MEETING OF THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COUNCIL

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APPEARANCES

THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COUNCIL:

Chris Smith - Chair
Dan Injerd
Don Zelazny
Jim Zehringer
Tim Bruno
Loren Wobig
Cynthia Frazzini
Peter Johnson, Deputy Director
Great Lakes St. Lawrence Governors & Premiers
MR. JOHNSON: Good afternoon everybody. This is Peter Johnson. We are just about to start. I wanted to start by noting that because of the phone system, unfortunately you may have some difficulty hearing us here in the room. We're trying to speak up so that people on the phone can hear us. But please know that we can hear you just fine.

If there is an issue, we'll let you know so that we can make sure we get your statements on the record. But on that note, I'm going to turn it over to Chris Smith.

MR. SMITH: Thank you, Pete. Good afternoon. My name is Chris Smith and on behalf of Governor Eric Holcomb of Indiana, I serve as the Vice Chair of the Great Lakes-St. Lawrence River Basin Waterway Resources Council and the Great Lakes-St. Lawrence River Basin Water Resources Regional Body.

I would like to begin by noting that a transcript of this hearing is being created. The Council under the Great Lakes-St. Lawrence River Basin Water Resources Compact, which I will refer to as the Compact, is proposing to adopt rules of practice and procedure and to amend the interim
guidance and the regional body under the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement, which I will refer to as the Agreement, is proposing to amend its Interim Procedures Guidance and the Council and the Regional Body under the Compact and the Agreement, respectively, are jointly proposing to amend their Sequence of Events guidance.

I will offer a short description of these documents. The Great Lakes-St. Lawrence River Basin Water Resources Compact Rules of Practice and Procedures. This document, proposed to be adopted by the Council as regulation, describes the process for any administrative hearing, how modifications may be made to the Council's decisions and the process to be used for the Council in rule making. Comments are being accepted on all portions of the proposed Rule of Practice and Procedure.

Secondly, the Great Lakes-St. Lawrence River Basin Water Resources Compact Guidance. This guidance document mirrors the Regional Body Procedures through Parts I and II with respect to review of diversions subject to the Compact and also includes certain provisions applicable only to the Council. The Council proposes amending its
Interim Guidance adopted on June 10, 2010. Comments are being accepted on all portions of the proposed Compact Guidance.

Thirdly, The Great Lakes-St. Lawrence River Water Resources Regional Body Procedures. This guidance document contains the procedures that the Regional Body will follow during the review of a diversion subject to the Agreement through this issuance of Declaration of Findings. This document mirrors the Compact Guidance for Parts I and II. The Regional Body proposes amending its Interim Procedures adopted on June 10, 2010. Comments are being accepted on all portions of the proposed Regional Body Procedures.

And fourthly, the Sequence of Events for Consideration of Proposals for Exceptions to Prohibitions on Diversions that are subject for Regional Review. This guidance document, proposed to be adopted by both the Council and the Regional Body, outlines the steps for review and decisionmaking for the diversion proposal. Comments are being accepted on all portions of the proposed Sequence of Events.

To fully understand these documents and develop comments, I recommend that you read them in
their entirety. Copies are at the front row up here in person and all materials are available for review at http:www.glslcompactcouncil.org/proposedupdates.aspx and http://www.glslregionalbody.org/proposedupdates.aspx.

On September 10th of 2018, these drafts were made available for public comments. Written comments may be submitted until the comment period closes on October 10, 2018, at 5:00 p.m. Eastern Daylight Time.

We are here today to afford an opportunity for oral comments. Whether or not you choose to speak today, you may submit written comments at any time before the comment period closes.

We will start with those in the room and ask you to speak into the microphone. As you do, please identify yourself and state whether you're speaking on behalf of yourself or an organization. We will then go to anybody who is on-line.

To allow everybody to participate, please limit your comments to five minutes or less. If more than five minutes has elapsed, we will note that and ask that you conclude your comments in a timely manner.
MR. JOHNSON: Just one thing before we get started on the comments here, if we could go around the table and identify who is at the table and we'll start with Tim.

MR. BRUNO: Sure. Good afternoon. Timothy Bruno. I'm with the Pennsylvania Department of Environmental Protection as the chief of the Office of the Great Lakes. And I am the alternate and designee of Governor Wolf.

