe.

- Some elements of the Action Plan may be contradictory. For example, the Aquatic Invasive Species Strategy Team report recommends physical barriers in canals and other vectors to deter invasive species movement without consideration of the importance of native and beneficial species isolation. On the other hand, the Habitat Species Strategy Team recommends restoration of natural areas to create less fragmentation of the natural system. We recommend that the AIS team amend their section to not prohibit the natural movement of native aquatic organisms.
- The Lake Michigan tributaries located in Lake and Cook Counties of Illinois do not appear to be considered in "critical geographies." We recommend that these highly urbanized and urbanizing tributaries should be considered for restoration and preservation, especially the buffer communities.
- Our communities within the NSLMCI have limited financial capacity for action plan items. We request your thoughtful consideration of the local funding constraints for any mandated action plan items.

Specific Comments by Topic:

We have the following specific comments arranged by strategy team topic.

1. Aquatic Invasive Species

We strongly support efforts to protect the Great Lakes from aquatic invasive species and urge our elected officials to support the quick passage of S.770 the National Aquatic Invasive Species Act.

As discussed in the overall comments, we support the recommendations for canals and waterways so long as beneficial and native species passage is not prohibited to the extent practicable. We recommend the wording of Recommendation 2 be amended to reflect this.

We strongly support Recommendations 3, 4, and 5 of this section. However, we recommend that more emphasis on local coastal community participation be included in Recommendation 4. We recommend including the coastal communities in the rapid response teams, or at least coordination with the Great Lakes Federal Rapid Response Team.

We urge that the discharge of ballast water from ocean-going ships without an National Pollutant Discharge Elimination System (NPDES) permit be banned in the Great Lakes and accordingly recommend that U.S. EPA amend its regulations at 40 Code of Federal Regulations Part 122 to accomplished this.

2. Habitat/Species

The Goals and Milestones for open/near shore waters to encourage self-sustaining populations of non-native game fish to stabilize fish communities are unclear. Is the intent to introduce non-native game fish to the Great Lakes? What will the impact be on our native species?

We support funding increases for habitat conservation and species management as listed in the overall recommendation. However, we find that the anticipated cost of wetland restoration in Recommendation 2, specifically the unit cost per acre of wetland restoration, to be inadequate. The price of land within the shoreline communities of the Great Lakes Basin is likely much higher. In Lake County, Illinois, for example, the typical restoration cost of 1 acre of wetland is \$20,000 to \$40,000. While we strongly support this recommendation, the overall cost should be adjusted accordingly to reflect both the current price and high priority of this recommendation.

A companion action item to wetland restoration should be to prevent further wetland losses in the basin in the first place. The Action Plan does not reflect the nation's no-net-loss goal, or the President's net-gain policy for wetlands. We recommend adding no-net-loss of wetlands as a goal within the basin likely to be carried out by the associated U.S. Army Corps of Engineers Districts (USACE) and U.S. Environmental Protection Agency regions that cover the Great Lakes. Please note that many USACE districts have a programmatic no-net-loss goal that can replace wetlands impacted within a Great Lakes watershed to areas outside of the basin but that still technically meet the no-net-loss programmatic goal. Our suggestion would prohibit this practice.

Concerning Riparian Habitats, we strongly recommend that Recommendation 3 be modified to indicate new regulations as an alternative to easements, acquisition, or cost share projects. We recommend including the regulatory requirement of buffers of some sort for all coastal communities. For example, in Lake County, Illinois, buffers to creeks, streams, rivers, and wetlands, are required for all new development by a countywide ordinance. In this sense, the public provides the requisite funding as development occurs.

3. Coastal Health

We recommend that the action plan place more emphasis on shoreline protection, both in action plan goals and associated funding. The natural processes that formed and maintained beaches in our geographic area are no longer active. Shoreline and ravine erosion will cause significant property damage if not prevented by beach restoration. However, one shoreline community's actions may impact another community's efforts. To prevent this from occurring, we recommend a regional approach that would understand the big picture for shoreline restoration. We recognize that shoreline restoration techniques are evolving over time and the action plan should place emphasis on utilizing the latest shoreline protection methods. We support the natural sand migration characteristic of Great Lakes shoreline as a way to enhance coastal habitats. Sand migration is not addressed in the Action Plan.

Another related item missing in the action plan is the protection and restoration of our bluff and ravine ecosystem. Although ravines and bluffs may be a minor shoreline community overall, they represent unique ecosystems that are at risk for severe erosion from runoff and

July 28, 2005

from unprotected wave action. We recommend adding wording that addresses ravine and bluff restoration and protection, including federal funding levels.

While we support each of the four goals recommended by the coastal health strategy team, we recommend adding a fifth goal that states a desired timeframe for detection and dissemination of information regarding beach closures. This is mentioned in the interim milestones for the third goal, but we advocate bringing this topic to a higher level and proposing a specific time frame for detection and public notification (i.e. within 2 hours, etc.) We believe the sharing of best practices throughout the Great Lakes should be facilitated by the Action Plan. As an example a method of predicting high bacteria levels (Swimcast) is being tested in our area. It eliminates the typical lag that results in delayed beach closings. This method could be effectively employed in many areas of the Great Lakes.

Recommendation 1: We support this level of funding as a way for the NSLMCI to replace leaky sanitary pipes that are aligned along the Lake Michigan shoreline. This potentially large indirect pollution source affects our coastal and near shore areas. Due to the potentially large local cost for this action item, we strongly recommend that the bulk of the funding come from federal sources.

Recommendation 3: The Action Plan discusses the importance of real-time testing as "front lines of defense for determining when contaminant influxes are most likely to impact human health" p.24, but inadequately funds this initiative. The recommended funding for this item is disproportionately low, in light of its importance to the success of the Action Plan. Therefore, we recommend that the work group revisit its funding recommendation, keeping in mind the overall, interdependent goals of the Action Plan.

4. Areas of Concern (AOC)/Sediments

We strongly support the action items listed in the AOC/Sediments chapter and concur that restoration of the AOC's is critical to the restoration of the Great Lakes. The NSLMCI supports the cleanup and delisting of the Waukegan Harbor as this site is within our collaborative's area and represents a significant environmental concern. We would like to reinforce that a significant population lives near this site.

5. Non-Point Source

We support controlling runoff containing pesticides and fertilizers into Great Lakes System waters. Although it is not a significant issue in our suburban communities, we support the need for "comprehensive nutrient and manure management on livestock farms that impact Great Lakes System waters.

Recommendation 5 for this section is unclear. What is meant by the term to "hydrologically improve" a watershed? The appendix indicates that man-made alterations may increase runoff, erosion, and limit groundwater recharge. The ultimate cause for hydrologic alteration is typically related to development of upland and wetland sites. We recommend that a better approach is to prevent significant hydrologic alteration by regulations requiring a specific allowable release rate based on the increased impermeability of a site. Lake County, Illinois already has a countywide ordinance that provides these types of regulations and can be used as a model for other local entities. The ordinance can be viewed at: <http://www.co.lake.il.us/smc/regulatory/wdo/docs.asp>.

July 28, 2005

6. Toxic Pollutants

Unless identified in the Regional Collaboration documentation or other supporting materials, we suggest the first step and goal should be to identify and prioritize the persistent toxic substances and regularly review the prioritized list of substances based on the latest information about the properties of the toxic substances and their potential threats to human and wildlife health.

The first recommendation lists several categories of toxic substances, but should also include disposal of unused or unwanted pharmaceuticals and personal care products (PPCPs).

Generation, storage, transport, and security of nuclear waste from the 16 nuclear reactors located in the Great Lakes System should be addressed by this strategy team's goals and recommendations.

What is meant by the term "coordinated intergovernmental strategies" in Recommendation 1?

We recommend that a goal be set to eliminate or at least drastically reduce the largest local source of mercury deposition in the basin – the mercury emissions from coal fired power plants. The recent 2005 EPA regulation promulgated under the Clean Air falls far short of meeting this goal for the Great Lakes Basin. While this recommendation is controversial, mercury reduction and virtual elimination from the Great Lakes basin would be a significant positive environmental and health benefit.

7. Indicators and Information

There exists a lack of integrated information. We recommend incorporating coastal communities as data samplers of shoreline and near shore conditions as a way to become more involved in the restoration effort and as a way to defray costs. Our NSLMCI communities have access to GIS data technology and would be willing to discuss data sharing agreements with federal and state governments.

We believe that education and communication at the local and community level are critical to the success of several elements of the action plan. In addition, many of the recommendations involve data collection, which could be carried out by local municipalities, communities, and schools. We recommend integrating data collection, education, and communication throughout local communities and schools by establishing infrastructure and providing support for local citizens to obtain data, learn about the Great Lakes and their health, as well as obtain a closer connection and vested interest in their protection.

We request inclusion of education kiosks and workshops, held at the local level, in the federal funding amount. These items would encourage reduced littering, improved stormwater management and more sustainable land use practices.

8. Sustainable Development

While we do concur with the assertion that the most important decisions impacting sustainability are made by individuals, the Action Plan does not place enough emphasis on the corporations and municipalities that likely have more impact (possibly negative) on the Great Lakes system than any individual or groups of individuals could have. In fact, it is in the best interest of these same corporations and municipalities to have a sustainable

July 28, 2005

environment that can provide a stable and efficient work force. For this item, we recommend that the plan address the ways in which corporations and municipalities can be part of the solution. For example, we suggest that corporations and municipalities be encouraged to change their mission statements and business models to reflect the global importance of our Great Lakes.

Any sustainable model should both promote economic development in areas that can support it and protect the environment. We recommend adding a goal of identifying and recognizing those areas that have land use or watershed management plans already prepared, and provide support for those plans.

The value of fostering public interaction with the Great Lakes cannot be overstated. In our area a large portion of the population takes Lake Michigan for granted or is barely aware of its presence in spite of the fact that many of these people get their water from the lake. By bringing people to the lake, both for educational and recreational purposes we can cultivate an emotional tie to the Great Lakes. This will translate into an attitude of stewardship and continuing support for government sponsored programs to protect and improve the lakes. We strongly encourage the action plan include a recreational/educational component. This will be significantly effective in densely populated areas such as ours.

Conclusion

As stated above, we applaud the work on the Action Plan and hope that the document, with appropriate revisions, is passed, funded and put into practice. We hope that our comments on the Action Plan are well received and appreciate the opportunity to contribute to the drafting process. Please direct any questions or follow-up correspondence to City of Highland Park Councilman Steve Mandel. Thank you.

James
Schardt/R5/USEPA/US
09/08/2005 02:06 PM

To
Subject

Nancy, these are the comments from R5 that didn't appear in the consolidated memo. Please forward these comments to our contractor so that they can be considered by the GLRC writing teams during the next phase of revising the draft that went out for public comment.

-jamie

----- Forwarded by James Schardt/R5/USEPA/US on 09/08/2005 02:02 PM -----

Sue Brauer/R5/USEPA/US
09/06/2005 03:49 PM

To Macara Lousberg/DC/USEPA/US@EPA, James
Schardt/R5/USEPA/US@EPA
cc Jose Cisneros/R5/USEPA/US@EPA, Mary
Setnicar/R5/USEPA/US@EPA, Bruce
Sypniewski/R5/USEPA/US@EPA, Margaret
Guerriero/R5/USEPA/US@EPA

Subject Policy issues from Region 5 Waste Pesticides and Toxics
Division; see att. for facts

Macara and Jamie,

As we discussed by telephone earlier this afternoon, I am providing comments from the Waste, Pesticides, and Toxics Division in Region 5. The biggest policy issue is the AOC/Sediments chapter (polluter pays vs. we all pay and cleanup levels) and the Indicators and Information chapter. Additional comments are in the attached file.

AOC/Sediments

Establishing final restoration targets for delisting is identified as one of three primary barriers to further progress in the AOCs (p. 26). Monitoring to know when a target has been reached is also needed. Superfund and RCRA remedial site activities are typically negotiated and the inclusion of monitoring is on a site-by-site basis. In areas of concern undergoing remediation, fish sampling, by natural resource managers, in order to prepare state fish consumption advisories may be the only monitoring. The clean-up targets vary according to state authorities and depend on the planned use of the site (industrial, commercial, residential, or unique to the site). These clean-up targets and existing criteria in RCRA solid waste, RCRA hazardous waste, TSCA clean-up policy, and TSCA regulated material rely on different risk assessment endpoints. The levels differ for a single chemical.

As the authors know, sediment remediation projects are technically involved, politically complex, controversial and costly. In contrast, many of the recommended approaches provided in the document seem idealistic and simplistic. For example, even with additional funding and a "one-stop shopping" approach (recommendation 1, p. 27), the Legacy Act will very likely still be

subject to many of the same limitations that have hindered sediment remediation projects to date (e.g., legalities, PRP liability issues, disposal capacity, facility siting, cleanup criteria, etc.).

The report states that the Great Lakes Legacy Act should be the primary authority to address contaminated sediments in the Great Lakes (recommendation, p. 27). I do not disagree with that; however, it seems to me that we should encourage the use of multiple authorities in order to maximize our efforts in addressing the problem. The report seems to be putting all of its eggs in one basket, for lack of a better term, and I am not sure that is wise. I would suggest that the report emphasize the benefit of additional appropriations for other authorities such as the Water Resource Development Act (WRDA) to allow the USACOE to increase environmental dredging under their programs. I would also like to see the report encourage the creative use of other regulatory authorities when applicable, such as CERCLA and RCRA Corrective Action. There have been instances where these other authorities have been successful in contaminated sediment remediation projects and should not be discounted.

Many of the U.S. AOCs are associated with Federal navigation projects. At some of these sites, the presence of contamination has presented problems that have significantly delayed navigational dredging, e.g., Indiana Harbor. However, in addition to the inherent difficulties associated with the dredging and disposal of contaminated sediments, the current COE navigational dredging policy has presented further challenges. For example, the cost/benefit analysis method for navigational dredging precludes complete consideration of the inherent environmental advantages. For AOCs these include the removal of contamination from near shore environment and the creation of a "sediment trap" in the now deepened channel. Sediment traps can significantly reduce the ongoing discharge of impacted sediment to the Lakes. At other AOCs navigational dredging has proceeded (e.g., the Saginaw River), although sediment removal from the Federal channel has not been sufficiently extensive to remediate/eliminate contamination problems and restore "impaired uses." For at least some of these sites, use-impairment would benefit from the removal of sediments beyond and/or beneath the limits of the Federal navigation channel. However, this is made difficult by limitations associated with the current COE policy as well as funding. Given the potential benefits, consideration should be given to altering COE policy to better reflect the environmental advantages inherent in navigational dredging projects and provide the flexibility required to enhance navigational projects to include environmentally motivated alterations such as dredging beyond the authorized channel. With such policy amendments and their current organization and expertise, the COE should be better positioned to accelerate the remediation of those AOCs associated with authorized Federal navigation. This approach would also be consistent with the Strategy's goal of "making more effective use of the authorities, programs and funding already available..."

Although I do not disagree with the recommendation (number 4, p.29) that we "promote development of clean treatment and destruction technologies, beneficial use and disposal options", we may want to be careful about what we say about the current disposal methods, mainly the use of confined disposal facilities (CDFs). The report states "While it undoubtedly improves the conditions of the waterways, removal of contaminated sediments to a disposal facility simply relocates the contamination. Disposal facilities can be difficult to site and build, and the lack of adequate disposal capacity keeps cleanups from moving forward. Alternatives to

disposal would address these issues." At this point, the only feasible alternative available for large scale dredging projects is the use of CDFs, and the lack of capacity does certainly stem from the difficulty in siting and building these facilities. However, until new treatment, destruction, beneficial use or disposal options are developed, we do need to rely on the use of CDFs to move clean-ups forward. So, in addition to suggesting research in developing alternatives, I would like to see the report promote more work in designing improved CDFs and promoting an improved process for working with communities to site CDFs. If we could get acceptable siting, build adequately designed facilities and operate & maintain them properly, CDFs could continue to be a sound interim disposal method until other technologies are available for large-scale clean-ups. Otherwise, sediment remediation projects will certainly be delayed.

A great deal of money and effort have already been expended examining "innovative approaches" to sediment disposal and developing "viable" treatment technologies for sediments. Such technologies are being investigated by EPA and grantees for use in the RCRA and Superfund programs.

In addition, the report states that, in order to increase disposal capacity, the Corps and state agencies should encourage local communities to "mine" existing CDFs for beneficial use of dredged material. I would like to see some clarification or elaboration of this point. Are there technologies available for beneficial reuse of contaminated sediment? Have CDFs been "mined" for reuse of contaminated dredged materials? Perhaps an example of where this has been successful would be helpful.

Current Office of Solid Waste priorities for reuse are foundry sand and coal combustion by-products. Lessons learned from these materials might be applicable to dredged sediments. For a short while, I was the corrective action project manager for GM-Saginaw Grey Iron on the Saginaw River. Foundry sands with 3 ppm PCB were widely spread. Michigan DEQ classified the foundry sand as 'inert' so that it could be used in road construction. The Saginaw River is contaminated with PCBs. PCBs could be evaporating from the sand and deposited atmospherically. A colleague in TSCA tells me that when PCBs are subject to TSCA, they start negotiations at 1 ppm clean-up level. Under the RCRA voluntary corrective action memoranda of agreement with States, this Division allows PCBs to remain in place up to 50 ppm if the site will be reused for industry. In Waukegan Harbor, the initial clean-up level for PCBs was 50 ppm. Initially, the fish tissue concentrations of PCBs declined and the 'don't eat the fish' signs came down, meaning that the fish in Waukegan Harbor are no more contaminated than in the rest of Lake Michigan. The latest fish analytical results show increased PCB concentrations. The signs are going back up and the new clean-up level is closer to 1 ppm. Shouldn't a lower acceptable concentration be established everywhere no matter what the intended land use?

In summary, we agree with the recommendations:

- to reauthorize the Great Lakes Legacy Act, especially to remediate AOCs where contamination cannot be linked to a regulated RCRA or Superfund site;
- to fund regional coordination and program implementation efforts;
- to establish a Federal-State AOC coordinating committee; and,
- to promote development of clean treatment and destruction technologies, beneficial use,

and disposal options.

While the dollar amount requested is appropriate considering the need, we think the Great Lakes are unlikely to receive this amount.

The entire Indicators and Information chapter must be re-written using the indicator and information needs identified in the Aquatic Invasive Species, Habitat/Species, Coastal Health, AOC/Sediments, Nonpoint Source, Toxic Pollutants, and Sustainable Development chapters!



WPTD review2.doc
Sue Rodenbeck Brauer
U.S. EPA, Region 5 (DW-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
phone (312) 353-6134
fax (312) 353-4788
brauer.sue@epa.gov

----- Forwarded by James Schardt/R5/USEPA/US on 09/08/2005 02:02 PM -----



Sue Brauer/R5/USEPA/US
09/07/2005 08:29 AM

To Macara Lousberg/DC/USEPA/US@EPA
cc James Schardt/R5/USEPA/US@EPA

Subject ANOTHER POLICY ISSUE

Hi Macara,

Here's an issue for internal EPA discussion. I didn't think of this while reviewing the GLRC because it doesn't question expenditure of existing program money.

For preparation of the Clean Water Act section 303(d) list of impaired waters and section 305(b) reports on the quality of state waters, states are moving or have moved to probabilistic sampling. This means that they are less likely than before to routinely measure the indicators of water quality in Great Lakes AOCs through clean water programs. Some Great Lakes tributaries may never have been sampled in order to prepare a 303(d) list or 305(b) report because the resources are limited, regardless of the sample location selection method.

The RCRA program receives Great Lakes Initiative RCRA section 3011 money to distribute to the States. The Region 5 total amount has been about \$2 million annually from 1992 through 2002, with peaks of \$2.5 million from '93 to '95. This is about one tenth the Region 5 total RCRA section 3011 State grant amount (varying between \$19 and \$21 million from 1992 to 2002). This money ends up supplementing the base hazardous waste program, especially now as other resources (both State and Federal) dwindle, although it has been targeted for pesticide collection events due to Great Lakes concerns. Some contaminants causing impairments in AOCs may be from solid waste, unless the contaminant is only air-deposited (are any only air deposited?--no). If a contaminant can be associated with solid waste, then RCRA 7003 imminent and substantial endangerment authority applies and maybe some monitoring under RCRA section 3013 could be performed by the State (if there is not an associated responsible party). This is not

something the Region can proceed with unless OGC, OECA, and OSW concur. The Great Lakes AOC application of RCRA 3011 money (when not applied to a component of a states established RCRA program) to monitor contaminated sediment and/or biota in AOCs would have to be okayed by Headquarters before any RCRA Branch Chief in the Region would encourage States to use it.

Sue Rodenbeck Brauer
U.S. EPA, Region 5 (DW-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
phone (312) 353-6134
fax (312) 353-4788
brauer.sue@epa.gov

----- Forwarded by James Schardt/R5/USEPA/US on 09/08/2005 02:02 PM -----



Sue Brauer/R5/USEPA/US

09/07/2005 04:48 PM

To James Schardt/R5/USEPA/US@EPA, Macara
Lousberg/DC/USEPA/US@EPA
cc

Subject table attachments

Hi Jamie and Macara,

In the Region 5 Waste Pesticides and Toxics Division comments on the Great Lakes Regional Collaboration draft strategy, I referred to tables summarizing TSCA and FIFRA data requirements. The tables are attached. A similar table should be prepared for the Food Drug and Cosmetics Act, then all three tables should be combined to replace pages of text in the regulatory controls white paper (an appendix to the Toxic Pollutants chapter).

In addition, I wasn't able to incorporate the FIFRA and TSCA review comments before sending yesterday. They are included below and should be forwarded to the Toxic Pollutants Team. Thank you so much for accepting these late comments.

Sue Rodenbeck Brauer
U.S. EPA, Region 5 (DW-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
phone (312) 353-6134
fax (312) 353-4788
brauer.sue@epa.gov

Pesticides (from Margaret Jones)

Here is the table on FIFRA data requirements. The approach I took was to cover all of the ways information is gathered on pesticides, starting with registration and various activities thereafter.

I reviewed the entire report and, in response to the request to take a look at biocides, I took another look at the chapters on invasive species and coastal health and found nothing on biocides in those chapters.

I primarily reviewed the appendix on PBT Reduction. The section on pesticide laws, pp 40-42 needs two changes. You can also state in the title this has been updated in 2005 (rather than 1998, which makes it

sound out of date, although I found it very accurate for the most part.) 1. Add a statement under the first bullet on page 41 to state that the re-registration review is now expected to be completed in 2008 (rather than 2006). 2. Under the paragraph on FQPA on page 42, line 8, I did not find a reference for TSCA within FQPA.

