

**GREAT LAKES—ST. LAWRENCE RIVER WATER RESOURCES REGIONAL
BODY**

RESOLUTION #16—INTERIM PROCEDURES

WHEREAS, on December 13, 2005, the Governors of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin, the Commonwealth of Pennsylvania, and the Premiers of Ontario and Québec signed the *Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement* (“Agreement”); and,

WHEREAS, Chapter 4 of the Agreement came into force on December 13, 2005, pursuant to Article 709 paragraph 1h of the Agreement; and,

WHEREAS, Article 400 paragraph 1 of the Agreement created a *Great Lakes—St. Lawrence River Water Resources Regional Body* (“Regional Body”) composed of the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Québec, ex officio; and,

WHEREAS, Article 401 paragraph 2 .i. of the Agreement states in part that the Regional Body shall undertake the duty to “[d]evelop guidance for the implementation of the Standard and the Exception Standard, and in particular the review of a Proposal [and] the preparation of an Application....”

WHEREAS, Article 400 paragraph 1 of the Agreement states that “The Regional Body may establish its own administrative practices and procedures.”

WHEREAS, on December 8, 2008 the Regional Body adopted Resolution #9, creating a Procedures Committee charged with developing recommendations for procedures for the Regional Body to consider adopting; and,

WHEREAS, the Procedures Committee has forwarded to the Regional Body recommendations for interim Procedures to adopt.

NOW THEREFORE BE IT RESOLVED THAT the Regional Body approves and adopts the interim Procedures dated June 10, 2010, and attached to this resolution as Attachment “A”.

***Adopted by the Great Lakes-St. Lawrence River Water Resources Regional Body on
June 10, 2010***

Great Lakes—St. Lawrence River Water Resources Regional Body

Interim Procedures

The policies and procedures outlined in this document are intended to supplement existing requirements in the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement). Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not adjudication or a regulation. There is no intent on the part of the Regional Body to give the guidance in these procedures that weight or deference. The Regional Body reserves the discretion to deviate from these procedures if circumstances warrant.

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Part I. Definitions.

Section 100. Definitions.

1. The standard definitions set forth in Article 103 of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement shall apply to this guidance.
2. "Executive Director" means the Executive Director of the Regional Body Secretariat.
3. All references to Articles of the Agreement are to the version of the Agreement signed by the Governors of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin, the Commonwealth of Pennsylvania, and the Premiers of Ontario and Québec on December 13, 2005.

Part II. Review of Exceptions.

Section 200. Application.

Section 200.1. Purpose.

The purpose of this Part is to set forth procedures governing Applications required by Article 201 paragraph 1.c., paragraph 2.c., and paragraph 3 of the Agreement, as well as for Regional Review of regionally significant or potentially precedent setting Proposals as set forth in Article 502 Paragraph 2 of the Agreement.

Section 200.2. Preliminary Consultations.

Any Originating Party may, prior to submission of an Application for Regional Review, request a preliminary consultation with the Executive Director or representatives of the Parties' agencies regarding preliminary plans for any Proposal that is or may be subject to Regional Review. The Originating Party may include the Applicant in any such preliminary consultations.

Section 200.3. Originating Party Powers and Duties; Applicant's Submission to Originating Party.

1. An Applicant shall submit to the Originating Party an Application for a Proposal that is subject to Regional Review under Article 201, paragraph 1.c., paragraph 2.c. or paragraph 3 of the Agreement in such manner and with such accompanying information as the Originating Party may require in addition to the requirements included in Section 200.5 of these Procedures.
2. Upon receipt of an Application, the Originating Party shall determine if the Proposal addressed in the Application is subject to Regional Review. The Originating Party shall notify the public in accordance with relevant State or Provincial laws that the Application is subject to Regional Review after making such determination.
3. If the Application is subject to Regional Review, the Originating Party shall perform all necessary reviews to determine if there is sufficient information in the Application to determine if the Proposal does or does not meet the relevant criteria in the Agreement. If there is insufficient information in the Application, the Originating Party shall obtain the information from the Applicant.

Section 200.4. Submission of Application to Regional Body.

1. The Originating Party shall submit to the Executive Director, on behalf of the Regional Body, an Application for a Proposal that is subject to Regional Review under Article 201 paragraph 1c, paragraph 2.c., or paragraph 3 of the Agreement, in accordance with these Procedures, accompanied with any and all information arising from the technical review referenced in Section 200.3.2 of these Procedures.
2. No Application shall be submitted to the Regional Body unless all information and documents, including information to be included as part of the Application pursuant to Section 200.5 of these Procedures, and the Originating Party's technical review needed to evaluate whether the Proposal meets the Standard of Review and Decision are included in such Application.
3. The Originating Party shall submit 12 copies of the Application to the Executive Director. The Application should also, if possible, be submitted in electronic form in a common format that allows public accessibility (e.g. Adobe Acrobat PDF format).

Section 200.5. Contents of Application.

Section 200.5.1. Contents of Application for Regional Review for a "Straddling Communities" Exception to the Prohibition against Diversions.

This section applies to Applications for an exception to the general prohibition against Diversions (Article 200, paragraph 1 of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement) where the underlying Proposal is to transfer Water to a Straddling Community¹ and such proposal will result in a New or Increased Consumptive Use of 5 million gallons per day (or 19 million litres per day) or greater average over any 90-day period (see Article 201, Paragraph 1 of the Agreement).

Only Proposals to Divert Water for Public Water Supply Purposes within a Straddling Community will be considered under this Section (see Article 201, Paragraph 1 of the Agreement).

Only the Originating Party may forward applications to the Regional Body. Applications may not be submitted directly to the Regional Body by the Applicant, but rather must be submitted to the Originating Party.

Any required information that was not included in the original Application to the Originating Party shall be added as an attachment to the original Application as appropriate.

¹ "Straddling Community means any incorporated city, town or the equivalent thereof, that is either wholly within any County that lies partly or completely within the Basin or partly in two Great Lakes watersheds but entirely within the Basin, whose corporate boundary existing as of the date set forth in paragraph 2 of Article 709, is partly within the Basin or partly within two Great Lakes watersheds.

