

**Council of Great Lakes Governors
Water Management Working Group,
Advisory Committee, Resource Group and Observers Meeting**
September 20-23, 2005
North Shore Skokie Hotel and Conference Center
9599 Skokie Boulevard
Skokie, Illinois

Tuesday, September 20

Sam Speck, Chair of the Water Management Working Group, began the meeting by welcoming participants and requesting introductions.

Lisa Wojnarowski, Program Associate of the Council of Great Lakes Governors, noted that revised draft agreements to implement Annex 2001 were released for public comment on June 30, 2005. She then provided a brief overview of the major themes from the approximately 3,000 comments received by the Council. Then, Peter Johnson gave a summary of comments that were received by representatives of the Great Lakes Tribes and First Nations. A representative from each State and Province was then asked to add to the overview and highlight particular issues of interest in their jurisdiction.

Next, members of the Advisory Committee, Resource Group and Observers reviewed the comments from their organizations as well as concerns and suggestions for improving the revised draft agreements to make them more workable. Copies of the written and electronic comments are available at the Council's Web site at www.cglg.org or from Council staff upon request.

Wednesday, September 21

During the day's discussion, participants focused on a variety of issues related to the revised draft Annex implementing agreements. They are organized by theme below.

Science, information collection, and cumulative impacts

Many public comments were received regarding the need for improved science and information collection. In particular, many comments suggested that further scientific information is needed regarding the surface water and groundwater divide. An Advisory Committee member suggested that while everyone may agree about the need for good science, action to protect the Great Lakes should not be postponed indefinitely as science develops.

It was noted that the Great Lakes Commission will be publishing two new reports regarding water use within the next several weeks. These reports will be available on the Commission Web site at www.glc.org. Unfortunately, these reports reflect that in some instances programs for information collection have been under-supported and understaffed. As an example, not every State and Province reports water use on an annual basis.

Other current informational needs that were discussed included the long-term monitoring of water resources in their natural state and groundwater level monitoring. Participants also talked about the science related to the effects of water use, consumptive use estimates and information regarding water use efficiency.

It was suggested that the Regional Body envisioned under the revised Annex implementing agreements should create a research institute that could be modeled after the Great Lakes Protection Fund. Alternatively, the institute's functions could be performed through an existing organization with a focus on stimulating and supporting Great Lakes research.

It was noted that confidentiality may need to be provided to water users with respect to reporting. For example, it could be problematic for users to report specific GPS coordinates for the locations of wells. It was suggested that the agreements should explicitly state how data collected from users would be used and what decisions the data might influence.

Conservation/Efficient Use

Next, meeting participants discussed water conservation and efficient use requirements. It was suggested that at a minimum, each State or Province should have a program that would include voluntary measures, incentive-based programs and educational measures. If this approach is taken, it was suggested that jurisdictions should then have the option of instating mandatory conservation programs.

Some participants expressed strong feelings toward the importance of moving forward with aggressive conservation measures. It was suggested that, at a minimum, case examples of successful conservation measures such as low-flow plumbing fixtures should be included in the finalized draft agreements.

Decision Making Standard

Meeting participants next discussed various approaches that could increase jurisdictional flexibility, including the possibility of making changes to the Decision Making Standard. Several Advisory Committee representatives expressed concern with the possibility of removing the Decision Making Standard from the revised draft agreements for in-Basin uses. It was suggested that the inclusion of a Decision Making Standard would both enhance predictability for project applicants and ensure protection of the Great Lakes.

Meeting Wrap-Up and Next Steps

Sam Speck, Chair of the Water Management Working Group, thanked members of the Advisory Committee, Resource Group and Observers for their participation. He also noted the important contributions that members of these groups have made throughout the Annex implementation process.

Water Management Working Group Meeting

Next, Working Group members met independently to discuss the feedback received from members of the Advisory Committee, Resource Group and Observers.

Thursday, September 22

Working Group members began a series of discussions on particular issues raised by the Advisory Committee, Resource Group and Observers

In-Basin Uses

The Working Group discussed various approaches toward setting thresholds for managing and regulating in-Basin uses. One option could be to allow each jurisdiction to set their own thresholds for management and regulation, and allow each to implement the Decision Making Standard through its unique jurisdictional program. Jurisdictional programs could then be periodically reviewed by the other States and Provinces to examine how the jurisdiction applies the Standard to projects within its jurisdiction. If this approach is taken, it was suggested that the agreements should retain a process for reviewing cumulative impacts regionally and for modifying the Decision Making Standard as needed.

Concerns were expressed that there should be some common minimum threshold for applying the decision making standard to ensure that a jurisdiction does not effectively exempt itself from managing and regulating any withdrawals by setting the threshold at an extremely high level.

Various benchmarks were discussed for applying the Decision Making Standard. These included volume, sector and allowing the jurisdictions to apply the standard in the future with a common understanding that States and Provinces may implement the standard differently while obtaining the same end result. In other words, the overarching requirement would be the protection of the Great Lakes Waters and Water Dependent Natural Resources but it would be up to each jurisdiction to determine which in-Basin uses needed to be managed and regulated toward this end. Regardless, several participants stressed the need to use a common resource based standard for those uses that would be managed and regulated.

