

RÉUNION SEMI-ANNUELLE DE LA COMMISSION DES GRANDS LACS

Maumee Bay (Ohio), 10-12 mai 1994

Rapport de mission

par

Léonce Naud

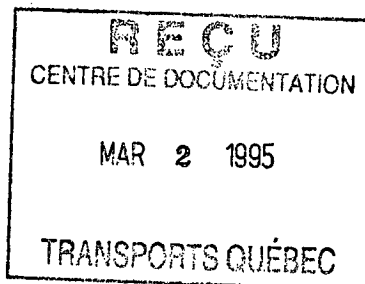
Secrétariat à la mise en valeur du Saint-Laurent

Septembre 1994

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CENTRE DE DOCUMENTATION
700, BOUL. RENÉ-LÉVESQUE EST,
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Notes et commentaires

Le Québec était représenté par: Lisa Haberman, Délégation de Chicago; Jean Couture, Affaires extra-ministérielles, Environnement Québec; Léonce Naud, Secrétariat à la mise en valeur du Saint-Laurent (Transports Québec). Personne ne représentait l'Ontario. Douglas McTavish - de la Commission mixte internationale à Windsor - était le seul Canadien sur place, mis à part les Québécois.

Présence du Québec auprès de la Commission des Grands Lacs

Des représentants du gouvernement du Québec assurent une présence auprès de la Commission des Grands Lacs depuis au moins 20 ans. Durant les années '70, le Dr. Jean-Benoît Bundock a assumé cette fonction, suivi de Léonce Naud - alors à Environnement Québec. Le Secrétariat à la mise en valeur du Saint-Laurent continue de travailler en étroite collaboration avec ce State Compact américain qui regroupe les huit États riverains des Grands Lacs (New York, Ohio, Illinois, Indiana, Michigan, Pennsylvanie, Wisconsin, Minnesota). Le directeur général de la direction États-Unis du M.A.I. représente officiellement le Québec auprès de cet organisme américain.

En ce qui a trait à la participation de provinces canadiennes à titre de membres de plein droit de la Commission des Grands Lacs, un important document a été déposé et discuté (voir Attachment 4). Il serait souhaitable que cette question fasse l'objet d'échanges entre les intéressés au Québec avant qu'une décision soit prise à ce sujet.

La Commission des Grands Lacs constitue sans doute la meilleure porte d'entrée de tout le Midwest auprès des milieux politiques et économiques de cette région des États-Unis. Ce réseau donne également accès à de nombreuses instances fédérales américaines (U.S. Corps of Engineers, MARAD, U.S. Department of Transportation, U.S. Seaway Corporation, Coastal Management Programs, etc.).

À l'instigation du Secrétariat, la Commission des Grands Lacs a tenu plusieurs réunions et congrès au Québec. Les deux organismes maintiennent le contact, notamment quant aux suivis de la Déclaration d'Indiana et aux projets du Forum maritime Saint-Laurent Grands Lacs.

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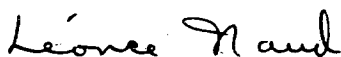
Sujets et domaines d'intérêt pour le Québec

Le lecteur intéressé consultera avec profit les documents annexés pour avoir une idée de la variété et de l'importance respective des différents dossiers qui ont retenu l'attention de la Commission en 1993-1994.

Il n'est pas indifférent pour notre industrie touristique que le Québec ait réussi à faire partie du "Great Lakes Circle Tour" (*qui invite les Américains à se rendre jusqu'à... l'île d'Orléans!*), même si toute participation du Québec à ce réseau semble être actuellement au point mort. De même, les concepts de l'"Ecosystem Charter for the Great Lakes - St. Lawrence Basin" seront graduellement mieux connus des milieux québécois actifs au niveau de l'environnement du fleuve Saint-Laurent et pourront influencer la prise de décision.

Également, le "Model Port Land Preservation" rejoint des préoccupations bien actuelles des milieux portuaires québécois quant à l'utilisation des terres publiques à vocation portuaire et publique.

Le présent document contient donc l'ensemble de l'information rendue disponible lors de la réunion semi-annuelle 1994 de la Commission des Grands Lacs. Il fera plaisir au soussigné d'en expliciter le contenu aux intéressés éventuels, ainsi que les tenants et aboutissants des dossiers abordés.



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Conseiller principal

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GREAT LAKES COMMISSION

**1994 SEMI-ANNUAL MEETING
- AND RELATED EVENTS -**

May 10-12, 1994
Maumee Bay Resort and Conference Center

GREAT LAKES COMMISSION

1994 SEMI-ANNUAL MEETING - AND RELATED EVENTS -

May 10-12, 1994
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AGENDA

Tuesday, May 10

10:00 a.m.	Executive Committee Meeting/Lunch	White Egret Room
11:00 a.m.	Registration for Semi-Annual Meeting Great Lakes Information Network Demonstration (throughout the day)	Foyer, Bald Eagle Room
1:00 p.m.	Call to Order	Joseph K. Hoffman , Chair Great Lakes Commission
	Welcome from the Ohio Delegation	Frances Buchholzer , Chair Ohio Delegation and Director, Ohio Dept. of Natural Resources
1:10 p.m.	Opening Keynote <i>The National Information Infrastructure and the Great Lakes States</i>	Roger Taylor , Executive Officer, Division of Networking and Communications Research and Infrastructure, National Science Foundation
1:30 p.m.	Report of the Chair ACTIONS: <ul style="list-style-type: none">• Adopt Minutes, 1993 Annual Meeting (See Attachment, "Program" Section)• Welcome to new Commissioners and Observers• Executive Committee Report	Joseph K. Hoffman
1:45 p.m.	Report of the Executive Director ACTIONS: <ul style="list-style-type: none">• Presentation of 1993 Annual Report (See handouts)• Administrative/Budget Update• Current Priorities/Items of Special Note• Presentation of new Commission products	Dr. Michael J. Donahue Executive Director, Great Lakes Commission
2:00 p.m.	Special Presentation: <i>Current Issues in Research, Policy and Management: A Lake Erie Focus</i> (See Attachment #1 "Information" Section and handouts at meeting) Sponsored by: Ohio Delegation, Great Lakes Commission <ul style="list-style-type: none">• <i>Ecological Shifts in Lake Erie: Research Needs and Upcoming Initiatives</i>• <i>Ohio's North Shore: An Update on Coastal Management</i>	Moderator: Dr. Jeff Busch , Executive Director, Ohio Lake Erie Office Panelists: Dr. Jeff Reutter , Director Ohio Sea Grant College Program Michael Colvin , Administrator, Ohio Coastal Management Program, Ohio Dept. of Natural Resources

- *Current Issues and Opportunities in Maritime Transportation: An Ohio Perspective*

John M. Loftus, Seaport Director, Toledo-Lucas County Port Authority

3:30 p.m.

Program Committee Meetings

A charge to committees will be presented in plenary session by Chair Hoffman. Attendees will select one of four program committee sessions for the purpose of discussing and advising on current and prospective Commission priorities and policy actions.

(See Attachment #1, "Action" Section)

- Resource Management and Environmental Quality
Session Chair: Wayne Warren, Alternate Commissioner (OH)
Staff Support: Thomas Crane, Program Manager

Tern Room

- Transportation and Economic Development
Session Chair: George Ryan, Commissioner (OH)
Staff Support: Steve Thorp, Program Manager

Navigator Room

- Communications
Session Chair: Frank D'Itri, Commissioner (MI)
Staff Support: Carol Ratza, Program Manager

Starboard Room

- Regional Coordination
Session Chair: Joseph K. Hoffman, Commissioner (PA)
Staff Support: Michael J. Donahue, Executive Director

Falcon Room

5:00 p.m.

Adjourn for Reception and Dinner

Outdoor Barbecue on Patio, weather permitting (Blue Heron/White Egret Room is alternative)

Wednesday, May 11

7:30 a.m.

Continental Breakfast

Great Lakes Information Network Demonstration (throughout the day)

Foyer, Bald Eagle Room

8:30 a.m.

Program Committee Reports

- Resource Management and Environmental Quality
- Transportation and Economic Development
- Communications
- Regional Coordination

Joseph K. Hoffman, Moderator (Presenters for each committee to be selected during committee meetings.)

Open Discussion/Priority Setting

All Present

9:45 a.m.

Statements from Observer Agencies

- Information Updates
- Recommended Actions

All Observers

10:15 a.m.

Break

10:30 a.m.

Policy Actions and Information Items

- 1) The Great Lakes and the Federal Governments: Appropriations, Legislative and Policy Developments
(See Attachment #2, "Action" Section)

Moderator: **Patrick R. Ralston**, Vice-chair

A) United States Report

Allegra Cangelosi, Director, Great Lakes Washington Program

B) Canadian Report

Representative, Canadian Embassy

C) Advocacy Opportunities for the Great Lakes Commission

Joseph K. Hoffman

ACTION:

- Adopt draft Commission policy position

2) Policy Position on Coastal Zone Reauthorization Act Amendments/Clean Water Act Reauthorization Amendments (See Attachment #3, "Action" Section)

Nathaniel Robinson, Commissioner (WI)

ACTIONS:

- Present position, as adopted by Executive Committee
- Entertain proposals for other revisions to Policy Positions document

3) Canadian Provincial Membership on the Great Lakes Commission: Issues and Opportunities (See Attachment #4, "Action" Section)

Frank Kudrna, Commissioner (IL)

ACTIONS:

- Present background paper
- Discussion/Action

Michael J. Donahue

12:00 Noon

LUNCHEON

(Speaker to be confirmed)

Blue Heron/White Egret Room

Special Recognition Awards

Presented by: **Joseph K. Hoffman**

- Thomas Emery, Commissioner (MI)
- Laura Paul, Commissioner (NY)

1:30 p.m.

Policy Actions and Information Items (continued)

4) An Ecosystem Charter for the Great Lakes-St. Lawrence Basin (See Attachment #5, "Action" Section)

Joseph K. Hoffman
Michael J. Donahue

ACTIONS:

- Adopt draft charter
- Discuss signatory strategy, public release and implementation

5) Strengthening the Policy/Research Linkage in the Great Lakes Basin: A Proposal (See Attachment #6, "Action" Section)

Frank Kudrna

ACTION:

- Approve proposal

6) Policy Papers and Initiatives of Transportation and Economic Development Program (See Attachment #7, "Action" Section)

Jim Hartung, President
Toledo-Lucas County Port Authority

- Model Port Land Preservation Policy
- Sustainable Development in Northwest Indiana

- U.S. -Canada Border Crossings

Jim Roach, Manager, Intermodal Planning Section, Michigan Dept. of Transportation

ACTIONS:

- Update on Model Port Land Preservation Policy
- Present Sustainable Development proposal
- Approve U.S.-Canada Border Crossings report

- 7) **"Newbuilding" Program for the Seaway**
(See Attachment #8, "Action" Section)

ACTION:

- Endorse initiative

David Sanders, Chief of Staff
Saint Lawrence Seaway
Development Corp.

- 8) The Council of Great Lakes Governors' Spill Protection Initiative
(See Attachment #2, "Information" Section)

ACTION:

- Present Spill Protection Initiative final report

Jeff Edstrom, Policy Analyst,
Council of Great Lakes Governors

- 9) Information Items: Agricultural/Livestock Issues in the Great Lakes
Basin (See Attachment #3, "Information" Section)

Moderator: **Jerry Wager**,
Director, Division of Soil and
Water Conservation, Ohio Dept. of
Natural Resources and Chair, Task
Force on Soil Erosion Sediment
Control

- Animal Manure Management in the Great Lakes Basin -
Update on a Michigan State University Study
- Farmstead Assessment System for Pollution Risk Assessment

Dr. Frank D'Itri, Commissioner
(MI)

Gary W. Jackson, Extension
Coordinator, Farmstead
Assessment Program, Cooperative
Extension Service, Wisconsin

ACTION:

- Update on initiatives

- 10) Other Business

An Opportunity for Commissioners, Observers and other attendees
to bring issues/comments to the Commission's attention

Joseph K. Hoffman

5:00-8:00
p.m.

Adjourn for Hospitality "Hour" for all Commission meeting
attendees and early arrivals for following day activities: Great Lakes
Circle Tour Workshop, Environmental Conference (see following
agendas)

Falcon Room

**BUILDING PARTNERSHIPS TO IMPROVE GREAT LAKES WATER QUALITY
THROUGH SOIL EROSION AND SEDIMENT CONTROL**

WORKSHOP AGENDA

Maumee Bay Resort and Conference Center
May 11-12, 1994

Co-sponsored by the Great Lakes Commission, The Ohio Department of Natural Resources, The National Association of Conservation Districts, Environmental Defense Fund, The Conservation Technology Information Center, National Wildlife Federation, Hoosier Environmental Council, and The Lake Erie Commission

Goal Statement: Soil erosion and sedimentation, major sources of nonpoint source pollution, threaten the environmental and economic assets of the Great Lakes. Improvement of Great Lakes water quality will require the Great Lakes region to work together to establish a new focus on the prevention and control of soil erosion and sedimentation. The conference goal is to build partnerships between soil and water conservation groups and non-governmental groups (such as environmental, wildlife and conservation groups) to mitigate water quality/habitat impacts caused by soil erosion and sedimentation.

WEDNESDAY, MAY 11

5:00 - 8:00 p.m. **Early registration and hospitality**, hosted by Great Lakes Commission Falcon Room

For early arrivals, as well as Great Lakes Commission Semi-Annual Meeting attendees who will stay over for the workshop.

(Conference organizers can also meet with breakout group facilitators, recorders and reporters.)

THURSDAY, MAY 12

9:00 a.m. **Registration**

10:00 a.m. **Welcome, Introduction and Workshops Objectives**

Dr. Michael J. Donahue, Executive Director, Great Lakes Commission, and **Jerry Wager**, Ohio Department of Natural Resources and Chair, Soil Erosion and Sedimentation Task Force

10:15 a.m. **Keynote Address: An Overview of the Soil Erosion/Sedimentation Problem in the Great Lakes Basin**

Why is soil erosion and sedimentation an issue of concern in the urban and rural areas of the Great Lakes Basin?
(Perspectives on the environmental and economic impacts of erosion and sedimentation on Great Lakes water quality).

Edwin C. (Toby) Clark, President, Clean Sites, Inc., Alexandria, VA

10:45 p.m. **Panel I:
Building Better Partnerships to Control Erosion and Improve Water Quality: A Review of Success Stories**

- Partnerships initiated by the Nature Conservancy to protect Great Lakes habitat through erosion and sediment control.

Larry Clements, The Nature Conservancy, Fish Creek Watershed Project Office (Indiana)

- Partnerships in urban areas to address soil erosion and sedimentation problems.
- Partnership between the state chapter of the North Carolina Sierra Club and the North Carolina Farm Bureau to establish a nonpoint source watershed program.

Paul Rentschler, Huron River Watershed Council

Bill Holman, Sierra Club, North Carolina State Chapter (*invited*)

12:00 Noon

Luncheon

1:15 p.m.

Panel II: Issues and Legislative Opportunities for Prevention and Control of Nonpoint Source Pollution: Perspectives from Environmental Organizations

- Great Lakes Initiative Round II
- Clean Water Act; Nonpoint Provisions
- 1995 Farm Bill Opportunities and Other Regional Initiatives

Wayne Schmidt, Natural Wildlife Federation Great Lakes Natural Resource Center

Bill Wenzel, Sierra Club Agriculture Committee and **Brett Hulsey**, Sierra Club - Midwest

Michelle Miller, World Wildlife Fund

2:00 p.m.

Small Group Sessions

(Attendees will be randomly assigned to breakout groups of 10-15 members each.) A facilitator and reporter will be assigned. The groups will focus on two questions:

- 1) How can the environmental community, soil and water conservation groups and governmental agencies work together to increase attention to soil erosion and sedimentation issues in the Great Lakes Basin? What are the obstacles and opportunities present?
- 2) What specific initiatives must be taken (and by whom) to add these issues to the advocacy/action agenda of environmental groups and other nongovernmental organizations?

3:30 p.m.

Reporting Out

Reporters will briefly summarize discussion, findings and conclusions. A question and answer period will follow to develop and pursue an Action Agenda and explain next steps: Workshop proceedings; development, review and finalization of workshop findings and recommendations; dissemination and implementation.

4:00 p.m.

Adjourn

Conduct of this workshop is made possible by a grant from U.S. EPA-Region V through the Great Lakes Basin Program for Soil Erosion and Sediment Control

THE GREAT LAKES CIRCLE TOUR: MAKING IT WORK AT THE LOCAL LEVEL

AGENDA

Maumee Bay Resort and Conference Center
May 11-12, 1994

WEDNESDAY, MAY 11

5:00 - 8:00 p.m. **Early registration and hospitality**, hosted by Great Lakes Commission Falcon Room

For early arrivals, as well as Great Lakes Commission Semi-Annual Meeting attendees who will stay over for the workshop.

THURSDAY, MAY 12

9:00 a.m. **Registration**

10:00 a.m. • **Welcome and Introduction**

Tracy Adams,
Administrator, Bureau of
Travel Information, Ohio
Department of
Transportation and **Steve
Thorp**, Program
Manager, Transportation
and Economic
Development, Great
Lakes Commission

10:10 a.m. **Panel:**
**The Great Lakes Circle Tour: An Update on the
Individual Circle Tours and Scenic Routes**

Lake Superior Circle Tour

Ruth Goetz, Division of
Tourism, Wisconsin
Department of
Development

Lake Michigan Circle Tour

Gary Fischer, President,
West Michigan Tourist
Association

Seaway Trail

Teresa Mitchell,
Executive Director,
Seaway Trail Inc.

11:15 a.m. **Panel:**
The Lake Erie Circle Tour Experience

*Lake Erie Escapes - A Multi-County Marketing Effort:
Highlighting Ohio's Lake Erie Circle Tour*

Joan Van Offeren,
Executive Director,
Sandusky/Erie County
Visitors and Convention
Bureau

The Pennsylvania Connection

August Schiava, Erie
(PA) Chamber of
Commerce Tourist and
Convention Bureau

The Freedom Tour

Rev. Floyd Walls

12:00 Noon

Luncheon

(Joint Luncheon with Workshop on Soil Erosion and
Sediment Control)

Lake Erie topic (Speaker to be confirmed)

1:15 p.m.

PANEL:

**Circle Tour Travel Development: What Is A Successful
Recipe?**

Regional Marketing Through Trail Development

Donnie Winchell,
Executive Director, Ohio
Wine Producers
Association

If You Build It They Will Come

Christine Szalay,
Marketing Manager for
Visitor Development, The
Rock and Roll Hall of
Fame and Museum

Marketing Cedar Point

Robin Innes, Manager,
Public Relations, Cedar
Point Amusement Park

Spur Route Development: Maumee Valley Heritage Corridor

Ted Ligibel, Associate
Professor, Historic
Preservation, Eastern
Michigan University

2:30 p.m.

The Tourism Research Role

Don Holecek, Director,
Michigan Travel, Tourism
and Recreation Center,
Michigan State University

2:50 p.m.

**Research Results for Use at the Local Level-A Lake Erie
Coastal Tourism Survey**

Leroy Hushak, Ohio
State University

3:15 p.m.

Summary and Adjourn

GREAT LAKES COMMISSION

1994 Semi-Annual Meeting Maumee Bay Resort & Conference Center

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PROGRAMME

PLAN DE TRAVAIL DE
L'ANNEE EN COURS.

GREAT LAKES COMMISSION

1993 - 1994

WORK PLAN

Approved
at the
1993 Semi-Annual Meeting of the Great Lakes Commission

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I. INTRODUCTION

The Work Plan presented within reflects the actions and initiatives of the Great Lakes Commission at its 1992 Annual Meeting (October 13-14 Indianapolis, IN), and builds upon previous actions of the Commission and its Executive Committee.

Five program areas are presented: Administration; Resource Management and Environmental Quality; Transportation and Economic Development; Communications and Regional Coordination. Within each area, projects are categorized as either "continuing" or "new" initiatives, with the latter differentiating between "new priorities-funded" and "new priorities-proposed." Additional priorities for 1993-94 will be considered at the 1993 Semi-Annual Meeting. This document will be revised accordingly following that meeting.

This is a "living document". It will be updated following each Annual and Semi-Annual meeting to:

- inform Commissioners, Observers and all others in the Great Lakes community of program priorities, approaches and timelines;
- provide staff guidance and a benchmark for measuring progress; and
- allocate staff and other organizational resources to ensure the best possible service to member states.

In reviewing the Work Plan, an important note must be emphasized. An integral component of the Commission's work is its quick response capability to emerging regional, national and binational issues. Such issues arise on a daily basis and therefore cannot be reflected in a Work Plan such as this. In fact, the "formal" projects presented within account for approximately two-thirds of total staff time. The balance is directed at day-to-day coordination, policy development and advocacy efforts. Thus, the reader should view this document as a reasonably thorough, yet not comprehensive, overview of Commission program and project priorities. Readers may wish to consult the *ADVISOR*, our monthly newsletter, for regular updates on activities not addressed within.

II. THE GREAT LAKES COMMISSION

A. Overview

The Great Lakes Commission is an interstate compact commission comprised of gubernatorially appointed and legislatively mandated representatives of the eight Great Lakes states. Established by joint legislative action of the Great Lakes States in 1955 and granted Congressional consent in 1968, the Great Lakes Commission seeks "to promote the orderly, integrated, and comprehensive development, use and conservation of the water resources of the Great Lakes Basin" (Article I, Great Lakes Basin Compact). Objectives associated with this overall goal, as stated in the Compact, include:

1. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.
2. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.
3. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.
4. To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively."

The Commission pursues this broad mandate via three principal functions: 1) information sharing among the Great Lakes states; 2) coordination of state positions on issues of regional concern; and 3) advocacy of those positions on which the states agree.

The Commission addresses a range of issues involving environmental protection, resource management, transportation and economic development. A committee and task force structure, in which Commissioners and Advisors from all states participate, is the vehicle for identifying and developing issues, and subsequently recommending the adoption of positions by the full membership. Federal and provincial observers are invited to participate, but do not vote, in many Commission activities.

The Great Lakes Commission is the only Great Lakes organization with a statutory mandate to represent the collective views of the eight Great Lakes states. As such, the Commission's structure, program and staff is determined by, and solely accountable to, its member states. The Commission is based in Ann Arbor, Michigan.

B. Functions

The Great Lakes Commission, by virtue of the provisions of the Great Lakes Basin Compact, is empowered to pursue a range of functions consistent with its mandate. These functions are broadly defined in the Compact itself and have evolved over time on the basis of interpretation by the parties to the Compact. The three broad functional areas are presented below.

1. **Information Sharing.** The Commission serves as a clearinghouse for Great Lakes-related information of interest to its member states and other government entities, interest groups, organizations and individuals in the region. Although diverse, such information is generally oriented toward pertinent state and federal legislative, policy and program initiatives, impending Congressional actions, and resource-based problems and opportunities in the region. This information-sharing function serves two essential functions. First, it provides a formalized network for information exchange and education among Basin jurisdictions and other interested organizations and individuals; it promotes a regional consciousness and identity. Second, this function serves as a vehicle for early identification of regional issues warranting further consideration and subsequent action by the Commission.
2. **Coordination of State Positions on Issues of Regional Concern.** The Commission identifies issues of potential regional concern, prepares and disseminates descriptive and/or analytical materials, facilitates discussion of such issues and, where appropriate, implements collective actions. In so doing, the Commission functions as a "forum" in which the universe of regional issues is screened, reduced to a prioritized subset, and subjected to intensive review by the member states.
3. **Advocacy of Positions.** A third principal function of the Commission is to advocate those positions on which a majority of the member states agree. The Commission has historically been oriented toward a resolution format for its policy positions, augmenting such with prepared testimony and related correspondence. Advocacy efforts have been targeted primarily at the federal level, including the Great Lakes Congressional Delegation, pertinent House and Senate committees/subcommittees, and pertinent federal officials.

III. Administration Program

A. Program Goal

The goal of the Administration Program is to enhance the Commission's leadership role in regional coordination, policy development and advocacy through efficient, cost effective and responsive service to member states.

B. Program Emphasis and Services

Administration Program services address the array of operational services that provide basic support to the Commission in the conduct of its activities. This includes personnel matters, financial management and budgeting; program design and structure; membership relations; facilities management; equipment acquisition; and, in general, all support services necessary to fulfill Great Lakes Basin Compact mandates in accordance with Commission Bylaws and related personnel and financial policies.

C. Continuing Priorities

When the Administration Program was formalized several years ago, program activities were directed to the areas of staff restructuring and expansion; reorientation of staff services; new financial management and budgeting efforts; and an aggressive program development campaign to expand and diversify the funding base.

These several areas of emphasis have been fully incorporated into ongoing Administration Program activities and will continue into the future.

Major accomplishments of special note during 1992 included.

- Revision and approval of a new Financial Policies statement to reflect greater use of restricted funds and to fully comply with governmental regulations associated with grants and contracts;
- Adjustments to administrative procedures resulting in a 20% decrease in general operating fund expenses while accommodating increasing Program responsibilities;
- Program development initiatives resulting in a fourteen-fold increase in restricted fund income from the previous year;
- Staffing increases to 22 full and part-time personnel, including program managers, administrative and support staff, project specialists and research associates.
- Design of a new "Program Committee" structure (for each of the five program areas) to enhance day-to-day "hands-on" Commissioner involvement in Commission activities.
- Adoption of new Bylaws that, among others, specify new approaches to budgeting and formally recognize the important role of non-state Observers in Commission deliberations.
- Adoption of new Personnel Policies that update and expand existing policies, providing the framework needed for continuing staff and program expansion.

Most of these initiatives, now having been implemented, will require ongoing maintenance and fine

tuning in 1993.

D. New Priorities

The next twelve months will see a focus on both continuing Administration Program priorities, and a set of new priorities that complement them. Principal new priorities include:

1) Larger Scale Initiatives in Program Development

During 1993, the Commission will focus additional attention on the acquisition of large scale, multi-year funding for several projects. This will compliment the many smaller scale, 6-18 month projects presenting underway and, in so doing, extend the planning horizon of the organization, enhance its financial stability, and allow it to focus more intensively on specific issues consistent with its mission.

2) Distribution of Program Development Activity

One important goal for 1993 is an equitable distribution of restricted funds across all Program areas. Special attention will be directed at the Transportation and Economic Development Program, with plans to secure outside funding for several current and prospective priorities.

3) Implementation of Biennial Budget Process

New Bylaws adopted in late 1992 call for a biennial budget process and separate (but parallel) budgeting for both General Operating and Restricted Fund budgets. This will require an extended planning horizon from both a programmatic and budgetary standpoint. Internal planning/program development procedures will be adjusted accordingly.

4) Review and Revision of Investment Strategy

The Commission's current investment strategy for reserve funds will be carefully reviewed in light of current and projected needs. Emphasis will be placed on enhancing long-term growth and securing a higher annual rate of return, as investment income is presently applied to the General Operating Budget.

5) Upgrading Financial/Accounting Procedures

A larger and more complex budget in 1993 will entail a substantial increase in financial management activity, including compliance with federal grant requirements, numerous project reports, a larger payroll, and maintenance of well over a dozen separate project accounts. To enhance efficiency, consideration will be given to upgrading financial management software, as well as outsourcing selected activities (e.g., payroll.)

6) "Introductory Program" for New Commissioners and Observers

A number of new Commissioners and Observers joined the Commission family in 1992, suggesting the need for a more formal process of introducing them to the purpose, priorities and programs of the Commission, and its operational elements. Further, clarification of the roles/expectations of Commissioners and Observers upon their assumption of duties is well advised. Toward this end, Administration Program activities in 1993 will include a review/evaluation of current procedures, and the consideration of special events (associated with annual and semi-annual meetings) to introduce new members and Observers to the organization.

7) Enhancing "Hands-on" Commissioner and Observer Involvement

This will begin with the development of the Commission's new Summary Position Statement; a initiative where selected Program Committees will have an important role in the initial design and review of that statement.

A parallel effort will be directed at Commission Observers in 1993. Continued growth in the Observer ranks is anticipated as a result of a Bylaws change that explicitly recognizes the Observer role and broadenes the eligibility criteria for the Observer designation.

8) A Summary Position Statement for the Great Lakes Commission

In 1993, the Commission will complete the initial iteration of a comprehensive Summary Position Statement. An ambitious effort initiated in 1992, it involves summarizing and referencing all extant Commission policy positions, and presenting them in a succinct, "user-friendly" format. The effort will also entail, over time, the identification of policy gaps and the development and approval of statements to fill them. The document, once completed in its initial iteration, will be used as the basis for future policy position amendments, additions and deletions.

IV. COMMUNICATIONS PROGRAM

A. Program Goal

The Communications Program strengthens information flow and coordination between and among the Commission's member states and other public and private sector entities concerned with the informed use and management of the Great Lakes.

B. Program Emphasis and Services

For 36 years, communication has been the core of the Commission's mission, spanning issues as diverse as water levels, navigation, nonpoint source pollution, education, tourism, economic development and federal policy in general. However, a well-defined Communications Program did not exist prior to 1987. Since October 1987, the Commission has established the Great Lakes Information Clearinghouse; the *ADVISOR* newsletter; and the Great Lakes Information Network. It has also given a new look to Commission publications and added a marketing dimension to all Commission products.

The Commission will continue to build on these successes in 1993 with continued enhancement of the services of the Great Lakes Information Clearinghouse; region-wide solicitation of membership and participation in the Great Lakes Information Network; and implementation of computer networking communications technology and other innovative information exchange methods to convey vital information to decision makers and opinion leaders. A concerted effort will be placed on assessing the availability of outside funding for Communications Program activities.

Expanded Great Lakes education initiatives, including support for the Groundwater Education Strategy and other formal and nonformal Great Lakes education initiatives, will continue to be developed.

C. Continuing Priorities

1. Publicity and Support for Annual and Semi-Annual Meetings

Priorities include targeted mailings to decision-makers and opinion leaders throughout the Basin; development of a regional and national mailing list of key media contacts; and continued emphasis on timely announcements and cooperative efforts with other organizations and agencies to promote region-wide understanding and access to the Commission's policy agenda.

2. Commission Newsletter, The *ADVISOR*

Now in its sixth year of publication, The *ADVISOR* serves a steadily increasing audience in the binational community of Great Lakes interests. The newsletter is delivered free of charge to Commissioners, Observers, advisors, task force members and state and federal elected officials and policymakers, researchers, educators and others throughout the binational region.

The *ADVISOR*'s circulation has grown from 400 copies for its first issue in 1988 to 2,700 for the March/April 1993 issue. This year, an additional staff member was hired to handle publication of the *ADVISOR*. Changes in content and format are anticipated, including a shift to a three column format. The *ADVISOR* will continue to inform and advise the region on policy positions, initiatives, regional events and activities. In addition, special inserts are planned throughout the year to bring expanded coverage of priority Commission activities. Subjects for the special inserts currently planned include the Great Lakes Information Network, results of the modal shift study, and the Ecosystem Charter for the Great Lakes Basin.

Commissioners, Observers and task force members will continue to receive a brief on to two page

Commission Update during months when the *ADVISOR* is not printed. The *Update* will feature time-sensitive Commission information, including meeting notices and highlights, pressing legislative news and policy initiatives.

3. Publication Production and Marketing

Publications produced by the Commission during 1992 were designed and marketed with an eye toward the Commission's target audience of key decision makers. Many of the Commission's publications are distributed free of charge, thanks to grants or collective efforts of a number of regional interests.

The Great Lakes Commission was the primary or contributing author of numerous publications in 1992, including: *Reference Guide on Federal Funding for Great Lakes Environmental Programs* (March); *Keeping It on the Land! Improving Great Lakes Water Quality by Controlling Soil Erosion and Sedimentation* (August); *Liquid Asset: Great Lakes Water Quality and Industry Needs* (October).

Among many others, this year will see the release and marketing of the Commission's new "Guidebook to Groundwater Resources and Education Opportunities in the Great Lakes Region." The publication (approximately 100 pages) will include numerous photographs and graphic presentations on the subject. Distribution and marketing of the product will be two tiered:

- No-cost distribution to state governments, schools and educational institutions throughout the Basin, funded by the project sponsor, W.K. Kellogg Foundation.
- Marketing of the document to user groups interested in water policy; groundwater resources; and environmental education.

4. Great Lakes Information Clearinghouse and Constituent Responses

Expanded publicity for Great Lakes Information Clearinghouse services will continue during 1993, highlighting the Commission's commitment to collect and disseminate the most accurate and informative Great Lakes-related information, including reports, state and federal legislation, videos, and curriculum materials. The Commission works to respond quickly and accurately to all individual requests for information on the broad spectrum of Great Lakes issues. In addition to serving as a conduit for printed information, the Clearinghouse helps connect people throughout the region with their counterparts and others who share their particular Great Lakes interest.

5. Publicity and Media Relations for Commission Programs and Initiatives

Press releases, media events, high-profile public meetings and targeted mailings met with much success during 1993 and brought increased media coverage of Great Lakes issues. Continued emphasis on broad and timely distribution of accurate Great Lakes information will continue during the coming year.

6. Great Lakes Education

Many of the Commission's program activities now include a distinct "information dissemination/public education" element. During 1993, Communications Program staff will lend support to the various information and education components of several ongoing projects, including the Great Lakes Basin Program for Soil Erosion and Sediment Control and the Great Lakes Panel on Aquatic Nuisance Species. (For detailed discussions of these projects, see the Resource Management and Environmental Quality section of this document.)

7. Great Lakes Information Network - Piloting a Computer-based Communications System for the Region

Background

The Commission's Great Lakes Information Task Force established the Great Lakes Information Network in 1989. The goal of the Network is to promote interaction, cooperation, and professional development among peers and professional associates in the Great Lakes information community. Three annual meetings have been held, bringing together information and public relations specialists, educators and policy makers to address enhanced Great Lakes information exchange and cooperation among various state, federal, provincial, academic and private agencies involved in communicating Great Lakes issues to a wide audience. Network participants agreed that establishing a computerized information exchange network in the region would be an efficient and cost effective way to enhance communications between and among the region's policy makers, researchers, managers, business interests and opinion leaders.

In 1992, with the Ameritech Foundation's support, the Commission assessed the feasibility of establishing a regional electronic information network. The feasibility study, which included two targeted surveys and analysis of various network options available to the Great Lakes policy and management communities, elicited broad-based support for the concept, with more than 90 agencies and organizations in the region expressing interest; CICNet, the regional NSF-funded component of the Internet was identified as a collaborator to provide technical and networking support for the GLIN project.

In January 1993, the Commission submitted a proposal to the Ameritech Foundation for a two-year pilot project idea for GLIN which includes assembly of a core group of pilot participants, connection of more than two dozen agencies and organizations in the region under the GLIN umbrella, and computerized exchange of an extensive array of Great Lakes economic and environmental data and information provided by pilot participants.

Purpose

Over the years, the shelf life of Great Lakes information has shortened as the volume, diversity and need for quick access to it have increased dramatically. GLIN is a commitment to the use of new technology and information exchange methods in the Great Lakes region to convey vital information in a cost effective, efficient and easy to use manner.

Development of a computerized information network, including electronic mail, bulletin board services and expanded data bases on a number of Great Lakes issues, will enhance communications among various Great Lakes interests.

Products

Under the two-year pilot project, the GLIN development team will

- a) Work to promote end user access to the Internet by establishing a terminal server, developing a guide, and providing training and technical support;
- b) Establish a network server, which will be operated and outfitted with a suite of network application tools; and
- c) Develop a Great Lakes information server using the resources of the GLIN participants and taking advantage of those resources already hosted on the Internet.

About 30 pilot participants have volunteered to participate in this project and have provided the Commission with lists of their technical capabilities and data and information needs and resources.

Methodology

The feasibility study found that the needs of GLIN participants are best met by collaborating with CICNet and taking advantage of the Internet, a worldwide interconnected network. An important U.S. component of the Internet is NSFNET, which is operated with public funds to promote research and education.

The proposed project would leverage off the materials and tools that CICNet and other NSFNET program participants are developing to promote user friendly, platform-independent access to this shared network of information servers representing a wide range of interests. This project will quickly construct a system to demonstrate these tools to GLIN participants and show them some of the many resources available on the Internet. This demonstration will be developed under consultation with a GLIN Working Group that will be formed from several of the pilot participants. The working group will meet periodically and its feedback will be used to guide the implementation of GLIN. The working group will oversee the substantive, methodological and technical aspects of the project through its duration and report to the Great Lakes Information Task Force. GLIN will be constructed over a two year period with the first year focused on end user access to the network and the second focused on information services.

Timeline

A two year pilot project is planned, with start-up in mid-1993.

Staffing Requirements

The Communications Program Manager will serve as Project Manager. Due to the pervasive nature of the GLIN concept -- it is envisioned as a tool to conduct general Commission business -- each of the Commission's program managers, the executive director and other staff specialists will participate. A university research associate will be hired.

8. Development of a Regional Emission Inventory of Toxic Air Contaminants

Background

Atmospheric deposition has been demonstrated to be a significant source of certain toxic pollutants entering the Great Lakes. Toxic chemicals enter the atmosphere through a variety of mechanisms and sources, adhere to particles, rain, or snow, and then settle into the Great Lakes through direct deposition or run-off from land. For some of the most problematic pollutants, such as PCBs, studies have identified that atmospheric deposition contributes over 90 percent of the loadings to the Lakes. Many of these toxics have the potential to bioaccumulate in species high on the food chain, posing a health risk for humans.

In order to implement effective air pollution control strategies, it is vital to understand how these pollutants enter the atmosphere. Wind can widely disperse the pollutants; thus, identification and quantification of emission sources throughout the Great Lakes region is mandatory.

The 1986 Toxic Substances Control Agreement signed by the Governors of the eight Great Lakes states contains a provision ensuring cooperation toward "quantifying the loadings of toxic substances originating from all sources, with the purpose of developing the most environmentally and economically sound control programs." Pursuant to that objective, the Environmental Administrators of the states convened a workshop in July 1987 to focus agencies' efforts on atmospheric deposition concerns. Those who attended the workshop discussed the possibility of developing a computerized air toxics database for the purpose of obtaining a better understanding of the nature and sources of toxic air emissions, and their migration, dispersion, and resulting impact upon the Great Lakes Basin. There was consensus agreement that such a database was necessary not just for evaluating impacts, but for identifying potential problems and developing appropriate control strategies.

Purpose

As recommended during the July 1987 workshop, a list of 30 priority pollutants/pollutant classes was constructed based on potential threat to aquatic and human life. Recognizing the need for a consistent level of quality information on emissions of these pollutants across the region, the eight Great Lakes states are working together through the Great Lakes Commission to complete Phase Two of a three-part initiative, development of the "Great Lakes Toxic Air Emission Inventory Protocol." A three-state pilot project has been defined to test the protocol developed under Phase Two, establish the computer hardware and software specifications for Phase Three, and expand the list of 30 to 43 to include more EPA priority compounds.

Products

- A database of air toxics emissions factors for point, area and mobile sources of the 25 identified toxic pollutants.
- Procedures for adding/updating emission factors.
- Recommendations for system automation.

Methodology

The second phase of the development of a regional air toxics emissions inventory for the Great Lakes states is now underway. The eighteen-month Phase Two entails the development of a protocol for the emissions inventory, including design and development of an air toxics emission factors database. Funding for Phase Two was provided by grants from the Great Lakes Protection Fund and U.S. EPA.

Seven tasks were outlined in Phase Two for completion by the contractor, Radian Corporation, status of each task is provided in parenthesis:

- | | |
|----------------|--|
| Task 1: | Develop a detailed workplan (completed) |
| Task 2: | Develop database design (completed) |
| Task 3: | Develop emission factors database (in process) |
| Task 4: | Develop procedures for adding/updating emission factors (in process) |
| Task 5: | Develop quality assurance plan (completed/under state review) |
| Task 6: | Identify procedures for developing and updating activity parameters (in process) |
| Task 7: | Prepare recommendations for system automation (draft completed/in process) |

Project management for Radian Corporation will be undertaken by their Milwaukee, Wisconsin office.

In addition to the contractor's tasks, the Commission and the Air-Toxics Emission Steering Committee has:

Worked with U.S. EPA and Radian Corporation to expand the list of 25 toxic substances (see attached list) identified for inclusion in the database to 30 substances.

- Submitted a pilot study proposal (Southwest Lake Michigan Urban Areas -- Chicago, Milwaukee and Gary -- Toxic Air Emissions Inventory) for this phase and develop linkage between the pilot study and the U.S. EPA Urban Area Source Program required under Section 112(c) and 112 (k) of Title III of the Clean Air Act Amendments of 1990.
- Created an advisory committee, comprised of industry, environmental and academic representatives from throughout the region.
- Solicited increased Canadian and International Joint Commission participation in all aspects of project development.

Timeline

Current Phase Two tasks will be completed by mid-1993. Pilot study work, to be undertaken under funding from U.S. EPA, is in final negotiation. If funded, the \$1 million pilot study will expand Phase Two work through fall of 1994 and substantially meet many of the objectives for Phase Three.

Staffing Requirements

The Manager of the Communications Program serves as project manager; assistance is provided by the executive director and financial officer.

V. RESOURCE MANAGEMENT AND ENVIRONMENTAL QUALITY PROGRAM

A. Program Goal

The Resource Management and Environmental Quality Program promotes the informed use, development and conservation of Great Lakes land and water resources through regional coordination, policy development, information clearinghouse and advocacy services.

B. Program Emphasis and Services

The Resource Management and Environmental Quality Program is again slated for expansion in 1993, due to several new issues and broadened roles in the areas of environmental protection, Great Lakes water quality and quantity. The Program continues its emphasis on a regional cooperative approach, providing staff support to key efforts such as Great Lakes Charter implementation, the Great Lakes Basin Program for Soil Erosion and Sediment Control, implementation of the Oil Pollution Act and many others.

Principal projects for 1993 are discussed in the following pages. Each responds to a Commission directive and reflects priorities identified at the 1992 Annual Meeting.

C. Continuing Priorities

1. Great Lakes Basin Program for Soil Erosion and Sediment Control

Background

In November 1987, the Commission's Task Force on Soil Erosion and Sedimentation released its final report titled "Soil Erosion and Sedimentation in the Great Lakes Region." That report documented the serious nature of the Basin's nonpoint source pollution problem; analyzed and interpreted soil erosion and sedimentation data; and presented a series of findings and recommendations that were enthusiastically endorsed by the Great Lakes Commission. Recommendations addressed funding issues; program development; standards and control programs; education/coalition building; and research and evaluation.

Principal among those recommendations was the establishment of a federal/state "Great Lakes Basin Program" for comprehensive, Basin-specific erosion and sedimentation control. In offering the recommendation, the Task Force recognized the Great Lakes system as a "special and unique international resource that deserves special attention and protection." The Task Force also recommended that a linkage with the Section 319 nonpoint source pollution control program be made to ensure coordination of activities with the U.S. EPA.

The Task Force subsequently developed the Great Lakes Basin Program framework and secured the unanimous endorsement of the member states of the Great Lakes Commission in March 1988.

Start up funds on the order of one million dollars were secured in both FY 1991 and FY 1992 to permit Program implementation, including administration of a competitive grants program. In FY 1993, funding was increased to \$1.2 million allowing for the expansion of the competitive grants program.

Purpose

The goal of the Great Lakes Basin Program is to protect and improve the Basin's water quality by controlling erosion and sedimentation; limiting the input of associated nutrients and toxic contaminants; and minimizing off-site damages to harbors, streams, fish and wildlife habitat, recreational facilities and

the Basin's system of public works. Objectives associated with this goal are as follows:

- To achieve special legislative recognition for the water quality problems associated with erosion, sedimentation and the delivery of nutrients and toxic contaminants to the Great Lakes;
- To provide dedicated, reliable long-term funding for erosion and sediment control programs in the Great Lakes Basin;
- To better coordinate efforts, roles and initiatives between federal, state and local soil conservation and pollution control agencies and groups in the Great Lakes Basin;
- To recognize sediment as an important pollutant, its role in the transport of chemicals and to improve the linkage between erosion control and water quality programs;
- To support the development and implementation of urban and rural nonpoint source management programs and the soil erosion and sedimentation components of Remedial Action Plans under terms of the U.S.-Canada Great Lakes Water Quality Agreement;
- To build coalitions and networks to support a Great Lakes Basin Program and to share information and educate groups and individuals with similar interests and goals; and
- To protect and enhance the region's water quality for the benefit of all economic and environmental interests.

Products

The main product is the Great Lakes Basin Program itself. A sum of one million dollars was appropriated in the FY 1991 budget of the U.S. EPA, enabling a project Oversight Committee (U.S. EPA, SCS, Great Lakes Commission) to initiate key aspects of the Program. Based on discussion between the above groups, the following awards were made:

- 1) Demonstration Grants and Special Projects - \$600,000 to the Michigan Dept. of Natural Resources to prevent soil erosion in the Saginaw Bay area; \$100,000 to the Minnesota Pollution Control Agency to minimize shoreline erosion along Lake Superior; and \$200,000 to Erie Co. (NY) Department of Environment and Planning to help reduce soil erosion in the Buffalo River area.
- 2) Information and Education - \$50,000 to the Great Lakes Commission for preparation and distribution of material on current and potential nonpoint source projects in the region.
- 3) Program Support - \$50,000 to the Great Lakes Commission for staff support for Great Lakes Basin Program design, administration, promotion and regional coordination.

For FY 92, a one million dollar appropriation was also made available as follows:

- 1) Demonstration Grants and Special Projects - \$600,000 to Michigan Dept. of Natural Resources to continue Saginaw Bay erosion control program; and \$300,000 in grants were awarded competitively for demonstration projects in Indiana (2), Michigan (2), Minnesota (1), Ohio (2) and Wisconsin (1).
- 2) Information and Education - \$50,000 to the Great Lakes Commission to establish a Basinwide Information and Education Program and build coalitions and networks of soil and water conservation interests.
- 3) Program Support - \$50,000 to the Great Lakes Commission to continue program administration, oversight and implementation activities.

For FY 93, a \$1.2 million dollar appropriation was made and allocated as follows:

- 1) Demonstration Grants and Special Projects - \$600,000 to Michigan Dept. of Natural Resources for continued work on the Saginaw Bay Erosion Control Project; up to \$500,000 to be awarded competitively to project finalists from Illinois (1), Indiana (2), Michigan (3), Minnesota (2), New York (2), Ohio (3) and Wisconsin (1). Decisions on awards to be made in late spring 1993.
- 2) Information and Education - \$50,000 to the Great Lakes Commission to continue its effort to develop and establish a Basinwide Information and Education Programs for Erosion and Sediment Control.
- 3) Program Support - \$50,000 to the Great Lakes Commission to continue program administration, oversight and implementation activities.

Methodology

- 1) Activities under the Great Lakes Basin Program will occur under four categories:
 - Program Grants and Technical Assistance: Grants to the states to assist in strengthening plans to address nonpoint source water quality problems through erosion and sedimentation control.
 - Demonstration Grants and Special Projects: Competitive grants to address nonpoint source control, with special emphasis on Areas of Concern.
 - Information/Education: to promote participation in the Basin Program and build coalitions and networks among water quality and soil conservation interests at the federal, state, regional and local levels.
 - Program Support: to provide administration, coordination, implementation and oversight of project activities.
- 2) A detailed Great Lakes Basin Program tailored to available funds has been developed by the Soil Erosion and Sedimentation Task Force of the Great Lakes Commission. The Task Force includes representation from all eight states, the U.S. Environmental Protection Agency, the U.S. Dept. of Agriculture (SCS) and other relevant federal, regional and non-governmental organizations.
- 3) A memorandum of understanding was signed by the Great Lakes Commission, U.S. EPA and Soil Conservation Service in early 1992. The Great Lakes Commission is identified as Program administrator. The memorandum specifies use of available funds, review procedures for applicants, reporting requirements and related administrative and implementation matters.
- 4) Future funds available under Element One (Program Grants and Technical Assistance) will be administered to the states by the U.S. Environmental Protection Agency under a memorandum of understanding with the Great Lakes Commission. The Commission's Executive Committee will determine the allocation formula in consultation with the U.S. EPA, SCS and other members of the Task Force.
- 5) Future funds available under Element Two (Demonstration Grants and Special Projects) will be administered by the U.S. EPA under a memorandum of understanding with the Great Lakes Commission. "Request for proposal" guidelines were developed in consultation with U.S. EPA, SCS and other members of the Task Force in January 1992 for FY 92 grants program and revised in December 1992 for FY 93 grants program. Guidelines will continue to be revised before each future project cycle, as necessary.
- 6) Funds available under Element Three (Information and Education) are being administered by the Great Lakes Commission in consultation with the U.S. EPA, SCS and other members of the Task Force. The Commission staff has completed an information booklet titled *Keeping it on the Land!*, describing the Great Lakes Basin Program, in mid-1992 with distribution continuing. The

Commission also held a meeting of soil and water conservation groups and related interests to discuss priorities for a Basinwide Information and Education Program in October 1992. Current and future funds will be used in-house and/or allocated under contract for activities that complement and advance initiatives undertaken in Elements One and Two.

- 7) Funds available under Element Four (Program Support) are being administered and used by the Great Lakes Commission for program design, administration, promotion and regional coordination. Future funding will continue to be used in this fashion, but also stressing program implementation and oversight.
- 8) The Great Lakes Commission is working with Congress in the interest of enhancing the current appropriation level to better meet demonstrated needs in the Great Lakes Basin.

Allocation of available funds and initiation of program elements occurs annually through the "request for proposals" (RFP) process. In December 1992, RFPs were mailed to about 600 potential applicants representing state, local, regional, university, private, environmental and soil and water conservation interests. Two page letters of intent (pre-proposals) were due at the Commission offices by January 29, 1993. Fifty eight pre-proposals were received totaling more than \$4.1 million in requests. With up to \$500,000 available for FY 1993 to support these requests, an extensive review process was undertaken to identify the top proposals. In late February, the Soil Erosion and Sedimentation Task Force met to review, discuss and prioritize the 58 pre-proposals. Based on recommendations from the Task Force, 14 project applicants will be solicited for full proposals to be evaluated by the Task Force in late April.

Timeline

Decisions for final funding consideration for projects submitted under the competitive grants program will be made by the Soil Erosion and Sedimentation Task Force by early May. Selected applicants will have until June 11, 1993 to complete and return their grant application packets to U.S. EPA-Region V.

A two-page informational sheet describing the importance of the Great Lakes Basin program for legislators was complete in early May. Additional informational sheets to function as inserts to the *Keeping it on the Land!* booklet will be developed at a rate of one every other month through 1993.

The RFP process for FY 94 funding for the competitive grants process will begin in November 1993.

Staffing Requirements

Principal staff will include the Executive Director, Manager of Special Projects, Manager of the Resource Management and Environmental Quality Program and a Research Associate.

2. Advanced Design and Operation of a Computerized Emergency Preparedness Data Base Inventory for the Great Lakes.

Background

The tragic Exxon Valdez incident in Prince William Sound, Alaska in March 1989 provided a "wake-up call" to the Great Lakes region, prompting a careful examination of prevention and response capabilities for oil and hazardous material spills. In June of that year, the Great Lakes Commission, in cooperation with the Council of Great Lakes Governors, convened a binational task force to develop recommendations to enhance the region's state of emergency preparedness. One month later the Great Lakes Governors signed the "Great Lakes Oil Spill Control Strategy Agreement." Both initiatives confirmed the pressing need for a readily accessible, "user-friendly" computerized data base of spill response equipment, personnel and related services.

In 1992-93 much progress was made in toward operationalizing the data base. For example, fifteen categories of equipment, personnel and services (record formats) were finalized by the Great Lakes Commission's Emergency Preparedness Task Force. The federal Hazardous Materials Information Exchange (HMIX) in Argonne, Illinois has completed the design of the data base, and a survey of organization, agencies and contractors in the region to generate the needed data is underway. Networking with other national, international and global data base initiatives is continuing to ensure the Great Lakes effort is compatible with other systems and can serve as a model for related efforts.

Purpose

Development of a regional computerized data base inventory is a major, precedent-setting initiative that will allow emergency responders and planners at all levels to quickly access vital information in the event of a spill. The need for such an inventory is widely recognized. Endorsements by the Great Lakes states, the Region V Regional Response Team and other agencies attest to the pressing need for the computerized service.

Products

A computerized data base of public and private sector oil and hazardous spill response equipment, supplies, personnel and related resources to provide up-to-date information to responders in the event of an emergency is the principal product.

Methodology

In October 1992, the Great Lakes Commission was awarded \$12,000 by the Ohio Environmental Protection Agency through the U.S. EPA - Innovative Title III Technical Assistance Grants Program. Under the grant, the Great Lakes Commission has completed or, is responsible for the following tasks:

- Completion of fifteen individual record categories and the development of information gathering and data verification strategies (completed 1-93);
- Assisting Task Force members in the gathering of information for the fifteen record categories;
- Developing and assisting in the implementation of a data verification (i.e., quality assurance) program for data received (begun 4-93, ongoing);
- Working with HMIX to finalize the data base for on-line operation (completed 3-93);
- Developing a strategy for the long term use, generation and upgrading of the Regional Data Base Inventory (ongoing, completion expected 6-93); and
- Developing a mechanism for information dissemination; networking/coalition building (ongoing).

All of the above activities will assist the eight Great Lakes states, cooperating Canadian provinces and numerous federal and regional agencies as they individually and collectively work to improve their ability to plan and respond to oil and hazardous materials spills on the Great Lakes.

The "institutional infrastructure" for this initiative is presently in place via the Emergency Preparedness Task Force. The Commission will continue to work closely with its eight member states, the Region V Regional Response Team and, in particular, the U.S. Coast Guard, FEMA, OSHA, Corps of Engineers, U.S. EPA and the Council of Great Lakes Governors. Efforts in 1993 will also center on increased involvement from the International Joint Commission, the Canadian Provinces of Ontario and Quebec, the Canadian Coast Guard, the Upper Mississippi River Basin Association (UMBRA) and the Ohio River Valley Water Sanitation Commission (ORSANCO) under the Commission's Area Committee Planning Project (see Workplan, New Priorities, Item #2). The involvement of private sector interests, including maritime industry representatives, land-based handlers of oil and hazardous materials, and spill

response specialists will also be sought to help strengthen this initiative and ensure the long-term use and viability of the data base system.

The Emergency Preparedness Task Force will be the primary vehicle for dissemination of materials and information on the data base, although the Commission will use its extensive "information network" to publicize the inventory as well. The Region V Regional Response Team and HMIX will also play a pivotal role in information dissemination, particularly with regard to notifying local officials about the data base inventory.

Timeline

The timeline for the completion of tasks will be occur over the next nine month period. Specific tasks to be completed would include a Task Force meeting to finalize strategy for continued use and maintenance of the data base; and finalizing a strategy or mechanism for long-term information sharing/networking and coalition building.

Staffing Requirements

Principal staff will include the Manager, Resource Management and Environmental Quality Program, Project Specialist, Environmental Quality and a Research Associate.

3. Nonindigenous Aquatic Nuisance Species Prevention and Control

Background

The Zebra Mussel (*Dreissena polymorpha*) has now been found in every Great Lake and, if left unchecked, could establish itself in freshwater systems throughout much of North American in a matter of years. One respected Great Lakes scientist has been quoted as saying that the environmental and economic impacts over the long term could exceed those associated with the Exxon Valdez disaster. Damages in excess of four billion dollars over the next ten years may result.

The Great Lakes Commission has played an important role in responding to this threat. It assisted in the drafting and advocated passage of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (ANS Act). Through testimony, correspondence and meetings with members of Congress and their staffs, the Commission highlighted the pervasive ecosystemic and economic impacts of the zebra mussel.

Section 1203 of the 1990 Act calls upon the Great Lakes Commission to convene a panel of Great Lakes agencies and private environmental and commercial interests to identify Great Lakes priorities; assist/make recommendations to a national task force; coordinate aquatic nuisance species program activities; advise public and private interests on control options; and submit an Annual Report. To carry out these tasks, Section 1301 authorizes \$200,000 per year for five years, effective in fiscal year 1991.

During the past year, the Great Lakes Commission has begun development of a coordinated and unified strategy that blends prevention, research, monitoring and control activities and applies it on a Basin-wide level to utilize the collective expertise of all relevant disciplines, and public and private sector resources. Such a strategy is one means to anticipate and address any prospective impact of nonindigenous species already present and potential future introductions. It is also an opportunity to escape the crisis response model that characterized the issue in the past.

Purpose

The Great Lakes Commission has convened the Great Lakes Panel on Aquatic Nuisance Species at

the request of the national Aquatic Nuisance Species Task Force. The Panel's purpose is to coordinate research, control and educational efforts among representatives from all levels of government, affected private industry and citizen interests, and others with a prospective role in nonindigenous aquatic nuisance species research, monitoring and control. The Panel conforms to the terms of the federal Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. The Great Lakes Panel will focus on species already present as well as potential future introductions which have a negative ecological and/or economic impact upon the fishery and water resources of the Great Lakes.

Products

Products for this project are primarily policy statements that promote legislative support for implementation of the ANS Act and related activities to prevent the unintentional introduction and dispersal of aquatic nuisance species. These policy statements cover research/management needs, budget/legislative needs and an information/education (I/E) strategy. The I/E strategy will serve to provide regional direction and coordination of I/E activities that will help prevent and control the infestation of aquatic nuisance species. The Annual Report, a progress report on Great Lakes Panel activities, is also among the products for this project.

Methodology

An established network of governmental, academic, tribal and private sector researchers and managers working on problems relating to efforts to control nonindigenous aquatic nuisance species will advance overall efforts to achieve the goals of P.L. 101-646. The Commission will assist in coordinating prevention, research, monitoring and control activities that will minimize the ecological and economic impacts of nonindigenous species. Through such an effort, resources will be pooled, research results shared and control efforts coordinated. Further, the Commission will be in a position to represent the collective Great Lakes interests on the national Aquatic Nuisance Species Task Force and its committees as established by the federal legislation referenced earlier.

The Great Lakes Panel will oversee the development of a work program designed to pursue the tasks specified in Section 1203. Activities will be undertaken over a twelve-month period and tailored to additional available funds. Throughout the period, efforts will be made to secure additional support, including appropriation of federal funds authorized in the Act.

Baseline functions of the Great Lakes Panel will include, among others:

- Coordinating Great Lakes Panel Meetings;
- Providing representation at National Task Force Meetings;
- Representing the Panel at all significant research, control and prevention oriented meetings;
- Providing day-to-day support to Panel Members;
- Providing guidance in the development and implementation of an information/education strategy
- Continuing to develop and implement policy statements;
- Providing advice to the National Task Force pursuant to P.L. 101-646;
- Preparing an Annual Report pursuant to P.L. 101-646; and
- Developing and pursuing new Panel initiatives consistent with mandated functions.

These and other activities will be pursued at a level consistent with available funds and will be expanded when possible.

Timeline

As indicated above, the majority of critical Great Lakes Panel activities will be undertaken on an ongoing basis. Great Lakes Panel meetings are expected to be held every 3-4 months and, where possible, coordinated with national Task Force meetings and the Annual International Zebra Mussel Research Conference. The Annual Report will be released in mid-1993 to address calendar year 1992 activities. The Information/Education Strategy for Aquatic Nuisance Prevention and Control will also be available in mid-1993 for use in regional coordination of I/E activities. Other tasks and timelines will be

established by the Great Lakes Panel at an upcoming meeting as a function of stated priorities and funding availability.

Staffing Requirements

Principal staff support will be provided by the Executive Director; Manager, Resource Management and Environmental Quality Program; and Special Projects Manager.

4. Regional Water Use Data Base

Background

In 1985, under the terms of the Great Lakes Charter, the eight Great Lakes States and two Provinces agreed to establish a Great Lakes Regional Water Use Data Base Repository. Based on the recommendations of the Water Resources Management Committee in its February 1987 report, "Managing the Waters of the Great Lakes Basin", the Great Lakes Commission was selected as the repository for the Regional Water Use Data Base. This data base allows the state and provincial agencies to undertake regional planning, management and research activities related to the effects of diversions and consumptive uses of water in the Great Lakes Basin.

Purpose

The project resulted in the development, implementation and maintenance of a Great Lakes Regional Water Use Data Base system to store, aggregate and manipulate withdrawal, diversion and consumptive use data by sub-basin and jurisdiction for multiple categories of use. The purpose is to support the provisions of the Great Lakes Charter and improve management and protection of the Basin's water resources.

Products

The Great Lakes Regional Water Use Data Base system is the product, and includes the computer model, user manuals, system documentation, hardware/software system, state, provincial and staff training and the generation of annual and periodic special reports.

Methodology

The Great Lakes Commission houses and maintains the regional water use data base and has produced to date four annual reports representing water use data for calendar years 1987- 1990. The 1993 annual report on 1991 water use data has been completed in draft and is being reviewed by the Water Resources Management Committee. There has been typically a nine to twelve month lag time in the compilation and reporting of data to the repository. State and provincial data for the previous year are provided to the repository in the fall and a draft report is presented to the Governors and Premiers early the following year. The reconstituted Water Resources Management Committee, along with the Council of Great Lakes Governors, provides guidance and assistance to Commission staff on the operation of the data base.

Staff activities in 1993-4 will include continued maintenance of the data base, support to the Water Resources Management Committee and generation of annual reports for 1992 and 1993 water use data.

Marketing/Implementation

Regular meetings with a Technical Work Group of the Water Resources Management Committee have been held to ensure that the member states and provinces are familiar with the system, aware of its capabilities (and shortcomings) and actively contributing data as needed for data base operation and

report generation. Annual reports have been distributed through the Water Resources Management Committee and the Governors' and Premiers' offices. The Commission also continues to work with the WRMC to publicize the utility of the data base as a water management tool.

Staffing Requirements

Principal staff include the Manager of the Resource Management and Environmental Quality Program, the Manager of the Communications Program and administrative staff support.

5. A Groundwater Education Strategy for the Great Lakes Region

Background

Groundwater resources in the Great Lakes Basin are appropriately regarded as the region's greatest "hidden asset". Their critical role in the hydrologic cycle is unquestioned and their influence upon both the quantity and quality of surface water resources is increasingly well documented. Indeed, groundwater resources influence the very fabric of the physical health, economic well being and quality of life of over 40 million Basin residents. The Great Lakes states and provinces, for example, have conservatively estimated that well over one billion gallons of groundwater are withdrawn daily to meet a variety of domestic, industrial, commercial and agricultural uses.

Despite the growing importance of groundwater resources in the human health and socio-economic profile of Great Lakes Basin residents, management and protection efforts lag far behind those afforded to the surface waters of the Great Lakes and their tributaries. Groundwater has historically (though mistakenly) been regarded as a resource of secondary importance in the Great Lakes Basin. It has been viewed as a seemingly endless and high quality resource, relatively immune from abuse and depletion. Furthermore, the historical failure to recognize Basin groundwater resources as part of a single hydrologic system fostered the evolution of a fragmented system of laws and programs based on political rather than hydrologic boundaries. Limited knowledge and understanding of the physical properties of groundwater flow and the nature of ground/surface water interrelationships has exacerbated problems brought on by increasingly intensive development.

Clearly, a viable protection strategy for the Great Lakes Basin demands carefully devised and well-founded programs which are consistent across all Basin jurisdictions. The political will and motivation needed to establish support for such programs, in turn, is dependent upon an active and well-informed citizenry. This point is made repeatedly in state policy documents.

Given the pervasive influence of Great Lakes surface and groundwater on the economy, environment and quality of life of the citizens of the United States and Canada, one might assume that related educational materials would have an equally pervasive presence in the K-12 classroom curriculum and non-formal education settings. In reality, however, this is not the case. A 1988-89 study by the Great Lakes Commission found that both classroom and non-formal education on Great Lakes issues is limited in scope, largely undocumented and varying greatly in focus and depth. A concern has also been expressed that a well-defined Great Lakes education network does not exist, a situation that inhibits information exchange and compromises the potential for the development and use of surface and groundwater education materials.

Purpose

The purpose of the project involves promoting the informed use, management and protection of the groundwater resources of the Great Lakes Basin through the development and implementation of a Basinwide groundwater education strategy.

Support for this purpose is embodied in five project objectives:

- 1) To document the environmental and economic importance of groundwater resources in the Great Lakes Basin; their relationship to surface water; and current groundwater problems, opportunities and issues;
- 2) To establish a network of educators, researchers, managers and others with expertise in the use, protection and management of groundwater resources;
- 3) To develop and promote education programs that enhance leadership skills among public officials and the citizenry;
- 4) To increase and maintain public awareness about groundwater; and
- 5) To promote and publicize practices and programs that can be undertaken by individuals and organizations to protect and preserve groundwater resources in the Great Lakes Basin.

Products

Three principal products have been pursued to provide the vehicles by which the project and objectives are addressed: a guidebook of groundwater resources in the Great Lakes Basin; a series of groundwater education roundtables culminating in a regional summit; and a regional policy statement (in the form of an education strategy) to be formally adopted by the eight Great Lakes states to promote and guide groundwater education efforts on a continuing basis.

Methodology

Project methodology has been based, in part, upon the "roundtable and summit" model employed with notable success during the Great Lakes Commission's Great Lakes Education Project, conducted in 1988 with continuing implementation. An adaptation of this model has allowed the Commission to accomplish its objectives in a timely and cost effective manner.

A key element in the proposed project has been the full use of the Commission's "institutional infrastructure"; a ready-made series of services, expert panels and communication devices have contributed to the success of the project. This infrastructure includes 1) a Groundwater Education Task Force representing jurisdictions and agencies throughout the binational Great Lakes Basin; 2) the Great Lakes Information Network - a Commission supported coalition of 50 educators and information specialists representing over 30 regional agencies and organizations; and 3) the Commission-operated Great Lakes Information Clearinghouse. The latter is an inquiry response and referral center that houses educational materials; data bases that include over 300 education leaders; a Great Lakes Education Speakers Bureau Directory with over 400 entries; and contacts for every school district in the U.S.-Canada Great Lakes Basin. Each of these components is operated under the auspices of the Commission's Communications Program.

Existing staff capabilities, coupled with an extensive commissioner and advisor network and education "infrastructure" (i.e., Great Lakes Information Network; Great Lakes Information Clearinghouse; Great Lakes Information Task Force; *Great Lakes Education Speakers Bureau Directory*), will provide the necessary expertise to undertake the project.

The Groundwater Education Summit held in May 1992, provided initial opportunities to broadly publicize the guidebook, which will be widely disseminated in 1993. The associated education strategy will be the primary vehicle by which the Great Lakes Commission will implement recommendations over the longer term. A collaborative effort with the other organizations is anticipated.

Timeline

The three tasks identified above were or are near completion with first tasks beginning in September 1990. Five groundwater education roundtables were held between June 1991 and March, 1992. The regional groundwater education summit was held May 11-12, 1992 in conjunction with the

Commission's semi-annual meeting in Chicago, Illinois.

The regional groundwater education strategy was drafted August 13-14, 1992 at a Commission sponsored groundwater education Task Force retreat. Final revisions to the *Groundwater Education Guidebook* were completed in April 1993 and final preparations for printing made. The final months of effort (Spring 1993) will entail the dissemination and distribution of the guidebook and regional education strategy as well as beginning the implementation of recommendations from the strategy.

Staffing Requirements

Staff involvement will be reduced significantly over the second half of 1993. Principal staff include the Executive Director; the Manager of the Resource Management and Environmental Quality Program; the Manager of the Communications Program; and the Special Projects Manager.

D. New Priorities - Funded

1. Area Contingency Planning for the Great Lakes Basin

Background

Under the Clean Water Act, Section 311(j)(4), as amended by the Oil Pollution Act of 1990 (OPA) Section 4202(b), Area Contingency Plans must be developed for the specified areas designated by the President. These Area Contingency Plans are to be developed by an Area Committee that is made up of technically qualified individuals from federal, state, and local governmental agencies. Under Executive Order 12777, the President delegated the authority to designate Areas and Area Committees to the Secretary of Transportation (Coast Guard) for the coastal zones, and the Administrator of the United States Environmental Protection Agency for the inland zone. Coast Guard designated their Areas as pre-existing Captain of the Port zones (COPT), while U.S. EPA designated the thirteen preexisting Regional Response Team areas as their "Areas" for OPA planning purposes. Also U.S. EPA also designated the Regional Response Team as the Area Committee.

In following the Administrator's designation, the Region V RRT has been appointed as the Area Committee for the Great Lakes region. In the Fall of 1992 Region V entered into a cooperative agreement with the three major watershed commissions within the region (Great Lakes, Ohio River, and Mississippi River).

Purpose

The purpose of the project is to provide support to U.S. EPA and the U.S. Coast Guard in supplementing the Regional Contingency Plan so it can be upgraded and expanded to serve as the OPA Area Contingency Plan.

Product

The product will be a report to U.S. EPA that will include information on economically significant areas, environmentally sensitive areas, a definition of "worst case discharge" scenario for the region, and an inventory of spill response equipment, supplies, personnel and other resources (see ongoing priorities, item 2).

Methodology

In October 1992 the Commission was granted \$72,000 to assist U.S. EPA in its Area Committee planning activities under OPA.

Specifically, the three basin associations/commissions will be assisting the U.S. EPA and the U.S. Coast Guard in the conduct of the following activities:

- Developing and maintaining an inventory of emergency response equipment, supplies, facilities and other resources pertaining to oil spills in the Great Lakes Basin;
- Identifying, to the extent practicable, potential areas of environmental and economic sensitivity to oil spills in the Great Lakes Basin;
- Identifying and providing relevant information on major potable water and industrial water intakes that could be affected by oil spills in the Great Lakes Basin;
- Updating, where necessary, specific spill response notification procedures for the Basin;
- Updating or compiling, where necessary, locational information on major facilities, pipelines and transportation corridors that could serve as a source of spills to the environment; and
- Proposing a definition of the "worst case discharge" scenario based upon information compiled under the tasks outlined above. This definition will assist the RRT in developing and upgrading its Area Contingency Plan to mitigate a worst case discharge event.

Currently, a variety of planning activities are underway to protect the Great Lakes from oil and hazardous material spills. The Great Lakes states and the Region V Regional Response Team are now working to review and improve emergency preparedness plans. Sparked by the concerns raised by the *Exxon Valdez* oil spill, this effort compliments the goals of the Oil Pollution ACT (OPA) of 1990 and the Emergency Planning and Community Right to Know Act (EPCRA).

In order to successfully implement OPA, there must be a great deal of cooperation between the various Federal, State, and local governmental agencies that will be participating in the process. Non-governmental and interstate compact agencies (such as the Great Lakes Commission) will serve to facilitate local input into the planning process, minimize the resource demands on all players and to build on current activities of interstate, state and local agencies. EPA Region V believes that the method of implementation this is being proposed for the development of Areas and Area Contingency Plans, while requiring tremendous amount of coordination, is the most cost effective approach to developing practical plans that can serve as a resource and guide to the emergency response community.

Timeline

Progress reports have been provided to U.S. EPA coincidental with the quarterly meetings of the Region V RRT (January, May and September, 1993). A final report of activities covering the current grant period will be provided to U.S. EPA by September 30. Opportunities for extending the grant period beyond one year are being explored.

Staffing Requirements

Principal staff will include Program Manager, Resource Management and Environmental Quality; Project Specialist, Resource Management and Environmental Quality; and a Research Associate.

2. Great Lakes Pollution Prevention Community Assistance

Background

The Great Lakes Basin is the world's largest freshwater system, providing drinking water to about 40 million people who live on its shores, and supporting one sixth of total American economic activity. The

Great Lakes also serve as a depository for the waste and effluent of Basin residents and businesses -- incurring damaging environmental and economic costs. Remedial Action Plans (RAPs) are being developed by federal, provincial and state agencies for 43 of the Great Lakes most polluted areas, the Areas of Concern (AOCs). Local stakeholder committees are assisting state officials in developing and implementing RAPs to address both historical and active pollution problems in the AOCs.

To help combat active pollution problems in the Great Lakes AOCs, the Great Lakes Protection Fund has committed \$130,000 to support an eighteen-month project that will test the Remedial Action Plan (RAP) process as a mechanism to prevent pollution on a community-based level. The Great Lakes Commission has formed a partnership with the Minneapolis-based Waste Reduction Institute for Training and Applications Research (WRITAR) to carry-out the project. WRITAR, a non-profit organization developing strategies and techniques that prevent pollution, will lead the project. The Commission will receive \$37,258, functioning as a subcontractor for WRITAR. Commission staff will support WRITAR as a Great Lakes regional advisor and by distributing project updates and feature articles in the *ADVISOR*. The Commission will also disseminate results of the demonstration projects through its network of state government and agencies, interest groups, organizations and individuals, and other interested parties in the region.

Purpose

To protect the regional investment in remediating the Great Lakes AOCs, the active sources of pollution must be controlled through preventative measures. The Great Lakes Commission and WRITAR will work together in examining the feasibility of integrating pollution prevention initiatives as part of the RAP process on a community-wide basis. This will be accomplished by selecting two AOCs as test sites for intensive planning and design of community-wide pollution prevention strategies.

Within the context of this project, methods of pollution prevention include eliminating or reducing the use of raw materials and energy, using or processing raw materials and products more efficiently, or prolonging the life of materials and products used. This approach to pollution prevention will target a variety of sources, some of which include manufacturing, consumer/residential, commercial, and rural and urban nonpoint source pollution.

The RAP public participation process operating in the selected AOCs will be evaluated for potential in leveraging community support for advancing pollution prevention in the AOCs. The results of this project will be distributed as a model for pollution prevention action for AOCs throughout the Great Lakes Basin. The goal of the project is to reduce future pollution and maintain sustainable environmental conditions once remediation has occurred.

Products

The Great Lakes Commission and WRITAR will work together on providing documentation regarding the lessons learned from the AOC demonstration projects. The participating RAP communities will be evaluated in the following areas:

- ability to integrate a pollution prevention component into the RAP process;
- effectiveness in serving as a platform to launch pollution prevention initiatives in the AOCs;
- ability to grasp the relationship between remedial action and pollution prevention and balance the two activities;
- potential of the RAP process in providing the institutional support needed for implementation of a long-term pollution prevention strategy in the AOCs;
- opportunities, other than the RAP process, to promote pollution prevention action.

Documentation on the AOC demonstration projects will be available through dissemination of the following products:

- direct mail dissemination of the project report to the RAP coordinators;
- project updates and feature articles in the Great Lakes Commission, *ADVISOR*;
- journal articles in the national quarterly magazine, *Pollution Prevention Review*, stressing the significance of community action;
- presentations/seminars at selected regional gatherings of RAP participants and stakeholders, including a centralized training event to transfer project results to state RAP coordinators and key representatives of the local RAP committees;
- short updates in U.S. EPA's monthly newsletter, *Pollution Prevention News*.

Methodology

In its advisory role, the Great Lakes Commission staff will work together with WRITAR to implement the project in the following three phases.

In Phase I, an Advisory Group will be selected to assist and advise in project planning efforts. The primary task for the Advisory Group in Phase I will be to advise in the selection of AOC demonstration projects. A set of criteria will be developed and applied as the basis for this selection process. The Advisory Group will also be instrumental in introducing project staff to those RAP communities selected to participate in the demonstration projects.

In Phase II, project implementation, staff will provide a range of comprehensive services (i.e. technical assistance and training) to support the selected RAP communities in planning and implementing a pollution prevention strategy. As part of this effort, linkages will be made to networks of people and information to access technical and management knowledge, models of policy options, educational methods, financial mechanisms, and other key elements needed to implement community-wide pollution prevention initiatives. During this process, each AOC demonstration project will be carefully documented and evaluated for potential in integrating pollution prevention activities as part of the RAP process.

Phase III will focus on dissemination of project documentation, findings, conclusions and recommendations. The dissemination process will include a centralized training event to transfer project results to state RAP coordinators and key representatives of the local RAP committees. The objective here is to transfer the lessons learned from the demonstration projects to the AOCs throughout the Great Lakes Basin. The Great Lakes Commission will be particularly active in the dissemination phase of the project, taking advantage of their extensive regional network (refer to Products section).

If active sources of pollution are not prevented in the 43 AOCs, remediated sites will be exposed to the risk of re-contamination. The integration of pollution prevention into the RAP process offers a valuable opportunity to protect investments directed towards remediation of the AOCs. The lessons learned from project demonstration projects will provide critical insight on how to implement pollution prevention initiatives on a local level using the RAP community to facilitate the process. The transfer of these lessons to the other AOCs will advance the practice of pollution prevention on a basin-wide scale -- essential to sustainable, affordable protection of Great Lakes water quality.

Timeline

Phase I, the planning stage of the project, will run for three months: February, 1993 - May, 1993.

Phase II, involving the development and initial implementation of pollution prevention strategies for the selected AOC demonstration projects, will occur over the span of 12 months, approximately May, 1993 - May, 1994. Phase III, which will focus on conducting a basin-wide training session, will round-out the last three months of the project, June, 1994 - August, 1994. Other information dissemination activities will occur in conjunction with the demonstration projects, occurring during Phase II.

Staffing Requirements

Principal staff support will be provided by the Executive Director, Special Projects Manager, Communications Program Manager, and WRITAR staff.

VI. TRANSPORTATION AND ECONOMIC DEVELOPMENT PROGRAM

A. Program Goal

The goal of the Transportation and Economic Development Program is to ensure responsible, resource-based economic development activity and promote the use, development and maintenance of the Great Lakes/St. Lawrence Seaway transportation system.

