



*76<sup>th</sup> Annual International Joint Conference CSA-LCA*  
*Quebec, Canada*  
*June 26, 2012*  
***“Staying the Course”***

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# Overview

- Continuity at the SLSDC
- Progress on Ballast Water Discharge Management
- Status of the Lake Ontario Lower St. Lawrence River Study
- National Ocean Policy
- SLSDC Asset Renewal Program (ARP)
- The Seaway: An Innovation Friendly Environment
- Keep Telling Our Story



# Continuity at the SLSDC

- Seaway is currently well-positioned on priority issues
- Senior staff - decades of experience
- Full backing of DOT
- Coordination with SLSMC and Canadian Counterparts



# Progress on Ballast Water Discharge Management

**2011 was, as predicted, a very busy year**

- June 2011 – NAS Study
- June 2011 – EPA Science Advisory Board Study
- Sept. 2011 – BWC Meeting in Baltimore
- October 2011 - NYDEC Letter to EPA
- Nov. 2011 – Draft EPA 2013 VGP (VGP2)
- March 2012 – USCG Final Rule
- May 2012 – Proposed 401 State Certifications
- July 2, 2012 – States to submit final 401 Certifications



# Progress on Ballast Water Discharge Management

## EPA's proposed VGP – Nov. 30, 2011 (VGP2)

- Unlike VGP1, there is more time prior to implementation to collaborate
  - Final Draft VGP2 – Nov. 30, 2012
  - To be effective December 19, 2013
- Significance of acceptance of IMO D-2 Discharge Standard
  - July 1, 2016 compliance for existing builds
- New build compliance date of January 1, 2012
- Bifurcation of GLSLS System at Welland Canal



# Progress on Ballast Water Discharge Management

## USCG's Final Ballast Water Rule

- March 23, 2012
- Effective on June 21, 2012
- Significance of establishing IMO D-2 Standard as the U.S. national standard
- No bifurcation of GLSLS System
- 2016 Compliance date for existing builds
- 2014 (Dec. 1, 2013) Compliance date for new builds
- Type approval process details
- Alternative Management System letter – June 15, 2012



# Progress on Ballast Water Discharge Management

## State 401 Certification Proposals

- Michigan
- Minnesota
- New York
- Ohio
- Wisconsin
  
- A (reluctant?) acceptance of IMO D-2 Standard
- Varying Deadlines



# Progress on Ballast Water Discharge Management

## Despite progress, challenges remain

- Varying deadlines (new builds)
- Bifurcation of GLSLS System
- Length of type approval process
- Establishment of independent laboratories
- Dearth of fresh water BWMS for GLSLS



# Progress on Ballast Water Discharge Management

## Great Lakes Ballast Water Collaborative

- August 2-3, Duluth/Superior next meeting
- Still a real need for accurate information/education/real understanding
- As the ballast water regulatory framework is (finally) being defined, how to implement effectively?
- Focus on BWMS:
  - availability of technology for GLSLS
  - reliability of verification/enforcement
  - independent laboratories



# Going Forward

(What I said last year on June 7, 2011 in Traverse City)

- Regulatory authority over ballast water in the U.S. will remain a “shared enterprise.”
- Effective regulation will require greater partnership among regulatory agencies and maritime stakeholders than in the past.
- Collecting and widely sharing of relevant, substantive information is essential.
- The *Great Lakes Ballast Water Collaborative* is one model of how to address the complexities of this new regulatory landscape.



# Status of the Lake Ontario Lower St. Lawrence River Study

- In 2000, the International Joint Commission (IJC) established the International Lake-Ontario-St. Lawrence River Study Board to review the current regulation of Lake Ontario and St. Lawrence River Water levels and flows that was established during the creation of the Seaway, in 1950's.
- The IJC was tasked with trying to include interests that were not considered when the original Plan 1958D with deviations went into effect, such as recreational boaters and the environment.
- The original Plan 1958 with deviations was based on the order of precedence established in the Boundary Waters Treaty of 1909: drinking water; commercial navigation; and hydropower.



# Status of the Lake Ontario Lower St. Lawrence River Study

## The First Proposed Plans - 2006

- The IJC's Study Board's subsequent five-year, \$20 million study was completed in May 2006. The Final Report recommended three new plans for the IJC to consider, Plan A, Plan B+ (the "environmental" plan) and Plan D.
- The SLSDC, the SLSMC, and commercial navigation interests also opposed the plans, although noting that Plan D was the closest to the current Plan 1958 D with deviations.
- Environmental groups enthusiastically supported Plan B+.



