

# *FRAMEWORK FOR THE GREAT LAKES REGIONAL COLLABORATION*

## **I. Introduction**

The Great Lakes - Superior, Michigan, Huron, Erie, and Ontario - are an international treasure, constituting the largest system of fresh, surface water on Earth, containing roughly 20 percent of the world's fresh water supply. In addition to their natural beauty, the Great Lakes serve as a source of drinking water for more than 30 million people, support the culture and life ways of native communities, form the backbone for billions of dollars in shipping, trade, and fishing, and provide food and recreational opportunities for millions of American and Canadian citizens.

While there has been progress in restoring and improving the health of the Great Lakes ecosystem, there are still tremendous threats to the physical, biological and chemical integrity of the ecosystem. The environmental problems in the Great Lakes ecosystem have become increasingly complex over the years. The myriad of jurisdictions and programs with responsibility for the Lakes is similarly complex. According to an April 2003 Government Accountability Office Report, the governmental presence overseeing this international resource includes two countries, numerous Tribes and First Nations, more than 140 federal programs, and numerous city and state programs, all dealing with environmental restoration activities in the Great Lakes Basin. While, these organizations have experienced individual opportunities for successes during the last 30 years, there is no overarching strategy to deliver coordinated restoration and protection efforts in the future.

Multiple efforts have been taken to move toward a coordinated approach to Great Lakes ecosystem protection and restoration. In October 2003, the Great Lakes Governors of Ohio, Pennsylvania, Michigan, Minnesota, Wisconsin, New York, Illinois, and Indiana identified nine critical environmental issues worthy of national attention. These priorities listed by the Governors have since been adopted by the Great Lakes Mayors and ratified by the Great Lakes Commission. Several members of the Congressional delegation have also been actively pursuing coordinated restoration goals.

In May 2004, President Bush signed Executive Order 13340 creating a cabinet-level Task Force to bring an unprecedented level of collaboration and coordination to accelerate protection and restoration of this national and internationally significant resource. Recognizing that efforts to protect and enhance the ecosystem must go beyond the federal government, the Executive Order also calls for the convening of a Regional Collaboration of National Significance to facilitate collaboration among the U.S. federal government, the Great Lakes states, local communities, Tribes, and other interests in the Great Lakes region as well as Canada.

## **II. Purpose of this Document**

The purpose of this Framework is to establish the Great Lakes Regional Collaboration to enhance the U.S. efforts to restore and protect the Great Lakes ecosystem. It will also support the United States' commitments under the Great Lakes Water Quality Agreement, as amended by protocol in 1987, the Convention on the Great Lakes Fisheries of 1954, and other regional multi-jurisdictional agreements with Canada. This Framework creates the process by which the Great Lakes Regional Collaboration (GLRC) will operate, identifies who will be involved in the GLRC, and defines the final deliverable the GLRC intends to produce.

The signing of this Framework document signifies the convening of the GLRC. Signatories become Members of the Great Lakes Regional Collaboration and participate in the GLRC by the principles and structure laid out in this Framework document. By signing, Members demonstrate a serious commitment to meaningful participation in the Collaboration, with an emphasis on thoughtful discussion, collaborative problem-solving, a respect for diversity of opinion, and a common desire for progress in the Great Lakes ecosystem. The signing of this document indicates commitment to participate in the GLRC according to the Framework. Any signatory may withdraw from the process at any time if they choose to do so.

## **II. Practical Goals of the GLRC**

The GLRC is a means by which ideas are communicated, decisions are made and a strategy is written. The GLRC will focus its energy on three important goals. First, it will develop a Great Lakes Restoration and Protection Strategy (Strategy) to inform future implementation of programs and funding throughout the region. This Strategy will build upon the extensive collaborative efforts already in place and will include specific action plans based on the recommendations provided by the Issue Area Strategy Teams (Strategy Teams; see Section IV. C.). Second, the GLRC will serve as a forum for addressing near-term regional issues that relate to Great Lakes ecosystem protection and restoration. Third, the GLRC will create an oversight forum to coordinate and enhance implementation of the Strategy.