MR. INJERD: Hello. I'm Dan Injerd. I'm with the Illinois Department of Natural Resources, Office of Water Resources. I am Governor Rauner's designee on the Compact Council and Regional Body.

MR. WOBIG: Good afternoon. I'm Loren Wobig. I'm the director of the Office of Water Resources for the Illinois Department of Natural Resources.

MR. SMITH: Good afternoon, once again, Chris Smith, Deputy Director with the Indiana Department of Natural Resources and designee of Governor Holcomb.

MR. JOHNSON: Good afternoon. I'm Peter Johnson. I'm the deputy director of the Great Lakes-St. Lawrence Governors & Premiers, which serves as the secretary to both the Compact Council and Regional Body.
MR. ZELAZNY: I also welcome everyone. I'm Don Zelazny, Great Lakes program manager with New York State Department of Environment Conservation. I'm Governor Cuomo, New York Governor's Cuomo designee for the Regional Body and I'm Deputy Commissioner James Tierny's alternate on the Compact Council.

MS. FRAZZINI: Cynthia Frazzini, deputy legal counsel for the Ohio Department of Natural Resources.

MR. ZEHRINGER: Good afternoon. I'm Jim Zehringer, the director of the Ohio Department of Natural Resources and Ohio John Kasich's designee.

MR. JOHNSON: And then I would also on-line listening in we also have Grant Trigger, who is Governor's Snyder's designee and alternate to the Regional Body and Compact Council. And bear with me one moment as I look through the list of people. We also have Julia Holder from Ontario, and that's it from the states and the provinces.

Others may be joining us. If they do, I will announce it for the record. So with that, Mr. Chair, we'd like to get started. I guess one last thing, for the speakers, because it is difficult for people on the phone to hear us, even if you
think you're speaking loudly, we're kind of close. You can even speak a little over the microphone into the phone, if you can here, to just try to give them a chance to be able to hear.

MR. SMITH: With that, we would invite those in attendance with us today, if you wish to speak, go ahead and step forward, please.

MR. JOHNSON: One last thing, for those people who are on-line, if you do want to speak, please raise your hand now. We're going to go through the people in the room first, but I'd like to at least get a sense of who on-line would like to make comments.

MS. FLANAGAN: Good afternoon. My name is Molly Flanagan. I'm vice president for policy at the Alliance for the Great Lakes and a member of your advisory committee.

I'd like to start by congratulating you on the tenth anniversary of the Great Lakes Compact being signed into law. It's a significant achievement and one all of us in the region should be proud of. I also want to thank you for this opportunity to provide public comments and for taking the time to review your procedures for considering proposals to divert water under the exceptions to the Great
Lakes Compact and Agreement.

I appreciate the multiple opportunities to provide comments to the procedures update team, and that you have listened to some of the comments that we and our partners have submitted. I appreciate that you have created additional opportunities for trades and for the public to participate.

However, the Alliance for the Great Lakes still feels that additional improvements are needed to allow for transparent decisionmaking and robust public participation. We will be submitting longer comments for the record before the end of the comment period. Those written comments will include references to section numbers and documents.

Because of time constraints, I'm just going to sort of lump them together here. We urge you to make the following changes to the draft procedure.

When a diversion request is under review by the Compact Council and Regional Body, every state and province should hold a public hearing to allow for robust public participation across the basin. Those meetings should be recorded and all comments forwarded to the Regional Body and Compact Council for consideration as part of the administrative
While the current draft has improved this provision, we feel it isn't enough to give each jurisdiction the option of hosting a hearing.

No. 2, the administrative record created by the Regional Body and Compact Council should automatically include all comments by the public.

No. 3, members of the public should be able to comment on the Compact Council and Regional Body's modified draft declaration of findings before it is voted on by the Compact Council.

No. 4, a clear full record of the decisionmaking process and reasons for the decision should be public.

No. 5, the public should not have to face the threat of administrative costs to appeal a decision by the Regional Body or the Compact Council. You know the current rules call for appellant to share the costs of the appeal unless the Compact Council choses to waive those fees.

We believe the appeals costs should be borne by the Compact Council itself or alternatively, the originating party seeking the diversion, not the appellant.

