

Great Lakes—St. Lawrence River Water Resources Council
Meeting Summary
June 25, 2015
2:45 p.m. EDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 26, 2015. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Council (Compact Council) website at www.glscompactcouncil.org. The notice included an announcement that the meeting agenda, draft resolutions and materials to be discussed during the meeting were available on the Compact Council's website. Call-in information was also posted to the front page of the Compact Council website.

Call of Meeting:

2:45 p.m. EDT— The meeting was called to order by Tim Biggam¹, on behalf of James Zehringer, alternate of Ohio Governor John Kasich.

Roll Call:

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

Illinois (alternate of Governor Bruce Rauner): Loren Wobig on behalf of Dan Injerd, Director, Office of Water Resources, Illinois Department of Natural Resources.

Indiana (alternate of Governor Mike Pence): Chris Smith, Deputy Director, Indiana Department of Natural Resources.

Michigan (alternate of Governor Rick Snyder): Grant Trigger, Michigan Cleanup Manager, RACER Trust.

Minnesota (alternate of Governor Mark Dayton): Julie Ekman, Supervisor Water Permit Programs, Minnesota Department of Natural Resources.

New York (alternate of Governor Andrew Cuomo): Don Zelazny, on behalf of James Tierney, Assistant Commissioner, New York State Department of Environmental Conservation.

Ohio (alternate of Governor John Kasich): Tim Biggam¹ on behalf of James Zehringer, Director, Ohio Department of Natural Resources.

Pennsylvania (alternate of Governor Tom Wolf): No formal appointment had yet been made as Designee for Governor Wolf. Tim Bruno of the Pennsylvania Department of Environment Protection participated on the call.

Wisconsin (alternate of Governor Scott Walker): Eric Ebersberger¹ on behalf of Cathy Stepp, Secretary, Wisconsin Department of Natural Resources.

Actions Taken

Actions Taken

Review of December 9, 2014 Compact Council meeting minutes

¹ Signed proxy forms for individuals participating on behalf of official member alternates are available upon request.

A motion was made by Mr. Ebersberger to formally approve the minutes of the December 9, 2014 Compact Council meeting. Mr. Trigger seconded the motion. The motion to adopt the December 9, 2014 meeting minutes was approved.

Reports

State updates on implementation of the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact); Water conservation and efficiency goals and objectives; Water conservation and efficiency programs.

Noting that the Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Zelazny to incorporate minutes of the Regional Body reports into the Compact Council minutes. Ms. Eckman seconded the motion. The motion was approved. Pursuant to the approved motion, the following reports are incorporated by reference into the Compact Council's record and re-printed in their entirety below:

State and Provincial updates on implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Compact (Compact).

Each Compact Council Alternate provided an update on their jurisdiction's efforts to implement the Agreement including the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) or other mechanisms as appropriate.

Ohio

Mr. Biggam stated that there was not much new to report since the last meeting of the Regional Body in December. As follow up to his December report, he noted that legislation that had been under consideration at that time did not materialize. The State is in the process of implementing rules, and only needs to prescribe forms at this time. Otherwise, there were no further updates.

Illinois

Mr. Wobig reported that similar to Ohio, there was nothing substantially new to report. The State of Illinois remains in compliance with its U.S. Supreme Court consent decree according to the U.S. Army Corps of Engineers. The Metropolitan Water Reclamation District has made a request to modify their discretionary diversion allocation, and hearings are scheduled for October 6-8, 2015.

Indiana:

Mr. Smith reported that there were no substantial changes in Indiana to report. He did note that the legislature had ended its session, and was bringing back a program for monitoring wells in cooperation with the U.S. Geological Survey, which they considered to be a step in the right direction.

Michigan:

Mr. Trigger reported that the State was currently focusing on data collection issues and looking at long term goals for water management program. To that end, the State had recently released a water strategy for public comment.

Minnesota:

Ms. Ekman reported that a year ago the legislature gave authority for the State to enforce water use violations. Rules that were written by the agency are now in effect. Further, the Minnesota Department of Natural Resources is creating a report and recommendations on thresholds for groundwater pumping that will address the water conservation program.

New York:

Mr. Zelazny stated that there was not much more to report since the last meeting. The State is working to transition from a registration system to a permit program for non-potable water uses. The State is currently working on larger to smaller permits, with an eye to completion during the 2017-2018 year. The State hopes to have all Basin uses under permit at that time.

Ontario:

Ms. Keyes announced that Ontario finally filed official notice to begin to bring the full terms of the Agreement into force. In addition, the Ontario Great lakes Protection Act was re-introduced. As part of that act, the Province will be looking at nutrient loading with an aggressive program for reducing nutrients. Mr. Biggam noted that Ohio and Michigan recently signed a resolution with Ontario to reduce nutrient loadings, with a focus on the Western Lake Erie Basin.

Pennsylvania:

Mr. Bruno reported that Pennsylvania remains on track for water use submissions for previous years. They are also looking at a process for reviewing diversions in the State.

Mr. Bruno also reported that in May, the Commonwealth held a children's water festival that resulted in over 1100 5th graders learning about water use and protection activities.

Québec:

Mr. Gaucher noted that there had not been many changes since the last meeting of the Regional Body. He did note that less than a month ago, Quebec City had hosted the Leadership Summit of the Governors and Premiers, on June 12-14, where a video commemorating the 10th anniversary of the Agreement was premiered. He noted that the Province was working on a new water strategy. He also reported that new implementation regulations had been released for 2016.

