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GREAT LAKES BASIN SUSTAINABLE WATER RESOURCES AGREEMENT
ENTENTE SUR LES RESSOURCES DURABLES EN EAUX DU BASSIN DES
GRANDS LACS

The State of Illinois,

The State of Indiana,

The State of Michigan,

The State of Minnesota,

The State of New York,

The State of Ohio,

The Province of Ontario,

The Commonwealth of Pennsylvania,

The Government of Québec,

The State of Wisconsin,

PREAMBLE

Recognizing that,

The Waters of the Great Lakes Basin are a shared public treasure and the States and Provinces as stewards have a shared duty to protect, conserve and manage these renewable but finite Waters;

These Waters are interconnected and form part of a single hydrologic system;

Protecting, conserving, restoring, and improving these Waters is the foundation of Water resource management in the Great Lakes Basin;

There is a need for the States and Provinces to balance economic development, social development and environmental protection as interdependent and mutually reinforcing pillars of sustainable development;

Even though there has been significant progress in restoring and improving the health of the Great Lakes Basin ecosystem, the Waters and Water Dependent Natural Resources of the Great Lakes Basin remain at risk; and

Sustainable development and harmony with nature and between neighbours require cooperative arrangements for the development and implementation of watershed protection approaches at the Great Lakes regional level.

Reaffirming and acknowledging,

The principles and findings of the Great Lakes Charter and the commitments and directives of the Great Lakes Charter Annex 2001;

The continuing and abiding roles of the United States and Canadian federal governments under the Boundary Waters Treaty of 1909 and other applicable international agreements and the valuable contribution of the International Joint Commission; and

That effective management is dependent upon all Parties acting in a continuing spirit of comity and mutual cooperation.

Agree as follows:

CHAPTER I
GENERAL PROVISIONS

ARTICLE 100
OBJECTIVES

1. The objectives of this Agreement are:
 - (a) to protect, conserve, restore, improve and efficiently and effectively manage the Waters and Water Dependent Natural Resources of the Great Lakes Basin under appropriate arrangements for intergovernmental cooperation and consultation;
 - (b) to promote co-operation among the Parties;
 - (c) to create a co-operative arrangement regarding Water Withdrawal management that is simple, evolving and provides tools for shared future challenges;
 - (d) to provide common and regional mechanisms to evaluate Water Withdrawal proposals;
 - (e) to facilitate consistent approaches to Water management across the Basin while retaining State and Provincial management authority over Water management decisions within the Great Lakes Basin;
 - (f) to facilitate the exchange of data, strengthen the scientific information upon which decisions are made and engage in consultation on the potential effects of proposed Water Withdrawals on the Waters and Water Dependent Natural Resources of the Great Lakes Basin; and
 - (g) to prevent or minimize significant adverse impacts of Withdrawals on the Great Lakes Basin's ecosystems and watersheds;
2. The Parties shall interpret and apply the provisions of this Agreement in order to achieve these objectives.

ARTICLE 101
SCOPE OF APPLICATION

This Agreement applies to the Waters of the Great Lakes Basin within the Parties' territorial boundaries.

ARTICLE 102
GENERAL COMMITMENT

Each Party shall seek legislative, regulatory or other changes that may be required to give effect to this Agreement.

ARTICLE 103
GENERAL DEFINITIONS

In this Agreement,

“Applicant” means the person who submits a project proposal involving a Withdrawal of Water subject to this Agreement.

“Compact” means the Great Lakes Basin Water Resources Compact.

“Consumptive Use” means that portion of Water Withdrawn or withheld from the Great Lakes Basin that is lost or otherwise not returned to the Great Lakes Basin due to evaporation, incorporation into products or other processes.

“Cumulative Impacts” means the impact on the Great Lakes Basin Ecosystem that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of who undertakes the other projects. Cumulative Impacts can result from individually minor but collectively significant projects taking place over a period of time.

“Diversion” means a transfer of Water from the Great Lakes Basin into another watershed, or from the watershed of one of the Great Lakes into that of another, by any means.

“Environmentally Sound and Economically Feasible Water Conservation Measures” means any beneficial reduction in Water loss, waste, or use accomplished by the implementation of Water management practices and Water efficiency measures. Water management practices and Water efficiency measures must be economically feasible based on a cost-benefit analysis that includes avoided environmental and economic costs.

“Great Lakes Basin” means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec within the Jurisdiction of the Great Lakes States or Provinces.

“Great Lakes Basin ecosystem” means the interacting components of air, land, Water and living organisms, including humankind, within the Great Lakes Basin.

“Improvement to the Waters and Water Dependent Natural Resources of the Great Lakes Basin” means additional beneficial, restorative effects to the physical, chemical or biological integrity of the Waters and Water Dependent Natural Resources of the Basin, resulting from associated Environmentally Sound and Economically Feasible Water Conservation Measures, enhancement or restoration measures which include, but are not limited to, such practices as mitigating adverse effects of existing Water Withdrawals, restoring environmentally sensitive areas or implementing Environmentally Sound and Economically Feasible Water Conservation Measures in areas or facilities that are not part of the specific proposal undertaken by or on behalf of the withdrawer.

“Jurisdiction’s Waters” mean the Waters within the Great Lakes Basin and the geographic boundaries of the Jurisdiction.

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“Manual” means the procedures manual established under Article 202 of this Agreement.

“Measure” includes any legislation, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure.

“New or Increased Diversion or Consumptive Use” means a new Diversion or Consumptive Use or increase in an existing Diversion or Consumptive Use commencing after the effective date of Paragraph 3 of Article 710.

“Non-governmental organization” means any scientific, professional, business, non-profit, or public interest organization or association that is neither affiliated with, nor under the direction of a government.

“Party” means a State or Province that enters into this Agreement.

“Person” means a human being or a legal person, including a non-governmental organization or a government.

“Province” means Ontario or Québec.

“Return flow” means the remaining portion of Water Withdrawn which returns naturally or is returned to the Source Watershed after use and thus becomes available for further use in the Great Lakes Basin.

“Source Watershed” means the watershed from which the Water Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that direct tributary stream.

“Standard” means the Decision Making Standard established under Chapter 2 of this Agreement.

“State” means one of the following States: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania or Wisconsin.

“Technical review” means a detailed review conducted to determine, through an analysis of the criteria set out in the Manual, whether or not an application that requires Regional Review under this Agreement is consistent with the Standard.

“Water” means ground or surface Water contained within the Waters of the Great Lakes Basin, as described in Article 103.

“Water Dependent Natural Resources” mean the interacting components of land, Water and living organisms affected by the Waters of the Great Lakes Basin.

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“Waters of the Great Lakes Basin or Great Lakes Basin Water” means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of Water, including tributary groundwater, within the Great Lakes Basin.

“Withdrawal” means the taking of Water from surface or groundwater, by any means.

CHAPTER TWO
THE STANDARD

ARTICLE 200
THE ROLE OF THE STANDARD

1. The Decision Making Standard for Regulating Withdrawals from the Waters of the Great Lakes Basin (Standard) is agreed upon by the Parties as a minimum Standard and one of the means by which they will together protect, conserve, restore, improve and manage the Waters of the Great Lakes Basin.
2. The Parties shall seek to adopt and implement measures, as appropriate in each Party’s Jurisdiction, that are no less restrictive than those described in the Standard.
3. It is acknowledged that the Parties may implement measures that are more restrictive than the requirements of the Standard. It is also acknowledged that although a proposal is consistent with the Standard it may not be approved under the laws of the originating Jurisdiction.
4. When fully implemented in each Jurisdiction, the Standard will lead to Water Withdrawal management systems that are consistent in their fundamentals across the region.
5. The Standard may be amended periodically in accordance with Article 707 paragraphs 1, 2, and 3 to reflect advancements in science, information and knowledge.
6. The Standard is attached to this Agreement as Appendix 1. It forms part of the Agreement and cannot be amended except according to the rules for amendment of the Agreement in Article 707.

ARTICLE 201
STANDARD APPLICABILITY

The Standard applies to new Water Withdrawals as well as increases to existing Water Withdrawals by providing criteria with respect to:

1. Regional Review of a proposal for New or Increased Diversion of 1 million gallons per day (3.8 million litres per day) or greater average in any 120 day period for consistency with the Standard.
2. Regional Review of a proposal for New or Increased Consumptive Use of 5 million gallons per day (19 million litres per day) or greater average in any 120 day period for consistency with the Standard.
3. Management and regulation within a Jurisdiction of Diversions less than 1 million gallons per day (3.8 million litres per day) average in any 120 day period as set out in the Standard.
4. Management and regulation within a Jurisdiction of Withdrawals greater than 100,000 gallons per day (379,000 litres per day) average in any 120 day period as set out in the Standard.
5. The Parties will collectively conduct, on a Lake watershed and St. Lawrence River Basin basis, a periodic assessment of the Cumulative Impacts of Withdrawals,

Diversions and Consumptive Uses from the Waters of the Great Lakes Basin. The assessment of the Cumulative Impacts shall be done,

- (a) every 5 years;
- (b) each time the incremental losses to the Basin reach 50,000,000 gallons (190,000,000 litres) per day average in any 120 day period in excess of the quantity at the time of the last assessment; or
- (c) at the request of one or more of the Parties.

The assessment of Cumulative Impacts shall form a basis for the review of the Standard and the Manual and their application.

ARTICLE 202
PROCEDURES MANUAL

1. The Procedures Manual (Manual), drafted by the Parties, is to be used as a guide for the implementation of the Standard and in particular the review of the proposals and the preparation of an application. It also gives guidance on the review of their Water management programs.
2. The Manual shall contain specifics and details of items to be considered in determining whether or not a proposal meets the requirements of the Standard.
3. The Manual is attached to this Agreement as Appendix 2. It forms part of the Agreement and cannot be amended except according to the rules for amendment of the Agreement in paragraph 4 of Article 707.

