

December 23, 2015

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Re: Comments on Draft 2015 Lake Superior Lakewide Action and Management Plan, dated November 12, 2015

Dear Ms LaPlante and Ms Wood, Co-Chairs Lake Superior Partnership:

Lakewide Action and Management Plans (LAMPs) are central to the implementation of the governments' commitments in the Great Lakes Water Quality Agreement of 2012 (GLWQA). Therefore, we are particularly concerned about ensuring that the LAMPs are properly developed and implemented.

We are pleased to send you the following comments on behalf of the 35 groups who have participated in the formation of and have agreed to the content of this submission. We are local, regional and national NGOs, citizen action groups and academic institutions from Canada and the United States who are dedicated to the protection and restoration of the Great Lakes and St. Lawrence River. The organizations endorsing these comments are listed at the end of this submission.<sup>1</sup>

Even though some of these groups are not directly involved in Lake Superior issues, we are all united by caring for each of the lakes and the recognition that each of the lakes is part of the one Great Lakes–St. Lawrence River ecosystem. Therefore, the well-being of each part matters to all of us.

Also the Lake Superior Lakewide Action and Management Plan drafted November 12, 2015 (Lake Superior Draft LAMP) is the first LAMP prepared under the 2012 protocol amending the GLWQA. Therefore, the lessons learnt here are critical in terms of the precedents this LAMP will set for the LAMPs that will be written for each of the other Great Lakes over the next four years.

**We urge the LAMP Annex 2 Subcommittee to consider our comments not just in finalizing the Lake Superior Draft LAMP, but also as they refine the guidance that they have developed for the writing of the Lake Michigan, Lake Huron, Lake Erie and Lake Ontario LAMPs.**

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<sup>1</sup> The Great Lakes Network facilitated the pulling together of the groups on this topic. John Jackson coordinated the preparation of these comments.

Throughout this document the numbers in square brackets in the body of the report refer to pages, tables or sections in the Lake Superior Draft LAMP 2015.

### **Overview**

We are impressed with the quality of the document that the Lake Superior LAMP writing team has pulled together in a relatively short time. It reflects the strong commitment of the Lake Superior Partnership to the Lake and to the Agreement. The team has boiled down a significant amount of information into a very readable and useful picture of the Lake's condition and the challenges confronting it, which does not oversimplify the content. This is always a huge challenge.

However, more detail is needed in the sections on actions needed and planned. Section 9 is not specific enough to provide an action plan for Lake Superior. This section needs more explanation of the criteria for choosing which of the "needed actions" became "Top Priority" actions, more specifics on measurable actions and timing for those actions, and listing of who will be responsible for carrying out the actions. Without this detail, the action plan is too vague for us to know what we can expect out of the LAMP, and to hold the governments accountable for implementation of the LAMP. We make recommendations on this later in our submission.

### **The Lake Superior Partnership**

Each Lake's Partnership has the prime responsibility for developing and implementing each LAMP. As the governments have said, the partnerships are "representatives of government organizations with decision-making authority for their organization at the program level or higher. ... [It] provides direction, guidance, and approvals related to approval of the LAMP."<sup>2</sup> The member organizations in the Lake Superior Partnership are listed [p. ii]. Three important categories are missing from this list: First Nations and Métis from Canada (the tribes from the U.S.-side are included in the Partnership), and municipalities<sup>3</sup> and watershed management organizations from both sides of the Canada-U.S. border. Later in the Lake Superior Draft LAMP, First Nations and Métis are listed as "stakeholders" [pp. 3 & 10]. First Nations and Métis hold a constitutional position that is far greater than being stakeholders. Also, omitting the First Nations and Métis contradicts the principles in the GLWQA and the chart that Environment Canada and the U.S. Environmental Protection Agency showed us in their LAMP webinars this summer; in these webinars, the partnership list included First Nations, Métis, municipalities and watershed management agencies.<sup>4</sup> These are critically important

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<sup>2</sup> John Marsden (Environment Canada) and Chris Korleski (U.S. EPA), *The Great Lakes Water Quality Agreement: Annex 2: Lakewide Management: Update and Discussion on Outreach and Engagement*. Stakeholder Webinar, July 8, 2015, Slide 15.