I recommend replacing the list of FIFRA data requirements on pages 2-3 with the following table. I added web addresses for more information, which you could include in your list of web references, if you wish to put these all in one location.



FIFRA table for Sue.doc

To the list of PBT web sites, I recommend adding a link to the clean sweep report on the OPP web:

http://www.epa.gov/pesticides/regulating/clean_summ.htm

I also recommend adding the link to the National Pesticide Stewardship Alliance www.npsalliance.org which has a lot of good information about pesticide disposal, container recycling and other pesticide topics.

TSCA from Tom Crosetto

Sue - attached is my current version of the table summarizing TSCA and FIFRA data requirements. Margaret Jones is working on her own version of the comparison table independently of me, so you'll likely have to incorporate her information into my table, vice versa, or whatever you want to do. [Incorporate Tom's into Margaret's-SRB]

I must say that the two TSCA write-ups in the addenda that you photocopied for me yesterday are really good, so I don't have any comments on them and you don't need to incorporate any part of my narrative into them. [deleted Tom's summary]

FYI, I'll be leaving for Akron, Ohio on Monday morning the 22nd at about 10 am and returning Friday the 26th at about 6 pm.



FIFRA-TSCA table for Sue, Crosetto version.doc

DATE:

TO: Executive Committee, Great Lakes Regional Collaboration
c/o Great Lakes National Program Office

FROM: Margaret M. Guerriero, Director
Waste, Pesticides and Toxics Division

SUBJECT: Great Lakes Regional Collaboration Draft Action Plan (July 2005) Review

Today, the needs of the Great Lakes pale in the face of damage by Hurricane Katrina and the ongoing war in Iraq. The Great Lakes Regional Collaboration, Strategy to Protect and Restore the Great Lakes Draft Action Plan (July 2005) is equally important though not as urgent as disaster response. I am pleased to comment on the draft action plan, as my Division has been very active in management of the threats posed to human health and the Great Lakes environment. We manage remediation of waste and underground tank sites, encourage Brownfield redevelopment, fund waste pesticide collection projects, encourage early retirement of PCB-containing electrical equipment, and support the Great Lakes Binational Toxics Strategy and Lakewide Management Plans. In the rest of this memo, I will provide general comments, including the feasibility and advisability of the recommendations, their relative importance, and the likelihood that the recommendations will produce substantial ecosystem improvement. Comments on the Executive Summary and Introduction, Aquatic Invasive Species, Habitat/Species, Coastal Health, AOC/Sediments, Nonpoint Source, Toxic Pollutants, Indicators and Information, and Sustainable Development are in an attachment.

In general, the issue teams successfully considered the overarching issues of human health, tribal perspectives, and research and information in preparing each chapter. I assume that the final strategy will be professionally edited so that chapter organization and style will be consistent, all acronyms spelled out, and that common content in various chapters may be combined to allow one discussion of greater breadth and depth rather than make repetitious points. Such revision is most clearly needed in the indicators and information chapter, which gives too little weight to the collaborators' data analysis and indicator needs. Each of the other issue teams identifies needs for indicators and information. The information and indicators chapter should consider those needs.

A weakness of the strategy might be to focus on the assigned issue too narrowly. With respect to aquatic species, the Great Lakes problems originated with construction of the St. Lawrence seaway. How would construction and operation costs of ships devoted to the Great Lakes along with multi-modal transfer stations compare to the potentially increasing costs of eliminating organisms from ballast, exotic species control and loss of the Great Lakes commercial and sport fishery? Is the St. Lawrence seaway sustainable in a Great Lakes Basin ecosystem context? The economic value of Great Lakes-ocean commerce likely dwarfs every other use. All decisions do not have to be decided based on cost/benefit analysis; sustainability is key.

If you have questions about any of the Division's comments, please contact me at (312) 886-7435 or Ms. Sue Brauer of my staff at (312) 353-6134.

Attachment

cc:

F:\user\sbrauer\GLRC\WPTD comments, 09/02/2005 SRB, 9/6/2005SRB

ATTACHMENT – WPTD Comments

Executive Summary and Introduction

In the final Action Plan, the Executive Summary and Introduction sections should collectively be no longer than 5 pages. The summary of the strategy team reports on pages 2 to 4 is appropriate. The bulleted statements on page 6 are too general. If they are included, the statements must be more specific. For example, the first bullet should name the aquatic invasive species (presumably, zebra mussels).

Some of the introduction (e.g., “thriving fishery”) undermines the message that help is needed (e.g., aquatic invasive species control).

Aquatic Invasive Species

On page 13, the rationale for the fourth recommendation addresses the need for a central place for the public, researchers, managers, and the public to report Aquatic Invasive Species. This is feasible, and the National Response Center for oil or chemical spills (1-800-424-8802) is an example of a comparable mechanism. However, the National Response Center has an institutionalized response mechanism. A similar bureaucracy would be needed to respond to AIS reports.

Perhaps the recommendations should include modification of the Clean Water Act so that creatures beside shellfish, fish, and wildlife are protected as parts of a balanced, indigenous population.

All of the recommendations total to an amount much lower than the five billion dollar estimate of the economic loss due to AIS.

Habitat/Species

New York and Pennsylvania should be included in the state-by-state list of extirpated species.

Coastal Health

The goal of achieving a 90-95 percent reduction in bacterial, algal, and chemical contamination at all local beaches (p. 21) may not be realistic. Wildlife (including birds) may contribute more than 5-10 percent of contamination.

The recommendation one on pages 22-23 is for end-of-pipe controls. Couldn't the need for some of these wastewater treatment controls be reduced through zoning to minimize

the amount of paved or hard surfaced land? Land-use planning and BMPs are mentioned in the rationale. They should be in the recommendation itself.

AOC/Sediments

Establishing final restoration targets for delisting is identified as one of three primary barriers to further progress in the AOCs (p. 26). Monitoring to know when a target has been reached is also needed. Superfund and RCRA remedial site activities are typically negotiated and the inclusion of monitoring is on a site-by-site basis. In areas of concern undergoing remediation, fish sampling, by natural resource managers, in order to prepare state fish consumption advisories may be the only monitoring. The clean-up targets vary according to state authorities and depend on the planned use of the site (industrial, commercial, residential, or unique to the site). These clean-up targets and existing criteria in RCRA solid waste, RCRA hazardous waste, TSCA clean-up policy, and TSCA regulated material rely on different risk assessment endpoints. The levels differ for a single chemical.

As the authors know, sediment remediation projects are technically involved, politically complex, controversial and costly. In contrast, many of the recommended approaches provided in the document seem idealistic and simplistic. For example, even with additional funding and a "one-stop shopping" approach (recommendation 1, p. 27), the Legacy Act will very likely still be subject to many of the same limitations that have hindered sediment remediation projects to date (e.g., legalities, PRP liability issues, disposal capacity, facility siting, cleanup criteria, etc.).

The report states that the Great Lakes Legacy Act should be the primary authority to address contaminated sediments in the Great Lakes (recommendation, p. 27). I do not disagree with that; however, it seems to me that we should encourage the use of multiple authorities in order to maximize our efforts in addressing the problem. The report seems to be putting all of its eggs in one basket, for lack of a better term, and I am not sure that is wise. I would suggest that the report emphasize the benefit of additional appropriations for other authorities such as the Water Resource Development Act (WRDA) to allow the USACOE to increase environmental dredging under their programs. I would also like to see the report encourage the creative use of other regulatory authorities when applicable, such as CERCLA and RCRA Corrective Action. There have been instances where these other authorities have been successful in contaminated sediment remediation projects and should not be discounted.

Many of the U.S. AOCs are associated with Federal navigation projects. At some of these sites, the presence of contamination has presented problems that have significantly delayed navigational dredging, e.g., Indiana Harbor. However, in addition to the inherent difficulties associated with the dredging and disposal of contaminated sediments, the current COE navigational dredging policy has presented further challenges. For example, the cost/benefit analysis method for navigational dredging precludes complete consideration of the inherent environmental advantages. For AOCs these include the

removal of contamination from near shore environment and the creation of a "sediment trap" in the now deepened channel. Sediment traps can significantly reduce the ongoing discharge of impacted sediment to the Lakes. At other AOCs navigational dredging has proceeded (e.g., the Saginaw River), although sediment removal from the Federal channel has not been sufficiently extensive to remediate/eliminate contamination problems and restore "impaired uses." For at least some of these sites, use-impairment would benefit from the removal of sediments beyond and/or beneath the limits of the Federal navigation channel. However, this is made difficult by limitations associated with the current COE policy as well as funding. Given the potential benefits, consideration should be given to altering COE policy to better reflect the environmental advantages inherent in navigational dredging projects and provide the flexibility required to enhance navigational projects to include environmentally motivated alterations such as dredging beyond the authorized channel. With such policy amendments and their current organization and expertise, the COE should be better positioned to accelerate the remediation of those AOCs associated with authorized Federal navigation. This approach would also be consistent with the Strategy's goal of "making more effective use of the authorities, programs and funding already available..."

Although I do not disagree with the recommendation (number 4, p.29) that we "promote development of clean treatment and destruction technologies, beneficial use and disposal options", we may want to be careful about what we say about the current disposal methods, mainly the use of confined disposal facilities (CDFs). The report states "While it undoubtedly improves the conditions of the waterways, removal of contaminated sediments to a disposal facility simply relocates the contamination. Disposal facilities can be difficult to site and build, and the lack of adequate disposal capacity keeps cleanups from moving forward. Alternatives to disposal would address these issues." At this point, the only feasible alternative available for large scale dredging projects is the use of CDFs, and the lack of capacity does certainly stem from the difficulty in siting and building these facilities. However, until new treatment, destruction, beneficial use or disposal options are developed, we do need to rely on the use of CDFs to move clean-ups forward. So, in addition to suggesting research in developing alternatives, I would like to see the report promote more work in designing improved CDFs and promoting an improved process for working with communities to site CDFs. If we could get acceptable siting, build adequately designed facilities and operate & maintain them properly, CDFs could continue to be a sound interim disposal method until other technologies are available for large-scale clean-ups. Otherwise, sediment remediation projects will certainly be delayed.

A great deal of money and effort have already been expended examining "innovative approaches" to sediment disposal and developing "viable" treatment technologies for sediments. Such technologies are being investigated by EPA and grantees for use in the RCRA and Superfund programs.

In addition, the report states that, in order to increase disposal capacity, the Corps and state agencies should encourage local communities to "mine" existing CDFs for beneficial use of dredged material. I would like to see some clarification or elaboration

of this point. Are there technologies available for beneficial reuse of contaminated sediment? Have CDFs been "mined" for reuse of contaminated dredged materials? Perhaps an example of where this has been successful would be helpful.

Current Office of Solid Waste priorities for reuse are foundry sand and coal combustion by-products. Lessons learned from these materials might be applicable to dredged sediments.

In summary, we agree with the recommendations:

- to reauthorize the Great Lakes Legacy Act, especially to remediate AOCs where contamination cannot be linked to a regulated RCRA or Superfund site;
- to fund regional coordination and program implementation efforts;
- to establish a Federal-State AOC coordinating committee; and,
- to promote development of clean treatment and destruction technologies, beneficial use, and disposal options.

While the dollar amount requested is appropriate considering the need, we think the Great Lakes are unlikely to receive this amount.

Nonpoint Source

On page 30, the draft states that "funding to increase point source control beyond 90 or 95 percent is less effective than providing the same amount of funding to address nonpoint sources. A reference should be provided.

The final draft should identify connections between coastal health (CSOs, SSOs) and these nonpoint source recommendations: 1) "wetland conservation efforts should occur throughout the watershed in areas strategically selected to best impact water quality concerns" (p. 32) and 5) A new, integrated federal initiative is needed to address flow regime issues in urban watersheds including infiltration and groundwater recharge. The anticipated results and benefits of protecting, conserving, and improving the hydrology of watersheds will be reduced infrastructure costs due to elevated stream flows and excessive sediment loadings, improved shipping capacity, increased public use, and improved aquatic ecosystem health (p. 34).

Toxic Pollutants

It is not clear whether Recommendation 1 (p. 36) or Recommendation 2 (p. 37) is supposed to include 'finishing the job using existing laws and regulations' through permitting and enforcement. The bullets under recommendation 1 focus on mercury from utilities (controlled by permits), PCB electrical equipment (voluntary phase down), dioxins and furans (sources controlled by permits are the largest known; burn barrels are the largest uncontrolled) and cancelled pesticide collection (voluntary/ hazardous wastes). It's not effective to mix existing environmental control regulatory programs with the Binational Toxics Strategy because the point is lost.

Recommendation 2 includes “sound disposal of toxic chemicals” and sounds like it is going to include regulatory control, but limits actions to waste minimization and P2. The good accomplished through regulatory programs is much more powerful than pollution prevention and waste minimization programs. U.S. EPA reviews chemicals entering commerce under the Toxic Substances Control Act, as amended (TSCA) and Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA). The Food and Drug Administration similarly reviews Food, Drug, and Cosmetic Act. TSCA, FIFRA, and FFDCAs are not only pollution prevention and waste minimization programs!

Revised recommendation 1: Reduce and virtually eliminate releases of mercury, PCBs, dioxins and furans, pesticides and other substances that harm the Great Lakes Basin ecosystem, through coordinated enforcement, permitting, and voluntary actions.

- Mercury: include other controls, like CWA GLI. also in sediments???
- PCBs: Coordinate RCRA and TSCA regulatory controls for contaminated sediment and encourage replacement of PCB-containing electrical equipment
- Dioxins and furans: Implement regulatory controls for combustion units and discourage uncontrolled burning of solid waste
- Pesticides: Implement regulatory controls and continue waste pesticide collections. At the national level, continue pesticide special reviews, re-registration, and registration review.
- Supplemental environmental projects should continue to include energy efficiency and pollution prevention.

Revised recommendation 2: Prevent new toxic substances from entering the Great Lakes Basin: Target production and use of toxic substances, including strategic deployment of pollution prevention and waste minimization programs.

- “bundle” and “one-stop-shop” as is;
- new bullet beginning with “Tax incentives”
- Continue pesticide registration under FIFRA, pre-manufacturing notice reviews pursuant to TSCA, and Food and Drug Agency reviews pursuant to the Food Drug and Cosmetic Act; and,
- Conduct strategic reviews of TSCA-regulated chemicals using available models.

In addition, WPTD staff prepared a table summarizing FIFRA and TSCA data requirements to better illustrate the meager TSCA requirements in comparison to robust FIFRA requirements, which allow protection of the ecosystem. The tables will be provided to the writing team.

Finally, the Toxic Pollutants chapter should incorporate references to relevant GAO audits.

Indicators and Information

From an IT perspective, we compliment the issue team for a very thorough, thoughtful assessment of the existing IT problem and recommended actions. We are glad to see the specifications for data collection and exchanges, i.e. data standards, data quality requirements, metadata, and data exchanges, which are essential for data quality, partnerships, and other collaboration on research and assessment of the Great Lakes ecosystem. Regarding the funding for implementing the IT recommendations, some actions are interagency. Are the other partner agencies onboard with contributing to funding the particular action?

The fourth paragraph of the problem statement is factually incorrect. Observing systems, including sensors, stations, and networks are not the primary means for gathering information on the chemical characteristics of the Great Lakes. For Lake Michigan's open waters, the only monitoring data is fish tissue. All other chemical data is from short-term projects. Furthermore, the described tools do not assess the progress of chemical restoration. In fact, GEOSS Task 5, EPA Water Pollution & Earth Observation isn't scheduled to occur until October 2005, and Task 8 planning a weeklong workshop on human health and the environment and earth observation is well into the future. I visited the Illinois, Indiana, Michigan, and Wisconsin linked sites, with Lake Michigan in mind, and saw the uses described as follows: in Wisconsin, 'water quality monitoring'; in Michigan, oil spills and algal blooms; in Indiana, water quality monitoring, storms, and nonpoint source pollution; and in Illinois, protect watersheds through water quality monitoring. These activities don't help us tell whether it's okay to eat the fish, drink the water, or recreate in it.

On page 41, the statement "Any new restoration efforts will require coupled research and observation programs" is correct, but the research and observation programs won't be based on remote sensing technology.

On page 41, the second paragraph addresses 'information,' but it addresses data. Data is not information until the data is analyzed. While strong, formal data exchange partnerships among Great Lakes organizations underlies many of the constraints, I think the biggest constraint is holding the data until the grantee-principal investigator publishes it.

Significantly, the first bullet on page 41 omits 'chemical' and adds social and economic research and technology.

The entire Indicators and Information chapter must be re-written using the indicator and information needs identified in the Aquatic Invasive Species, Habitat/Species, Coastal Health, AOC/Sediments, Nonpoint Source, Toxic Pollutants, and Sustainable Development chapters! Also, work already underway should be mentioned, such as the Great Lakes Information Network and GLNPO's GLENDA database. The Great Lakes Environmental Research Laboratory in Ann Arbor, Michigan performs some of the work included in this chapter.

DATA REQUIREMENTS FOR PESTICIDE REGISTRATION

Features	FIFRA data requirements for pesticide registration http://www.epa.gov/pesticides/regulating/data.htm
FIFRA requires data to be submitted based on the proposed use pattern in the registration application. Antimicrobial pesticides have special data requirements.	<p>Categories of Data Required for Pesticide Registration under FIFRA with references to details in 40 CFR Part 158:</p> <ul style="list-style-type: none"> Residue Chemistry (158.240) Environmental Fate (158.290) Toxicology (158.340) Reentry Protection (158.390) Spray Drift (158.440) Wildlife and Aquatic Organism (158.490) Plant Protection (158.540) Non Target Insect (158.590) Product Performance (158.640) <p>Categories of Pesticides with Special Data Requirements:</p> <ul style="list-style-type: none"> Biochemical Pesticides (158.690) Microbial Pesticides (158.740) Plant Incorporated Protectants (PIPs): Data Requirements are in progress; 40 CFR Part 174. Subpart H is reserved for Data Requirements for PIPs (Requirements in Part 158 and broad authority to require special studies are currently used to evaluate PIPs.)
Following registration, a pesticide may undergo further review for one or more reasons.	Section in FIFRA, CFR, or other reference
1. Reports of adverse effects	FIFRA §6 (a) (2): Adverse Effects: registrants required to report adverse effects at any time after registration http://www.epa.gov/pesticides/fifra6a2/
2. Additional data are needed	FIFRA §3 (c) (2) (b): "Data Call-In" is a notice to registrants that additional data are required to maintain an existing registration.
3. Major risk(s) involving significant	40 CFR § 154.7 Criteria for Initiation of

<p align="center">Features</p>	<p>FIFRA data requirements for pesticide registration http://www.epa.gov/pesticides/regulating/data.htm</p>
<p>adverse effects are discovered. Special Review could result in re-classification of a general use pesticide into a Restricted Use Pesticide, or other changes in labeling and use requirements to address risk. Economic benefits of the pesticide are considered.</p>	<p>Special Review: http://www.epa.gov/oppsrrd1/specialreview.html Risk of serious acute injury to humans or domestic animals; Oncogenic or serious heritable effect; Acute or chronic effects in non-target organisms; Risk to endangered or threatened species; Adverse modification of critical habitat for threatened or endangered species; Risk to humans or the environment which calls for re-evaluation of the risk/benefit determination</p>
<p>4. Re-Registration of pesticides (data requirements are the same as for registration, above)</p>	<p>Required for all pesticides originally registered prior to 1984. Expected to be completed in 2008. § 3(c) (2) (b) is used to address data gaps. http://www.epa.gov/pesticides/reregistration/</p>
<p>5. Registration Review (data requirements are the same as for registration, above)</p>	<p>New program which will be phased in as re-registration is completed. Will allow review of each pesticide every 15 years and will be ongoing. Comment period ends October 11, 2005. http://www.epa.gov/oppsrrd1/registration_review/index.htm</p>
<p>6. Incident reports, including plant damage, problems with application method, etc.</p>	<p>Reports from sources other than registrants, including individuals, Regions, States, etc. of problems with a product. Compiled in Incident Data System (IDS) and in Ecological Incident Information System (subset of IDS). http://www.epa.gov/pesticides/health/reporting.htm</p>
<p>Confidential Business Information Under FIFRA</p>	<p>Most pesticide data, although claimed confidential, can be requested through FOIA. Confidential Statements of Formula and pesticide production data (which is reported annually to Regions for each registered product) are confidential and rarely released.</p>

Comparison of FIFRA and TSCA Data Requirements
Before and After Chemicals Enter Commerce

Feature	FIFRA data requirements for registration of new active ingredient	TSCA data requirements for new chemical risk assessment [Premanufacture Notice (PMN)]
Data required for submission to EPA prior to beginning of review of new FIFRA active ingredient or new TSCA chemical.	FIFRA requires different datasets be submitted upfront depending on intended use of the pesticide. Antimicrobial pesticides have special data requirements.	Any human health or environmental effects data in submitter's possession must be submitted with PMN, but no automatic requirement for upfront testing. EPA uses other data during PMN review also, including data in published scientific journals. If dataset is incomplete, EPA will compare PMN chemical with structurally similar chemicals via a "Structure/Activity Relationship" process to try to predict toxicity.
Adverse Effects Reporting	6(a)(2)	8(e) data
Determination through data call-in	3(c)(2)(b)	
Other Data Sources or Rules	Special Review initiation and results: Pesticide hits a "trigger" (40 CFR Sec. 154.7); review could result in restriction of a general use pesticide into a Restricted Use Pesticide, or other changes in labeling and use requirements to address risk	If EPA wants additional data with PMN, it will use TSCA 5(e) authority to get it, before or after PMN review expiration.
CBI Considerations	Confidential Statement of Formula, production data is CBI; most other data can be released through FOIA	Most TSCA data will be at least partially CBI.

Feature	FIFRA data requirements for re-registration of existing active ingredient	TSCA data requirements for Existing Chemical Risk Assessment
Data required for submission to EPA prior to beginning of re-registration of FIFRA active ingredient or reassessment of existing TSCA chemical.	Data must be submitted to fill in gaps between new registration data requirements and the data that was originally submitted for the chemical when it was registered.???	Inventory Update Report, listing identity of chemical, location of chemical manufacture, and quantity of manufacture.
Adverse Effects Reporting	6(a)(2)	8(e) Significant Adverse Affects Reporting (All companies and chemicals subject to TSCA must report non-exempt studies.)
Determination through data call-in	3(c)(2)(b)	8(d) Health and Safety Data Reporting (Only chemicals listed in 40 CFR Part 716 are subject.)
Other Data Sources or Rules	Special Review initiation and results	<p>Preliminary Assessment Information Report to gather limited production, use and exposure data. (Only chemicals listed in 40 CFR Part 712 are subject.)</p> <p>Section 4 Test Rule or Testing Consent Order to gather essentially any type of data EPA feels is necessary for risk assessment. (Only chemicals listed in 40 CFR Part 799 are subject.)</p>
CBI Considerations	Confidential Statement of Formula, production data is CBI; most other data can be released through FOIA	Most TSCA data will be at least partially CBI

James
Schardt/R5/USEPA/US
09/08/2005 02:04 PM

To
Subject Fw: GLRC comments

Thanks Lyn!