ARTICLE 203
DETERMINATION OF WHETHER THE STANDARD APPLIES
TO PROPOSALS TO WITHDRAW WATER

1. The Standard will apply to proposals to Withdraw Water from the Great Lakes Basin in accordance with the appropriate dates as established in Article 710 of this Agreement.

Determining New or Increased Diversions or Consumptive Uses

2. To establish a baseline for determining New or Increased Withdrawals, Diversions and Consumptive Uses, each Party shall develop for their Jurisdiction,
 1. a list of existing Water Withdrawal approvals.
 2. a list of the capacity of existing systems. The capacity of the existing systems should be presented in terms of Withdrawal capacity, treatment capacity, distribution capacity, or other capacity limiting factors. The capacity of the existing systems must represent the state of the systems on the effective date of Paragraph 3 of Article 710. Existing use determinations will be based upon approval limits or the most restrictive capacity information.

Timing of Additional Applications

3. For the purposes of triggering Regional Review, applications for New or Increased Diversions or Consumptive Uses will be considered cumulatively within ten years of any application as illustrated in the Procedures Manual.

Transfers of Ownership

4. The transfer of ownership of any entity for which an originating Jurisdiction previously approved a Diversion or Consumptive Use above the Regional Review Threshold shall not trigger Regional Review, provided the facts, conditions or other criteria upon which that approval was based have not changed.

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Groundwater

5. Initially, the Great Lakes Basin surface Water divide will be used to define the Great Lakes Basin groundwater divide. It is recognized that this approach may not perfectly reflect where the groundwater divide actually exists. The definition of Great Lakes Basin groundwater will be updated as scientific understanding of groundwater flows improves.

Withdrawal systems

6. The total Withdrawals from surface and groundwater resources that supply a common distribution system determine the volume to which the Standard applies.

Communities Straddling Basin Boundaries

7. Communities (cities, towns or the equivalent thereof), whose existing corporate limits are in part within the watershed of one Great Lake or St. Lawrence River and whose public water supply and wastewater discharge occur within that same watershed, are considered to be entirely within that watershed for the purposes of the Standard.

Connecting Channels

8. For the purposes of determining whether a Withdrawal proposal is a New or Increased Diversion, the watershed of each Great Lake will include its upstream and downstream connecting channels.

Hydrologic Units

9. For purposes of determining whether a Withdrawal proposal is a New or Increased Diversion, the Lake Michigan and Lake Huron watershed are considered to be a single hydrologic unit.

Bulk Water Removals

10. A proposal to Withdraw Great Lakes Basin Water and to package it within the Great Lakes Basin for human consumption in containers 5.7 gallons (20 litres) or less shall be considered to be a proposal for a Consumptive Use for the purposes of the Standard. A proposal to Withdraw Great Lakes Basin Water and to remove it from the Basin in any container greater than 5.7 gallons (20 litres) shall be considered to be a proposal for a Diversion for the purposes of the Standard.

U.S. Supreme Court Decree: Wisconsin et. al. v. Illinois et. al.

11. For the Withdrawal of Great Lakes Basin Water by the State of Illinois, authorized by the United States Supreme Court decree in Wisconsin et. al. v. Illinois et. al. as of the effective date of this paragraph, no such Withdrawal shall be subject to Chapter 2 and Chapter 5 of this Agreement.

Exemptions

12. The Standard does not apply to Withdrawals from the Great Lakes Basin for the following purposes:

1. supply of vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of vehicles.
2. use in a non-commercial project on a short term basis for firefighting or humanitarian purposes.

CHAPTER 3
WATER MANAGEMENT
PROGRAMS WITHIN THE JURISDICTIONS

The Great Lakes States and Provinces shall, as set out in this Chapter, seek to implement mutually agreed upon measures to manage Water Withdrawals, promote the efficient use and conservation of the Waters within their Jurisdictions and improve the sources and application of scientific information for all existing, New or Increased Withdrawals.

ARTICLE 300
WATER MANAGEMENT PROGRAMS

1. The Great Lakes States and Provinces shall seek to implement programs to protect, preserve, restore and improve the Waters and Water Dependent Natural Resources of the Great Lakes Basin.
2. Each Party shall submit a report to the Regional Body (as described in Chapter 4 of this Agreement), in accordance with the Manual, detailing the Water management programs that implement this Agreement in their Jurisdiction.
3. The Regional Body shall forward each report to all members and shall give the members at least 30 days to consider it.
4. Following that period, the Regional Body shall consider the reports submitted by each Party.
5. The Regional Body shall issue a Declaration of Finding on whether the programs in place in a Jurisdiction,
 1. meet or exceed the requirements of this Agreement.
 2. do not meet the requirements of this Agreement.
 3. would meet the requirements if certain improvements were made.
6. Every year following the coming into force of this Chapter, each Party shall give the Regional Body an annual report in accordance with the Manual setting out the changes made that year to the Party's Water management programs.
7. The Regional Body shall distribute the annual reports to its members.
8. A Party may ask the Regional Body to issue a Declaration of Finding respecting the Water management programs in the Jurisdiction of any of the Parties, including themselves, to determine whether the programs,
 1. meet or exceed the requirements of this Agreement.
 2. do not meet the requirements of this Agreement.
 3. would meet the requirements if certain improvements were made.

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ARTICLE 301
INFORMATION

1. The Great Lakes States and Provinces shall gather and share accurate and comparable information on all Diversions and Withdrawals in excess of 100,000 gallons per day (379,000 litres per day) average in any 30 day period.
2. Programs in each Jurisdiction shall require users to report their monthly Withdrawals, Consumptive Uses and Diversions on an annual basis.
3. Within 1 year of the coming into force of this Chapter, the Parties shall develop, in accordance with Paragraph 2 of Article 203, a list of:
 - (a) all Diversions.
 - (b) all Withdrawals in excess of 100,000 gallons per day (379,000 litres per day) average in any 30 day period.
 - (c) the information required in Article 203 paragraph 2, subparagraph 1 and Article 203 paragraph 2, subparagraph 2.
4. The Parties shall report the information required to be developed under this Article to a Great Lakes Water Use Data Base Repository and it shall be available to the public.
5. The Parties shall co-ordinate the collection and application of scientific information to further develop a mechanism by which individual and Cumulative Impacts of Water Withdrawals may be assessed.
6. Information gathered shall be used to improve the sources and applications of scientific information regarding the Waters of the Great Lakes Basin, the impacts of Withdrawals from various locations and Water sources on the ecosystem, to better understand the role of groundwater, and to clarify what groundwater forms part of the waters of the Great Lakes Basin.

ARTICLE 302
WATER CONSERVATION PROGRAMS

The Parties shall seek to implement programs to promote Environmentally Sound and Economically Feasible Water Conservation Measures to minimize existing Great Lakes Basin Withdrawals, Consumptive Uses and Diversions.

CHAPTER FOUR
GREAT LAKES WATER RESOURCES REGIONAL BODY

ARTICLE 400
FUNCTIONS OF THE REGIONAL BODY

1. The Great Lakes Water Resources Regional Body (Regional Body) is composed of the Governor or Premier of each of the Parties, or a person designated by each of them.
2. The Regional Body is established to undertake the following duties and responsibilities:
 1. ensure, in accordance with this Agreement, a formalized process with respect to proposals that trigger Regional Review under the Standard and that originate in the Jurisdiction of one of the Parties for a New or Increased Withdrawal of Great Lakes Water and thereby provide an opportunity for concerns in the region to be addressed;
 2. declare whether or not an application for Withdrawal of Water under consideration in a Jurisdiction requiring Regional Review under this Agreement is consistent with the Standard;

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3. declare whether programs in a Jurisdiction established pursuant to Chapter 3 meet the requirements of this Agreement;
4. facilitate the development of consensus and the resolution of disputes on matters arising under this Agreement;
5. monitor and report on the implementation of this Agreement by the Parties, including data collection, the implementation of programs in each Jurisdiction to manage and regulate Water Withdrawals, promote Water conservation, and collectively assess the Cumulative Impacts of Withdrawals from the Waters from the Great Lakes Basin;
6. review the Standard and the Manual and their application, and propose amendments pursuant to Article 707;
7. perform any other functions or duties necessary to implement this Agreement.

ARTICLE 401

ORGANIZATION AND PROCEDURES OF THE REGIONAL BODY

1. The Regional Body may establish its own administrative practices and procedures.
2. The Regional Body may create a secretariat by the unanimous consent of its members.
3. The Regional Body shall meet,
 - (a) at least once annually; and
 - (b) at any other time at the call of the Chair or at the request of two or more Parties.
4. The Regional Body shall keep a complete public record of documents provided to it or generated by it including,
 - (a) proposals about which it is notified, whether formally or informally;
 - (b) materials provided to the Regional Body in respect of a proposal, under Chapter 5 including the application, the technical review and comments provided by the public;
 - (c) comments or objections made in respect of a proposal by members of the Regional Body or Declaration of Finding;
 - (d) materials in respect of dispute resolution under Chapter 6; and
 - (e) any amendments to the Manual agreed to by the Parties in accordance with paragraph 4 of Article 707.
5. The members shall appoint a Chair and vice Chair through the following process:
 1. For the first year, the Chair and vice Chair shall be members elected by a vote of the members.
 2. Each subsequent year, until all members have served, the vice Chair shall be chosen by drawing lots from amongst those members who have not yet served.
 3. Each member shall serve as Chair immediately after having served as vice Chair.
 4. Each member shall serve as vice Chair and as Chair, each for one year.
 5. Once all members have served as vice Chair and Chair, the original order of serving shall be repeated.
6. In the event that an application for Regional Review originates in the same Jurisdiction as the Chair represents, the role of the Chair of the Regional Body set out in this Chapter shall be filled by another member.
7. Each Party shall bear an equitable share of the costs of the Regional Body to a maximum amount per annum that is agreed upon each year by the Parties.

