

Frequently Asked Questions Final Annex Implementing Agreements December 13, 2005

The eight Great Lakes States, Ontario and Québec have come together to create unprecedented protections for the waters of the Great Lakes -St. Lawrence River Basin.

The new agreements will improve and protect the health and economic vitality of the Great Lakes ecosystem for future generations.

Thousands of citizens and organizations helped create these agreements, and the Governors and Premiers are committed to continuing this open process with public involvement.

How will this be accomplished?

The agreements include the following steps:

- Banning diversions of water to areas outside the Great Lakes - St. Lawrence River Basin with limited exceptions.
- Establishing a new, consistent standard that the Great Lakes States and Provinces will use to review proposed uses of Great Lakes water.
- Strengthening technical data collection and sharing among the States and Provinces to assist in decision-making.
- Requiring the States and Provinces to implement conservation and efficiency programs.
- Encouraging lasting economic development while making sure water uses are sustainable.
- Committing to an ongoing process that allows for public involvement.

Do these agreements reflect the final consensus of the Governors and Premiers?

Yes, the Governors and Premiers have signed the Agreement at the Council's Leadership Summit on December 13, 2005, in Milwaukee, Wisconsin and have endorsed the Compact. The final agreements provide a framework for each State and Province to pass laws that will protect the Great Lakes' St. Lawrence River Basin. In the U.S., Congress will be asked to consent to any compact among the States. No federal legislation is required in Canada.

What is the significance of these implementing agreements?

These historic agreements will create unprecedented protection for the entire Great Lakes' St. Lawrence River Basin. There are a wide variety of interests that have a stake in how Great Lakes water is managed, and it was an extremely complicated process to reach agreement on these important protections. However, all of the interests realized the need for such protections, and their top priority is the long-term health of the Great Lakes' St. Lawrence River Basin and the availability of that water in the future.

How do you define the Great Lakes' St. Lawrence River Basin?

The Great Lakes' St. Lawrence River Basin means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois Rivières Québec. This Basin includes the waters within the

geographic areas surrounding each body of water where water drains toward the Lakes and the River, including groundwater.

How do these agreements relate to the action plan that was released by the Great Lakes Regional Collaboration?

The Great Lakes Regional Collaboration was a separate process. The Governors have developed nine priorities to protect and restore the Great Lakes; and implementing the Annex relates to the first of these priorities. In the United States, the other eight priorities are being addressed through the Great Lakes Regional Collaboration. This Collaboration was created through an Executive Order signed in 2004 by the President. The Governors have partnered with other regional leaders in spearheading the Collaboration and the development of a regional action plan. The action plan was released on December 12, 2005 in Chicago, Illinois.

Will there be some flexibility for communities located on or near the Great Lakes? St. Lawrence River Basin?

Under strictly defined circumstances, it is possible that communities located on or near the Great Lakes' St. Lawrence River Basin could obtain an exception from the ban. Communities that straddle the basin and communities in straddling counties would only be eligible if the water is used for public water supply purposes. Depending on the location of the water use, an escalating series of other strict eligibility requirements would have to be met, including requiring water remaining after use to be returned to the Basin, requiring the proposal to undergo regional review before it may be approved, and in some instances unanimous approval must be given before an exception can be granted.

When reviewing a straddling county proposal, substantive consideration will be given to whether or not there is scientific evidence that the community's existing groundwater supply is hydrologically interconnected to the waters of the Basin.

There is recognition of a practical issue related to return flow. Of course, public water supply and wastewater systems are unable to track every molecule of water. Therefore, water that is returned may be co-mingled under such circumstances. If water is co-mingled, the discharge must be treated to prevent aquatic invasive species and meet water quality discharge standards. In addition, an effort must be made to maximize the portion of water being returned as basin water, and minimize outside water.

How will consumptive use volumes be calculated?

They will be calculated using commonly accepted methods (for example, metering or other water engineering and irrigation methods proposed by the applicant) and based on a 90-day average to ensure an accurate volume can be measured.