No. 6, the procedures should include a more
robust pre application period that allows each
jurisdiction time to review and identify potential
issues of concern before the state or province
where the diversion is proposed submits a formal
application for regional review.

And then finally, I have several comments I
know that you're not taking up in this round of
procedure, but something that we would like you to
consider perhaps going into new year and looking at
other parts of the procedures. We believe that
procedures should include rules that govern how the
Compact Council and Regional Body review regionally
significant or potentially precedent setting
proposals.

And finally, we request that the Compact
Council and Regional Body develop a way to evaluate
the cumulative impacts of diversions and
consumptive uses on a lake by lake basis.

Once again, we appreciate that you have
initiated this process to formalize rule making
guidance and the sequence of decisionmaking for
reviewing diversion requests. Thank you for this
opportunity to provide comments. I appreciate your
consideration and look forward to submitting more
formal comments before the close of the comment
period.

MR. SMITH: Thank you.

MR. KENT: Good afternoon. My name is Paul Kent and I serve as special legal counsel for the City of Waukesha in Wisconsin. And I was last before the Council during oral arguments on the City's initiative appeal. And for those of you that don't know me, by way of background, my practice, when I'm not working for the City of Waukesha, focuses on water issues for municipalities throughout the state of Wisconsin, on water, wastewater, storm water and a variety of other water related issues.

I've also represented state municipal associations through the municipalities and others in rule making and legislation. So I'm also familiar with the rule making process.

And at the outset on behalf of the City, we would really like to commend the Council for the work that has gone into this, for developing written policy to clarify the process for diversion, exceptional requests. And I know from personal experience, not just here, but in elsewhere, that having clear procedures and standards for major permits and approvals makes the
application process more efficient. It provides
more consistent decisionmaking and it provides for
a greater transparency.

And yet at the same time, it's also important
to build flexibility into this process. Municipal
water and wastewater facilities have common
elements but each are very unique, the water shed
at which they function, the source and chemical
composition of the water supply, the size and
nature of the populations served, the types of
existing infrastructure. There's enormous variety
just in the state of Wisconsin, much less
throughout the entire basin.

So from our standpoint, providing flexibility
is important, particularly like when a program like
this is new. And to provide a regulatory example
outside of Compact, just to provide some context,
one of the things that I've been involved in in
Wisconsin is that our municipalities are required
to meet very, very stringent water quality
standards.

But in that context there have been all kinds
of challenges with technology, alternatives to
treatment, such as trading between point and non
point sources. And as municipalities are dealing
with this for the first time, there have been a
variety of technical and legal issues. And so
flexibility has been very important as we've gone
through this very challenging process.

And I think there's an analogy here. Waukesha
is the first real application here, but there needs
to be built in flexibility, not just for Waukesha,
but to realize for future applications all
utilities are somewhat unique. And with that, I've
got two kind of specific comments I'd like leave
with the Council.

First, we would urge the Council to adopt this
proposal. And I'm talking now in particular about
the rules of practice and procedure as guidance
rather than formal of rule. Adopting it as
guidance provides clear written policy direction
for now and the future, but doing so as guidance
rather than a rule allows for some case by case
flexibility. And we can pretty much guarantee you
that you'll need that flexibility.

To go back to my example, the water quality
standards in Wisconsin are set out by rules. But
in terms of implementing this through trading and
other mechanisms, that's be done by guidance. And
I think what the Department of Natural Resources
has said there is applicable here.

I'll just quote a couple of sentences out of their trading guidance. It's important for DNR staff to be as consistent as possible when implementing permit requirements, and this guidance was created to help ensure this. However, it's also important to recognize that there will be situations when decisions inconsistent with this document may be necessary because the assumption upon which this guidance is based are not applicable.

This guidance document will be updated as experiences gained in developing and implementing trading strategies. That kind of flexibility provides some flex in the system for conditions and technical issues that might not have otherwise been considered. And for that reason, we would urge you to adopt these practice and procedures as guidance.

The more other specific comment I have relates to the minor modification section in the rules, and in particular Section 4.01. And I will leave with you copies today and we'll follow it up with some written comments. But as you would expect on behalf of Waukesha, there's a number of complex engineering questions that need to be answered to
complete the actual design and operation of the system and the wastewater treatment plant.

