

FEBRUARY 6, 2009 DRAFT
FOR DISCUSSION PURPOSES ONLY

Great Lakes—St. Lawrence River Water Resources Regional Body

Meeting Summary

Ambassador East Hotel
1301 N. State Parkway
Chicago, Illinois
December 8, 2008

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's (GLIN) distribution list on November 7, 2008. An additional notice was provided through GLIN on December 1, 2008. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Regional Body website at www.glslregionalbody.org.

Call of Meeting:

1:00 p.m. CST—The meeting was called to order by Kent Lokkesmoe, designee of Great Lakes—St. Lawrence River Water Resources Regional Body (Regional Body) Chair, Minnesota Governor Tim Pawlenty.

Roll Call:

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

Illinois (designee of Governor Rod Blagojevich): Gary Clark, Director, Office of Water Resources, Illinois Department of Natural Resources.

Indiana (designee of Governor Mitch Daniels): David Pippen, Policy Director for Environment and Natural Resources, Office of Governor Mitch Daniels.

Michigan (designee of Governor Jennifer Granholm): Ken DeBeaussaert, Director, Michigan Office of the Great Lakes.

Minnesota (designee of Governor Tim Pawlenty): Kent Lokkesmoe, Director, Division of Water, Minnesota Department of Natural Resources.

Ohio (designee of Governor Ted Strickland): Sean Logan, Director, Ohio Department of Natural Resources.

Ontario (designee of Premier Dalton McGuinty): Kevin Wilson, Assistant Deputy Minister, Ontario Ministry of Labour.

Pennsylvania (designee of Governor Ed Rendell): Cathleen Curran Myers, Deputy Secretary, Office of Water Management, Pennsylvania Department of Environmental Protection.

Québec (designee of Premier Jean Charest): Julie Cyr¹, on behalf of Yvon Maranda, Chef de service, Service de la gestion intégrée de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs.

Wisconsin (designee of Governor Jim Doyle): Matt Frank, Secretary, Wisconsin Department of Natural Resources.

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

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Actions Taken

Review of June 18, 2008 Regional Body meeting minutes.

A motion was made on behalf of Governor Granholm to formally approve the minutes of the June 18, 2008 Regional Body meeting. The motion was seconded on behalf of Governor Rendell and carried unanimously.

Reports

Updates regarding implementation of the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement

Each Regional Body designee provided an update on their jurisdiction's efforts to implement the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement), including the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) legislation or other mechanisms as appropriate. It was noted that the Compact had been enacted by each of the eight Great Lakes States' legislatures, that Congress had provided its consent, and that the President signed the Consent legislation on October 3, 2008. Because of State legislative provisions, the effective date of the Compact is December 8, 2008.

Minnesota—Because Minnesota has a thorough and long-standing water management system in place, no additional implementation legislation is needed. The State will bring some components of its existing programs together for reporting purposes.

Illinois—Illinois is currently focusing on how to adapt its water use reporting system to be in compliance with the requirements in the Compact.

Indiana—Indiana has several decades of water withdrawal reporting prior to the Compact. Indiana passed Compact implementation language concurrently with the Compact.

Michigan—Compact implementation language was passed concurrently with the Compact. Michigan is working on refining and implementing an impact assessment tool. An advisory council on the assessment tool has recently provided its report to the Michigan legislature.

Ohio—A 28-member advisory board has been created to develop the State's Compact implementation program. The board will be chaired by Ohio Department of Natural Resources Director Sean Logan. Board members have not yet been appointed.

Ohio currently requires reporting for all water withdrawal capacities in excess of 100,000 gallons per day.

Ontario—*The Safeguarding and Sustaining Ontario's Water Act* received Royal Assent and was put into law on June 4, 2007. Regulations for intra-basin transfers are under development, and may be approved in fall 2009. Additionally, Ontario has been developing its conservation and efficiency program to be consistent with the regional

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goals and objectives adopted in December, 2007, by the Regional Body. A stakeholder panel of approximately 40 members is engaged on these efforts.

Pennsylvania—Legislation enabling the development of a State water plan and conservation planning was passed in 2003. This legislation is being used in part to move forward and address the commitments in the Compact. The Commonwealth is also working with an advisory committee to help develop water management programs.

Québec—A bill to enact the terms of the Agreement has been developed but has not been considered by the National Assembly due to the election held on December 8, 2008. It is likely that the bill and corresponding regulations will be acted upon in Spring 2009. Québec is currently developing an impact assessment system, conservation and efficiency goals and objectives (and corresponding program), and developing a list of existing water withdrawals.

Wisconsin—An extensive legislative package was passed along with the Compact. Wisconsin is currently gathering baseline information for reporting, and is moving ahead with developing rules to frame out the statutory process.

Water Conservation and Efficiency Initiative

Shaili Pfeiffer of the Wisconsin Department of Natural Resources reported that Wisconsin had concluded Phase II of the Council of Great Lakes Governors' Water Conservation and Efficiency Initiative. The work in Wisconsin was a collaborative effort of the Department of Commerce, Public Service Commission, and the Department of Natural Resources, with input from an Advisory Committee and Wisconsin Tribes. The effort started in 2004 with a symposium focused on demand-side conservation.

