

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

December 6, 2018

9:00 a.m. CDT

Drake Hotel

Parkside Room

140 E. Walton Place

Chicago, Illinois 60611

Remote participation was available to individuals registering at:  
<https://attendee.gotowebinar.com/register/8712091827543517451>

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Passcode 186-363-309

**Notice:**

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on November 6, 2018. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) website at [www.glsregionalbody.org](http://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:**

9:00 a.m. CDT— The meeting was called to order by Julie Ekman, designee of Governor Mark Dayton.

**Roll Call:**

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

**Illinois (designee of Governor Bruce Rauner):** Loren Wobig, Illinois Department of Natural Resources.

**Indiana (designee of Governor Eric Holcomb):** Chris Smith, Deputy Director, Indiana Department of Natural Resources.

**Michigan (designee of Governor Rick Snyder):** Grant Trigger, Michigan Cleanup Manager, RACER Trust.

**Minnesota (designee of Governor Mark Dayton):** Julie Ekman, Conservation Assistance and Regulations Section Manager, Minnesota Department of Natural Resources.

**New York (designee of Governor Andrew Cuomo):** Don Zelazny, Great Lakes Programs Coordinator, New York State Department of Environmental Conservation.

**Ohio (designee of Governor John Kasich):** James Zehringer, Director, Ohio Department of Natural Resources.

**Pennsylvania (designee of Governor Tom Wolf):** Tim Bruno, Chief, Office of the Great Lakes, Pennsylvania Department of Environmental Protection.

**Wisconsin (designee of Governor Scott Walker):** Adam Freihoefer<sup>1</sup>, Water Use Section Chief, on behalf of Daniel Meyer, Secretary, Wisconsin Department of Natural Resources

## **Actions Taken**

### ***Review of June 21, 2018 Regional Body meeting minutes***

Ms. Ekman noted that the June 21, 2018 minutes of the Regional Body were previously posted as draft to the Regional Body website several months ago. She invited a motion and a second to approve the minutes, as corrected. A motion was made by Mr. Zehringer to formally approve the minutes of the June 21, 2018, Regional Body meeting. Mr. Trigger seconded the motion. The motion to adopt the June 21, 2018, meeting minutes was approved without objection.

## **Reports**

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

#### **Minnesota**

Ms. Ekman reported that municipalities began reporting their conservation efforts this year through the Minnesota Water Conservation Reporting System. This is the first comprehensive effort to monitor water supplier conservation efforts with the goal of determining the impact of conservation efforts in the state. This is an online system that stores data in a central database in the cloud and enables statewide analysis of conservation efforts. The Water Conservation Reporting system is powered by ESPWater software. The system provides value back to the utilities. Utilities can view information supplied by other utilities allowing them to understand what others are doing. It creates a shared perspective of water management by enabling utility-to-utility comparison. And it includes a simple dashboard to indicate how well the utility's performance is relative to DNR conservation goals. The first annual report is currently in review. When final it will be posted to DNR's website: [www.mndnr.gov](http://www.mndnr.gov)

Ms. Ekman also reported that Minnesota expects that water reuse will be an increasingly important part of managing our water resources as demands on our water supplies continue to grow. Despite increasing interest in water reuse, there had been no comprehensive statewide guidance or policy on water reuse. In 2016 the Minnesota Department of Health created an interagency workgroup that would study regulatory and non-regulatory approaches to water reuse for development of state policy on water reuse. The interagency workgroup defined water reuse, collected and assessed information on

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

water reuse in Minnesota, other states and other countries, and sought perspectives from watershed districts, water utilities, industry and others through meetings and surveys. The report, Advancing Safe and Sustainable Water Reuse in Minnesota, 2018 Report of the Interagency Workgroup on Water Reuse, is available at [http://www.health.state.mn.us/divs/eh/water/dwp\\_cwl/reuse/2018report.pdf](http://www.health.state.mn.us/divs/eh/water/dwp_cwl/reuse/2018report.pdf)

### **Illinois**

Mr. Wobig reported that the Lake Michigan Management Section (Section) has received 218 (100%) completed Water Year 2017 Annual Water Use Audit Forms. The Section has received and accepted Water System Improvement Plans from all Lake Michigan water allocation permittees whose percent non-revenue water exceeds the Department's 12% regulatory limit. In November, the Section submitted a Request for Proposals (RFP) for the system wide review and modification of its Lake Michigan water allocations; the RFPs will be received the week of December 10th and a consultant will be chosen in early 2019.