8. The Parties shall support the Regional Body using existing agency staff and facilities to the greatest extent possible and are encouraged to make additional resources available through partnerships and co-operative arrangements with government agencies, public or private entities, individuals or academic institutions.
9. It is the intent of the Parties that the Regional Body shall conduct public participation and Regional Review processes concurrently and jointly with those undertaken pursuant to the Compact and in the Parties' Jurisdictions to the greatest extent possible.
10. The Parties recognize the importance and necessity of public participation in promoting management of the Water resource of the Great Lakes Basin. Consequently, meetings of the Regional Body, at which official action is to be taken, shall be open to the public except when the Regional Body is meeting in executive session.
11. The minutes of the Regional Body shall be a public record.

CHAPTER 5
REGIONAL REVIEW

ARTICLE 500
REVIEW OF PROPOSALS TO
WITHDRAW WATERS FROM THE GREAT LAKES BASIN

1. This Chapter sets out the process to be used by the Parties for Regional Review with respect to proposals for major New or Increased Withdrawals of Water as identified in the Standard.
2. The process provides the Parties an opportunity to address concerns in the region with respect to that proposal.

ARTICLE 501
NOTICE FROM ORIGINATING JURISDICTION
TO THE REGIONAL BODY

Notice to the Regional Body of a proposal

1. An originating Jurisdiction shall determine if an application to Withdraw Water from Waters within the boundaries of a Jurisdiction that is under consideration for approval in the Jurisdiction is subject to review by the Regional Body under the terms of this Agreement.
2. If the originating Jurisdiction so determines, it shall provide timely notice to the Regional Body of the proposal before it decides whether or not to approve the application.
3. The notice shall contain all information and documents needed to evaluate whether the proposal conforms with the requirements of the Standard.

ARTICLE 502
VOLUNTARY NOTICE AND CONSULTATION

1. An originating Jurisdiction may at any time, with respect to an application to Withdraw Water from the Jurisdiction's Waters that is under consideration for approval in the Jurisdiction,
 1. provide notice to the Regional Body of the application, even if notification is not required under this Agreement; or
 2. seek Regional Review of the application, even if Regional Review is not required under this Agreement.
2. For example, a Party may provide voluntary notice of a proposal that the Party believes may come forward for Regional Review in the future or of a project that is not subject to Regional Review under this Agreement but nonetheless may be of interest to the Parties.
3. In addition to the requirement to provide a detailed notice of a proposal in accordance with paragraph 3 of Article 501, an originating Jurisdiction may, before that notice is completed, provide preliminary notification to the Regional Body of a possible application to Withdraw Water from the Jurisdiction's Waters.
4. At an originating Jurisdiction's request or by a majority vote of the Regional Body, a regionally significant or potentially precedent setting proposal may be subjected to Regional Review. No such notification to the Regional Body shall be made nor review shall be undertaken without consulting with the applicant.

ARTICLE 503
PUBLIC PARTICIPATION

1. To ensure adequate public participation, the Regional Body will adopt procedures for the review of proposals that are subject to Regional Review in accordance with this Article.
2. If the Regional Body has received notice from the originating Jurisdiction under Article 501 or 502, the Regional Body shall provide notification of a proposal to the public that indicates that the public has an opportunity to comment in writing to the Regional Body on whether the proposal meets the requirements of the Standard.
3. The Regional Body shall hold a public meeting in the originating Jurisdiction in order to receive public comment on the issue of whether the proposal under consideration in the Jurisdiction meets the requirements of the Standard.
4. The Regional Body shall consider the comments received as a result of public notice before issuing a Declaration of Finding.
5. The Regional Body shall forward the comments it receives to the originating Jurisdiction.
6. The Regional Body shall assure public accessibility to documents pertinent to proposals subject to Regional Review including comments, objections, and responses by Great Lakes States or Provinces and public comment itself.
7. Both comments and the Declaration of Finding will be made part of the proposal's administrative record and be accessible to the public.
8. Public access is recognized to be subject to confidentiality obligations set out in Article 704.
9. In addition to the requirements of this Article, the Parties shall seek to provide notice to the public and an opportunity for public input and comment on proposals that are subject to the requirements of the Standard but that are not subject to review by the Regional Body.

ARTICLE 504
TRIBES AND FIRST NATIONS CONSULTATION

1. In respect of a proposal to Withdraw Water to which this Agreement applies, appropriate consultation will occur with Tribes or First Nations in the originating Jurisdiction in the manner suitable to the individual proposal and the laws and policies of the originating Jurisdiction.
2. If the Regional Body has received notice from the originating Jurisdiction under Article 501 or 502, the Regional Body shall provide reasonable notice of a proposal to the Tribes and First Nations within the Great Lakes Basin, indicating that they have an opportunity to comment in writing to the Regional Body on whether the proposal meets the requirements of the Standard.
3. The notice from the Regional Body shall inform the Tribes and First Nations of the meeting that is to be held under paragraph 3 of Article 503 and invite them to attend.
4. The Regional Body shall forward the comments that it receives under this Article to the originating Jurisdiction for its consideration before issuing a Declaration of Finding.
5. The Regional Body shall consider the comments that it receives under this Article before issuing a Declaration of Finding.

ARTICLE 505
CONFORMITY WITH THE STANDARD

Originating Jurisdiction's Technical Review

1. The originating Jurisdiction shall provide the Regional Body with its technical review of the proposal under consideration.
2. The technical review shall thoroughly analyze the proposal and provide an evaluation of the proposal sufficient for a determination of whether the proposal meets the requirements of the Standard.

Independent Assessment

3. Any member of the Regional Body may within 60 days undertake an assessment of its own and the originating Jurisdiction shall assist the member by providing such additional information related to the application of the Standard as may be required in order to do so.
4. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent assessment of the proposal, or any aspect of it and shall determine the time by which it shall be completed.
5. All Parties shall exercise their best efforts to ensure that assessments undertaken under paragraphs 3 or 4 do not unnecessarily delay the decision on the application by the originating Jurisdiction. To the extent possible they shall occur within 60 days of the date the notice of the proposal was sent to the Regional Body under Article 501.

ARTICLE 506
DECLARATION OF FINDING

Consideration of the Record

1. The Regional Body shall meet to consider a proposal within 90 days of receiving the technical review of the proposal from the originating Jurisdiction under paragraph 1 of Article 505.
2. The Regional Body, having considered the notice, the originating Jurisdiction's technical review, any other assessment that is made, any comments or objections including the analysis of comments made by the public as well as Tribes and First

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Nations, and any other information that is provided under this Agreement may declare that the application under consideration,

1. meets the requirements of the Standard contained in this Agreement.
2. does not meet the requirements of the Standard contained in this Agreement.
3. would meet the requirements of the Standard if certain conditions were met by the applicant or the originating Jurisdiction.

Function of the Originating Jurisdiction with respect to a Declaration of Finding

3. An originating Jurisdiction may decline to participate in a Declaration of Finding made by the Regional Body on an application to Withdraw Waters from within its boundaries.

Declaration of Finding with Consensus

4. The Parties to this Agreement recognize and affirm that it is preferable for all members of the Regional Body to agree whether or not an application meets or does not meet the requirements of the Standard.
5. If the members of the Regional Body who participate in the Declaration of Finding all agree, they shall issue a written Declaration of Finding stating that the proposal,
 1. meets the requirements of the Standard contained in this Agreement.
 2. does not meet the requirements of the Standard contained in this Agreement.
 3. would meet the requirements of the Standard if certain conditions were met by the applicant or the originating Jurisdiction.

Consensus-building

6. In the event that the members cannot agree, the Regional Body shall make every reasonable effort to achieve consensus within 25 days.

Declaration of Finding where there is no Consensus

7. Should consensus not be achieved, the Regional Body may issue a public Declaration of Finding that presents different points of view and indicates each Party's position.

Consideration of the Declaration of Finding

8. The originating Jurisdiction shall consider the Declaration of Finding before deciding whether or not to issue the approval for the Withdrawal of Water under its own legislation.
9. The Regional Body shall release the Declaration of Finding to the public according to procedures that it will develop.

CHAPTER 6
DISPUTE RESOLUTION

ARTICLE 600
GENERAL

1. The Parties undertake to resolve any disputes under this Agreement in a conciliatory, co-operative and harmonious manner.

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2. Where dispute resolution is required, the Parties undertake to use the dispute resolution mechanisms provided for in this Chapter to arrive at a mutually satisfactory resolution.
3. The provisions of this Chapter shall not be used to dispute a Declaration of Finding on a proposal that is subject to Regional Review.
4. A person who is not a Party to this Agreement may not seek dispute resolution under this Agreement.

ARTICLE 601
PROCEDURE FOR DISPUTE RESOLUTION

Initial Steps

1. A Party may provide detailed written notice to another Party and to the Regional Body of a dispute that in its opinion requires resolution under this Chapter.

Measures to settle disputes

2. If the dispute is not resolved informally, the Chair of the Regional Body shall initiate the most appropriate measures to resolve the dispute. These measures may include:
 1. the appointment of a panel to hear the Parties to the dispute.
 2. consultation with experts.
 3. establishment of a working or fact-finding group.
 4. the use of dispute resolution mechanisms such as conciliation or mediation.
3. After resolution is attempted by one of the measures suggested in paragraph 2, recommendations shall be made in accordance with directions given by the Chair at the time the measure was adopted. The disputing Parties shall consider the recommendations and exercise their best efforts to settle their dispute.

Reference to Regional Body

4. If the disputing Parties, having considered the recommendations, fail to settle the dispute, any one of them may refer the matter to the full Regional Body. In this case, the Chair of the Regional Body shall, in consultation with the other members who are not involved in the dispute, have the Regional Body take such further steps as he or she considers advisable in the circumstances to resolve the dispute.
5. When those steps have been taken, the Regional Body shall issue its recommendations regarding the resolution of the dispute.
6. The disputing Parties shall consider the recommendations and shall exercise their best efforts to settle.

Role of the Chair

7. In the event that a dispute that involves the Jurisdiction of the Chair of the Regional Body, the role of the Chair set out in this Chapter shall be filled by the vice Chair or failing him or her, another member who is not a Party to the dispute.

