

## Great Lakes Advisory Board

### Comments on

### Draft Great Lakes Restoration Initiative Action Plan II

6/23/2014

The following recommendations from the Great Lakes Advisory Board (GLAB) are made in an effort to improve and clarify the draft Great Lakes Restoration Initiative Action Plan II (GLRI Action Plan II). Overall, the GLAB found the GLRI Action Plan to be attractive and informative but lacked the specificity presented in the first GLRI Action Plan. Thus, the comments are presented to guide the Federal Agencies in producing a comprehensive, transparent, and effective plan for the next five year planning horizon.

#### **General Comments:**

The GLRI Action Plan II was an attractive document but lacked the details necessary to establish priorities and measure success. If those details are to be incorporated into future rulemaking and/or guidance, clear direction should be included in this Action Plan. The draft Action Plan II does a good job of describing what the agencies intend to accomplish in 2015-2019 but it lacks details needed to evaluate progress. If the GLRI Action Plan II is charged with targeting funding to make the actions happen, a rudimentary proposed budget would be helpful. That would give the public and the implementing agencies a sense of the resources available to accomplish their missions under GLRI.

Overall, the GLAB expressed concern that the targeting of resources and the measures of success were not clearly stated. It is believed that the GLRI Action Plan II should include a funding allocation plan. Recognizing that there will continue to be competition for resources, the GLAB recommends that the GLRI Action Plan II either target practices and/or establish budgets that prioritizes funding.

The GLRI Action Plan II should better specify the long term goals and objectives (as was included in the first Action Plan). The measures of success must include outcome-oriented measures (rather than the count of GLRI funded projects). Increasing knowledge, while a worthy commitment, must also have a quantitative evaluation of impact in the “measures of progress” beyond the number of people who may attend a conference or receive a handout. The “measure of progress” should be incorporated in both the project evaluation and as a project requirement. Additionally, if there were lessons learned under GLRI Action Plan 1, then those lessons should aid discussions underway with GLWQA (especially for discussions related to the setting of lake ecosystem objectives).

The GLRI Action Plan would be improved by specifying the Federal Agencies that will accept responsibility for specific action items, what actions they are expected undertake, and how the success of those actions will be measured. The measures of success should provide greater specificity as was done in the first GLRI Action Plan. If funding is to be distributed outside of the federal agency, the general criteria or principles that will guide the selection of programs and projects should be defined.

The GLAB believes that the use of adaptive management is applicable to all focus areas and that climate resiliency and permanency may apply to most areas as well. Also, the terminology utilized in the document should be standardized – specifically, “non-federal partners,” “state and local partners” and “local partners” appear to be used interchangeably. If there is an intended difference, the terms should be defined within the document,

### **Focus Area 1 – Toxic Substances and Areas of Concern**

The GLAB recommends that the long-term goals and objectives presented in the first GLRI Action Plan remain unchanged. If the EPA believes that they should be modified, the changes should be detailed and the reason for the change should be transparent. The GLAB recommends expansion of the “measures of progress” (and eliminate the “number of GLRI projects” as a metric). Delisting Areas of Concern (AOC) and eliminating Beneficial Use Impairments (BUI) should remain a metric to measure success.

**Area of Concern Priorities** - The GLAB recommends that the USEPA establish priorities for AOC remediation and restoration activities. As stated in the GLAB Recommendations (December 2013),

*“The Board recommends the IATF agencies give priority to projects that expedite AOC delisting. First priority should be given to projects that can be delisted most rapidly. Projects that can eliminate specific impairments should be given secondary priority. Projects that can show documented progress toward longer term delisting should be given tertiary priority.” (Page 8)*

The GLAB recommends that the GLRI Action Plan II explicitly recognize a priority for projects established by LAMPs as recommended in the GLAB report:

*“The Board recommends strengthening and expanding the use of the Lakewide Action and Management Plans (LAMPs) and other collaborative processes to ensure stronger coordination and communication for prioritizing non-AOC restoration work on a lake-by-lake basis or other appropriate scale.” (Page 8)*

The EPA should clarify their commitment to AOCs that are identified as “Remaining Areas of Concern.” Will funding continue to be available to those AOCs to continue building momentum in the “pipeline”? If not, is it possible for an AOC to change from a “remaining Area of Concern” to a “Management Actions targeted for completion during GLRI 2” AOC within the five years that GLRI 2 is underway?