Illinois' Ninth Water Conservation and Efficiency Program Review Report for submittal to the Great Lakes – St. Lawrence River Basin Water Resources Council and Regional Body was provided to the Secretariat on November 21, 2018.

In August of 2018 the U.S. Army Corps of Engineers (USACE) held the first meeting of the Three Member Committee. The Three Member Committee is a group of three professionals convened every five years to do a peer review of the USACE's Lake Michigan Diversion Accounting methods.

### **Indiana**

Mr. Smith reported that Indiana completed a conservation and efficiency program report. As part of this, the state expanded social media promotion including a series of "talk with an expert" events that included conservation and efficiency topics such as ground water withdrawals. These events have had 77,000 users. Indiana will submit its 2018 water use data to the regional deposit by the March 31 deadline. The state now offers reporting online, with about 98% compliance currently.

IDNR and USGS are working on a review of water use data quality that will be posted online soon. Indiana is working with Ohio, and Michigan to discuss potential collaboration.

### **Michigan**

Mr. Trigger reported that Michigan completed its conservation and efficiency program report. The highlight of this report is that the state continues to implement its water use strategy, which is a 30-year vision for managing and protecting water. This includes an effort to improve the tools needed for some determinations necessary under program. Michigan is developing a model for withdrawal impacts that includes additional hydrological and geological analysis for a pilot study of stream data to improve decision making.

### **New York**

Mr. Zelazny reported that in 2012 the State passed comprehensive water supply management program legislation that included implementing authorizations for the Great Lakes-St. Lawrence River Basin Water Resources Compact. A key element of the law included the five-year implementation of an “Initial Permits” Program to convert non-potable water uses previously registered to regulatory permits. That effort has been completed. Public and private water withdrawal systems within New York’s Great Lakes-St. Lawrence Basin having a pumping capacity greater than 100,000 gpd (which is even less than the minimum threshold for reporting under the Agreement & Compact) are now under a permit requiring water conservation plans and strict water use reporting requirements. (Agricultural withdrawals continue to register all water use and do not receive a permit.) Enforcement is underway for a small number of systems that failed to apply for a permit, including a dozen in the Great Lakes-St. Lawrence River Basin.

He added that, prior to 2012, public or potable water supply systems in New York may have been issued multiple permits for new sources, permits for replacement of old sources, and permits for the creation or extension of water districts. Under authority provided by the 2012 amendments to New York’s Water Supply Law, New York is initiating a process to consolidate permits. The consolidated permit will encompass the provisions, terms and conditions of the existing permits and make them consistent with each other. Permit consolidation will make the permitting management process more efficient in the future. In the Great Lakes-St. Lawrence River Basin, this will affect numerous public water supplies and likely necessitate an update or revision to New York’s baseline.

Mr. Zelazny reported that New York has established a new database to track decommissioned/abandoned water wells to provide a more accurate picture of actual groundwater use in the Great Lakes-St. Lawrence Basin and around the State. Information in the State’s Annual Water Withdrawal Database is being cross-referenced with the Water Withdrawal Permits Database to identify systems that should have but do not have permits. Follow-up/enforcement will be pursued as appropriate.

### **Ohio**

Mr. Zehringer reported that Ohio completed its report for managing Lake Erie water. 100% of registered users completed reports. In 2018, the state registered 8 new withdrawal facilities, including for pipelines. An online reporting website is being beta tested currently. This will reduce the time required to collect and aggregate data.

### **Ontario**

Mr. Travers reported Ontario recently proposed a Made-in-Ontario Environment Plan for public input. The proposed Environment Plan outlines the governments priorities and actions for achieving clean air, land and water. Actions focused on protecting water include ensuring sustainable water use and water security for future generations and helping people to conserve water.