How long will the regional review process take and will it restrict access for uses in the Great Lakes? St. Lawrence River Basin?

The Governors and Premiers believe the process must be swift and must not be allowed to become an obstacle to economic growth. The overwhelming majority of proposed uses will continue to be reviewed only by the individual State or Province in which the application is made. Only the exceptions to diversions will undergo regional review.

For proposals that must first be reviewed regionally, the regional review process must be completed within 90 days of receiving notice from the originating State or Province of the proposed water use. To the extent possible, the approval process will be incorporated into existing jurisdictional permit-approval timeframes.

Will existing withdrawals, diversions and consumptive uses have to meet the standard?

The standard is intended for new or increased water withdrawals from the Great Lakes' St. Lawrence River Basin. Water conservation and efficiency programs will be developed by the States and Provinces to be applied to all users.

Will the new water management system encourage better water conservation and efficient use of water?

Absolutely. The new water management system will include strong provisions requiring improved water conservation and efficient use of Great Lakes basin water. The Governors and Premiers will begin to immediately create, with input from the public, region-wide goals and objectives for conservation and efficient use of water. Additionally, the States and Provinces will commit to developing water conservation and efficiency programs that may be voluntary or mandatory in nature that will be consistent with regional goals and objectives within two years.

What kind of conservation and efficiency measures will be required for approved water uses?

All proposals for new or increased withdrawals of Great Lakes' St. Lawrence River Basin water must incorporate environmentally sound and economically feasible water conservation and efficiency measures. The goal is to promote efficient water use and minimize water waste or withdrawals.

Will these new agreements and the new standard cut off or restrict economic growth?

Absolutely not. All of the Governors and Premiers want to see continued economic growth in their States and Provinces and understand that continued use of the Great Lakes waters will play a critical role in the preservation of existing businesses and the creation of new jobs. By preserving, restoring, protecting and improving the Great Lakes, we will ensure that there is enough water in the future for business use, residential use and economic growth, and preservation of a healthy environment that encourages people to locate in the Great Lakes region. Failure to manage Great Lakes waters responsibly would put future economic growth at risk.

Will these new agreements affect the International Boundary Waters Treaty or the role of the International Joint Commission?

No. Nothing in the agreements is intended to affect the application of the Boundary Waters Treaty of 1909, whose requirements with respect to boundary waters continue to apply in addition to the requirements of the agreements.

Will these new agreements affect the rights of Tribes or First Nations?

No. The agreements reflect a proposal regarding how the Great Lakes States, Ontario and Québec would exercise their own existing rights and obligations, by managing the activities of citizens under their jurisdiction. Nothing in the draft agreements is intended change any of the rights that any of the Tribes or First Nations may currently have.

How will the agreement implementation process work?

When the agreements were approved by all Governors and Premiers, the Great Lakes States and Provinces entered into a good-faith agreement incorporating their commitments to one another. They will seek to implement into law what they have promised in the agreement. The Provinces intend to seek to implement the agreement through modifications to their applicable legislative/regulatory measures. The States will implement the agreement by passing an interstate compact into law. In the United States, Congress will be asked to consent to the compact.

When will the implementing agreements go into effect?

Portions of the agreements would be phased in over different time periods. Some portions would go into effect immediately.

How will the Ohio General Assembly be involved?

Presuming the finalized agreements are approved, the General Assembly will be asked to ratify the interstate compact. The compact is the means for the states to implement the agreement and to have the agreement be binding in all the states. Additional legislation will be necessary to harmonize the programs to be established in the compact with existing water management authorities. It is anticipated that draft legislation will be ready early in 2006.

Has Ohio entered into other interstate compacts?

Ohio has entered into three other interstate compacts on water resources management.

Will this apply to the entire state or just the Great Lakes/Lake Erie basin?

The compact and the authorities established will only apply to the Lake Erie basin in Ohio.