## **III. Description of Great Lakes Regional Collaboration Structure:**

### ***A. Broad and Meaningful Participation***

The Great Lakes Regional Collaboration is designed as an inclusive process with opportunities for participation by all entities with an interest in the protection and restoration of the Great Lakes ecosystem. Entity participation is defined by the following levels:

1) **GLRC Members:**

The GLRC Members are the eight Great Lakes Governors, Great Lakes Mayors, the nine federal cabinet-level officials who make up the federal Great Lakes Interagency Task Force (Task Force), Tribal leaders, and Members of the Great Lakes Congressional Delegation (Congressional Delegation).

2) **Executive Committee:**

The Executive Committee is made up of individuals designated as the spokesperson for each of the GLRC Member constituencies. These spokespersons are:

- (a) The Chair of federal Great Lakes Interagency Task Force speaking for the nine federal cabinet-level officials.
- (b) The Chair(s) of Council of Great Lakes Governors speaking for the eight Great Lakes Governors.
- (c) The Chair of Great Lakes Cities Initiative speaking for the Great Lakes Mayors.
- (d) A Tribal Spokesperson(s) – The Tribal Spokesperson will vary based on meeting location and topic of discussion. To ensure continuity, the Tribes will utilize the U.S. Environmental Protection Agency’s American Indian Environmental Office as the central point of coordination and information-sharing. In addition, Tribes will be responsible for continuity in participation on the Executive Committee.
- (e) A Congressional Delegation Spokesperson(s) – The Congressional Delegation will provide one permanent Spokesperson from the Great Lakes Congressional Task Force and any additional representatives as the Congressional Delegation sees fit. The Congressional Delegation will be responsible for ensuring continuity of participation on the Executive Committee.

3) **Technical Advisors:**

Technical advisors are representatives of governmental and quasi-governmental bodies that have technical expertise regarding the Great Lakes ecosystem and that are not represented on the Executive Committee (see Section IV. B. 2. for a description of the Executive Committee).

4) **Participants:**

Participants are representatives of non-governmental stakeholder organizations or other interest groups or entities that register to participate in the Strategy Team process (see Sections IV. B. 4. and IV. C.).

5) **Observers:**

Canadian Federal, Provincial and local government representatives as well as First Nations may be invited to be Observers, as appropriate. Others may be invited to be Observers as well.

## ***B. Roles***

### **1) GLRC Members**

GLRC Members will convene a “Members’ Table” at Summit I and Summit II (see Section VII.) that will make the final decisions in the GLRC. A GLRC principal Member will have decision-making authority, but will express his or her view through a Member(s) who serves as the spokesperson for his or her Member constituency. For example, the federal government’s perspective will be expressed by the Chair of the Great Lakes Interagency Task Force. GLRC Members will also have the opportunity to register to participate on different Strategy Teams. The GLRC Members will be responsible for approving any changes in the composition and membership of the Executive Committee (see Section IV. A. 2. and IV. B. 2.)

### **2) The Executive Committee will:**

- (a) Actively encourage regional stakeholder participation to ensure that a broad range of interests are considered as the Strategy is developed.
- (b) Oversee the development of the Strategy and provide a forum for decision-making on process issues, and provide quick feedback and direction on policy issues that arise in the Strategy Teams.
- (c) Distill policy questions and raise difficult decisions and disputes to the GLRC Members’ Table, for final decision, as appropriate.
- (d) Make recommendations to the GLRC Members on all aspects of the collaboration.
- (e) Approve any changes to the Framework at any point in the GLRC process, if deemed necessary.

The Executive Committee will operate by a consensus process that parallels the process described in Section V. A.

### **3) Technical Advisors**

Technical advisors may register to participate in Strategy Teams and, if chosen by the Executive Committee, may serve as Chairs to the Strategy Teams. The Executive Committee and Strategy Teams can also seek input, advice, and support from these technical advisors, as needed.