And as we've been focusing this last year or two on meeting all of those conditions in the Compact approval, we've discovered that there's some conditions that have the potential to create unintended consequences or impose substantial technical challenges with no real corresponding benefit.

And when I look at the list in 401 defining my modifications, it really doesn't allow room to talk about minor technical modifications that may allow for a clarification or correction to avoid consequences that were either unknown or unintended at the time.

MR. JOHNSON: Just a quick note, we're at the five-minute mark. If you're close to finishing, that's fine.

MR. KENT: A couple of other paragraphs and I'll be done. So Waukesha, as you probably know, is under a court order deadline to be at least 50 percent complete by 2022 and in compliance by 2023. If we have an implementation question that impact pump size or operating criteria, there's not going to be enough time for us to get through a
full Compact Council review of all of that and
still be able meet our deadlines.

So even if everyone on the Council agreed that
our suggestion was a great idea, there really
wouldn't be time to go through it because of the
expense of process we have. So we're just looking
to have some flex in that minor modification so
that we can come to you with a suggestion. And if
there is something that comes up, the choice is
still yours. You can say no, it's not a minor
modification, we need full review. But this way
you at least have the option.

You can say yeah, there really is a technical
issue we hadn't intended and we think that we can
deal with that in a timely fashion. And so that's
really what we're proposing today in our comments.
I have some suggestive language that I would urge
you to consider. And we appreciate the time that
you've put into this and an opportunity to speak to
you here today.

MR. SMITH: Thank you. I'll invite our next
speaker.

MR. STASKIEWICZ: Good afternoon. I'm Pat
Staskiewicz, Public Utilities Director for the
Ottawa County Road Commission. And today I'm
representing the Michigan Section of the American Waterworks Association as their incoming director. And I've got a written statement.

The Michigan Section of the American Waterworks Association commends the Regional Body and Compact Council for the process being used to update the processes utilized to carry out the Great Lakes Water Resources Agreement and Compact. The Michigan section remains supportive of the purpose of the Agreement and Compact and of the established diversion supplied exception allowed therein, which limit allowable exceptions to those where need exists for the public water supply purposes only.

We believe that the rules and procedures should be followed as adopted and are supportive of any effort to update the procedures for carrying out the rules of the Agreement and Compact, provided that they stay true to the purpose and intent of the Agreement and Compact charter, which is the manage and protect the water resources of the Great Lakes and St. Lawrence River Basin and to eliminate potential exceptions to those specifically for public water supply purposes.

Thank you for engaging stakeholders and for
utilizing an ultimate process where stakeholders' input can be considered. We will look forward to providing more detailed comments as the process continues. Thank you.

MR. SMITH: Thank you. We'd invite our next speaker up.

MS. CAMPBELL: Good afternoon. My name is Laura Campbell, and I am with Michigan Farm Bureau, one of the advisory committee members for this process for revising these rules and procedures. And I would like to echo our earlier speakers' comments to say that we also appreciate the process that has been undertaken to update these rules and the inclusiveness of not only advisory committee members, but also opportunities for the public to weigh in.

I'd like to say that as a whole, Michigan farmers very, very highly value the water resources that are throughout the state of Michigan and throughout the Great Lakes basin. It is one of our most key resources obviously, not only for protection for natural habitats but also for use in agriculture.

So we appreciate that these processes of the new rules that are being considered help to make
the process more robust, help to make the review
clearer and also help to limit those exceptions and
exclusions that might otherwise allow more water to
leave the basin than I think would be in the
interest of the communities and an agriculture
community that is within the basin.

So I'd like to say that on behalf of Michigan
Farm Bureau we support the changes that have been
proposed and are certainly welcoming of any
questions that anyone has or opportunities to be
able to weigh in further on that. Thank you very
much.

MR. SMITH: Thank you. Anybody else who would
like to make a comment on the proposed rules and
guidance? Seeing none, we'll turn to those who are
joining us remotely. And I'm going to ask Peter to
kind of call them out as they are listed.

MR. JOHNSON: Thank you, Mr. Chair. The first
person we have is Cameron Welch. I am un muting
your line. Please go ahead, Mr. Welch.

