

SUBSTITUTE FOR
SENATE BILL NO. 212

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 32730 and part 342.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 32730. THE COMPACT SHALL BE IMPLEMENTED AS FOLLOWS:

2 (A) EXCEPT AS SPECIFICALLY PROVIDED IN THIS PART, WATER
3 WITHDRAWALS ORIGINATING WITHIN THIS STATE SHALL BE REGULATED
4 EXCLUSIVELY UNDER THIS PART.

5 (B) A PROPOSED USE FOR WHICH A WATER WITHDRAWAL PERMIT IS
6 ISSUED UNDER SECTION 32723 SHALL BE CONSIDERED TO SATISFY THE
7 REQUIREMENTS OF SECTION 4.11 OF THE COMPACT.

8 (C) THE 2008 AMENDMENTS TO THIS PART, THE 2008 AMENDMENTS TO
9 PART 328, AND THE 2008 AMENDMENTS TO SECTIONS 4 AND 17 OF THE SAFE

1 DRINKING WATER ACT, 1976 PA 399, MCL 325.1004 AND 325.1017, ARE
2 INTENDED TO FULLY IMPLEMENT THE COMPACT IN THIS STATE. FOR PURPOSES
3 OF SECTION 9.1 OF THE COMPACT, ALL ACTS AND PARTS OF ACTS THAT WERE
4 INCONSISTENT WITH THE COMPACT ON THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT ADDED THIS SECTION HAVE BEEN MODIFIED, AS
6 NECESSARY, TO BE CONSISTENT WITH THE COMPACT, AND THEREFORE SECTION
7 9.1 DOES NOT REPEAL ANY ACTS OR PARTS OF ACTS.

8 (D) IF THE COUNCIL PROPOSES A REVISION TO THE STANDARD OF
9 REVIEW AND DECISION UNDER SECTION 3.1 AND 3.3 OF THE COMPACT, THE
10 GOVERNOR SHALL NOTIFY THE STANDING COMMITTEES OF THE LEGISLATURE
11 WITH JURISDICTION PRIMARILY RELATED TO NATURAL RESOURCES AND THE
12 ENVIRONMENT. A REGULATION ADOPTED PURSUANT TO SECTION 3.1 AND 3.3
13 OF THE COMPACT THAT AMENDS THE STANDARD OF REVIEW AND DECISION
14 SHALL NOT BE DEEMED DULY ADOPTED IN ACCORDANCE WITH THE STATUTORY
15 AUTHORITIES AND APPLICABLE PROCEDURES OF THIS STATE UNLESS THE
16 REGULATION IS APPROVED BY THE LEGISLATURE AND ENACTED INTO LAW.

17 PART 342 GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES
18 COMPACT

19 SEC. 34201. THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER
20 RESOURCES COMPACT IS HEREBY RATIFIED, ENACTED INTO LAW, AND ENTERED
21 INTO BY THIS STATE AS A PARTY AS FOLLOWS:

22 AGREEMENT

23 SECTION 1. THE STATES OF ILLINOIS, INDIANA, MICHIGAN,
24 MINNESOTA, NEW YORK, OHIO AND WISCONSIN AND THE COMMONWEALTH OF
25 PENNSYLVANIA HEREBY SOLEMNLY COVENANT AND AGREE WITH EACH OTHER,
26 UPON ENACTMENT OF CONCURRENT LEGISLATION BY THE RESPECTIVE STATE
27 LEGISLATURES AND CONSENT BY THE CONGRESS OF THE UNITED STATES AS

1 FOLLOWS:

2 GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES

3 COMPACT

4 ARTICLE 1

5 SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

6 SECTION 1.1. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE
7 CITED AS THE "GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES
8 COMPACT."

9 SECTION 1.2. DEFINITIONS. FOR THE PURPOSES OF THIS COMPACT,
10 AND OF ANY SUPPLEMENTAL OR CONCURRING LEGISLATION ENACTED PURSUANT
11 THERE TO, EXCEPT AS MAY BE OTHERWISE REQUIRED BY THE CONTEXT:

12 ADAPTIVE MANAGEMENT MEANS A WATER RESOURCES MANAGEMENT SYSTEM
13 THAT PROVIDES A SYSTEMATIC PROCESS FOR EVALUATION, MONITORING AND
14 LEARNING FROM THE OUTCOMES OF OPERATIONAL PROGRAMS AND ADJUSTMENT
15 OF POLICIES, PLANS AND PROGRAMS BASED ON EXPERIENCE AND THE
16 EVOLUTION OF SCIENTIFIC KNOWLEDGE CONCERNING WATER RESOURCES AND
17 WATER DEPENDENT NATURAL RESOURCES.

18 AGREEMENT MEANS THE GREAT LAKES—ST. LAWRENCE RIVER BASIN
19 SUSTAINABLE WATER RESOURCES AGREEMENT.

20 APPLICANT MEANS A PERSON WHO IS REQUIRED TO SUBMIT A PROPOSAL
21 THAT IS SUBJECT TO MANAGEMENT AND REGULATION UNDER THIS COMPACT.
22 APPLICATION HAS A CORRESPONDING MEANING.

23 BASIN OR GREAT LAKES—ST. LAWRENCE RIVER BASIN MEANS THE
24 WATERSHED OF THE GREAT LAKES AND THE ST. LAWRENCE RIVER UPSTREAM
25 FROM TROIS-RIVIÈRES, QUÉBEC WITHIN THE JURISDICTION OF THE PARTIES.

26 BASIN ECOSYSTEM OR GREAT LAKES—ST. LAWRENCE RIVER BASIN
27 ECOSYSTEM MEANS THE INTERACTING COMPONENTS OF AIR, LAND, WATER AND

1 LIVING ORGANISMS, INCLUDING HUMANKIND, WITHIN THE BASIN.

2 COMMUNITY WITHIN A STRADDLING COUNTY MEANS ANY INCORPORATED
3 CITY, TOWN OR THE EQUIVALENT THEREOF, THAT IS LOCATED OUTSIDE THE
4 BASIN BUT WHOLLY WITHIN A COUNTY THAT LIES PARTLY WITHIN THE BASIN
5 AND THAT IS NOT A STRADDLING COMMUNITY.

6 COMPACT MEANS THIS COMPACT.

7 CONSUMPTIVE USE MEANS THAT PORTION OF THE WATER WITHDRAWN OR
8 WITHHELD FROM THE BASIN THAT IS LOST OR OTHERWISE NOT RETURNED TO
9 THE BASIN DUE TO EVAPORATION, INCORPORATION INTO PRODUCTS, OR OTHER
10 PROCESSES.

11 COUNCIL MEANS THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER
12 RESOURCES COUNCIL, CREATED BY THIS COMPACT.

13 COUNCIL REVIEW MEANS THE COLLECTIVE REVIEW BY THE COUNCIL
14 MEMBERS AS DESCRIBED IN ARTICLE 4 OF THIS COMPACT.

15 COUNTY MEANS THE LARGEST TERRITORIAL DIVISION FOR LOCAL
16 GOVERNMENT IN A STATE. THE COUNTY BOUNDARIES SHALL BE DEFINED AS
17 THOSE BOUNDARIES THAT EXIST AS OF DECEMBER 13, 2005.

18 CUMULATIVE IMPACTS MEAN THE IMPACT ON THE BASIN ECOSYSTEM THAT
19 RESULTS FROM INCREMENTAL EFFECTS OF ALL ASPECTS OF A WITHDRAWAL,
20 DIVERSION OR CONSUMPTIVE USE IN ADDITION TO OTHER PAST, PRESENT,
21 AND REASONABLY FORESEEABLE FUTURE WITHDRAWALS, DIVERSIONS AND
22 CONSUMPTIVE USES REGARDLESS OF WHO UNDERTAKES THE OTHER
23 WITHDRAWALS, DIVERSIONS AND CONSUMPTIVE USES. CUMULATIVE IMPACTS
24 CAN RESULT FROM INDIVIDUALLY MINOR BUT COLLECTIVELY SIGNIFICANT
25 WITHDRAWALS, DIVERSIONS AND CONSUMPTIVE USES TAKING PLACE OVER A
26 PERIOD OF TIME.

