



Great Lakes Charter 1985

Principles for the Management of Great Lakes Water Resources

FINDINGS

The Governors and Premiers of the Great Lakes States and Provinces jointly find and declare that:

The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the Great Lakes States and Provinces.

The Great Lakes are valuable regional, national and international resources for which the federal governments of the United States and Canada and the International Joint Commission have, in partnership with the States and Provinces, an important, continuing and abiding role and responsibility.

The Waters of the Great Lakes Basin are interconnected and part of a single hydrologic system. The multiple uses of these resources for municipal, industrial and agricultural water supply; mining; navigation; hydroelectric power and energy production; recreation; and the maintenance of fish and wildlife habitat and a balanced ecosystem are interdependent.

Studies conducted by the International Joint Commission, the Great Lakes States and Provinces, and other agencies have found that without careful and prudent management, the future development of diversions and consumptive uses of the water resources of the Great Lakes Basin may have significant adverse impacts on the environment, economy, and welfare of the Great Lakes region.

As trustees of the Basin's natural resources, the Great Lakes States and Provinces have a shared duty to protect, conserve, and manage the renewable but finite waters of the Great Lakes Basin for the use, benefit, and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving and managing the water resources of the Great Lakes is through the joint pursuit of unified and cooperative principles, policies and programs mutually agreed upon, enacted and adhered to by each and every Great Lakes State and Province.

Management of the water resources of the Basin is subject to the jurisdiction, rights and responsibilities of the signatory States and Provinces. Effective management of the water resources of the Great Lakes requires the exercise of such jurisdiction, rights, and responsibilities in the interest of all the people of the Great Lakes Region, acting in a continuing spirit of comity and mutual cooperation. The Great Lakes States and Provinces reaffirm the mutual rights and obligations of all Basin jurisdictions to use, conserve, and protect Basin water resources, as expressed in the

Boundary Waters Treaty of 1909, the Great Lakes Water Quality Agreement, of 1978, and the principles of other applicable international agreements.

PURPOSE

The purposes of this Charter are to conserve the levels and flows of the Great Lakes and their tributary and connecting waters; to protect and conserve the environmental balance of the Great Lakes Basin ecosystem; to provide for cooperative programs and management of the water resources of the Great Lakes Basin by the signatory States and Provinces; to make secure and protect present developments within the region; and to provide a secure foundation for future investment and development within the region.

PRINCIPLES FOR THE MANAGEMENT OF GREAT LAKES WATER RESOURCES

In order to achieve the purposes of this Charter, the Governors and Premiers of the Great Lakes States and Provinces agree to the following principles.

Principle I Integrity of the Great Lakes Basin

The planning and management of the water resources of the Great Lakes Basin should recognize and be founded upon the integrity of the natural resources and ecosystem of the Great Lakes Basin. The water resources of the Basin transcend political boundaries within the Basin, and should be recognized and treated as a single hydrologic system. In managing Great Lakes Basin waters, the natural resources and ecosystem of the Basin should be considered as a unified whole.

Principle II Cooperation Among Jurisdictions

The signatory States and Provinces recognize and commit to a spirit of cooperation among local, state, and provincial agencies, the federal governments of Canada and the United States, and the International Joint Commission in the study, monitoring, planning, and conservation of the water resources of the Great Lakes Basin.

Principle III Protection of the Water Resources of the Great Lakes

The signatory States and Provinces agree that new or increased diversions and consumptive uses of Great Lakes Basin water resources are of serious concern. In recognition of their shared responsibility to conserve and protect the water resources of the Great Lakes Basin for the use, benefit, and enjoyment of all their citizens, the States and Provinces agree to seek (where necessary) and to implement legislation establishing programs to manage and regulate the diversion and consumptive use of Basin water resources. It is the intent of the signatory states and provinces that diversions of Basin water resources will not be allowed if individually or cumulatively they would have any significant adverse impacts on lake levels, in-basin uses, and the Great Lakes Ecosystem.

Principle IV Prior Notice and Consultation

It is the intent of the signatory States and Provinces that no Great Lakes State or Province will approve or permit any major new or increased diversion or consumptive use of the water resources of the Great Lakes Basin without notifying and consulting with and seeking the consent and concurrence of all affected Great Lakes States and Provinces.

Principle V Cooperative Programs and Practices

The Governors and Premiers of the Great Lakes States and Provinces commit to pursue the development and maintenance of a common base of data and information regarding the use and management of the Basin water resources, to the establishment of a systematic arrangements for the exchange of water data and information, to the creation of a Water Resources Management Committee, to the development of a Great Lakes Water Resources Management Program, and to additional and concerted and coordinated research efforts to provide improved information for future water planning and management decisions.

