

Testimony by  
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On behalf of the Great Lakes States  
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U.S. House Committee on Transportation & Infrastructure,  
Subcommittee on Water Resources & Environment

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Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today to discuss our shared efforts aimed at restoring the Great Lakes, and our concerns about the negative impacts of aquatic invasive species on those restoration efforts. My name is Ken DeBeaussaert and I am the Director of the Michigan Office of the Great Lakes. I come to you today from the Great Lakes state. I am testifying today on behalf of the Great Lakes States and the State of Michigan's executive leadership, Governor Jennifer Granholm, and Lt. Governor John Cherry, the current chair of the Great Lakes Commission.

I want to start by thanking you, Chairman Oberstar, for the support you have provided over many years for a long list of critical Great Lakes programs and initiatives. And, we applaud your leadership on national issues of importance to the Great Lakes region, including reauthorizing the Clean Water Act State Revolving Loan Fund at a significantly higher level than has been the case in the recent past. The loan fund is especially important to the Great Lakes States where these additional funds will aid our efforts to protect our drinking water and our beaches from sewage-contaminated pollution and runoff.

This problem – preventing pollution that contaminates drinking water and fouls our beaches – is one of the top priorities of the Great Lakes States. It is our priorities that bring us here today. Today is Great Lakes Day, a day when we ask Congress to listen as we ask for your help: to join with us in sharing the task of protecting our Great Lakes, of maximizing their value and importance as an economic engine for the region and in addressing the top priority problems facing the lakes and their residents.

We are more united than we have ever been regarding our shared agenda to protect and restore the Great Lakes. Attached to my testimony are the Great Lakes Commission's Great Lakes Program and a letter from the Council of Great Lakes Governors outlining our list of short-term actions for attention by Congress in 2007. Together, these reflect requests to Congress from the States to share in the investment we are making to protect and enhance the quality of our region's most valuable asset. The requests we submit are crafted to be realistic and achievable even in these times of tight budgets. Our requests are crafted to present to Congress the immediate actions that are needed to implement the Great Lakes Regional Collaboration Strategy – the blueprint that has been developed to protect and restore the Great Lakes.

This blueprint was developed over a 12-month period that was initiated by President Bush's Executive Order. The plan was released in December 2005. An unprecedented level of input – involving over 1500 people from federal, state, and local governments, industry, conservation groups and tribal interests –

went into the plan. This plan reflects the best efforts of basin government leaders and stakeholders to organize and prioritize the allocation of resources to respond to the biggest challenges facing the Great Lakes. One of the key ingredients missing in this blueprint is critical to its success: increased support from Washington to help us put this plan into action.

We were pleased to work with Congress last year to pass the Great Lakes Fish and Wildlife Restoration Act of 2006, which increased the authorized funding for research projects and on-the-ground regional projects of significant merit to further enhance our restoration efforts for fish, wildlife, and the habitats upon which they depend. We ask for Congress's support for critical programs like the state revolving loan fund and the Great Lakes Legacy Act to clean up contaminated sediments. We call on Congress to follow through on the promise of these important programs with the needed appropriations. At the same time, we note that even if these programs are fully funded, these efforts are simply not enough to address the critical problems we face.

Our region is united on what must be done this year to advance our efforts to protect and restore the Great Lakes. This unity is reflected in a one-page document, "Five Lakes – One Voice," that has been endorsed by a number of regional groups and is also attached to my testimony. We urge Congress to help us:

- Stop the inflow of aquatic invasive species by passing a National Aquatic Invasive Species Act, legislation (S. 770 as introduced in the 109<sup>th</sup> Congress) that authorizes comprehensive prevention and control programs, including construction and maintenance of the Asian carp barrier and critically needed regulations on ships' ballast water to prevent the introduction and spread of harmful aquatic invasive species, and appropriating \$20.2 million to the Great Lakes Fishery Commission to control sea lamprey and to provide a unified forum for ecosystem-based management of the fishery resources of the Great Lakes basin.
- Clean Up Toxic Sediments by appropriating \$54 million for the Great Lakes Legacy Act and restore Great Lakes "toxic hot spots."
- Restore Great Lakes Wetlands by appropriating \$28.5 million to partner with the states in restoring 200,000 acres of valuable Great Lakes wetlands and \$16 million for the Great Lakes Fish and Wildlife Restoration Act.
- Protect Water Quality by appropriating \$1.35 billion for the Clean Water State Revolving Fund (CWSRF) to update sewerage systems, safeguard drinking water and protect coastal health in the Great Lakes. Reauthorize the CWSRF in order to provide additional funding in future years.
- Enact Great Lakes Restoration Legislation by authorizing the recommendations from the Great Lakes Regional Collaboration restoration strategy and funding coordinated implementation actions.

