

Testimony by Matt Frank, Secretary of the Wisconsin Department of Natural Resources  
on behalf of the  
Council of Great Lakes Governors  
before the  
U.S. House Transportation and Infrastructure Subcommittee  
on Water Resources and Environment

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**Introduction**

Ms. Chairwoman and members of the Committee, thank you for the opportunity to appear before you today to discuss our shared efforts aimed at protecting the Great Lakes. My name is Matt Frank and I am the Secretary of the Wisconsin Department of Natural Resources. I am pleased to submit this testimony on behalf of the Council of Great Lakes Governors and its Chairman and my boss, Wisconsin Governor Jim Doyle. The Council has been coordinating the Governors' shared efforts to protect and restore the Great Lakes. The Governors recognize that this effort is critically important for protecting our environment and promoting our economy, both regionally and nationally.

I want to start by thanking Representative Kagen for his leadership in bringing this hearing to Green Bay and for his leadership in support of critical Great Lakes programs and initiatives. I am delighted that the Subcommittee is holding this hearing in his district, one of our region's areas most affected by the dramatic changes in lake levels. I would also like to recognize Representative Petri who serves on the full Committee on Transportation & Infrastructure. I applaud your leadership on national issues of importance to the Great Lakes region.

**The Great Lakes in Perspective**

The Great Lakes are a treasure of international significance. They contain approximately 20% of the world's surface freshwater, and 95% of North America's. One in three Canadians and one in 10 U.S. residents depend on the Great Lakes for their water. More than 35 million U.S. residents and 8 million Canadians live, work, and recreate in, on or by the waters of the Great Lakes Basin.

The Great Lakes regional economy and, indeed, our nation's depend on the Great Lakes. For example, the Great Lakes provide water for 70 percent of U.S. steel production. The Lakes provide transportation for almost 200 million tons of international and interlake cargo—indeed, the lake carriers can tell you how much transport tonnage they lose for each inch of water lost. One-third of all the boats registered in the United States are in the Great Lakes States and boating alone supports over 250,000 jobs. Overall, our region generates nearly 30% of our nation's gross domestic product and about 60% of all U.S. manufacturing. Water is also used for hydro-power on both sides of the border. All of these different uses depend on the lakes in different ways as a source for clean, abundant fresh water.

Sustainable management and use of the Great Lakes can foster economic growth while protecting our environment. Conversely, we place our water resources, our environment and our economy at risk if we do not manage the Lakes sustainably and do not keep our lakes at healthy levels. Therefore, we must be forward-looking to put in place effective policies that address today's issues and anticipate tomorrow's challenges. These policies should include immediately and effectively tackling our most pressing problems; putting in place an effective long-term water management framework; and, developing a robust research and information-sharing regime to encourage adaptive management.

Restoring and protecting the Great Lakes is a persistent challenge requiring myriad and collaborative actions across all levels of government. Required actions are not easily isolated from one another, nor should they be, and we must look at all of the challenges that face our Great Lakes.

### **Near-Term Actions**

A little more than two years ago, we celebrated the promise of an unprecedented Great Lakes Regional Collaboration (GLRC) Strategy to achieve our shared goals. The framework for the GLRC was based on the nine priorities that the Great Lakes Governors outlined in 2003. The process started with a Presidential Executive Order and included our regional leaders—

Governors, Mayors, Members of Congress and Tribal leaders—as well as non-governmental groups and hundreds of committed citizens. The process united us as never before toward our shared goals of protecting and restoring our nation’s water belt--the Great Lakes. And, it provided a shared vision of near-term steps that could put us on a path toward a restored water belt--a healthy water belt to power our nation’s economy and support a robust environment.

During the past two years, we have made progress toward our shared vision. Yet, the promise of the GLRC, and the more particular goal of significantly enhanced water quality, remains largely unfulfilled. Independently, and collectively through the Council of Great Lakes Governors, the Governors have urged Congress and the Administration to act and give us the means to better move from vision to a reality.

We continue to recognize that specific actions can and must be taken now to protect and restore the Great Lakes. Aquatic invasive species (AIS) continue to pose one of the most serious threats to the Great Lakes ecosystem. An average of one new species is discovered in the Great Lakes ecosystem every eight months, and once present, eradication is often impossible. Prevention is vital to stemming ecosystem impacts from new invasive species. And, because AIS easily transfer from watershed to watershed, it is absolutely critical that comprehensive national action be taken to combat the spread of AIS.

Therefore, the federal government must move swiftly under its existing authorities to require improvement for ballast water management including practices for those ships declaring no ballast on board to forestall the introduction of new invasive species to the Great Lakes.

A system of state by state regulations will not be nearly as effective and is clearly less desirable than a consistent and clear federal solution. But make no mistake, here in Wisconsin we believe that we will have no choice but to act at our level if the federal government does not act very soon.