<sup>3</sup> By "municipalities", the governments mean at county and regional governments levels and at the local government, sometimes called lower tier governments.

<sup>4</sup> Stakeholder Webinar, July 8, 2015, Slide 15.

members of the partnerships and every effort should be made to ensure their involvement.

**We urge the governments to add the First Nations and Métis from Canada, and the municipalities and watershed management agencies from both Canada and the United States to the Lake Superior Partnership team.**

**We urge the governments to ensure that the Partnership for each lake LAMP includes tribes, First Nations, Métis, municipal and watershed management agencies.**

The acknowledgements list provides the names of the LAMP writing team [p. ii]. The organizations that these people are with should be added since they were doing the work on behalf of those organizations.

### **Stakeholder Involvement**

The GLWQA 2012 contains many places where the Canadian and U.S. federal governments commit to “cooperation and consultation” with the public. We interpret this as a government commitment to meaningful engagement of the public throughout the development and implementation of all aspects of the Agreement.

The Lake Superior Draft LAMP states that “One of the key underlying principles of the Lake Superior Partnership is the importance of involvement of all Lake Superior stakeholders. The ultimate success of restoring and maintaining the Lake Superior ecosystem depends on the efforts of everyone” [pp. 3 & 4]. Tragically, we have not yet seen evidence of a serious focus on this underlying principle. Instead, we have experienced a decrease in the opportunities for stakeholder involvement in Lake Superior issues – especially over the past year.

#### Involvement in Development of the Lake Superior Draft LAMP:

When the first Lake Superior LAMP was drawn up, members of stakeholder groups were involved in reviewing early drafts of the reports and in developing the recommendations. The Lake Superior-wide multi-stakeholder committee known as the Lake Superior Binational Forum was the primary mechanism through which this involvement occurred. For example, the members of the Lake Superior Forum took the lead role in developing the steps towards achieving zero discharge of the nine persistent toxic substances that the federal, provincial and state governments had designated under the Lake Superior Zero Discharge Demonstration Program, which is part of the LAMP. The governments then adopted the steps that the Forum members had agreed upon. These are the basis for part of the chemicals evaluation in this draft LAMP [p. 35]. In other cases, Forum members reviewed and commented on early drafts of sections of the LAMP in which they had a particular interest. This process was continued as revisions were made to the LAMP over the past twenty years.

By contrast, stakeholders were not involved in the development of the Lake Superior Draft LAMP 2015. It is very different to put a document out for public consultation after there is a full draft than it is to involve stakeholders in the *development* of that draft. It is in the development stage that one can have most impact upon direction and contents. When working together with stakeholders, governments are more likely to come up with creative and implementable solutions.

**We urge the governments to ensure involvement of stakeholders at an earlier stage in the LAMP writing process in future revisions of the Lake Superior LAMP.**

**We also urge the governments to make sure that stakeholders are involved in the preparation of the draft LAMP for each of the other Great Lakes over the next four years.**

Involvement in Reviewing the Draft LAMP:

The governments set a deadline for completion of their first LAMP under the GLWQA 2012 as the end of 2015. They chose Lake Superior as the place for the first new LAMP. In an effort to achieve their December 31, 2015 deadline, the governments set an unreasonably short time for public comment on the draft LAMP. The document was released on November 12 and comments were to be in by December 4 – only 3 weeks later. To make matters worse, those three weeks included the U.S. Thanksgiving holiday, a holiday for which many people plan a full week off well in advance. After requests from the public, the governments extended the date for public comment to near the end of January 2016. Unfortunately, the public was not informed of this extension of the deadline until December 4, the date the comments were originally due. While the extension was welcomed, it meant that the governments did not meet the deadline they set for completing the first LAMP.

**We urge the governments to ensure that they achieve their future deadlines for LAMP documents by including adequate time for public consultation in their timelines for the development of the document. The governments should also make sure that the presence of holidays is taken into account when determining the timing and length of public consultation periods.**

Ongoing Involvement of the Stakeholders and Public in the Implementation of the LAMP:

When the Canadian and U.S. governments signed the revised GLWQA on September 7, 2012, they said that one of the significant changes in the new Agreement was an increased emphasis on public engagement. Over three years have passed since that signing.