**Lakewide Area Management Plans (LAMP)** - With an enhanced interest in LAMPs, new metrics must be clearly defined. A small number of lake-wide human health risks should be selected and progress should be monitored and shared throughout the five year period. The LAMP discussions should occur within the context of the GLWQA implementation to leverage that work and yield meaningful, measurable progress. Also, one of the long term goals for the Great Lakes ecosystem that is expressed in the GLRI Action Plan II is making the lakes a safe source of drinking water. However in the Toxic Substances and Areas of Concern focus area there is no expressed action plan for achieving the goal of safe drinking water. The action plan must quantify and reflect efforts to address both toxics and emerging contaminants that affect drinking water.

**Stakeholder Engagement** - Additionally, the GLAB recommends that stakeholder engagement begins early in the AOC process. In the “removing Beneficial Use Impairments in Areas of Concern” diagram (p. 7), the GLAB recommends inserting a step “Engage stakeholders in evaluating available data and determining the necessary management actions” between “evaluating current conditions” and “implementing management actions.”

**Emerging Contaminants** - Similarly, the large number of emerging contaminants listed in the Action Plan II has made evaluating progress difficult. Thus the GLAB recommends that GLRI funding be targeted to a small number of the most pressing emerging contaminants and determine effective metrics before initiating studies/projects. To do this, the GLAB recommends that the section be reorganized such that the overall objective (the “principal initiative”) should be to “reduce human exposure to contaminants from fish consumption.” The three commitments should be: (1) reducing sources of toxics through pollution prevention and remediation in source areas outside of AOCs; (2) increasing knowledge about contaminants in fish and wildlife; and (3) identify emerging contaminants and assess impact on Great Lakes fish and wildlife.

The GLAB recommends that the emerging contaminant section be re-organized to reflect:

Principal Initiative: Reduce human exposure to contaminants from Great Lakes fish consumption (currently in GLRI 2 as a “commitment”)

- a. Commitment: Reduce sources of toxics and other pollutants through pollution prevention and remediation in source areas outside of AOCs.
- b. Commitment: Increase knowledge about contaminants in Great Lakes fish and wildlife.
- c. Commitment: Identify emerging contaminants and assess impacts on Great Lakes fish and wildlife.

**Pollution Prevention** - New sources of toxics not found in existing AOCs are not addressed nor is funding for control or remediation anticipated. These sources pose a threat to the Great

Lakes system and should not be precluded from participating in GLRI funding. Similarly, new sources of pollutant sources are assumed to be adequately controlled by existing regulatory programs. If this is the case, the EPA should state this explicitly. GLAB Members are concerned by new sources of newly discovered toxic materials in toxic concentrations as well as new industries with without known track records of compliance such as mineral development near Lake Superior. The GLAB recommends flexibility in fund allocation – whether in emerging issues or contaminated runoff - to assure potential funding in the event practices such as proposed mineral development can be monitored, evaluated and/or controlled should the need arise.

## **Focus Area 2 – Invasive Species**

The GLAB recommends that budget figures targeting control of invasive species be included in the GLRI Action Plan II. If other funding sources are anticipated, these sources should be identified as well. For example, the 2015-2019 Action Plan talks about the GLRI preventing the introduction of Asian carp, but non-GLRI funds were also used for this effort.

The GLAB recommends that the measures of success of the Invasive Species focus area be revisited. The GLAB supports the overall organization of the invasive species section of the GLRI Action Plan which moves from prevention, risk assessment, identifying the highest risk areas to control methods, blocking pathways to reduce risk, monitoring and rapid response, and finally to a focus on AIS control. However, the objectives in the 2010-2014 Action Plan were much clearer and better articulated what would/could be measured to track progress. Under the new plan, progress it is impossible to judge success based on what is being measured.

The GLAB believes that climate change will make the lakes more vulnerable to invasive species. Thus the GLAB recommends some acknowledgement of this fact in this section and a more creative way of measuring project success that addresses the resiliency to climate change to funded projects.

The GLAB recommends the inclusion of the goal of “*no new introductions of invasive species.*” This goal is consistent with the 2010-2014 Action Plan.

*“The introduction of new invasive species to the Great Lakes basin ecosystem is eliminated, reflecting a “zero tolerance policy” toward invasives.” (2010-2014 GLRI Action Plan)*

### **Principle Initiative: Prevent new introductions of invasive species (pages 10-11):**

The GLAB recommends:

- Clearly establishing a goal of no new introductions of invasive species.