Nancy,

Please forward these comments to our contractor so that they can be considered by the GLRC writing teams during the next phase of revising the draft that went out for public comment.

-jamie

----- Forwarded by James Schardt/R5/USEPA/US on 09/08/2005 01:59 PM -----



Lyn Luttner/R5/USEPA/US
09/06/2005 11:46 AM

To James Schardt/R5/USEPA/US@EPA
cc Gary Gulezian/R5/USEPA/US@EPA, Vicki
Thomas/R5/USEPA/US@EPA, Mark
Conti/R5/USEPA/US@EPA, David
Barna/R5/USEPA/US@EPA, AnneMarie
Vincent/R5/USEPA/US@EPA, Mark
Moloney/R5/USEPA/US@EPA, Paul
Novak/R5/USEPA/US@EPA,
Niedergang.Norman@EPAMAIL.EPA.GOV@EPA,
Colantoni.Cyndy@EPAMAIL.EPA.GOV@EPA

Subject GLRC comments

Jamey,

Gary may have told you that our office did not receive the call letter for comments on the GLRC. Gary wanted to receive comments from the RMD Cleveland Office because he thinks we may have a different perspective. Here are the comments that we request GLNPO send forth as part of the regional comments. I realize that this will probably be part 2 of the Region's comments, but . . .

- Place a high priority on building AOC program capacity. Consideration should be given to separating the sediment discussion from the AOC section. While sediment removal is a key element to AOC remediation, it is only one of many steps needed to achieve restoration of AOCs
- The AOC discussion may understate the resources needed to advance the Delisting process, which is the core of the RAP effort. This includes sampling, monitoring, BUI characterization, follow-up field investigations, etc.
- There is a need to more clearly identify the ultimate goals of the AOCs. It seems that the concepts of restoration, remediation, and delisting have been blurred, and often used interchangeably. The delisting of the BUIs of the AOCs appears to be the end point of the RAP process.
- Overall, the sediment discussion tends to give the perception that digging up the sediments will result in AOC restoration. The delisting process will require follow-up to sediment removal including habitat restoration, etc.

- Funding recommendations tied purely to contaminated sediments (AOC/Sediments chapter) should not "Trump" general funding needs for AOCs and RAPs when it comes down to deciding what to fund at what level.
- The Legacy Act gives contaminated sediments affected AOCs a huge advantage towards funding needs. AOC program capacity in general desperately needs significant and consistent funding in order to move all AOCs towards delisting more quickly.
- General program capacity funding at the federal, state and local levels would go a long way towards helping AOCs continue their forward momentum towards delisting. A whole chapter is specifically designed around AOCs and Legacy Act funding needs to deal with contaminated sediments, yet there are just general piece-meal funding recommendations in other chapters to help with the issues relative to beneficial use impairments that aren't linked to contaminated sediments. It comes across as though funding for remediation of contaminated sediments in AOCs is more important than adequate funding for other listed impairments in AOCs that don't have or have already dealt with their contaminated sediments.

Cordially,

Lyn

Lyn Pennington Luttner
U.S. Environmental Protection Agency
Region 5/Resources Management Division
Cleveland Office Manager
25089 Center Ridge Road
Westlake, OH 44145
Cleveland Office phone: 440.250.1700
Direct Line: 440.250.1711
Fax: 440.250.1750
E-mail: luttner.lyn@epa.gov
Cleveland Office web site: <http://www.epa.gov/reg5ohio>



The Nature Conservancy
Great Lakes Program
8 South Michigan Avenue, Suite 2301
Chicago, IL 60603

tel [312] 759-8017
fax [312] 759-8409

nature.org/greatlakes

September 9, 2005

COMMENTS Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, IL 60604-3511

RE: The Nature Conservancy's Comments on the Draft Great Lakes Strategic Action Plan

Dear Great Lakes Regional Collaboration Executive Committee:

Thank you for the opportunity to comment on the Great Lakes Regional Collaboration's Draft Strategic Action Plan. We appreciate the leadership of the Federal Interagency Task Force, Great Lakes Congressional Task Force, Council of Great Lakes Governors, Great Lakes and St. Lawrence Cities Initiative, and Great Lakes Tribes in facilitating regional participation to develop this draft plan for protecting and restoring the Great Lakes.

The Nature Conservancy was an active contributor to several of the Strategy Teams. The Nature Conservancy has been and will continue to be engaged in protecting and restoring the Great Lakes ecosystem. The Nature Conservancy has a long history of working to conserve the range of natural systems that support the tremendous variety of plants and animals in the Great Lakes region, many of which occur nowhere else on Earth.

To ensure greater collaboration and to provide a sound scientific basis for conservation decisions, The Nature Conservancy led a large-scale study, with input from over 220 scientists and conservation experts, to identify the lands and waters critical to the conservation of biodiversity in the Great Lakes region. The process contributed to the recently completed *Binational Conservation Blueprint for the Great Lakes*,¹ which scientifically and systematically identifies native species, natural communities, and ecological systems (i.e., biodiversity) characteristic to the region. It then determines where they need to be protected to ensure their long-term survival.

Based on The Nature Conservancy's broad place-based conservation experience, science expertise, and regional conservation planning history, The Nature Conservancy strongly supports inclusion of the following six elements in any Great Lakes restoration plan. Consistent with these six elements, The Nature Conservancy also offers the attached detailed comments (Attachment I) to help strengthen the Great Lakes Regional Collaboration's strategic action plan. These comments follow the structure of the Draft Strategic Action Plan.

1. Direct investments to areas identified in existing lake-wide conservation plans, including The Nature Conservancy's *Binational Conservation Blueprint for the Great Lakes*.

Numerous credible conservation planning and prioritization efforts have taken place in the Great Lakes. These initiatives should be drawn upon when identifying geographic priorities. Attached are

¹ The Nature Conservancy & Nature Conservancy of Canada. in prep. *Binational conservation blueprint for the Great Lakes*. [brochure]. <http://nature.org/greatlakes>.

revisions made to the Habitat/Species Team's *Appendix 7. The Nature Conservancy Great Lakes Priority Conservation Areas Chart* (Attachment II). This chart draws from the U.S. portion of the *Binational Conservation Blueprint for the Great Lakes* to provide a list of action sites that:

- advance goals and recommendations of the Great Lakes Regional Collaboration;
- contribute to the overall health of the Great Lakes ecosystem; and,
- represent places distributed across the Great Lakes basin.

2. Protect and restore the diverse Great Lakes ecosystem types (i.e., Open/Nearshore Waters; Wetlands; Coastal and Upland Habitats; Riverine Habitats and Related Riparian Areas) critical to maintaining the overall ecological health of the Great Lakes ecosystem.

The Great Lakes Regional Collaboration must support goals and recommendations for protecting, restoring and managing representative examples of the full range of Great Lakes biodiversity. By protecting the diverse Great Lakes ecosystem types, we will protect the natural communities and native species that depend upon them as well as provide for the ecosystem services they deliver to human society. Because Great Lakes ecosystems are interconnected and interdependent, protection of the diverse ecosystem types is critical to maintaining the ecological integrity of the overall Great Lakes ecosystem.

3. Invest in the protection of biodiversity, and associated ecosystem services, in remaining high-value conservation areas as a top priority. The most cost-effective approach to conservation is to invest in high-value conservation areas and prevent degradation *before* large-scale restoration and/or remediation action is needed.

An excellent demonstration of the effectiveness of investing in *protection* efforts before it is too late or too expensive, is the Northern Great Lakes Forest project in Michigan's Upper Peninsula. Here, minimal federal investment of \$10 million will protect 423 square miles of habitat, including 300 inland lakes, 516 miles of river and 52,000 acres of wetlands. The ecosystem services provided by this protection effort are significant, including water and air purification, food sources for people and wildlife, flood and drought mitigation, and vast recreational activities.

4. Place priority on abating the top threats to Great Lakes biodiversity: 1) habitat destruction caused by incompatible development, 2) invasive species, 3) alterations to natural water level and river flow patterns, and 4) incompatible forestry and agricultural practices.

The Nature Conservancy defines conservation strategies as "the full array of actions necessary to abate the threats or enhance the viability of conservation targets."^{2,3} It is important to establish a common understanding of the top threats to Great Lakes biodiversity; this understanding helps prioritize to address these threats.

5. Commit to a systematic approach for identifying and regularly monitoring indicators of ecosystem integrity in areas where threats are greatest (e.g., Great Lakes coastal and nearshore areas).

The region should collect, analyze, and share the indicator data so that adaptive management can be applied as appropriate in these areas. The indicator data should be compiled in a centralized location where it is readily accessible to decision makers, stakeholders, and the public.

² The Nature Conservancy. 2004. *Conservation by design: a framework for mission success*. [brochure]. Arlington, VA.

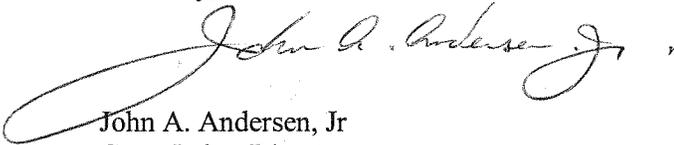
³ Appendix 2 of the Habitat/Species Report includes a full list of Great Lakes Conservation Targets.

6. Commit to coordinating, streamlining and/or enhancing existing Great Lakes programs to meet Great Lakes protection and restoration goals.

Many Federal agencies need to be involved in protecting and restoring Great Lakes species and habitat. Each brings tools and expertise, and each has an important and complementary role to play. While we recognize that major new investments in conservation of the Great Lakes ecosystem is going to be essential, any current financial limitation should not be perceived as a barrier. We can begin making progress today through increased coordination, efficiencies, and effective investments in existing Federal programs.

The Nature Conservancy looks forward to supporting the completion of a regional strategic action plan and contributing to its implementation.

Sincerely,

A handwritten signature in cursive script, reading "John A. Andersen, Jr.", with a large, sweeping flourish at the end.

John A. Andersen, Jr
Great Lakes Director

Attachment I (*detailed comments on the Collaboration's report structure*)
Attachment II (*revisions to Habitat/Species Report Appendix #7*)

ATTACHMENT I

**THE NATURE CONSERVANCY'S
DETAILED COMMENTS CONSISTENT WITH THE
GREAT LAKES REGIONAL COLLABORATION'S
REPORT STRUCTURE**

Comments on the Executive Summary & Introduction

It is important to establish, among all partners, a common understanding of the ecological significance of the Great Lakes ecosystem as well as the types of threats that are ubiquitous throughout the region. This will help in reaching agreement on the priority recommendations needed to address the threats and thus advance conservation goals.

1. The Introduction should include a review and recognition of the rich natural history of the Great Lakes region; and, the importance of protecting and restoring the ecological health of the Great Lakes ecosystem and its biodiversity (i.e., native species, natural communities, and ecological systems).

- A. Add a sentence about the rich biodiversity of the Great Lakes region to the Executive Summary's "The Resource" section, 2nd paragraph:

"A rich diversity of life thrives in the Great Lakes region, which includes inland waters that span the United States and Canada. Here, one finds 46 species that are found nowhere else in the world, as many as 180 species of native fish and 279 globally rare plants, animals, and natural communities."

(NOTE: These figures are binational - we could provide for U.S. only, if preferred.)

- B. Add paragraph illustrating what makes the Great Lakes a national treasure from a biodiversity perspective to the Introduction's "A National Treasure" section:

"Large, unfragmented boreal forests in the north gradually give way to the tallgrass prairies in the south and remarkable sand dunes on the coasts. Swamps, bogs, and fens also dot the Great Lakes landscape, as do critical coastal wetlands. Natural systems, such as these, are critical to economic health, along with humanity's general well-being. Scientists refer to these kinds of benefits as 'ecosystem services.' They include things nature gives us—clean water, fresh air—for free. Forests, for example, purify our air, while wetlands help control floods. It also takes into account things directly tied to our economies. Forests are essential for products made from wood, while wetlands support water quality and fisheries. The Great Lakes region provides rich and immeasurable ecosystem services.

These same ecosystems also contain a rich array of plants and animals – 46 species that are found nowhere else in the world, as many as 180 species of native fish and 279 globally rare plants, animals, and natural communities."

- C. Add bullet describing the number of endemic species and communities dependent upon the ecological integrity of the Great Lakes region to the Introduction's "Looking for Solution" section:

"The U.S. portion of the Great Lakes contains natural treasures found nowhere else in the world, including 41 globally rare species and natural communities."

(NOTE: This is a U.S. figure.)

2. The introduction should include clear identification of the top threats to Great Lakes biodiversity: habitat destruction and degradation due to incompatible development, invasive species, altered water levels and river flows, and incompatible forestry and agricultural practices.

The following is suggested language for acknowledging the ecological threat from hydrologic alterations.

- A. Add a sentence to the Executive Summary's "Challenges" section, 1st paragraph, reflecting the threat of altered flow regimes on biodiversity.

"In many places, humanity has changed the way water naturally courses through the landscape. Dams, levees, dredging, groundwater, and surface water withdrawals are some of the ways water levels and river flows are disrupted. These changes represent one of the most prevalent threats to freshwater biodiversity."

- B. Add a paragraph to the Introduction's "The Price of Prosperity" section that describes the threat of altered flow regimes on biodiversity.

"Changes in water's natural flow patterns, often called hydrologic alteration by scientists, threaten the long-term ecological health of the Great Lakes ecosystem. Dams impact the migration of fish and other species. Dikes and groundwater and surface water withdrawals increase problems with runoff and flooding, changing the natural water flow patterns Great Lakes' species depend upon. In general, these disruptions can lead to poor water quality and declines in suitable habitat for native plants and animals."

3. The document does an excellent job addressing the threat of aquatic invasive species. However, it needs to include, or at least explicitly acknowledge, the threat of terrestrial invasive species, including the need for prevention, early detection, eradication, restoration and research of terrestrial invasive plants, animals, insects, and diseases within all Great Lakes habitat types.

Invasive plant and animals are now widely recognized as second only to habitat loss as a threat to biological diversity. Noxious, non-native weeds, for example, cause severe economic and environmental losses. Generally, non-native weeds damage natural lands by out-competing and replacing indigenous vegetation. Loss of this vegetation can transform the physical characteristics of the affected landscape as well as eliminate the animal species that depend on the native vegetation.

In Michigan alone, landowners could see a loss of \$1.7 billion if the 693 million ash trees grown on timberland die. Should emerald ash borer spread, monetary losses in Eastern states might reach \$25 billion. Both of these figures are based on stumpage value. A study by the USDA Forest Service determined that if the emerald ash borer became established across the country, it could cause undiscounted losses of city trees of \$20 to \$60 billion (USDA APHIS Federal Register: October 14, 2003 (Volume 68, Number 198)). The undiscounted compensatory value of the estimated 7 billion ash nationwide is \$282 billion (USDA APHIS Federal Register: October 14, 2003 (Volume 68, Number 198)).

4. The Strategic Action Plan acknowledges the impact of pollution on water quality, but it also needs to further acknowledge the connections between water quality and habitat. Habitat is created when the appropriate range of physical, biological, and chemical characteristics all intersect. Thus, improvements to water quality could also help to improve habitat. Places in the document that this should be more explicitly acknowledged are:

Executive Summary, add “habitat loss” to the following sentence in the 1st paragraph under the “Challenges” section:

“Continued pollution from nonpoint sources in these areas and many others contribute to the water quality, habitat loss, and related problems.”

The following sections should also reference the important connections between water quality and habitat:

- Coastal Health report,
 - AOC/Sediment report, and
 - Toxic Pollutants report.
5. Many Federal agencies need to be involved in protecting and restoring Great Lakes species and habitat. Each brings tools and expertise, and each has an important and complementary role to play. While we recognize that major new investments in conservation of the Great Lakes ecosystem is going to be essential, any current financial limitation should not be perceived as a barrier. We can begin making progress today through increased coordination, efficiencies, and effective investments in existing Federal programs.

A number of Great Lakes-specific as well as national Federal programs currently exist that support the protection and restoration of Great Lakes biodiversity. The following programs should be assessed to ensure coordination and maximum contribution to Great Lakes conservation goals:

- EPA’s Great Lakes National Program Office,
- FWS Great Lakes Coastal Program,
- FWS Great Lakes Fish and Wildlife Restoration Program,
- NOAA Great Lakes Habitat Restoration Program,
- NOAA National Center for Research on Aquatic Invasive Species,
- U.S. ACE Great Lakes Fishery and Ecosystem Restoration Program, and
- USGS National Assessment of Water Availability and Use: Great Lakes Pilot Study.

Comments on the Aquatic Invasive Species Report

The Nature Conservancy aims to control the threat to biodiversity posed by invasive non-native plants, animals, insects, and diseases through a combination of prevention, early detection, eradication, restoration, research, and outreach. The Conservancy believes that the threat of invasive species can be effectively abated by using this comprehensive set of techniques and approaches.

The Nature Conservancy supports reauthorization of the National Invasive Species Act of 1990. We believe that the National Aquatic Invasive Species Act (NAISA) is an excellent starting point. NAISA’s comprehensive legislative approach mirrors the Conservancy’s own comprehensive strategy to abate the threat of invasive species, and cover all waters of the U.S. including inland lakes and streams. The provisions providing for pre-screening of intentional introductions, establishment of an early warning system coupled with rapid response capability, and more aggressive monitoring for invasive species are

important new authorities that merit enactment. We also support the continued emphasis on ballast water and shipping, with the enhancements associated with consideration of alternative pathways of introduction. Finally, the provisions on information, education, and outreach will improve the nation's capacity to better manage and mitigate for aquatic invasive species.

The Nature Conservancy supports the U.S. Fish and Wildlife Service's use of the existing authority provided by the Lacey Act to prohibit the importation, possession, or shipment of any injurious wildlife into or within the United States. In particular, we recommend the addition of Asian carp (including black, bighead, and silver carp species) to the list of injurious wildlife because of the damaging impacts they have had on native freshwater biodiversity in waterways in which they have become established.

Comments on the Habitat/Species Report

General comments to strengthen Habitat/Species Report

1. Add a sentence in the Problem Statement, last paragraph, second sentence that underscores the importance of protecting representative examples of the full range of Great Lakes biodiversity:

"To ensure the long-term ecological health of the Great Lakes ecosystem, we must protect, restore, and manage representative examples of the full range of habitat types in the Great Lakes basin. The following systems. . . ."
2. Add reference in the Problem Statement about the fact that there are 41 globally rare endemic species and natural communities in the U.S. portion of the Great Lakes region, and that priority should be given to protection and restoration actions targeted at this list.
3. A long-term goal should be added to each relevant habitat type to continue progress on recovering state and federally listed species and communities as well as taking proactive steps to prevent future listings.
4. The Great Lakes region is an important migratory route, and breeding and wintering habitat for landbirds, waterfowl, shorebirds, raptors, and songbirds. An emerging issue of growing concern in the Great Lakes is the siting of towers/structures which could negatively impact bird migration. Consideration should be given for protecting known priority habitats (both breeding and wintering grounds, and migratory stopover sites) and connecting pathways between them.
5. All of the appendices are excellent. The following appendices are particularly important as they provide the scientific basis for the Strategy Team's goals and recommendations. Appropriate steps should be taken to revise, clarify, and fact-check these appendices so that they serve as credible resources.

Appendix 2. Great Lakes Conservation Targets

Appendix 3. Partial Listing of Laws, Regulations, and Policy Issues

Appendix 4. Habitat/Species Issue Summaries

Appendix 6. Wetland Restoration Information

Appendix 7. The Nature Conservancy Great Lakes Priority Conservation Areas Chart

(NOTE: Attachment II includes revisions to help strengthen Appendix 7)

Attachment II is The Nature Conservancy's revisions to Appendix 7 – the chart of priority conservation areas where we are confident in the conservation actions needed to help advance Great Lakes Regional Collaboration plan goals and recommendations.

Comments to strengthen Recommendation #2: Wetlands

1. This recommendation, and its short- and long-term goals, must recognize the importance of ensuring that a representative diversity of wetland habitat types are protected, restored, and managed.
2. This recommendation must be coordinated with the Nonpoint Source Strategy Team recommendation on wetlands. Wetlands designed to address threats of nonpoint source pollution will have differences from wetlands functioning to protect and restore habitat and other ecosystem services.
3. See Attachment II, revisions to Habitat/Species Appendix 7, for priority areas for wetland protection and restoration.

Comments to strengthen Recommendation #3: Riverine Habitats – Great Lakes River Restoration Act

This is an important recommendation because Great Lakes freshwater-dependent species, communities, and ecosystems are inextricably linked to the health of the basin's water resources. Hydrologic alteration is known to threaten biodiversity at over half of the conservation areas identified in The Nature Conservancy's *Binational Conservation Blueprint for the Great Lakes*. With the growing potential for water withdrawals and diversions in the Great Lakes basin, all freshwater-dependent biodiversity is potentially threatened by hydrologic alteration.

The Nature Conservancy is working to advance policies and practices that protect the ecological integrity of areas affected by water management while meeting human needs for water (for both present and future generations). The Nature Conservancy would like to help further develop this important recommendation to promote ecologically sustainable water management throughout the Great Lakes basin.

Specific comments include:

1. The Great Lakes region currently does not have methods in place for characterizing or classifying watersheds based upon degree of altered hydrology. Similarly, the Great Lakes region currently does not have target flow regimes identified for major Great Lakes tributaries. Because of this, a short-term goal should be added:

“Adopt a credible method for assessing the degree of hydrologic alteration of river flow regimes and establishing target flow regimes based on an understanding of natural or reference conditions.”

We are fortunate that work is underway to characterize flow regimes for watersheds in the Great Lakes – St. Lawrence River basin. Flow data from U.S. Geological Survey gauges are used to develop regression models based on watershed characteristics; these models can be used to predict flow behavior for ungauged streams. These efforts, among others, can provide the foundation for development of a method to assess degree of hydrologic alteration and set flow regime protection and restoration goals for all Great Lakes tributaries.

This recommendation is consistent with the concept of Environmental Water Allocations (EWA), which seeks to define the water requirements that are essential to sustain natural ecosystems and to continue to provide the ecosystem goods and services upon which society depends. South Africa, Australia, and the European Union are also implementing national or multinational water policies that assess degree of hydrologic alteration and establish environmental flow requirements, or target flow regimes. These policies all share a common principle: without explicit recognition of and management toward environmental flow requirements, ecosystem function will be lost.

