



GREAT LAKES LEGISLATIVE CAUCUS

Great Lakes News for Legislators

April 2010

In This Issue

[Asian carp update](#)

[Federal legislative update](#)

[Buying land to protect lakes](#)

[Diversions gets attention](#)

[Using Lake Erie's wind](#)

About the Caucus



The Great Lakes Legislative Caucus is a nonpartisan group of state and provincial lawmakers from eight U.S. states (Illinois, Indiana, Michigan, Minnesota, New York, Pennsylvania, Ohio and Wisconsin) and two Canadian provinces (Ontario and Quebec).

Sen. Patricia Birkholz of Michigan serves as chair of the caucus. The Midwestern Office of the Council of State Governments provides staffing services for the caucus. Funding for the caucus is provided by The Joyce Foundation.

Great Lakes Links

[Great Lakes Legislative Caucus - State and Federal Legislative Trackers](#)

[Alliance for the Great Lakes](#)

[Great Lakes and St. Lawrence Cities Initiative](#)

[Great Lakes Commission](#)

[Great Lakes Environmental Law Center](#)

[Great Lakes Echo](#)

[Great Lakes Information Network](#)

[Great Lakes Regional Collaboration](#)

[Great Lakes Restoration Initiative](#)

[Great Lakes United](#)

[Great Lakes WATER Institute](#)

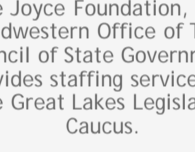
[Healing Our Waters Coalition](#)

[International Joint Commission](#)

[Northeast-Midwest Institute](#)

[The Joyce Foundation](#)

[The Council of Great Lakes Governors](#)



With funding support from the Joyce Foundation, The Midwestern Office of The Council of State Governments provides staffing services for the Great Lakes Legislative Caucus.

More information on CSG Midwest is available at www.csamidwest.org or by calling 630.925.1922.

CSG Midwest is one of four regional offices of The Council of State Governments (www.csg.org), a national nonpartisan, nonprofit association of state elected officials.

Contacts

[Tim Anderson](#)

CSG Midwest
630.925.1922

[Mike McCabe](#)

CSG Midwest
630.925.1922

Asian carp update: New studies, litigation and the idea of ecological separation

Over a six-week period between February and March, using nets and electro-fishing gear, a team of 25 biologists scoured the Chicago Waterway System for Asian carp. None was found. Though this was good news in the fight to keep the invasive species out of the Great Lakes (or to keep a sustainable Asian carp population from forming in the ecosystem), state and federal officials say much more still needs to be done. A team of fisheries and invasive species experts is now developing a longer-term monitoring plan as part of the [\\$78 million Asian Carp Control Strategy Framework](#).

Cost of closing the locks: Studies come to different conclusions

One idea being pushed by some policymakers and Great Lakes advocates - but not included in the framework's short-term action plan - is to [permanently close the shipping locks](#) in the Chicago Waterway System. According to the [Chicago Tribune](#), a petition opposing this idea (or even a partial closing of the locks) has been signed by more than 500 businesses and employees in the Chicago area. The Illinois Chamber of Commerce, meanwhile, released a [study in April](#) concluding that permanent closure of the locks would lead to a net economic loss of \$4.7 billion over 20 years. A previous study done for the Michigan attorney general's office estimated that the economic costs of permanently closing the locks would be \$70 million a year, or \$1.4 billion over a 20-year period. One reason for the difference in findings is that the Michigan study only focused on costs to the transportation industry, the [Milwaukee Journal Sentinel](#) reports, while the Illinois study was broader in its scope. For example, the Illinois Chamber estimated that a permanent closing of the locks would necessitate \$1.8 billion worth of changes to the Chicago area's system for handling storm water and flood waters.



