

**Great Lakes—St. Lawrence River Water Resources Regional Body
Meeting Summary**

June 1, 2013
2:15 p.m. EDT

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 1, 2013. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) website at www.glsregionalbody.org. The notice included an announcement that the meeting agenda, draft resolutions and materials to be discussed during the meeting were available on the Regional Body's website. Call-in information was also posted to the front page of the Regional Body website.

Call of Meeting:

2:15 p.m. EDT—The meeting was called to order by Scott Walker, Governor of Wisconsin. Governor Walker is the Regional Body Chair.

Roll Call:

The following Regional Body members, constituting a quorum, were present:

Illinois (designee of Governor Pat Quinn): Marc Miller¹, Director, Illinois Department of Natural Resources, on behalf of Daniel Injerd, Chief, Lake Michigan Management, Illinois Department of Natural Resources.

Indiana: Governor Mike Pence. Dan Schmidt was given Governor Pence's proxy during the course of the meeting and voted on all motions that came before the Regional Body.

Michigan: Governor Rick Snyder. Grant Trigger, Michigan Cleanup Manager, RACER Trust, also participated in the meeting.

Minnesota (designee of Governor Mark Dayton): John Linc Stine¹, Commissioner, Minnesota Pollution Control Agency on behalf of Julie Ekman, Supervisor Water Permit Programs, Minnesota Department of Natural Resources.

New York (designee of Governor Andrew Cuomo): Matthew Driscoll¹, President and CEO, New York State Environmental Facilities Corporation on behalf of Don Zelazny, New York State Department of Environmental Protection

Ohio (designee of Governor John Kasich): Lieutenant Governor Mary Taylor¹ on behalf of James Zehringer, Director, Ohio Department of Natural Resources.

Ontario: Premier Kathleen Wynne.

Pennsylvania (designee of Governor Tom Corbett): Jeffrey Logan¹ Executive Deputy Secretary, Pennsylvania Department of Environmental Protection, on behalf of Kelly Heffner, Deputy Secretary for Water Management, Pennsylvania Department of Environmental Protection.

Québec (designee of Premier Pauline Marois): Yves-François Blanchet¹, Minister, Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) on behalf of Marcel Gaucher, Director,

¹ Signed proxy forms for individuals participating on behalf of official member designees are available upon request.

Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP).

Wisconsin: Governor Scott Walker.

Actions Taken

Review of December 7, 2012, Regional Body meeting minutes.

A motion was made by Governor Walker to formally approve the minutes of the December 7, 2012, Regional Body meeting.

The motion was approved and all member votes were in the affirmative. The motion to adopt the December 7, 2012, meeting minutes was adopted.

Reports

Administrative

David Naftzger, Secretary to the Regional Body and the Great Lakes-St. Lawrence River Water Resources Council (Compact Council), gave an administrative report. Mr. Naftzger explained the Council of Great Lakes Governors' role as secretariat for the Regional Body and Compact Council, and announced the availability of a draft Cumulative Impact Assessment on the organizational websites. The assessment compares Withdrawals, Consumptive Uses and Diversions against the overall water budget for the Great Lakes—St. Lawrence River Basin. This is the first ever assessment to examine cumulative impacts at a scale of this magnitude and will provide, along with the Great Lakes Commission's 2011 Water Use Report, more up-to-date hydrologic information to decision-makers.

Mr. Naftzger recognized the Joyce Foundation and NOAA for supporting needed research and the development of the Cumulative Impact Assessment. He also recognized the Great Lakes Protection Fund, Joyce Foundation and Mott Foundation for their support of the Compact and Agreement negotiations as well as implementation. Mr. Naftzger also expressed appreciation for the support of external organizations, the Advisory Committee, Resource Group and Observers, and the valuable and ongoing dialogue with the Tribes and First Nations.

State and Provincial updates on implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement).

Each Regional Body member or designee provided an update on their jurisdiction's efforts to implement the Agreement including the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) or other mechanisms as appropriate.

Wisconsin

Governor Walker reported that Wisconsin has met all Agreement and Compact requirements to date, including water use management and water conservation and efficiency programs. Wisconsin has 12,500 registered water users, and has received water use reports from 95 percent of those users. These reports are used to draft an annual Wisconsin water use summary. The Wisconsin Department of Natural Resources

has issued more than 1,400 water use permits within the State's portion of the Great Lakes Basin. The State is developing a water use inventory that will inform water management decisions. Governor Walker thanked Wisconsin Department of Natural Resources staff present for their work in meeting Compact and Agreement requirements.

Governor Walker also provided an update on the City of Waukesha's application for a Diversion from the Great Lakes-St. Lawrence River Basin. The City of Waukesha has filed its application with the Wisconsin Department of Natural Resources and is expected to submit additional information in coming months. The application will receive an exhaustive review before it is submitted to the Regional Body.