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**CHAPTER 7
FINAL PROVISIONS**

ARTICLE 701

REAFFIRMATION OF CONSTITUTIONAL POWERS AND RESPONSIBILITIES

1. Nothing in this Agreement alters the legislative or other authority of Parliament or of the Provincial legislatures or of the federal Government of Canada or of the Provincial governments or the rights of any of them with respect to the exercise of their legislative or other authorities under the Constitution of Canada.
2. This Agreement is not intended to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America on behalf of the Signatory States.

ARTICLE 702

RELATIONSHIP TO AGREEMENTS CONCLUDED BY CANADA OR THE UNITED STATES OF AMERICA

Nothing in this Agreement is intended to provide nor shall be construed to provide, directly or indirectly, to any person any right, claim or remedy under any international Agreement or treaty.

ARTICLE 703

RELATIONSHIP TO OTHER AGREEMENTS AMONG THE PARTIES

1. The Parties assert that by this Agreement they are fulfilling their existing commitments with respect to each other under the Great Lakes Charter and the Great Lakes Charter Annex.
2. The obligations of this Agreement shall be co-ordinated with any obligations set out in other Environmental and Conservation Agreements between or among the Parties.

ARTICLE 704

CONFIDENTIALITY

1. Nothing in this Agreement requires a Party to breach confidentiality obligations or requirements prohibiting disclosure that it has under its own laws, to compromise security or a person's commercially sensitive or proprietary information of a person.
2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Regional Body to exercise its authorities contained in this Agreement.

ARTICLE 705

MEASURES SUBJECT TO TRANSITIONAL PROVISIONS

Each Party shall, from the date of execution of this Agreement, exercise its best efforts to refrain from taking any action that would defeat the objectives of this Agreement.

ARTICLE 706

APPENDICES

The Appendices to this Agreement constitute an integral part of the Agreement.

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ARTICLE 707
AMENDMENTS

1. The Parties may agree in writing to amend this Agreement.
2. An amendment to this Agreement requires the consent of all Parties to the Agreement.
3. When so agreed, and approved in accordance with the applicable legal procedures of each Party, an amendment shall constitute an integral part of this Agreement from the date of its entry into force.
4. Despite paragraph 2, the Manual may be amended on the unanimous written consent of the members of the Regional Body.

ARTICLE 708
WITHDRAWAL AND TERMINATION PROCEDURE

1. Twelve months after it gives written notice to all other Parties, a Party may withdraw from this Agreement.
2. If a Party withdraws, the Agreement shall remain in force among the remaining Parties.
3. This Agreement shall be terminated when all Parties, or all remaining Parties, agree in writing.

ARTICLE 709
LANGUAGE

This Agreement has been made and executed in English and French and both versions are equally authoritative.

ARTICLE 710
ENTRY INTO FORCE

1. The following parts of the Agreement come into force when the Agreement is signed by all the Parties:
 1. Preamble.
 2. Chapter 1 (General Provisions).
 3. Article 200 (Role of the Standard).
 4. Chapter 4 (Great Lakes Water Resources Regional Body).
 5. Chapter 6 (Dispute Resolution).
 6. Chapter 7 (Final Provisions).
2. The following parts of the Agreement shall come into force on the first day of the second month following the date that the last Party has notified the others that it has completed the legal procedures necessary to implement them:
 1. Article 201, paragraphs 1 to 3 (Application of the Standard to Regional Review of Diversions and Consumptive Uses; management of Diversions in a Jurisdiction).
 2. Article 202 (Procedures Manual).
 3. Article 203, except paragraph 2 (determination of whether the Standard applies to proposals).
 4. Chapter 5 (Regional Review).
3. The following paragraph shall come into force on the date that is 1 year after the date paragraph 2 of this Article came into force:
 1. Article 203, paragraph 2 (establishing a baseline to determine New or Increased Diversions or Consumptive Uses).
4. The following paragraph shall come into force on the date that is 5 years after the date paragraph 2 of this Article came into force:

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1. Article 201, paragraph 5 (periodic assessment of Cumulative Impacts).
5. The following paragraph shall come into force on the date that is the sooner of 10 years after the date paragraph 2 of this Article came into force or the first day of the second month following the date that the last Party has notified the others that it has completed the legal procedures necessary to implement it:
 1. Article 201, paragraph 4 (management of Withdrawals in a Jurisdiction).
6. The following Chapter shall come into force 1 year after the date paragraph 5 of this Article came into force:
 1. Chapter 3 (Water management programs within the Jurisdictions).
7. Except as otherwise set out in this Agreement, on the first day of the second month following the date that the last Party has notified the others that it has completed the necessary legal procedures, any remaining parts of this Agreement shall come into force.
8. The terms, agreements, and review processes contained in the Great Lakes Charter of 1985 ("Charter") shall remain in full force and effect unless and until the Parties to the Charter certify in writing that it has been replaced by the terms of this Agreement. Until the coming into force of Chapter 5 of this Agreement, the Regional Body as described in Chapter 4 shall be used for all prior notice and consultation activities as described in the Charter.

Signed this X day of 2005.

Governor of Illinois

Governor of Indiana

Governor of Michigan

Governor of Minnesota

Governor of New York

Governor of Ohio

Premier of Ontario

Governor of Pennsylvania

Premier of Quebec

Governor of Wisconsin

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**APPENDIX 1
DECISION MAKING STANDARD**

**DECISION MAKING STANDARD FOR REGULATING WITHDRAWALS FROM THE
WATERS OF THE GREAT LAKES BASIN**

I. REGIONAL REVIEW FOR DIVERSIONS

A New or Increased Diversion of 1 million gallons per day (3.8 million litres per day) or greater average in any 120 day period will be subject to Regional Review under the Agreement and declared consistent with the Standard and approved as appropriate only when:

- A. There is no reasonable Water supply alternative within the basin or the watershed of the Great Lake in which the Water is proposed for use, including the efficient use and conservation of existing water supplies; and,
- B. The Withdrawal of Great Lakes Basin Water will be limited to quantities that are considered reasonable for the purposes for which they are proposed; and,
- C. All Water Withdrawn from the Great Lakes Basin shall be returned to the Great Lakes Basin less an allowance for Consumptive Use of the applicable water use sector. Water Withdrawn directly from a Great Lake or from the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. Water Withdrawn from a watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn; and,
- D. The Withdrawal will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Great Lakes Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the proposal; and,
- E. The Withdrawal proposal shall incorporate a conservation plan, demonstrating how Environmentally Sound and Economically Feasible Water Conservation Measures will be implemented to minimize Water Withdrawals or Consumptive Use; and,
- F. The Withdrawal proposal shall incorporate a proposal for an Improvement to the Waters and Water Dependent Natural Resources of the Great Lakes Basin, demonstrating how measures will be implemented to improve the physical, chemical or biological integrity of the Waters and Water Dependent Natural Resources of the Great Lakes Basin; and,
- G. The Withdrawal will be implemented so as to ensure that it is in compliance with all applicable State, Provincial and federal laws as well as regional interstate, inter-provincial and international Agreements.
- H. The Jurisdiction in which the proposal originates will be responsible for declaring whether proposals are consistent or inconsistent with the Decision Making Standard under Section I.F. for New or Increased Diversions 1 million gallons per day or greater (3.8 million litres per day) average in any 120 day period and less than 3 million gallons per day (11.4 million litres per day) average in any 120 day period.

II. REGIONAL REVIEW FOR CONSUMPTIVE USES

A New or Increased Consumptive Use of 5 million gallons per day (19 million litres per day) or greater average in any 120 day period will be subject to Regional Review under the Agreement and declared consistent with the Standard and approved as appropriate only when:

- A. The need for all or part of the proposed Water Withdrawal cannot be reasonably avoided through the efficient use and conservation of existing water supplies; and
- B. The Withdrawal of Great Lakes Basin Water will be limited to quantities that are considered reasonable for the purposes for which they are proposed; and,
- C. All Water Withdrawn from the Great Lakes Basin shall be returned to the Great Lakes Basin less an allowance for Consumptive Use of the applicable water use sector. Water Withdrawn directly from a Great Lake or from the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. Water Withdrawn from a watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn; and,
- D. The Withdrawal will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Great Lakes Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the proposal; and,
- E. The Withdrawal proposal shall incorporate a conservation plan, demonstrating how Environmentally Sound and Economically Feasible Water Conservation Measures will be implemented to minimize Water Withdrawals or Consumptive Use; and,
- F. The Withdrawal proposal shall incorporate a proposal for an Improvement to the Waters and Water Dependent Natural Resources of the Great Lakes Basin, demonstrating how measures will be implemented to improve the physical, chemical or biological integrity of the Waters and Water Dependent Natural Resources of the Great Lakes Basin; and,
- G. The Withdrawal will be implemented so as to ensure that it is in compliance with all applicable State, Provincial and federal laws as well as regional interstate, inter-provincial and international Agreements.

III. REGIONAL REVIEW FOR COMBINED DIVERSIONS AND CONSUMPTIVE USES

A New or Increased Diversion and a Consumptive Use where the total combined Diversion and Consumptive Use is 5 million gallons (19 million litres per day) per day or greater average in any 120 day period shall be addressed in the manner prescribed in Section I or II as appropriate even though the Diversion component is less than 1 million gallons per day (3.8 million litres per day) average in every 120 day period or the Consumptive Use component is less than 5 million gallons (19 million litres per day) per day average in every 120 day period.