- Establishing a target of pathway blocking projects.
- Establishing a target or budget for early detection monitoring activities.
- Collecting, consolidating, enhancing, and supporting existing ANS Management Plans.
- Identifying and evaluating the effectiveness of existing AIS education programs.
- Clarification of the annual targets at the top of page 11.
- Clarification of the “commitment” listed at the top of page 10 to include, “Work with Great Lakes states, **local governments, and tribes** to conduct rapid response action or exercises”

**Principle Initiative: Control established invasive species (pages 12-13):**

The GLAB recommends:

- Clarification of how “tributary miles protected” will be measured
- Establishments of networks
- Inclusion of measures of success similar to those used by Great Lakes Fishery Commission for sea lamprey control. Targets include three categories of indicators 1. Number of sea lamprey, 2. Numbers of lake trout, 3. Numbers of lake trout that have sea lamprey wounds.
- Establishing priorities for funding for “initial control activities and the assessment of project effectiveness” as part of the work of the Science and Information Subcommittee

**Principle Initiative: Develop invasive species control technologies and refine management techniques (pages 14-15):**

The GLAB recommends:

- A quantifiable measure of progress that goes beyond the number of technologies and methods field tested.
- A level of commitment or specific measure of progress related to ballast water treatment technology approved for the Great Lakes
- a better measure of progress for the collaborative that would include the number of entities doing specific things and/or achieving specific goals.

**Focus Area 3 – Nonpoint Source Pollution Impacts on Nearshore Health**

The GLAB recommends that the name of this focus area be changed to better reflect the focus of the anticipated work – the recommended name: **Polluted Runoff Impacts on Nearshore Health**. The term “non-point source” is a term of art coined to encompass the non-regulated sources of pollution that are washed off of land surfaces. The 1987 amendments to the Clean Water Act clarified that most urban runoff was a point source and therefore regulated. The intent of Focus Area 3 was to address all sources of polluted runoff – both regulated and unregulated – that impacts nearshore health. Thus the GLAB recommends the name change.

**Lack of Specificity** - The GLAB recommends additional specificity to the measures of success, targeted practices as well as clarification of budgets and/or funding priorities. The draft GLRI Action Plan II is difficult to evaluate because it is a “30,000 foot view” of a very large number of small practices required across the entire Great Lakes region. If the specific details are expected to be addressed during rule-making or guidance, the priorities should be established in a transparent manner.

The GLAB recommends that funding priority be given to in-the-ground/on-the-water projects. Because funding will be limited, projects that are sustainable and/or perpetual should receive the highest priority. The GLAB reiterates the recommendation made in their earlier report:

*“The highest priority should be given to projects in watersheds the Great Lakes Basin where regulatory tools have been utilized to prioritize and assure progress.”*

The GLAB also recommends that funding for “in-the-ground or in-the-water projects” should not be diverted to research – particularly for subjects where causality is well documented. We support ongoing research on phosphorous and its impact on habitat but the limited funding should be directed to projects that reduce phosphorous; not study it.

**Agricultural Runoff** - The recommendation to support sustainable and perpetual projects should rely on cross compliance with Department of Agriculture. Preferably, the federal government will take the leadership to require sustainable, perpetual practices when reducing agricultural runoff. As stated in the GLAB’s earlier recommendations,

*“The Board recommends that IATF agencies work to ensure agricultural producers who receive Federal commodity and/or insurance subsidy benefits comply with comprehensive farm plans including... regular inspection certification of implementation and maintenance.”*

If the federal agencies are unable to require sustainable/perpetual practices on a regional or national level, priority should be given to GLRI funded project that have local or state requirements for perpetual maintenance. As an example, attached is the Wisconsin Statue requiring that *“the cropland performance standard shall continue to be met by the existing landowner or operator, heirs or subsequent owners or operators of the cropland.”*

**Urban Stormwater Runoff** – The GLAB recommends that GLRI funding continue to be targeted at reducing polluted stormwater runoff from urban areas including both separated and combined sewer areas. Priority should be given to implementing sustainable green solutions that address stormwater runoff while creating green space. Priority should also be given to communities that are working with other stakeholders implementing adopted watershed management strategies using approved watershed management plans.