IMPLEMENTATION OF PRINCIPLES

Common Base of Data

The Great Lakes States and Provinces will pursue the development and maintenance of a common base of data and information regarding the use and management of Basin water resources and the establishment of systematic arrangements for the exchange of water data and information. The common base of data will include the following:

1. Each State and Province will collect and maintain, in comparable form, data regarding the location, type, and qualities of water use, diversion, and consumptive use, and information regarding projections of current and future needs.
2. In order to provide accurate information as a basis for future water resources planning and management, each State and Province will establish and maintain a system for the collection of data on major water uses, diversions, and consumptive uses in the Basin. The States and Provinces, in cooperation with the Federal Governments of Canada and the United States and the International Joint Commission, will seek appropriate vehicles and institutions to assure responsibility for coordinated collation, analysis, and dissemination of data and information.
3. The Great Lakes States and Provinces will exchange on a regular basis plans, data, and other information on water use, conservation, and development, and will consult with each other in the development of programs and plans to carry out these provisions.

Water Resources Management Committee

A Water Resources Management Committee will be formed, composed of representatives appointed by the Governors and Premiers of each of the Great Lakes States and Provinces. Appropriate

agencies of the federal governments, the International Joint Commission, and other interested and expert organizations will be invited to participate in discussions of the Committee.

The Committee will be charged with responsibility to identify specific common water data needs; to develop and design a system for the collection and exchange of comparable water resources management data; to recommend institutional arrangements to facilitate the exchange and maintenance of such information; and to develop procedures to implement the prior notice and consultation process established in this Charter. The Committee will report its findings to the Governors and Premiers of the Great Lakes States and Provinces within 15 months of the appointment of the Committee.

Consultation Procedures

The principle of prior notice and consultation will apply to any new or increased diversion or consumptive use of the water resources of the Great Lakes Basin which exceeds 5,000,000 gallons (19 million litres) per day average in any 30-day period.

The consultation process will include the following procedures:

1. The State or Province with responsibility for issuing the approval or permit, after receiving an application for such diversion or consumptive use, will notify the Offices of the Governors and Premiers of the respective Great Lakes States and Provinces, the appropriate water management agencies of the Great Lakes States and Provinces and, where appropriate, the International Joint Commission.
2. The permitting State or Province will solicit and carefully consider the comments and concerns of the other Great Lakes States and Provinces, and where applicable the International Joint Commission, prior to rendering a decision on an application.
3. Any State or Province which believes itself to be affected may file a written objection to the proposed diversion or consumptive use. Notice of such objection stating the reasons therefore will be given to the permitting State or Province and all other Great Lakes States and Provinces.
5. In the event of an objection to a proposed diversion or consumptive use, the permitting State or Province will convene a consultation process of the affected Great Lakes States and Provinces to investigate and consider the issues involved, and to seek and provide mutually agreeable recommendations to the permitting State or Province.
5. The permitting State or Province will carefully consider the concerns and objections expressed by other Great Lakes States and Provinces, and the recommendations of any consultation process convened under this Charter.
6. The permitting State or Province will have lead responsibility for resolution of water management permit issues. The permitting State or Province will notify each affected Great Lakes State or Province of its final decision to issue, issue with conditions, or deny a permit.

The prior notice and consultation process will be formally initiated following the development of procedures by the Water Resources Management Committee and approval of those procedures by the Governors and Premiers. During the interim period prior to approval of formal procedures, any

State or Province may voluntarily undertake the notice and consultation procedures as it deems appropriate.

Basin Water Resources Management Program

In order to guide the future development, management, and conservation of the water resources of the Great Lakes Basin, the signatory States and Provinces commit to the development of a cooperative water resources management program for the Great Lakes Basin.

Such a program should include consideration of the following elements:

1. An inventory of the Basin's surface and groundwater resources;
2. An identification and assessment of existing and future demands for diversions, into as well as out of the Basin, withdrawals, and consumptive uses for municipal, domestic, agricultural, manufacturing, mining, navigation, power production, recreation, fish and wildlife, and other uses and ecological considerations;
3. The development of cooperative policies and practices to minimize the consumptive use of the Basin's water resources; and
5. Recommended policies to guide the coordinated conservation, development, protection, use, and management of the water resources of the Great Lakes Basin.

Research Program

The Great Lakes States and Provinces recognize the need for and support additional research in the area of flows and lake levels required to protect fisheries and wildlife, a balanced aquatic environment, navigation, important recreational uses, and the assimilative capacity of the Great Lakes system. Through appropriate state, provincial, federal and international agencies and other institutions, the Great Lakes States and Provinces will encourage coordinated and concerted research efforts in these areas, in order to provide improved information for future water planning and management decisions.