IV. JURISDICTIONAL REVIEW FOR DIVERSIONS

A New or Increased Diversion less than 1 million gallons per day (3.8 million litres per day) average in any 120 day period will be managed and regulated under the authority of individual States and Provinces and declared consistent with the Decision Making Standard and approved as appropriate only when:

- A. There is no reasonable Water supply alternative within the basin or the watershed of the Great Lake in which the Water is proposed for use, including the efficient use and conservation of existing water supplies; and,
- B. The Withdrawal of Great Lakes Basin Water will be limited to quantities that are considered reasonable for the purposes for which they are proposed; and,
- C. All Water Withdrawn from the Great Lakes Basin shall be returned to the Great Lakes Basin less an allowance for Consumptive Use of the applicable water use sector. Water Withdrawn directly from a Great Lake or from the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. Water Withdrawn from a watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn. An individual Jurisdiction may grant an exemption to this Return Flow requirement only when the applicant demonstrates that the Diversion of Great Lakes Basin Water is less than 250,000 gallons (946,000 litres) per day average in every 120 day period and is exclusively for public water supply uses in areas less than 12 miles (19.3 kilometers) from the Basin boundary where adequate quantities of potable-quality water are not available; and,
- D. The Withdrawal will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Great Lakes Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the proposal; and,
- E. Environmentally Sound and Economically Feasible Water Conservation Measures will be implemented to minimize Water Withdrawals or Consumptive Use; and,
- F. The Withdrawal proposal shall incorporate a proposal for an Improvement to the Waters and Water Dependent Natural Resources of the Great Lakes Basin, demonstrating how measures will be implemented to improve the physical, chemical or biological integrity of the Waters and Water Dependent Natural Resources of the Great Lakes Basin; and,
- G. The Withdrawal will be implemented so as to ensure that it is in compliance with all applicable State, Provincial and federal laws as well as regional interstate, inter-provincial and international Agreements.

V. JURISDICTIONAL REVIEW FOR WITHDRAWALS

A New or Increased Withdrawal of greater than 100,000 gallons per day (379,000 litres per day) average in any 120 day period will be managed and regulated under the authority of individual States and Provinces in accordance with the schedule set out in paragraph 5 of Article 710 of the Agreement. Proposals will be declared consistent with the Decision Making Standard and approved as appropriate only when:

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- A. The need for all or part of the proposed Water Withdrawal cannot be reasonably avoided through the efficient use and conservation of existing water supplies; and,
- B. The Withdrawal of Great Lakes Basin Water will be limited to quantities that are considered reasonable for the purposes for which they are proposed; and,
- C. All Water Withdrawn from the Great Lakes Basin shall be returned to the Great Lakes Basin less an allowance for Consumptive Use of the applicable water use sector. Water Withdrawn directly from a Great Lake or from the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. Water Withdrawn from a watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River shall be returned to the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn; and,
- D. The Withdrawal will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Great Lakes Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the proposal; and,
- E. Environmentally Sound and Economically Feasible Water Conservation Measures will be implemented to minimize Water Withdrawals or Consumptive Use; and,
- F. The Withdrawal will be implemented so as to ensure that it is in compliance with all applicable State, Provincial and federal laws as well as regional interstate, inter-provincial and international Agreements.

APPENDIX 2
PROCEDURES MANUAL
Decision Making Standard Procedures Manual – Table of Contents

- 1) Introduction of Procedures Manual Purpose and Use
- Part I: Review of a Proposal to Withdraw Water
- 2) Proposal Review Guidance
 - A) No Reasonable Water Supply Alternative
 - B) Quantities that are Considered Reasonable
 - C) Return Flow
 - D) No Significant Individual and Cumulative Impacts
 - E) Water Conservation
 - F) Improvement Measures
 - G) Compliance with Applicable Laws
- 3) Application Information
 - A) Who Applies and Who Bears the Regulatory Burden
 - B) Legal Arrangements
 - C) Jurisdiction Review
 - D) Timing of Additional Applications
 - E) Diversions
 - F) Other Requirements

Part 2: Review of Water Management Programs

- 4) Jurisdictional Management and Information
 - A) Submission and Review
 - B) Components of Jurisdictional Program Report
 - C) Statement on Improvement Measures
 - D) Water Conservation Programs
 - E) Information Collection and Management

Appendices to Appendix 2
Appendix A. Elements of an Application

1) INTRODUCTION OF PROCEDURES MANUAL PURPOSE AND USE

This Manual addresses:

Part 1: Review of a Proposal to Withdraw Water

- Proposal review guidance (section 2)
The proposal review guidance applies to proposal reviews for both proposals above the Regional Review Threshold level and proposals below the Regional Review Threshold level, reviewed by the Jurisdictions, with the following exceptions:
 - Water conservation plans covered in Section (2)(E) apply to proposals above the Regional Review Threshold level only.
 - Improvement measures covered in Section (2)(F) currently only apply to all proposals except Withdrawal under Jurisdictional Review.

- Certain of the program requirements for proposals below the Regional Review Threshold level for Consumptive Uses will be phased in by the Jurisdictions over time.
- A discussion on proposal application information (Section 3)
- Elements of an application (Appendix A)

Part 2: Review of Water Management Programs

For proposals under the Regional Review Threshold level (subject to Jurisdictional review) programs, the Manual includes descriptions of:

- The submission and review/comment process.
- The components of the Jurisdictional program report.
- Guidance to Jurisdictions on Water conservation.
- A statement on Improvement Measures.
- Information collection and management.

2) PROPOSAL REVIEW GUIDANCE

A. No Reasonable Water Supply Alternative

Description of Intent

The purpose of this requirement is to ensure that there are not reasonable alternatives available that would eliminate or diminish the need for New or Increased Diversions or Consumptive Uses of Great Lakes Basin Water.

Application Requirements

Diversion Proposals

Diversion applications shall include a narrative description of the need for the proposed New or Increased Diversion. This description should include an analysis of alternative supplies considered and reasons as to why alternatives in the Basin or watershed of the Great Lake in which the Water is proposed for use are unacceptable. The more efficient use of current Water Withdrawals, including the application of Environmentally Sound and Economically Feasible Water Conservation Measures, should be included in this analysis.

Withdrawal and Consumptive Use Proposals

Withdrawal applications shall include a narrative description of the need for the proposed New or Increased Withdrawal or Consumptive Use. This description should include an analysis of the efficiency of current water Withdrawals, including the application of Environmentally Sound and Economically Feasible Water Conservation Measures.

Criteria for Decisions

The application should include an analysis of water supply alternatives available and considered meeting the new or increased need. This analysis shall address quantity and quality (including treatability) of alternative sources. The analysis shall describe the rationale for not using the other considered water supply alternatives.

A clear demonstration of alternatives considered, the analysis undertaken and conclusions and findings of this analysis will be evaluated. There must be a showing that no reasonable water supplies are available. To determine what is reasonable, three

factors will be evaluated for alternative options, including: 1) resource protection, 2) technology and 3) cost.

Water conservation and efficient use of existing water supplies should be an alternative that is pursued first to minimize or eliminate the need for the New or Increased Diversion or Consumptive Use.

B. Quantities that are Considered Reasonable

Description on Intent

The purpose of this requirement is to ensure that the Withdrawal of Great Lakes Basin Water will be limited to quantities that are considered reasonable to meet the requirements of the intended use.

Application Requirements

The applicant must estimate the highest 120-day average use for the period for which the approval is being sought. The application must include a Water use plan. For a public water supply system, publicly or privately operated, the plan must include:

- A description and map of the service area at the time of the application and projected for up to twenty years or for the period for which the approval is being sought.
- Water use and population projections at the time of the application and projected for the next five, ten and twenty years. Population projections should be credible and the entity conducting the projections identified. Water use will be presented in terms of maximum use for any 120-day period for a given year. Water use must also be presented in terms of annual average gallons or litres per day.
- A description of the capacity of the Withdrawal, treatment and distribution portions of the system.
- An assessment of the water use savings of current and proposed water conservation programs.

Applications for other uses, such as industrial or agricultural, must include a plan that projects Water use at the time of application and projected for up to twenty years or for the period for which the approval is being sought. Water use will be presented in terms of maximum 120 day average use for a given year and in terms of annual average gallons per day.

Criteria for Decisions

In determining if a proposal has successfully met the requirements of this Standard provision, the proposal will be evaluated in terms of how realistic and reasonable the quantity of the proposed Water Withdrawal is to meet the requirements of the intended purposes for the Withdrawal. The review will be conducted in concert with the review of the proposal's Environmentally Sound and Economically Feasible Water Conservation Measures to determine how effective it is in minimizing the quantity of the Withdrawal.

The proposed Water use projections will be evaluated upon the following criteria:

- The presentation of current use information – including proposed Withdrawal and/or Diversions and/or Consumptive Use;
- The existence of a Water use plan with credible multi-year use projections; and,

- The potential effectiveness of current and proposed Water conservation programs in minimizing the Withdrawal, Diversion and/or Consumptive Use of Water.

C. Return Flow

Description of Intent

The intent of the Return Flow requirement is to ensure that all of the Water Withdrawn from the Great Lakes Basin is returned to the Source Watershed, less an allowance for Consumptive Use, in order to support the ecological health of the system and for further use. It is recognized that Consumptive Uses will occur and the amount of Consumptive Use will differ depending of the use of the Water. The desire is that Consumptive Uses be reasonable and that the proposal maximizes the return of Water at a quality that meets all applicable Water quality requirements. Except under exceptional circumstances, as defined in the Decision Making Standard, Return Flow will be required for all New or Increased Diversions or Consumptive Uses triggered by the Standard, whether intended for in-basin or out-of-basin use.

Application Requirements

Applicants must submit a description of their Return Flow program. This program description should include:

- A description on how the Water will be returned. To the extent the local entity that will be discharging the Return Flow is not the applicant for the project, agreements must be presented demonstrating that the Return Flow will be guaranteed;
- An estimate of total Return Flow by volume and as a percentage of Water Withdrawn;
- Location of Return Flow and the location relationship to the Source Watershed. Justification must be provided if Return Flow will be to the Great Lakes Basin but not to the Source Watershed, including an analysis of the impacts on both the Source Watershed and the watershed receiving the Return Flow;
- An estimate of Consumptive Use, by sector, including historic use information. These estimates may be presented in the form of project engineering design plans or utilizing USGS or other Consumptive Use coefficients. To the extent use estimates are greater than "generally accepted Consumptive Use coefficients," the application must include a detailed explanation and justification for projected additional Consumptive Use by sector; and,
- A description of the anticipated Water quality of the Return Flow including a description of the proposed measurement methods (quality and quantity) and discharge location(s).