We continue to ask that injurious carp species be listed under the Lacey Act to limit the spread of the carp to the Great Lakes and other watersheds including the whole Upper Mississippi River Basin.

In addition, Congress should pass and the President should sign S.725, the *National Aquatic Invasive Species Act* (NAISA). Enactment of NAISA is one of the key legislative objectives of the Great Lakes Regional Collaboration's (GLRC) Strategy. Passage of this comprehensive federal legislation would address many of the key recommendations developed by the participants in the GLRC and is critical to our overall restoration goals.

We applaud Congressional authorization to upgrade, complete construction, operate and maintain a permanent, two-dispersal barrier system in the Chicago Sanitary and Ship Canal at full federal cost in order to prevent the Asian carp and other invasive species from entering the Great Lakes. We also applaud the recent Congressional appropriation of approximately \$9.1 million in FFY 2008 toward this end. We urge Congress to appropriate the remaining funds necessary to complete this effort in FFY 2009. We also support further measures to help address AIS as outlined in the Governors' letter to Congress earlier this year.

More broadly, the Governors continue to ask you to work with us on the following near-term actions in FFY 2009:

- As outlined in the GLRC Strategy, Congress should revise and reauthorize the Great Lakes Legacy Act and appropriate \$150 million annually beginning in FFY 2009 in support of the Act.
- Appropriate \$28.5 million to begin restoration work immediately of 200,000 acres of wetlands in the Great Lakes Basin. The States remain committed to working with other non-federal partners to provide an additional \$28.5 million cost-share toward this end.
- We continue to want to ensure that existing and proven core programs, such as the Clean Water State Revolving Loan Fund; the Coastal Zone Management

Program; and, the Great Lakes Fishery Commission's Sea Lamprey control program are fully funded. Continuation of programs like these is critical to maintaining the gains made through past investments.

### **Great Lakes Water Levels--Cause For Concern**

Each of our Great Lakes is a huge system and the vast amounts of water truly defy our comprehension. The estimated daily evaporative loss from Lake Michigan averages 26.5 billion gallons. A warmer than normal water temperature in Lake Superior last February increased evaporation rates by 2 inches which translated into trillions of gallons lost to the atmosphere. Compare this to our present water use; Wisconsin's current State estimate is 3.5 billion gallons per day withdrawn from both the Superior and Michigan basins for domestic and industrial use.

Recently, there have been allegations that a 1960's dredging project in the St. Clair River has resulted in increased erosion causing increased flow volumes which are responsible for lowering Lake Michigan and Lake Huron water levels. However, studies using cameras to televise 30 miles of stream bed have suggested a more complicated situation at this location.

The huge numbers and complicated hydrology challenge us to improve our understanding of these systems and of the factors that influence water level management. To that end, we have joined the effort by the International Joint Commission to assess the current water-level management efforts in the upper Great Lakes and, based on the evaluation, develop recommendations for future water management control strategies. Major topics of investigation include determining the factors that affect water levels and flows; developing and testing potential new regulation plans; and, assessing the impacts of these potential plans on the ecosystem and human interests. In particular, physical changes in the St. Clair River will be examined as one factor that might be affecting water levels and flows.

I understand that another panel today will focus on this issue. That panel will include Chuck Ledin, head of Wisconsin's Office of the Great Lakes. Chuck is serving as the U. S. Co-chair on the International Joint Commission's Ecosystem Work Group that is studying the question. We welcome your partnership in urging the IJC to work with the States, Congress, and regional stakeholders as its work moves forward. However, as this is a multi-year effort, results of the full study will not be available until 2012.

We also ask that you work with us to encourage the Administration to redouble its broader efforts in order to improve coordination among the various federal programs and agencies. Too frequently, expectations are not achieved. One reason for this is that available funds for researching or addressing a threat are diminished significantly by multiple transaction costs as funds move through numerous agencies towards real implementation. In addition, and as illustrated by the General Accountability Office in their Great Lakes reports, there are numerous competing programs that often work at cross-purposes. To reduce these inefficiencies and overhead "losses," we encourage Congress to assess the viability of block grant or other approaches for distributing new funds.

We applaud the members of Congress who have spearheaded efforts such as the introduction of the Great Lakes Regional Collaboration Implementation Act; funding for critical programs; and, other actions focused on protecting and restoring our nation's water belt. We nevertheless must do a better job of working together to follow through and advance our shared agenda.

Few actions in the last several decades in this country have demonstrated that commitment to a shared agenda better than the development of the Great Lakes Compact.

### **An Effective Long-Term Water Management Framework**

With encouragement from Congress, the Governors have worked in collaboration with many partners to develop an effective framework to manage the use of Great Lakes water now and in the future. *The Great Lakes-St. Lawrence River Water Resources Compact*

(Compact) details how the States will manage and protect the region's waters. In order to become law, each of the eight Great Lakes State legislatures must ratify the Compact. Congress must also provide its consent. After this, the Compact will become both State and federal law.