"County" means the largest territorial division for local government in a State. In Québec, County means a regional county municipality (municipalité régionale de comté - MRC). The County boundaries shall be defined as those boundaries that exist as of the signing date of the Agreement (December 13, 2005). (Article 103 of the Agreement.)

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If applicable or necessary, please provide a table of contents or index indicating the location in the Application where the information in response to Sections B and C below is provided. Responses to Section A, and brief descriptions of the information requested in B and C, may be provided as a cover memo.

A. Basic Information. All Applications shall include, but not be limited to, the following information:

1. *Information about the Applicant.*

- a. Name of Applicant;
- b. Mailing address of Applicant;
- c. Name of contact person for application;
- d. Applicant contact's phone number; and,
- e. Applicant contact's email address.
- f. The entity or entities that are participants or otherwise involved in implementing any component of the Proposal, including but not limited to any entity or entities other than the Applicant that will Withdraw the Water, return Water to the Great Lakes-St. Lawrence River Watershed, etc... Information on these entities shall include:
 - i. Name of entity;
 - ii. Mailing address of entity;
 - iii. Name of contact person;
 - iv. Entity contact's phone number; and,
 - v. Entity contact's email address.

[Ref: Article 103 of the Agreement ("Applicant" definition)]

2. *Identification of the Originating Party including any and all government offices or partners, the mailing address of the same, the name of the individual authorized to act for the Originating Party, and any other points of contact on behalf of the Originating Party.*

3. *Identification of the specific Exception to the Prohibition of Diversions being applied for.*

Please note in the Application that the Applicant is seeking an Exception to the Prohibition Against Diversions pursuant to Article 201 Paragraph 1 of the Agreement, entitled "Straddling Communities." In addition, please indicate whether the Straddling Community:

- a. Straddles the Basin divide; or,
- b. Straddles the divide of two watersheds of the Basin.

[Ref: Article 201 of the Agreement]

4. *Timing of Additional Applications.*

Provide the date of any previous applications made to the Originating Party within the past 10 years and the daily volume of the water Withdrawal, Consumptive Use or Diversion approved, as applicable. Diversions, Consumptive Uses and Withdrawals that constitute a baseline pursuant to Article 207, Paragraph 1 of the Agreement shall not be included in response to this section.

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[Ref: Article 207 Paragraph 2 of the Agreement]

5. *Source of the Withdrawal and location of the Diversion.*

Provide the following:

- a. Description of the location and source of the Withdrawal. Alternative locations may also be identified, with the preferred location indicated. If multiple wells or pump sites are to be used, provide information for them all.
- b. To the extent that the local entity that will be making the Withdrawal is not the Applicant, the Applicant must also demonstrate that the local entity has sufficient withdrawal capacity to service the Applicant’s needs and is willing to negotiate a purchase contract with the Applicant.
- c. A map or photo of the area identifying the Source Watershed², proposed location of the Diversion including a description of the area that is proposed to receive the Diverted Water, location of the return flow and water supply service area.
- d. Identify the Source Watershed. Specify if the source is a groundwater source (and if so, indicate if confined or unconfined), or surface water source (if so, indicate the name of the lake, river or stream).

6. *Total volume of the New or Increased Diversion and associated Consumptive Use*³.
Identify:

- a. The total maximum volume of the Diversion and associated Consumptive Use over the next 25 years (or the time period required by the Originating Party) as expressed in millions of gallons per day or millions of litres per day averaged over a calendar year as well as over the peak 90 day period during a calendar year.
- b. Include the expected monthly usage, expressed in millions of gallons and litres per day of the Diversion and information regarding whether the proposed use would be continuous, seasonal or temporary.
- c. The location of the point of measurement of the Diversion, and the technical method to be used for measuring the rate of the Diversion.
- d. The total volume of any existing Diversion and Consumptive Use registered pursuant to Article 207, Paragraph 1 of the Agreement that this Proposal will increase; or, the total volume of any previously approved Diversion that this Proposal will increase, as applicable.

² “Source Watershed” means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

³ “Consumptive Use” means the portion of water withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into products, or other processes.”

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Unless otherwise noted, all rates and volumes shall be expressed in millions of gallons and litres per day.

7. *Originating Party Technical Assessments.*

Any technical assessments, including the Technical Review, made by the Originating Party must be included in the Application package.

[Ref: Article 505 Paragraph 1 of the Agreement]

B. Exception Standard Criteria. All Applications shall include information to show that the proposal meets the following Exception Standard criteria contained in Article 201 Paragraph 4 of the Agreement.

1. *The need for all or part of the Exception [Diversion] cannot be reasonably avoided through the efficient use and conservation of existing water supplies.*

Applications shall include a narrative description of the need for the New or Increased Diversion. This description shall include an analysis of the efficiency of current water uses, including the application of Environmentally Sound and Economically Feasible Water Conservation Measures. Any such analysis previously submitted to the Originating Party may be submitted in satisfaction of this requirement.

[Ref: Article 201 Paragraph 4.a. of the Agreement]

2. *The Exception [Diversion] shall be limited to quantities that are considered reasonable for the purposes for which it is proposed.*

Applications shall include a narrative description as to why the quantities requested in Section A.6.a. above are considered reasonable for the purposes for which it is proposed (for example, population projections). To that end, the Application must also include a Water use plan. The plan must include: water use and population projections to support the term and daily volumes requested for the time period required by the Originating Party for water use plans, or up to 25 years if no time period is set by the Originating Party; a description of the capacity of the withdrawal, treatment and distribution portions of the system; an assessment of the water use savings of current and proposed water conservation and efficiency programs.

