Managing water use from the Great Lakes-St. Lawrence River Basin

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Mission: To encourage and facilitate environmentally responsible economic growth

Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

Premiers of Ontario and Québec
Overview

- Great Lakes Overview
- History and Legal Framework
- Impetus for New Agreements and Development Process
- Great Lakes—St. Lawrence River Basin Water Resources Compact
- Lessons Learned
- Discussion and Questions
North America’s “Waterbelt”

- Nearly 20% of the world’s surface freshwater
- About 90% of US surface freshwater

Home to 35 million people
- 25 million US
- 10 million Canada

Major Urban Centers

Conference of Great Lakes and St. Lawrence Governors and Premiers
Agriculture (irrigation, livestock)
Drinking water
Tourism, Boating and Recreation
Shipping
Hydropower
Industrial uses and cooling
Legal Framework

- Boundary Waters Treaty (1909)
- State and Provincial Programs
- Great Lakes Charter (1985)
- Water Resources Development Act (1986)
- Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement and Compact (2005)
Boundary Waters Treaty of 1909

- Treaty between federal governments
  - Protect levels and flows
  - Prevent and resolve water disputes

- Created International Joint Commission

Limitations
- Geographic scope – boundary waters
- Only uses affecting levels and flows on the other side of the border
State and Provincial Water Management Programs
Great Lakes Charter of 1985

- Good-faith agreement among the Great Lakes Governors and Premiers
- Consultation process for large new or increased diversions, in-Basin uses
- Commitment to State/Provincial legislation

Limitations
- Good-faith nature
- Uneven implementation
Water Resources Development Act of 1986

- U.S. federal statute
- Subjected diversions to approval by the Governors (veto authority)

Limitations
- Scope -- does not include in-Basin uses
- Lack of definitions, criteria and due process
- Premiers not included in decision making
Impetus for New Protections

1998 – Nova Group proposal

1999 – Lower lake levels

2000 – WRDA amendments, IJC report

2001 – Great Lakes Charter Annex
Goals

- Creating framework for sustainable development
- Ensuring water is available for future use and economic growth
- Protecting the Great Lakes and our legacy for future generations
Development of New Protections

Governors’ and Premiers’ leadership

State/Provincial Working Group

Advisory/Resource Group

Tribes/First Nations

Outreach to State and Federal Leaders

Public Involvement
Public Involvement

- Public Comments—Two Rounds
- More than 60 Public Meetings Around Region including several regional forums
- Website for Comments
- Over 13,000 Comments Received
“It is a textbook example of collaboration—two nations, multiple jurisdictions, NGOs, agriculture and industry—all working together for the greater good of the Lakes.”

USEPA Administrator Michael Leavitt, 2004
Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement of 2005

- Good-faith agreement among the Great Lakes Governors and Premiers
- Created Regional Body
- State and Provincial implementation
  - Provincial action
- Interstate Compact
Great Lakes – St. Lawrence River Basin Water Resources Compact

- Legally enforceable contract among the Great Lakes States
- Created Compact Council
- Implementation
  - Ratification by State legislatures (2006-2008)
  - Congressional consent (2008)
State Ratification

**Minnesota:** Enacted into law
Governor Pawlenty signed on February 20, 2007

**Illinois:** Enacted into law
Governor Blagojevich signed on August 17, 2007

**Indiana:** Enacted into law
Governor Daniels signed on February 20, 2008

**New York:** Enacted into law
Governor Spitzer signed on March 4, 2008
State Ratification

**Wisconsin:** Enacted into law
Governor Doyle signed on May 27, 2008

**Ohio:** Enacted into law
Governor Strickland signed on June 27, 2008

**Pennsylvania:** Enacted into law
Governor Rendell signed on July 4, 2008

**Michigan:** Enacted into law
Governor Granholm signed on July 9, 2008

OVER 95% OF ALL LEGISLATORS VOTED FOR THE COMPACT
Congressional Consent


U.S. Senate
• Lead sponsors
  Senator Carl Levin (D-MI),
  Senator George V. Voinovich (R-OH)
August 1, 2008--Passed by Unanimous Consent

U.S. House of Representatives
• Lead sponsors
  Representative James L. Oberstar (D-MN)
  Representative Vern Ehlers (R-MI)
  Representative John Conyers (D-MI)
  Representative Steven C. LaTourette (R-OH)
September 23, 2008--Passed 390-25

October 3, 2008--Signed by President Bush
Diversions

- All new or increased diversions prohibited
  - Exceptions
    - Straddling communities
    - Communities in straddling counties
    - Intra-Basin transfers
  - Exemptions
    - Ballast water
    - Short-term fire fighting
    - Humanitarian needs
In-Basin Uses

- State, Provincial management and regulation
- Use of common decision making standard
- State/Provincial flexibility for determining thresholds
- State/Provincial opportunity to comment on all large new or increased consumptive uses
Conservation and Efficiency

- Regional goals and objectives
  - Development within 2 years

- State, Provincial goals, objectives, programs
  - Consistent with regional goals and objectives
  - Regional review every 5 years

- Proposals
  - Conservation, efficiency measures
  - Conservation, efficient use of existing water supplies
Lessons Learned

- Water stirs passions
- Managing water is complex
- Consensus can create superior results but can be long, costly and difficult
- Scope must be clear and focused
- Strong and active leadership needed
- “Alternative venues” problematic
Lessons Learned

- Process must be fair and comprehensive
- Transparency, public participation key
- Consensus, shared ownership accelerates follow-through
- Follow-through actors must be prepared, actions must be clear and achievable
- Success encourages repetition