Straddling Counties Exception

The Working Group next discussed the option of creating a “sunset period” for the straddling counties exception to the prohibition on diversions. Concerns were expressed with the proposal to eliminate this provision entirely at some future time. In particular, the provision could be useful in the case of extreme future events such as drought or severe water quality impairments caused by pollution.

Another option that was discussed could be to eliminate the straddling counties exception and to grandfather at their existing capacity communities that can demonstrate that its existing groundwater is hydrologically connected to the Great Lakes Basin. If this approach were taken, these communities could then be allowed to switch to using surface water from the Great Lakes Basin. It was suggested that, under this approach, the other requirements of the Decision Making Standard would still apply. Further discussion on this option, as well as the option of retaining the straddling counties exception unchanged, is required.

It was suggested that the exception to the ban on diversions should only be granted to communities who can demonstrate that they use groundwater which is hydrologically connected to the Great Lakes Basin. Another suggestion was that such a demonstration could be a substantive consideration but not a requirement.

Tribes/First Nations

A discussion was held on the future relationship between the Regional Body, Compact Council, various future advisory committees, and federally recognized Tribes and First Nations in the Great Lakes region. It was noted that options provided by Tribes and Tribal organizations during the public comment period are under review by the Tribes/First Nations Team.

Precaution

Several public comments were received regarding the inclusion of the term “precaution” in the agreements. Concerns were expressed that this language was too vague and not uniformly understood, particularly in the United States. As an alternative, it was suggested that the term “precautionary approaches” be used or that other, descriptive language be included in the agreements to reflect what was intended through the use of this term.

Friday, September 23

The Working Group reviewed proposed changes to the revised draft agreements. Language was reviewed in various sections. In addition, participants discussed provisions related to return flow.

Return Flow

Several members of the Working Group pointed out that there are a number of water treatment and wastewater treatment systems that withdraw and discharge waters both inside and outside the Great Lakes basin. Therefore, it could be practically impossible to track where every molecule of water is drawn from and where it is discharged to in these instances.

Accordingly, the Working Group discussed a modification to the return flow requirements to address situations of “commingled water.” In these instances, it was suggested that language would be needed to ensure the prevention of aquatic invasive species being introduced to the Great Lakes Basin.

Next Steps

The next and last meeting of the Water Management Working Group is scheduled for October 11-14 in Skokie, Illinois. At that meeting, the Working Group intends to finalize the Annex implementing agreements for the Governors’ and Premiers’ review and consideration.

**Council of Great Lakes Governors
Great Lakes Water Management Working Group,
Advisory Committee, Resource Group and Observers
Meeting Attendee List
September 20-23, 2005
North Shore Skokie Hotel and Conference Center
9599 Skokie Boulevard
Skokie, Illinois**

ADVISORY COMMITTEE

American Chemistry Council

Ms. Genise Smith-Watkins, Midwest Regional Director
American Chemistry Council/American Plastics Council

American Farm Bureau Federation

Mr. Rob Anderson, Associate Legislative Counsel, Public Policy & Commodity Division
Michigan Farm Bureau

Dr. Larry Antosch, Director of Environmental Research
Ohio Farm Bureau

Ms. Nancy Erickson, Director of Natural Resources
Illinois Farm Bureau

Mr. Scott Piggott, Natural Resources and Right-to-Farm Specialist
Michigan Farm Bureau

American Water Works Association

Mr. Ed Glatfelter, Chairman
Central Lake County Joint Water Action Agency

Association of Metropolitan Sewerage Agencies

Mr. Frank Kudrna, Chief Executive Officer
Kudrna & Associates Ltd.

Canadian Environmental Law Association

Ms. Sarah Miller, Coordinator
Canadian Environmental Law Association

Consumers Energy Company

Mr. Jon W. Allan, Director of Environmental Services, Land and Water Management
Consumers Energy Company

Council of Great Lakes Industries

Mr. George H. Kuper, President and Chief Executive Officer
Council of Great Lakes Industries

Mr. Dale Phenicie, Consultant
Council of Great Lakes Industries

Great Lakes United
Mr. Reg Gilbert, Senior Coordinator
Great Lakes United

Ms. Cheryl Mendoza, Project Manager, Land & Water Conservation Programs
Alliance for the Great Lakes

Great Lakes and St. Lawrence Cities Initiative
Mr. David Ullrich, Executive Director
Great Lakes and St. Lawrence Cities Initiative

National Association of Manufacturers
Mr. Robert Reich, Environmental Engineering Consultant
DuPont Engineering Technology

National Wildlife Federation—Great Lakes Natural Resource Center
Mr. Andy Buchsbaum, Director, Great Lakes Natural Resources Center
National Wildlife Federation

Ms. Mary Ericson, Great Lakes Water Resources Attorney/Advocate
National Wildlife Federation

Ms. Molly Flanagan, Great Lakes Water Resources Advocate
National Wildlife Federation