[Ref: Article 201 Paragraph 4.b. of the Agreement]

3. *All Water Withdrawn shall be returned, either naturally or after use to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:*

a. *Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;*

b. *Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;*

The application shall include a description of how the Water will be returned. This description shall include:

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- a. An explanation as to how and when the Water will be returned. To the extent the local entity that will be discharging the return flow is not the Applicant, agreements for return of the water to the Basin must be presented;
- b. An estimate of total return flow by volume in millions of gallons per day or litres per day averaged over a calendar year and as a percentage of Water Diverted including proposed measurement methods;
- c. A description of the discharge location(s) of the return flow;
- d. A description of the anticipated Water quality of the return flow including proposed methods for determining the Water quality;
- e. A description of the return flow as identified in Section A.5.c. above, including what Water will be returned, where it will be returned, and how it will minimize the use of Water from outside the Basin.
- f. An estimate of Consumptive Use, including historical information, where applicable. These estimates may be presented in the form of project engineering design plans or utilizing United States Geological Survey's (USGS) compilation of Consumptive Use estimates or other Consumptive Use coefficients. To the extent the Consumptive Use estimates are different than "generally accepted Consumptive Use coefficients," the Application must include a detailed explanation and justification for projected Consumptive Use.

[Ref: Article 201 Paragraph 4.c. of the Agreement]

4. *The Exception [Diversion] shall be implemented so as to ensure that it shall result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal.*
 - a. With regard to the Withdrawal, Diversion and return flow identified pursuant to Section A.5 above, provide the following additional information;
 - i. Current conditions regarding hydrologic setting for both groundwater and surface water as well as the connection between the two, water quality and habitat;
 - ii. Statistics on the stream flow, if applicable and available;
 - iii. The relevant aquifer(s);
 - iv. Anticipated individual impacts to the quantity or quality of the Waters and Water Dependent Natural Resources;
 - v. Mitigation measures that will be implemented to prevent or eliminate significant adverse impacts; and,
 - vi. An environmental impact assessment or other environmental review of the Proposal, if already prepared under State, Provincial, federal or other law.
 - b. The Parties to the Agreement will have the responsibility of conducting Cumulative Impact assessments. To assist with the development of this analysis, provide information about the potential Cumulative Impacts of the Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. Information may also be included on how the Proposal relates to other existing Withdrawals, Diversions and Consumptive Uses for purposes of enabling the Parties to collectively

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evaluate Cumulative Impacts from this Proposal. The Application shall include data and analyses on Cumulative Impacts that are available from the Party. To that end, all Originating Party Cumulative Impact assessments must be included in the Application, including but not limited to Cumulative Impact assessments performed pursuant to the Agreement. The application shall also document any mitigation measures required by the Originating Party to address Cumulative Impacts.

[Ref: Article 201 Paragraph 4.d. and Article 209 Paragraph 6 of the Agreement]

5. *The Exception [Diversion] shall be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use.*

The application shall provide a detailed description of the Environmentally Sound and Economically Feasible Water Conservation Measures that have been and will be implemented to ensure that both existing and the proposed water use will result in efficient water use and reduce water loss or waste. Where a conservation and efficiency plan has been developed it shall be provided. The description shall outline how such measures are:

- a. Environmentally Sound;
- b. Reflect best practices applicable to the water use sector;
- c. Technically feasible and readily available; and,
- d. Economically feasible and cost effective in comparison to other measures that are technically feasible and available or are best practices applicable to the water use sector, based on an analysis that considers direct and avoided economic and environmental costs. Factors about the particular facilities and processes that will be considered include:
 - i. Potential environmental impact(s);
 - ii. Age of equipment and facilities;
 - iii. Processes employed; and,
 - iv. Potential energy impacts.

[Ref: Article 103 and Article 201 Paragraph 4.e. of the Agreement]

6. *The Exception [Diversion] shall be implemented so as to ensure that it is in compliance with all applicable municipal, State, Provincial and federal laws as well as regional interstate, inter-provincial and international agreements, including the Boundary Waters Treaty of 1909.*

Any approval of a Diversion pursuant to relevant State or Provincial law does not relieve the Applicant or the Originating Party of the responsibility to obtain additional authorizations required for the activity approved by the relevant State or Province. If any environmental permits have already been received, they shall be included in the application.

[Ref: Article 201 Paragraph 4.f. of the Agreement]

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7. *Additional Information.*

Provide any other additional information that the Applicant deems relevant for the Regional Body’s consideration.

C. Additional Information--Straddling Community Exception [Diversion] Applications.

All Applications shall include information to show that the proposal meets the following additional criteria contained in Article 201 Paragraph 1 of the Agreement.

1. *Regardless of the volume of Water transferred, all the Water so transferred shall be used solely for Public Water Supply Purposes within the Straddling Community.*

The Application shall include:

- a. A statement that all the Water diverted will be used solely for Public Water Supply Purposes within the community seeking the Water. It must also be demonstrated that the community satisfies the required geographical eligibility [Ref: Article 201 Paragraph 1 of the Agreement]; and
- b. An analysis showing that the return flow maximizes the Basin Water portion returned to the Source Watershed while water from outside the Basin is minimized. This analysis may be incorporated and addressed as part of the Applicant’s response to section B.3. above. [Ref: Article 201 Paragraph 1 a (iii) of the Agreement]

2. A report about the Proposal prepared for any other purpose, or an Application for Approval prepared for submission to a Member State or Province, may be accepted by the Regional Body provided that said report or application addresses all necessary items listed in this section, as appropriate.

Section 200.5.2. Contents of Application for Regional Review for a “Intra-Basin Transfer” Exception to the Prohibition against Diversions.

This section applies to Applications for an exception to the general prohibition against Diversions (see Article 200, Paragraph 1 of the Great Lakes- St. Lawrence River Basin Sustainable Water Resources Agreement) where the underlying Proposal is to transfer Water from the watershed of one of the Great Lakes into the watershed of another Great Lake, and such Proposal will result in a New or Increased Consumptive Use of 5 million gallons per day (or 19 million litres per day) or greater average over any 90-day period (See Article 201, Paragraph 2.c of the Agreement).

Only the Originating Party may forward applications to the Regional Body. Applications may not be submitted directly to the Regional Body by the Applicant, but rather must be submitted to the Originating Party.

Any required information that was not included in the original Application to the Originating Party shall be added as an attachment to the original Application as appropriate.

If applicable or necessary, please provide a table of contents or index indicating the location in the Application where the information in response to Sections B and C below is

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provided. Responses to Section A, and brief descriptions of the information requested in B and C, may be provided as a cover memo.