### **4) Participants**

Participants include those representatives of organizations or entities that register to participate and commit to meaningful participation in the Strategy Teams (as described in Section IV. C.) with an emphasis on thoughtful discussion, collaborative problem solving, a respect for diversity of opinion, and a common desire for progress in the Great Lakes, according to this Framework.

### **5) Observers**

Observers will be welcome to attend Summit I and Summit II and to provide input on the Draft Strategy. The Executive Committee may decide to invite observers to attend other meetings as well.

*C. Key Areas for Great Lakes Restoration and Protection – Issue Area Strategy Teams*

1) **Overview**

The Strategy Teams will be responsible for examining and providing recommendations on specific issues within the Great Lakes ecosystem to the Executive Committee. The Executive Committee and the Members of the Great Lakes Regional Collaboration expect each Strategy Team to meet as necessary to develop a draft recommended strategic action plan that is supported by a series of specific action items/recommendations to address the issue in a coordinated and effective manner. The Executive Committee will oversee the combining of these draft strategic action plans into one draft comprehensive strategy that will be provided to the GLRC Members for review and consideration prior to the Great Lakes Regional Collaboration Summit I. The Executive Committee will also coordinate the incorporation of public comments into the Strategy and will provide a revised draft Strategy to the GLRC Members for review and consideration prior to the GLRC Summit II (see Section VII. B.).

The Strategy Teams in Section IV.C. 4. were established using the October 1, 2003 Council of Great Lakes Governors' priorities, which were later adopted by the Great Lakes Mayors, as a starting point. As the Great Lakes Regional Collaboration evolves, so may these Strategy Teams, and the need may arise to add, combine, revise, or replace the Strategy Teams.

The first priority in the October 1, 2003 Council of Great Lakes Governors document addresses water use and diversion issues. This priority is being addressed through on-going binational efforts to implement the Great Lakes Charter Annex of 2001, and will not be dealt with by the Strategy Teams.

2) **Overarching Issues**

The second of the priorities listed in the October 2003 document – to promote programs to protect human health against adverse effects of pollution in the Great Lakes ecosystem – is of paramount importance to each Strategy Team. For this reason, a separate Strategy Team for human health was not established, but instead GLRC Members expect that each Strategy Team will explicitly consider and address human health impacts and priorities, as appropriate, when developing its section of the Great Lakes Strategy.

Similarly, unique Tribal interests and perspectives are of great importance to each of the Strategy Teams. Accordingly, the GLRC Members expect that each Strategy Team will explicitly consider the Tribal rights, interests, governmental infrastructure and programs involved in the issue being considered, and will identify priorities and strategies that relate to the health, welfare, and culture of Tribal communities.

A third issue that is important to each of the Strategy Teams is the need for research and monitoring. Each Strategy Team should explicitly consider such needs and coordinate all issue-specific recommendations through the Indicators and Information Strategy Team.

The Executive Committee will identify a liaison for each of these overarching issues. These individuals will be responsible for ensuring the Strategy Teams are consistently and adequately taking human health, Tribal interests and perspectives, and research and monitoring into consideration.

### **3) Operation of Issue Area Strategy Teams**

#### **(a) Strategy Team Chairs**

The Chairs of the Strategy Teams will be individuals representing the GLRC Members or individuals considered technical advisors as defined under Section IV. A. 3. These chairs or co-chairs will be selected by the Executive Committee. Each team with a federal employee co-chair(s) will have a non-federal co-chair(s).

#### **(b) Role of Strategy Team Chairs**

The Chairs of the Strategy Teams will be responsible for overall management of their Strategy Team. Specifically, they will:

- (i) Provide leadership for meetings and conference calls.
- (ii) Set call and meeting agendas.
- (iii) Preside over the development of the strategic actions plans ensuring that the document is developed in a format consistent with the structural outline provided by the Executive Committee.
- (iv) Elevate unresolved issues and disputes to the Executive Committee.
- (v) Approve draft materials.
- (vi) Give presentations, as needed.
- (vii) Establish a “drafting committee” made up of a representative group of Strategy Team participants.

