



GREAT LAKES LEGISLATIVE CAUCUS

Great Lakes News for Legislators

September 2009

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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

- [Alliance for the Great Lakes](#)
- [Council of Great Lakes Governors](#)
- [Great Lakes and St. Lawrence Cities Initiative](#)
- [Great Lakes Blogger](#)
- [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](#)



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.csqmidwest.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
tanderson@csg.org

Mike McCabe
CSG Midwest
mmccabe@csg.org

Tracking state legislative activity: Bills in Illinois, Michigan and Wisconsin

Our [Great Lakes Legislative Caucus Tracker](#) includes links to more than 50 state and provincial bills dealing with the Great Lakes and water quality. If you have legislation to add or update to the tracker, please contact Tim Anderson at tanderson@csg.org or 630/925-1922. Here is an update on some recent state actions.

Illinois OKs Great Lakes task force, water quality laws

Several Great Lakes and water quality bills were signed into law last month by Illinois Gov. Pat Quinn.

With passage of [HB 3828](#), sponsored by Rep. Patricia Bellock, the Task Force on the Conservation and Quality of the Great Lakes has been created. This newly established group of state agency leaders and legislators will meet at least four times a year to develop strategies for protecting the Great Lakes; each year, it will provide the state General Assembly with recommendations for legislative action.



Three new laws in Illinois, meanwhile, seek to address [concerns about the presence of pharmaceuticals](#) in lakes and drinking water. [SB 1919](#) prohibits health care institutions from flushing unused medications into public wastewater. [HB 658](#) establishes a new state collaborative that will raise public awareness on how to safely dispose of unwanted or expired medications. The collaborative also will establish a network of "secure pharmaceutical collection centers." [SB 178](#) directs state agencies to create a public information campaign as well. The same legislation ([sponsored by Sen. Susan Garrett](#)) also seeks to improve how certain household waste, including pharmaceutical products, is handled and discarded.

Michigan's water and the "public trust"

[Michigan Rep. Dan Scripps](#) says the time has come to change state law in a way that clearly defines all waters - including rivers, streams and groundwater - as a "public resource, thus giving them the same protections against privatization as the Great Lakes and all surface water." He introduced a bill in September ([HB 5319](#)) to make that statutory change in Michigan. [According to this Chicago Tribune](#) article, the bill, in part, would allow citizens or the attorney general's office to challenge state-approved permits for water use "that are not in the public interest."



Ballast water programs in Wisconsin and Minnesota

Wisconsin's new biennium budget includes language authorizing the Department of Natural Resources to establish a permit program for vessels wanting to discharge ballast water into the Great Lakes. The state DNR, meanwhile, is [finalizing rules](#) for its ballast water permit program. [This recent CSG Midwest article](#) explains some of the different approaches being taken in the eight Great Lakes to regulate the ballast water of ships in order to control the introduction and spread of invasive species in the Great Lakes. This summer, a [Minnesota Court of Appeals upheld the state's existing permit program](#), which had been [challenged by an environmental group](#) as not doing enough to protect the state's waters from invasive species.

Tracking federal bills: Progress on restoration funding, resolution on Great Lakes compact

We also are [tracking various federal bills](#) through our Great Lakes Legislative Tracker. Here are updates on two of those measures.



Status report on restoration bill

A federal plan to make an unprecedented fiscal commitment to Great Lakes protection appears close to becoming a reality.

[The Great Lakes Restoration Initiative](#) already has been approved (as part of [H.R. 2996](#)) by the U.S. House at the \$475 million level proposed in President Barack Obama's FY 2010 budget. A U.S. Senate committee has appropriated \$400 million for this multi-agency initiative, which will include active involvement by and funding for the states. [According to the Minneapolis Star Tribune](#), the full Senate is expected to vote on the plan this month.

If funded, the initiative will spend federal dollars in five main "focus areas":

- 1) Removing toxic substances and cleaning up Areas of Concern (31 percent of funding);
- 2) Controlling the introduction and spread of invasive species (13 percent);
- 3) Improving near-shore health and curbing nonpoint source pollution (20 percent);
- 4) Protecting and restoring wildlife and habitat (22 percent); and
- 5) Measuring the health of the ecosystem and monitoring progress made under the Restoration Initiative (14 percent).

Here are some recent articles from the Great Lakes region on the initiative: [The New York Times](#), [The Detroit News](#) and [The Times Herald](#). In at least one Great Lakes state, Michigan, lawmakers have [introduced a resolution](#) voicing support for the federal plan.

Meanwhile, one of the "focus areas" of the Restoration Initiative - to clean up the basin's [Areas of Concern](#) - is the subject of a [new study by the U.S. EPA's Office of Inspector General](#). As this [Healing Our Waters Coalition press release](#) notes, the federal report details some troubling shortcomings with the current cleanup effort.

Stupak proposes new resolution on Great Lakes compact

Last year, [U.S. Rep. Bart Stupak of Michigan](#) was one of the few regional lawmakers who opposed congressional ratification of the [Great Lakes-St. Lawrence River Basin Water Resources Compact](#), citing concerns that the interstate agreement's wording did not do enough to protect against water diversions.

This year, he wants the Congress to pass a resolution ([H. Res. 551](#)) stating its belief that the compact "expressly prohibited the sale, diversion, or export of water from states in the Great Lakes basin."