Supreme Court asked to weigh in

The next question to be answered about the Asian carp issue is this: What will the U.S. Supreme Court do? [The Great Lakes Environmental Law Center provides insights](#) on the history of the court's role in a nearly century-long dispute over the diversion of Lake Michigan water from Chicago via the Chicago Waterway System. The state of Michigan has asked the court to issue a supplemental decree declaring the system "a public nuisance." In the past, the court has been asked to weigh in on the diversion based on concerns about the impact on water quality in the Mississippi River system and on water levels in other parts of the Great Lakes. Michigan is basing its new petition to the court on the potential invasion of invasive species such as Asian carp into the Great Lakes via the Chicago Waterway System.

Push to ecologically separate Great Lakes, Mississippi River

Differences over what emergency measures should be taken to keep Asian carp out of the Great Lakes have sometimes pitted state against state, state against province and states against the federal government. But Great Lakes advocates and lawmakers are hopeful that there is room for regional consensus on a long-term fix to the invasive species problem - at least the one caused by the flow of species between the Great Lakes and Mississippi River water systems. That fix involves an "ecological separation" of the two basins, which are connected in the Chicago area by a network of rivers and man-made canals. In February, the [Great Lakes Commission passed a resolution](#) that, while recognizing the lack of regional consensus on a short-term solution to the Asian carp problem, calls ecological separation the "best permanent solution." Joel Brammeier, president of the Alliance for the Great Lakes, defines ecological separation this way: "No movement of live organisms between the two basins." In 2008, he [co-wrote a study](#) urging a permanent separation of the watersheds.

Focus on Army Corps study of separating systems

A permanent barrier won't be built anytime soon, but whether it ever does could hinge on the findings of a study being done by the Army Corps of Engineers. The federal agency is exploring the feasibility of ecological separation along with other options to prevent the movement of species between the two watersheds. Plans now are to have the study completed by 2012. Jennifer Nalbene of the group [Great Lakes United](#) would like the Corps to speed up that timetable, saying the federal agency already has "been slow out of the gate" considering the seriousness of the Asian carp threat to the Great Lakes ecosystem. One idea for the region's leaders, then, is to push the Corps to get the study done earlier, perhaps with the backing of congressional legislation. Nalbene also says she would like the focus of the study to be narrowed: Rather than consider options other than ecological separation, concentrate on how to go about achieving this feat. Then there is the question of how ecological separation will or should be defined. Would creating "dead zones" in the Chicago Waterway System, for example, meet this definition? Brammeier says building physical barriers is the only option that he views as being "100 percent effective," the only way to achieve true ecological separation. This would require a plan to deal with the recreational and barge traffic that would be affected. And the most daunting challenge, Brammeier says, would be to make ecological separation work while still allowing the Chicago Waterway System to fulfill its primary purpose: as a conduit for the Chicago area's wastewater and storm water. For example, he notes that a permanent closure of the locks would put "whole neighborhoods under water" because the system is relied on for [flood control](#). An ecological separation, then, may only be feasible if it is part of a comprehensive plan to upgrade the area's navigational and water-management systems. Such a plan might enjoy regional consensus, but it also would require a commitment of significant federal dollars.



Federal legislative tracker: Overview of the recently proposed Great Lakes Ecosystem Protection Act

More federal dollars are already flowing to this region as a result of the [Great Lakes Restoration Initiative](#). And bipartisan legislation introduced in March (one of several bills we are tracking through our [Great Lakes Legislative Tracker](#)) would further the federal commitment to restoring and protecting the ecosystem - while also giving states a formal advisory role in the U.S. Environmental Protection Agency's decision-making process.

\$475 million a year for Restoration Initiative

The Great Lakes Ecosystem Protection Act ([H.R. 4755](#) in the House and [S. 3073](#) in the Senate) builds on President Obama's Great Lakes Restoration Initiative and follows through on recommendations made in 2005 by the [Great Lakes Regional Collaboration](#). For starters, the act would authorize \$475 million annually over the next four years for the Restoration Initiative: the new federal investment in the Great Lakes that addresses various risks to the ecosystem, ranging from invasive species and toxic substances to contaminated beaches and nonpoint source pollution. Here is the EPA's [multi-year action plan](#) for the initiative. In FY 2010, the initiative received \$475 million; Obama has proposed \$300 million for FY 2011.