As part of its work, Wisconsin took the regional water conservation and efficiency objectives adopted by the Regional Body and tailored them for the needs of Wisconsin. The goals and objectives were finalized after a public comment period. Concurrently, the State created an inventory of existing water conservation and efficiency program elements. The agencies will next begin a rule-making process to develop the State's water conservation and efficiency program.

Special thanks was given to the Council of Great Lakes Governors and Lisa Wojnarowski of the Council staff for support in this effort.

Water Use Information Initiative

Jim Japs, Deputy Director of the Division of Waters for the Minnesota Department of Natural Resources and Co-Chair of the Water Use Information Initiative, provided a report on the Council of Great Lakes Governors' Water Use Information Initiative. A Water Use Information Committee of State and Provincial water managers has been created to develop recommendations for the States and Provinces to gather and report comparable water use information to a regional database.

As part of this effort, definitions for various reporting categories are being developed. The Committee is also examining the role of consumptive use coefficients. Additionally,

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a Memorandum of Understanding is being developed that would designate the Great Lakes Commission as the repository for the water use information database.

An advisory panel, resource group and observers will provide input to the Committee as it develops its guidelines and recommendations. Dialogue with Tribes and First Nations is ongoing and input will also be sought from them.

Finally, it was noted that draft guidance and recommendations will be developed at a Committee meeting in January, which will then be shared with the Advisory Committee, Resource Group and Observers, as well as with Tribes and First Nations. A public comment period will follow.

Science Strategy

Lisa Wojnarowski, Program Manager at the Council of Great Lakes Governors, provided an overview of the draft Science Strategy Workplan² that was presented to the Regional Body. The Workplan was developed by staff from each of the States and Provinces and describes efforts to address science needs related to Agreement Article 302.

Additionally, an inventory of presentations and research related to the Governors' and Premiers' science goals was submitted to the Regional Body. It was noted that a session focused on the science strategy will be held at the International Association of Great Lakes Researchers Conference in Toledo, Ohio, May 18-22, 2009.

Administrative Report

David Naftzger, Executive Director of the Council of Great Lakes Governors, provided an administrative report. The Council serves as the Secretariat to the Regional Body.

He noted in his report that public information about the Regional Body is available on the Regional Body website www.glsregionalbody.org. Mr. Naftzger noted a great deal of public interest in the Regional Body and the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact). Requests have been received to speak at a Colorado water conference and to draft an article for the American Bar Association (ABA). Additionally, the Compact was featured at an ABA conference in North Carolina regarding water issues in the Southeastern U.S. Additionally, numerous media requests have been received.

As Secretariat, the Council continues to provide technical support to Regional Body member States and Provinces as they implement the Agreement.

Finally, it was noted that the Regional Body was running a bit ahead on expenses, but expects to be within budget by the end of the year.

New Business

Leadership Transition

² Available upon request.

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As stated in Agreement Article 401 paragraph 4 subsection b, “the Vice Chair shall be chosen by drawing lots from amongst those members who have not yet served [as Chair or Vice-Chair].”

Pursuant to this term of the Agreement, the Chair recognized David Naftzger. Mr. Naftzger certified that lots for each of the eligible States and Provinces (Illinois, Michigan, New York, Pennsylvania, Québec and Wisconsin) were placed in a container. Michigan’s lot was drawn by Mr. Naftzger from the container. Accordingly and pursuant to the terms of the Agreement, Michigan Governor Jennifer Granholm will serve as Regional Body Vice-Chair from December 13, 2008-December 13, 2009, and the Governor of Michigan will in turn serve as Regional Body Chair from December 13, 2009-December 13, 2010.

Review and vote on Resolution #8—Entry into Force of Chapter 5 of the Agreement (Regional Review)

Next, a motion was made on behalf of Governor Daniels to adopt “Resolution #8—Entry into Force of Chapter 5 of the Agreement.” The motion was seconded on behalf of Governor Doyle.

A motion was made on behalf of Governor Granholm to allow comment from the public before a vote was taken on each of the resolutions. The motion was seconded on behalf of Governor Strickland, and approved without objection.

No comments were provided on Resolution #8, and the question was called. The Resolution was adopted without objection. Governor Paterson’s Designee submitted his approval of the resolution in writing.³

Review and vote on Resolution #9—Procedures Committee

A motion was made on behalf of Premier McGuinty to adopt “Resolution #9—Procedures Committee.” The motion was seconded on behalf of Governor Rendell.

The Chair then opened the floor to comments from the public.

- Andy Buchsbaum, National Wildlife Federation: Mr. Buchsbaum thanked the Regional Body members for their work and congratulated them on their effort. He stated that a significant factor regarding why the States and Provinces were successful in implementing the Agreement and passing the Compact was because of the continual and substantive input of the stakeholder community. He expressed concerns that the resolutions being proposed today, the agenda, and the Science Strategy workplan were not developed with adequate input from the stakeholder community. He encouraged the Regional Body to create a new Advisory Committee that would allow for stakeholder input on an ongoing basis. Finally, Mr. Buchsbaum noted that he had no objections to either of the resolutions under consideration by the Regional Body.