B. Program Emphasis and Services

The Great Lakes Basin Compact calls upon the Commission "to advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate users of the water resources of the basin".

The Transportation and Economic Development Program will continue to focus on issues which have strong region-wide interest and long-term importance for the economy.

In 1992, the Transportation and Economic Development Program tackled numerous short and long-term issues, continuing its standard for informed debate, dialogue and action. Coupled with ongoing legislative analysis/advocacy functions and follow-through on 1992 initiatives, 1993 promises to be another noteworthy year for this Program.

C. Continuing Priorities

1. Great Lakes Circle Tour

Background

Several Great Lakes states now have "circle tours" or a designated Great Lakes road system, complete with signage and, in some cases, promotional materials. This has been an effective technique for focusing tourism and travel attention on the Lakes. In 1989, the Commission's Tourism and Outdoor Recreation Task Force endorsed the idea of a "Great Lakes Circle Tour" road system that could tie together individual state and provincial programs into a single system including the Great Lakes and running parallel to the St. Lawrence River.

A Great Lakes Circle Tour Task Force was established and a Policy Statement was developed. The statement, approved by the Commission in November 1989, addressed route selection and feasibility, signage and promotion issues.

In 1990, the Great Lakes Circle Tour passed several important mileposts - a brochure was prepared and distributed; publicity was generated through press releases, radio-interviews and newspaper/magazine articles; and the formal dedication ceremony was held.

The Great Lakes Circle Tour Task Force completed its design and review of the "lure piece" brochure in May 1990 and a Commission-funded print run (50,000) was distributed to the states and Ontario and Quebec in late June. Each jurisdiction received a percentage of its initial request; a subsequent printing is needed to satisfy remaining demand.

The highlight of the 1990 season was the joint dedication ceremony of the Great Lakes Circle Tour and Lake Erie Circle Tour held on August 23 in Sandusky, Ohio. Governor Celeste and Commission Chairman, Hank Williams, presided. In September, Commission staff met with John Savich, Michigan Travel Bureau Director and lead person for the Council of Great Lakes Governors' Fresh Coast campaign to discuss cooperative links between the two projects.

The last Task Force meeting was held in Milwaukee on September 25, 1991, in conjunction with the Travel and Tourism Research Association (Cen States Chapter) annual meeting. A principal purpose of the meeting was to review the status of sign installation and state/local promotion efforts, and discuss the feasibility of workshops to facilitate local Circle Tour promotion efforts.

During 1992, the Commission and the Council of Great Lakes Governors developed a joint regional tourism proposal that includes the preparation of a regional highway map with Great Lakes Circle Tour itineraries highlighted, and the conduct of several Circle Tour promotion workshops. The proposal is targeted for corporate sponsorship for the 1993-1994 period.

Purpose

The project will promote designation of a Great Lakes road system with signage and promotional materials. It will enhance tourism and travel activity, assist in promotion efforts, and make the Great Lakes a focal point in individual states and regionally.

Products

The ultimate product is the creation and ongoing promotion of a road system with common signage and a complement of historical marker/place-of-interest elements. The Commission's role is that of a catalyst, organizing state, provincial and private sector interests who will then serve as leaders of the initiative.

Methodology

Continuing solicitation of corporate and state/province funding for 250,000 additional brochures and encouragement of sign installation by all jurisdictions will be undertaken.

The Great Lakes Commission will also seek support for a series of coastal tourism workshops for state and local officials to introduce the Great Lakes Circle Tour and present opportunities for communities to benefit from it (e.g., through "spur route" signage, promotional materials). The workshops would also explore means to develop and strengthen a region-wide network of communities with a shared interest in promoting Great Lakes related tourism opportunities.

Press coverage and publicity will be required to maintain momentum throughout, as well as networking with public and private sector tourism and travel interests. Support will be solicited among key transportation department officials and state/provincial legislators to ensure that any required approvals/appropriations are secured.

Timeline

This is an ongoing activity that will be pursued commensurate with available staffing and financial resources.

Staffing Requirements

Principal staff include the Manager of the Transportation and Economic Development Program and the Executive Director, with assistance from the Special Projects Manager, as needed.

2. Soo Lock Funding

Background

The Water Resources Development Act of 1986 (P.L. 99-662) authorized, among other projects, a new large lock at Sault Ste. Marie, Michigan. Non-federal cost sharing mandated by the law for navigation construction projects requires 25% up-front financing along with 10% to be paid over a period up to 30 years following construction completion. Based on October 1991 price levels, the proposed total cost share is \$98.8 million (\$280 million total cost.)

The proposed new lock would be designed to replace two old and outmoded small locks. Justification for lock construction is based on the need to maintain efficient lock operations and reduce the risk of dependency on the existing large lock. On the Great Lakes, U.S. flag vessels restricted to the Poe lock represent two-thirds of fleet carrying capacity. Also, the Soo Locks' importance in serving the nation's steel industry and, hence, its role in national defense is an acknowledged fact.

Since late 1989, the Commission has undertaken numerous initiatives on this subject. Among many others, this has included the conduct of a Soo Lock Funding Strategy Session; multiple appearances at Congressional hearings; inclusion of a Soo Lock statement in the *Declaration of Indiana*; work with Congressional staff on legislative language; and support for a Corps - authorized study on financing alternatives for the Soo Lock and St. Lawrence Seaway.

On July 18, 1991 Representative R. Davis (MI) asked the Commission to "take the lead in developing a solution to the problem of local share of the cost of the project" (Soo Lock). Rep. Davis expressed his concern that the "current budget climate" was not conducive to full federal funding even though he still supports that approach. On September 17, 1991 the Commission again testified before the Subcommittee on Oversight and Investigations in Washington D.C. The Commission indicated that it would renew its efforts to seek a consensus regional position on Soo Lock funding that could be communicated to the Great Lakes Congressional Delegation. Also presenting testimony at the hearing, the Acting Principal Deputy Assistant Secretary of the Army raised the issue of the need for an economic reevaluation of the project justification. A new cost benefit analysis would consider a decline in the rate of projected tonnage increase as well as the increasing congestion and safety issues resulting from recreational boat traffic diverted from the closed Canadian lock.

In February 1992, the Great Lakes Commission asked the Great Lakes states for a current position on Soo Lock funding and consideration of a staff proposal to seek all or partial funding of the non-federal cost share from the Harbor Maintenance Trust Fund. This proposal would link Louisiana's Industrial Canal project in New Orleans with the Soo in a cooperative advocacy strategy. The Task Force recommended that the Commission advocate the Trust Fund approach which is consistent with "full federal funding" because the Trust Fund, even though supported by deep draft navigating user fees, is under federal control. On March 25, 1992 the Commission presented testimony on this issue in Washington before the House Water Resources Subcommittee chaired by Representative Nowak (NY). Draft legislative language related to the Commission proposal was prepared for possible incorporation into the Water Resources Development Act of 1992. The Commission's approach on possible Trust Fund use for the non-federal share has been toned down in response to concerns about its impact on another Commission objective: that of rolling back the Harbor Maintenance fee to .04%. In spring 1993, the Commission began working with Representative Kaptur (OH) to get an initial planning appropriation for the new lock.

Purpose

The project will develop and advocate a regional position on funding for a new large lock at Sault Ste. Marie, Michigan and encourage the start of construction of a new lock at the earliest possible date.

Products

Periodic review of Soo Lock funding alternatives will be undertaken along with preparation of appropriate advocacy materials including Congressional testimony and issue briefs. Requisite statutory language for reauthorization and funding will be developed.

Methodology

The Soo Lock Funding Alternatives Task Force will be maintained. Opportunities to present

Congressional testimony will be sought along with special briefings for members of Congress and staff.

This project will entail substantial coordination among the Great Lakes states and the Commission will facilitate the process. Through the Task Force, much of the substantive policy development will take place. The Commission will function as liaison between the states and the Army Corps of Engineers and other organizations or coalitions that are pursuing the same goal.

Timeline

This is an ongoing effort that will be pursued throughout the year. The timing of specific tasks will be determined by opportunities for Congressional action.

Staffing Requirements

Principal staff support will be provided by the Manager, Transportation and Economic Development Program.

3. U.S. Coast Guard Funding for Great Lakes Operations

Background

Federal budgetary limitations and increased overall demands for U.S. Coast Guard services nationally have had adverse effects upon Ninth District activities in the Great Lakes. In recent years, closures and cutbacks at search and rescue stations were experienced, the icebreaker **MACKINAW** was put on "caretaker" status, and a decrease in the overall level of services provided was noted. Budgetary constraints at some level are likely to be present in the foreseeable future.

To guide the Commission's future advocacy efforts relating to the U.S. Coast Guard services, a clear understanding of the implications of the current budget shortfall is needed, as well as an advocacy strategy outlined to address it.

A project report and accompanying policy statement were presented for action at the Commission's Semi-Annual meeting on May 1, 1991. Following Commission approval, the Coast Guard policy statement was distributed widely in the region and to members of Congress. Effective advocacy in 1991 by the Commission, IAGLP and the Lake Carriers' Association was successful in gaining an appropriation to begin **MACKINAW** modernization and the actual work was scheduled for 1993. Opportunities to present testimony, particularly on Coast Guard/Great Lakes budget issues, will be explored. In 1993 with continuing federal budget problems, renewed budget pressure on Ninth District activities is likely. In fact, in the spring of 1993 the Coast Guard as signaled its intention to decommission the **MACKINAW**.

Purpose

This project documents the importance of U.S. Coast Guard services to the Great Lakes region, explores the implications of reducing those services, and identifies desired service and funding levels to be supported by the Great Lakes Commission.

Products

A policy statement addressing the above items was prepared, accompanied by a recommendations section and implementation strategy. Efforts during 1993 will focus on implementation, with a Congressional briefing and other opportunities to be considered.

Methodology

A Task Force comprised of Great Lakes state designees and maritime interest groups was assembled for project oversight. The group works closely with Ninth District U.S. Coast Guard personnel to

address manpower/equipment deployment issues; explore appropriate funding levels; and investigate related issues.

The issues paper will continue to be distributed widely in the region to interested individuals and organizations as well as the Great Lakes Congressional Delegation. A key effort will focus on the U.S. Coast Guard appropriations process, with targeted mailings, other communications and Congressional testimony.

Timeline

This is an ongoing effort that will be pursued throughout the year. The timing of specific tasks will be determined by opportunities for Congressional action.

Staffing Requirements

Principal staff support will be provided by the Manager, Transportation and Economic Development Program.

4. Great Lakes St. Lawrence Maritime Agreement and Summit (*Declaration of Indiana*)

Background

The Great Lakes-St. Lawrence Seaway system is a regional asset of national and global significance that translates into a comparative advantage for Great Lakes and St. Lawrence region industry. The system enhances the region's export position, reduces manufacturing-distribution costs and provides a competitive check on transport rates for other modes. The future of the system rests on a careful balance of efficient operation, regular maintenance and appropriate modernization, vigorous marketing and effective advocacy at the U.S. and Canadian federal and congressional/parliamentary levels.

The concept of a regional, binational maritime Summit originated within the Great Lakes Commission. The convening of such a Summit was formally proposed in April 1990 by the Great Lakes-St. Lawrence Maritime Forum, an organization co-chaired by the provinces of Ontario and Quebec along with the Great Lakes Commission. In September of that year, the Commission and the International Association of Great Lakes Ports (IAGLP) agreed to co-sponsor a Summit or major regional maritime meeting and hold it in conjunction with the mid-May meeting of the 1991 International Great Lakes-St. Lawrence Mayors' Conference held in Merrillville, Indiana. The signing of the an agreement or consensus position statement, (*Declaration of Indiana*) by eighteen organizations including the Commission took place on May 15, 1991.

A Congressional briefing on the *Declaration on Indiana* was held in Washington on September 17, 1991. The session was held in conjunction with a congressional hearing on the Soo Locks. A similar briefing for Members of Parliament was held in Ottawa on October 24 in conjunction with the fall meeting of the International Association of Great Lakes Ports. During the winter of 1991-92 a process was begun to update the Action Agenda, which was concluded in March. Three additional organizations have signed the *Declaration*. On April 1, 1992 the first "consultative meeting," as called for in the *Declaration's* Action Agenda, was held between *Declaration* signatories and US/DOT officials including the Assistant Secretary of Transportation and the Maritime Administrator. Also, the 1992 Action Agenda was presented at a Congressional briefing session on the same day. On March 16, 1993 another Washington consultative meeting was held and a similar session is planned in Ottawa during spring 1993.

Purpose

The principal purpose of the Summit Meeting and an "agreement" document (*Declaration on Indiana*) is to identify regional priorities for the Great Lakes-St. Lawrence Seaway system and formulate an advocacy strategy to ensure appropriate federal maritime/transportation and related development policies. Additional objectives of the agreement are to build awareness of the national and international

importance of the region's deep-draft navigation system and to demonstrate regional unity and support for enhancement of the system.

Products

A document has been produced, consisting of a statement of general principles and an action agenda. The format is a bi-fold, four-page professionally printed document that contains an overview section and listing of signatory parties. The action agenda was printed separately for insertion in the piece.

In 1993, emphasis will be on advocacy, with the Commission taking lead responsibility on five action agenda items in the categories of "infrastructure" and "resource management and environment".

Methodology

A "Declaration Steering Committee" comprised of three U.S. and three Canadian representatives from regional organizations was established as an advisory group, and will oversee advocacy efforts during 1993. Advocacy approaches for individual action agenda items will be developed by the designated lead organizations.

The document will continue to be distributed to Congressional and Parliamentary members as well as other government officials. The action agenda will guide new initiatives to be undertaken by signatory parties individually and/or collectively. The document will become the basis of future advocacy at the U.S. and Canadian federal levels.

Timeline

This is an ongoing effort that will be pursued throughout the year. The timing of specific tasks will be determined by opportunities for Congressional/federal agency and other actions.

Staffing Requirements

Principal staff support will be provided by the Manager, Transportation and Economic Development Program.

5. Great Lakes Dredged Materials and Disposal Options

Background

The appropriate disposal of material dredged from federal commercial navigation projects is a nationwide issue with important implications for the use, management and protection of waters in the Great Lakes Basin. Confinement of dredged material determined to pose an unacceptable risk to the environment is a federal policy and is recognized as important by state and local governments. Growing concern over environmental effects of dredged material and the increasing unavailability of suitable disposal sites have combined to focus regional attention on Great Lakes confined disposal facilities (CDF).

Under Section 123 of the River and Harbor Act of 1970 (P.L. 91-611), 27 Great Lakes CDF's have been constructed. Over half of these CDF's will be full (original design capacity) by 1993. Current Corps of Engineers policy indicates that any new CDFs for an existing commercial navigation project will be constructed under prior project authority which, in some cases, may entail a substantial non-federal cost share.

In 1990, Representative Nowak (NY) requested a General Accounting Office (GAO) study of the Great Lakes CDF program and, in particular, the impact of non-federal funding requirements for certain new CDF's. The GAO report was completed in summer 1992. This Congressional request follows an initiative of the Great Lakes Commission in which the CDF issues were raised and a GAO study was recommended.

Also, U.S. Senator John Glenn has introduced the "Great Lakes Contaminated Sediment Reduction Act of 1991" which would authorize a comprehensive analysis of sediment loading and related pollution for selected Great Lakes tributaries and would establish a grants and cost-sharing program for nonpoint source pollution prevention. Another bill introduced by Senators Metzenbaum and Glenn, the Great Lakes Protection Act of 1991, addressed confined disposal facilities and sediment quality criteria.

With respect to existing CDF legislation, the Commission's Great Lakes Commercial and Recreational Harbor Dredging Task Force identified the need for new, replacement legislation. Action of the Great Lakes Dredged Materials and Disposal Options Task Force in 1992 reiterated the need for new CDFs and also identified the need for adequate federal funding and site-specific CDF management plans as new priorities. During the 1992-1994, two legislative vehicles for these changes may be available - Clean Water Act reauthorization and the biennial Water Resources Development Act. As legislative progress develops, the Commission's Dredged Materials and Disposal Options Task Force will participate in review of draft legislation and advocating particular positions.

Purpose

The objective of the dredged materials project is to maintain a Great Lakes CDF program and improve on the existing legislation and program for disposal of dredged material from Great Lakes navigation projects.

Products

Congressional correspondence and testimony was prepared that addressed the Commission's position on CDFs. Additional recommendations timed with legislation consideration in Congress will be made at appropriate times.

Methodology

A task force with representatives of the eight Great Lakes states along with additional resource people from port/shipping interests and federal agencies was established to guide the development of the Commission's position. Any draft legislation developed by the Task Force will be coordinated with the Congressional process and members of the region's Congressional Delegation so that bill sponsors can

be identified and an appropriate legislative strategy devised.

The position statement and draft legislation will be distributed to the Great Lakes Congressional Delegation and regional organizations that can assist in its eventual implementation.

Timeline

A regional policy position was developed in April 1992. The timing of subsequent advocacy activities will be determined by opportunities for Congressional action.

Staffing Requirements

Principal staff support will be provided by the Manager, Transportation and Economic Development Program.

6. Environmental Impacts of Modal Shifts on the Great Lakes-St. Lawrence Seaway System

Background

In 1991, the Minnesota Department of Transportation released a study that described the environmental impacts which would occur should certain Minnesota-based cargo movements be forced to shift from the waterborne mode to land transportation. The study focused primarily on river movements but did include a cargo movement through a Minnesota port on Lake Superior. Analysis of the projected modal shifts indicated substantial increases in such factors as fuel use, exhaust emissions and probable accidents as well as increased traffic congestion if vessels are replaced by trucks or trains. Not surprisingly, the Minnesota study was well received by Great Lakes shipping and port interests.

Regional maritime interests inquired as to whether the Great Lakes Commission could conduct a similar study for the Great Lakes St. Lawrence Seaway System. The Commission agreed to conduct a study contingent on outside funding. The International Association of Great Lakes Ports, at its October 24, 1991 meeting, agreed to contribute to the Commission study and solicited additional funding from Canada's St. Lawrence Seaway Authority; St. Lawrence Seaway Development Corporation; Lake Carriers' Association; and the Canadian Shipowners' Association. Funding was secured and a draft report was completed in February 1993.

Purpose

At a time when Great Lakes-Seaway commercial navigation has come under increasing scrutiny for potential risks from oil and hazardous materials spills, as well as dredging and dredged-material disposal, the results of a modal shift study would be valuable in understanding the comparative risks and impacts of one transportation mode versus another.

Products

The principal product is a report and concerted follow-up to disseminate the findings. The report will address the Great Lakes region's transportation system and will present hypothetical shifts for certain commodity flow patterns from vessel movement to surface modes. Selected environmental/safety impacts resulting from these shifts will be assessed.

Methodology

An advisory committee was established composed of representatives from the funding organizations and additional maritime/industry experts from state and federal governments. The study's methodology used existing federal and state-level data on modal exhaust emissions, safety data and fuel efficiencies. Representative commodity movements were identified to illustrate a range of commodities and flow patterns. As for modal shifts, rail transportation scenarios are more prominent because of the length of

commodity hauls in the Great Lakes Seaway System and relatively large movement tonnages.

The report will be given wide publicity in the spring of 1993. Staff has made presentations on the preliminary findings before several organizations including Ontario provincial officials, American Association of Port Authorities, Canadian Shipowners Association, the Lake Carriers' Association and U.S. Department of Transportation officials. Commission staff and advisory committee members will assist in follow-up presentations to their respective organizations and at other appropriate opportunities.

Timeline

Final review of the modal shift study will be completed in May 1993.

Staffing Requirements

Principal staff support will be provided by the Manager, Transportation and Economic Development Program.

7. Staff Support to International Great Lakes-St. Lawrence Mayors' Conference

Background

The International Great Lakes St. Lawrence Mayors' Conference will celebrate its sixth year of existence with its 1993 Annual Meeting in Montreal, Quebec on May 12-14. The Conference has grown from a fledgling organization fully dependent upon the Maritime Forum and host conference cities for most aspects of its operation to an increasingly independent, self-sustaining entity. Its future appears bright, as evidenced by conference attendance levels, mayoral interest and participation, and its increasing stature among the Great Lakes St. Lawrence community.

The Mayors' Conference provides three vital functions: an annual business/social event focusing on binational issues of shared interest; an ongoing forum for exchanging information and ideas among community leadership; and presenting a unified regional voice on pressing issues to elected leaders and policy officials in Washington, Ottawa and the states and provinces.

Staff support has historically been provided by the Maritime Forum (i.e. Great Lakes Commission, Ontario Ministry of Transportation, St. Lawrence Development Secretariat) in cooperation with the mayoral staff from Steering Committee members. In recent years, the U.S. and Canadian mayors co-hosting a given conference have assumed principal responsibility for publicity, conference conduct and follow-up. This arrangement, while informal, worked reasonably well. However, it was generally agreed that a more formal staffing arrangement was needed to provide a year-round presence for the Mayors' Conference; ensure prompt dissemination and active advocacy of resolutions; and provide conference design and planning services to host cities. In a resolution adopted at the 1990 conference, the mayors unanimously agreed that "the procedures already established must have logistical support in order to ensure the organization and the follow-up of the annual procedures." Following the 1991 conference, an RFP was developed to seek staffing/secretariat services. The Commission submitted a proposal but indicated that a subcontract role to another organization would also be considered. In early 1992 the St. Lawrence Economic Development Council (SODES) based in Quebec, was selected by the Steering Committee as 1992 Conference Secretariat. SODES asked the Commission to assist with various functions for 1992 and the Commission agreed contingent on remuneration for services provided.

A similar arrangement has been agreed to for 1993. During the 1992 conference, the Mayors agreed to formally incorporate under the Canada Corporations Act and set up a dues-paying membership with an annually-elected Board of Directors. The Seventh Mayors' Conference slated for Montreal will be the first under this new administrative structure.

Purpose

The Commission's role in providing assistance to SODES is predicated on the need for coordination of Mayors' Conference activities in the U.S. The Commission's broad membership and areas of responsibility coupled with its previous staffing work for the Mayors' Conference make it well qualified to participate in secretariat functions.

Products

In its support role, the Commission will be involved in Conference planning, publicity and resolution development and dissemination. Also, recruitment of American mayors will be an important objective.

Methodology

A work plan will be developed in consultation with SODES.

Preparation of and maintenance of a mayors mailing list/roster for the U.S. Great Lakes St. Lawrence River communities was an initial goal. Recommendations on program elements and speakers for the 1993 Conference were made. Publicity efforts including a newsletter article and development of press information will be undertaken. A mailing to U.S. mayors advising them of the resolution development process including solicitation of resolutions will also be undertaken. Conference follow-up, along with resolution dissemination is planned for the summer.

Timeline

This is an on-going effort that will be pursued throughout the year.

Staffing Requirements

Principal staff support will be provided by the Manager, Transportation and Economic Development Program.

VII. REGIONAL COORDINATION PROGRAM

A. Program Goal

The goal of the Regional Coordination Program is to strengthen the collective Great Lakes management effort through cooperative working relationships and joint initiatives with the range of public and private sector organizations with an interest in the use, management and protection of the Great Lakes resource.

B. Program Emphasis and Services

The Regional Coordination Program is tied closely to other Commission programs. Projects and activities address the range of issues within the Commission mandate, and include advisory and support services to other organizations; conference co-sponsorship; Congressional briefings; joint initiatives in policy development and advocacy; and others.

In 1993, Program emphasis will continue to focus on several areas: strengthening existing relationships with other regional organizations through joint initiatives; developing new relationships with interest groups not yet involved in Commission activities; increasing the profile of the Great Lakes Commission and its positions within the Congressional Delegation, state Washington offices and other appropriate entities; developing a strong and active relationship with Ontario, Quebec and the Government of Canada; and broadening the Commission's issue areas consistent with its mandate and resources.

C. Continuing Priorities

Over the last several years, a number of regional coordination activities have become "institutionalized" within the Commission. The benefits are many: these activities provide a means for frequent interaction between the Commission and other regional interests; they provide the Congress and other "target" audiences with regular updates on regional priorities and concerns; and they promote a proactive stance on emerging issues. The following items - many reflecting 1992 accomplishments - will be continuing priorities in 1993:

- 1. Reference Guide to Federal Funding for Great Lakes Environmental Programs - The Commission annually joins with several other regional organizations (governmental and citizen-based) to prepare and present an analysis of the president's budget request as it relates to Great Lakes environmental programs. A "blueprint" for legislative action, the document is released at a Congressional Briefing and Press Conference each spring involving numerous members of the Great Lakes Congressional Delegation.
- 2. "Mini-Summits" on Great Lakes Issues - The Commission participates in, and periodically hosts, "mini-summits" involving numerous staff directors or representatives from governmental and citizen-based Great Lakes organizations. The events establish a regional agenda for action and are instrumental in devising and executing a regional strategy to secure adequate programs and funds to address important needs. Two or three such meetings will be conducted during 1993.
- 3. Support for Emerging Organizations - The formation and/or expansion of membership organizations representing important Great Lakes stakeholders continued in 1992 via organizations such as the International Great Lakes-St. Lawrence Mayors' Conference, the Council of Great Lakes Industries and the Great Lakes Information Network. The Great Lakes Commission has, and will continue to provide staff support and assistance to these and other organizations with similar goals, objectives, and interests.

During 1993, particular emphasis will be placed on assisting the Mayors' Conference as it

executes a transition to a more formal, staffed organization with year-round coordination and advocacy functions. As indicated elsewhere in the Work Plan, the Commission has been retained on a contractual basis to facilitate this transition and provide program support to the 1993 Mayors' Conference event in Montreal, Quebec.

4. Congressional/Parliamentary Dialogue on Great Lakes Water Quality - Held on a biennial basis since the mid-1980's, the Congressional/Parliamentary Dialogue affords key members of Congress and Parliament an opportunity for expert briefings, informal dialogue and joint decision-making on binational priorities for Great Lakes-St. Lawrence resource management and environmental protection. Sponsoring organizations have included the Great Lakes Commission, the Northeast-Midwest Institute; The Center for the Great Lakes; and the Centre for Legislative Exchange.

As the members consider new environmental initiatives, it is imperative that they become aware of all opportunities to develop and advance binational initiatives. This includes an understanding of the legal framework and pollution control programs in place, as well as the special commitments made by each nation under the terms of the Great Lakes Water Quality Agreement. They must also have an understanding of the steps needed to address emerging issues and exhibit interest and motivation for pursuing them.

The next Dialogue is tentatively set for fall of 1993 at a U.S. location to be determined. During the first half of calendar year 1993, the Great Lakes Commission will initiate discussions with prospective co-sponsors to firm up plans, select a theme, format and location, and secure necessary funds.

5. Great Lakes Washington Program - In 1987, the Great Lakes Commission joined with the Council of Great Lakes Governors and the Northeast-Midwest Institute to establish a Washington Liaison service - a Washington D.C.-based individual that would track and report on Great Lakes related legislative, policy and program developments and opportunities. The initiative responded to a growing need to enhance the profile and impact of regional organizations and their policy positions with Congress, the Administration, and relevant federal agencies. The Washington Liaison concept proved to be a valuable one in subsequent years and has now become an integral component of Great Lakes Commission activities and those of other sponsoring organizations.

The Great Lakes Commission has enhanced and expanded its Washington Liaison service by joining with the two (Council of Great Lakes Governors, Northeast-Midwest Institute) original co-sponsors and The Center for the Great Lakes to establish the "Great Lakes Washington Program". This initiative was made possible through funding support awarded by the C.S. Mott Foundation, the George Gund Foundation, and the Joyce Foundation. A Great Lakes Washington Program mission statement has been adopted by the participating organizations and provides the basis for activities in 1993.

D. New Priorities - Funded

1. An Ecosystem Charter for the Great Lakes Basin

Background

First introduced via the Canada-U.S. Great Lakes Water Quality Agreement of 1978, the term "ecosystem management" is now common parlance within the Great Lakes scientific and policy communities. At the conceptual level, ecosystem management has been embraced by the array of public sector, non-governmental and citizen based institutions in the Basin, and has provided the framework for many Great Lakes-related policies, programs and agreements. Beyond the Water Quality Agreement, for example, ecosystem management objectives can be identified in the Great

Lakes Charter, the Great Lakes Toxic Substances Control Agreement, the Strategic Great Lakes Fisheries Management Plan, the Lakewide Management Plan and Remedial Action Plan processes, and state water management and water quality plans, among many others.

The problem, however, is the absence of a single, clearly articulated statement - or charter - that explicitly defines goals for ecosystem management in the Great Lakes Basin and ties a common thread through the many policies, programs, agreements and institutional mandates that embrace the ecosystem management concept. This problem has been documented in many areas of Great Lakes protection, demonstrating the need for a common, operational definition of "ecosystem management" and a vehicle to promote its application. Until such a charter is developed for this purpose and adopted by the community of Great Lakes agencies and organizations, the collective Great Lakes management effort will be compromised.

The "window of opportunity" for the development of an Ecosystem Charter for the Great Lakes Basin is now open. In its 1989 report titled *Towards an Ecosystem Charter for the Great Lakes Basin*, the Rawson Academy of Aquatic Science presented a framework for its development. Since that time, the charter concept has been embraced by many in the scientific and policy communities representing government service, academia, and citizen-based organizations. In 1991, for example, more than 40 Great Lakes experts convened at the Canada-U.S. Inter-university Seminar on Great Lakes Governance (CUSIS), and identified the development of such a charter as a priority need essential in moving the collective Great Lakes management effort forward.

Purpose

The Great Lakes Commission proposes to undertake, in cooperation with the community of Great Lakes public agencies and non-governmental organizations, the development, adoption and Basin-wide implementation of a binational Ecosystem Charter for the Great Lakes Basin. A statement of goals, objectives, principles and action items, the Ecosystem Charter would present - simply and explicitly - a shared vision of the Great Lakes and a blueprint to achieve it.

Products

The proposed project will yield a document, *An Ecosystem Charter for the Great Lakes Basin*, as well as a coalition of interest groups and a process that can be maintained over time to ensure Charter implementation.

Methodology

The successful development, adoption and use of an Ecosystem Charter for the Great Lakes Basin will entail five initial steps:

- 1) Coalition Building - The Great Lakes Commission will coordinate the establishment of an "Ecosystem Charter Committee" - a small, representative group of key regional policy officials and opinion leaders that will be responsible for project oversight. At the minimum, membership would be drawn from the Great Lakes Commission, The Center for the Great Lakes, the Council of Great Lakes Governors and the Northeast Midwest Institute: four organizations in leadership positions with a history of cooperative initiatives and a binational emphasis.

This Committee will be responsible for project oversight, Charter drafting, coordinating signatures/endorsements, and establishing an implementation strategy. Augmenting its efforts will be an Advisory Committee, a larger group that will include (among others), academics representing professional associations, governmental agencies and various interest groups.

- 2) Policy Research - With oversight from the Ecosystem Charter Committee, the Great Lakes Commission staff and associated researchers will review all agreements, policies, institutional mandates and initiatives that promote - in a significant way - the concept of ecosystem

management. This will include, but not be limited to, those identified in this proposal. Common goals, objectives, principles and related themes will be identified for prospective adaptation/incorporation into a draft Ecosystem Charter.

- 3) Drafting the Ecosystem Charter - Based upon the policy research, support staff and Ecosystem Charter Committee members will prepare an initial draft of the Charter to serve as a basis for an open review process to follow. This initiative will include a thorough review of alternate formats, with one option being that of the 1991 "Declaration of Indiana," a binational statement on maritime policy. That initiative, coordinated by the Great Lakes Commission and drawing 20 signatory agencies, offered a set of broad principles and an associated "action agenda" to implement them.
- 4) Policy Summit - The Committee will convene a Policy Summit at which representatives from the larger community of Great Lakes interests will review, revise and refine the draft document, focusing on goals, objectives, principles and an action agenda to implement them. The Ecosystem Charter Committee will be responsible for facilitating the effort, building consensus, and preparing the final version of the Charter.
- 5) Charter Presentation and Endorsement - The Committee, with staff support from the Great Lakes Commission, will develop and implement a strategy to secure a well publicized, broad-based endorsement of the Ecosystem Charter. This might include, for example, signing ceremonies or formal recognition of the Ecosystem Charter (as appropriate) by the Great Lakes Governors and Premiers, Commissioners of the Great Lakes Commission, Commissioners of the International Joint Commission, members of the Great Lakes Congressional Delegation, and board members and officers from various citizen-based organizations. Press events, briefings and wide dissemination of the Charter are associated activities. The Ecosystem Charter will be printed in quantity for this purpose. Further, it will be featured in its entirety in an issue of the *ADVISOR*, the newsletter of the Great Lakes Commission that is distributed to thousands in the binational Basin, including every member of the Great Lakes Congressional Delegation.

The Committee, with staff support from the Great Lakes Commission, will devise a strategy to ensure the continued use of the Charter as a pre-eminent statement of unity among Great Lakes agencies and organizations and a commitment for individual and collective action in the spirit of ecosystem management. This strategy may entail, for example, the annual update of an Action Agenda via a Policy Summit, which would serve as a means to set priorities, establish lead agencies/organizations for specific action items, and identify specific implementation actions. The new Washington Program (referenced earlier) will be an important element in implementation, providing a Congressional/federal agency dimension that will complement the continuing efforts of Committee members and all who are signatory to or otherwise endorse the Ecosystem Charter.

Timeline

Activities associated with the five principal steps of the project methodology will be conducted over a 24 month period. Coalition building, policy research and Charter drafting are viewed as first-year events, followed by the Policy Summit, endorsement activities and implementation during the second year. Ongoing implementation will be the shared responsibility of Ecosystem Charter and Advisory Committee members, as well as other agencies and organization that endorse the effort.

Staffing Arrangements

The Great Lakes Commission will provide staff support in the areas of project scoping: policy research; meeting design and conduct; Ecosystem Charter drafting and revisions; and implementation strategy. Key decisions relating to overall project direction, focus and process will be made collectively by the Ecosystem Charter Committee with input from an Advisory Committee.

Principal staff support will be provided by the Executive Director and a Project Specialist, with assistance from all Program Managers.

Funding Arrangement

Funding has been secured from the Joyce Foundation for a period of two years.

New Priorities - Proposed

1. Council of Great Lakes Legislators - Feasibility Study

Background

The shift in the relationship between the state and federal government will bring with it new challenges to state legislators. The question becomes - what will the region's legislators need to know and how can they work together most effectively to meet these challenges?

Great Lakes state and provincial legislators are being confronted with a multitude of complex issues—the environment, the Great Lakes, transportation and economic development. Legislators need to develop an awareness of the inter-relationship of their legislative actions on other states and provinces. This is occurring at a time of a diminishing federal role concerning state and local issues. The establishment of a forum to promote ongoing proactive dialogue between legislators from the eight Great Lakes states and the Canadian provinces of Ontario and Quebec is a timely concept. The states cannot afford to wait for the federal government when it comes to protecting and preserving the Great Lakes.

One model for this process is the Congressional/Parliamentary Dialogue, (cosponsored by the Commission, Northeast-Midwest Institute, The Center for the Great Lakes and the Centre for Legislative Exchange) which has been held periodically since the mid-1980's. These sessions have afforded key members of Congress and Parliament an opportunity for expert briefings, informal dialogue and joint-decision-making on binational priorities for the Great Lakes region. Members consider new initiatives and become aware of opportunities to develop and advance them on a regional and binational basis. This includes an understanding of the legal framework and programs in place, as well as the binational commitments such as the Great Lakes Water Quality Agreement. They also gain an understanding of the steps needed to address emerging issues and the motivation to pursue them on a regional and binational basis.

Purpose

The purpose of this proposed project is to assess the feasibility of developing a forum for state/provincial legislators focused on regional issues relating to the Great Lakes, the environment and economic development. The intent of such a forum is to increase understanding of the issues; foster development of a regional perspective by legislators; and provide a forum to discuss, formulate and initiate Great-Lakes policy.

Products

The final product of this effort will be an assessment of the need for, and preferred structure of an on-going Council of Great Lakes Legislators. Activities in support of this product include:

- 1) A grant(s) to support investigation of the feasibility of a Council;
- 2) A survey to identify areas of interest;
- 3) Identification of a core group of legislators within each of the eight states and two provinces;
and
- 4) Development of a preferred structure for the Council.

Methodology

The identification of the best format for the Council, and the topics to target, will be identified through a formal needs assessment process that will include surveys and interviews with key legislators, researchers and policy-makers. Potential topics include Remedial Action Plans, economic development, regional transportation issues, and other matters.

Existing communications vehicles, such as the Commission's *ADVISOR*, could be used for targeted mailings and special articles. Policy background papers could be developed on major issues. Meetings could be held, possibly in conjunction with meetings of the National Conference of State Legislators.

Commissioners who also serve as state legislators will form the nucleus of the group and linkages will be made with the Canadian provincial parliaments. Targeted legislators could include those from districts bordering the lakes, with districts that include Areas of Concern, and/or those with committee leadership in environment, natural resources, economic development or transportation.

Timeline

The timeline will be a function of availability of funding support. A 12-18 month period is anticipated for the needs assessment and subsequent development of a Council structure and work plan.

Staffing Arrangements

The level of Commission staff support will be a function of funding support. Under the proposal described herein, support would be provided primarily by the Special Projects Manager.

Funding Arrangements

Funds will be sought from regional/national foundations as well as other sources that might be identified.

**GREAT LAKES COMMISSION
1993 ANNUAL MEETING**

**RADISSON HOTEL
DULUTH, MINNESOTA
OCTOBER 6-7, 1993**

SUMMARY MINUTES *

1. Chair Joseph Hoffman called the meeting to order at approximately 1:00 p.m. A roll call indicated the presence of the following Commissioners and Alternates:

Illinois:	Don Vonnahme, Commissioner Dan Injerd, Alternate (for D. Vonnahme)
Indiana:	Patrick Ralston, Commissioner
Michigan:	Lt. Governor Connie Binsfeld, Commissioner Frank D'Itri, Commissioner Thomas Emery, Alternate (for F. Kelley) Daniel Stouffer, Alternate (for C. Binsfeld)
Minnesota:	Rep. Thomas Huntley, Commissioner Sen. Cal Larson, Commissioner Theodore Mellby, Commissioner
New York:	Gerry Mikol, Alternate (for T. Jorling) Laura Paul, Commissioner Henry Williams, Commissioner
Ohio:	Wayne Warren, Alternate (for F. Buchholzer) Jeff Bush, Alternate (for D. Schregardus) George Ryan, Commissioner
Pennsylvania:	Joseph Hoffman, Commissioner
Wisconsin:	William Carey, Commissioner

Commission staff in attendance included Thomas Crane, Michael J. Donahue, Katherine Glassner-Shwayder, Paula McIntyre, Carol Ratza, Rita Straith and Stephen Thorp.

* An asterisk denotes Commission action

Observer agencies in attendance included the U.S. Army Corps of Engineers (Al Behm); Council of Great Lakes Governors (Jeff Edstrom); U.S. Geological Survey (Dan Bauer, Virgil Frizzell); Chippewa Ottawa Treaty Fishery Management Authority (Amy Owen); National Park Service (Dan Kimbal); Soil Conservation Service (Jim Stacey); Province of Quebec (Gerard Vezina); National Biological Survey - formerly the U.S. Fish and Wildlife Service (Michael Hoff).

2. Thomas Huntley welcomed the Commission to Duluth and introduced other members of the Minnesota Delegation. He was followed by Mayor Gary Doty of Duluth, who offered a note of welcome, and Thomas Regan, chief of staff to Representative Jim Oberstar. Regan spoke of the importance of the Great Lakes to the environment and economy of the Duluth area. He also highlighted the fact that Duluth is becoming a center for Great Lakes research and education, referencing Lake Superior Center, Minnesota Sea Grant, the U.S. EPA laboratory and other facilities. He concluded with a review of Great Lakes-related transportation and tourism activity in the Duluth area.
- * 3. In the Report of the Chair, J. Hoffman remarked that the affairs of the Great Lakes Commission were in good order, and significant progress has been made over the past year. He noted that the organization's financial health was good, taking the opportunity to announce that, earlier in the day, a letter was received from U.S. EPA officially awarding the Commission \$1,000,000 for air emission inventory work. He concluded with highlights from the previous month's Executive Committee strategy session, noting that they would be discussed in detail shortly.
- * 4. Upon a motion by Illinois and a second by New York, the minutes of the 1993 Semi-Annual Meeting (May 12-13, Montreal) were unanimously adopted.

Chair Hoffman presented several certificates recognizing new Commissioners and Alternates. Recipients included Senator Cal Larson (Commissioner, MN); Theodore Mellby (Commissioner, MN); Senator Edward Oliver (Alternate, MN); Jeff Bush (Alternate, OH); Dave Herbst (Alternate, IN); and Amy Owen (Alternate, Chippewa Ottawa Treaty Fishery Management Authority).

Chair Hoffman then presented a summary of the recent Executive Committee strategy session, which focused in large part on the following nine areas: Great Lakes Basin Compact; Commissioner Involvement; Washington, D.C. Presence; Observer Program; Organizational Structure; Executive Director Functions; State Dues; Office Space; and Relevance to a Broader Community of State Decisionmakers. Commissioners and others present were provided with an issue paper that presented background on these topics and a summary of the discussion at the strategy session.

Chair Hoffman introduced Dan Bauer and Virgil Frizzell of the U.S. Geological Survey; the former spoke to the many mutual interests with the Commission, and requested U.S.G.S. admittance as an Observer agency. Upon a motion by Ohio and a second by Indiana, U.S.G.S. was unanimously accepted as a new Observer agency.

On a separate matter, Chair Hoffman spoke to the current status of the U.S. Army Corps of Engineers reorganization plan. He circulated a letter recently sent to Vice President Gore which reflects the Commission's current position on this matter.

5. M. Donahue presented the report of the Executive Director, first referring to Attachment #1 in the "Information" section of the briefing book. Those materials, he explained, provide a summary update on all current program activities. Donahue then addressed topics including administrative and budget update; program reports; recent Commission products; and observations from the Executive Committee strategy session. Highlights are as follows:
- Administration and Budget: The FY 1993 audit has been completed, and finds the Commission to be in excellent financial condition. The budget expanded by more than one-third during the past year due to outside income, while general operating expenses were reduced and state dues remained unchanged for the third year.
 - Program Reports: In Transportation and Economic Development, the modal shift study has been completed and released, with good media coverage. Implementation of *Declaration of Indiana* principles continues, along with Soo Lock and other task force efforts. Also, the Commission will play an important planning role in the upcoming U.S. EPA/Environment Canada "State of the Lakes Ecosystem Conference," and will author a major paper on a Great Lakes St. Lawrence socio-economic profile. In Resource Management and Environmental Quality, the annual report of the Great Lakes Basin Program is complete, and administration of \$500,000 in grants is underway; the GLACIER and spill contingency planning projects are moving forward with enhanced U.S. EPA support; annual reporting efforts of the Great Lakes Regional Water Use Data Base continue; the final products of the Commission's groundwater education project have been released; the work of the Great Lakes Panel on Aquatic Nuisance Species continues, including a meeting in conjunction with this Annual Meeting; and two new projects (Great Lakes Pollution Prevention Community Assistance, Agricultural Profile) are receiving increased attention at the staff level. In Communications, the Great Lakes Information Network (GLIN) and the air emissions inventory project continue to provide much of the program's focus outside of Advisor production and maintaining the Great Lakes Information Clearinghouse. In Regional Coordination, this past year saw significant time invested in ecosystem charter development activities at the Washington, D.C. level, and the Levels Reference Study. M. Donahue then introduced the Commissioners to the numerous handouts, all representing recent Commission products.
 - M. Donahue then offered his impressions of the recent Executive Committee strategy session. He believed it was significant that the principles of the Great Lakes Basin Compact were re-confirmed—a tribute to the "visionary" characteristics of legislation passed almost 40 years ago. He was pleased that the Executive Committee recognized the importance of the Commission's "extended family" (i.e., Observers and other cooperators) in pursuing the organization's mission. He also applauded the decision to 1) enhance the focus on state services, particularly at the state legislative level; 2) move more fully into a proactive, anticipatory mode in project activities; and 3) ensure continued organizational growth consistent with member priorities.

G. Ryan inquired of the status of the Great Lakes Washington Program. M. Donahue responded that foundation funding is due to expire in March 1994, and efforts are underway to examine alternative arrangements to provide similar services. He noted that this was a topic of some discussion at the Executive Committee strategy session, and a carefully developed proposal for maintaining that Program would soon be developed.

C. Binsfeld requested a status report on the Great Lakes Protection Fund, which H. Williams provided in his capacity as current chair of the Fund. He noted that the Fund now has assets of approximately \$76 million, and most states have met their commitments in capitalizing it. Williams briefly reviewed the Fund's investment strategy and performance, and current Fund priorities.

P. Ralston publicly thanked C. Ratza and Ron Emaus for their recent Great Lakes Information Network presentation at the Midwest Summit on Information Technology. He noted that his agency's executive offices were soon going to be capable of accessing and using GLIN. On a separate matter, Ralston announced the upcoming Governor's Conference on the Environment, to be held in Indianapolis. Secretary of Interior Bruce Babbitt was expected to speak at that event.

C. Ratza then introduced all present to the Great Lakes Information Network, announcing that infrastructure development was well underway. A booth has been set up at the meeting to introduce Commissioners and other participants to the network; all should visit the booth briefly at some point during the meeting.

6. Following a break, T. Huntley introduced and moderated a special presentation titled *Issues and Opportunities in Managing Lake Superior*. An Introduction to the Lake Superior Binational Program was provided by Kurt Soderberg, the U.S. co-chair of the Lake Superior Binational Forum and Bruce Hyer, the former Canadian co-chair of that organization. The forum advises the state, provincial and federal governments on the binational program, which was established in 1991 in response to a recommendation of the International Joint Commission for "a demonstration area where nonpoint source discharge of any persisted toxic chemical will not be permitted." The two speakers discussed the evolution and current status of the program, including the roles and inter-relationships of the many participating agencies and organizations.

A Case Study in Controlling Aquatic Nuisance Species: Ruffe Infestation in Lake Superior was the topic of a second presentation by Michael Hoff and Thomas Busiahn, both of the U.S. Fish and Wildlife Service. The speakers reviewed the biology of the ruffe, its introduction, range, environmental and economic impacts, and current efforts to develop a control program under the national Aquatic Nuisance Species Task Force and the 1990 federal Nonindigenous Aquatic Nuisance Prevention and Control Act. T. Busiahn focused in particular on the proposed elements of a control program, including chemical treatment and ballast exchange procedures.

The final set of presentations for the afternoon was titled *Issues in Land Use and Coastal Zone Management*. Carol Johnson of the Natural Resources Research Institute in Duluth offered a profile of Lake Superior, reviewing physical and environmental characteristics, as well as

describing land use patterns and trends that impact upon those characteristics. She focused on wetlands and on Lake Superior water quality. She also reviewed erosion hazard mapping activities she has been involved in. Dan Retka expanded on these remarks in the broader context of coastal zone management, presenting an historical prospective on state programs, the increasing emphasis on nonpoint source pollution, and issues associated with the federal Coastal Zone Management Act.

Each set of presentations was followed by a number of questions and comments from Commissioners.

At the conclusion of the presentations, J. Hoffman adjourned the session for the day, announcing the reception and dinner cruise immediately following.

- *7. Chair Hoffman opened the second day of the meeting by addressing proposed revisions to the policy positions of the Great Lakes Commission, as identified in Attachment 1 of the "Action" section of the briefing book.

W. Warren presented recommendations concerning policy positions in the area of resource management and environmental quality. Three amendments to the proposed revisions were offered: modifying EQ-7 (emergency preparedness - p. 13, item 10, line 4) to state "fish, wildlife and botanical habitat;" EQ-8 (p. 14) to state "Great Lakes Education and Public Involvement;" and revising the reference at the bottom of p. 16 to reflect the new education/public involvement policy position. Upon a motion by Ohio and a second by Michigan, the revisions as amended were unanimously adopted.

W. Warren noted that potential policy positions were also under consideration on the topics of uniform fish consumption advisories; land use planning; aquatic nuisance species; and phosphorous reduction.

In J. Hartung's absence, S. Thorp presented recommendations concerning policy positions in the area of transportation and economic development. H. Williams recommended that the T-5 footnote (navigation season extension) be amended to state "This policy position was adopted . . ." He also recommended that the three references to this section be reviewed to ensure historical accuracy. On a motion by Wisconsin and a second by Ohio, the revisions as amended were unanimously adopted.

- * 8. G. Ryan updated the Commission on the ruffe infestation problem in Lake Superior and associated environmental and economic implications. He briefly reviewed the draft Ruffe Control Program, prepared by the Ruffe Control Committee and submitted to the national Aquatic Nuisance Species Task Force. Ryan moved for adoption of a draft policy position endorsing the program, as stated in the briefing book (Attachment 2, "Action" section.) Indiana seconded the motion. Numerous questions followed concerning the potential range of the ruffe, implications of chemical treatment, and safety issues associated with ballast water exchange. The motion was subsequently adopted by unanimous vote.
- * 9. M. Donahue provided background on four new priority projects for 1993-94. They were selected by the Commission from a list of 26 candidate topics presented by state delegations and observer agencies at the previous Commission meeting.

M. Donahue presented the scope of work for the project titled *Sustainable Development: A Northwest Indiana Case Study*. The Commission proposes to work with government, industry and citizen leaders in northwest Indiana to develop a demonstration project that can serve as a model for communities throughout the Basin and elsewhere.

S. Thorp presented the scope of work for the *Model Port Land Development Policy* project. The product would include a background paper and a model ordinance that can be used to inform local officials and residents, and act as a planning tool for port communities.

D. Stouffer and S. Thorp presented the project titled "U.S./Canada Border Crossings: Infrastructure and Policy Issues." The objective is to prepare a position statement designed to preserve and enhance the physical and institutional infrastructure supporting the region's expanding North American cross-border trade.

A project titled *Developing a Framework for a Water Resources Management Program for the Great Lakes* was reviewed by Chair Hoffman. This project would entail implementation of Principle V in the 1985 Great Lakes Charter. Funding opportunities for this project were discussed, and F. D'Itri agreed to advise and assist the staff toward this end.

A number of comments and questions concerning these several scopes of work were offered, and several Commissioners spoke to the importance of these issues to their own state. Upon a notion by Michigan and a second by Indiana, it was unanimously agreed that the four projects should proceed as proposed.

- * 10. M. Donahue presented an update on the Commission's "Ecosystem Charter" project. The Charter is a statement of goals, objectives, principles and action items that will present--simply and explicitly--a shared vision of the Great Lakes and a blueprint to achieve it. The Joyce Foundation is funding this two-year project, which is being pursued with the assistance of a Drafting Committee and an Advisory Committee. M. Donahue reviewed the project impetus, goals, objectives, methodology and timeline. He also referenced the more than 60 agreements, laws, policies and other "charter-like" documents that have been reviewed in the interest of developing the document. He noted that an opportunity exists to formally present the document at the U.S. EPA/Environment Canada "State-of the Lakes Ecosystem-Conference" planned for late October in Dearborn, Michigan. He concluded by reviewing the initial draft of the charter as provided in the briefing book.

T. Emery spoke in support of the effort, indicating that it could provide a rationale for environmental enforcement actions by presenting principles that are commonly held throughout the Basin. In response to questions by P. Ralston and D. Stouffer, M. Donahue indicated that certain public and non-governmental agencies and organizations would be actively targeted for endorsement. W. Warren recommended that opportunities for public comment be maximized. G. Ryan agreed "philosophically" with the charter concept, but expressed concern over the tone of some principles which may unduly compromise economic activity. He also recommended that business and industry interests be fully involved in the drafting and review process. W. Carey echoed these comments. M. Donahue stated that future drafts of the charter would better reflect an economic/environmental integration. He added

that industry is represented on the Drafting Committee, and that business/industry groups and individual companies would be targeted for review and comment. In response to an inquiry by C. Binsfeld, M. Donahue noted that four states are directly represented on the Drafting Committee (IN, OH, NY, WI) and the balance of the Great Lakes states are invited and encouraged to appoint a representative.

At D. Stouffer's suggestion, the Commission agreed that individual state roundtables should be considered as one means to gather input on draft charter language.

T. Emery urged fellow Commissioners to use the charter process as a means to reconcile the views of economic and environmental interests, rather than to highlight the differences. G. Ryan and C. Binsfeld agreed, and J. Bush, a member of the Drafting Committee, noted that the economic/environmental integration in the document has improved since the first draft. In response to a comment from D. Injerd, H. Williams noted that the charter language would be somewhat general by design, but could be used as a basis for specific policy positions and actions.

11. Allegra Cangelosi, Director of the Great Lakes Washington Program, updated the Commission on recent developments in federal appropriations and legislation, focusing specifically on priority items identified by the Commission in its May 18, 1993 letter to every member of the Great Lakes Congressional Delegation. She highlighted various legislative initiatives, as well as aspects of the appropriations charts included in Attachment #5 of the "Action" section of the briefing book. A. Cangelosi concluded by noting that the Great Lakes Washington Program, as presently configured, will likely end next March when a foundation grant expires. She indicated that a proposal had been submitted to the Great Lakes Protection Fund that would ensure that various functions would continue, along with a special focus on a series of roundtables designed to enhance regional agency/Congressional coordination.
12. Caroline Gabel, professional staff member on the House Public Works and Transportation Committee, discussed Congressman Oberstar's "Nonpoint Source Water Pollution Prevention Act of 1993." She reviewed goals, objectives, funding and regulatory/programmatic elements. (The relevant excerpt from the June 28, 1993 issue of the *Congressional Record* was provided in Attachment #5 of the "Action" section of the briefing book.) Her presentation was followed by a number of comments, most addressing questions of federal/state/local coordination and relations in implementing provisions of the proposed legislation. W. Warren spoke to the importance of ensuring that any new authorizations are accompanied by the requisite appropriations, if timelines identified in the bill are to be realistic.
13. A presentation by David Helberg, Executive Director of the Seaway Port Authority of Duluth, was made during the luncheon. Outstanding service awards were presented to Henry Hanka (former chair), William Newstrand (former MN advisor), and Homer Hilner (former SCS advisor).
14. The afternoon session opened with presentations on the Great Lakes Water Quality Initiative. Dave Maschwitz of the Minnesota Pollution Control Agency reviewed the origin, purpose, organization and process, which involves the development of "minimum water quality criteria and controls that will be applied consistently by all of the Great Lakes States and Indian Tribes to maintain, protect, and restore" the resource. He also focused on three key aspects of

the Initiative: water quality criteria, implementation, and anti-degradation. D. Maschwitz noted that the Initiative process has been a very open one and the public comment period (which closed September 13, 1993) generated a considerable response.

Archie Chelseth of the Potlatch Corporation offered an industry perspective on the Initiative. He began with an overview of Potlatch Corporation, its paper mill facility in Cloquet, its pollution control practices, and its modernization initiatives in the interest of expansion, technological improvement, cost efficiency and environmental compliance. Chelseth voiced his concern that the Initiative--as currently proposed--could provide an "insurmountable barrier" to economic development. He questioned its provision concerning intake credits, mixing zones, antidegradation, criteria development, and the science of risk assessment. He stated that the Initiative "doesn't need to be scrapped", but it does need to be fixed." He also expressed his hope that U.S. EPA would "open up" the review process to permit additional industry input.

15. D. Vonnahme presented a slide presentation titled *The Mississippi River Flood: Lessons Learned for the Great Lakes*. The presentation covered many aspects of the flood, including precipitation patterns, the geographic scope and intensity of the flood, infrastructure failures, flood impacts, governmental response and coordination issues, emergency measures, and emergency and policy issues associated with the aftermath of the flood. He noted the parallels with Great Lakes water level issues: both are natural occurrences prompted by precipitation patterns; both are affected by structural limitations; and both can best be addressed through good management, with an emphasis on non-structural as well as structural approaches.

Chair Hoffman followed with a brief review of the 42 recommendations included in the final report of the International Joint Commission's Level's Reference Study Board, of which he was a member. He noted that many of those recommendations call for/involve state government. The Great Lakes Commission should therefore assume a role in promoting implementation of recommended actions. He noted that the IJC's report to the U.S. and Canadian governments, which constitutes the Commission's response to the board's recommendations, should soon be released.

16. James Amrhein of the Wisconsin Department of Natural Resources presented a draft *Protocol for a Uniform Great Lakes Sport Fish Consumption Advisory*. The protocol, developed by a task force convened by the Council of Great Lakes Governors, responds to the Great Lakes Toxic Substances Control Agreement of 1986, which called upon the states to resolve the problem of inconsistent consumption advisories from one state/province to the next. Amrhein described the issue, the impetus for the protocol, the protocol development process, and key components of the protocol. He emphasized that the draft included in the briefing book (Attachment #5, "Information" section) was in the process of peer review.

In response to a question from M. Donahue, Jeff Edstrom (Council of Great Lakes Governors) indicated that a public comment period was soon to begin, and comments would be accepted through mid-November, after which the protocol would be finalized. J. Amrhein agreed to provide the Commission with the latest version (updated from that which was included in the briefing book). Dan Thomas of the Great Lakes Sport Fishing Council indicated that the sport fishing community had serious concerns about the methodology and scientific basis of the protocol.

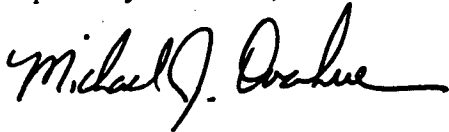
- * 17. W. Warren, chair of the nominating committee, moved that J. Hoffman and P. Ralston be re-

elected chair and vice-chair, respectively, for another one year term. The motion was seconded by New York and approved unanimously.

P. Ralston congratulated the staff for its efforts over the past year, and recognized J. Hoffman for his leadership.

18. Chair Hoffman thanked the Minnesota Delegation for hosting the meeting. He then called upon M. Donahue to review arrangements for the evening reception, tour and dinner at the Natural Resources Research Institute. He also reviewed the agendas and logistical arrangements for the concurrent meetings the following day (Great Lakes Panel on Aquatic Nuisance Species, Maritime Planning Meeting).
19. Upon a motion by Michigan and a second by Wisconsin, the meeting was adjourned at approximately 4:00 p.m.

Respectfully Submitted,



Michael J. Donahue, Ph.D.
Executive Director

MJD/rjs

**Great Lakes Commission
Executive Committee Meeting**

**Lake Michigan Office
Indiana Dept. of Natural Resources
Michigan City, Indiana**

September 27-28, 1993

SUMMARY MINUTES*

1. Chair Joseph Hoffman called the meeting to order at approximately 12:30 p.m. on September 27. Executive Committee members or proxies in attendance were:

Illinois	F. Kudrna
Indiana	P. Ralston
Michigan	--
Minnesota	T. Huntley
New York	H. Williams
Ohio	W. Warren
Pennsylvania	J. Hoffman
Wisconsin	N. Robinson
Staff	M. Donahue

Joining the meeting as guests for a short period were D. Injerd (IL) and D. Herbst (IN).

2. J. Hoffman welcomed all present to the meeting, explaining that the two day strategy session would include a number of business items, followed by concerted attention to the "longer-term" vision for the Great Lakes Commission. Given the "retreat-style" format of the meeting, he explained that the meeting would be informal and would not be tape-recorded as is usual practice.
3. P. Ralston welcomed all present to northwest Indiana and his agency's Lake Michigan Office. He then introduced several DNR staff members, including D. Herbst and S. Davis.
- * 4. Upon a motion by F. Kudrna and a second by N. Robinson, the minutes of the May 11, 1993 Executive Committee meeting were unanimously adopted.
- * 5. M. Donahue presented the report of the Executive Director, focusing on such items as program update, FY 1993 audit, financial status report, grant awards, proposed staff compensation adjustments, and related items. The highlights are as follows:
 - M. Donahue reported that FY 1993 was an outstanding year for the Commission from a financial standpoint, with reserve funds increasing by 23%, outside grant receipts more than doubling, and general operating fund expenses decreasing by more than 14.0%
- * An asterisk denotes Executive Committee action.

- M. Donahue presented the final draft of the auditor's report for FY 1993. He reviewed key findings and recommended it for Executive Committee approval, subject to a few minor adjustments.
- It was noted that more than \$1.5 million in new grant awards to the Commission would soon be announced. Donahue indicated that a revised (and much enhanced) FY 1994 budget would be presented for approval at the next Executive Committee meeting.
- M. Donahue requested approval of a cost-of-living adjustment of 2.8% for permanent staff, and a salary pool of \$30,000 for 1994 compensation adjustments for eligible staff.

In discussing the audit, M. Donahue noted that the Commission currently operates with an indirect cost rate that has been accepted provisionally by federal agencies. He also noted that efforts are underway to recalculate the rate for update proposes, and to aggressively pursue final acceptance. Discussion then ensued concerning the Commission's large number of active federal grants and the need to build some flexibility into the Commission's financial operations to accommodate any adjustments necessitated by a future audit. By acclamation, it was agreed that 5% of the Commission's reserve funds would be earmarked to accommodate any future need resulting from an audit. Donahue agreed to work with the auditor to add a footnote to this effect in the audit statement.

Upon a motion by P. Ralston and a second by N. Robinson, the audit statement was unanimously adopted, subject to minor revisions suggested by M. Donahue concerning entries under "equipment" and "equipment maintenance", as well as a more appropriate distribution of newsletter costs between the general operating and restricted fund budgets.

Upon a motion by P. Ralston and a second by W. Warren, the proposed cost-of-living figure and salary pool for Commission compensation adjustments was adopted. (Note: Discussion of this matter began on the 27th but official action was not taken until the following day. The Executive Committee also went into executive session at that time to discuss the Executive Director's performance and compensation adjustment.)

- * 6. M. Donahue requested, and received approval of, an amendment to the personnel policies to provide a six month maternity leave rather than two months. He noted that several other prospective amendments had been suggested by staff, and would be presented for action at the next Executive Committee meeting.
- * 7. Executive Committee members spent considerable time discussing alternative investment strategies for the Commission's reserve funds. M. Donahue reviewed the results of an independent analysis prompted in part by the marginal performance of the current strategy, which has seen some decline in yields. Also, a continuing growth in reserve funds was anticipated, suggesting a timely opportunity to examine the current strategy. The analysis was done by Luke Collins of Jeffrey Slocum and Associates, which handles the Great Lakes Protection Fund investment strategy.

After considerable discussion, it was agreed that a closer examination of the Great Lakes Protection Fund Strategy was warranted, and the matter should be revisited at a future Executive Committee meeting. H. Williams agreed to provide M. Donahue with additional background materials for Executive Committee review.

- * 8. M. Donahue distributed briefing books for the next month's annual meeting and reviewed action items in detail. F. Kudrna and J. Hoffman both spoke to policy issues associated with the Mississippi River flood, and drew parallels to current Great Lakes water quantity issues that required resolution. It was noted that D. Vonnahme would speak to such issues at the Commission meeting.

It was agreed by acclamation that the Annual Meeting should feature the presentation of outstanding service awards to former chair Henry Hanka (MN), and retiring advisors William Newstrand (MN) and Homer Hilner (SCS).

- * 9. The Executive Committee accepted W. Warren's offer to host the 1994 Semi-Annual Meeting in Ohio, likely at either the Maumee Bay Resort and Conference Center, or in Cleveland. M. Donahue was asked to contact the Ohio delegation and initiate the planning process.
- 10. As a final business item, J Hoffman updated policy the Executive Committee on the status of the U.S. Army Corps of Engineers reorganization plan. Given new developments in this area and, in light of the Commission's recent policy statement on the matter, it was agreed that correspondence from the Commission to the Vice President and Secretary of Defense was in order. It was further agreed that the letter should focus on issues of efficiency and regional equity in reorganization decisions. The Commission would not oppose the overall plan for reduced Corps divisions and districts nationwide, but would argue for an appropriate continued presence in the Great Lakes region.
- * 11. J. Hoffman then introduced the strategy session element of the meeting, which began late on the afternoon of the 27th and concluded with a half-day session on the 28th. Nine key issues provided the focus. Discussion of actions on each is summarized below:
 - a) Great Lakes Basin Compact: The Executive Committee reviewed provisions of the Great Lakes Basin Compact (P.L. 90-419) and found that its goals, objectives and authorities remain fully relevant to current needs in the Great Lakes Basin. The Committee expressed satisfaction over the breadth of Commission activity under the terms of the Compact. However, it was agreed that additional emphasis on Basin planning was desirable, particularly as it relates to water quantity and the development of a Basin water management program. Action to amend the Compact to address unmet needs by broadening its jurisdiction and enhancing its authorities was not considered to be a pressing need. However, it was agreed that the Executive Director, in consultation with Committee members, should explore such needs and opportunities in the coming months.
 - b) Commissioner Involvement: The level of direct Commissioner involvement in the organization's activities was considered to be generally quite good. Other than a small number of Commissioners who appear to view their role as an "honorary appointment" and do not actively participate, the great majority of Commissioners are fulfilling their role as outlined in the Compact. It was noted that regular meeting attendance is problematic for some members, particularly state legislators with scheduling conflicts. Travel costs can also be a factor. It was also noted that direct Commissioner involvement in the many task forces and working groups is limited.

The Executive Committee agreed that a "package" of initiatives can and should be pursued to enhance Commissioner involvement in all facets of organizational activity. Each state delegation is unique, and the delegation chair, in cooperation with staff, must assume leadership in selecting and pursuing various measures. The greatest need is to convey a clear set of expectations to current and incoming delegates. It was agreed that the Executive Director will develop an explicit statement of expectations to be included in the existing "welcome" material distributed to all current Commissioners.

Other measures to be considered by delegation chairs are as follows:

- 1) Contact inactive Commissioners to determine their future intentions, and explore options for meeting expectations or resigning in favor of a new delegate better able to meet those expectations.
 - 2) Consider having an Alternate Commissioner appointed for each member, or set of members, to ensure adequate state representation at all important meetings.
 - 3) Strengthen ties to state agencies and governors' offices, where needed, to ensure that state interests are well represented at all Commission meetings. This should include, but not be limited to, the appointment of agency officials as Alternate Commissioners. This is viewed as particularly helpful for state delegations whose composition, as established in state law, does not provide for direct representation by all key agencies.
 - 4) Delegation chairs should hold periodic delegation meetings.
 - 5) While direct Commissioner membership on every task force and working group should not be mandatory, it should be encouraged whenever possible.
 - 6) The new Program Committee system should be enhanced and expanded to secure active involvement of all or most Commissioners. Periodic meetings should be held (perhaps in conjunction with Annual and Semi-Annual meetings) and the committees should assume a central role in establishing Commission priorities and direction in the various areas of Commission responsibility.
 - 7) Reserve time on meeting agendas for each state delegation to report out on issues, priorities and concerns.
- c) Washington D.C. Presence: The Executive Committee acknowledged and approved of the Commission's heightened profile in Washington, D.C. and supported efforts to maintain and enhance that profile. The Great Lakes Washington Program and its associated liaison services, by providing the Commission with "eyes and ears" in Washington, has enhanced Commission impact in the legislative and appropriations arena.

The Washington Program is due to conclude, in its current form, in March 1994 after two-year funding support from a consortium of foundations is exhausted. The Executive Committee agreed that all viable options to maintain and enhance current Program functions should be pursued. This may include a new multi-institutional cooperative arrangement and/or contracting for specific services from the Northeast-Midwest Institute.

Current Congressional activities should be "institutionalized" as regular features of the Commission's Washington presence. These include an annual Great Lakes Congressional Breakfast, release of a reference guide for federal Great Lakes legislative and appropriations priorities, and coordination meetings among and between key Congressional staff. Presentation of testimony to Congressional committees on Commission priority topics should continue to be aggressively pursued.

The Executive Committee also agreed that closer coordination with state Washington offices is advisable, and mechanisms to secure such coordination should be pursued as part of the Commission's Washington presence.

- d) Observer Program: The Commission's Observer program was viewed by the Executive Committee as an integral element of the Commission's overall program activity, as it brings an additional dimension and perspective into member discussions. It has met the expectations of the Committee, but should be enhanced to maximize its overall contribution. The Executive Committee agreed that Observer agency representatives should have a heightened and more formalized role at Commission meetings, being provided with time on the agenda for updates and action requests. Further, Observers should be invited, as a rule, to submit 1-2 page updates for inclusion in briefing books. Their participation on task forces and working groups should be actively solicited.

It was agreed that the Commission should identify and actively seek Observer status for key agencies and organizations not yet so designated. Other agencies and organizations less central to the Commission's mandate can apply for Observer status on their own initiative.

The Executive Committee requested that the Executive Director develop a statement of expectations for Observers, similar to that being developed for incoming Commissioners. Once approved by the Commission, this statement would be distributed to current and incoming Observers.

- e) Organizational Structure: The Executive Committee was satisfied with the current level of services, emphasizing that membership needs are dynamic, and organizational flexibility must be assured. Continued success in accessing project-specific funds from outside sources was viewed very favorably, with the understanding that all such funds must address established Commission priorities.

It was agreed that several measures should be taken to "fine-tune" the Commission's current operating practices. A brief, 1-2 page document explicitly and succinctly stating member services and benefits should be prepared and widely distributed. Such a document should be distributed to state delegations, state legislators and agency officials to ensure that they have an understanding of the return on their investment (i.e., state dues.) Along the same line, annual reports should contain additional budgetary details. Second, the existing Work Plan should be prepared as a two year document, with an update during the interim year. Third, the Executive Committee should hold strategy sessions on a 12-18 month basis rather than every three years, as is now the practice. These sessions should be held several months prior to the Annual or Semi-Annual Meetings. The Executive Committee viewed the current organizational structure of the Commission as fundamentally sound, and noted that the primary responsibility for adjustment lies largely in the Executive Director's realm of responsibility. The issue should be revisited by the Executive Committee, however, after an examination of the Executive Director's role and associated administrative needs is completed (see below.)

- f) Executive Director Functions: The Executive Committee noted that Executive Director functions have expanded and changed markedly in recent years. Grant and personnel management are now time-consuming responsibilities, as are increasing obligations and opportunities to represent the organization regionally and nationally. Consideration should be

given to either a deputy or assistant director position, on either a full or part-time basis. The role could vary between one of technical support on administrative/budgetary matters to an "acting director" function that includes a policy development responsibility and organizational representation on a broad scale. It was agreed that the Executive Director and Chair would consult on these and other options and present them to the Executive Committee and the Commission for further discussion and action.

Within the existing realm of Executive Director responsibilities, Executive Committee members identified three areas in which the Executive Director can and should take leadership.

- 1) The Executive Director should position the organization to be more proactive; to anticipate emerging issues and provide leadership in addressing them. This will fill an unmet need, as most public policy initiatives in the Basin tend to be reactive in nature. Given its capability to serve as a forum for, and facilitator of the array of interests in the Great Lakes community, such a service will provide a very appropriate complement to the Commission's ongoing policy research and development activities.
 - 2) The Executive Director should also position the organization to better secure a role in identifying and prioritizing research and management needs in the Basin. One specific opportunity lies in the Great Lakes Sea Grant programs, where the Commission could provide input on pressing policy issues and the research required to resolve or otherwise address them.
 - 3) The Executive Director should explore technological improvements (e.g., e-mail, conference calls) to strengthen coordination and cooperation among Commissioners and Observers. Such innovations can augment or, in some instances, replace in-person meetings, which are increasingly difficult to organize due to scheduling and travel constraints. The Great Lakes Information Network is recognized as an excellent starting point.
- g) State Dues: The Executive Committee found no compelling reason to adjust state dues at this point in time, recognizing that the Commission's very favorable budgetary status will ensure adequate provision of member services through the current fiscal year and beyond. The Executive Committee did acknowledge, however, that the dues level has been unchanged in recent years, and the need for adjustment should be revisited on an annual basis, perhaps during future strategy sessions. Any staffing changes or enhancement of member services will prompt such consideration. Any future adjustments should be acted upon at the Semi-Annual Meeting during the first year of the biennial budget cycle.
- h) Office Space: The Executive Committee values the Commission's close ties to the University of Michigan, and acknowledged the very substantial savings from a no-cost lease arrangement, access to University services and equipment, and availability of students and faculty for research efforts. The Committee therefore stated that every effort should be made to expand existing office space or access a new University facility with a similar no-cost lease arrangement. Commercial leasing of nearby offices for project specific staff on a short-term basis is an acceptable alternative. The Executive Committee agreed to revisit the office space issue as needed, when staff and budget developments prompt a decision.
- i) Relevance to a Broader Community of State Decisionmakers: The Executive Committee noted that Commission involvement/interaction at the gubernatorial level has been enhanced by the

addition of governor's policy advisors to some state delegations, and by the active involvement of a lieutenant governor. These developments, coupled with plans for an enhanced Washington, D.C. presence involving liaison with state Washington offices, are expected to ensure strong lines of communication.

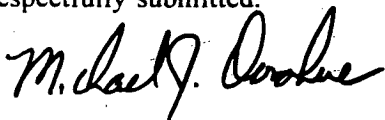
Executive Committee members further agreed that additional efforts need to be focused on legislators in member states which, by virtue of their busy schedules and competing interests, often find it difficult to participate in Commission events and activities.

Executive Committee members further agreed that strategies to strengthen Commission interaction with legislators may need to vary from one state to the next. Each delegation chair, in consultation with delegation members and staff, should explore and pursue options that are best suited to that jurisdiction. Consultation with state legislators that serve on the Commission should be central to developing the strategy.

On a regional scale, members agreed that the notion of a Council of Great Lakes Legislators [as presented by Senator Andrezeski, Commissioner (PA)] should be revisited. It was further agreed that the Commission's 1994 Semi-Annual Meeting, tentatively scheduled for Ohio, should have a special state legislative emphasis. This should include, but not necessarily be limited to, an interstate roundtable discussion among legislators on current issues and the need for a formal communication/coordination mechanism. Efforts now underway in Ohio to organize Lake Erie Basin legislators should be showcased.

- * 12. In reviewing its efforts over the last two days, the Executive Committee agreed that a strategy session format is very useful and should be held every 12-18 months, perhaps 1-2 months in advance of each annual meeting.
- 13. Under other business, J. Hoffman suggested that the Commission play an increasingly central role in issues of lake levels/water quality management. He referenced the many recommendations in the recent IJC Levels Reference Study report that have implications for state government. Hoffman indicated that he would raise these issues and opportunities at the upcoming annual meeting.
- * 14. Upon a motion by N. Robinson and a second, J. Hoffman adjourned the meeting at approximately 11:30 a.m.

Respectfully submitted,



Michael J. Donahue, Ph.D.
Executive Director

MJD/rjs

**GREAT LAKES COMMISSION
EXECUTIVE COMMITTEE MEETING**

Seven Continents Skybird Meeting Center
O'Hare Airport
Chicago, Illinois
February 1, 1994

SUMMARY MINUTES*

1. Chair Joseph Hoffman called the meeting to order at approximately 10:00 a.m.. Executive Committee members or proxies in attendance were:

Illinois	F. Kudrna
Indiana	D. Herbst
Michigan	M. Leffler
Minnesota	T. Huntley
New York	G. Mikol
Ohio	W. Warren
Pennsylvania	J. Hoffman
Wisconsin	N. Robinson
Staff	M. Donahue

- *2. J. Hoffman proposed two changes to the draft minutes of the September 27, 1993 Executive Committee meeting. Item 13 should be corrected to read "water quantity" rather than "water quality" management. Item 14 should include the date (as well as the time) the meeting was adjourned. M. Donahue noted that the word "policy" should be deleted from the first line of item 10. Upon a motion by N. Robinson and a second by W. Warren, the minutes were unanimously adopted as amended.
- *3. M. Donahue presented an abbreviated Executive Director's report, noting that the agenda was very full and Executive Committee attention was needed on a number of action items. He did note that much of his focus in recent weeks has been on implementation of the many recommendations arising from last September's strategy session. Important matters requiring Executive Committee action at this time include a proposed revision to the FY1994 budget; an investment strategy for reserve funds; revisions to personnel policies; a request for Observer status; and a proposed policy statement on Clean Water Act/Coast Zone Reauthorization Act amendments.
- F. Kudrna asked that later discussion focus on two topics: correspondence from Dan Injerd regarding the Great Lakes Regional Water Use Data Base; and the idea of amending the Great Lakes Basin Compact to provide for provincial membership. It was agreed that both items would be addressed.

* Asterisk denotes Executive Committee action.

- *4. M. Donahue requested a revision to the restricted fund portion of the approved FY1994 budget to accommodate a new contract. The adjustment entails an increase of approximately \$100,000. Upon an inquiry from G. Mikol, it was noted that brief summaries of the various restricted fund projects will be available in the upcoming annual report. Upon a motion by F. Kudrna and a second by W. Warren, the amended budget was approved as presented.

M. Donahue also reviewed the status of the budget at the mid-point of the fiscal year, referencing status sheets included in the briefing material. General operating fund expenses are with a percentage point or two of pro-rated levels; restricted fund expenses are well below budget at this time, due largely to the contract services category, where various contractors are soon expected to submit invoices. In response to a request from W. Warren, M. Donahue indicated that contractor work on various projects was on schedule. He added that revenue projections were positive and the Commission remains in very solid financial condition.