If an applicant wants an exemption to the Return Flow requirement it must be justified and the following conditions apply:

1. The total Diversion (i.e. a new Diversion or the combined volume of an existing Diversion plus a proposed increase) is less than 250,000 gallons per day (946,000 litres per day) average in every 120 day period; and,
2. The Diversion is exclusively for public water supply uses in areas less than 12 miles (19.3 kilometres) from the Basin boundary where adequate quantities of potable-quality water are not available; and,

3. The Return Flow of some or all of the Water Withdrawn from the Great Lakes Basin is not feasible.

Criteria for Decisions

In determining if a proposal has successfully met the requirements for Return Flow, the following will be evaluated:

- The clarity and completeness of the description of the Return Flow program, including the quantity, quality and location of the Return Flow in relation to the Source Watershed.
- The verification and justification of Consumptive Use estimates, by sector, using engineering estimates or Consumptive Use coefficients.
- If Return Flow is not to the Source Watershed, then impacts to both the Source Watershed and the receiving watershed will be assessed on a case-by-case basis.
- There is no replacement water from outside the Basin.
- Adequate justification is provided that a proposed Diversion meets the conditions for an exemption of the Return Flow requirement, if applicable.
- The Return Flow meets all applicable water quality Standards.
- Water that is returned to the Source Watershed via non-point sources (e.g. percolation, infiltration, septic system seepage) will be considered part of Return Flow.

In reviewing Consumptive Use estimates, commonly used coefficients will be used as a benchmark. It is understood that specific use situations vary and that in some cases higher use amounts may be justified. It is also understood that research will continue and that Consumptive Use information will improve. As of now, the Great Lakes Commission Survey, Spring 2002, entitled, "Consumptive Use Coefficients By Water Use Category Among Great Lakes Jurisdictions and USGS" is one benchmark evaluation tool for the listed water use categories, recognizing that coefficients will be updated periodically to reflect advancements in conservation practices.

D. No Significant Individual or Cumulative Impacts

Description of Intent

The intent of this Standard provision is to ensure that New or Increased Diversions or Consumptive Uses result in No Significant Adverse Individual or Cumulative Impacts to the Water and Water Dependent Resources of the Great Lakes Basin. This provision is central to the Jurisdictions' commitment to responsible resource protection and management.

Application Requirements

Applications must be submitted with detailed information related to the proposed project including the location of the New or Increased Diversion, Consumptive Use and Return Flow.

The proposal should include the following information:

- Source, location of the Withdrawal and Return Flow;
- A description of baseline conditions regarding hydrologic flow, water quality and habitat;
- A projected Withdrawal schedule including peak 30-day demand over the 120-day averaging period;
- Anticipated changes in Water and related natural resources;
- A description of all mitigation measures that will be implemented to prevent or eliminate significant impacts; and,
- A statement of how the proposal would relate to other existing Withdrawals, Diversions and Consumptive Uses for purposes of enabling the Jurisdictions to evaluate Cumulative Impacts from this proposal. The applicant shall use data and analyses on Cumulative Impacts that are available from the Great Lakes States and Provinces.

Criteria for Decisions

In determining whether a proposal has the potential for significant effects, the Great Lakes States and Provinces will consider the impacts that may be reasonably expected to occur from the proposal based on consideration of the following criteria and factors:

- The completeness of baseline information presented;
- Location, type, extent, scale and duration of impacts;
- The mitigation measures proposed;
- Potential cumulative effects of related or anticipated future projects (supply and demand analysis), including the potential for precedent-setting consequences; and,
- Individual impacts will be evaluated in the context of Cumulative Impacts. Where watershed plans exist, applicants shall discuss impacts based upon these plans. Potential impacts on other users will be evaluated.

The scope and location of a proposal will be considered when evaluating potential adverse impacts from a proposal. The geographic and temporal scale of potential impacts will be considered in the determination of when an adverse impact is significant.

A Water Withdrawal proposal will be considered to have a significant ecological impact if there is a significant change to any of the following parameters:

Physical Criteria

- Measurable change to the pre-proposal range of variability of the hydrologic regime
- Degradation of structural habitat
- Disruption of pre-proposal connections between and among habitats
- Disruption of pre-proposal temperature regime of the hydrologic system
- Significant/measurable impacts to existing Water uses

Chemical Criteria

- Disruption of natural productivity of the ecosystem
- Introduction of potentially harmful toxins, contaminants and excessive nutrients
- Disruption of the hydrologic system's ability to process toxins, contaminants, and nutrients

Biological Criteria

- Decline in population levels or health of native species
- Introduction of non-native species
- Disruption of biological interactions such as predation and competition
- Introduction of harmful microorganisms and no elevation of microorganisms to harmful level
- Impact on human health

Compliance with Jurisdictional environmental regulatory requirements (water and air) could contribute to a demonstration of the lack of significant ecological impact. In some cases, these processes require a showing of no impact. In these cases, such a finding by a Jurisdiction could meet the requirements of this section.

E. Water Conservation

Description of Intent

The purpose of this Standard provision is to minimize Water Withdrawals and associated consumptive losses through demand reduction and supply-side Environmentally Sound and Economically Feasible Water Conservation Measures and incentives. Environmentally Sound and Economically Feasible Water Conservation Measures can be grouped into two general categories: 1) "hardware" devices or equipment and 2) behavior or management practices. Examples of Water Conservation Measures for different water use sectors are provided in Table 1 from the *Handbook of Water Use and Conservation* (Vickers, 2001). Conservation incentives, on the other hand, are incentives that motivate water users to implement Environmentally Sound and Economically Feasible Water Conservation Measures. They can be classified into three categories: 1) educational, 2) financial, and 3) regulatory. Examples of conservation incentives are presented in Table 2 from the *Handbook of Water Use and Conservation* (Vickers, 2001).

The Decision Making Standard has two distinct requirements regarding Water conservation: 1) for proposals above the Regional Review Threshold level the applicant must submit a conservation plan, demonstrating how Environmentally Sound and Economically Feasible Water Conservation Measures will be implemented by the applicant, and 2) for proposals below the Regional Review Threshold level the applicant must implement Environmentally Sound and Economically Feasible Water Conservation Measures and/or incentives to minimize Water Withdrawals and/or Consumptive Use.

Table 1. Types of Water Conservation Measures (Source: *The Handbook of Water Use and Conservation* (Vickers, 2001, p. 6) and the Great Lakes Commission's Report *Water Resources Management Decision Support System for the Great Lakes-St. Lawrence River* (May, 2003)).

Water Use Sector	Hardware/Technology	Behavior/Management Practices
Residential and Domestic	<ul style="list-style-type: none"> • Low-volume toilets and urinals • Waterless and composting toilets and urinals • Low-flow showerheads and faucets • Water-efficient appliances such as clothes washers and dishwashers 	<ul style="list-style-type: none"> • Shut off unnecessary flows from faucets • Restrict outdoor water use • Use water-efficient practices for clothes washers and dishwashers (full loads, no pre-rinse, wash cycles)
Landscapes	<ul style="list-style-type: none"> • Native and drought-tolerant turf and plants • Drip irrigation • Automatic shut-off hoses • Rain sensors 	<ul style="list-style-type: none"> • Water less frequently (schedule during early or late hours) • Soil improvements and apply appropriate mulches • Use water-efficient landscape maintenance practices
Industrial, Commercial, and Institutional Facilities	<ul style="list-style-type: none"> • Cooling towers with recirculated water • Reuse process water • Leak detection and repair 	<ul style="list-style-type: none"> • Shut off unused valves • Use water-efficient operational practices
Agriculture	<ul style="list-style-type: none"> • Low-energy precision application of irrigation water • Canal lining • Tailwater recovery • Laser leveling • Drip irrigation 	<ul style="list-style-type: none"> • Use weather-controlled irrigation systems • Regular maintenance of irrigation systems • Use water-efficient cultivation practices
Water Utilities	<ul style="list-style-type: none"> • Distribution system leak detection and repair • Hydrant capping 	<ul style="list-style-type: none"> • Regularly service and adjust system valves and connections • Pressure management to reduce volume of water used

Table 2. Types of Conservation Incentives (Source: *The Handbook of Water Use and Conservation* (Vickers, 2001, p. 7) and the Great Lakes Commission's Report *Water Resources Management Decision Support System for the Great Lakes-St. Lawrence River* (May, 2003)).

Type of Conservation Incentive	Examples
Educational	<ul style="list-style-type: none"> • Direct-mail literature, television and radio advertisements, media coverage, demonstration gardens and projects, school education programs, conservation checklists developed for specific industries, local workshops and training programs for specialized users
Financial	<ul style="list-style-type: none"> • Bill credits, rebates, conservation pricing/rate structures
Regulatory	<ul style="list-style-type: none"> • Water-efficient policies, laws and plumbing codes for water-efficient fixtures and appliances, Standards for landscape design, irrigation scheduling, penalties for outdoor water waste, pollution prevention requirements

Application Requirements

Proposals Above the Regional Review Threshold – Water Conservation Plan

Each applicant must submit a Water conservation plan for New or Increased Diversions or Consumptive Uses being submitted for Regional Review to reduce Water loss and minimize the need for a Withdrawal or increased Withdrawal to the maximum extent possible.

A generic outline of a Water conservation plan is given below. The planning steps, which are adapted from the *Handbook of Water Use and Conservation* (Vickers, 2001) and the USEPA's *Water Conservation Plan Guidelines* for Water systems (August, 1998), are meant as guidance for all water use sectors.