³ Copies of all such approvals are available upon request.

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- George Kuper, Council of Great Lakes Industries: Mr. Kuper echoed the comments of Mr. Buchsbaum, and strongly encouraged the Regional Body to consider Mr. Buchsbaum's proposal. He stressed that it is very important to provide an ongoing opportunity for stakeholder involvement and input.

At the conclusion of the public comments on Resolution #9, the designee for Governor Strickland stressed that it will be important for the Chair to decide who to appoint to attend Procedures Committee meetings. He also noted that there will be times that the members of the proposed Committee will need to have frank discussions among themselves, but that there will need to be opportunities for the stakeholder community to participate and provide input as well. He also pointed out that all final decisions on the Procedures Committee's recommendations will be made in meetings open to the public.

The designee for Governor Rendell then added that the language in Resolution #9 shows broad interest in soliciting input, and suggested that the Procedures Committee should consider consulting with an Advisory Committee as it begins its work.

The question was then called and Resolution #9 was adopted without objection. Governor Paterson's Designee submitted his approval of the resolution in writing.⁴

Other Business

The designee of Premier McGuinty indicated that he would favor teleconferencing capability to be available for future meetings to ensure broader public participation.

Opportunity for public comments.

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

- Reg Gilbert, Great Lakes United: Mr. Gilbert asked for more information about the Water Use Information Initiative's work related to consumptive use coefficients. In response, it was noted that staff from the U.S. Geological Survey (USGS) was working with the Initiative Management Team to further refine consumptive use coefficients and discuss their application.

Mr. Gilbert later stated that there should be an Advisory Committee for the development of the science strategy workplan, because a robust strategy would be helpful in advancing science in the region. He added that he did not believe that the current workplan is very effective. Instead of being robust and generating additional information, he suggested that the current workplan simply coordinates existing State and Provincial activities. He believes that the workplan should provide framework for others to do work.

David Naftzger responded by noting that the States, Provinces and Regional Body are constrained by limited resources. He noted that the Regional Body is always open to feedback on this workplan or any other work product. This sentiment was echoed by the designee of Governor Strickland. The designee of Governor

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Rendell noted that the Regional Body members have long-term relationships with the regional and local stakeholders. She also noted that while it would be expensive and resource-intensive to hold formalized meetings on every activity and work product of the Regional Body, responses on what is being reported are always welcome.

- Andy Buchsbaum, National Wildlife Federation: Mr. Buchsbaum raised concerns about the science strategy workplan and the short period of time it had been out. He expressed concerns about the workplan's contents and stated that important decisions seem to have already been made without adequate stakeholder input. He stressed that any such workplan needs to be broad and up-to-date. He also stressed that there are many science topics that are timely for consideration including changes in lake levels, temperature and climate change. He added that he hoped that future workplans would address these issues. Finally, he stated that he hoped that the science strategy workplan is open to revision and can be changed in the future. In response, David Naftzger noted that the main goal of the workplan was to let the stakeholder community know what the Regional Body is thinking, and that input on the workplan is and will be welcome.
- Dale Phenicie, Council of Great Lakes Industries: Mr. Phenicie stated that he appreciates the opportunity to serve on the Advisory Committee for the Water Use Information Initiative. He asked for more details about the Initiative workplan and hoped to have a closer relationship with the Committee. Finally, with regard to the consumptive use coefficients, he stated that the Council of Great Lakes Industries wanted to be part of the development process. In response, David Naftzger noted that the States and Provinces are working together initially to develop drafts for the stakeholder community to respond to. The Water Use Information Committee meeting in January will result in drafts that will be shared with the Advisors. He also noted that the committee was working under a tight time table. Jim Japs then noted that all of the work of the Water Use Information Committee was draft, and that there was a lack of consensus on any of the work products. He emphasized that interested individuals are always welcome to contact him to discuss the Committee's activities.
- Marc Hudon, Nature Québec: Mr. Hudon thanked the Regional Body for the opportunity to be involved in the development process of the Agreement and its work products. He emphasized the importance of involving grassroots participation at all stages of implementation. He noted that people involved in grassroots work have an understanding of ongoing issues, and can help advise decision makers.
- Tim Eder, Great Lakes Commission: Mr. Eder congratulated the members of the Regional Body on their work, and stated that the Great Lakes Commission was very pleased to be an active participant in the Water Use Information Initiative. He noted that Tom Crane of the Commission staff is deeply involved. The Commission is particularly looking forward to updating the water use information in the database that they manage in support of the Great Lakes Charter. Finally, he stated that he had a great deal of pride in knowing that his organization would be able to provide that which is clearly needed—information about water uses in the Great Lakes Basin.

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- George Kuper, Council of Great Lakes Industries: Mr. Kuper thanked the Regional Body for listening, but stated that listening is not the same as consulting. He stressed that it would be more efficient to consult with the stakeholder community before developing reports and recommendations.

Adjournment

A motion was made on behalf of Premier Charest and seconded on behalf of Governor Strickland to adjourn. The motion carried unanimously. 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 are available online at www.glsregionalbody.org.