27 DECISION-MAKING STANDARD MEANS THE DECISION-MAKING STANDARD

1 ESTABLISHED BY SECTION 4.11 FOR PROPOSALS SUBJECT TO MANAGEMENT AND
2 REGULATION IN SECTION 4.10.

3 DIVERSION MEANS A TRANSFER OF WATER FROM THE BASIN INTO
4 ANOTHER WATERSHED, OR FROM THE WATERSHED OF ONE OF THE GREAT LAKES
5 INTO THAT OF ANOTHER BY ANY MEANS OF TRANSFER, INCLUDING BUT NOT
6 LIMITED TO A PIPELINE, CANAL, TUNNEL, AQUEDUCT, CHANNEL,
7 MODIFICATION OF THE DIRECTION OF A WATER COURSE, A TANKER SHIP,
8 TANKER TRUCK OR RAIL TANKER BUT DOES NOT APPLY TO WATER THAT IS
9 USED IN THE BASIN OR A GREAT LAKE WATERSHED TO MANUFACTURE OR
10 PRODUCE A PRODUCT THAT IS THEN TRANSFERRED OUT OF THE BASIN OR
11 WATERSHED. DIVERT HAS A CORRESPONDING MEANING.

12 ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER
13 CONSERVATION MEASURES MEAN THOSE MEASURES, METHODS, TECHNOLOGIES OR
14 PRACTICES FOR EFFICIENT WATER USE AND FOR REDUCTION OF WATER LOSS
15 AND WASTE OR FOR REDUCING A WITHDRAWAL, CONSUMPTIVE USE OR
16 DIVERSION THAT *i)* ARE ENVIRONMENTALLY SOUND, *ii)* REFLECT BEST
17 PRACTICES APPLICABLE TO THE WATER USE SECTOR, *iii)* ARE TECHNICALLY
18 FEASIBLE AND AVAILABLE, *iv)* ARE ECONOMICALLY FEASIBLE AND COST
19 EFFECTIVE BASED ON AN ANALYSIS THAT CONSIDERS DIRECT AND AVOIDED
20 ECONOMIC AND ENVIRONMENTAL COSTS AND *v)* CONSIDER THE PARTICULAR
21 FACILITIES AND PROCESSES INVOLVED, TAKING INTO ACCOUNT THE
22 ENVIRONMENTAL IMPACT, AGE OF EQUIPMENT AND FACILITIES INVOLVED, THE
23 PROCESSES EMPLOYED, ENERGY IMPACTS AND OTHER APPROPRIATE FACTORS.

24 EXCEPTION MEANS A TRANSFER OF WATER THAT IS EXCEPTED UNDER
25 SECTION 4.9 FROM THE PROHIBITION AGAINST DIVERSIONS IN SECTION 4.8.

26 EXCEPTION STANDARD MEANS THE STANDARD FOR EXCEPTIONS
27 ESTABLISHED IN SECTION 4.9.4.

1 INTRA-BASIN TRANSFER MEANS THE TRANSFER OF WATER FROM THE
2 WATERSHED OF ONE OF THE GREAT LAKES INTO THE WATERSHED OF ANOTHER
3 GREAT LAKE.

4 MEASURES MEANS ANY LEGISLATION, LAW, REGULATION, DIRECTIVE,
5 REQUIREMENT, GUIDELINE, PROGRAM, POLICY, ADMINISTRATIVE PRACTICE OR
6 OTHER PROCEDURE.

7 NEW OR INCREASED DIVERSION MEANS A NEW DIVERSION, AN INCREASE
8 IN AN EXISTING DIVERSION, OR THE ALTERATION OF AN EXISTING
9 WITHDRAWAL SO THAT IT BECOMES A DIVERSION.

10 NEW OR INCREASED WITHDRAWAL OR CONSUMPTIVE USE MEANS A NEW
11 WITHDRAWAL OR CONSUMPTIVE USE OR AN INCREASE IN AN EXISTING
12 WITHDRAWAL OR CONSUMPTIVE USE.

13 ORIGINATING PARTY MEANS THE PARTY WITHIN WHOSE JURISDICTION AN
14 APPLICATION OR REGISTRATION IS MADE OR REQUIRED.

15 PARTY MEANS A STATE PARTY TO THIS COMPACT.

16 PERSON MEANS A HUMAN BEING OR A LEGAL PERSON, INCLUDING A
17 GOVERNMENT OR A NONGOVERNMENTAL ORGANIZATION, INCLUDING ANY
18 SCIENTIFIC, PROFESSIONAL, BUSINESS, NON-PROFIT, OR PUBLIC INTEREST
19 ORGANIZATION OR ASSOCIATION THAT IS NEITHER AFFILIATED WITH, NOR
20 UNDER THE DIRECTION OF A GOVERNMENT.

21 PRODUCT MEANS SOMETHING PRODUCED IN THE BASIN BY HUMAN OR
22 MECHANICAL EFFORT OR THROUGH AGRICULTURAL PROCESSES AND USED IN
23 MANUFACTURING, COMMERCIAL OR OTHER PROCESSES OR INTENDED FOR
24 INTERMEDIATE OR END USE CONSUMERS. (i) WATER USED AS PART OF THE
25 PACKAGING OF A PRODUCT SHALL BE CONSIDERED TO BE PART OF THE
26 PRODUCT. (ii) OTHER THAN WATER USED AS PART OF THE PACKAGING OF A
27 PRODUCT, WATER THAT IS USED PRIMARILY TO TRANSPORT MATERIALS IN OR

1 OUT OF THE BASIN IS NOT A PRODUCT OR PART OF A PRODUCT. (iii) EXCEPT
2 AS PROVIDED IN (i) ABOVE, WATER WHICH IS TRANSFERRED AS PART OF A
3 PUBLIC OR PRIVATE SUPPLY IS NOT A PRODUCT OR PART OF A PRODUCT. (iv)
4 WATER IN ITS NATURAL STATE SUCH AS IN LAKES, RIVERS, RESERVOIRS,
5 AQUIFERS, OR WATER BASINS IS NOT A PRODUCT.

6 PROPOSAL MEANS A WITHDRAWAL, DIVERSION OR CONSUMPTIVE USE OF
7 WATER THAT IS SUBJECT TO THIS COMPACT.

8 PROVINCE MEANS ONTARIO OR QUÉBEC.

9 PUBLIC WATER SUPPLY PURPOSES MEANS WATER DISTRIBUTED TO THE
10 PUBLIC THROUGH A PHYSICALLY CONNECTED SYSTEM OF TREATMENT, STORAGE
11 AND DISTRIBUTION FACILITIES SERVING A GROUP OF LARGELY RESIDENTIAL
12 CUSTOMERS THAT MAY ALSO SERVE INDUSTRIAL, COMMERCIAL, AND OTHER
13 INSTITUTIONAL OPERATORS. WATER WITHDRAWN DIRECTLY FROM THE BASIN
14 AND NOT THROUGH SUCH A SYSTEM SHALL NOT BE CONSIDERED TO BE USED
15 FOR PUBLIC WATER SUPPLY PURPOSES.

16 REGIONAL BODY MEANS THE MEMBERS OF THE COUNCIL AND THE
17 PREMIERS OF ONTARIO AND QUÉBEC OR THEIR DESIGNEE AS ESTABLISHED BY
18 THE AGREEMENT.

19 REGIONAL REVIEW MEANS THE COLLECTIVE REVIEW BY THE REGIONAL
20 BODY AS DESCRIBED IN ARTICLE 4 OF THIS COMPACT.

21 SOURCE WATERSHED MEANS THE WATERSHED FROM WHICH A WITHDRAWAL
22 ORIGINATES. IF WATER IS WITHDRAWN DIRECTLY FROM A GREAT LAKE OR
23 FROM THE ST. LAWRENCE RIVER, THEN THE SOURCE WATERSHED SHALL BE
24 CONSIDERED TO BE THE WATERSHED OF THAT GREAT LAKE OR THE WATERSHED
25 OF THE ST. LAWRENCE RIVER, RESPECTIVELY. IF WATER IS WITHDRAWN FROM
26 THE WATERSHED OF A STREAM THAT IS A DIRECT TRIBUTARY TO A GREAT
27 LAKE OR A DIRECT TRIBUTARY TO THE ST. LAWRENCE RIVER, THEN THE

1 SOURCE WATERSHED SHALL BE CONSIDERED TO BE THE WATERSHED OF THAT
2 GREAT LAKE OR THE WATERSHED OF THE ST. LAWRENCE RIVER,
3 RESPECTIVELY, WITH A PREFERENCE TO THE DIRECT TRIBUTARY STREAM
4 WATERSHED FROM WHICH IT WAS WITHDRAWN.

5 STANDARD OF REVIEW AND DECISION MEANS THE EXCEPTION STANDARD,
6 DECISION-MAKING STANDARD AND REVIEWS AS OUTLINED IN ARTICLE 4 OF
7 THIS COMPACT.

