

Eastern Surfing Association; Environmental Advocates of New York;  
Great Lakes United; Lake Michigan Federation; Lake Superior Alliance;  
Michigan United Conservation Clubs; National Wildlife Federation; Ohio  
Environmental Council; Save the River; Tip of the Mitt Watershed Council;  
Trout Unlimited-Illinois Council; Western Pennsylvania Conservancy;  
Wisconsin Association of Lakes

April 28, 2004

Susan Bodine  
Majority Staff Director  
Subcommittee on Water Resources and Environment  
B-376 Rayburn House Office Building  
Washington, D.C. 20515

John Rayfield  
Majority Staff Director  
Subcommittee on Coast Guard and Maritime Transportation  
507 Ford House Office Building  
Washington, D.C. 20515

Re: March 25, 2004 hearing on Ballast Water Management: New International Standards and  
National Invasive Species Act Reauthorization

Dear Ms. Bodine and Mr. Rayfield:

Congress has an exciting opportunity to pass the most comprehensive legislation yet to deal with the problem of invasive species in the United States - the National Aquatic Invasive Species Act (NAISA, S. 525, H.R. 1080/H.R. 1081). The undersigned Great Lakes organizations maintain that a coordinated, national solution to the problem of aquatic invasive species is the preferred management option, and that NAISA is the best available tool to move that solution forward. Nevertheless, distinct ecosystems such as the Great Lakes do call for special approaches, and we ask that you include the recommendations below in NAISA.

We endorse the viewpoint, shared by several witnesses at the March 25, 2004 joint hearing before the Coast Guard and Maritime Transportation and Water Resources and Environment Subcommittees and by the National Environmental Coalition on Invasive Species, that the recently passed IMO convention is an important step for the global community, but offers insufficient protection from new invasive species entering the waters of the United States via the ballast tanks of ocean ships. As aquatic invasive species have had a severe impact on the fish and wildlife of the Great Lakes ecosystem, as well as a tremendous impact on regional economies, our recommendations focus on special steps that Congress can take to enhance protection for the Great Lakes under NAISA.

### **Why a Specialized Great Lakes Approach Makes Sense**

The Great Lakes are ideally situated to receive special consideration for protection from invasive species. Unlike other U.S. coastal zones, which are exposed to the greater ocean waters, the Great Lakes are a "closed" aquatic ecosystem. A single waterway, the St. Lawrence Seaway, functions as the primary entry point for invasive species from ships' ballast tanks to the Great Lakes. The other major potential entryway for invasive species is the Chicago Sanitary and Ship Canal. Focusing on these two entry points could

April 28, 2004

Page 2

effectively control a large percentage of potential new invasive species. Additionally, the Great Lakes system serves as an entry point for many invasive species that impact inland freshwater lakes and rivers across North America. Researchers have identified predominant vectors for transportation of invaders to the Great Lakes as well as specific species found at commercial ports in the Eastern Europe Ponto-Caspian region that pose a threat of invading. By targeting prevention and research efforts on these discrete vectors and species, many potential invasions could be prevented before reaching the Great Lakes and spreading throughout the nation's inland waters. Third, regional ports, shippers, and lake carriers are receptive to a more aggressive invasive species prevention strategy for the Great Lakes. Finally, the existing management strategy of open ocean ballast water exchange has been in place in the Great Lakes over a decade, and is simply ineffective. Most ships entering the Great Lakes declare "No Ballast On Board (NOBOB)," which the Coast Guard has interpreted as exempt from the management requirement. Even when implemented, the exchange procedure does not remove many potential invaders from ballast tanks.

### **Recommendations**

1. Ballast water standards must be established immediately. We support the establishment of aggressive yet achievable interim ballast water standards to encourage technology development, and particularly the rapid establishment of biologically effective final ballast water standards that are scientifically proven to fully protect Great Lakes waters from ballast-mediated invasions. The lack of standards is a significant impediment to developing badly needed ballast water treatment technologies.
2. The Great Lakes should provide a testing ground for immediate experimental on-board ballast water treatment technologies. NAISA should allow for and support a regional experimental program if endorsed by the Great Lakes states and consistent with federal provisions. Due to the relatively few ocean-going ships that ply the Great Lakes, experimental treatments could easily be implemented and monitored once standards are articulated. Should a treatment be demonstrated to be successful, rapid replication of the treatment regionally and nationwide would be possible as ships move to achieve standards under NAISA. A side effect of this real-time experiment will be a reduction in species entering the Great Lakes due to the use of technologies on the small number of ocean-ships that are the vector for ballast mediated invaders.
3. Congress should use NAISA to explore alternative transportation options for foreign cargos entering the United States via the St. Lawrence. A transfer facility that allowed ocean-going ships to discharge their cargo to lake carriers or rail transit prior to entry into Lake Ontario would eliminate much of the threat of invasive species entering via ballast water and whole ship transfer, and may also ameliorate homeland security concerns.
4. NAISA should direct relevant agencies, including the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency-Great Lakes National Program Office, to prioritize long-term permanent hydrologic separation of the Mississippi River and Great Lakes watersheds. This should include funding for a study to clarify the feasibility and cost-effectiveness of engineering and transportation options for separating the two basins. Additionally, NAISA should provide full funding for the complete construction, operation, and maintenance of two permanent underwater barriers in the Chicago Sanitary and Ship Canal (commonly known as Barrier I and Barrier II).

April 28, 2004  
Page 3

5. Agencies and industries alike must be held responsible for prevention of aquatic invasive species introductions via ballast water tank transfer. The nature of new ballast water standards and management programs demands that clear enforcement and accountability measures are provided for in NAISA.

Thank you for your efforts to craft legislation that recognizes the scale of this national problem, yet is flexible enough to respond to the needs of unique ecosystems such as the Great Lakes. If you have any questions or comments, please do not hesitate to contact Joel Brammeier at (312) 939-0838 x4 or [jbrammeier@lakemichigan.org](mailto:jbrammeier@lakemichigan.org).

Sincerely,

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