# Status of the Lake Ontario Lower St. Lawrence River Study

## Plan 2007

- As a result of the lack of consensus, the IJC developed a new plan, Plan 2007 which attempted to bring the environmental plan (B+) and the plan most similar to the current plan (1958 D with deviations) closer together.
- Again after a series of public hearings in 2008, the proponents of the original Plan B+ strongly opposed Plan 2007 and advocated the adoption of Plan B+. South shore homeowners still opposed the plan as did commercial navigation interests.
- The IJC then formed a working group, including Canadian and U.S. Federal government representatives, as well as State and Provincial representatives, to develop another plan.
- The working group's efforts resulted in what is referred to as Plan BV7, which was released to the public on January 31, 2012.



# Status of the Lake Ontario Lower St. Lawrence River Study

## 2012

- The specific details of the plan were not released nor were the necessary accompanying documents needed to implement the plan, including the Orders of Approval, Governance Structure and an Adaptive Management Plan.
- The IJC conducted public information sessions from May 15 to June 14, 2012.
- Comments provided to the IJC prior to June 14, 2012, will be considered in developing the specific details of Plan BV7 and the implementing documents.
- Before making a decision on the details of Plan BV7 and accompanying documents, the IJC will hold final public hearings, the dates of which have yet to be announced.



# Status of the Lake Ontario Lower St. Lawrence River Study

## Position of the SLSDC

- Since 2006 the SLSDC has expressed serious concerns regarding the impact that the proposed plans would have on commercial navigation, which is a protected interest under the Boundary Waters Treaty of 1909.
- It has been the position of the SLSDC that commercial navigation interests cannot be harmed to benefit other interests unless the Treaty is amended.
- The SLSDC submitted letters to the State Department in 2006, 2008, 2009 and 2010 regarding its concerns.
- Many of these concerns have been addressed in Plan BV7; however, until the implementing documents have been drafted, the SLSDC cannot establish a position regarding the impact to commercial navigation.



# National Ocean Policy

## Recognizing the link between economic growth and improved stewardship of ocean, coastal, and Great Lakes environments

- SLSDC continues to be proactive in addressing high priority Seaway and Great Lakes issues through international engagement
- Promoting the exchange of information and expertise between SLSDC and SLSMC to ensure a safe, secure and environmentally prepared Seaway
- Through collaboration with USCG and EPA on ballast water discharge standard rulemaking and draft VGP, DOT supports the NOP priority in water quality through the establishment of new water quality monitoring protocols and programs and reduction of the impacts of vessel discharges on marine waters