An open, transparent and nearly five-year process was used to develop the Compact in order to ensure that everyone's interests were represented and protected. In 2001, the Governors appointed senior State officials to a Water Management Working Group to develop the Compact. The Compact was drafted in consultation with a team of State water law experts and has been heavily scrutinized by independent legal experts and the public. The Governors' negotiators worked closely with an advisory committee comprising regional business, industry, farming, environmental and other interests. Further, the public weighed in during 150 days of public review and comment. Over 60 public meetings around the basin were held including ten in Wisconsin. Over 13,000 comments were submitted. Numerous other informational meetings were held across the region as the Compact was developed. These included briefings for Congressional staff and for State legislators. In short, every opportunity was given to people interested in Great Lakes water management to have their voice heard as the Compact was developed.

The Compact includes the following points:

- Economic development will be fostered through sustainable use and responsible management of Basin waters.
- In general, there will be a ban on new diversions of water from the Basin with limited and strictly regulated exceptions only when rigorous standards are met.
- The States will use a consistent standard to review proposed uses of Basin water. The States will have flexibility regarding their water management programs and how to apply this standard.
- Regional goals and objectives for water conservation and efficiency will be developed, and they will be reviewed every five years. Each State will develop and implement a consistent water conservation and efficiency program that may be voluntary or mandatory.

- The collection of technical data will be strengthened, and the States will share comparable information, which will improve decision-making by the governments.
- There is a strong commitment to continued public involvement in the implementation of the Compact.

The Compact will allow us to evaluate large new or increased waters uses for their impact to the environment, including impacts to Great Lakes water level, to ensure a new use is not harmful.

### **Water Conservation/Efficiency Critical Part of Water Management**

The water conservation and efficiency components of the Compact are particularly significant when you consider Great Lakes water levels. The details of the State implementation programs will promote efficient use of water and, coupled with other conservation and efficiency efforts, lead to the long term sustainability of our precious water supplies. The Compact will also improve our ability to track the States' water use and thus manage our water resources.

Conservation and efficiency efforts are important components of water use strategies that can be implemented by individuals, families, communities and business. Together, these efforts will reduce water loss and help the region prepare for uncertainty created by climate changes.

In fact, there is a direct link between water use and energy use. It takes a lot of energy to pump water, treat water and deliver to end users. Every gallon we don't use reduces our carbon footprint. According to the Pacific Institute, drinking water and sewage treatment plants in the U.S. use 75 billion kilowatt hours of energy a year. That is 3% of the total U.S. electricity consumption. Put another way, that energy use is equal to the entire residential electricity demand of California and is more than the entire pulp/paper and petroleum sectors combined!

So water conservation and efficiency must be a central element to the future of water use in Wisconsin and our region. Water use efficiency also protects water quality by reducing pressure on groundwater systems; reducing the quantity of water in need of treatment by sanitary sewer systems; and, increasing the quantity of water available to move through natural water cycles from the land to wetlands, rivers and ultimately the Great Lakes. Also, efforts to keep water on the land through rain garden construction, disconnecting gutters from the storm sewer, and installing pervious pavers all reestablish natural hydrology's that are protective of the Great Lakes water levels.

There is tremendous momentum and growing consensus in support of the Compact. 975 State legislators have voted to ratify the Compact. About 95% of all legislators who have cast a vote on the Compact have approved it. To date, four States—Minnesota, Illinois, Indiana and New York have completed ratification. And, yesterday, the Wisconsin State legislature met in special session to consider action on the Compact. Governor Doyle is eagerly anticipating signing this historic measure in coming days. Separately, Compact legislation has passed one legislative chamber in Pennsylvania and Ohio, and bills with strong bi-partisan support are pending in Michigan. Mayors and local governments have also endorsed the Compact; regional media are overwhelmingly supportive; and, more than 100 different and diverse groups have endorsed Compact legislation.

As we near completion of the State approval process, we look forward to seeking Congressional approval for the Compact so that it becomes both State and Federal law. Already, the bi-partisan Co-Chairs of the Congressional Great Lakes Task Force and individual members have endorsed the Compact. We invite your support and eagerly look forward to working with this Subcommittee to secure Congressional approval for this historic Compact.

### **Conclusion**

The continued health and availability of Great Lakes water in this region is critically important for our nation's environment and economy. Fortunately, we have a strong partnership and tools that we can use to ensure our future. Ms. Chairwoman and

members of the Committee, our pledge to you is that we will continue to work with you to ensure that the Great Lakes are protected now and for future generations. This is our responsibility to our citizens, our children and our grandchildren.

Thank you, Ms. Chairwoman.