The governments set up an Annex 2 Outreach & Engagement (O&E) Task Team to review existing O&E activities in all of the LAMPs and to make recommendations for improvement. Twelve of the eighteen members of that task team were government agency people who had a long history of responsibility for conducting the LAMP

program. They unanimously concluded that, *“The Public Fora (Lakes Michigan, Erie and Superior) have been very successful in reaching numerous stakeholders and engaging them in implementation activities when feasible.”*<sup>5</sup>

The Task Team recommended that the governments: *“Maintain or establish binational lakewide forums, or other public stakeholder groups tasked with undertaking LAMP public outreach and engagement efforts at the lake level.”* They also said that: *“The Forums should have access to a regular and reliable stream of funding for strategic and planning purposes.”*

The Canadian and U.S. federal governments rejected these recommendations. In November 2014, the U.S. government stopped providing new funds for the Forums on lakes Superior, Michigan and Erie. Environment Canada had already stopped forum funding three years earlier.

In their formal response to the Task Team’s recommendations, the co-leads of the Annex 2 Subcommittee rejected the recommendations related to the forums or multi-stakeholder committees with a series of blunt “disagrees.” They said that “the Lake Partnerships [government agencies] themselves should directly engage stakeholders and the public on issues pertinent to lakewide management.”<sup>6</sup>

Despite repeated requests for the governments’ detailed plans for how they will carry out public engagement on LAMPs, over a year after they announced a complete end to Forum funding the governments still do not have detailed plans for O&E. It is inconsistent with the commitments for public engagement in the GLWQA to drop a main mechanism for helping to carry out this commitment without having a plan for O&E ready to be implemented.

The O&E section of the Draft Lake Superior LAMP [section 5.3] lists “potential” public outreach and engagement activities that the government Partnership is considering [p. 46]. This list is very weak on the engagement aspect. It does not indicate how the public will have the opportunity to be involved in and make input to government activities. It is hard to have confidence in this “potential” program when it has now been a “potential” program for over a year.

**We urge the Canadian and U.S. federal governments to develop lake-wide multi-stakeholder committees as a part of their O&E plans for Lake Superior and for each of the other Great Lakes.**<sup>7</sup>

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<sup>5</sup> *Canada-U.S. Great Lakes Water Quality Agreement, Annex 2 Outreach and Engagement Task team: Final Report*, Kelly Phillips, Environment Canada, and Elizabeth LaPlante, U.S. Environmental Protection Agency, Great Lakes National Program Office, January 2015, [Unpublished], p. 7.

<sup>6</sup> John Marsden (Environment Canada) and Chris Korleski (U.S. EPA), *Response to the 2015 Outreach and Engagement Task Team Report*, Draft May 2015.

<sup>7</sup> In the cases of Lakes Superior, Michigan and Erie, it may make sense to restore the

**We urge the governments to explain how they will include stakeholders and the public in their Partnership programs and how they will obtain public and stakeholder input as they develop and implement their LAMP programs.**

Public Access to Information on Lake Superior:

We appreciate the way in which the writers of the Lake Superior Draft LAMP have summarized a lot of information into a concise document. They also have given many references as the sources of that information. However, the public should be given easier access to such information. One mechanism to do that would be to put links into the document to easily connect people to the materials referred to. In addition, this could be done through a Lake Superior website.

The Partnership's list of possible outreach activities does not include a website where the public can easily access all information regarding Lake Superior. All documents referred to in the LAMP should be put on a Lake Superior website so people can go to one spot to gain all of the information that they want and be able to download the documents directly from that site. This website should also include guidance documents for LAMPs, e.g., the Lakewide Action and Management Plan Guidance Document, so that the public can measure actions against the guidance that has been provided.

In addition to making published reports available, data to conduct analyses should be made publicly available in a standardized, tabular format that can be downloaded from the website. This will facilitate academic, citizen and watershed group scientific analyses, and promote the science and research goals of the LAMP.