2. Sound water management is a necessary component to the health of Great Lakes biodiversity, and any program based upon protecting and restoring the physical integrity of Great Lakes tributary systems should be built upon scientifically-based principles. We recommend using the following Hydrologic Regime Principles:
 - A. *Restore and maintain the natural hydrologic regime and its natural variability to the greatest extent possible. This should include:*
 - *Restoring and maintaining the natural inter- and intra-annual variability of hydrologic regimes to the greatest extent possible;*
 - *Restoring and maintaining the natural magnitude, frequency, timing, and duration of different hydrologic conditions, particularly high and low conditions, to the greatest extent possible; and*
 - *Restoring and maintaining the natural rate at which hydrologic conditions change (i.e., flows/lake levels) to the greatest extent possible.*
 - B. *Restore and maintain hydrologic regimes that are protective of the full range of species, communities, and ecosystems that naturally occur or that could be expected to naturally occur in the watershed.*
 - C. *Use site-specific information about the species, communities, and ecosystems that naturally occur or that could be expected to naturally occur in the watershed as a basis for decisions related to the active management of hydrologic regimes.*
 - *Use adaptive management when active management of hydrologic regimes occurs so that changes in the ecological system can be observed and the management approaches adjusted as necessary to achieve the goal of protecting and restoring ecological integrity.*
 - *Include a margin of safety in hydrologic regime management programs.*
3. This recommendation must be coordinated with the Nonpoint Source Strategy Team recommendation #5, to “hydrologically improve 10 watersheds of various sizes.”
4. See Attachment II, revisions to Habitat/Species Appendix 7, for priority areas for protecting and restoring altered hydrologic regimes.

Comments to strengthen Recommendation #4: Coastal Shore and Upland Habitats

1. This recommendation, and its short- and long-term goals, must recognize the importance of ensuring that a representative diversity of coastal shore and upland habitat types are protected, restored, and managed.

2. Great Lakes coastal and nearshore areas are among the most important for biodiversity. They are also the most threatened as human interaction with the Lakes is greatest in the coastal and nearshore areas. The report lists an important short-term Coastal and Upland Habitats goal to help address the critical information and prioritization needs surrounding Great Lakes coastal habitats: *Inventory and assess Great Lakes coastal habitats and prioritize them for protection and restoration*. However in order to ensure success, this goal must be translated into a specific action which includes assigning it to a lead Federal Agency.

The Nature Conservancy is beginning a process to inventory, assess and prioritize Great Lakes coastal habitats, consistent with this short-term goal. The Nature Conservancy would like to ensure that our process is coordinated with this action, to help accomplish this important goal.

3. See Attachment II, revisions to Habitat/Species Appendix 7, for priority areas for protecting and restoring coastal shore and upland habitats.

Comments on the Areas of Concern Report

Comments to strengthen AOC delisting statement and goal:

Important statements on delisting criteria are made in the last paragraph of the Problem Statement as well as the third bullet under "Goals and Milestones." The Nature Conservancy recommends that biodiversity and habitat conservation goals be included in the list of criteria for delisting. AOC Remedial Action Plans need to be developed within a broader ecological context which includes integrating regional habitat restoration goals.

Comments on the Nonpoint Source Report

1. Recommendation #1 – Wetlands Recommendation & Goal. This recommendation and goal should be coordinated with Habitat/Species Strategy Team recommendation and goal on wetlands. *See comments in the Habitat/Species section, Recommendation #2, above.*

The Nature Conservancy supports the critical geographies identified in the Nonpoint Source report for protecting and restoring wetlands:

- Watersheds in Saginaw Bay Watershed
- Maumee River Watershed
- Western and Central Lake Erie Watersheds
- River Raisin & Macatawa Watersheds
- Eastern Wisconsin Riparian Areas

See Attachment II, revisions to Habitat/Species Appendix 7, for additional priority areas for protecting and restoring wetlands.

2. Recommendations #2 & #3 – Buffer Strip Recommendation & Goal; Residue Management Recommendation & Goal.

The Nature Conservancy supports the critical geographies identified in the Nonpoint Source report for creating buffer strips and residue management:

- Land areas draining to western and central Lake Erie
- Maumee River Watershed
- Green Bay
- Saginaw Bay
- Lake St. Clair
- Nearshore waters of Lake Michigan

See Attachment II, revisions to Habitat/Species Appendix 7, for additional priority areas for implementing agricultural best management practices and sediment management strategies.

3. Recommendation #5 – Hydrologic Regime Restoration Recommendation & Goal. This recommendation and goal should be coordinated with Habitat/Species Strategy Team recommendation and goal on Riverine Habitats – protecting and restoring natural flow regimes. *See comments in the Habitat/Species section, Recommendation #3, above.*

See Attachment II, revisions to Habitat/Species Appendix 7, for additional priority areas for protecting and restoring hydrologic regimes.

Comments on the Indicators and Information Report

1. The report's Problem Statement accurately captures the importance of:
 - having indicators focused on biodiversity, threats to biodiversity and adaptive management; and
 - having a small set of indicators useful for management and the public (i.e., as small as possible and still meet monitoring objectives).

However, these important points have not but should be incorporated into the report's goals and milestones.

2. In the Problem Statement's last sentence of the 4th paragraph – it states that “Additional observation and monitoring are particularly needed for the open lakes.” There must be complementary, if not more intensive, indicator development and monitoring for the nearshore waters of the Great Lakes. Although the nearshore areas are among the least understood and least studied zones of the Great Lakes, they are among the most important for biodiversity. An estimated 80% of all fish species in the Great Lakes use nearshore areas for at least part of the year. The diverse physical habitats, influenced by water levels, wave action, tributary inputs, and vegetation, provide spawning and nursery areas, and refugia. In addition to their ecological benefits, human interaction with the Lakes is greatest in the nearshore areas.
3. Developing, maintaining and utilizing indicators would be much more effective if there was a centralized Great Lakes data repository that was easily accessible to researchers, natural resource managers, decision makers, and stakeholders.
4. A lot of great work on Great Lakes indicators has already been done and a lot of information has already been collected. The report should better acknowledge this and promote building on existing groups and expertise, such as U.S. EPA and Environment Canada's State of the Lakes Ecosystem Conference (SOLEC).

ATTACHMENT II

THE NATURE CONSERVANCY'S REVISIONS TO THE HABITAT/SPECIES REPORT'S APPENDIX #7

Appendix 7. The Nature Conservancy Great Lakes Priority Conservation Areas Chart

This set of action sites was selected from the U.S. portion of the *Binational Conservation Blueprint for the Great Lakes*¹ to represent places distributed across the Great Lakes basin where the goals and recommendations under discussion by the Collaboration could be advanced, where there are opportunities for protection as well as restoration, and where conservation actions will contribute to the overall health of the Great Lakes ecosystem. These sites all provide important habitat and ecosystem services; investing in them now will save significant costs of restoration and/or remediation action in the future. The Nature Conservancy has detailed information available on each project to guide conservation action. This is only a subset of potential sites for consideration.

KEY TO CHART

Basin

ER – Lake Erie
 HU – Lake Huron
 MI – Lake Michigan
 ON – Lake Ontario
 SU – Lake Superior
 SL – St. Lawrence

System (Based upon Habitat/Species Team classification)

Open/Nearshore Waters
 Wetlands (coastal, inland lakes & wetlands)
 Riverine Habitats & Related Riparian Areas
 Coastal Shore
 Uplands

Project Name (<i>Conservation Blueprint</i> site name if different)	State	Basin	System	Recommended Action
Illinois Beach State Park (Chiwaukee Prairie-Illinois Beach)	IL/WI	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Implement non-structural erosion control
Lake Michigan Lakefront	IL	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Implement non-structural erosion control • Protection through acquisitions/easements

¹ The Nature Conservancy & Nature Conservancy of Canada. in prep. *Binational conservation blueprint for the Great Lakes*. [brochure]. <http://nature.org/greatlakes>.

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Indiana Dunes	IN	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Implement non-structural erosion control • Coordinate land use planning/mgt. • Protect, restore, and enhance wetlands • Implement ecologically appropriate fire mgt. regimes • Protection through acquisitions/easements • Promote responsible recreation • Reduce deer browse
Calumet Basin (Indiana Tolleston)	IN/IL	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Coordinate land use planning/mgt. • Prevent or remediate toxics • Implement ecologically appropriate fire mgt. regimes • Protect, restore, and enhance wetlands • Protection through acquisitions/easements • Promote responsible recreation
Hoosier Prairie	IN	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Coordinate land use planning/mgt. • Implement ecologically appropriate fire mgt. regimes • Protection through acquisitions/easements • Promote responsible recreation
Highest priority dune sites on eastern shore of Lake Michigan ² (Cathead Bay, Elberta – Portage Point Shoreline, Fox Islands, Grand River Bayoux, Herring Lake Dunes, Beaver Islands, Lower Manistee River, Saugatuck Dunes, Sleeping Bear-Manitou Islands, Betsie Bay Bayoux, Big Sable Point – Hamlin Lakes, Fisherman’s Island, Stony Creek – Camp Miniwanca, Waugoshance)	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Prevent, eradicate, and control invasives • Promote responsible recreation • Reduce deer browse
Elberta-Portage Point	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Prevent, eradicate, and control invasives

² Michigan Dune Alliance. July 2003. *Eastern Lake Michigan shoreline plan.*

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Northern Great Lakes Forest – Upper Peninsula (Porcupine Mountains/Presque Isle River, Michigamme Highlands, Whitefish-Au Train Rivers, Whitefish-Grand Marais Shoreline, Two Hearted River, Seney Fens, and East Branch Fox River, Lower Tahquamenon – Tahquamenon Falls State Park, Hiawatha)	MI	MI/SU	<ul style="list-style-type: none"> • Wetlands • Riverine Habitats • Uplands 	<ul style="list-style-type: none"> • Protection through acquisitions and working forest easements • Implement sustainable forestry practices • Implement best practices in road/stream crossing designs
Garden Peninsula	MI	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Protection through acquisitions/easements • Reduce deer browse
Keweenaw South Shore and Bluffs	MI	SU	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Promote responsible recreation • Protection through acquisitions/easements
Point Betsie (Sleeping Bear-Manitou Islands)	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements • Prevent, eradicate, and control invasives
Presque Isle Shoreline	MI	HU	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements
Saugatuck Dunes	MI	MI	<ul style="list-style-type: none"> • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements • Promote responsible recreation • Reduce deer browse
Ontonagon River Watershed	MI/WI	SU	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Protection through acquisitions and working forest easements • Implement sustainable forestry practices
Upper Menominee Headwaters (Iron, Brule, Paint Rivers)	MI/WI	MI	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Protection through acquisitions and working forest easements • Implement sustainable forestry practices • Coordinate land use planning/mgt.
Brule River and Brule Lake Complex	MN	SU	<ul style="list-style-type: none"> • Wetlands (inland lakes & wetlands) • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Protection through acquisitions and working forest easements • Implement sustainable forestry practices • Coordinate land use planning/mgt.

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Manitou River	MN	SU	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Coordinate land use planning/mgt. Protection through acquisitions and working forest easements Implement sustainable forestry practices Implement best practices in road/stream crossing designs
Sand Lakes/Seven Beavers (Sand Lake Complex and St. Louis River Headwaters)	MN	SU	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Implement best practices in road/stream crossing designs Coordinate land use planning/mgt. Protection through acquisitions and working forest easements Implement sustainable forestry practices Protect and restore forest structure and species composition
St. Louis River Estuary	MN	SU	<ul style="list-style-type: none"> Wetlands (coastal) Riverine Habitats Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Coordinate land use planning/mgt. Prevent, eradicate, and control invasives Restore altered hydrologic regimes (river flows and lake levels) Protection through acquisitions/easements Protect, restore, and enhance fisheries Develop alternative dredging and disposal plans
Eastern Lake Ontario Watershed	NY	ON	<ul style="list-style-type: none"> Wetlands (coastal) Riverine Habitats Coastal Shore 	<ul style="list-style-type: none"> Restore dune habitats Restore altered hydrologic regimes (river flows and lake levels) Prevent, eradicate, and control invasives Reduce nutrient inputs Implement agricultural best mgt. practices
Montezuma Wetlands Complex	NY	ON	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Riverine Habitats 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Coordinate land use planning/mgt. Restore altered hydrologic regimes (river flows and lake levels)
Salmon River (East Branch Fish Creek – Tug Hill Matrix)	NY	ON	<ul style="list-style-type: none"> Riverine Habitats Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Restore altered hydrologic regimes (river flows and lake levels) Protection through acquisitions/easements Implement sustainable forestry practices Implement watershed planning/assessment
Jefferson County Alvars	NY	ON/SL	<ul style="list-style-type: none"> Uplands 	<ul style="list-style-type: none"> Protect and restore alvar core habitats Prevent, eradicate, and control invasives
St. Lawrence Corridor	NY	ON/SL	<ul style="list-style-type: none"> Wetlands (inland lakes & wetlands) Uplands 	<ul style="list-style-type: none"> Protect, restore, and enhance wetlands Maintain grasslands for breeding birds Restore altered hydrologic regimes (river flows and lake levels) Implement agricultural best mgt. practices Implement sustainable forestry practices Implement watershed planning/assessment

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Southern Lake Ontario Coastal Marshes (Nine-Mile Point-Derby Hills, Sodus Bay to Nine-Mile Point Lakeshore Marshes, Braddock Bay Complex)	NY	ON	<ul style="list-style-type: none"> • Wetlands (coastal) • Coastal shore 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Restore altered hydrologic regimes (river flows and lake levels) • Prevent, eradicate, and control invasives • Implement agricultural best mgt. practices • Reduce nutrient inputs • Coordinate land use planning/mgt.
Western Finger Lakes (Hemlock-Canadice-Honeoye-Canandaigua Lakes)	NY	ON	<ul style="list-style-type: none"> • Wetlands (inland lakes & wetlands) • Uplands 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Implement sustainable forestry practices • Protect, restore, and enhance wetlands • Prevent, eradicate, and control invasives
Cattaraugus Creek/Zoar Valley	NY	ER	<ul style="list-style-type: none"> • Riverine Habitats • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Implement sustainable forestry practices • Implement watershed planning/assessment
Tonawanda Marshes – Iroquois National Wildlife Refuge	NY	ON	<ul style="list-style-type: none"> • Wetlands (inland lakes & wetlands) • Riverine Habitats • Uplands 	<ul style="list-style-type: none"> • Protect, restore, and enhance wetlands • Prevent, eradicate, and control invasives
Grand River	OH	ER	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Protection through acquisitions/easements • Restore altered hydrologic regimes (river flows and lake levels) • Implement sustainable forestry practices • Implement agricultural best mgt. practices • Prevent, eradicate, and control invasives • Promote responsible recreation
Upper Cuyahoga River	OH	ER	<ul style="list-style-type: none"> • Wetlands (inland lakes & wetlands) • Riverine Habitats 	<ul style="list-style-type: none"> • Restore altered hydrologic regimes (river flows and lake levels) • Coordinate land use planning/mgt.
Western Lake Erie Tributaries (Sandusky River, Huron River – DuPont Marsh, Old Woman Creek, Lower Vermillion River – Bradley Woods)	OH	ER	<ul style="list-style-type: none"> • Wetlands (coastal) • Riverine Habitats • Coastal Shore 	<ul style="list-style-type: none"> • Sediment reduction/management • Restore altered hydrologic regimes (river flows and lake levels) • Prevent, eradicate, and control invasives
Western Lake Erie Islands and Reefs	OH	ER	<ul style="list-style-type: none"> • Open/Nearshore Waters • Wetlands (coastal) • Coastal Shore 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Protection through acquisitions/easements • Prevent, eradicate, and control invasives • Implement agricultural best mgt. practices • Restore altered hydrologic regimes (river flows and lake levels)
Western Lake Erie Marshes – Cedar Point National Wildlife Refuge	OH	ER	<ul style="list-style-type: none"> • Wetlands (coastal) 	<ul style="list-style-type: none"> • Protect, restore, and enhance wetlands • Prevent, eradicate, and control invasives

Project Name (Conservation Blueprint site name if different)	State	Basin	System	Recommended Action
Brule River Conservation Area (Brule River State Forest)	WI	SU	<ul style="list-style-type: none"> • Riverine Habitats • Uplands 	<ul style="list-style-type: none"> • Coordinate land use planning/mgt. • Implement sustainable forestry practices • Restore altered hydrologic regimes (river flows and lake levels)
Chequamegon Bay	WI	SU	<ul style="list-style-type: none"> • Open/Nearshore Waters • Wetlands (coastal) 	<ul style="list-style-type: none"> • Protect, restore, and enhance wetlands • Priority area for protection (National Estuarine Research Reserve designation) • Protect hydrologic regimes (river flows and lake levels)
Door Peninsula and Green Bay Watershed (Door Peninsula, Cat Island)	WI	MI	<ul style="list-style-type: none"> • Wetlands (coastal) • Riverine Habitats • Coastal Shore • Uplands 	<ul style="list-style-type: none"> • Prevent, eradicate, and control invasives • Protection through acquisitions/easements • Protect, restore, and enhance wetlands • Implement sustainable forestry practices • Implement agricultural best mgt. practices • Restore altered hydrologic regimes (river flows and lake levels) • Prevent or remediate toxics
Pine, Popple and Peshtigo Rivers	WI	MI	<ul style="list-style-type: none"> • Riverine Habitats 	<ul style="list-style-type: none"> • Implement best practices in road/stream crossing designs • Implement sustainable forestry practices • Protection through acquisitions/easements

**ASHTABULA CITY PORT AUTHORITY
4717 Main Ave.
Ashtabula, OH 44004**

September 8, 2005

**BY FACSIMILE TRANSMISSION TO
1.312.353.2018 AND BY OVERNIGHT
DELIVERY**

U.S. Environmental Protection Agency
Great Lakes National Program Office
77 West Jackson Boulevard (G-17J)
Chicago, IL 60604-3511

Re: The Great Lakes Regional Collaboration ("GLRC") Action Plan

Dear Executive Committee Members:

I write on behalf of the Ashtabula City Port Authority (the "ACPA") to express our strong support for the GLRC's draft Action Plan dated July 7, 2005. In particular, the ACPA supports the Action Plan's stated goal of delisting the Ashtabula River as a Great Lakes Area of Concern ("AOC") by 2010, and its finding that accelerated progress on remediation of contaminated sediments in the Great Lakes region will not be possible unless appropriations already made under the Great Lakes Legacy Act ("GLLA") are disbursed as provided and as originally intended by the Act.

In March 2004, the ACPA, as the non-federal local sponsor for the Ashtabula River and Harbor Dredging Project (the "Ashtabula Project"), along with a group of private companies joined together as the Ashtabula River Cooperation Group II ("ARCG II") made an application to the Great Lakes National Program Office ("GLNPO") seeking approval of shared funding for the Project under the provisions of the GLLA. The application submitted to GLNPO requested funding for the dredging, dewatering, and disposal of 581,000 cubic yards of contaminated sediments upstream to the Fifth Street Bridge. The United States Army Corps of Engineers has committed to conduct the dredging of 115,000 cubic yards of sediment downstream of the Fifth Street Bridge. Completion of these two segments pursuant to the Comprehensive Management Plan ("CMP"), which was approved by the ASACW John Paul Woodley in September 2004, will address an entire designated AOC.

U.S. Environmental Protection Agency/GLNPO

September 8, 2005

Page 2

The Ashtabula River and Harbor is a classic mixed-use waterway with contamination resulting from activities dating back to the early 1800s, including industrial activities involving long defunct companies, commercial shipping, shoreline development, a municipal landfill, combined sewerage outfalls, and federal shipbuilding and decommissioning.

The favorable approval and implementation of the recommendations set forth in the draft Action Plan for sediment removal projects is particularly relevant to the Ashtabula Project. Since 1994, USEPA Region V has publicly promoted and participated in the Ashtabula Project because it leverages community initiative and support with private and public funding to restore an urban waterway designated as an Area of Concern by the International Joint Commission ("IJC"). In 1998, the IJC praised the Ashtabula Project for its effective use of a collaborative partnership approach, and reported that Great Lakes authorities were looking to the Project "as a new model for community-based environmental protection." The Project was nominated in 1996 for USEPA's Innovations in American Government Award.

When Congress drafted the GLLA, it expressly acknowledged the Ashtabula River Project as its model. The House Report on the GLLA cited the Project's use of a public-private partnership, rather than the Superfund program, as a means to promote greater cooperation and to leverage contributions by the local community and private sector. At the initial suggestion of USEPA, a partnership of approximately 50 public and private entities have invested ten (10) years of effort to develop a consensus-based CMP for the Ashtabula Project, which goes beyond a CERCLA remedy and provides greater benefits to the community. The CMP not only has been endorsed by USACE, USEPA, and federal and local elected officials representing Ashtabula, the Project has received a \$7 million funding commitment from State of Ohio with the members of the ARCG II providing the balance of the 35% local match share required by the GLLA.

As stated in the legislative history to the GLLA, Superfund enforcement is not suited for AOCs like the Ashtabula River and Harbor, because "The Great Lakes sediments became contaminated as a result of pollution from many sources over several generations," predominantly from activities conducted by non-traditional targets for enforcement. Therefore, "Applying Superfund could make virtually every citizen of the Great Lakes a liable party." [Cong. Duncan, Tennessee, page H 6009-10]. In addition, reliance upon Superfund will cause ten (10) years of coordinated work to be wasted and needlessly prolong remediation of the Ashtabula River and Harbor for many more years.

As a result, the ACPA endorses the first priority stated in the AOC/Sediments Chapter of the Action Plan to amend the GLLA, in part to clarify and reiterate "the Act's original intent to permit potentially responsible parties (PRPs) to participate as the

U.S. Environmental Protection Agency/GLNPO

September 8, 2005

Page 3

nonfederal sponsor," without regard to the so-called "polluter pays principle." This point is critical to the success of the Ashtabula Project. Without the financial support of the ARCG II companies, the ACPA would be unable to provide the 35% local match share required by the GLLA.

Significantly, we believe this recommendation merely recites evidence of the GLLA's original intent to permit CERCLA PRPs to participate with GLLA funding because the Act specifically allows monies paid and work performed under an administrative order on consent or judicial consent decree to be credited toward the non-federal share. The obvious inference, therefore, is that Congress assumed that PRPs performing remedies under Superfund decrees could get credit for their efforts under those decrees, and an effort to remove any ambiguity in this regard is important to the final approval of the Ashtabula River Project and other similar projects. The ACPA also supports the recommendation that the GLLA be amended to allow direct payments to the local sponsor to complete work approved under the Act.

