Great Lakes Commission Proposed Resolution:
Updating the federal standard for navigation dredging projects in the Great Lakes basin

Whereas, dredging in the Great Lakes-St. Lawrence River system is vital to maintain commercial and recreational navigation, support a vibrant economy, and reduce risk to human health and safety; and

Whereas, about 3.3 million cubic yards of sediment is required to be dredged annually in U.S. Great Lakes ports, harbors, and navigation channels which is necessary to maintain both commercial and recreational navigation; and

Whereas, in the Great Lakes navigation system, it is estimated that there is currently a dredging backlog in both deep draft commercial harbors and shallow draft recreational harbors of approximately 13.6 million cubic yards of material; and

Whereas, managing dredged material in a manner that addresses both economic and environmental protection priorities is a challenge, requiring continued collaboration among municipalities, port authorities, maritime interests, state resource agencies, and federal partners; and

Whereas, the U.S. Army Corps of Engineers **(**USACE) is responsible for maintaining safe and effective navigation in U.S. waterways, including the Great Lakes; and

Whereas, USACE's authority to maintain navigation channels at authorized depths requires dredging, which is funded through the USACE's Operations and Maintenance (O&M) budget, by means of an ad valorem tax on cargo which is collected, maintained and distributed through the Harbor Maintenance Trust Fund with additional support from various federal bills and authorities; and

Whereas, USACE dredging projects are funded at full federal expense up to the value of the least cost option under the Federal Standard; and

Whereas, over the past decade, dredging costs have risen substantially while the number of dredgers working in the Great Lakes has decreased, presenting management and budgetary challenges to the USACE; and

Whereas, to make decisions on how to fund the removal and placement of material from dredging projects, the USACE utilizes the Federal Standard to identify and apply an economic feasibility determination; and

Whereas, the federal standard is defined as the dredge material placement alternative (or alternatives) identified by the USACE that is the least costly, complies with feasible engineering practices, and meets all federal requirements, including those established under the Clean Water Act; and

Whereas, even though Great Lakes states have enacted certain policies and laws that prohibit open water placement while encouraging upland placement and management and other beneficial use options, the USACE continues to identify open water placement of dredged material as the preferred alternative under the Federal Standard; and

Whereas, the National Oceanic and Atmospheric Administration's (NOAA) Coastal Zone Management Act (CZMA) federal consistency regulations require federal agencies to conduct activities in a manner consistent to the maximum extent practicable with the enforceable policies of approved state management programs; and

Whereas, NOAA's CZMA federal consistency regulations prohibit funding constraints from being a basis for declaring that an activity is consistent to the maximum extent practicable without a Presidential Exemption; and

Whereas, the USACE has been encouraged by the Great Lakes states to pursue changes to the Federal Standard that consider applicable state laws and policies; and

Whereas, the Great Lakes states encourage the federal agencies to coordinate early with the states to ensure that the alternatives advanced meet those applicable state laws and coastal policies prior to applying the federal standard to determine the least cost option; and

Whereas, historically, 30-40% of dredged sediment has been used for beneficial purposes; and

Whereas, Section 204 of the Water Resources Development Act (WRDA) (1992, as amended), authorizes the USACE to carry out beneficial use projects for creating, protecting and restoring habitats in partnership with states or local entities, such as port authorities; and

Whereas, Section 125 of WRDA (2020) establishes as policy for the USACE to maximize the beneficial use of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects, for environmentally acceptable purposes; and

Whereas, in January 2023 the USACE Chief of Engineers issued an agency-wide goal that by 2030, at least 70% of dredged material will be used beneficially to provide economic benefit and to address environmental protection priorities; and

Whereas, the Federal Standard, as it is currently applied, does not consider other environmental impacts/benefits such as preventing the harmful effects of nutrients to the water body when placing dredged material in the open waters of the Great Lakes or the benefits of nearshore shallow-water placement of clean dredge material for beach nourishment; and

Whereas, by expanding potential beneficial use criteria and considering the value of those criteria under the Federal Standard, the number of beneficial use projects that qualify for federal funding would likely increase and result in greater social, economic, and environmental benefits.