**We urge the governments to ensure that a binational LAMP website is set up for *each* Great Lake. Each site should include all LAMP documents, issue and news updates for that Lake, as well as government guidance documents for LAMPs and the data gathered on the lake. These lake-specific pages should be part of an overall binational Great Lakes website that would also connect the public to user-friendly information for the whole Great Lakes basin.<sup>8</sup>**

**Value of Lake Superior [Section 2.3]**

This is a very good succinct description of Lake Superior. However, it has a strong tendency to look at the lake in terms of human uses and needs. We should not look

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forums as those committees.

<sup>8</sup> Perhaps the binational.net website could be developed into this site. However, even after the launch a year ago of a substantial revision of the binational.net website, it does not yet fulfill the need because it still is not very user-friendly, is limited in content posted because it has to go through an elaborate, usually lengthy approval process before materials are posted on it, and the amount of science and monitoring materials on the site are very few.

at the Lake as just being a “resource.” It should instead be seen as our home – a home that we share with numerous other life forms throughout the basin.

Extractive industries such as mining and forestry should be differentiated from operations such as tourism and recreational fishing. The latter are very different in nature and impact [p. 13].

#### **Lakewide Objectives** [Section 3.0]

We understand the need to rely on the pre 2012 GLWQA lakewide objectives in developing this LAMP because there has not been enough time to develop a new set of objectives to reflect the new Agreement. The LAMP says that new Lake Superior Ecosystem Objectives will be developed by the end of 2017 and that these will become the basis for the 2020 LAMP [p. 14].

**We urge the governments to ensure that there is full opportunity for the stakeholders and the public to be engaged in the development of these new Ecosystem Objectives because the objectives need to reflect the knowledge and concerns of the residents of the basin. The public should also be involved in the 2020 revision of the LAMP to ensure that actions are embedded in the new LAMP to reflect these new objectives. We urge the governments to ensure that this recommendation also applies to the LAMP process for each of the other Great Lakes.**

#### **State of Lake Superior** [Section 4]

This is a good synopsis of the state of Lake Superior with quite a bit of precision in a short amount of space. We appreciate the item-by-item analysis according to the general objectives in the GLWQA.

Some specific comments:

1. The summary table “Status of GLWQA General Objectives in Lake Superior” [p. 17] sometimes paints a rosier picture than is shown in the information in the following pages. For example, the table says that “over 90% of the time, Lake Superior beaches are open and safe for swimming.” But when one looks at the detail in the following pages, it says that beaches in Douglas County, Wisconsin, were only open 70% of the time in 2012 [p. 18]. We are sure that people living in Douglas County aren’t happy with having their beaches closed 30% of the time. Another example is in regards to wetlands in some areas of the basin. The problem is that the conditions in the table are generally being stated in basin-wide terms, but people live in specific parts of the basin and it is the conditions in that part of the basin that affect their lives.
2. The information on the condition of the fish in the Lake is very useful [pp. 25 – 27]. The state of the fish is a very important indicator of the state of the lake. We are pleased that the Partnership writers worked with the Great Lakes Fishery Commission’s Lake Technical Committee to develop this information and to develop the actions later in the LAMP.

**We urge the Lake Superior Partnership to continue to work closely with the Great Lakes Fishery Commission’s Technical Lake Committee and to consider adding them to the Partnership. Likewise we urge the Partnership for each of the other Great Lakes to work closely with the Fishery Commission’s Technical Committee for their lake.**

3. The inclusion of progress under the Lake Superior Zero Discharge Demonstration Program as a method for evaluating chemical contaminants is critically important [p. 35]. Unlike other aspects of chemicals assessments in the draft LAMP, which focus on contamination of the water, biota, etc., the Zero Discharge Demonstration Program focuses on eliminating the *release* of nine specified toxics to the Lake Superior basin. This section needs to include a comparison of the reductions in releases in 2015 with the interim targets for 2015 that are in the Zero Discharge Demonstration Program. This section states that achieving the governments’ goal of zero discharge of these substances by 2020 will be “increasingly challenging” [p. 35]. This section needs to specifically describe these challenges and the LAMP should include in its Top Projects actions that are necessary to meet the 2020 goals of the Zero Discharge Demonstration program. It is important to note in this section that there is a serious possibility of setbacks in the progress so that in some cases releases may increase between 2015 and 2020. For example, will emissions of mercury increase as a result of expansion of the taconite industry?
4. The “Additional Substances of Concern” section [pp. 38 & 39] with its emphasis on commercial and consumer use chemicals, pharmaceuticals, microplastics and excessive nutrients is an extremely important part of the LAMP.
5. The “Other Threats” section [pp. 40 – 42] with their emphases on coastal development, oil transportation, and mining impacts is also very important.
6. A threat that should be added is the possible location within the Lake Superior basin of a deep geological repository for disposing of all the highly radioactive used fuel bundles from all of the nuclear power plants in Canada. Three of the nine locations that are still under consideration for this facility are on the Canadian side of the Lake Superior watershed.