M. Donahue noted that annual dues payments from member states had been received from all states but Minnesota. T. Huntley indicated that payment was in process. G. Mikol noted that New York had an outstanding balance due to partial payments over the last several years; he indicated that he would explore opportunities to address this. M. Donahue noted that most states were very timely in their payments this year. F. Kudrna explained that payment is a legal obligation of the states under the terms of the compact.

- *5. M. Donahue updated the Executive Committee on the status of the investment strategy for reserve funds. He reviewed materials received from the Great Lakes Protection Fund (*Revised Investment Guidelines*), as discussed at the last Executive Committee meeting. Several members (F. Kudrna, N. Robinson, W. Warren) expressed some dissatisfaction with the performance of the current strategy/management efforts of Merrill Lynch. Alternate proposals from Jeffrey Slocum and Associates, and Merrill Lynch, had been received. Luke Collins, a representative of Jeffrey Slocum and Associates, would be present at a later point in the meeting. At J. Hoffman's suggestion, it was agreed that an ad hoc committee would be established to review the alternate investment strategies and make a recommendation to the Executive Committee at its next meeting or as soon thereafter as possible. Committee members include J. Hoffman, P. Ralston, F. Kudrna and W. Warren.
- *6. M. Donahue proposed several amendments to the Commission's personnel policies, as noted in the briefing book attachment. Following J. Hoffman's inquiry, Donahue indicated that a line (item D.9.c.) had been unintentionally deleted in the new draft and should be reinserted. J. Hoffman also recommended that item D.11.h. be amended to indicate that bereavement leave is taken from accrued sick time rather than from administrative leave. W. Warren suggested that language in items D.9.a-b. be amended to handle compensatory time accrual and usage on a "rolling quarter" basis. Under this arrangement, employees have up to ninety days to use compensatory time before it is lost or paid out (depending upon the employee's status as exempt or non-exempt). All of the above amendments were adopted by acclamation.
- *7. M. Donahue presented an update on actions to implement Executive Committee strategy session recommendations relating to the Great Lakes Basin Compact; Commissioner involvement in Commission activities; Washington D.C. presence; Observer program; organizational structure; Executive Director functions; state dues; office space; and relevance of the Commission to the broader community of state decisionmakers. Donahue methodically

reviewed each of these, referring to the material in the briefing book.

The notion of amending the Great Lakes Basin Compact to permit provincial membership was introduced by F. Kudrna and elicited substantial discussion. Kudrna and J. Hoffman spoke to the benefits of such an arrangement. N. Robinson supported the concept, suggesting that an issue paper addressing this opportunity be prepared to guide Commission discussion. He also suggested that the paper explore the desirability of federal membership as well. G. Mikol stated that other binational mechanisms do exist (e.g. International Joint Commission) and this should be addressed in the paper. W. Warren concurred. It was agreed that M. Donahue should prepare such a paper for discussion at the next Executive Committee and Great Lakes Commission meetings. F. Kudrna and N. Robinson would be available for consultation. The overall objective of this exercise, it was agreed, is to explore the best means to ensure adequate Canadian representation in Great Lakes Commission deliberations.

- *8. M. Donahue introduced Luke Collins of Jeffrey Slocum and Associates, who had been invited to advise the Executive Committee on an investment strategy for reserve funds. Collins discussed the services of his firm, emphasizing that it provides completely independent advice and unbiased analyses. He reviewed recent trends in the investment arena and performance of various investment options. In response to previous correspondence/conversations with M. Donahue, he offered recommendations for investment of Commission reserve funds, including allocation of assets among a number of mutual funds. In response to questions from F. Kudrna and N. Robinson, Collins indicated that he would provide pro bono services to the Great Lakes Commission, including recommendations for asset allocation; periodic (quarterly) review of performance; and availability to attend Executive Committee meetings or other events where investment strategy issues would be discussed. It was agreed that the small subcommittee (identified earlier--see #5) would pursue this opportunity in the interest of finalizing an investment strategy in the near future. M. Donahue agreed to inform Merrill Lynch of this decision and invite Merrill Lynch to provide any relevant material/recommendations to Luke Collins that might be considered. J. Hoffman thanked Luke Collins for his presentation and offer to work with the Commission.
- *9. J. Hoffman brought the discussion back to implementation of recommendations arising from the Executive Committee strategy session. Key points/decisions were as follows:
- Commissioner Involvement: At J. Hoffman's and F. Kudrna's suggestion, it was agreed that enhanced use of program committees would be pursued to strengthen direct Commissioner involvement in Commission activities. At N. Robinson's suggestion, it was agreed that a training component for new Commissioners will be added to either the Semi-Annual or Annual Meeting, as appropriate. M. Donahue agreed to consult with N. Robinson and P. Ralston on this. F. Kudrna suggested that a training session might appropriately be held at Commission offices in Ann Arbor, perhaps in conjunction with the 1994 Annual Meeting to be held in nearby Dearborn. By acclamation, the Executive Committee adopted a statement of roles and responsibilities of Commissioners, which will be distributed to all present and incoming members.
 - Washington, D.C. Presence: By acclamation, the Executive Committee approved a draft statement describing the Commission's desired Washington D.C. presence. In so doing, M. Donahue was authorized to enter into a contractual agreement with the

Northeast-Midwest Institute (should he so decide) to secure the services of Allegra Cangelosi under the terms of a revised Great Lakes Washington Program.

- Observer Program: Upon a motion by N. Robinson and a second by F. Kudrna, the Executive Committee unanimously adopted a statement of roles and responsibilities for Observers, which will be distributed to present and incoming Observers. A friendly amendment was accepted to strengthen language to encourage/provide for Observer participation and presentations at Commission meetings.
- Executive Director Functions: The Executive Committee agreed that an "Assistant to the Director" position--on either a full or part-time basis--is advisable and should be pursued to ease administrative burdens. At F. Kudrna and N. Robinson's suggestion, however, it was also agreed that the Executive Committee would not lose sight of the eventual need for an "assistant" position that would have more substantive programmatic/staff management responsibilities.
- State Dues: The Executive Committee agreed to revisit this matter at a future meeting, recognizing that an adjustment will be needed eventually to maintain basic services and ensure some flexibility in addressing member needs.

- *10. M. Donahue reviewed a series of new program developments. He noted that a grant had been received to support Remedial Action Plan (RAP) efforts in Michigan and at the binational (Michigan-Ontario) level, as well as to help enhance coordination and information exchange among RAP efforts throughout the Great Lakes Basin. Some members were concerned that the project appeared to be more state-specific than regional in scope; others noted that they saw a strong regional component in it. M. Donahue then described the project in further detail, with an explanation of specific elements with a Basin-wide focus. It was agreed that such a focus should be assured if opportunities to continue such work arise.

M. Donahue updated Executive Committee members on continuing efforts to secure--via U.S. Dept. of Agriculture appropriations--a sum of \$250,000 to support activities and competitive grants under the Great Lakes Basin Program for Soil Erosion and Sediment Control. With the assistance of Rep. Marcy Kaptur (OH) and Senator Herb Kohl (WI), these efforts are continuing. A status report will be provided to Executive Committee members as new developments arise.

M. Donahue presented the latest draft of the Ecosystem Charter for the Great Lakes-St. Lawrence Basin, which has recently undergone an extensive public review process. The next several months will be dedicated to fine-tuning the document and initiating the solicitation process for signatory agencies and organizations. In response to G. Mikol's question, Donahue indicated that the review process is being coordinated with the Council of Great Lakes Governors.

As a final item, Donahue noted that Allegra Cangelosi is coordinating development of the FY1995 Reference Guide to Federally Funded Great Lakes Programs. A draft is expected in late April/early May, at which time the Great Lakes Commission will have an opportunity to comment on it and endorse it. The Commission will participate in any formal release ceremony that may be held.

- *11. J. Hoffman informed the Executive Committee that he has received a request for Observer status from the Great Lakes Sport Fishing Council. This is the first time a non-governmental organization has sought such designation and, as such, the Executive Committee decision would be precedent-setting.

W. Warren noted that the Observer program is designed to involve agencies with an ecosystem-wide focus as opposed to a narrower set of issues. In response to a question by N. Robinson, J. Hoffman noted that the Commission's bylaws do provide basic criteria for Observer organizations. F. Kudrna noted that a careful balance needed to be struck between the role of Observer agencies and the need to promote Commissioner involvement; the latter is particularly important. M. Leffler offered a legal perspective on the bylaws language and indicated that, in his view, Observer eligibility is best directed to public agencies that advance the range of goals under the Great Lakes Basin Compact. Executive Committee members did acknowledge the important role that the Great Lakes Sport Fishing Council plays in the larger community of Great Lakes-St. Lawrence interests, and expressed appreciation for Dan Thomas' regular participation and input at Commission meetings. By acclamation, it was agreed to communicate that to him, while indicating that the formal Observer agency designation was not appropriate. It was further agreed that future Commission meetings would be organized such that all Great Lakes St. Lawrence interests present, whether Observer agencies or not, would have ample opportunity to express their views.

- *12. N. Robinson presented a series of concerns Wisconsin holds with regard to Coastal Zone Act and Clean Water Reauthorization Amendments. With regard to the former, he raised concerns regarding states' ability to comply; unreasonable implementation timetables; overly prescriptive management measures; and its status as a costly, unfunded mandate. He also took issue with nonpoint source pollution measures in the proposed Clean Water Act Amendments, and questioned the relationship between these measures and the nonpoint language in the Clean Water Act reauthorization language. While agreeing with the overall concept behind the legislation, he indicated that a strong, consensus-based policy statement from the Great Lakes Commission could help shape the debate and effectively represent Great Lakes state concerns.


An extended discussion then ensued, as several members indicated where their states presently stood on these issues. This ranged from states that had detailed comments already in place to those who have not yet initiated a policy position process. Strong support for the formulation of a Commission statement was received, and this topical area was viewed as very appropriate, given the Commission's mandate. Upon a motion by N. Robinson and a second by F. Kudrna, it was agreed that M. Donahue would coordinate the development, review, approval and dissemination of a policy statement on these two related legislative matters. W. Warren indicated that he could provide written materials for use as reference. M. Donahue stated that he would welcome such from all states, and would pursue this task as quickly as possible to ensure timely consideration of Commission positions during the larger national debate.

- *13. J. Hoffman distributed a letter from Dan Injerd (Alternate Commissioner - IL) recommending the Commission's continuing support for the Great Lakes Regional Water Use Data Base effort. Such support was expressed, and it was also agreed that the Commission, as secretariat to the Governors' Water Resources Management Committee, (which J. Hoffman chairs), would pursue funding opportunities for the Basin Water Resources Management Program, as called

for in the 1985 Great Lakes Charter.

- *14. M. Donahue reviewed plans for the 1994 Semi-Annual Meeting at Maumee Bay Resort and Conference Center (May 10-11, 1994). With regard to the 1994 Annual Meeting, he suggested that the location might be Dearborn, Michigan, in order that the meeting be associated with the U.S. EPA/Environment Canada State of the Lakes Ecosystem Conference. Upon a motion by F. Kudrna and a second by N. Robinson, that location was selected. M. Donahue will provide details at the next Executive Committee meeting.
- *15. Under "other business," F. Kudrna spoke to the need for a Commission role in establishing a regional research agenda that better reflected policy and management needs of Basin jurisdictions. Drawing from his experiences as a member of the National Review Panel for Sea Grant, he indicated that the region's competitiveness for federal funds may be compromised because proposed research activities are not, in many cases, responsive to acknowledged priorities. He recommended that this matter be addressed at the Semi-Annual Meeting, and asked that M. Donahue prepare an appropriate statement to facilitate discussion at that time. The recommendation was accepted by acclamation.
- 16.* Also under "other business," F. Kudrna moved that the Commission write a letter of recommendation for James Hartung (Commissioner - IN), who is a candidate for president of the Toledo-Lucas County Port Authority. A second was offered by several members and the motion passed unanimously; M. Donahue agreed to draft a letter for the chair's signature.
- 17. Hearing no further business, J. Hoffman adjourned the meeting at approximately 3:45 p.m.

Respectfully submitted,



Michael J. Donahue, Ph.D.
Executive Director

ACTION

ATTACHMENT #1

SUMMARY

The 1994 Semi-Annual Meeting will feature—for the first time—break out sessions for the Commission's Program Committees. The objective is to encourage open and informal dialogue on current and prospective Commission initiatives. Each Commissioner has been invited to select their committee preference; a listing of assignments will be available at the meeting. Observers and all other attendees will have the opportunity to select the committee meeting of most interest to them.

Attached are background materials for each of the four meetings. This includes a meeting agenda and an update on program activities since the last Commission meeting. To prepare for the meetings, attendees are encouraged to also review the 1993 Annual Report and 1993 Work Plan. Both have been distributed previously, but copies will be available at the meeting.



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MEMORANDUM

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Indiana Dept. of
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Pennsylvania Dept. of
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Harrisburg, Pennsylvania

NATHANIEL E. ROBINSON
Wisconsin Dept. of
Administration
Madison, Wisconsin

TO: Commissioners and Observers

FROM: *T.C.* Tom Crane, Program Manager
Resource Management and Environmental Quality

DATE: April 18, 1994

RE: Update on Resource Management and Environmental Quality Program
Activities

The following briefly describes activities completed or underway in the Resource Management and Environmental Quality Program area since the 1993 Annual Meeting. It is accompanied by an agenda for the May 10 Program Committee Meeting.

1. Great Lakes Basin Program for Soil Erosion and Sediment Control

The Commission and the Soil Erosion and Sedimentation Task Force continue to focus on the grants management and information/education components of the Great Lakes Basin Program through funds provided by the U.S. Environmental Protection Agency. For FY 1994-1995, additional funding of \$250,000 was secured via a Cooperative Agreement with the U.S. Department of Agriculture. Of this, \$200,000 is allocated to support the competitive grants program with the other \$50,000 to be applied for Commission administration and internal operations activities. With the guidance of the Soil Erosion and Sedimentation Task Force, the Commission has accomplished or will undertake the following over the next six month period:

- The Soil Erosion and Sedimentation Task Force convened on December 13, 1993 to review and evaluate progress under the Great Lakes Basin Program and to discuss options for continued program funding and administration. It was generally agreed by the Task Force that a Basin-wide grants program emphasizing smaller awards for information/education activities should be developed. Per Task Force discussion at the December meeting, the Workplan for the program has been re-drafted to allow for the transfer of FY 1993-1994 program funds into FY 1995 to ensure continuation of key information and education projects currently underway.
- The Soil Erosion and Sedimentation Task Force convened again on February 24, 1994 to review Workplan revisions and approve several new information and education products. Nine informational inserts targeted at state legislators and elected officials have been developed for the brochure, *KEEPING IT ON THE LAND! Improving Great Lakes Water Quality by Controlling Soil Erosion and Sedimentation*. Over the next six months, two additional inserts will be developed for Remedial Action Plan coordinators and environmental groups. Each insert includes a problem statement, economic/environmental impacts of soil erosion and sedimentation problems, mitigative measures, recommended actions, key contacts, and opportunities for that target audience to support the Great Lakes Basin Program.

Established in 1955 by inter-state compact "to promote the orderly, integrated and comprehensive development, use and conservation of the water resources of the Great Lakes Basin."

- As indicated above, the status of funding for FY 1994-1995 has been clarified. With the approved funding in hand, requests for proposals (RFPs) were distributed to more than 1,200 potential applicants in late March and early April. Proposals are due at the Commission office by June 1, 1994; funding decisions will be made by the Soil Erosion and Sedimentation Task Force by early July.
- A regional workshop will be conducted in conjunction with the Commission's semi-annual meeting on May 11-12, 1994 at Maumee Bay State Park Lodge in Ohio. The purpose of the workshop is to raise awareness of and encourage greater involvement by environmental organizations in addressing soil erosion and sedimentation problems. The workshop will initiate action to build coalitions -- between environmental groups, districts and state soil conservationists, and Remedial Action Plan coordinators, for example -- in support of the goals the Great Lakes Basin Program and other soil erosion and sediment control programs.
- A Special Insert to the Great Lakes Commission newsletter focusing on the Great Lakes Basin Program appeared in the March/April edition of the *ADVISOR*. The special insert includes a summary and photos on three projects that have been funded under the Great Lakes Basin Program to highlight the benefits of implementing best management practices to control soil erosion and sedimentation. The insert also provides contact information for individuals wishing to develop similar projects.
- Under a contractual arrangement, the Conservation Technology Information Center (CTIC) is preparing and disseminating (via its monthly newsletter), special feature articles highlighting Basin Program activities, including coverage of funded projects. (The newsletter is disseminated to 28,000 subscribers including all soil and water conservation districts nationally.) Two inserts on the program have already appeared, and a minimum of two additional articles will be supported.

The following revised workplan, from which the above highlights were developed, details the activities to be undertaken between now and the 1994 annual meeting by Commission staff in concert with the Soil Erosion and Sedimentation Task Force:

- a) Program Administration. Under the direction of the Resource Management and Environmental Quality Program Manager, Commission staff will provide:
 - 1) Secretariat Services. This will include planning, scheduling and organizing meetings and conference calls, preparing and distributing meeting minutes and other support materials, and additional functions as directed by the Task Force.
 - 2) Quarterly Reports. Commission staff will continue to organize, write and submit to U.S. EPA, quarterly reports on activities and accomplishments under this revised Great Lakes Basin Program workplan throughout the program year.
 - 3) Annual Report. At the end of the program year, staff will organize, coordinate and write an annual report summarizing individual projects and Great Lakes Basin Program activities. This report will be submitted to the U.S. EPA - Region V to provide support and help publicize the need for an extended long term erosion and sediment control program in the Great Lakes Basin.
- b) Regional Coordination. In fulfilling the responsibilities outlined above, Commission staff will also provide the following coordination and outreach services which forward the interests of the Great Lakes Basin Program.
 - 1) Conference Activities. Efforts will continue to develop sessions or activities related to the Great Lakes Basin Program to coincide with regional events.
 - 2) Basin Program Presentations. As opportunities arise, Commission staff and Task Force members will educate and inform target audiences on soil erosion and sedimentation goals of the Great Lakes Basin Program through presentations, mailings and other means. Opportunities for such will be cultivated among the target groups on an ongoing basis throughout the fiscal year.

- 3) Legislative Support. Work will continue to track, review, and promote regional dialogue on legislative, policy and program initiatives related to soil erosion, sedimentation, and water quality issues at the local, state, regional and federal levels.
- c) Basinwide Grants Program. Commission staff support the on-going grant activities of the Basin Program by:
 - 1) Preparing RFP Packets. With Task Force assistance, staff prepared and distributed the request for proposal packets for applications for funding under the competitive grants program which currently covers three program elements: 1) program grants and technical assistance; 2) demonstration grants; and 3) information and education.
 - 2) Coordinating the Proposal Process. Commission staff will receive, compile, organize and review funding proposals under the Great Lakes Basin Program. This will include writing acknowledgments, acceptance and rejection letters to applicants as well as answering questions and providing administrative assistance to candidates during the application period.
 - 3) Developing Guidelines. With Task Force assistance, staff will develop and implement procedures and guidelines for evaluating funding proposals under the Great Lakes Basin Program. Staff will facilitate for the formal review process and will analyze and summarize proposal information to assist the Task Force in project review.
 - 4) Assisting in Grants Management. In cooperation with Task Force members, staff will monitor progress of all grant recipients to ensure timely delivery of products and fulfillment of stated project goals and objectives.
- d) Information/Education Activities. The scope of Information/Education (I/E) activities under the workplan were revised based on ideas generated at the December 13, 1993 Task Force meeting in Detroit. They include:
 - 1) Brochure Inserts. Work will continue to produce the brochure inserts for use in combination with the brochure and as "stand-alone pieces." The inserts targeted to environmental groups and Remedial Action Plan coordinators will be developed using the legislative insert as a model. Outreach efforts will be made to integrate the perspectives of these groups as part of the inserts. In addition to serving as educational material for legislative, environmental and Remedial Action Plan audiences, the inserts will be instrumental in promoting and supporting the regional environmental conference (described below) involving these groups.
 - 2) Brochure Distribution. Regional interest in *KEEPING IT ON THE LAND!*, Improving Great Lakes Water Quality, continues to be very strong since distribution began in October of 1992. Approximately 6,500 copies have been requested from a range of groups and geographic locations, both within and outside of the Great-Lakes Basin. Brochures have been sent to distribution points, including the Soil Erosion and Sedimentation Task Force, local soil and water conservation districts, Remedial Action Plan leaders, the Conservation Technology Information Center, Soil Conservation Service offices, the International Joint Commission, the Great Lakes Aquatic Ecosystems Research Consortium, environmental groups and public education programs. Brochure distribution will continue with a focus on the audiences targeted for the brochure inserts (state legislators, environmental groups and Remedial Action Plan coordinators).
 - 3) ADVISOR Insert. A special insert to the Commission newsletter, the *ADVISOR*, has been developed to disseminate information presented in the Annual Report of the Great Lakes Basin Program. The special insert includes a summary and photos on projects that have been funded under the Great Lakes Basin Program to highlight the benefits of management practices to control soil erosion and sedimentation.
 - 4) CTIC Inserts. As stated above, CTIC will prepare, as part of its monthly newsletter, special features highlighting Basin Program activities, including coverage of funded projects. A minimum of four features and a cover page article will be supported.

- 5) Curricula Inventory. In conjunction with its ongoing Great Lakes education initiatives, the Great Lakes Commission will promote the development and use of curriculum materials that support Great Lakes Basin Program goals. Through contact with the region's education community (primarily K-12), a contractor will identify and publicize the availability of existing relevant materials; promote the use of such materials; and identify unmet needs and means to address them. Interactive, "hands-on" approaches to education, including stream monitoring programs, computer networking and student congresses are effective tools that will be encouraged where possible. The final camera ready draft will be available at the end of June.
- 6) Regional Coordination. Commission staff will organize, attend, and conduct a special Great Lakes session at the fall 1994 conference of the Interstate Council on Water Policy (ICWP) in the Chesapeake Bay area. The session, which will be held in conjunction with a number of field trips, will provide opportunities for information exchange among officials from various regions. Great Lakes Commission Chair Joseph Hoffman (PA) is organizing the ICWP conference and will be the contact point regarding the special session. Opportunities for task force participation in the conference will be explored.
- 7) NACD Great Lakes Committee Activities. The Commission staff is in the process of working with the National Association of Conservation Districts (NACD Committee on the Great Lakes) to strengthen the district role in the RAP process, with particular emphasis on implementing soil erosion and sedimentation control practices in Areas of Concern (AOCs).
The Commission will continue its work on this initiative by supporting the activities of the NACD Committee on the Great Lakes, participating in Committee meetings, programming, and events. In addition, the Commission will take steps to help bridge the gap between the conservation district operations and the RAP process by:
 - Assisting the Committee on the Great Lakes in defining the role of conservation districts in the RAP process, and disseminating such information to district personnel.
 - Presenting success stories in conservation district newsletters and the Great Lakes Commission newsletter, the *ADVISOR*, illustrating cases whereby conservation districts are actively participating in the RAP process.

2. Development of the Great Lakes Area Computerized Inventory for Emergency Response (GLACIER).

In October, 1992 the Commission was awarded \$12,000 by the Ohio Environmental Protection Agency through the U.S. EPA -- Innovative Title III Technical Assistance Grants Program, for the completion of the Great Lakes Area Computerized Inventory for Emergency Response (GLACIER). Due to an unfortunate delay in operationalizing HMIX in early 1993, the Commission and Ohio EPA applied to U.S. EPA and were approved for a no-cost extension on the Innovative Title III Technical Assistance Grant to allow continuation of work on GLACIER through June 30, 1994 (see 1993 Annual Meeting briefing book for more details). Since the 1993 Annual Meeting, the Great Lakes Commission staff and the Emergency Preparedness Task Force have accomplished or are working on the following:

- Worked with the U.S. Fire Administration, the Federal Emergency Management Agency (FEMA), the U.S. Coast Guard and the Task Force on the completion of programming for GLACIER and revised the information gathering strategy and timeline for data input. GLACIER programming was completed in December 1993.
- Planned and conducted an Emergency Preparedness Task Force meeting (on January 27, 1994) to review progress and difficulties in initiating the survey process. The meeting was held in Cleveland in conjunction with the Inland Area Planning Committee meeting.
- Worked with HMIX staff and the U.S. Coast Guard to develop a FOXPRO diskette to allow responders to enter data utilizing diskettes rather than hard copy entry.

- Continue in-house testing of GLACIER on FOXPRO and HMIX system and working with HMIX staff to correct a few existing problems with the programs.
- Worked with FEMA to track survey responses using the Master Data forms and began preparations for data entry and uploading of current data.

Upcoming activities of the Commission staff regarding the GLACIER project include the following:

- The Emergency Preparedness Task Force will meet in early June to discuss final survey distribution and protocol for providing information on GLACIER to state and federal agencies and spill response contractors.
- The Commission staff will work with the Emergency Preparedness Task Force, FEMA and HMIX to develop a strategy for using, updating, maintaining and expanding GLACIER over the intermediate and long-term.
- The Commission will work with the Emergency Preparedness Task Force, FEMA and HMIX to develop a mechanism for information dissemination and coalition building for the long-term use of GLACIER. This will include exploring opportunities for long term funding support for the operation and maintenance of the GLACIER system.

3. Area Contingency Planning for the Great Lakes Basin.

In October, 1992 the Commission entered into a Cooperative Agreement with U.S. EPA-Region V to assist in the area committee planning activities under the Oil Pollution Act. The Commission was awarded \$72,000 to support this effort which also included the involvement of the U.S. Coast Guard (Districts 2 and 9), Region V-Regional Response Team, the Upper Mississippi River Basin Association (UMBRA) and the Ohio River Valley Water Sanitation Commission (ORSANCO). In October 1993, the Commission received final EPA approval on an award request of \$215,000 and began the second phase of the project which includes expanded efforts in data collection, mapping and the use of Geographic Information Systems (GIS). Second year activities will continue through September 30, 1994. The Commission has also be working with the Great Lakes National Program Office (GLNPO) - U.S. EPA Region V, to assist in the implementation of the spills component of the Great Lakes Critical Programs Act. The Commission was awarded \$20,000 to work with GLNPO on assessing the spills potential in the Great Lakes Basin. A portion of this work (which began October 1) includes reviewing federal/state/regional spill response plans and convening a meeting of spill response experts to identify weaknesses and gaps in programs. Project highlights, progress from the 1993 Annual Meeting under the current EPA grant and expected accomplishments through 1994 include the following:

- The Ohio River Valley Water Sanitation Commission (ORSANCO) left the project at the end of FY 1993 (October 1993) through mutual agreement with U.S. EPA. Project activities to be conducted for the Ohio River Basin portion of Region V are being coordinated by U.S. EPA through its Technical Advisory Team (TAT).
- The Inland Area Planning Committee, which was formed in May 1993 to oversee project activities and report directly to the Region V RRT, met on September 23, 1993 in Toledo, Ohio and on January 26, 1994 in Cleveland, Ohio.
- Commission staff attended the Region V RRT meeting on September 24, 1993 and provided progress reports on The Area Contingency Planning and GLACIER projects.
- Commission staff participate on monthly conference calls with U.S. EPA, UMBRA and the TAT members assigned to the Ohio River Basin to review progress, resolve data management issues and share information. These calls are on-going.
- Commission staff are participating on sub-area pilot project team for Southeast Michigan and have met several times with project chief and the TAT for EPA Region V, Response Section 1. Current work involves identifying sub-areas for contingency planning.

- Collected information on environmentally sensitive areas as determined by U.S. EPA Region V and the Inland Area Planning Committee including: National Natural Landmarks Registry, National Wetlands Inventory, National Wildlife Refuges listings, Audubon Sanctuaries, Michigan Designated Trout Streams, Michigan Bird Observatory Listing, American Rivers; including Endangered and Wild and Scenic Rivers listings.
- Collected and entered data for large scale water users and marinas.
- Collected detailed information on locations and vulnerability of water intakes.
- Continued to work on fields for designated sensitive areas in conjunction with the Project Team.
- The Commission presented a final draft report on all year one activities to U.S. EPA on October 31, 1993.

Commission staff are (or will be) pursuing the following tasks on a continuing/on-going basis:

- The Commission staff will begin setting up the Arc/Info software, assembling geographic coverages and digitizing maps in support of the mapping component of the project.
- The Commission has begun to collect information on fixed facilities, pipelines, and transportation corridors that could serve as sources of spills to the environment, particularly those that are near or cross watercourses.
- The Commission is working with its Emergency Preparedness Task Force and the RRT and the Great Lakes National Program Office (GLNPO) to review current spill notification procedures and recommend changes or updates.
- The Commission staff is collecting worst case spill scenario research and reports, as they become available, for use in developing a Great Lakes specific "worst case discharge scenario".

4. Great Lakes Regional Water Use Data Base and Support to Water Resources Management Committee.

The Commission continues to serve as the repository for the Regional Water Use Data Base established by the Great Lakes states and provinces to fulfill one of the key requirements of the Great Lakes Charter.

Following is a summary of the ongoing and completed activities of the repository since the 1993 Annual Meeting:

- The Annual Report for 1991 Water Use Data was finalized in November, 1993.
- The states and provinces submitted 1992 Water Use Data to the repository beginning in October through December, 1993.

The Commission continues to serve as a secretariat to the Water Resources Management Committee (WRMC) and its Technical Work Group. A workshop was held on December 15-16, 1993 at the Great Lakes Environmental Research Laboratory (GLERL) in Ann Arbor, Michigan to discuss key water resources management issues of concern to the Great Lakes region. Of primary focus were two main topics:

- The collection and reporting of Great Lakes water withdrawal, diversion and consumptive use information pertaining to the operation of the Regional Water Use Database (housed and managed by the Great Lakes Commission); and
- Developing a framework for a Basinwide Water Resources Management Program (called for by the Great Lakes Charter). This will be an ongoing process, incorporating the data collection and reporting elements, and requiring information and expertise from a variety of environmental and socioeconomic disciplines.

The following are the three main categories of effort identified by the WRMC. The functions and tasks are not prioritized under each category. They are presented here to guide the Great Lakes Commission in the preparation of one or more funding proposals to be developed in early 1994. Support for these activities is essential if the region is

to begin addressing the identified water resources management issues and to fulfill the requirements set forth by the Great Lakes Charter.

a. Increasing capability of Regional Water Use Database system

1. begin looking at trend analysis
2. assist states/provinces in conducting water use projections
3. reporting small scale changes/improvements in data collection/reporting
4. refine and update categorical estimates for consumptive use coefficients
5. provide for future database capacity; ensure flexibility; tie water quantity to quality
6. linking files; transporting data
7. in-house expertise (i.e., staff training)
8. incorporate in-stream uses in reporting process

b. Interstate/Provincial reporting and coordination

1. provide support for meetings of WRMC and its technical committee
2. ensure uniformity/consistency in reporting
3. enhance state/provincial data gathering and reporting capability
4. increase information, education and outreach activities to promote and increase political support for Great Lakes water resources management activities

c. Water Resources Management Program Elements

1. establish oversight coordinating function (e.g., WRMC)
2. investigate and incorporate state/provincial plans into a Water Resources Management Program
3. establish set of guidelines/policies/procedures in Program to guide decision making
4. connect database to Great Lakes Charter process
5. address consumptive use
6. address conservation/demand management

5. Nonindigenous Aquatic Nuisance Species Prevention and Control

The Great Lakes Commission continues, under Section 1203 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (ANS Act), to assist the Great Lakes Panel on Aquatic Nuisance Species in coordinating research, monitoring, control and information/education activities that will minimize ecological and economic impacts of aquatic nuisance species with high priority given to zebra mussels. Project funding for FY 1994 from the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration and the States of Illinois and Indiana is currently being finalized.

The following summary presents highlights and accomplishments that have occurred over the past six months:

- The Great Lakes Panel completed their review of the ANS Task Force reports entitled *Conclusions, and Recommendations of the Intentional Introductions Policy Review* and the *Ruffe Control Program*. The *Conclusions, and Recommendations of the Intentional Introductions Policy Review* was developed to identify and evaluate options for reducing the risk of adverse consequences associated with intentional introductions of aquatic organisms, as required in Section 1207 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. The Panel's review of the document focused on issues regarding education/extension, research, existing authority for policy implementation, permit systems, protocols and environmental assessments.

The *Ruffe Control Program* is a strategy to prevent or delay the spread of the ruffe (*Gymnocephalus cernuus*) through the Great Lakes and inland waters by containment to its current range in western Lake Superior. Panel member's comments focused on issues regarding the geographic and strategic scope of the program, the benefits and costs of using chemical controls, and the role of information/education activities to mitigate further spread of the ruffe.

- On October 8, 1993, the 6th meeting of the Great Lakes Panel was held in Duluth, Minnesota in conjunction with the Great Lakes Commission Annual meeting. Topics discussed included the consolidated Panel positions for the Task Force reports; potential Panel applications for the Great Lakes Information Network (GLIN), an update on the implementation of the Information/Education Strategy and a presentation by Nelson Thomas, EPA on an overview of the International Joint Commission's Ecosystem Framework project.
- A new Great Lakes Panel Chair and Vice-chair have been elected, bringing renewed enthusiasm and drive to meeting the objectives of the ANS Act. Jay Rendall (Minnesota Department of Natural Resources) was the successful candidate for the Chair position and David Yount, from U.S. EPA's Large Lakes Research Laboratory in Duluth was elected Vice-chair.
- On March 11, 1994, the 7th meeting of the Panel was held in Middleton, Wisconsin in conjunction with the 4th Annual Zebra Mussel Conference. The meeting was an opportunity for the newly elected Panel chair, Jay Rendall, and Vice-chair David Yount, to identify the priorities for the Great Lakes Panel for FY 1995. The priorities are as follows:
 - Developing and implementing state management plans
 - Authority to use Sea Grant funding for other ANS
 - Implementing the Information/Education (I/E) strategy
 - Initiating the Ballast Water Demonstration project
 - Increasing Panel profile and visibility within the region
 - Maintaining the visibility of Aquatic Nuisance Species as a critical regional/national issue.

Key topics discussed at the meeting include the federal appropriations for Aquatic Nuisance Species programs in the Great Lakes, the status of activities in the Panel's Information/Education Strategy, the status of the state management plans and an update on ANS Task Force activities.

- Three main activities underway (among others) under the Information/Education Strategy for Aquatic Nuisance Prevention and Control are:
 - a) Development and implementation of an economic impact evaluation of the zebra mussel infestation: A survey, to evaluate the economic costs of the zebra mussel infestation, is in the testing stage and it is anticipated that the final survey will be conducted in the fall of 1994. A partnership with the Great Lakes Commission and the Ohio Sea Grant was formed to pursue this economic impact study.
 - b) Newsletter Insert: The development of an newsletter insert, or "tip sheet" describing Panel activities was approved. The mock-up for the insert is in a preliminary stage of development. It is anticipated that the first insert will be available for distribution to a large number of organizations and newsletter editors this fall.
 - c) Ruffe Education Program: The Panel recognizes the need to make the public aware of the tradeoffs of letting the ruffe expand its territory versus the use of chemical control. The U.S. Fish and Wildlife Service volunteered to spearhead a ruffe education program. Michigan Sea Grant will be conducting a slide show to be shown at a series of meetings this spring on the first seven rivers that have been identified for treatment. The purpose of the meetings is to educate the public on current activities and to solicit their support.
- The New York State Department of Environmental Conservation (DEC) is the first state to have its state aquatic nuisance species management plan approved by the ANS Task Force. Minnesota's plan is scheduled for completion before the end of this fiscal year.

The Great Lakes Panel meetings have provided a forum to discuss progress on the state management plans, mandated in Section 1204 of the ANS Act. The purpose of the state plans is to identify management practices and measures that will be undertaken to reduce infestations of aquatic nuisance species. In an effort to secure funding for the plans next fiscal year, the Commission is preparing a letter to Representative Yates (D - Illinois) on behalf of the Panel, outlining the need for the development and implementation of the state management plans.

On March 11, the Great Lakes Panel members recommended the development of three policy statements that:

1. Identifies the areas for budget and program emphasis required to address the growing need for prevention, monitoring, scientific research, management and control measures for aquatic nuisance species in the Great Lakes Basin;
- 2.. Recommends to the National Aquatic Nuisance Task Force the timely implementation of the Ruffe Control Program, possible funding mechanisms and the initiation of activities to allow for the use of TFM, on an emergency basis, to control the spread of the ruffe;
- 3 Endorses the "Ballast Water Management Act" presently under consideration by the Congress; and,
4. Recommends timely reauthorization of the ANS Act.

7. **Great Lakes Pollution Prevention Community Assistance Project**

The Great Lakes Pollution Prevention Community Assistance Project continues to move forward, managed by WRITAR (Minneapolis based Waste Reduction Institute for Training and Research) and the Great Lakes Commission. The 18-month program, funded by the Great Lakes Protection Fund, is designed to develop and demonstrate a detailed planning and early implementation process to communicate source reduction activities for specific priority pollutants. The primary goal of the project is to evaluate the potential of the Remedial Action Plan process in implementing pollution prevention efforts at the community level. The Protection Fund grant totals \$130,000. The Commission will receive \$37,258 from the grant, functioning as a principal subcontractor to provide regional policy support throughout the project. The following project activities have been completed or are underway:

- The project advisory group assisted staff in the selection of two pilot Areas of Concern (AOCs) -- Rochester Embayment and the St. Clair River. The advisory group includes broad regional representation from state, provincial, tribal and federal governments; academia; environmental groups, industry, labor, municipalities, the non-profit sector, and recreation/business groups. The selection process was based on criteria developed to identify two AOCs that would provide both challenging and conducive conditions for pollution prevention efforts. Project staff have approached both the citizen advisory communities and their representatives from the Rochester and St. Clair RAPs, both of which have agreed to participate.
- Project staff is working with the RAP communities of both AOCs to determine the appropriate link between their process and the pollution prevention project. Priority will be given to identifying pollution sources which can be minimized by source reduction techniques. Project staff will assist in developing plans to implement these strategies. Guidance will also be provided to establishing partnerships and finding resources within the community that can support and sustain pollution prevention programs on a long term basis. The goal of these activities is to position the two RAP communities to implement a sustained pollution prevention program tailored to their needs.
- The pollution prevention workplan for the Rochester Embayment RAP was carefully developed by RAP leaders with guidance from project staff to address specific needs of the RAP. The workplan is based on the following tasks:
 - a) Project staff will work with the following RAP committees -- Priority Pollutant Task Group, Water Quality Management Advisory Committee (WQMAC), and Water Quality Coordinating Committee -- to facilitate the development of and application of a consensus process for ranking toxic substances of concern. Two of 21 pollutants will be selected that are most conducive to source reduction efforts within technical constraints.
 - b) Project staff will work with the WQMAC and the Industrial Management Council to facilitate the development of pilot action plans to address the two identified pollutants. The action plans will focus on source reduction to address ongoing releases, and also include control, treatment and remediation as part of the plans.

c) Project staff will work with the Industrial Management Council to develop an educational piece to communicate these action plans to the business community. Also, work will be done with WQMAC to develop educational tools to convey these action plans to the general public, educators and children. As part of this educational component, project staff will work to enhance connections and partnerships between the RAP process and the community, while developing a procedure for monitoring and evaluating the results of the program.

The workplan for this project is being developed with the objective to play an important role in integrating pollution prevention initiatives into the implementation phase of the Rochester Embayment RAP.

The overall approach for the St. Clair River AOC, a binational RAP, will focus on determining specific pollution prevention measures for incorporation into the implementation phase of the RAP document. Some areas that have been under consideration for implementation include reduction of combined sewer overflows, increasing the flow and treatment capacity of the treatment plant, and decreasing the number of direct stormwater discharges to the St. Clair River.

In early August, project staff held a meeting in Sarnia with St. Clair RAP coordinators from Ontario MOE and Michigan DNR, representatives from the City of Sarnia Waste Water Treatment Center and Port Huron Utilities, and a representative from the Great Lakes Pollution Prevention Centre. Under the aegis of the St. Clair RAP, this meeting explored the possibilities and scoped out the willingness and available resources necessary to undertake source reduction program development. As the meeting proceeded, participants expressed interest in targeting communities that could influence wastewater pretreatment, including small businesses and households.

In response to meeting discussion, it was decided that the project workplan would focus on developing an outreach program to provide information on source reduction for identified pollutant sources among commercial/industrial users of wastewater treatment plants in both Port Huron and Sarnia. The extensive outreach experience of Port Huron Waste Water Treatment Plant will be used to transfer lessons to the Sarnia side of the River, while new source reduction techniques will be applied to pollutant sources for both treatment plants. In addition, the cooperation of Lampton Industrial Society (LIS), in its representation of large petrochemical producers, is being solicited to provide leadership and to demonstrate parallel efforts in source reduction to the smaller companies that use the Port Huron and Sarnia waste water systems. Project staff will work with LIS and the RAP team to develop a strategy to promote source reduction as the preferred method of waste management in the St. Clair community.

In the final phase of the St. Clair pollution prevention project, project staff will organize a workshop for plant operators, to communicate the importance of source reduction outreach as a low cost alternative to treatment-plant expansion and further regulation. The workshop will be followed up by the development and dissemination of tools to assist the plant operators in instituting their own source reduction programs. In addition, efforts will be made to establish referral services regarding municipal pollution prevention techniques through the Great Lakes Pollution Prevention Center in Sarnia.

Project staff have distributed proposals to raise and exceed the match required by the Great Lakes Protection Fund. Support from the Protection Fund totals \$105,000 for year one and \$30,000 for year two, contingent upon the ability of project staff to raise an additional \$20,000. Funding efforts are directed towards promoting regional support for pollution prevention on the community level.

In response to this funding challenge, a grant application has been submitted to and accepted by the U.S. EPA Region 5 at a level of \$15,000. Proposals have also been submitted to the Gund and Joyce Foundation for \$15,000 each. In addition, proposals will be submitted to the Mott Foundation and the Great Lakes National Program Office for \$15,000 each.

Meeting or exceeding the Protection Fund's match will strengthen the dissemination phase of the project. This final phase of the project will focus on transferring the lessons learned from the pollution prevention

demonstrations in the Rochester Embayment AOC and St. Clair AOC to the other AOCs in the region. The objective will be to enable the RAP communities in the other Great Lakes AOCs to undertake local pollution prevention efforts which have been modeled on the pilot projects. Dissemination procedures will include direct mailings, presentations, updates, and, contingent on funding, a culminating seminar.

8. Support to Michigan Statewide Public Advisory Council (SPAC)

In January, the Great Lakes Commission was awarded \$136,000 from the Michigan Department of Natural Resources to support statewide public participation activities relating to Michigan's 14 Areas of Concern (AOC). The grant also will enable the Commission to enhance information sharing among all Remedial Action Plan (RAP) initiatives throughout the Basin via the Great Lakes Information Network (GLIN), the region's link to the Internet.

The Commission will assist Michigan's Statewide Public Advisory Council (SPAC) in its efforts to meet the goals of the state's Communication/Public Participation Strategy. This strategy is designed to heighten public awareness and knowledge of RAPs; secure broad-based public participation in the RAP process; and generate public support in the development and implementation of individual RAPs. The SPAC is comprised of one elected representative and an alternate from each of the 14 AOC's.

The following summary presents highlights and main accomplishments that have occurred in the first four months of the project:

- On January 27, 1994 the SPAC held a quarterly meeting in Lansing, Michigan. At the meeting Michael Donahue, Commission Executive Director, gave a slide presentation that provided an introduction to the Commission and described the services that the Commission will provide to the SPAC. A key topic discussed at the meeting was the planning of the annual Michigan citizen's conference to be held on September 17, 1994 in Port Huron, Michigan. The annual citizen's conference is open to all interested Basin citizens, and will provide an opportunity for information exchange regarding local level remedial actions in Areas of Concern. The Ontario Public Advisory Committee (OPAC) has expressed interest in participating at the citizen's conference. The SPAC also discussed its quarterly newsletter, which the Commission is responsible for producing, and the joint SPAC/Ontario Public Advisory Council (OPAC) meeting to be held September 16 and 18 in conjunction with the annual citizens conference. A joint SPAC/OPAC planning committee was established to ensure the interests of both groups are met. The planning subcommittee met on February 17, 1994.
- The Commission is responsible for facilitating and administering the Michigan AOC Public Involvement Demonstration Grants Program. Up to \$20,000 is available to support projects that advance public interest and involvement in the RAP process pertaining to Michigan's AOCs.
- In late January/early February, requests for proposals (RFPs) were sent to more than 400 potential applicants for funding under the Public Involvement Demonstration Grants Program. Proposals were due at the Commission office on February 28.
- In early March, the proposals were mailed to the SPAC for review and on March 11 a conference call was convened to discuss and choose the proposals to receive funding.
- Four projects were selected for funding under the FY 1994 Michigan Public Involvement Demonstration Grants Program totaling \$14,500 in requests. The successful applicants are:
 - 1) Friends of the St. Clair River (St. Clair AOC)- This project is broken into two components. In the first component, the Friends of the St. Clair River will promote public awareness and involvement in St. Clair River Week activities and solicit public participation in the development of the Stage II RAP for the St. Clair River. In the second component, the

Friends of the St. Clair River will develop the first of a series of public polling mechanisms designed to find out what methods of communication/promotion have been most successful at communicating with the public and motivating public involvement regarding the development of the RAP for the River.

- 2) Lapeer soil and Water Conservation District (Saginaw Bay/Clinton River/St. Clair River AOCs) - This project is targeted at fourth and fifth grade students and will provide resources to purchase an "Enviroscape" model to be utilized as a teaching tool for the district's education program. The model provides a graphic presentation on water quality and land use issues.
- 3) Friends of the Rouge (Rouge River AOC) -The Friends of the Rouge will conduct two training workshops for members of community groups, civic organizations, and school classes which volunteer to "adopt" sections of the Rouge River. The "adopt a stream" project is sponsored by the Rouge River Watch. The workshops will train volunteer group leaders to conduct stream surveys; organize quarterly stream cleanups; monitor water quality; and conduct pollution prevention projects.
- 4) Michigan Duck Hunters Association (Saginaw Bay AOC)- The Michigan Duck Hunters Association will develop a display board that will highlight wetland projects around the tri-county area, as well as potential areas for future wetland rehabilitation activities. The display will be made available to all area schools and will serve as an excellent educational tool.

- The next meeting of the SPAC is scheduled for Thursday April 28, 1994. The general agenda items include an SPAC team building exercise, finalize speakers for the citizen's conference, and the 1995 SPAC work plan.

**MEETING OF
PROGRAM COMMITTEE
RESOURCE MANAGEMENT & ENVIRONMENTAL QUALITY**

**May 10, 1994
Tern Room
Maumee Bay Resort and Conference Center
3:30 p.m. - 5:00 p.m. (EDT)**

Preliminary Agenda

- | | | |
|----|---|---|
| 1. | Welcome and Introductions | Tom Crane, Program Mgr.,
Resource Mgmt. and
Environmental Quality and
Wayne Warren, Session Chair
(Ohio DNR) |
| 2. | Session Objectives | T. Crane and W. Warren |
| 3. | Resource Management and Environmental Quality
Program Overview and Project Updates: | T. Crane |
| | a) Soil Erosion and Sediment Control | |
| | b) Emergency Preparedness and Response | |
| | c) Aquatic Nuisance Species Control | |
| | d) Pollution Prevention and Remedial Action Plans | |
| | e) Water Resources Management | |
| 4. | Questions, Comments and Discussion | All Committee Members and
Participants |
| 5. | Review of Great Lakes Commission Policy Document | T. Crane and W. Warren |
| 6. | Issues for Program Committee/ Great Lakes Commission
consideration/action: | |
| | a) Watershed planning | W. Warren |
| | b) Funding for aquatic species research and control | Dan Stouffer, Office of the
Lieutenant Governor, Michigan |
| | c) Use of dissolved vs. recoverable metals standards
for water quality criteria in GLWQI (See
Attachment A) | D. Stouffer |
| 7. | Identification and introduction of other issues to be
considered for inclusion in policy document | T. Crane and D. Stouffer,
Office of the Lieutenant
Governor, Michigan |
| 8. | Other Business | |
| 9. | Adjourn | |

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
KEY ISSUES
of the
GREAT LAKES WATER QUALITY GUIDANCE

1. Aquatic Life -- Bioavailability

GLWQG: The proposed methodology is not specific as to the form in which an aquatic criterion should be expressed (i.e., total, dissolved, etc.) leaving this determination to the States or Tribes. Any analytical measurement other than total (i.e., dissolved) is a measure of a fraction of the total concentration and in some cases may more accurately reflect the biologically available form. The majority of the metals criteria proposed in the guidance are expressed as total recoverable metal.

EPA's Science Advisory Board recommended that EPA consider the biologically available form of a pollutant when establishing water quality criteria. In order to address this comment with regards to the criteria which have been proposed, the guidance allows the use of a site specific criteria modification procedure called the water effect ratio. The water effect ratio allows modification of a criteria, and hence a permit limit, so as to address only that fraction of the parameter in the receiving stream which is biologically available.

Department Position: The Department supports use of the water effect ratio presented in the Guidance for addressing site specific aquatic criteria modifications. However, we also recommend that the Guidance provide sufficient flexibility to base criteria on the bioavailable fraction of a pollutant if adequate scientific and toxicological data are available to define that fraction and analytical methods or other predictive tools are available for permit compliance purposes.

2. Human Health -- Exposure Assumptions and Risk Factors

GLWQG: The proposed human health methodology assumes exposure of a 70 kilogram (154 pound) adult to an average daily maximum acceptable contaminant level for a 70 year lifetime. Such exposure assumes consumption of a daily average of 15 grams of Great Lakes system sport fish and either two liters of drinking water or 0.01 liters of water through recreational activities. Given these assumptions, there should be no observable adverse effects from acute, subchronic or chronic exposure for noncancer endpoints (including reproductive and developmental effects), and no greater additional risk of cancer than 1 in 100,000.

Department Position: The Department supports the proposed GLWQG exposure assumptions. Michigan's current exposure assumptions parallel the GLWQG proposal except for fish consumption. Michigan currently uses the national average fish consumption rate of 6.5

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FAX NO. 13135567629

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 27 1993

OFFICE OF
WATER

Honorable Tim Holden
House of Representatives
Washington, D.C. 20515

Dear Congressman Holden:

Thank you for your letter of September 27, 1993 to Mr. Robert Hickmott of the Environmental Protection Agency's (EPA) Office of Congressional and Legislative Affairs, requesting information on several issues related to Pennsylvania's ongoing water quality standards triennial review. You also mentioned that EPA's August 2, 1993, response to a previous inquiry from your office had no specific information on the scope of EPA's activities to address issues with its metals criteria. I will briefly summarize below the scope and status of current activities related to EPA's efforts to address metals criteria issues and will try to address, to the extent possible, each of the specific issues you raised related to Pennsylvania's triennial review.

In the August 2, 1993 letter, I mentioned that we were working on additional guidance for metals criteria and their implementation, including our policy position on dissolved versus total recoverable metals, and that we were planning to issue this guidance in September of 1993. The guidance was actually transmitted to EPA Regional Offices on October 1, 1993. A copy of the entire guidance package is enclosed for your information. This guidance covers a number of issues including the expression of aquatic life criteria; total maximum daily loads, National Pollutant Discharge Elimination System (NPDES) permits, effluent monitoring and compliance; and ambient monitoring. Other upcoming guidance related to metals criteria includes: 1) issuance of interim guidance on a site-specific approach to develop metals criteria (known as the water-effect ratio), 2) draft protocols for clean sampling and analytical techniques, and 3) development of sediment criteria to address metal impacts in sediments. For additional information on these efforts, I refer you to the guidance which is enclosed.

With regard to the specific issue raised in your letter about the use of dissolved metal versus total recoverable metal in setting State water quality standards, EPA recommends the use of dissolved metals to set and measure compliance with water quality standards in the guidance. EPA will also approve States that choose to adopt standards based on total recoverable metal, if those standards are otherwise approvable as a matter of law. NPDES permit limits must continue to be expressed in terms of total recoverable metal.

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SENT BY: .

PE-EES / NAO ENV
12-27-93 ; 2:27PM ;

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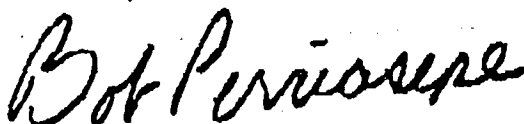
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You also requested EPA's response to six questions related to Pennsylvania's water quality standards triennial review. Our responses are provided in an enclosure to this letter. In addition, you requested copies of the staff's analysis of the "safety factors" issue discussed by the scientists at the Annapolis workshop. Although work has begun on this important issue, the analysis is not yet complete. Once completed, we will circulate it for public review, and will be happy to provide you a copy. Completion, of course, is dependent on available resources, particularly in light of competing statutory and court-ordered mandates.

I hope this letter addresses your concerns. If you have further questions, please contact me or have your staff call James A. Hanlon, Acting Director of the Office of Science and Technology, at (202) 260-5400.

Sincerely,



Robert Perciasepe
Assistant Administrator

Enclosures

You requested specific information related to issues on Pennsylvania's water quality standards triennial review. Our responses follow:

Question #1: Will EPA approve aquatic life criteria expressed as dissolved metals?

EPA will continue to approve this type of criteria in accordance with its current policy as stated in the guidance. You also requested information on which other States have received EPA approval for a dissolved metals approach. The enclosed list provides a summary of the States with approved dissolved criteria. This list was developed from an informal survey of the 10 EPA Regional Offices. Approximately one-third of the States presently interpret their water quality standards as dissolved. The number of States using this approach may increase in the future as a result of the recent guidance.

Question # 2: Which metal form more closely reflects the toxic fraction of metals in ambient waters (i.e., total recoverable or dissolved)?

Dissolved metal more closely approximates the toxic or bioavailable fraction of metal in the water column than does total recoverable metal. This conclusion is supported by a majority of the scientific community within and outside EPA. The rationale for this conclusion is fully articulated in the enclosed guidance. As stated in the guidance, however, there is a need to better understand the mechanisms of metals toxicity, the fate and transport of metals in the aquatic environment, and particularly the impacts in sediments.

Question #3: Does EPA possess information showing that municipal biological treatment (e.g., secondary or tertiary treatment) reduces the toxicity of metals?

We are not aware of any data showing that municipal biological treatment reduces the toxicity of metals. There may be some reduction in the concentration of metals in treated effluents, however. The enclosed report entitled, "Fate of Priority Pollutants in Publicly Owned Treatment Works," contains data on reduction levels for metals and other priority pollutants. The primary purpose of this type of treatment is removal of conventional pollutants, not removal of toxic pollutants such as metals. There is some metals removal from municipal biological treatment, but pre-treatment programs may be necessary to effectively remove metals prior to discharge into a publicly owned treatment work (POTW).

Question #4: Can EPA demonstrate that copper normally found in municipal effluent after biological treatment is toxic to aquatic life?

EPA has a large amount of data on aquatic life toxicity from copper. In fact, our regulation of copper is based upon copper's demonstrated toxicity to aquatic life. Our data, however, are not specific to copper in POTW effluent. I am enclosing the copper criteria document, which details much of the data on this issue. Also note, as

mentioned above, that the purpose of biological treatment is not to remove toxic pollutants such as copper, and utilization of pre-treatment programs may again be necessary for effective removal.

Question #5: Can EPA demonstrate that metals discharged near or above acute criteria levels are likely to cause acute impacts in one hour?

EPA does not have any specific data on metals discharged near or above criteria levels showing acute impacts in one hour. The one hour averaging period is a default value which is expected to be protective for both fast-acting and slower-acting toxicants. Even when a criterion is based on a one hour averaging period, in practice, one day periods are generally the shortest periods for which waste load allocation modelers and enforcement personnel have adequate data. Thus, a one day, rather than one hour, averaging period is used to develop waste load allocations in most cases. This assumption is consistent with other pollutant concentrations in waste load allocation modeling. Attainment of the one hour average criterion can be ensured by paying particular attention to short-term effluent variability and requiring measures to control such variability when needed.

Question #6: Will EPA approve application of acute metals criteria on a 24 hour average basis?

EPA will allow a different averaging period (including a 24 hour averaging period) provided the alternative is supported by adequate data relating toxic response to exposure time. Preliminary laboratory information on metals suggests that the appropriate averaging period varies with the specific metal. While some metals are reasonably fast-acting (over a few hours), other metals are slower-acting and a 24 hour averaging period may be appropriate. EPA's Environmental Research Laboratory in Duluth is investigating this issue as part of EPA's aquatic life criteria methodology effort. The goal is to address averaging periods in a form that is more appropriate for metals and other chemicals. In the interim, States have flexibility in this area as supported by data.

**The Great Lakes Water Quality Initiative (GLI)
The Dissolved/Bioavailable Metals Issue**

Technical Discussion Paper

**American Automobile Manufacturers Association
March 1, 1994**

Issue

The aquatic life criteria for metals are expressed as total recoverable despite recent decisions by EPA that dissolved criteria are more appropriate.

Many dischargers into the Great Lakes have stated that a large percentage of the cost impact of the GLI and other State water regulations is due to the application of overly conservative aquatic life criteria for metals and subsequent permit limitations. Historically, aquatic life criteria for metals have been expressed in permit limitations as total recoverable metal, which in most cases vastly overestimates the potential impact on receiving waters.

Discussion

Expressing water quality criteria for metals as total recoverable is inconsistent with the experimental data used to develop the criteria. In the last few years, EPA has begun to recognize the conservativeness and inappropriateness of this approach.

Toxicologists have known for many years that the toxicity of most metals to aquatic life is dependent on the form of that metal in the environment. The concern is for the "bioavailable" form of the metal, i.e., that fraction that is available in the environment to cause toxicity. By far the most toxic form of most metals is the free ionic form (e.g., Cu^{+2}). This ionic form may make up only a small fraction of the dissolved metal in ambient waters, because metals are frequently bound to organic and inorganic substances. In addition, the dissolved fraction may constitute only a relatively small percentage of the total recoverable fraction.

In May 1992, EPA published "Interim Guidance on Interpretation and Implementation of Aquatic Life Criteria for Metals". In January 1993, EPA sponsored a Workshop on Aquatic Life Criteria for Metals in Annapolis, Maryland, where experts from all over the country provided data and technical input.

In response to the findings of the Workshop, Martha Prothro, Acting Assistant Administrator for Water, issued a draft policy memorandum to the Water Management Division Directors in April 1993, which stated:

In the future EPA may revise its aquatic life criteria for metals to more accurately reflect the bioavailable fraction of the metal...Because they may have to legally defend their standards, if a state chooses to account for uncertainties by expressing metals criteria as total recoverable metal, they should have a defensible rationale for using total recoverable criteria rather than dissolved criteria as recommended.

The recommendations from the workshop were published in the Federal Register in June 1993 for public comment. The workshop participants specifically recommended that existing water quality criteria be expressed as dissolved metal.

On October 1, 1993, EPA issued its "Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria" ("Memorandum"). The Technical Guidance is in the format of a memorandum from Martha Prothro to the Water Management Division Directors, Regions I-X. The Memorandum summarizes EPA's position as follows:

It is now the policy of the Office of Water that the use of dissolved metal to set and measure compliance with water quality standards is the recommended approach, because dissolved metal more closely approximates the bioavailable fraction of metal in the water column than does total recoverable metal. (emphasis added)

This acknowledgment is an important first step toward the scientifically sound application of EPA's water quality criteria.

Recommendations

The GLI should recognize that not all forms of metal pollutants are toxic to aquatic life, and that the proposed GLI aquatic life criteria for metals should be based upon the dissolved metal form.

There were a number of technical and policy issues raised in comments to EPA. Many of these suggested relatively minor changes in the EPA proposal that could significantly reduce the cost of implementing GLI with no adverse environmental impact. The most significant recommendation is to express aquatic life criteria for metals as dissolved, rather than total recoverable as proposed. Unless the Great Lakes states take the initiative to influence EPA to account for dissolved

metals, the science underlying the Memorandum will be wasted, and the significant cost impact of the GLI on business will be magnified, with no environmental benefit.

Existing State water quality standards and regulations should be amended to reflect EPA's new internal policy.

During the interim between EPA's promulgation of final GLI guidance (by March, 1995) and State adoption of standards consistent with the final guidance (within 2 years of promulgation), numerous discharge permits will be issued by the Great Lakes States. To prevent the unnecessary and costly impacts associated with the application of old and scientifically inaccurate concepts of total recoverable metals, the Great Lakes States should begin immediately the process to amend their water quality standards to reflect the new science associated with dissolved aquatic life criteria for metals.



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MEMORANDUM

EXECUTIVE DIRECTOR
MICHAEL J. DONAHUE, Ph.D.

TO: Commissioners and Observers

FR: Steve Thorp, Program Manager
Transportation and Economic Development S.T.

DA: April 21, 1994

RE: Project and Issue Update

CHAIR

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Pennsylvania Dept. of
Environmental Resources
Harrisburg, Pennsylvania

VICE CHAIR

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Pennsylvania Dept. of
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NATHANIEL E. ROBINSON
Wisconsin Dept. of
Administration
Madison, Wisconsin

1. State of the Lakes Ecosystem Conference (SOLEC)

A major conference to be co-sponsored by Environment Canada and U.S. EPA is planned for October 26-28, 1994 in Detroit, Michigan. The Commission has been asked to contribute a paper on socio-economic information pertaining to the binational Great Lakes Basin economy. This paper, to be prepared during the spring of 1994, in collaboration with the Federal Reserve Bank of Chicago, will be one of six background papers to be published and distributed in advance of the conference. Also, Commission staff will help organize a session at the conference addressing socio-economic issues.

2. Model Port Land Preservation Policy

Throughout the Great Lakes St. Lawrence maritime system, the port infrastructure that sustains commercial navigation is undergoing change. Some port activities are disappearing whereas new ones come about. Recreational use of commercial harbors has been growing and lands adjacent to port areas are being converted to other uses including residential development. This gentrification of the traditional port landscape is creating a dilemma--how much port or harbor-adjacent land should be released for other use and what should be retained for future maritime use?

The region's maritime interests believe that ports and their communities should work together to develop sensible guidelines to resolve future land use conflicts. They also agree that the Great Lakes Commission, with its staff connection to the Great Lakes St. Lawrence Mayors' Conference, would be an appropriate organization because of its broad makeup and geographical base to take the lead in developing a model preservation policy. A discussion of the issue took place at the October 8 Great Lakes states marine planning officials meeting in Duluth held in conjunction with the Commission's Annual Meeting. Staff has prepared draft elements of a Model Port Land Preservation Policy (Policy Statement) which will be advanced for review at the 1994 Semi-Annual Meeting. It is anticipated that following preparation of additional material including language for a model ordinance and thorough review of the policy statement recommendations by the Great lakes port community, the Commission's Executive Committee will consider formal adoption of it during the summer of 1994. The Commission initiative will be on the Mayor's Conference agenda in September with a presentation and request for endorsement.

Established in 1955 by inter-state compact "to promote the orderly, integrated and comprehensive development, use and conservation of the water resources of the Great Lakes Basin."

3. Declaration of Indiana

The landmark maritime agreement signed by nineteen organizations on May 15, 1991 is continuing to guide regional maritime policy development through a consensus-building process. Every spring since its inception, the Action Agenda has been updated. Four additional organizations have signed the *Declaration* since 1991. On April 1, 1992, the first "consultative meeting," as called for in the *Declaration's* Action Agenda, was held between *Declaration* signatories and U.S. Department of Transportation officials, including the Assistant Secretary of Transportation and the Maritime Administrator. On March 16, 1993, another Washington consultative meeting was held. "Seaway Day," a consultative/briefing session with Canadian government and industry officials, was held May 5, 1993 in Ottawa. In 1994, the Washington consultative session was held on March 23.

4. Assistance to Mayors' Conference Secretariat

The International Great Lakes St. Lawrence Mayors' Conference celebrated its sixth year of existence with its 1993 Annual Meeting in Montreal, Quebec on May 12-14, held in conjunction with the Commission's Semi-Annual Meeting. The conference has grown from a fledgling organization fully dependent upon the Maritime Forum and host conference cities for most aspects of its operation to an increasingly independent, self-sustaining entity.

In 1992, the mayors agreed to formally incorporate, through the Canada Corporations Act, and set up a dues-paying membership with an annually-elected board of directors. That year was the first year the Mayors' Conference contracted for secretariat services through the St. Lawrence Economic Development Council (SODES). SODES contracted with the Commission to assist with U.S. coordination activities. In its support role, the Commission has been involved in conference planning, publicity and resolution development and dissemination. Also, recruitment of American mayors has been a goal. SODES has renewed its agreement with the Commission for 1994. Plans are underway for the 1994 Mayors' Conference, which is scheduled for September 14-16 in Superior, Wisconsin. Commission staff has been involved in advising Superior officials on the conference agenda.

5. Sustainable Development: A Northwest Indiana Case Study

The goal of achieving balance between economic development and environmental protection is at the heart of "sustainable development." This concept--which links the environment and economy and calls for a way of life that does not compromise the ability of future generations to meet their own needs--gained global recognition at the 1992 Earth Summit in Rio. Since then, sustainable development has become part of the rhetoric, but not necessarily the practice, of governments and organizations around the world.

From a historic perspective, the Great Lakes region of North America reflects the consequences of industrial development absent measures designed to prevent environmental side effects. While heightened sensitivities and governmental regulations have moved the Great Lakes toward improved conditions, there remains much evidence of environmental damage from past abuses. Environmental restoration and remediation as well as protection will all be needed in the future. However, achieving that common ground where a strong economy and healthy environment are mutually sustaining will not come easily. What is needed are examples of practical solutions to these long-range planning problems. Guidance in the form of what works and what doesn't would naturally follow from the examples.

Northwest Indiana, as the center of the U.S. steel production, is generally recognized as among the areas in America experiencing acute environmental crisis. This southern Lake Michigan coastal area, where the science of "ecology" was born, has areas of extraordinary natural beauty and qualities of life that uniquely qualify it as a testing ground to determine whether industrial growth and environmental responsibility can be sustained in balanced harmony.

The Great Lakes Commission plans to work with government, industry and citizen leaders in northwest Indiana to design and explore funding and partnership opportunities for the sustainable development demonstration project. A solution that works in northwest Indiana can serve as a model for communities throughout the Basin. Elements of the project may include the adoption of sustainable development principles for resource users; growth management guidelines; social and ecology research and monitoring; technology transfer; and public information and education. Last year's efforts included wide distribution of a press release identifying the prospective Commission project and discussion with industry representatives and environmental agencies and organizations.

Since November 1993, three stakeholders meetings have been held in Northwest Indiana. A steering committee for the project has been assembled and a funding proposal prepared. The proposal is for a two-year period and project funds will support the convening of a Sustainable Development Congress, and development of a Partnership Agreement for area interests and function as seed money for several specific projects to be undertaken during the second year.

6. U.S./Canada Border Crossings: Physical Infrastructure and Institutional Issues

The Intermodal Surface Transportation Efficiency Act of 1991 required the U.S. Department of Transportation to conduct a study addressing major international trade corridors within North American and the feasibility of establishing a border crossing highway infrastructure program. While this federal interest in border crossings is welcome and now that the ISTEA study is complete, there is a concern that the primary focus may be on the Mexican border, because of the national interest and debate on the recently-signed North American Free Trade Agreement (NAFTA). Also, the southwestern states, likely to gain the most benefit from NAFTA, have mounted a lobbying campaign to support substantial federal expenditures on infrastructure improvements including border control personnel (immigration and customs).

With NAFTA, U.S.-Canada and U.S.-Mexico trade will likely continue to increase. Even Canada-Mexico trade flowing through the United States, will likely be developed as new business and trading opportunities arise. The Great Lakes states-Canada trade volume and value is significantly greater than for the entire U.S.-Mexico trade and for this reason, the Great Lakes region needs to assure that appropriate levels of resources are provided, commensurate with the importance of existing and future trade activity.

A draft policy position statement with accompanying background information has been prepared by staff. The focus of the statement is on the institutional infrastructure needs of Great lakes states to facilitate North American cross-border trade. A small group of project advisors has been established, comprised of representatives from Minnesota, Michigan and New York, the three Great Lakes states which have Canada border crossings. The policy position will be presented at the Commission's Semi-Annual Meeting in May, 1994 for review and approval.

7. Coast Guard Funding

Due to budget problems, the U.S. Coast Guard proposed in spring of 1993 to decommission the 290-foot icebreaker, *Mackinaw*. This action came at a time when \$1 million worth of modernization work was set to begin. (\$14 million is needed for a more complete overhaul.) The Commission, in late April 1993, communicated its opposition to "mothballing" to the House Appropriations Committee.

The *Mackinaw* has provided exceptional icebreaking service to commercial navigation and has been invaluable in thwarting serious ice jams and related flooding along the Great Lakes connecting channels. The vessel is the only Great Lakes-stationed U.S. Coast Guard vessel capable of breaking heavy ice and windrows, establishing a track sufficient for 1000-foot lakers and operating on multiple day missions. The *Mackinaw* is also the only Coast Guard vessel capable of performing search and rescue duties under gale-force wind conditions.

The Commission again communicated with Congress in February 1994, urging a \$300,000 supplemental appropriation to keep the *Mackinaw* operating to October---- beyond its scheduled decommissioning of June 1, 1994. The Commission correspondence indicated that the need to provide for satisfactory seasonal icebreaking on the Great Lakes was paramount until other arrangements such as deployment of a new icebreaker could be implemented. In March 1994, it was announced by Rep. Bob Carr, Chairman of the Appropriations Subcommittee on Transportation, that he would commit to *Mackinaw* funding for another year. Carr also indicated that members of the Great Lakes Congressional delegation, industry and the Coast Guard would work during the next year on an acceptable long-range icebreaking plan for the Great Lakes.

8. Great Lakes States Maritime Officials Forum and Congressional Maritime Breakfast

On October 8, 1993 in Duluth, the Commission convened marine planning officials from the eight Great Lakes states to discuss regional issues and prospective coordination on legislation and other developments. The session featured presentations by each state regarding their Great Lakes priorities and by experts on the dredging industry, land use planning and port development and Great Lakes shipping.

Members of Congress and their staffs were on hand March 24, 1994 for the Great Lakes Maritime Congressional Breakfast, where they exchanged legislative ideas with key public and private sector leaders on Great Lakes maritime issues. Approximately 20 congressional offices were represented. The Breakfast--hosted by the Great Lakes Commission, the American Great Lakes Ports and the Great Lakes Maritime Task Force--is a long-standing annual tradition. This year's event included a presentation of the 1994 Great Lakes Maritime Action Agenda, a set of federal legislative and policy priorities identified by the leadership of the Great Lakes-St. Lawrence Seaway maritime community.

9. Soo Locks Funding

In February 1992, the Great Lakes Commission asked the Great Lakes states, through the Soo Lock Funding Alternatives Task Force, to develop a current position on Soo Lock funding and also to consider a staff proposal to seek all or partial funding of the non-federal cost share from the Harbor Maintenance Trust Fund. This proposal would link Louisiana's Industrial Canal project in New Orleans with the Soo in a cooperative advocacy strategy. The task force recommended that the Commission advocate the Trust Fund approach, which is consistent with the well-established Commission position of "full federal funding" because the Trust Fund, even though supported by deep draft navigation user fees, is under federal control. On March 25, 1992, Commission staff presented testimony on this issue in Washington before the House Water Resources Subcommittee. Draft legislative language related to the Commission proposal was prepared.

The Commission's approach on possible Trust Fund use for the non-federal share has been toned down in response to concerns about its impact on another Commission objective: that of rolling back the harbor maintenance fee to .04%. In spring 1993, the Commission began working with key representatives, including Kaptur (OH) and Stupak (MI) to get an initial design and engineering appropriation for the new lock. This effort was unsuccessful in the House Appropriations Committee. The Corps' Detroit District is currently conducting a reliability (lock disruption) study of the existing large lock.

The Commission staff met with Congressional staff in Washington on March 24, 1994 to discuss prospective funding strategies. It was indicated that the Trust Fund approach ought to be revisited and also a small appropriation to initiate planning, engineering and design should be advocated. Also, reauthorization of a second large lock should be secured through the Water Resources Development Act of 1994.

10. Confined Disposal Facilities (CDF) and Related Dredging and Contaminated Sediment Issues

The CDF issue has been a priority concern of the Commission since it was a focus of recommendations of the Great Lakes Commercial and Recreational Harbor Dredging Task Force in November 1988. Commission policy recognizes the need for additional future Great Lakes CDF capacity in order to maintain dredging activities for commercial navigation. The Commission urges that new CDFs and/or improvements

to existing ones should be fully funded by the federal government and management plans should be developed for each CDF project. Commission advocacy on this issue has been conducted through Congressional testimony and correspondence, extensive Congressional staff contact and also through coordination with the Commission's Great Lakes Dredged Materials and Disposal Options Task Force. Prospective legislative vehicles to achieve the Commission's CDF goals include the Clean Water Act reauthorization and the 1994 Water Resources Development Act. Section 1002 of the Senate Clean Water Bill reflects some of the Commission's recommendations. Staff has transmitted additional comments during the drafting of the House legislation. This proposed legislation will be subject to continued staff review with formal action by the Commission a possibility.

On February 23, 1994 Commission staff also transmitted to the Deputy Maritime Administrator, comments on current U.S. dredging policy including the CDF issue. The Maritime Administration is the lead agency for the Interagency Working Group on the Dredging Process—a year-long federal effort to improve the permitting process and address other dredging issues.

11. U.S. Army Corps of Engineers Reorganization

The first phase of a proposed Corps reorganization plan, released in late 1992, called for the elimination of the North Central Division office in Chicago and the transfer of its functions to a larger jurisdiction office in Cincinnati. A Commission policy position in response to several concerns about the plan was developed in early January 1993 and communicated widely to federal officials and members of Congress. The Commission's main concerns, if the plan is fully implemented, are: 1) the likely loss of Great Lakes-specific Corps expertise; 2) the plan's de-emphasis of the Great Lakes Basin as a unique and discrete water resources unit; and 3) a likely reduced Corps commitment to international obligations in the region. The Commission chair presented testimony before the Investigations and Oversight Subcommittee (Public Works and Transportation Committee) on May 6, 1993 in Washington. Implementation has stalled because of the registering of these concerns, Congressional support for changes, and a delay in Department of Defense review. The Corps reorganization plan was withdrawn by the Clinton Administration on November 1, 1993. The current Administration's cost cutting and government streamlining initiative has also identified the need for Corps reorganization and the Secretary of Defense is currently developing a new plan that will entail a reduction in Division offices and some restructuring of District functions. The Commission continues to monitor the plan's development.

**TRANSPORTATION AND ECONOMIC DEVELOPMENT
PROGRAM COMMITTEE MEETING**

**MAY 10, 1994
Navigator Room
Maumee Bay Resort and Conference Center
3:30 p.m. - 5:00 p.m.**

AGENDA

3:30 p.m.

Opening Remarks

George Ryan, (OH)
Session Chair

The Great Lakes Commission's Transportation and Economic Development program and recent accomplishments.

**Steve Thorp, Program
Manager**

Update and discussion on current projects:

- State of the Lakes Ecosystem Conference and socio-economic papers
- Great Lakes Circle Tour
- Mayors' Conference
- Declaration of Indiana and related maritime advocacy
- Northwest Indiana Sustainable Development Initiative

**S. Thorp and
Commissioners/Advisors**

Action on current projects:

- U.S./Canada Border Crossings (review of draft policy position)
- Model Port Land Use Policy (review of draft materials)
- Revisions to GLC Policy Positions document

Commissioners/Advisors

Discussion of possible future projects

**S. Thorp and
Commissioners/Advisors**

5:00 p.m.

Adjourn



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Madison, Wisconsin

TO: Commissioners and Observers

FROM: *Carol* Carol Ratza, Program Manager
Communications

RE: Update on Communications Program Activities

DATE: April 15, 1994

The Communications Program continues to concentrate activities on two fronts: 1) developing innovative high technology research and communications tools to serve the region; and 2) informing the region of the latest Commission activities, regional news and upcoming policy issues through the bimonthly newsletter, the *ADVISOR*, and the Great Lakes Information Clearinghouse. In addition, several proposals are under development which will augment both the regional toxic air emissions inventory development effort and the Great Lakes Information Network (GLIN).

The Great Lakes Toxic Air Emissions Inventory Project

Phase 2 development of the automated, computerized emission inventory system has been accelerated thanks to a companion project funded by the U.S. EPA. A subgroup of the Great Lakes States (i.e., Illinois, Wisconsin and Indiana) and the GLC received \$1 million additional funding from the U.S. Environmental Protection Agency to undertake the "Southwest Lake Michigan Urban Areas — Chicago, Milwaukee and Gary — Toxic Air Emission Inventory Project or *Pilot Project* (a.k.a. Phase 2.5) to build upon Phase 2 efforts and develop an automated emissions inventory system of toxic air pollutants ["Regional Air Pollution Inventory Development System" or *RAPIDS*] for the combined Southwest Lake Michigan urban areas. *RAPIDS*, an ORACLE®-based client/server system, will also cover criteria pollutants and will include both point and area sources. The participating states will populate the system with emissions data and estimates for a list of 40+ target compounds of interest (see Table 1). The *Pilot Project* will allow the states to develop *RAPIDS* for use in both the *Pilot Project* AND Phase 3 of the regional (i.e., eight states and Ontario) inventory development effort. As such, the *Pilot Project* will allow the states to evaluate the *Protocol* document and "field test" *RAPIDS* prior to its more widespread use in Phase 3 of the regional toxic inventory project described above.

