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October 14, 2010

Mr. Bryan Arroyo and Ms. Mary M. Glackin (Acting)
Co-Chairs, ANS Task Force
U.S. Fish and Wildlife Service
4401 North Fairfax Dr., Room 322
Arlington, VA 22203

Dear ANS Task Force Co-Chairs:

The Great Lakes Panel on Aquatic Nuisance Species (GLP) respectfully submits the attached *Recommendations for the Renegotiation of the Great Lakes Water Quality Agreement*. The Great Lakes Water Quality Agreement (Agreement) forms the binational basis between the U.S. and Canadian governments (the Parties) for the protection of the physical, chemical, and biological integrity of the Great Lakes ecosystem. As you know, the GLP has been very active in binational efforts to foster coordination on AIS issues, and there is a continued and growing need for binational coordination.

The Parties are in the process of renegotiating the Agreement, which was first signed in 1972 and last revised by protocol in 1987. The renegotiation process is being led by the U.S. Department of State and the U.S. Environmental Protection Agency, (U.S. EPA) and the Canadian Department of Foreign Affairs and International Trade and Environment Canada. While the Agreement, from the beginning, has had an appropriate focus on water quality, there is only limited acknowledgment of the adverse effects of the introduction, establishment and spread of aquatic invasive species (AIS) on the biological integrity and economic sustainability of the Great Lakes. Since the Agreement was last revised, many invasive species have become established in the lakes, including zebra and quagga mussels, round gobies, viral hemorrhagic septicemia causing significant individual and cumulative impacts to the ecosystem.

The GLP previously submitted to the ANS Task Force a position statement recommending that amendments to the Agreement explicitly address the AIS issue. As follow-up to that statement, the GLP has developed more detailed recommendations on how to address AIS in the Agreement (attached). The GLP believes these recommendations should be addressed on a binational level through the Agreement to more effectively protect and restore the integrity of the Great Lakes from the impacts of the introduction and spread of AIS.

We respectfully request your consultation with ANSTF representatives from the U.S. Department of State and the U.S. EPA on the Agreement in regards to these recommendations developed by the GLP. Please feel free to contact me should you have further questions on this matter.

Sincerely,

Phil Moy, Ph.D.
Great Lakes Panel Chair
University of Wisconsin Sea Grant Institute

**Great Lakes Panel on Aquatic Nuisance Species
Recommendations for the Renegotiation of the Great Lakes Water Quality Agreement**

The Great Lakes Panel on Aquatic Nuisance Species¹ (GLP) commends the binational effort to renegotiate the Great Lakes Water Quality Agreement (Agreement) in order to address the environmental challenges that have emerged since the Agreement was amended in 1987. While the purpose of the Agreement to “restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes Basin Ecosystem” continues to serve as a laudable goal, the current Articles and Annexes of the Agreement do not address the impacts of the introduction, establishment and spread of aquatic invasive species (AIS) on the biological integrity and economic sustainability of Great Lakes basin.

The GLP has been providing leadership on a binational level for nearly two decades to coordinate AIS prevention and control initiatives in the Great Lakes region. Many of the representatives on the Panel are considered the foremost experts in the field with extensive experience in AIS prevention, control and management. In this capacity, the GLP respectfully offers the following recommendations for renegotiation of the Agreement. The GLP believes these recommended actions must be addressed to more effectively protect and restore the integrity of the waters of the Great Lakes basin ecosystem from the irreversible impacts of the introduction and spread of AIS.

- ***Implement a new annex that explicitly addresses the problems of AIS and integrates existing prevention, control and management goals and objectives***

The Great Lakes Panel recommends that a revised Agreement explicitly address the problems of AIS in a new annex that provides clear goals, objectives and accountability mechanisms appropriate for binational implementation. The GLP recognizes that multijurisdictional coordination is fundamental to preventing the introduction and spread of AIS via high risk pathways such as maritime commerce, canals and waterways, trade of live organisms and recreational activities. In addressing these pathways, a new AIS annex should integrate and be compatible with measurable regional goals, objectives and recommendations established under existing frameworks including, among others, the AIS chapter of the *Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes* (GLRC), *The Canadian Action Plan to Address the Threat of Aquatic Invasive Species*, the *Aquatic Nuisance Species Task Force Strategic Plan*, *Lake Superior Aquatic Invasive Species Complete Prevention Plan*, and individual *State Management Plans on Aquatic Nuisance Species Prevention and Control*.² In taking a binational approach to address AIS pathways, the GLP recommends the following overarching goals upon which to develop the annex:

1. Prevent to the fullest possible extent introduction and establishment of new AIS into the Great Lakes
2. Implement control and management actions, including extirpation of existing AIS, to levels that ensure the sustainability of Great Lakes ecosystems and the social, economic and cultural uses they support

¹ The Great Lakes Panel on Aquatic Nuisance Species was convened in 1991 under the auspices of the Aquatic Nuisance Species Task Force as directed by Section 1203 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L. 101-646). Though created through U.S. law, the Great Lakes Panel’s membership is binational.