**We urge the governments to add the possibility of a deep geological repository for highly radioactive used-fuel bundles being built in the Lake Superior watershed to its list of other threats to the Lake.**

#### **Science, Monitoring and Research [Section 5.1, 5.2 and 8.0]**

Science, monitoring and research need to be expanded to include all the items listed as “Lakewide Threats,” including additional substances of concern such as microplastics, pharmaceuticals, nutrients, etc. This will give us the basis to determine the extent of the threats and whether they are worsening so we will be in a position to take preventive and precautionary actions consistent with the



principles and approaches in the GLWQA.

On Lake Superior, issues with nutrients are given little attention. However, as the LAMP points out, “occasional algal blooms do occur in some localized areas ... and in 2012 ... [there was] a rare, small blue-green bloom in the southwest of the lake” [p. 50]. With the predictions that with climate change, excess nutrients will become a bigger issue on Lake Superior, it is important that the monitoring and research include a focus on this issue as it relates to Lake Superior.

To be consistent with the Zero Discharge Program, table 8.1 on monitoring should include gathering and estimating information on the sources of the nine zero discharge substances. For example, legacy, ongoing and planned mining activities within the basin have the potential to increase the amount of mercury entering the Lake. Gathering information on sources of contaminants should also include the new substances of concern such as commercial and consumer use chemicals, pharmaceuticals, flame-retardants, and microplastics. A major reason for the success of the Zero Discharge Demonstration Program is that the governments gathered in-depth knowledge of the sources of the critical pollutants. This allowed the governments to know where they needed to place their focus in addressing the problems.

**We urge the governments to ensure that sufficient ongoing funding is available for the science, monitoring and research part of the LAMP work so we can properly assess progress and be warned of problems that are arising. This program needs to be expanded to include possible future threats. This should also include information on the sources of contaminants.**

#### **Nearshore Framework [Section 7.0]**

The nearshore framework is critically important to the future of Lake Superior. We include in this the tributaries and watersheds. As shown on Table 1 [p. 5], the aspect of the existing lakewide objectives in the worst condition is “maintain tributaries and watersheds in good ecological condition.” This indicator is listed as only “fair” while the other indicators are all listed as “good.”

As this shows, we must make sure that we move our focus beyond the nearshore to include the entire watersheds up to the headwaters. What are the impacts on the nearshore and Lake Superior not just from human activities around the shoreline, but also from mining and lumber operations upstream in more remote areas and in the headwaters? Are there strong enough measures to protect the headlands?

Another important aspect that needs attention is groundwater. A recent article in the Globe and Mail stressed that “The effects of climate change are highlighting the

strategic importance of groundwater in this country.”<sup>9</sup>

The Draft LAMP states as a goal “be free from the harmful impact of contaminated groundwater” [p. 30], but contains no actions to ensure better understanding of groundwater, its contamination, and threats to it, and how climate change may make groundwater become an even more important component of the well-being of the Lake.<sup>10</sup>

The LAMP also does not speak of the importance of preserving the *quantity* of water discharges from groundwater to the tributaries to Lake Superior. The U.S. Geological Survey estimated that indirect groundwater discharges from the U.S. side of Lake Superior accounts for 32.7% of the water supply to that Lake.<sup>11</sup> Human water uses and climate change affect the amount of that groundwater discharge. The reduction in these flows can also result in increased temperatures in the tributaries, which will have a negative impact on temperature-sensitive trout.

Even though the governments gave the category of “maintain tributaries and watersheds in good ecological condition” the worst rating on page 5 of the LAMP, it is does not appear to have been given a high priority in the “actions needed” and Top Projects lists later in the LAMP document.