Established in 1955 by inter-state compact "to promote the orderly, integrated and comprehensive development, use and conservation of the water resources of the Great Lakes Basin."

The system is being designed such that the same core data structure can be used by both private industry and public agencies, facilitating the transfer of information among interested parties. *RAPIDS* can be easily expanded in the future to support multi-media and product-related applications, including process optimization and pollution prevention/waste minimization, and integrated multi-media permitting, monitoring, inventory, reporting and compliance activities.

The following discussion provides a very brief overview of *RAPIDS*. The initial *alpha version* of the software was completed in April 1994. A *beta version* will be ready for use by the states in June 1994. The successful effort to secure a \$1 million grant from the U.S. EPA for development of a pilot for the regional toxic air emissions inventory development project is the highlight of Communications Program activities since the 1993 Semi-Annual Meeting. Current project work, funded by the Great Lakes Protection Fund, will be expanded with the new federal funding.

The new Southwest Lake Michigan Air Toxics Emissions Inventory project is a year-long effort to test the protocol developed under the current phase of the project; develop a pilot computer management system for a regional air pollutant emissions inventory; and catalog emissions of 43 targeted toxic air pollutants from both large and small sources in the 12-county corridor which includes Milwaukee, Chicago and Gary. The pilot project will also link air agencies in the three states to U.S. EPA GLNPO offices via a GLIN/Internet connection. The air agencies and GLNPO will be able to share data electronically over this network.

The pilot inventory is being undertaken by the air agencies of Illinois, Indiana and Wisconsin. U.S. EPA has indicated that this effort, in addition to serving as a model for the eight state regional inventory, is being evaluated for future nationwide implementation to assist states in meeting Title V provisions of the Clean Air Act Amendments of 1990.

The Great Lakes Information Network

The Great Lakes Information Network (GLIN) project, initiated in May 1993 has been gaining widespread support and momentum. Statistics indicating the number of calls into the GLIN system are increasing dramatically, from 8,000 in the last quarter of 1993 to 5,000 in February 1994 to 10,000 in March 1994. Individuals from state, federal and provincial government, regional agencies, academia and around the world have signed on to the GLIN computerized information exchange service and have begun sharing information and data on a number of important Great Lakes regional issues. Data and information already on line include the Commission's new brochure, detailed information on GLIN, The Commission's 1993 Work plan and Annual Report, regional water use data, ecosystem charter draft document, groundwater education strategy, a directory of Great Lakes-St. Lawrence agencies and organizations, US EPA indicator species data, Coastal zone data from the Great Lakes Environmental Research Lab., human health bibliography, information on the 43 Areas of Concern, a comprehensive bibliography of Great Lakes research articles, meeting notices, a regional calendar, press releases and more.

An Advisory Board was formed in April 1994 to oversee GLIN development during this second year of the project. Board members from the states, provinces, federal agencies, academia and foundations guide GLIN implementation, outreach and proposal development. The GLIN Advisory Board list is included in the reference section of the Briefing Book.

GLC staff and cooperating agencies and organizations around the region are beginning to reference GLIN as 'the region's information exchange tool' and including GLIN-related efforts in budget requests and funding proposals.

With the latest federal government emphasis on building a U.S. information superhighway, GLIN places the Great Lakes Commission and the Great Lakes region in an ideal position to demonstrate applications, build connections and solidify this means of communication for the binational region. Several proposals to federal agencies solicited under 'National Information Infrastructure' initiatives are currently being prepared.

The ADVISOR

The Great Lakes Commission newsletter, the *ADVISOR*, is now in its sixth year of publication. The newsletter continues to be circulated free of charge to more than 2,000 individuals, including Commissioners, Observers, advisors, task force members, state and federal elected officials and policymakers, researchers, educators and others throughout the binational region. The *ADVISOR* will continue to inform and advise the region on policy positions, initiatives, regional events and activities. Special inserts also are regularly featured in the newsletter; recent subjects include the Great Lakes Basin Program for Soil Erosion and Sedimentation. Plans for the upcoming months include an insert on the Ecosystem Charter and the contingency planning efforts of the Commission. In addition, the full text of the *ADVISOR* is now available on the Great Lakes Information Network.

Please note that copies of the 1993 Annual Report, which is a special issue of the *ADVISOR*, are available to Commissioners and Observers for their use and dissemination.

GLIN Brochure

The Communications Program recently completed a new brochure that summarizes the Great Lakes Information Network. The brochure details how to participate and also describes GLIN's goals and accomplishments. The brochure has been widely distributed. Copies are available to Commissioners and Observers for their use and dissemination.

Table 1

**List of Target Compounds
Great Lakes Commission
Great Lakes States**

	Pollutant	Toxic List			Carcinogen	CAS #
		¹ Great Waters	² Great Lakes Commission	³ CAAA 112(c)(6)		
1	Arsenic	Yes	Yes		Yes	7440-38-2
2	Atrazine	Yes				1912-24-9
3	Benzo(a)anthracene		Yes			56-55-3
4	Benzo(a)pyrene	Yes	Yes		Yes	50-32-8
5	Cadmium	Yes	Yes		Yes	7440-43-9
6	Carbon tetrachloride	Yes	Yes		Yes	56-23-5
7	Chlordane	Yes			Yes	57-74-9
8	Chromium	Yes	Yes			7440-47-3
9	Chrome (6)		Yes		Yes	18540-29-9
10	Chrysene		Yes			218-01-9
11	Cobalt	Yes				7440-48-4
12	Coke oven emissions	Yes			Yes	
13	Copper	Yes				7440-50-8
14	1,2-Dichloroethane		Yes		Yes	107-06-2
15	Diethylhexyl phthalate		Yes		Yes	117-81-7
16	Di-n-butyl phthalate		Yes		Yes	84-74-2
17	Di-n-octyl phthalate		Yes			117-84-0
18	Dioxins	Yes			Yes	
19	Ethylbenzene	Yes				100-41-4
20	Fluoranthene		Yes			206-44-0
21	Heptachlor	Yes			Yes	76-44-8
22	Hexachlorobenzene	Yes	Yes	Yes	Yes	118-74-1
23	Hexachlorobutadiene		Yes		Yes	87-68-3
24	Hexachloroethane		Yes		Yes	67-72-1

Table 1
(Continued)

	Pollutant	Toxic List			Carcinogen	CAS #
		¹ Great Waters	² Great Lakes Commission	³ CAAA 112(c)(6)		
25	Lead	Yes	Yes		Yes	7439-92-1
26	Alkylated lead compounds		Yes	Yes	Yes	7439-92-1
27	Manganese and compounds	Yes				
28	Mercury	Yes	Yes	Yes		7439-97-6
29	Methoxychlor	Yes				72-43-5
30	Methylene Chloride	Yes				75-09-2
31	Napthalene		Yes			91-20-3
32	Nickel and compounds	Yes				
33	Parathion	Yes				56-38-2
34	Pentachloronitrobenzene (quintobenzene)	Yes			Yes	82-68-8
35	Pentachlorophenol	Yes				87-86-5
36	Phenol	Yes				108-95-2
37	Total polychlorinated biphenyls (PCBs)	Yes	Yes	Yes	Yes	1336-36-3
38	Total polychlorinated dibenzodioxins (PCDDs)	Yes	Yes		Yes	
39	Total polychlorinated dibenzofurans (PCDFs)		Yes			
40	Total polycyclic aromatic hydrocarbons (PAHs)	Yes	Yes		Yes	
41	Polycyclic organic matter (POM)	Yes		Yes		
42	2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)		Yes	Yes	Yes	1746-01-6
43	2,3,7,8-tetrachlorodibenzofuran (TCDF)	Yes	Yes	Yes	Yes	51207-31-9

Table 1
(Continued)

	Pollutant	Toxic List			Carcinogen	CAS #
		¹ Great Waters	² Great Lakes Commission	³ CAAA 112(c)(6)		
44	Tetrachloroethene		Yes		Yes	127-18-4
45	Trichloroethene		Yes		Yes	79-01-6
46	1,1,1-trichloroethane		Yes			71-55-6
47	2,4,5-trichlorophenol		Yes			95-95-4
48	2,4,6-trichlorophenol		Yes		Yes	88-06-2
49	Trifluralin	Yes			Yes	1582-09-8

1. Compounds listed (among others) on U.S. EPA "Great Waters" program list of targeted toxic chemicals.
2. Compounds originally targeted by Great Lakes Commission. Full GLC list now includes all 49 listed above.
3. Compounds identified (among others) in the U.S. Clean Air Act Amendments of 1990 (Section 112 (c)(6)).

**COMMUNICATIONS
PROGRAM COMMITTEE MEETING**

**May 10, 1994
Starboard Room
Maumee Bay Resort and Conference Center
3:30 p.m. - 5:00 p.m.**

AGENDA

3:30 p.m.	Opening Remarks	Frank D'Itri, (MI) Session Chair
	The Great Lakes Commission's Communications Program and recent accomplishments.	Carol Ratza, Program Manager
	The <i>ADVISOR</i>	Paula McIntyre, Editor
	Update and discussion on current projects and new funding. Current Projects: <ul style="list-style-type: none">• GLIN: The Great Lakes Information Network• Great Lakes Toxic Air Emission Factors Inventory• Southwest Lake Michigan Urban Areas Toxic Air Emissions Inventory and Regional Air Pollutant Inventory Development System (RAPIDS) New Projects: <ul style="list-style-type: none">• GLIN/Rural Development - Reaching out to the Indian Tribes in the Region• GLIN/BIONET: Great Lakes Region Biomass Energy Program Proposals Pending: <ul style="list-style-type: none">• NTIA: National Telecommunications Infrastructure proposal• Using RAPIDS for a multi-media inventory of toxic releases to meet goals of the Great Lakes Toxic Reduction Initiative	Staff and Commissioners/Advisors
	Action items: <ul style="list-style-type: none">• Air Toxic Emissions in the Great Lakes (review of policy position)	Commissioners/Advisors
	Discussion of possible future projects	Staff and Commissioners/Advisors
5:00 p.m.	Adjourn	



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MEMORANDUM

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NATHANIEL E. ROBINSON
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Administration
Madison, Wisconsin

TO: Commissioners and Observers

FROM: Michael J. Donahue
Executive Director

DATE: April 20, 1994

RE: 1) Agenda for Regional Coordination Breakout Group (May 10)
2) Update on Regional Coordination Program Activities

Attached you will find an agenda for the Regional Coordination Program Committee Meeting associated with the 1994 Semi-Annual Meeting. The objective of that meeting is to provide Program Committee members and interested observers with an opportunity—in an informal small group setting—to assess past and present program activities; identify future priorities; exchange information and, in general, provide advice and direction to the Commission. As noted, the session will be chaired by Joe Hoffman, and another Commissioner will be asked to report out at a plenary session the following day.

Also attached is a brief summary of recent/current program activities. To prepare for the meeting, I invite you to review this summary, as well as the relevant sections in the 1993 Annual Report and 1993 Work Plan. I invite any comments/inquires prior to the meeting; please contact me at 313-665-9135.

*Established in 1955 by inter-
state compact "to promote the
orderly, integrated and com-
prehensive development, use
and conservation of the water
resources of the Great Lakes
Basin."*

GREAT LAKES COMMISSION

Regional Coordination Program Committee Meeting

**Falcon Room
Maumee Bay Resort and Conference Center
Thursday, May 10, 1994
3:30 p.m. - 5:00 p.m.**

Preliminary Agenda

- 1) Call to Order and Introductions
- 2) Meeting Format and Objectives
- 3) Review of Program Committee Responsibilities
- 4) Update on Recent/Current Activities
 - a) Ecosystem Charter for the Great Lakes-St. Lawrence Basin
 - b) Agricultural Profile
 - c) Congressional Advocacy
 - d) Institutional Collaboration
 - e) Program Development
 - f) Outreach Activities
 - g) Others
- 5) Dialogue on Current Priorities/Identification of Unmet Needs
- 6) Identification of New Priorities
- 7) Open Dialogue on other Matters of Interest
- 8) Summary and Adjourn

**Joseph K. Hoffman, Chair
Great Lakes Commission
Michael J. Donahue,
Executive Director, Great
Lakes Commission**

All attendees

Activities Update - Regional Coordination Program

Introduction

The goal of the Regional Coordination Program is to strengthen the collective Great Lakes management effort through cooperative working relationships and joint initiatives with the range of public and private sector organizations with an interest in the use, management and protection of the Great Lakes resource.

The Regional Coordination Program is tied closely to other Commission programs. Projects and activities address the range of issues within the Commission mandate, and include advisory and support services to other organizations; conference co-sponsorship; Congressional briefings; joint initiatives in policy development and advocacy; and others.

Since the 1993 Annual Meeting, the Program has focused on several areas: strengthening existing relationships with other regional organizations through joint initiatives; developing new relationships with interest groups not yet involved in Commission activities; increasing the profile of the Great Lakes Commission and its positions within the Congressional Delegation, state Washington offices and other appropriate entities; developing a strong and active relationship with Ontario, Quebec and the government of Canada; and broadening the Commission's issue areas consistent with its mandate and resources.

The Regional Coordination Program reflects a mix of ongoing activities central to the Commission's mandate; larger scale, project-specific initiatives receiving outside support; and short-turn around projects to address emerging needs. For review purposes, these various types of initiatives are identified below as either "continuing priorities" or "new start 1993-94 activities."

Continuing Priorities

Under the Regional Coordination Program, a number of activities have become "institutionalized" at the regional and federal/Congressional levels. These are activities that provide a mechanism for the Commission's involvement in collaborative regional efforts and, in so doing, afford the Commission an opportunity to raise its profile and publicize its policy positions.

At the regional level, providing support for emerging organizations representing important sectors of the Great Lakes community has been a priority. In 1993-94 the Commission has provided organizational development/secretariat support to the International Great Lakes-St. Lawrence Mayors' Conference; a new chapter of the American Water Resources Association; the Council of Great Lakes Industries; the Legal Institute for the Great Lakes (University of Toledo); the Great Lakes Panel on Aquatic Nuisance Species; and the Governors' Water Resources Management Committee. In addition, Commission officers and staff dedicated substantial time to other organizations and programs that share Commission goals. Staff served on the IJC Science Advisory Board; a working committee of the Levels Reference Study; the boards or advisory committees of the International Association for Great Lakes Research, the Lake Superior Center, the Great Lakes Program at SUNY-Buffalo, Michigan and Illinois/Indiana Sea Grant Programs, the CenStates Chapter of the Travel and Tourism Resources Association, the American Society of Civil Engineers' Committee on Environmental Responsibility, the American Water Research Association-Michigan Section, the national Aquatic Nuisance Species Task Force, and many others.

Involvement in such activities is highly selective, and is limited to those activities that are consistent with Commission goals and advance specific program and project priorities. In most cases, project funds cover the costs of participation, and the networking opportunities are a good vehicle for promoting Commission interests and identifying funding opportunities.

At the federal/Congressional level, several continuing priorities have been addressed since the 1993 Annual Meeting.:

- 1) Great Lakes Washington Program - In 1987, the Great Lakes Commission joined with the Council of Great Lakes Governors and the Northeast-Midwest Institute to establish a Washington Liaison service—a Washington D.C.-Based individual that would track and report on Great Lakes-related legislative, policy and program developments and opportunities. The initiative responded to a growing need to enhance the profile and impact of regional organizations and their policy positions with the Congress, the Administration, and relevant federal agencies. The Washington Liaison concept proved to be a valuable one in subsequent years and, over time, became an integral component of Great Lakes Commission activities and those of other sponsoring organizations. It has been particularly successful in serving as a vehicle for coordinating and presenting regional legislative and appropriations priorities to the Congress.

In 1992, the Washington Liaison service was enhanced and expanded when the Great Lakes Commission joined with the Council of Great Lakes Governors, Northeast-Midwest Institute and The Center for the Great Lakes to establish a "Great Lakes Washington Program." Two year funding support was provided by a consortium of regional foundations.

In March 1994, foundation support for the Program was concluded. Allegra Cangelosi, who served as Program Director, assumed a senior staff position at the Northeast-Midwest Institute, where she continues to work on many of the same issues and provides many of the same services. Discussions with the Institute director are underway in the interest of purchasing a portion of Allegra's time to keep the Program intact and provide a number of specific services to the Great Lakes Commission.

- 2) Reference Guide to Federal Funding for Great Lakes Environmental Programs - The Commission has annually joined with other regional organizations (governmental and citizen-based) to prepare and present an analysis of the president's budget request as it relates to Great Lakes environmental programs. A "blueprint" for legislative action, the document is released at a Congressional briefing and press conference (or similar event) each spring involving numerous members of the Great Lakes Congressional Delegation.

The document is now in preparation at the Northeast-Midwest Institute and Great Lakes Commission staff have contributed to its development. A draft will be available in late April/early May for Great Lakes Commission review and approval. Once approval is received, the Commission will assist in the organization and conduct of a press conference or other event to formally release it.

- 3) Congressional/Parliamentary Dialogue on Great Lakes Water Quality - Held on a biennial basis since the mid-1980s, the Congressional/Parliamentary Dialogue affords key members of Congress and Parliament an opportunity for expert briefings, informal dialogue and joint decision-making on binational priorities for Great Lakes St. Lawrence resource management and environmental protection. Sponsoring organizations have included the Great Lakes

Commission, the Northeast-Midwest Institute; The Center for the Great Lakes; and the Centre for Legislative Exchange.

Original plans called for a Dialogue in late 1993; these plans were postponed due to elections/change of leadership in Canada. The Commission staff continues to work with the Centre for Legislative Exchange in Ottawa on alternate dates and prospective funding sources. Interest has been expressed in a Washington, D.C. location.

New Start 1993-94 Activities

Project specific priorities since the 1993 Annual Meeting have focused primarily on two initiatives:

1) Ecosystem Charter for the Great Lakes-St. Lawrence Basin

The Great Lakes Commission is undertaking, in cooperation with the community of Great Lakes public agencies and non-governmental organizations, the development, adoption and Basin-wide implementation of a binational Ecosystem Charter for the Great Lakes-St. Lawrence Basin. A statement of goals, objectives, principles and action items, the Ecosystem Charter will present—simply and explicitly—a shared vision of the Great Lakes and a blueprint to achieve it. The initiative began in late 1992 with Joyce Foundation support, which will end in late 1994. At that time, charter activity (primarily implementation and periodic review/update) will be incorporated into general operating activities.

The project has been pursued through a multi-step process that includes coalition building; policy research; a drafting initiative; a charter presentation and endorsement event; and an implementation strategy. Progress since the 1993 Annual Meeting has been substantial. Selected highlights include the following:

- Preparation of an initial draft document
- A November 8 - January 31 public review period eliciting hundreds of comments.
- Several workshops and special events at which the draft document was reviewed in detail (e.g., workshop for Ontario's environmental group leaders - December 20, 1993 - Toronto; an Ohio DNR-organized workshop - January 19, 1994 - Columbus; and a GLERL-organized federal agency workshop March 17, 1994 - Ann Arbor.) Several more are planned.
- A Drafting Committee meeting on March 3, 1994 (Chicago) to produce a final draft.
- Release of a final draft to all potential signatories, accompanied by a form to indicate sign-off or to provide additional comments (April 1994.)
- Planning for a public release/signing ceremony in conjunction with the 1994 Annual Meeting of the Great Lakes Commission (October 1994 - Dearborn, MI.)

Efforts over the next six months will focus on finalizing the document, soliciting broad-based support, and organizing the public presentation event. In addition to working with the project's Drafting and Advisory Committees, Commission staff will look to Commissioners and Observers for assistance and guidance during these activities.

2. Agricultural Profile Project

In September 1993, the Commission was awarded a \$350,000 grant by the Great Lakes Protection Fund to develop an Agricultural Profile of the Great Lakes Basin. The Commission

serves as the fiscal agent for a project team also consisting of the World Wildlife Fund, the University of Guelph and a data base development consultant to be identified. The profile consists of several elements: development of an agro-environmental data base; an examination of ecosystem and human health impacts; an inventory of U.S. and Canadian nonpoint source pollution control laws, policies, and programs; and the conduct of an Agricultural Summit to examine new directions and needs in research, policy and management. Since the 1993 Annual Meeting, the Great Lakes Commission staff and the project team have accomplished or are working on the following:

- Developed a list of key data categories for inclusion in the bi-national database (November 23, 1993) and discussed the information gathering strategy and timeline for database development.
- Convened an Advisory Committee for the project comprised of Great Lakes agricultural and environmental interests. The project team decided that the role of the Advisory Committee will be to assist the project team in identifying and gaining access to relevant data; aid in the development of the framework and basic elements of the data base; and participate in sharing perspectives on the project at the Agriculture Summit.

Upcoming activities of the Commission staff regarding the profile project include the following:

- Developing a workplan for designing and populating an integrated bi-national database of agricultural statistics, and selecting a consultant to perform prescribed tasks.
- Developing a mechanism for information dissemination and coalition building for the Agriculture Summit.

On a separate matter, the Commission's 1993 workplan identified, as a proposed new project, a feasibility study for a Council of Great Lakes Legislators. The purpose of this proposed project is to assess the feasibility of developing a forum for state/provincial legislators focused on regional issues relating to the Great Lakes, the environment and economic development. The intent of such a forum is to increase understanding of the issues; foster development of a regional perspective by legislators; and formulate and initiate policy. During 1993-94, it was proposed that the Great Lakes Commission secure a grant for such a study; conduct a survey to identify areas of interest for legislators; identify a core group of legislators (state and provincial) that might provide the basis of the organization; and develop a preferred structure for such a council.

Due to other Program priorities and staff commitments, this item has not yet moved to the stage of a formal proposal with a targeted funding source. This will be explored in 1994-95 as time and resources permit.

It should be noted that the Great Lakes Commission staff has, in recent months, been collaborating with the Midwest Office of the Council of State Legislators on a June 27-28, 1994 event in Ann Arbor, MI. The Council is convening a group of state and provincial legislators to explore opportunities to promote the Great Lakes-St. Lawrence maritime system. Commission staff are advising on program design initiatives and logistics. It is possible the meeting will provide a forum for initiating discussion of the Council of Great Lakes Legislators concept.

ATTACHMENT #2

SUMMARY

The Semi-Annual Meeting provides a convenient (and very timely) opportunity to assess budgetary, legislative and policy developments in both the U.S. and Canada, and formulate appropriate responses. Allegra Cangelosi will make the U.S. presentation; the attachments include (in discussion draft form) a series of tables analyzing relevant appropriations bills and identifying the recommendations of the Great Lakes Task Force, comprised of member of the Great Lakes Congressional delegation. The tables were prepared by the Northeast-Midwest Congressional Coalition. A representative from the Canadian Embassy has been invited as well; background materials are expected to be available at the meeting.

Also attached is the draft of a proposed letter to the Great Lakes Congressional Delegation outlining selected Great Lakes Commission policy positions and recommendations. Chair Joseph Hoffman will present that letter for consideration. All Commissioners and Observers are invited to review the draft carefully and be prepared to offer additions or other revisions at or prior to the meeting.



Agriculture Appropriations Bill

(Funding in millions of dollars for selected national environmental programs)

US Department of Agriculture

Program	Fiscal 1994	1995 Request	+/-	Impact	Great Lakes Task Force Recommendation
Conservation Reserve Program	1,743	1,752	+9 M	The increase will allow Dept. of Ag. to include more land in this program, to promote soil conservation and prevent erosion. In 1994, the program received an increase which resulted in more participation in every Great Lakes State.	Support the president's budget request
Conservation Operations	591	640	+49 M	The increase will allow Dept. of Ag. to increase its efforts to reduce erosion and sedimentation and provide technical assistance in helping to solve soil management problems. Past increases in this program have resulted in increases to most Great Lakes states.	Support the president's budget request
Wetland Reserve	66.7	240.9	+174.2 M	This program was new in fiscal year 1994 at the full-scale level (prior to 1994 it was a pilot program). The goal is to enroll land in the reserve program to preserve, protect and restore wetlands and wildlife habitats. The increase in funds will allow greater enrollment of land into this program.	Support the president's budget request
Great Lakes Basin Program for Soil Erosion and Sediment Control	0.25	0	-0.25 M	The president's proposal to eliminate funding for this soil conservation program would eliminate the source of grant funds administered by the Great Lakes Commission. It is a cost-share program, and, thus, elimination of funds means even greater loss than the \$250,000 it currently receives. This program has received funds from EPA in the past.	Seek \$1.2 million from the USDA conservation operations budget to continue this program. This \$1.2 million will mean funding levels equal to the fiscal 1993 appropriation.

SUMMARY OF GREAT LAKES DEPARTMENT OF AGRICULTURE PROGRAMS

SUBCOMMITTEE ON AGRICULTURE

The U.S. Department of Agriculture's **Soil Conservation Service (SCS)** contributes greatly to sound soil management practices which reduce pollution due to runoff into the Great Lakes and other U.S. waters and prevent soil erosion. SCS plays an important role in Great Lakes basin activities.

The Conservation Reserve Program is a voluntary program that helps farmers prevent and control soil erosion and prevent degradation of water quality due to agricultural activities. If a farmer has eligible cropland, he or she can decide what land to enroll in the program. The farmer then enters into a contract with the Agricultural Stabilization and Conservation Service (ASCS) to remove the land from crop production.

Conservation Operations provides funds to the SCS for programs designed to reduce erosion, manage soil and waters, improve agriculture, and reduce damage caused by floods and sedimentation. The funds allow for SCS to provide technical assistance within conservation districts, conduct soil surveys, forecast on water availability (for irrigation purposes), and test plant materials for their ability to prevent soil erosion.

The Wetland Reserve Program is designed to preserve and protect existing wetlands, restore damaged wetlands, improve habitats, protect water quality, prevent flooding, and preserve the natural beauty of wetlands. According to the 1990 FACT act, the USDA must enroll at least 40 million acres in this program by the end of 1995. Wetland owners may enroll their land in this program and be compensated for doing so. The USDA decides which proposed enrollments they will accept, based on environmental benefit.

The Great Lakes Basin Program for Soil Erosion and Sediment Control is a grant program administered jointly by the Great Lakes Commission and the SCS. The program is an effort to demonstrate innovative approaches to control and reduce the loss of soil in the basin. The Great Lakes Commission provides cost-share grants for demonstration projects, technical assistance, evaluation and monitoring and education and outreach. The program formerly received funds from the Environmental Protection Agency.

Commerce, State and Justice Appropriations Bill

(Funding in millions of dollars for selected national and regional Great Lakes related programs)

Program	Fiscal 1994	1995 Request	+/-	Impact	GLTF Recommendation
National Coastal Zone Mgmt. Program grants	41.5	41.64	+0.14 M	The proposed increase will allow the CZM program to continue to offer grants to promote coastal protection and perhaps to include more states into the program (Ohio and Indiana may enter in 1995).	
Marine Sanctuaries	9.15	12	+2.85 M	The proposed increase will allow NOAA to include more sites in the Marine Sanctuary program. The Great Lakes will likely have a site designated if this program is increased.	Support the president's request and push for inclusion of a Great Lakes site.
National Sea Grant College Program	43.2	43.2	0	Continued services and benefits from this program.	
Sea Grant Research, on Exotic Species	2.8	0	-2.8 M	Exotic species work by Sea Grant cut despite the continued entry and consequent problems in the Great Lakes.	Support funding level of \$3.375 M, with \$2.6 devoted to GL
GL Env. Research Laboratory, base funding	4.56	4.56	0	Level funding, despite continuing research needs. \$4.56 is the base funding, and \$0.2M is for nearshore hydrodynamics research.	Support at least \$6.56 M (\$4.56 M base budget) - (\$2.0 M nearshore hydrodynamics research)
Exotic Species Research at GLERL	0.9	0	-0.9 M	Cut in funding will cause incomplete research on zebra mussel and exotic species in general, despite the continued entry and problems with exotic species in the Great Lakes	Support level funding of \$0.9 million for zebra mussel research through GLERL
National Aquatic Nuisance Task Force Program	0	0	0	This program is authorized under the Nonindigenous Aquatic Nuisance Prevention and Control Act, though it has never been funded. NOAA needs to fulfill its responsibility as co-chair of this task force, which it will not be able to do without funding.	Support an appropriation of \$2 M for this program, though it is authorized at \$5 M
Great Lakes Fishery Commission	10.6	8.3	-2.3 M	The Commission has been traditionally under funded. Cuts in the program mean lamprey control efforts with TFM will be reduced, and no new control technologies will be deployed or investigated.	Seek \$10.3 M so that TFM lamprey control continues at the current level and new technologies are deployed.
International Joint Comm.	3.6	3.6	0	Funding is adequate for the IJC to fulfill its duties.	Support the president's request

SUMMARY OF GREAT LAKES NOAA PROGRAMS

SUBCOMMITTEE ON COMMERCE, STATE AND JUSTICE

The National Oceanic and Atmospheric Administration (NOAA) supports several national programs of critical importance to the Great Lakes Region and the Great Lakes Environmental Research Laboratory.

The National Coastal Zone Management (CZM) Program helps the Lakes in two ways: 1) it supports states in developing and implementing CZM plans (currently Michigan, Wisconsin, and New York, soon Ohio, Minnesota, and Indiana); and 2) it administers the Marine Sanctuaries Program (a new sanctuary has been proposed in Lake Huron's Thunder Bay near Alpena, Michigan).

The work of the Great Lakes Environmental Research Laboratory (GLERL) is vital to achieving and sustaining restoration of the Great Lakes. GLERL provides basic and applied research in physical and biological sciences that complements the enforcement, monitoring, and regulation activities of EPA, the Corps of Engineers, and the Fish and Wildlife Service.

The National Sea Grant College Program provides funds for university research and information for the nation's Great Lakes, estuarine and coastal regions.

NOAA and the Fish and Wildlife Service (USFWS) share responsibilities as lead agencies on the National Aquatic Nuisance Task Force under the Non-indigenous Aquatic Nuisance Prevention and Control Act (NANPCA) (see "Interior Appropriations Chart" for USFWS\NBS data). Sea Grant and GLERL are key players in the battle against aquatic nuisance species. Sea Grant conducts outreach programs and administers grants for research on aquatic nuisance species. GLERL produces important findings about the ecological effects of aquatic nuisance species.

The Nearshore Hydrodynamics Program, administered by the Great Lakes Environmental Research Laboratory, focuses intensive research on the near-shore zone of the lakes. The near-shore zone is an important subject of environmental concern because it receives most point and diffuse-source pollutant discharges, contains most of the Great Lakes contaminated sediment sites, and is the spawning area for almost all Great Lakes fish. Relatively little is known about the near-shore environment—especially currents and sediment dynamics—because most research has focused on the open lake. This program helps to identify the most effective environmental protection and remediation measures possible.

The Great Lakes Fishery Commission is a binational institution charged with restoring fish populations devastated by overfishing and sea lamprey predation.

The International Joint Commission (IJC) is a binational body that seeks common solutions to regional problems. The IJC monitors and assesses progress under the Great Lakes Water Quality Agreement. The Agreement makes far-reaching commitments concerning the restoration and protection of the Great Lakes.

Energy and Water Appropriations Bill

(Funding in millions of dollars for selected national and regional Great Lakes related programs)

Army Corps of Engineers

Program	Fiscal 1994	1995 Request	+/-	Impact	GLTF Recommendation
Sec. 312, Env. Dredging (<i>National Program</i>)	0.75	0	-0.75 M	The Corps has much needed expertise in dredging, and should be encouraged to assist and cost share in environmentally beneficial activities. This program is still developing, and there have been several expressions of interest from potential cost-share partners.	Seek \$1 M to provide states an opportunity for using these funds.
Sec. 401, RAP Assistance	0.25	0	-0.25 M	The Corps plays an important role in funding and supporting the development of Remedial Action Plans in the Great Lakes. State agencies had difficulty in securing matching funding during FY 94 because there was little notice that the program would be funded. There have been several expressions of interest from potential cost-share partners in several states (WI,MN,MI and OH).	Seek \$0.5 M for Corps participation and cost-share in development of RAPs
Sec. 1202, Public Facility R&D	2	1	-1 M	The Corps uses funding from this program to deal with exotic species, a problem with which it encounters often. Reduction in funding means a reduction in the Corps ability to manage exotic species like the zebra mussel.	Support level funding of \$2 M
Sec. 1204, Implementation of State Mgt. Plans	0	0	0	No funding discourages states from developing exotic species management plans even though it is necessary to have state support and leadership in the battle against exotic species.	Seek \$1 M for this program
Dredging Operations Technical Support (DOTS)	3.25	3.25	0	This is an old program, but a new line item in the FY 1995 budget. Previously, funding was taken from the general appropriation for Operations and Maintenance. The Corps needs continued funding for the technical support of its dredging operations, which are critical to Great Lakes transportation.	Support the 1995 request, level funding from 1994, for the new line item.
Improvement of the Soo lock system, Sault Ste. Marie	N/A	N/A	N/A	The Corps is currently undertaking a reliability analysis of the Poe lock system. They are studying both the reliability of the lock structures and the disruption in vessel traffic that could occur should the locks fail.	Support the Corps activities in regards to the reliability study.

SUMMARY OF GREAT LAKES CORPS OF ENGINEERS PROGRAMS

SUBCOMMITTEE ON ENERGY AND WATER

The Army Corps of Engineers (civilian) has several programs in the Great Lakes.

The Water Resources Development Act authorizes a national program in **Environmental Dredging** that provides states with the opportunity to enter into 50 percent cost-share arrangements with the Corps to remove contaminated sediments for environmental protection purposes. The Act also authorizes the Corps to draw on its considerable engineering expertise to provide technical assistance to **Remedial Action Plans (RAP)** committees in selecting and designing the best approaches to remediating habitat and restoring environmental health.

The Non-indigenous Aquatic Nuisance Prevention and Control Act authorizes the Corps to conduct research and development efforts in order to assist municipalities in dealing with aquatic nuisance species problems at publicly owned infrastructure facilities. The Corps is also authorized to give technical assistance and grants for the development and implementation of **State Management Plans** for aquatic nuisance species control.

The **Soo Lock System** at Sault Ste. Marie, MI is an important piece of infrastructure to Great Lakes shipping. A new twin lock to the 1000-ft capacity Poe may be needed to accommodate traffic in 1000-foot-long grain and coal supercarriers. In the mean time, a reliability analysis of the existing locks would ensure that an unexpected closure does not bring Great Lakes shipping to a standstill.

Interior Appropriations Bill

(Funding in millions of dollars for selected national and regional Great Lakes related programs)

US Fish & Wildlife Service/National Biological Survey

Program	Fiscal 1994	1995 Request	+/-	Impact	GLTF Recommendation
National Aquatic Nuisance Species Task Force	3.8 (1.2 F&WS) (2.6 NBS)	3.8 (1.2 F&WS) (2.6 NBS)	0	With level funding, the Fish and Wildlife Service and the National Biological Survey will be constrained in their efforts to control the River Ruffe and other exotic species nationally and in the Great Lakes.	Seek a total of \$6 M for this program, \$3 M for the Fish and Wildlife Service and \$3 M for the National Biological Survey
State Grants	0	0	0	States which moved ahead in preparing their plans for managing exotic species in the Great Lakes will be unable to implement them until there are funds available in this matching grant program.	Seek \$1 M for this program, which is consistent with current state needs.
National Biological Survey, Great Lakes Center (formerly the National Fisheries Research Center)	4.10	4.10	0	Under the restructuring of the Department of the Interior, this laboratory is now under the auspices of the National Biological Survey (it used to be under the Fish and Wildlife Service). The additional responsibilities of new field offices and expanded research duties means that the Great Lakes Center will require additional funding levels; a requirement that will not be met with level funding as proposed by the administration.	Seek \$5.1 M for this facility to reflect the increase in duties.
Fish and Wildlife Restoration Act, Study/Assessment	1 (0.7 F&WS) (0.3 NBS)	1 (0.7 F&WS) (0.3 NBS)	0	New funds are needed to develop an assessment of fishery resources and determine strategies for corrective actions..	Seek \$3 M for this program (2.25 M FWS) (0.75 M NBS)
Bureau of Mines					
Materials Cycling Study	0.30	0.00	-0.30	Elimination of funding will undermine the Bureau's ability to monitor raw materials that come out of industries and identify ways to recycle the materials.	Seek \$0.5 M for this program

SUMMARY OF GREAT LAKES DEPARTMENT OF INTERIOR PROGRAMS

SUBCOMMITTEE ON INTERIOR

Last year, Interior transferred its existing research, inventory, and information programs from seven Interior bureaus (including the Fish and Wildlife Service, Minerals Management Service, Park Service, and Bureau of Land Management) into the National Biological Survey (NBS). Much like the U.S. Geological Survey, the NBS will integrate data from many sources to become a scientific information organization helping to facilitate flexible management options.

Both NBS and the Fish and Wildlife Service have responsibilities under the Non-indigenous Aquatic Nuisance Species Prevention and Control Act (NANPCA). Fish and Wildlife is a lead agency (along with NOAA) of the National Aquatic Nuisance Task Force, developing strategy and giving advice on aquatic nuisance species issues. In addition, the Service has the authority under the NANPCA to administer matching State Grants for aquatic nuisance species control projects. NBS' role in the Task Force is to conduct basic and applied research on aquatic nuisance species.

NBS and the Service also split their duties under the Great Lakes Fish and Wildlife Restoration Act, designed to study, assess, and respond to fish and wildlife needs in the Region.

The Great Lakes National Biological Survey Center, previously the National Fisheries Research Center of the Fish and Wildlife Service, has assumed new and expansive duties as it supports the general mission of the NBS in the region.

The Bureau of Mines has the authority to conduct a Materials Cycling Study that monitors raw materials that comes out of industries and identifies ways to recycle the materials.

Transportation Appropriations Bill

(Funding in millions of dollars for selected national and regional Great Lakes related programs)

US Coast Guard

Program	Fiscal 1994	1995 Request	+/-	Impact	GLTF Recommendation
Oil Pollution Liability Act of 1990	49.46	60.65	+11.9 M	Increase in appropriation request to adequately fund this emergency fund.	Support the administration's recommendation
Icebreaking vessel <i>Mackinaw</i>	0	0	0	The Coast Guard intends to decommission the vessel on December 31, 1994. The president's budget request will allow the Coast Guard to do so. Great Lakes shippers rely on this icebreaking vessel to keep the shipping routes open during icy conditions and to respond to emergencies. Shippers maintain that this is the only vessel currently on the Great Lakes capable of this task.	Support continued funding for the <i>Mackinaw</i> until the Coast Guard can assure Great Lakes Members that icebreaking needs will be met without the vessel.
Ballast Water Guidelines & Prevention Program	0.7	0.7	0	With level funding, the Coast Guard will be able to continue its ballast water program to prevent the introduction of exotic species. Level funding, however, may hinder the Coast Guard's ability to properly contribute to research to support its ballast program—including a Marine Board study in innovative ballast technologies.	Seek \$1 M for the Coast Guard to implement this program and conduct its marine board study

SUMMARY OF U.S. COAST GUARD ACTIVITIES IN THE GREAT LAKES

SUBCOMMITTEE ON TRANSPORTATION

The United States Coast Guard has a welcome and important presence in the Great Lakes. The Oil Pollution and Liability Act of 1990 creates a trust fund for the Coast Guard to undertake vessel inspections, participate with the EPA in on-land facility inspections, distribute research grants, and establish emergency response centers. The goal is to prevent or mitigate damage due to oil pollution.

The Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 greatly increased the Coast Guard's responsibilities *vis-a-vis* exotic species. The act assigned to the Coast Guard the responsibility of researching, developing and implementing a ballast management program for the Great Lakes. Many exotic species enter the ecosystem through ballast water. For 1991 and 1992, shippers voluntarily participated in the Coast Guard's program; in 1993, the program became mandatory and was expanded to include the Hudson River.

The Coast Guard's icebreaking vessel *Mackinaw* was commissioned in 1944 and remains the largest icebreaker on the Great Lakes. The *Mackinaw* and a fleet of smaller icebreaking tugs operate during the icy months, and keep some channels and harbors open to navigation. The *Mackinaw* also responds to winter emergencies. The Coast Guard has proposed decommissioning the vessel in December, 1994, and intends to rely completely on the smaller tugs to break ice.

DISCUSSION DRAFT

VA, HUD, and Independent Agencies Appropriations Bill

(Funding in millions of dollars for selected national and regional Great Lakes related programs in Fiscal Year 1994)

Environmental Protection Agency

Program	Fiscal 1994	1995 Request	+/-	Impact	GLTF Recommendation
Waste Water State Revolving Fund	1,220	1,600	+380 M	Though still an increase, the president's proposal still falls short of projected needs.	Support at least the president's request
Sec. 106, Water Quality Grants	81.7	81.7	0	Level funding again for section 106 means fewer real dollars with added responsibility.	Seek at least the president's request
Sec. 319, Nonpoint Source Grants	80	100	+ 20	Increase in funding will help Great Lakes states achieve better nonpoint pollution control. Nonpoint source pollution is serious in the basin, and Great Lakes basin needs are still much greater than what is provided in the president's proposal.	Seek funding level of \$120 M for section 319 nonpoint source grants.
Clean Lakes Program	5	0	- 5	Assessment efforts for small lakes involving local citizens will be cut dramatically despite more applications than ever.	Seek a total of \$5 M for this program (level funding)
Pollution Prevention State Grants	8	6	- 2	A decrease in funding means a cut in pollution prevention assistance to businesses.	Support level funding of \$8 M for this program
Drinking Water State Revolving Fund	600	700	+ 100	Pending authorization, this will create a new SRF, which will help communities comply with Safe Drinking Water Act standards.	Support at least the president's request
Great Waters Program	2.9	3.58	+ .68	If all of the 1995 funds are devoted to Great Lakes, this program will be adequately funded. Also, funding is needed so that this program can implement its report and include efforts to monitor Great Waters bodies.	Support at least the president's request
Sec. 118, Great Lakes National Program Office	16	15.2	- 0.8	A cut in GLNPO's funding means less work on RAPs and LAMPs, less work on Lake Superior mercury study, less work on contaminated sediments, etc.	Seek \$18 M in funding for GLNPO
Environmental Research Lab	6.3	6.3	0	Env. research labs in Duluth and Grosse Ile need additional funding to adequately undertake their research.	Seek \$8 M in funding
Great Lakes Fish Consumption Study	3	0	- 3	This study, over the past three years, has been extremely successful and has national applicability. There are still many areas that need to be researched. The pending Clean Water Act reauthorizes this study at \$5 M a year.	Seek \$5 M to continue the human health research by the region's universities and coordinated by ATSDR.

SUMMARY OF GREAT LAKES ENVIRONMENTAL PROTECTION AGENCY PROGRAMS

SUBCOMMITTEE ON VA, HUD AND INDEPENDENT AGENCIES

National Programs

The Clean Water State Revolving Fund (CW-SRF) is a construction loan fund for the nation's waste water infrastructure. The SRF funds are distributed to states on a formula basis, and then distributed to municipalities to finance the construction of sewage treatment facilities.

Section 106 Water Quality Grants are the administrative grants which provide state officials with the resources to develop, issue, monitor and enforce Clean Water Act programs.

Section 319 Nonpoint Source Pollution Management Grants are distributed to states for controlling urban and agricultural runoff pollution, a leading cause of new contamination in the Great Lakes and other U.S. waters. These funds support a wide range of activities aimed at managing and restoring priority watersheds.

EPA's Clean Lakes Program supports state-wide lake protection efforts which encourage local involvement in assessing and classifying lakes and coordinating lake protection with other water resource programs.

Pollution Prevention State Grants, authorized under the Pollution Prevention Act of 1990, are available to states to establish programs to help businesses develop pollution prevention technology and practices.

The Drinking Water State Revolving Fund (DW-SRF) is modelled after the Clean Water SRF, with funds devoted to improving the nation's drinking water infrastructure.

Regional Programs

Through the Great Waters Program, EPA is establishing the Great Lakes Atmospheric Deposition Monitoring Network and producing a study of the sources, types and impacts of toxic air deposition in the Great Lakes.

EPA's Great Lakes National Program Office in Chicago carries out a wide range of monitoring and research activities to restore and maintain the Great Lakes ecosystem. Responsibilities of the Office include monitoring and analysis of all sources of lake pollution; assisting Remedial Action Planning Committees; evaluating technologies to clean up contaminated sediments; and implementing the Lake Superior Binational Program.

EPA's Environmental Research Laboratory in Duluth, MN, and the Large Lakes Research Station in Grosse Ile, MI, perform significant research on the pollution problems affecting the Great Lakes. Key activities of the labs include research on zebra mussels, chemical toxicity in the lakes and lake sediment, and mass-balance studies.

The Great Lakes Fish Consumption Study, coordinated by the Agency for Toxic Substances and Disease Registry (ATSDR), is a research program to study the human health effects of consuming contaminated Great Lakes fish. The goals of this research include identifying high risk populations, analyzing basin-wide health risk, and developing strategies to interdict exposure and mitigate toxicity.

_____, 1994

**DRAFT LETTER TO MEMBERS, GREAT LAKES CONGRESSIONAL
DELEGATION AND COMMITTEE /SUBCOMMITTEE CHAIRS, AS
APPROPRIATE**

Dear :

The Great Lakes Commission, an interstate compact agency founded in state and federal law, is dedicated to the informed use, management and protection of the Great Lakes, the world's greatest freshwater resource. Toward that end, we maintain a strong and active interest in the federal legislative and appropriations process, and the extent to which problems and opportunities in this region are addressed from an environmental quality, resource management and economic development perspective.

By unanimous and enthusiastic action at their May 11 Semi-Annual Meeting, the eight member states of the Great Lakes Commission established several federal legislative and appropriations priorities for your consideration. We urge you to work with your colleagues and the Administration to secure support for the following:

1) Water Quality Improvements

- Great Lakes Basin Program for Soil Erosion and Sediment Control - The Great Lakes Basin Program is a federal/state partnership managed cooperatively by the Great Lakes Commission, U.S. EPA-Region V and the Soil Conservation Service. Established in 1990, and funded at \$1.2 million in FY 1993 (through U.S. EPA) and at \$.25 million in FY 1994 (through U.S.D.A.), the Program targets funds to Great Lakes problem areas (e.g., Areas of Concern identified by the International Joint Commission), offers competitive grants to the eight states and local jurisdictions, and maintains an information/education program to promote improved water quality and agricultural productivity through responsible urban and agricultural land use practices.

Every year, 900 million tons of topsoil in the Great Lakes states erode into water bodies, causing billions of dollars in economic and environmental losses and damages. The Great Lakes Basin Program is addressing this problem with a unique, targeted approach emphasizing pollution prevention methodologies. It has been a success story even in its early stages with modest, fluctuating funding.

Enhanced and stable funding is essential if this program is to continue to demonstrate success. We request a funding level of \$5.0 million for FY 1995; consideration might be given to sharing costs equally between U.S. EPA and

U.S.D.A. Special emphasis will be placed on Areas of Concern when allocating funds. The figure is very modest in comparison to Basin needs, but will leverage additional federal, state and local support.

- Section 319 of the Clean Water Act - As a complement to Great Lakes Basin Program funds, we advocate an appropriation of \$120 million for the Section 319 Program in FY 1995. Nonpoint source pollution now contributes the majority of contaminant loadings into the Lakes, and full funding is needed to assist states in developing and implementing control plans.

2) Air Quality Improvements

The Great Lakes Commission supports the president's proposed figure of \$3.58 million for Clean Air Act Great Waters Program activities nationwide in FY1995, and recommends that at least \$1.7 million of this amount be directed to the Great Lakes region. Through inventory efforts, research, and monitoring of toxic deposition, the Program addresses a region-wide priority. The Great Lakes Commission is presently managing, through a U.S. EPA/state partnership, a Great Lakes Air Toxics Emissions Inventory Project as part of the Great Waters Program.

3) Aquatic Nuisance Species - Prevention and Control

- Appropriations - The aquatic nuisance species problem in the Great Lakes is of tremendous and growing concern. Projected costs to municipalities, riparians and other resource users total \$5 billion over the next ten years. We urge the Congress to adequately fund programs under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L. 101-646), as well as related programs pursued by several federal agencies.

Under P.L. 101-646 we highlight the need for the following:

- a. U.S. Fish and Wildlife Service/National Biological Survey—for support of Aquatic Nuisance Species Task Force and related implementation activities—\$7.0 million.
- b. National Oceanic and Atmospheric Administration (NOAA) - for support of Aquatic Nuisance Species Task Force and related implementation activities—\$5.0 million.
- c. Great Lakes Environmental Research Laboratory (NOAA)—for conduct of aquatic nuisance species research—\$1.125 million.
- d. National Sea Grant Program (NOAA)—for conduct of aquatic nuisance species research—\$3.375 million, of which \$2.5 million is targeted exclusively at the Great Lakes Basin.
- e. Great Lakes Commission—for operation of the Great Lakes Panel on Aquatic Nuisance Species—\$0.2 million.
- f. U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service—for implementation of states management plans—\$2.5 million (through U.S. F&WS) and \$5.0 million (through U.S. Army Corps of Engineers.)
- g. U.S. Coast Guard—for ballast water regulation and prevention programs—\$1.5 million

These recommendations address specific priorities of the Great Lakes Panel; other appropriations opportunities, while not specifically mentioned above, are also supported where consistent with the goals of the Act.

- Ballast Water Management Measures - The Great Lakes Commission endorses the proposed "**Ballast Water Management Act**" presently under consideration by the Congress. The bill seeks to curb the spread of aquatic nonindigenous species through the discharge of vessel ballast water by directing the Marine Board of the National Research Council to evaluate and identify promising ballast water

management technologies and practices. Upon completion of the evaluation, the Administrator of the Maritime Administration (MARAD) is directed to conduct a national demonstration program to test and evaluate the most cost and biologically effective ballast water management technologies and practices identified by the marine Board. As discharge of vessel ballast water is a documented source of aquatic nuisance species introduction, this legislation is a critical component of prevention and control efforts. It should be funded at authorized levels (\$0.15 million in FY 1995; \$1.85 million in FY 1996.)

- Timely reauthorization of P.L. 101-646 - The Aquatic Nuisance Prevention and Control Act (P.L. 101-646) is the first Act to address impacts of nonindigenous invaders on aquatic ecosystems. As such, the legislation addresses a previously uncharted area of environmental protection. It also seeks to mitigate the economic impacts of a newly recognized type of natural disaster: aquatic nuisance species infestation. The Act requires reauthorization in 1995, and the Great Lakes Commission urges the Congress to enact reauthorizing language in a timely manner. During this process the Great Lakes Commission will examine the existing language and make recommendations on any necessary refinement or expansion to ensure that regional needs are adequately addressed.

4) Sea Lamprey Control and Related Great Lakes Fishery Commission Activities

Enhanced funding for the Great Lakes Fishery Commission is critically important in FY 1995 to protect the Basin's multi-billion dollar sport fishery and to coordinate/conduct fisheries research and management activities. Important program requirements include: maintenance of a full sea lamprey control program; re-registration of lampricides as required by U.S. EPA; and research and development of alternative (non-pesticide) control technologies. To meet these requirements, \$14,080,500 is needed in FY 1995.

5) U.S. Army Corps of Engineers Reorganization

The Great Lakes Commission has serious concerns about the Reorganization Plan that was released in late 1992 and withdrawn in November 1993. We believe that elements of that Plan would have compromised the current and potential role of the Corps as a partner in Great Lakes resource planning, coordination, environmental protection and related management activities. The plan would have closed the Basin's only Division office, downsized all three District offices, eliminated hundreds of positions, and dismantled centers of highly specialized, much-needed Great Lakes expertise. The ability of the federal government to meet U.S. commitments under international treaty and associated agreements would be jeopardized.

We understand that a new reorganization plan is being prepared by the Secretary of Defense that will entail a reduction in Division offices and some restructuring of District offices. We recommend that all appropriations for implementing any new Reorganization Plan be withheld until the Great Lakes Commission and other interests are assured that essential services in the Basin will be maintained. We recommend that any Reorganization Plan ensure a base level presence of the Corps in the Great Lakes Basin. This should include establishing a Great Lakes Planning Coordination Office at Division headquarters; locating a technical center in the Basin; and maintaining in-Basin expertise on hydraulics/hydrology; remediation of contaminated sediments; maintenance dredging; and construction, operations and maintenance activities, including a second large lock at the Soo.

6) Environmental and Transportation Infrastructure

The Great Lakes Commission recognizes the critical need for repair, upgrading and—in some cases—enhancement of the Basin's environmental and transportation infrastructure. Any national

program established by the Administration and the Congress should include funds dedicated to pressing Great Lakes Basin needs, including: a) municipal sewage treatment plant and combined sewer overflow construction and upgrading; b) adequate funding for U.S./Canada border crossing improvements and access; c) construction of a second large lock at the Soo; and d) harbor safety.

7) A Second Large Lock at Sault Ste. Marie, Michigan

The Great Lakes Commission advocates reauthorization of and full federal funding for a new large lock at the Soo, authorized in the Water Resources Development Act of 1986 (P.L. 99-662) and reauthorized in P.L. 101-640. In so doing, the Commission notes that the Soo Locks complex is a federal facility - federally built, federally operated and federally maintained. Its project beneficiaries are regional, national and international in scope.

The Commission believes that Congressional action is now needed to ensure progress toward construction. In FY 1995, we urge your consideration of a \$200,000 appropriation to initiate planning, engineering and design work, with an initial emphasis to be placed on a comprehensive review of project costs and benefits and on assessment of the economic impact of the loss of the use of the existing large Soo lock for all or part of a shipping season. A reliability or large lock disruption study is currently underway at the Detroit District of the U.S. Corps of Engineers but it will only look at disruption probabilities.

8) Operation and Modernization of the Icebreaker *Mackinaw*

The U.S. Coast Guard has proposed to decommission the *Mackinaw* for budgetary reasons. Loss of the *Mackinaw* would be a serious setback to commercial navigation. It is, for example, the only Coast Guard vessel in the Lakes capable of breaking heavy ice, and performing search and rescue duties under gale-force wind conditions.

We urge you to support the *Mackinaw's* continued operation in FY 1995, and a comprehensive review of Great Lakes ice breaking needs and vessel requirements.

9) Great Lakes Confined Disposal Facility (CDF) Program

The Great Lakes Commission urges the Congress to address and resolve the many difficult environmental, financial and related policy issues associated with navigational dredging disposal needs and the Great Lakes CDF Program. Specifically, revisions to Section 123 of P.L. 91-611 should be enacted to provide for both maintenance of authorized navigation channel depths and preservation of water quality. Major elements of this new program should include continued authority for appropriate disposal of contaminated sediments, provisions for state cooperation in program implementation, and full federal funding of new CDFs or improvements to them.

In presenting these recommendations to you, we emphasize that they represent specific topics of priority interest to the Great Lakes Commission at this time. There are, of course, other Great Lakes-related programs, projects and new initiatives that warrant support in FY 1995. We look to you for leadership, for example, in resolving the growing problem of Great Lakes research and management programs that are constrained or altogether inactive due to lack of appropriations. In the Great Lakes Basin, this includes (but is not limited to) the Nonindigenous Aquatic Nuisance Prevention and Control Act; Water Resources Development Act; Great Lakes Critical Programs Act; Oil Pollution Act and Clean Water Act.

Toward this end, we also urge you to consider the recommendations of our individual member states, and the House and Senate Great Lakes Task Forces, relative to appropriations and legislative items not explicitly identified in this letter.

Your continued leadership and recognition of the national and international prominence of the Great Lakes Basin is very much appreciated. The eight Great Lakes states, through the Great Lakes Commission, urge you to embrace the above recommendations as you move forward with legislative and appropriations efforts.

Sincerely,

Joseph K. Hoffman
Chair

JKH/rjs

ATTACHMENT #3

SUMMARY

Attached is a Commission policy position on the reauthorization amendments to the federal Coastal Zone and Clean Water Acts. The position was formulated at the request of the Executive Committee in February, 1994 and received Executive Committee approval the following month. Executive Committee action was taken in lieu of full Commission consideration due to the time-sensitive nature of the issue. The position will be presented to the full membership at the Semi-Annual Meeting, at which time it can be formally adopted for inclusion into the Commission's Policy Positions statement. A complete copy of the latter is attached, and any other additions or revisions can be entertained at the meeting.

- POLICY POSITION -

GREAT LAKES COMMISSION

COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS¹

The eight member states of the Great Lakes Commission, particularly those with approved coastal zone management programs, will be significantly affected by the Coastal Nonpoint Pollution Control Program (CNPCP) provisions included in the Coastal Zone Act Reauthorization Amendments of 1990. (CZARA). Michigan, New York, Pennsylvania and Wisconsin presently have approved programs; Indiana, Minnesota and Ohio are presently developing programs. While all Great Lakes states applaud the legislation's goal to enhance water quality, they share a number of concerns that must be resolved during implementation of the 1990 amendments and in future reauthorization efforts if legislative intent is to translate into viable and effective state programs. Program implementation flexibility must be assured at the individual state level.

Specific state concerns are as follows:

- Nonpoint source pollution control provisions constitute a largely unfunded mandate with significant (and not yet adequately documented) implications for many sectors of the economy.
- The numerous management measures specified in the legislation are technology-based rather than water quality-based, and severely limit state flexibility in program implementation. Further, many of the Great Lakes states question the desirability of a move to an entirely mandatory and fully enforceable program for nonpoint source pollution, as well as the short time frame for accomplishing such a goal.
- The timetable for program submittal to U.S. EPA and NOAA is unrealistic (July 1995), particularly for states now developing programs, because resources must necessarily be dedicated to and focused upon program development. The requirement that all management measures be set in place within three years, followed by two years of monitoring is also unrealistic. While some measures can be implemented during this time frame, it is not likely that full compliance can be realized over this period.
- There is no new source of funds to support state implementation of these new provisions. Programmatic and regulatory requirements are substantial and, in an era when many other federal mandates are unfunded or underfunded, the states cannot be expected to initiate and maintain an adequate program.
- As written, the provisions actually provide a disincentive for states to either obtain or maintain a federally approved coastal zone management program. States that don't establish a CNPCP stand to lose a significant portion of their existing federal grant dollars for nonpoint source pollution control and coastal management. Some states may even reconsider their participation in the Coastal Zone Management Program. Penalties, if they must be used at all, are more appropriately imposed upon programs that support the target population contributors rather than the programs designed to remedy the problems.
- The relationship of CZARA provisions to Clean Water Act (CWA) reauthorization is unclear. It is possible that new CWA provisions may supersede CZARA, with the result that CZARA requirements may become moot. This uncertainty brings to question the advisability of investing substantial state resources in the development of a CNPCP during the required time frame.

- The overly prescriptive nature of the CZARA provisions precludes many states from building upon existing nonpoint source pollution control programs. Thus, CNPCP development and implementation may, in some cases, actually divert limited resources away from established, successful programs, rather than using those programs as a basis for future progress.
- The large number of nonpoint sources in the Great Lakes Basin generally--and individual states specifically--requires substantial local involvement for adequate treatment. Federal assistance would have to be substantially expanded to help these agencies perform site inspections, plan review and/or preparation and follow-up.

In sum, the Great Lakes states support in concept the goals of CZARA, but question both the substance and administrative requirements associated with CNPCP development and implementation. Compliance will be difficult at best and, as the provisions are presently written, may come only at a cost to established nonpoint source pollution control programs.

To address these and related concerns, the Great Lakes Commission recommends that CZARA requirements be amended to provide the following:

- An adequate, long-term and reliable federal appropriation, specifically to implement CZARA and, in particular CNPCP development and administration.
- For states developing a Coastal Zone Management Program, a 30-month time period and adequate funding to develop a CNPCP, following approval of their program.
- Enhanced state flexibility in the development and application of management measures, whether they be technology-based or water quality-based, in the interest of building upon current state programs.
- Following consultation with the states, development of a revised timeline for program submittal to U.S. EPA and NOAA. Also, the three-year requirement for setting all management measures in place should be revised to at least five years to allow the gradual adoption and phasing in of measures, with monitoring to commence thereafter.
- An incentive system, through federal appropriations (as noted above) to encourage state compliance. Provisions should be eliminated that call for the prospective loss of Section 319 CWA funds and coastal zone funds if requirements are not met.
- Clarification of the relationship of CZARA provisions to the CWA before the CNPCP development and implementation process proceeds further.
- A stronger federal consistency requirement to ensure FMHA, HUD, USDA, FHA and other relevant programs adhere to state plans and standard specifications.

¹ Position statement adopted by the Great Lakes Commission, via Executive Committee action, on March 28, 1994. For further information contact Dr. Michael J. Donahue, Executive Director, Great Lakes Commission, 400 Fourth St., Ann Arbor, MI. Ph: 313-665-9135

- POLICY POSITION -
GREAT LAKES COMMISSION

CLEAN WATER ACT REAUTHORIZATION AMENDMENTS¹

The member states of the Great Lakes Commission recognize the federal Clean Water Act (CWA) as a cornerstone of a federal/state partnership that has yielded notable progress in Great Lakes water quality improvement. Reauthorization of this landmark legislation offers an excellent opportunity to build upon past progress and introduce a new era in intergovernmental partnership.

The Great Lakes Commission, in cooperation with its eight member states, has reviewed in detail the provisions of S.1114, reauthorizing language introduced in the Senate. Presented below is a Commission statement that reflects a consensus of its state members. Comments are relevant to S.1114 and any subsequent bills introduced in the House or Senate. This statement is drawn from the policy positions of individual states (where available), as well as entities such as the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). In some instances, the individual state and ASIWPCA positions provide comments on reauthorization bill elements not explicitly identified below; these positions should therefore be consulted as well.

General Comments

While supportive of the overall goals of S.1114, the Great Lakes Commission is concerned that many provisions in the legislation represent a step backward in developing the federal/state partnership process. As presently drafted, the U.S. EPA is directed to assume a "command and control" authority that is unnecessarily intrusive and inhibiting for the states and local governments. Such authority fails to recognize and build upon existing successful state programs, thereby limiting the state-by-state flexibility needed to address legislative goals in the most efficient and cost effective manner possible. Further, the legislation represents a largely unfunded mandate, particularly with regard to nonpoint source pollution control provisions.

In addressing CWA reauthorization through S.1114 and other legislative vehicles, the Great Lakes Commission urges Congress to adopt the following as guiding principles:

- 1) New legislative initiatives and related programs should not be initiated without providing the funding needed to adequately implement them, as well as existing programs.
- 2) CWA reauthorization must foster intergovernmental partnerships and, in particular, recognize the increasingly important role of the states in that partnership.
- 3) The "command and control" orientation of the federal government (U.S. EPA) must be rejected in favor of a true partnership. The federal role is most appropriately directed at provision of necessary guidance, financial resources, and program auditing and oversight. The latter should be streamlined wherever possible to reduce programmatic delays and inordinate use of resources in paperwork.
- 4) Reauthorization language must include clear national mandates that reflect the high standards already in place by Great Lakes states and provide a mechanism to bring other states up to those standards.

- 5) Reauthorization language must not be overly prescriptive and rigid in establishing management measures, particularly as they relate to nonpoint source pollution control. State flexibility, both in maintaining existing innovative programs and in developing new ones, should be encouraged. Further, states with programs that exceed the requirements of current federal mandates should not be penalized or otherwise be provided a disincentive for their efforts.
- 6) Necessary federal guidance and associated funds must be in place prior to state implementation of required programs.
- 7) The large number of nonpoint sources in the Great Lakes Basin generally--and individual states specifically--requires substantial local involvement for adequate treatment. Federal assistance must be substantially expanded to help agencies implement the CWA provisions.

Specific Comments

Consistent with the above guiding principles, the Great Lakes Commission offers the following concerns and recommendations, and urges their consideration during the reauthorization process:

Nonpoint Source Pollution Control

- 1) Federal grants to the states must be substantially enhanced if state compliance with the legislation is to occur fully and efficiently.

State estimates of the cost of compliance are substantial, and continue to increase as analysis of proposed requirements continues. Authorized federal funding is not adequate to support proposed requirements, and S.1114 calls for levels lower than those requested by the states. Further, many Great Lakes states believe that the allocation formula for the nonpoint source program does not consider the cost of various mandated management measures or the level of state effort required; flexibility must be built into the funding program to allow states to best meet their own needs.

- 2) The mandated regulatory program should be revised to permit additional flexibility to accommodate states with established water-quality based approaches.

The proposed standardized management practices fail to recognize differences between states and between individual watersheds. The associated increase in U.S. EPA oversight may also compromise individual states' efforts to carry out site-specific water quality approaches.

- 3) S.1114 should be amended to ensure that state compliance with CWA provisions supersedes Coastal Zone Act provisions (Sec. 6217).

The Great Lakes states, particularly those who have (or are pursuing) federally-approved coastal zone management programs, are concerned about the relationship between these two legislative initiatives. As presently written, S.1114 implementation would result in two separate nonpoint pollution control programs; one for coastal areas and another for the rest of the state. One Great Lakes state (NY) believes that states should have the option of substituting the CWA program for the CZARA program only if the CWA program includes some measure of enforceability.

- 4) The schedule for implementation of best management practices in all watersheds draining to impaired waters should be revised from three to at least five years, followed by a monitoring and assessment period.

The current schedule, as proposed, is unlikely to be met, given the magnitude of the task and the financial resources available.

- 5) Many Great Lakes states believe that requirements for states to create a regulatory system to force compliance with nonpoint source provisions should be amended to enhance state flexibility and to recognize the value of voluntary compliance in certain situations. A three-phased approach, over ten years, entailing state development, implementation and evaluation of initial strategies, should be established prior to any determination that a mandatory compliance program is necessary. Individual states should have the flexibility to implement their own mandatory program as a backup measure during this period, should they desire. In implementing such programs, states should have the flexibility to use geographic targeting (e.g., priority watersheds), statewide initiatives (e.g., technical assistance, information/education) or a combination thereof.

Watershed Management

- 1) Approval of individual watershed plans, as called for in S.1114, should be a state responsibility. U.S. EPA review and comment is appropriate, and adequate federal funding will be essential, but approval of individual plans should be delegated to the states, as federal approval is not necessary or desirable, and may inhibit the development of strong watershed programs most responsive to state and local needs.

Watershed management provisions in S.1114, aside from the federal approval issue, are applauded by the Great Lakes Commission, as they will likely enhance creative local partnerships and funding opportunities, as well as ensure that pollution control measures are efficiently and effectively targeted.

Permits

- 1) The permit life for the National Pollutant Discharge Elimination System (NPDES) should be extended to provide for a maximum of ten years. Provisions should be added whereby discharge permits may be waived or otherwise not required under certain specified conditions. Further, measures to strengthen the NPDES program to provide better enforcement and compliance should be considered.

The Great Lakes states maintain that NPDES permits can be granted for up to ten years without disrupting the program or causing any detrimental environmental impacts. The states also note that the Clean Water Act is perhaps the only major federal environmental law that does not carry a waiver provision under certain conditions; this can be particularly problematic for states with state-run hazardous waste remediation programs. Lengthening the permit life and adding a waiver provision should be accommodated in the legislation; it will lead not only to administrative efficiency but will also provide some relief to states with program staffing and funding constraints. Extending the permit life would not prevent a state from reopening the permit when changes are needed, such as with changes in technology limits or water quality standards.

Pollution Prevention

- 1) Language requiring mandatory preparation and federal approval of pollution prevention plans should be amended; such plans should be encouraged on a voluntary basis, or be required without mandatory federal approval.

Many Great Lakes states are actively engaged in voluntary pollution prevention efforts; partnerships with localities, businesses and industry have been developed. A mandatory program may divert existing resources away from established voluntary programs and insert federal oversight into prevention efforts that are best pursued at the state and sub-state level. The Great Lakes states recognize that pollution

prevention must be multi-media in scope and, as such, the CWA may be too narrowly applied to be the most appropriate vehicle for requiring pollution prevention plans. Separate legislation might be considered to ensure that such plans are indeed multi-media in scope. An enhanced focus on prevention of nonpoint source pollution is warranted. [We note that one Great Lakes state (NY) currently has a mandatory program and supports such legislative language.]

State Revolving Fund

- 1) A substantial increase in federal appropriations for the State Revolving Fund (SRF) is essential if program objectives are to be met and a goal of a self-sustaining SRF is to be realized. Any expansion of SRF eligibilities should be accompanied by a commensurate increase in funding.

The SRF program in the Great Lakes states has been a successful one to date; it needs to be expanded if progress in water quality management is to continue. However, authorized funding in the last CWA reauthorization did not meet existing needs, and several other eligibilities have been added. Also, the Great Lakes states seek assurance that the SRF allocation formula recognizes the level of effort made by individual states which devote considerable state resources to this problem. This formula should not be altered in any way that may compromise support for states having made significant past progress, while rewarding states that have made little or no effort to address municipal wastewater problems and, consequently, have a substantial backlog of unmet needs.

¹ Position statement adopted by the Great Lakes Commission, via Executive Committee action, on March 28, 1994. For further information contact Dr. Michael J. Donahue, Executive Director, Great Lakes Commission, 400 Fourth St., Ann Arbor, MI. Ph: 313-665-9135

GREAT LAKES COMMISSION
POLICY POSITIONS - 1993-94

A compendium of policy positions adopted by the member states of the Great Lakes Commission to guide and promote the informed use, development and protection of the world's greatest freshwater resource.

Great Lakes Commission
Argus II Building
400 Fourth Street
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POLICY, PLANNING AND RESEARCH

PPR-1 - WATER RESOURCE POLICY

Inadequacies associated with various aspects of U.S. federal water resource policy have long posed difficulties for the Great Lakes states. These include multiple federal agencies with overlapping and sometimes conflicting responsibilities finance various water projects and/or projects that are often planned and implemented without adequate reference to planning and financing requirements. Problems such as these can impede the states' ability to enhance the use and development of the region's water and related land resources. In addition, extended delays between project approval, planning and actual construction further frustrate state efforts. Therefore, the Great Lakes Commission supports a more consistent and timely approach to federal water resource policy and implementation, including grants to states to strengthen and expand participation in the policy, planning and implementation process.

The Great Lakes Commission has serious concerns about the 1992 "U.S. Army Corps of Engineers Reorganization Plan," specifically that elements of the Plan will compromise the current and potential role of the Corps as a partner in Great Lakes resource planning, coordination, environmental protection and related management activities. Implementation of this plan will close the Great Lakes Basin's only Division office, downsize all three District offices, eliminate hundreds of positions, and dismantle centers of highly specialized, much-needed Great Lakes expertise. The ability of the federal government to meet United States commitments under international treaty and associated agreements will be in question if the plan is implemented without change.

The Great Lakes Commission urges the U.S. Army Corps of Engineers to take the steps necessary to preserve and protect basic Great Lakes-specific functions. A strong physical presence of the Corps in the Great Lakes Basin is essential; critical expertise in Great Lakes hydraulics, hydrology, navigation system engineering, planning and maintenance and environmental remediation must be maintained as well as adequate flexibility in personnel and other Corps resources to accommodate the growing need and demand for Corps expertise.

Summary Positions

1. Congress must recognize the states' primary role in water management.
2. A federal role in major water resource projects of national interest is necessary and must be maintained.
3. Non-federal participants in water resource development activities must have access to sufficient funds to ensure a meaningful contribution to policy, planning and implementation efforts.
4. The Great Lakes Commission supports restoration of non-federal flexibility in study and project selection and development to reduce overall costs and ensure the availability of resources to address priority needs.
5. A new water resources development system must be established to provide for: commitment of federal funds to authorized, ongoing and completed projects; separate procedures for developing national and state projects; the availability of capital resources to fund public sector investments in water infrastructure; and levels for non-federal participation.
6. The Great Lakes Commission urges the U.S. Army Corps of Engineers, under the broad framework of the 1992 Reorganization Plan, to 1) establish and adequately staff a "Great Lakes Planning Coordination Office" at the Division level to preserve a strong Corps presence in critical Basin activities; 2) ensure that one of the 15 proposed "technical centers" is located within the Basin to provide a focal point for Great Lakes expertise and activities; 3) maintain special Great Lakes expertise at the individual District level; and 4)

take other actions as needed to maintain a strong partnership role with the Great Lakes Commission, the International Joint Commission, and other relevant regional agencies, organizations and programs as well as the individual state executive offices.

References

1. Resolution; May, 1982.
2. Resolution; October, 1983.
3. (2).
4. (2).
5. (2).
6. Great Lakes Commission Policy Position: U.S. Army Corps of Engineers Reorganization Plan, January, 1993.

PPR-2 - WATER PROJECT COST-SHARING

Due to the large federal deficit, the Great Lakes Commission recognizes that cost-sharing involving non-federal project beneficiaries may be necessary and appropriate in many cases. However, the Commission is concerned with the method of financing available to the non-federal participant, with the equity of cost-sharing requirements on a national basis and with particular respect to commercial navigation the cumulative impact of all duties, tariffs and other fees.

Seaway tolls imposed by both Canadian and U.S. Seaway agencies were instituted with the opening of the St. Lawrence Seaway in 1959. The imposition of tolls results in increased international shipping costs compared with other deep draft port ranges. U.S. Seaway tolls were the only U.S. deep-draft "navigation user fees" charged against commercial navigation until passage of the Water Resources Development Act of November 1986. U.S. Seaway tolls were eliminated by the legislation via a refund mechanism from the newly-established Harbor Maintenance Trust Fund. Canadian Seaway tolls remain in effect.

The issue of commercial navigation cost recovery for the deep-draft system (14 feet and above) and particular Coast Guard services has been a continuing controversy. Cost recovery has been instituted as a means to reduce federal budget expenditures and promote development of economically justifiable navigation projects. The Canadian federal government has also proposed similar cost recovery mechanisms for some traditional federal navigation responsibilities. The Water Resources Development Act of 1986 established a national, ad valorem, deep draft navigation user fee which also applies to the Great Lakes (Harbor Maintenance tax). In 1990, this user fee was significantly increased. The Great Lakes Commission recognizes the following as key policy issues: type of user fee or tax; cost allocation among project beneficiaries; cost sharing percentages; level of burden on shipping industries and other economic impact effects; and implementation/administration considerations.

Recreational boater user fees have also been proposed or enacted for cost recovery of certain federal services provided by the U.S. Coast Guard. Also, any national system of port user fees may affect small craft harbors. Policy issues recognized by the Great Lakes Commission include: the relation of the federal fuel tax to recreational boater user fees; the impact of user fees on resort and tourism industries; and mechanisms for payment of user fees.

General water project cost sharing for non-navigation projects covers such project purposes as: flood control; beach erosion; recreation; hydropower; municipal, industrial and agricultural water supply; and wastewater/sewage treatment. New measures have been developed to help reduce federal budget expenditures and promote responsible use and development of the resource. Policy

issues recognized by the Great Lakes Commission include: federal/state cost-sharing agreements; revenue/investment-funding capability by project category; and commitment to ongoing and completed projects.

Summary Positions

1. The Great Lakes Commission recognizes that the Congress, not the Administration, should take the initiative in establishing cost-sharing policy for federal water projects. Cost-sharing policies and arrangements must be applied consistently and equitably across the range of eligible projects.
2. Federal financial support for major water resource projects of national interest must be maintained.
3. In the interest of establishing an effective and equitable water resource development procedure, project costs must be recovered from identifiable beneficiaries of vendible products through user charges, taxation, and the sale of products. Development of cost recovery policies must, however, take due regard of a) the administrative practicality of imposing and collecting charges from all project beneficiaries, particularly where a project has non-vendible products, and b) the financial constraints and economic conditions of the identifiable beneficiaries and communities.
4. Any changes in existing maritime user fees or imposition of new levies affecting the maritime industry must be subject to thorough industry review and be accompanied by a specific assessment of their impact.
5. In the interest of eliminating all tolls on the St. Lawrence Seaway, Congress must direct the U.S. Departments of State and Transportation (including the St. Lawrence Seaway Development Corporation) to consult with the Government of Canada toward this end.
6. Policies related to the Great Lakes-St. Lawrence Maritime System should be harmonized between the two national governments (e.g. cost recovery, Seaway tolls, system operation and maintenance, etc.)
7. Non-routine rehabilitation of the Welland Canal and the Montreal-Lake Ontario Seaway locks and navigation structures should not be funded through Seaway tolls or other special commercial navigation levies.
8. The U.S. Harbor Maintenance Tax must be rolled back from .125% to .04%.*

References

1. Resolution; October, 1982.
2. Resolution; October, 1983.
3. (2).
4. Declaration of Indiana, Action Agenda, May, 1991.
5. Resolution; May, 1984.
6. (4).
7. (4).
8. (4). (Action Agenda, 1993)

PPR-3 - RESEARCH AND PLANNING

The Great Lakes Commission recognizes that an intensive program of multidisciplinary research and planning specific to the Great Lakes resource is an integral component of the overall management effort. Such research must include all aspects of the Great Lakes ecosystem pertinent to emerging problems, such as pervasive toxic chemical/radioactive contamination; nutrient nonpoint source tributary loads; point sources; and many others. While the increasing complexity of the management effort demands a commensurate increase in resources allocated to research and planning, an overall

reduction in funds for such purposes has been experienced in recent years. The loss of trained personnel and research and planning programs has resulted, compromising the region's ability to address current and emerging management challenges.