More broadly, as the Action Plan also points out, applications for funding were not intended to be "artificially limited on the basis of the 'polluter pay principle.'" There is no provision of any kind in the GLLA that would require or even authorize the application of such a principle to disallow funding to otherwise qualified projects. Further, as the GLRC has observed, "To do so cuts off one of the best resources to obtain the 35% nonfederal share and an opportunity to ensure that the important objective of the Legacy Act - to accelerate the remediation of contaminated sediment in the Great Lakes - is fulfilled. The State of Ohio and ARCG II companies stand ready to fund the 35% non-federal share, but unless and until the funding already appropriated under GLLA for the Ashtabula Project is provided, the Project cannot commence.

Accordingly, the GLRC Action Plan merits favorable consideration and approval because implementation of its recommendations fairly balances the obligations arising from the diverse sources and parties contributing to the contamination present in the Ashtabula River and Harbor, and other AOC's throughout the Great Lakes, as well as making the GLLA a more effective tool to accomplish its essential purpose. Moreover, approval of the GLRC Action Plan and its related recommendations for the Ashtabula Project will not undermine traditional principles of CERCLA enforcement. The GLRC Action Plan presents appropriate policies for the use of federal funds that are fully consistent with the Congressional objectives reflected in the GLLA and the needs of the Ashtabula community.

U.S. Environmental Protection Agency/GLNPO
September 8, 2005
Page 4

Thank you for your considerations of these comments.

ASHTABULA CITY PORT AUTHORITY



Ronald Kister
Chairman

**ASHTABULA CITY PORT AUTHORITY
4717 Main Ave.
Ashtabula, OH 44004**

September 8, 2005

**BY FACSIMILE TRANSMISSION TO
1.312.353.2018 AND BY OVERNIGHT
DELIVERY**

U.S. Environmental Protection Agency
Great Lakes National Program Office
77 West Jackson Boulevard (G-17J)
Chicago, IL 60604-3511

Re: The Great Lakes Regional Collaboration (“GLRC”) Action Plan

Dear Executive Committee Members:

I write on behalf of the Ashtabula City Port Authority (the “ACPA”) to express our strong support for the GLRC’s draft Action Plan dated July 7, 2005. In particular, the ACPA supports the Action Plan’s stated goal of delisting the Ashtabula River as a Great Lakes Area of Concern (“AOC”) by 2010, and its finding that accelerated progress on remediation of contaminated sediments in the Great Lakes region will not be possible unless appropriations already made under the Great Lakes Legacy Act (“GLLA”) are disbursed as provided and as originally intended by the Act.

In March 2004, the ACPA, as the non-federal local sponsor for the Ashtabula River and Harbor Dredging Project (the “Ashtabula Project”), along with a group of private companies joined together as the Ashtabula River Cooperation Group II (“ARCG II”) made an application to the Great Lakes National Program Office (“GLNPO”) seeking approval of shared funding for the Project under the provisions of the GLLA. The application submitted to GLNPO requested funding for the dredging, dewatering, and disposal of 581,000 cubic yards of contaminated sediments upstream to the Fifth Street Bridge. The United States Army Corps of Engineers has committed to conduct the dredging of 115,000 cubic yards of sediment downstream of the Fifth Street Bridge. Completion of these two segments pursuant to the Comprehensive Management Plan (“CMP”), which was approved by the ASACW John Paul Woodley in September 2004, will address an entire designated AOC.

The Ashtabula River and Harbor is a classic mixed-use waterway with contamination resulting from activities dating back to the early 1800s, including industrial activities involving long defunct companies, commercial shipping, shoreline development, a municipal landfill, combined sewerage outfalls, and federal shipbuilding and decommissioning.

The favorable approval and implementation of the recommendations set forth in the draft Action Plan for sediment removal projects is particularly relevant to the Ashtabula Project. Since 1994, USEPA Region V has publicly promoted and participated in the Ashtabula Project because it leverages community initiative and support with private and public funding to restore an urban waterway designated as an Area of Concern by the International Joint Commission (“IJC”). In 1998, the IJC praised the Ashtabula Project for its effective use of a collaborative partnership approach, and reported that Great Lakes authorities were looking to the Project “as a new model for community-based environmental protection.” The Project was nominated in 1996 for USEPA’s Innovations in American Government Award.

When Congress drafted the GLLA, it expressly acknowledged the Ashtabula River Project as its model. The House Report on the GLLA cited the Project’s use of a public-private partnership, rather than the Superfund program, as a means to promote greater cooperation and to leverage contributions by the local community and private sector. At the initial suggestion of USEPA, a partnership of approximately 50 public and private entities have invested ten (10) years of effort to develop a consensus-based CMP for the Ashtabula Project, which goes beyond a CERCLA remedy and provides greater benefits to the community. The CMP not only has been endorsed by USACE, USEPA, and federal and local elected officials representing Ashtabula, the Project has received a \$7 million funding commitment from State of Ohio with the members of the ARCG II providing the balance of the 35% local match share required by the GLLA.

As stated in the legislative history to the GLLA, Superfund enforcement is not suited for AOCs like the Ashtabula River and Harbor, because “The Great Lakes sediments became contaminated as a result of pollution from many sources over several generations,” predominantly from activities conducted by non-traditional targets for enforcement. Therefore, “Applying Superfund could make virtually every citizen of the Great Lakes a liable party.” [Cong. Duncan, Tennessee, page H 6009-10]. In addition, reliance upon Superfund will cause ten (10) years of coordinated work to be wasted and needlessly prolong remediation of the Ashtabula River and Harbor for many more years.

As a result, the ACPA endorses the first priority stated in the AOC/Sediments Chapter of the Action Plan to amend the GLLA, in part to clarify and reiterate “the Act’s original intent to permit potentially responsible parties (PRPs) to participate as the

nonfederal sponsor,” without regard to the so-called “polluter pays principle.” This point is critical to the success of the Ashtabula Project. Without the financial support of the ARCG II companies, the ACPA would be unable to provide the 35% local match share required by the GLLA.

Significantly, we believe this recommendation merely recites evidence of the GLLA’s original intent to permit CERCLA PRPs to participate with GLLA funding because the Act specifically allows monies paid and work performed under an administrative order on consent or judicial consent decree to be credited toward the non-federal share. The obvious inference, therefore, is that Congress assumed that PRPs performing remedies under Superfund decrees could get credit for their efforts under those decrees, and an effort to remove any ambiguity in this regard is important to the final approval of the Ashtabula River Project and other similar projects. The ACPA also supports the recommendation that the GLLA be amended to allow direct payments to the local sponsor to complete work approved under the Act.

More broadly, as the Action Plan also points out, applications for funding were not intended to be “artificially limited on the basis of the ‘polluter pay principle.’” There is no provision of any kind in the GLLA that would require or even authorize the application of such a principle to disallow funding to otherwise qualified projects. Further, as the GLRC has observed, “To do so cuts off one of the best resources to obtain the 35% nonfederal share and an opportunity to ensure that the important objective of the Legacy Act – to accelerate the remediation of contaminated sediment in the Great Lakes – is fulfilled. The State of Ohio and ARCG II companies stand ready to fund the 35% non-federal share, but unless and until the funding already appropriated under GLLA for the Ashtabula Project is provided, the Project cannot commence.

Accordingly, the GLRC Action Plan merits favorable consideration and approval because implementation of its recommendations fairly balances the obligations arising from the diverse sources and parties contributing to the contamination present in the Ashtabula River and Harbor, and other AOC’s throughout the Great Lakes, as well as making the GLLA a more effective tool to accomplish its essential purpose. Moreover, approval of the GLRC Action Plan and its related recommendations for the Ashtabula Project will not undermine traditional principles of CERCLA enforcement. The GLRC Action Plan presents appropriate policies for the use of federal funds that are fully consistent with the Congressional objectives reflected in the GLLA and the needs of the Ashtabula community.

September 8, 2005

Page 4

Thank you for your considerations of these comments.

ASHTABULA CITY PORT AUTHORITY

A handwritten signature in black ink, appearing to read 'Ronald Kister', is written over a horizontal line.

Ronald Kister

Chairman

**Statement of John Beeker, Ph.D., Director of Environmental Planning,
Northeast Ohio Areawide Coordinating Agency
Comments on the Great Lakes Regional Collaborative Draft Strategic Action Plan
Cleveland, Ohio
August 23, 2005**

My name is John Beeker, Director of Environmental Planning at the Northeast Ohio Areawide Coordinating Agency (NOACA). I am speaking on behalf of NOACA's Water Quality Committee, a standing committee of NOACA's Governing Board. A resolution of support for the GLRC Strategic Action Plan paralleling these comments is pending before NOACA's Governing Board next scheduled to meet on September 9.

NOACA is a regional public planning agency for the Greater Cleveland region whose planning area encompasses the five northeast Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina. NOACA is designated under various federal statutes to perform regional water quality management planning, regional air quality planning and regional transportation planning for the northeast Ohio area.

As the designated 208 Planning Agency for our area, NOACA maintains a water quality plan that addresses a number of regional water issues including sewer planning, nonpoint source planning, watershed planning and storm water management planning. NOACA's water quality management plan helps to guide water-quality oriented actions by our 160 plus member local government jurisdictions.

NOACA was instrumental in establishing local coordinating committees for the Cuyahoga River Remedial Action Plan and the Black River Remedial Action Plan in 1987 and 1990 respectively, and has helped to sustain these two organizations over the intervening years.

General Comments

The sponsors of this collaborative effort are to be commended for engaging all levels of government and other interested parties in a comprehensive assessment of Great Lakes restoration needs. In our view this assessment is long overdue and could, if implemented, help to reverse the federal government's disinvestment in Great Lakes Water Quality which began over twenty years ago.

We also believe that the range of issues addressed in this plan represents the best current thinking about the scope and scale of what is needed for a comprehensive approach to the Great Lakes problem.

The draft document refers to the notion that we are living through a period of scarce financial resources and that, by inference, we should lower our expectations about what the federal government can do. Economics 101 teaches us that resources are always scarce. What is needed is leadership from the federal government and substantial federal financial commitments to fully implement the recommendations in this plan. The fact

that the recently enacted Great Lakes Legacy Act is so woefully underfunded despite the clear needs identified here and in many predecessor documents, is symbolic of a recurring gap between rhetoric and reality when it comes to federal support of Great Lakes programs.

Having said all that, we would like to mention a few key elements in the comprehensive plan that we believe should have high priority for implementation. These elements all relate to the water quality management responsibilities of NOACA's member communities and as such would enhance the capacity of our local member units of government to address the complex environmental issues of Great Lakes restoration.

Habitat/Species Strategy

NOACA supports the enactment of a Great Lakes River Restoration Act funded at \$40 million annually. Restoring health to the tributary rivers of the Great Lakes is critical to healthy populations of aquatic life including fish throughout the basin. NOACA's Clean Water 2000 Plan identified the most significant water quality threat to northeast Ohio over the next twenty years to be the urbanization of streams in relatively undeveloped areas of our area currently in possession of high water quality. Conservation of these streams should be combined with efforts at restoring heavily degraded urbanized streams.

Coastal Health Strategy

NOACA supports the establishment of a \$7.5 billion grant program over five years for wastewater treatment improvements and wet weather controls, especially for combined sewer overflows. The need for funding for combined sewer overflow improvements has been well documented. The Cuyahoga River RAP identified CSO control as the single most important step for river restoration in that AOC. We join our sister agency TMACOG in recommending that the CSO grant program include a set-aside for regional planning, such as §§205(j) and 604(b) of the Clean Water Act. Regional planning agencies are critical participants in the work needed to address complex environmental problems in our urban areas.

NOACA supports a more aggressive pursuit of the risk based approach for managing recreational waters. For a number of years we have worked with partner agencies in the Black River and Cuyahoga River RAPS to promote public awareness of bacteria exposure risk programs for Lake Erie beach visitors. Closing the gap on developing reliable real time information on bacteria exposures is much needed.

NOACA supports full funding of the Clean Water State Revolving Fund for both Wastewater and Drinking Water infrastructure improvements. These systems are the front line in environmental protection for the basin's residents.

AOC/Sediments Strategy

NOACA supports full funding of the Great Lakes Legacy Act. The reasons which impelled Congress to enact this authority stand as powerful reasons to fully fund the program.

NOACA strongly supports adequate, stable funding for RAP partners, especially local partners such as the Cuyahoga River RAP Coordinating Committee and the Black River RAP Coordinating Committee. The funding level proposed of \$10 million per year is a reasonable proposal provided that local partners share equally with states in the disbursements. As noted above, NOACA has worked hard with other members of these local RAP committees to sustain a RAP program in the face of virtually no financial support from federal and state agencies and we have managed to sustain these programs through local initiative and ingenuity. These committees are critical links in the planning and consensus building efforts needed to focus and implement RAP strategies.

Nonpoint Source Strategy

NOACA especially supports the recommendations to provide \$110 million annually for five years to restore wetlands and \$335 million to restore riparian buffers in the Great Lakes basin. These two initiatives are critical to restoring the health of the Great Lakes and its tributary rivers. NOACA has been working with member communities in partnership with local watershed groups on a program of promoting the enactment of local riparian setback ordinances as part of the Phase II Storm water Program. Funds to underwrite costs of conservation and restoration of these critical resources are much needed.

In closing, we wish to reiterate that the Draft Strategic Action Plan is a worthy endeavor. However, its promise will only be fully realized with federal leadership and serious financial commitments to implement those recommendations.

Thank you for the opportunity to comment.

NOACA Planning For Greater Cleveland
Counties of: Cuyahoga, Geauga, Lake Lorain & Medina

JOHN BEEKER, PhD
Director of Environmental Planning

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY
1299 Superior Avenue, Cleveland, Ohio 44114-3204
PH: 216-241-2414 Ext. 250 FX: 216-621-3024
email: jbeeker@mpo.noaca.org website: www.noaca.org

GLRC



Review Comments

Date Submitted: 2005-09-09 06:16:17**Sections:** Strategy Team Area -- Invasive Species
Strategy Team Area -- Habitat/Species
Strategy Team Area -- Coastal Health
Strategy Team Area -- AOC
Strategy Team Area -- Nonpoint Source
Strategy Team Area -- PBT**Name:** Terry Korzan**Organization:** Research Associates**Street Address:** 211 Cornell Avenue**City, State/Province, Zip:** Elyria, OH 44035**Country:** United States**E-mail:** terrykorz@aol.com

Telephone (optional): (440)322-5034

Add to GLRC news? Yes

Comments: As a biologist, as a local government employee in pollution control, and as a ten-year member of the Black River RAP group, I would like to see total funding for all of the 8 items or problem areas listed in this draft action plan. The action plan is as monumental today as was the inception of the Clean Water Act back in its day. The plan is very comprehensive and, as one reads the entire document, you come to the conclusion that we have known for such a long time - you cannot just work on 2 or 3 of the problem areas identified in the plan and expect to get results. No, all of the problem areas need to be addressed because they are so intertwined. If all of these areas are not addressed simultaneously, then any expected results will not be realized. It would, therefore, be better to have the plan totally funded over a ten year term rather than being partially funded over a five year term and actually accomplish the goals of the plan. Remedial Action Plan groups (RAPs) are so entrenched in trying to remedy most of the problem areas identified in the draft action plan. We deal with CSO/SSO issues, wetland issues, riparian corridor issues, non-point source runoff issues, municipal stormwater regulation issues, wastewater treatment plant issues, invasive species issues, habitat conservation and creation of new habitat areas, etc. As a member of the Black River RAP group, I wonder why so little of the total budget for the action plan is designated for RAP groups. If you want to get the most bang for the buck, since we are dealing with all of the above issues, much more needs to be allocated to RAPs. The Black River RAP has been successful in changing the designation of impaired to "in recovery" for bullhead catfish tumors, and US EPA has changed the status of benthos from impaired to not impaired in the East Branch of the Black River due to all of the improvements made through the work of many

concerned individuals and agencies that make up the RAP. So much more could be accomplished in shorter periods of time if RAPs had better sources of funding. Under Habitat/Species, only 40 million dollars are allocated for riparian restoration and 40 million dollars for coastal shores and uplands habitats. Both of these areas will require much more funding per year, given the vast areas that we are talking about. We have the opportunity to adopt this action plan with total funding with a promise of setting things right in the Great Lakes arena. We are making history here, just as we were in promulgating the Clean Water Act. Will history show us as acting in the best interest of the Great Lakes, or will we be remembered as having produced the best action plan for the best results but failed due to lack of funding? Please give us a chance to get it done. Thank you for giving us the opportunity to be a part of this public comment period and potential historic occasion. I will cherish this as much as I did the first Earth Day, the birth of the Clean Water Act, the Clean Air Act and other great milestones. Sincerely, Terry Korzan 211 Cornell Avenue Elyria, OH 44035 (440)322-5034 (Home) (440)897-2699 (Work) terrykorz@aol.com

Attached file: N/A

Assigned respondent(s):

[Assign Now](#)

[Close this window](#) X

MEMORANDU FOR RECORD

Subject: U.S. Army Corps of Engineers technical comments on draft Strategy for Protection and Restoration of Great Lakes, dated July 2005

1. Provided are technical comments of the U.S. Army Corps of Engineers (USACE) on the AOC/Contaminated Sediment chapter in the draft strategy of the Great Lakes Regional Collaboration.
2. The Strategy points to the Great Lakes Legacy Act as the key for cleaning up contaminated sediments and delisting Areas of Concern. However, this chapter has overlooked several other authorities that have already made significant contributions to contaminated sediment cleanup, including the following USACE programs: navigation maintenance dredging; Great Lakes Remedial Action Plan and Sediment Remediation Program (Section 401 of Water Resources Development Act of 1990), and; Environmental Dredging (Section 312 of the Water Resources Development Act of 1990, as amended).
3. Over 90 million cubic yards of contaminated sediments have been removed from Great Lakes harbors and channels and safely disposed as part of routine dredging to maintain safe depths for navigation since the mid 1960s. More than 70 million cubic yards of contaminated sediments were removed from Areas of Concern (AOCs). Confined disposal facilities, or CDFs, constructed for navigation dredging have been used to conduct demonstrations of innovative technologies for treating contaminated sediments under USACE and EPA research and demonstration programs, and in a few cases have been used to manage sediments removed for cleanup projects.
4. The Great Lakes Remedial Action Plan and Sediment Remediation program has provided technical assistance to RAP groups and states in the planning and design of sediment cleanup projects at AOCs, including several that are proposed for Legacy Act funding as well as the first project constructed under Legacy Act. This program has also provided planning and design assistance for other actions needed for AOC delisting, such as pollution prevention, source control, and post-action monitoring. This chapter of the Strategy recommends amendments to the Legacy Act authority to provide the same kind of planning and design services already available and provided through this USACE program.
5. The Environmental Dredging program was created by Congress in 1990 as a national authority for cleaning up contaminated sediments. There are four active projects under this program at Great Lakes AOCs: Ashtabula River, OH; Grand Calumet River, IN; Fox River, WI, and; Buffalo River, NY. Congressional staff indicated that the Legacy Act was actually modeled after the Environmental Dredging program, and the two programs have similar cost sharing requirements. The omission of the Environmental Dredging program from this chapter is a significant oversight.
6. The USACE has more than forty years of experience with managing contaminated sediments in the Great Lakes. In our opinion, this chapter of the Strategy addresses only one of the three key factors that are limiting progress in the cleanup of sediments at AOCs. Aside from funding, the other key factors that should be discussed in this chapter are land and

liability. "Land" refers to the siting and selection of disposal sites for managing contaminated sediments. This chapter sidesteps this issue with recommendations for additional research on innovative treatment technologies. The perpetuation of a hope for a "silver bullet" technology is counter productive. Numerous studies and demonstrations in the Great Lakes and nationwide have consistently concluded that decontamination technologies, while available, are inefficient with sediments containing mixed contaminants, cost prohibitive, and do not eliminate the need for disposal facilities. Local proponents for AOC delisting should be encouraged to pursue the development of new or additional disposal capacity as a factor that limits AOC sediment cleanup as much, if not more than funding.

7. The other factor limiting sediment cleanup is the "liability" issue. The root of this is the "polluter-pays principle" that public funding should only be used for cleanup after the polluters have paid their fair share. The diverse sources of sediment contamination and mobility of sediment particles make the application of this principle to contaminated sediments very time, and resource consuming. As a result, federal programs intended to support sediment cleanup activities must wait for resolution of polluter responsibilities before proceeding.

8. In summary, this chapter should acknowledge existing Corps programs that have contributed significantly to the removal of contaminated sediments from Great Lakes AOCs and continue to support removal of contaminated sediments from AOCs and the development and implementation of RAPs. This chapter should consider recommendations on how these programs might be more fully integrated with the Legacy Act, Superfund and other federal and state tools for delisting AOCs. Finally, this chapter should evaluate options for addressing the "lands" and "liability" factors that will continue to limit progress in contaminated sediment cleanup at AOCs.

JAN A. MILLER
Great Lakes District Support Team
Great Lakes & Ohio River Division
U.S. Army Corps of Engineers



September 9, 2005

Executive Committee of the Great Lakes Regional Collaboration,

The Network of Great Lakes Sea Grant programs is pleased to provide comment on the Draft Action Plan report released by the Great Lakes Regional Collaboration (GLRC) in July, 2005. This Network of seven programs have an important and unique perspective on the GLRC because the programs support research, education, and outreach on most of the strategic efforts outlined in the Draft Action Plan. From our perspective, the Draft Action Plan is an excellent start. The process alone has been a notable accomplishment in that 1500 people were involved in developing consensus on many important challenges in restoring the Great Lakes and identifying necessary action for meeting those restoration goals and the required funding commitments. We applaud the consensus-based approach and the significant progress in addressing important, but uncontroversial restoration projects for initial action. It is important, however, to not lose sight of the more controversial issues such as mercury contamination.

We have some overall comments, as well as issue-specific ones:

1. We note that several recommendations, particularly those within the Indicators and Information section, call for establishing and supporting new organizations and infrastructure (e.g., Great Lakes Communications Workgroup, Regional Information Management Infrastructure, Great Lakes Research Office, Great Lakes Information Coordination Council). The Great Lakes region already has well-established, basin-wide and/or international organizations that can be modified and/or charged to serve such purposes (e.g., IJC's Council of Great Lakes Research Managers, the Great Lakes Commission, the Great Lakes Fisheries Commissions, the Great Lakes Sea Grant Program Network, etc). As such, creation of such new entities should generally be discouraged and these recommendations should either be redirected to utilize existing institutions or substantially clarified as to why additional entities are needed.