8 STATE MEANS ONE OF THE STATES OF ILLINOIS, INDIANA, MICHIGAN,
9 MINNESOTA, NEW YORK, OHIO OR WISCONSIN OR THE COMMONWEALTH OF
10 PENNSYLVANIA.

11 STRADDLING COMMUNITY MEANS ANY INCORPORATED CITY, TOWN OR THE
12 EQUIVALENT THEREOF, WHOLLY WITHIN ANY COUNTY THAT LIES PARTLY OR
13 COMPLETELY WITHIN THE BASIN, WHOSE CORPORATE BOUNDARY EXISTING AS
14 OF THE EFFECTIVE DATE OF THIS COMPACT, IS PARTLY WITHIN THE BASIN
15 OR PARTLY WITHIN TWO GREAT LAKES WATERSHEDS.

16 TECHNICAL REVIEW MEANS A DETAILED REVIEW CONDUCTED TO
17 DETERMINE WHETHER OR NOT A PROPOSAL THAT REQUIRES REGIONAL REVIEW
18 UNDER THIS COMPACT MEETS THE STANDARD OF REVIEW AND DECISION
19 FOLLOWING PROCEDURES AND GUIDELINES AS SET OUT IN THIS COMPACT.

20 WATER MEANS GROUND OR SURFACE WATER CONTAINED WITHIN THE
21 BASIN.

22 WATER DEPENDENT NATURAL RESOURCES MEANS THE INTERACTING
23 COMPONENTS OF LAND, WATER AND LIVING ORGANISMS AFFECTED BY THE
24 WATERS OF THE BASIN.

25 WATERS OF THE BASIN OR BASIN WATER MEANS THE GREAT LAKES AND
26 ALL STREAMS, RIVERS, LAKES, CONNECTING CHANNELS AND OTHER BODIES OF
27 WATER, INCLUDING TRIBUTARY GROUNDWATER, WITHIN THE BASIN.

1 WITHDRAWAL MEANS THE TAKING OF WATER FROM SURFACE WATER OR
2 GROUNDWATER. WITHDRAW HAS A CORRESPONDING MEANING.

3 SECTION 1.3. FINDINGS AND PURPOSES.

4 THE LEGISLATIVE BODIES OF THE RESPECTIVE PARTIES HEREBY FIND
5 AND DECLARE:

6 1. FINDINGS:

7 A. THE WATERS OF THE BASIN ARE PRECIOUS PUBLIC NATURAL
8 RESOURCES SHARED AND HELD IN TRUST BY THE STATES;

9 B. THE WATERS OF THE BASIN ARE INTERCONNECTED AND PART OF A
10 SINGLE HYDROLOGIC SYSTEM;

11 C. THE WATERS OF THE BASIN CAN CONCURRENTLY SERVE MULTIPLE
12 USES. SUCH MULTIPLE USES INCLUDE MUNICIPAL, PUBLIC, INDUSTRIAL,
13 COMMERCIAL, AGRICULTURE, MINING, NAVIGATION, ENERGY DEVELOPMENT AND
14 PRODUCTION, RECREATION, THE SUBSISTENCE, ECONOMIC AND CULTURAL
15 ACTIVITIES OF NATIVE PEOPLES, WATER QUALITY MAINTENANCE, AND THE
16 MAINTENANCE OF FISH AND WILDLIFE HABITAT AND A BALANCED ECOSYSTEM.
17 AND, OTHER PURPOSES ARE ENCOURAGED, RECOGNIZING THAT SUCH USES ARE
18 INTERDEPENDENT AND MUST BE BALANCED;

19 D. FUTURE DIVERSIONS AND CONSUMPTIVE USES OF BASIN WATER
20 RESOURCES HAVE THE POTENTIAL TO SIGNIFICANTLY IMPACT THE
21 ENVIRONMENT, ECONOMY AND WELFARE OF THE GREAT LAKES—ST. LAWRENCE
22 RIVER REGION;

23 E. CONTINUED SUSTAINABLE, ACCESSIBLE AND ADEQUATE WATER
24 SUPPLIES FOR THE PEOPLE AND ECONOMY OF THE BASIN ARE OF VITAL
25 IMPORTANCE; AND,

26 F. THE PARTIES HAVE A SHARED DUTY TO PROTECT, CONSERVE,
27 RESTORE, IMPROVE AND MANAGE THE RENEWABLE BUT FINITE WATERS OF THE

1 BASIN FOR THE USE, BENEFIT AND ENJOYMENT OF ALL THEIR CITIZENS,
2 INCLUDING GENERATIONS YET TO COME. THE MOST EFFECTIVE MEANS OF
3 PROTECTING, CONSERVING, RESTORING, IMPROVING AND MANAGING THE BASIN
4 WATERS IS THROUGH THE JOINT PURSUIT OF UNIFIED AND COOPERATIVE
5 PRINCIPLES, POLICIES AND PROGRAMS MUTUALLY AGREED UPON, ENACTED AND
6 ADHERED TO BY ALL PARTIES.

7 2. PURPOSES:

8 A. TO ACT TOGETHER TO PROTECT, CONSERVE, RESTORE, IMPROVE AND
9 EFFECTIVELY MANAGE THE WATERS AND WATER DEPENDENT NATURAL RESOURCES
10 OF THE BASIN UNDER APPROPRIATE ARRANGEMENTS FOR INTERGOVERNMENTAL
11 COOPERATION AND CONSULTATION BECAUSE CURRENT LACK OF FULL
12 SCIENTIFIC CERTAINTY SHOULD NOT BE USED AS A REASON FOR POSTPONING
13 MEASURES TO PROTECT THE BASIN ECOSYSTEM;

14 B. TO REMOVE CAUSES OF PRESENT AND FUTURE CONTROVERSIES;

15 C. TO PROVIDE FOR COOPERATIVE PLANNING AND ACTION BY THE
16 PARTIES WITH RESPECT TO SUCH WATER RESOURCES;

17 D. TO FACILITATE CONSISTENT APPROACHES TO WATER MANAGEMENT
18 ACROSS THE BASIN WHILE RETAINING STATE MANAGEMENT AUTHORITY OVER
19 WATER MANAGEMENT DECISIONS WITHIN THE BASIN;

20 E. TO FACILITATE THE EXCHANGE OF DATA, STRENGTHEN THE
21 SCIENTIFIC INFORMATION BASE UPON WHICH DECISIONS ARE MADE AND
22 ENGAGE IN CONSULTATION ON THE POTENTIAL EFFECTS OF PROPOSED
23 WITHDRAWALS AND LOSSES ON THE WATERS AND WATER DEPENDENT NATURAL
24 RESOURCES OF THE BASIN;

25 F. TO PREVENT SIGNIFICANT ADVERSE IMPACTS OF WITHDRAWALS AND
26 LOSSES ON THE BASIN'S ECOSYSTEMS AND WATERSHEDS;

27 G. TO PROMOTE INTERSTATE AND STATE-PROVINCIAL COMITY; AND,

1 H. TO PROMOTE AN ADAPTIVE MANAGEMENT APPROACH TO THE
2 CONSERVATION AND MANAGEMENT OF BASIN WATER RESOURCES, WHICH
3 RECOGNIZES, CONSIDERS AND PROVIDES ADJUSTMENTS FOR THE
4 UNCERTAINTIES IN, AND EVOLUTION OF, SCIENTIFIC KNOWLEDGE CONCERNING
5 THE BASIN'S WATERS AND WATER DEPENDENT NATURAL RESOURCES.

6 SECTION 1.4. SCIENCE.

7 1. THE PARTIES COMMIT TO PROVIDE LEADERSHIP FOR THE
8 DEVELOPMENT OF A COLLABORATIVE STRATEGY WITH OTHER REGIONAL
9 PARTNERS TO STRENGTHEN THE SCIENTIFIC BASIS FOR SOUND WATER
10 MANAGEMENT DECISION MAKING UNDER THIS COMPACT.