**We urge the governments to ensure that the monitoring programs go as far as necessary upstream to the headwaters and to groundwater to determine sources of the problems in the nearshore and the lake. The Partnership should ensure that actions are taken to address these sources and protect the headwaters and groundwater from both the water quantity and water quality perspectives. This recommendation obviously also applies to the LAMP for each of the other Great Lakes.**

#### **Priority Actions** [Table 2 and Chapter 9.1]

We appreciate the separate listings of “management actions needed to achieve the objectives” of the Lake Superior LAMP and of the “Lake Superior Partnership Top Projects 2015-2019.”

It is important to list actions needed to achieve the goals even if the governments are not confident that they will be able to carry out all of them over the next five years. Having this aspirational list helps all of us to know that we need to keep pushing forward for stronger legislation, regulations and programs, and for funding

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<sup>9</sup> Adele Hurley, “An issue of national security: The effects of climate change are highlighting the strategic importance of our largely ‘hidden treasure’,” *The Globe and Mail*, December 4, 2015.

<sup>10</sup> See Annex 8 Subcommittee, *Groundwater science relevant to the Great Lakes Water Quality Agreement: A status report*, October 2015.

<sup>11</sup> D.J. Holtschlag & J.R. Nicholas, *Indirect Ground-water Discharge to the Great Lakes*, 1998, p. 5.

to achieve our objectives.

Overall Comments:

We have some overall problems with the listings of actions and top projects:

1. The LAMP should be made into a more strategic document by clearly showing the connection between the GLWQA and Lake-specific goals and the “needed actions” and “top projects” in the LAMP.
2. In the list of Lake Superior Partnership Top Projects 2015-2019, there is no statement of who is responsible for carrying out each project.
3. The Top Projects rarely have precise measurable targets, including timelines. For example, usually the goal is stated as something like “additional.” Does that mean one more? or ten more? Having more precise targets and timelines would make it easier for the implementing agencies to justify the budgets needed for the Lake Superior LAMP and for the public to hold the governments accountable.
4. There is no indication of the resources needed to achieve the goals and to carry out the projects. Having this understanding is essential for all of us to be able to push for the resources needed to achieve the objectives. In 2005, a major collaborative in the U.S. pulled together an action plan for the federal and state governments for the Great Lakes.<sup>12</sup> This report prepared jointly by governments and a wide-range of stakeholders contained price estimates for carrying out the actions needed. These numbers became critically important as people later worked to achieve the infusion of money into the Great Lakes on the U.S. side through the Great Lakes Restoration Initiative.
5. No criteria are provided for determining the Top Projects in comparison with the “needed actions” list. Are the top projects chosen on the basis of being the most important to work on in the next five years? If so, what is the justification for each choice?
6. Can we assume that the Top Projects are the ones that the governments are committed to funding over the next five years? Are the dollars already committed?
7. The frequent inclusion of outreach and education activities in the Top Projects list is very important. Outreach to the media should be added to this list because the media can be an effective way to reach a broad audience.
8. During the five-year period of the LAMP, the importance of an issue may escalate in terms of the immediacy of its threat to Lake Superior. We urge the Partnership to annually consider whether new actions need to be added to the Top Projects list. This should be part of the LAMP Annual report process.

**We urge the governments to include the following for each of their Top Projects items:**

- 1. Targets that are measurable and that include timelines;**
- 2. Who is responsible for implementing the project;**

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<sup>12</sup> Great Lakes Regional Collaborative Strategy to Restore and Protect the Great Lakes, December 2005.