2. We support the Draft Action Plan's recommendations for research funding. The report recognizes that research and monitoring are fundamental to sound decisions and that the current level of funding for research is not sufficient to guide best courses of action for the restoration. In particular, we strongly support the proposal to double federal Great Lakes research support over the next five years to better meet restoration needs. Additionally, we strongly endorse the proposal that, in addition, ten percent of all new research funds to support Great Lakes restoration should be dedicated to *independent* research. Historically, the independent academic community has made significant and important contributions to policy and management actions in the Great Lakes. However, declines in funding for competitive, peer reviewed research over the past decades has greatly diminished academic involvement. These researchers more easily adapt to new questions and ideas that lead to important advances in understanding and management support. It is imperative that these independent voices continue to be supported and

heard, and that this support be delivered through independent, extramural research programs not subject to real or perceived manipulation by management agencies or government laboratories.

3. We also note that there lacks a clear and compelling science plan that supports this large-scale, complex, long term restoration and takes advantage of the wealth of expertise in the academic community. We strongly urge the Task Force to commission such a plan, led by the independent academic community, and to support projects selected through a process of competitive, peer review. The science community is ready to provide support for the broad range of natural, social, and economic issues confronting the restoration effort.

4. We note that, in many places, the Draft Action Plan highlights the need for focused outreach and involvement of stakeholders. We agree that outreach will be particularly important as restoration priorities will likely differ from state to state, or at least lake to lake, and may evolve over time. This will require the involvement of institutions that have both a state focus and an ability to integrate across the whole of the Great Lakes basin. Great Lakes Sea Grant outreach professionals have worked cooperatively for over 30 years to design activities that effect behavior change through constituent-driven programs focused on outcome-based objectives using a variety of educational processes and techniques. The Great Lakes Sea Grant Network has effectively partnered with many state, federal, tribal, private, and commercial organizations to deliver and apply the research conducted at our universities. Great Lakes Sea Grant outreach staff are committed to the GLRC and provide an important mechanism which will help ensure that research funding to universities will be applied toward restoration of the Great Lakes.

4. While this plan is a very good first step, it will only be meaningful and distinguish itself from the many previous plans *if it is fully funded*. We hope that its many promising measures will be fully funded so that meaningful implementation and progress can be made towards the important goal of restoring the Great Lakes ecosystem. Finally, at the present time, no GLRC member agencies or partners have formally endorsed the plan. We urge the GLRC Executive Committee, particularly the states, to endorse the funding and program strategies outlined in the final GLRC Action Plan. A plan of this scale needs broad support to be successfully implemented.

In addition to these highlighted summary comments from the Network of Great Lakes Sea Grant Programs, we attach additional comments derived from a series of eight well-attended public workshops on Great Lakes restoration that the Network hosted in collaboration with the Great Lakes Commission and numerous other partner organizations in 2003 and 2004. The outcomes of these workshops are available in a booklet of proceedings titled "A Blueprint for the Future: Towards a Great Lakes Restoration Strategy" (www.glc.org/restwkshp/) which presents the input received from approximately 700 individuals of varying backgrounds regarding needed actions for ecosystem protection and restoration. Compiled in cooperation with the staff of the Great Lakes Commission, the attached comments are intended to be an accurate representation of the large body of stakeholder comments received during this workshop series as they relate to the Great Lakes restoration priorities. They are presented here in hope that they will inform and add value to the Draft Action Plan as it is finalized in the coming months. Specific recommendations in the attached comments are our best attempt to represent the views of the participants, but should not be interpreted as necessarily having the endorsement of all workshop sponsors or participants.

Sincerely,



Dr. Donald Scavia
Director, Michigan Sea Grant



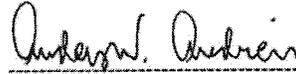
Dr. William Sullivan
Interim Director, Illinois-Indiana Sea Grant



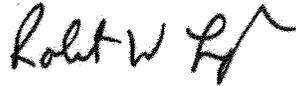
Mr. Jeffrey Gunderson
Acting Director, Minnesota Sea Grant



Dr. Jack Mattice
Director, New York Sea Grant



Dr. Anders Andren
Director, Wisconsin Sea Grant



Dr. Robert Light
Director, Pennsylvania Sea Grant

Dr. Jeffrey Reutter
Director, Ohio Sea Grant

Comments on the GLRC Draft Action Plan based on the 2003-2004 Great Lakes Restoration Workshop Series

Prepared by the Great Lakes Sea Grant Network and the Great Lakes Commission based on the input received at eight public workshops held in the Great Lakes states during 2003 and 2004

Between September 2003 and August 2004, the Great Lakes Commission and the Great Lakes Sea Grant Network partnered with a multitude of regional organizations and state agencies to conduct a series of eight workshops throughout the U.S. portion of the Great Lakes region. The focus of these workshops was the development of a restoration strategy for the Great Lakes basin. With a goal of garnering broad input to the identification of discrete restoration goals and a strategy for implementing restoration activities, the workshop series was attended by a diverse set of nearly 700 participants from all levels of government, non-profit organizations, the private sector, academia, tribal groups, and the general public. While each workshop had a unique format determined by the local sponsors, they all centered around two common themes: (1) identification of the priority actions and components that must be present in a comprehensive Great Lakes restoration strategy, and (2) identification of key principles and considerations for designing and enacting such a strategy. Following the workshops, project partners compiled the oral and written comments into a series of Workshop Proceedings and a separate Executive Summary which presents an overview of the major emergent themes from the workshop series (all are available at www.glc.org/restwksph). Given the theme of the workshops, their recorded outcomes should provide considerable value to the Great Lakes Regional Collaboration (GLRC) as it finalizes its Action Plan.

It should be emphasized that the ideas and opinions expressed herein are derived from the comments of the numerous workshop participants in the aggregate and should not be attributed to any particular individual or organization. Consensus was not a goal of the workshop discussions and these comments are not necessarily based upon consensus views, but represent the range of opinions expressed at the workshops in a manner intended to offer constructive suggestions for the GLRC Action Plan. The Sea Grant Network has worked with the Great Lakes Commission staff to compile these comments as a means of carrying forward the much appreciated contribution of the 700 individuals who donated their thoughts, expertise, and a day (or more) of their time to these workshops. While the comments were compiled by Great Lakes Commission staff, specific recommendations should not be viewed as official positions of the Commission as an organization.

The comments are organized below into two sections. The first section contains general considerations and overarching themes. The second section provides a detailed assessment of the workshop participants' comments regarding each of the eight GLRC Issue Areas. Specific recommendations and conclusions are in ***bold italics***.

Generally speaking, an assessment of the GLRC's draft report and the workshop outcomes shows considerable agreement regarding the major themes to be addressed, and the most urgent and effective actions needed to address them. Although emphasis will be placed below on matters where differences occur, this substantial level of agreement should be kept in mind. It is reasonable to conclude that ***the majority of our participants would overwhelmingly support the efforts and outcomes of the GLRC to date***. We believe that the several hundred workshop participants could safely be added to any list of supporters of this monumental initiative.

I. Overarching Themes

The process for moving a regional restoration strategy into action was an important area of discussion during our workshop series and produced a large number of valuable considerations. Among the most prominent themes were the need to engage the full range of interested parties, to ensure coordination among government activities, to build upon and enhance existing activities, to set goals and track progress, to make scientifically-based decisions, to educate and involve the public, to learn from other initiatives, to provide quality training for future Great Lakes professionals, and to act with a sense of urgency. Several of these prominent themes are discussed below in regard to the GLRC Draft Action Plan.

1. The Regional Collaboration is an Ideal First Step

Beginning just three months after the last of our workshops, the GLRC could not have been designed as a timelier or more appropriate first step in implementing our participants' suggestions regarding development of a broadly-supported, comprehensive restoration plan. A key theme emerging from the workshops was the need to fully engage the large and diverse spectrum of interested parties throughout the region. For a large-scale Great Lakes restoration initiative to be successful, all stakeholders will need to be engaged in planning, decision making, and action. In this regard, *the GLRC has set an excellent precedent, with an open and inclusive process that has drawn diverse interests together*. The publicity generated by this initiative has done much to draw the public's interest toward this topic.

Another major theme from participants' comments was the need to build upon the many existing Great Lakes programs and to increase the efficiency and inter-coordination of these existing entities. This same sentiment is evident in the Executive Order establishing the GLRC, and it has been embraced in the operation of the GLRC as a theme underlying the Draft Action Plan. *The GLRC's emphasis on streamlining current activities and on identifying entities that can contribute to Action Plan implementation fulfill significant recommendations that emerged from our workshop series.*

2. Setting Goals and Evaluating Progress

A major theme raised by workshop participants regarding implementation of restoration activities is the need to set discrete and measurable goals at the outset, and to track the progress toward these goals throughout the process. By including an emphasis on indicators and their role in the restoration process, the GLRC has recognized this need as well. The emphasis on concrete and measurable goal-setting throughout the GLRC process has helped achieve broadly agreed-upon goals for each of the Issue Areas. However, *in many cases significant additional work remains to shape these goals into operational indicators that can be used to track progress over time and across the basin*. Although established indicators are needed from the outset of the restoration effort, their development should not delay progress on restoration action that—according to our workshop outcomes and the GLRC Action Plan—must be acted upon urgently. In this regard, the Draft Action Plan's emphasis on supporting and strengthening existing activities, such as the State of the Lakes Ecosystem Conference (SOLEC) program, is appropriate and should ensure that the process of establishing indicators, metrics, goals, and a process for tracking them, moves forward

quickly, as is needed to ensure restoration efforts are carried out in a timely and effective manner.

3. Train Tomorrow's Leaders

Higher education programs focusing on the Great Lakes and associated restoration activities are necessary for ensuring that well-trained professionals are available to lead Great Lakes restoration and protection efforts well into the future. Many workshop participants cited a need to increase support for secondary and graduate education programs that focus on the Great Lakes. Recognizing that Great Lakes restoration and protection will be an ongoing effort, strong Great Lakes higher-education programs are critical for maintaining the momentum of these efforts. Currently, the Draft Action Plan does not directly address this issue. As engagement of the academic community in restoration activities is needed to ensure close linkages between current activities and development of future Great Lakes professionals and leaders, ***it should be ensured that academic institutions are close participants in implementing the Action Plan and adequate resources are directed towards higher education programs dealing with the Great Lakes.*** Recommending that funding for many of the Action Plan initiatives is done through competitive grant programs is one method of encouraging academic participation. In addition, provision of specific roles for academia within the Action Plan is needed, specifically in the many instances where research needs are identified.

4. Educate and Engage the Public

Educational programs for the general public received significant attention during the workshop series. Public outreach and education programs are an important means of ensuring that the restoration efforts are supported by, and that they meet the needs of, an informed, interested, and engaged public. Public education on all aspects of the Action Plan will be critical to its success. Although some sections of the Action Plan recognize this need, it is not a consistent theme throughout the document and is not treated in a comprehensive or overarching manner. ***Wherever possible, the need for educational and outreach programs should be noted, and consistent recommendations should be formed regarding such educational initiatives. If possible, a brief, centralized discussion or recommendation regarding public education and outreach could be included.***

5. Opportunities for Shoreline Access and Recreation

The ability to access the lakes for recreation and enjoyment was a common theme at the workshops, with many participants lamenting diminishing opportunities for public access to the Great Lakes. Although not a central component of the ecosystem integrity that requires restoration, these recreational opportunities are critical for building public appreciation and concern for the lakes, and broad recognition of the need to restore them. Without this public support, restoration efforts are likely to be short-lived and ineffective. Increased public shoreline access and recreational infrastructure was a common workshop recommendation. The Draft Action Plan recommends increased marketing of the Great Lakes as a recreational destination. While this recommendation is strongly supported by the workshop outcomes, there is an associated need to enhance opportunities for Great Lakes-based recreation. ***The Action Plan should cite the need to enhance recreational opportunities and infrastructure on the lakes to the extent that they do not conflict with the restoration goals.***

6. Science-based Decision Making

The participants at the public workshops placed an emphasis on the need for sound decision-making, based on the best available scientific information. The Draft Action Plan places an emphasis on the promotion of scientific and informational tools that can help deliver Great Lakes information to decision makers. In particular, the recommendation to double current Great Lakes research expenditures will do much to advance decision-making capabilities in the region and is in line with the comments received during our workshops. In addition, the recommendations dealing with information collection, management, predictive modeling, and distribution will bolster the abilities of regional leaders to make decisions through a defensible and transparent process. ***The outcomes of the workshop series support the conclusions of the Draft Action Plan regarding the needs for research and informational tools to support decision making.***

7. Funding and Accountability

Many comments received during the workshop series regarded the issues of funding and accountability for Great Lakes restoration-related activities. Although the programs in question varied, comments regarding inadequate funding for critical Great Lakes programs were widespread. In many cases, funding issues were the most prominently cited constraint to making progress. The Draft Action Plan, with its emphasis on identification of funding levels required to achieve the identified goals and milestones, also recognized this as a key underlying issue. The great majority of the programs for which funding needs were identified during the workshop series are also noted as requiring additional funding in the Draft Action Plan. ***The outcomes of our workshops strongly support significant increases in Great Lakes funding, as specified in the Draft Action Plan.*** Beyond inclusion of funding targets in the plan, GLRC partners must commit to making these funding levels a reality.

Similarly, a common theme expressed in workshop comments was a need for increased accountability for achieving well defined results. By identifying important partner organizations and institutions that can undertake critical components of the restoration process, the Draft Action Plan has taken an important first step in ensuring accountability. In all sections of the report, ***renewed efforts should be made to ensure that prospective lead implementers and partners are identified and that mechanisms to ensure accountability for results are also recommended wherever feasible.***

II. Issue Area-Specific Comments

The workshop participants presented detailed comments regarding high-priority action items for Great Lakes restoration and protection. To a considerable degree, the prominent action items identified fall along the lines of the Governors' priorities and the Issue Areas of the GLRC. As the details are more closely examined, strong similarity between workshop comments and the GLRC Draft Action Plan is apparent, with considerable agreement between the major needs cited by the workshop participants and those that have emerged during the GLRC process. Below are summaries of a few of the most salient themes emerging from the workshop series for each GLRC Issue Area, with an emphasis on constructive suggestions for improvement.

1. Areas of Concern

By holding eight events at various locations around the region, the workshop series was able to draw in a considerable number of localized interests. As a result, Great Lakes Areas of Concern (AOCs) were a common theme among the workshop participant's comments. In particular, participants noted the need to increase resource allocation for sediment remediation, to better-define delisting criteria, to improve treatment/containment options, and to engage community stakeholders. The recommendations put forward in the Draft Action Plan are very much in agreement with the comments voiced during the workshop series, including emphasis on many of these same topics and well-developed recommendations for addressing them.

The comments received at the workshops included additional input regarding AOCs that should be more fully incorporated into the Draft Action Plan. Workshop participants noted that many impairments in AOCs are ultimately derived from more-distant sources of various types. Although the introduction to the AOC chapter acknowledges as much and references the other Action Plan chapters for addressing these items, the need to integrate management of such external sources with AOC programs should be more explicitly noted in several of the recommendations. For example, *the recommendations regarding community-based coordinating councils and a federal coordinating committee could be strengthened by clearly noting that these entities should include adequate membership to enable them to address the full range of impairment sources in addition to contaminated sediments.*

Workshop participants noted that improved research is needed regarding the toxicological properties of "emerging" contaminants and the synergistic impacts of multiple contaminants to enable proper delisting targets. Although the AOC chapter commendably notes a considerable need for research regarding treatment and confinement options, *it could be strengthened by also referencing specific research needs that would facilitate the development of delisting targets.*

Finally, the importance of informing, educating, and involving the general public and local stakeholders in AOC management was a frequent topic of comments from workshop participants. To gain the full interest and support of local communities, these outreach efforts should go further than the relatively small groups that are highly engaged—e.g. community-based coordinating councils. *The AOC chapter could be improved by adding an emphasis*

on outreach and educational programs, incorporating this emphasis into a fifth recommendation.

2. Coastal Health

The potential health impacts of living and/or recreating in Great Lakes coastal areas was a common theme during the workshop series. Many comments were received regarding the urgent need to upgrade sewer infrastructure to prevent combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) that contaminate waterways and beaches. It was widely recognized that local communities will bear considerable costs in making these upgrades and will need assistance from state and local sources to achieve the necessary funding. The Draft Action Plan also recognizes this as a prominent issue regarding the human health of those in the Great Lakes region. The Draft Action Plan recommendations, including the state and federal cost sharing, are critical in addressing this.

Workshop participants emphasized ways in which the public must be more-closely involved in health-related Great Lakes programs, including education and outreach regarding activities that lead both to pollution and to exposure. While the Draft Action Plan makes recommendations regarding education and outreach on pollution prevention practices, there is little or no mention of the need to inform the public regarding ways of reducing exposure. Such programs, which include advisories on beach closures/swimming, fish consumption, and drinking water, will be vital for protecting human health while the recommended pollution prevention activities are being implemented. Based on the feedback from the workshop series, *a more prominent role for such community health education and informational programs regarding the Great Lakes could strengthen the Action Plan.*

3. Habitat and Species

The need to restore native species populations and to restore and protect their associated critical habitat was common topics of discussion and comment at the workshops. Although the type of habitat discussed ranged widely—from offshore and nearshore aquatic, to coastal, upland, islands, and tributaries—the themes among the comments were considerably consistent. The trends of decreasing habitat coverage and quality must be stopped, remaining habitat must be protected, and a significant amount of lost or degraded habitat must be restored to support stable and healthy populations of the region's key native species. Discussion of many of these issues often noted close interdependence with other critical topics, such as invasive species, land use and development, and pollution. The Habitat and Species portion of the Draft Action Plan echoes many of these themes and presents a strategy that is largely consistent with the body of habitat and species-related comments received during the workshop series.

Although the workshop outcomes lend strong support to the draft Habitat and Species section, they also suggest a handful of ways this section might be strengthened. *Linkage of habitat preservation efforts to land-use and development patterns was a common theme at the workshops*, with participants citing significantly improved land use management as an essential part of protecting terrestrial and aquatic habitats. *This linkage should be more explicitly drawn out in the recommendations regarding terrestrial, coastal, and wetland habitats.* The need for improved informational tools to support land use decisions, and the

need for education and empowerment of local governments, were frequent workshop suggestions, as was the need to coordinate land use planning at a regional level.

Although the current Draft Action Plan places an appropriate emphasis on amount of habitat restored and protected, *similar emphasis might be given to the location and pattern of habitat*. For example, some workshop participants emphasized the need for “greenways” that link larger habitat reserves and that preserve wildlife corridors.

Finally, there were several workshop comments focusing on the educational, outreach, research, and informational components of habitat and species issues. Although these are mentioned in several of the Habitat and Species recommendations, *these topics are not comprehensively addressed in the Draft Action Plan*.

4. Information and Indicators

The needs for increased collection, standardization, and sharing of information regarding the Great Lakes were common themes during the workshops. Many comments noted frequent incompatibility among data sets and difficulties in accessing information that prevent informational tools from realizing their full potential in resource management. The Draft Action Plan recognizes these barriers and proposes the development of collaborative and technological solutions to address them.

Many workshop participants voiced need for increases in decision-support capabilities based on improved programs for monitoring, research, and modeling. Similar needs are noted within many sections of the Draft Action Plan. The Information and Indicators section proposes actions that would greatly improve the abilities and mechanisms for decision-making regarding Great Lakes resources. An additional consideration raised during the workshops is the need for enhanced research and modeling activities relating to social and economic aspects of the Great Lakes. The Draft Action Plan recognizes the significant interactions of the Great Lakes environment with its economic and social systems, but this link is not well-developed in the Information and Indicators section. Minor modifications to this section would be sufficient to *emphasize the added need for research and information tools regarding the socio-economic components of the region, particularly as they relate to the basin’s natural resources and ecological systems*.

5. Nonpoint Source Pollution

Controlling inputs of sediments, nutrients, and pesticides from non-point sources was frequently cited at the workshops as necessary for further improvements in water quality throughout the basin. Sources of pollution that were prominently discussed included municipal infrastructure, agriculture, air emissions, and land use and development. Suggested remedies for these problems were wide-ranging and in close agreement with the series of actions recommended in the Draft Action Plan. The Nonpoint Source section of the draft has, of necessity, left treatment of some of these sources to other sections of the Action Plan and has focused primarily on control of runoff, particularly from agriculture. While the coverage of this topic is commendable and highly in line with the outcomes from the workshop series, *this narrowing of focus has left several critical points raised during the workshop series*

largely uncovered in the Draft Action Plan (e.g., air emissions of nutrients and acidic compounds; agricultural and residential pesticide use; land use and development).

Workshop participants suggested that atmospheric emissions are a significant contributor to most types of water pollution in the Great Lakes basin. While the Toxic Pollutant section addresses air emissions of persistent toxic substances, air emissions of nitrogen, phosphorus, and sulfur species are not addressed. *Mention of needed air emission reductions in the Nonpoint Source goals and milestones, or in the recommendations, would be an appropriate improvement to this section.*

Similarly, the Nonpoint Source section, particularly recommendation 4, takes a strong approach on agricultural runoff of nutrients and manure. *Agricultural pesticide use and management in this context should also be included.*

Finally, workshop participants frequently noted that the rapid development and changing land use patterns throughout the basin are significant influences on patterns of nonpoint source pollution. However, the Nonpoint Source section of the draft is largely silent on the need for improved planning and management mechanisms regarding land use. *Among key recommendations made at the workshops that might be incorporated into the Action Plan are the need to inform and empower state and local governments to better control development patterns and to institute measures that ensure that additional development that does take place incorporates design principals that minimize nonpoint source pollution.*

6. Toxic Pollutants

Comments voiced during the workshops noted a wide variety of toxic pollutant sources that must be reduced or eliminated. Success in reducing in-lake concentrations of persistent toxic substances will require a balance of improved control on industrial-type sources and citizen-based pollution prevention and conservation efforts. The Draft Action Plan does a commendable job of recognizing both of these aspects and recommends measures to deal with each.

Many workshop comments pointed out the need for improved information regarding the amounts of chemicals entering the lakes, from where they originate, and the processes that govern their transport, fate, and toxicity. There are considerable unmet needs for research and monitoring regarding toxic substances in the Great Lakes basin. The Draft Action Plan recognizes these needs and includes ample recommendations for addressing them.