Wisconsin

Mr. Ebersberger reported that earlier that day the Wisconsin Department of Natural Resources had released for public comment the draft Environmental Impact Statement (EIS) and Technical Review for the Waukesha diversion proposal. The public comment period will run through August 28th, and several hearing dates had been noticed. He also reported that all supporting documents were released, and that they would be reviewing comments, making adjustments as they develop the final EIS and Technical Review. He also reported that the earliest that the Regional Body would receive the proposal, assuming it is determined to be "approvable," would be in early December.

***Administrative
Secretariat***

Pete Johnson of the Secretariat staff reported that the reports of the States and Provinces were still under review and the corresponding proposed Declarations of Findings would be considered at the next meeting of the Regional Body and Compact Council, scheduled for December in Illinois. Peter also reported that as follow up to the last meeting, letters had been sent to the U.S. Army Corps of Engineers, the International Joint Commission, and the U.S. Geological Survey from the Compact Council outlining priority scientific needs. It was noted in response to a question from Mr. Zelazny that the International Joint Commission had acknowledged receipt of the letter, and others had replied by email. Mr. Zelazny suggested that the IJC adaptive management committee could serve as a forum for advancing our scientific goals.

Pete also reported that the Regional Body and Compact Council had again sponsored a session at the International Association for Great Lakes Research (IAGLR) meeting in May held in Burlington, VT. Jim Nicholas had served as moderator, and the session was well attended.

Finally, Pete reported that as follow up to the December meeting of the Regional Body and Compact Council, a webinar had been hosted by USGS with members of the Regional Body and Compact Council to discuss water use reporting improvements, including better use of meta-data.

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

Noting that the Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Smith to incorporate minutes of the Regional Body reports into the Compact Council minutes. Mr. Wobig seconded the motion. The motion was approved. Pursuant to the approved motion, the following reports are incorporated by reference into the Compact Council's record and re-printed in their entirety below:

Lyman Welch, Alliance for the Great Lakes:

Mr. Welch, in response to the announcement that the Wisconsin DNR had released for public comment the EIS and Technical Review on the Waukesha proposal (see above) reminded the members of the Regional Body and Compact Council that this proposal would be precedent setting as this was the first time Regional Review would be tested for a Straddling county proposal. He indicated that they would be reviewing the EIS, the Technical Review and the application. He also thanked Wisconsin for extending the comment period to 60 days. He then said he looked forward to working with everyone.

Mr. Welch also raised questions about the amount of water requested and the true need for additional towns to participate. He indicated that he did not believe it was clear that all of the expended service area needed water. He did ask that the parties commit to having enough resources and processes to do a thorough review.

Karen Hobbes, Natural Resources Defense Council (NRDC)

Ms. Hobbes stated that she echoed Mr. Lyman’s comments and the critical role of each State and Province. She noted that each point in the review process has been watched very closely.

Marc Hudon, Nature Quebec

Mr. Hudon indicated that he would like to be able to review the diversion proposal considering the precedent setting nature of the proposal. Consequently, he hoped that there would be translations into French so that they could fully comment.

Mr. Hudon also noted that he had read in the newspapers about the American West’s problems with water availability due to climate change, and that should be considered when reviewing the Waukesha proposal.

Dick Bartz, U.S. Geological Survey (USGS)

Mr. Bartz reported that USGS is doing a review of water reporting, primarily of thermo-electric plants. A model has been used for estimating water use, and they are currently looking at the results of the predictive model and how much they differed from what was actually used. He reported that this review should be complete by the end of the year.

In addition, USGS currently has a grant program available to the States focusing on water reporting, through their office of acquisition and grants. Approximately \$26,000 per State is available, with an application deadline of June 30. In conjunction with this program, the Interstate Conference on Water Policy will be hosting a series of stakeholder meetings, wherein they will discuss the options for State to collaborate on the development of databases.

The following additional comments were also made.

Marc Smith, National Wildlife Federation (NWF)

Mr. Smith stated that the National Wildlife Federation and the Alliance for the Great lakes had submitted comments on the States’ and Provinces’ reports on the development of their water management programs and would like to have feedback on them. Mr. Smith indicated that they would take any opportunity to discuss them.

New Business

Resolution #32 Adoption of Fiscal Year 2017 Budget (July 1, 2016-June 30, 2017).

Mr. Biggam reported that the proposed budget and the resolution adopting the budget were previously distributed to the members and were posted to the Compact Council website on May 13, 2014. However, because the Governor of Pennsylvania had not yet appointed an Alternate to the Compact Council, a final vote could not be held. However, a preliminary vote was held on the proposed FY 2017 budget.

Mr. Trigger moved to preliminarily approve the resolution. Mr. Zelazny seconded the motion. The question was then called preliminarily approve the resolution, and a roll-call vote was taken.

Illinois—Yes
Indiana —Yes
Michigan—Yes
Minnesota—Yes
New York—Yes
Ohio—Yes
Pennsylvania—(no Gubernatorial Alternate participated so Pennsylvania did not vote)
Wisconsin—Yes

The resolution was preliminarily approved.

Other business

None.

Adjournment

A motion was made by Mr. Ebersberger to adjourn. Mr. Zelazny seconded the motion. All members voted in the affirmative, the motion was approved and the meeting was adjourned at 3:05 p.m. EDT. The next meeting of the Compact Council will be set and noticed at a future date.

The full text of the materials discussed at the meeting is available online at www.compactcouncil.org.