## **Pennsylvania**

Mr. Bruno reported that Pennsylvania continues to implement the requirements of the Compact and Agreement through facilitating state and local programs focusing on wise water use. Pennsylvania submitted Great Lakes water withdrawal and use statistics for Water Year 2017, and compiled information for the Conservation and Efficiency Program Review submitted to the Compact Secretariat on December 5, 2018 that identified the many initiatives focused on continued conservation and efficiency practices.

During the 2017 Water Year, Pennsylvania observed a decline in overall water use, and water withdrawal amounts decreased by approximately 5 percent from 39 million gallons per day (Mgd) in 2016 to 37.2 Mgd in 2017. While this represents a year-over-year decline, the 2017 water use totals are consistent with Pennsylvania's 10-year running average. Approximately 29.3 Mgd, or 79 percent of the total 2017 water use amount, was dedicated to Public Water Supply purposes. The next largest sector was Self-Supplied Industrial with a total withdrawal amount of 3.9 Mgd followed by Self-Supplied Livestock use of 3.6 Mgd. The estimated total Consumptive Use was 3.8 Mgd, with Public Water Supplies accounting for 78 percent of the total consumptive loss.

Looking forward to 2019, DEP seeks to continue an initiative that extends conservation and efficiency education and training to public water suppliers in PA's Great Lakes Basin and surrounding area. These trainings increase specific system-level understandings of water infrastructure management and help Pennsylvania meet its conservation and efficiency goals through reductions in leakage and increased efficiencies by public water suppliers. Additionally, DEP hopes to establish a timeline to convene the Great Lakes Water Resources Regional Committee to guide the process of making Lake Erie Basin amendments to the Pennsylvania State Water Plan. The Committee will aid in the collection and dissemination of data, prioritization of resource availability and protection, and the formation of water use policies in the Basin.

During 2018, DEP was unable to comprehensively evaluate water use reporting methods used to implement the Water Resources Planning Act (Act 220 of 2002). DEP now looks to 2019 to examine operational opportunities to increase the percentage of on-time water user submissions for annual tracking and reporting purposes. Also, DEP will work with public water suppliers and other required entities in the Pennsylvania Lake Erie Basin to update Drought Contingency Plans for their source water and service areas.

## **Québec<sup>2</sup>**

Ms. Théberge reported that on October 1, general elections were held, and a new government was appointed. Mr. François Legault is the new Prime Minister and Mrs MarieChantal Chassé is the new Minister of the Ministry of the Environment and the fight against climate change. This change will not affect Quebec support and involvement in the implementation of the Agreement through its existing legislation, through funding

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<sup>2</sup> This report was submitted following the meeting and incorporated without objection by the Regional Body members.

of research projects, through continuous developing or through improving of data and tools.

Since the last face to face meeting, several significant developments have occurred regarding Québec water policy: Québec proceeded this summer with a quality assurance/quality control exercise of water use data (déclaration annuelle) for example, correcting data errors (volume, location, consumption, etc.), improving compliance and outreach (communicating directly with water users). Québec has made progress throughout the years in identifying and correcting reporting errors and increasing reporting compliance for all the water use sectors.

Québec began collecting water use reports from the irrigation (agricultural users), livestock, and fish breeding users in 2016. Québec will continue improving the data accuracy for these sectors in the next few years. In Québec's 2017 Report, the consumptive use coefficient was correctly applied in the public water supply sector. Québec also improved the methodology to calculate compliance rates which are, by now, more accurate than last year.

The Conservation and Efficiency program adopted in 2013 aims to ensure fair access to water resources in Québec in the long term. To be sustainable, water use should not negatively affect ecosystems or conflict with other water uses. The Program is structured around five goals:

- Foster long-term sustainable water use that takes ecosystem health and water needs into account
- Adopt and implement a supply and demand management approach that takes into account the expected impacts of climate change
- Implement monitoring measures for the Water Conservation and Efficiency Program
- Promote scientific research, technological development and knowledge acquisition
- Educate, inform, equip, and motivate water stakeholders and users

Each year, the Ministry releases an annual program report. The 2016-2017 version is available on the website of the Regional Body. The Québec report for 2017-2018 is expected soon.