MR. WELCH: Thank you, Peter, and allow me to
echo the sentiments of thanks to update team for
all the good work that's been done. My name is Dr.
Cameron Welch. I am the policy advisor for the
Amish Novack Nation in Ontario, in the Canadian
province of Ontario. We represent 41st nations who
are clustered around the Great Lakes.

For the record, I'd like to just make it clear
that we intend to submit more detailed written
comments pursuant to what we're talking about today
before the deadline of the 10th. That being said,
I'd like to make four quick points for the record
today.

First, a general comment in terms of
flexibility versus rules. We encourage the update
team to use the strongest language possible and,
again, we feel like these should be rules. We're
dealing with exceptions here and we need to set the
bar higher rather than -- we feel like in a lot of
cases the bar has been lowered here in terms of the
language that's used throughout the documents that
we're considering. And we'll point some of those
examples out in our written comments.

Second of all, we'd like to second the call
for meetings for each of the jurisdictions. This
is extremely important for our citizens. We have
about 65,000 citizens within the Amish Novack
Nation and it's very important for us to have
access to this process through hearings in our
jurisdiction of Ontario.
And thirdly, we'd like to raise this issue, again, of the cost of participating in an appeal. It's very important for us that the Regional Body and the Compact Council understand that this is not a cost that's reasonable to be put onto our nations and our citizens, and we echo the call for the originating party to pay those costs.

And lastly, I wanted to make just a point around consultation. We appreciate the work that everybody has done in recognizing as we update these things, recognizing the need for meaningful with tribes and first nations. However, we have some issue with the communication protocol and in terms of lining those things up.

We would like it on the record that we insist that we are consulted as rights holders, both inherent rights and rights that are constitutionally protected in Canada. We insist that our consultations conducted in line with our consultation protocols, our first nation protocols as well as Canadian law and Ontario provincial law.

As it's written now, the consultation would be conducted according to the laws and procedures of the originating party. And because of our unique legal and constitutional position in Canada, we
insist that those laws are applicable to us through
the duty of the Crown to consult and accommodate
our interest. Thank you.

MR. JOHNSON: Thank you. We will next be
going to Jacqueline Wilson.

MS. WILSON: I'm going to try to speak through
the phone. Can you hear me?

MR. JOHNSON: Yes, we can hear.

MS. WILSON: Fabulous. Okay. Thank you very
much for the opportunity to comment. My name is A
Jacqueline Wilson. I'm a lawyer at the Canadian
Environmental Law Association.

We are an Ontario legal aid clinic, which
means that in litigation, we represent low income
and vulnerable communities. And we're bringing out
expertise and our significant experience in dealing
with the issues of blocked communities from
participating in environmental law processes to
this review.

And with that background, we remain very
concerned that the review of the rules and the
guidance and the Sequence of Events hasn't been
undertaken with an environmental equity lens in
mind.

In our view, the question to consider is do
these rules and the Guidance and the Sequence allow nontraditional parties, like small community groups, like first nations and vulnerable communities, participate in the diversion review protest, or do the rule changes exacerbate the challenges facing those communities if they wish to participate.

The Great Lakes Compact and Agreement is based on the premise that the decision to divert water affect all of us across the region. In these oral comments, I'm going to focus on two recommendations. We're also going to follow up with written comments with more details and more recommendations.

The first recommendation is to host a public hearing in each jurisdiction. The guidance currently allows parties to hold hearings, but doesn't make it mandatory. And the Sequence of Events in Step 16 reiterates that point and notes that each jurisdiction may hold it if there's significant public interest to hold the hearing.

It simply should not be up to the jurisdiction to decide whether there is sufficient public interest. And we note, of course, by requiring a hearing in every jurisdiction, that will bring
attention to these important issues and will allow for concerned members to participate rather than requiring members of the public to already know about what's happening and push for a hearing.

It's important for this body and each of the jurisdictions to be facilitating and encouraging public participation to allow it to make good inclusive decisions. And having a hearing in each jurisdiction would help with that.

The second recommendation that we would make is to fundamentally change the current proposal in Section 323 of the rules about costs of the appeal of hearing. The current proposal would require appeal hearing participants to share the cost of an appeal, which include logistical costs like paying for Great Lakes governors to travel to the hearing, hotel rooms, lawyers for the Council, hearing room, court reporter, and that is massive barrier to participation.