Stupak has voiced concerns about the so-called "bottled water loophole" in the compact and other language in the agreement that treats Great Lakes water "as a product."

Here are two differing views on the compact: "[policy success story of the decade](#)" and "[green critics with serious concerns](#)."

Prone to 'kidney failure'? Warnings about gaps in Great Lakes wetlands protection

Gaps in state and federal wetlands policy are compromising the Great Lakes ecosystem, [a July report](#) of the National Wildlife Federation concludes.

The study focuses on the wetlands statutes and regulations in place in four states: Michigan, Minnesota, Ohio and Wisconsin. It also offers recommendations on how these states can better protect wetlands.

Common problems cited in the report include a lack of funding to assess the health of wetlands and to crack down on illegal activities, as well as the exemptions in place for certain industries (forestry and agriculture, for example) and types of wetlands. (Isolated wetlands, for example, don't receive the same protections.)

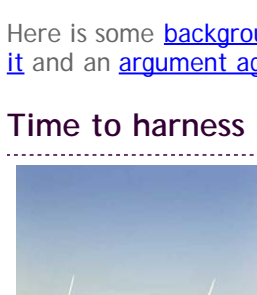
Authors of the report call the region's wetlands the "kidneys of the Great Lakes" because they play a vital role in helping reduce chemical loads in polluted runoff.

Michigan is one of only two U.S. states that administers the federal government's wetlands permit program under the Clean Water Act. (Other Great Lakes states have separate permitting systems for certain types of wetlands.) As a cost-cutting move, though, [Michigan may hand over authority to the federal government](#). Some legislators are [now trying to keep the state's 30-year-old wetlands protection program](#).

Meanwhile, stronger federal protection for wetlands is one of the primary goals of the Clean Water Restoration Act ([S. 787](#)), which was [passed by a Senate committee](#) in June.

Here is some [background on the federal legislation](#), an [argument for it](#) and an [argument against it](#).

Time to harness Great Lakes' wind power?



The potential of the Great Lakes to serve as a source of wind energy is the focus of a [new report by the state of Michigan](#).

The Great Lakes Wind Energy Council study lists offshore areas in Michigan most suitable for wind power and recommends that several actions be taken by state policymakers.

The council targets 537 square miles of state-owned Great Lakes bottomlands as being "most favorable" for wind development. These areas, the council says, have depths suitable for the placement of turbines and would have limited impacts on natural resources and recreation.

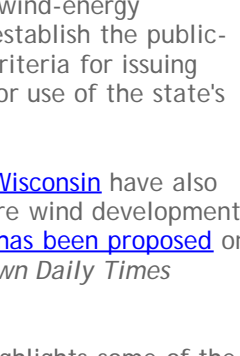
The council also says policymakers should begin the process of enacting new laws and rules to govern offshore wind-energy development. For example, legislators need to establish the public-review process for offshore proposals, develop criteria for issuing permits, and set up a "compensation structure for use of the state's bottomlands."

Other Great Lakes such as New York, Ohio and [Wisconsin](#) have also been taking preliminary steps to advance offshore wind development on the Great Lakes. In addition, a [wind project has been proposed](#) on the Canadian side of Lake Ontario, the [Watertown Daily Times](#) reports.

This recent article in [The Muskegon Chronicle](#) highlights some of the roadblocks (such as insufficient storage technology and transmission problems) that could impede future offshore development.

Around the Region: Ohio, Michigan, Illinois and Indiana

* An [Ohio state appeals court](#) has issued a ruling on where the dividing line should be between public and private property along the coast of Lake Erie. The question before the court was whether the line should be based on where water touches land, or what is determined to be the lake's "historic high-water mark," as set by the Army Corps of Engineers. [A state environmental group](#) said the court's ruling - to make the line where water touches land - is "ripe for appeal;" the Ohio Lakefront Group praises the decision in this [Cleveland Plain Dealer](#) article.



* Up to 85 million gallons of water per day could be piped from Lake Huron to the city of Flint and other communities under a water-withdrawal permit approved by the [Michigan Department of Environmental Quality](#). Under the proposal, a new pipeline would be built to serve water users in Genesee County, which already currently uses Lake Huron water via the city of Detroit's water system. Here is an article in the [Chicago Tribune](#) on the proposal.

* The Alliance for Great Lakes is pushing state officials in Indiana to strengthen rules governing how much pollution can be released into Lake Michigan and other waterways. [According to the alliance](#), draft rules in Indiana provide too many exemptions and don't adequately address nitrogen and phosphorus discharges. The advocacy group is particularly concerned about discharges from refineries, such as a Whiting, Ind., facility near Lake Michigan.

* The electric barrier being used as the last line of defense to keep Asian carp out of the Great Lakes is causing problems of its own, as these recent [Chicago Tribune](#) and [Milwaukee Journal Sentinel](#) articles note. Meanwhile, a bill passed in Illinois this year calls for a pilot program to reduce the Asian carp population in the Illinois River. Rep. Jim Watson, the sponsor of [HB 872](#), says he has been working for several years now on such a plan, ever since local fisherman told him that the native fish population was declining as a result of the invasion of Asian carp. If the pilot program gets the necessary funding, the Department of Natural Resources will devise and implement a plan "to reduce Asian carp by stimulating their bulk harvest in the Illinois River."