A. Basic Information. All Applications shall include, but not be limited to, the following information:

1. *Information about the Applicant.*
 - a. Name of Applicant;
 - b. Mailing address of Applicant;
 - c. Name of contact person for Application;
 - d. Applicant contact's phone number; and,
 - e. Applicant contact's email address.
 - f. The entity or entities that are participants or otherwise involved in implementing any component of the Proposal, including but not limited to any entity or entities other than the Applicant that will Withdraw the Water, return Water to the Great Lakes-St. Lawrence River Watershed, etc... Information on these entities shall include:
 - i. Name of entity;
 - ii. Mailing address of entity;
 - iii. Name of contact person;
 - iv. Entity contact's phone number; and,
 - v. Entity contact's email address.

[Ref: Article 103 of the Agreement ("Applicant" definition)]

2. *Identification of the Originating Party including any and all government offices or partners, the mailing address of the same, the name of the individual authorized to act for the Originating Party, and any other points of contact on behalf of the Originating Party.*
3. *Identification of the specific Exception to the Prohibition of Diversions being applied for.* Please note in the Application that the Applicant is seeking an Exception to the Prohibition Against Diversions pursuant to Article 201 Paragraph 2.c of the Agreement, entitled "Intra-Basin Transfer."
[Ref: Article 201 of the Agreement]

4. *Timing of Additional Applications.*

Provide the date of any previous applications made to the Originating Party within the past 10 years and the daily volume averaged over a 90 day period of the Water Withdrawal, Consumptive Use or Diversion approved, as applicable. Diversions, Consumptive Uses and Withdrawals that constitute a baseline pursuant to Article 207, Paragraph 1 of the Agreement shall not be included in response to this section.
[Ref: Article 207 Paragraph 2 of the Agreement]

5. *Source of the Withdrawal and location of the Diversion.*

Provide the following:

 - a. Description of the location and source of the Withdrawal. Alternative locations may also be identified, with the preferred location indicated. If multiple wells or pump sites are to be used, provide information for them all.

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- b. To the extent that the local entity that will be making the Withdrawal is not the Applicant, the Applicant must also demonstrate that the local entity has sufficient withdrawal capacity to service the Applicant’s needs and is willing to negotiate a purchase contract with the Applicant.
 - c. A map or photo of the area identifying the Source Watershed⁴, proposed location of the Diversion including a description of the area that is proposed to receive the Diverted Water and location of the return flow and water supply service area.
 - d. Identify the Source Watershed. Specify if the source is a groundwater source (and if so, indicate if confined or unconfined), or surface water source (if so, indicate the name of the lake, river, or stream).
6. *Total volume of the new or increased Diversion and associated Consumptive Use*⁵. Identify:
- a. The total maximum volume of the Diversion and associated Consumptive Use over the next 25 years (or the time period required by the Originating Party) as expressed in millions of gallons per day or millions of litres per day averaged over a calendar year as well as over the peak 90 day period during a calendar year.
 - b. Include the expected monthly usage, expressed in millions of gallons and litres per day, of the Diversion and information regarding whether the proposed use would be continuous, seasonal or temporary.
 - c. The location of the point of measurement of the Diversion, and the technical method to be used for measuring the rate of the Diversion.
 - d. The total volume of any existing Diversion and Consumptive Use registered pursuant to Article 207, Paragraph 1 of the Agreement that this Proposal will increase; or, the total volume of any previously approved Diversion that this Proposal will increase, as applicable.

Unless otherwise noted, all rates and volumes shall be expressed in millions of gallons and litres per day.

7. *Originating Party Technical Assessments.*

Any technical assessments, including the Technical Review, made by the Originating Party must be included in the Application package.

[Ref: Article 505 Paragraph 1 of the Agreement]

⁴ “Source Watershed” means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

⁵ “Consumptive Use” means the portion of water withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into products, or other processes.”

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8. *Purpose of the Intra-Basin Transfer.*

Provide detailed written explanation of what the Water will be used for. Uses could include Public Water Supply Purposes, or other purposes. If the Water is to be used for multiple purposes, estimate percent usage by sector.

B. Exception Standard Criteria. All Applications shall include information to show that the Proposal meets the following Exception Standard criteria contained in Article 201 Paragraph 4 of the Agreement.

1. *The need for all or part of the Exception [Diversion] cannot be reasonably avoided through the efficient use and conservation of existing water supplies.*

Applications shall include a narrative description of the need for the New or Increased Diversion. This description shall include an analysis of the efficiency of current water uses, including the application of Environmentally Sound and Economically Feasible Water Conservation Measures. Any such analysis previously submitted to the Originating Party may be submitted in satisfaction of this requirement.

[Ref: Article 201 Paragraph 4.a. of the Agreement]

2. *The Exception [Diversion] shall be limited to quantities that are considered reasonable for the purposes for which it is proposed.*

Applications shall include a narrative description as to why the quantities requested in Section A.6.a. above are considered reasonable for the purposes for which it is proposed (for example, population projections). To that end, the Application must also include a Water use plan. For public water supply systems the plan must include: water use and population projections to support the term and daily volumes requested for the time period required by the Originating Party for water use plans, or up to 25 years if no time period is set by the Originating Party; a description of the capacity of the withdrawal, treatment and distribution portions of the system; an assessment of the water use savings of current and proposed water conservation and efficiency programs. Applications for other uses, such as industrial or agricultural, must include a plan that projects water use at the time of application and projected for up to 25 years or the time period required by the Originating Party.