We are especially appreciative of this committee calling attention to the problem of invasive species in the Great Lakes. Tackling this problem – curbing the introductions of aquatic invasive species – is a top priority in 2007.

In the Great Lakes region, we take seriously our stewardship responsibility. You've probably heard some of the superlatives we often use to describe the Great Lakes and why they are a vital national treasure. The Great Lakes constitute the largest surface freshwater system in the world. More than 35 million Americans receive the benefits of drinking water, food, a place to work, live, and recreate, and transportation from the Great Lakes.

Our national economy depends on the Great Lakes. The Great Lakes States account for 30 percent of the total U.S. Gross Domestic Product. The Great Lakes are a key national transportation network. U.S.-flag vessels annually ship over 125 million tons of cargo between Great Lakes ports. Fishing, boating, hunting and wildlife-watching generate almost \$53 billion in annual revenues in the Great Lakes region. One-third of all the boats registered in the U.S. are in the Great Lakes States and boating alone supports over 250,000 jobs.

The special qualities of the lakes inspire bold leadership to protect them and to ensure that they are used wisely today so that future generations can enjoy their bounty. We boast that the Great Lakes are a living laboratory and that we are pioneers – global leaders in forging fresh water resource management and protection programs. In Michigan, we are proud of the fact that we banned the sale of DDT and PCBs before the rest of the nation banned these harmful chemicals in the 1960s and 70s. We took these actions because it was our duty as stewards of these Sweetwater Seas. We also banned these chemicals first in Michigan to spur the federal government into action.

We face a similar crisis in the region today because of the problem of invasive species. Unfortunately, federal action to halt introductions of invasive species has been too slow and the problems continue to mount. Frustration over this inaction led five Great Lakes states to join a lawsuit to try to force action by the U.S. Environmental Protection Agency (EPA) through provisions of the Clean Water Act. A federal district court decision requiring repeal of the exemption for ballast water from the Clean Water Act is now being appealed by the U.S. EPA.

In 2005, after years of waiting for federal action and requiring vessels to demonstrate that they were using best management practices, the Michigan legislature with support of the Michigan Chamber of Commerce and the Michigan Manufacturers Association and with only one dissenting vote in both chambers passed legislation requiring ocean-going vessels that visit Michigan ports to obtain a permit beginning in 2007. Under provisions of the law signed by Governor Granholm, a ship operator must utilize one of four technologies that the state has identified through a general permit or an alternative method approved by the state to discharge ballast water from an ocean-going ship at a Michigan port.

Individual state permitting is far from being a perfect solution to this complex problem. We recognize, of course, that we cannot protect Michigan's Great Lakes waters from invasive species that could be introduced by ships discharging their ballast water in other parts of the lakes. But, we are resolute in our determination that we cannot sit by as we watch the Great Lakes teeter on what some scientists describe as the tipping point of ecological meltdown.

The problems caused by aquatic invasive species and the threat that they pose to our region is well documented. Unfortunately, the list of problems and the list of invasive species continue to grow. As of 2006, more than 180 aquatic invasive species have become established in the Great Lakes. These species are not just a threat to the health of our fishery - they are a threat to our economy. The estimated cost of invasive species is \$5.7 billion annually. The cost of just one invader, zebra mussels, is estimated to cost cities, power generators and others \$500 million annually.

The impact of invasive species on the ecological health of the Great Lakes is equally alarming. Perhaps most alarming is what we don't know; our understanding of the extent of the damage continues to evolve as more creatures are introduced and as the science catches up. Lake Erie has developed a 3,900 square mile dead zone in the summer months. Although the causal mechanisms are not clear, it is suspected that the dead zone is linked at least in part to changes in the dynamics of the food web in Lake Erie that correspond to the proliferation of zebra mussels. In Lakes Michigan and Huron, the proliferation of zebra and quagga mussels, both non-native species that arrived here in the ballast tanks of ships, is thought to be responsible for the crash in populations of diporeia. This tiny freshwater shrimp has become the unlikely poster-animal that symbolizes the declining health of the Great Lakes fishery. Many species of valuable commercial and sport fish, including whitefish, perch, trout and salmon, are directly or indirectly dependant on diporeia for food. In some parts of the lakes, where zebra and quagga mussels have taken over, diporeia are virtually gone and the health of fish stocks is declining dramatically. One particular example is the severe decline in the population of Chinook salmon in Lake Huron since 2002. We

believe this decline may be a result of changes in the transfer of energy throughout the food web brought on by quagga mussels. If, in fact, the basic food web has been disrupted by aquatic invasive species in Lake Huron, the probability of recovering the salmon population through stocking of more salmon is highly unlikely.

