

Great Lakes—St. Lawrence River Basin Water Resources Council
Meeting Summary
Conference Call Meeting
June 17, 2009
3:00 p.m. EDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 15, 2009. Notice was also posted at the same time to the Council of Great Lakes Governors' website at www.cglg.org. A notice was provided through the same means on June 10 announcing that the meeting agenda, draft resolutions and materials to be discussed were available at www.cglg.org.

Call of Meeting:

3:00 p.m. EDT—The meeting was called to order by Matt Frank, designee of Great Lakes—St. Lawrence River Basin Water Resources Council (Compact Council) Chair, Governor Jim Doyle.

Roll Call:

The following Compact Council members, constituting a quorum, were present:

Illinois (alternate of Governor Pat Quinn): Gary Clark, Director, Office of Water Resources, Illinois Department of Natural Resources.

Indiana (alternate of Governor Mitch Daniels): David Pippen, Senior Policy Advisor, Office of Governor Mitch Daniels.

Michigan (alternate of Governor Jennifer Granholm): Ken DeBeaussaert, Director, Michigan Office of the Great Lakes.

Minnesota (alternate of Governor Tim Pawlenty): Kent Lokkesmoe, Director, Division of Water, Minnesota Department of Natural Resources.

New York (alternate of Governor David Patterson): Jim Tierney, Assistant Commissioner for Water Resources, New York State Department of Environmental Conservation.

Ohio (alternate of Governor Ted Strickland): Sean Logan, Director, Ohio Department of Natural Resources.

Pennsylvania (alternate of Governor Ed Rendell): Cathleen Curran Myers, Special Assistant for PA Recovery, Pennsylvania Department of Environmental Protection.

Wisconsin (alternate of Governor Jim Doyle): Matt Frank, Secretary, Wisconsin Department of Natural Resources.

Actions Taken

Review of December 8, 2008, Compact Council meeting minutes.

A motion was made by Mr. Logan of Ohio to formally approve the minutes of the December 8, 2008, Compact Council meeting. The motion was seconded by Mr. Pippen of Indiana and adopted without objection.

Reports

Updates on new developments regarding implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement

The Chair reported that the Compact Council has been very active over the past several months assisting the Governors follow-through with the commitments in the Compact. The Compact Council has assisted with State implementation as appropriate and has also facilitated coordination among the States on a number of important initiatives.

The Chair noted that the Great Lakes—St. Lawrence River Basin Water Resources Regional Body met by conference call immediately prior to this Compact Council meeting. During its meeting, the Regional Body heard reports regarding a series of issues virtually identical to those included on the Compact Council's agenda. Accordingly, a motion was made by Mr. Clark of Illinois to incorporate the previously delivered reports to the Regional Body into the Compact Council's record. The motion was seconded by Mr. DeBeaussart of Michigan. The Chair asked if any Compact Council member or any member of the public wanted to have any of the reports repeated. Hearing none, the Chair called the question which was adopted without objection.

Pursuant to the previously approved motion, the following reports are incorporated by reference into the Council's record and re-printed in their entirety below.

- State updates on implementation of the Great Lakes—St. Lawrence River Basin Water Resources Compact.
- Overview of work related to the regional science strategy including the 2009 International Association of Great Lakes Researchers Conference.
- Water Use Information Initiative update.
- Rules & Regulations Committee.
- Administrative.

Updates on new developments regarding implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement

Each Regional Body designee then provided an update on their jurisdiction's efforts to implement the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement), including the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) legislation or other mechanisms as appropriate.

Illinois—In December 2008, began a review and reallocation of all permits as part of a Lake Michigan Water Reallocation Review. During this review, it was found that there was a flattening or lowering of levels of demand. These levels were included into revised allocations given to permit holders. Unused allocations were revoked.

Under the U.S. Supreme Court Consent Decree entered into under *Wisconsin et al. v. Illinois et al.*, a U.S. Army Corps of Engineers' review is required every 5 years. The latest review was completed in May of 2009. The review found that measurements used

by the Corps of Engineers and the State of Illinois are in accordance with the decree. Illinois' annual diversion continues to be below the consent decree's limit.

Indiana—The State continues to work to meet baseline requirements under the Compact, and has mailed out notices of baseline determinations to approximately 800 current water users. The Department of Natural Resources also has developed a website for the Great Lakes Compact which includes an interactive tool showing the approximate location of the surface water boundary of the Great Lakes—St. Lawrence River Basin. This effort is being coordinated with the State's Water Shortage Task Force which also continues to provide guidance on conservation and priority of use issues.

Michigan—Use of Michigan's water withdrawal impact assessment tool will become mandatory by July 9, 2009. The tool can be viewed at <http://www.miwwat.org>. Michigan's Water Resources Conservation Advisory Committee continues to meet. Work is also ongoing to develop the State's baseline information.