11 2. THE STRATEGY SHALL GUIDE THE COLLECTION AND APPLICATION OF
12 SCIENTIFIC INFORMATION TO SUPPORT:

13 A. AN IMPROVED UNDERSTANDING OF THE INDIVIDUAL AND CUMULATIVE
14 IMPACTS OF WITHDRAWALS FROM VARIOUS LOCATIONS AND WATER SOURCES ON
15 THE BASIN ECOSYSTEM AND TO DEVELOP A MECHANISM BY WHICH IMPACTS OF
16 WITHDRAWALS MAY BE ASSESSED;

17 B. THE PERIODIC ASSESSMENT OF CUMULATIVE IMPACTS OF
18 WITHDRAWALS, DIVERSIONS AND CONSUMPTIVE USES ON A GREAT LAKE AND
19 ST. LAWRENCE RIVER WATERSHED BASIS;

20 C. IMPROVED SCIENTIFIC UNDERSTANDING OF THE WATERS OF THE
21 BASIN;

22 D. IMPROVED UNDERSTANDING OF THE ROLE OF GROUNDWATER IN BASIN
23 WATER RESOURCES MANAGEMENT; AND,

24 E. THE DEVELOPMENT, TRANSFER AND APPLICATION OF SCIENCE AND
25 RESEARCH RELATED TO WATER CONSERVATION AND WATER USE EFFICIENCY.

26 ARTICLE 2

27 ORGANIZATION

28 SECTION 2.1. COUNCIL CREATED.

1 THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES
2 COUNCIL IS HEREBY CREATED AS A BODY POLITIC AND CORPORATE, WITH
3 SUCCESSION FOR THE DURATION OF THIS COMPACT, AS AN AGENCY AND
4 INSTRUMENTALITY OF THE GOVERNMENTS OF THE RESPECTIVE PARTIES.

5 SECTION 2.2. COUNCIL MEMBERSHIP.

6 THE COUNCIL SHALL CONSIST OF THE GOVERNORS OF THE PARTIES, EX
7 OFFICIO.

8 SECTION 2.3. ALTERNATES.

9 EACH MEMBER OF THE COUNCIL SHALL APPOINT AT LEAST ONE
10 ALTERNATE WHO MAY ACT IN HIS OR HER PLACE AND STEAD, WITH AUTHORITY
11 TO ATTEND ALL MEETINGS OF THE COUNCIL AND WITH POWER TO VOTE IN THE
12 ABSENCE OF THE MEMBER. UNLESS OTHERWISE PROVIDED BY LAW OF THE
13 PARTY FOR WHICH HE OR SHE IS APPOINTED, EACH ALTERNATE SHALL SERVE
14 DURING THE TERM OF THE MEMBER APPOINTING HIM OR HER, SUBJECT TO
15 REMOVAL AT THE PLEASURE OF THE MEMBER. IN THE EVENT OF A VACANCY IN
16 THE OFFICE OF ALTERNATE, IT SHALL BE FILLED IN THE SAME MANNER AS
17 AN ORIGINAL APPOINTMENT FOR THE UNEXPIRED TERM ONLY.

18 SECTION 2.4. VOTING.

19 1. EACH MEMBER IS ENTITLED TO ONE VOTE ON ALL MATTERS THAT MAY
20 COME BEFORE THE COUNCIL.

21 2. UNLESS OTHERWISE STATED, THE RULE OF DECISION SHALL BE BY A
22 SIMPLE MAJORITY.

23 3. THE COUNCIL SHALL ANNUALLY ADOPT A BUDGET FOR EACH FISCAL
24 YEAR AND THE AMOUNT REQUIRED TO BALANCE THE BUDGET SHALL BE
25 APPORTIONED EQUITABLY AMONG THE PARTIES BY UNANIMOUS VOTE OF THE
26 COUNCIL. THE APPROPRIATION OF SUCH AMOUNTS SHALL BE SUBJECT TO SUCH

1 REVIEW AND APPROVAL AS MAY BE REQUIRED BY THE BUDGETARY PROCESSES
2 OF THE RESPECTIVE PARTIES.

3 4. THE PARTICIPATION OF COUNCIL MEMBERS FROM A MAJORITY OF THE
4 PARTIES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS
5 AT ANY MEETING OF THE COUNCIL.

6 SECTION 2.5. ORGANIZATION AND PROCEDURE.

7 THE COUNCIL SHALL PROVIDE FOR ITS OWN ORGANIZATION AND
8 PROCEDURE, AND MAY ADOPT RULES AND REGULATIONS GOVERNING ITS
9 MEETINGS AND TRANSACTIONS, AS WELL AS THE PROCEDURES AND TIMELINE
10 FOR SUBMISSION, REVIEW AND CONSIDERATION OF PROPOSALS THAT COME
11 BEFORE THE COUNCIL FOR ITS REVIEW AND ACTION. THE COUNCIL SHALL
12 ORGANIZE, ANNUALLY, BY THE ELECTION OF A CHAIR AND VICE CHAIR FROM
13 AMONG ITS MEMBERS. EACH MEMBER MAY APPOINT AN ADVISOR, WHO MAY
14 ATTEND ALL MEETINGS OF THE COUNCIL AND ITS COMMITTEES, BUT SHALL
15 NOT HAVE VOTING POWER. THE COUNCIL MAY EMPLOY OR APPOINT
16 PROFESSIONAL AND ADMINISTRATIVE PERSONNEL, INCLUDING AN EXECUTIVE
17 DIRECTOR, AS IT MAY DEEM ADVISABLE, TO CARRY OUT THE PURPOSES OF
18 THIS COMPACT.

19 SECTION 2.6. USE OF EXISTING OFFICES AND AGENCIES.

20 IT IS THE POLICY OF THE PARTIES TO PRESERVE AND UTILIZE THE
21 FUNCTIONS, POWERS AND DUTIES OF EXISTING OFFICES AND AGENCIES OF
22 GOVERNMENT TO THE EXTENT CONSISTENT WITH THIS COMPACT. FURTHER, THE
23 COUNCIL SHALL PROMOTE AND AID THE COORDINATION OF THE ACTIVITIES
24 AND PROGRAMS OF THE PARTIES CONCERNED WITH WATER RESOURCES
25 MANAGEMENT IN THE BASIN. TO THIS END, BUT WITHOUT LIMITATION, THE
26 COUNCIL MAY:

27 1. ADVISE, CONSULT, CONTRACT, ASSIST OR OTHERWISE COOPERATE

1 WITH ANY AND ALL SUCH AGENCIES;

2 2. EMPLOY ANY OTHER AGENCY OR INSTRUMENTALITY OF ANY OF THE
3 PARTIES FOR ANY PURPOSE; AND,

4 3. DEVELOP AND ADOPT PLANS CONSISTENT WITH THE WATER RESOURCES
5 PLANS OF THE PARTIES.

6 SECTION 2.7. JURISDICTION.

7 THE COUNCIL SHALL HAVE, EXERCISE AND DISCHARGE ITS FUNCTIONS,
8 POWERS AND DUTIES WITHIN THE LIMITS OF THE BASIN. OUTSIDE THE
9 BASIN, IT MAY ACT IN ITS DISCRETION, BUT ONLY TO THE EXTENT
10 SUCH ACTION MAY BE NECESSARY OR CONVENIENT TO EFFECTUATE OR
11 IMPLEMENT ITS POWERS OR RESPONSIBILITIES WITHIN THE BASIN AND
12 SUBJECT TO THE CONSENT OF THE JURISDICTION WHEREIN IT PROPOSES TO
13 ACT.

14 SECTION 2.8. STATUS, IMMUNITIES AND PRIVILEGES.

15 1. THE COUNCIL, ITS MEMBERS AND PERSONNEL IN THEIR OFFICIAL
16 CAPACITY AND WHEN ENGAGED DIRECTLY IN THE AFFAIRS OF THE COUNCIL,
17 ITS PROPERTY AND ITS ASSETS, WHEREVER LOCATED AND BY WHOMSOEVER
18 HELD, SHALL ENJOY THE SAME IMMUNITY FROM SUIT AND EVERY FORM OF
19 JUDICIAL PROCESS AS IS ENJOYED BY THE PARTIES, EXCEPT TO THE EXTENT
20 THAT THE COUNCIL MAY EXPRESSLY WAIVE ITS IMMUNITY FOR THE PURPOSES
21 OF ANY PROCEEDINGS OR BY THE TERMS OF ANY CONTRACT.

22 2. THE PROPERTY AND ASSETS OF THE COUNCIL, WHEREVER LOCATED
23 AND BY WHOMSOEVER HELD, SHALL BE CONSIDERED PUBLIC PROPERTY AND
24 SHALL BE IMMUNE FROM SEARCH, REQUISITION, CONFISCATION,
25 EXPROPRIATION OR ANY OTHER FORM OF TAKING OR FORECLOSURE BY
26 EXECUTIVE OR LEGISLATIVE ACTION.