The waiver provision that has been included is insufficient. And there's a few reasons why that is. First off, having this rule where the default is that an appeal hearing participant has to share in the cost is going to deter appellants based on that risk. An appellant is going to have to appeal
before knowing whether those cost provisions will be waived. And it's putting a burden on an appellant to both do the appeal and prove that the waiver should be applied to them at the same time, along with an additional burden if they need to appeal a decision not to apply the waiver.

The International Joint Commission found in its triannual assessment in November of 2017 that it specifically needs to address the fact that certain populations are systematically excluded from key decisionmaking processes. Environmental justice is an objective when it comes to public engagement at the International Joint Commission.

In Assessment 16 in that report, the Commission acknowledges that it needs to actively engage traditionally excluded communities. We should be taking that lesson and applying it here; not repeating the same mistake.

The current rule in my view is much more appropriate to something like a commercial arbitration context, where there are more equal parties that are agreeing in advance to share the cost of a dispute. But that type of model isn't appropriate here where the public isn't agreeing and, in fact, has been strenuously objecting to
this cost rule in this process. And, of course, we'll calling that this is a mandatory step to go through if a party wants to further appeal a decision.

Our proposal, therefore, is to either create a fund for appeals that the Great Lakes states and provinces can fund or require an originating party to pay for the appeal. There shouldn't be a lot of appeals if the Compact and the Agreement are fulfilling their intended purpose. And that approach, either the Great Lakes states and provinces funding it or the originating party, is fundamentally more fair than requiring the public to face a threat of cost if they wish to appeal.

Thank you very much.

MR. JOHNSON: Thank you. We do have another individual in the room. Did you wish to make comments?

MR. MARK SMITH: My name is Mark Smith. I'm with the National Water Federation. I direct our water policy throughout the Great Lakes region. Thank you for hosting this meeting. I appreciate it. I'm glad to be here in Indiana.

We're going to be submitting some more robust for you to peruse. But what I want to do is first
congratulating everyone in this room for taking part in the Compact. We're celebrating ten years. A lot of hard work went into that to get where we are today. I want to acknowledge that that was a huge accomplishment for the region where we saw business, industry, conservation and environmental groups and the public all come together and unite and get this thing done. So that's a huge accomplishment, especially in this day and age.

But as I was reviewing our comments, and what I wanted to say today was that process to develop the Compact was transparent, it was fair and it was -- what's the last word -- efficient. Funny word since it took about a hundred meetings to do that, but I still it was an efficient process that was a good government process.

Having those three buzz words reflect upon what we're doing today, looking at the guidance, is this revised guidance efficient, is it transparent, and is it fair. Is it making the guidance review procedures better? And I would argue that we've made a lot of improvements and I appreciate the opportunity to share those opportunities to change in public meetings and on the phone, and track changes, you name it. That's been wonderful.
The big picture for me is are the things that we're looking at today and providing information to you, are they fair, efficient and transparent. Efficient in that we feel that the last process with Waukesha was clunky. This is the first time you've done it; we've got to admit that. How do we make that efficient. Is this revised guidance making it more efficient.

One of the recommendations we have is before an application is submitted formally, have a free application. Before the clock starts, you guys have more time, without a shot clock, if you will, to review this, consult with tribes, have a temporal review, provide information back to the applicant to maybe make some corrections, change course so that when it's formally submitted and applied, it's actually closer to a final product that makes your formal review on the clock much more efficient. That's what I would say is the efficiency improvement we need in this process.

The transparent process is certainly the public participation. We acknowledge that you have done some good things to encourage the states and provinces to do more public, but we think they should do that, not just provide them a shall. So
we feel that there should be more opportunities for
the public to engage and have everything that's
submitted in the comments submitted an official
record at the end of the day through the Regional
Body and Compact Council.

The fair part, everyone had a role in creating
the Compact negotiations, they submit their
thoughts, their opinions to create the final
product we have today. The new guidance you have
done today is unfair by putting the burden of
challenging decisions on people who may not be able
to afford them.