<http://www.environnement.gouv.qc.ca/programmes/conservation-utilisation-efficace-eau/index-en.htm>

<http://www.glsiregionalbody.org/Docs/ProgramReports/2017/QE%20Water%20Conservation%20and%20Efficiency%20Program%20Assesment-2017.pdf>

On June 27, the Québec government released the 2018-2030 Québec Water Strategy and its 2018-2023 Action Plan. It sets out seven (7) policy priorities to ensure the protection, use and management of water and aquatic environments in a responsible, integrated and sustainable manner.

Primarily, 3 out of 7 priorities in our Water Strategy are closely related to the Agreement. Priority 5- Promote sustainable water use.

Priority 6- Acquire and share the best knowledge on water.

Priority 7-Ensure and strengthen integrated water resources management. The first 2018-2023 Action Plan contains 63 measures that are carried by 11 ministries and agencies. This action plan represents investments of more than \$550 million.

With the Québec Water Strategy, among the government intends to continue and strengthen its international cooperation, particularly by maintaining its involvement in international organizations involved in in water management. In addition, Québec intends to continue sharing its expertise with countries or states committed to improving water management. You can visit the website and consult the Québec Water Strategy, available both in French and English.

<http://www.mddelcc.gouv.qc.ca/eau/strategie-quebecoise/index-en.asp>

<http://www.mddelcc.gouv.qc.ca/eau/strategie-quebecoise/strategie2018-2030-en.pdf>

Regulation respecting compensation for adverse effects on wetlands and bodies of water Following the adoption in June 2017 of a new wetland and waterways conservation act (Loi concernant la conservation des milieux humides et hydriques), the Québec government has recently published on September 5th of this year a regulation for compensating loss of wetlands and bodies of water. An English version of the regulation is available on our website, for those interested.

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=103689.pdf>

#### Water Knowledge Portal

Online since August 2018, the Portal of Water Knowledges (Portail des connaissances de l'eau) is aimed for professionals to share and work on projects related to the water field. The Portal provides subscribers various tools: personal collaborative sites, a search tool and an Atlas with GIS tools. Several projects and discussions with partners of integrated water resources management are underway to optimize knowledge acquisition processes and highlight them through the Portal of Water Knowledges.

<http://www.environnement.gouv.qc.ca/eau/portail/>

#### Wisconsin

Mr. Freihoefer first reported on the Mount Pleasant Diversion Update. Wisconsin approved a diversion to the Straddling Community of the Village of Mount Pleasant on April 25, 2018. The approval allows the City of Racine to divert up to 7 MGD of water to the portion of Mount Pleasant in the Mississippi River Basin. The Department of Natural Resources (DNR) approval was challenged on May 25, 2018 by several environmental non-governmental organizations, disputing DNR's interpretation of the term "public water supply purposes." DNR has granted the petition for hearing and several prehearing conferences have been held with the parties and the Administrative Law Judge. The briefing schedule has been set with all briefs submitted to the Administrative Law Judge for review by mid-March. Summary of the prehearing conference and briefing schedule are available on the Wisconsin DNR website. The City of Racine is constructing the necessary infrastructure to divert water to the Mount Pleasant diversion area, but has no plans to divert Lake Michigan water prior to the resolution of the contested case proceedings.

Mr. Freihoefer next reported on the City of Waukesha Diversion. The City continues to work on applications for various associated permits. The switch to Lake Michigan water is still

expected to occur in 2023. The City has been working on pipeline design, pipeline testing procedures for water quality and updated environmental information related to the final pipeline corridor. There are no public comment periods open at this point, but information on permits and related correspondence is at the DNR website, City of Waukesha diversion page. A public hearing on one or more permits or approvals is possible in January or February 2019.

Mr. Freihoefer then reported on the Wisconsin Water Resources Inventory. Wisconsin DNR is 1 ½ years into a four-year study evaluating impacts of groundwater withdrawals on three specific lakes in the Central Sands region of Wisconsin. In the past year WDNR and its partners have installed three stream gages, a lake level gage on each of the three lakes, and groundwater level monitoring equipment on 21 wells near the lakes. The DNR has also partnered with UW and the agricultural community to directly measure evapotranspiration, a critical component to consumptive use. Additional information is available at the DNR website, Central Sands Lakes Study.

