

THE GREAT LAKES CHARTER ANNEX

A SUPPLEMENTARY AGREEMENT TO THE GREAT LAKES CHARTER

June 18, 2001

FINDINGS

The Great Lakes are a bi-national public treasure and are held in trust by the Great Lakes States and Provinces. For the last sixteen years, the Great Lakes Governors and Premiers have followed a set of principles to guide them in developing, maintaining, and strengthening the regional management regime for the Great Lakes ecosystem. Protecting, conserving, restoring, and improving the Great Lakes is the foundation for the legal standard upon which decisions concerning water resource management should be based.

There has been significant progress in restoring and improving the health of the ecosystem of the Great Lakes Basin. However, the Waters and Water-Dependent Natural Resources of the Basin remain at risk of damage from pollution, environmental disruptions, and unsustainable water resource management practices which may individually and cumulatively alter the hydrology of the Great Lakes ecosystem.

PURPOSE

In agreeing to this Annex, the Great Lakes Governors and Premiers reaffirm their commitment to the five broad principles set forth in the Great Lakes Charter, and further reaffirm that the provisions of the Charter will continue in full force and effect. The Governors and Premiers commit to further implementing the principles of the Charter by developing an enhanced water management system that is simple, durable, efficient, retains and respects authority within the Basin, and, most importantly, protects, conserves, restores, and improves the Waters and Water-Dependent Natural Resources of the Great Lakes Basin.

State and Provincial authorities should be permanent, enforceable, and consistent with their respective applicable state, provincial, federal, and international laws and treaties. To that end, and in order to adequately protect the water resources of the Great Lakes and the Great Lakes ecosystem, the Governors and Premiers commit to develop and implement a new common, resource-based conservation standard and apply it to new water withdrawal proposals from the Waters of the Great Lakes Basin. The standard will also address proposed increases to existing water withdrawals and existing water withdrawal capacity from the Waters of the Great Lakes Basin.

BOOKSHELVES: CELA PUBLICATIONS:
Canadian Environmental Law Association
CELA publications [unnumbered]; The Great
Lakes Charter Annex: a supplementary

RN 25711

DIRECTIVES

The Governors and Premiers put forward the following DIRECTIVES to further the principles of the Charter.

DIRECTIVE #1

Develop a new set of binding agreement(s).

The Governors and Premiers agree to immediately prepare a Basin-wide binding agreement(s), such as an interstate compact and such other agreements, protocols or other arrangements between the States and Provinces as may be necessary to create the binding agreement(s) within three years of the effective date of the Annex. The purpose of the agreement(s) will be to further the Governors' and Premiers' objective to protect, conserve, restore, improve, and manage use of the Waters and Water-Dependent Natural Resources of the Great Lakes Basin. The agreement(s) will retain authority over the management of the Waters of the Great Lakes Basin and enhance and build upon the existing structure and collective management efforts of the various governmental organizations within the Great Lakes Basin.

DIRECTIVE #2

Develop a broad-based public participation program.

The Governors and Premiers commit to continue a process that ensures ongoing public input in the preparation and implementation of the binding agreement(s) called for in this Annex. Included in this process will be periodic progress reports to the public.

DIRECTIVE #3

Establish a new decision making standard.

The new set of binding agreement(s) will establish a decision making standard that the States and Provinces will utilize to review new proposals to withdraw water from the Great Lakes Basin as well as proposals to increase existing water withdrawals or existing water withdrawal capacity.

The new standard shall be based upon the following principles:

- Preventing or minimizing Basin water loss through return flow and implementation of environmentally sound and economically feasible water conservation measures; and
- No significant adverse individual or cumulative impacts to the quantity or quality of the Waters and Water-Dependent Natural Resources of the Great Lakes Basin; and
- An Improvement to the Waters and Water-Dependent Natural Resources of the Great Lakes Basin; and
- Compliance with the applicable state, provincial, federal, and international laws and treaties.

DIRECTIVE #4

Project review under the Water Resources Development Act of 1986, §1109, 42 U.S.C. §1962d-20 (1986) (amended 2000).