Why would we go backwards to restrict the
ability to challenge decisions. I don't know why
we would put the burden of costs, hotels on
communities that just can't afford it. That
restricts their ability to participate and be
transparent in the process. Let's not do that.
That's going backwards.

So in the spirit of the Compact ten years
we've made a lot good things happen. Let's think
about the next ten years. Let's continue that
transparency, equity and fairness so the Compact is
stronger.

So, again, we thank you for your time. We
also have some place orders we'd like to do for the
next process. We'd love to see you guys look at
cumulative impacts on lake by lake basis. We'd
love to have you guys look at what's the process if
an applicant is not abiding by the terms of their
approval, i.e., if Waukesha doesn't comply with the
conditions that you put upon them, what do you do,
what's the process for that.

And then third, what if a withdrawal comes up
that a jurisdiction says we probably need to have a
regional review, like we're seeing, a couple of
questions about a regional review of that, what
does that look like. We would like you guys to
have those three things in a separate process after
you finish this and I know it's outside the scope,
and we'd really love to be as part of that process
as much as the business industry that actually
negotiate the Compact would love to be a part of
that as well.

So, again, thank you and thank you for your
service to your states and to the region.

MR. SMITH: Did anybody else come in that
wanted to speak before we go back to remote
participants? Seeing none, I'll turn it back to
Peter.
MR. JOHNSON: Okay. The only other remote participant that has his hand up is Grant actually. And did you just want to note your presence, Grant? I've un muted you.

MR. TRIGGER: I probably inadvertently clicked the wrong button.

MR. JOHNSON: Okay. No problem. Again, I would just like to ask is there anybody on the phone that would like to provide a comment? If you would, again, I'd just ask you to raise your hand.

Okay. Nobody else -- I'm sorry, we do have Dale Phencie here. Dale, you're line is un muted.

MR. PHENCIE: Good afternoon. I'd just like to add my congratulations on this 10th anniversary.

MR. JOHNSON: Dale, before you go any further, could you just identify your name and who you're with?

MR. PHENCIE: Dale Phencie and I'm here on behalf American Forest and Paper Association and we were obviously part of that a hundred meeting that's been described here. I'd like to first compliment everybody on the tenth anniversary of the Compact and Agreement. It's been an important methodology or important tool, I guess, for moving us forward with water resource utilization in the
lakes.

And I guess the point that I would like to make is that we're talking about a very small portion of the business that's get transacted around water resource use approvals within the region here. And I wouldn't want anybody to think that all of the discussion that we're having here has to do with all of the permits and whatnot that get administered by the individual jurisdictions.

And I would highlight that it's our individual jurisdiction that have the authority here to issue the permits and whatnot. And we need to make sure that we keep that in mind and we keep our procedures and our rules and our guidelines in order with the powers of the individual jurisdictions and not think that we can spill that over or should spill that over into the other business or the other approvals that take place other than the exception to diversions.

So I just want to make that point and make sure that we keep a clear line drawn here about what these rules and this guidance pertains to and what it does not.

MR. SMITH: Thank you.

MR. JOHNSON: I am not seeing any other hands
raised on-line. I would ask again if there's
anybody else on-line, on the phone, who would like
to make a comment, please raise your hand.

I would also note, as the Chair noted earlier,
even you do not make oral comments today, we are
still accepting written comments through
October 10th, 5:00 p.m., Eastern Time, pursuant to
the notice. And the comments are to be sent to
comments@gsgp.org or to our office address which is
in the notice that was sent around.

MR. SMITH: Seeing no other takers on making
comments, I would like to thank everybody who came
today to provide their comments and for those who
participated remotely. We greatly appreciate your
oral comments, and we'll take them as well as all
the written comments into consideration as we
finalize the regulations and guidance documents.

Thank you for participation once again, and we
are adjourned.

(Time noted: 1:45 p.m.)
I, Clarice H. Howard, Professional Court Reporter and Notary Public, within and for the County of Boone, State of Indiana at large, do hereby certify that on the 3rd day of October, 2018, I took down in stenographic notes the foregoing hearing;

That the transcript is a full, true and correct transcript made from my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of October, 2018.

____________________________
Clarice H. Howard
Court Reporter
Notary Public

My Commission Expires: July 24, 2026
County of Residence: Boone County, Indiana