#### **(c) Decision-making process**

The Strategy Teams will operate by a consensus process that parallels the process described in Section V.A. The Strategy Team Chairs will be the Presiders of the Strategy Team meetings and will be responsible for determining when a consensus has or has not been reached. In addition, the Strategy Team Chairs will be responsible for identifying when a resolution or compromise cannot be reached on an issue and elevating that issue to the Executive Committee for direction.

Any participant or group of participants with a dissenting opinion, whether they have voiced that opinion actively or have remained silent, may issue that opinion in writing to accompany the recommendation provided to the Executive Committee.

(d) Public access to Strategy Team information and meetings

To the extent practicable and by appropriate means, the GLRC Members intend that:

- (i) the public will have access to information about the Strategy Teams
- (ii) the public will have an opportunity to observe full Strategy Team meetings.

**4) Issue Area Strategy Teams**

(a) Nonpoint Source Strategy Team

- (i) Addresses Governors' Priority: "Control pollution from diffuse sources into water, land and air."
- (ii) Issues to be covered include, but are not limited to: buffer strips, Clean Water Act Section 319 requirements, total maximum daily load programs (TMDLs), agricultural practices, erosion, nutrients, coastal nonpoint pollution issues, stormwater runoff, and conservation reserve programs.

(b) Persistent Bioaccumulative Toxics (PBT) Reduction Strategy Team

- (i) Addresses Governors' Priority: "Continue to reduce the introduction of PBTs into the Great Lakes ecosystem."
- (ii) Issues to be covered include, but are not limited to: reduction of toxic substances, pollution prevention, new chemicals of concern, air deposition and long range transport, Great Lakes Initiative and fish consumption advisories.

(c) Invasive Species Strategy Team

- (i) Addresses Governors' Priority: "Stop the introduction and spread of non-native aquatic invasive species."
- (ii) Issues to be covered include, but are not limited to: ballast water management, National Invasive Species Act/Nonindigenous Aquatic Nuisance Prevention and Control Act present and future implementation, the Illinois carp barriers and exploration of other potential barriers, rapid response protocols and strategies, prevention and mitigation procedures, outreach and education, and applied research.

(d) Habitat/Species Strategy Team

- (i) Addresses Governors' Priority: "Enhance fish and wildlife by restoring and protecting coastal wetlands, fish and wildlife habitats."
- (ii) Issues to be covered include, but are not limited to: restoration/protection of habitat, native species, fisheries, coastal areas, wetlands, healthy forests, the natural hydrologic cycles, biodiversity, and other critical natural features and areas.

- (e) Area of Concern (AOC) Restoration/ Sediments Strategy Team
  - (i) Addresses Governors' Priority: "Restore to environmental health the Areas of Concern identified by the International Joint Commission as needing remediation."
  - (ii) Issues to be covered include, but are not limited to: restoring the health of AOCs through the remedial action program, cleaning up contaminated sediments through the implementation of the Great Lakes Legacy Act and other authorities, and delisting of AOCs.
  
- (f) Indicators and Information Strategy Team
  - (i) Addresses Governors' Priority: "Standardize and enhance the methods by which information is collected, recorded and shared within the region."
  - (ii) Issues to be covered include, but are not limited to: indicators, monitoring, data standards, reporting of environmental information, Great Lakes Integrated Coastal Observing System (GLICOS), Lakewide Management Plans (LaMPs), and the State of the Lakes Ecosystem Conference (SOLEC) process. Emphasis will be on strengthening decision-support systems.
  
- (g) Sustainable Development
  - (i) Addresses Governors' Priority: "Adopt sustainable use practices that protect environmental resources and may enhance the recreational and commercial value of our Great Lakes."
  - (ii) Issues to be covered include, but are not limited to: transportation, brownfields, land-use and preservation practices, waterfront restoration, and economic viability as a function of environmental and natural resource protection.
  