PROGRESS TOWARD IMPLEMENTATION

The Governors and Premiers of the Great Lakes States and Provinces commit to the coordinated implementation of this Charter. To this end, the Governors and Premiers shall, no less than once per year, review progress toward implementation of this Charter and advise one another on actions taken to carry out the principles of the Charter together with recommendations for further action or improvements to the management of the Great Lakes Basin water resources.

The signatory States and Provinces consider each of the principles and implementing provisions of this Charter to be material and interdependent. The rights of each State and Province under this Charter are mutually dependent upon the good faith performance by each State and Province of its commitments and obligations under the Charter.

The following sequence will be adhered to by the Great Lakes States and Provinces in implementing the provisions of this Charter:

1. The Water Resources Management Committee will be appointed by the Governors and Premiers within 60 days of the effective date of this Charter and will submit its recommendations to the Governors and Premiers of the Great Lakes States and Provinces within 15 months of the appointment of the Committee.

2. Upon the signing of the Charter, and concurrent with the activities of the Water Resources Management Committee, the Great Lakes States and Provinces will commence collecting and assembling existing Great Lakes water use data and information. The water use data collected and assembled by the States and Provinces will include, but not be limited to, the data and information specified under the "Common Base of Data" provisions of the Charter.

Copies of the data and information collected and assembled by the States and Provinces will be submitted to the Water Resources Management Committee. The Great Lakes States and Provinces will pursue: the collection of data and information on the use and management of Basin water resources; the establishment of systematic arrangements for the exchange of water data and information on a continuing basis as enabled by existing state and provincial data collection and regulatory programs; and where necessary, the enactment of water withdrawal registration and diversion and consumptive use management and regulatory programs pursuant to the provisions of the Charter.

3. To assist in the ongoing collection of Great Lakes water use data and information, and in the development of the Basin Water Resources Management Program, States and Provinces will pursue the enactment of legislation where it is needed for the purpose of gathering accurate and comparable information on any new or increased withdrawal of Great Lakes Basin water resources in excess of 100,000 gallons (380,000 litres) per day average in any 30-day period.

4. The prior notice and consultation process will be formally initiated following the development of procedures by the Water Resources Management Committee and approval of those procedures by the Governors and Premiers. Any State or Province may voluntarily undertake additional notice and consultation procedures as it deems appropriate. However, the right of any individual State or Province to participate in the prior notice and consultation process, either before or after approval of formal procedures by the Governors and Premiers, is contingent upon its ability to provide accurate and comparable information on water withdrawals in excess of 100,000 gallons (380,000 litres) per day average in any 30-day period and its authority to manage and regulate water withdrawals involving a total diversion or consumptive use of Great Lakes Basin water resources in excess of 2,000,000 gallons (7,600,000 litres) per day average in any 30-day period.

5. Development of the Basin Water Resources Management Program will commence upon receipt and formal approval by the Great Lakes Governors and Premiers of the recommendations of the Water Resources Management Committee.

RESERVATION OF RIGHTS

The Great Lakes States and Provinces mutually recognize the rights and standing of all Great Lakes States and Provinces to represent and protect the rights and interests of their respective jurisdictions and citizens in the shared water and other natural resources of the Great Lakes region.

Each Great Lakes State and Province reserves and retains all rights and authority to seek, in any state, provincial, federal, or other appropriate court or forum, adjudication or protection of their respective rights in and to Basin water resources, in such manner as may now or hereafter be provided by law.

In entering into this Charter, no Great Lakes State or Province shall be deemed to imply its consent to any diversion or consumptive use of Great Lakes Basin water resources now or in the future.

DEFINITIONS

For purposes of this Charter:

Withdrawal means the removal or taking of water from surface or groundwater.

Consumptive use means that portion of water withdrawn or withheld from the Great Lakes Basin and assumed to be lost or otherwise not returned to the Great Lakes Basin due to evaporation, incorporation into products, or other processes.

Diversions 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.

Interbasin diversion means a transfer of water from the Great Lakes Basin into another watershed.

Great Lakes Basin means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois Rivieres, Quebec.

Great Lakes Basin water resources means the Great Lakes and all streams, rivers, lakes, connecting channels, and other bodies of water, including tributary groundwater, within the Great Lakes Basin.

Great Lakes Basin Ecosystem means the interacting components of air, land, water and living organisms, including humankind, within the Great Lakes Basin.

Great Lakes States and Provinces means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin, the Commonwealth of Pennsylvania, and the Provinces of Ontario and Quebec.

Great Lakes Region means the geographic region comprised of the Great Lakes States and Provinces.