1. Identify Conservation Goals

- Establish Water use reduction goals (e.g. percent or volume per day)
- Determine the time frame of the Water conservation program for existing and proposed Withdrawals
- Description of community involvement in goals-development process

2. Develop a Water-Use Profile and Forecast

- Identify existing Water supply sources, Water use (average and peak use/demand), total Withdrawal and Consumptive Use.
 - For Water systems, agricultural water districts, and the industrial sector, describe production characteristics of existing facilities if any.
 - For irrigation and other agricultural uses, the plan should demonstrate that systems are properly designed for soil characteristics, topography, climatic conditions, and crop types. Information should include:

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- Soil types and percentage of each
- Purpose of irrigation (e.g. upland crops – corn, soybeans, fruit, etc.); golf course, sod, greenhouse etc.)
- Acreage under each crop and total acres irrigated
- Monthly irrigation schedule
- Irrigation method(s) to be used
- Forecast anticipated future Water use/demand and costs associated with infrastructure changes (expansion, improvements or new facilities).

3. Identify and Evaluate Environmentally Sound and Economically Feasible Water Conservation Measures and Incentives

- Review of Water conservation measures and incentives that have been implemented if any.
- Identify other Water conservation measures that save Water and identify conservation incentives that would motivate Water users to implement Water measures (see Tables 1 & 2 for examples), including consideration of generally accepted management practices and principles for the appropriate water use sector.
- Develop a matrix of measures and incentives that can be considered options.
- Evaluate measures in terms of the following:
 - Potential Water savings (i.e. reducing Water loss and minimizing the need for a Withdrawal or increased Withdrawal to the maximum extent possible)
 - ◆ Estimate the short-term, long-term, average-day, and peak-day Water savings that can be achieved by each measure as well as the total (and/or per capita) Consumptive Use reduced.
 - Benefits and costs
 - ◆ For all Water uses, consider reduced need for new or additional Water supplies, reduced operation and maintenance costs, and environmental preservation. For water systems or agricultural water districts, consider deferred, downsized or eliminated new facilities for water systems and customer benefits.
 - ◆ Estimate conservation program costs including implementation and monitoring costs.
 - ◆ Determine cost-effectiveness of measures based on benefits and costs over the life of the program.
 - Applicable laws, regulations, and standards
- Identify any short-term or long-term obstacles (e.g. socio-economic, legal etc) to implementation of the measures.

4. Select Environmentally Sound and Economically Feasible Water Conservation Measures and Incentives

- Identify quantitative (e.g. Water savings i.e. reducing Water loss and minimizing the need for a Withdrawal or increased Withdrawal to the maximum extent possible), cost-effectiveness of measures, avoidance of capital costs) and qualitative (e.g. ease of implementation, regulatory approvals) criteria for selecting measures and associated program incentives
- Evaluate and rank measures and incentives using quantitative and qualitative selection criteria
- Justify why each measure and incentive should be selected or rejected

- Refine total future Water use/demand forecasts taking into account Environmentally Sound and Economically Feasible Water Conservation Measures and incentives selected

5. Implement the Conservation Plan

- Develop a strategy and timetable for implementing and monitoring the plan's Environmentally Sound and Economically Feasible Water Conservation Measures

6. Monitor, Evaluate, and Revise Water Conservation Program as Needed

- Monitor and evaluate each measure's effectiveness by assessing actual Water savings (i.e. reducing Water loss and minimizing the need for a Withdrawal or increased Withdrawal to the maximum extent possible), and program costs and benefits
- If necessary, adjust the Water conservation program, based on findings from the monitoring and evaluation process, to ensure that Water-savings goals are met

Proposals Below the Regional Review Threshold – Environmentally Sound and Economically Feasible Water Conservation Measures

Each applicant must demonstrate that Environmentally Sound and Economically Feasible Water Conservation Measures are being implemented.

The applicant must:

- Present a list of Water conservation measures considered; and,
- Document those Environmentally Sound and Economically Feasible Water Conservation Measures that have been implemented or that are planned for implementation, including an implementation schedule.

A list of internet resources on Water conservation programs and measures for different water use sectors will be posted to a Regional website as a resource for Jurisdictions and applicants. In addition, the *Handbook of Water Use and Conservation* (Vickers, 2001) is a good starting point for applicants since it presents more than 100 "state-of-the-art" Water efficiency measures in each water use sector.

Criteria for Decisions

Proposals Above the Regional Review Threshold Level

The major criteria will be the effectiveness of the proposal in reducing the total quantity of the Withdrawal/Consumptive Use, and/or per capita Withdrawal/Consumptive Use. Three "completeness tests" will also be evaluated: 1) the contents of the Water conservation plan; 2) the Water conservation measures considered; and 3) the Environmentally Sound and Economically Feasible Water Conservation Measures to be implemented.

At a minimum, a Water conservation plan must include the following elements:

- A list of Water conservation goals to minimize Water Withdrawal, Consumptive Use and system loss;
- A description of how Water use is quantitatively measured (e.g. metering) to provide an accurate picture of Water demand, supply, loss and projected savings;
- A forecast of anticipated future Water use or demand;

- Identification and analysis of alternative Environmentally Sound and Economically Feasible Water Conservation Measures and/or incentives – including their potential effect on forecasted Water use; and,
- An implementation and evaluation strategy.

Proposals Below the Regional Review Threshold Level

Individual Jurisdictions will review the Environmentally Sound and Economically Feasible Water Conservation Measures proposed and implemented by applicants for proposals below the Regional Review Threshold level. While Water conservation plans are not specifically required for Withdrawal applications under the Regional Review Threshold level, the Standard does require that Environmentally Sound and Economically Feasible Water Conservation Measures be implemented. The specific criteria for determining acceptable Environmentally Sound and Economically Feasible Water Conservation Measures for applications below the Regional Review Threshold level will be made by each individual Jurisdiction.

Each Jurisdiction must have publicly available criteria that will be included in their overall program description. While each Jurisdiction may have their own Water conservation requirements, each New or Increased Diversion or Consumptive Use application must be evaluated for the effectiveness of the proposed Environmentally Sound and Economically Feasible Water Conservation Measures in minimizing Water loss.

F. Improvement Measures

Description of Intent

The intent of this Standard provision is to ensure an Improvement to the Waters and Water Dependent Natural Resources of the Great Lakes Basin as a result of the New or Increased Diversion or Consumptive Use. This provision is central to the Jurisdictions' commitment to responsible resource protection and management.

Application Requirements

Applicants will be required to submit an Improvement plan describing the nature of the Improvement including its spatial and temporal scope. Improvement proposals may include one or a combination of the following Improvements; hydrologic conditions, Water quality, or habitat. Improvement proposals related to hydrologic conditions are preferred. Improvement programs shall include measurement and reporting programs.

Criteria for Decisions

The following criteria will be used to evaluate Improvement proposals:

- Improvements to hydrologic conditions and functions will be given high priority. If the nature of the New or Increased Diversion or Consumptive Use itself results in an improvement to hydrologic conditions or functions, it may be considered an improvement;
- Mitigation of impacts associated with a Withdrawal cannot be considered improvement;
- Meeting other legal or regulatory requirements that the applicant may previously have been violating will not be considered improvements. However, if the project requires the applicant to meet other legal or regulatory requirements that result in an improvement, these outcomes may be considered an improvement;

- The same practices used to mitigate impacts associated with a Withdrawal can be considered Improvement to the extent that they are in addition to those needed to mitigate impacts;
- The scale, both temporal and spatial, will be a major consideration in determining the appropriate level of the Improvement. The scale of the Improvement proposal shall be commensurate with the scale of the proposed project, based on consideration of the volume of the Withdrawal, Consumptive Use and/or Diversion; the type and size of the proposed source (e.g. Great Lake or St. Lawrence River, large tributary, small tributary, deep aquifer, shallow aquifer); and the degree of uncertainty about the impacts of the project;
- All Improvement proposals should provide reasonable assurances that the Improvement would be successfully implemented at least for the period for which the approval is being sought. In this regard, management and maintenance of the Improvement need to be described;
- Improvement proposals should preferably address the Source Watershed of the proposed Withdrawal. Where this is not possible, or where the Source Watershed is at its target condition, alternatives should be evaluated and a rationale given for the proposed Improvement;
- If a watershed plan exists, the Improvement proposal should demonstrate that the proposed Improvement is consistent with the plan. Where a watershed plan does not exist, the development of a plan may be considered as part of an improvement plan, provided that the improvement also provides measurable physical improvement; and,
- Partnerships with non-governmental organizations for the implementation of the Improvement measures will be encouraged.

List of Improvement Examples

The examples listed below are from a report prepared by Tetra Tech EM Inc., entitled "Understanding Improvement Under the Great Lakes Charter Annex – Methodology and Case Studies." This work was completed with a grant from the Great Lakes Protection Fund. The examples below are taken from a long list of activities presented in Appendix A: Examples of Improvement Activities from that report. In addition, the list of examples of hydrologic conditions includes suggestions from the work of The Nature Conservancy.

Hydrologic Conditions

- Restore flow conditions to baseline conditions;
- Restore river flow by removing dams;
- Operate hydropower, flood control, recreation, and navigation dams and water retention structures to mimic natural cycles;
- Decrease amount of impervious surfaces within the catchment;
- Remove unnecessary agricultural drainage systems;
- Restore natural channel form (e.g. restore meanders, restore instream features such as large woody debris);
- Remove flow diversions;
- Manage and protect flood plains; and,
- Groundwater sustainability measures:
 - Reduce contaminants in groundwater
 - Increase groundwater recharge.

Water Quality

- Replace or upgrade the wastewater control infrastructure;
- Develop, adopt and enforce stream setback ordinance;
- Enact agricultural zoning to protect Water and soil;
- Implement watershed plan elements to address impaired Waters;
- Decrease pesticide use for conditionally approved uses (such as golf courses);
- Implement rural and urban nutrient management practices; and,
- Reduce emissions of toxic pollutants through non-regulatory methods.
- Stormwater management projects may be considered in the context of Improvement.

Habitat

- Restore and protect habitat for native threatened and endangered species;
- Restore local habitat in areas of concern; and
- Create, protect, restore, or enhance the existing coastal wetlands.