[Ref: Article 201 Paragraph 4.b. of the Agreement]

3. *All Water Withdrawn shall be returned, either naturally or after use to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:*

a. *Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;*

b. *Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;*

The Application shall include a description of how the Water will be returned. This description shall include:

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- a. An explanation as to how and when the Water will be returned. To the extent the local entity that will be discharging the return flow is not the Applicant, agreements for return of the Water to the Basin must be presented;
 - b. An estimate of total return flow by volume in gallons per day or litres per day averaged over a calendar year and as a percentage of Water Diverted including proposed measurement methods;
 - c. A description of the discharge location(s) of the return flow;
 - d. A description of the anticipated Water quality of the return flow including proposed methods for determining the Water quality;
 - e. A description of the Return Flow as identified in Section A.5.c. above, including what Water will be returned, where it will be returned, and how it will minimize the use of Water from outside the Basin.
 - f. An estimate of Consumptive Use, including historical information, where applicable. These estimates may be presented in the form of project engineering design plans or utilizing United States Geological Survey's (USGS) compilation of Consumptive Use estimates or other Consumptive Use coefficients. To the extent the Consumptive Use estimates are different than "generally accepted Consumptive Use coefficients," the Application must include a detailed explanation and justification for projected Consumptive Use.
[RefArticle 201 Paragraph 4.c. of the Agreement]
4. *The Exception [Diversion] shall be implemented so as to ensure that it shall result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal.*
- a. With regard to the Withdrawal, Diversion and return flow identified pursuant to Section A.5 above, provide the following additional information;
 - i. Current conditions regarding hydrologic setting for both groundwater and surface water as well as the connection between the two, water quality and habitat;
 - ii. Statistics on the stream flow, if applicable and available;
 - iii. The relevant aquifer(s);
 - iv. Anticipated individual impacts to the quantity or quality of the Water and Water Dependent Natural Resources;
 - v. Mitigation measures that will be implemented to prevent or eliminate significant adverse impacts; and,
 - vi. An environmental impact assessment or other environmental review of the proposal, if already prepared under State, Provincial, federal or other law.
 - b. The Parties to the Agreement will have the responsibility of conducting Cumulative Impact assessments. To assist with the development of this analysis, provide information about the potential Cumulative Impacts of the Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. Information may also be included on how the Proposal relates to other existing Withdrawals, Diversions and Consumptive Uses for purposes of enabling the Parties to collectively

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evaluate Cumulative Impacts from this Proposal. The Application shall include data and analyses on Cumulative Impacts that are available from the Originating Party. To that end, all Originating Party Cumulative Impact assessments must be included in the Application including but not limited to Cumulative Impact assessments performed pursuant to the Agreement. The Application shall also document any mitigation measures required by the Originating Party to address Cumulative Impacts.

[Ref: Article 201 Paragraph 4.d. and Article 209 Paragraph 6 of the Agreement]

5. *The Exception [Diversion] shall be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use.*

The Application shall provide a detailed description of the Environmentally Sound and Economically Feasible Water Conservation Measures that have been and will be implemented to ensure that both existing and the proposed water use will result in efficient water use and reduce water loss or waste. Where a conservation and efficiency plan has been developed it shall be provided. The description shall outline how such measures are:

- a. Environmentally Sound;
- b. Reflect best practices applicable to the water use sector;
- c. Technically feasible and readily available; and,
- d. Economically feasible and cost effective in comparison to other measures that are technically feasible and available or are best practices applicable to the water use sector, based on an analysis that considers direct and avoided economic and environmental costs. Factors about the particular facilities and processes that will be considered include:
 - i. Potential environmental impact(s);
 - ii. Age of equipment and facilities;
 - iii. Processes employed; and,
 - iv. Potential energy impacts.

[Ref: Article 103 and Article 201 Paragraph 4.e. of the Agreement]

6. *The Exception [Diversion] shall be implemented so as to ensure that it is in compliance with all applicable municipal, State, Provincial and federal laws as well as regional interstate ,inter-provincial and international agreements, including the Boundary Waters Treaty of 1909.*

Any approval of a Diversion pursuant to the terms of relevant State or Provincial law does not relieve the Applicant or the Originating Party of the responsibility to obtain additional authorizations required for the activity approved by the relevant State or Province. If any environmental permits have already been received, they shall be included in the Application.

[Ref: Article 201 Paragraph 4.f. of the Agreement]

7. *Additional Information.*

Provide any other additional information that the Applicant deems relevant for the Regional Body's consideration.

C. Additional Information—Intra-Basin Transfers Exception Applications.

All Applications shall include information to show that the Proposal meets the following additional criteria contained in Article 201 Paragraph 2.c. of the Agreement.

1. *The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed;*

As part of its Application addressing Section B.3. above, the Application must show how water will be returned to the Source Watershed where the Withdrawal occurs [Ref: Article 201 Paragraph 2.c.i of the Agreement]

2. *The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies.*

The Application must include an analysis showing that there is no feasible, cost effective, and environmentally sound water supply alternative(s), including conservation and efficient use of existing water supplies, within the Great Lake watershed to which the Water will be transferred. Such analysis shall address quantity and quality (including treatability) of alternative sources and shall describe the rationale for not using the other considered water supply alternatives.

[Ref: Article 201 Paragraph 2.c.ii. of the Agreement]

3. A report about the Proposal prepared for any other purpose, or an Application for approval prepared for submission to a Member State or Province, may be accepted by the Regional Body provided that said report or application addresses all necessary items listed in this section, as appropriate.

Section 200.5.3. Contents of Application for Regional Review for a “Straddling County” Exception to the Prohibition against Diversions.

This section applies to Applications for an exception to the general prohibition against Diversions (see Article 200, Paragraph 1 of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement) where the underlying Proposal is to transfer Water to a Community within a Straddling County⁶ (See Article 201, Paragraph 3 of the Agreement).

⁶ “Community within a Straddling County” means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community.

“County” means the largest territorial division for local government in a State. In Québec, County means a regional county municipality (municipalité régionale de comté - MRC). The County boundaries shall be defined as those boundaries that exist as of the signing date of the Agreement (December 13, 2005). (Ref: Article 103 of the Agreement).

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Only Proposals to Divert Water for Public Water Supply Purposes to a Community within a Straddling County that is without adequate supplies of potable water will be considered under this section (Article 201, Paragraph 3.a. of the Agreement).

Only the Originating Party may forward applications to the Regional Body. Applications may not be submitted directly to the Regional Body by the Applicant, but rather must be submitted to the Originating Party.

Any required information that was not included in the original Application to the Originating Party shall be added as an attachment to the original Application as appropriate.

If applicable or necessary, please provide a table of contents or index indicating the location in the Application where the information in response to Sections B and C below is provided. Responses to Section A, and brief descriptions of the information requested in B and C, may be provided as a cover memo.