Minnesota—The State already requires that all water users that withdraw more than 10,000 gallons per day must report those uses. This reported information will be used to develop the baseline information for the State of Minnesota.

New York—The Department of Environmental Conservation is working with the Department of Health to refine existing lists of baseline water withdrawal registration users and permittees within the Great Lakes basin. Since 1988, New York has required in law the registration of all water withdrawals greater than or equal to 100,000 gpd in the Great Lakes basin. New legislation has been enacted to extend this water use reporting requirement and fees to the rest of the state not otherwise subject to water withdrawal rules.

Ohio—The State is in the process of developing a baseline users' list by December. An Advisory Board was convened to develop recommendations concerning the implementation of commitments made in the Compact. The group's recommendations are due by June 2010. In addition, a draft Conservation and Efficiency Program has been developed by the Department of Natural Resources.

Ontario—The Province is working on three pieces of legislation. The first deals with the implementation of intra-basin transfer rules. The second addresses the development of Water Conservation and Efficiency objectives. The third piece addresses fees to be levied on larger water users. To that end, broad consultations have been held with stakeholders. A public comment period is expected to be held this summer followed by introduction of legislation this fall.

Pennsylvania—The Commonwealth is in the process of sending notifications to water users regarding the development of a baseline. Water Conservation Program staff is working with the Susquehanna River Basin Water Commission staff on best ways to move forward with technology transfer and efficiency practices. Finally, a request for proposals has been issued to create a Water Conservation Center.

Québec—On June 11, Premier Jean Charest signed Bill 27 into law. This action fulfils Québec’s commitment to pass legislation implementing the Agreement. Work on implementing regulations is moving forward aggressively.

Wisconsin—The State has been gathering baseline data for reporting and is developing administrative rules for the Compact implementing legislation. In addition, the Department of Natural Resources has a new Office of Water Use with a budget for four employees. Finally, on May 21, 2009, the Department of Natural Resources approved a straddling community request from New Berlin.

Up-to-date information regarding State and Provincial implementation is available at the Great Lakes-St. Lawrence River Water Resources Regional Body website at <http://www.glsregionalbody.org/AgreementImplementationStatus.aspx>

Regional Science Strategy Update

Pursuant to the commitment made by the Governors and Premiers in the Agreement to provide leadership toward the development of a regional science strategy, the Regional Body sponsored a session of the International Association for Great Lakes Research (IAGLR) at its May 2009 meeting in Toledo, Ohio. The Chair called on Rob Messervey, Manager, Water Resources Section, Ontario Ministry of Natural Resources, to provide a report on that session.

It was noted in the report that the session structure was based upon the five elements of guidance surrounding the collection and application of scientific information listed in Article 302 of the Agreement:

1) ‘An improved understanding of the individual and cumulative impacts of withdrawals from various locations and water sources and to develop a mechanism by which impacts of water withdrawals may be assessed’

2) ‘The periodic assessment of cumulative impacts of withdrawals, diversions and consumptive uses on a Great Lake and St. Lawrence River watershed basis’

3) ‘Improved scientific understanding of the waters of the Basin’

4) ‘Improved understanding of the role of groundwater in basin water resources management’

5) ‘The development, transfer and application of science and research related to water conservation and water use efficiency’

Mr. Messervey then put forth several recommendations for consideration by the Regional Body:

Recommendations

- Distribute copies of the presentations to key stakeholders and make available to the public upon request and/or on websites.
- Retain copies of presentations including those from previous sessions in an information repository for future reference.
- Commit to hosting a session at the 2010 IAGLR Conference at the University of Toronto in Toronto, Ontario (May 17 to 21) focused on water resource management, adaptive management, cumulative impacts and basin climate change, and a basin-wide regional science strategy.
- Direct the Regional Body Science Working Group (Co-Chaired by Wisconsin and Ontario) to consider opportunities to engage regional parties in further developing Great Lakes science.

The recommendations were seconded by Ted Lozier with the Ohio Department of Natural Resources who also helped to organize the session. The Regional Body is currently reviewing these recommendations.

Mr. Messervey closed his report by announcing that a more complete session report will be available on the Regional Body website in the coming weeks.

Water Use Information Initiative

Jim Japs, Deputy Director of the Division of Waters for the Minnesota Department of Natural Resources, and Co-Chair of the Council of Great Lakes Governors' Water Use Information Initiative, provided an update on the Initiative. A Water Use Information Committee of State and Provincial water managers is developing recommendations for the States and Provinces to improve the quality and consistency of water use data and information.

The Water Use Information Committee met in Chicago in January to finalize discussion documents which were then sent to the Initiative's Advisory Panel, Resource Group, and Observers, as well as Tribes and First Nations. Briefing calls with these groups were held in February.

In March, the Committee's draft water use information reporting protocols were released for a 30-day public comment period. After the public comment period ended, the Committee discussed comments received and considered revisions to the draft guidelines. The draft guidelines are currently under a State and Provincial 30-day review period and, pending the completion of the review, the goal is to present finalized recommendations to the Regional Body and Compact Council in July.