Finally, Mr. Freihoefer reported on the procedures update team and 10 Year Anniversary of the Compact Effective Date. He stated that Wisconsin appreciated the opportunity to participate in the procedures update team over the past year. The leadership provided by Michigan and the thoughtful comments by the jurisdictions, advisory committee, tribes, and public resulted in today's guidance and rules. As the Compact celebrates its 10-year anniversary, he stated that this procedures update process highlights the strength of collaboration between of all us.

**Administrative reports.**

Ms. Ekman invited Peter Johnson on behalf of the Regional Body's Secretariat, to give an administrative report.

In his administrative report, Mr. Johnson noted that the Procedures Update Team has completed its scope of work within the deadline set by the Regional Body and Compact Council in September 2017 and have prepared updated procedures documents which will be considered today. Looking forward to 2019, the secretariat staff will be assisting the Regional Body and Compact Council on the following matters:

- Updating the existing Science Strategy for the Regional Body and the Compact Council. We look forward to engaging in dialogue with representatives from First Nations, Tribes, Métis as well as members of our Advisory Committee, Resource Group and Observers as this process moves forward.
- The Regional Body and Compact Council will be reviewing the basin wide conservation goals and objectives and either making modifications or reaffirming the objectives by December 2019.
- The Regional Body and Compact Council will also begin the process of the "every five year" water management and water conservation and efficiency program reviews. To that end, beginning this summer the plan is for each of the jurisdictions to engage in dialogue with local Tribes, First Nations and Métis as

well as stakeholders before the formal submission of reports in December of 2019.

- Finally, it is the intention of the Regional Body and Compact Council to engage in a Phase II of procedures updates, to be initiated in 2019.

Next, Ms. Ekman noted that the 2017 Water Regional Water Use report was released earlier today. She recognized Reilly Manz of the Great Lakes Commission (GLC), the organization that serves as the regional water use repository, to provide a quick update.

Mr. Manz reported that the report was posted today at [waterusedata.glc.org](http://waterusedata.glc.org). State and provincial water use data was to the GLC in August 2018. Reviews were conducted with water use managers focused on metadata reporting, and the managers made adjustments to specific data. These changes were recorded. The water use managers reviewed revised reports for their jurisdiction. GLC then incorporated feedback and sent the report to the Regional Body and Compact Council, where their feedback was incorporated. Overall, water withdrawals increased by less than 1% and consumptive use dropped by 4%, for a 2017 net gain of 890mgd basin wide.

Looking at specific sectors, thermoelectric accounts for - 64% of withdrawals overall, with 79% coming from surface water. Hydroelectric increased by 21%, with Minnesota responsible for the greatest increase. Commercial and industrial use increased by 53%, primarily in Ontario.

Ms. Ekman finally noted that the next conference of the International Association for Great Lakes Research (IAGLR) will be taking place on June 11-14 in Brockport, New York. She mentioned that Don Zelazny has submitted an abstract to Chair a session on behalf of the Regional Body and Compact Council and invited him to talk about the session.

Mr. Zelazny commented that New York is excited to host this session. IAGLR includes 50 technical sessions, and this session will focus on looking at best scientific protocol for assessing significant withdrawals impact. A water balance approach is used now, but there are different standards. Scientific work is needed to help refine the ability to evaluate impacts on basin. He asked members and others to get the word out to academics, research organizations, and other interested parties.

**Opportunity for public comments.**

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

**John Dickert, Great Lakes St. Lawrence Cities Initiative**

Mr. Dickert stated that the Cities Initiative remains a strong opponent to the Waukesha diversion. The mayors look at it as a symptom of challenges to come. He said that mayors spend time looking at bad decisions, and that top-down decisions ignore long-term

thinking. Mayors don't have this luxury. People are moving back to cities with sustainable water. Regarding the resolution on proposed changes, it is their opinion that with the proposed changes, the rules went from terrible to bad. He said there's no reason to press forward with adoption at this time, and that many outstanding concerns were not addressed. The Cities Initiative lawsuit against the Waukesha decision was withdrawn in good faith to work together, and that there was no good faith.

