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The Nature Conservancy Comments on the Annex 2001 Draft Implementing Agreement

(to be read aloud by The Nature Conservancy at Public Comment meetings)

The Nature Conservancy recognizes the importance of sound water management as a necessary component to the health of biodiversity within the Great Lakes region. Consequently, we have been actively engaged in the process that developed this draft agreement. Our focus is on how this agreement will affect ecosystems of the Great Lakes.

The Nature Conservancy has sought opportunities worldwide to bring sound science to water management because natural patterns of water levels and flows – often disrupted through water management – are critical to freshwater biodiversity.

Net water loss to the Great Lakes basin is not the sole source of harm to this ecosystem. How water is withdrawn and returned also has potential to disrupt flow patterns, including the natural magnitude, frequency, timing and duration of critical flow conditions, and the natural rate at which flow conditions change.

We are encouraged that the governors and premiers have collaborated to produce this draft agreement to guide their management of the world's largest freshwater ecosystem. This agreement has the potential to be a model for water policy worldwide.

Currently our states and provinces are managing the waters of the Great Lakes under a patchwork of rules and policies. This new draft agreement provides an opportunity for clear and consistent water management policy.

For the first time, this agreement puts forth consistent standards for evaluating proposed water withdrawals from all of the waters of the Great Lakes basin. These standards are based on environmental criteria and will be applied by all Great Lakes states and provinces.

In addition to the commitment by the states and provinces to manage withdrawals from all waters of the Great Lakes basin - the Great Lakes themselves, headwater streams, large rivers, inland lakes, wetlands, and groundwater - as a single, connected ecosystem under a uniform set of standards, the state and provincial leaders are setting a precedent for environmental policy.

With the inclusion of the Improvement standard, Great Lakes Governors and Premiers commit themselves to improve the Great Lakes ecosystem through responsible water use. This agreement is the first example of water policy to link protective use of an ecosystem, such as the

Great Lakes, with restoration of the same system. This is a laudable and critical step forward in our road to restoration of the Great Lakes.

While we support this agreement overall, in order to effectively protect and improve the Great Lakes ecosystem, the agreement needs to be strengthened in four specific areas - water conservation, the averaging period, the phase-in time to implementation and the application of the Improvement standard.

Our first recommendation is that the agreements specify what is required to meet the water conservation standard.

- We encourage the states and provinces to develop and commit to regional water conservation goals that will be met by implementation of environmentally sound and economically feasible water conservation measures.
- Around the world, cities, industries and farms have demonstrated that water conservation can reduce water usage by 25 to 50 percent or more, saving money and energy, while protecting freshwater ecosystems (Postel and Richter 2003).
- Chicago's Mayor Daley recently announced at the 2004 Great Lakes St. Lawrence Mayors' conference that "every five percent reduction in water use saves the City \$1.2 million in the cost of treating and pumping water." (<http://egov.cityofchicago.org/city>).
- The United States and Canada have twice the per-capita water use as Europe. Per capita water consumption in the United States is more than four times higher than the global average. There is opportunity for water conservation in every sector.

Our second recommendation is that the averaging period be 30 days so that all water use sectors are subject to the same standards. This will prevent harm to freshwater ecosystems caused by unmanaged withdrawals.

- The 120-day averaging period proposed in the agreement is not based on environmentally sound science and poses considerable risk to freshwater ecosystems.
- Averaging periods longer than 30 days would exempt from oversight many withdrawals that are likely to damage freshwater ecosystems.
- The long averaging period would allow users to withdraw the highest quantities of water during the driest months; these are the months when streams and other sensitive ecosystems are most vulnerable. They could do this without meeting any of the standards as long as their average was below 100,000 gallons per day over 120 days.

We recommend a five-year phase-in period to develop jurisdictional programs to manage withdrawals.

- We understand that states and provinces may need time to develop new water management programs that are consistent with these new standards. However, as a region we need to implement consistent water management standards in a timely manner, and should not wait the proposed 10 years to implement this policy across jurisdictions.
- These standards should be implemented as soon as possible to avoid further degradation to the Great Lakes ecosystem from unmanaged withdrawals.

And finally, we recommend that all water users should be required to improve the ecosystem.

- Holding all withdrawals to the standards of no harm, water conservation, and improvement was the core commitment of Annex 2001.
- This commitment is precedent-setting. A strong Improvement standard catalyzes the region to think creatively and collectively about how our natural systems can be improved. This policy loses its restorative power when all users are not required to improve the ecosystem through water use.
- Individually, these improvements do not need to be large and costly. Users will do incremental good rather than incremental damage.

The commitment to the Great Lakes basin and collaboration shown by the states and provinces encourages and inspires us, and we continue to support the region's leadership in the development of this precedent-setting water management policy.

The foundation is laid for a water policy that could lead to real ecosystem benefits for the Great Lakes basin. Its effectiveness depends on whether the states and provinces make the necessary changes to the agreement, adopt it, apply these standards consistently, and enforce them.