

Annex 2001
Resolution on Water
Resources Development Act
Niagara Falls, New York June 18, 2001

RESOLUTION

REVIEW OF PROPOSALS SUBJECT TO THE WATER RESOURCES DEVELOPMENT ACT OF 1986, §1109, 42 U.S.C. §1962D-20 (1986) (Amended 2000)

WHEREAS, the Great Lakes are a bi-national public treasure and are held in trust by the Great Lakes States and Provinces; and

WHEREAS, the Water Resources Development Act of 1986, §1109, 42 U.S.C. §1962d-20 (1986) (amended 2000) (WRDA) affirms the Great Lakes Governors' authority to make decisions regarding diversions and exports of Great Lakes water in the United States; and

WHEREAS, the Great Lakes Governors have utilized the prior notice and consultation process established in the Great Lakes Charter of 1985 as an informal means of coordinating reviews of proposals subject to the WRDA with the Premiers of Ontario and Quebec; and

WHEREAS, the Great Lakes Governors recognize their duty and obligation to protect the public health, safety, and welfare of the citizens within their respective jurisdictions to obtain potable water.

NOW, THEREFORE BE IT RESOLVED by the Great Lakes Governors that the Great Lakes States, pending finalization of the agreement(s) outlined in the Great Lakes Charter Annex and to continue to foster bi-national cooperation, will notify and consult with the Premiers of Ontario and Quebec on all proposals subject to the U.S. WRDA utilizing the prior notice and consultation process established in the Great Lakes Charter of 1985. In doing so, the Governors and Premiers recognize that the Canadian Provinces are not subject to, or bound by, the WRDA, nor are the Governors statutorily bound by comments from the Premiers on projects subject to the WRDA.

BE IT FURTHER RESOLVED that the Great Lakes Governors, in reviewing proposals subject to the WRDA, shall consider, but not be limited to, the following factors:

- Whether the proposal for a public water supply system is necessary to protect the public health, safety, and welfare; and
- Whether the proposal is consistent with water resource planning and other existing uses of Basin waters and will not impair the ability of the Basin to meet its own present and future water resource needs; and
- Whether the applicant of the proposal has incorporated environmentally sound and economically feasible water conservation practices and there is no reasonable alternative; and

- Whether the proposal, individually or cumulatively, will have a significant adverse impact on the quantity and quality of the waters and tributaries of the Great Lakes; and
- Whether the proposal complies with the applicable state, federal, and international laws and treaties.

BE IT FINALLY RESOLVED that this resolution shall expire upon completion of the agreement(s) within three years as outlined in the Great Lakes Charter Annex.

Adopted by the Governors of the Great Lakes States on this 18th day of June 2001.