- (h) Coastal Health Strategy Team - Although human health will be explicitly addressed, as appropriate, in the Strategy Teams above, there are several specific coastal issues that can very directly impact human health.
  - (i) Addresses Governors' Priority: "Promote programs to protect human health against adverse effects of pollution in the Great Lakes ecosystem."
  - (ii) Issues to be covered include, but are not limited to: beach closings, combined sewer overflows (CSO), sanitary sewer overflows (SSO), bacteria and pathogen contamination.



## V. **GLRC Decision Framework**

### **A. *Decision-Making Process - The GLRC will operate based on a consensus process.***

#### **1) Definition of Consensus**

For purposes of this Framework, consensus is generally accepted agreement without a majority vote. Consensus does not require unanimity. In other words, if there is a lack of active or voiced opposition on a decision and the Members are willing to let the decision move forward, consensus has been reached.

#### **2) Implementation of consensus process**

The GLRC Members Table will serve as the venue for resolving disputes elevated by the Executive Committee, and for reaching final decisions for action. Final decisions will be made when “consensus” is reached. The presider(s) of the meeting will determine, based on the discussion, whether and when a broad consensus has been reached and an action may move forward. Under this model, an action may move forward when:

- There is unanimous support by the GLRC Members,
- There is significant support and lack of active or voiced opposition, or
- There is significant support with minimal active or voiced opposition (dissenting opinion).

Any Member or group of Members with a dissenting opinion, whether they have voiced that opinion actively or have remained silent, may issue that opinion in writing and present it to the GLRC Member Table for consideration and inclusion as an appendix in any final report that is issued.

#### **3) Mechanism for expressing support or opposition at the Member Table (“Spokesperson Model”)**

Although all Members will be present at Summit I and II, views expressed at the Members Table will be expressed by “spokespersons.” Should an issue arise that is specific to any one Member who is not designated as the spokesperson, he or she may step in to support the spokesperson. The spokesperson model will be organized as follows: governors (organized by Council of Great Lakes Governors), cabinet officials (organized by Great Lakes Interagency Task Force), Mayors (organized by the Great Lakes Cities Initiative), Tribal leaders (Organized by a Tribal Caucus), and Members of Congress (Organized by Congressional Great Lakes Task Force). Each spokesperson will be responsible for obtaining consensus within their Member constituency and organizing its position before the consensus view is sought and recorded at Summit I and Summit II (see Section VII. A.).

#### 4) Options for Members opposing final action

At any point when there is a decision to move forward (i.e. presiders declare broad consensus), anyone with a dissenting opinion, whether they have voiced that opinion actively or have remained silent, may:

- a) issue that opinion in writing to accompany the recommendation; or
- b) withdraw from the Great Lakes Regional Collaboration.

#### 5) Congressional Delegation Role

GLRC Members from the Congressional Delegation will serve a special function in the GLRC. Specifically, Members of Congress will serve in a “special advisory” role on the Executive Committee and at the GLRC Members Table. The Congressional Delegation will be Members of the GLRC but will not “vote” or act to support or block a consensus position. Members of Congress will continue to have access to the process at all levels (Strategy Teams, Executive Committee, Members’ Table) and will have the ability to participate and provide advice at all stages of the process.

### VI. Support for the Great Lakes Regional Collaboration

#### A. *Administrative Coordinator*

The Executive Committee may rely on an Administrative Coordinator to provide operational support for the GLRC Members Table, Executive Committee, and Issue Area Strategy Teams.

**Role:** The Administrative Coordinator will:

- (a) Maintain a record of all registered participants and members in the GLRC.
- (b) Facilitate communication with participants and members, including electronic communication, conference calls, and web presence, as appropriate.
- (c) Oversee public communications.
- (d) Organize, facilitate, and staff meetings and conference calls of Members, the Executive Committee, and the Strategy Teams.
- (e) Provide support for the production of the work products of the Strategy Teams and Executive Committee.
- (f) Monitor whether the Executive Committee and Strategy Teams operate within the budget limits approved by the Executive Committee.

**Support:**

When a federal agency agrees to serve as the Administrative Coordinator, the agency may provide contract support for that function in cooperation with other federal partners in the GLRC. When a non-federal partner assumes the role of Administrative Coordinator, the non-federal partner may carry out that function with financial assistance from the other non-federal participants as described in Section VI. B. 2.