Summary Positions

1. Enhanced federal funding for Great Lakes research agencies and programs, commensurate with current and emerging needs, must be supported.
2. An agenda of Great Lakes federal research efforts and needs should be developed and prioritized annually by appropriate federal agencies in consultation with the Great Lakes states.
3. An organic act consolidating the statutory authority of the National Oceanic and Atmospheric Administration (NOAA) and codifying existing responsibilities should be passed to provide it with independent status from the Department of Commerce. Such a plan to provide NOAA with higher stature in the federal framework must be pursued without fragmenting program responsibilities.
4. The U.S. and Canadian federal governments, in full consultation with provinces, states and private industry, should join in long-range planning and policy development for the future of the Great Lakes-St. Lawrence Maritime System in the 21st. century.

References

1. Resolution; May, 1982.
2. (1).
3. Resolution; October, 1983.
4. Declaration of Indiana, Statement of Principles 1991

ENVIRONMENTAL QUALITY

EQ-1 - WATER QUALITY

The Great Lakes Commission recognizes that the Great Lakes are a unique and critical environmental and economic resource to be used, developed and protected by the United States and Canada. It is recognized that this resource provides an abundant yet finite supply of fresh, clean water. Despite its vastness, the resource is a fragile one, demanding continuing and strengthened management to avoid past abuse and neglect that has lead to degraded Great Lakes water quality in many areas.

Issues of interest to the Great Lakes Commission within the broad category of "water quality" include, among others, wastewater treatment, construction grants, vessel discharge, hazardous chemical control, phosphorus control, safe drinking water, dredge and fill permitting, mineral extraction, and the Great Lakes Water Quality Agreement (GLWQA) renegotiation process.

The U.S.-Canada Great Lakes Water Quality Agreement, as first signed in 1972, focused on the removal of phosphorus and other conventional pollutants. The Agreement was amended in 1978 with a new emphasis on the control of toxic pollutants. Significantly, it recognized that nonpoint sources are a major pathway for toxic and conventional pollutants entering the Great Lakes. The extent of the toxic contaminant problems in the Great Lakes has raised water quality management efforts to a new level of complexity, as the pollutants themselves are numerous, their effects not well understood, and the sources widely dispersed and not readily controlled.

The Great Lakes Commission is concerned that the U.S. network of Great Lakes programs at the federal and state levels has not been adequately coordinated to reflect the ecosystem approach embodied by the Great Lakes Water Quality Agreement. Uncertainty pertaining to budgets and program jurisdiction continue to plague water quality management for the Great Lakes and impede progress toward ecosystem management.

Summary Positions

1. All Great Lakes states should institute or maintain, as appropriate, a ban on phosphorus-containing detergents as a means to slow the cultural eutrophication rate within the Great Lakes.
2. The Section 404 program of the Clean Water Act must be revised to: a) eliminate duplicate regulations; b) remove non-required administrative regulations that delay decision making; c) simplify state assumption of the program; and d) increase the use of nationwide or general permits for projects that would already require permits by states or have minimal impacts.
3. Future reauthorizations of the Clean Water Act must extend the state revolving loan fund program, which should be funded sufficiently to address priority municipal waste treatment needs identified by the Great Lakes states. Maximum state flexibility in administering water quality management programs must be provided.
4. A comprehensive, Basin-wide program to address the problem of in-place pollutants, such as that provided by the Great Lakes Critical Programs Act is needed to address the problem of contaminated sediments in many Great Lakes harbors and all Areas of Concern. Such a program, appropriately implemented at the federal level, should provide funding, technical assistance and policy guidance. It should build upon existing programs and activities administered by the U.S. EPA, the U.S. Army Corps of Engineers, and other appropriate entities.
5. The Great Lakes states must be involved in any and all future review and renegotiation efforts relative to the U.S.-Canada Great Lakes Water Quality Agreement, its terms of reference and its Annexes. If any renegotiation is considered by the two federal

governments in the future, the Great Lakes states must be fully involved with the United States' team as follows:

- a. In the pre-decision process, the Great Lakes states must be consulted when any decision to amend or otherwise renegotiate is being made.
- b. If a decision to seek amendment or renegotiation is reached, the Great Lakes states must be involved in any announcements of the selected renegotiation issues and be full participants in any preparatory discussions involving Canada and its provinces.
- c. In any negotiation process, the Great Lakes states must: (1) be involved with any public and/or private work groups and participate in any decisions (especially regarding compromise from pre-negotiation targets); (2) be present as technical advisors to the United States negotiation team in discussions with the Canadian negotiation team; and (3) be supported at a level sufficient to carry out Agreement provisions.

Full implementation of the Great Lakes Water Quality Agreement must be ensured through federal participation and assistance in funding the Great Lakes states at a level sufficient to carry out Agreement provisions.

6. The Great Lakes states should be party to any activities involving an examination of the implementation of the U.S.-Canada Great Lakes Water Quality Agreement.

References

1. Commission Summary Position Statement; Approved 10-16-87.
2. Resolutions; 5-28-82; 10-7-83.
3. Resolution; 10-7-83.
4. Resolution; 4-26-90.
- 5-6. Resolution; 3-16-87; Commission Summary Position Statement; Approved 10-16-87.

EQ 2- TOXIC SUBSTANCES AND HAZARDOUS WASTE

The Great Lakes Commission recognizes that public awareness and concern over toxic chemical contamination in the air, soil, water and food chains of the Great Lakes Basin has risen dramatically in the last two decades. While approximately 30,000 different chemicals have been used in the Great Lakes Basin and between 300 to 500 new compounds are added annually, less than 1000 are used in commercial, industrial, and environmentally significant amounts. Moreover, while analyses have shown that some Great Lakes fish have biomagnified measurable levels of as many as 500 different toxic chemical, the largest majority of these chemicals have not been structurally identified. The number of toxic contaminants, coupled with the diffuse sources, complex interactions and a limited understanding of impacts, presents perhaps the greatest challenge to management of the Great Lakes land and water resources.

Although data collection for the Great Lakes Basin is improving at the state and federal levels, uncertainties do exist as to how much toxic and hazardous waste is generated, and the health and environmental effects of toxic contaminant releases. Inadequacies in baseline data obscure the scope and complexity of such problems and impede effective control.

Summary Positions

1. Enforcement of prohibitions on toxic substance discharge into the Great Lakes waters from terrestrial, aquatic and atmospheric sources must be vigorously pursued at the state and federal levels.
2. Existing U.S. EPA and Great Lakes state NPDES permit systems for the discharge of toxic substances must be reviewed and strengthened, as appropriate, and should consider

- ambient water quality in the determination of waste load allocations.
3. Practices relating to the treatment, storage and facility siting for hazardous wastes in the Great Lakes Basin must be reviewed and improved, as appropriate, by the U.S. EPA and the Great Lakes states.
 4. The U.S. EPA must aggressively apply Superfund funding to the immediate clean up of known serious hazardous waste sites while surveying other potential sites in the Great Lakes Basin.

References

- 1-4 Resolution; 10-16-81.

EQ-3 - AIR QUALITY

In the Great Lakes region, airborne transport and deposition of toxic contaminants and other pollutants have broad implications for human health, environmental quality, and the use and development of water resources. In order to understand and solve this problem, identification of air toxics sources, quantification of emissions and an understanding of atmospheric pathways and environmental fate issues are needed. The Clean Air Act as amended will begin to address many of these areas under Title III provisions. Concern still remains because many of the deadlines for promulgating national air emission standards have passed and utilities are exempt from any air toxics regulations unless a required study demonstrates the need for additional compliance. Contaminants arising from nonregulated sources also significantly contribute to pollutant loadings and must be identified and quantified.

Summary Positions

1. The quality of the binational Great Lakes airshed must be enhanced and protected through U.S.-Canadian cooperation at the federal level with a voice for the Great Lakes states in the policy and decision-making process.

Reference

1. Commission Summary Position Statement; Approved 10-16-87.

EQ-4 - FISH CONTAMINANT MONITORING AND CONSUMPTION ADVISORIES

Fish contaminant data collected and analyzed by federal, state and provincial agencies reveal widespread occurrences of contaminants in sport and commercial fish. Agencies are expanding monitoring programs and data analysis efforts due to concerns regarding the safety of consuming fish caught from the Great Lakes as well as inland lakes in the Great Lakes region. Related initiatives, following from the 1986 Great Lakes Toxic Substances Control Agreement (signed by the Great Lakes governors), include a binational effort to develop a common Basin-wide protocol on issuing fish consumption advisories. Such a protocol, using Food and Drug Administration action levels, has been agreed upon to date by the states bordering Lake Michigan. A Uniform Fish Consumption Advisory Task Force comprised of public health advisors from the eight states has been formed to address consumption of sport fish from the Great Lakes.

Summary Positions

1. The Great Lakes Commission recognizes that the public interest is best served by developing uniform fish consumption guidance pertaining to the entire Great Lakes-St. Lawrence

system. Such guidance should include a consistent approach for commercial and sport-caught fish, and should be developed through a process of public review and comment.

References

1. Resolution; 4-26-90.

EQ-5 - MEDICAL WASTE MANAGEMENT

In the late 1980s, a series of incidents involving medical wastes on Great Lakes beaches focused the attention of public health officials and policy makers throughout the region on this problem. These incidents did not suggest an immediate, serious public health problem, but did suggest the need for review and possible revision of legislative and program measures to preclude the possibility of such.

The proper handling and disposal of medical wastes (syringes, medical instruments, vials, pathological wastes, etc.) has long been a challenge for federal, state, provincial and local public health agencies. The challenge is attributed to (among others) the size and decentralized nature of the medical and health care community and the diversity of handling and disposal practices. Of particular concern is the subset of medical wastes that has infectious properties: those wastes that have the capability of transmitting disease.

The management issue came to the forefront of regional policy discussion when a series of incidents throughout the Great Lakes were documented in the late 1980s. Numerous state, regional and federal initiatives were taken in response to these incidents. Medical waste handling and disposal practices and regulations were reviewed in every Great Lakes state as well as Ontario. Numerous other state and federal bills were introduced, specifying an array of programs and procedures ranging from manifest systems and tracking procedures to disposal protocols and penalties and fines. The federal Medical Waste Tracking Act was signed into law. At the regional level, the interjurisdictional implications of the issue were recognized, along with the need for a coordinated framework among the Great Lakes states and provinces.

On the basis of the work of the Great Lakes Commission's Task Force on Medical Waste Disposal, general findings and recommendations were presented to and adopted by the Great Lakes Commission in late 1988.

Summary Positions

1. Medical waste disposal problems, including but not limited to those associated with beach wash-up of medical debris, should be addressed via legislative and programmatic initiatives. Even small, isolated incidents can have significant public health implications, particularly if the wastes are infectious.
2. Great Lakes states and provinces should consider new or amended legislation and programs that address key elements outlined in detail by the Task Force on Medical Waste Disposal in its December 1988 report. These elements provide for education programs; an accurate and precise definition of infectious wastes; regulations pertaining to infectious waste generation, storage, containment, processing, disposal; establishment of a tracking system for shipments through a manifest system; licensing of infectious waste transporters; violations and penalties; financing; inspection, compliance and enforcement; establishment of a communications network; and a state/provincial/local protocol for responding to incidents.
3. A Regional Notification System for medical waste emergencies is both necessary and feasible, and should be established for use by Great Lakes states and provinces. The

system should be triggered by any water or land-based incident involving medical waste handling with interstate implications where a potential threat to human health exists, as determined by the jurisdiction in which the incident occurred. The system should include a designated medical waste coordinator in each state and province, and a protocol for system operation.

4. Consistent, coordinated and updated emergency response plans in every Great Lakes jurisdiction are needed to address the actual and potential problems posed by improper medical waste disposal. Strengthening consistency between and among the plans in individual jurisdictions is preferable to developing an entirely separate emergency response plan. Each state should include a regional coordination element to specify procedures in the event of an incident with interjurisdictional implications.
5. A well informed regulated community and an informed citizenry are the most effective means to reduce or eliminate the potential human health threat posed by medical waste. Education programs are critical at all points on the waste stream continuum and will be pivotal in future efforts to gain public acceptance of new management strategies. Expanding and strengthening education programs within individual jurisdictions is preferable to designing and implementing a separate regional program. The Great Lakes states and provinces should consider medical waste education as an integral part of their overall medical waste management strategy. Beyond the general public, such programs should target medical waste generators, transporters, landfill operators, local health officials and others involved in handling such wastes or responding to incidents. Inter-jurisdictional issues, including procedures to address beach wash-ups of medical waste debris, should be addressed.

References

- 1-5. Medical Waste Management in the Great Lakes Region: Legislation and Program Recommendations; adopted 11-10-88.

EQ-6 - MARITIME INDUSTRY ROLE IN ENVIRONMENTAL POLICY AND MANAGEMENT

Under the terms of the Great Lakes Basin Compact, the Great Lakes Commission is dedicated to the "orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin." Further, the Commission is called upon to advise its member states and larger constituency "in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, environmental, and other legitimate uses of the water resources of the Basin." Consistent with these mandates, the Great Lakes Commission recognizes that all sectors of the Great Lakes community must support environmental policy and management initiatives that embrace a philosophy of sustainable development. Open and continuing dialogue between these sectors is essential in the interest of identifying and advancing mutual interests.

Summary Positions

1. Great Lakes-St. Lawrence maritime interests and regional environmental organizations should pursue opportunities for exchange of information and views on a regular basis including invitations to make presentations at special and general membership meetings.
2. Great Lakes-St. Lawrence maritime industry objectives should incorporate the improvement of Great Lakes and St. Lawrence River water quality as a priority in annual non-profit contribution programs.
3. Effective means of controlling and containing the spread and impact of non-indigenous nuisance species should be developed and implemented by federal, state, and provincial governments, with continued consultation of Great Lakes-St. Lawrence maritime interests.

References

- 1-2. Declaration of Indiana, Action Agenda; 1991.
- 3 Declaration of Indiana, Action Agenda ; 1993

EQ-7 - EMERGENCY PREPAREDNESS FOR OIL AND HAZARDOUS MATERIALS SPILLS

The Great Lakes region encompasses an extensive and intensively used freshwater resource that provides the location for the production and transport of substantial quantities of oil and hazardous materials. As a result, the potential of a spill with devastating environmental, human health and economic consequences clearly exists in the Great Lakes region. The much-publicized Exxon Valdez incident in Prince William Sound has focused attention on this region's ability to anticipate, respond to and prevent oil and hazardous material spills.

The Great Lakes are highly vulnerable to such spills. Even quantities of only a fraction of the estimated ten million gallons of oil released in the Exxon Valdez incident pose substantial threats to the Great Lakes ecosystem. The Great Lakes are a relatively closed freshwater system--a series of large lakes with long retention times. The system provides drinking water to over 25 million residents, and many of the hundreds of water supply intakes are located on connecting channels, in heavily navigated waters, or near shore-side industrial facilities where oil and hazardous materials are handled. Further, the Great Lakes Basin is a fragile, highly sensitive ecosystem that includes a thriving sport fishery and some of the world's most productive freshwater wetlands. These facts, coupled with the added difficulties in containing spills under ice or spills of water-soluble toxics, accentuate the vulnerability of the Great Lakes. Clearly, a spill of any magnitude has the potential for devastating environmental, human health and economic impacts.

On the basis of the work of the Great Lakes Commission's Emergency Preparedness Task Force, findings and recommendations have been presented to and adopted by the Great Lakes Commission that address the individual and collective response capabilities of Great Lakes jurisdictions; the U.S. federal role in Great Lakes spill planning/response capability; data collection and inventory needs; research, technology and education needs, and vessel safety.

Summary Positions

1. Governmental jurisdictions and industry in the binational Great Lakes Basin are, overall, not adequately prepared to anticipate, respond to or prevent large scale oil or hazardous material spills. All such entities must develop prevention/response plans and secure the authorities and resources needed to effectively carry them out.
2. A well-defined, coordinated and appropriately funded contingency plan to address oil and hazardous spills on a Great Lakes system-wide basis is of the highest priority. State, provincial and federal governments should acknowledge land and marine spill prevention as an equally high priority.
3. State, provincial and federal agencies should support a Great Lakes Spill Response Network or equivalent mechanism to coordinate planning activities for anticipating, responding to and preventing oil and hazardous material spills on the Great Lakes. This should include a workplan to address data collection and inventory needs (identified in a later section of this policy position). The Network should provide for a uniform spill notification and tracking system, a computerized data base of spill response resources (including equipment) and a single, centralized telephone number with 24-hour response capability. Toward this end, the capability of the Regional Response Team and other existing institutional arrangements should be carefully evaluated and improved or altered where necessary.

4. Federal, state and provincial legislatures should support the funding levels needed to ensure effective spill response capabilities at all appropriate levels of government.
5. At least one federally supported spill response center should be established within the Great Lakes Basin.
6. Federal, regional and state contingency plans should be reviewed and revised, as needed, to ensure that the unique requirements of the Great Lakes system are fully taken into consideration by these plans.
7. Programs and adequate funding levels for the U.S. Coast Guard, U.S. EPA and other agencies, as appropriate, should be established to permit full implementation of existing regulatory, enforcement, inspection and monitoring capabilities. For example, the U.S. EPA Spill Prevention Containment and Countermeasure (SPCC) inspection program should be funded at a level to permit it accomplish its mandate.
8. The Great Lakes Commission or another appropriate entity should undertake a thorough review and evaluation of sources of spill information, compile an inventory, and recommend a preferred spills inventory source (existing or proposed) for common use by Great Lakes jurisdictions. This effort should also include an inventory and evaluation of sources of transport and storage data, and the identification of a preferred source (or set of sources) for regional use.
9. The Great Lakes Commission or another appropriate entity should develop and maintain a computerized Basin-wide inventory of spill response equipment, services and personnel. This inventory should be readily accessible by all spill response officials, particularly those at the federal, state and local levels.
10. The federal governments, with the advice and assistance of the Great Lakes states and provinces, should take a leadership role in promoting and funding the development of new technologies for spill response, as well as basic research that can help assess and minimize the environmental; human health; fish, wildlife and botanical habitat; and economic damages associated with a spill event. Special attention should be given to technologies to address under-ice and water soluble toxic spills. Means to minimize the use and handling of toxics in situations that pose potential spill threats should also be considered.
11. The U.S. and Canadian Coast Guards, in cooperation with relevant federal, state and provincial environmental agencies, should prepare and make available an inventory of public and private sector resources involved in research and spill technology development.
12. Educational materials and workshops on clean-up technology and response capabilities should be developed and delivered (as resources permit) to local governments by appropriate agencies and educational institutions.
13. Relaxation of regulations that may compromise the safety of vessel transits and increase the likelihood of spill incidents should be vigorously opposed.
14. The two federal governments, acting through their respective Coast Guards, as appropriate, should review and make recommendations in the areas of construction standards for vessels transporting oil and hazardous materials (e.g. double bottoms); the need for shipboard oil spill response equipment; sources and means to reduce human error factors in spill incidents (e.g. training); and programs for effective drug and alcohol testing and treatment.

References

- 1-14. Policy Statement on Emergency Preparedness for Oil and Hazardous Materials Spills on the Great Lakes; adopted 11-15-89

EQ-8 - GREAT LAKES EDUCATION AND PUBLIC INVOLVEMENT

The Great Lakes Commission has identified Great Lakes environmental education and public involvement as a regional priority, recognizing education's central role in advancing the informed

use, management and protection of the Great Lakes. An active and informed public is essential to the wise stewardship of the region's land and water resources and can be fostered via formal K-12 classroom training and through various non-formal mechanisms.

Over the past ten years, considerable progress has been made both regionally and nationally with respect to integrating environmental education materials into K-12 curricula. There is also no shortage of basic materials for Great Lakes and environmental education. The list and types of available materials includes teacher-ready curricular units, brochures, activity kits, models, programs, directories, atlases, videos, games, guidebooks and other resource books, to name but a few. In addition, there is a loosely connected set of organizations concerned with providing education opportunities and outreach in the eight Great Lakes states and two Great Lakes provinces. These organizations represent both governmental and non-governmental interests and include: the Great Lakes Commission, International Joint Commission, W.K. Kellogg Foundation and its emerging regional groundwater education network, the Groundwater Education in Michigan (GEM) program, state Sea Grant programs, Freshwater Institute, Lake Michigan Federation, state Environmental Councils, state Geographic Alliances, an expanding network of teachers working through the Global Rivers Environmental Education Network (GREEN) and Illinois River projects, and many others too numerous to mention.

While materials and the organizational infrastructure are in place to deliver high quality Great Lakes and environmental education in-service and pre-service training opportunities in a flexible cost-effective manner, there is a tremendous need to coordinate and support existing programs and to establish a more formal network of organizations and agencies to deliver materials and training to teachers. The Great Lakes Commission has played a role in addressing these issues through two recent initiatives focusing on Great Lakes education and groundwater education. Dozens of agencies and organizations and hundreds of formal and non-formal educators contributed to the development of regional strategies for advancing Great Lakes and groundwater education in the eight-state, two-province area. Recommendations were developed in areas related to: materials and program development; teacher training; networking; coalition building; information dissemination; public involvement; funding; and publicity and promotion. The Commission continues to advance these recommendations through its member states and numerous agencies, organizations and associations.

- The Great Lakes Commission will continue to serve as a catalyst to promote and expand Great Lakes and environmental education in the Great Lakes region. This will be accomplished through the following traditional Commission mechanisms: information sharing, networking with appropriate groups and services provided through its information clearinghouse functions.
- The Great Lakes Commission encourages its member states and the broader Great Lakes education community to provide the leadership in implementing the Great Lakes and groundwater education strategies for the region.

Reference

15. Policy statement adopted 10-7-93.

RESOURCE MANAGEMENT

RM-1 -WATER LEVELS, FLOWS AND DIVERSIONS

The Great Lakes play a vital role in the regional and national economies of both the United States and Canada. From historical times until the present, the Lakes have been a source of sustenance and growth. In addition to a wide range of economic uses (such as commercial shipping, industry, power generation, commercial and sport fishing, public water supply), the Great Lakes water resources also sustain a rich and diverse natural ecosystem, which includes valuable plant, fish and wildlife habitats.

The overall contribution of the Great Lakes to the region's quality of life is reflective of the increased importance placed on abundant high quality fresh water throughout the world. Policymakers and opinion leaders in the Great Lakes region have recognized the importance of comprehensive water resources management to the sound development, use and protection of the world's greatest freshwater resource.

Jurisdictions within the Great Lakes Basin are increasingly faced with more complex challenges related to Great Lakes water management. Fluctuating water levels, brought on by pronounced climatic variations in recent years (record high levels 1985-1986; drought conditions 1988-1989); growing pressures to address water diversion proposals (both in-Basin and from other regions of North America); and projections suggesting substantial increases in consumptive uses of Great Lakes water over the next ten years have all contributed to the realization that all Great Lakes jurisdictions must work cooperatively to protect, enhance and conserve Great Lakes water resources.

The member states of the Great Lakes Commission recognize their stewardship responsibility for Great Lakes water resources, and their key role in the informed use, development and protection of this resource. The Commission supports Basin-wide initiatives in the spirit of an ecosystem management approach that safeguards and promotes environmental quality while providing for economic development and an enhanced quality of life. In so doing, the Commission recognizes that large scale, out-of-Basin water diversions can adversely affect existing uses of the resource and compromise the environmental and economic future of the region. It is imperative that a comprehensive water management program be designed and implemented on a Basin-wide level to ensure that all policy decisions relating to water levels, flows, diversions and uses in general are informed ones.

Summary Positions

1. The Great Lakes Commission endorses and calls for vigorous implementation of the principles and procedures embodied in the Great Lakes Charter governing prospective diversions and consumptive uses of Great Lakes water.
2. The design and implementation of the Water Resources Management Program, as called for in the 1985 Great Lakes Charter signed by the Great Lakes governors and premiers, is a high regional priority and should proceed promptly and in earnest.
3. The Great Lakes Commission endorses the goals of the International Joint Commission's Lake Levels Reference Study, the results of which promise to provide Great Lakes State, Lawrence resource management officials, shoreline communities and residents with practical guidance and recommendations for addressing future lake level fluctuations. In so doing, the Commission, through its member states, commits to participation in study conduct and the subsequent implementation of recommendations.

4. Policy decisions pertaining to water levels and flows must be made in the context of ecosystem management, including a sensitivity toward fish and wildlife needs and impacts. Therefore, Great Lakes-St. Lawrence water level/flow control boards, committees, and associated groups should consider such fish and wildlife needs and impacts in their deliberations. Adequate state representation should be provided for, including individuals with appropriate expertise in ecology and fish and wildlife.
5. The Canadian and U.S. federal governments should send a reference to the International Joint Commission to monitor consumptive use of Great Lakes water and initiated a study of possible control measures and impacts for managing consumptive use. The Great Lakes states must have a role in the design and conduct of the study. Detailed contour mapping of shoreline and near shore areas, habitat mapping, and an inventory of key sensitive areas throughout the Great Lakes Basin must be considered as tools in a consumptive use study. A lead federal agency, unburdened by regulatory responsibilities, must be designated to work in consultation with the International Joint Commission and the Great Lakes states in the study.
6. Federal legislation must be passed directing all appropriate federal agencies, including the U.S. Environmental Protection Agency, the Corps of Engineers, and the Great Lakes Fishery Commission, to review existing regulations affecting the management of current and prospective consumptive uses.

References

1. Resolution; 3-13-86.
2. Policy on Drought Management and Great Lakes Water Levels; adopted 11-15-89.
- 3.
4. Resolution; 10-16-87.
5. Resolution; 10-8-82.
6. Resolution; 5-25-84.

RM-2 - DROUGHT MANAGEMENT

Although the Great Lakes region is one of the most water-rich areas in the world, drought conditions in the late 1980s demonstrated the unpredictability of meteorological events, and the attendant (and often pronounced) economic, environmental and social impacts. The fact that the mid-1980s were characterized by above average precipitation and historic high levels on four of the five Great Lakes underlines such unpredictability.

Historically, efforts to anticipate and plan for drought in the Great Lakes Basin have been limited in scope and frequency, with concerted attention driven largely by response to crisis conditions. Yet, unanticipated expenditures for such crisis management activities by state, provincial and local governments can cripple budgets and seriously restrict funding for other important government programs.

Governments at all levels are well-advised to invest the time and resources needed to develop and update drought management plans proactively, rather than bearing the greater costs of crisis response at a later point.

The Great Lakes Commission, through a regional Task Force on Drought Management and Great Lakes Water Levels, finds that:

- Drought and water level changes in the Great Lakes Basin are normal occurrences and, though unpredictable, should be planned for at all levels of government.

- A regional framework is needed to anticipate and plan for future drought events. This framework should encompass water conservation and demand management, data collection activities, stream and groundwater monitoring and overall water resources management.
- The collection of climatological data (including joint U.S./Canadian data) over the surface of the Great Lakes is lacking, yet is needed to improve analysis of drought and climate related impacts to the Great Lakes Basin. Special needs are in the areas of inflow stream requirements, streamflow data and groundwater data. Accurate, current data are essential for successful policy and planning efforts. Better monitoring and evaluation of drought and water level conditions are needed on a regional basis in the Great Lakes Basin, as is research in the areas of prediction and forecasting. In addition, a need exists for improving, expanding and clarifying the definition(s) of drought and what constitutes the different types of drought. Criteria (based on the improved definitions) should be developed to assist planners and managers in the areas of drought declaration and drought evaluation.
- Intermediate and long term drought and water resources planning is the most efficient and cost effective means to plan for and accommodate drought events.
- Appropriate water conservation measures, demand forecasting and management which provides for adequate future supply even in drought regimes should be encouraged and promoted at all levels of management and government.

The Great Lakes Commission supports a series of related recommendations in the areas of drought planning; data gathering and dissemination; monitoring and evaluation; and intermediate and long-term planning.

Summary Positions

1. A standing committee, task force, or related arrangement should be established in the Great Lakes Basin to coordinate drought management and monitoring activities at the federal level in the U.S. and Canada. Provisions should be made for state/provincial involvement to ensure that the standing committee activities do not usurp or supersede drought planning and management at the state/provincial and local levels.
2. Expanded data collection efforts with viable long-term funding sources are needed at the state, provincial and federal levels for both surface and groundwater. There is also a need to develop a geographic information system (GIS) database to maximize the value and use of the collected data. To strengthen planning efforts, Great Lakes states should increase utilization of and interaction with the Northeastern Regional Climate Center and the Midwestern Regional Climate Center, both of which collect and maintain extensive climatological data. The mission of the NOAA National Climate Program Office should be expanded to provide information through the regional climate centers to the states (and provinces) in areas related to drought declaration and evaluation, among others.
3. A standing task force or work group, possibly within an established state or provincial water resource management or environmental agency, should be formed in each Great Lakes state and province to address drought and fluctuating water level issues. A mechanism to coordinate activities with the proposed federal standing committee and other appropriate agencies and organizations should be provided for.
4. Drought contingency plans should be developed (where not currently in place) for all appropriate federal, state, provincial and local agencies. The plans should include the designation of a lead agency to coordinate activities at the state or provincial level as well as between the appropriate federal and local agencies. It is further recommended that the states and provinces, where needed, secure the required authority for developing a drought plan through passage of necessary legislation.

5. The Great Lakes states and provinces should consider technical and other appropriate resource assistance programs to encourage planning at the community level.
6. The two federal governments should consider the establishment of a joint climatological/hydrological data source center with near real time information for U.S./Canadian jurisdictions. The center might be housed in the offices of an appropriate regional or binational organization and modeled after the Communications Center that was established by Environment Canada at the Canada Center for Inland Waters in Burlington, Ontario. This facility could be integrated with the Midwestern Regional Climate Center, which is implementing the near real time climate information for both nations and might accommodate the hydrologic data needs as well.
7. Each Great Lakes state and province should provide for a climatologist function (or office) within a water resources or environmental agency to execute climatological functions, coordinate drought planning and data dissemination activities, and provide liaison to the two regional climate centers.
8. The current stream gauging and groundwater monitoring program in the Great Lakes Basin should be strengthened and upgraded, particularly at the federal level. Expanded data collection points (monitoring stations) for surface and groundwater as well as evapotranspiration should also be established. Research in areas related to the protection of instream flow values, the potential yield of aquifers and lake evaporation rates should be expanded at all levels.
9. Full funding should be received for the U.S. Geological Survey cooperative stream gauging program, appropriate U.S. National Weather Service rain gauge and climate monitoring support activities, and equivalent Canadian support programs.
10. Drought response mechanisms (trigger levels) should be developed on a regional level, similar to those in New York, Ohio and Pennsylvania which might serve as models. The two regional climate centers should assist in expanding and clarifying the definition of local and regional drought and in the development of a drought declaration process.
11. The Water Resources Management Committee established by the Great Lakes governors and premiers should develop basinwide principles and provisions for drought management when developing the water management program under the Great Lakes Charter. It is further recommended that the water management program mandated by the Charter be developed as soon as practicable.
12. Full state/provincial support and funding of the Great Lakes Regional Water Use Data Base should be secured to provide the jurisdictions with consistent, uniform water use data to assist them in demand management and demand forecasting activities. This includes full funding of water use programs to allow each jurisdiction to proceed in the development and establishment of its water use registration program as well as improving its ability to use the data base in a timely, uniform and consistent manner.
13. Each state and provincial government should develop and maintain a water resources management plan. Such plans should include an assessment of water availability in the Great Lakes Basin portion of their jurisdiction, competition among users, in-stream flow requirements, existing storage capacity of local water suppliers, drought analyses, and recommendations for additional storage or capacity.
14. State, provincial and local jurisdictions should adopt and implement water conservation measures including, but not limited to, leak detection programs, installation of low flow plumbing fixtures, and water use restriction programs. These activities should be pursued in wet years as well as during times of drought.
15. A survey of public water suppliers in the Great Lakes Basin should be conducted to determine needs, capabilities and responses to fluctuating Great Lakes water levels.
16. Research and analysis of the effects of drought on hydropower and navigation interests in the Great Lakes should be undertaken.

17. Federal (U.S. and Canadian) research on global warming or "the greenhouse effect" and its impacts, should be continued and enhanced with increased involvement from binational, state, provincial and local agencies and organizations.

References

- 1-17. Policy Statement on Drought Management and Great Lakes Water Levels; adopted 11-15-89.

RM-3 - FISH AND WILDLIFE RESOURCES

Due in part to increased public awareness and participation, U.S. federal funding for fish and wildlife management programs in the Great Lakes Basin, although declining in real dollars, has remained relatively stable in recent years. Excise taxes on hunting and fishing equipment returned to the states through the Pitman-Robertson (wildlife) and Dingell-Johnson (fisheries) programs are used in part to support Great Lakes research and management programs. The excise taxes on fishing equipment have been broadened through the Wallop-Breaux amendment to the Dingell-Johnson Act.

Over the past twenty years, U.S. and Canadian resource agencies, working under the coordinating umbrella of the Great Lakes Fishery Commission (GLFC), have helped restore the Great Lakes commercial and recreational fishery from the devastation of the 1960s to one which has a total annual economic value estimated at 2 to 4 billion dollars. These agencies, working under the aegis of the GLFC, developed and endorsed a Joint Strategic Plan for Management of Great Lakes Fisheries. The plan's goals include maintaining fish communities which meet society's needs for wholesome food, recreation, employment and income, and a healthy human environment. The strategies involve consensus, accountability, environmental management, and management information.

The Great Lakes Commission recognizes that not only expansion but also modernization of state, federal and provincial fish hatcheries is necessary to stock the millions of fish required annually to maintain the sport fishery and help meet lake trout restoration objectives. The Commission further recognizes that monitoring and influencing proposed federal legislation to protect and improve Great Lakes fish and wildlife resources will continue to be a vital factor in maintaining a successful Great Lakes fish and wildlife management program.

Contaminants in the Great Lakes ecosystem accumulate at unacceptable levels in some fish and wildlife, causing serious concern over their effects on human health and fish and wildlife populations. The Great Lakes Commission supports uniformity in identifying chemical contaminants in fish and comparable interpretive programs within the states. The Commission recognizes progress in establishing uniform fish consumption advisories among Great Lakes jurisdictions and supports continued federal, state and provincial cooperation and U.S. and Canadian efforts in that area via U.S. and Canadian federal, state and provincial cooperation.

Summary Positions

1. Adequate funding levels for the federal Endangered Species Act must be supported.
2. Pitman-Robertson and Dingell-Johnson (Wallop-Breaux) funding for wildlife and fishery management must be continued and broadened. An expanded purpose to address priority identification of highest and best usages including non-sport species and ecological needs is supported.
3. Sea lamprey control programs on the Great Lakes must be enhanced by raising funding levels above current federal levels to satisfactorily complement the necessary management

practices for rehabilitating the Great Lakes sport and commercial fishery. Understanding the problem of sea lamprey resistance to lampricides and the need to overcome that resistance should be high priority.

4. Alternatives to use of lampricides for sea lamprey control should be research, developed, and funded.
5. Adequate funding levels to support the federal Anadromous Fish Conservation Program must be secured and maintained.
6. Uniform and consistent programs that describe the general levels and trends of chemical contaminants in various species of Great Lakes fish and that uniformly identify chemical contaminants and consumption risk factors must be developed at the state level.
7. The control and prevention of nonindigenous nuisance species should be of the highest priority at the federal, provincial and state levels.

References

1. Resolution; 6-6-78.
2. Resolution; 3-22-85.
3. Resolutions; 11-10-88; 5-1-91.
- 4.
5. Resolution; 6-6-78.
6. Resolution; 4-26-90.
- 7.

RM-4 - COASTAL ZONE MANAGEMENT

The Great Lakes states feature approximately 3,600 miles of Great Lakes shoreline. The U.S. federal government has long recognized the unique nature of this area and its national as well as regional importance. However, it was not until 1970, with the passage of the federal Merchant Marine Act, that the Lakes' shoreline was officially recognized as a "seacoast" and thus eligible to participate in federal coastal management programs. Regardless of this designation, the Great Lakes Commission believes that the problems and opportunities of coastal management in the Great Lakes have received only modest attention at the federal level. In some instances, state and federal programs have operated at cross-purposes, suggesting the need to ensure that federal actions are consistent with state management efforts.

The Great Lakes Commission recognizes the important contribution of the federal Sea Grant College Program which operates in seven Great Lakes states and contributes vital research, education, outreach and coordinative functions to the overall management effort.

Summary Positions

1. Implementation of the federal Coastal Zone Management Act must be vigorously supported at appropriate funding levels and with provisions to ensure consistency between state and federal management programs.
2. A revenue-sharing program for Outer Continental Shelf (OCS) development activities must be established, with an equitable proportion of funds available to the Great Lakes states and including base grants allocated to all coastal states and territories regardless of their current approval status in the federal coastal zone management program.
3. Federal legislation must be passed to increase wetlands protection through the development of inventories as management tools and by making funding available for increased state and federal wetlands acquisition and improved planning and management.

References

1. Resolutions; 6-6-80; 10-16-81.
2. Resolution; 5-28-82.
3. Resolution; 10-7-83.

RM-5 - SOIL EROSION AND SEDIMENTATION

Erosion and sedimentation are natural processes that can be accelerated or slowed by human intervention, but never stopped entirely. Erosion is part of the natural environment but it is accelerated by human activity. The challenge for resource managers is to minimize erosion rates and control sedimentation to maintain and improve land and water quality and productivity.

Soil erosion and sedimentation are serious problems in the Great Lakes Basin. Erosion, the detachment of soil particles by the actions of rain, wind and other factors, diminishes the productivity of the land resource base. Sedimentation, the deposition of eroded soil, fills harbors, streams and lakes and degrades water quality. Combined, erosion and sedimentation adversely affect recreation, fish and wildlife habitat, and cause federal, state and local governments to incur tremendous costs through increased dredging, ditch and stream channel maintenance, and damages to water treatment and conveyance facilities. In the Great Lakes states, it is estimated that over 600 million tons of topsoil are eroded annually from cropland alone, costing landowners \$3 billion to replace the lost nutrients associated with this erosion.

Erosion and sediment control activities, particularly on agricultural cropland, cannot be thought of as one-time remedies. They should be likened to a maintenance program where regular attention is required to have a desirable lasting effect. Land use practices are constantly changing, and erosion and sediment control programs must change as well to be compatible and effective.

Soil conservation programs have traditionally emphasized the benefits of sustainable agricultural production through soil erosion minimization. While the public costs of erosion control programs are substantial, the benefits have been mistakenly viewed by many as private ones, accruing only to individual landowners.

More recently, water quality and other environmental concerns have slowly led to the development of programs that address the relationship of soil erosion to the off-site damages caused by sedimentation. The public costs of many of these programs are enormous but there are significant public benefits realized through improvements in water quality, fish and wildlife habitat and recreational opportunities. Effective erosion and sediment control programs will also offset the need for increased dredging, stream channel and ditch maintenance, and may help reduce maintenance costs to water treatment and conveyance facilities.

On the basis of the work of a regional Soil Erosion and Sedimentation Task Force, recommendations have been presented to and adopted by the Great Lakes Commission that address funding; program development; standards and control program; and research and evaluation.

Summary Positions

1. The Great Lakes states should assume greater responsibility for financing soil erosion control programs in light of the pervasiveness of the problem and declining federal funds. In so doing, the states recognize that control must take place primarily at the local level with emphasis upon water quality considerations and off-site impacts. Dedicated sources of

revenue should be provided to support state and local delivery systems and fund innovative approaches to erosion control.

2. The Great Lakes Commission supports full funding of the nonpoint source program (Section 319) of the Water Quality Act of 1987. Under this Section the Commission further calls for 1) a major role for the U.S. EPA in assisting states in sediment control as well as in the management of nonpoint sources of pollution; 2) use of funds for local level implementation of nonpoint source management plans; and 3) use of funds for implementation of the U.S. EPA's and state phosphorus control strategies. The Great Lakes Commission also advocates the full appropriation of funds for the in-place pollutant demonstration program as provided for in Section 104 of the Water Quality Act of 1987.
3. The Great Lakes Commission advocates full funding and implementation of the Conservation Title of the Food Security Act of 1985. To implement this program, the Commission urges adequate staffing of the Soil Conservation Service (SCS) and Agricultural Stabilization and Conservation Service (ASCS) in the Great Lakes Basin, and provision of program grants to states for use by local soil erosion and water conservation districts.
4. The Great Lakes Commission, in recognizing the contribution of erosion and sedimentation control to the agricultural productivity and environmental quality of the water and related land resources of the Great Lake Basin, supports the establishment of a federal, line-item "Great Lakes Basin Program" within an appropriate federal agency budget to promote a comprehensive, Basin-specific control program. The program shall provide for cooperative federal/state planning and management with special emphasis on coordination of activities with the EPA under Section 319 of the Water Quality Act, and include an educational component to encourage responsible land-use practices.
5. The Great Lakes Commission acknowledges and endorses language in the Great Lakes Toxic Substances Control Agreement recognizing persistent toxic substances as the "foremost environmental issue confronting the Great Lakes" and calling for "new and creative initiatives" in addressing this complex problem. The Commission further acknowledges and endorses language calling for the expansion of federal initiatives for prompt remedial action on contaminated sediments and regular interstate workshop on techniques for management of contaminated sediments. The Great Lakes Commission also supports prompt and expeditious implementation of Agreement provisions addressing the problem of contaminated sediments. In so doing, the Commission urges careful consideration of nonpoint source pathways by which toxic substances contaminate the environment via soil erosion and sedimentation.
6. The Great Lakes Commission supports the convening of periodic interstate nonpoint source pollution management conference under Section 319 of the Water Quality Act of 1987 to develop and maintain agreements among the states to reduce the level of pollution from nonpoint sources in order to improve water quality. Such conferences should involve all appropriate USDA and state agency personnel, directors of the Cooperative Extension Service, EPA officials and representatives from environmental and soil and water conservation groups from the eight Great Lakes states.
7. The Great Lakes Commission encourages its member states to assume a more aggressive approach to control erosion for water quality management purposes and to reduce the tremendous off-site impacts of sedimentation. In so doing, the Commission advises the states to: incorporate standards for soil erosion into existing farm benefits programs; consider incorporating "cross-compliance" provisions in its applicable legislation; and establish minimum erosion control standards for both rural and urban land use activities. With regard to the latter, the Commission believes that its member states should establish and enforce erosion and stormwater standards in the absence of local controls, and incorporate such standards into state water quality standards.
8. The Great Lakes Commission encourages U.S. EPA to consider establishing sediment guidelines for incorporation into federal and state water quality standards.

9. The Great Lakes Commission encourages environmental organizations in the Great Lakes Basin to focus additional attention on the linkages between erosion and sediment control and environmental quality. The Commission shall encourage interaction and strengthened cooperative relationships between the environmental and soil conservation interests.
10. The Great Lakes Commission supports an expanded research program--at all levels of government--to address the following issues: quantifying off-site impacts of sedimentation; relationship of soil erosion to water quality and other off-site considerations; quantifying the role of sediment in transport of toxic pollutants; the effects of erosion and sediment control practices on groundwater; the linkages between erosion and sediment control and dredging; alternate disposal of slightly and moderately polluted sediments; and evaluation of current and prospective control programs, including the feasibility of incorporating sediment standards into water quality standards.

References

- 1-10. Soil Erosion and Sedimentation in the Great Lakes Region; adopted 10-16-87.

RM-6 - FLOOD INSURANCE RATES FOR LEVEED AREAS

Over the years, the U.S. Army Corps of Engineers has constructed thousands of miles of levees in the Great Lakes region and nationwide to protect land from floods of lesser magnitude than the 100 year flood. Such lands are delineated as Special Flood Hazard Areas and are subject to the floodplain regulation standards of communities participating in the National Flood Insurance Program. These levees are maintained by local authorities under the supervision and inspection of the Corps of Engineers to assure continued safe protection against the design flood.

The Great Lakes Commission is concerned that the unsubsidized flood insurance rates currently charged by the Federal Emergency Management Agency (FEMA) do not reflect the levee protection and significantly overcharge compared to appropriate actuarial rates. These unnecessarily high rates penalize and discourage expanded agricultural production and associated agribusiness, and the rehabilitation, modernization and improvement of existing homes and businesses. FEMA has studied insurance rates for leveed areas, but has not promulgated actuarial rates.

Summary Positions

1. FEMA should prepare actuarial flood insurance rates for leveed areas, and such rates should be offered to property owners protected by levees where: 1) the Corps certifies the design level of protection for a Corps designed and built levee; 2) the current Corps rating is "satisfactory"; and 3) local floodplain regulations and the insured property meet the requirements of the National Flood Insurance Program.

References

1. Resolution; 5-13-92.

RM-7 - CONFINED DISPOSAL FACILITIES

The Great Lakes Commission recognizes the important contribution that confined disposal facilities (CDFs) for dredged material have made to Great Lakes commercial navigation and improving water quality. The Commission acknowledges a long-term need for commercial harbor dredging in the Great Lakes, along with a means to dispose of dredged material in an appropriate manner.

Twenty-six CDFs have been built in the Great Lakes since 1970 and several are under construction or are planned. The prevalence and persistence of contaminated sediments in many Great Lakes commercial harbors, coupled with a government policy aimed at protecting water quality and enhancing commercial navigation, focuses attention on dredging activities and their impact on the environment.

Summary Positions

1. Adequate means, including new confined disposal facilities for dredged material, must be provided to maintain authorized navigation channel depths and preserve system water quality.
2. Congress should enact new, replacement legislation for Section 123, P.L. 91-611 that would provide for a system-wide, federal program for disposal of contaminated dredged material from Great Lakes Basin projects and address these issues:
 - The major element of this program should be continued authority for appropriate disposal of contaminated sediments including construction of confined disposal facilities. CDFs must be designed and constructed to meet all applicable standards and requirements. Also, the disposal program must provide for state cooperation regarding program implementation.
 - Disposal of dredged material, including the construction of confined disposal facilities for existing commercial navigation projects, should be considered part of the Corps of Engineers' navigation operation and maintenance program.
 - The Corps of Engineers should give consideration to the full range of disposal methods, including beneficial use or other reuse of dredged material.
 - Any new program must incorporate an overall review process to be completed no later than ten years after date of enactment.
 - Confined disposal sites should be located where essential habitat will not be lost while they are used. Involvement by habitat protection biologists and the equitable balancing of ecosystem needs with other societal needs is encouraged.
3. The Great Lakes Commission advocates full federal funding for new confined disposal facilities or improvements to them.

References

- 1,2. Great Lakes Commercial and Recreational Harbor Dredging: Issues and recommendations; adopted 11-10-88.
3. Great Lakes Commercial and recreational Harbor Dredging: Issues and Recommendations; adopted 11-10-88; and Congressional testimony, March 25, 1992 and Congressional correspondence, spring 1992.

TRANSPORTATION

T-1 - PRINCIPLES FOR THE USE AND DEVELOPMENT OF THE GREAT LAKES ST. LAWRENCE SEAWAY SYSTEM

The Great Lakes-St. Lawrence Maritime System is a regional asset of national and global significance that offers a comparative advantage for Great Lakes and St. Lawrence region industry. The region has been proclaimed the world's richest economic region, served by the world's most efficient trade route. The System is essential for this region's domestic economy and for its exports. It reduces manufacturing and distribution costs, and it provides a healthy competitive option to other transport modes. To survive and prosper, the System requires efficient operation, continuing maintenance and modernization, aggressive marketing and governmental policies favorable to maritime commerce.

The Great Lakes-St. Lawrence Maritime System serves a large binational area and its contribution to the regional, national and global economies is significant. For example, the Great Lakes states account for 70 percent of U.S. steel production and 50 percent of national steel consumption, as well as a fourth of the country's agricultural exports. More than 65 percent of Canada's gross national product is produced in Quebec and Ontario. In addition, half of Canadian manufacturing and one-fifth of U.S. manufacturing are based on the region's fresh water coast.

In 1991, the Great Lakes Commission joined with numerous other regional and Great Lakes-related organizations in adopting a series of principles for the present and future use, development and enhancement of the Great Lakes St. Lawrence system. Embodied in a document titled the "Declaration of Indiana," these principles demonstrate regional unity and support, build national and international awareness of the importance of the System, and provide a basis for advocating appropriate federal maritime and related economic development policies. The principles are presented below.

1. A strong and healthy Great Lakes-St. Lawrence Maritime System is a necessary foundation for the economic well-being of the region both in Canada and the United States.
2. Full consultation and cooperation between Canada and the United States at the federal and state/provincial levels on all maritime matters relating to the Great Lakes and St. Lawrence Seaway is required.
3. Competitiveness of Great Lakes-St. Lawrence maritime transport in world trade and vis-a-vis competing transportation systems and regions must be given priority.
4. Marketing the Great Lakes-St. Lawrence Maritime System is an essential trade development activity.
5. Policies, laws, regulations or practices which unfairly discriminate against the Great Lakes-St. Lawrence region must be actively opposed.
6. Emphasis on containment of costs and reduction or elimination of tolls, fees or other levies relating to Great Lakes-St. Lawrence maritime commerce is necessary for the System's future.
7. Operation by government authorities of the Great Lakes-St. Lawrence Maritime System must maximize opportunities for maritime commerce.
8. The Great Lakes-St. Lawrence maritime infrastructure must be maintained and modernized on a continuing basis.
9. The commercial maritime industry recognizes its role as a partner in environmental protection and will support and maintain high environmental, conservation and safety principles.

10. The U.S. and Canadian federal governments, in full consultation with provinces, states and private industry, should join in long-range planning and policy development for the future of the Great Lakes-St. Lawrence Maritime System in the 21st century.

References

- 1-10. Declaration of Indiana, "Statement of Principles" May, 1991.

T-2 - GREAT LAKES AND ST. LAWRENCE SEAWAY NAVIGATION

The Great Lakes and the St. Lawrence River are major components of a vast intermodal transportation system linking the heartland of North America with ports and markets throughout the world. This system is a vital part of the regional and national economy. With the completion of the deep-draft St. Lawrence Seaway in 1959 (Montreal to Lake Ontario segment), ocean vessels up to 736 feet in length can travel 2300 miles through the lakes, gaining access to the continent's interior. A binational system of locks raises vessels over 600 feet from the Atlantic Ocean to Lake Superior. Bulk commodities such as iron ore, coal and grain are the mainstays of the system. U.S. Great Lakes tonnage averages between 85 and 95 million tons annually. As of 1992, 1.3 billion tons of cargo had moved through the Seaway. U.S. and Canadian flag commercial navigation on the Great Lakes and St. Lawrence Seaway has steadily improved through larger and more maneuverable and efficient vessels, better crew training and modern port facilities. Through a common border and joint construction and operation of the Seaway, the Canadians and Americans cooperate in many aspects of the navigation system ranging from pilotage to dredging and marine safety. Passenger transportation, important once for immigration, is now focused on excursion and ferry services.

Summary Positions

1. The Great Lakes Commission urges the U.S. government to expand its consideration of Great Lakes shipyards for military and non-military shipbuilding contracts.
2. The U.S. and Canadian federal governments should develop new policies to preserve shipyard maintenance and repair capacity in the Great Lakes-St. Lawrence region.
3. Uniform standards must be established for disposal of shipboard sanitary wastes for cargo vessels using the Great Lakes/Seaway system.
4. The Great Lakes region must be served by an institution (e.g. Great Lakes Maritime Academy at Traverse City, Michigan) dedicated to the training of future personnel for Great Lakes commercial vessels.
5. Federal legislation on the financing of commercial vessel construction must be drafted so as not to exclude vessels designed for bulk commodity transport on the Great Lakes.
6. The term "navigable waters" must be interpreted to pertain to all waters presently used or susceptible for use in their natural condition or by responsible management as a means to transport interstate or foreign commerce-shoreward to their original high water mark.
7. The Great Lakes Commission advocates full federal funding for new confined disposal facilities or improvements to them.
8. Emphasis on containment of costs and reduction or elimination of tolls, fees or other levies relating to Great Lakes-St. Lawrence maritime commerce is necessary for the system's future.
9. Operation by government authorities of the Great Lakes-St. Lawrence Maritime System must maximize opportunities for maritime commerce.
10. The Great Lakes-St. Lawrence maritime infrastructure must be maintained and modernized on a continuing basis.

References

1. Resolution; October, 1982.
2. Declaration of Indiana, Action Agenda, May 1991.
3. Resolution; May, 1982.
4. Resolution; May, 1981.
5. Resolution; June, 1978.
6. (2).
7. Great Lakes Commercial and Recreational Harbor Dredging: Issues and Recommendations, November, 1988; Congressional Testimony, March 25, 1992; and Congressional correspondence, spring 1992.
- 9-10. Declaration of Indiana, Statement of Principles, May 1991.

T-3 - MARITIME POLICY/INTERMODAL TRANSPORTATION

The Great Lakes Commission recognizes the regional and national importance of the Great Lakes/St. Lawrence River transportation system. The federal Merchant Marine Act of 1970, in recognizing the Great Lakes as the "fourth seacoast," ensures that federal maritime policy, by law, must fully consider the needs and circumstances of the Great Lakes. In the view of the Great Lakes Commission, however, federal maritime policy lacks a coherent focus. Federal decisions affecting the nation's transportation system are not in all cases sufficiently sensitive to regional matters and, worse, can be outright discriminatory. The Great Lakes/St. Lawrence transportation system is vital to the regional and national economy and is a major determinant of the delivered price of goods. Business location decisions usually give great weight to market access and transportation service factors. The region's transportation system must be integrated into the nation's system. Due to the dynamic nature of the transportation environment, (e.g. fluctuating demand and variable rates), relevant government policy must be continually reviewed and periodically revised in light of both national and regional implications.

The Great Lakes Commission recognizes the intermodal character of the Great Lakes/St. Lawrence transportation system. Cargo movement through Great Lakes ports is dependent on trucks and railroads for delivery and transfer. However, the railroads, in particular, are competitors to Great Lakes shipping in some cargo areas. As railroads attempt to maximize length of hauls and thus increase revenue, the potential for predatory and discriminatory rate practices and cargo diversion may result.

Summary Positions

1. Any federal action that may increase the financial burden on Great Lakes-St. Lawrence maritime commerce must be subject to thorough review of its impact on the industry prior to adoption.
2. The Administration must develop, coordinate and monitor a consistent and rational national maritime policy that fully recognizes the Great Lakes as the nation's "fourth seacoast" and is sensitive to the system's vital contribution to the national and regional economy.
3. An office of maritime affairs coordinator must be established in the Executive Office of the President of the United States to monitor the implementation of a national maritime policy and ensure its equitable application in the Great Lakes and other regions.
4. A U.S.-Canadian governmental Great Lakes-St. Lawrence Maritime System consultative process should be maintained with inclusion of port, maritime labor and shipping interests in a consultative capacity.
5. The U.S. Department of Transportation must integrate the Great Lakes/St. Lawrence Seaway System with the national transportation network through its planning, policies and programs.

6. Congress must support existing cabotage laws.
7. Any legislation that diverts cargoes from the Great Lakes region to other seacoasts or modes of transportation must be vigorously opposed.
8. Full consultation and cooperating between Canada and the United States at the federal and state/provincial levels on all maritime matters relating to the Great Lakes and St. Lawrence Seaway is required.
9. Policies, laws, regulations or practices which unfairly discriminate against the Great Lakes-St. Lawrence region must be actively opposed.

References

1. Declaration of Indiana, Action Agenda, May 1991.
2. Resolution; May, 1984.
3. Resolution; October, 1976.
4. (1).
5. (unknown origin)
6. Resolution; July, 1987.
8. Resolution; May, 1983.
9. Declaration of Indiana, Statement of Principles, May 1991.

T-4 - SOO LOCKS FUNDING

The locks at Sault Ste. Marie, Michigan have played a vital role in waterborne commerce since 1853, when the state of Michigan built the first ship canal with two locks. Over 8 billion tons of cargo have been "locked through" since that date, with iron ore, grain and coal now the principal commodities.

The Soo Locks complex has undergone several periods of expansion and reconstruction to accommodate demands for commodity movement and the increasing size and draft of the fleet of Great Lakes bulk carriers. In 1969, the Poe Lock was dedicated, a \$35 million project providing a 1200 foot long/110 foot wide lock sufficient to accommodate a fleet of thousand-foot bulk carriers.

The Poe Lock and the MacArthur Lock (which opened in 1943) handle virtually all traffic at the Soo. The Davis and Sabin Locks, because of restricted depths, have been relegated to servicing ballasted vessels, although in recent years the Sabin Lock has been used only sparingly. After about 70 years of useful life, the Davis and Sabin Locks have deteriorated due to natural causes. Their structural stability is threatened and, hence the economic stability of the entire Great Lakes-St. Lawrence transportation system. A stability analysis indicates that the walls of both locks are unstable under current design criteria. The work needed to continue operation of the Davis and Sabin Locks is beyond the scope of usual maintenance activities and the District Engineer estimates that permanent closure of both locks would likely occur before the year 2000.

The Great Lakes Commission advocates the construction of a second large lock at the Soo to increase capacity and ensure the efficient and reliable operation of the lock complex over the long term. Issues associated with project financing must be resolved with all due speed.

Summary Positions

1. The Great Lakes Commission advocates full federal funding of a new large lock at the Soo, authorized in the Water Resources Development Act of 1986 (P.L. 99-662) and reauthorized in P.L. 101-640. In so doing, the Commission notes that the Soo Locks complex is a federal facility--federally built, federally operated and federally maintained. Its project

beneficiaries are regional, national and international in scope. It has, for example, national defense value as a principal conduit for raw materials for the steel industry and, as an international navigable waterway, approximately 30% of all traffic is of Canadian origin/Canadian destination.

2. The Soo Lock project is a unique one that cannot be compared to other deep draft projects and does not fit the standard cost-share arrangement as provided for in the Water Resources Development Act of 1986. Special legislative action is needed to accommodate this fact and provide an appropriate funding arrangement to ensure progress toward construction. Accessing the Harbor Maintenance Trust Fund is among the options to be considered.
3. A consensus regional position on Soo Lock funding should be developed and maintained by the Great Lakes Commission. A broad coalition of maritime interests, coupled with the governments of the eight Great Lakes states, should be included in the design and implementation of any regional strategy to ensure project construction.
4. Modernization of the Soo Locks complex should also include a new or rehabilitated Canadian lock.

References

1. Soo Lock Funding Policy Statement, October, 1991.
2. (1).
3. (1).
4. Declaration of Indiana, Action Agenda, May 1991.

T-5 - NAVIGATION SEASON EXTENSION

The commercial navigation season for the Great Lakes/St. Lawrence Seaway system is 8 1/2 to 9 months. However, open water movements on the Great Lakes may take place year round. The locks at Sault Ste. Marie, Michigan and in the Seaway, coupled with the connecting channels and the upper St. Lawrence River, are the system points most affected by winter conditions.

While the limited navigation season is a major hindrance to expanding overseas trade through the Seaway, season-extension proposals and icebreaking activities carry with them environmental considerations. Significant questions remain regarding environmental consequences of commercial navigation during wintertime ice conditions, particularly for the St. Lawrence River. For the steel industry, use of the Soo Locks at the beginning and end of the navigation season has become a priority concern to accommodate raw-material delivery schedules but it also raises environmental questions.

Summary Positions

1. Efforts must be undertaken to encourage continuity of regional shipping during the winter shutdown of Great Lakes/St. Lawrence Seaway navigation. Agreements, shipping documents and necessary legislation should be pursued as appropriate.
2. The Canadian and U.S. Seaway agencies should implement, on a three-year trial basis, a short extension of the current average Seaway navigation season until January 1, subject to acceptable environmental conditions, as an inducement for additional cargo traffic.¹
3. The Great Lakes Commission supports a fixed closing date of January 15 for the Soo Locks.¹

¹ This policy position was adopted on a 6-2 vote with Michigan and New York opposing.

References

1. Resolution; May, 1981.
2. Declaration of Indiana, Action Agenda, May 1991.
3. Executive Committee, May, 1990.

T-6 - CARGO PREFERENCE/CARGO PROMOTION

Cargo preference law supports the national merchant marine by providing that a portion of a country's waterborne foreign trade be set aside for ships registered under its laws. U.S. cabotage laws or those reservation policies applying to domestic vessel carriage (people and goods) restrict movements to U.S. flag vessels. In the United States, international waterborne movements subject to cargo preference include all military cargoes (100%), federal property and agricultural or other products sold or donated abroad as part of U.S. foreign aid or related government assistance programs and goods financed through the Export-Import Bank. The 1985 farm bill raised the agriculture relief cargo percentage over three years to 75% (to 60% in 1986, 70% in 1987 and 75% in 1988 and thereafter).

The Great Lakes region and adjacent states produce much of the goods available for cargo preference shipments. However, the lack of U.S. flag vessel service between the Great Lakes ports and various overseas destinations is a source of growing frustration. Great Lakes port interests claim that cargo preference applied to P.L. 480 (Food for Peace) shipments has resulted in unjustified diversion of cargoes and inequitable application of the law. Agricultural interests are concerned about the higher cost of U.S. flag service and its hindrance to concessional export sales. For military cargo, re-establishing a designated "outport" in the Great Lakes port range and securing more such shipments have been regional objectives.

Because "Food for Peace" commodities are usually bagged and palletized and often involve initial processing, they are more labor intensive and of higher value than bulk shipments. They are usually shipped from public port terminals. Typical military cargoes handled at Great Lakes ports include military vehicles and household goods. The Great Lakes Commission recognizes that these kinds of shipments provide jobs within the region and make an important contribution to the regional economy.

Cargo promotion includes all efforts to encourage and market the movement of more cargo through Great Lakes ports and the provision of vessel service. Recent efforts at the regional level have been aimed at general cargo, usually a manufactured product requiring special packaging and handling. Since 1980, however, active promotion of U.S. coal exports through the St. Lawrence Seaway has taken place as well. The Great Lakes Commission recognizes that vessel service, pertaining to factors such as size and configuration of vessels; frequency of service; rates; U.S. flag vessel availability; and feeder versus direct movement are a necessary complement to cargo promotion initiatives.

Summary Positions

1. Government-generated cargoes should be allocated to export ports and shipped, whenever possible, on the basis of lowest-landed cost as determined through a competitive bidding system.
2. The federal government must increase its purchasing and contracting activity in the Great Lakes region to increase cargo preference shipments through Great Lakes ports.
3. The administration and effect of cargo preference legislation must be reviewed to correct possible illegal or inequitable application of the law to the Great Lakes region. Further, a

definitive interpretation of the term "available" is needed, relative to U.S. flag vessels, within the requirements and meaning of the Cargo Preference Act.

4. A container feeder vessel service has commercial potential for application in the Great Lakes/Seaway system and must be fully explored and supported.
5. U.S. flag overseas liner service in the Great Lakes must be established.
6. Federal agriculture agencies and Congressional agriculture committees must fully consider the economic impact of policy and program changes as they relate to agricultural exports via the Great Lakes/St. Lawrence Seaway System.
7. Increased overseas exports of coal through Great Lakes ports must be encouraged, making full use, among other options, of midstream transfer pioneered in the Gulf of St. Lawrence.
8. The U.S. and Canadian Seaway agencies should target grain and coal exports and steel imports/exports through the system for a special independent research study intended to review such traffic development.
9. Overseas trade missions sponsored by the St. Lawrence Seaway Authority (Canada) and/or the St. Lawrence Seaway Development Corporation (U.S.) should be continued and periodically reviewed to ensure responsiveness to new trade opportunities.
10. The U.S. and Canadian federal transportation agencies should consider special support for trade development initiatives undertaken by system ports.

References

1. Resolution; May, 1984.
2. Resolution; May, 1982.
3. Resolutions; October, 1985 and October, 1986.
4. Resolution; October, 1981.
5. Resolution; October, 1981.
6. Resolution; October, 1980.
7. Resolution; October, 1982.
8. Resolution; May, 1981.
- 9-11. Declaration of Indiana, Action Agenda, May 1991.

T-7 - U.S. COAST GUARD OPERATIONS AND RELATED USER FEES

The Great Lakes region has a strong U.S. Coast Guard presence. The agency, through its Ninth District, performs many vital tasks in protecting the marine environment and ensuring the safety of commercial navigation and the recreational boating public. Additional responsibilities literally cover the "waterfront." The Great Lakes region's economy and environment would suffer immeasurably if the U.S. Coast Guard, for any reason, could not perform its legally-mandated duties. A capable and efficient Coast Guard force must be maintained in the region. Sufficient budget support for regional Coast Guard operations should be a priority for the Great Lakes Congressional Delegation.

Over the past decade, proposed Coast Guard user fees have become a perennial concern for the maritime industry. The President's budget request has usually contained some user fee language and Congressional bills have also raised the possibility. Industry concern revolves around two basic issues: the increasing burden of new user fees or "taxes" and the matter of allocating benefit among beneficiaries to maintain equity. Any new user fees for commercial navigation will come on the heels of the 1990 tripling of the ad valorem cargo user fees and the recent increases in the tonnage tax for vessels engaged in international trade. Also, fees for such services as ship inspection pose redundancy problems where fees are already paid to organizations like the American Bureau of Shipping for similar services. Direct fees for documentation, inspection and licensing of U.S. flag vessels could also have the effect of deterring U.S. shipbuilding or, in some cases, efforts to reflag vessels to U.S. registry.

The issue of maintaining equity in terms of impact of commercial navigation user fees is an important one to the maritime industry. The "services" to be covered by such user charges benefit other interests as much, if not more, than the maritime industry. To make ship owners and seamen pick up the tab for Coast Guard activities such as vessel inspection, licensing of maritime personnel and, possibly, domestic icebreaking would be unfair. For example, aids to navigation, for all appearances a purely maritime function, are maintained just as much to protect life, environment, and property. Coast Guard icebreakers play an important role in flood control as well as keeping navigation lanes open during the winter freeze-up and spring break-up. The 290-foot MACKINAW is of particular value because of its multi-day mission capability and role in opening paths through heavy ice to accommodate 1,000-foot bulk carriers.

Summary Positions

1. Ninth District Coast Guard operations must not be jeopardized by unreasonable and regionally inequitable budget cutbacks.
2. The Great Lakes Commission urges Congress to authorize and appropriate specific funds needed for modernization of the icebreaker MACKINAW and direct the Coast Guard to arrange a rehabilitation schedule consistent with Great Lakes operational requirements.
3. The Great Lakes Commission opposes closure of any U.S. Coast Guard Ninth District Search and Rescue (SAR) facility unless there is compelling evidence that closure will not place lives in jeopardy. In so doing, the Commission supports the general findings and recommendations of the GAO report titled *Better Process Needed to Justify Closing Search and Rescue Stations* (GAO-RCED-90-98).
4. The Great Lakes Commission encourages the Ninth District to evaluate its SAR station manning standards and seek budget support for additional billets if warranted. Congress should make appropriations for Great Lakes SAR station maintenance as needed, as a means of preserving and enhancing the current manned SAR station network.
5. The Congress should require an independent, comprehensive impact analysis of any new Coast Guard user fees.
6. The Congress should oppose any user fees for icebreaking on the Great Lakes.

References

- 1-6. Policy Statement - Funding for U.S. Coast Guard Operations on the Great Lakes, May, 1991.

T-8 - MARITIME INDUSTRY ROLE IN ENVIRONMENTAL POLICY AND MANAGEMENT*

Under the terms of the Great Lakes Basin Compact, the Great Lakes Commission is dedicated to the "orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin." Further, the Commission is called upon to advise its member states and larger constituency "in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin." Consistent with these mandates, the Great Lakes Commission recognizes that all sectors of the Great Lakes community must support environmental policy and management initiatives that embrace a philosophy of sustainable development. Open and continuing dialogue between these sectors is essential in the interest of identifying and advancing mutual interests.

Summary Positions

1. Great Lakes-St. Lawrence maritime interests and regional environmental organizations should pursue opportunities for exchange of information and views on a regular basis,

- including invitations to make presentations at special and general membership meetings.
2. Great Lakes-St. Lawrence maritime industry objectives should incorporate the improvement of Great Lakes and St. Lawrence River water quality as a priority.
 3. Effective means of controlling and containing the spread and impact of non-indigenous aquatic nuisance species should be developed and implemented by federal, state, and provincial governments, with continued consultation of Great Lakes-St. Lawrence maritime interests.
 4. The commercial maritime industry recognizes its role as a partner in environmental protection and will support and maintain high environmental, conservation and safety principles.

References

- 1-2. Declaration of Indiana, Action Agenda; 1991
3. Declaration of Indiana, Action Agenda, 1993
4. Declaration of Indiana, Statement of Principles, May 1991.

ECONOMIC DEVELOPMENT

ED-1 - ECONOMIC DEVELOPMENT AND PROMOTION

Economic development is the outcome of policy decisions in both the public and private sectors. A current thrust of public policy, in light of diminishing public dollars for economic development, is the provision of fiscal incentives for private business development. One aspect of this policy is the strong interest in promoting job growth, including self-employment development. The Great Lakes states are determined to rectify federal action that discriminates against the region. A major problem is the low level of federal funds returned to the Great Lakes states--an unfavorable federal funds flow representing the difference between federal revenues and the disbursements in the region.

The Great Lakes Commission views its role in regional economic development as a multi-faceted one, as it 1) provides a forum for dialogue, debate and decision-making among public and private sector interests; 2) represents the legislative, policy and program positions of the Great Lakes states before Congress and the Administration; and 3) promotes and undertakes economic research and the compilation and analysis of economic data that provides the basis for informed decision-making.

Summary Positions

1. Communities in the Great Lakes states and port areas must be eligible for enterprise zone and designated community development funding through federal legislation or administrative action. Specific port development projects merit careful consideration by regional policymakers on the basis of positive economic spin-offs and long-term investment in efficient transportation facilities.
2. Local officials including port directors from Great Lakes and St. Lawrence River communities should prepare a model port land development policy.
3. Any federal legislation that would significantly restrict the use of Industrial Development Bonds must be vigorously opposed.
4. The federal government must increase the number of military and non-military shipbuilding contracts let to Great Lakes shipyards and provide for U.S. construction of all U.S. Army and Coast Guard vessels.
5. A continuing assessment of the regional economy, significant trends and policy alternatives must be undertaken by the Great Lakes states and appropriate regional organizations.
6. Great Lakes states and communities should, in their business expansion, retention and recruitment efforts, specifically promote access to abundant quantities of high quality water as an essential economic development ingredient.
7. Provisions designed to facilitate the transition to employment, including self-employment, must be incorporated into federal welfare guidelines.
8. A strong and healthy Great Lakes-St. Lawrence Maritime System is a necessary foundation for the economic well-being of the region both in Canada and the United States.
9. Marketing the Great Lakes-St. Lawrence Maritime System is an essential trade development activity.

References

1. Resolution; May, 1982.
2. Declaration of Indiana, Action Agenda, May 1991.

3. Resolution; October, 1983.
4. Resolution; October, 1982.
5. Resolution; September, 1990.
6. Liquid Asset: Great Lakes Water Quality and Industry Needs, 1992
7. Commission Action, October, 1987, based on recommendation of Economic Analysis and Policy Task Force.
- 8-9. Declaration of Indiana, Statement of Principles, May 1991.

ED-2 - INTERNATIONAL TRADE ISSUES

International trade is a vital component of the national and regional economy. The United States accounts for about 25% of world trade. Large trade deficits, import penetration of domestic markets and non-tariff barriers to U.S. exports have become major concerns in trade policy. Relative to other regions, the Great Lakes is particularly sensitive to changes in the international trade environment. The regional concentration of certain industries, such as export crop production, steel and automobiles, has magnified the negative impacts of particular trade problems.

U.S./Canada trade, valued at more than \$200 billion annually, is also of major significance for the region. Canada is America's leading trade partner and much of that trade is with the eight Great Lakes states. U.S. exports to Canada constitute more than one-fifth of U.S. total exports, and more than two-thirds of Canadian exports are to the U.S. The U.S.-Canada Free Trade Agreement, effective January 1, 1989, has launched a comprehensive tariff reduction process. The transition has not been without disputes but overall prospects appear favorable for trade expansion. Building on the 1989 agreement, the proposed North American Free Trade Agreement with inclusion of Mexico is likely to result in a net employment gain for the parties even though sector-specific issues and Mexican environmental compliance will require monitoring.

Summary Positions

1. Government programs should promote an equitable and economically efficient transportation system, and provide measures that support and encourage trade.
2. Within the U.S. federal government, a cabinet-level agency for trade must be created to centralize and coordinate international trade policy.
3. U.S.-imposed embargoes on grain exports have failed to achieve long-term goals and have disrupted trading arrangements and therefore, must not be used as an instrument of foreign policy.
4. The Congress must fully analyze the potential impacts of U.S. automobile domestic content legislation prior to any implementation. Canadian auto manufacturers should be exempt from compliance.
5. Before additional Customs Service user fees for Foreign Trade Zones (FTZ) are considered, a thorough assessment of such fees must be made and the FTZ's must be consulted.
6. Congress and the Administration must formulate a clear and effective international trade policy that promotes U.S. exports and remedies unfair foreign trade practices, particularly as they affect the auto, farm equipment, automotive parts, steel, machine tool, wood products, iron ore mining, export grain and dairy product sectors.
7. The Administration must take action to exclude the "Jones Act" from consideration from any U.S./Canada/Mexico negotiations relating to multilateral trade.
8. The U.S. and Canadian governments should consider the merits of a bilateral treaty reserving cross-border cargoes to U.S. and Canadian flag vessels to ensure the viability of both nations' merchant fleets, especially on the Great Lakes/St. Lawrence System.
9. Competitiveness of Great Lakes-St. Lawrence maritime transport in world trade and vis-a-vis competing transportation systems and regions must be given priority.

References

1. Declaration of Indiana, Action Agenda, May 1991.
2. Resolution; May, 1984.
3. Resolutions; June and October, 1980.
4. Resolution; October, 1983.
- 5-6. (2)
7. Resolution; October, 1986.
8. Executive Committee Action; July, 1987.
9. Resolution; April, 1990.
10. Declaration of Indiana, Statement of Principles, May 1991.

ED-3 - TRAVEL, TOURISM AND OUTDOOR RECREATION

Tourism has been identified as a leading economic sector in terms of dollar expenditure and impact on local and state economies. As a related issue, mixed-use waterfront development has become a major activity in Great Lakes cities and resort areas.

Travel, tourism and outdoor recreation in the binational Great Lakes region are important economic sectors. The "pursuit of happiness" by residents and visitors alike has led to the establishment of a wide range of attractions, facilities and services--ranging from wilderness areas to highly developed urban facilities. Communities, states and provinces working independently as well as cooperatively have undertaken many conservation measures, promotional campaigns, policy and project initiatives, and data collection efforts. Despite occasional economic slowdowns, travel, tourism, and outdoor recreation continue to show a generally healthy pattern of growth. Properly managed, such growth contributes not just to the regional economy, but also to the total quality of human life.

The Great Lakes Commission recognizes that recreational boating in the Great Lakes states provides a major and growing economic benefit to the region. The Ninth Coast Guard District, which includes the Great Lakes, reports more registered recreational boats than any other Coast Guard district. According to recent state registration data, the number of recreational boats in the eight Great Lakes states is approximately 3.7 million or 34% of the national total. Six of the eight Great Lakes states are in the top ten nationally in registered boats; Michigan and Minnesota rank number one and two, respectively. Nearly one million U. S. and Canadian recreational boats are active on the Great Lakes. The recreational boating industry experienced strong growth during the 1980s. Great Lakes-boat days alone have more than doubled in the past fifteen years. An annual \$6 billion regional impact is attributed to the boating sector.

In 1990, new user fees for recreational boats were implemented. The "new" fees are an unfair burden to recreational boaters in the Great Lakes region who already pay a substantial amount of federal excise tax on fuel purchases. The user fee also discriminates against such recreational boaters because of the seasonal nature of regional boating activity compared to other regions. The region also incurs an inequitable impact because of the large number of resident boaters. Any impetus for "user fees" to support the U.S. Coast Guard budget carriers with its serious problems in allocating costs among beneficiaries. Beginning in October 1992, these user fees are scheduled to be phased out as a result of new legislation.

The Commission is concerned that Great Lakes recreational boating activity continues to increase while boating safety and facility development programs have experienced continued reduction in federal funding. The Commission supports continued and expanded federal boating safety assistance commensurate with growing regional needs. The Commission also recognizes a primary state role in the development of policy and the management of boating safety and facility development programs.

The Great Lakes Commission recognizes that Great Lakes and St. Lawrence River vessel excursions and overnight cruises are presently undergoing a renaissance and, in so doing, are attracting new patrons and making a growing contribution to the region's economy. Several hundred thousand passengers board ferries each year, maintaining a tradition of waterborne passenger transportation in the region. The increase in patronage reflects the general increase in tourism and outdoor recreation activity in North America and the Great Lakes region. Feasibility studies and marketing surveys indicate a substantial demand for multi-day cruise service for the Great Lakes-St. Lawrence System, suggesting future opportunities in this sector of the regional waterborne transportation industry.