A. Basic Information. All Applications shall include, but not be limited to, the following information:

1. *Information about the Applicant.*
 - a. Name of Applicant;
 - b. Mailing address of Applicant;
 - c. Name of contact person for Application;
 - d. Applicant contact's phone number; and,
 - e. Applicant contact's email address.
 - f. The entity or entities that are participants or otherwise involved in implementing any component of the Proposal, including but not limited to any entity or entities other than the Applicant that will Withdraw the Water, return Water to the Great Lakes-St. Lawrence River Watershed, etc... Information on these entities shall include:
 - i. Name of entity;
 - ii. Mailing address of entity;
 - iii. Name of contact person;
 - iv. Entity contact's phone number; and,
 - v. Entity contact's email address.

[Ref: Article 103 of the Agreement ("Applicant" definition)]

2. *Identification of the Originating Party including any and all government offices or partners, the mailing address of the same, the name of the individual authorized to act for the Originating Party, and any other points of contact on behalf of the Originating Party.*
3. *Identification of the specific Exception to the Prohibition of Diversions being applied for.* Please note in the Application that the Applicant is seeking an Exception to the Prohibition Against Diversions pursuant to Article 201 Paragraph 3 of the Agreement, entitled "Straddling Counties."

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[Ref: Article 201 of the Agreement]⁷

4. *Timing of Additional Applications.*

Provide the date of any previous applications made to the Originating Party within the past 10 years and the daily volume of the water Withdrawal, Consumptive Use or Diversion approved, as applicable. Diversions, Consumptive Uses and Withdrawals that constitute a baseline pursuant to Article 207, Paragraph 1 of the Agreement shall not be included in response to this section.

[Ref: Article 207 Paragraph 2 of the Agreement]

5. *Source of the Withdrawal and location of the Diversion.*

Provide the following:

- a. Description of the location and source of the Withdrawal. Alternative locations may also be identified, with the preferred location indicated. If multiple wells or pump sites are to be used, provide information for them all.
- b. To the extent that the local entity that will be making the Withdrawal is not the Applicant, the Applicant must also demonstrate that the local entity has sufficient withdrawal capacity to service the Applicant's needs and is willing to negotiate a purchase contract with the Applicant.
- c. A map or photo of the area identifying the Source Watershed⁸, proposed location of the Diversion including a description of the area that is proposed to receive the Diverted Water and location of the return flow and water supply service area.
- d. Identify the Source Watershed. Specify if the source is a groundwater source (and if so, indicate if confined or unconfined), or surface water source (if so, indicate the name of the lake, river, or stream).

6. *Total volume of the New or Increased Diversion.*

Identify:

- a. The total maximum volume of the Diversion over the next 25 years (or the time period required by the Originating Party) as expressed in millions of gallons per day or millions of litres per day averaged over a calendar year as well as over the peak 90 day period during a calendar year.

⁷ All references to sections of the Agreement are to the Agreement signed by the Great Lakes Governors and Premiers on December 13, 2005.

⁸ "Source Watershed" means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

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- b. Include the expected monthly usage, expressed in millions of gallons and litres per day, of the Diversion and information regarding whether the proposed use would be continuous, seasonal or temporary.
- c. The location of the point of measurement of the Diversion, and the technical method to be used for measuring the rate of the Diversion.
- d. The total volume of any existing Diversion registered pursuant Article 207, Paragraph 1 of the Agreement that this Proposal will increase; or, the total volume of any previously approved Diversion that this Proposal will increase, as applicable.

Unless otherwise noted, all rates and volumes shall be expressed in millions of gallons and litres per day.

7. *Originating Party Technical Assessments.*

Any technical assessments, including the Technical Review, made by the Originating Party must be included in the Application package.

[Ref: Article 505 Paragraph 1 of the Agreement]

B. Exception Standard Criteria. All Applications shall include information to show that the proposal meets the following Exception Standard criteria contained in Article 201 Paragraph 4 of the Agreement.

1. *The need for all or part of the Exception [Diversion] cannot be reasonably avoided through the efficient use and conservation of existing water supplies.*

Applications shall include a narrative description of the need for the New or Increased Diversion. This description shall include an analysis of the efficiency of current water uses, including the application of Environmentally Sound and Economically Feasible Water Conservation Measures. Any such analysis previously submitted to the Originating Party may be submitted in satisfaction of this requirement.

[Ref: Article 201 Paragraph 4.a. of the Agreement]

2. *The Exception [Diversion] shall be limited to quantities that are considered reasonable for the purposes for which it is proposed.*

Applications shall include a narrative description as to why the quantities requested in Section A.6.a. above are considered reasonable for the purposes for which it is proposed (for example, population projections). To that end, the Application must also include a Water use plan. The plan must include: water use and population projections to support the term and daily volumes requested for the time period required by the Originating Party for water use plans, or up to 25 years if no time period is set by the Originating Party; a description of the capacity of the withdrawal, treatment and distribution portions of the system; an assessment of the water use savings of current and proposed water conservation and efficiency programs.

[Ref: Article 201 Paragraph 4.b. of the Agreement]

3. *All Water Withdrawn shall be returned, either naturally or after use to the Source Watershed less an allowance for Consumptive Use. No surface water or*

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groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:

- a. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;*
- b. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;*

The Application shall include a description of how the Water will be returned. This description shall include:

- a. An explanation as to how and when the Water will be returned. To the extent the local entity that will be discharging the return flow is not the Applicant, agreements for return of the Water to the Basin must be presented;
- b. An estimate of total return flow by volume in millions of gallons per day or litres per day averaged over a calendar year and as a percentage of Water Diverted including proposed measurement methods;
- c. A description of the discharge location(s) of the return flow;
- d. A description of the anticipated Water quality of the return flow including proposed methods for determining the Water quality;
- e. A description of the Return Flow as identified in Section A.5.c. above and Section C.2. below, including what Water will be returned, where it will be returned, and how it will minimize the use of Water from outside the Basin.
- f. An estimate of Consumptive Use, including historical information, where applicable. These estimates may be presented in the form of project engineering design plans or utilizing United States Geological Survey's (USGS) compilation of Consumptive Use estimates or other Consumptive Use coefficients. To the extent the Consumptive Use estimates are different than "generally accepted Consumptive Use coefficients," the Application must include a detailed explanation and justification for projected Consumptive Use.

