

## GREAT LAKES CHARTER ANNEX AGREEMENTS

### How Decisions Would Be Made on Proposed Water Uses <sup>1</sup>

Volume of Water (average in any 90-day period)	New or Increased Withdrawal or Uses that Consume Water <sup>2</sup>	New or Increased Diversions: Banned			
		Exceptions to ban limited by strict rules for eligibility and extra restrictions			
		Straddling Communities Exception	Intra-Basin Transfers Exception	Communities in Straddling Counties Exception	Illinois Diversion (Chicago) Exception
19 million litres per day or more (5 million U.S. gallons per day or more)	- State/Provincial management/ regulation based on standard (p. 2), - Must undergo prior notice and comment based on the standard (p. 2)	- Management/ regulation based on exceptions standard (p. 2) - Must undergo regional review (p. 2)  ADDITIONAL REQUIREMENTS: - Solely for public water supply purposes - Return flow to source watershed with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> )	- Management/ regulation based on exceptions standard (p. 2) - Must undergo regional review (p. 2) (subject to vote if proposal originates in a state – vote of one Great Lake governor can stop project)  ADDITIONAL REQUIREMENTS: - No reasonable alternative in watershed where water will be transferred, including conservation - Return flow to source watershed that meets all water quality standards with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> )	- Management/ regulation based on exceptions standard (p. 2) - Must undergo regional review (p. 2) (subject to vote if proposal originates in a state -- vote of one Great Lake governor can stop project)  ADDITIONAL REQUIREMENTS: - Solely for public water supply purposes of community with inadequate potable water supply - Return flow to source watershed that meets all water quality standards with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> )	- Illinois Basin withdrawals subject to U.S. Supreme Court Decree (cap of 3200 cubic feet per second) - Illinois prohibited from seeking to withdraw basin water under agreements (exceptions) - If a party seeks to modify the decree – formal input from Ontario, Quebec shall be sought - Diversions out of territorial boundaries of parties subject to agreement (prohibition) - All other provisions of agreements apply to the State of Illinois e.g., conservation, information-sharing, water management programs
379,000 litres per day to 19 million litres per day (100,000 U.S. gallons per day to 5 million U.S. gallons per day)	- State/Provincial management/ regulation based on environmental standard (p. 2) – <u>scope, thresholds to be determined by originating jurisdiction</u>	- Management/ regulation based on exceptions standard (p. 2)  ADDITIONAL REQUIREMENTS: - Solely for public water supply purposes - Return flow to source watershed that meets all water quality standards with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> )	- Management/ regulation based on exceptions standard (p. 2)  ADDITIONAL REQUIREMENTS: - Return flow that meets all water quality standards with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> ) (may be to Great Lake watershed other than source watershed) - No reasonable alternative in watershed where water will be transferred, including conservation - Prior notice to other states, provinces	- Management/ regulation based on exceptions standard (p. 2) - Must undergo regional review (p. 2) (subject to vote if proposal originates in a state -- vote of one Great Lake governor can stop project)  ADDITIONAL REQUIREMENTS: - Solely for public water supply purposes of community with inadequate potable water supply - Return flow to source watershed that meets all water quality standards with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> )	- Illinois Basin withdrawals subject to U.S. Supreme Court Decree (cap of 3200 cubic feet per second) - Illinois prohibited from seeking to withdraw basin water under agreements (exceptions) - If a party seeks to modify the decree – formal input from Ontario, Quebec shall be sought - Diversions out of territorial boundaries of parties subject to agreement (prohibition) - All other provisions of agreements apply to the State of Illinois e.g., conservation, information-sharing, water management programs
Less than 379,000 litres per day (less than 100,000 U.S. gallons per day)		- Solely for public water supply purposes - Return flow to source watershed that meets all water quality standards with NO water from outside basin ( <u>co-mingled water excepted if treated to prevent invasive species, ensure quality</u> )	Management/ regulation at discretion of originating state or province	ADDITIONAL SUBSTANTIVE CONSIDERATION: <u>demonstration that current supply is from groundwater hydro- logically inter connected to waters of the Basin</u>	

**NOTES:**

<sup>1</sup> Withdrawals to supply vehicles and vessels or for short-term firefighting/humanitarian/emergency response purposes are exempt from the agreements.

