The Great Lakes Policy Report

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The Great Lakes Policy Report is a quarterly news report published by the Little Traverse Bay Bands of Odawa Indians Natural Resource Department's Environmental Services Program. The report features Great Lakes policy updates and relevant initiatives, projects, and issues.

The report is meant to be an educational document, and does not express an opinion on the subjects discussed. Stories and information cited in this report are taken from a variety of sources including news articles, non-governmental reports, interviews, and government documents.

Great Lakes Water Quality Agreement 2012

The United States and Canada are the Legal Signatories of the Great Lakes Water Quality Agreement. Although, Tribal, State, Provincial, First Nation, and Local Governments are Encouraged to Participate.

A binational agreement between the United States and Canada to "restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes" was recently amended. In early September 2012, both countries renewed their commitment to each other and the Great Lakes by signing the 3rd amendment to the Great Lakes Water Quality Agreement (agreement) in its 40 year lifetime.

The amended agreement outlines how the two countries, along with participation from tribal, state, provincial, first nation, and local governments, will address several key Great Lakes environmental issues. The countries will establish a Great Lakes Executive Committee (GLEC), formerly the Binational Executive Committee, to coordinate actions and set priorities.

The new agreement has many changes in its structure and implementation. For example, the new agreement has 10 Annexes outlining specific issues such as nutrients and invasive species. The agreement also lays out objectives in a new format.

The agreement has three types of objectives to be met. There are nine General Objectives stated in the agreement, for

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example the Great Lakes should "be a source of safe, high-quality drinking water." Other General Objectives call for unrestricted consumption of fish and wildlife; waters are free from harmful nutrient loading; and that Great Lakes waters support healthy and productive wetlands and other wildlife habitats.

Specific Objectives will be established in cooperation and consultation with tribal, state, provincial, first nation and local governments. Two types of Specific Objectives will be established. Each Great Lake will have its own set of Lake Ecosystem Objectives intended to achieve the General Objectives of the agreement. The Lake Ecosystem Objectives can be narrative (qualitative) or numeric (quantitative) and will likely be for chemical and physical properties of the lake, such as temperature; oxygen levels; fish species; and plankton biomass.

The second type of Specific Objectives is Substance Objectives. Substance Objectives will be numeric targets established binationally by the Unites States and Canada, except in Lake Michigan. Substance Objectives will be established where they are needed in order to achieve General and Lake Ecosystem Objectives. At this time it is unclear how, or if, numeric Lake Ecosystem Objective and a Substance Objective will differ in their focus and priority. One notable difference is that Substance Objectives are specifically designed to manage the level of a specific "substance or combination of substances to reduce threats to human health and the environment in the Great Lakes…" These substances will likely include man-made chemicals, and toxic algae.

Implementing actions to achieve the objectives discussed above will mainly fall on the U.S. Environmental Protection Agency and Environment Canada to utilize existing and potentially new programs. These programs will address many types of point and non-point source pollutants, aquatic invasive species, conservation and habitat protection. The agencies will also solicit cooperation and coordination among other federal, tribal, state, local, non-governmental, and industry activities. This coordination will be achieved through a Great Lakes Summit meeting, held every three years, and the Great Lakes Executive Committee.

The Great Lakes Executive Committee will meet twice a year and continually review progress under the agreement. Each annex of the agreement will have a subcommittee to further address each topic. The United States and Canada will attempt to solicit public input on the progress of the agreement by holding a Great Lakes Public Forum every three years. Before each forum a binational Progress Report will be released for public review.

To further implementation and review the effectiveness of the agreement, the International Joint Commission (IJC) was assigned several duties. The IJC is a binational commission established under the Boundary Waters Treaty to solve binational water disputes and problems between the two countries. The IJC will act "to verify independently such data and information through tests or other means that it deems appropriate…" in other words, it will assess the science, management, and implementation that takes place under the agreement. The IJC will also make recommendations on current and emerging social, economic, and environmental aspects related to Great Lakes water quality. The IJC will produce reports on relevant environmental and scientific topics, and solicit public opinion.

The agreement also directs the IJC to establish a Great Lakes Water Quality Board, a Great Lakes Science Advisory Board, and a Great Lakes Regional Office to carry out its newly appointed responsibilities under the agreement.

The new agreement has ten annexes that cover ten topics important for improving Great Lakes health. Each annex is intended to lay out how the General and Specific Objectives will be met related to the annex topic.

Annex 1: Areas of Concern. Great Lakes Areas of Concern (AOCs) were established under the previous version of the agreement to identify and restore major contaminated sites around the Great Lakes. The new agreement outlines how the United States and Canada can designate new AOCs based on Beneficial Use Impairments (BUIs). It also outlines how AOCs will use Remedial Action Plans to work toward delisting an AOC.

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Annex 2: Lakewide Management. Annex 2 outlines how the agreement will use a lakewide scale ecosystem approach to address environmental stressors in each lake. The new agreement renames the Lakewide Management Plans (or LaMPs) to Lakewide Action and Management Plans (or LAMPs) to coordinate lake specific actions such as monitoring; nearshore frameworks to assess nearshore health (not previously required by the agreement); and establishing Lake Ecosystem Objectives. Each Great Lake LAMP report will be issued every five years.

Annex 3: Chemicals of Mutual Concern. Annex 3 outlines how the United States and Canada will identify, designate, study, and coordinate actions to reduce the release of harmful chemicals to the environment.