27 3. THE COUNCIL, ITS PROPERTY AND ITS ASSETS, INCOME AND THE

1 OPERATIONS IT CARRIES OUT PURSUANT TO THIS COMPACT SHALL BE IMMUNE
2 FROM ALL TAXATION BY OR UNDER THE AUTHORITY OF ANY OF THE PARTIES
3 OR ANY POLITICAL SUBDIVISION THEREOF; PROVIDED, HOWEVER, THAT IN
4 LIEU OF PROPERTY TAXES THE COUNCIL MAY MAKE REASONABLE PAYMENTS TO
5 LOCAL TAXING DISTRICTS IN ANNUAL AMOUNTS WHICH SHALL APPROXIMATE
6 THE TAXES LAWFULLY ASSESSED UPON SIMILAR PROPERTY.

7 SECTION 2.9. ADVISORY COMMITTEES.

8 THE COUNCIL MAY CONSTITUTE AND EMPOWER ADVISORY COMMITTEES,
9 WHICH MAY BE COMPRISED OF REPRESENTATIVES OF THE PUBLIC AND OF
10 FEDERAL, STATE, TRIBAL, COUNTY AND LOCAL GOVERNMENTS, WATER
11 RESOURCES AGENCIES, WATER-USING INDUSTRIES AND SECTORS, WATER-
12 INTEREST GROUPS AND ACADEMIC EXPERTS IN RELATED FIELDS.

13 ARTICLE 3

14 GENERAL POWERS AND DUTIES

15 SECTION 3.1. GENERAL.

16 THE WATERS AND WATER DEPENDENT NATURAL RESOURCES OF THE BASIN
17 ARE SUBJECT TO THE SOVEREIGN RIGHT AND RESPONSIBILITIES OF THE
18 PARTIES, AND IT IS THE PURPOSE OF THIS COMPACT TO
19 PROVIDE FOR JOINT EXERCISE OF SUCH POWERS OF SOVEREIGNTY BY THE
20 COUNCIL IN THE COMMON INTERESTS OF THE PEOPLE OF THE REGION, IN THE
21 MANNER AND TO THE EXTENT PROVIDED IN THIS COMPACT. THE COUNCIL AND
22 THE PARTIES SHALL USE THE STANDARD OF REVIEW AND DECISION AND
23 PROCEDURES CONTAINED IN OR ADOPTED PURSUANT TO THIS COMPACT AS THE
24 MEANS TO EXERCISE THEIR AUTHORITY UNDER THIS COMPACT. THE COUNCIL
25 MAY REVISE THE STANDARD OF REVIEW AND DECISION, AFTER CONSULTATION
26 WITH THE PROVINCES AND UPON UNANIMOUS VOTE OF ALL COUNCIL MEMBERS,
27 BY REGULATION DULY ADOPTED IN ACCORDANCE WITH SECTION 3.3 OF THIS

1 COMPACT AND IN ACCORDANCE WITH EACH PARTY'S RESPECTIVE STATUTORY
2 AUTHORITIES AND APPLICABLE PROCEDURES. THE COUNCIL SHALL IDENTIFY
3 PRIORITIES AND DEVELOP PLANS AND POLICIES RELATING TO BASIN WATER
4 RESOURCES. IT SHALL ADOPT AND PROMOTE UNIFORM AND COORDINATED
5 POLICIES FOR WATER RESOURCES CONSERVATION AND MANAGEMENT IN THE
6 BASIN.

7 SECTION 3.2. COUNCIL POWERS.

8 THE COUNCIL MAY: PLAN; CONDUCT RESEARCH AND COLLECT, COMPILE,
9 ANALYZE, INTERPRET, REPORT AND DISSEMINATE DATA ON WATER RESOURCES
10 AND USES; FORECAST WATER LEVELS; CONDUCT INVESTIGATIONS; INSTITUTE
11 COURT ACTIONS; DESIGN, ACQUIRE, CONSTRUCT, RECONSTRUCT, OWN,
12 OPERATE, MAINTAIN, CONTROL, SELL AND CONVEY REAL AND PERSONAL
13 PROPERTY AND ANY INTEREST THEREIN AS IT MAY DEEM NECESSARY, USEFUL
14 OR CONVENIENT TO CARRY OUT THE PURPOSES OF THIS COMPACT; MAKE
15 CONTRACTS; RECEIVE AND ACCEPT SUCH PAYMENTS, APPROPRIATIONS,
16 GRANTS, GIFTS, LOANS, ADVANCES AND OTHER FUNDS, PROPERTIES AND
17 SERVICES AS MAY BE TRANSFERRED OR MADE AVAILABLE TO IT BY ANY PARTY
18 OR BY ANY OTHER PUBLIC OR PRIVATE AGENCY, CORPORATION OR
19 INDIVIDUAL; AND, EXERCISE SUCH OTHER AND DIFFERENT POWERS AS MAY BE
20 DELEGATED TO IT BY THIS COMPACT OR OTHERWISE PURSUANT TO LAW, AND
21 HAVE AND EXERCISE ALL POWERS NECESSARY OR CONVENIENT TO CARRY OUT
22 ITS EXPRESS POWERS OR WHICH MAY BE REASONABLY IMPLIED THEREFROM.

23 SECTION 3.3. RULES AND REGULATIONS.

24 1. THE COUNCIL MAY PROMULGATE AND ENFORCE SUCH RULES AND
25 REGULATIONS AS MAY BE NECESSARY FOR THE IMPLEMENTATION AND
26 ENFORCEMENT OF THIS COMPACT. THE COUNCIL MAY ADOPT BY REGULATION,
27 AFTER PUBLIC NOTICE AND PUBLIC HEARING, REASONABLE APPLICATION FEES

1 WITH RESPECT TO THOSE PROPOSALS FOR EXCEPTIONS THAT ARE SUBJECT TO
2 COUNCIL REVIEW UNDER SECTION 4.9. ANY RULE OR REGULATION OF THE
3 COUNCIL, OTHER THAN ONE WHICH DEALS SOLELY WITH THE INTERNAL
4 MANAGEMENT OF THE COUNCIL OR ITS PROPERTY, SHALL BE ADOPTED ONLY
5 AFTER PUBLIC NOTICE AND HEARING.

6 2. EACH PARTY, IN ACCORDANCE WITH ITS RESPECTIVE STATUTORY
7 AUTHORITIES AND APPLICABLE PROCEDURES, MAY ADOPT AND ENFORCE RULES
8 AND REGULATIONS TO IMPLEMENT AND ENFORCE THIS COMPACT AND THE
9 PROGRAMS ADOPTED BY SUCH PARTY TO CARRY OUT THE MANAGEMENT PROGRAMS
10 CONTEMPLATED BY THIS COMPACT.

11 SECTION 3.4. PROGRAM REVIEW AND FINDINGS.

12 1. EACH PARTY SHALL SUBMIT A REPORT TO THE COUNCIL AND THE
13 REGIONAL BODY DETAILING ITS WATER MANAGEMENT AND CONSERVATION AND
14 EFFICIENCY PROGRAMS THAT IMPLEMENT THIS COMPACT. THE REPORT SHALL
15 SET OUT THE MANNER IN WHICH WATER WITHDRAWALS ARE MANAGED BY
16 SECTOR, WATER SOURCE, QUANTITY OR ANY OTHER MEANS, AND HOW THE
17 PROVISIONS OF THE STANDARD OF REVIEW AND DECISION AND CONSERVATION
18 AND EFFICIENCY PROGRAMS ARE IMPLEMENTED. THE FIRST REPORT SHALL BE
19 PROVIDED BY EACH PARTY ONE YEAR FROM THE EFFECTIVE DATE OF THIS
20 COMPACT AND THEREAFTER EVERY 5 YEARS.

21 2. THE COUNCIL, IN COOPERATION WITH THE PROVINCES, SHALL
22 REVIEW ITS WATER MANAGEMENT AND CONSERVATION AND EFFICIENCY
23 PROGRAMS AND THOSE OF THE PARTIES THAT ARE ESTABLISHED
24 IN THIS COMPACT AND MAKE FINDINGS ON WHETHER THE WATER MANAGEMENT
25 PROGRAM PROVISIONS IN THIS COMPACT ARE BEING MET, AND IF NOT,
26 RECOMMEND OPTIONS TO ASSIST THE PARTIES IN MEETING THE PROVISIONS
27 OF THIS COMPACT. SUCH REVIEW SHALL TAKE PLACE:

1 A. 30 DAYS AFTER THE FIRST REPORT IS SUBMITTED BY ALL PARTIES;
2 AND,

3 B. EVERY FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS COMPACT;
4 AND,

5 C. AT ANY OTHER TIME AT THE REQUEST OF ONE OF THE PARTIES.

6 3. AS ONE OF ITS DUTIES AND RESPONSIBILITIES, THE COUNCIL MAY
7 RECOMMEND A RANGE OF APPROACHES TO THE PARTIES WITH RESPECT TO THE
8 DEVELOPMENT, ENHANCEMENT AND APPLICATION OF WATER MANAGEMENT AND
9 CONSERVATION AND EFFICIENCY PROGRAMS TO IMPLEMENT THE STANDARD OF
10 REVIEW AND DECISION REFLECTING IMPROVED SCIENTIFIC UNDERSTANDING OF
11 THE WATERS OF THE BASIN, INCLUDING GROUNDWATER, AND THE IMPACTS OF
12 WITHDRAWALS ON THE BASIN ECOSYSTEM.