The Cities Initiative and Ontario tribes are working together on this issue. He said it is time to defer the proposed resolution. Since 3/4 of regional leadership changed with the recent election, the new governors deserve a chance to review proposals. The Cities Initiative offers full and active cooperating with updating and upgrading procedures.

**Marc Smith, National Wildlife Federation**

Mr. Smith thanked the members for the open and transparent process undertaken in the past year for updating the procedures and rules, particularly with inclusion of the Tribes and First Nations and interaction with the Advisory Committee. Some of the changes are appreciated though they could be stronger and more efficient. In particular, he appreciated the moving of the cost burden for an appeal, which can be waived. He said he appreciates the second phase of this process, and NWF stands ready to help.

**Todd Brennan, Alliance for the Great Lakes**

Mr. Brennan commented that he appreciates the opportunity and process used for updating the procedures and rules, and expertise for developing these updates. As Advisory Committee members, seeing rules promulgated is good. A fair and equitable process is the goal. The public comment record improved slightly, but stopped short of including a transcript. The updates include a possible meeting in the jurisdiction but every State and Province should hold a public meeting.

The Alliance for the Great Lakes appreciates the phase 2 review that will consider improvements on monitoring, enforcement, the cumulative impact assessment, and pre-application process.

**Jessica Karban, Canadian Environmental Law Center**

Ms. Karban stated that she concurs with the Cities Initiative request to delay the vote on the resolution. Serious concerns need to be considered, which go against the purpose of the process as designed. The Regional Body and Compact Council should commit to a new process to address these concerns, launched in the next 2-3 months with public input on the scope. Ms. Karban mentioned 3 issues to be amended before a final vote.

1. Regional Body and Compact Council should not adopt change of section 401 of the proposed Compact Council Rules. Technical issues are not minor, and the wording is too broad.
2. The process should include a public hearing in each State and Province. Section 201 of the Regional Body Procedures and Compact Council Guidance gives each jurisdiction discretion to determine if meeting is to be held. The public interest requires a voice in process. Written comments are insufficient. There is significant public support for these measures.

3. Finally, the cost provisions in section 323 of the Compact Council rules is vastly improved, but a \$500 filing fee is still significant and unfair. There's no reason to defer appeals from low income and Non-profit organizations. Just remove the fee altogether.

**Susan Catterall**

Ms. Catterall stated that she lived in NE Indiana, and wanted to raise a concern about a potential use of the Michindoh aquifer. The Michindoh aquifer is the sole source of water for 9 counties. The mayor of Pioneer, Ohio owns a water company and wants to send 10-14 mgd to communities outside of the aquifer. Is there anything in the Great Lakes Compact to prevent movement of large quantities of water outside of the watershed?

In response, it was noted that this is only a public comment period, and that the members of the Regional Body cannot engage in discussion with members of the public at this time, but the commenter was encouraged to reach out to her Regional Body member.

**Cameron Welch, Anishinabek Nation.**

The Anishinabek Nation is made up of 40 First Nations across the Province of Ontario. He first stated that he wanted to congratulate the new members of the Regional Body and Compact Council that were recently elected. He also stated that he wanted to recognize the commitment that was shown by the previous administrations to this process.

He stated that the Anishinabek Nation has worked over the last 15 months in good faith to contribute to the strengthening of the guidance, sequence of events, and rules. He recognized that some of their concerns have been addressed, however there are still outstanding and serious concerns that need to be addressed. He therefore asked that the vote on the updates to the procedures be deferred. He then stated that if they are adopted that the outstanding concerns the Nation be addressed. He then stated that he has heard discussions about a Phase II of procedures updates, but is unsure of what that would entail. He stated that the spiritual connections of the Nation do not allow for faith in an undefined process. He then stated that what they are sure of is that the Basin has seen unprecedented political change in the past months and weeks, and therefore call on the Regional Body and Council to defer consideration of the proposed procedure updates to allow for further consideration and to consider the outstanding issues.

Regardless, Mr. Welch stated that the Nation is committed to working with all parties in the future on any process with the States, Provinces and others to protect the Great Lakes and St. Lawrence for seven generations to come. He also stated that he's heard about future work to be done on updating a Science Strategy that will incorporate traditional ecological knowledge, and look forward to hearing more about these studies and participating.