### ***B. Non-Federal Facilitator:***

The Executive Committee will provide guidance to a Non-Federal Facilitator who will support non-federal participation in Great Lakes Regional Collaboration process. The Non-Federal Facilitator will serve in its normal substantive role in the GLRC process and will also assume additional responsibility for financial aspects of the GLRC Strategy development process.

#### **Role:**

- (a) Receive funds from federal and non-federal participants in the GLRC to facilitate the on-going operation of the Great Lakes Regional Collaboration, including face-to-face meetings, Summits I and II, and other needs, as appropriate.
- (b) Provide support for research, studies, and investigation lending to the development of the Strategy through the GLRC process.  
Provide periodic reports to the Executive Committee.

#### **Support:**

The Non-Federal Facilitator may receive funds from all members of the GLRC, including the Great Lakes Governors, Great Lakes Mayors, Tribes, Congressional Delegation and federal partners.

## **VII. Roadmap for GLRC**

It is the goal of the GLRC Members to follow an aggressive schedule for action. The 12-month process outlined below will culminate in the development and ratification of a Great Lakes Restoration and Protection Strategy. In the six months following the Conveners meeting in Chicago on December 3, 2004, the Strategy Teams will work to develop their strategic action plans that will then be combined to form a draft of the Great Lakes Restoration and Protection Strategy (draft Strategy).

### ***A. Great Lakes Regional Collaboration Summit I***

Summit I of the GLRC Members will be scheduled for the summer of 2005. At this Summit, the Executive Committee will present the draft Strategy to the Members of the GLRC for resolution of final issues and adoption. The draft Strategy will then be circulated for broad public review and revised, as appropriate.

### ***B. Great Lakes Regional Collaboration Summit II***

Summit II of the GLRC Members will be scheduled for the winter of 2005. Invitees to the summit will include the GLRC Members as well as the broader universe of conveners invited to participate in the December 2004 Conveners

Meeting. At this Summit, the Executive Committee will present a revised draft Strategy to the GLRC Members for issue resolution and adoption. At this time, other organizations, including the technical advisors, participants, and observers will also be invited to endorse the Strategy.

### ***C. Coalition and Implementation Phase***

It is the vision of the GLRC Members that once the Strategy is adopted at Summit II, the Members will undertake an effort to build broad support for implementing the actions and policies identified in the Strategy.

The GLRC Members also support the development of a process to ensure ongoing coordination of the Members' activities regarding the Great Lakes ecosystem. However, the GLRC Members themselves will determine whether its continued existence will be valuable in advancing the goals of Great Lakes ecosystem protection and restoration.

### ***D. Public Access to Summit I and Summit II***

To the extent practicable and by appropriate means, the GLRC Members intend that

- 1) The public will have access to information presented to the GLRC Members at Summit I and Summit II
- 2) The public will have an opportunity to comment on the draft Strategy adopted by the GLRC Members at Summit I
- 3) The public will have an opportunity to observe Summit I and Summit II.

## **IV. Intent of the Framework**

- A. The provisions of this Framework are not binding on the signatories or any other person. This Framework is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity against any person against any of the signatories, their governments, offices, or organizations, or any other person.
- B. Nothing in this Framework affects the authority or obligations of the signatories or their governments, offices, or organizations, or any bi-national agreement with Canada.
- C. The signatories of this Framework acknowledge that participation in the Framework is subject to funding availability and applicable legal requirements of their respective jurisdictions, governments, offices, and organizations. Financial transactions necessary to carry out specific projects under the Framework will be in accordance with applicable laws, regulations, and procedures, and will be subject to separate agreements.

By signing this Framework, I hereby commit to meaningful participation in the Great Lakes Regional Collaboration, with an emphasis on thoughtful discussion, collaborative problem solving, a respect for diversity of missions, authority, and opinions, and a common desire for progress in the Great Lakes ecosystem. I further commit to participate in accordance with this Great Lakes Regional Collaboration Framework.