The Nature Conservancy
Ms. Michele DePhilip, Aquatic Ecologist
The Nature Conservancy

Ms. Lois Morrison, Director of Conservation
The Nature Conservancy

Nature Québec
Mr. Marc Hudon, Spokesperson for St. Lawrence - Great Lakes Issues
Nature Québec

New York Power Authority
Mr. John Osinski, Executive Director, Regulatory Affairs
New York Power Authority

Ontario Federation of Agriculture

Ms. Betty Semeniuk, Ontario Federation of Agriculture Director and Chairperson of the Environment Committee
Ontario Federation of Agriculture

RESOURCE GROUP

Great Lakes Commission

Tom Crane, Interim Executive Director
Great Lakes Commission

U.S. Geological Survey

Mr. Jim Nicholas, District Chief
U.S. Geological Survey

OBSERVERS

Canadian Consulate—Chicago

The Honourable Anne Charles, Consul General
Consulate General of Canada

Ms. Susan Evans, Political/Economic Affairs and Media Relations Officer
Consulate General of Canada

Mr. James Lynch, Consul
Consulate General of Canada

Great Lakes Protection Fund

Mr. David Rankin, Program Director
Great Lakes Protection Fund

International Joint Commission

Mr. Murray Clamen, Secretary
International Joint Commission—Canadian Section

Mr. John Nevin, Strategic Policy Advisor
International Joint Commission—U.S. Section

WATER MANAGEMENT WORKING GROUP

Illinois

Mr. Bob Mool, Legal Counsel
Department of Natural Resources

Indiana

Ms. Kari Evans, Policy Director—Environment
Office of Governor Daniels

Mr. James Hebenstreit, Assistant Director, Division of Water
Department of Natural Resources

Mr. Kyle Hupfer, Director
Department of Natural Resources

Mr. Ron McAhrn, Deputy Director, Regulatory Team
Department of Natural Resources

Mr. Charles White, Legal Counsel
Department of Natural Resources

Michigan

Mr. Jim Bredin, Assistant to the Director
Office of the Great Lakes

Mr. Ken De Beussaert, Director
Office of the Great Lakes

Ms. Dana Debel, Environmental Policy Advisor
Office of Governor Granholm

Minnesota

Mr. Jim Japs, Assistant Director, Division of Water
Department of Natural Resources

Mr. Kent Lokkesmoe, Director, Division of Water
Department of Natural Resources

New York

Mr. Mike Elmendorf, Director of Intergovernmental Affairs
Office of Governor Pataki

Mr. Don Zelazny, Great Lakes Programs Coordinator
Department of Environmental Conservation

Ohio

Ms. Kate Bartter, Chief Policy Advisor
Office of Governor Taft

Mr. Dick Bartz, Chief, Division of Water
Department of Natural Resources

Mr. Charles Rowan, Legal Counsel
Department of Natural Resources

Dr. Samuel Speck, Director
Department of Natural Resources
Great Lakes Water Management Initiative Chairman

Ontario

Mr. Bill Carr, Team Leader, Western Hemisphere
Office of International Relations and Protocol, Ministry of Intergovernmental Affairs

Mr. David de Launay, Assistant Deputy Minister, Corporate Management Division
Ministry of Natural Resources

Ms. Leith Hunter, Legal Counsel, Legal Services Branch
Ministry of Natural Resources

Mr. Rob Messervey, Manager, Water Resources Section, Lands and Waters Branch
Ministry of Natural Resources

Ms. Paula Thompson, Senior Policy Advisor, Water Resources Section, Lands and
Waters Branch
Ministry of Natural Resources

Ms. Jennifer Tuck, Senior Advisor, Policy and Issues Management, Office of the
Minister
Ministry of Natural Resources

Mr. Kevin Wilson, Assistant Deputy Minister, Natural Resource Management Division
Ministry of Natural Resources

Pennsylvania

Ms. Pam Bishop, Esq., Bureau of Regulatory Counsel
Department of Environmental Protection

Mr. Bill Gast, Chief, Division of Water Use Planning, Bureau of Watershed Management
Department of Environmental Protection

Québec

Ms. Lucie Bouchard, Direction des politiques du secteur municipal
Ministère du Développement durable, de l'Environnement et des Parcs

Ms. Louise Lapierre, Direction des politiques de l'air, Service des affaires
intergouvernementales
Ministère du Développement durable, de l'Environnement et des Parcs

Mr. Jerome Faivre, Conseiller, Direction des Affaires intergouvernementales
Ministère du Développement durable, de l'Environnement et des Parcs

Wisconsin

Mr. Todd Ambs, Administrator for Water
Department of Natural Resources

Mr. Charles Hammer, Legal Services Attorney
Department of Natural Resources

Mr. Andrew Moyer, Legislative Liaison
Office of Governor Doyle

Council of Great Lakes Governors

Mr. Peter Johnson, Senior Program Manager

Ms. Zoe Munro, Program Associate

Mr. David Naftzger, Executive Director

Ms. Lisa Wojnarowski, Program Associate