He would also like to more formalize the role of Tribes and First Nations, recognizing that Tribes and First Nations are not simply stakeholders, but also have jurisdiction. The Nation takes the position that they have never ceded their rights to waters or lakebeds through treaties.

**New business.**

*Consideration of Resolution #28—Adoption of Fiscal Year 2020 Budget (July 1, 2019- June 30, 2020)*

Ms. Ekman stated that the first item of business to be considered is Approval of the Fiscal Year 2020 Budget. The proposed budget and the resolution granting approval of the budget were previously distributed to the members and were posted to the Regional Body website on May 22. Preliminary approval was granted at the June 21 meeting of the Regional Body. Because there is no appointed representative of Premier Legault present, Ms. Ekman asked for passage of this resolution by majority vote, which the Agreement allows.<sup>3</sup> To ensure that there is full support for this resolution, she indicated that the Regional Body will ask and encourage that when appointments are made, Premier Legault’s representative submits a statement indicating their support for the budget passed by this resolution.

Ms. Ekman invited a motion to grant approval of the resolution and a second. Mr. Trigger moved to approve, and Mr. Freihoefer seconded. Ms. Ekman asked if there was any discussion. Ms. Ekman then called a roll call vote on the budget resolution:

Illinois—Yes  
Indiana—Yes  
Michigan—Yes  
Minnesota—Yes  
New York — Yes  
Ohio—Yes  
Ontario—Yes  
Pennsylvania—Yes  
Wisconsin—Yes

*Consideration of Resolution #29—Adoption of Great Lakes-St. Lawrence Water Resources Regional Body Procedures*

Ms. Ekman stated that the second item of business to be considered is Adoption of the Great Lakes-St. Lawrence Water Resources Regional Body Procedures. These Procedures include the Regional Body Procedures and the Sequence of Events for Consideration of Proposals for Exceptions to the Prohibition on Diversions that are subject to Regional Review, both of which are being adopted as Guidance by the Regional Body. Before a vote on the Regional Body Procedures, Ms. Ekman invited Peter Johnson to provide some background on the process that was used to develop these procedures.

Mr. Johnson reported that in September 2017, a workplan was shared with the Tribes, First Nations, Métis as well as the Advisory Committee et al. It included the scope of work as well as a calendar of events. A conference call describing the workplan was held with each of these entities in mid-September. In February of 2018, a copy of a draft updated Procedures and Guidance were shared with the Tribes, First Nations, Métis and

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<sup>3</sup> Statement is attached.

Draft—For Discussion Purposes Only  
April 22, 2019

Advisory Committee et al. In March of 2018, a meeting was held in Toronto with about 40 members of the Tribes, First Nations, Métis and Advisory Committee et al. to review and discuss the draft procedures updates. The Procedures Update Team listened to all of the comments and concerns and made changes to the draft based on these discussions.

In May 2018, initial drafts were released for public feedback and feedback was received via email and following the public meeting of the Regional Body and Compact Council on June 21, 2018 in Duluth and via conference call.

In August 2018, a conference call was held with Tribes/First Nations/Métis/Advisory Committee et al. to share with them updated drafts that were going to be put out by the RB/CC for public comment. On September 10, the CC Guidance, Rules; RB Procedures; and joint Sequence of Events were put out for public comment. A public hearing was held on October 3, and the public comment period ended on October 10, 2018.

A number of changes were made based on the comments received during the comment period. At times conflicting comments were submitted – such as to adopt or not to adopting any of the provisions as rules.

Some of the changes that were made in response to comments that were made throughout this time period include the following:

- Ensuring that there is a process in place if there is an administrative appeal.
- While this applies only to the Compact Council Rules that will be considered following the Regional Body meeting, a fee of only \$500 is charged to the petitioner if an administrative appeal is filed, which may also be waived.
- A commitment by each jurisdiction that they will provide meaningful opportunities for public comment on diversion proposals up to and including hosting a public hearing should there be sufficient public interest in the jurisdiction to do so.

In short, the final draft reflects months of dialogue and input from all stakeholders and hard work by the Regional Body and Council drafting team, ably led by Grant Trigger of Michigan, over a public review and input period lasting about nine months.