- 3. Status of the funding for these projects, and**
- 4. Criteria used in choosing the Top Projects from the “needed actions” list.**

Action Specific Comments:

1. AIS Activities [pp. 54 & 55]:
  - a. Item 4 in the actions says to “maintain” sea lamprey at levels that don’t cause “significant mortality on adult Lake Trout.” The objective should be to “ensure” that the levels are not higher than that, but to take every opportunity to get the mortality rates even lower than the “significant” rate. Further, the widespread application of lampricide has been effective in reducing lamprey populations, but has undesirable effects on some other fish species and on invertebrates. The AIS actions related to sea lamprey should include an increased use of non-lampricide methods of control.
2. Climate Change Activities [pp. 56 & 57]:
  - a. The activities list here is good but the Partnership Top Projects are useful but weak.
3. Chemical Contaminants [pp. 59 & 60]:
  - a. The Actions and the Partnership Top Projects should include state and provincial bans on mercury-containing products instead of leaving this to local ordinances. The mercury contamination affects the entire Lake and, therefore, the bans must be in effect all around the Lake. Also at one point the Draft LAMP refers to mercury as a “legacy pollutant” [p. 4]. This implies that it is no longer being released as a result of human activities. Obviously this is not the case; indeed there are proposals in the basin that would increase the release of mercury.
  - b. This section does not include actions on addressing the fish consumption advisories around Lake Superior that were referred to earlier [p. 17]. Fish consumption advisories should not be seen as an acceptable situation. We should have actions aimed at moving us to a situation where such advisories won’t be necessary. In the meantime, there should be public education on the issue.
  - c. We are surprised that item 2 on the needed actions list – regarding mining projects – did not make it onto the Top Projects list. There are currently proposals for new mines in the basin and also problems with existing mines. Therefore, this should be a Top Project.
4. Additional Substances of Concern [pp. 61]:
  - a. The needed actions and Top Projects here are all quite good. In the first Top Project, the sources of the substances should be added to the educational information.
  - b. Also a plan should be developed and implemented to ensure actions are taken to prevent excess nutrients from becoming an issue on Lake Superior.
5. Other Existing and Emerging Threats [pp. 62 – 63]:
  - a. The threat of high-level radioactive waste disposal in the Lake

Superior basin should be added to these actions. The Partnership should monitor and make input on the siting process.

6. Habitat [pp. 64-65]:
  - a. All of these actions are critically important. A significant additional action would be to increase public ownership of private lands when those lands are ecologically unique and important habitats. This is the most effective way to ensure their long-term protection.
7. Diverse, Healthy and Self-Sustaining Native Species [p. 66]:
  - a. Lake Superior holds a number of discrete spawning populations or races of Lake Trout about which little is known, such as separate trout stocks around Caribou Island, Chummy Bank, and other mid-lake locations. As the Lake's top predator species, they should be near the top of the priority list.
  - b. Most of the native species in Lake Superior and its basin are healthy and self-sustaining, with the notable exception of Woodland Caribou, which are under continued threat from logging and development. Moose are also experiencing such threats. Measures to protect these species should be added to the Top Projects list.

### **Implementation and Accountability [Section 9.2]**

#### Implementation:

As we all know, the challenge is in the implementation of the LAMP. This section is extremely short.

We have two main concerns here:

1. Will the resources be available to carry out the Top Projects, and to do the monitoring and science, etc.? The phrase "to the extent feasible" as a modifier to the commitment to provide resources gives us little assurance [p. 67].
2. Will day-to-day decisions within each agency be guided by the LAMP? Sadly our experience over the past twenty years indicates that this frequently is not the case. There is often a disconnect between the Partnership members and the people within those same agencies who make on-the-ground decisions such as issuing permits. Frequently their knowledge of the LAMPs is very limited. For example, the person who issues a permit for an activity that will disrupt or destroy habitat is usually not taking into account the LAMP goals, including lake environmental objectives, strategies, and commitments by the governments for action when making that decision. Likewise the person who issues the permit to an industry for pollutant releases is rarely making that decision on the basis of the governments' commitments in the Zero Discharge Demonstration Program. Also of concern is the lack of integration with the LAMP by the government agencies that oversee mining. Despite the known issues with acidic waste rock and contaminants in tailings, there are continuing cases of ramped-up production at existing mines beyond the plans that were approved in environmental assessments, and cases of new projects without full environmental surveys and public input. Lastly municipalities may be tempted to approve

development in wetlands by ignoring long-term environmental losses for short-term goals.