<sup>2</sup> No later than 5 years after measures in place to implement ban on diversions, standard, regional review process

ENVIRONMENTAL STANDARD	
STANDARD for Withdrawals, Consumptive Uses	EXCEPTIONS STANDARD for Diversions Excepted from Ban
<ol style="list-style-type: none"> <li>1. All water taken is <b>returned to the same Great Lake watershed</b> it was taken from, less an allowance for consumptive use.</li> <li>2. There will be <b>no significant individual or cumulative adverse impacts</b>;</li> <li>3. <b>Conservation measures</b> will be used;</li> <li>4. <b>All applicable laws</b> shall be met including the Boundary Waters Treaty where it applies;</li> <li>5. The proposed <b>use is reasonable</b>, based on consideration of the following: <ol style="list-style-type: none"> <li>a. Whether the proposed is planned in a fashion that provides for <b>efficient use</b> of water, and will avoid or minimize waste of water;</li> <li>b. Whether <b>efficient use</b> is made of <b>existing water supplies</b>;</li> <li>c. The <b>balance between economic development, social development and environmental protection</b> of the proposal and other existing or planned water uses sharing the water source;</li> <li>d. The <b>supply potential of the water source</b>, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;</li> <li>e. The probable <b>degree and duration of any adverse impacts</b> caused or expected to be caused under foreseeable conditions to other uses of water or to the quantity or quality of the waters and water dependent natural resources of the Basin, and the proposed plans and arrangements for <b>avoidance or mitigation</b> of such impacts; and</li> <li>f. If a Proposal includes <b>restoration of hydrologic conditions and functions</b> of the Source Watershed.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Need for all or part of the water <b>cannot be avoided through conservation</b>;</li> <li>2. The amount of water taken is <b>limited to what is reasonable</b>;</li> <li>3. All water taken is <b>returned to the same Great Lake watershed</b> it was taken from, less an allowance for consumptive use. NO water from outside basin <u>may form any portion of the return flow unless:</u> <ol style="list-style-type: none"> <li>a. <u>part of a co-mingled public water supply or wastewater system</u></li> <li>b. <u>water is treated to prevent invasive species and to meet water quality discharge standards.</u></li> </ol> </li> <li>4. There will be <b>no significant individual or cumulative adverse impacts</b> with consideration of cumulative impacts of any precedent-setting consequences;</li> <li>5. <b>Conservation measures</b> will be used to minimize water use;</li> <li>6. <b>All applicable laws</b> shall be met including the Boundary Waters Treaty where it applies;</li> <li>7. For an exception to the prohibition of diversions, <b>all additional criteria</b> must also be met</li> </ol>

REVIEW OF PROPOSALS BY 10 JURISDICTIONS	
Prior Notice & Comment - Consumptive Uses -	Regional Review - Diversions -
<p>Prior notice and comment by the 10 Great Lakes states and provinces on proposed consumptive uses 19 million litres/day (5 mgd) or greater (a state or province may voluntarily undertake PNC on proposals below this threshold):</p> <ul style="list-style-type: none"> <li>• State or province that the proposal originates in gives detailed, timely notice of the proposal to each of the other Great Lakes states and provinces;</li> <li>• Comments by states, provinces to address whether or not the Proposal is consistent with the environmental standard.</li> <li>• The originating state or province provides a response to any comment received from other states or provinces.</li> </ul>	<p>Consensus-based review of proposed diversion exceptions by the 10 Great Lakes states and provinces:</p> <ul style="list-style-type: none"> <li>• <u>Overarching principle of ecosystem integrity to guide regional review of proposed diversion exceptions</u></li> <li>• State or province that the proposal originates in gives notice of the proposal to each of the other Great Lakes states and provinces and the regional body (governors and premiers of the states and provinces or their designates);</li> <li>• Regional Body gives detailed, timely notice of the proposal to the public and provides an opportunity for their input, including a public meeting in the originating state or province;</li> <li>• Regional Body gives notice of the proposal to Basin Tribes and First Nations, invites them to attend any public meetings and provides an opportunity for their input;</li> <li>• Technical review of whether the proposal meets the exceptions standard;</li> <li>• Public declaration by the Regional Body on whether the proposal meets the exceptions standard, based on the technical review, First Nations consultation and public input.</li> <li>• A state or province may provide notice of a proposal, or request regional review of a proposal even if it is not required under the Agreement;</li> <li>• A majority of Regional Body members may request Regional Review of a regionally significant or potentially precedent-setting Proposal.</li> </ul>