The Committee is developing a memorandum of understanding with the Great Lakes Commission, the Regional Body and the Compact Council for future services and support to the regional water use information database.

Rules & Regulations Committee

The Chair then noted that Article 401 of the Agreement states that the Regional Body may establish its own administrative practices and procedures. Toward that end, the Regional Body has created a Procedures Committee pursuant to “Resolution #9” adopted by the Regional Body in December 2008. A similar resolution was adopted by the Compact Council creating a Rules & Regulations Committee, which is chaired by the State of Wisconsin.

The Chair called on Peter Johnson of the Council of Great Lakes Governors, which serves as Secretariat to the Regional Body, to provide an update on the Procedures Committee’s work. The Procedures Committee is chaired by Charlie White of the Indiana Department of Natural Resources as the official designee of Governor Daniels. Each of the Great Lakes Governors and Premiers is represented on the Committee.

The Procedures and Rules and Regulations Committees of the Regional Body and Compact Council (respectively) are working jointly and have held a series of conference calls to develop draft “Application Content” requirements. These drafts are subject to ongoing revision.

On May 26, the Joint Procedures and Rules & Regulations Committees held conference calls with Tribes and First Nations, as well as the Committees’ new Advisory Panel, Resource Group and Observers to discuss the Committees’ charge and workplan. The intention is to continue discussions with these groups as the Committees develop their recommendations.

Administrative Report

David Naftzger, Executive Director of the Council of Great Lakes Governors, provided an administrative report. The Council serves as the Secretariat to the Regional Body.

He noted that the Secretariat has been active in providing technical assistance to the States and Provinces as they implement the Agreement and Compact. Public interest in the Regional Body and the Compact Council continues to be strong. The Secretariat maintains the Regional Body website and responds to media inquires and general requests from stakeholders and the public. In addition, the Secretariat continues to provide administrative support to the Regional Body and Compact Council by planning meetings, conference calls and staffing the Joint Procedures and Rules & Regulations Committees.

Finally, it was noted that the Regional Body is running over on its budgeted expenses for the FY 08-09 fiscal year which ends on June 30, 2009. A report will be provided to the Regional Body following the end of the fiscal year.

Opportunity for public comments.

Members of the public were given an opportunity to ask questions or provide comments.

- George Kuper, Council of Great Lakes Industries: Mr. Kuper stated that he thought it was important for the Compact Council to favorably consider the resolution to create an Advisory Committee. He also requested more frequent progress reporting for the Water Use Information Initiative and Rules and Regulations committee.

New Business

Review and vote on proposed FY10 1st Quarter Budget

Next David Naftzger, Executive Director of the Council of Great Lakes Governors and Executive Director of the Compact Council, provided an overview of the proposed interim FY10 budget. As Secretariat, the Council of Great Lakes Governors continues to provide administrative support to the Compact Council by planning meetings and conference calls, coordinating public outreach and providing technical assistance. To date, these services have been paid for using monies contributed by the States to the Council of Great Lakes Governors for other purposes. Because longer-term funding has not yet been identified, Secretariat staff was asked by the Chair to draft a three-month budget using a similar arrangement to cover Compact Council costs. It is expected that funding decisions will be made during this time for the remaining 9 months of FY2010.

A motion was made by Mr. DeBeaussaert of Michigan to adopt “Resolution #6—Adoption of Fiscal Year 2010 First Quarter Budget (July 1-September 30, 2009).” The motion was seconded by Mr. Tierney of New York and adopted without objection.

A motion was made by Ms. Myers of Pennsylvania to confirm the vote by roll call. The motion was seconded by Mr. DeBeaussaert of Michigan and adopted without objection. The Chair then conducted a roll call regarding adoption of “Resolution #6—Adoption of Fiscal Year 2010 First Quarter Budget (July 1-September 30, 2009).”

Illinois: Yes
 Indiana: Yes
 Michigan: Yes
 Minnesota: Yes
 New York: Yes
 Ohio: Yes
 Pennsylvania: Yes
 Wisconsin: Yes

Review and vote on proposed creation of an Advisory Committee

Next, a motion was made by Ms. Myers of Pennsylvania to adopt “Resolution #7—Creation of Advisory Committee.” The motion was seconded by Mr. Tierney of New York and adopted without objection.

Adjournment

The Chair thanked everyone for their participation and expressed his appreciation for everyone’s continued involvement in protecting the Great Lakes.

The next meeting of the Compact Council will be set and noticed at a future date. The full text of the materials discussed are available online at www.cglg.org.

A motion was made by Mr. Clark of Illinois to adjourn the meeting. The motion was seconded by Mr. Tierney of New York and adopted without objection.

The full text of the materials discussed on the call are available online at www.cglg.org.