One year ago at Great Lakes Day, we urged action to combat invasive species and enact ballast water legislation. One year later we return with an even greater sense of urgency. Yet another invasive species has been identified and a new disease of fish – viral hemorrhagic septicemia (VHS) – is spreading throughout the Great Lakes at an alarming rate. Although we do not fully understand what VHS will do to fish populations in the Great Lakes, the virus has already caused significant mortalities of many fish species in Lakes Huron, Erie, and Ontario.

The collapse of sport (salmon) and potentially commercial (whitefish) species that are likely related to the introduction of aquatic invasive species has already had a significant economic impact to the port communities in Michigan along Lake Huron, and to the commercial operations targeting lake whitefish (State and Tribal). That impact will be further exacerbated by VHS.

Fortunately, solutions to these problems, though not simple, have already been outlined. In the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes, a straightforward suite of solutions is presented. I had the honor of co-chairing the Strategy Team that developed the Aquatic Invasive Species recommendations of the Strategy. As I noted earlier, our priority recommendations to Congress this year are built around this blueprint. One action alone, passage of a National Aquatic Invasive Species Act (NAISA), similar to S. 770 as introduced in the 109<sup>th</sup> Congress would be a monumental step forward in reducing the risks of future introductions and spread of invasive species. I would note that a NAISA bill was re-introduced last week by Senators Levin and Collins. We are now reviewing this bill.

If a NAISA bill similar to S. 770 as introduced in the 109<sup>th</sup> Congress becomes law, it would fulfill the first two requests on our list of short term actions. First, this bill would authorize the Corps of Engineers to complete the construction, as well as operate and maintain, the electric barriers designed to prevent Asian carp from invading the Great Lakes via the Chicago Sanitary and Ship Canal. We are pleased to see funding for the barrier included in the President's budget recommendations for the Corps although we have concerns with the specific funding provisions. We hope that Congress will enact legislation that provides for stable, long-term federal funding for the operation and maintenance of both the temporary

dispersal barrier and the permanent barrier that is still under construction. Another way to do this would be to pass H.R. 553 and S. 336—legislation to federally fund full construction, maintenance and operations of the barriers. The Great Lakes states have already contributed monies to overcome federal funding shortfalls, in addition to the significant amounts committed by the State of Illinois. The federal government must now do its part to ensure that the Great Lakes remain protected from Asian carp.

S. 770 as introduced in the 109<sup>th</sup> Congress also included the badly needed provisions to reduce the risk of future releases of invasive species from ships discharging their ballast water. During the development of the Great Lakes Regional Collaboration Strategy, there was broad consensus that the ballast water provisions of S. 770 would meet our immediate needs. It is worth noting that this consensus support included representatives of the region's maritime industry.

In addition to the recommendations of the Great Lakes Collaboration, I have attached a 2006 letter signed by the eight Great Lakes Governors, which outlined to members of the U.S. Senate their concerns about proposed legislation in the last session of Congress and outlining their view of key elements in any ballast water legislation.

We believe that the time to pass legislation to create a strong, protective uniform program to regulate ballast water discharges in the Great Lakes is now. We applaud your recent statements, Chairman Oberstar, expressing your commitment to tackle this challenge in 2007 and you have our pledge to work with you to craft a workable solution. Toward that end, the Great Lakes States have continued a dialogue with representatives of Tribal and local governments, the maritime industry, conservation groups and others. Our goal continues to be to identify common interests in a federal solution to the problem of ballast water induced releases of invasive species. We continue to discuss many of the thorny issues that, if they could be resolved, might help you in your efforts to find a workable federal policy solution. We already have consensus on a number of general elements of a solution. We will be continuing our dialogue in the future and look forward to sharing with you the results of our ongoing discussions. One certainty is the strong consensus on one fundamental point: we all agree that a federal solution to this problem is needed and this need is urgent.

In addition to Michigan's enactment of ballast water permit requirements, ballast water legislation was introduced in several Great Lakes states last year. Already this year, a bill modeled after Michigan's was introduced in the Minnesota legislature. Clearly, a state-by-state approach creates challenges for our states, the maritime industry, and others. But, if Congress fails to act, it is likely that these state measures

will proliferate. The Great Lakes states continue to believe that the best solution is a federal ballast water permit program that is uniform, consistent and protective of the unique qualities and characteristics of the Great Lakes.

In closing, Mr. Chairman and members of the committee, our pledge to you is that we will continue to work together to develop solutions for stopping the spread and introduction of invasive species. We also pledge to ensure that the investments that we ask Congress to make toward our list of short term priorities are put to good use.

We must protect and restore this ecological treasure. That will be our legacy for future generations.  
Thank you, Mr. Chairman.