Illinois

Mr. Miller reported that Illinois has had a Lake Michigan water conservation program in place for 30 years, and this program meets the water efficiency and conservation goals included in the Compact and Agreement. The State is currently upgrading rules and regulations regarding water use, with a focus on requirements for plumbing fixtures, reducing loss from water distribution systems and upgrading water infrastructure. Governor Quinn last year announced a \$1 billion clean water infrastructure fund to help upgrade and replace vital water infrastructure. The State works with the Chicago Metropolitan Agency for Planning to assist communities in northeastern Illinois to reduce water loss and promote good stewardship of the water supply.

Indiana

Governor Pence reported that Indiana is meeting the requirements of the Compact and Agreement through three areas. First, the Indiana Department of Natural Resources continues to develop its regulatory framework to meet the requirements of the Compact, including the creation of rules for water withdrawal registration and the establishment of a voluntary conservation and efficiency program.

Second, the Indiana Department of Natural Resources is updating its internal database to improve permitting efficiency. Data for facilities withdrawing water can be submitted electronically and this data can be shared across multiple State agencies with a responsibility for water.

Finally, the online registration allows the Department of Natural Resources to convey information on water conservation and efficiency practices. In addition, the Department is using social media to provide this information to the public.

Michigan

Governor Snyder recognized Mr. Trigger to give Michigan's report. Mr. Trigger reported that the Michigan Department of Environmental Quality has established Water Use Advisory Council and appointed 31 members to advise the Department on key issues related to the Water Use Program, including water availability, data collection and evaluation, decision-making tools, conflict resolution, and water conservation goals. The State has approved eight large withdrawal permits, for those withdrawing over 2 million gallons per day. An online registration system is used for smaller withdrawals. So far

2,195 withdrawals have been registered under this system. In addition the State's program mirrors Compact requirements for conservation and efficiency. Certain exemptions exist for community water systems, but these withdrawals are predicated on including conservation measures.

Overall, State of Michigan withdrawals represented 10 trillion gallons in 2011. 600 million gallons per day were for consumptive uses, with 37 percent of that for irrigation. All of these withdrawals under State requirements are regulated and monitored.

Minnesota

Commissioner Stine reported that Minnesota has met all requirements under the Compact. The State's laws regarding water use, appropriation and conservation have been in place for many years, and were first adopted in 1937. Water use permits issued by the Minnesota Department of Natural Resources have been in place for decades. More than 7500 permits have been issued Statewide, and each user must file annual use reports and pay a fee to support the Department's ability to issue permits and monitor conditions.

Additionally, the Minnesota Legislature closed its session and the Minnesota Department of Natural Resources received increased funding for managing ground water supply and use.

New York

Mr. Driscoll reported that New York State regulations were revised April 1 to implement amendments to environmental law 15-501, which includes the provision of water withdrawal, diversion and consumptive use throughout the State, and in the Basin pursuant to the Compact. Under statute and the amended regulations, the permit program has been expanded to regulate withdrawals for purposes beyond public supply including commercial, manufacturing, industrial, oil and gas development, and other purposes. The scope is limited to withdrawals exceeding 100,000 gallons per day.

Additionally, efforts are underway to create a water withdrawal information database and GIS-based maps which, once completed and validated, will be available on the New York State Department of Environmental Conservation website. The State also continues to work on water conservation and efficiency planning guidance.

Ohio

Lieutenant Governor Taylor reported that Ohio has worked hard to implement the Compact and has met all deadlines to date including developing baseline data for water withdrawals, water conservation and efficiency guidelines, and a regulatory process for new withdrawals. Last year, Ohio passed legislation for a water withdrawal program and amended House Bill 473 became effective in September 2012. The Ohio Department of Natural Resources is developing administrative rules. The State is working with an advisory group for the implementation of a decision making standard as required by the end of 2013, and is engaged in a project to develop tools to guide decision-making for water withdrawals.

A water conservation and efficiency grant was awarded through the Lake Erie Commission to compile best management practices across sectors, which is expected to be completed by May 2014. Ohio remains committed to the Compact as an effective tool to protect Lake Erie and promote business development efforts.

Ontario

Premier Wynne reported that Ontario's efforts to implement the Agreement fall under three categories. The Province has completed legislation to ban diversions, regulates water withdrawals and has adopted conservation and efficiency goals and objectives through a number of efforts including the Water Opportunities Act. Ontario also adopted a Great Lakes Strategy including the Great Lakes Protection Act.

Ongoing efforts include annual submission of water use data to the regional Great Lakes Water Information Database, review of water conservation and efficiency programs, and submission of water management and conservation program reports to the Regional Body.