G. COMPLIANCE WITH APPLICABLE LAWS

Description of Intent

The applicant bears the responsibility that the proposed Withdrawal will be in compliance with all applicable State, Provincial and Federal laws as well as regional, inter-State, inter-Provincial and international agreements.

3) APPLICATION INFORMATION

A) Who Applies and Who Bears the Regulatory Burden

Any person, individual, partnership, corporation, body politic, municipality, State, Province or any other legal entity public or private proposing a New or Increased Diversion or Consumptive Use of Great Lakes Basin Water.

B) Legal Arrangements

In some situations, the applicant may not have complete legal authority to carry out certain requirements. Examples could include: 1) a different entity may actually discharge Return Flow, 2) the entity Withdrawing Water, if not the applicant may be responsible for ensuring there are no adverse impacts; and, 3) the operation of an Improvement project may be implemented by another entity. In these cases, legal arrangements, such as contracts, should be submitted with the application demonstrating that requirements will be met.

C) Jurisdiction Review

Applications that require Regional Review shall be submitted to the Regional Body by the Jurisdiction in which the Withdrawal is proposed. Prior to submitting the application for Regional Review, the Jurisdiction shall determine that the application is complete and meets the requirements for Regional Review.

D) Timing of Additional Applications

For the purposes of triggering Regional Review, applications for New or Increased Diversion or Consumptive Uses will be considered cumulatively within ten years of any application. In other words, when the total exceeds the Regional Review Threshold then the full amount of the Withdrawal will be reviewed regionally regardless of the increment.

For example, if an applicant has previously obtained approval for a Consumptive Use of 4.5 mgd (17 million litres per day) and five years later requests an additional 1 mgd (3.8 million litres per day), the second request would trigger Regional Review. In this case, the total amount of both actions, 5.5 mgd (20.8 million litres per day), would be subject to the requirements of the Decision Making Standard. After Regional Review, Jurisdictional denial of the proposed incremental amount shall not negate or invalidate any previously approved actions. If, however, the second request is after ten years, it would be subject to Jurisdictional review only.

E) Diversions

Diversion has been defined as a transfer of Water from the Great Lakes Basin into another watershed, or from the watershed of one of the Great Lakes into that of another, by any means. Transmission of Great Lakes Basin Water within water lines that extend outside the Basin as they convey Water from one point to another within the Basin are not considered Diversions so long as none of the Water is used outside the Basin.

F) Other Requirements

Other federal, State/Provincial or local approvals may also be required. Such approvals including permits are the responsibility of the applicant.

4) JURISDICTIONAL MANAGEMENT AND INFORMATION

It is anticipated that the majority of New or Increased Diversions or Consumptive Uses from the Great Lakes Basin will be under the Regional Review Threshold level and therefore be subject to the management or regulatory programs of the individual Jurisdictions. In order to make sure that there is consistent implementation of Water Withdrawal management or regulatory programs, the Jurisdictions have agreed that each Jurisdiction will submit their individual Water management programs for Regional Review. The Jurisdictions will also submit an annual report describing the authorities and implementation of their individual program.

This section will include: A) Submission and Review; B) Components of the Jurisdictional Program Report; C) Statement on Improvement Measures; D) Water Conservation Programs; and, E) Information Collection and Management.

A) Submission and Review

Each Jurisdiction will submit their Water management program to the other Jurisdictions for Regional Review and a Declaration of Finding. This review and Declaration of Finding process is a one-time event. The initial submission will be one year from the effective date of the Decision Making Standard. After program review, the Jurisdiction will submit an annual report for Regional Review.

The individual Jurisdiction program submissions shall include a narrative description of the components of the Jurisdictional program, including:

- The legal authority upon which the program is based, including laws, regulations, and management programs;
- A description of the public participation requirements; and,
- The reporting, inspection and enforcement program elements.

The Regional Review of Jurisdictional programs will include:

- Jurisdictional submission of program to other Jurisdictions;
- Thirty day submission review period; and,
- Regional Body meeting based upon evaluation of the submission of the Jurisdictions program for a statement of findings.

While the review of a Jurisdictional program occurs once, any other Jurisdiction, based upon review of the information in the annual reports may request the Regional Body conduct an evaluation of an existing Jurisdictional program to ensure it is still operational with necessary authority. The Regional Body may make an additional statement of findings based upon this evaluation.

B) Components of Jurisdictional Program Report

Each Jurisdiction will submit a brief program report annually. This first submission will be one year from the effective date of the Decision Making Standard. Reports will be submitted on October 1st thereafter.

The following descriptive information should be provided about the Jurisdictional program in annual report submissions:

- A statement of changes to the scope of program authority and requirements (submitted during the initial submission and updated only as necessary). If a Jurisdiction is phasing in elements of their Water management program, a status report on their program progress will be submitted; and,
- Information required in Section 4 (E) (Information Collection and Management) on Withdrawals, Diversions and Consumptive Uses and a brief narrative description of program activities.

C) Statement on Improvement Measures

While the Decision Making Standard does not require Improvement projects for New or Increased Consumptive Uses below the Regional Review Threshold level, the Jurisdictions are committed to the principle of Improvement. In this regard, the Jurisdictions will review options for the implementation of the Improvement requirement for proposals below the Regional Review Threshold level but do not believe it is universally feasible at this time. This evaluation will include the monitoring and periodic review of the implementation of Improvement measures for proposals above the Regional Review Threshold level. Individual Jurisdictions may require Improvement measures for proposals below the Regional Review Threshold.

D) Water Conservation Programs

Each Jurisdiction will implement programs to promote Environmentally Sound and Economically Feasible Water Conservation Measures to minimize existing Great Lakes Basin Withdrawals, Consumptive Uses and Diversions. These programs may include:

- Permitting and enforcement
- Technical Standards
- Reporting requirements
- Technical assistance and guidance
- Public Education

E) Information Collection and Management

In the Great Lakes Charter Annex, the Governors and Premiers committed to establish a new Decision Making Standard based upon, among other principles, "...a decision

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support system that ensures the best available information.” Specifically, the Governors and Premiers called for, “...the design of an information gathering system to be developed by the States and Provinces, with support from appropriate federal government agencies, to implement the Charter, this Annex, and any new agreement(s). This design will include an assessment of available information and existing systems, a complete update of data on existing uses, and identification of needs, provisions for a better understanding of the role of groundwater, and a plan to implement the ongoing support system.”

Data collection requirements are intended to foster a better understanding of Water use and the impact of Withdrawals on the Great Lakes Basin Ecosystem. It is the intent that Water management decisions be based on the best available data and scientific understanding.

The applicants and users will provide annual reports estimating Withdrawals and Consumptive Uses and Diversions. Proposed users will be required to provide an estimate of the volume of the Withdrawal as well as the Consumptive use or Diversion in terms of gallons or litres per day average for the maximum volume in any 30 day period annually to the State or Province of the proposed Withdrawal.

Great Lakes States and Provinces will gather accurate and comparable information on all Great Lakes Basin Withdrawals in excess of 100,000 gallons per day (379,000 litres per day) average in any 30 day period and all Great Lakes Diversions. Information will be annually reported to a Great Lakes Regional Water Use Data Base Repository and will be made publicly accessible.

Each Jurisdiction will submit information that will serve as baseline information to identify existing Water uses. Information to be provided and the schedule for providing this information is detailed in Article 203 paragraph 2 “Determining New or Increased Diversions or Consumptive Uses.”

All applications will be required to include an estimate of the volume of the proposed Withdrawal in terms of gallons or litres per day average in any 30-day period. In most cases, an estimate of the actual Withdrawal will be required of the applicant in accordance with applicable State or Provincial law. In some cases, an estimate based on approved sector models may be acceptable. Each applicant will be responsible for reporting the actual volume of the Withdrawal annually to the Jurisdiction in which the Withdrawal takes place.

Appendix A – Elements of an Application

Appendix A is a list of categories of information that will be necessary for an application to be evaluated. This list is illustrative only; each Jurisdiction will use their own application forms and information requirements.

1. Applicant Information

Name:
Mailing Address:
Phone Number:
Email Address:

2. Purpose of Withdrawal

Provide detailed written explanation of what the Water will be used for. Uses could include for example: public water supply, commercial/industrial, irrigation or other. If the Water is to be used for multiple purposes, estimate percent usage by category of use.

3. Source of Water

Applications requiring review include all Waters of the Great Lakes Basin. This means the Great Lakes and all streams, rivers, connecting channels and other bodies of Water, including tributary groundwater, within the Great Lakes Basin.

The application must identify the source body of Water by type (lake, river, stream, or aquifer) and exact name. The exact location of the Water taking should be identified. This information should include a legal description including longitude and latitude citations.

4. Point of Taking/Pumping Site

The application should indicate the legal entity that proposes to Withdraw the Water. The application should also provide a legal description of the location of the actual Withdrawal. If the Withdrawal is to be from multiple wells, all well locations should be identified.

5. Means of Taking and Rate

Specify the method to be used for taking and the rate of Withdrawal (in gallons per minute or cubic feet per second or metric equivalents). If multiple wells or pump sites are to be used, attach explanation information.

6. Method of Measurement

Indicate method of measurement, for example: flow meter, timing device, or other.

7. Point of Measurement

The application should provide a legal description of the location of the measurement of Withdrawal and use.

8. Schedule of Withdrawal

The application should include a monthly projection of Withdrawals by year.
____ Continuous ____ Seasonal ____ Temporary

9. Total Amount of Use

Expressed in millions of gallons per day or millions of litres per day/projected maximum use for any 120-day period.

10. Return Flow

See section 2) C)

11. Statement of Justification Analysis of Alternative Sources

See section 2) A)

12. Attached Water Conservation Plan and Status of Implementation

See section 2) E)

13. Description of Proposed Improvement(s)

See section 2) F)

14. Assessment of Impacts

See section 2) D)

15. Map or Air Photo: Must be provided of the area of use or the Source Watershed.

16. Signature: Signature of official from applying entity.

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