[Ref: Article 201 Paragraph 4.c. of the Agreement]

4. *The Exception [Diversion] shall be implemented so as to ensure that it shall result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal.*

- a. With regard to the Withdrawal, Diversion and return flow identified pursuant to Section A.5 above, provide the following additional information;
 - i. Current conditions regarding hydrologic setting for both groundwater and surface water as well as the connection between the two, water quality and habitat;
 - ii. Statistics on the stream flow, if applicable and available;
 - iii. The relevant aquifer(s);
 - iv. Anticipated individual impacts to the quantity or quality of the Waters and Water Dependent Natural Resources;
 - v. Mitigation measures that will be implemented to prevent or eliminate significant adverse impacts; and,

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- vi. An environmental impact assessment or other environmental review of the proposal, if already prepared under State, Provincial, federal or other law.
- b. The Parties to the Agreement will have the responsibility of conducting Cumulative Impact assessments. To assist with the development of this analysis, provide information about the potential Cumulative Impacts of the Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. Information may also be included how the Proposal relates to other existing Withdrawals, Diversions and Consumptive Uses for purposes of enabling the Parties to collectively evaluate Cumulative Impacts from this Proposal. The Application shall include data and analyses on Cumulative Impacts that are available from the Originating Party, including but not limited to Cumulative Impact assessments performed pursuant to the Agreement. To that end, all Originating Party Cumulative Impact assessments must be included in the Application. The Application shall also document any mitigation measures required by the Originating Party to address Cumulative Impacts.

[Ref: Article 201 Paragraph 4.d. and Article 209 Paragraph 6 of the Agreement]

5. *The Exception [Diversion] shall be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use.*

The Application shall provide a detailed description of the Environmentally Sound and Economically Feasible Water Conservation Measures that have been and will be implemented to ensure that both existing and the proposed water use will result in efficient water use and reduce water loss or waste. Where a conservation and efficiency plan has been developed it shall be provided. The description shall outline how such measures are:

- a. Environmentally Sound;
- b. Reflect best practices applicable to the water use sector;
- c. Technically feasible and readily available; and,
- d. Economically feasible and cost effective in comparison to other measures that are technically feasible and available and/or are best practices applicable to the water use sector, based on an analysis that considers direct and avoided economic and environmental costs. Factors about the particular facilities and processes that will be considered include:
 - i. Potential environmental impact(s);
 - ii. Age of equipment and facilities;
 - iii. Processes employed; and,
 - iv. Potential energy impacts.

[Ref: Article 103 and Article 201 Paragraph 4.e. of the Agreement]

6. *The Exception [Diversion] shall be implemented so as to ensure that it is in compliance with all applicable municipal, State, Provincial and federal laws as well as regional interstate, inter-provincial and international agreements, including the Boundary Waters Treaty of 1909.*

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Any approval of a Diversion pursuant to the terms of relevant State or Provincial law does not relieve the Applicant or the Originating Party of the responsibility to obtain additional authorizations required for the activity approved by the relevant State or Province. If any environmental permits or assessments have already been issued, they shall be included in the Application.

[Ref: Article 201 Paragraph 4.f. of the Agreement]

7. *Additional Information.*

Provide any other additional information that the Applicant deems relevant for the Regional Body's consideration.

C. Additional Information--Straddling County Exception [Diversion] Applications. All Applications shall include information to show that the Proposal meets the following additional criteria contained in Article 201 Paragraph 3 of the Agreement.

1. *The Water shall be used solely for Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water.*

The Application shall include:

- a. A statement that all the Water Diverted will be used solely for Public Water Supply Purposes within the community seeking the Water. It must also be demonstrated that the community satisfies the required geographic eligibility.
- b. An analysis showing that there are inadequate supplies of potable water available to the community. This analysis may be incorporated and addressed as part of the Applicant's response to section B.1. above.

[Ref: Article 201 Paragraph 3.a. of the Agreement]

2. *The Proposal meets the Exception [Diversion] Standard, maximizing the portion of Water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin.*

The application shall include an analysis showing that the return flow maximizes the Basin Water portion returned to the Source Watershed while water from outside the Basin is minimized. This analysis may be incorporated and addressed as part of the Applicant's response to section B.3. above.

[Ref: Article 201 Paragraph 3(b) of the Agreement]

3. *There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies.*

An analysis of the alternatives must demonstrate that there is no reasonable water supply alternative within the basin in which the community is located, including through the conservation and efficient use of existing water supplies. This analysis may be incorporated and addressed as part of the Applicant's response to section B.1. above.

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4. *Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception [Diversion]. This Exception [Diversion] should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem.*

An analysis indicating that the Proposal will not endanger the integrity of the Basin Ecosystem. This analysis may be incorporated and addressed as part of the Applicant's response to Section B.4. above.

5. *Substantive consideration will also be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin.*

If applicable, evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to waters of the Basin.

6. A report about the Proposal prepared for any other purpose, or an application for approval prepared for submission to a Party, may be accepted by the Regional Body provided that said report or application addresses all necessary items listed in this section, as appropriate.

Section 200.6. Notice of Receipt of Application; Technical Reviews.

1. Upon receiving an Application from the Originating Party, the Executive Director shall endeavor to give notice of receipt within 5 days of such receipt to the other Members. The notice shall include all materials submitted by the Originating Party to the Regional Body pursuant to Section 200.4.
2. The Executive Director as well as the Parties shall review the Application, and if necessary, request that the Originating Party provide any additional information that is asked for pursuant to Section 200.5 of these Procedures. The Originating Party has a duty to provide information reasonably necessary for the Regional Body's review of the Application.
3. If the Regional Body determines that there is insufficient information to determine if the criteria for the relevant Exception has been met by the Applicant, the Executive Director may make a request to the Originating Party to cure the deficiencies. The Originating Party shall have a period of time prescribed by the Executive Director to cure the deficiencies. At the end of such period of time, the Regional Body's review shall continue unless the Originating Party requests additional time and the Regional Body grants such extension. Such a request may come at any point during the Regional Review period.
4. The Regional Body or any Member may perform its own Technical Review of the Application. The Regional Body or Member shall complete all additional Technical Reviews no later than 60 days after the Originating Party submits the Application to the Regional Body.
5. Any extension of time granted for the purposes of curing deficiencies will result in a corresponding extension of all relevant timelines for all steps of the Regional Review process, including such timelines as are contained in these Procedures.