Annex 4: Nutrients. Under Annex 4 the United States and Canada have established qualitative nutrient Lake Ecosystem Objectives and numeric phosphorus Substance Objectives for the Great Lakes. The annex also allows for changes and additions to the established objectives and further research on algal blooms, phosphorus, and other nutrients.

Annex 5 Discharge from Vessels. Annex 5 states that both countries will adopt and implement regulations and programs to protect the Great Lakes from harmful vessel discharges. Specific discharges addressed include oil, garbage, wastewater and sewage, invasive species and pathogens (referred to as "biofouling"). The United States and Canada will also look at the risks and science behind ballast water treatment methods to prevent invasive species introduction (referred to as "antifouling systems"). The countries will meet at least once a year to review coordination and implementation of this Annex.

Annex 6: Aquatic Invasive Species. Annex 6 outlines a binational strategy intended to prevent the introduction of new aquatic invasive species, and reduce, control, and eradicate existing invasive species in the Great Lakes ecosystem. The focus for the strategy will be prevention through ballast water discharge regulations, risk assessments, education, and establishing barriers.

Annex 7: Habitat and Species. Annex 7 focuses on protecting, re-

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Great Lakes Geography

Great Lakes Areas of Concern

A Great Lake Area of Concern (AOC) is a geographic location that has been highly contaminated due to human activities. AOCs pose health risks to humans, fish and wildlife. They are usually contaminated with harmful chemicals, such as PCBs, or metals. These harmful substances result in the degradation of ecosystems, reduce water quality, and cause fish consumption advisories.

Forty-three AOCs were identified under the Great Lakes Water Quality Agreement between the United States and Canada. Of the 12 AOCs in Canada, three have been cleaned-up to the point of the sites being "delisted." The U. S., with 26 AOCs, has successfully cleaned-up one site. The Oswego River AOC on the shore of Lake Ontario in New York was delisted in 2006. There are 5 binational AOCs located on the shared border of the United States and Canada; none of the binational AOCs have been cleaned-up to date.

All AOCs must develop a Remedial Action Plan (RAP) which lists Beneficial Use Impairments (BUIs). Delisting can only occur once an AOC removes all identified BUIs from the site. A BUI is a "change in the chemical, physical, or biological integrity of the Great Lakes system" that results in one of 14 designated impairments. BUIs include restrictions on fish and wildlife consumption, restrictions on drinking water, and beach closings.

Because of Great Lakes Restoration Initiative funding, several U. S. AOCs are scheduled to be cleaned-up and delisted in the next few years. The Map below shows the locations of the AOCs.

GREAT LAKES POLICY WATCH

In this section you can find current legislation and proposed regulations related to the Great Lakes. When applicable public comment periods and information on how to comment will be given.

Rules and Regulations

The Michigan House and Senate are considering a pair of bills (SB 1212 and HB 5869) - the bills would modify the states ballast water law to authorize oceangoing vessel permits if ballast tanks have been flushed with sea water. Currently vessels must use effective methods of ballast water treatment, or agree to not discharge any water, to reduce the risk of aquatic invasive species introduction. The bills are currently in committee.

The Michigan Senate is considering SD 1238 - the bill would discourage land conservancies from restricting access based on recreational use, specifically access restrictions for motorized vehicles. The bill is currently in committee.

Policy

The U.S. Army Corps of Engineers is in the process of releasing several interim reports from the Great Lakes Mississippi River Inter-basin Study. The reports look at potential locations for aquatic invasive species, including the Asian carp, to transfer between the Great Lakes and the Mississippi River basin. For more information visit http://glmris.anl.gov/

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storing, and enhancing native species and their habitats while acknowledging the important ecosystem services provided by natural processes. The United States and Canada agree to conduct baseline surveys to establish a target for habitat gain and progress. Within two years development and implementation of "lakewide habitat and species protection and restoration conservation strategies" will occur. Other actions outlined include assessing gaps in current initiatives and programs and identify ways to protect natural areas. The Lakewide Action and Management Plans will be the main mechanism to develop and implement the lakewide strategies.

Annex 8: Groundwater. Groundwater is a new area of focus under the agreement. The United States and Canada agree to produce a report on relevant groundwater science in the Great Lakes basin within two years. The countries will also identify priorities and actions for groundwater management affecting the Great Lakes.

Annex 9: Climate Change Impacts. Climate change is another new topic for the agreement. The countries will "take into account the climate change impacts on the chemical, physical and biological integrity of the Great Lakes" and consider how those impacts affect activities under the agreement. All climate change actions and strategies will be coordinated. Further development of regional scale climate models and regional climate science will also take place.

Annex 10: Science. Annex 10 outlines how the countries will prioritize scientific study and address emerging environmental concerns. Using a similar system in the previous version of the agreement, science-based ecosystem indicators will be established to assess the state of the Great Lakes. Every three years a State of the Great Lakes Report will report on the ecosystem indicators and overall health of the lakes.

The agreement covers many important issues impacting the Great Lakes ecosystem and may prove to be a catalyst for increased action, research, and collaboration. But the true value of the new agreement may only be achieved if efficient and effective implementation occurs.

The full Great Lakes Water Quality Agreement can be found at: http://www.epa.gov/glnpo/glwqa/. For more information on the agreement and related binational Great Lakes initiatives visit http://binational.net/home_e.html

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Great Lakes RESTORATION

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