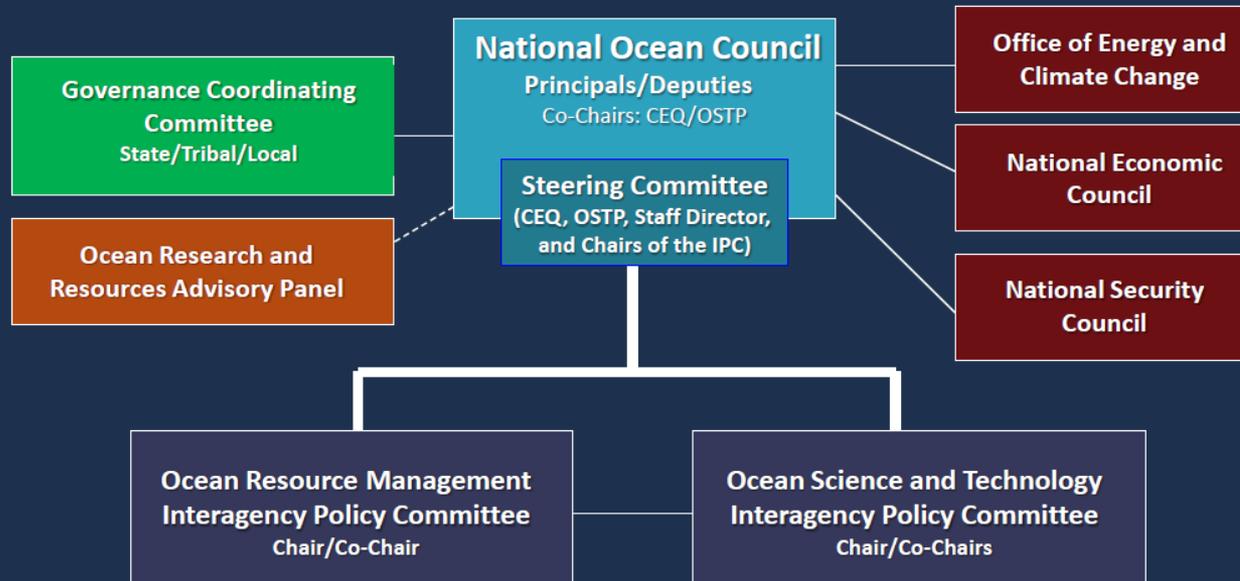
# National Ocean Policy

- DOT is actively participating on the Great Lakes NOP regional planning body (9 total) – marine planning heavily emphasized
- Marine planning is the way coordinated federal action is put to the service of solving the specific problems that states, regions, and tribes want solved
- Marine planning will provide the Great Lakes with more collaborative, integrated, science-based management and planning approach
- Addresses growing demand on the GLSLS without introducing additional regulations or bureaucracy
- NOP Implementation Plan currently under review for release to the public



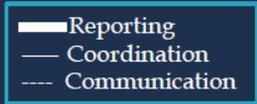
# National Ocean Policy

## National Ocean Council



Working groups could be retained or established as standing or ad hoc Sub-Interagency Policy Committees (IPCs): e.g., Coastal and Marine Spatial Planning, Ocean Acidification, Ocean Observations, Mapping, Ocean Education, Climate Resiliency and Adaptation, Regional Ecosystem Protection and Restoration, Water Quality and Sustainable Practices on Land, and Arctic.

The Extended Continental Shelf Task Force and other designated interagency committees, as appropriate, would report to the Steering Committee and coordinate with the two IPCs.



# The Seaway: An Innovation Friendly Environment

- Engage industry in development and implementation of technology R & D
- AIS (2002) and DIS (2012) – prime examples of coordination, cooperation, and beneficial results
- Innovation Council?



# SLSDC Asset Renewal Program

- \$186 million over 10 years (FY09-FY18)
- First capital reinvestment in SLSDC lock infrastructure in 50 years
- \$49.7 million for 39 projects in first 3 years
- For rehabilitative capital maintenance
- Includes modernizing lock infrastructure
- Joins on-going Canadian capital rehabilitation program
- Currently in Year Four
- Major projects this year:
  - Culvert valve hydraulics
  - Vertical lift gate rehabilitation
  - Concrete replacement



# SLSDC Asset Renewal Program



# Keep Telling Our Story

## “Good Data” is Essential!

- Stakeholders have access to System-wide data
- Assess the relative value of various activities taking place
- Economic Impact Study – last October
- Binational Modal Impact Study – later this year
- Reliable and transparent
- Getting others to tell our story



# Keep Telling Our Story

SLSDC on

**facebook**

- Links and content includes:
  1. Organizational contact information and descriptions
  2. Historical information – timeline of significant events
  3. Links to Seaway binational website and USDOT website
  4. Photo Albums
  5. “Likes” for St. Lawrence Seaway - SLSMC, Ray LaHood, etc.



# SLSDC Facebook "Wall"

Status Photo / Video Event, Milestone +

What's on your mind?

 **Saint Lawrence Seaway Development Corporation** shared a link.  
June 14

A warm welcome and congrats to two new members of the SLSDC Advisory Board!



**Seaway welcomes Advisory Board members <br>and increased shipping tonnage - Welcome to the FastLane.**  
fastlane.dot.gov

The 2012 navigation season on the St.

Like · Comment · Share

 **Saint Lawrence Seaway Development Corporation** shared a link.  
June 9

The Great Lakes-St. Lawrence Seaway navigation system supports over 227,000 jobs and generates billions of dollars in income and revenues annually in both the U.S. and Canada! For more information, check out the Economic Impact study!

Likes

See All

 **Distraction.gov**  
Government Organization

 **U.S. Department of Commerce**  
Government Organization

 **Research and Innovative Technology Administration**  
Government Organization

 **Federal Aviation Administration**  
Government Organization

 **The United States Department of Justice**  
Government Organization

 **Saint Lawrence Seaway Development Corporation** shared a link.  
June 10

The latest edition of the Seaway Compass newsletter is now available!

[http://www.greatlakes-seaway.com/en/pdf/slsdc\\_newsletter\\_spring\\_2012.pdf](http://www.greatlakes-seaway.com/en/pdf/slsdc_newsletter_spring_2012.pdf)  
www.greatlakes-seaway.com

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# Thank You !

Many of the reports and other data sources mentioned in this presentation can be found on the Seaway's website:

[www.greatlakes-seaway.com](http://www.greatlakes-seaway.com)



AND SOON  
ON  
FACEBOOK!

**Craig Middlebrook**  
**Saint Lawrence Seaway Development Corporation**  
**U.S. Department of Transportation**