There was also significant concern expressed at the workshops regarding the quality and consistency of fish consumption advisories, including the methods of preparing these advisories and the information used to prepare them. These two aspects are addressed in the Draft Action Plan, but are treated separately—with no recognition of the importance of improved data to produce fish consumption advisories. To clarify this and to ensure that these issues are jointly addressed in implementing the recommendations, *the need for improved monitoring of fish contaminant concentrations should be mentioned and reiterated in the first sub-bullet of recommendation 4.*

Many workshop participants noted the link between the reduction of toxic substances; the efficient energy, manufacturing, and transportation systems; and other “green technologies.” The link between these initiatives and the resulting toxic pollutant reductions is less clear in the toxic pollutant section of the Draft Action Plan, where mention of such programs is brief and appears only in a footnote. The outcomes of the workshop series suggest that such initiatives should be featured more prominently in a comprehensive and forward-looking strategy for reducing toxic substance pollution. Although these programs receive additional mention in the Sustainable Development section of the draft, and in the appendices, ***a greater presence in the body of the Toxic Pollutant section for efficient energy, manufacturing and transportation systems and “green technologies” is warranted.***

7. Sustainable Development

Sustainability and sustainable development were very frequently mentioned in the comments received during the workshop series. Although some clarity and consistency was lacking in how these terms were used and interpreted, the desired state and goals that emerged from the workshops regarding sustainability in the Great Lakes region are essentially the same as those expressed in the Draft Action Plan. Key areas in which sustainability must be addressed, including industrial activities, transportation, land use, and recreation, appear in both workshop comments and the Draft Action Plan. In addition, many of the specific recommendations regarding sustainability that were voiced during the workshops also appear in the Sustainable Development appendix.

However, the Draft Action Plan does a less-adequate job of establishing measurable goals and concrete recommendations regarding Sustainable Development than it does in its other sections. Although some aspects of sustainable development are treated in other sections of the draft (e.g., sustainable agriculture in the Nonpoint Source section and sustainable industry in the Toxic Pollutant section), there are other aspects—notably transportation, recreation, and land use—that are not adequately addressed elsewhere. The lack of concrete goals, milestones, and specific recommendations in the Sustainable Development section may detract from the ability for progress to be made on these important fronts. Furthermore, ***a more-specific Sustainable Development approach and recommendations would greatly advance the Great Lakes region’s ability to address this issue in a comprehensive fashion,*** which is a stated goal of the current Draft Action Plan.

The difficulty of defining and discussing sustainability in a broad context was well-recognized during the workshop series. Both workshop comments and the Draft Action Plan recognize that much work is needed to arrive at specific goals and objectives. In addition, both the workshop outcomes and the Draft Action Plan suggest the need for coordination and the centralization of sustainable development initiatives across the region. As the draft chapter currently lacks a Goals and Milestones section (which is present in the other seven), ***the inclusion of a Goals and Milestones section that encourages the accomplishment of the most fundamental items in the near-term would clarify how sustainable development could be advanced throughout the region in the next five years.***

8. Aquatic Invasive Species

A considerable amount of input was received from workshop participants regarding the urgent need for, and prospective means of, stopping the introduction and spread of aquatic invasive species (AIS). ***The approach of the Draft Action Plan for achieving this is in strong agreement with the ideas expressed during the workshop series.*** Workshop participants frequently noted that the monumental environmental and economic costs, and the relative irreversibility of new AIS introductions, warrants a strong, preventive approach. This is a firm premise of the Draft Action Plan. Further, the main vectors cited during the workshops as requiring the most urgent attention and action are identical to those emphasized in the Draft Action Plan. In addition, the need for early detection and response, enhanced monitoring, and targeted outreach campaigns were discussed during the workshop series and are also prominent features of the approach proposed in the Draft Action Plan. Finally, the workshop participants noted a need for considerably improved coordination among the numerous existing and needed programs addressing AIS in the Great Lakes. The several recommendations in the Draft Action Plan concerning improved coordination of AIS activities would do much to address this identified need.

GLRC



Review Comments

Date Submitted: 2005-09-08 18:23:05

Sections: Strategy Team Area -- AOC

Name: Kay Chase

Organization: Kalamazoo Environmental Council

Street Address: 7000 North Westnedge Avenue

City, State/Province, Zip: Kalamazoo, MI 49009

Country: United States

E-mail: chase@wmich.edu

Telephone (optional):

Add to GLRC news? No

Comments: Comment submitted by Kalamazoo Environmental Council 9 September 2005
Comment submitted online at: <http://www.glrc.us/comment.html> Contact: Kay Chase, 7000 North Westnedge Avenue, Kalamazoo MI 49009-6309, Phone 269-388-3777, E-mail chase@wmich.edu All of us who live in the Great Lakes Basin and care about its continued vitality and ecologic integrity are gratified with the actions of the President and the Congress in initiating this process of long-term protection and restoration of our water resources. We commend the many individuals and organizations that have worked to draft this plan. The goals are worthy but the implementation will pose many challenges both in terms of maintaining commitment to the goals and in finding the necessary funding at the local, state, and federal level to get the job done. The following comments are confined to the section "Area of Concern (AOC) Restoration/Sediments". We in the Kalamazoo River watershed have particular concerns with the PCB contamination that placed the Kalamazoo River on the superfund list in 1990. Fifteen years later, as much as 200 to 400 pounds of PCBs flow annually into Lake Michigan from the mouth of the river. Upstream, PCBs contaminate floodplain areas and impoundments behind 3 state-owned and 1 city-owned dam. The deteriorating condition of these dams poses a continuing risk. We are frustrated by the slow pace of progress toward clean-up and the foot-dragging of the parties responsible for the contamination. The virtual bankruptcy of Superfund means that EPA lacks the financial leverage that could force the issue on the responsible parties. Requirements for local matches for Legacy Act grants may hamper clean-up of the most severely contaminated sites. Recommendations: 1.Create a strategy for increasing available funding and directing it toward clean-up of contaminated sediments. 2.Re-instate the tax on industry so that Superfund monies are available to leverage clean-ups where PRPs have been identified but are slow to act. Cap the fund at a level high enough to ensure its continued viability. 3.Establish a risk-assessment process for awarding Legacy Act grants for clean-up of contaminated sediments such that areas of greatest need are

From: Lee Botts 219-938-2863, leebotts@sbcglobal.com

COMMENTS ON REGIONAL COLLABORATION STRATEGY

These comments pertain to the Regional Collaboration Strategy as a whole and are submitted on my own behalf as a long time participant in the community that has worked for implementation of the Great Lakes Water Quality Agreement between Canada and the United States. They reflect three critical factors:

- Past successes for Great Lakes cleanup have depended on binational cooperation, such as the reduction of phosphorus levels enough to slow eutrophication in Lake Erie and elsewhere and lowering of levels of toxic contaminants.
- Today's critical threats that the strategy identifies as requiring urgent action grew more rapidly through the 1990s as the two federal governments withdrew participation in the binational processes established by the Great Lakes Water Quality Agreement, including the increase in introduction of invasive species and failure to maintain needed levels of control of nonpoint sources of pollution and adequate sewage treatment.
- Nowhere does the draft strategy acknowledge the need for linkage to the upcoming review and needed renewal of the Great Lakes Water Quality Agreement that provides the critical means for binational cooperation with Canada.

The Draft Regional Collaboration Strategy contains only passing references to the Great Lakes Agreement and reflects little understanding of its significance. Yet achievement of most of the recommendations would require cooperation across the international boundary and cannot be achieved unilaterally by the United States alone. Lack of attention to the importance of the agreement for binational cooperation and coordination even where the need is most obvious indicates lack of real commitment to implementation. The draft statements on Indicators and Information and Areas of Concern demonstrate the fundamental flaw of trying to develop a Great Lakes strategy without linkage to the Great Lakes Water Quality Agreement.

The statement on Indicators and Information cites need for coordination, integration comprehensive collection of data throughout, without recognition of earlier contributions toward these ends through the processes established under the Great Lakes Agreement. None of the many references to need for an ecosystem perspective recognize the agreement as the source of this concept. Neither is there acknowledgement of the fundamental contribution of Great Lakes science resulting from the agreement to global policies now being developed for elimination of toxic contamination in order to protect both ecological and human health around the world. The document calls for a regional information management infrastructure without recognition that the Great Lakes Agreement has already provided a foundation for such a system. None of the recommendations suggest the opportunity to build on what already exists by addressing these needs in the upcoming review of the agreement to begin in 2006.

The lack of attention to the relevance of the Great Lakes Agreement and the need for a binational approach is most ironic and astonishing in the statement on Areas of Concern, a concept directly resulting from the compact. The statement concentrates only on funding for cleanup of contaminated sediments. In spite of citing the nearly complete failure to achieve goals set by the existing Area of Concern process, nowhere does the statement consider the possibility that the upcoming agreement review could offer opportunity to improve or even abandon it. Finally, the statement does not even address the need for a binational approach for those five Areas of Concern that cross the international boundary with Canada.

In conclusion, perhaps the proposed Great Lakes Regional Collaboration Strategy could prove useful in identifying issues that should be addressed to improve the Great Lakes Water Quality Agreement as the means for the binational approach to Great Lakes restoration and long term protection that is essential for a sustainable future for the Great Lakes. Its use for this purpose should be recognized in the final document that is released in December, because it cannot be taken seriously otherwise.

GLRC

Review Comments

Date Submitted: 2005-09-08 12:00:29

Sections: Strategy Team Area -- AOC
Strategy Team Area -- PBT

Name: Michael Hodges

Organization: Genesis Fluid Solutions LLC

Street Address: 6660 Delmonico Drive Suite 242-D

City, State/Province, Zip: Colorado SPrings, CO 80919

Country: United States

E-mail: mhodges@genesissfluidsolutions.com

Telephone (optional): 719-332-7447

Add to GLRC news? No

Comments: COMMENTS ON THE GREAT LAKES REGIONAL COLLABORATION DRAFT ACTION PLAN EXECUTIVE SUMMARY, INTRODUCTION, AREAS OF CONCERN/SEDIMENT STRATEGY TEAM AREA AND APPENDICES As a U.S. corporation concerned about the environmental health of our nation's waterways, we endorse the recommendations of the Draft Action Plan of the Great Lakes Regional Collaboration. We specifically endorse the Strategy Team's recommendations in regard to the Areas of Concern (AOC) and Sediment. In June 2005, the U.S. Policy Committee for the Great Lakes Regional Collaboration identified 75 remaining AOC sites with a total volume of 75 million of contaminated sediments. It is critical that progress be made towards delisting these sites. Dredging of contaminated sediment in the Great Lakes has often been delayed because of costs associated with lack of land for confined disposal facilities and the lack of beneficial reuse opportunities. We have an innovative sediment handling, rapid dewatering technology that could be used in the Great Lakes to hydraulically dredge AOCs without the use of a confined disposal facility (CDF). The dewatering facilities can be designed to keep up with a 4,000 to 5,000 gallons per minute dredge and can be contained in a parking lot 150' x 150' in size and is expandable to increase dredge rates. The process sorts the fine-grained contaminated soils from the coarse-grained sand and debris. The fine-grained sediments are dewatered and water can be returned to the source at less than 30 ppm of total suspended solid. The dewatered sediment can then be trucked offsite or handled onsite. We believe the process will leave the sediment material readily available for beneficial uses, such as in building material. We realize that in situ capping is the chosen contaminated sediment handling alternative at many AOC sites. However, we'd be happy to work with the U.S. Environmental Protection Agency (USEPA), the U.S. Army Corps of Engineers (USACOE) and the states on the demonstration of the use of this technology under Section 306 of the Great Lakes Legacy Act, where appropriate.

Great Lakes Boating Federation's Public Comment
On the Draft Report of the Great Lakes Regional Collaboration

The Great Lakes Regional Collaboration is an unprecedented opportunity for boaters to tell the federal, state, and local governments what needs to be done to enhance our cherished freshwater seas. On behalf of boaters from around our region, the Great Lakes Boating Federation thanks President George W. Bush for issuing his executive order that established the Great Lakes Regional Collaboration. We also thank the broad range of other government officials who have helped make the Regional Collaboration a success thus far.

The Great Lakes Boating Federation has been active in the Regional Collaboration process representing the interests of recreational boating on the Great Lakes. We have viewed first-hand much of the hard work, expertise, and dedication that have been brought forth during this extraordinary initiative and salute our fellow contributors.

While the Great Lakes Boating Federation has been a proud participant on the Sustainable Development Working Group, many other Strategy Teams are tackling issues that will also have a direct impact on Great Lakes boaters. Accordingly, the Great Lakes Boating Federation offers the following comments upon the work done by the Strategy Teams that, in our view, has the most direct impact on recreational boaters in our region.

Areas of Concern (AOC) Restoration/Sediment Strategy Team

How contaminated sediment is remediated should be of particular concern to boaters and marina operators. It will serve as either a catalyst for urban revitalization and marina development or permanently stifle development along our waterfronts. If contaminated sediment is removed by dredging then the lake bottom will be reclaimed. However, contaminants are frequently "capped," which will forever limit navigational dredging and constrain potential marina development.

We appreciate the concern over the risk of resuspension of contaminants that is presented by some antiquated dredging technology. Anglers are among the largest subset among boaters. Any negative impact to the health of fishermen and their families as well as the fisheries themselves is of concern to the Great Lakes Boating Federation.

It is for this very reason we seek a permanent solution to the contaminated sediment issue. When scientists speak in the abstract about pathways of concern and bioaccumulation of persistent toxins as they work their way up the food chain, the top of that food chain is not merely some figure on a chart. The top of the food chain is anglers and their spouses, their sons and daughters. They are boaters.

The Great Lakes Boating Federation is concerned about some of the "permanent" solutions that are contemplated by the draft report. We have grave reservations about in situ remediation and even more concern about sediment capping. In situ remediation, if in effective, is not the permanent solution this crisis needs. The Great Lakes Boating Federation hopes a stronger showing of effective remediation can be demonstrated by in situ remediation methods before they are included among the remedial tools available for sediment cleanups.

The Great Lakes Boating Federation is also strongly opposed to sediment capping. Dredging of contaminated sediment can and must occur, and can be executed in a manner that drastically reduces the threat of resuspension of contaminants in stirred sediment. The solution to the concern over re suspension of contaminants is not to anchor these contaminants to our lake bottom for eternity. Capped sediment will preclude navigational dredging and the future development of our lakeshores.

While capping may be viewed as an economical solution when viewed in the short-term, the long-term losses will far outweigh any short-term benefits. To this end, Great Lakes Boating Federation seeks a true permanent solution to the problem of contaminated sediment, dredging that utilizes all technical means of abating the concern of resuspension.

Persistent Bioaccumulative Toxics (PBT) Reduction Strategy Team

As stated previously in commenting on the work of the Areas of Concern (AOC) Restoration and Sediment Strategy Team, fishermen and their families make up an extremely large share of the recreational boating population. The figures atop the food chain diagrams tracing the bioaccumulation and biomagnification of toxins as they travel up the food chain are not abstract imagines to boaters; they depict our families and friends. We, the boaters on the Great Lakes, are among those ingesting these toxins when we prepare and eat our catch.

Persistent Bioaccumulative Toxics (PBT) reduction is a top priority for the Great Lakes Boating Federation. These chemicals threaten the health of anglers their and families who eat the fish they catch. Current and future fish consumption advisories must be protective enough to truly protect human health and be sue-friendly enough to communicate this critical public health message.

Moreover, we must address the root cause for the fish consumption advisories on our Great Lakes. Our nation must acknowledge that mercury entering the Great Lakes from air pollution is the source of most fish consumption advisories. Steps must be taken at the federal level to reduce mercury air emissions from its primary sources, coal-fired power plants and hospital incinerators.

We also want to see adequate steps taken on the federal and state levels to bring about pollution prevention measures in the marketplace. Economic stimulants such as tax incentives and government subsidies can not only promote pollution-preventing products reach the marketplace but also serve as an incentive for consumers to purchase these examples of green technology.

Coastal Health Strategy Team

Recreational boaters, who include water skiers, tubers, and personal watercraft operators, face health risks from bacteria and pathogens in our Great Lakes waters just as much as swimmers. In addition to the problem of beach closings, the health impacts of recreational boaters from waterborne bacteria and pathogens must also be addressed by the Coastal Health Strategy Team. Long-term solutions to issues such as combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs) not only benefit beachgoers but also all those who take to the water from boats and personal watercraft.

Accordingly, the Great Lakes Boating Federation supports measures that are aimed at reducing introduction of bacteria to our waters. The Great Lakes Boating Federation stands ready and willing to help develop and disseminate among boaters any public awareness campaigns on curbing any harmful activity among the recreational boating community.

Invasive Species Strategy Team

According to the Recreational Boating and Fishing Foundation, nationally 73% of all boaters fish. The Great Lakes Boating Federation suspects this percentage is accurate for anglers among Great Lakes boaters. It is widely acknowledged that the introduction of invasive species is the single biggest threat to sportfishing on the Great Lakes. Invasive species also impact boat care and maintenance.

Accordingly, the Great Lakes Boating Federation shares the concern of others over proliferation of previously introduced invasive species as well as the threat of new introductions. Our waters are harmed by previously introduced invasive species, like sea lamprey, zebra mussels, and round gobies, and are threatened by potential new introductions like the Asian carp.

Therefore, the Great Lakes Boating Federation fully supports the call for resources to be spent on combating new introductions of invasive species and slowing the spread of previously introduced invasives. The Great Lakes Boating Federation stands ready and willing to help develop and disseminate among boaters any public awareness campaigns on invasive species among the recreational boating community.

Sustainable Development Strategy Team

This Strategy Team may have the most immediate impact on recreational boaters. Issues covered by the Sustainable Development Strategy Team include waterfront restoration, brownfields (abandoned industrial sites eyed for redevelopment), land-use and preservation practices, transportation, economically sustainable practices, and recreation, including recreational boating.

While the Great Lakes Boating Federation has been active on this strategy team, the draft of the team's work product submitted for public comment does not reflect a completion of the task at hand. The revisions to the Sustainable Development Strategy Team's report must better incorporate how the economic resources of recreational boating and fishing can be harnessed in our region to help state and local tourism and to improve the quality of family life. Moreover, while the draft report presents a good start, the needs of the sportfishing and recreational boating have not been adequately addressed in the current draft of the Sustainable Development Strategy Team report.

The Sustainable Development Strategy Team has an opportunity to call for more attention to the infrastructure needs of recreational boaters and marina operators. As was addressed in Great Lakes Boating's May/June issue in the article *Is Your Marina Ready For the Future?*, recreational boating infrastructure on the Great Lakes is not receiving the federal attention that is warranted for recreational navigation dredging and infrastructure maintenance. The United States Army Corps of Engineers functions on the Great Lakes for the benefit of one entity, the commercial navigation industry. Decision makers must come to understand that recreational boating

is not served by commercial navigation's agenda. The lop-sided expenditures from the USACE for the benefit of one segment of the economy must end.

Also, the industries of the Great Lakes region, while supplying the economic lifeblood for the Midwest for more than a century, unfortunately brought about decades of pollution. It is essential for our region's economy in the 21st Century to be based upon business activity focused on sustainable uses, as underscored by the work of the Great Lakes Regional Collaboration. The thrust of current lakefront revitalization plans is how to convert our shores from industrial uses to low impact recreational and leisure uses that provide the public access to our sweetwater seas.

Moreover, the manufacturing base that served as the staple of the region's economy has been in decline, documented in recent articles in boating trade publications as creating a slump in the boating industry. The industrial decline has also resulted in a number of abandoned industrial sites, referred to as "brownfields," languishing along the shores of the Great Lakes and their tributaries.

In the Great Lakes region alone, recreational boating is an industry that generates by some estimates \$16 billion annually. Recreational boating, especially when compared to other industries on the Great Lakes, is a sustainable use able to anchor local economies along the coasts of the Great Lakes. Recreational boating can become, if it is not already, the keystone to the tourism economy filling the void being left by the Midwest's shrinking industrial base. Other regional tourism initiatives must partner with recreational boating to keep our leisure dollars at home instead of seeing them exported from the Great Lakes to other areas.

A common sense solution exists for what to do with brownfield site on the Great Lakes. Recreational boating presents a viable means for reclaiming brownfields along our coasts and tributaries. Where parks may not be cost-efficient due to soil contamination and cleanup costs and soft edges and natural shorelines are not feasible due to steep sea walls and deeply dredged harbors, such brownfields still have a viable recreational purpose to bolster the emerging tourism economy.

Marinas can in most instances be developed on these brownfield sites. Marinas are water-dependant uses that should be given priority consideration when new uses for abandoned industrial lakefront property are reviewed. In fact, many of these old industrial sites come equipped with much of the infrastructure needed to develop marinas (revetments, breakwalls, previously dredged channels and harbors, electrical and sewer systems, underground storage tanks, etc.).

Also, these brownfield sites, most commonly found in urban areas, are frequently near dense population centers that can utilize, and would in fact welcome, additional marina capacity. With the understanding that marina planning and development should reflect the actual slip demand that exists in a given location to determine an appropriate size for a marina, such urban marinas may have little problem filling their slips with the craft of nearby boaters. Additionally, environmentalists would likely welcome new marinas developed on these brownfield sites because such marina development would consolidate shoreline development, perhaps allowing undeveloped shoreline areas elsewhere to remain pristine and preserved.

Moreover, by increasing the supply of slip and launch capacity to meet the growing demand for boating access to the Great Lakes, marina development at brownfields and other abandoned properties on our shores will spur the sale of new boats. This will provide an additional spur to the Midwest's economy because the majority of the nation's boat manufacturing occurs in the Midwest states.

Let us not lose sight of the non-economic benefits that are gained through meeting the demand for additional boating access to the Great Lakes. The social benefit that is gained from supporting the growth of recreational boating is promoting a means for more people to interact with the waters of our Great Lakes. As more and more people take up the hobbies of boating, sailing, and fishing, the more people will become personally vested in the Great Lakes issues being undertaken by this Regional Collaboration. Thus, the number of stewards of our Great Lakes waters will grow as recreational boating grows.

Recreational boating has also been established as an activity with positive impacts on the development of children. As discussed in an August 5, 2005, article by Shirley Levy published in the Toledo Blade:

Parents who encourage their children to participate in boating are helping them develop habits that reap benefits in school and personal proficiency, according to Marty Lauber, a Chicago family psychologist. Ultimately, they are building confidence and learning the value of teamwork, she says.

In a time when electronic media is proliferating and there is less time for families to interact with each other, the effort to build more lake stewards by getting people on the water through boating is also a way to bring families together and strengthen these vital bonds.

Marina development on industrial sites is also an optimal use because it is a business opportunity that can revitalize the communities near brownfields. Communities near these abandoned industrial sites are frequently economically underserved minority communities. These communities may welcome a low-impact use for their abandoned lakefront that won't add to the pollution of their community that may have occurred with the previous use of the industrial site. Marinas developed on brownfield sites appear to be the best vehicle for urban renewal and economic development in these coastal communities.

Simply put, marina development on brownfields appears to be a win-win for all the shareholders on the Great Lakes. Marinas are the best water-dependant use for coastal brownfields, an economically viable yet sustainable use for the abandoned industrial land that is able to take advantage of the existing infrastructure at many of these brownfields.