Summary Positions

1. The National Travel Survey must be reinstated at the earliest practicable time to provide necessary data on which to base regional tourism promotion efforts.
2. Current and prospective federal legislation must reflect the following: 1) a primary state role in development of policy and the management of boating safety and facility development programs; 2) maximum state flexibility; and 3) eligibility of facility development and maintenance as an appropriate funding category.
3. Recreational boating cost recovery charges or "user fees" must be vigorously opposed in those instances where they include: annual fees; pronounced increases in navigation chart prices; and institution of charges for related services previously provided at no cost. Recreational boaters are entitled to basic services and products provided by federal agencies as they relate to navigation safety, and should not be subjected to cost recovery charges. Opposition to such fees or charges is coupled with a caveat that elimination of such fees must not result in an increase in fees for commercial navigation.
4. Recognizing that Great Lakes overnight cruise vessel service is an important regional asset, measures including new U.S. cruise ship construction and reflagging of foreign vessels must be supported to assist in bringing such service to the Great Lakes.

References

1. Commission Action, November, 1988.
2. Great Lakes Commercial and Recreational Harbor Dredging: Issues and Recommendations, November, 1985, and Resolutions; March, 1985 and May, 1983.
3. Coast Guard Policy Statement, May, 1991 and Resolutions; May, 1982 and May, 1983.
4. Resolution; October, 1983, and Commission Action since October 1987 when Commission report "Excursion, Cruise and Ferry Service" was accepted.

ED-4 - RECREATIONAL HARBOR MAINTENANCE

For each of the Great Lakes states, tourism and outdoor recreation make a multi-billion dollar contribution to the state economy. Within the region, the Great Lakes and their coastal zones have become magnets for water-based tourism/recreation and have stimulated revitalized waterfront development. Recreational boating is a key component of the marine recreation sector in the Great Lakes region. The Great Lakes Commission finds that maintenance of recreational boating channels--including harbor dredging--is in the best economic and safety interests of both the Great Lakes region and the nation.

The Commission therefore recognizes that a continuation and strengthening of the longstanding federal interest in Great Lakes recreational harbor maintenance is critical to the social and economic welfare of the region's and nation's citizenry. Designated in federal law as the nation's "fourth seacoast," the Great Lakes are resources of current and historical national importance for their

commercial navigation, national defense and environmental attributes. For many Great Lakes harbors, commercial navigation and recreational boating exist side by side but for some ports, small boat activity is increasing as commercial shipping declines. Current federal budgetary constraints of the U.S. Army Corps of Engineers, coupled with intensified recreational boating activity, growing harbor maintenance needs and fluctuating Great Lakes water levels, have all contributed to elevating the issue of Great Lakes recreational harbor dredging to one of regional importance. Operation and maintenance for commercial harbors comes from a dedicated trust fund, but for recreational harbors, no such funding source exists.

The Great Lakes Commission finds that the process by which federally authorized harbor dredging priorities are established by the U.S. Army Corps of Engineers should be re-evaluated to consider recreation and the total economic impact that recreational activities have on port communities. Dredging of federally authorized harbors where recreational activities predominate should be given equal priority with the dredging of harbors with commercial orientation. The traditional low dredging priority given to recreational harbors has resulted in deferred maintenance and a need to dredge to maintain recreational use. Further, federal budget constraints, combined with fluctuating Great Lakes water levels, will require a thorough recreational harbor dredging needs and costs assessment.

Summary Positions

1. The U.S. Army Corps of Engineers should give Great Lakes recreational harbor dredging equal priority with commercial harbor dredging in its funding allocation process. The Great Lakes Commission will review and monitor applicable federal laws, policies, procedures and budgetary actions, and advocate revisions needed to ensure adequate priority for the dredging of federally authorized harbors that are currently used for recreation.
2. Members of the Great Lakes Congressional Delegation should hold a special oversight hearing on the current and future status of the dredging of federally authorized harbors that are principally used for recreation. Objectives should include presentation of funding needs, priority setting for dredging, review of disposal options and issues; alternative financing; regional equity in funding decisions; and prospective federal policy and legislative changes.
3. The Great Lakes Commission recognizes that, in addition to federally authorized Great Lakes harbors, there are hundreds of non-federal harbors in need of maintenance dredging as well. Alternate funding options and sources for the dredging of both federal and non-federal harbors must be explored in the interest of augmenting traditional sources.
4. The Great Lakes Commission supports, in principle, legislation to provide the Secretary of the Army the direction needed for protection of established recreational uses of navigation structures.
5. The Great Lakes Commission recommends that recreational boating uses and benefits be recognized and considered as commercial navigation activities in the Corps of Engineers' economic analyses for harbor projects and operation and maintenance projects.

References

- 1-3. Great Lakes Commercial and Recreational Harbor Dredging: Issues and Recommendations, November, 1988.
4. (1) and Resolution; April, 1990.
5. (1).

ED-5 - GREAT LAKES CIRCLE TOUR

The Great Lakes and St. Lawrence River are ideally suited for the establishment of a system-wide Circle Tour that would add to existing scenic roadway units and preserve related promotion programs. The coastal areas, with their diverse and scenic natural zones, population centers and cultural attractions, are a logical anchor for a Circle Tour roadway system.

The 1300-mile Lake Superior and 1100-mile Lake Michigan Circle Tours were inaugurated in the mid-1980's, and a Lake Huron Circle Tour has been developed more recently. Ontario's landscaped Niagara Parkway along the Niagara River linking Lakes Ontario and Erie is nearly as famous as the falls. Lake Huron's Georgian Bay has its own "circle route" that requires the use of a vehicle ferry for a complete circuit. A "Lake Erie Circle Tour" has been signed in Ohio, Pennsylvania and Michigan. The New York State Seaway Trail, established in 1980, runs for 474 miles along the shore of the St. Lawrence River and Lakes Ontario and Erie within the state. A Canadian counterpart to the Seaway Trail exists in the form of the Ontario-Quebec Heritage Highways program. Several inter-provincial "access routes" have been designated with alternate Great Lakes shore and inland routes.

In 1990 the Great Lakes Circle Tour was formally established under the leadership of the Great Lakes Commission. The Commission supports the continued development and promotion of a Great Lakes Circle Tour that ties together the various individual lake and river tours, designated parkways and scenic routes. The Commission views this initiative as a means to showcase the natural beauty and cultural attributes of the Great Lakes St. Lawrence coastal areas; to enhance the tourism and travel sector of the region's economy; and to highlight the importance of preserving and protecting our water and related land resources.

Summary Positions

1. The Great Lakes Commission endorses the Great Lakes Circle Tour concept and agrees to provide leadership in coordinating state, provincial, regional and local effort to advance Circle Tour design, implementation and promotion. A Task Force shall be maintained for that purpose and shall be responsible for all oversight, including route selection, signage, promotional programs, and related matters.
2. The Great Lakes Circle Tour should complement designated scenic route systems (both existing and proposed) to ensure the autonomy of the governmental/non-governmental entities promoting them.
3. In the interest of establishing a continuous, binational Great Lakes Circle Tour with strong individual segments throughout, the Great Lakes Commission supports the designation of circle tour systems in all relevant areas that are not yet so designated.
4. The Great Lakes Circle Tour concept should receive the endorsement of the Great Lakes Governors and Premiers, and should be incorporated into state and provincial tourism and travel promotion campaigns.
5. Coastal communities throughout the Great Lakes St. Lawrence system should also embrace the Great Lakes Circle Tour and incorporate it (via spur route signage and promotional materials and events) into their tourism development projects and programs.
6. The Great Lakes Commission recognizes Great Lakes Circle Tour development and promotion as a public-private sector partnership, and will pursue linkages with appropriate agencies, organizations, businesses and other entities to that end.

References

- 1-6. Great Lakes Circle Tour Policy Statement; November, 1989.

ED-6 - STEEL INDUSTRY

Steel is a ubiquitous material in modern society. The construction, transportation and farm sectors along with the spectrum of durable consumer goods would all be shadows of their current economic presence without steel. Like no other industry sector, the integrated steel industry and its customers are concentrated in the Great Lakes region. The steel and related iron ore industries are a vital component of the Great Lakes region's durable goods manufacturing cluster and are important to the national economy. In recent years, the Great Lakes states have accounted for 70 percent of domestic steel production, almost all of the iron ore mining and taconite pellet production, and 50 percent of steel usage.

The region's steel industry, particularly the integrated plant sector, has been buffeted by domestic and international forces. These forces have a bearing on the industry's short-term viability and future prospects. Penetration of traditional markets by foreign producers and U.S. minimills, coupled with the pressing needs for continued large-scale reinvestment for modernization, have placed the industry in a pivotal historic position.

The Great Lakes Commission identifies six areas of public policy that have a bearing on the current status and future prospects of the integrated steel industry. These include: trade policy; adjustment assistance policy; tax and investment policy; research policy; regulatory policy; and interstate cooperation. The policy positions identified below will assist the Great Lakes Commission and its member states in responding to and devising federal legislation as well as anticipating steel issue opportunities and problems. Implementation procedures are also addressed in the policy position section.

ED-6a - Trade Policy

Trade policy with regard to steel should be coupled with domestic policies to address these basic goals:

- to help restore the U.S. industry to sustained, long-term profitability
- to provide U.S. steel customers with a sufficient supply of steel of competitive quality at competitive prices
- to minimize the nation's steel trade deficit
- to help steelworkers and their communities adjust to structural changes in the industry.
- to ensure U.S. trade laws are fully enforced.

The U.S. steel industry requires a trade policy designed to help it withstand the predatory international competitive pressures arising from worldwide steel-making overcapacity, especially during periods of weak steel demand worldwide. Returning world steel trade to market conditions can better be accomplished through multilateral negotiations to restore balance to world steel capacity and demand than through prevailing competitive forces.

National policy should seek an internationally negotiated solution to the conditions that give rise to predatory trade practices in steel and should promote continued revitalization of the U.S. industry.

Summary Positions

The Great Lakes Commission urges the federal government to:

1. Fully enforce U.S. trade laws.

2. Conclude a comprehensive, enforceable and effective Multilateral Steel Agreement (MSA) that would eliminate all subsidies and other unfair trade practices and market distortions in the steel sector, and preserve the ability of national industries to use their national trade laws to address current unfair trade and deter future unfair trade distortions.
3. Pursue an active strategy to enhance export opportunities and reduce predatory import competition.
 - Where foreign trade barriers exist, link access to the U.S. market to reciprocal market openings for high-value U.S. steel products and steel-containing goods.
 - Adopt an affirmative role in resolving the third world debt crisis.
4. Discourage international finance agencies and foreign governments from supporting construction of additional export steel facilities while steel remains in over supply world-wide.
5. Where appropriate, link access to the U.S. market to efforts in trade surplus countries to stimulate domestic demand.
6. Where appropriate, link access to the U.S. market to efforts by developing countries to raise labor standards, such as wages, benefits, and health and safety standards, in their export steel industries.
7. Make the establishment of comparable environmental standards for foreign industries which export to the United States a major goal of U.S. trade and foreign policy. This is particularly critical for world steel trade, in which U.S. steel companies compete with foreign companies subject to little or no environmental regulation.

ED-6b - Adjustment Assistance Policy

The competitive pressures of our dynamic economy require development of a strategy to manage change and facilitate adjustment by the integrated steel industry, the workers and the communities dependent upon that industry. The Great Lakes states agree that an adjustment assistance strategy must be developed to help workers and communities respond to and manage change flowing from the competitive realities facing the integrated steel industry.

Summary Positions

1. An assessment of the competitive and technological forces affecting the industry and individual facilities in the region should be undertaken. The assessment should focus on the competitive position of individual facilities within the industry, and identify the skill level of employees at those facilities. The goal is to develop an understanding of each facility to allow for the development of programs to upgrade the skills of employees and the competitiveness of those facilities.
2. A process should be initiated to realistically assess the economic position of communities having integrated steel facilities. The goal is to identify assets and liabilities, strengths and weaknesses, in order to develop a strategy that will achieve economic diversification and long-term prosperity.
3. Alternatives facing a troubled facility should be explored, with special consideration given to ways of restructuring operations in order to begin the process of becoming competitive. The goal is to determine whether steps can be taken that might "buy time" for changes to be implemented. These could include job restructuring, retraining, retooling, reorganizing production, developing new steel products, finding new markets, and employee ownership.
4. A program or mechanism should be established within each state to coordinate the response of the state to the existence of a troubled facility. The goal is to have in place a responsible person or program to coordinate the resources of the state to assist with the restructuring of a facility.

5. A comprehensive and coordinated set of services for workers who face displacement should be developed. These services could include skills assessment, counseling, job search techniques, vocational training, remedial education and job development.
6. Workers displaced as a result of a facility closure should have access to the same services as workers displaced as a result of restructuring.
7. The adaptive reuse of abandoned facilities should be facilitated, consistent with health, safety and environmental standards. The goal is to provide communities with facilities and land which may be useful in their recovery.
8. The trigger for extended benefit eligibility should be revised in order to permit substate regions to become eligible in the event of a major facility closure. The goal is to better target assistance to areas of critical need.

ED-6c - Tax and Investment Policy

In recognition of the fact that the steel industry is capital intensive, tax policies at the federal, state and local levels should promote the capital formation and investment required by the domestic steel industry to be a competitively viable entity in the global marketplace. A profitable domestic steel industry will provide a tax base from which tax revenues will be generated to support governmental services.

Summary Positions

The Great Lakes Commission endorses and supports the following policies:

1. Federal tax proposals:
 - National tax and monetary policies which effectively address the federal budget and trade deficits, and which do not have an inequitable and unduly burdensome impact on the steel industry;
 - A stabilized tax policy which allows for effective tax and investment planning over the long run.
 - Encourage tax legislation and public policy that is sensitive to the position of domestic steel in the international marketplace.
2. Research and Development - Federal tax policy should be designed to provide appropriate incentives for R&D that enhance international competitiveness.
3. State and local tax policies should be designed to encourage the capital investment and modernization programs which are needed to close the competitive gap which exists between domestic steel producers and foreign producers. Changes in tax policy should be designed to improve the economic climate within the locality or state, thereby improving an already existing tax base.

ED-6d - Research Policy

As the American steel industry has strained to adjust to the competitive global marketplace, private research and development expenditures have declined sharply. Federal and state governments may play an important role in stimulating new research efforts crucial to the survival of the American steel industry.

Summary Positions

1. The Great Lakes Commission urges Congress and the Administration to increase funding for iron and steel research at U.S. Bureau of Mines Laboratories. The Great Lakes states should work to maximize the impact of those federal funds through coordination of state, industry and university resources.
2. The Great Lakes states should work together to identify and access a pool of patient capital needed for larger, more capital intensive steel research projects.

3. The Great lakes states, through their own economic development efforts, should identify strengths (and weaknesses) of their respective steel industries that present opportunities for research and design public/private partnerships to facilitate such research.
4. The Great Lakes states should provide support and technical assistance as appropriate to encourage the creation of steel industry research institutes and activities at universities in the region.
5. The Great Lakes states should work together to redirect the interests of the nation's most qualified engineers from defense-related research activities to commercial applications. An important part of this effort must be to redirect a share of the research support from defense sectors to commercial sectors.
6. The Great Lakes states should work closely with the National Bureau of Standards and Technology to ensure that research in basic manufacturing sectors such as steel be paramount in any national technology agenda.
7. The Great Lakes states should encourage engineering education at the graduate level to provide the qualified research and development specialists vital to the steel industry's renewed research efforts.
8. At present, much federal and industry research effort is being directed at product enhancements. The states can play an important role in expanding the industry's research agenda, particularly in areas that promote the use of Great Lakes area iron ore and coal *and* focus on process enhancements. Projects that focus on "clean coal" technology and direct smelting of ore are particularly appropriate.
9. The Great Lakes states shall continue to work collectively and individually to create appropriate public sector financial incentives that encourage the steel industry to make investments in research and development. Such incentives may include targeted appropriations for research efforts or educational activities, or tax credits (with adequate performance standards) specific to the steel industry's research and development programs.

ED-6e - Regulatory Policy

The air, water, and land of the Great Lakes region are its most precious resources. Every effort must be made to protect them and, if possible, restore their condition to as clean a state as possible when and where environmental resource deterioration has occurred. The future of the region's quality of life, as well as its economic future, depend upon the protection of the natural environment.

In recent years, many steel companies have installed new environmental control equipment, modified production practices to reduce pollution, and sought ways to use energy sources more efficiently. The Great Lakes states have helped steel companies comply with environmental standards, sometimes permitting delays or exemptions from full compliance for some steel facilities. Future regulatory efforts on the part of the federal and state governments will likely involve the adoption of stricter environmental standards, particularly in the areas of air and waterborne contaminants. As the steel industry attempts to meet stricter standards, additional capital and managerial talent will be necessary. Development of new waste minimization and pollution control technologies will be increasingly important.

Summary Positions

The Great Lakes states agree that it is important for states to continue monitoring impacts on the environment and to continue prosecuting violators of existing environmental regulations. However, more must be done to ensure the long-term viability of both the environmental systems and the industrial infrastructure (particularly the steel industry). The recommended state efforts are:

1. Establish a process to minimize enforcement and regulatory policy discrepancies and promote the cooperative functioning between U.S. EPA, state environmental regulatory agencies and industry.
2. Promote the concept of waste minimization and recycling and encourage its implementation wherever possible.
3. In conjunction with consistent enforcement policies, the Great Lakes states should endeavor to provide more and better technical assistance to those companies interested in improving their waste management practices.
4. Develop funding strategies to assist in defraying the cost of pollution control and pollution reduction equipment and technologies.
5. Encourage the use of energy efficient technologies in steelmaking and processing practices wherever and whenever possible.
6. Improve the timeliness and administrative efficiency of the environmental permit process.
7. Aggressively promote and support the expansion of the existing knowledge base in the areas of ecology, waste management, waste minimization, and the basic sciences. States should encourage cooperative research to maximize the leveraging of available federal and institutional dollars.

ED-6f - Interstate Cooperation

As the states with the greatest concentration of steel making, iron ore mining, and related industries, the Great Lakes states have a stake in the industry's success that exceeds that of other states. Because the federal government's agenda contains so many other issues, that level of government will not be able to develop a full and complete agenda for the steel industry. The Great Lakes states are in a unique position to develop cooperative actions to assist the industry. Moreover, integrated action by the states will reduce inefficiency and produce consensus faster than independent actions by the various states.

Summary Positions

The Great Lakes states agree to pursue a common agenda in the following areas:

1. Washington agenda. Each of the states maintains a representative or office in Washington to keep states informed of federal legislative and executive branch matters. The representatives often lobby on behalf of state interests or work with state congressional delegations on matters of common interest.

These individuals should work together to keep the states fully informed of federal trade legislation and tax policy changes that will have an impact on the development of the steel industry. Following major tax revisions and the new trade bill, major overhaul of these laws is unlikely. As time passes, the Congress will inevitably make alterations to the laws as circumstances demand. Collective state action to insure that any changes in these or other laws conform to the best interests of the industry can have an important impact on industry growth. Collective action by the Washington representatives can keep states informed, and also allow for coordinated congressional delegation action on specific matters.

2. Development of an agenda of federal legislation. Opportunities exist for the steel industry to increase efficiency through a variety of measures that involve federal regulation or legislation. The states should help the industry by forging cooperative lobbying and information gathering on these topics. Specifically, the Washington representatives should explore relaxation of anti-trust provisions for exporting, research and development and

particular industry restructuring activities. In the recent trade bill, Congress allowed limited anti-trust exemption for cooperative overseas marketing of electronics products, signaling a potential opportunity for the steel industry.

3. State issues and initiatives. Besides federal legislative changes, there are several issues that the states can work on together that will allow greater efficiency in the industry. The states can identify industries that are large users of steel and review regulatory or other barriers to their growth in the Great Lakes region. The states can look for ways for the steel industry and steel users to increase market share in the region, in the nation, and in world markets. The states can work on a reduction of input costs--such as transportation, power, and other major cost items--to the steel industry.

References

1. All policy positions are from *the Commission report "Steel and The Great Lakes States: A Policy Statement for the Region" 1989.*

ATTACHMENT #4

SUMMARY

Attached is a discussion paper concerning prospective provincial membership on the Great Lakes Commission. The paper was prepared at the request of the Executive Committee, which addressed this matter at a September, 1993 strategy session. The membership opportunity is described, along with a brief history of the Commission's evolution, an argument for provincial membership, associated issues and opportunities, and a recommendation for Commission consideration. Commissioners and Observers are invited to use this paper as a basis for dialogue at the Semi-Annual Meeting. Consensus on the feasibility and desirability of this proposal will be sought, as well as on the most appropriate strategy to pursue.

Provincial Membership on the Great Lakes Commission - A Discussion Paper -

Introduction

During an Executive Committee strategy session in September 1993, members discussed the notion of extending full membership privileges to the Canadian provinces of Ontario and Quebec. This notion, which was explored with considerable interest, is indicative of the Commission's continuing transition to an organization with an increasingly broad, binational focus on multi-jurisdictional issues in the Great Lakes-St. Lawrence Basin. In recent years, provincial representation on the Commission as (non-voting) Observers has been secured, and participation on various task forces and committees has increased. Such participation has added a new dimension to Commission deliberations, strengthening the organization and, in the process, yielding benefits to the provinces and the collective Great Lakes-St. Lawrence management effort as well.

On the basis of the Executive Committee discussion, staff was requested to prepare a background paper to assist the Commission in a careful examination of the feasibility and desirability of the provincial membership. Discussion of such is anticipated at the 1994 Semi-Annual Meeting of the Great Lakes Commission.

The information presented herein is designed to facilitate such discussion. It includes a statement on the membership opportunity; a brief review of the evolution of the Great Lakes Commission; an examination of the benefits associated with provincial membership; a review of several key issues and opportunities involved in securing membership; and a staff recommendation. Preparation of the discussion paper, it should be emphasized, was not preceded by extensive consultation with provincial representatives or with Commission members and other observers. Such input will be sought at the Semi-Annual meeting and prior to the preparation of subsequent materials that may result from initial deliberations.

The Opportunity

It has been proposed that the member states of the Great Lakes Commission support an amendment to the Great Lakes Basin Compact (P.L. 90-419) that extends membership eligibility to the Canadian provinces of Ontario and Quebec. Associated action—via an amendment of Commission bylaws—would be required to make any structural and operational adjustments to the organization to accommodate provincial membership.

The Evolution of the Great Lakes Commission

Issues and opportunities for provincial membership, are woven into the fabric of the Commission's history. As such, a brief review of the organizations formative stages provides a framework for informed discussion.

The origin of the Great Lakes Basin Compact can be traced to the Midwestern District meetings of the Council of State Governments in the early 1950s. As plans for the St. Lawrence Seaway progressed and development of the Great Lakes resource accelerated, the Midwestern District meetings became increasingly oriented toward the problems and challenges of this development. Because the

Midwestern District included several states with lesser interests in these matters, the Great Lakes states were moved to explore alternate coordinative mechanisms. The State of Michigan lead the effort, enacting legislation in its 1954 session authorizing the Governor to enter into a compact with the seven other Great Lakes states and the Great Lakes provinces. The proposal envisioned a regional organization with broad fact-finding, investigatory and recommendatory powers. The organization would have the power to consider all problems relating to the water and related land resources of the Great Lakes and to recommend programs and policies to the respective state and provincial governments and to the federal governments of the United States and Canada.

At the suggestion of the governors of the eight Great Lakes states, the Council of State Governments organized the Great Lakes Seaway and Water Resources Conference in August of 1954. In addition to focusing attention on state plans and programs pertaining to the recently approved St. Lawrence Seaway, the Conference discussed the Michigan proposal for an interstate commission. Officials from the eight states unanimously approved a resolution setting in motion the procedures and organization leading to development of the Great Lakes Basin Compact.

The Compact became effective on July 1, 1955 upon ratification by Illinois, Indiana, Michigan, Minnesota and Wisconsin. Pennsylvania gave its approval in 1956. The ratification process was significantly more problematic in New York and Ohio. Governor Averill Harriman of New York, while supporting the concept behind the Compact, found the New York appointment provisions authorizing and directing all state offices to furnish the Commission with any information requested to be "either superfluous or unduly restrictive". He therefore exercised his veto power over a bill which readily passed the legislature in 1957. Opposition in subsequent years was found in the New York Department of Public Works and the Power Authority of the State of New York. Objections focused upon three areas: that the Commission might provide another avenue for states desiring to divert water out of the Basin; that an unneeded and duplicative layer of bureaucracy would result; and that New York's participation in the Commission might conflict with the state's newly created Water Resources Commission. Opposition dissipated in the latter years of the decade as developments within New York and the Commission's positive performance gave rise to a favorable state outlook; a 1960 law granted New York formal membership.

The ratification process in Ohio gave rise to extensive debate over an eight-year period. From 1955 through the end of the decade, the low priority of the ratification bills, despite their support from senior state agency officials, precluded them from passage into law. Further, the Cleveland Area Chamber of Commerce spearheaded efforts to thwart ratification, charging that the Commission would: pressure Ohio into recommendations which might not be in its best interests; constitute an unneeded bureaucracy duplicative of existing coordinative mechanisms; and wield insufficient power in addressing interstate problems. As an alternative, the Chamber supported the creation of a Great Lakes Governors' Conference to address interstate problems; a position supported by the Ohio Chamber of Commerce.

The impasse was on its way to resolution in 1960, when Governor Michael N. DiSalle appointed a three-member cabinet committee to study the issue. A favorable cabinet committee report and an apparent softening of the Chamber of Commerce position were key factors. In early 1962, the Chamber indicated that appointments of business and industry representatives as advisors to the state delegation would silence their opposition.

A final obstacle encountered was in the form of the Senate Finance Committee, reluctant to approve the \$18,000 bi-annual appropriation in light of Governor James Rhodes' austerity budget program. When the Commission offered Ohio a two-year dues-free membership, however, the state acquiesced. A ratification bill passed readily and was signed into law by the Governor in mid-1963.

As the Commission labored to gain Compact ratification in all the Great Lakes states, an effort was also launched to obtain U.S. Congressional recognition via consent legislation. A resolution recommending passage of such is on record as one of the earliest actions of the Commission (first meeting, December 12, 1955). It was not until July 24, 1968, however, that consent legislation was enacted in the form of P.L. 90-419.

The explanation for this extended delay is both lengthy and complex, reflecting the differing perspectives of all actors: the U.S. Congress, the federal agencies with Great Lakes interests, and the member states of the Commission. Over the thirteen years that Congressional consent legislation was pursued, perspectives and positions changed with the political climate, agency directions and the resource management needs of the Great Lakes.

The debate over Congressional consent focused upon two critical issues. First, controversy arose over the need for Congressional consent; the question as to whether such consent is a requirement of the U.S. Constitution (Article I, Sec. 10, Cl. 3). Second, questions arose as to the desirability of Congressional consent; how such consent would impact the functions of the Great Lakes Commission and other governmental institutions with Great Lakes interests.

In 1956, a special committee was organized under the Commission for the purpose of securing Congressional consent. The reasons were two-fold: the international implications of the Compact and the desired cooperation between the Commission and the federal agencies of the United States and Canada.

Initial opposition to the consent issue was both external and internal to the Great Lakes Commission. The U.S. Departments of State and Justice expressed vehement opposition to early drafts of the consent legislation, principally fearing usurpation of their respective authorities over international relations. The opposition was based upon the following concerns and contentions: Great Lakes problems are national rather than regional; consent would put the Department of State in a subordinate position to the Great Lakes states; the Commission would be duplicative of existing Canadian-American agencies; Commission assistance in drafting/negotiation of international agreements might serve to embarrass the Department of State; consent to the Compact might supersede the treaty power; consent to the Compact is not necessary to secure the cooperation of Canada in the Commission's work; and the Constitution dictates the conduct of foreign relations by the federal government. Federal agencies opposed to Congressional consent maintained these concerns throughout the lengthy debate.

Differences of opinion within the Commission focused upon both the "need" and "desirability" questions raised earlier. Legal analyses as to the constitutional requirements for consent were largely inconclusive, thereby fueling the debate. Proponents argued that consent would strengthen the Commission, legitimize and formalize its federal and international relations, and improve its effectiveness as a voice for its member states on federal issues. Opponents maintained that the Commission was not subject to a consent requirement, and the compromises necessary to secure federal agency acceptance (and Congressional approval) of consent legislation would weaken the

Commission. In some states, it was feared that Congressional consent would adversely influence their relations with Canada on such matters as hydropower development and energy production.

Efforts to gain Congressional consent moved forward in the mid-1960s as Commission members gradually aligned themselves (and members of Congress) by further exploring the issues and developing mutually acceptable draft legislation.

A February 1968 meeting, organized by Senator Philip Hart of Michigan, brought together Commission members and the federal agencies opposing Congressional consent; a meeting which served to resolve the impasse. Consent legislation (P.L. 90-419) was subsequently passed into law on July 24, 1968.

The impasse was resolved, in part, by language added to Article IX of the consent bill that explicitly excludes Congressional consent to provisions in the Compact (as exacted by the member states) providing for Canadian provincial membership and, therefore, a formal role for the Commission in relations with Canada. Related language in Article IX explicitly recognizes that Congressional consent will not impact the functions or responsibilities of any federal agencies or the nation's treaty-making powers. It further reserves the right for Congress to "alter, amend or appeal" the consent legislation.

Despite the language in the consent legislation, a review of the Commission's history elicits informal, yet long-standing and growing relationships with Canada's federal and provincial governments. The Commission's planning, policy development and advocacy focus, while featuring an interstate perspective, has been binational in scope. Canadian federal and provincial representatives have long participated on Commission task forces and at Commission meetings, and Observer status has been in place since 1991. Similarly, Commission representatives have long been actively involved with Canadian and binational organizations and, on numerous occasions, appeared before Parliament to present Commission views on Great Lakes-related matters.

The Commission's relationship with the Canadian federal and provincial governments is more extensive now than at any time in the Commission's history. Many Commission projects (e.g., Ecosystem Charter; support for Mayors' Conference; support the State of the Lakes Ecosystem Conference; contingency planning project; Remedial Action Plan support; border crossings investigation; support for the Water Resources Management Committee) have a binational focus. Further, Commission members and staff serve on numerous binational and Canadian boards and advisory groups (e.g., IJC Science Advisory Board, Canadian Climate Change Program Advisory Board.) The nature of the Commission/Canadian relationship does operate within the confines of the Congressional consent language. However, that language does preclude the enhancement and formalization of the relationship through provincial membership.

The Argument for Provincial Membership

The impetus for provincial membership is found in a series of anticipated benefits to the Commission, its membership, the Canadian federal and provincial governments, the larger institutional ecosystem and (most importantly) the collective Great Lakes-St. Lawrence management effort. This includes the following, among others:

1. Formalizing and enhancing the current Commission/Canadian relationship. Under a provincial membership arrangement, current Canadian involvement in Commission activities can be

expected to increase. The focus of the organization's emphasis would likely be broadened to include Canadian-specific Great Lakes-St. Lawrence issues to complement the current focus on binational and U.S.-specific issues.

2. Recognizing equity/partnership in managing the resource. Provincial membership on the Commission provides Canada—and particularly the provinces—with increased standing at the binational level. Presently there is no regional binational organization that affords the provinces co-equal status with the Great Lakes states in addressing and acting on Great Lakes-St. Lawrence issues. Thus, an unmet need is addressed; an important (yet currently empty) institutional niche is filled.
3. Providing a coordinative vehicle for the Canadian provinces. As with states, Commission membership for Ontario and Quebec can be expected to yield benefits in enhanced communication, coordination and cooperation at the inter-provincial and federal/provincial levels. While other mechanisms (both formal and informal) do exist to serve these functions, none do so in a binational context that encompasses an array of Great Lakes-St. Lawrence issues.
4. Enhanced effectiveness of the Great Lakes Commission. Provincial membership would ensure high level Canadian representation on the Commission and add an important new dimension to the organization. As a binational organization in a legal as well as operational sense, the Commission would have increased standing and profile (and therefore impact) in both the U.S. and Canada.

Issues and Opportunities in Securing Provincial Membership

The anticipated benefits of provincial membership offer a compelling argument for amending the Great Lakes Basin Compact. The process and consequences of doing such, however, are complex and varied. Presented below is a review of various issues—both obstacles and opportunities—that are likely to be encountered. They include the compact amendment process; subsequent implications for the structure and operation of the Commission; and ramifications for the larger Great Lakes-St. Lawrence institutional ecosystem.

The compact amendment process is, in a legal context, a straightforward one. State legislation authorizing the Great Lakes Commission already provides for provincial membership. Thus, only the federal consent legislation (P.L. 90-419) would need to be amended through Congressional action. Legislative language—either in a stand-alone bill or as a provision in a larger Great Lakes-St. Lawrence bill—would need to amend Article IX of P.L. 90-419 to ensure that Congressional consent would extend to a commission with provincial membership. Once such an amendment is secured, no further Congressional or U.S. federal action is required to proceed. In Canada, some form of federal/provincial or inter-provincial agreement may be necessary/desirable to facilitate assumption of membership responsibilities.

While support for such an amendment is likely to be found among many members of the Great Lakes Congressional Delegation, risks and uncertainties do exist. Objections may be raised once again by the Departments of State and Justice, and possibly by other agencies with binational coordination responsibilities. The enhanced role of the Commission and its potential relationship to the prospective North American Commission on the Environment (an institution of the North American Free Trade

Agreement) may involve considerable discussion and some dialogue. Congressional delegations from other regions of the U.S. may oppose the strengthening of a regional organization they view as a competitor. Also, by opening up the Compact for one amendment there is always a risk that other less desirable amendments may be brought forth.

Before the political capital and organizational resources are expended to pursue such an amendment, extensive consultation with the provincial governments will be essential to determine their degree of support for the amendment, their interest in accepting membership if offered, and any legislative/administrative/political issues that may need to be addressed before full assumption of membership privileges can take place.

From a structural standpoint, bylaws revisions will be required to address a number of issues. These would include, for example, dues arrangements, budget development, Executive Committee membership, elections for officers, and procedures for consideration of, and action on issues coming before the Commission. With regard to the latter, for example, it may be desirable to establish both a state caucus and a provincial caucus to allow for consideration of some issues where a combined state/provincial response is not appropriate or possible. This could also be accomplished through abstention during votes on such issues.

Structural adjustments to accommodate provincial membership are not envisioned to be overly problematic or contentious. However, it should be recognized that a careful revision of the existing bylaws will be in order, and some significant changes will be required.

Provincial membership will also entail adjustments in the Commission's operations. Services will need to be expanded to accommodate the new members, their delegations, and the priorities they bring to the organization. General operating expenses and staffing needs will therefore increase, although membership revenues will increase as well. It will be desirable (and perhaps necessary) to obtain legal standing in Canada, not only to ensure recognition as a binational organization, but also to ensure eligibility for Canadian federal and provincial grants/contracts, as well as private foundation and corporate support.

Provincial membership will elevate the Commission from its current "quasi-binational" status to a legally established binational organization. While its state/provincial membership status will be unique and entail no competition or duplication of effort with other entities, it will affect the current configuration of the Great Lakes-St. Lawrence institutional ecosystem. Its relevance to the work of the Great Lakes Fishery Commission and International Joint Commission (both binational organizations) will be enhanced, as will collaborative opportunities with them. Such is also expected to be the case with the Council of Great Lakes Governors, which has initiated several binational arrangements, (e.g., Great Lakes Charter, Great Lakes Toxic Substances Control Agreement) that the Great Lakes Commission is involved in implementing. As an organization with binational status, it is likely that the Great Lakes Commission will receive increased attention from a broader array of non-governmental organizations.

Amendment of the Compact to provide for provincial membership also leads to a larger question concerning prospective membership for other governmental units in the Great Lakes-St. Lawrence Basin, principally the federal governments of the United States and Canada. The U.S. federal government is party to a number of interstate compacts, (e.g., Delaware and Susquehanna River Basin Commissions) and was represented on the Title II river basin commissions established under the

federal Water Resources Planning Act of 1965. Provincial membership, given the fact that it is provided for in the Compact as passed by the states, would be consistent with the stated goals and objectives of the Compact. Federal membership would likely require a more fundamental review and possible revision of Compact language. For example, federal members would not be able to act or participate in advocacy activities directed at the Congress or the Administration. Also, the Commission's access to/eligibility for federal grants and contracts may be affected. With regard to Canada, federal membership would require action of the Parliament and, possibly, require a federal/provincial agreement. Consideration of this option would also require a careful examination of existing binational mechanisms with a federal presence (e.g., International Joint Commission, Great Lakes Fishery Commission.)

Recommendation

The opportunity for provincial membership warrants careful consideration. It is recommended that dialogue be initiated among Commissioners and Observers during the 1994 Semi-Annual Meeting to identify the array of issues associated with such a proposal. If sufficient interest in pursuing such membership is expressed, it is recommended that initial, informal discussions take place with Canadian provincial and federal representatives. The outcome of those discussions would be reflected in a policy position (and associated implementation strategy) for presentation to and approval by the Commission membership. This action might take place at the 1994 Annual Meeting.

The opportunity/desirability of membership beyond the provinces (e.g., federal governments, or other public entities) requires additional research and dialogue, given that it may entail fundamental changes in the provisions of the Great Lakes Basin Compact.

The Executive Committee is likely the most appropriate entity to oversee/participate in the discussions with Canadian representatives regarding provincial membership, should interest be expressed by the full Commission. Further, the Executive Committee should address other membership issues/opportunities prior to the next Commission meeting, and report its findings at that time.

SUMMARY

The Great Lakes Commission is undertaking, in cooperation with the community of Great Lakes public agencies and non-governmental organizations, the development, adoption and Basinwide implementation of a binational Ecosystem Charter for the Great Lakes-St. Lawrence Basin. A statement of goals, objectives, principles and action items, the Ecosystem Charter will present--simply and explicitly--a shared vision of the Great Lakes and a blueprint to achieve it.

A multi-step methodology is being employed to meet the objectives of the project. These steps include 1) coalition building to ensure broad participation in Charter drafting and implementation; 2) policy research to identify prospective Charter elements; 3) a drafting initiative to prepare the Charter itself; 4) a series of workshops and public comment opportunities for Charter refinement; 5) a Charter presentation and endorsement event to publicize and promote the initiative; and 6) an implementation strategy to ensure that Charter principles are broadly applied. Charter drafting and advisory committees--with members drawn from many Basin interests--have been established (see *Reference* section for listing), and have met on several occasions.

Attached is the latest draft of the document, which reflects all comments to date and a substantial degree of editing to make it concise and policy-relevant. The draft is accompanied by the letter transmitting it to Commissioners, and a letter and response form sent to prospective signatories to facilitate endorsement. This material (and a similar letter) was distributed throughout the Basin in late April; numerous endorsements have already been received from a variety of agencies and organizations.

The Great Lakes Commission is requested to endorse the document at its Semi-Annual Meeting, in preparation for a formal public release at the 1994 Annual Meeting. Commission endorsement at this time will be important in leveraging/encouraging endorsement by many other agencies, organizations and associations in the coming months. The Commission is also invited to discuss and advise on the signatory strategy, and public release and implementation opportunities.

LETTER SENT TO COMMISSIONERS



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March 31, 1994

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Wisconsin Dept. of
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2?~
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Dear 6~:

I am pleased to provide you with the latest draft of the Ecosystem Charter for the Great Lakes-St. Lawrence Basin. This document reflects the hundreds of comments received during the recent public comment period, as well as a very thorough review, conducted by the Charter Drafting Committee on March 3 in Chicago. You will find the attached document to be a notable improvement over previous drafts. It is much more concise, reflects an economic/environmental balance, eliminates ambiguous language, and is more policy relevant. Several principles that were either overly contentious or inappropriate for the Charter were eliminated and others were consolidated in the interest of clarity and brevity.

Further, terminology was changed to ensure that signatories would not be committing to actions that were outside their mandate or beyond their ability to address, given resource constraints. Finally, the preamble was revised to clearly state the problem the Charter is addressing, the intended use and impact of the document, and means by which the Charter process would continue beyond the signing ceremony. In sum, the document is emerging nicely; the Drafting Committee has done an excellent job to date on a very ambitious project.

As I indicated in earlier correspondence, plans call for a public release/signing ceremony associated with the Great Lakes Commission's Annual Meeting, and the U.S. EPA-Environment Canada "State of the Lakes Ecosystem Conference" (SOLEC) in late October in Dearborn, Michigan. At that time, it is anticipated that a signing ceremony can take place involving representatives from U.S. EPA, Environment Canada, other federal agencies that serve as Commission Observers, the Great Lakes states and provinces, tribal authorities, regional organizations and groups representing economic and citizen environmental interests. An announcement will also be made concerning the future use and continued development of the Charter.

To ensure that the Charter process proceeds in a timely manner, Great Lakes Commission approval of the document will be sought at the upcoming Semi-Annual Meeting in May. Commission support for the document at that time will send an important signal to other potential signatories. At the Commission's Semi-Annual Meeting, a voice of support from Observer agencies would be sought as well.

Established in 1955 by inter-state compact "to promote the orderly, integrated and comprehensive development, use and conservation of the water resources of the Great Lakes Basin."

Page 2
March 31, 1994

CONFIDENTIAL

At this time, I invite every Commissioner and Observer to carefully review this latest draft and indicate whether your state/agency is in a position to support it as written, support it with minor revisions, or support it after more substantive change. Specific additions/deletions/ revisions to the document should be provided at this stage. If a roundtable/workshop is needed to decide this, please contact us immediately and we can assist with its organization. (Several successful ones have recently been held.) Such an event should take place, if at all possible, in the next several weeks. A final public comment period will soon be underway.

I would appreciate hearing from you on or before Monday, April 11 in the interest of keeping the Charter process moving forward. It is important that member state approval of the Charter be secured at the Semi-Annual Meeting.

Thank you for your efforts and support to date on this project; I value your input and look forward to hearing from you.

Sincerely,

Michael J. Donahue, Ph.D.
Executive Director

MJD/rjs

Enclosure

LETTER SENT TO PROSPECTIVE SIGNATORIES



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April 19, 1994

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Dear

Last November, we provided you with an initial draft of the Ecosystem Charter for the Great Lakes-St. Lawrence Basin. As you recall, the Charter summarizes and presents a series of principles that all members of the Basin community (public agencies, private interests, citizen organizations) can use as guidance in their various activities.

During the initial public comment period—and at many workshops that followed—hundreds of very constructive comments were received and incorporated into the documents. Our Drafting Committee, which itself represents a diversity of Basin interests, has done an excellent job in pulling these comments together.

Significant changes arising from the public review are as follows:

- Careful and extensive editing has made the document much more concise and straightforward;
- The tone was adjusted to reflect more appropriately a theme of economic/environmental integration;
- Ambiguous terminology was eliminated;
- The style and presentation was adjusted to make the document more policy relevant;
- Several principles that were either overly contentious or inappropriate for the Charter were eliminated; others were consolidated in the interest of clarity and brevity;
- The "commitments" terminology was changed to ensure that signatories will not be committing to actions that are outside their mandate or beyond their ability to address;
- The preamble was extensively revised to clearly state the problem the Charter is addressing, the intended use and impact of the document, and means by which the Charter process will continue beyond the signing ceremony; and
- It was agreed that a glossary will be added to an addendum. Further, in lieu of a detailed action agenda, the addendum will include a brief descriptive listing of signatory organizations, as well as key laws and agreements in the Basin.

Established in 1955 by inter-state compact "to promote the orderly, integrated and comprehensive development, use and conservation of the water resources of the Great Lakes Basin."

Page two
April 19, 1994

It is now time to move the Charter process forward. We invite you to endorse the document by completing and returning the enclosed form, preferably by Friday, May 27. Please note that there remains an opportunity, if desired, to submit further comments.

In your review of the Charter, please recognize that this is a consensus-based document, and a wide array of very diverse interests have been involved in its development. Participants have recognized the "give and take" aspect of this process in forging agreement on language. Your own agency/organization may have other priorities and principles not explicitly identified in the Charter that can and should still be pursued. Please review the one-page preamble carefully; it offers an excellent summary of Charter goals, methodology and implementation.

If you are aware of other agencies/organizations that may wish to endorse the Charter, please contact me or Victoria Pebbles at 313-665-9135. We will ensure that they are contacted. We also invite and encourage you to distribute the attached Charter and response form as widely as possible yourself; extra copies are available upon request.

Plans call for a public release/signing ceremony associated with the Great Lakes Commission's Annual Meeting, and the U.S. EPA-Environment Canada *State of the Lakes Ecosystem Conference* (SOLEC), in late October in Dearborn, Michigan. At that time, it is anticipated that a signing ceremony can take place involving representatives from U.S. EPA, Environment Canada, other federal agencies, the Great Lakes states and provinces, tribal authorities, regional organizations and groups representing economic and citizen environmental interests. An announcement will also be made concerning the future use and continued development of the Charter.

Thank you for your continued interest in the Ecosystem Charter. With your participation in the Charter's development and endorsement, you will help the collective effort to enhance the protection, use and management of the Great Lakes-St. Lawrence Basin Ecosystem.

Please contact me or Victoria Pebbles if you have any questions or comments as this effort moves forward. We look forward to your timely response.

Sincerely,

Michael J. Donahue, Ph.D.
Executive Director

MJD/rjs

Enclosure

SIGNATORY RESPONSE FORM

- AN ECOSYSTEM CHARTER FOR THE GREAT LAKES-ST. LAWRENCE BASIN -

INTRODUCTION: The Ecosystem Charter for the Great Lakes-St. Lawrence Basin is a statement that summarizes commonly held principles for pursuing an "ecosystem approach" to Great Lakes-St. Lawrence Basin management. Any government agency, or non-governmental organization that subscribes to these principles is invited to be a signatory. Signatories agree to use the Charter as guidance in developing their own work plans and priorities, as a means to enhance communication and cooperation with others, and as a benchmark for assessing progress toward a shared vision for the future. The Charter is a non-binding "good faith" agreement; it does not replace or affect implementation of existing laws, agreements and policies. Rather, it showcases these initiatives in the spirit of promoting an ecosystem approach to Great Lakes-St. Lawrence Basin management.

Please check one:

- ☐ I endorse the Ecosystem Charter as presented (April, 1994) and my agency/organization will be a Charter signatory. Please send details on the signatory process.
- ☐ I request consideration of additional comments that I have attached. Once addressed, I will endorse the Charter and my agency/organization will be a Charter signatory.
- ☐ I require additional time for Charter review. Please contact me to discuss this.

Please note any additional comments here, and append any other relevant material:

Name: _____

Affiliation: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

IMPORTANT NOTE: Please complete and return by FRIDAY, May 27, to:

Great Lakes Commission
400 Fourth Street
Ann Arbor, MI 48103-4816
Ph: 313-665-9135, Fax: 313-665-4370, Email: GLC@Great-Lakes.CIC.Net

Draft

**ECOSYSTEM CHARTER
FOR
THE GREAT LAKES-
ST. LAWRENCE BASIN**

APRIL, 1994

Preamble

The Ecosystem Approach to Management: An Introduction

An "ecosystem approach" to management is being embraced by many public sector, non-governmental and citizen-based institutions in the Great Lakes-St. Lawrence Basin. This approach recognizes that the environmental and economic attributes of the Basin are fundamentally linked and interdependent, as are the goals for environmental protection and economic development. It also recognizes that resources must be managed as dynamic and complex communities and ecosystems, rather than as separate and distinct elements. Practicing the ecosystem approach means that all partners—government and private sector alike—understand the implications of their actions and strive to avoid unintended adverse consequences.

The Problem

Many of our laws, programs, policies and institutions support the concept of an ecosystem approach, yet application of the concept is difficult due to their often narrow, single media or issue specific mandates. The problem is the absence of a single, clearly articulated statement—or charter—that explicitly defines goals for an ecosystem approach to management and ties a common thread through these many activities and mandates.

Charter Format and Objectives

The Ecosystem Charter summarizes, in a concise and convenient form, commonly held principles drawn from existing laws, treaties, agreements and policies. It includes a vision statement and a series of principles in the categories of rights and responsibilities; ecological integrity and diversity; sustainable communities; institutional relations; and public information, education and participation. It includes a series of actions that all members of the Great Lakes-St. Lawrence Basin community can endorse or undertake in support of these principles.

The Charter has three primary uses. It is a tool for organizing, coordinating and periodically assessing public and private sector efforts to implement an ecosystem approach. It is a tool for information and education; offering a vision for the Great Lakes-St. Lawrence Basin Ecosystem and a means to achieve it. Finally, it is a tool for advocating the interests of the Basin Ecosystem and its inhabitants; a statement of unity acknowledging that all partners in the collective management effort—despite our differences—subscribe to a single set of fundamental principles.

The Charter is a "good faith" agreement among its signatories, which can include representatives from the array of public agencies, non-governmental organizations and private interests in the Great Lakes-St.

Lawrence Basin. It is not a legally-binding document, nor does it replace or otherwise affect implementation of existing laws, agreements and policies. Rather it showcases these initiatives, highlights their implementation and, in so doing, promotes an ecosystem approach to management in the Great Lakes-St. Lawrence Basin.

Charter Foundation

The foundation for the Ecosystem Charter is a heritage of binational cooperation to ensure the informed use, management, conservation and protection of the Great Lakes-St. Lawrence Basin Ecosystem. The Charter builds upon landmark agreements such as the U.S.-Canada Boundary Waters Treaty of 1909, which established procedures for avoiding or otherwise addressing transboundary environmental problems, and the Great Lakes Water Quality Agreement, which commits the two countries to restoring and maintaining the chemical, physical, and biological integrity of the waters of the Great Lakes Basin Ecosystem. Through these and many other initiatives, regional leadership has pioneered the ecosystem approach to resource and environmental management, conservation and protection. The Ecosystem Charter, as a statement of shared principles and commitments for an array of stakeholders, represents an important step forward in this approach. The Charter will help guide future actions to enhance and sustain the environmental health and economic viability of the world's greatest freshwater system. In so doing, it can serve as a model in North America and globally.

Charter Process

The Charter is a living document; it will be reviewed and revised periodically to ensure that it reflects current thinking on the ecosystem approach. It offers a benchmark for assessing progress and provides the guidance needed for further efforts. A broad cross-section of agencies, organizations and associations contributed to the draft of the Charter, and the document itself is "owned" by all signatories. The Great Lakes Commission, as a coordinating agency, will provide ongoing support in the distribution, use and updating of the Charter, including specific opportunities for periodic review and assessment of progress.

Charter Signatories

Any organization, agency or governmental jurisdiction that subscribes to these principles is invited to be a signatory to the Ecosystem Charter. Signatories agree to use the Charter as guidance in the development of their work plans and priorities, as a means to enhance communication and cooperation with others, and as a benchmark for assessing progress toward a shared vision for the Great Lakes-St. Lawrence Basin Ecosystem.

A VISION FOR THE GREAT LAKES-ST. LAWRENCE BASIN ECOSYSTEM

OUR VISION IS A GREAT LAKES-ST. LAWRENCE BASIN ECOSYSTEM....

Where all people consider and conduct themselves as part of our Ecosystem;

Where all people recognize the fundamental and inextricable link between economic well-being and the health of the Ecosystem;

In which all beneficial organisms can thrive free from preventable ecological threats to their well-being;

Where environmental degradation is a legacy of the past and a basis for present and future remedial action;

That exists as an evolving natural and cultural system which can successfully adapt to change;

In which use of natural resources is compatible with conservation of such resources;

That maintains the integrity of the Ecosystem and accommodates appropriate development;

That is a rich mosaic of waters and lands, of natural areas and places of human activity, and of different peoples who govern themselves in various ways;

That nurtures an abundance and diversity of plant and animal species in their natural communities and habitats as well as in specially protected and rehabilitated sites;

That embraces the concept of sustainable development by meeting the needs of this generation without compromising the ability of future generations to meet their needs;

Where all people and their governments act as good stewards and are committed to informed action and supportive policy decisions;

In which a shared governance process, among diverse and respected traditions, provides an accessible and equitable basis for responsible action and accountability among all people and their institutions.

RIGHTS AND RESPONSIBILITIES

Access to clean water, clean air, and healthy and productive soils is a fundamental right of all individuals within the Great Lakes-St. Lawrence Basin. This right infers a shared responsibility for the informed use, management, conservation and protection of the Basin's water and related land and air resources. The integrity of the Ecosystem—and the physical health, economic well-being and quality of life its human element—must be enhanced and maintained for the current and future generations.

Signatories thereby adhere to the following principles:

Principle I

People in the Great Lakes-St. Lawrence Basin, as well as all communities of beneficial organisms, have a right to live in an ecosystem that supports their health and well-being.

Findings:

The natural world has intrinsic value; it is the basis for life on earth and is essential to human well-being. Activities which degrade its water, air and land resources threaten the health of the Ecosystem and, hence, its ability to support the health and well-being of those dependent upon it. The fundamental right of all people to a healthy environment is a basis for sustainable development and environmental protection.

This principle shall be addressed by:

- Recognizing the inherent value of the non-human elements of the Ecosystem apart from any benefits humans may receive from them.
- Accepting responsibility to conduct ourselves, individually and collectively, in ways that support a healthy ecosystem consistent with the principles set forth in this Charter.

Principle II

People have the right to use natural resources and processes for reasonable economic purpose and enjoyment, commensurate with the responsibility to restore, enhance and maintain the integrity of the Great Lakes-St. Lawrence Basin Ecosystem.

Findings:

People and their governments in the Great Lakes-St. Lawrence Basin are stewards of the Ecosystem; this entails a responsibility to enhance and maintain the health of the Ecosystem for the use, benefit and enjoyment of the current and future generations.

This principle shall be addressed by:

- Adopting, pursuing and promoting principles and practices of sustainable use of Ecosystem resources by businesses, agencies, organizations and individuals.
- Accepting the responsibility to minimize or prevent, to the greatest extent practicable, activities that cause environmental harm to other jurisdictions or individuals.
- Recognizing the role of the Great Lakes-St. Lawrence Basin Ecosystem in the larger global environment and taking actions, where possible, that can alleviate adverse impacts on that environment.

- Cooperating with all people in the Great Lakes-St. Lawrence Basin Ecosystem and with citizens in other biogeographical regions to achieve mutual objectives consistent with this Charter.

Principle III

People in the Great Lakes-St. Lawrence Basin have a responsibility to demonstrate that proposed activities and resource uses do not cause undue harm to the Ecosystem.

Findings:

Human activities in the Basin have historically been regulated in response to demonstrable proof that those activities cause injury or harm to human health or the environment. However, achieving Ecosystem integrity is not possible if it is the responsibility of governments to prove that a certain activity causes harm or injury. Ecosystem protection can be enhanced by reversing this burden of proof, known as "reverse onus," and by placing responsibility on those who are proposing such activities.

This principle shall be addressed by:

- Endorsing the concept of "reverse onus," and its incorporation over time into resource management and environmental protection programs in the Great Lakes-St. Lawrence Basin.
- Agreeing to examine new or proposed activities in the Great Lakes-St. Lawrence Basin to identify prospective adverse impacts and means to reduce, mitigate or eliminate them.
- Maintaining or encouraging maintenance of monitoring programs to provide baseline information on the environmental impacts of resource uses.

ECOLOGICAL INTEGRITY AND DIVERSITY

Ecological integrity is a state of the Ecosystem in which ecological diversity and resilience is present, allowing the Ecosystem to sustain itself and its inhabitants. Integrity cannot be achieved, however, when irresponsible actions impair the beneficial uses of Basin resources. The extent of these threats is demonstrated by the numerous Areas of Concern designated by the International Joint Commission. Efforts to rehabilitate and protect the Ecosystem through scientific inquiry, public-policy development and management programs are essential for achieving and maintaining ecological integrity.

Signatories thereby adhere to the following principles:

Principle IV

The chemical, physical and biological integrity of the Great Lakes-St. Lawrence Basin Ecosystem shall be achieved by understanding, respecting, rehabilitating and protecting ecological processes and natural resources and by identifying and maintaining genetically diverse plant and animal communities within the Ecosystem.

Findings:

Binational and national commitments have been made to restore and maintain the chemical, physical, and biological integrity of the Great Lakes-St. Lawrence Basin Ecosystem. Despite some successes, the goal of Ecosystem integrity has yet to be achieved. Until that time, the health and well-being of the Ecosystem inhabitants will be compromised.

This principle shall be addressed by:

- Improving implementation of existing programs and, where appropriate, developing new ones to rehabilitate, protect and manage ecological resources and diversity within the Ecosystem.
- Providing strong citizen, government and industry support for timely and effective adoption and implementation of Lakewide Management Plans; timely and effective implementation of Remedial Action Plans for the Basin's Areas of Concern; and designation of additional Biosphere Reserve sites within the Basin.
- Increasing the binational effort to monitor aquatic species and wildlife communities in the Basin, both to sustain and rehabilitate these communities and so to better understand environmental threats to human health.
- Developing, adopting, and promoting strategies to integrate and expand efforts to protect areas of natural beauty and ecological significance such as wetlands and dunes.

Principle V

An ecosystem approach to management that involves rehabilitating and protecting ecological processes and resources of the Basin Ecosystem shall be fully and widely adopted, based on the understanding that human activities, natural resources and ecological processes are interdependent and parts of a unified whole.

Findings:

The ecosystem approach entails a multi-resource emphasis and broader, precautionary strategies that anticipate and prevent environmental harm. This approach respects and affirms the interconnectedness of ecological processes and requires humankind to understand and conduct itself as an integrated part of the Ecosystem rather than as an entity separate from it.

This principle shall be addressed by:

- Ensuring that ecological protection and rehabilitation efforts are based on an integrated, multi-resource approach.
- Emphasizing precautionary measures that anticipate and prevent harm to human health and the environment.
- Collaborating on and coordinating environmental quality, natural resource and economic development programs to ensure that pollution control and prevention, habitat restoration and protection, forestry management, fisheries management and other actions are consistent with the principles of ecosystem management.
- Adopting and applying principles of an ecosystem approach to individual agency, organization and business settings.

Principle VI

A coordinated, multi-disciplinary research agenda is necessary to improve understanding of the scientific, social and economic dimensions of the Great Lakes-St. Lawrence Basin Ecosystem.

Findings:

Scientific, social and economic data and information form the basis for public policies, agreements and programs in the Great Lakes-St. Lawrence Basin Ecosystem. Yet, many aspects of the Ecosystem and its various dimensions and dynamics are not well understood. An enhanced, aggressive and innovative program of basic and applied research is a fundamental requirement.

This principle shall be addressed by:

- Forming partnerships among public agencies, academic institutions, businesses and citizens' organizations to conduct and coordinate basic and applied research on the Basin Ecosystem.

- Advancing pollution prevention efforts and supporting sustainable development in the Basin Ecosystem by conducting applied research on consumption attributes and production methods.
- Undertaking research initiatives, such as toxicological and epidemiological studies, that explore human health impacts of activities in the Basin Ecosystem.
- Making research results understandable to the public and usable by decision makers.
- Establishing new, and strengthening existing capabilities and networks for the exchange of data, research results and other information relevant to the Basin Ecosystem.

Principle VII

The environmental quality of the Great Lakes-St. Lawrence Basin Ecosystem shall be improved by virtually eliminating the discharge or release of persistent bioaccumulative toxic substances into the Basin Ecosystem.

Findings:

Jurisdictions have implemented numerous pollution control and prevention programs and measures, and significant reductions in particular toxics and other pollutants have occurred. However, the complexity and pervasive nature of toxic contamination calls for continued vigorous action and innovative solutions. Thus, a broad-based commitment to the above principle is needed, consistent with the objectives of the Great Lakes Water Quality Agreement.

This principle shall be addressed by:

- Implementing pollution prevention practices to eliminate and/or reduce waste generation through changes in production processes, products and packaging and through resource reuse and recycling.
- Implementing policies, programs, and practices to eliminate the discharge or release of persistent bioaccumulative toxic substances and to prohibit the discharge in toxic amounts of toxic substances that are not for the purpose of achieving Ecosystem integrity (e.g., lamprey control.)
- Actively seeking cost-effective, benign alternatives to toxic substances and substituting them, where possible, to reduce reliance on toxic substances that threaten Ecosystem integrity.
- Supporting the development of binational objectives and measures to address air quality issues, including acid deposition, smog and airborne toxic contaminants as well as global atmospheric problems that affect the Basin, such as chlorofluorocarbons and global warming.

Principle VIII

The natural fluctuations of the levels and flows within the Great Lakes-St. Lawrence River System shall be accommodated to the extent possible, while maintaining appropriate water use and related coastal activities.

Findings:

The waters of the Great Lakes and St. Lawrence River are interconnected and form a single hydrologic system which geographically defines the Great Lakes-St. Lawrence Basin Ecosystem. This dynamic system, which supports a variety of organisms and human activities, is naturally subject to varying levels and flows. Many ecological processes rely upon and benefit from this variance. Resource uses and economic activity in coastal and near-shore areas are highly sensitive to fluctuating levels and flows; the magnitude and direction of the fluctuation impacts different uses in different ways.

This principle shall be addressed by:

- Supporting a binational process that allows all stakeholders to participate in decision-making and planning related to management of levels and flows and land use policies for coastal areas.
- Supporting continued improvement in the collection and maintenance of data regarding levels and flows, major uses and diversions of Basin water resources, and associated analysis, dissemination and public policy applications.
- Developing an effective process for state/provincial review and consideration of diversion and consumptive use proposals, and a Basin water resources management program to ensure that relevant data and information on proposed impacts is available.
- Prohibiting new diversions of Basin water resources that would have significant adverse impacts on the Basin Ecosystem.

Principle IX

Societal needs for a healthy Ecosystem and economy shall be addressed by promoting the use of renewable natural resources.

Findings:

Renewable resources such as topsoil, forests and fisheries, are threatened by poor land use practices, overharvesting, habitat degradation and the introduction of harmful non-native species, among others. Numerous measures have been taken to check, reverse, or compensate for this damage, but the availability and quality of renewable resources remain threatened. A binational commitment to the management of such resources must recognize the need for remedial actions as well as long-term planning and management on a comprehensive Basin-wide basis.

This principle shall be addressed by:

- Consulting and coordinating with affected jurisdictions when renewable resource management decisions will significantly affect their interests.
- Incorporating renewable resource needs and management objectives into broader environmental quality policies and programs.
- Developing measures to predict and assess the effects of renewable resource management practices on environmental protection efforts and economic activity.

Principle X

Biological diversity is an essential element of Ecosystem integrity, and shall be supported so that plant and animal populations may flourish in natural communities and habitats as well as in specially protected and rehabilitated sites.

Findings:

The Basin Ecosystem supports an abundance of fish, plant and wildlife species including naturalized non-native species. However, the natural biological diversity once found in the Ecosystem has been fundamentally altered, both by intentional and unintentional introductions, some beneficial and some harmful. Programs to preserve species variety and habitat, particularly that of native species, are an important part of efforts to achieve Ecosystem integrity.

This principle shall be addressed by:

- Developing strategies for the conservation of biological diversity and integrating those strategies into plans and practices concerning economic activities, environmental protection and resource management.

- Nurturing biological diversity and reducing habitat fragmentation by encouraging establishment of publicly-owned protected areas, networks of protected areas and encouraging private stewardship by landowners.
- Modifying land use practices and other human activities to prevent the loss of biodiversity and habitat.
- Preventing new introductions of nonindigenous nuisance species and controlling existing ones.

SUSTAINABLE COMMUNITIES

In a sustainable society, a fundamental and inextricable linkage exists between economic activity and the natural ecosystem. Sustainable economic activity meets the needs of the present generation without compromising the ability of future generations to meet their own needs, and respects the limits imposed by the capacity of the Ecosystem to absorb the impact of human activities. Adopting principles of sustainability at the community and Basin levels will promote long-term economic viability and continued improvements in environmental quality.

Signatories thereby adhere to the following principles:

Principle XI

Ecosystem integrity and the economic well-being of human communities are interdependent; achieving and protecting ecosystem integrity is therefore an essential part of economic activity within the Basin.

Findings:

Natural resources within the Great Lakes-St. Lawrence Basin Ecosystem supply tens of millions of people with drinking water; support a multi-billion dollar recreation/tourism industry; provide habitat for thousands of fish, wildlife and plant species; offer transportation and manufacturing opportunities; and support an extensive agricultural industry. To ensure that natural resources in the Basin Ecosystem continue to provide such benefits, economic strategies and activities must ensure that essential ecological processes are maintained, natural resources are used sustainably, biological diversity is conserved, and infrastructure investment is appropriately pursued.

This principle shall be addressed by:

- Reflecting principles of sustainability in relevant public and private sector plans and programs.
- Supporting and pursuing policies and programs that provide for the efficient and sustainable use of natural resources, and working to revise or eliminate those that do not.
- Identifying energy efficiency and conservation as a public and private sector priority and supporting the use of renewable energy sources.
- Supporting adequate and prudent infrastructure investment, particularly for water treatment and distribution systems.
- Developing common data collection measures and indicators to integrate and/or supplement traditional, independent measures of environmental, social and economic health and well-being to gauge progress in achieving a sustainable society.

Principle XII

Industry in the Great Lakes-St. Lawrence Basin is a key partner in achieving and protecting Ecosystem integrity; industry support for and implementation of environmental, conservation, and safety standards and practices is necessary.

Findings:

The Great Lakes-St. Lawrence Basin is one of the most industrialized areas of the world. Economic development created a high standard of living and quality of life for residents. As members of the Great Lakes-St. Lawrence community, industry (including the manufacturing, transportation and agricultural sectors) recognizes that its performance and contribution to the economy depends on a healthy Great Lakes-St. Lawrence Basin Ecosystem. Accordingly, industry will benefit from supporting and maintaining environmental, conservation and safety standards and practices.

This principle shall be addressed by:

- Supporting an active role by business and industry in the application of integrated environmental management to environmental policymaking.
- Encouraging the development of cost accounting and pricing mechanisms that determine the real cost of goods and services based on production and marketing costs, as well as costs of environmental management associated with their production, use and disposal.
- Encouraging the development and use of innovative conservation, environmental protection and related pollution prevention mechanisms by business and industry, including the incorporation of economically and environmentally sustainable practices in management and operations.
- Ensuring strong communication between industrial facilities and local communities to provide information on local impacts and environmental management practices.

INSTITUTIONAL RELATIONS

Two federal governments, eight U.S. States, two Canadian provinces, numerous regional agencies, thousands of substate/provincial governments, many Native American authorities/First Nations and a multitude of other governmental entities have some legal authority or responsibility for matters pertaining to the Basin Ecosystem. The complexity and sophistication of the "institutional ecosystem" for Basin governance has garnered global recognition. Cooperative and collaborative relations among these jurisdictions, in partnership with business and industry, citizen organizations and all other Basin interests, are needed if Ecosystem integrity is to be achieved and maintained.

Signatories thereby adhere to the following principles:

Principle XIII

Cooperation is essential among government entities, including federal, state, provincial, Native American authorities/First Nations, regional and local governments, if the principles of this Charter are to become public policy priorities.

Findings:

Institutional arrangements in the Great Lakes-St. Lawrence Basin Ecosystem can provide innovative opportunities for addressing complex ecological problems, but they can also be rigid, fragmented, and even contradictory. The

most effective means of overcoming institutional barriers and ensuring the integrity of the Ecosystem is through co-operative, coordinated and collaborative policies and programs agreed upon and implemented by Basin jurisdictions.

This principle shall be addressed by:

- Using the principles of the Charter as a basis to develop common objectives consistent with extant agreements, policies and laws, directed at achieving and maintaining the integrity of the Basin Ecosystem.
- Consulting with affected jurisdictions and other interested parties regarding the development and/or consideration of proposals with Basin-wide implications.
- Working to ensure that public and private sector activities are consistent with international, binational and regional obligations and agreements regarding the Basin Ecosystem.
- Continuing the practice and tradition of binational dispute management and resolution in the Basin Ecosystem.

Principle XIV

Great Lakes-St. Lawrence Basin Ecosystem governance and management shall emphasize partnership arrangements among government entities, the private sector, citizen organizations and other interests.

Findings:

The interdependence of the economy and the environment amplify the consequences of the individual and collective actions of all agencies, organizations, businesses and individuals within the Basin Ecosystem. Their mutual interests must be explicitly acknowledged and partnerships developed to pursue public and private sector actions that benefit the Basin Ecosystem.

This principle shall be addressed by:

- Supporting existing partnerships that integrate interests and management approaches in the Basin Ecosystem, such as Remedial Action Plans and Lakewide Management Plans.
- Implementing binational agreements and initiatives, such as the Great Lakes Water Quality Agreement and the Convention on Great Lakes Fisheries, in such a way that recognizes broader issues of shared concern, including habitat protection, fisheries management, shoreline protection, biodiversity and water quantity management.
- Developing partnerships with all Basin interests to address commonly identified problems and to harmonize institutional relationships and authorities.
- Basing Ecosystem policies and programs on scientific research.
- Evaluating current and prospective policies and programs on the basis of their consistency with, and responsiveness to, the principles of the Charter and the goals and objectives of relevant Basin laws and agreements.

PUBLIC INFORMATION, EDUCATION, AND PARTICIPATION

Public participation is the cornerstone for the development of public policies that promote a clean environment, strong economy and high quality of life in the Great Lakes-St. Lawrence Basin. Such participation ensures that the needs and concerns of interested individuals are heard, understood and incorporated into the policymaking process. In order to participate effectively in that process, residents must be informed of political, eco-

logical, social, and economic issues in the Basin Ecosystem. This requires timely, accurate, and accessible information; a forum in which to voice concerns; and a mechanism to become involved in policymaking and implementation efforts.

Signatories thereby adhere to the following principles:

Principle XV

Timely, accurate and accessible information shall be provided to the public regarding all planned activities that may significantly affect the Great Lakes-St. Lawrence Basin Ecosystem.

Findings:

Timely information enables the public to respond to current issues and opportunities in an appropriate time frame; accurate information enables the public to make informed decisions about their interests and concerns; and accessible information allows for all interested persons to obtain the desired information with relative ease. Programs that reflect these qualities help promote informed public policy, efficient and effective implementation, and strong partnerships among Basin interests.

This principle shall be addressed by:

- Gathering timely, accurate and meaningful information about the state of the Basin Ecosystem and monitoring and reporting on progress in implementing programs consistent with the principles of the Charter and other relevant laws and agreements.
- Ensuring that the public has full and equal access to available data, public policies, programs, and related information concerning current and prospective conditions of the Basin Ecosystem and the associated impact of proposed actions.
- Creating and supporting formal information links to ensure ongoing and substantive dialogue on and dissemination of data and information relating to the Basin Ecosystem.

Principle XVI

Stewardship of the Great Lakes-St. Lawrence Basin Ecosystem shall be fostered through educational efforts that promote greater understanding of the Ecosystem, the problems and opportunities facing it, and policies and programs designed to improve, protect and manage it.

Findings:

Education in ecological, economic, social and political matters relating to the Basin Ecosystem broadens the basis for enlightened public opinion and responsible conduct by all who make, implement or otherwise affect public policy. Education on such matters is a life-long process; it must be pursued by children and adults alike, and in both classroom and non-formal settings. Further, it must be multi-disciplinary and integrative, allowing all interested individuals to understand the basic elements and processes of the Basin Ecosystem; how various actions affect them; how the public policymaking process functions; and how the individual can make a difference.

This principle shall be addressed by:

- Establishing and enhancing Great Lakes-St. Lawrence education programs and curricula in both classrooms and non-traditional settings, with a special focus on at-risk groups.
- Encouraging coordination of, and partnerships among educators in the Basin to ensure that educational efforts are consistent, comprehensive and accessible.

- Establishing and/or maintaining permanent systems to disseminate and promote the use of education materials.
- Improving stewardship of the Basin Ecosystem by educating ourselves and others about the needs of a healthy Ecosystem, and opportunities to address these needs through individual and collective action.

Principle XVII

Meaningful public participation in decision making processes regarding the Great Lakes-St. Lawrence Basin Ecosystem shall be encouraged by providing enhanced opportunities for public involvement and empowerment.

Findings:

All people should have the opportunity for informed participation in the development, implementation and evaluation of public policies that affect the Basin Ecosystem. Meaningful public participation requires the public to be an active partner in the decision making process, including the identification and assessment of issues.

This principle shall be addressed by:

- Developing and maintaining decision making processes that promote and encourage active and informed public participation.
- Identifying and using resources, such as information networks and other communication technology, through which public participation can be enhanced.
- Planning outreach efforts to increase public access to, and use of those resources.
- Taking advantage of current and prospective means to further our knowledge of the Basin Ecosystem and opportunities to enhance environmental health, economic well-being and quality of life.

ATTACHMENT #6

SUMMARY

The attached proposal was prepared at the request of a Commissioner, and reflects a concern over the relationship between policy priorities and research activities in the Great Lakes Basin. A process is proposed whereby the Great Lakes Commission might facilitate an initiative to strengthen policy/research linkages and, as a result, enhance the relevance and competitiveness of proposed research activities.

Strengthening the Policy/Research Linkage in the Great Lakes Basin: A Proposal

Background: An active, strong and carefully targeted program of basic and applied research provides the foundation upon which sound public policy can be formulated and administered. The need for such a policy/research linkage has long been evident in the Great Lakes Basin, where the policy demands of a complex institutional ecosystem are rivaled by the demands for scientific inquiry in a similarly complex natural ecosystem.

Within the research community, a number of mechanisms exist for prioritizing and coordinating research needs. These include, for example, the work of the International Association for Great Lakes Research, the International Joint Commission's Council of Great Lakes Research Managers (and its research inventory initiative), the individual and collective work of the Sea Grant Programs, and the numerous centers and institutes at Great Lakes universities, including consortia organized around Great Lakes issues, as noted in Ohio and New York. On an issue-specific basis (e.g., Great Lakes Panel on Aquatic Nuisance Species, Great Lakes Fishery Commission), numerous other mechanisms are in place for research prioritization and coordination purposes.

Within the policy community, a parallel activity exists in prioritizing and coordinating policy and management needs. This includes, for example, the work of the Great Lakes Commission, the Council of Great Lakes Governors, and the U.S. Policy Committee of U.S. EPA's Great Lakes National Program Office, among many others. Also, many states have established Great Lakes offices or points of contact to address such needs at the intra-state level.

Problem Statement: The Great Lakes research and policy communities have made notable progress in their respective coordination activities. Linkages *between* the two communities, however, remain tenuous at best. Progress is being made in some areas, thanks to the efforts of Great Lakes Protection Fund, Sea Grant programs, the Council of Great Lakes Research Managers, and others. However, certain problems remain. For example:

- Policymakers, in general, have limited knowledge of, and access to, research institutions and products;
- Research results and related materials are seldom "packaged" in a form that facilitates public policy applications;
- Many different research institutions/associations compile lists of research priorities, but a single integrated list for the entire Basin has not been developed;
- Policymakers, in general, have little direct influence/involvement in establishing research priorities.

Such problems compromise the relevance of the collective Great Lakes research program, limit the effectiveness of policy development and implementation efforts, and place the Basin at a competitive disadvantage in accessing federal research and management funds.

Methodology: Many of the building blocks for a strong policy/research linkage presently exist, yet need to be assembled. The Great Lakes Commission, in concert with its many observer organizations,

is well suited to provide a forum and a facilitative function. As an initial step, it is proposed that a workshop be convened, comprised of individuals with experience and expertise at the policy/research interface. Attendees should include broad jurisdictional representation (e.g., state, provincial, federal and regional agencies) as well as representation from the Great Lakes foundation community, Great Lakes Sea Grant Network, Council of Great Lakes Research Managers, and relevant academic institutes/university research consortiums.

The objective of such a meeting will be to further document obstacles and opportunities for strengthening policy/research linkages, share information on current efforts, and identify unmet needs to be addressed. The session will also provide a means to identify specific actions that might be taken by the Great Lakes Commission. Among many others, initiatives might include:

- 1) Presenting current and emerging regional policy priorities to Sea Grant staff and current/prospective Sea Grant researchers;
- 2) Conveying research and policy priorities to foundations and corporations with grant programs targeted at the Great Lakes;
- 3) Pursuing collaborative opportunities with the Council of Great Lakes Research Managers, including expansion of the current research inventory process to include a needs identification/priority setting element;
- 4) Establishing a research component online with the Great Lakes Information Network. Holdings might include the text of the above-mentioned research inventory; information on governmental, foundation, corporate and other grant programs and submittal deadlines; a summary of research needs driven by policy priorities; a directory of researchers and research institutes; online literature searches; and bulletin board services.
- 5) Packaging research and policy priorities for presentation to the Congress as a means to secure necessary financial and programmatic support.

An initial scoping session involving a subset of prospective workshop attendees might be held in mid-1994, with a workshop following in the fall, possibly in conjunction with the 1994 Annual Meeting of the Great Lakes Commission.

Funding requirements: Costs for the workshop are anticipated to be modest and can be secured through Commission general operating funds or a foundation grant. The workshop outcome will determine financial needs for specific project initiatives, which are likely to be supported through a number of sources.

Staffing requirements: Existing Commission staff will provide support for the workshop and subsequent program development activities. Additional staffing needs will be determined by the workshop outcome.

SUMMARY

Since the last Commission meeting, substantial progress has been made in addressing three priorities identified under the Transportation and Economic Development Program. Material on each is attached:

- A Model Port Land Preservation Policy is presented in partial draft form for Commissioner consideration. It will be completed in the near future and, if appropriate, can be adopted by the Executive Committee at that time.
- A project proposal titled *Sustainable Development in Northwest Indiana* is attached, accompanied by a listing of the project's steering committee, which has met several times. The proposal is being circulated to prospective funders at this time.
- A policy position on the border crossings issue is attached for Commissioner review and approval. It addresses a stated Commission priority and was prepared by staff in consultation with a small, interstate committee.