\$150 million a year for Great Lakes Legacy Act

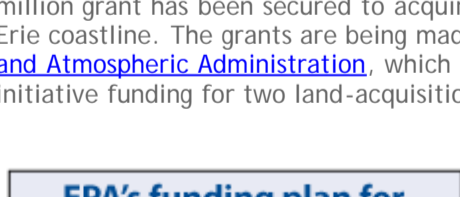
Along with funding this initiative for the next four years, the Great Lakes Ecosystem Protection Act would authorize \$150 million a year for the [Great Lakes Legacy Act](#), an 8-year-old law that aims to remove toxic substances from the Great Lakes and clean up "Areas of Concern" in the basin. That amount, says [U.S. Rep. Vernon Ehlers of Michigan](#), was the funding level recommended by the Great Lakes Regional Collaboration. It also is much more than current levels. The original 2002 bill authorized \$270 million in funding over five years; it was then reauthorized in 2008 at an amount of \$54 million a year.

Governors get more of a say with EPA

In addition, under the Ecosystem Protection Act, governors of states in the basin would be part of a newly formed Great Lakes Leadership Council, which would advise the EPA on how to invest federal dollars in restoration and protection efforts.

Land acquisition, preservation one of first uses of Great Lakes Restoration Initiative

One of the first uses of Great Lakes Restoration Initiative dollars will be to acquire and protect land. [Michigan officials announced in March](#) that the state's first proposal to receive federal funding was preservation of the Bete Grise wetlands. The state secured a \$1.75 million grant for the project. It plans to acquire 1,475 acres of wetlands, sand dune uplands, and 3,500 feet of shoreline frontage on Lac La Belle - a freshwater estuary of Lake Superior. In [Ohio](#), a \$1.2 million grant has been secured to acquire property along the Lake Erie coastline. The grants are being made via the [National Oceanic and Atmospheric Administration](#), which also reports that it will use initiative funding for two land-acquisition projects in Wisconsin.



Proposed diversion of Great Lakes water in Wisconsin focus of Michigan legislative resolutions

A Wisconsin town's plan to divert Great Lakes water has got the attention of lawmakers on the other side of Lake Michigan. Within the last month, four different resolutions have been introduced in Michigan urging the Great Lakes-St. Lawrence River Basin Water Resources Council "to scrutinize carefully the proposed diversion at Waukesha." Those resolutions can be accessed via [our state legislative tracker](#). Waukesha is hoping to become the first community to win regional approval of a diversion plan under the [Great Lakes-St. Lawrence River Basin Water Resources Compact](#), which became law in 2008. The interstate compact bans diversions, but carves out some exceptions - one of which is for a "community within a straddling county" of the Great Lakes basin. Waukesha meets this description. However, its application for a diversion [must meet several criteria](#) and ultimately receive approval from all of the Great Lakes states (via the Water Resources Council created by the compact). In early April, the city submitted a draft proposal to the Wisconsin Department of Natural Resources. According to the [Milwaukee Journal Sentinel](#), a panel of the Milwaukee County Board has voiced its displeasure with how Waukesha plans to return the Lake Michigan water that it uses.

One-two punch: Ohio governor, senator team up to push offshore wind energy development

Ohio political leaders are hoping a mix of incentives gets the state's offshore wind industry off the ground - and wind turbines up and running in the waters of Lake Erie. Gov. Ted Strickland and U.S. Sen. Sherrod Brown [outlined their plans](#) in March. On the state side, Strickland wants to eliminate the state's tangible personal property tax for wind and solar energy facilities. In addition, he says, the state is examining changes in state law that would give offshore wind developers "the site control they need while still protecting Lake Erie." On the federal side, Brown is seeking to expand federal incentives and to provide research-and-development grants to states and others interested in pursuing offshore wind energy projects.