² These documents can be accessed through the following links: The Great Lakes Regional Collaboration (<http://www.gllrc.us/strategy.html>); The Canadian Action Plan (<http://www.dfo-mpo.gc.ca/science/enviro/ais-eae/plan/plan-eng.htm>); The Aquatic Nuisance Species Task Force Strategic Plan (<http://www.anstaskforce.gov/plan.php>); The Lake Superior Aquatic Invasive Species Complete Prevention Plan (http://www.epa.gov/glnpo/lakesuperior/lakesuperior_ais_draft.pdf); individual State Management Plans (<http://anstaskforce.gov/stateplans.php>).

3. Prevent to the maximum extent possible the spread of AIS within the basin

To provide a strong foundation for achieving the aforementioned goals, we recommend establishing a binational science-based surveillance program to monitor the Great Lakes for new AIS, leveraging current monitoring activities wherever possible. In addition, we believe that an adaptive management feedback process instituted on a binational level will help facilitate ongoing improvement in AIS programs, reflecting practical experience and research findings. Lastly, funded efforts need to be expanded in areas of research, outreach and policy development in both countries to advance progress on AIS prevention and control in the Great Lakes region.

In our opinion, a new AIS Annex should facilitate development of consistent goals and objectives upon which to establish a balanced federal approach using guidance from the states and provinces in the region. Consistency in management on a binational level is essential in strengthening protective measures needed to interrupt AIS pathways to prevent the introduction and spread of AIS. The renegotiation of the Agreement provides an important opportunity to achieve these types of challenges in the future and set consistent, binational standards to address AIS introduction and spread.

- ***Ensure the renegotiation and annex development processes provide adequate and meaningful opportunities for stakeholder engagement***

The Great Lakes Panel recommends that the process of developing an AIS annex during the renegotiation period include meaningful opportunities to collaborate, consult, and engage with the various stakeholders in the region who are working on AIS prevention and control. This includes, but is not limited to, the member entities represented on the GLP.

To address the challenges in the development of the AIS annex, pro-forma listening sessions in lieu of substantive dialogue will fall short. The renegotiation process will be most effective if draft language for an AIS annex is provided to and discussed with relevant stakeholders to ensure that the guidance to address AIS issues under the annex is realistic, pragmatic and feasible. It is particularly important that the Great Lakes states and provinces are engaged in the renegotiation process as they have unique legal obligations to protect their waters for the benefit of the public. Stakeholder engagement in the development of the AIS annex will also serve in laying the foundation for robust participation of these stakeholders and others in the execution of the annex.

- ***Maximize resources and knowledge by utilizing and, if necessary, modifying existing institutional arrangements to coordinate initiatives as conducted under the implementation of an AIS annex under a revised Agreement***

The Great Lakes Panel recommends that the framework for implementing a new AIS annex under the Agreement consider and build on existing institutional arrangements for AIS management in both the United States and Canada. For instance, the GLP, with binational representation and diverse institutional knowledge, maintains representation from a variety of sectors including U.S. and Canadian federal agencies, tribal/First Nation authorities, the eight Great Lakes states and the provinces of Ontario and Québec, regional agencies and organizations, conservation groups, local communities, commercial interests, and the academic/research community. These agencies and organizations, both individually and collectively, are needed to address AIS problems throughout the Great Lakes region. Further, the members of the GLP have been providing leadership and working together to address AIS issues for nearly two decades. The work of the GLP is guided by U.S. federal mandate (P.L. 101-646, 16 USC 4701-474) and includes the following activities, among others:

- Identify AIS priorities for the Great Lakes region
- Develop regional position statements on AIS priorities

- Provide advice to public entities, private sector groups and other interested parties concerning AIS prevention and control
- Coordinate AIS program activities in the Great Lakes in areas related to information and education, research and policy and other areas
- Provide a forum for interagency/organizational communication and serve as a vehicle for regional dialogue and discussion on AIS issues.

Rather than adding another layer of bureaucracy, the GLP and its members, along with other relevant entities, should be utilized for guidance in coordinating implementation of a new AIS annex. Although the GLP was originally established under U.S. federal statute, it operates as a multijurisdictional entity with binational representation. In serving as a long-standing forum to address AIS issues on a regional level, the GLP holds the experience and capacity to effectively play a coordinative role in support of implementation of the Agreement and its annexes.

In summary, the Great Lakes Panel strenuously recommends that the amended Great Lakes Water Quality Agreement include an AIS-specific annex, and offers its services as a collaborative forum to help coordinate initiatives conducted as part of a new AIS annex under a revised Agreement. A binational mechanism for effective collaboration and coordination between Canada and the United States to address the challenges of AIS prevention and control is essential for protecting the ecological integrity and economic sustainability of the Great Lakes basin.³

³ Sarah Bailey, representing Fisheries and Oceans Canada (DFO) on the Great Lakes Panel on Aquatic Nuisance Species, has abstained from supporting this recommendation due to DFO's role on the Great Lakes Water Quality Agreement negotiating team.