Great Lakes Commission
Model Port Land Preservation
Policy Statement - Draft Elements
April 1994

PROBLEM STATEMENT

Throughout the Great Lakes-St. Lawrence maritime system, the port infrastructure that sustains commercial navigation is undergoing change. Some port activities are disappearing whereas new ones come about. Shipment and receipt tonnages do fluctuate annually but some changes may persist over the long-term. Recreational use of commercial harbors has been growing and lands adjacent to port areas are being converted to other uses including residential development. This gentrification of the traditional port landscape is creating a dilemma—how much port or harbor-adjacent land could be available or released for other use and what should be retained as a contingency for future maritime use.

The challenge for municipal and port planners is to accommodate new land uses in these traditional port districts without jeopardizing commercial and related shipping opportunities. Some new uses may be incompatible but more often, farsighted planning and development activities can create a "middle ground" blending of higher and lower intensive uses of waterfronts. It has been proposed that some lands, whether they have current maritime use or not, should be preserved or "banked" for future maritime or related industrial use. If the maritime sector is to maintain an adequate base for its operations and respond to the possibility of increased future demand, then land use policies need to address this issue.

WATERFRONT DEVELOPMENT AND THE GREAT LAKES

Over the past twenty years, Americans and Canadians have been rediscovering their urban waterfronts. Public use of waterfront land has increased dramatically in recent years. Successful waterfront revitalization projects such as Baltimore's Inner Harbor and Boston's Marketplace have set off a trend among waterfront communities nationwide to reap the same benefits: increased economic activity, increased tax revenues, better community image and enhanced livability. This trend has not escaped the Great Lakes coastal communities. Small scale efforts such as the shore area landscaped walk at Houghton, Michigan to large development projects in Toronto and Cleveland are manifestations of this renewed appreciation for the region's maritime heritage and world class freshwater resources.

Unfortunately, there is a down side. As waterfront planners and maritime officials from Massachusetts to California have discovered, these activities along with increasing public interest in more environmentally compatible land uses are threatening the vitality of a traditional waterfront activity: commercial maritime use. Increased demand for waterfront land has resulted in mounting pressures on commercial ports to turn over port land for other uses and in sharply rising land values. The U.S. Maritime Administration, in a report issued in 1993, identified a need to preserve waterfront land for commercial maritime use along the nation's coasts. Given the context of waterfront revitalization, port land preservation is an understandably contentious issue in port communities.

The region's ports are an integral part of the Great Lakes-St. Lawrence transportation system, a unique deep draft 2,300-mile navigation route unlike any other in the world. System tonnage has averaged around 180 million metric tons in recent years and more than 60,000 U.S. and Canadian jobs are directly dependent on such cargo movements. Cargo mainstays are relatively low-value bulk commodities such as grain, iron ore, coal, limestone and salt and hundreds of thousands of other jobs, particularly in the manufacturing sector, are tied to these products moving over the docks and through terminals. Lake and ocean vessel transport on the Great Lakes-St. Lawrence system is generally less energy-intensive and produces fewer pollutant emissions than truck and rail modes for equivalent commodity hauls. These advantages of the marine mode coupled with its importance to local and regional economies will guarantee a place in the region's transportation future.

Environmental concerns about aspects of maritime activity are present in the Great Lakes-St. Lawrence region as well as elsewhere. Some of these issues relate to vessel operations such as introduction of aquatic nuisance species through ballast water discharge and vessel movements through ice in fish spawning areas. However, a number of concerns pertain to port and harbor areas including the dredging and disposal of contaminated sediments. Port land use may also contribute to local pollution through runoff, industrial discharge and improper waste disposal etc. Future use of port land may be constrained by site contamination caused by previous activity. These contaminated areas or "brownfields" are present at some Great Lakes ports. There is growing interest in the region in channeling new development into existing developed and/or vacant areas rather than into undeveloped raw land or "greenfield" areas. Toledo is an example. The Toledo-Lucas County Port Authority would like to seek development opportunities for a parcel on its waterfront where a Gulf Oil refinery once operated. These 234 acres (75 acres directly on the waterfront), now owned by Chevron, have contaminated soil and uncertain cleanup costs. These problems, along with potential legal liabilities, have prevented the land from being converted to other productive use. Federal legislation is pending that would complement the Superfund cleanup program by targeting funding to these kind of sites and allow greater flexibility with respect to cleanup activity, site preparations and provide for a greater state role in the approval process.

Conflict between ports and community developers and environmental interests is certainly present in the Great Lakes. To foster a better understanding of the issues involved, this policy statement highlights the experiences of four Great Lakes waterfront communities in recent years, offering port and community perspectives on the issue of waterfront land use and port land preservation. Lorain, Ohio; Duluth-Superior, Minnesota/Wisconsin; Oshawa, Ontario; and Hamilton, Ontario are all Great Lakes port communities facing the problem of waterfront revitalization in the face of competing uses including the need for port land development and preservation.

Lorain

The Lorain Port Authority has played a lead role in managing development along Lorain, Ohio's Lake Erie and Black River waterfronts. The port and the community have experienced considerable economic change since the 1980's. Both have seen a decrease in industrial activity in recent years. The American Shipbuilding Company, at one time employing 1,000 workers, ceased operation in 1983-84. As a reflection of Lorain's new waterfront character, the shipbuilding facility has since been converted into a marina/recreation complex.

The port authority has encouraged marina and recreation development along the waterfront as a viable and useful response to industrial restructuring. However, the authority is concerned about the impact

of non-commercial maritime development both on the economic vitality of Lorain's remaining water-dependent industries as well as the potential for future commercial maritime activities. Existing industrial users of the port have expressed concern over the impact of increased land values resulting from land speculation, and intensive non-industrial development.

In response to these concerns, the port authority has submitted a proposal to the City of Lorain to re-zone the community's waterfront. The proposal seeks to provide clear guidelines for waterfront development where none currently exist. Currently, most of the waterfront is zoned either "heavy industrial" or "light industrial". Within these categories, the only type of land use specifically forbidden is residential. As a result, current zoning has provided very little guidance or control over Lorain's waterfront development. Further, current zoning has no provisions to protect land for commercial maritime use.

The port authority's plan would change that. The port authority has identified three distinct areas along the waterfront to be zoned for different uses. The first two would be zoned for mixed use while the third would be zoned exclusively for commercial maritime and industrial uses. The re-zoning plan clearly would be a step forward for port land planning and preservation efforts in Lorain. The plan is presently "on hold" due to concerns of local property owners over the plan's potential impact on property values and on the use of waterfront land in general.

Despite recent obstacles, the port authority maintains a constructive relationship with the city and the city planning office. Unlike port authorities in many communities where the use of port lands and port-adjacent lands has become a heated and extremely politicized issue, the Lorain Port Authority has played an active role in encouraging waterfront land use that is in all parties' interest. As a result, its voice in land use issues is not isolated from the rest of the community. A strategy of working with the community rather than against it on waterfront development appears to put the port authority in a much stronger position to defend port land preservation in the future.

Duluth-Superior

These Lake Superior twin cities are separated by the Minnesota-Wisconsin boundary but share a vast harbor, protected by a nine-mile-long natural breakwater. The 19 square miles of land and water and 17 miles of dredged channels in the harbor area permit the movement of large quantities of "transit cargo" or commodities not originating in, or destined for the urban area. In fact, the tonnage amounts for iron ore, grain, coal and limestone make this port the largest in the Great Lakes-St. Lawrence system and usually within the top 15 in the U.S. For 1993, nearly 40 million metric tons of cargo were shipped through the port. Port economic impact studies have shown that the port generates more than 2700 area jobs and more than \$225 million based on cargo shipments, capital expenditures and support services.

The Duluth-Superior setting with its dramatic bluff on the Minnesota side and its western-most location on the world's largest freshwater sea, has given the area a strong tourism and recreation reputation. Its' early image as a strictly business, big-time commercial port has softened some with renewed appreciation of the waterfront's recreation potential and aesthetic qualities. Both of the communities are addressing the issues of waterfront redevelopment and management of land use conflicts.

Duluth adopted a downtown waterfront development program in 1985 and is continuing to implement it. Two key elements have been a 2.5 mile Lakewalk and major improvements to the harbor adjacent Duluth Entertainment and Convention Center. Marinas and park areas are also being developed. The guiding philosophy for waterfront revitalization has been to merge the city with its harbor-adjacent areas to showcase its "working waterfront" character. The city's history and current economic viability has a strong connection to the maritime sector, and for this reason, city planners have sought to build on this tangible asset. Compared to Duluth, Superior's downtown commercial district is farther away from its waterfront which poses related redevelopment challenges. However, a major marina complex, Barkers Island, was built and has become the community's recreation centerpiece. There are plans to develop an extensive waterfront trail. Planners have devised an approach where much of waterfront land can be allocated equitably among industrial, commercial and natural recreation uses.

For both cities, community development interests and the maritime sector have had a generally good working relationship. One point of serious contention though, is the disposal of dredged material from the harbor. Concerns about contamination have stymied several on-land disposal proposals. Innovative material reuse technologies offer future promise to reduce disposal volumes and offset costs. Public concern has also registered regarding commercial-retail development projects slated for areas adjacent to harborside parks in Duluth. Apparently, open space on the waterfront, particularly that which is contiguous to developed park areas or non-maritime use harbor areas, is seen by some residents as not appropriate for buildings with substantial square footage. Superior's existing waterfront zoning requirements, where applicable, require a business to demonstrate a need to be adjacent to the water. This approach, although not specific to maritime transportation, has worked well in organizing water compatible commercial activity at the harbor edge.

Oshawa

The Port of Oshawa, located on Lake Ontario in Oshawa, Ontario, is typical of ports in the region facing land development pressures. Conflict between port planners and city officials has reached a peak in recent months with the release of a study recommending expansion of port activities onto dormant lands currently owned by the Oshawa Harbour Commission. The commission is responsible for the "administration of the Port, including planning and development of harbour lands and water under its ownership, control and jurisdiction."

The recent study was sponsored by the commission and was undertaken in response to a 1992 City of Oshawa study that recommended scaling back port operations and the amount of land under the commission's jurisdiction. At the heart of the debate are two contentious issues typical of port land conflicts nationwide: whether or not commercial maritime activities are expected to increase or decrease in the coming decades; and consequently, whether or not dormant port land should be available to non-maritime development interests. City officials believe port activities are on a long-term decline for Oshawa. Pointing to declining commercial maritime activities on the Great Lakes as a whole, city officials are eager to assume control over a portion of port land in order to begin hotel, condominium, and arts center development projects.

The commission-sponsored study, on the other hand, predicted a doubling of cargo tonnage handled by the Port of Oshawa in the next twenty years. The study recommended maintaining harbour commission control of dormant port lands in order to meet the expected future increase in port activities.

From the city's perspective, the harbour commission is seeking to hold onto land in the face of declining need and at the cost of economic development and jobs for the community. City officials argue that alternative development of the dormant land could lead to 1,000 new jobs for Oshawa. Some city officials would like to see the commission--made up of commissioners appointed by the federal Ministry of Transport and by the City of Oshawa--disbanded and jurisdiction of the harbour placed completely in city hands. From the harbour commission's perspective, encroaching land development interests are ignoring the long term needs of the commercial maritime industry in the region in favor of short-term economic development interest.

Hamilton

The City of Hamilton and its harbor area supports the largest concentration of heavy industry in Canada. The bulk of Canada's steel manufacturing, with two large integrated mills, is based on the south shore of the harbor. Port-related jobs make up an estimated 30 percent of metropolitan area employment of more than 300,000. Hamilton harbor was developed out of a large embayment separated from Lake Ontario by a natural sand barrier. Of the 45 kilometers of harbor shoreline, more than half are occupied by industrial facilities. Residential is 11 percent and only 2 percent is public open space, mostly marinas and parks. Public access to the waterfront has become a major concern for the residents of the Hamilton metropolitan area. A rising level of public interest and participation in waterfront recreation has mirrored improving water quality in the harbor.

Land use in Hamilton harbor area is controlled through zoning bylaws adopted by the City of Hamilton and the Hamilton Harbour Commissioners (HHC). The city's Official Plan is more broad and generally less restrictive as to permitted maritime-related uses than is the HHC Land Use and Development Bylaws. A 1978 court decision addressed the conflict issues inherent in the overlapping regulations for the waterfront lands. The court ruled that city bylaws affecting land use within the HHC area of jurisdiction are applicable only where they do not interfere with shipping or navigation-related uses.

Hamilton harbor water quality is a major public concern and certainly has broad land use implications. The area of the harbor itself represents only 4 percent of its watershed and water conditions in the harbor are significantly affected by natural runoff and agricultural land use practices (two-thirds of the watershed is agricultural.) Pollutants also enter the harbor from combined sewer overflows, atmospheric deposition and loadings from harbor sediments. A Remedial Action Plan process is underway for Hamilton Harbor to address water quality problems and restore beneficial uses. A Stage II-RAP report published in November 1992 identified contaminated harbor sediments as a major problem requiring more intensive assessment and mitigation. To the extent that dredging and harbor vessel movements are affected by RAP implementation policy, commercial maritime use of the harbor could be disadvantaged.

The Hamilton Harbour Commissioners proclaim general support for the goals and objectives of the RAP process and current recommendations. They have undertaken projects to create littoral habitat as well as marinas and new public open space to provide access to the shoreline. In addition, they subscribe to an Environmental Code of Practice adopted in August 1992 by the Canadian Ports and Harbours Association. This environmental initiative by the maritime community commits association members, through many specific actions, to undertake construction, maintenance and operation of port and harbor facilities consistent with the principles of sustainability.

PROTECTION FOR COMMERCIAL MARITIME PORT ACTIVITY: STATE MODELS

The issue of port land preservation has been addressed in Massachusetts and Rhode Island under the auspices of the states' Coastal Zone Management Programs. Both states have identified commercial maritime harbor activity as a vital coastal resource to be protected through regulatory measures.

Massachusetts' Designated Port Areas

In Massachusetts, the Coastal Zone Management Program created Designated Port Areas (DPA) in twelve port communities along the Massachusetts coastline. The DPA designation limits the use of these coastal areas to maritime and industrial activities, with some allowance for mixed uses. The DPA program is one of the strongest state-level efforts nationwide to preserve land for commercial maritime activities. The goal of the DPA program is to maintain maritime activities in areas where industrial infrastructure investment has already been made and to avoid the waste and environmental hazard of new investment on new segments of the coastline. The DPA program seeks to encourage "brownfield" over "greenfield" investment in maritime activities.

The program views land designated for commercial maritime activities as a non-renewable resource to be protected even if it is underutilized at present. When port land is converted to non-maritime uses, it is unlikely that the land will revert to maritime uses at some future date. The re-conversion cost in capital investment would be prohibitively high. Maritime re-investment would be further constrained by public sentiment, which frequently equates commercial maritime and port investment with environmental degradation and a lower quality life in the area. As a result, temporary contractions in commercial maritime activities (due, for example, to an economic recession) in a particular area may become permanent contractions in cases where the area is subject to non-maritime development pressures.

The DPA's represent an extension of state jurisdiction to include the landside areas of ports. With this regulatory power, the state is able to limit the threat of more economically competitive local activities in DPA's (condominiums, shopping centers, restaurants, etc.). Further, these restrictions serve to control the inflationary pressures on assessed property values, and consequently tax levels, on these lands, making maritime activities more economically feasible.

The program does allow some mixed use in the DPA's. Non-maritime land uses are carefully chosen to support maritime activities and often are permitted under conditions of cross-subsidization to the maritime industry. The non-maritime activities are chosen to enhance, not undermine, maritime activities in the DPA's. As a result, the program does not consider petitions, such as hotel developments, which would be incongruous with maritime activities, even when the developer is willing to participate in the cross-subsidy program.

Since the DPA designations in 1978, the program has encountered a number of conflicts with local zoning, which have led to a de facto landbanking program. The DPA restricts land use to maritime activities; local zoning restricts land use to non-maritime activities. The result is that the land can not be used for anything. Program administrators are addressing this problem in two ways. One, they are working through the court system to assert state zoning authority over local authority. Two, they are seeking to create a dialogue with DPA communities in order to reach compromises on land use. Part of the program's compromise would be to allow non-maritime activities (e.g., auto dealerships), that, while not necessarily enhancing the existing maritime industry, would not undermine that industry.

either. Program administrators have stressed a desire to work in cooperation with the port communities rather than against them, while maintaining a firm commitment to the goal of port land preservation.

Rhode Island's Coastal Resources Management Program

The Rhode Island Coastal Resources Management Program also seeks to address, in part, the issue of port land preservation. While Rhode Island does not assert a strong state-level land zoning authority to protect maritime activities along its coastline, the state's program has been aggressive in bringing the issue to the attention of local zoning authorities. Specifically, the CRMP has worked with its 21 coastal communities to develop Harbor Management Plans for each. To assist the localities, the program provided guidelines for the development and approval of a plan, a model ordinance, which could be used to implement a plan, and technical assistance throughout the process.

While development of the Harbor Management Plans is intended to directly address the issue of land use, the CRMP also supports the preservation of maritime activities through designation of coastal waters as "Type 6" or "Industrial Waterfronts and Commercial Navigation Channels." Through this designation, zoning of lands adjacent to waters is subject to state-level review. CRMP goals for Type 6 adjacent lands are: to encourage and support increased commercial activity related to shipping and commercial fisheries; to establish high priority uses of these lands to be commercial maritime in character; to provide for adequate dredged material disposal to meet the needs for dredging and to provide assurances that channel depths will be maintained. The state requires all changes in local zoning in Type 6 areas to be harmonized with the CRMP's Type 6 designation and goals.

AGRICULTURAL LAND PROTECTION EFFORTS: CUES FOR PORT LAND PRESERVATION

Port land preservation efforts can take some cues from other land preservation efforts in recent years. In particular, many governmental and non-governmental organizations have become very active and innovative in the effort to preserve rural lands for agricultural use. A national leader has been the American Farmland Trust (AFT). Approaches to land preservation developed by the AFT, as well as similar efforts within the Great Lakes region, may prove useful in considering port land preservation. The AFT recommends many approaches to farm land preservation, among them: agricultural districts, conservation easements and development rights programs; property tax relief, right-to-farm laws, and public purchase or private donation of land.

Agricultural Districts

Agricultural districts programs provide farmers with specific protection from farmland conversion pressures by creating special districts where farming is the primary activity. Protection within these districts might include the various measures listed above: use-value property tax assessment, right-to-farm laws, and exemption from state regulations that interfere with farming. Agricultural districts are a useful way to focus the various preservation efforts on areas identified as being threatened by farmland conversion pressures.

Conservation Easements

Conservation easements are legally-recorded agreements that limit land to specific--in this case, farm--uses. They are voluntary agreements and are negotiated between the landowner and qualified conservation or government organizations. Easements vary both in term and in restrictiveness, depending on the negotiation process. Various conservation easement incentives are possible, including the sale of easements by a state or local government, the lease of easements, or the donation of easements by willing landowners. Donations may often qualify as charitable deductions from income tax for the landowners.

Conservation easements serve to limit the "development rights" within agricultural districts to agricultural activities and agriculture-compatible activities. While development rights are purchased and subsequently retired under the sale of conservation easements, development rights may also be transferred in some cases. The transfer of development rights would allow landowners who restrict their land to agricultural uses to sell their development rights to landowners outside of the agricultural district. Sales of transfers would take place on the open market with oversight by local government. According to AFT, transfers would serve to "concentrate development in existing built-up areas while protecting farmland and compensating landowners."

Tax Relief

Property tax relief for farmers in agricultural districts most commonly takes the form of "use-value assessment." Property tax is typically assessed based on full market value, the value of the land based on its "its highest and best use." When there are considerable development pressures in an agricultural area, the highest and best use is often considered non-farm and the corresponding land value is driven upward. Where development pressures exist, the rise in assessed land values puts a severe tax burden on farmers. Use-value assessment has been introduced as a tax-relief alternative to full market value assessment in agricultural districts. Use-value assesses farmland at its agricultural or current use value rather than its potential or "developed" value. As a result, property taxes will not balloon beyond farmers' ability to pay.

Another tax relief scheme, "circuit breaker" tax credits, allows farmers to credit their income tax with property tax payments that exceed a fixed percentage of farm income. This method provides farmers with income tax relief in circumstances where property taxes account for a disproportionate share of farm expenses.

Right-to-Farm Laws

Right-to-farm laws seek to protect agricultural lands and farmers against harassment and groundless lawsuits. Nuisance laws are often used as the basis for lawsuits brought against farmers by residential neighbors and public entities to restrict the agricultural uses of their land. While right-to-farm laws provide legal support for farmers in nuisance lawsuits, they do not seek to exempt farmland from environmental regulations or local health and safety laws.

Public Purchase and Private Donation

Land is most directly preserved for agricultural uses through public purchase or private donation. To facilitate public purchases, conservation sales are held where farmers sell their land to a designated

public agency at less than full market value. The difference between sale price and market value is then designated as a charitable donation for income tax purposes. More directly, farmers can donate their land outright to a public agency, with the full value of land qualifying as a charitable donation.

Farmland Preservation in the Great Lakes Region

Many recent efforts towards farmland and open space preservation in the Great Lakes region can be documented. For example:

--Through the Northwestern Illinois Planning Commission, the state of Illinois is trying to slow down development sprawl in this 3,600 square-mile area. The commission diffuses land preservation concepts throughout the many governmental units that have a stake in land development. In particular, the commission is calling for the reform of a tax structure that encourages municipalities to compete for greenfield commercial and industrial development as a means to generate revenue.

--Along Michigan's Grand Traverse Bay, the threat to farmland preservation has been addressed through "purchase of development rights," where a government agency purchases the rights to develop farmland for non-agricultural purposes from the farmer. While the state holds these PDR's, the land can not be developed for non-agricultural purposes without the state's permission. This program enables the state to limit the non-agricultural development of designated lands through market measures.

--In Wisconsin, the state has instituted a tax credit plan for farmers located in counties that have instituted farmland preservation plans. The plan supports individual farmers and stimulates preservation interest at the county level.

--New York's state legislature passed the Agriculture Districts Law, which includes a taxation scheme that taxes farmers only for the value of their agricultural production, rather than for the full market value of the land. This tax measure provides needed relief to farmers where land values have been driven up by development. The legislation also establishes farmland protection boards to oversee the creation of agricultural districts and to review public projects affecting the districts. A key conflict-resolution provision requires that before the sale or exchange of any real estate within an agricultural district, the buyer must be informed that the property lies within an agriculture-designated district. Finally, as part of the legislation, all state and local governmental agencies must assess the potential agricultural impact of all public projects proposed in agricultural districts.

RECOMMENDATIONS

The Great Lakes Commission recognizes the importance of commercial ports to the Great Lakes region and believes the preservation of land for commercial maritime activities is a necessary public policy goal for the region. For this reason, the Commission recommends the following port land preservation strategies.

Local Action:

1. **The most direct and effective means of ensuring the preservation of land for port use is local zoning and development controls. Such zoning will best be achieved in the context of a cooperative development planning process between local officials and port officials.**

Joint sponsorship of studies on land use is much more likely to achieve consensus than separately-sponsored studies, often reaching different conclusions about optimal development strategies. Having reached a consensus at the local level on which areas should be preserved for present and future port use, zoning language should be adopted that makes the intention of preservation explicit. In some cases, it may be appropriate to zone designated areas to allow for port-compatible land uses, uses that may not directly support but also do not hinder commercial maritime activities.

2. **Great Lakes port authorities and other port administrations should consider a joint statement or code of practice that specifically addresses port land use and related environmental issues.**

Model Land Use Ordinance

(to be drafted)

State Action:

The Great Lakes Commission maintains that state-level action may be appropriate when consensus can not be reached at the local level, or the overriding local interest threatens port land preservation. State measures should take the following forms:

1. **State zoning restrictions that would preempt local zoning.** In Rhode Island and Massachusetts, such restrictions are incorporated in the Coastal Zone Management Programs. Although these programs are federally-funded, authorization for zoning jurisdiction comes from the state legislatures. Zoning oversight would most likely be the responsibility of state departments of natural resources or environmental affairs.
2. **Tax measures that would encourage commercial maritime use of designated lands and discourage other uses.** Tax abatements can be used to encourage the commercial maritime activities on preservation-designated lands. These abatements would provide tax relief for the maritime industries operating in the designated areas, relieving the cost constraints on their activities. Conversely, special land-use taxes can be levied for the non-commercial-maritime use of designated lands. These taxes would introduce additional costs to firms and industries who are considering locating in preservation-designated areas and whose activities would conflict with commercial maritime uses of the areas. The result would be to discourage the conflicting uses of the designated land.
3. **Cooperative planning with communities to provide a strong voice for port land preservation in the local development planning process.** States can ensure that the issue of port land preservation is being considered in all coastal communities by offering planning assistance. Assistance may be in the form of expertise (i.e., sponsoring workshops on land use planning and land preservation); financial resources (providing planning grants to coastal communities, stipulating the consideration of port land preservation); or other knowledge resources (creating model planning guidelines for the state's coastal communities)

4. **Introducing the issue to all state agencies in order to increase sensitivity to port land preservation in all aspects of public policy.** States can establish a commitment to port land preservation by establishing guidelines for state agencies in their activities related to port land use. Such guidelines would help to avoid conflict between initiatives to preserve port land and other initiatives—within the departments of Commerce, Transportation, etc.—which might encourage incompatible activities. Also, state recognition of the importance of maritime transportation through special marketing programs and other harbor assistance efforts will broaden public awareness of relevant issues and maritime sector concerns.

Federal Action

1. **The Great Lakes Commission urges passage of federal legislation (H.R. 3843, The Brownfield Cleanup and Redevelopment Act and H.R. 3844, the Brownfield Cleanup and Redevelopment Revolving Loan Act) that would promote expedited cleanups and site preparation of specific contaminated industrial sites including those in port areas through establishment of a revolving loan funding program and by giving the states more authority in the process including resolution of future liability issues.**

PROJECT PROPOSAL

A SUSTAINABLE DEVELOPMENT INITIATIVE FOR NORTHWEST INDIANA

EXECUTIVE SUMMARY

It is proposed that a sustainable development initiative be undertaken in Northwest Indiana. This project is intended to advance the incorporation of sustainable development principles in public and private sector activities.

Sustainable development, based on the interdependence of the economy and environment, is a template for the future—in the Great Lakes Region as well as in the world. The issue has stimulated much discussion particularly since its forceful exposition by the World Commission on Environment and Development in 1987. As ecosystem management principles and practices have become increasingly important in the Great Lakes Basin, a parallel need for sustainable development has also been identified by a wide range of organizations and groups.

Northwest Indiana is an appropriate place to demonstrate the potential benefits from adoption of sustainable development practices. This Lake Michigan-adjacent area, with its diverse land use and challenging environmental and resource management problems, represents a microcosm of the Great Lakes region. Lake, Porter and LaPorte counties include 45 miles of Lake Michigan shoreline and significant national and state park lands as well as residential and agricultural areas and steel mills, refineries and other industrial complexes. This area also exhibits active citizen environmental advocacy along with strong environmental regulation enforcement by government and industry interest in sustainable development. What works here in building a prosperous economy while protecting and restoring environmental resources will be a model for places elsewhere.

The proposed two-year sustainable development initiative has five principal project elements: project planning, regional coordination and coalition building, development of a framework for a Partnership Agreement, conduct of a Sustainable Development Congress and implementation of specific projects during the second year. Complex institutional arrangements among industry, environmental organizations and government agencies exist in Northwest Indiana and the goal of the overall project is to harness the potential for cooperation and channel these capabilities into a regional commitment to sustainable development and successful implementation of related activities.

PROJECT BACKGROUND

Sustainable Development

The future is dependent on the success of sustainable development. The concept, which integrates the environment and the economy, calls for a way of life that meets the needs of the present without compromising the ability of future generations to meet their own needs. The basic tenets of sustainable development did not form overnight but are being established gradually as part of growing environmental awareness at all levels of society. Many years ago, pioneers of conservation and resource management such as Muir and Leopold stimulated thought about our environmental future. The signing of the National Environmental Policy Act on January 1, 1970 and the first "Earth Day" held that year focused government and citizen attention on the impact of economic activity on the

natural world. Increased environmental regulation in the United States as well as in most other developed countries, coupled with equally forceful efforts to stimulate and strengthen economic development have raised concerns about the appropriate balance between economic activity and environmental protection and restoration.

Sustainable development, based on the interdependence of the economy and the environment and aimed at achieving their mutual sustainability is both a policy and a practice. The concept was nurtured through countless individual and organizational efforts, but it did not receive full-fledged expression until publication of *Our Common Future*, the 1987 report of World Commission on Environment and Development. Under the leadership of Norway's Gro Brundtland, the Commission's efforts focused world attention on the reality of accelerated population growth, a limited resource support base, and environmental degradation. The global implications of "business as usual" were reemphasized at the major United Nations Conference on the Environment and Development held in Brazil in 1992. Following these efforts, individual countries have identified sustainable development as a goal and are beginning to develop appropriate policies. In the United States, a President-appointed Council has been established with a mandate to recommend federal sustainable development policies by June 1995. Progress towards implementation with practical achievement strategies and down-to-earth results has been understandably slow considering the major changes that are necessary. The old way of doing things will need to be measured against new sustainability standards. Through incorporation of sustainable development principles in the public planning process and in private enterprise activity, change will occur beginning at the local level and spreading beyond.

The proposed Northwest Indiana sustainable development project will initiate multiple activities designed to foster environmentally-compatible economic development within a three-county area. These activities are intended to demonstrate the potential for broader application of sustainable development practices throughout the Great Lakes Basin Ecosystem and elsewhere. From a historical perspective, the Great Lakes region of North America reflects the consequences of industrial development without consistent and comprehensive measures designed to prevent environmental degradation. While heightened sensitivities and governmental regulations have moved the Great Lakes forward with improving conditions, there remains much evidence of environmental damage from past abuses. Environmental restoration and remediation as well as enhanced protection will all be needed in the future.

The International Joint Commission (IJC) in its Sixth Biennial Report released in 1992 recommended that the United States and Canada join with states, provinces and local governments "in the identification and designation of sustainable development areas" in the Great Lakes-St. Lawrence Basin ecosystem. This IJC call for action emphasizes cooperative efforts focused on specific geographic areas. Northwest Indiana, with its extensive institutional infrastructure, long history of industrial development, significant environmental assets and current citizen, industry and government environmental protection efforts and interest, is an appropriate area for such sustainable development designation.

Northwest Indiana

Northwest Indiana is an appropriate place to evaluate sustainable development practices and showcase societal and environmental benefits. A 1993 report prepared by PAHLS Inc. (People Against Hazardous Landfill Sites) describes the three-county area bordering Lake Michigan as a region "full of contrasts and dilemmas, between natural beauty and environmental degradation, between industrial decline and rapid growth, and between the need for jobs now and bitter conflict over proposed new developments that will add to the burden of pollution." Northwest Indiana, as the center of U.S. steel

production, is generally recognized as among the areas in North America experiencing acute environmental crisis. This southern Lake Michigan coastal area where the science of "ecology" was born has areas of extraordinary natural beauty and qualities of life that qualify it as a testing ground to determine whether industrial growth and environmental responsibility can be sustained in balanced harmony.

Northwest Indiana is part of the greater Lower Lake Michigan Megalopolis, the third largest greater metropolitan area in the United States after the Northeast Corridor and Southern California. Lake Michigan is the metropolitan region's defining natural resource, serving as a principal source of drinking water and industrial water supply and shaping transportation routes and population settlement as well as having a major influence on the natural environment. Indiana's 45 miles of Lake Michigan shoreline and nearby inland areas reveal the Lake's critical connection to the region and diverse land use characteristics. Publicly-owned park lands occupy about half of the shoreline with industrial and residential use accounting for the remainder. The three Northwest Indiana counties, Lake Porter and LaPorte, exhibit individual and separate development profiles but many similarities are also evident. The counties have extensive agricultural areas and numerous population centers and commercial nodes. Large industrial operations including refineries and steel mills dominate manufacturing employment but have contributed to widespread land, air, and water pollution problems.

Industry and labor's strong and important role in Northwest Indiana coupled with vigorous environmental regulation enforcement efforts by government and a concerned citizenry have generated regional momentum to explore and adopt sustainable economic development practices. Citizen interest and activism is normally scattered among a myriad of issues but in Northwest Indiana, the heavy industry "company towns", Lake Michigan and its unique dunes areas and the ever-present shadow of Chicago have helped focus citizen and business attention. Global competition, economic restructuring resulting in substantial manufacturing job loss and a long history of environmental degradation have created a collective desire to plan for a more stable, prosperous and environmentally supportive future. The impetus for sustainable development in Northwest Indiana is home-grown, having arisen from not only its unique history and attributes but from the area's potential demonstration role in the Great Lakes Basin and elsewhere.

Selected Northwest Indiana Characteristics:

- The Indiana Dunes National Lakeshore stretches along 18 miles of Lake Michigan shoreline. This 14,000-acre park and adjacent 2200-acre Indiana Dunes State Park are home to 1,445 species of plants, an exceptionally large number for a relatively small area. This "botanical crossroads" has arctic bearberry growing next to prickly pear cactus and southern dogwoods near northern jack pines.
- The shore area is a natural laboratory. It was there that in the early 1900s University of Chicago professor, Henry Cowles developed important principles of plant succession. This and related research provided a foundation for the modern science of ecology. Some current research efforts and opportunities pertain to the area's "island park" situation and related ecosystem fragmentation where parcels of protected land abut and are virtually surrounded by diverse and contrasting land uses such as steel mills and transportation corridors.
- Northwest Indiana provides a wide range of recreation and tourism opportunities. Each year, several million people visit the National and State parks. Several major marinas play a key role in a growing sportfishing and recreational boating sector. The Lake Michigan Circle Tour scenic route brings thousands of tourists to and through the area.

- Five major steel production complexes that produce 20 to 25 percent of the nation's steel are located in the area. Oil refineries, including the third largest oil refinery in the United States, chemical manufacturing plants, metal fabricating firms and many other manufacturing operations are located here. Industrial restructuring within the binational Great Lakes economy has manifested itself in the three-county region where manufacturing sector employment (much of it tied to the steel industry) declined 35 percent between 1980 and 1990, from 107,671 workers to 70,107.
- The legacy of 100 years of industrialization and unrestricted discharge of pollutants has resulted in the International Joint Commission designating a portion of Northwest Indiana, the Grand Calumet River/Indiana Harbor Ship Canal as an "Area of Concern (AOC)." It is one of 43 designated places in the Great Lakes Basin where environmental degradation is so severe that a cleanup and restoration plan (Remedial Action Plan) is required. This AOC is the only one where all 14 designated uses are impaired. U.S. EPA and the Indiana Department of Environmental Management are working together to forge a successful ecological restoration effort.
- Pollution problems are widespread throughout the Northwest Indiana area. For example, polluted groundwater remains an enormous problem where EPA estimates that 50 million gallons of petroleum distillate is in the groundwater. Numerous hazardous waste sites, including eight Superfund sites, are not only continuing pollution sources but will require hundreds of millions of dollars to clean up. Local air pollution from both mobile and stationary sources results in toxic air pollutants and a "severe" classification for urban ozone levels.
- Institutional arrangements in Northwest Indiana are diverse and complex, ranging from an active environmental community to high-profile local, state and federal initiatives. One example is Indiana's Department of Natural Resources' current effort in developing a Coastal Zone Management program. Although coordination and cooperation are critical requirements among governmental and other organizations pursuing joint activities, such requirements have not always been fully expressed in Northwest Indiana. Citizen involvement in the decisionmaking process is another area where improvement is warranted.

Window of Opportunity: Great Lakes Region

Increasing governmental interest in Great Lakes Basin Ecosystem management issues, along with rising citizen environmental awareness and some business/industry effort in modifying their environmental impacts, provide an opportunity to move beyond sustainable development rhetoric to its permanent practice. This confluence of events, attitudes and action lays the groundwork for implementing sustainable development projects. For example:

- In late 1992, the Ontario Round Table on Environment and Economy submitted its strategy for sustainable development to the Premier and the people of Ontario. This farsighted plan proposed many innovative ideas on how to develop a more environmentally-responsive economy and emphasizes industrial and governmental accountability as sustainability goals are established and achieved.
- The International Great Lakes St. Lawrence Mayors' Conference adopted a sustainable development resolution at its 1993 Annual Meeting in Montreal. This binational organization urged the regional leadership in the Great Lakes-St. Lawrence Basin "to develop a plan to convert the concept of sustainable development into an agenda for action" and to identify a "regional laboratory" to demonstrate the application of sustainability principles.

- The Environmental Defense Fund's Great Lakes Pollution Prevention Alliance has targeted its current collaborative efforts toward the fostering of sustainable activities including reducing toxics use, increasing transportation efficiency and promoting social justice and safe employment in livable communities.
- In 1993 U.S. EPA proposed its "Water Quality Guidance for the Great Lakes System." This significant regulatory initiative involving the development of ambient water quality criteria and an antidegradation policy for the Great Lakes has prompted substantial industry attention to current operations as well as to the regulatory impact on the overall regional economy.
- U.S. EPA and Environment Canada are planning the first State of the Lakes Ecosystem Conference to be held in fall 1994. SOLEC is intended to identify progress in achieving goals of the Great Lakes Water Quality Agreement. Sustainable development issues will pervade much of the discussion and presentation sessions.
- The Minnesota Sustainable Development Initiative launched in early 1993 is a broad-based effort with strong state agency support. The goal of the Initiative is to assist the state's Environmental Quality Board as it develops a *Minnesota Strategic Plan for the Environment* and the Department of Trade and Economic Development as it revises its *Economic Blueprint for Minnesota*. Seven Initiative Teams have been designated, each responsible for a specific economic sector. A "Congress" was held in early 1994 where interested individuals and organizations advised the Initiative teams.
- Surveys and reports from around the Great Lakes region indicate growing private and public sector interest in sustainable development, particularly at the local level. Elsewhere in the country, neighborhood projects and community-wide activities are experimenting with selected sustainable development practices ranging from waste reduction to zoning changes. Futuristic models and visioning exercises have also become part of these efforts.
- A recent study by the Nature Conservancy identified numerous rare species and unique ecosystems in the Great Lakes Basin. The region's glacial history, along with its vast freshwater resources and lake-effect temperatures, precipitation and other related physical impacts, have combined to create "globally rare" biological communities. According to the study, nearly half of the significant biodiversity found in the Basin is associated with coastal areas or lake plains (lake bottoms) from the glacial periods. Pollution and habitat fragmentation related to all kinds of development threaten some of this current Basin biodiversity. Sustainable development practices can address this issue.
- The Great Lakes Commission, in cooperation with many regional organizations, is developing an *Ecosystem Charter for the Great Lakes-St. Lawrence Basin*. The charter sets forth a series of principles and commitments to improve and sustain the environmental health and economic viability of the world's greatest freshwater system. Signatories will use the charter as guidance in the development of their work plans and priorities, as a means to enhance communication and cooperation with other stakeholders, and as a benchmark for assessing progress toward a shared vision for the Great Lakes-St. Lawrence Basin Ecosystem.

Window of Opportunity: Northwest Indiana

The 1993 PAHLS Inc. report, *The Environment of Northwest Indiana: Contrasts and Dilemmas* is more than a study of the area's history of environmental degradation and diverse land use--it is a clarion call for the people of Lake, Porter and LaPorte counties to "take charge of their future."

Creating a better future for everyone is the ultimate goal and the PAHLS report makes five general recommendations to help Northwest Indiana begin to realize the vision of a sustainable future with stable jobs and a cleaner environment.

1. **Come together as a region.** This recommendation cites the lack of regional (multi-county) leadership in addressing environmental issues but points to Lake Michigan Marina Development Commission as an example of what can be accomplished with a regional approach.
2. **Plan for cleanup and conservation.** A new land use inventory is identified as the first step toward a new comprehensive plan for cleanup of existing contamination and identification of resources that must be protected as resources for the future. Cleanup is needed both to preserve open space and valuable habitat for wildlife and to make already industrialized land available for new uses. Re-using industrial sites, or what are coming to be known as "brownfields," can avoid the need for ever-expanding development of "greenfields" where new development continues the cycle of alteration of irreplaceable resources.
3. **Prevent pollution through new technologies.** Industry needs to develop new and more efficient production processes that prevent pollution and conserve existing jobs. Tax policies, other technical assistance and other government efforts should be available to assist industry.
4. **Create new jobs that protect the environment.** Pollution prevention and environmental enhancement efforts can provide opportunities for new economic development that improves the quality of life in Northwest Indiana and makes it more attractive as a place to live and work.
5. **Protect the environment in everyday life.** Information and education will provide the basis for the protection of the environment in everyday life by residents as well as by business and industry. Industries should inform neighboring communities about materials used and wastes produced, and work with communities to protect workers and neighbors from accidents and damage to health.

Another region-based effort is the Geographic Enforcement Initiative which was initially an effort by the EPA to assist the Indiana Department of Environmental Management (IDEM) in developing the Remedial Action Plan for the Indiana Harbor Ship Canal/Grand Calumet River Area of Concern. In September 1993, an agreement between EPA and IDEM coordinated enforcement activity under the Northwest Indiana Action Plan. This is a long-term action plan developed by the EPA and IDEM through which to tackle Northwest Indiana's complex environmental problems. The action plan has six objectives:

1. Ensure dredging of Indiana Harbor Ship Canal and Grand Calumet River.
2. Achieve a high level of compliance with all environmental laws and ensure that state and local authorities have the resources to maintain compliance.
3. Investigate and remediate millions of gallons of petroleum products floating on top of the groundwater.
4. Begin pollution prevention initiatives with local industries and municipalities.
5. Meet requirements of the Great Lakes Water Quality Agreement through development of a Remedial Action Plan and the Lakewide Management Plan for Lake Michigan.

6. Involve the public in the decisionmaking process, including local units of government; environmental groups, citizens, and industry.

In December 1993, the EPA and IDEM, through a contractor, conducted a series of round table meetings to receive input for the proposed revision of the Northwest Indiana Action Plan. The plan and any revision are important because they will provide the basis for continuation of program activities pursued by EPA and IDEM.

A transportation planning effort underway in Northwest Indiana reveals another facet of the area's interest in and suitability for sustainable economic development. The Intermodal Surface Transportation Efficiency Act (ISTEA) introduces new challenges for the transportation planning process. The Northwestern Indiana Regional Planning Commission (NIRPC) and the Indiana Department of Transportation will cooperate on the development of management systems that will improve area transportation as well as reduce related pollution. A congestion management system will monitor selected elements of the transportation system, and take steps to reduce and prevent traffic congestion including demand management and operational improvements. In order to keep mobile sources within increasingly stringent air quality requirements, NIRPC must take steps to reduce the vehicle-miles of travel, and the number of vehicle trips. NIRPC must persuade the public to begin ride-sharing, to use public transit, and to avoid unnecessary trips. The federal philosophy is clear: rather than building new capacity to improve traffic flow, NIRPC must take every possible step to reduce and manage traffic.

In another regional initiative, trade union and environmental leaders affiliated with the Calumet Industrial Project for Industrial Jobs developed an "Action Plan for Economic Development." The Plan's five basic principles are:

1. **Regional cooperation**--All cities should pledge to cooperate regionally, because attempts to "steal jobs: are self destructive.
2. **A major voice for all elements of the community**--Labor, religious, environmental and other constituencies should have a voice in economic development decisions as well as political and business representatives.
3. **Promote the quality of jobs, not just the quantity**--Special efforts must be made to pursue jobs that provide good wages and work conditions, supported by quality education and retraining opportunities.
4. **Sustainable economic development**--Growth must be compatible with the region's environmental health, with maximum linkages to existing businesses.
5. **Jobs retention and expansion, as well as job attraction**--Equal attention must be paid to expanding and retraining existing businesses, as well as to bringing in new businesses.

A proposed regional revitalization effort that incorporates much of Northwest Indiana is the Environmental Technology Network. This collaborative venture developed by two organizations, City Innovation (based in Minnesota) and the Employment Research and Development Institute of Wilmette, Illinois proposes that the "Calumet Crescent Corridor" extending from Southeast Chicago to Burns International Harbor be a site to test a model of comprehensive planning and regional revitalization. The effort projects four major results for the area.

1. Create a sense of ownership in the future of what the Calumet region is now and can become.
2. A collaborative regional vision that helps grassroots leaders relate community interests to the larger interests of industries, workers, residents and investors throughout the Corridor.
3. Development of entrepreneurial skills and small business opportunities in environmental cleanup technology for a profit to help establish international leadership for the Corridor in this industry.
4. Community-led strategies for attracting and mobilizing resources to the advantage of communities throughout the Corridor.

These examples from the Great Lakes region and Northwest Indiana indicate that it is time to begin the process of institutionalizing sustainable development principles and moving the concept from policy to practice. The Great Lakes region, with its large population, industrial infrastructure and valuable natural resources is more than a logical "test bed" for implementing sustainable development. The region is a model for the future to demonstrate to the world that sustainable development not only works, but is the only sensible path to the future.

PROJECT ELEMENTS AND METHODOLOGY

Initial Planning and Coordination

In 1993, the Great Lakes Commission approved, as a project priority, the implementation of a sustainable development project for Northwest Indiana. An informal committee was assembled to explore project elements. This committee was convened twice in late 1993 and twice in early 1994. In March 1994, the committee was reconstituted as a Steering Committee. See Attachment A for a list of organizations and interests represented on the Committee.

This group has recommended that the sustainable development project should be a multi-year initiative, with an emphasis on regional coordination and public participation. Also identified was the need for outside financial support to help carry out project activities. The Northwestern Indiana Regional Planning Commission was identified as a "local lead partner" to team up with the Great Lakes Commission. The Steering Committee, whose membership reflects a cross-section of organizational interests in Northwest Indiana, will guide project efforts and serve in an oversight capacity to manage project assessment and evaluation throughout the project's timeframe. Another recommendation is that a first major project element should be a "congress" of stakeholders to address problems, opportunities and other issues associated with the environment and economy of northwest Indiana. A proposed concurrent activity is the development of a framework for a Partnership Agreement to be concluded at the congress.

Sustainable Development Congress

The convening of a Congress, to be held in 1994 in Northwest Indiana, is an important project element. This special meeting would be developed as a consensus-building forum with many of the participants from the local area. All stakeholders, including government agencies at all levels and business/industry representatives, would be encouraged to participate. The format of the Congress would be decided by the Steering Committee and could include presentations about sustainable development projects elsewhere, breakout or workshop sessions, and release/signing of a Partnership Agreement regarding sustainable development and the future of Northwest Indiana. Priorities for

research, management, policy and continuing public involvement will emerge from the congress, helping to shape specific future project elements.

Partnership Agreement

The creation of a Partnership Agreement will be part of the sustainable development project. This project element entails a voluntary commitment on the part of diverse groups to implement sustainable development policies and practices in Northwest Indiana. Several objectives would include:

- to identify area priority needs and most significant problems
- to encourage communication and networking among organizations and individuals
- to raise public awareness about sustainable development and its potential benefits
- to raise or direct funding levels and undertake measures to implement sustainable development

Developing a framework for the Partnership Agreement and associated coordination efforts would take place in advance of the Congress, where a signing session would be planned.

Specific sustainable development projects

It is also proposed that following the Congress, the Steering Committee identify several discrete sustainable development projects that would be implemented under the leadership of Northwest Indiana-based organizations and other entities. The Congress would be designed to facilitate conception of such projects but the steering committee would develop workplans and assist in securing outside funding where needed. Possible specific projects could entail:

- A Northwest Indiana landuse coordination initiative to demonstrate feasibility
- A comprehensive site identification and assessment process for contaminated land areas
- Development of growth management guidelines
- Development of Northwest Indiana business/industry recruitment materials based on sustainable development principles
- Establishment of an interpretive trail focusing on the region's industry and cultural heritage and connection to environmental health.
- Survey of significant natural features and investigation of protective measures
- Research investigating the effects of pollutants on plants and animals of Northwest Indiana
- A baseline inventory of the biotic diversity of Northwest Indiana

TIMELINE, BUDGET AND ORGANIZATION REQUIREMENTS

Activities associated with the five principal project elements will be conducted over a 24-month period (Table 1). Project planning, regional coordination/coalition building, development of the Partnership Agreement and conduct of the Sustainable Development Congress are viewed as first year activities to be followed by implementation of specific sustainable development projects during the second year.

The proposed project has two distinct phases, each a year in duration. Since the second year activities are related to the successful completion of the activities in the first year, it is recommended that funding arrangements also should reflect this fact. See Attachment B for project budget summary. Therefore, a grant of \$129,999 for 12 months is required to pursue first year activities with a separate grant of \$231,191 to pursue second year activities. Second year funding for specific projects, identified in the budget as "competitive local grants", is intended as "seed money" necessary to

leverage additional resources for selected projects. The overall grant monies would be used for staff support, consultants/coordinators and all project coordination activities, including the conduct of the Sustainable Development Congress. Significant in-kind commitments from Steering Committee members and other participants are envisioned. For the second year, project activities focus primarily on implementation of specific projects in Northwest Indiana. The Great Lakes Commission and the Northwestern Indiana Regional Planning Commission, in cooperation with selected Northwest Indiana-based organizations, will provide project leadership and staff support.

TABLE I

**A SUSTAINABLE DEVELOPMENT INITIATIVE FOR NORTHWEST INDIANA
PRINCIPAL TASKS AND ACTIVITIES (BY PROJECT QUARTER)**

ACTIVITIES	1	2	3	4	5	6	7	8
1) Project Scoping/Organizational Meetings	X	X						
2) Establish Steering Committee/Undertake Sustainable Development Issue Research	X--	----	----	X				
3) Plan and Conduct Sustainable Development Congress		X--	----	X				
4) Develop Framework for Partnership Agreement/ Research Issue and Undertake Interagency Coordination		X--	----	X				
5) Identify and Implement Specific Sustainable Development Projects/ Activities				X--	----	----	----	X

PROJECT BUDGET SUMMARY - SUSTAINABLE DEVELOPMENT PROJECT

CATEGORY	YEAR 1	YEAR 2	TOTAL
1. Personnel/Staff Salaries			
a) Executive Director	\$9,500	\$10,000	\$19,500
b) Program Manager	15,600	16,400	32,000
c) Communications Specialist	3,500	3,600	7,100
d) Administrative Assistant	2,200	2,300	4,500
e) Research Associate	9,360	9,860	19,220
f) Project Manager	10,000	10,500	20,500
g) Secretarial Support	5,000	5,250	10,250
2. Benefits (35% of a-d,f-g; 8% of e)	11,529	12,094	23,623
	5,250	5,513	10,763
3. Travel			
a) Staff	2,000	2,000	4,000
b) Congress speakers/other participants (scholarships/partial travel assist.)	3,000		3,000
4. Office Expenses			
a) Telephone (including conference calls)	400	400	800
b) Postage	800	600	1,400
c) Photocopying	650	350	950
d) Supplies	250	250	500
5. Printed Materials			
a) Congress materials/proceedings	1,000	5,000	6,000
b) ADVISOR (two issues-partial support)	1,500	2,500	4,000
6. Consultants/Grants			
a) Assistance from local project team members/consultants	15,000	15,000	30,000
b) Competitive Local Grants	-0-	100,000	100,000
7. N.W. Indiana Congress/Committee meetings			
a) Room/Equipment	5,000		5,000
b) Committee meetings (6 at \$200 ea.)	600	600	1,200
TOTAL	\$102,089	\$202,217	\$304,306
8. Indirect costs (34%)*	27,910	28,974	56,884
GRAND TOTAL	\$129,999	\$231,191	\$361,190

* This is the provisional rate used by the Commission for federal projects; it is subject to negotiation with the funding entity. The indirect rate figure excludes travel and consultants/grants.

**SUSTAINABLE DEVELOPMENT INITIATIVE
FOR NORTHWEST INDIANA**

Steering Committee Representation

Indiana Department of Natural Resources
Northwest Indiana Forum (business/industry coalition)
Hoosier Environmental Council
Indiana University Northwest - School of Public and Environmental Affairs
Northwest Indiana Environmental Coalition
Indiana Port Commission/Burns International Harbor
Save the Dunes Council
Northwestern Indiana Regional Planning Commission
Great Lakes Commission
Grand Cal Task Force
National Park Service
National Biological Survey
Indiana Department of Environmental Management
Labor Union(s)
City Official
Mayor
Representative P. Visclosky/Staff
Senators Coats, Lugar/Staff
U.S. EPA
NIPSCO
State Assembly (House member and Senator)
Lake Michigan Federation
Person representing agriculture-interests

**Northwest Indiana Sustainable Development Project
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Great Lakes Commission
Draft Policy Position - April 1994
U.S./Canada Border Crossings: Physical Infrastructure and Institutional Issues

PROBLEM STATEMENT

For several years, North American trade and border control issues have received increased governmental and public attention. The U.S.-Canada Free Trade Agreement, which went into effect January 1, 1989 and the more recent North American Free Trade Agreement (January 1, 1994), are succeeding in their trade liberalization objectives among Canada, the United States and Mexico. Increasing trade volume is occurring and will likely continue in the future. Border control problems concerning illegal immigration and interdiction of illegal drugs are long-standing along the U.S.-Mexico border. The Great Lakes states-Canada border presents another set of challenges because of the huge trade flows—more than double that of between the U.S. and Mexico. Although the auto travel clearance process could be improved in many places along the U.S.-Canada border, the most pressing issues relate to goods inspection services and related physical and institutional infrastructure requirements.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) called for a study of developing international trade corridors and international border crossing highway infrastructure. While this federal interest in border crossings is welcome and, now that the study is complete, there is a concern that the primary focus may be on the Mexican border because of the national interest and debate on the North American Free Trade Agreement (NAFTA.) Also, the southwestern states, likely to gain the most benefit from NAFTA, have mounted a lobbying campaign to support substantial new federal expenditures on physical infrastructure improvements and enhanced border control staffing. Recently, these states and Florida have launched a major lawsuit against the federal government to force it to pay for more of the illegal immigration costs the states incur. These potential problems can only exacerbate the Great Lakes region's current federal funds flow disparity (more money out than in.) With NAFTA, U.S.-Canada and U.S.-Mexico trade will likely continue to increase. Even Canada-Mexico trade flowing through the United States will likely be developed as new business and trading opportunities arise.

The Great Lakes states-Canada trade volume and value is significantly greater than for the entire U.S.-Mexico trade and, for this reason, the Great Lakes region needs to assure that appropriate levels of resources are provided commensurate with the importance of existing and future trade activity.

OVERVIEW

The Regional Economy: Manufacturing and Its Connection To Trade

The province of Ontario, Quebec's St. Lawrence Valley and the eight Great Lakes states comprise a major industrial and agricultural region of North America. Although much of the region straddles an international border which separates distinct political traditions and national cultures, an integrated resource base and manufacturing complex has developed. The substantial economic activity nurtured in the Great Lakes region has had much to do with making U.S.-Canada trade the largest such bilateral relationship in the world. The United States and Canada are each other's most important trading partners. U.S. trade exports to Canada comprise more than one-fifth of total U.S. exports and Canada's exports to the U.S. make up more than two-thirds of its total exports. Trade between Canada and the eight Great Lakes states in 1992 was valued at \$106 billion or 56.2 percent of the U.S.-Canada total. (See Addendum.) Much of this trade volume and value has an Ontario connection with nearly three-fifths of that amount concentrated in autos, automotive parts and engines.

The eight Great Lakes states comprise more than one-third of the national manufacturing output while the province of Ontario accounts for more than 50 percent of Canada's manufacturing activity. The manufacturing sector's share of total employment in both the province and the states is similar at more than 20 percent. For 1990, 6,770,000 Great Lakes state residents were employed in manufacturing enterprises and 966,000 Canadians were so employed in Ontario. The binational region's manufacturing share of employment significantly exceeds that of their respective nations. The region's manufacturing sector also illustrates the interconnected nature of industries on both sides of the border. For example, in the mid-1980s, U.S. corporate affiliates in Ontario comprised more than a third of the province's manufacturing employment and an even higher share of related value-added. Canadian direct investment in the Great Lakes states is less pronounced but still accounted for 55,000 more jobs in 1987 than in 1977.

The Region's Transportation System

Transportation was a pivotal factor in the development of the Great Lakes-St. Lawrence Region. Today, the region's binational transportation system is characterized by a well-developed multiple mode infrastructure with strong intermodal connections and compares favorably with that of any other place on earth. Much of modern transportation technology was either invented or first implemented on an efficient scale in the region. Freight movements in the binational region serve both domestic markets and international trade. Among the principal vehicle freight modes, a competitive and yet complementary relationship has evolved. The region's relatively high freight generation level is attributable, in part, to the system's transport efficiencies. Particular modal patterns are evident in commodity movement and route structure. Historically, east-west freight routes have had more capacity and volume compared to north-south links. However, in recent years, cross-border "north-south" commodity flows have been increasing and the infrastructure to support this trend is receiving more attention.

The Great Lakes-St. Lawrence transportation system, stretching more than 3700 kilometers, is dominated by relatively low value bulk commodities including grain, iron ore and coal. System tonnage has averaged around 180 million metric tons in recent years and more than 60,000 U.S. and Canadian jobs are directly dependent on such cargo movements. Although annual truck and rail freight fluctuate in response to business cycles, two trends are significant. The combined modes account respectively for three-fifths and two-thirds of Canadian and U.S. intercity tonnage but highway use, particularly for the movement of manufactured goods, is expanding rapidly. Intermodal operations (rail haul of truck trailers and containers) have also been increasing in both countries as shippers and carriers emphasize coordination in an effort to create a "seamless" transportation system.

Within the Great Lakes region, a growing integration of the binational transportation system is evident. For rail operations this is indicated by the substantial amount of Canadian carrier-owned line located in the Great Lakes states and the fact that half of Canadian rail revenues derived from movements between Canada and the U.S. has an Ontario or Quebec connection. Such transborder rail traffic is growing, now accounting for 18 percent of total Canada-U.S. merchandise trade value and representing 23 percent of total Canadian rail tonnage. Scheduled improvements to Michigan-Ontario rail crossings, including a new tunnel at Port Huron-Sarnia, will enhance this trend. The trucking sector in the region has also been expanding (somewhat at the expense of rail haul) by relying on its timely-delivery, 500-mile range service advantage, particularly for manufactured goods. Cross border truck movements have kept pace with increasing trade flows and for Ontario, one-quarter of its trucking industry revenues are tied to such movements.

As the hallmark of the region's manufacturing economy, the personal motor vehicle also dominates passenger transportation. A relatively dense road network, encompassing around one million miles of right-of-way, represents a mobility asset but also a tremendous maintenance and land use burden. Rail passenger transportation plays a small commuter role for several cities in the region. Although the region accounts for nearly 75 percent of U.S. and Canada station activity (arrivals and departures), intercity rail travel is not in a growth mode. On the other hand, air travel has been expanding its mode share. The region, because of its concentration of corporate headquarters, generates a disproportionate amount of business-related air travel.

Border Crossings

In the Great Lakes region, commodities move across the international border by all modes (air, water, rail and highway) but land crossings predominate in total transits and merchandise trade value. Minnesota, Michigan and New York, the three Great Lakes states with Canada border crossings, accounted for 82 percent of 1992 U.S.-Canada trade value associated with land crossings or \$123.2 billion. These shipments were handled through 27 highway crossings, 11 rail crossings and 6 ferry crossings (3 vehicular and 3 railroad.) People, as well as goods, cross the international border in great numbers. The purpose of such trips is quite varied, including job commuting, retail shopping and a wide range of leisure travel. As for U.S.-Canada travel, the Great Lakes states generated 20.4 million person trips to Canada in 1992 or 63 percent of all such U.S. trips. Great Lakes state travelers accounted for 4.7 million overnight visits to Ontario which represented about 75 percent of all such visits to the province. On the other hand, Statistics Canada data indicate that nearly half of Canadian visitors to the United States report a "presence" in the region, but such travel is dominated by day-only stays and pass-through travel. Ontario travelers account for about three quarters of all Canadian visits to the Great Lakes states.

Vehicular traffic at border crossings in the Great Lakes region exhibits a wide range in volume from a few thousand vehicles to more than 8 million autos, trucks and busses annually. For example, in 1992 only four border crossings—2 bridges and a tunnel in eastern Michigan and a bridge in western New York—accounted for nearly 30 million vehicle crossings, or 50 percent of the total crossings in the region. These facilities also handled about three-quarters of all truck crossings on the region's international border. The fact that most of the region's international border is comprised of the Great Lakes and connecting channels, the St. Lawrence River and other smaller rivers and lakes, tunnel and bridge border crossings are more widespread, which tends to concentrate traffic and creates particular congestion, inspection/processing and physical infrastructure investment challenges.

That part of the ISTEIA study and related public outreach efforts which focused on eastern U.S.-Canada border issues (including Great Lakes region) identified several international trade flow problems in need of attention. Institutional issues, particularly those that pertain to border clearance practices for both goods and people appear to be the most pressing concerns. Although Customs' duty collection at the U.S.-Canada border will be negligible once the Free Trade Agreement and NAFTA are fully implemented, there will be a continuing need to check for contraband, monitor domestic content requirements and maintain adequate statistical data on trade flows. Physical infrastructure needs are generally more site-specific. Michigan and New York do not project a need for additional motor vehicle border crossings before the year 2000. (See Addendum.) The arterials that connect the border crossings to the main interstate and interregional transportation system are badly in need of repair and upgrading. While present crossings have adequate capacity at most locations, several crossings will require additional physical capacity to handle expected growth. It is likely that the needs will outstrip current and expected identified levels of resources.

RECOMMENDATIONS

1. The Great Lakes Commission should oppose any reduction in number of U.S. Customs Service personnel based in a Great Lakes state who service U.S.-Canada or other international trade unless productivity improvements justify or otherwise offset a workforce reduction.
2. The Great Lakes Commission should oppose any long-term or permanent transfers of U.S. border control and inspection personnel [Customs, Immigration and Naturalization Service (INS), Department of Agriculture, Drug Enforcement Administration, Border Patrol, etc.,] in Great Lakes states to other border states if such redeployment would jeopardize or make less efficient existing border control and inspection services.
3. The Great Lakes Commission should urge the federal government to carefully consider implementing measures that would expedite and improve efficiency of border crossing inspections such as:
 - consolidation of primary inspection practices of Customs and INS under one agency
 - use of contract or private inspectors
 - greater use of joint U.S. Canadian inspection staff at border crossing points
4. The Great Lakes Commission should encourage the federal governments of the United States and Canada to investigate opportunities to promote increased U.S.-Canada maritime trade for the Great Lakes and St. Lawrence River system as a means to relieve congestion and ease future capacity constraints at existing motor vehicle border crossings.
5. The Great Lakes Commission should urge its member states and the provinces of Ontario and Quebec to aggressively promote Great Lakes and St. Lawrence "coastal zone" tourism and outdoor recreation through integrated advertising campaigns with a particular emphasis on Great Lakes Circle Tour cross-border travel. Such travel, by using U.S.-Canada border crossings, will provide an economic benefit to jurisdictions on both sides of the border.
6. The Great Lakes Commission should urge the federal government to address problems associated with local access to, inadequate plaza capacity and physical capacity needs at U.S.-Canada border crossings through measures such as:
 - new targeted funding (derived from existing user fees) for border crossing improvements and access.
 - expanded authority for toll road and Interstate Highway linkages to border crossings
 - review of all on-site border inspection facilities with respect to possible site modifications or relocation to relieve congestion

GREAT LAKES COMMISSION DRAFT POLICY POSITION

U.S./CANADA BORDER CROSSINGS: PHYSICAL INFRASTRUCTURE AND INSTITUTIONAL ISSUES

ADDENDUM

CANADA - GREAT LAKES STATE TRADE FOR 1992

STATE	IMPORTS FROM CANADA	EXPORTS TO CANADA
Illinois	\$5.789 billion	\$5.234 billion
Indiana	2.157	2.903
Michigan	25.707	15.100
Minnesota	2.252	1.775
New York	14.817	6.955
Ohio	4.819	7.638
Pennsylvania	3.524	3.536
Wisconsin	1.971	2.050
TOTALS	61.036	45.091

	1992 Total Trade at Canadian Border	1992 State Trade with Canada	State Trade Share of Total Trade at Border
Michigan	\$60 billion	\$40.8 billion	68%
Minnesota	\$ 4 billion	\$ 4 billion	100%
New York	\$54 billion	\$21.7 billion	40%

Border Crossings				
State - Province	Hwy	Rail	Ferry	Total
Michigan - Ontario	4	3	6	13
Minnesota - Ontario	8	4	0	12
New York - Quebec	8	1	0	9
New York - Ontario	7	3	0	10
Total	27	11	6	44

1992 Total Trade at Canadian Border Crossings

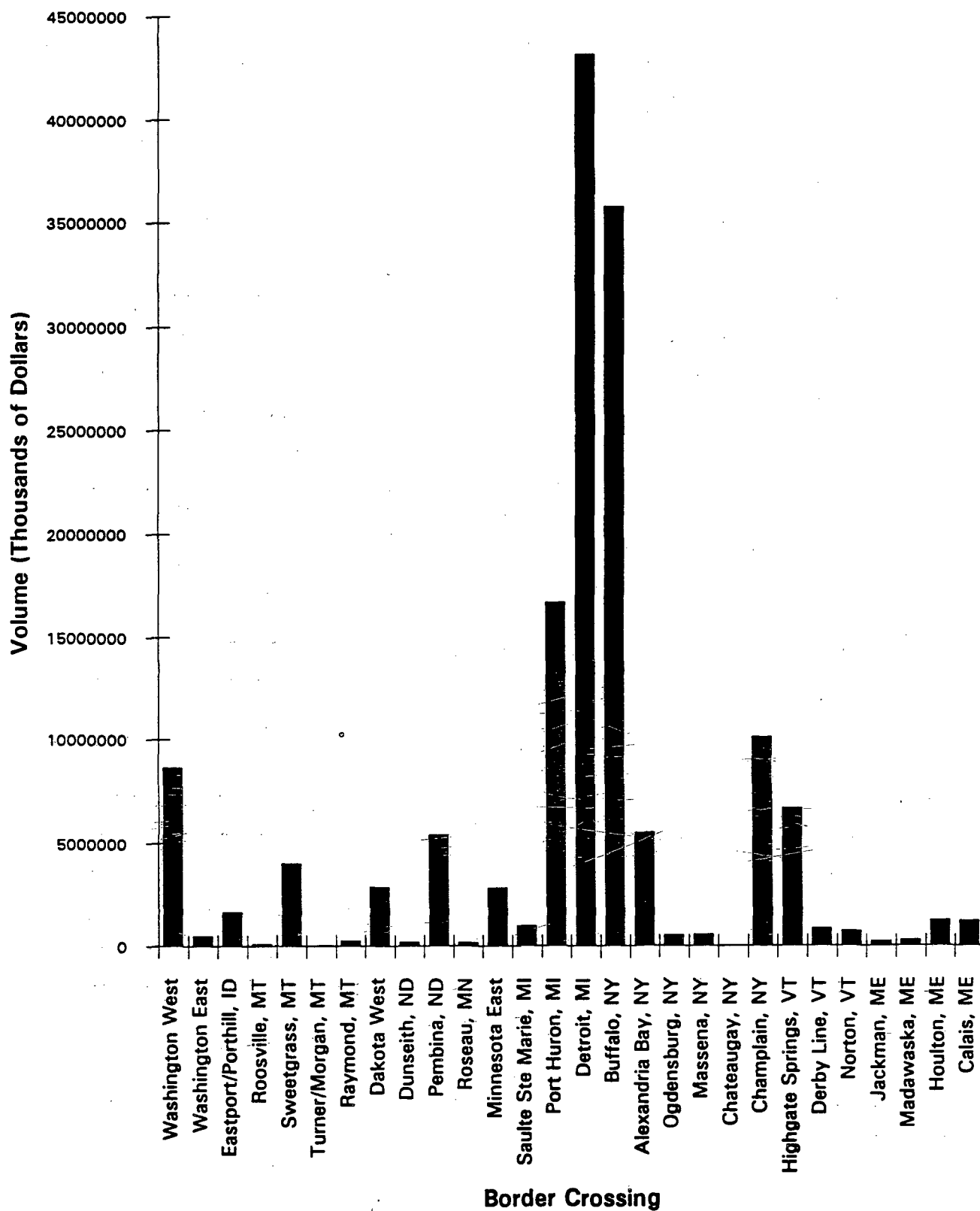


TABLE 1-10. INSPECTION SERVICE STAFFING

LOCATION	U.S. CUSTOMS ¹	U.S. INS ² Perm/Temp	CANADA ³
MICHIGAN FRONTIER	•		
Ambassador Bridge	NA	NA	133
Detroit-Windsor Tunnel	NA	NA	83
Port of Detroit	238	53	216
Port of Port Huron	46	16	69
Port of Sault St. Marie	14	9	37
BUFFALO/NIAGARA FRONTIER			
Peace Bridge	NA	24	72
Rainbow Bridge	NA	NA	41
Whirlpool Rapids Bridge	NA	NA	25
Lewiston - Queenston Bridge	NA	NA	46
NFBC Bridge Niagara	NA	38	112
Port of Buffalo/Niagara	238	62	184
EASTERN NEW YORK FRONTIER			
Port of Thousand Islands	25	9	32
Port of Ogdensburg	54	7	17
Port of Massena	13	7	16
MAINE FRONTIER			
Port of Calais	25	23	51
Port of Houlton	30	21	55
Port of Madawaska	24	22	40
Port of Jackman	14	9	16
MONTREAL SOUTH FRONTIER			
Port of Norton	6	5	18
Port of Derby Line	24	16	44
Port of Richford	13	12	19
Port of Highgate Springs	32	14	39
Port of Champlain ⁴	70	24/19	58

¹Authorized Inspectors 1992; the 4 ports in Maine include Area Port Directors; the 5 ports in Montreal South include 4 inspectors dedicated to special operations

²Authorized Permanent Inspectors PMEA 1993

³Combined Immigration/Customs Inspectors 1992, includes Managers/Supervisors

⁴Includes collateral duties such as bonded warehouses in St. Albans, Vermont

MICHIGAN BORDER PROJECT COST ESTIMATES

CATEGORY OF PROJECT	COSTS IN MILLIONS OF US \$		
	CURRENT PROJECTS	NEAR TERM NEEDS	LONG TERM NEEDS
HIGHWAY - CROSSING PROJECTS			
International Bridge Re-Decking*			\$5
Blue Water Bridge Re-Decking*		\$5	
Blue Water Bridge Plaza	\$50		
Blue Water Bridge Second Span*		\$33	
Detroit-Windsor Tunnel Improvement*	\$20		
Ambassador Bridge Truck Ramp	\$10		
Ambassador Bridge Access		\$30	
Advanced Technology/IVHS*		\$5	
Highway Crossing Sub-Total	\$80	\$73	\$5
HIGHWAY - CORRIDOR NEEDS			
I-69 Improvements		\$50	
I-75 Improvements		\$200	
I-94 Improvements		\$450	\$550
CVO/IVHS Implementation		\$10	
Highway Corridor Sub-Total	\$0	\$710	\$550
RAIL - CROSSING PROJECTS			
WCL Bridge Strengthening (Sault)*	\$1		
New CN Rail Tunnel (Port Huron)*	\$80		
CN/CP Tunnel Enlargement (Detroit)*	\$15		
New Detroit Doublestack Tunnel*		\$50	
Rail Crossing Sub-Total	\$96	\$50	\$0
RAIL - CORRIDOR NEEDS			
Detroit Freight Intermodal Terminal		\$50	
Detroit-Chicago High Speed Rail	\$5	\$150	\$600
CN/CP Corridor Improvements		\$50	\$50
Rail Corridor Sub-Total	\$5	\$250	\$650
MARINE			
New Soo Lock		\$445	
Marine Sub-Total	\$0	\$445	\$0
MICHIGAN TOTALS			
	\$181	\$1,528	\$1,205
MICHIGAN GRAND TOTAL (CURRENT + NEAR TERM + LONG TERM):			
			\$2,913

* 1/2 project cost allocated to Michigan & 1/2 allocated to Ontario

NEW YORK BORDER PROJECT COST ESTIMATES

CATEGORY OF PROJECT	COSTS IN MILLIONS OF US \$		
	CURRENT PROJECTS	NEAR TERM NEEDS	LONG TERM NEEDS
HIGHWAY - CROSSING PROJECTS			
Peace Bridge Plaza/Insp./Admin.*	\$35		
Peace Bridge Widening*			\$65
Rainbow Bridge Plaza Reconstruction*	\$25		
Whirlpool Bridge Re-Decking/Plaza*	\$100		
Expand Lewiston-Queenston Br. Insp.*	\$7		\$3
Implement TDM Strategies (Niagara)*			\$2
Thousand Island Bridge Re-Decking		\$7	
Thousand Island Bridge Replacement*			\$24
Ogdensburg Bridge Repairs*		\$1	\$7
Massena-Cornwall Bridge Re-Decking*		\$10	
Expand Massena-Cornwall Bridge Insp.*		\$3	
New Massena-Cornwall Bridge*			\$56
Highway Crossing Sub-Total	\$167	\$20	\$156
HIGHWAY - CORRIDOR NEEDS			
Route 219 Improvements			\$325
Southtowns Connector Improvements			\$45
Southtowns Connector Extension			\$430
New Gateway Crossing (Tunnel)			\$120
I-190 Niagara Thruway Improvements			\$180
Grand Island Bridges Improvements			\$235
Route 11 Corridor Improvements			\$50
Route 30 Improvements			\$5
Route 374 Improvements			\$1
Highway Corridor Sub-Total	\$0	\$0	\$1,391
THESE CORRIDOR AND CROSSING PROJECTS INCLUDE BICYCLE AND PEDESTRIAN IMPROVEMENTS AT THE NIAGARA AND ST. LAWRENCE BRIDGES AND THE CHAMPLAIN CORRIDOR.			

NEW YORK TOTALS	\$167	\$20	\$1,547
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NEW YORK GRAND TOTAL (CURRENT + NEAR TERM + LONG TERM):			\$1,734
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* 1/2 project cost allocated to New York & 1/2 allocated to Ontario

**GREAT LAKES COMMISSION
U.S./CANADA BORDER CROSSINGS PROJECT**

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ATTACHMENT #8

SUMMARY

A St. Lawrence Seaway Development Corporation representative will speak to, and ask the Commission to endorse, a "newbuilding" incentive program. As stated in the brief attachment, this joint initiative is directed at encouraging new construction of Seaway size vessels.

"Newbuilding" Incentive Program

As a result of a decline in the world's fleet of Seaway-capable bulk vessels, the "newbuilding" incentive program was proposed in January by the Seaway agencies to port authorities and pilot groups as a way to encourage new buildings of Seaway vessels. It will offer owners and operators of newly-built Seaway vessels a discount of 100 percent of tolls incurred for its first year of Seaway operation, 80 percent for the second year, 60 percent for the third year, 40 percent for the fourth year, and 20 percent for the fifth year. The program would be effective for new buildings delivered between January 1, 1996, and December 31, 2001, and would be applicable to any size, class or flag which uses the Seaway.



INFORMATION

ATTACHMENT #1

SUMMARY

The Semi-Annual Meeting features a special presentation highlighting current research, policy and management issues, with a focus on Lake Erie. The session is sponsored by Ohio's delegation to the Great Lakes Commission. Attached are informational materials pertaining to the presentation on Ohio's coastal management efforts. Materials related to other session topics will be available as handouts at the meeting.

Current Issues in Research, Policy and Management:
A Lake Erie Focus

PRESENTATION ABSTRACT

Ohio's North Shore: An Update on Coastal Management
(Michael Colvin, Ohio DNR, Coastal Management Program)

Ohio is nearing completion of its program development phase and preparing for full implementation of its Lake Erie coastal management program. Lessons have been learned, mid-course corrections made, and partnerships solidified as government puts policy into practice.

What were the expectations among governmental, public, private and special interests who were involved in or concerned with the establishment of a comprehensive coastal management program in Ohio? Were these expectations realistic? What have become Ohio's priority coastal management issues and to what extent does that reflect the larger community of the Great Lakes?

Coastal Management Program

Ohio

An Equal Opportunity Employer—M/F/H

George V. Voinovich, Governor
Frances S. Buchholzer, Director



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Lake Erie, Ohio's Great Lake, is regarded by many as the state's most precious natural resource. Formed thousands of years ago by the advance and retreat of continental glaciers, Lake Erie has endured the timelessness of wind and waves. The lake's plentiful resources and scenic splendor provide the basis for a thriving economy and endless enjoyment for residents and visitors alike. While Lake Erie's attributes are unique, the nation's coasts are similar in the resources and opportunities they offer as well as in the challenges they present.

The Need for Coastal Management

Americans have always been in love with the shore. Since colonial times, we have depended on the coasts for commerce, transportation, fishing, recreation and scenic beauty. But love and dependence have placed enormous pressures on an extremely fragile system:

- More than half of the nation's citizens live in its coastal area, which comprises less than one-fifth of its land area.
- The U.S. coastal county population is expected to grow 15% to more than 127 million people by the year 2010.
- Approximately 700,000 permits are issued by state and local governments for coastal area housing construction each year.
- In 1780, an estimated 11 million acres of coastal wetlands fringed the coasts of what is now the lower 48 states; in 1983, less than 5.5 million acres of wetlands remained.