13 ARTICLE 4

14 WATER MANAGEMENT AND REGULATION

15 SECTION 4.1. WATER RESOURCES INVENTORY, REGISTRATION AND
16 REPORTING.

17 1. WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS COMPACT,
18 EACH PARTY SHALL DEVELOP AND MAINTAIN A WATER RESOURCES INVENTORY
19 FOR THE COLLECTION, INTERPRETATION, STORAGE, RETRIEVAL EXCHANGE,
20 AND DISSEMINATION OF INFORMATION CONCERNING THE WATER RESOURCES OF
21 THE PARTY, INCLUDING, BUT NOT LIMITED TO, INFORMATION ON THE
22 LOCATION, TYPE, QUANTITY, AND USE OF THOSE RESOURCES AND THE
23 LOCATION, TYPE, AND QUANTITY OF WITHDRAWALS, DIVERSIONS AND
24 CONSUMPTIVE USES. TO THE EXTENT FEASIBLE, THE WATER RESOURCES
25 INVENTORY SHALL BE DEVELOPED IN COOPERATION WITH LOCAL, STATE,
26 FEDERAL, TRIBAL AND OTHER PRIVATE AGENCIES AND ENTITIES, AS WELL AS
27 THE COUNCIL. EACH PARTY'S AGENCIES SHALL COOPERATE WITH THAT PARTY

1 IN THE DEVELOPMENT AND MAINTENANCE OF THE INVENTORY.

2 2. THE COUNCIL SHALL ASSIST EACH PARTY TO DEVELOP A COMMON
3 BASE OF DATA REGARDING THE MANAGEMENT OF THE WATER RESOURCES OF THE
4 BASIN AND TO ESTABLISH SYSTEMATIC ARRANGEMENTS FOR THE EXCHANGE OF
5 THOSE DATA WITH OTHER STATES AND PROVINCES.

6 3. TO DEVELOP AND MAINTAIN A COMPATIBLE BASE OF WATER USE
7 INFORMATION, WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS
8 COMPACT ANY PERSON WHO WITHDRAWS WATER IN AN AMOUNT OF 100,000
9 GALLONS PER DAY OR GREATER AVERAGE IN ANY 30-DAY PERIOD (INCLUDING
10 CONSUMPTIVE USES) FROM ALL SOURCES, OR DIVERTS WATER OF ANY AMOUNT,
11 SHALL REGISTER THE WITHDRAWAL OR DIVERSION BY A DATE SET BY THE
12 COUNCIL UNLESS THE PERSON HAS PREVIOUSLY REGISTERED IN ACCORDANCE
13 WITH AN EXISTING STATE PROGRAM. THE PERSON SHALL REGISTER THE
14 WITHDRAWAL OR DIVERSION WITH THE ORIGINATING PARTY USING A FORM
15 PRESCRIBED BY THE ORIGINATING PARTY THAT SHALL INCLUDE, AT A
16 MINIMUM AND WITHOUT LIMITATION: THE NAME AND ADDRESS OF THE
17 REGISTRANT AND DATE OF REGISTRATION; THE LOCATIONS AND SOURCES OF
18 THE WITHDRAWAL OR DIVERSION; THE CAPACITY OF THE WITHDRAWAL OR
19 DIVERSION PER DAY AND THE AMOUNT WITHDRAWN OR DIVERTED FROM EACH
20 SOURCE; THE USES MADE OF THE WATER; PLACES OF USE AND PLACES OF
21 DISCHARGE; AND, SUCH OTHER INFORMATION AS THE ORIGINATING PARTY MAY
22 REQUIRE. ALL REGISTRATIONS SHALL INCLUDE AN ESTIMATE OF THE VOLUME
23 OF THE WITHDRAWAL OR DIVERSION IN TERMS OF GALLONS PER DAY AVERAGE
24 IN ANY 30-DAY PERIOD.

25 4. ALL REGISTRANTS SHALL ANNUALLY REPORT THE MONTHLY VOLUMES
26 OF THE WITHDRAWAL, CONSUMPTIVE USE AND DIVERSION IN GALLONS TO THE
27 ORIGINATING PARTY AND ANY OTHER INFORMATION REQUESTED BY THE

1 ORIGINATING PARTY.

2 5. EACH PARTY SHALL ANNUALLY REPORT THE INFORMATION GATHERED
3 PURSUANT TO THIS SECTION TO A GREAT LAKES-ST. LAWRENCE RIVER WATER
4 USE DATA BASE REPOSITORY AND AGGREGATED INFORMATION SHALL BE MADE
5 PUBLICLY AVAILABLE, CONSISTENT WITH THE CONFIDENTIALITY
6 REQUIREMENTS IN SECTION 8.3.

7 6. INFORMATION GATHERED BY THE PARTIES PURSUANT TO THIS
8 SECTION SHALL BE USED TO IMPROVE THE SOURCES AND APPLICATIONS OF
9 SCIENTIFIC INFORMATION REGARDING THE WATERS OF THE BASIN AND THE
10 IMPACTS OF THE WITHDRAWALS AND DIVERSIONS FROM VARIOUS LOCATIONS
11 AND WATER SOURCES ON THE BASIN ECOSYSTEM, AND TO BETTER UNDERSTAND
12 THE ROLE OF GROUNDWATER IN THE BASIN. THE COUNCIL AND THE PARTIES
13 SHALL COORDINATE THE COLLECTION AND APPLICATION OF SCIENTIFIC
14 INFORMATION TO FURTHER DEVELOP A MECHANISM BY WHICH INDIVIDUAL AND
15 CUMULATIVE IMPACTS OF WITHDRAWALS, CONSUMPTIVE USES AND DIVERSIONS
16 SHALL BE ASSESSED.

17 SECTION 4.2. WATER CONSERVATION AND EFFICIENCY PROGRAMS.

18 1. THE COUNCIL COMMITS TO IDENTIFY, IN COOPERATION WITH THE
19 PROVINCES, BASIN-WIDE WATER CONSERVATION AND EFFICIENCY OBJECTIVES
20 TO ASSIST THE PARTIES IN DEVELOPING THEIR WATER CONSERVATION AND
21 EFFICIENCY PROGRAM. THESE OBJECTIVES ARE BASED ON THE GOALS OF:

22 A. ENSURING IMPROVEMENT OF THE WATERS AND WATER DEPENDENT
23 NATURAL RESOURCES;

24 B. PROTECTING AND RESTORING THE HYDROLOGIC AND ECOSYSTEM
25 INTEGRITY OF THE BASIN;

26 C. RETAINING THE QUANTITY OF SURFACE WATER AND GROUNDWATER IN
27 THE BASIN;

1 D. ENSURING SUSTAINABLE USE OF WATERS OF THE BASIN; AND,

2 E. PROMOTING THE EFFICIENCY OF USE AND REDUCING LOSSES AND
3 WASTE OF WATER.

4 2. WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS COMPACT,
5 EACH PARTY SHALL DEVELOP ITS OWN WATER CONSERVATION AND EFFICIENCY
6 GOALS AND OBJECTIVES CONSISTENT WITH THE BASIN-WIDE GOALS AND
7 OBJECTIVES, AND SHALL DEVELOP AND IMPLEMENT A WATER CONSERVATION
8 AND EFFICIENCY PROGRAM, EITHER VOLUNTARY OR MANDATORY, WITHIN ITS
9 JURISDICTION BASED ON THE PARTY'S GOALS AND OBJECTIVES. EACH PARTY
10 SHALL ANNUALLY ASSESS ITS PROGRAMS IN MEETING THE PARTY'S GOALS AND
11 OBJECTIVES, REPORT TO THE COUNCIL AND THE REGIONAL BODY AND MAKE
12 THIS ANNUAL ASSESSMENT AVAILABLE TO THE PUBLIC.