Therefore, Be It Resolved, that states and local governments are encouraged (in partnership with and guidance from the USACE) to identify, develop, and expand the demand for the beneficial use of dredged material from Great Lakes ports and harbors to make beneficial use a more viable and cost-effective solution while complying with applicable state laws and policies; and

Be It Further Resolved, that when applying the Federal Standard, the USACE should use all available authorities to minimize open water placement of dredged material to reduce the harmful effects of nutrients and other constituents to the water body, promote upland placement of dredged material for economic and environmental benefit, and encourage nearshore placement of clean dredge material for beach nourishment and habitat improvement where appropriate; and

Be It Further Resolved, that the U.S. Congress should provide USACE with additional, expanded authorities to encourage these beneficial uses of sediment; and

Be It Further Resolved, that states or non-federal partners should not be obligated to cover the cost difference between the USACE's preferred least costly option and maintaining consistency with NOAA-approved coastal state enforceable policies except as reflected in this resolution; and

Be It Finally Resolved, that the USACE should utilize greater latitude and flexibility in interpreting and applying the Federal Standard to fully consider all economic and environmental benefits of beneficially using dredged material and to maintain compliance with Federal and state laws and policies.

Great Lakes Commission Proposed Resolution:
Updating the accuracy of the International Great Lakes Datum (IGLD)

Whereas, movement of the Earth's crust across the Great Lakes - St. Lawrence River system occurs on a very gradual, continuous and non-uniform basis (in some areas in the magnitude of centimeters per decade), referred to as "glacial isostatic adjustment" or rebounding of the land surface from the weight of glaciers that retreated over 10,000 years ago; and

Whereas, water levels in the Great Lakes-St. Lawrence system fluctuate on a short-term, seasonal and long-term basis, requiring careful and accurate measurements within an accurately established vertical datum; and

Whereas, the safety and economic viability of the Great Lakes commercial navigation industry, the extensive recreational boating community, and ports and harbors across the region all rely heavily on accurate water level forecasts and maintenance of congressionally authorized dredging programs to provide depths in the navigation channels including waterways connecting the Great Lakes; and

Whereas, all coastal zone management, including erosion prediction, flood prediction and response, and coastal structure design, construction and maintenance, rely upon an accurate vertical elevation datum; and

Whereas, all coastal habitat restoration, rehabilitation, creation, enhancement, improvement and protection activities currently underway and being implemented under the Great Lakes Restoration Initiative (GLRI) require an accurate vertical datum; and

Whereas, prediction of the magnitude, timing and duration of extreme weather events as they affect the Great Lakes-St. Lawrence River system, and the development of adaptive management approaches thereto, require accurate water level measurements and forecasts; and

Whereas, the vertical elevation datum for the Great Lakes, known as the International Great Lakes Datum (IGLD), first established in 1955 and last updated in 1985, should be updated every 25 to 35 years to reflect continuous and differential changes in land surface elevations across the region; and,

Whereas, IGLD (1985) is long overdue for an update; and,

Whereas, the updated IGLD (to be known as IGLD 2020) is scheduled to be completed and released by 2027; and,

Whereas, Low Water Datum (LWD), or Chart Datum, on the Great Lakes-St. Lawrence River system, which sets authorized depths for navigational improvement projects, is also anticipated to be revised; and

Whereas, changes to the IGLD and anticipated changes to the LWD will be communicated to impacted and interested stakeholders over the next several years.

Therefore, be it resolved, that the Great Lakes Commission urges the National Oceanic and Atmospheric Administration (NOAA) to redouble its efforts to complete and release the IGLD 2020 update by 2027 and to continue coordinating its activities with Canadian federal and provincial partners, to ensure that this foundational vertical datum is compatible with the existing Canadian Geodetic Vertical Datum of 2013, and is maintained to the highest accuracy possible using the best available technologies including the utilization of more accurate Global Navigation Satellite Systems technology instead of traditional leveling used in IGLD 1985; and

Be it further resolved, that the Great Lakes Commission urges NOAA to partner with states, Canadian provinces and federal entities to extend the accuracy of the new IGLD in all ports and harbors of refuge that were not updated in 1985; and

Be it further resolved, that the Great Lakes Commission urges NOAA to fulfill its promise to engage in meaningful outreach with interested and affected stakeholders including states and provinces, Indigenous Nations, coastal communities, shoreline property owners and associations, emergency responders, the electric power industry, water and wastewater management entities, maritime transportation interests, recreational boaters and associations, elected officials, and others; and

Be it finally resolved, that the Great Lakes Commission urges the U.S. Congress to provide the necessary financial resources and other support to complete the IGLD update, and further requests that the Canadian federal government provide a commensurate share to ensure completion of this important endeavor on schedule.