Ms. Ekman commented that it is the intention of the Regional Body and Compact Council members to continue the process of revising the collective procedures to address additional issues that were outside the scope of this round of procedures updates through Phase II. For example, the Regional Body procedures that are now being considered include a placeholder for Consideration of regionally significant or potentially precedent setting Proposals. In the coming months, as new designees and alternates are appointed or reappointed by the Governors and Premiers to the Regional Body and Compact Council, the Regional Body will be developing a workplan, including scope of work, as well as a budget for the next round of procedures updates. Regardless, she indicated that the Regional Body will again look forward to working with Tribes, First Nations, Métis and our Advisory Committee as it continues to update its Procedures.

Ms. Ekman asked for any proposed amendments from the members to the content of the documents to be approved by the Resolution. Ms. Ekman asked for approval of a motion to authorize the secretariat to make any corrections to technical errors to the procedures, and direct the secretariat to make any such corrections within 60 days of the adoption of this resolution. Mr. Smith moved such a motion, and the motion was seconded by Mr. Bruno. This motion was approved without objection.

Ms. Ekman asked for further proposed amendments. Hearing none, she invited a motion to approve the resolution. Director Zehringer moved and Mr. Freihoefer seconded the motion.

Ms. Ekman said that pursuant to the terms of the Agreement, these Procedures may be adopted by majority vote. The motion passed on unanimous approval by all present.

**Other business.**

Ms. Ekman noted that her term as Regional Body chair will end on December 13. On that date, the Governor of Indiana will become the Regional Body Chair and the Governor of Michigan will become the Regional Body Vice-Chair pursuant to the rotation that was set by the drawing of lots.

**Adjourn.**

A motion was made by Mr. Wobig to adjourn. Mr. Bruno seconded the motion. All members voted in the affirmative, the motion was approved, and the meeting was adjourned at approximately 10:00 a.m. CDT. 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.glsregionalbody.org](http://www.glsregionalbody.org).

Le 12 avril 2019

Monsieur David Naftzger  
Directeur exécutif  
Conseil régional des ressources en eau  
des Grands Lacs et du fleuve Saint-Laurent  
20, North Wacker Drive, suite 2700  
Chicago, Illinois 60606  
États-Unis

Objet : Appui de la représentante du Québec aux résolutions n° 28 et n° 29

Monsieur,

Le 6 décembre 2018, le Conseil régional a adopté la résolution n° 28 (Adoption du budget pour l'exercice financier 2020) et la résolution n° 29 (Adoption des procédures du Conseil régional des ressources en eau des Grands Lacs et du fleuve Saint-Laurent). Malgré ma présence à la réunion du Conseil régional des ressources en eau, je n'étais pas en mesure d'exprimer notre appui au nom du premier ministre du Québec, M. François Legault.

En tant que représentante dûment désignée au Conseil régional, je souhaite exprimer mon plein appui aux résolutions 28 et 29 du Conseil régional telles qu'amendées et demander que cet appui soit consigné dans le compte rendu public et intégré au procès-verbal de la réunion du Conseil régional du 6 décembre, 2018.

Je vous prie d'agréer, Monsieur, mes salutations distinguées.



Marie-Claude Thériberge  
Désignée au Conseil régional  
au nom du premier ministre François Legault

p. j. (Résolutions)

COURTESY TRANSLATION

Subject: Québec Designee Support of Regional Body Resolutions #28 and #29  
(attached)

Dear Mr. Naftzger,

On December 6, 2018, the Regional Body adopted Resolution #28, (Adoption of Fiscal Year 2020 Budget) and Resolution #29 (Adoption of Great Lakes St. Lawrence Water Resources Regional Body Procedures). Despite being present at the Regional Body meeting, I was not in the position to express our support on behalf of Québec's Premier François Legault.

As duly appointed designee to the Regional Body, I wish to indicate my full support for the Regional Body Resolutions #28 and #29 as amended, and ask that this support be made part of the public record and incorporated into the minutes for the December 6, 2018 meeting of the Regional Body.

Sincerely,

ORIGINAL SIGNED BY

Marie-Claude Théberge  
Designee to the Regional Body  
on behalf of Premier François Legault