Municipalities and other divisions of government should convert brownfields with few options for beneficial use into marinas. This explicit recommendation must be added to the Sustainable Development report.

However, for reasons unknown to the Great Lakes Boating Federation, marinas are not among the first options considered by municipalities for reclaiming brownfields. Either the municipali-

ties do not understand the economic benefit of recreational boating or the regulatory maze for reclaiming brownfields is too burdensome to attempt. This lack of action leaves these critical pieces of coastal land susceptible to being snatched up by land developers that rarely if ever utilize the waterfront land for water-dependant uses. Time is of the essence to prevent unwise development.

The use of brownfields for marina development and the threat of land developers underscore a theme that appears to be missing from the Sustainable Development Working Group's draft report. The report must make an explicit call for coastal lands to be designated for water-dependant uses only. The report's silence on making this explicit demand is a grave oversight.

While soccer fields, tennis or basketball courts, band shells, and housing developments can be placed just about anywhere, marinas and other similar amenities need to be on the water. To fully harness the tourism potential and sustainable use of our coastal areas, regional planning initiatives such as Coastal Zone Management efforts must designate these scare lands as to be used only for water-dependant uses, including water access for boaters. This demand must also come from the Great Lakes Regional Collaboration.

Respectfully submitted,

F.Ned Dikmen, Ph.D.
Chairman, Great Lakes Boating Federation

Michael J. Fischer, Esq.
Deputy Director, Great Lakes Boating Federation



ALLIANCE FOR THE GREAT LAKES

ENSURING A LIVING RESOURCE FOR ALL GENERATIONS

September 8, 2005

RECEIVED

SEP 12 2005

GREAT LAKES
NATIONAL PROGRAM OFFICE

Mr. Gary Gulezian, Director
Great Lakes National Program Office
U.S. Environmental Protection Agency
Great Lakes National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

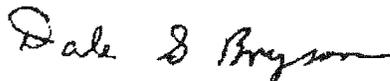
Dear Mr. Gulezian:

On behalf of the Alliance for the Great Lakes, we are pleased to submit the attached comments on the draft Great Lakes Regional Collaboration Plan. We applaud the effort in the draft GLRC plan. With this document, the Alliance urges the GLRC Executive Committee to strengthen the document to better guide Great Lakes restoration. These comments are meant to support and amplify comments provided by the Healing Our Waters-Great Lakes coalition (HOW).

With 95 percent of the nation's and nearly 25 percent of the Earth's fresh surface water, the Great Lakes are a national and international treasure. Despite their size, the Great Lakes and St. Lawrence River are extraordinarily fragile. These waters belong to all of us. They're a resource for us to use and protect, not a commodity to sell to the highest bidder. They are not a resource to be squandered by any one industry, interest or even individual at the expense of all of us. That's why we all have a responsibility to protect the lakes, not for a single interest, but for our families and future generations.

It is our hope that the enclosed comments will help make for a better plan for the future of the Great Lakes. Should the GLRC Executive Committee have any questions about these comments, please contact Cameron Davis, the Alliance's executive director, at 312-939-0838 x2.

Sincerely,



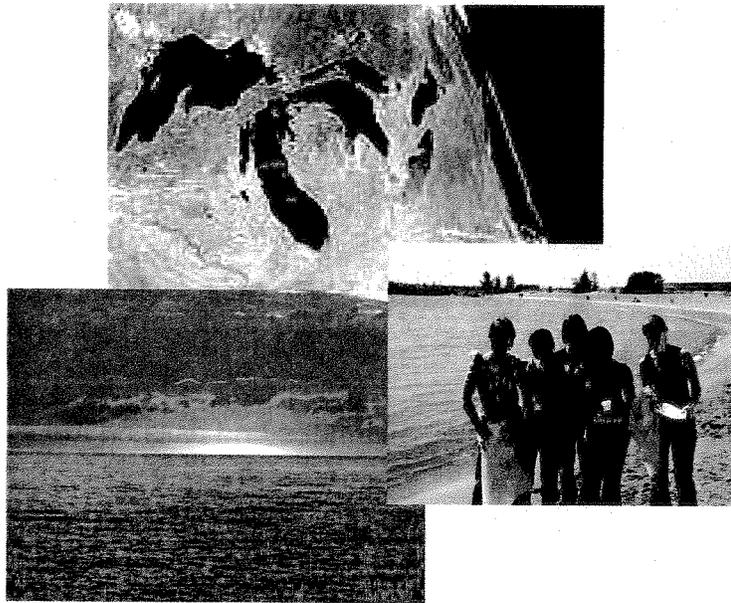
Dale S. Bryson
President
Board of Directors



ALLIANCE FOR THE GREAT LAKES

ENSURING A LIVING RESOURCE FOR ALL GENERATIONS

**Great Lakes Restoration:
Investing in our Region's Future**



Comments on the
Great Lakes Regional Collaboration Draft Plan

September 2005

Alliance for the Great Lakes

www.greatlakes.org

The Great Lakes Deserve World-Class Protections

With 95 percent of the nation's and nearly 25 percent of the Earth's fresh surface water, the Great Lakes are a national and international treasure. Despite their size, the Great Lakes and St. Lawrence River are extraordinarily fragile. These waters belong to all of us. They're a resource for us to use and protect, not a commodity to sell to the highest bidder. They are not a resource to be squandered by any one industry, interest or even individual at the expense of all of us. That's why we all have a responsibility to protect the lakes, not for a single interest, but for our families and future generations.

The Great Lakes states, cities, tribes, and Bush administration have joined together through the Great Lakes Regional Collaboration (GLRC) to propose a plan for bringing the Great Lakes back to health. The Alliance for the Great Lakes (Alliance) applauds the effort in the draft GLRC plan proposed this year. With this document, the Alliance urges the GLRC Executive Committee to strengthen the document to better guide Great Lakes restoration. With the following comments, we support and amplify comments provided by the Healing Our Waters-Great Lakes coalition (HOW).

Funding

Just as our homes cannot take care of us unless we invest in their upkeep, so the Great Lakes cannot continue to provide a strong quality of life for us in the region unless we invest in their rehabilitation.

The Alliance endorses HOW's funding estimates and calls on the states, cities, and Congress to invest in the Great Lakes.

Prioritizing

One of the top challenges of the GLRC effort is to prioritize which actions can and should take place. The Alliance recommends that the GLRC prioritize activities that will aid in recovery across issue areas. For example, the creation of wetlands in coastal cities will provide habitat that impairs coastal health. In other words, the more ecological areas that an activity helps to rehabilitate, the greater the priority an activity should receive. In addition, we believe that the GLRC process should result in short, medium, and long-term priorities. Great Lakes recovery will not take place in one year or five years. Rather, it will be an ongoing effort.

Short-term prioritization should occur where:

- (1) A recovery plan (e.g., Remedial Action Plan, watershed plan, habitat plan) already exists so that GLRC efforts can "hit the ground running"

- (2) Funding from other sources is available to complement or even provide full funding under for activities under this plan. For example, with funding for contaminated sediment cleanup under the federal Great Lakes Legacy Act now available, priority can be given to Area of Concern (AOC) cleanup where funding exists or could exist readily.

Recommendations for Strengthening the Plan

Water Conservation

The GLRC Executive Committee should call for the reinstatement of the Great Lakes Basin Water Resources Compact's restoration (a.k.a., "improvement") provisions. In 2004, the GLRC Executive Committee agreed that promoting sustainable hydrological practices should be one of nine priorities, but that the sustainable hydrological practices priority would be handled under the Council of Great Lakes Governors' (Council) Great Lakes Basin Water Resources Compact process. Since that time, the Council has removed provisions (called "improvement" provisions) that would lead to hydrological restoration. This measure was taken despite the governors' promise to include such provisions in 2001. The Alliance calls for the reinstatement of these provisions to ensure the integrity of the GLRC process for this very important area.

Aquatic Nuisance Species

While many of its recommendations are for legislative action, the GLRC Strategy recommends that certain urgent measures be taken immediately under existing statutory authorities, without even awaiting adoption of the Final GLRC Strategy in December 2005. Among the most urgent is the AIS Strategy recommendation that the USCG immediately require, during the remaining 2005 shipping season, the mid-ocean flushing of residuals from ballast water tanks in all ships reporting as No Ballast on Board (NOBOB, a.k.a. "swish and spit"), before they'll be allowed to enter the St. Lawrence Seaway. The U.S. Coast Guard's (USCG's) recent notice of a voluntary program fails to comply with this urgent GLRC recommendation. The GLRC should seek commitments ASAP from the responsible agencies (for NOBOBs, the USCG) with set schedules for implementing these urgent actions.¹

We believe this recommendation can and should be ready for implementation as of December 13, 2005, the day after the announcement of the final GLRC plan.

¹ The GLRC recommendation is located at Appx. A.: AIS Strategy Recommendation 1.A . The USCG's recent notice of voluntary program is listed at 70 FR 51831(8/31/05).

Areas of Concern

We recommend that the Waukegan Harbor AOC be slated as a short-term priority for cleanup under the GLRC Plan. Once called the "worst PCB mess in the country" by one media outlet, Waukegan Harbor contamination was discovered on January 26, 1976. The release of the GLRC report on December 12, 2005, will take place just before the 30-year anniversary of this problem's discovery. Accordingly, we hope the Waukegan Harbor AOC can be listed as a short-term priority under the GLRC plan.

Coastal Health

Combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) are a major factor in the degradation of waters in the Great Lakes Basin. We recommend that USEPA and the States fully implement, enforce and report on their wet weather control programs to identify and correct deficiencies to ensure the requirements of the Clean Water Act are achieved as soon as possible. We recommend that adequate grant funds be made available in the Great Lakes Basin to address CSOs and SSOs. The most effective way to stop sewage and stormwater overflows that affect coastal health is by preventing stormwater at its source, not by building enormous infrastructure projects to transport and treat the water at the end of the process. We recommend that USEPA and the States give a much higher priority to the control of stormwater in the Great Lakes Basin. We recommend an increased focus on the industrial pre-treatment program by requiring the USEPA and the States to review, upgrade, and, where necessary, enforce the pre-treatment program in all cities in order to decrease the discharge of toxic chemicals. We recommend USEPA proceed immediately to develop effective real-time testing methods to assess beach contamination in order to adequately protect public health. Restored funding for the State Revolving Fund is also a significant part of this recommendation.

Urban Coastal Habitat Recovery

We urge that the Executive Committee demonstrate a quantifiable commitment to habitat restoration in urban areas through tributary and coastal shore restoration. An assurance that ten of the watersheds targeted for tributary restoration include significant urban reaches whose restorative purpose is a combination of habitat enhancement and nonpoint source pollution reduction will help ensure that Great Lakes cities receive the benefits of restoration. Similarly, we recommend that urban areas receive dedicated attention in any coastal shore restoration effort. At least 10 percent of the acreage targeted for short-term coastal shore protection and restoration should be along urban shorelines.

There are existing entities that are ready, willing, and able to rapidly plan and implement urban projects given appropriate funding. The Chicago Wilderness Consortium has

been lauded for its effective interagency coordination to achieve habitat restoration in urban areas. The Consortium is currently seeking the adoption of a Lake Michigan Action Plan to direct coastal restoration activities in the tri-state Chicago region. Additionally, the Chicago area is home to a number of coastal sites with restoration plans in place or developing, such as the Waukegan AOC and Waukegan River. We ask that the executive committee use this model of cooperation between agencies, landowners, and citizens to rapidly implement site-specific projects to achieve the Collaboration's habitat restoration goals.

About the Alliance for the Great Lakes

Formed in 1970, the Alliance for the Great Lakes (formerly the Lake Michigan Federation) is the oldest independent citizens' Great Lakes organization in North America. Its mission is to conserve and restore the world's largest freshwater resource using policy, education and local efforts, ensuring a healthy Great Lakes and clean water for generations of people and wildlife. More about the Alliance for the Great Lakes is online at www.greatlakes.org.

The Alliance is also a member of the Steering Committee of the HOW coalition. A number of leaders from within the Alliance served on and commented on draft GLRC work group efforts, including:

Dale Bryson – Coastal Health
Bill Muno – Areas of Concern
Tom Daggett – Aquatic Nuisance Species
Joel Brammeier – Habitat

The Alliance for the Great Lakes also hosts the Partner Network, a congress of more than 100 organizations dedicated to the health of communities around the Great Lakes watershed.

Conclusion

We commend the GLRC Executive Committee for its hard work on the draft plan and urge its immediate adoption with the urgent call for investing in the restoration activities recommended.

COMMENTS ON JULY 2005 GREAT LAKES REGIONAL
COLLABORATION DRAFT ACTION PLAN

SUBMITTED BY:
MACOMB COUNTY ENVIRONMENTAL PROSECUTOR;
MACOMB COUNTY WATER QUALITY BOARD; AND
CLINTON RIVER WATERSHED PUBLIC ADVISORY COUNCIL

CONTACT: Mark A. Richardson
Assistant Macomb County Prosecuting Attorney
For Water Quality
One South Main Street, 3rd Floor
Mt. Clemens, Michigan 48043
586-469-5593
mark.richardson@macombcountymi.gov

I. INTRODUCTION

These comments on the July 2005 Draft Great Lakes Regional Collaboration Draft Action Plan are submitted on behalf of the Macomb County Environmental Prosecutor; the Macomb County Water Quality Board; and the Clinton River Watershed Public Advisory Council.

The Macomb County Environmental Prosecutor is Chief of the Macomb County Prosecutor's Water Quality Unit, which provides civil and criminal enforcement of water-quality related environmental laws and regulations in Macomb County Michigan. The Macomb County Prosecutor's Office has taken a significant role in developing water-quality related environmental policies and programs in Macomb County and in southeast Michigan.

The Macomb County Water Quality Board is an advisory body to the Macomb County Commission. The Water Quality Board advises the County Commission regarding water quality-related issues, recommends policy initiatives and regulatory

actions, and serves as a public forum for addressing water quality issues of concern to Macomb County.

The Clinton River Watershed Public Advisory Council is a local organization responsible for developing and implementing the Clinton River Watershed Remedial Action Plan. The Remedial Action Plan addresses environmental impairments in the Clinton River Area of Concern, one of the 43 areas of serious environmental impairment identified under the Great Lakes Water Quality Agreement.

We support the development of a comprehensive restoration strategy for the Great Lakes. The recent disaster in the Gulf Coast region reminds us of the importance of environmentally sound decision-making. Poor decisions regarding river and stream dredging and channelization, flood control, land use and real estate development can have tragic consequences for the health and welfare of future generations. The terrible events in the Gulf are also reminding us of the importance of coordinating the efforts at all levels of government and the private sector in responding to environmental problems.

We support the recommended funding level of 20 billion dollars to implement the recommendations in the Draft Action Plan. This level of funding appears adequate to achieve short-term restoration targets outlined in the 5-year plan. It is important to note, however, that this amount of funding will not be adequate to address infrastructure and remediation requirements in the long term. In addition, it is critical that Congress and state legislatures provide funding for physical remediation and improvement projects (such as infrastructure improvements and clean-up and removal projects) and programmatic support (additional staff and administrative support).

One general flaw in the Draft Plan is that it appears to lack any specific recommendations for evaluating progress in achieving the goals in each of the specific problem areas. These criteria could be developed and used as part of the Great Lakes Information Coordination Council activities described on page 42 of the Draft Action Plan.

I. SEWAGE

The Draft Action Plan contains ambitious goals and timetables for reducing and eliminating raw or inadequately treated sewage into the Great Lakes; reducing beach contamination; and protecting drinking water. In 2000 the EPA estimated the total cost of needed infrastructure needed in the Great Lakes watershed as approximately 14 billion dollars. The Draft Plan recommends an increase of 8 billion dollars in federal grants in the next 5 years for reducing overflows, based on a 55% federal to 45% local cost share. The Plan also recommends spending 50 million over the next 5 years to develop overflow programs, real time testing and monitoring technologies, public education measures, and stepped up enforcement for communities that have not corrected overflows.

We support the goals and recommendations for infrastructure improvements. We note that the amount of money required for infrastructure improvements in the seven county region of Southeast Michigan alone might be as high as 26 billion dollars over the next 25 years. The funding recommendations in the Plan, therefore, should be seen as a mere down payment on a very expensive problem.

The Draft Plan also recommends that EPA take the lead in developing standardized, risk based testing protocols and take responsibility for accelerating testing and approval of real-time test methodologies. The Plan should clearly define the

respective roles of EPA and local government agencies in carrying out this recommendation. Local governments have pioneered innovative approaches to beach monitoring and water quality monitoring. Other governmental agencies, including the Departments of Defense and Homeland Security, are funding the development of real time testing and advanced monitoring devices. EPA needs to exercise more regulatory flexibility to allow local governments to adopt new testing protocols and techniques as scientific understanding of the risks to public health improves.

I. INVASIVE SPECIES

The Draft Plan calls for the prompt enactment of the proposed Federal Aquatic Invasive Species Act; establishing timetables for implementing control measures for ballast water and canal flow; developing contingency plans for closing the lakes to ocean-going traffic and for closing canals; and increased funding for remediating environmental damage caused by invasive species.

The Plan rightly notes that the status quo with respect to shipboard introduction of invasive species to the Great Lakes is unacceptable and does not protect the Great Lakes. The Plan concludes that the US Coast Guard has the legal authority to promulgate new regulations that would require new management practices for ships in the no ballast on board condition and best performing ship-board ballast water treatment for remaining ocean-going vessels. We strongly support these recommendations.

In addition, the Plan should place stronger emphasis on US and Canadian government cooperation. Aquatic invasive species control will fail without effective actions on both sides of the border. Options that should be considered include establishing a new bi-national organization to deal with the problem, expanding the

authority of an existing body to include aquatic invasive species control, and amending the Great Lakes Water Quality Agreement to set forth common goals and objectives in this area.

II. HABITAT DESTRUCTION

The Draft Action Plan contains ambitious habitat restoration goals. The Plan calls for restoring or acquiring 550,000 acres of wetlands within the region in the next five years, and double that amount within the next ten years. The Plan also calls for restoring the ecological integrity of major Great Lakes tributaries; near shore and coastal water habitats; coastal shore and upland habitats and riverine and riparian habitats, with specific numeric targets established for all of these habitats. Recommended funding levels are substantial, including \$550 million for wetland acquisition and restoration costs and \$500 million for restoration of other habitat classifications over the next five years.

With regard to wetlands, the Plan focuses on purchasing and restoring wetlands through increased funding of existing programs. We support this strategy, but we believe additional measures are needed. In Michigan, there is a critical need for identifying and mapping existing wetland areas, particularly those located on private property, and for disseminating the information to property owners. In addition, as discussed in more detail in the sustainable development section, criteria should be established and targets should be set for implementing local government measures to conserve wetlands and other environmentally sensitive areas. Disincentives to preserving green space, such as taxing policies and subsidies, should be eliminated.

The plan should include goals and funding for stepped up enforcement by the Army Corps of Engineers and state environmental agencies. Too often, enforcement

activities, including monitoring, inspections, investigations, and legal actions, are viewed as an afterthought in funding regulatory programs. In reality, effective enforcement is often the single most important factor in determining whether the regulatory objectives of an environmental program are achieved. The federal government has provided grants supporting a variety of local law enforcement activities for many years. The Plan should call upon Congress to pass legislation to fund state and local enforcement of environmental laws. This will encourage states to step up their own environmental enforcement efforts.

III. CONTAMINATED AREAS

The Draft Plan recommends spending at least 2 billion dollars to clean up all US areas of concern by 2020, utilizing the Great Lakes Legacy Act as the primary authority to address contaminated sediments.

We agree that the GLLA should be the primary vehicle for securing federal funding for clean-up activities within the AOCs. Funding should be increased to authorized levels, and the Act should be amended to streamline implementation and funding for assessment, planning, and design in addition to removal activities. We note, however, that there are several other federal laws that authorize clean-up funding, including CERCLA and the Army Corps of Engineers RAP program. The Plan should recommend that RAP funding be tailored to local circumstances and include all available and appropriate funding sources.

The Draft Plan calls for delisting the US side of two bi-national areas of concern, the St. Mary's River and the St. Clair River, by 2010. We think this approach is unrealistic. Clean-up efforts in these areas must be coordinated between the United

States and Canadian governments. No delisting should occur in these AOCs unless it applies to both sides of the international boundary.

IV. NON-POINT SOURCE POLLUTION

The Plan recommends a net increase of at least 1 million acres of buffer strips, supported by 1 billion dollars for voluntary purchases; funding increases for urban green practices and infrastructure; and nutrient pollution control, particularly from confined animal feeding operations (CAFOs). We support these recommendations.

A serious flaw in the strategy to control non-point source pollution and reduce toxics (see section VI below) is the failure to address airborne pollution. The Draft Plan correctly notes that air is a primary pathway for non-point source pollution but fails to acknowledge the authority to control airborne toxics in the federal clean air act and state air pollution control laws.

VI. TOXIC CONTAMINATION

The Plan calls for spending 115 million per year for pollution prevention projects, agricultural toxics elimination, and revised basin-wide fish advisory criteria.

As noted above, the Plan fails to adequately address the issue of airborne toxics. The Plan should include goals and recommended actions to reduce toxic air pollution, particularly mercury, dioxins and furans, utilizing the existing authority in the federal clean air act and state air pollution control laws, which are more ambitious than those projected under the USEPA clean air act mercury rule.

VII. SUSTAINABLE DEVELOPMENT

The Plan recommends a variety of policies and programs to encourage environmentally sustainable land use, including tax incentives and subsidies for

agriculture, forestry, manufacturing and other businesses, reform of public infrastructure investment policies; and measures to promote voluntary improvements.

The Draft Plan rightly notes that many federal, state, and local laws, policies, and programs impede sustainable development and should be modified or eliminated. The Plan urges reform in this area and calls for the establishment of a 3-year demonstration program for the development of sustainable land use planning.

While this recommendation is laudable, it lacks sufficient specificity. The Plan does not explain how the demonstration project would be established, which governmental units and agencies would be involved, how incentives would be created and disincentives removed, or how the project would be evaluated. At the least, the Plan should identify the entities that will initiate the project and establish a timetable for its creation and implementation.

There needs to be more emphasis on the role of local governments in this section. The Plan should recommend the creation of an advisory council or other body to establish sustainability criteria for local government ordinances and policies. Much research has been done and much literature exists on this topic so the criteria could be drafted and approved within a reasonably short period of time. The Plan should then set targets for the adoption of sustainable ordinances and policies by local governments. (e.g., “By 2010, 50% of local municipalities in the Great Lakes Region will have adopted Green Building Codes.”)

Thank you for the opportunity to submit these comments.