

June 30, 2005

SUMMARY OF THE REVISED GREAT LAKES CHARTER  
ANNEX IMPLEMENTING AGREEMENTS  
*Fact Sheet*

The Great Lakes Charter Annex committed Ontario, Quebec and the eight Great Lakes states to protect, conserve, restore and improve the shared waters of the Great Lakes Basin. To carry out these commitments they have negotiated two agreements - the Great Lakes Basin Sustainable Water Resources Agreement and the Great Lakes Basin Water Resources Compact.

**1. GREAT LAKES BASIN SUSTAINABLE WATER RESOURCES AGREEMENT**

An agreement between the eight Great Lakes states and Ontario and Quebec.

Commits the 10 jurisdictions to make the necessary laws and policies required to implement the agreement.

Applies to all surface and underground water within the watersheds of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Quebec.

Is founded on the principles of ecosystem protection, precautionary approach, recognition of cumulative impacts, and climate change uncertainties.

**Highlights of the Agreement:**

The two provinces and eight states commit to:

Ban diversions of Great Lakes Basin water, including bulk removals in containers larger than 20 litres, with limited exceptions governed by strict controls

Strictly regulate the limited exceptions to the prohibition of diversions using a strengthened environmental standard plus further restrictions and rules for eligibility. Exceptions include:

"intra-basin transfers" - proposed water transfers from the watershed of one Great Lake to the watershed of another Great Lake;

"straddling communities" - cities or towns that are partly inside the Great Lakes Basin or that straddle the boundary between two Great Lake watersheds; and

"straddling counties" - cities or towns in counties that straddle the edge of the Great Lakes Basin (will not apply in Ontario because of current regulations).

Establish a new environmental standard to be used by states and provinces to manage and regulate proposed water withdrawals, and to guide the joint review by the provinces and states of regionally significant proposals (known as regional review).

Establish a regional body, consisting of Great Lakes premiers and governors or their designates, to allow the states and provinces to continue to work together to address common concerns in the basin and ensure compliance with the agreement. The regional body will review proposals for regionally significant withdrawals of Great Lakes Basin water, facilitate consensus and dispute resolution, and monitor implementation of the agreement. For example, the body will review state and provincial programs for water conservation and water use regulation, and the monitoring of cumulative impacts.

Establish a process for the regional review of proposals for most exceptions or uses that consume larger amounts of water. The process will include public participation, notification and input from basin Tribes and First Nations, technical evaluation of consistency with the environmental standard, consensus-building, and the issuing of public declarations of finding on whether proposals are consistent with the standard.

Develop enhanced water management and conservation programs that will reduce demand for water and improve efficiency by all water users.

Develop a system for enhanced, cooperative information gathering and sharing (such as annual reporting of water use), and for applying science to support decision-making. For example, a better understanding of how underground water contributes to the waters of the basin would ensure better decisions on water use.

## **Environmental Standard:**

A new environmental standard sets out the requirements for making decisions on proposed withdrawals of Great Lakes Basin waters. States and provinces may use more stringent standards within their borders if they choose.

To guide the management and regulation of proposed new or increased withdrawals by each state and province and the regional review of significant proposals by all 10 states and provinces.

Requires the following environmental criteria be used to judge if the proposal is acceptable.

The need for all or part of the water cannot be avoided through conservation;

The amount of water withdrawn is limited to what is reasonable;

All the water withdrawn is returned to the same Great Lake watershed from which it was taken, less an allowance for consumptive use, including water lost through evaporation, incorporation into products or other processes. No water from outside the Basin may be used to supplement the return flow;

There will be no significant adverse impacts - individually or cumulatively;

Conservation measures are implemented to minimize the withdrawal and the consumptive loss of water associated with it;

All applicable laws shall be met, including the bi-national Boundary Waters Treaty where it applies;

If the proposal is for an exception to the prohibition of diversions, all additional restrictions must also be met.

### **Regional Review Process:**

Notice from the state or province where the proposal is made to each of the other Great Lakes states and provinces and the regional body (the governors and premiers of the states and provinces or their designates);

Notice of the proposal from the regional body to Great Lakes Basin Tribes and First Nations and the public and an opportunity for their input, including a public meeting in the originating state or province;

A technical review of whether the proposal meets the environmental standard;

A public declaration by the regional body on whether it meets the standard, based on the technical review, First Nations consultation and public input.

### **Enforcement:**

Enforcement will be provided through domestic laws and regulations.

The states and provinces agree to permit other parties to seek judicial review of a decision on a withdrawal that is subject to the environmental standard.

## ***2. GREAT LAKES BASIN WATER RESOURCES COMPACT***

A binding agreement among the eight Great Lakes states.

Implements the commitments of the non-binding state-provincial agreement in the eight Great Lakes states. (Ontario and Quebec will seek to implement the same commitments through changes to their existing laws or regulations.)

Formally recognizes the state-provincial agreement and commits the Great Lakes states to work closely with Ontario and Quebec and to consider the findings coming out of any regional review process under the agreement

Recognizes the procedures manual that accompanies the agreement as providing important guidance to the review of water use proposals, based on the new environmental standard to be adopted under both agreements.

Major provisions are similar to those in the Great Lakes Basin Sustainable Water Resources Agreement, including:

- Ban on diversions with limited, strictly controlled exceptions

- Regional review process, coordinated with Compact review - includes a vote of Great Lakes governors on significant U.S. proposals (the vote of one governor can veto a proposal).

- Management and regulation of water withdrawals based on the environmental decision-making standard

- Commitments to water management, conservation and information-sharing programs

- Also provides for enforcement, significant water use proposals, and the establishment of a compact council to oversee its implementation.