- Coastal wetlands constitute 16% of the nation's total coastal area. An estimated 31 square miles of coastal wetlands are lost each year.

Realizing the importance and value of the nation's threatened coasts, Congress enacted the Coastal Zone Management Act (CZMA) of 1972, stating that the national goal would be to "preserve, protect, develop, and where possible, to restore and enhance the resources of the Nation's coastal zone for this and succeeding generations." To reach this goal, Americans would have to strike a balance between economic development and resource protection — a balance which Congress realized was best left to the states to define and achieve.

Congress offered two incentives to encourage the voluntary participation of coastal states in the CZMA program. The first was financial assistance, which states would use to develop and imple-

ment federally approved state coastal management programs. Once approved by the National Oceanic and Atmospheric Administration (NOAA), the state programs could then assert the federal consistency provisions of the CZMA. This second incentive provided that federal agency activities, federally permitted actions, and federally funded projects that affect the coastal region would be subject to the policies of state coastal management programs.

To date, more than 95 percent of the United States coastline, including the Great Lakes, is managed under state coastal management plans. Twenty-nine of 35 eligible coastal states, commonwealths and territories have received federal approval of their coastal programs. Five more, including Ohio, are developing coastal management programs.

Ohio Acts

Coastal management in Ohio began following CZMA authorization when the Governor of Ohio, by executive order in 1973, placed responsibility for developing a coastal management program with ODNR. The agency applied for and received four federal grants, which were matched with state funds, to assist with program planning and development. From 1974 to 1988, ODNR's Division of Water led the state's coastal management movement, coordinating institutional frameworks at state and local levels to conduct research, build data bases, identify coastal issues and educate the public about Lake Erie and its needs. In the fall of 1988, the Ohio General Assembly unanimously

enacted enabling legislation, Senate Bill 70, to authorize ODNR to develop and implement a comprehensive coastal management program for Ohio. This law (Chapter 1506 of the Ohio Revised Code) became effective March 15, 1989.

Several milestones provided for under the law have since been completed:

- Establishment of the Coastal Management Section within ODNR's Office of Real Estate and Land Management.
- Establishment of the Lake Erie Protection Fund and the Ohio Lake Erie Commission, which is composed of the directors of the Ohio Departments of Transportation, Development, Agriculture, Health, Natural Resources and the Ohio Environmental Protection Agency.
- Establishment of the Lake Erie Office, based in Toledo, which serves as staff for the Lake Erie Commission.
- Adoption of administrative rules for governing coastal flood hazard areas, leasing of Lake Erie submerged lands, and for designating the Lake Erie erosion hazard area.
- Development of draft administrative rules for enforcing the Lake Erie erosion hazard area.
- Development of the Ohio Coastal Management Program (OCMP) Document and Draft Environmental Impact Statement, which will be published by NOAA.

The OCMP Document

The OCMP is seen as a fresh approach to dealing with challenging coastal issues. It provides a framework for guiding public and private activities and cooperative efforts in the coastal area. The OCMP relies on existing authorities of state and local agencies to accomplish its mission and does not impose these authorities retroactively upon existing development.

As drafted by ODNR, the OCMP document is the definitive statement of the State of Ohio regarding the objec-

tives, policies, standards and criteria for guiding public and private uses of the lands and waters in the coastal area. The document cites and describes statutes and rules under which ODNR and other agencies networked into the OCMP implement and enforce coastal policies. It describes the respective roles and responsibilities of local, state and federal agencies involved in implementing the OCMP and clarifies the means by which the coordination and consistency of

agency actions will be ensured. Improved coordination and consistency is expected to significantly benefit Lake Erie's resources and those who depend upon them for their livelihood and enjoyment.

The OCMP document details 41 enforceable policies covering nine broad, coastal issue areas. Among Ohio's top coastal management issues is managing coastal erosion and flood hazard areas to avoid harm to the public and to property and to protect coastal resources.

Coastal Erosion in Ohio

Erosion is defined as the gradual wearing away of the earth's surface by the natural forces of wind and water. For billions of years, oceans have been altering and shaping the earth's shorelines through erosion. The constant action of winds, waves and ice flows has also affected the coastline of Lake Erie and the other Great Lakes up to the present day.

The Ohio Geological Survey estimates that more than 3,200 acres of Ohio's Lake Erie shore have been lost to erosion since the 1870s. All 262 miles of Ohio's Lake Erie shoreline are subject to wave attack and 74 percent of the lakeshore is composed of easily eroded materials, such as sand, till and clay. Nearly 1.6 million tons of material is eroded along Ohio's lakeshore each year. Of the most lakeward homes along the Lake Erie shore, some 2,000 are located within 50 feet of the bluff edge, with more than 1,100 of these coming within 25 feet of the eroding lakeshore.

Costs due to erosion damage are well documented. During the high water period of the mid-1970s, erosion damage along Ohio's Lake Erie shore exceeded \$92 million, while losses in Lake County alone in 1985 totalled \$9 million. Damage to shoreline property, public infrastructure and water-dependent

businesses is expected to continue in the absence of effective erosion control measures. When it does, individuals, private businesses and the state's economy as a whole will suffer significant economic losses, either directly through property damage or indirectly through loss of economic return.

State policies for reducing the risk of damages and loss due to coastal erosion are essential elements of any effective coastal management strategy. All state coastal programs that have been approved under the CZMA provide for the identification of coastal areas that are seriously threatened by erosion. They also use various methods to regulate development in the hazard area. Many state coastal programs enforce a "setback" of varying depth, in which construction is prohibited or strictly limited.

Ohio's coastal management law directed ODNR to identify the Lake Erie erosion hazard area and to enforce a permit system governing new construction and development in the hazard area. Therefore, Ohio's coastal property owners have a choice; they may build outside of the hazard area, or they may build inside the hazard area if they install effective erosion control measures.

BENEFITS OF COASTAL MANAGEMENT

In general, OCMP policies promote the wise management of those land and water uses that have direct and significant impacts upon the Lake Erie coastal area. They are intended to strike a fair balance between resource protection and development and to provide predictability and guidance to coastal property owners, government agencies and commercial interests. The improved cooperation and coordination that will result from consistent state agency actions will significantly benefit Lake Erie's resources and those who depend upon them.

All Ohioans with a stake in the continued life and vitality of the Lake Erie coastal area will benefit from the priority goals that have been established for the OCMP. These include:

- protection and restoration of coastal wetlands and ecologically sensitive habitats
- enhancement of public access and recreational opportunities
- control of toxic and nonpoint source pollution
- management of flood and erosion hazard areas
- sound economic development emphasizing waterfront restoration

In addition to these broad areas, citizens and communities along Lake Erie will benefit directly from the consolidation of Lake Erie-related permits and other efforts to streamline the regulatory burdens on individuals. Upon federal program approval, the OCMP will be eligible to receive between \$700,000 and \$1 million annually, to be matched by state funds. Some of this money will fund local assistance grants for a variety of purposes. Activities that would accomplish the goals listed above will receive highest priority for funding.

The 29 states with federally approved coastal management programs have benefitted tremendously from the federal/state/local CZMA partnership and are proud of their impressive lists of accomplishments. They have used CZM funding to spur public and private investments that further enhance coastal economies and natural resources. In general, it is fair to say that this funding brings a large return. According to the national Coastal States Organization, for every federal CZM dollar spent, there was an increase of:

- \$25 to \$37 in coastal GNP due to coast-dependent activities, and

- \$482 to \$650 in coastal GNP due to coastal service activities.

In addition, federal consistency provisions of the CZMA, which bring federal actions into compliance with approved state coastal management programs, have increased state and local participation in federal decision-making and reduced costly and time-consuming legal conflicts.

CONCLUSION

In unanimously adopting the state's coastal management law, the Ohio General Assembly sent a strong and clear message that Ohioans would benefit by having a comprehensive and coordinated program for managing the resources and interests of Lake Erie. ODNR is committed to fulfilling the state's promise to Ohioans; as citizens, we all must share in this commitment. If we are to reap the benefits and privileges that come from this vulnerable coastal environment, we must accept the responsibility to protect, manage and develop this resource so that it may forever be appreciated and enjoyed.

EXECUTIVE SUMMARY

The coastal area of Lake Erie is the single most valuable land-water area in Ohio. Proper management is essential for the wise use and protection of its resources. Ohio's Coastal Management Program (OCMP) establishes an institutional framework to deal with important coastal resources and issues in a comprehensive manner. The OCMP is designed to meet the requirements of state law and be approved by the federal government, thus providing Ohio with additional financial assistance and authority to better manage the coastal area.

The purpose of the OCMP is to integrate management of the land and water resources of the coastal area in order to preserve, protect, develop, restore and enhance these resources. To meet this goal, the Ohio Department of Natural Resources (ODNR) has developed a coastal management program that describes the objectives, policies, standards and criteria for guiding public and private uses of lands and waters in the coastal area. The document cites and describes statutes and rules under which ODNR implements and enforces these policies and describes the respective roles and responsibilities of other local, state and federal agencies involved in implementing the OCMP.

The coastal management program provides a framework to guide public and private activities and cooperative endeavors in the coastal area. This framework relies on existing state and local agencies and their authorities; it does not retroactively apply new authorities to existing development. The OCMP does not supplant local zoning authorities or the powers of local self government. It does not consist of a detailed parcel-by-parcel land use plan, nor does it create a new level of government or a new agency with broad powers in the coastal area. As the Constitution of the State of Ohio provides (Article XVIII, Section 7), Ohio's municipalities may adopt charters establishing authority to govern their own affairs regardless of their size. State law may take precedence over municipal ordinance in any area which could affect the health and welfare of all citizens.

The OCMP is seen as a fresh approach to dealing with challenging coastal issues. By definition it is the comprehensive action of the state and its political subdivisions cooperatively to manage coastal resources and control activities which affect the coastal area and beneficial uses of the areas public trust resources. The OCMP establishes objectives and policies regarding use and development of the coastal area and provides sufficient intergovernmental coordination and impetus to ensure that they are carried out. Implementation will provide many important benefits to Ohio and especially to the residents and local governments in the coastal area.

CHAPTER 1

INTRODUCTION

In recognition of the intense pressures facing our nation's coastal regions, Congress enacted the Coastal Zone Management Act (CZMA), as amended 16 U.S.C. 1451 et seq., which was signed into law on October 27, 1972. The Act and subsequent amendments affirm a national commitment to the effective protection and national development of coastal areas. To effect results, the Act authorizes a federal financial assistance program to assist coastal states in the development and implementation of coastal management programs, and requires that federal actions be consistent with approved state coastal management programs. Responsibility for the oversight of this program rests with the Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA), U. S. Department of Commerce.

Ohio recognizes that the Lake Erie coastal area is the single most valuable land-water interface in Ohio. It is imperative that this region be properly managed to guarantee the perpetual use and protection of its abundant resources. The Ohio Coastal Management Program (OCMP) is an especially important means of working toward these goals.

The OCMP has been designed to foster the integrated management of the coastal area. It is the framework within which public and private entities will work to preserve, develop and restore the region's unique values. Yet this program does not advocate the abdication of local zoning powers. It does encourage and may assist the establishment of local ordinances or resolutions to manage waterfront uses or to control certain activities in designated flood hazard and erosion hazard areas.

The OCMP should be viewed as the synthesis of new and existing regulations and agency responsibilities into a comprehensive and functional plan. It establishes a set of coastal management objectives and facilitates intergovernmental cooperation to ensure that these objectives are indeed implemented. Not only does it describe the various policies, standards and criteria that guide land and water uses in the coastal area, but it also cites the statutes and rules under which they will be carried out by different levels of government. Further, the OCMP specifically delineates which coastal activities are subject to management.

Benefits of a Federally-Approved CMP

Two major benefits are expected for Ohio following federal approval of the OCMP. First, federal approval of the OCMP will open the door to available federal funds to enhance coastal management in Ohio. This will yield numerous benefits to Ohio's residents, some of which include the following:

- Technical and financial assistance for hazard area management;
- Consolidation of various governmental coastal permit procedures to facilitate the application process;

- Protection of coastal natural areas, wetlands and fish and wildlife habitats;
- Protection and improvement of coastal water and air quality;
- Expansion of coastal recreation access;
- Technical and financial assistance to local governments to develop and implement comprehensive lakeshore master plans;
- Funding for a local assistance grant program designed to implement, enforce or administer any aspect of the OCMP.

Second, federal consistency provisions of Section 307 of the Coastal Zone Management Act become effective upon approval of the state's coastal management program. All federal activities and development projects, permitting and licensing, and financial assistance affecting the defined coastal area must be consistent with the approved OCMP, subject to federal regulations in 15 C.F.R. Part 930. Federal consistency is a powerful tool to assure maximum state coordination and oversight of activities in the coastal area.

MAJOR COMPONENTS OF THE OHIO CMP

Major components of the OCMP, briefly described here, include a boundary for the coastal area, improved coordination of governmental activities in the coastal area, management techniques and enforceable policies for nine coastal issue areas, and designation of Special Management Areas.

Coastal Area Boundary

Consistent with the CZMA, the Ohio coastal area is statutorily defined as "the waters of Lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands and beaches. The coastal area extends in Lake Erie to the international boundary line between the United States and Canada and landward only to the extent necessary to include shorelands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources" (O.R.C. § 1506.01(A)). The OCMP will provide for specific management only of those uses with direct and significant impacts on coastal waters within the parameters of this boundary. Included within the boundary are lands subject to lake flooding and erosion, estuaries and wetlands, coastal recreation areas and areas of lake-related uses.

Organization and Authorities

The Ohio Department of Natural Resources (ODNR) will improve coordination among existing agencies and levels of government in a networked manner to carry out the coastal management policies.

First, by state law (O.R.C. § 1506.02) ODNR is the designated lead agency for the development and implementation of the Ohio Coastal Management Program. ODNR will administer the program and monitor its progress; make consistency determinations for federal projects and federal permits, licenses and assistance; coordinate and facilitate conflict resolution; consider the national interest in project implementation; and foster comprehensive planning.

Second, numerous state and federal agencies have responsibilities that pertain either directly or indirectly to the coastal area. In these cases, ODNR will assure that agency actions are consistent with OCMP policies. This will be accomplished through memoranda of understanding with state agencies, case-by-case reviews and performance reviews, and conducting formal consistency reviews of federal activities, as outlined in Chapters 4 and 7. ODNR will also promote the OCMP, consulting with all state agencies on their respective roles within the program's mandates.

Third, area-wide planning agencies will assist in the review of coastal activities and programs to assure sufficient consideration of regional interests.

Finally, local government has direct implementation responsibility for certain land use planning and regulatory aspects of the OCMP, such as port development and construction or development in flood hazard or erosion hazard areas, which will be coordinated with ODNR and other appropriate agencies.

Policy Statements

The OCMP is composed of 41 policy statements within the following nine issue areas:

- Coastal Erosion and Flooding
- Water Quality
- Ecologically Sensitive Areas
- Ports and Shoreline Development
- Recreation and Cultural Resources
- Fish and Wildlife Management
- Environmental Quality
- Energy and Mineral Resources
- Water Quantity

Detailed explanations of these issues and policies are provided in Chapter 5.

Special Management Areas

Several types of environments in the coastal area are designated as Special Management Areas (SMAs). The rare nature, critical importance, or precarious existence of many areas requires that they receive priority attention. The OCMP differentiates between two types of SMA. An Area of Particular Concern (APC) is an area, either generic or site-specific, requiring special management. The OCMP establishes use priorities as a framework for decision making with regard to these areas. Initially, the OCMP has selected only generic management areas as APCs, but site-specific areas could be designated in the future. The Area for Preservation and Restoration (APR) designation is applied to specific areas determined to require attention to preserve or restore the recreational, ecological, historic or aesthetic values of an area. A process for establishing new SMAs is also provided. APC and APR designations are discussed and listed in Chapter 6.

**LAKE ERIE
THE PUBLIC TRUST IN OHIO**

PRESENTED BY

THE OHIO DEPARTMENT OF NATURAL RESOURCES

PREPARED BY

**CHICAGO TITLE INSURANCE COMPANY
OHIO DEPARTMENT OF NATURAL RESOURCES
ATTORNEY GENERAL FOR STATE OF OHIO**

ACKNOWLEDGEMENTS

The Ohio Department of Natural Resources is pleased to present this discussion of the public trust doctrine in Ohio for Lake Erie. It is hoped that this discussion will serve as background information for the residents of Ohio. This includes not only the shoreline residents but those who enjoy our valuable natural resource, Lake Erie.

A special acknowledgement is made to Bart London, Regional Staff Attorney for Chicago Title Insurance Company and Security Union Title Insurance Company who researched and drafted the body of this paper. Additional material was prepared by staff from the Department of Natural Resources and the Attorney General's Office.

Comments, suggestions or questions on this paper may be directed to:

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LAKEFRONT DEVELOPMENT: THE PUBLIC TRUST DOCTRINE IN OHIO

I STATEMENT OF PUBLIC TRUST DOCTRINE

A basic statement of the public trust doctrine in Ohio, as applied to the waters of Lake Erie, was set forth by the Ohio Supreme Court as follows:

The State of Ohio holds the title to the subaqueous soil of Lake Erie, which borders the state, as trustee for the public for its use in aid of navigation, water commerce or fishery, and may, by proper legislative action, carry out its specific duty of protecting the trust estate and regulating its use...

The littoral owners of the upland have no title beyond the natural shoreline; they have only the right of access and wharfing out to navigable waters. That right is a property right although not a tangible one and is subject to the superior right of the state as the owner of title in trust for the people of the state, and of the United States with the authority accruing to it by virtue of its exclusive power over interstate commerce.

State ex rel. Squire v Cleveland, 150 Ohio St. 303, 303. 337 (1948).

Moreover, where land along the shoreline has been artificially filled, the formerly submerged lands or the lake bed underneath the fill, are public trust lands.

II CONVEYANCE OF SUBMERGED LANDS (PUBLIC TRUST LANDS) IS A QUESTION OF STATE LAW

A crucial question is whether the State of Ohio, as trustee for the public, may validly convey or dispose of public trust property (i.e., subaqueous soil beyond the natural shoreline). This question is a matter of state law to be decided by the legislative enactments and judicial determinations of this state. As stated by the United States Supreme Court in Illinois Central Rd. Co. v Illinois, 146 U.S. 387 (1892), the seminal case on the public trust doctrine:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tide waters within the limits of the several states, belong to the respective states within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the states.

The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different states and foreign nations.

Id. at 435 (emphasis added).

III THE LAW IN OHIO AS TO THE CONVEYANCE OF SUBMERGED LANDS (PUBLIC TRUST LANDS).

One year prior to the passage of the Fleming Act in 1917, which was the first legislative enactment pertaining to the question of ownership of the soil beneath the waters of Lake Erie, the Ohio Supreme Court dealt with the subject in the case of State v Cleveland & Pittsburgh Railroad Co., 94 Ohio St. 61 (1916). In Cleveland & Pittsburgh Co. the State of Ohio sought an injunction to prevent the railroad, which had title to the abutting uplands, from wharfing out to navigable water in Lake Erie. The lower courts ruled against the state, and the Supreme Court affirmed on the ground that the General Assembly had not, as of that time, exercised its right of regulation as to the soil beneath the waters of the lake. The Court held:

After a careful examination we are convinced that in most of the states of the United States the conclusion has been arrived at, either by judicial reasoning or by statutory provision which has been upheld, that, subject to regulation and control by the federal and state governments, the littoral owner has the right to wharf out to navigable waters, provided he does not interfere with the public rights of navigable or fishery, and that the state holds the title to the subaqueous land of navigable waters as the trustee for the protection of the public rights therein...

As shown, the state holds the title to the subaqueous land as the trustee for the protection of public rights. The power to prescribe such regulations resides in the legislature of the state.

...Our general assembly has enacted no legislation providing such regulations.

Id. at 77 and 79 (emphasis added).

As to the issue of conveyance of submerged lands by the state, the Court went on to hold:

The state as trustee for the public cannot by acquiescence abandon the trust property or enable a diversion of it to private ends different from the object for which the trust was created.

If it is once fully realized that the state is merely the custodian of the legal title, charged with the specific duty of protecting the trust estate and regulating its use, a clearer view can be had.

An individual may abandon his private property, but a public trustee cannot abandon public property.

Id. at 80 (emphasis added).

One year later, spurred on by the Ohio Supreme Court decision in the Cleveland & Pittsburgh Railroad Co. case, the General Assembly passed the Fleming Act which codified the common law in Ohio. The Fleming Act also contained statutory provisions for regulatory delegations to municipalities to use, lease and

control the waters and soil of Lake Erie in aid of navigation and water commerce within their corporate limits. Significantly, under the Fleming Act, a municipality did not hold title to public trust lands. Likewise, present day Section 721.04 of the Ohio Revised Code grants the municipality only regulatory, but not ownership, authority to construct, maintain, use and operate piers, docks, wharfs, and such in aid of navigation and water commerce. These regulatory powers co-exist with the state's ownership of the lands and extend for a distance of two miles from the natural shoreline.

The fundamental common law premise of the Fleming Act, as originally enacted, and now found in Section 1506.10 of the Ohio Revised Code, is as follows:

It is hereby declared that the waters of Lake Erie consisting of the territory within the boundaries of the state, extending from the southerly shore of Lake Erie to the international boundary line between the United States and Canada, together with the soil beneath and their contents, do now belong and have always, since the organization of the state of Ohio, belonged to the state as proprietor in trust for the people of the state, for the public uses to which they may be adapted, subject to the powers of the United States government, to the public rights of navigation, water commerce and fishery, and to the property rights of littoral owners, including the right to make reasonable use of the waters in front of or flowing past their lands.

It is important to remember the Fleming Act of 1917, because one of its provisions was later found to be unconstitutional. The Fleming Act recognized state ownership and control of submerged lands. However, one provision of the Act, General Code Section 3699-8 attempted to limit the Act's operation by excepting specific submerged lands in the harbor of the City of Cleveland as described in Ordinance No. 37904-A passed by the city on September 13, 1915. This ordinance authorized the mayor to enter into a contract with certain railroad companies for the purpose of securing a union passenger station for the City of Cleveland. General Code Section 3699-8 permitted the transfer of title to certain submerged lands from the state to the City of Cleveland as a specific legislative exception contained within the provisions of the Fleming Act. The trial court found this exception unconstitutional as a violation of Article II, Section 26, of the Ohio Constitution. The court further ruled the General Code section invalid as an unconstitutional abandonment of property held in trust by the state:

We hold that Section 3699-8 is invalid for the further reason that the state of Ohio, through its legislature, was without the power to relinquish and abandon its trusteeship in and its control over the property referred to as excepted from the other provisions of the Fleming Act.

State ex rel Squire v Cleveland, 32 Ohio Op. 111 at 123 (1945).

The trial court declared the entire Fleming Act unconstitutional, stating that the invalidity of Section 3699-8 rendered the whole Act unconstitutional. The Court of Appeals and the Ohio Supreme Court agreed with the trial court that Section 3699-8 was unconstitutional but refused to hold that the entire Act was unconstitutional. More importantly, the Ohio Supreme Court's holding in this case reaffirmed its prior holding in the Cleveland & Pittsburgh Railroad case that title to the land beneath the waters of Lake Erie is held by the

State of Ohio in trust for the people and that an abandonment of that trust will not be permitted.

More recently, other Ohio courts have applied and clarified the public trust land principles previously established by the Ohio Supreme Court. For example, the Court of Appeals for Erie County, in Thomas v Sanders, 65 Ohio App 2d 5 (1979) stated:

It is clear to this court that the trust doctrine of state control over the submerged lands of Lake Erie and its bays for the beneficial ownership of the public, which originated in England and has been strongly reinforced in this country by judicial decision, has existed in this state since Ohio was admitted to the union in 1803.

The title to the waters and land beneath the waters of Sandusky Bay is now and always has been held by the state in trust.

Id. at 9-10.

The court, in the Thomas case, found that the "Fleming Act merely codified the common law", and the fact that the area in question in this case was filled prior to the enactment of the Fleming Act was immaterial. This court concluded that the Fleming Act did not change the common law which had been in existence since the time Ohio was admitted into the Union in 1803. The Court, adhering to past judicial decision, held as follows:

Land which was reclaimed from the waters of Sandusky Bay for use by the littoral owner in aid of navigation is still part of the trust estate; and title to said land cannot thereafter be held by private persons to the exclusion of the beneficiaries of the trust estate, nor can the city or state abdicate the trust so as to leave the reclaimed soil in the control of private persons.

Id. at 5 (emphasis added).

IV CONCLUSION AS TO CONVEYANCE OF PUBLIC TRUST LANDS IN OHIO

In light of the case law in Ohio, there is no doubt that the State of Ohio cannot convey submerged lands to private persons. Moreover, the various legislative enactments, from the Fleming Act to the current Ohio Revised Code Chapter 1506 provide for the leasing only of such lands. A central purpose of Ohio's legislative reticence is to "enable the state to control the development of the Lake shore through the medium of leases to those who occupy state-owned submerged lands." Attorney General's Opinion 73-033 (1973).

OHIO REVISED CODE SECTION

1506.10 State's rights to waters of Lake Erie

It is hereby declared that the waters of Lake Erie consisting of the territory within the boundaries of the state, extending from the southerly shore of Lake Erie to the international boundary line between the United States and Canada, together with the soil beneath and their contents, do now belong and have always, since the organization of the state of Ohio, belonged to the state as proprietor in trust for the people of the state, for the public uses to which they may be adapted, subject to the powers of the United States government, to the public rights of navigation, water commerce, and fishery, and to the property rights of littoral owners, including the right to make reasonable use of the waters in front of or flowing past their lands. Any artificial encroachments by public or private littoral owners, which interfere with the free flow of commerce in navigable channels, whether in the form of wharves, piers, fills, or otherwise, beyond the natural shoreline of those waters, not expressly authorized by the general assembly, acting within its powers, or pursuant to section 1506.11 of the Revised Code, shall not be considered as having prejudiced the rights of the public in such domain. This section does not limit the right of the state to control, improve, or place aids to navigation in the other navigable waters of the state or the territory formerly covered thereby.

The department of natural resources is hereby designated as the state agency in all matters pertaining to the care, protection, and enforcement of the state's rights designated in this section.

Any order of the director of natural resources in any matter pertaining to the care, protection, and enforcement of the state's rights in that territory is a rule or adjudication within the meaning of sections 119.01 to 119.13 of the Revised Code.

OHIO REVISED CODE SECTION

1506.11 Leasing of lakefront land for private improvement; review of proposed lessee's changes in property

(A) "Territory," as used in this section, means the waters and the lands presently underlying the waters of Lake Erie and the lands formerly underlying the waters of Lake Erie and now artificially filled, between the natural shoreline and the international boundary line with Canada.

(B) Whenever the state, acting through the governor upon the recommendation of the director of natural resources, upon application of any person who wants to develop or improve part of the territory, and after notice as provided in this section, determines that any part of the territory can be developed and improved or the waters thereof used as specified in the application without impairment of the public right of navigation, water commerce, and fishery, a lease of all or any part of the state's interest therein may be entered into with the applicant, or a permit may be issued for that purpose, subject to the powers of the United States government and in accordance with rules adopted by the director in accordance with Chapter 119. of the Revised Code, and without prejudice to the littoral rights of any owner of land fronting on Lake Erie, provided that the legislative authority of the municipal corporation within which any such part of the territory is located, if the municipal corporation is not within the jurisdiction of a port authority, or the county commissioners of the county within which such part of the territory is located, excluding any territory within a municipal corporation or under the jurisdiction of a port authority, or the board of directors of a port authority with respect to such part of the territory included in the jurisdiction of the port authority has enacted an ordinance or resolution finding and determining that such part of the territory, described by metes and bounds, is not necessary or required for the construction, maintenance, or operation by the municipal corporation, county, or port authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways in aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority.

(C) Upon the filing of the application in the office of the director of natural resources in Columbus, the director may hold a public hearing thereon and shall cause written notice of the filing to be given to any municipal corporation, county, or port authority, as the case may be, in which such part of the territory is located and shall also cause public notice of the filing to be given by advertisement in a newspaper of general circulation within the locality where such part of the territory is located. If a hearing is to be held, public notice of the filing may be combined with public notice of the hearing and shall be given once a week for four consecutive weeks prior to the date of the initial hearing. All hearings shall be before the director and shall be open to the public, and a record shall be made of the proceeding. Parties thereto are entitled to be heard, to be represented by counsel, and to have process to compel the attendance of witnesses. The findings and order of the director shall be in writing. All costs of the hearings, including publication costs, shall be paid by the applicant. The director may also hold public meetings on the filing of an application.

If the director finds that a lease may properly be entered into with the applicant or a permit may properly be issued to the applicant, he shall recommend to the governor the

OHIO REVISED CODE SECTION

terms and conditions of the lease or permit and shall determine the consideration to be paid by the applicant, which consideration shall exclude the value of the littoral rights of the owner of land fronting on Lake Erie and improvements made or paid for by the owner of land fronting on Lake Erie or his predecessors in title. The lease or permit may be for such periods of time, whether limited or perpetual, as the director recommends. The rentals received under the terms of such a lease or permit shall be paid into the state treasury to the credit of the Lake Erie submerged lands fund, which is hereby created, and shall be distributed from that fund as follows:

(1) Fifty per cent of each rental shall be paid to the department of natural resources for the administration of this section and section 1506.10 of the Revised Code and for the coastal management assistance grant program required to be established under division (C) of section 1506.02 of the Revised Code;

(2) Fifty per cent of each rental shall be paid to the municipal corporation, county, or port authority making the finding provided for in this section.

If the governor concurs in the findings of the director and approves the terms and conditions of the lease agreement or permit, he shall issue a certificate to that effect and deliver it to the director for the drafting of the lease agreement or permit. All leases and permits shall be executed in the manner provided by section 5301.13 of the Revised Code and shall contain, in addition to the provisions required in this section, a reservation to the state of all mineral rights and a provision that the removal of any minerals shall be conducted in such manner as not to damage any improvements placed by the littoral owner, lessee, or permit holder on the lands. No lease or permit of the lands defined in this section shall express or imply any control of fisheries or aquatic wildlife now vested in the division of wildlife of the department of natural resources.

(D) Upland owners who have, prior to October 13, 1955, erected, developed, or maintained structures, facilities, buildings, or improvements or made use of waters in the part of the territory in front of those uplands shall be granted a lease or permit by the state, acting through the governor as set forth in this section, upon the presentation of a certification by the chief executive of a municipal corporation, resolution of the board of county commissioners, or resolution of the board of directors of the port authority establishing that the structures, facilities, buildings, improvements, or uses do not constitute an unlawful encroachment on navigation and water commerce. The lease or permit shall specifically enumerate the structures, facilities, buildings, improvements, or uses so included.

(E) Persons having secured a lease or permit under this section are entitled to just compensation for the taking, whether for navigation, water commerce, or otherwise, by any governmental authority having the power of eminent domain, of structures, facilities, buildings, improvements, or uses erected or placed upon the territory pursuant to the lease or permit or the littoral rights of the person and for the taking of the leasehold and the littoral rights of the person pursuant to the procedure provided in Chapter 163. of the Revised Code. The compensation shall not include any compensation for the site in the territory except to the extent of any interest in the site theretofore acquired by the person under this section or by prior acts of the general assembly or grants from the United States government. The

failure of any person to apply for or obtain a lease or permit under this section does not prejudice any right the person may have to compensation for a taking of littoral rights or of improvements made in accordance with a lease, a permit, or littoral rights.

(F) If any taxes or assessments are levied or assessed upon property that is the subject of a lease or permit under this section, the taxes or assessments are the obligation of the lessee or permit holder.

(G) If a lease or permit secured under this section requires the lessee or permit holder to obtain the approval of the department of natural resources or any of its divisions for any changes in structures, facilities, or buildings, for any improvements, or for any changes or expansion in uses, no lessee or permit holder shall change any structures, facilities, or buildings, make any improvements, or expand or change any uses unless the director of natural resources first determines that the proposed action will not adversely affect any current or prospective exercise of the public right of recreation in the territory and in the state's reversionary interest in any territory leased or permitted under this section.

Proposed changes or improvements shall be deemed to "adversely affect" the public right of recreation if the changes or improvements cause or will cause any significant demonstrable negative impact upon any present or prospective recreational use of the territory by the public during the term of the lease or permit or any renewals and of any public recreational use of the leased or permitted premises in which the state has a reversionary interest.

VI SUMMARY AND IMPLEMENTATION OF OHIO'S PUBLIC TRUST DOCTRINE

As this discussion paper has described, Ohio cannot give the submerged lands of Lake Erie to any private person and is required to protect the public's right to use the waters of Lake Erie. To allow for proper use of the submerged lands of Lake Erie, the Ohio General Assembly has given the Ohio Department of Natural Resources the ability to lease public trust lands to upland property owners.

To define the conditions and criteria for the leasing of submerged lands, the Ohio Department of Natural Resources has prepared a set of administrative rules. These rules describe the lease application process, the criteria to evaluate a lease application, the conditions to be included in any lease and the fees for any lease.

For additional information on these rules or this discussion paper, please contact:

Office of Real Estate and Land Management
Ohio Department of Natural Resources
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SUMMARY

In May 1992, the governors of the Great Lakes states announced the Great Lakes Spill Protection Initiative, a collaborative effort with industry "to ensure that the Great Lakes are well-protected against environmental damage from crude oil and petroleum product spills." A final report was issued in May 1994, with recommendations calling for coordination of spill reporting requirements, streamlining the spill notification process, enacting spill responder immunity laws in all states, coordinating spill response exercises, improving data collection, establishing principles for regulating development, establishing economic incentives, raising awareness of spill prevention principles and practices, and continuing Initiative dialogue. The Executive Summary of the final report is attached, and will be presented by a Council of Great Lakes Governors representative. Initiative recommendations are relevant to the ongoing work of the Commission's Task Force on Emergency Preparedness which, in addition to issuing response and prevention recommendations in 1990, is now spearheading Great Lakes contingency planning efforts for the region under the federal Oil Pollution Act, as well as completing the Great Lakes Area Computerized Inventory for Emergency Response (GLACIER), which includes data on equipment, supplies and services.

**Council of Great Lakes Governors
Great Lakes Spill Protection Initiative**

**Executive Summary
5-3-94**

I. EXECUTIVE SUMMARY

A. Overview of Great Lakes Spill Protection Initiative

The Great Lakes Spill Protection Initiative was launched in May 1992 in Cleveland, Ohio by the Governors of the Great Lakes states and CEOs of Amoco Oil Company, BP America, Marathon Oil Company, Mobil Oil Corporation, Sun Oil Company, and Total Petroleum. The goal of the Initiative is to ensure that the Great Lakes are well-protected against environmental damage from crude oil and petroleum product spills. In establishing the Initiative, the CEOs and the Governors recognized that protecting the Great Lakes from oil spills means assuring adequate response capabilities as well as investment in spill prevention practices. Thus, spill protection refers to a combined spill response and spill prevention approach.

The Initiative was initially formed to discuss approaches for addressing issues in the Great Lakes basin such as developing cooperative approaches to spill prevention, developing appropriate legislative initiatives to address spill response and prevention at the state level, and expanding participation among companies in spill prevention and response efforts. Shortly after the Initiative was launched, the federal government issued draft guidelines to the petroleum industry under the Oil Pollution Act of 1990 (OPA 90) that required petroleum facility operators to prepare detailed spill response plans for each facility in the country.

While the companies prepared these plans the Initiative focused its efforts on developing a database of spill response organizations and their equipment available for use in the Great Lakes region and estimated times of equipment deployment. This database was intended to provide a "snap-shot" of response resources to aid companies in their response planning. The information in the database has since been forwarded to the Regional Response Team Emergency Preparedness Task Force for input into the Great Lakes Area Committee Inventory of Emergency Response (GLACIER) database.

Beginning in the Spring of 1993, the Initiative held two meetings to address the issues of spill response and spill prevention. The goal of the meetings was to establish a common understanding of response and prevention issues, and determine what future activities the Initiative should take.

In establishing a regional public/private forum, it was recognized that each sector would offer a different perspective on the issues. State participants have the obligation to establish and enforce regulatory programs to protect resources of their states. Industry participants want to prevent oil spills through good operating practices and at the same time seek cost effective compliance with regulations. Companies want to be certain that federal and state regulations do effectively prevent spills without placing an undue burden on operations. Thus, the dialogues of the Initiative provided an opportunity for both sectors to better understand the perspectives of one another, and to lay the foundation for continued cooperation and collaboration to achieve spill protection in the Great Lakes basin. Further, the Initiative served to establish a common understanding of the nature of the oil industry in the Great Lakes basin and to better focus on the issues that need additional attention.

The Initiative meetings featured discussions on how the states and companies could work together to address spill response and prevention within the Great Lakes basin. These discussions led to a

series of additional recommendations to the governors and the petroleum company CEOs on how to achieve these goals.

This report summarizes the information that was exchanged in the company/industry dialogues. The report begins with a summary of the oil industry in the Great Lakes basin and discusses spill trends nation-wide and within the basin. It provides a summary of the spill response and prevention regulatory programs on a state and national level that are aimed at achieving spill protection and an overview of industry initiatives to achieve spill protection.

Most importantly, this document forwards specific recommendations to the Great Lakes Governors and CEOs of the oil companies that launched the Initiative. The meetings of the Initiatives have served to better frame the issue of spill protection in the basin, and the recommendations the state and company participants have developed, when implemented, will make significant progress in addressing the issues and achieving spill protection in the basin. The recommendations of the Initiative appear below and are discussed more fully within the sections of the report.

B. Recommendations of the Great Lakes Spill Protection Initiative

1. Coordinate Spill Reporting Requirements

- The Initiative recommends that the states review spill reporting regulations to identify inconsistent state and federal reporting requirements. State reporting regulations should mandate requirements that are consistent with federal reporting requirements. The Initiative recommends that U.S. EPA and the U.S. Coast Guard initiate a dialogue on the streamlining of notification protocol.

2. Streamline Spill Notification Process

The Initiative recommends that the Great Lakes states develop a 1-800 number as a common spill reporting number and encourage all states and Canadian provinces to do the same. A convenient spill notification would simplify commercial spill reporting to state and provincial agencies throughout the basin and could be a part of a broader well-publicized campaign to raise public awareness of spill notification procedures. The Initiative recommends evaluating the 1-800-OILS-911 reporting a number adopted by the Pacific Northwest states as a model.

3. Enact Spill Responder Immunity Laws in All States

The Initiative recommends that states which do not currently have adequate responder immunity statutes extend immunity to both non-profit and for-profit responders and soon as practicable. This or similar legislation has been enacted in all coastal states as well as in Illinois, Michigan, Minnesota, New York, and Pennsylvania in the Great Lakes region.

4. Coordinate Spill Response Exercises with Federal and State Agencies and Industry

The Initiative recommends that the states are consistent with the National Preparedness for Response Exercise Program guidelines and participate in Area Committees to coordinate exercise schedules and minimize redundant exercises. States are encouraged to participate in industry-sponsored exercises when possible.

5. Improve Spill Data Collection for the Great Lakes Basin

The Initiative recommends that the states work with the National Response Center to develop a uniform data collection system so that data for the Great Lakes basin can be

analyzed. Better basin-specific data is needed to inform future dialogue about spill protection.

6. Establish Guiding Principles for Regulatory Development

The Initiative recommends that the Great Lakes states promulgate their own regulations only if the existing federal requirements do not satisfy state needs. If there is a need to draft additional regulations, then the states should use the Initiative-established principles as guidance in the development of new or revised spill response and prevention regulations.

7. Establish Economic Incentives for Industry Spill Prevention Efforts

The Initiative recommends that representatives of the companies and states jointly identify and analyze economic incentives for spill prevention practices and provide further recommendations to the Great Lakes governors.

8. Raise Awareness in the Great Lakes Basin of Spill Prevention Principles and Practices

The Initiative recommends that industry and state representatives work together to promote spill prevention principles and practices basin-wide. This would be achieved through existing state education and outreach mechanisms directed toward industry and would draw upon effective spill prevention practices that have been developed and are being used throughout the basin. Further, the Initiative recommends that public education efforts also address measures the public can take to reduce small spills in the basin.

9. Continue the Dialogue of the Great Lakes Spill Protection Initiative

The members of the Initiative recommend that future dialogues be conducted on an annual or bi-annual basis to address issues of common concern.

ATTACHMENT #3

SUMMARY

Two information items will be presented relating to the Commission's continuing interest and involvement in agricultural and related non-point source pollution issues. Dr. Frank D'Itri (Commissioner-MI) will update the Commission on an animal manure management study at Michigan State University; background materials will be provided at the meeting. Gary Jackson will discuss the Farm *A* Sys program. That program relates directly to recommendation #5 in the Commission's 1993 Groundwater Education Strategy, which calls for promoting voluntary groundwater pollution risk assessments. Background materials are attached.

The session will be moderated by Jerry Wager, who will also update the Commission on new developments with the Great Lakes Basin Program for Soil Erosion and Sediment Control.

RISK ASSESSMENTS: SITE SPECIFIC MANAGEMENT TOOLS FOR PREVENTING POLLUTION ON FARMS

G. Jackson, E. Nevers, R. Castelnovo and D. Knox

ABSTRACT

The Farmstead Assessment System (Farm*A*Syst) is a voluntary pollution risk assessment program that protects private drinking water wells. A unique self-assessment tool, it translates complex environmental, geophysical, and technical information into a useable format that allows farmers and rural residents evaluate a wide range of potential contaminant sources located in and around the home and farmstead.

Using a series of worksheets, the farmer evaluates sources of toxics, microorganisms, and nitrates. Specifically, activities and structure involving pesticide storage and handling, fertilizer storage and handling, animal waste management, hazardous waste management, household waste water, and petroleum storage and handling are analyzed. The worksheet information is further evaluated in terms of the soil, and geologic and hydrologic features unique to the site. The individual risks are ranked, and an action plan is formulated to bring high risks under control.

The assessment materials incorporate current state and federal regulations, and information on management and structural design factors that influence pollution risks. Results from the assessment are used to develop a voluntary pollution prevention action plan. This plan includes site specific recommendations to reduce pollution risks. Evaluation results from Wisconsin, Minnesota, Arkansas, and Ontario, Canada indicate that farmers like and use this pollution prevention tool. It is a farm-centered, systematic approach that increases knowledge, assesses potential risks, and generates a follow-up action plan.

The Great Lakes Commission's Groundwater Education Strategy, August, 1993 recommends that programs like Farm*A*Syst be used to "Promote Voluntary Groundwater Pollution Risk Assessments..." This report provides an overview of progress in Farm*A*Syst related program development and implementation efforts.

The Farmstead Assessment Program

To help farmers, ranchers, and rural residents prevent pollution, a multi-agency coalition developed a voluntary Farmstead Assessment System, called Farm*A*Syst. With support from the Extension Service, Environmental Protection Agency and the Soil Conservation Service, the program has grown in a little over two years from two pilot programs in Wisconsin and Minnesota to a national network that involves more than forty-five states including seven Great Lake States. The partnership has also expanded to include farm organizations, private industry, and environmental organizations. Farm*A*Syst has been designed to help farmers, ranchers, and rural residents identify site-specific well water and groundwater pollution risks and develop voluntary action plans to reduce identified high risks. Farm*A*Syst organizes policies and recommendations from numerous agencies into a series of easily understood, applied pollution risk assessment worksheets and fact sheets. These materials provide farmers a systematic method for identifying and addressing water quality-related concerns. Several states and Canadian provinces have expanded the program to assess all water quality and/or environmental risks. Implementation experiences have shown that the program is accepted by farmers, is effective in identifying high pollution risks and results in participants taking

voluntary actions to reduce risks and prevent pollution.

This program helps farmers and rural residents protect their drinking water and prevent environmental contamination problems by evaluating risk factors associated with:

- facility design and location
- associated management practices
- proximity to wells
- soil and geology of the site

The Farm*A*Syst program also aids farmers and rural residents in:

- understanding and identifying pollution risks associated with their farms and rural residences
- understanding how existing programs and policies can help prevent pollution
- identifying actions that will reduce pollution risks
- obtaining technical, financial and educational assistance to prevent pollution
- taking voluntary actions to reduce pollution risks

The Farm*A*Syst worksheets provide a systematic framework for evaluating relative pollution risks at a specific site. The fact sheets contain information on actions that reduce pollution risks and information on sources of educational, technical, and financial assistance. The potential pollution sources covered in the initial Farm*A*Syst materials include:

Wells	Pesticides	Livestock Waste
Hazardous Wastes	Fertilizers	Livestock Yards
Household Wastewater	Petroleum	Silage
Milking Center Wastewater		

Dividing risks into four categories ranging from high to low, the worksheets allow users to evaluate specific criteria on their property and then rank pollution risks associated with particular design and management factors. The worksheets are free-standing, so users select only those worksheets relevant to their needs. Participants use a separate worksheet to evaluate groundwater pollution risks in terms of the soil, and geologic and hydrologic features unique to their property.

An overall evaluation sheet combines the findings from the site evaluation and the assessments of pollution source to develop a relative risk ranking for that farmstead or rural residence. All high risk practices and structures that are identified are addressed in a voluntary pollution prevention action plan to reduce high risks.

Eighteen states have developed Farm*A*Syst programs. Seventeen states are in the process of program development, and ten states indicate they intend to develop the program. Program development costs typically range from \$60,000 - \$120,000. States have funded program development through commitment of existing staff, in-kind contributions and various grants. Base support needed for coordinated statewide delivery of this program is estimated to range from \$100,000 - \$180,000 per year per state. The national interagency program office has Extension Service, Soil Conservation Service and EPA staff. The current annual operating budget for the national office is about \$400,000.

Table 1. Wisconsin, Minnesota and Arkansas: Percent High Risks Identified

WORKSHEET	Wisconsin N = 47	% High Risks Identified	Minnesota N = 85	% High Risks Identified	Arkansas N = 92	% High Risks Identified
Wells		15		22		35
Pesticides		26		17		62
Fertilizers		9		6		4
Petroleum		60		26		63
Hazardous Waste		19		8		4
Household Wastewater		17		25		37
Livestock Waste		23		13		
Livestock Yards		26		14		
Silage		9		2		
Milking Center Wastewater		6		1		
Animal Production Waste Mgmt						12
Poultry Litter Mgmt						5
Animal Liquid Waste Mgmt						8

Sources: Lamm and Jackson (1993); Anderson (1994); Tacker (1994).

Table 2. Wisconsin: High Risks Identified and Changes Planned or Made

WORKSHEET N = 47	% of All Farms with High Risks Identified	% of All Farms with Changes Planned	% of All Farms with Changes Made
Wells	15	11	4
Pesticides	26	21	19
Fertilizers	9	6	6
Petroleum	60	49	21
Hazardous Waste	19	41	3
Household Wastewater	17	9	6
Livestock Waste	23	15	11
Livestock Yards	26	15	15
Silage	9	4	4
Milking Center Wastewater	6	4	2

Source: Lamm and Jackson (1993)

**Table 3. Number and percentage of Ontario Farmers
*Indicating a Poor or Fair Rating To at Least One Question**

WORKSHEET	FARMERS	
	#	%
Water Wells	168	96.0
Pesticide Storage and Handling	161	96.4
Fertilizer Storage and Handling	136	87.2
Storage of Petroleum Products	171	99.4
Disposal of Farm Wastes	115	64.6
Treatment of Household Wastewater	141	78.8
Storage of Agricultural Wastes	115	87.8
Livestock Yards	97	85.1
Silage Storage	71	92.2
Milking Center Washwater	43	67.2
Noise and Odor	105	67.7
Water Efficiency	109	70.8
Energy Efficiency	168	93.3
Soil Management	162	91.0
Nutrient Management in Growing Crops	129	72.9
Manure Management	116	92.8
Horticulture Production	32	76.2
Field Crop Management	137	82.5
Pest Control	141	82.5
Stream/Ditch/Floodplain Management	91	57.6
Wetlands and Natural Ponds	25	42.4
Woodlands and Wildlife	83	64.8

Number of Workbooks Entered = 181

*Poor indicates high pollution risk - Fair indicates moderately high pollution risk

Pilot Project Results

The Farm*A*Syst has been incorporated into USDA Demonstration projects and USDA Hydrologic Unit projects. The first projects were located in Wisconsin and Minnesota. Farm*A*Syst has also been used in Wisconsin with state priority watershed projects, services offered

by independent crop consultants and farm cooperatives, adult vocational and farm management programs, community wellhead protection, and drinking water education programs. Evaluations of the pilot test projects in Wisconsin, Minnesota, Arkansas and Ontario, Canada have been performed and the results on farmer receptivity and high-risk frequencies follow.

Table 2 shows the percent of all farms on which the different potential sources of groundwater pollution were identified. It also shows the percentage of farms on which the farmers have planned or made changes to reduce the risk of groundwater pollution from these sources. As the table shows, petroleum is by far the most frequently identified source of risk on farms in this project. The next most frequent risks identified are pesticides and livestock yards. Fertilizer, silage, and milking center wastewater were seldom identified as presenting high risks on the participating farms. Also, as Table 2 shows, the percent of farms and changes made plus those with changes planned equals or exceeds the percentage of farms with risks identified. Thus, farmers appear to be following up in making changes to reduce risks identified by their assessments.

Table 3 presents information on the frequency of high and moderately high pollution risks identified in 181 farms in Ontario, Canada.

Farmer Receptivity

The Wisconsin pilot project was delivered by crop consultants and farm cooperative staff and the survey results indicate that participating farmers felt good about the program. Sixty-four percent of the participants indicated that the program was useful to very useful and ninety-four percent rated the assessment process a six or above on a ten point scale with 5 being useful and 10 very useful (Lamm and Jackson).

In 1993 Farm*A*Syst was used in eleven counties in Minnesota with 420 farmers participating. Eighty-seven farmers were later surveyed about their experience. An overwhelming majority (88%) of the respondents indicated they would probably (57%) or definitely (31%) recommend participation in Farm*A*Syst to other farmers (Anderson, 1994).

Arkansas reported that "[t]he experience with the Farm*A*Syst pilot program has been both successful and informative.....the overall response from those involved with the program is very favorable for expansion of Farm*A*Syst." (Tacker, 1994).

In Ontario, Canada where it is known as the Environmental Farm Plan Project, 462 farmers participated through workshops. Farmers were generally "quite satisfied" with the workshops and gave three major reasons for attending: to conduct a self-evaluation of their farms; to assist in establishing future priorities on their farms; and to increase their knowledge of environmental problems. Nine out of ten farmers said they would recommend the program to a neighbor. (Agriculture Canada, 1993)

Conclusion

Farm*A*Syst is a unique program because it addresses a wide range of potential contaminants and remedies in a comprehensive, easy to understand way. It incorporates current regulations and the best available technologies and practices into an applied decision making format. This program provides farmers, ranchers and rural residents, the means to accurately assess how their activities influence pollution risks. More importantly this pollution prevention tool assists individuals in taking decisive actions to preserve the quality of their drinking water; prevent groundwater pollution; reduce potential liability; and, protect their health. Experiences in Ontario, Canada illustrate that expansion of the Farm*A*Syst framework into a whole farm environmental plans is a feasible and acceptable approach to eco-system management.

Jackson/mwv.ppe

MONITORING: Council of Great Lakes Industries is encouraged to assume leadership role for monitoring. Periodic review and update of materials will provide a mechanism for evaluation.

RECOMMENDATION #5: Promote voluntary groundwater pollution risk assessments for farmers, urban and rural residents to identify pollution risks and voluntary actions that can be taken to protect groundwater, minimize liability and protect property values.

BACKGROUND: Farmers and both urban and rural residents are increasingly concerned about how their activities affect groundwater and their drinking water supplies. Many are willing to participate in voluntary pollution risk assessments and take cost-effective actions to reduce pollution risks. Lending institutions are commonly requiring environmental assessments before or during property transfers. If these assessments identify problems, it can result in costly delays, corrective actions and/or loss of the transaction. This trend emphasizes the need for landowners to proactively assess site conditions at a home, farm or business, in order to better protect their investments.

METHODOLOGY: A number of different assessment tools have been developed at the state and provincial level that could be applied to this recommendation. One particular assessment tool, Farm*A*Syst, can be applied in conjunction with both traditional and nontraditional information and education programs. Farm*A*Syst, the farmstead assessment system for clean water, uses step-by-step worksheets to evaluate activities, practices and structures posing risks to groundwater. Farm*A*Syst also evaluates how soil, geologic and hydrologic features of a farmstead influence overall pollution risks at specific sites. Farm*A*Syst could be incorporated into state and provincial groundwater protection plans and can be a significant tool in developing and implementing well-head protection programs. It can also be incorporated into education and technical assistance programs. A training program should be developed to provide informa-

tion on the types of problems that can be identified through environmental assessments; action recommendations that can be made to address problems; the costs associated with problem identification and corrective actions; and the benefits of pollution prevention efforts. It is recognized that states and provinces already may have developed specific programs similar to Farm*A*Syst that can be used instead of, or along with, this specific program. For example, Ohio is currently preparing Ground Water Pollution Potential Maps for the entire state by county, which describe the vulnerability of an aquifer to contamination.

PRODUCTS:

- Environmental assessment tool (such as Farm*A*Syst or related program);
- Training program/workshops for various target audiences;
- Site-specific action plan tools; and
- Pollution prevention practice implementation referral networks.

TIMELINE: Assessment tools should be developed or modified promptly and applied appropriately, resources permitting.

LEAD AGENCIES/PARTICIPANTS:

Education agencies such as Cooperative Extension Services (and their Canadian equivalent) in conjunction with the appropriate state and provincial agencies in each jurisdiction, as well as real estate associations, Soil Conservation Service and Soil and Water Conservation Districts (and their Canadian equivalents).

TARGET AUDIENCES:

- farmers
- urban and rural residents
- prospective farm, home and small-business owners
- property owners
- lending institutions
- related associations

MONITORING: Track users of Farm*A*Syst (or related programs) for number of sites used, frequency of use and other results. Updates and referrals should be provided to CES, SCS and state and provincial water quality and environmental protection agencies as appropriate.

RÉFÉRENCE

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BYLAWS

Pursuant to the powers and authority vested in the Great Lakes Commission by paragraph K of Article IV of the Great Lakes Basin Compact, the following Bylaws are adopted and shall remain in force until amended.

ARTICLE I

COMPONENT STATES

The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin having ratified the Great Lakes Basin Compact by act of their legislatures are recognized as the component states of this Compact which has become operative in view of the provisions of Article II, section A of this Compact.

ARTICLE II

MEMBERSHIP

SECTION 1 - The members appointed by and certified to the Commission by the component states shall constitute the members of the Commission.

SECTION 2 - Pursuant to the provisions of the Compact, each states shall have a total of three votes on any matters coming before the Commission to be cast in accordance with the applicable laws of such state. Should any Commission or any committee, special committee, or task force member be absent from any Commission or committee, special committee or task force meeting; their vote may be cast by a duly appointed proxy in accordance with Article IV, Section E of the Compact, whose authority shall be in writing and filed with the Chair of the Commission or committee, as the case may be, at the time of or before said meeting.

SECTION 3 - Each state or the Commission itself shall be permitted to make use of advisors and consultants of its own choice at any meeting of the Commission or of any committee, special committee or task force. Such advisors and consultants may be permitted to participate in discussions and deliberations without the power to vote.

SECTION 4 - The Commission shall be permitted to designate observers representing the United States and Canadian federal governments, provincial governments, regional organizations, or any others it may so designate to advance the goals and objectives of the Great Lakes Basin Compact. Observers may be permitted to participate in discussions, deliberations and other activities as approved by the Commission, but shall have no vote.

ARTICLE III

EXECUTIVE COMMITTEE

SECTION 1 - There is established an Executive Committee to be composed of a Commissioner from each component state. The governors of each state, where not inconsistent with state law, shall designate the person who shall serve on the Executive Committee. The Chair and Vice-Chair of the Commission shall be elected by the Commission and shall be members of the Executive Committee.

SECTION 2 - The Executive Committee shall evaluate the work, activities, programs and policies of the Commission and shall recommend to the Commission the taking of any action by the Commission relative to such areas. It shall also serve in an advisory capacity to the Chair and Vice-chair of the Commission and shall perform such other duties and functions as the Commission shall delegate to it or otherwise authorize it to perform from time to time on behalf of the Commission. It shall meet on the call of the Chair.

SECTION 3 - The Executive Committee shall review and evaluate budget(s) proposed to be considered by the Commission in accordance with Article VII. Pursuant to Section 8, Article VII, the Executive Committee shall authorize, by majority vote of members present, the adoption of changes to the general operating budget of the Commission. The Executive Committee may authorize increases or decreases of the budget by majority vote of members present. Alterations within previously approved amounts of spending categories, not changing the general operating budget amount, may be adopted by majority approval of the Executive Committee members present.

SECTION 4 - The Executive Committee shall from time to time, review the personnel policies of the Commission and receive recommendations from Commissioners and the Executive Director on these personnel policies. The Executive Committee may authorize changes to the Commission's "Personnel Policies and Procedures" and authorize changes in compensation for the Executive Director and staff personnel within available budget amounts. Compensation includes salary and fringe benefits available to staff.

SECTION 5 - The Executive Committee shall review proposed policies that are prepared for consideration by the Commission and shall report to the full Commission on the findings of the review and provide recommendations on adoption or suggested changes.

SECTION 6 - The Executive Committee shall report on all Executive Committee meetings at the next regularly scheduled or special Commission meeting. Draft minutes of Executive Committee meetings will be furnished to all Commissioners as soon as possible.

SECTION 7 - Executive Committee meetings will be held as needed, including by conference call or in conjunction with full Commission meetings to conserve travel costs to the extent practical for member states. Executive Committee meetings shall be open to all Commissioners as observers. All meetings will be announced to the entire membership. Executive Committee decisions will be made on the basis of a majority vote of those present.

SECTION 8 - The Executive Committee will act on Commission policy and budget matters in accordance with the following guidelines:

- a) The Commission at a special or regularly scheduled meeting, refers the issues to the Executive Committee for action. All Commissioners may participate in discussions, but only Executive Committee members will be entitled to vote on the issue.

b) The Commission is unable to adequately resolve an issue (e.g., additional research, discussion or coordination is required, in a timely manner not available to the full Commission.) The Executive Committee may receive a referral from the Commission, or the Chair, after discussion with the Vice-chair and Executive Director, may notify all Commissioners that an issue has been referred to the Executive Committee for action and resolution. Any objections shall be considered by the Chair. Other Commissioners desiring to participate may do so through the Executive Committee member representing their state.

c) For issues in which circumstances require an immediate decision or action, the Chair, after discussion with the Vice-chair and Executive Director, may refer the issue to the Executive Committee when a full Commission meeting is not an option for resolution. The Chair will report on all action taken by the Executive Committee to the full Commission by U.S. mail or equivalent as soon as practicable.

SECTION 9 - The Chair may designate members of the Executive Committee to undertake special responsibilities as deemed appropriate:

ARTICLE IV

OFFICERS

SECTION 1 - Nominations for Chair and Vice-chair of the Commission shall be made by a nominating committee, and election shall be held at the annual meeting of the Commission. Election to each office shall be by majority vote and each state shall be entitled to three votes. The Chair and Vice-chair shall hold office for one year or until their successors are elected and qualified. In the event the office of Chair becomes vacant, nomination and election to fill the vacancy shall be effected at any meeting of the Commission after due notice to all Commissioners.

SECTION 2 - Chair: The Chair shall take office immediately following adjournment of the meeting at which elected. The Chair shall preside at all meetings of the Commission and of the Executive Committee from such time until a successor shall take office. The Chair shall appoint, or establish the process of appointing, the members of committees, special committees, and task forces. The Chair shall serve as a voting member of Executive Committee.

SECTION 3 - Vice-Chair: The Vice-chair shall act for the Chair in the event of the latter's absence or disability. The Vice-chair shall serve as a voting member of the Executive Committee.

SECTION 4 - Executive Director: Subject to the general supervision of the Commission, the Executive Director shall be the full time executive officer of the Commission. The Executive Director shall be employed by the Commission and shall hold office at the pleasure of the Commission; and shall: (a) Carry out its policies; (b) Serve as editor of any Commission publication; (c) Coordinate the activities of all committees, special committees and task forces; (d) Arrange details and facilities, including secretarial and other services for all Commission and Committee meetings; (e) Serve as ex-officio member without vote for all committees, special committees and task forces; (f) Cause to be made a record of the proceedings of the Commission and Executive Committee and preserve the same in the headquarters office; (g) Give notice of all meetings; (h) Make recommendations on programs, policies, and activities of the Commission; (i) Exercise general supervision under the direction of the Commission of all the Commission programs and activities; (j) Have immediate charge of the headquarters office and personnel.

SECTION 5 - Executive Staff: The executive staff of the Commission shall consist of the Executive Director and such other staff members as may be designated by a majority vote of the Commission from time to time.

ARTICLE V

COMMITTEES

SECTION 1 - The Commission may, from time to time and as deemed necessary, delineate committees, special committees, and task forces to carry out its initiatives.

Each committee, special committee, or task force shall consist of persons from each interested state, nominated by the Chair of the state delegation and appointed by the Chair. Each state shall be entitled to one vote on each committee, special committee and task force. In addition, the Chair of each committee, special committee or task force may arrange for associates or advisors, without payment of compensation or expenses to the same unless authorized by the Commission, to assist the committee, special committee or task force and participate in its deliberations and discussions without power to vote on recommendations.

SECTION 2 - The committees, special committees, and task forces shall conduct studies and research, prepare memoranda and reports in their assigned fields and on that basis make recommendations to the full Commission for specific action to be taken in a particular field. Any and all action on legislative recommendations of a committee, special committee or task force other than discussion, study and voting will be made only with the approval of the Commission.

SECTION 3 - Each committee, special committee or task force shall meet as needed to conduct assigned duties. Through its Chair, or the Chair's designee, each committee, special committee or task force shall submit a written report to the Commission at the regular annual meeting of the Commission. Additional reports may be submitted at any meeting of the Commission. Recommendations by the committees, special committees and task forces calling for action by the Commission shall be received in writing by the Chair of the Commission and the Executive Director at least one month prior to the date of the meeting of the Commission at which such action is to be sought, unless special permission is granted by the Commission Chair for a late report.

ARTICLE VI

MEETINGS

SECTION 1 - Annual and semi-annual meetings: The Commission shall meet at least twice annually. The annual meeting normally shall be held during the month of October; the semi-annual meeting normally shall be held during months of March, April or May. The Chair shall consider recommendations and invitations of Commissioners in selecting meeting locations, and views on conditions which tend to over-ride the normally established meeting dates.

SECTION 2 - Notice: The Executive Director shall mail notice in writing of the time and place of each regular meeting of the Commission to each member not later than 60 days prior to the date of the meeting.

SECTION 3 - Special meetings: Special meetings of the full Commission may be called by the Chair to be held at times and places identified in an official call for such meetings.

SECTION 4 - Order of business and rules: The order of business which may be developed by Bylaws, tradition or ruling of the presiding officer of the Commission or Executive Committee may be changed at any meeting of the body proposing a change in its order of business by vote of a majority of members present, except as otherwise provided by the Compact or the Bylaws. The usual applicable parliamentary rules and precedents will govern all proceedings.

ARTICLE VII

BUDGET AND FINANCE

SECTION 1 - All component states shall share equally in the expenses of the Commission. Each individual state shall bear the expenses of its Commissioners or attendants at Commission meetings and such expenses shall not be paid out of funds in the Commission treasury.

SECTION 2 - In the case of committee, special committee or task force programs the Commission may authorize the payment of expenses of committee, special committee or task force members from Commission funds.

SECTION 3 - Financial remittances to the Commission by each member state shall be requested for each fiscal year. The amount of each remittance shall be determined by the Commission in accordance with Sections 1, 6, 7 and 8, this Article and Article V of the Compact.

SECTION 4 - The Executive Director shall, on a quarterly basis, prepare and submit to the Executive Committee a statement presenting the Commission's financial condition.

SECTION 5 - With the approval of the Executive Committee the Executive Director may make transfers of funds within the approved budget of the Commission.

SECTION 6 - The budget of estimated expenditures referred to in Article V of the Compact shall be adopted at the annual meeting of the Commission in the even-numbered years and shall be transmitted to each member state by the Chair of the state's membership on the Commission.

SECTION 7 - The budget of the Commission shall consist of two parts:

- a) The "general operating budget" shall include, but not be limited to funds remitted by each member state, Commission reserve funds and interest earned. Expenditures will normally include routine operating costs for the Commission.
- b) The "restricted fund budget" shall include income from projects, grants and other sources not considered as a routine revenue. Expenditures will normally be made to fund costs of the projects or grants incurred by the Commission. Transfers to pay Commission operating expenses may be made in accordance with grant or project authorization.

SECTION 8

- a) The Executive Director shall prepare a proposed budget for each year of the two-year period for review and evaluation by the Executive Committee at a meeting to be held between the semi-annual meeting and annual meeting of the full Commission in even-numbered years. The proposal shall include estimated income and expenditures for each part of the budget for each year.

b) The Executive Committee will make necessary changes to the proposal and will recommend a budget to be considered by the full Commission. The general operating budget component shall be used to determine the financial remittance required by each member state. After adoption by the Commission, only a majority vote by the full Commission shall authorize a change in a member state's required financial remittances for each year of the two year period.

SECTION 9 - While the full budget of the Commission will be adopted for a two year period, certain changes and alterations are expected to occur. These will be handled as follows:

a) Changes in the general operating budget, not requiring a change in required member state remittances, may be made by majority vote of the Executive Committee or by a majority vote of the full Commission.

b) Changes in the restricted fund budget, not amending the general operating budget, may be adopted by a majority vote of either the full Commission or the Executive Committee.

c) Changes in the budget, requiring alterations in the required member state remittance will only be authorized by majority vote of the full Commission.

d) Changes in the budget requiring immediate action, where an Executive Committee or full Commission meeting is not possible, may be made by the Executive Director in consultation with the Chair or Vice-chair, as available. A subsequent report to, and ratification by, the Executive Committee or Commission, as appropriate, will be sought.

ARTICLE VIII

AMENDMENT OF BYLAWS

These Bylaws may be altered and amended at any regular meeting upon the affirmative majority vote of the Commission. However, no amendment may be considered at any such meeting unless the proposed amendment shall have been received by the Chair and Executive Director at least one month prior to the first day of the month of which said regular meeting shall be held. Immediately upon receipt of such proposed amendment the Executive Director shall refer it to the Executive Committee and shall send a copy thereof to each member of the Commission within fifteen days after the receipt thereof, together with notice of the date on which the proposed amendment will be acted upon by the Commission.

Bylaws as approved December 3, 1962; amended July 23, 1965; December 14, 1966; June 14, 1968; November 20, 1968; June 9, 1970; October 6, 1971; June 19, 1973; May 28, 1982; October 7, 1983; March 13, 1986; and March 5, 1993.

GREAT LAKES BASIN COMPACT

(With State & Federal Legislative History)

Reprinted by

**Great Lakes Commission
The Argus II Building
400 Fourth Street
Ann Arbor, MI 48103-4816**

GREAT LAKES BASIN COMPACT

The party states solemnly agree:

ARTICLE I

The purposes of this compact are, through means of joint or cooperative action:

1. To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin (hereinafter called the Basin).
2. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.
3. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.
4. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.
5. To establish and maintain an intergovernmental agency the end that the purposes of this compact may be accomplished more effectively.

ARTICLE II

- A. This compact shall enter into force and become effective and binding when it has been enacted by the legislatures of any four of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.
- B. The Province of Ontario and the Province of Quebec, or either of them, may become states party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto. For the purposes of this compact the word 'state' shall be construed to include a Province of Canada.

ARTICLE III

The Great Lakes Commission created by Article IV of this compact shall exercise its powers and perform its functions in respect to the Basin which, for the purposes of this compact shall consist of so much of the following as may be within the party states:

1. Lakes Erie, Huron, Michigan, Ontario, St. Clair, Superior, and the St. Lawrence River, together with any and all natural or manmade water interconnections between or among them.
2. All rivers, ponds, lakes, streams, and other watercourses which, in their natural state or in their prevailing conditions, are tributary to Lakes Erie, Huron, Michigan, Ontario, St. Clair, and Superior or any of them or which comprise part of any watershed draining into any of said lakes.

ARTICLE IV

- A. There is hereby created an agency of the party states to be known as The Great Lakes Commission (hereinafter called the Commission). In that name the Commission may sue and be sued, acquire, hold and convey real and personal property and any interest therein. The Commission shall have a seal with the words 'The Great Lakes Commission' and such other design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Transactions involving real or personal property shall conform to the laws of the state in which the property is located, and the Commission may by by-laws provide for the execution and acknowledgement of all instruments in its behalf.
- B. The Commission shall be composed of not less than three commissioners nor more than five commissioners from each party state designated or appointed in accordance with the law of the state which they represent and serving and subject to removal in accordance with such law.
- C. Each state delegation shall be entitled to three votes in the Commission. The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. Actions of the Commission shall be by a majority of the votes cast except that any recommendations made pursuant to Article VI of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting.
- D. The commissioners of any two or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an action of the Commission unless and until the Commission shall specifically approve the same.
- E. In the absence of any commissioner, his vote may be cast by another representative or commissioner of his state provided that said commissioner or other representative casting said vote shall have a written proxy in proper form as may be required by the Commission.
- F. The Commission shall elect annually from among its members a chairman and vice- chairman. The Commission shall appoint an Executive Director who shall also act as secretary-treasurer, and who shall be bonded in such amount as the Commission may require. The Executive Director shall serve at the pleasure of the Commission and at such compensation and under such terms and conditions as may be fixed by it. The Executive Director shall be custodian of the records of the Commission with authority to affix the Commission's official seal and to attest to and certify such records or copies thereof.
- G. The Executive Director, subject to the approval of the Commission in such cases as its by-laws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's function. Subject to the aforesaid approval, the Executive Director may fix their compensation, define their duties, and require bonds of such of them as the Commission may designate.
- H. The Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may borrow, accept, or contract for the services of personnel from any state or government or any subdivision or agency thereof, from any inter-governmental agency, or from any institution, person, firm or corporation; and may accept for any of the Commission's purposes and functions under this compact any and all donations, gifts, and grants of money, equipment, supplies, materials, and services from any state or government or any subdivision or agency thereof or inter- governmental agency or from any institution, person, firm or corporation and may receive and utilize the same.

- I. The Commission may establish and maintain one or more offices for the transacting of its business and for such purposes the Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may acquire, hold and dispose of real and personal property necessary to the performance of its functions.
- J. No tax levied or imposed by any party state or any political subdivision thereof shall be deemed to apply to property, transactions, or income of the Commission.
- K. The Commission may adopt, amend and rescind by-laws, rules and regulations for the conduct of its business.
- L. The organization meeting of the Commission shall be held within six months from the effective date of the compact.
- M. The Commission and its Executive Director shall make available to the party states any information within its possession and shall always provide free access to its records by duly authorized representatives of such party states.
- N. The Commission shall keep a written record of its meetings and proceedings and shall annually make a report thereof to be submitted to the duly designated official of each party state.
- O. The Commission shall make and transmit annually to the legislature and Governor of each party state a report covering the activities of the Commission for the preceding year and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

ARTICLE V

- A. The members of the Commission shall serve without compensation, but the expenses of each commissioner shall be met by the state which he represents in accordance with the law of that state. All other expenses incurred by the Commission in the course of exercising the powers conferred upon it by this compact, unless met in some other manner specifically provided by this compact, shall be paid by the Commission out of its own funds.
- B. The Commission shall submit to the executive head or designated officer of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.
- C. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Detailed commission budgets shall be recommended by a majority of the votes cast, and the costs shall be allocated equitably among the party states in accordance with their respective interests.
- D. The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article IV(H) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner. Except where the Commission makes use of funds available to it under Article IV(H) hereof, the Commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

- E. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under the by-laws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.
- F. The accounts of the Commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the Commission.

ARTICLE VI

The Commission shall have power to:

- A. Collect, correlate, interpret, and report on data relating to the water resources and the use thereof in the Basin or any portion thereof.
- B. Recommend methods for the orderly, efficient, and balanced development, use and conservation of the water resources of the Basin or any portion thereof to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion thereof.
- C. Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion thereof.
- D. Consider means of improving navigation and port facilities in the Basin or any portion thereof.
- E. Consider means of improving and maintaining the fisheries of the Basin or any portion thereof.
- F. Recommend policies relating to water resources including the institution and alteration of flood plain and other zoning laws, ordinances and regulations.
- G. Recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin's water resources to the party states or any of them and to other governments, political subdivisions, agencies of inter-governmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.
- H. Consider and recommend amendments or agreements supplementary to this compact to the party states or any of them, and assist in the formulation and drafting of such amendments or supplementary agreements.
- I. Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sales prices therefore.
- J. With respect to the water resources of the Basin or any portion thereof, recommend agreements between the governments of the United States and Canada.
- K. Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series, No 548).

- L. Cooperate with the governments of the United States and of Canada, the party states and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Basin or any portion thereof.
- M. At the request of the United States, or in the event that a Province shall be a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement between the United States and Canada with reference to the Basin or any portion thereof.
- N. Make any recommendation and do all things necessary and proper to carry out the powers conferred upon the Commission by this compact, provided that no action of the Commission shall have the force of law in, or be binding upon, any party state.

ARTICLE VII

Each party state agrees to consider the action the Commission recommends in respect to:

- A. Stabilization of lake levels. B. Measures for combating pollution, beach erosion, floods and shore inundation.
- C. Uniformity in navigation regulations within the constitutional powers of the states.
- D. Proposed navigation aids and improvements.
- E. Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wildlife and other water resources.
- F. Suitable hydroelectric power developments.
- G. Cooperative programs for control of soil and bank erosion for the general improvement of the Basin.
- H. Diversion of waters from and into the Basin.
- I. Other measures the Commission may recommend to the states pursuant to Article VI of this compact.

ARTICLE VIII

This compact shall continue in force and remain binding upon each party state until renounced by the act of the legislature of such state, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

ARTICLE IX

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or in the case of a Province, to the British North America Act of

1867 as amended, or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby, provided further that if this compact shall be held contrary to the constitution of the United States, or in the case of a Province, to the British North America Act of 1867 as amended, or of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

STATE LEGISLATIVE HISTORY:

Illinois: (69th GA House Bill, No. 983, 1955)

Indiana: (Chapter 220 (H. 216, Approved March 10, 1955)

Michigan: (Act No. 28, Public Acts of 1955, Approved by Governor April 14, 1955)

Minnesota: (Laws of Minnesota 1955, Chapter 691; S.F. No. 1982)

New York: (Chapter 643, Laws of 1960)

Ohio: (Amended House Bill 415, Effective October 9, 1963, 105 General Assembly)

Pennsylvania: (Act of Pennsylvania General Assembly, No. 421, 1955-56 Session)

Wisconsin: (No. 294 A, Chapter 275, Laws of 1955)

The Commission was officially organized and established December 12, 1955 subsequent to ratification of the compact by five states (Illinois, Indiana, Michigan, Minnesota and Wisconsin). The Commission office was established on the Campus of the University of Michigan in early 1956.

CONGRESSIONAL CONSENT - LEGISLATION:

All interstate compacts require Congressional consent (Article I, Sec. 10, Clause 3, Constitution of the United States) in order to achieve full force and effect. Numerous bills were considered beginning in 1956. In 1968, Congress enacted S. 660 (PL 90-419) giving limited consent to the compact as follows:

"Public Law 90-419
90th Congress, S. 660
July 24, 1968

"AN ACT

"Granting the consent of Congress to a Great Lakes Basin Compact, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given, to the extent and subject to the conditions hereinafter set forth, to the Great Lakes Basin Compact which has been entered into by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin in the form as follows:

"GREAT LAKES BASIN COMPACT"

(The full text of the State adopted Compact text is included in PL 90-419 at this point.)

"SEC. 2. The consent herein granted does not extend to paragraph B of article II or to paragraphs J, K, and M of article VI of the compact, or to other provisions of article VI of the compact which purport to authorize recommendations to, or cooperation with, any foreign or international governments, political subdivisions, agencies or bodies. In carrying out its functions under this Act the Commission shall be solely a consultative and recommendatory agency which will cooperate with the agencies of the United States. It shall furnish to the Congress and to the President, or to any official designated by the President, copies of its reports submitted to the party states pursuant to paragraph O of article IV of the compact.

"SEC. 3. Nothing contained in this Act or in the compact consented to hereby shall be construed to affect the jurisdiction on, powers, or prerogatives of any department, agency, or officer of the United States Government or of the Great Lakes Basin Committee established under title II of the Water Resources Planning Act, or of any international commission or agency over or in the Great Lakes Basin or any portion thereof, nor shall anything contained herein be construed to establish an international agency or to limit or affect in any way the exercise of the treatymaking power or any other power or right of the United States.

"SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved. "Approved July 24, 1968."

FEDERAL LEGISLATIVE HISTORY:

PL 90-419 (90th Congress, S 660)

HOUSE REPORT No. 1640 (Comm. on Foreign Affairs).

SENATE REPORT No. 1178 (Comm. on the Judiciary).

CONGRESSIONAL-RECORD, Vol. 114 (1968):

June 12: Considered and passed Senate.

July 15: Considered and passed House.

July 24: Signed by the President

MINISTÈRE DES TRANSPORTS



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