**COMMITMENTS UNDER THE REVISED DRAFT CHARTER ANNEX AGREEMENTS  
FOR WATER MANAGEMENT AND INFORMATION PROGRAMS**

<p>Each of the 10 states and provinces will:</p>	<ul style="list-style-type: none"> <li>• <b>prohibit diversions</b> in accordance with the agreement</li> <li>• <b>manage/regulate</b> proposed water withdrawals, consumptive uses and excepted diversions <b>based on new environmental standards</b>, with additional strict controls for exceptions</li> <li>• <b>participate in and seek regional review</b> of regionally significant diversion proposals, as required under agreement</li> <li>• <b>participate in and seek prior notice and comment</b> on regionally significant consumptive use proposals, as required under agreement</li> <li>• develop and implement <b>water conservation and water use efficiency program within 2 years</b></li> <li>• submit <b>annual report on water conservation</b> and efficiency program to regional body</li> <li>• submit <b>report every 5 years on water management and conservation programs for regional review</b> by regional body</li> <li>• annually collect and report water use data to <b>Great Lakes regional water use data base</b> repository for withdrawals in excess of 379,000 litres per day, based on annual <b>water use reporting</b> by water users</li> </ul>
<p>The 10 states and provinces acting together will:</p>	<ul style="list-style-type: none"> <li>• support the <b>overarching principles</b> of protection, conservation, restoration, ecosystem integrity, <u>adaptive management, public trust (Compact)</u> and caution in face of demands, uncertainties, including climate change</li> <li>• create a <b>regional body</b>, with representation from 10 states &amp; provinces to oversee agreement, review regionally significant proposals; review state/provincial water management &amp; <u>conservation programs every 5 years</u>; resolve disputes; review the agreement and standard</li> <li>• <u>develop regional water conservation goals, objectives to guide state, provincial programs</u></li> <li>• <u>province leadership in the development of a collaborative science strategy</u> to support decision-making, cumulative impact evaluation, <u>strengthen understanding of surface, groundwater resources, impacts</u></li> <li>• conduct <b>cumulative impact assessments</b> every 5 years, or every 19 million litres per day of basin water use, or at the request of one or more parties, considering adaptive management approaches, and considering climate change and other threats and exercising caution in light of uncertainties. Assessment to include evaluation of rules for exceptions to prohibition of diversions – exceptions may be withdrawn, or rules made more restrictive or maintained</li> <li>• maintain publicly accessible <b>Great Lakes regional water use data base repository</b></li> <li>• recognize relationship to <b>Boundary Waters Treaty</b> and role of federal governments, and International Joint Commission under the treaty</li> <li>• create a <b>regional dispute resolution</b> process</li> <li>• conduct the <b>regional review of significant proposals for excepted diversions</b> and issue public declaration of finding on whether the proposal meets the exceptions standard</li> <li>• conduct the <b>regional review</b> of state/provincial <b>water management &amp; conservation program reports</b> every 5 years and issue public declaration of finding on whether they meet the provisions of the agreement</li> <li>• <u>facilitate dialogue with and input from First Nations and Tribes to Regional Body and scientific/technical interaction and data exchange</u>; recognize that agreements are not intended to detract from or abolish <b>aboriginal or treaty rights</b>;</li> <li>• put in place enforcement remedies under domestic law, and right for parties to <b>seek judicial review of decisions on a proposal</b> in another state or province.</li> </ul>

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