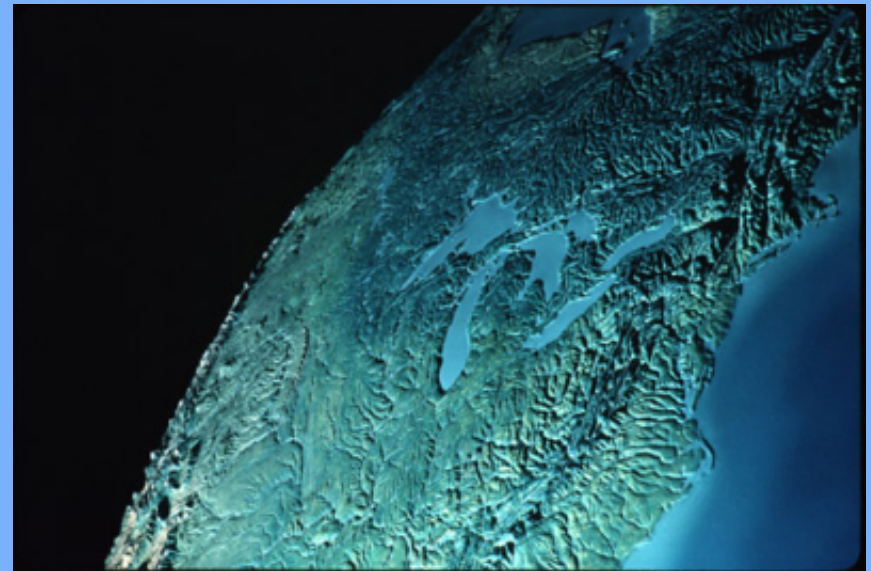


Council of Great Lakes Governors



Mission: To encourage and facilitate environmentally responsible economic growth

- **Members: Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin**
- **Associate Members: Premiers of Ontario and Québec**



The Great Lakes Basin



Historic Protective Measures

Boundary Waters Treaty of 1909

- **Agreement between U.S. and Canadian governments**
- **Resolve disputes on levels and flows**
- **Created the International Joint Commission (IJC) to administer treaty**
- **Geographic scope -- only applies to boundary waters**

Historic Protective Measures

Great Lakes Charter of 1985

- **Good-faith agreement among the Great Lakes Governors and Premiers**
- **Commitment by States, Provinces to pass legislation to manage and regulate diversions, in-basin uses**
- **Created notice and consultation process for large new or increased diversions, in-Basin uses**
- **Uneven implementation**

Historic Protective Measures

Water Resources Development Act of 1986

- **U.S. federal statute**
- **Subjected diversions to approval by the Governors (veto authority)**
- **Lack of definitions, decision-making standard and process**
- **Questionable applicability to groundwater**

ANNEX 2001

Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement

- **Agreement signed December 13, 2005 by the Great Lakes Governors and Premiers to pursue the Compact**

- **Framework for State and Provincial implementation into law**
 - **Provincial action**
 - **Interstate Compact**

Great Lakes – St. Lawrence River Basin Water Resources Compact

The Compact

- **Legally enforceable contract among the Great Lakes States**
- **Provided for in the U.S. Constitution**
- **Ratification by State legislatures**
- **Congressional consent**

Details of the Agreements

Diversions

- **All new or increased diversions prohibited with these Exceptions**

- **Straddling communities**

- **Requires Return Flow**

- **Meets Exception Standard > 100,000 gpd**

- **Requires Regional Review if > 5 MGD**

Details of the Agreements

Diversions - Exceptions

- **Intra-Basin Transfers**
 - **State discretion < 100,000 gpd**
 - **Between 100,000 gpd & 5 MGD**
 - **Exception Standard**
 - **Notice to other parties**
 - **No feasible alternative in the receiving Great Lake Basin**
 - **Requires Regional Review if > 5 MGD**

Details of the Agreements

Diversions - Exceptions

- **Communities in straddling counties**
 - **Requires Regional Review**
 - **Need can not be met in community basin**

Details of the Agreements In-Basin Uses

- **State, Provincial management and regulation**
- **State/Provincial flexibility for determining thresholds**
- **Use of common decision making standard**
- **State/Provincial opportunity to comment on all new or increased consumptive uses > 5 MGD**

Details of the Agreements

Conservation and Efficiency

- **Regional goals and objectives**
 - **Development within 2 years**
- **State, Provincial goals, objectives, programs**
 - **Consistent with regional goals and objectives**
 - **Regional review every 5 years**
- **Proposals to promote**
 - **Conservation & efficiency measures**

State Measures

- **Agreement gives States Discretion to adopt Measures for regulation**
 - **Establish threshold level of withdrawal for a permit**
 - **Establish mechanism to set baseline for existing withdrawals (grandfathering)**
- **Current Evaluation**
 - **Core issues best addressed in new or amended statutes**
 - **Process matters that could be delegated for rulemaking**

Regional Body

- **Includes Governors, Premiers or designees**
- **Oversees agreement implementation**
 - **Develops regional conservation and efficiency goals and objectives**
 - **Develops science strategy**
 - **Serves as a forum for consultation and coordination**

Next Step States

- **Laws and regulations enacted**
 - **State legislatures ratify interstate Compact**
 - **Implementing legislation for Indiana**
 - **Congressional consent obtained**
 - **Phased Implementation over 5 years**