**To improve implementation, we urge the governments to require that those issuing permits in each agency be required to explain how their decision furthers or contradicts the goals and strategies in the LAMP. The website recommendations that we made earlier in this submission will be useful not just for the public, but also will make it easier for all public servants to obtain the information on LAMPs that they need to carry out their roles in ways that support the LAMP. These recommendations obviously apply to all LAMPs.**

Accountability:

This section is one of the most important sections in the LAMP and yet it is probably the smallest in the document. It simply states: “the effectiveness of actions will be evaluated by individual partner agencies, and progress will be reported through LAMP Annual Reports and the next 5-year LAMP report” [p. 67].

Accountability is more than measuring “effectiveness of actions.” It takes a long time for actions to be effective in restoring conditions in a vast ecosystem. The more immediate aspect of accountability is determining the extent to which the governments have carried out the actions needed. This gives us a regular indicator of the progress being made. Another aspect of accountability is reporting to the public on the promises that the governments have made for action. When targets for the actions needed and for Top Projects are not precise and do not contain time lines, and when the LAMP does not specify who is responsible for carrying out the Top Projects, it is impossible for the public to hold the governments accountable.

**We urge the governments to come back to the community with a detailed proposal for accountability mechanisms and provide us with another opportunity for feedback before the accountability part of the LAMP [Section 9.2] is completed.**

**We urge the governments to include as a core part of these public accountability mechanisms a table in the LAMP that shows objectives, the related needed actions and top projects, including project goals and timelines, and who is responsible for carrying out the project. Regular reporting against the items in this chart can be a straightforward accountability mechanism. In these reports, the governments should also discuss how they will make up for any failures to achieve their commitments.**

**We also urge each federal, provincial and state government to hold a legislative committee hearing in their own jurisdiction when they put out a progress report. This increases public accountability, as well as being an important way to increase the knowledge of elected politicians on LAMP issues.**

**Actions in AOCs:** [section 9.2.2]

Quite rightly, contamination from designated Areas of Concern (AOCs) are recognized as having impacts on the Lake, but the Draft LAMP does not include actions to clean up AOCs as a priority. For example, one of the major concerns in the LAMP and its priority issues is the need to address mercury contamination. One of the largest sources of mercury contamination in Lake Superior sits in Thunder Bay's North Harbour in 22 hectares of contaminated sediments. Yet cleaning this up is not mentioned in the LAMP in the Partnership's Top Actions. This is not the only issue in the AOCs around the basin that must be addressed to achieve the LAMP goals. This is a serious omission.

**We urge the governments to ensure that the LAMP highlight the restoration of the AOCs as one of its Top Priorities.**

**Need for Clarifications and Explanations**

At times the draft LAMP is unclear to people who are not intimately involved in the LAMP process. The following are some examples where more explanation and clarity is needed:

1. Description of the distinction between the roles of the 5-year LAMP and the annual LAMP reports.
2. Explanation of why the status rankings on Table 3 [p. 5] of "good", "fair" and "poor" do not coincide with the ranking factors used in the written part description on the page before where ranking factors such as "excellent", "good", "decreasing", and "stable" are used [p. 4].
3. The distinction between the 74 "overall management actions" and the "top projects" needs more clarity and description of the basis for making this distinction.

**Potential Actions by the Public and NGOs** [pp. 68 & 69]

The LAMP ends with a list of actions that the public and NGOs can take to help achieve the goals of the Lake Superior LAMP. This is valuable to show how everyone can play a role in protecting Lake Superior. Notably missing from this list, however, is a statement from the Partnership of how the governments can help the public carry out or participate in these activities. This conclusion should contain a commitment from the governments to work with the public, and to give them opportunities to be involved in and make comments on government actions and programs.

**Conclusion**

The following 35 groups are pleased to submit these comments and recommendations on the Lake Superior Draft LAMP 2015.

**We urge the Lake Superior Partnership to adopt our recommendations and suggestions.**

**We also urge the governments to issue a "responsiveness document" that**

**shows how they respond to the public's comments received during the consultation and explains why they do not make changes to reflect certain recommendations. This is an essential component of public consultation and understanding, and of government accountability to the public.**

**Finally, we urge the LAMP Annex 2 Subcommittee to use our comments to refine the guidance that they have developed for the writing and implementation of the Lake Michigan, Huron, Erie and Ontario LAMPs.**

We look forward to continuing to work with you to ensure that the goals and objectives of the GLWQA are achieved.

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