Pending finalization of the agreement(s) as outlined in Directive #1, the Governors of the Great Lakes States will notify and consult with the Premiers of Ontario and Quebec on all proposals subject to the U.S. Water Resources Development Act of 1986, §1109, 42 U.S.C. §1962d-20 (1986) (amended 2000) (WRDA), utilizing the prior notice and consultation process established in the Charter. In doing so, the Governors and

Premiers recognize that the Canadian Provinces are not subject to, or bound by, the WRDA, nor are the Governors statutorily bound by comments from the Premiers on projects subject to the WRDA.

DIRECTIVE #5

Develop a decision support system that ensures the best available information.

The Governors and Premiers call for the design of an information gathering system to be developed by the States and Provinces, with support from appropriate federal government agencies, to implement the Charter, this Annex, and any new agreement(s). This design will include an assessment of available information and existing systems, a complete update of data on existing water uses, an identification of needs, provisions for a better understanding of the role of groundwater, and a plan to implement the ongoing support system.

DIRECTIVE #6

Further commitments.

The Governors and Premiers of the Great Lakes States and Provinces further commit to coordinate the implementation and monitoring of the Charter and this Annex; seek and implement, where necessary, legislation establishing programs to manage and regulate new or increased withdrawals of Waters of the Great Lakes Basin; conduct a planning process for protecting, conserving, restoring, and improving the Waters and Water-Dependent Natural Resources of the Great Lakes Basin; and identify and implement effective mechanisms for decision making and dispute resolution. The Governors and Premiers also commit to develop guidelines regarding the implementation of mutually agreed upon measures to promote the efficient use and conservation of the Waters of the Great Lakes Basin within their jurisdictions and develop a mechanism by which individual and cumulative impacts of water withdrawals will be assessed. Further, the Governors and Premiers commit to improve the sources and applications of scientific information regarding the Waters of the Great Lakes Basin and the impacts of the withdrawals from various locations and water sources on the ecosystem, and better understand the role of groundwater in the Great Lakes Basin by coordinating their data gathering and analysis efforts. Finally, the Governors and Premiers commit to develop in the new binding agreement(s) the water withdrawal rates at which regional evaluations are conducted and criteria to assist in further defining acceptable measures of Improvement to the Waters and Water-Dependent Natural Resources of the Great Lakes Basin.

FINAL PROVISIONS

This Annex shall come into force on the day that all signatures are executed. The Parties have signed the present agreement in duplicate, in English and French, both texts being equally authentic.

DEFINITIONS

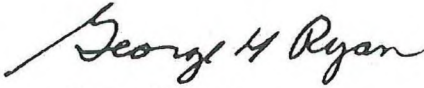
Waters of the Great Lakes Basin (also termed in the Great Lakes Charter as “Water Resources of the Great Lakes Basin”) means the Great Lakes and all streams, rivers, lakes, connecting channels, and other bodies of water, including tributary groundwater, within the Great Lakes Basin.

Water-Dependent Natural Resources means the interacting components of land, water, and living organisms affected by the Waters of the Great Lakes Basin.

Improvement to the Waters and Water-Dependent Natural Resources of the Great Lakes Basin means additional beneficial, restorative effects to the physical, chemical, and biological integrity of the Waters

and Water-Dependent Natural Resources of the Basin, resulting from associated conservation measures, enhancement or restoration measures which include, but are not limited to, such practices as mitigating adverse effects of existing water withdrawals, restoring environmentally sensitive areas or implementing conservation measures in areas or facilities that are not part of the specific proposal undertaken by or on behalf of the withdrawer.

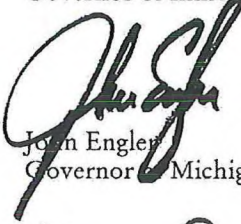
Signed and entered into the 18th day of June 2001.



George H. Ryan
Governor of Illinois



Frank O'Bannon
Governor of Indiana



John Engler
Governor of Michigan



Jesse Ventura
Governor of Minnesota



George E. Pataki
Governor of New York



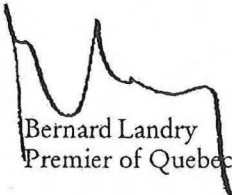
Bob Taft
Governor of Ohio



Mike Harris
Premier of Ontario



Tom Ridge
Governor of Pennsylvania



Bernard Landry
Premier of Quebec



Scott McCallum
Governor of Wisconsin