13 3. BEGINNING FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS
14 COMPACT, AND EVERY FIVE YEARS THEREAFTER, THE COUNCIL, IN
15 COOPERATION WITH THE PROVINCES, SHALL REVIEW AND MODIFY AS
16 APPROPRIATE THE BASIN-WIDE OBJECTIVES, AND THE PARTIES SHALL HAVE
17 REGARD FOR ANY SUCH MODIFICATIONS IN IMPLEMENTING THEIR PROGRAMS.
18 THIS ASSESSMENT WILL BE BASED ON EXAMINING NEW TECHNOLOGIES, NEW
19 PATTERNS OF WATER USE, NEW RESOURCE DEMANDS AND THREATS, AND
20 CUMULATIVE IMPACT ASSESSMENT UNDER SECTION 4.15.

21 4. WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS COMPACT, THE
22 PARTIES COMMIT TO PROMOTE ENVIRONMENTALLY SOUND AND ECONOMICALLY
23 FEASIBLE WATER CONSERVATION MEASURES SUCH AS:

24 A. MEASURES THAT PROMOTE EFFICIENT USE OF WATER;

25 B. IDENTIFICATION AND SHARING OF BEST MANAGEMENT PRACTICES AND
26 STATE OF THE ART CONSERVATION AND EFFICIENCY TECHNOLOGIES;

27 C. APPLICATION OF SOUND PLANNING PRINCIPLES;

1 D. DEMAND-SIDE AND SUPPLY-SIDE MEASURES OR INCENTIVES; AND,

2 E. DEVELOPMENT, TRANSFER AND APPLICATION OF SCIENCE AND

3 RESEARCH.

4 5. EACH PARTY SHALL IMPLEMENT IN ACCORDANCE WITH PARAGRAPH 2
5 ABOVE A VOLUNTARY OR MANDATORY WATER CONSERVATION PROGRAM FOR ALL,
6 INCLUDING EXISTING, BASIN WATER USERS. CONSERVATION PROGRAMS NEED
7 TO ADJUST TO NEW DEMANDS AND THE POTENTIAL IMPACTS OF CUMULATIVE
8 EFFECTS AND CLIMATE.

9 SECTION 4.3. PARTY POWERS AND DUTIES.

10 1. EACH PARTY, WITHIN ITS JURISDICTION, SHALL MANAGE AND
11 REGULATE NEW OR INCREASED WITHDRAWALS, CONSUMPTIVE USES AND
12 DIVERSIONS, INCLUDING EXCEPTIONS, IN ACCORDANCE WITH THIS COMPACT.

13 2. EACH PARTY SHALL REQUIRE AN APPLICANT TO SUBMIT AN
14 APPLICATION IN SUCH MANNER AND WITH SUCH ACCOMPANYING INFORMATION
15 AS THE PARTY SHALL PRESCRIBE.

16 3. NO PARTY MAY APPROVE A PROPOSAL IF THE PARTY DETERMINES
17 THAT THE PROPOSAL IS INCONSISTENT WITH THIS COMPACT OR THE STANDARD
18 OF REVIEW AND DECISION OR ANY IMPLEMENTING RULES OR REGULATIONS
19 PROMULGATED THEREUNDER. THE PARTY MAY APPROVE, APPROVE WITH
20 MODIFICATIONS OR DISAPPROVE ANY PROPOSAL DEPENDING ON THE
21 PROPOSAL'S CONSISTENCY WITH THIS COMPACT AND THE STANDARD OF REVIEW
22 AND DECISION.

23 4. EACH PARTY SHALL MONITOR THE IMPLEMENTATION OF ANY APPROVED
24 PROPOSAL TO ENSURE CONSISTENCY WITH THE APPROVAL AND MAY TAKE ALL
25 NECESSARY ENFORCEMENT ACTIONS.

26 5. NO PARTY SHALL APPROVE A PROPOSAL SUBJECT TO COUNCIL OR
27 REGIONAL REVIEW, OR BOTH, PURSUANT TO THIS COMPACT UNLESS IT SHALL

1 HAVE BEEN FIRST SUBMITTED TO AND REVIEWED BY EITHER THE COUNCIL OR
2 REGIONAL BODY, OR BOTH, AND APPROVED BY THE COUNCIL, AS APPLICABLE.
3 SUFFICIENT OPPORTUNITY SHALL BE PROVIDED FOR COMMENT ON THE
4 PROPOSAL'S CONSISTENCY WITH THIS COMPACT AND THE STANDARD OF REVIEW
5 AND DECISION. ALL SUCH COMMENTS SHALL BECOME PART OF THE PARTY'S
6 FORMAL RECORD OF DECISION, AND THE PARTY SHALL TAKE INTO
7 CONSIDERATION ANY SUCH COMMENTS RECEIVED.

8 SECTION 4.4. REQUIREMENT FOR ORIGINATING PARTY APPROVAL.

9 NO PROPOSAL SUBJECT TO MANAGEMENT AND REGULATION UNDER THIS
10 COMPACT SHALL HEREAFTER BE UNDERTAKEN BY ANY PERSON UNLESS IT SHALL
11 HAVE BEEN APPROVED BY THE ORIGINATING PARTY.

12 SECTION 4.5. REGIONAL REVIEW.

13 1. GENERAL.

14 A. IT IS THE INTENTION OF THE PARTIES TO PARTICIPATE IN
15 REGIONAL REVIEW OF PROPOSALS WITH THE PROVINCES, AS DESCRIBED IN
16 THIS COMPACT AND THE AGREEMENT.

17 B. UNLESS THE APPLICANT OR THE ORIGINATING PARTY OTHERWISE
18 REQUESTS, IT SHALL BE THE GOAL OF THE REGIONAL BODY TO CONCLUDE ITS
19 REVIEW NO LATER THAN 90 DAYS AFTER NOTICE UNDER SECTION 4.5.2 OF
20 SUCH PROPOSAL IS RECEIVED FROM THE ORIGINATING PARTY.

21 C. PROPOSALS FOR EXCEPTIONS SUBJECT TO REGIONAL REVIEW SHALL
22 BE SUBMITTED BY THE ORIGINATING PARTY TO THE REGIONAL BODY FOR
23 REGIONAL REVIEW, AND WHERE APPLICABLE, TO THE COUNCIL FOR
24 CONCURRENT REVIEW.

25 D. THE PARTIES AGREE THAT THE PROTECTION OF THE INTEGRITY OF
26 THE GREAT LAKES-ST. LAWRENCE RIVER BASIN ECOSYSTEM SHALL BE THE
27 OVERARCHING PRINCIPLE FOR REVIEWING PROPOSALS SUBJECT TO REGIONAL

1 REVIEW, RECOGNIZING UNCERTAINTIES WITH RESPECT TO DEMANDS THAT MAY
2 BE PLACED ON BASIN WATER, INCLUDING GROUNDWATER, LEVELS AND FLOWS
3 OF THE GREAT LAKES AND THE ST. LAWRENCE RIVER, FUTURE CHANGES IN
4 ENVIRONMENTAL CONDITIONS, THE RELIABILITY OF EXISTING DATA AND THE
5 EXTENT TO WHICH DIVERSIONS MAY HARM THE INTEGRITY OF THE BASIN
6 ECOSYSTEM.

7 E. THE ORIGINATING PARTY SHALL HAVE LEAD RESPONSIBILITY FOR
8 COORDINATING INFORMATION FOR RESOLUTION OF ISSUES RELATED TO
9 EVALUATION OF A PROPOSAL, AND SHALL CONSULT WITH THE APPLICANT
10 THROUGHOUT THE REGIONAL REVIEW PROCESS.

11 F. A MAJORITY OF THE MEMBERS OF THE REGIONAL BODY MAY REQUEST
12 REGIONAL REVIEW OF A REGIONALLY SIGNIFICANT OR POTENTIALLY
13 PRECEDENT SETTING PROPOSAL. SUCH REGIONAL REVIEW MUST BE CONDUCTED,
14 TO THE EXTENT POSSIBLE, WITHIN THE TIME FRAMES SET FORTH IN THIS
15 SECTION. ANY SUCH REGIONAL REVIEW SHALL BE UNDERTAKEN ONLY AFTER
16 CONSULTING THE APPLICANT.

17 2. NOTICE FROM ORIGINATING PARTY TO THE REGIONAL BODY.

18 A. THE ORIGINATING PARTY SHALL DETERMINE IF A PROPOSAL IS
19 SUBJECT TO REGIONAL REVIEW. IF SO, THE ORIGINATING PARTY SHALL
20 PROVIDE TIMELY NOTICE TO THE REGIONAL BODY AND THE PUBLIC.