Section 200.7. First Nations and Tribes Notice.

1. The Executive Director, on behalf of the Regional Body, shall provide notice to the First Nations and federally recognized Tribes within the Basin of the opportunity to comment, pursuant to Section 200.8 of these Procedures, in writing to the Regional Body on whether the Proposal meets the relevant criteria in the Agreement. The Executive Director shall endeavor to provide such notice within 10 days after receiving an Application from the Originating Party.
2. The Executive Director shall, on behalf of the Regional Body, also inform the First Nations and federally recognized Tribes of public hearings or meetings set pursuant to Section 201.2 of these Procedures and invite them to attend.
3. The Executive Director shall, on behalf of the Regional Body, forward the comments that it receives from the First Nations and federally recognized Tribes under this Section to the Members and the Originating Party for their consideration before the Regional Body issues a Declaration of Finding.
4. The Regional Body shall consider the comments that it receives from the First Nations and federally recognized Tribes under this Section before issuing its Declaration of Finding.

Section 200.8. General Notice and Opportunity to Comment.

1. The Executive Director, on behalf of the Regional Body, shall provide notice to the public of all Proposals submitted to the Regional Body for Regional Review. Such notice shall indicate that the public has an opportunity to comment in writing to the Regional Body on whether the Proposal meets the relevant criteria in the Agreement. Notice shall be provided through the Regional Body website and sent to interested Persons in accordance with a list of such Persons compiled by the Regional Body. Any interested Person may have his or her name added to the list by informing the Executive Director. The Executive Director shall endeavor to provide such notice within 10 days after receiving the Application from the Originating Party.
2. All notices required under this section shall contain a description of the Proposal, its purpose, requested Water Withdrawal, Diversion and Consumptive Use amounts, location(s) where copies of the Application and all other relevant documents are available for review, timeframe for that availability, time period, manner and recipient of any comments regarding the Proposal and identification of address, electronic mail address, and phone number of the Regional Body.
3. All documents relevant to the Application, including all materials submitted to the Regional Body pursuant to Section 200.4 and all Technical Reviews, shall be made accessible to the public by posting the documents on the Regional Body's website whenever possible, offering the documents for inspection at the offices of the Secretariat and designated offices of the Parties, and providing copies of the documents upon request at a reasonable fee.
4. The Regional Body shall consider the comments received before issuing a Declaration of Finding.
5. The Executive Director, on behalf of the Regional Body, shall forward the comments it receives to the Originating Party and other Members. The comments shall also be made publicly accessible in the manner provided in Section 200.8.3.

Section 201. Process for Review of and Meetings/Hearings on Applications.

Section 201.1. Public Meetings on Applications.

1. The Regional Body shall hold a public meeting within the jurisdiction of the Originating Party in order to receive comment regarding whether the Proposal under consideration meets the relevant criteria under the Agreement. The Regional Body may hold additional public meetings within the jurisdiction of the other Members whenever it determines there is sufficient interest.
2. The public meeting can take a variety of formats including, at a minimum, providing informational presentations and opportunities for both written and oral public comment. The format and procedures for the public meeting will be developed in conjunction with the Originating Party.

Section 201.2.—Left Intentionally Blank.

Section 201.3. Optional Joint Public Meetings.

1. Any public meeting held pursuant to Section 201.1 may be held concurrently with any similar public meeting held by the Council or the Originating Party.
2. The Regional Body may request that any two or more public meetings involving a common or related question of law or fact be consolidated on any or all of the matters at issue in such meetings, including hearings involving the Council.

Section 201.4. Process for Review of Applications; Declaration(s) of Finding.

1. The Regional Body shall review all Applications in the manner as set forth in Chapter 5 of the Agreement and these Procedures before issuing a Declaration(s) of Finding.
2. The Regional Body shall hold a public meeting in accordance with Section 201.1 of these Procedures before issuing a Declaration of Finding.
3. Unless the Originating Party otherwise requests, the Regional Body shall endeavor to meet and act upon all Applications within 90 days of the Regional Body's receipt of the Application.
4. The Declaration(s) of Finding shall be based on consideration of the Application and all supporting information, the Originating Party's Technical Review and any other Technical Reviews that are performed by the Regional Body or a Party, any comments received during the comment process, including the comments made by the public, First Nations and federally recognized Tribes and any other information provided to the Regional Body or any Member under the Agreement.
5. Upon the issuance of one or more Declaration(s) of Finding by the Regional Body, the Executive Director shall provide notice to the Applicant and Members of such issuance. The Executive Director shall also give notice to the public, federally recognized Tribes and First Nations in the same manner in which notice of opportunity to comment in writing was provided. All such notices shall include the text of the Declaration(s) of Finding. The Executive Director shall endeavor to provide all such notices within 10 days of such issuance of Declaration(s) of Finding. In addition, the Executive Director shall post the notice and text of the Declaration(s) of Finding on the Regional Body's website.

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6. The Regional Body may suspend the review of any Application under this Part if the Proposal is subject to the lawful jurisdiction of any Party or any political subdivision thereof, and such Party or political subdivision has disapproved or denied the Proposal. Where such disapproval or denial is reversed on appeal, the appeal is final, and the Originating Party provides the Regional Body with a certified copy of the decision, the Regional Body shall resume its review of the Application. Where, however, an Application has been suspended hereunder for a period greater than three years, the Regional Body may terminate its review. Thereupon, the Regional Body shall notify the Originating Party of such termination. The Originating Party may reactivate the terminated Application by reapplying to the Regional Body, providing evidence of its receipt of all necessary governmental approvals and, at the discretion of the Regional Body, submitting new or updated information.