Continued work is needed in the following areas: regulation of intra-Basin transfers, the decision making standard for withdrawals and consumptive uses, and submission of baseline water use data to the Regional Body. Ontario's commitment to the Agreement remains strong, but the complexity of parts of the Province being in four of the five Lake Watersheds as well as the St. Lawrence River Watershed means extra time is needed to fulfill these commitments. The Province looks forward to continued work with its partners, stakeholders and the First Nations.

Pennsylvania

Mr. Logan reported that while Pennsylvania has only 60 miles of shoreline, the State remains committed to its commitments under the Compact and Agreement. Pennsylvania files water withdrawal and use reports and is moving forward on reporting obligations. The State is considering a boundary expansion of the Lake Erie coastal zone, and is in a public comment period now. This potential expansion would improve the area where coastal zone grants can be applied.

Separately, Presque Isle Bay was designated as an area of concern under the Great Lakes Water Quality Agreement in 1991. This designation set off private and public sector activity including a \$100 million upgrade to the City of Erie's wastewater and water treatment capabilities. In 2002, Presque Isle Bay was designated as in recovery and was removed from the area of concern list in 2013. This is only the second such removal ever. Mr. Logan recognized the work of the Pennsylvania Northwest Regional Office for its role in this effort. This delisting is a major accomplishment, an example of public and private organizations working together, and a success story of accomplishing important goals such as those set forth in the Agreement and Compact.

Québec

Minister Blanchet reported that Québec will soon finalize implementation of the Agreement through its Regulation regarding water withdrawals and permitting. This Regulation is undergoing public consultation now and is expected to be adopted soon after the consultation period.

Separately, Québec is developing a methodology and tools to assess the cumulative impacts of water withdrawals. In September 2013, Québec will submit to the Regional Body its review of water conservation and efficiency programs.

Opportunity for public comments.

Members of the public were given an opportunity to ask questions or provide comments.

- Laura Campbell, Michigan Farm Bureau—Ms. Campbell commented that the future considerations regarding regulation of water withdrawals, diversions and consumptive uses must take into consideration the vital importance of agriculture and the amount of water used. She encouraged Regional Body members to ensure that regulations are not overly burdensome for agriculture. Ms. Campbell also asked the Regional Body to consider continuing voluntary programs to protect water quality. Finally, she asked a question regarding a recent International Joint Commission report on water levels that recommends structures be built to control flows.
- Joel Brammeier, Alliance for the Great Lakes—Mr. Brammeier mentioned that all ten members of the Regional Body have changed since the Agreement was signed in 2005 and stressed the need to publicly reaffirm State and Provincial commitment to implementation of the Compact and Agreement. He stated his appreciation for State and Provincial contributions to the Compact Council and Regional Body budgets, and added that the Compact is only as solid as the jurisdictions choice to implement and fund it. He encouraged annual budgeting to ensure that implementation is not undercut by lack of funding.
- Marc Smith, National Wildlife Federation—Mr. Smith commented that the Compact and Agreement are successes and examples of what can be achieved regionally. He noted that the Advisory Committee comprises a diverse set of individuals who are ready to be set to work. He implored the Regional Body to take advantage of the group. He added that the Compact and Agreement give an opportunity to show the world how to protect and manage the resource sustainably through collaboration and sharing of information.
- Molly Flanagan, Joyce Foundation—Ms. Flanagan read prepared remarks on behalf of former Wisconsin Governor Tony Earl.
- Tim Eder, Great Lakes Commission—Mr. Eder commented on the States' and Provinces' obligations regarding water use information. He mentioned that the 2011 regional water use report is available and a report summarizing 2012 data will be released later this year. He added that the need to protect the Basin

against diversions is a principal motivator for bringing everyone together today. However, he noted that this is scarcely discussed, which shows how far we've come as a region. Mr. Eder concluded by stressing that the best way to protect against diversions is to be good stewards, and we've developed far reaching protocols and procedures in this regard.

New Business

Resolution #21 Adoption of Fiscal Year 2015 Budget (July 1, 2014-June 30, 2015).

Governor Walker reported that the proposed budget and the resolution adopting the budget were previously distributed to the members and were posted to the Regional Body website on May 1.

Governor Snyder moved to approve the resolution. Premier Wynne seconded the motion. The question was then called on the resolution, and a roll-call vote was taken.

Illinois—Yes

Indiana (Dan Schmidt)—Yes

Michigan—Yes

Minnesota—Yes

New York—Yes

Ohio—Yes

Ontario—Yes

Pennsylvania—Yes

Québec—Yes

Wisconsin—Yes

Other business

None.

Adjournment

A motion was made by Governor Walker to adjourn. Governor Snyder seconded the motion. All members voted in the affirmative, the motion was approved and the meeting was adjourned at 3:00 p.m. EDT. The next meeting of the Regional Body will be set and noticed at a future date.

The full text of the materials discussed at the meeting is available online at www.glslregionalbody.org.