## Focus Area 4 – Habitats and Species

The GLAB supports the Action Plan’s explicit incorporation of priorities developed by regional conservation strategies and the Great Lakes Habitat Biodiversity Conservation Strategies. By coordinating, the Action Plan II precludes duplication of efforts. Broad scale coordination assures better understanding of the implication of proposed habitat protection and restoration projects, and the projects’ larger-scale and long-term efficacy. To date, none of the strategies have been adopted by the Annex 7 Committee and additional work is needed to identify conservation priorities and incorporate other existing plans. The GLAB recommends that the Action Plan reference habitat priorities in other regional-scale plans such as the State Wildlife Action Plans and the North American Waterfowl Management plan.

The inclusion of annual evaluations is a positive addition to the Action Plan, driving the ability to implement a policy of adaptive management. Climate change must remain specifically referenced as a possible stressor to habitats and species. The GLAB recommends that the Action Plan II show a stronger link between climate change and the need to address habitats and species. Building resiliency is a key issue for adapting to the effects of climate change.

### Species

The GLAB recommends:

1. Species assessment and evaluation activities to include an evaluation of which threatened or endangered species exist in given areas to prioritize habitat protection and restoration activities.
2. Improvement of the measures of success to include evaluations as whether the project is increasing native populations, reducing the threat of invasive species to native species, increasing viability.
3. “GLRI-targeted species” must be defined with a transparent discussion of how these species became targeted .

### Habitat

1. The phrase, “protect, restore and enhance” loses the importance and nuance of each type of the three actions. Each type of action is important, but each is different.
2. The Action Plan must emphasis permanency of GLRI-funded activities.
3. The GLAB requests that the reasoning behind the fluctuation in targeted miles from year to year in the Measures of Progress be clarified.

## **Focus Area 5 – Integrated Solutions to Cross-Cutting Issues**

“Integrated solutions to cross-cutting issues” consists of three important ideas: 1) integration of climate resiliency into GLRI projects, 2) promotion of Great Lakes-based environmental education and stewardship, and 3) implementation of a science-based adaptive management approach for the GLRI.

The GLAB supports the inclusion of adaptive management but recommends further clarification on the approach. The GLAB, once again, urges the agencies to use the IJCs newly released ecosystem indicators to track GLRI progress and measure ecosystem health.

**Integrate climate resiliency into GLRI projects:** The GLAB strongly supports the strong climate change components in the new Action Plan. However, the GLAB also recommends that the agencies accelerate the implementation (currently scheduled to be midway through the 5 year planning period) as well as accelerating the measures of progress. It is suggested that the USEPA implement a review of which projects are likely to be most impacted by climate criteria. The GLAB recommends the establishment of standardized climate resiliency criteria for all project types; NOAA’s climate criteria may serve as a model. There is clearly much work to be done to develop climate resiliency criteria that will be broadly applicable and it may be difficult to develop such criteria for some kinds of projects. The GLAB recommends that the EPA consider the use of the National Climate Assessment, currently developing metrics for climate impact.

**Promote Great Lakes-based environmental education and stewardship:** The GLAB supports the coordination with existing educational standards. The GLAB recommends a better definition of how the effectiveness of environmental education and stewardship is measured – possibly the “number of educators actively teaching content derived from GLRI funded projects.”

**Implement a science-based adaptive management approach for the GLRI:** The GLAB questions the applicability of adaptive management within the 5 year time frame for a number of the focus areas. Adaptive management typically relies on project specific learning that can be applied to subsequent similar projects. For example, the best nutrient control measures are learned at a specific site, and then used in subsequent years and at other locations. The vision presented in the GLRI Action Plan II is much more ambitious. It includes (on a 5-yr cycle) the identification of the most important priorities, which presumably can be re-visited after 5 years to determine if they are still the most important, or if some change is needed. It also uses knowledge gained to re-assess priorities on an annual basis. On-going ecosystem monitoring is likely to be most relevant to setting the 5-yr action plan.



The GLAB recommends:

- 1) The term “adaptive management” be defined as it relates to the GLRI priority setting,
- 2) Greater use the IJCs newly released ecosystem indicators as in order to track GLRI progress and measure ecosystem health,
- 3) That both the LAMPS and the GLWQA be expressly included in the planning process,
- 4) Inclusion of environmental justice throughout the Action Plan.
- 5) The naming of an independent group to prioritize the most critical GL ecosystem problems to help guide the 15 or so federal agencies that are likely to be impacted by the prioritization of eco-system projects.