21 B. SUCH NOTICE SHALL NOT BE GIVEN UNLESS AND UNTIL ALL
22 INFORMATION, DOCUMENTS AND THE ORIGINATING PARTY'S TECHNICAL REVIEW
23 NEEDED TO EVALUATE WHETHER THE PROPOSAL MEETS THE STANDARD OF
24 REVIEW AND DECISION HAVE BEEN PROVIDED.

25 C. AN ORIGINATING PARTY MAY:

26 i. PROVIDE NOTICE TO THE REGIONAL BODY OF AN APPLICATION, EVEN
27 IF NOTIFICATION IS NOT REQUIRED; OR,

1 *ii.* REQUEST REGIONAL REVIEW OF AN APPLICATION, EVEN IF REGIONAL
2 REVIEW IS NOT REQUIRED. ANY SUCH REGIONAL REVIEW SHALL BE
3 UNDERTAKEN ONLY AFTER CONSULTING THE APPLICANT.

4 D. AN ORIGINATING PARTY MAY PROVIDE PRELIMINARY NOTICE OF A
5 POTENTIAL PROPOSAL.

6 3. PUBLIC PARTICIPATION.

7 A. TO ENSURE ADEQUATE PUBLIC PARTICIPATION, THE REGIONAL BODY
8 SHALL ADOPT PROCEDURES FOR THE REVIEW OF PROPOSALS THAT ARE SUBJECT
9 TO REGIONAL REVIEW IN ACCORDANCE WITH THIS ARTICLE.

10 B. THE REGIONAL BODY SHALL PROVIDE NOTICE TO THE PUBLIC OF A
11 PROPOSAL UNDERGOING REGIONAL REVIEW. SUCH NOTICE SHALL INDICATE
12 THAT THE PUBLIC HAS AN OPPORTUNITY TO COMMENT IN WRITING TO THE
13 REGIONAL BODY ON WHETHER THE PROPOSAL MEETS THE STANDARD OF REVIEW
14 AND DECISION.

15 C. THE REGIONAL BODY SHALL HOLD A PUBLIC MEETING IN THE STATE
16 OR PROVINCE OF THE ORIGINATING PARTY IN ORDER TO RECEIVE PUBLIC
17 COMMENT ON THE ISSUE OF WHETHER THE PROPOSAL UNDER CONSIDERATION
18 MEETS THE STANDARD OF REVIEW AND DECISION.

19 D. THE REGIONAL BODY SHALL CONSIDER THE COMMENTS RECEIVED
20 BEFORE ISSUING A DECLARATION OF FINDING.

21 E. THE REGIONAL BODY SHALL FORWARD THE COMMENTS IT RECEIVES TO
22 THE ORIGINATING PARTY.

23 4. TECHNICAL REVIEW.

24 A. THE ORIGINATING PARTY SHALL PROVIDE THE REGIONAL BODY WITH
25 ITS TECHNICAL REVIEW OF THE PROPOSAL UNDER CONSIDERATION.

26 B. THE ORIGINATING PARTY'S TECHNICAL REVIEW SHALL THOROUGHLY
27 ANALYZE THE PROPOSAL AND PROVIDE AN EVALUATION OF THE PROPOSAL

1 SUFFICIENT FOR A DETERMINATION OF WHETHER THE PROPOSAL MEETS THE
2 STANDARD OF REVIEW AND DECISION.

3 C. ANY MEMBER OF THE REGIONAL BODY MAY CONDUCT THEIR OWN
4 TECHNICAL REVIEW OF ANY PROPOSAL SUBJECT TO REGIONAL REVIEW.

5 D. AT THE REQUEST OF THE MAJORITY OF ITS MEMBERS, THE REGIONAL
6 BODY SHALL MAKE SUCH ARRANGEMENTS AS IT CONSIDERS APPROPRIATE FOR
7 AN INDEPENDENT TECHNICAL REVIEW OF A PROPOSAL.

8 E. ALL PARTIES SHALL EXERCISE THEIR BEST EFFORTS TO ENSURE
9 THAT A TECHNICAL REVIEW UNDERTAKEN UNDER SECTIONS 4.5.4.C AND
10 4.5.4.D DOES NOT UNNECESSARILY DELAY THE DECISION BY THE
11 ORIGINATING PARTY ON THE APPLICATION. UNLESS THE APPLICANT OR THE
12 ORIGINATING PARTY OTHERWISE REQUESTS, ALL TECHNICAL REVIEWS SHALL
13 BE COMPLETED NO LATER THAN 60 DAYS AFTER THE DATE THE NOTICE OF THE
14 PROPOSAL WAS GIVEN TO THE REGIONAL BODY.

15 5. DECLARATION OF FINDING.

16 A. THE REGIONAL BODY SHALL MEET TO CONSIDER A PROPOSAL. THE
17 APPLICANT SHALL BE PROVIDED WITH AN OPPORTUNITY TO PRESENT THE
18 PROPOSAL TO THE REGIONAL BODY AT SUCH TIME.

19 B. THE REGIONAL BODY, HAVING CONSIDERED THE NOTICE, THE
20 ORIGINATING PARTY'S TECHNICAL REVIEW, ANY OTHER INDEPENDENT
21 TECHNICAL REVIEW THAT IS MADE, ANY COMMENTS OR OBJECTIONS INCLUDING
22 THE ANALYSIS OF COMMENTS MADE BY THE PUBLIC, FIRST NATIONS AND
23 FEDERALLY RECOGNIZED TRIBES, AND ANY OTHER INFORMATION THAT IS
24 PROVIDED UNDER THIS COMPACT SHALL ISSUE A DECLARATION OF FINDING
25 THAT THE PROPOSAL UNDER CONSIDERATION:

26 *i.* MEETS THE STANDARD OF REVIEW AND DECISION;

27 *ii.* DOES NOT MEET THE STANDARD OF REVIEW AND DECISION; OR,

1 *iii.* WOULD MEET THE STANDARD OF REVIEW AND DECISION IF CERTAIN
2 CONDITIONS WERE MET.

3 C. AN ORIGINATING PARTY MAY DECLINE TO PARTICIPATE IN A
4 DECLARATION OF FINDING MADE BY THE REGIONAL BODY.

5 D. THE PARTIES RECOGNIZE AND AFFIRM THAT IT IS PREFERABLE FOR
6 ALL MEMBERS OF THE REGIONAL BODY TO AGREE WHETHER THE PROPOSAL
7 MEETS THE STANDARD OF REVIEW AND DECISION.

8 E. IF THE MEMBERS OF THE REGIONAL BODY WHO PARTICIPATE IN THE
9 DECLARATION OF FINDING ALL AGREE, THEY SHALL ISSUE A WRITTEN
10 DECLARATION OF FINDING WITH CONSENSUS.

11 F. IN THE EVENT THAT THE MEMBERS CANNOT AGREE, THE REGIONAL
12 BODY SHALL MAKE EVERY REASONABLE EFFORT TO ACHIEVE CONSENSUS WITHIN
13 25 DAYS.

14 G. SHOULD CONSENSUS NOT BE ACHIEVED, THE REGIONAL BODY MAY
15 ISSUE A DECLARATION OF FINDING THAT PRESENTS DIFFERENT POINTS OF
16 VIEW AND INDICATES EACH PARTY'S CONCLUSIONS.

17 H. THE REGIONAL BODY SHALL RELEASE THE DECLARATIONS OF FINDING
18 TO THE PUBLIC.

19 I. THE ORIGINATING PARTY AND THE COUNCIL SHALL CONSIDER THE
20 DECLARATION OF FINDING BEFORE MAKING A DECISION ON THE PROPOSAL.

21 SECTION 4.6. PROPOSALS SUBJECT TO PRIOR NOTICE.

22 1. BEGINNING NO LATER THAN FIVE YEARS OF THE EFFECTIVE DATE OF
23 THIS COMPACT, THE ORIGINATING PARTY SHALL PROVIDE ALL PARTIES AND
24 THE PROVINCES WITH DETAILED AND TIMELY NOTICE AND AN OPPORTUNITY TO
25 COMMENT WITHIN 90 DAYS ON ANY PROPOSAL FOR A NEW OR INCREASED
26 CONSUMPTIVE USE OF 5 MILLION GALLONS PER DAY OR GREATER AVERAGE IN
27 ANY 90-DAY PERIOD. COMMENTS SHALL ADDRESS WHETHER OR NOT THE

1 PROPOSAL IS CONSISTENT WITH THE STANDARD OF REVIEW AND DECISION.
2 THE ORIGINATING PARTY SHALL PROVIDE A RESPONSE TO ANY SUCH COMMENT
3 RECEIVED FROM ANOTHER PARTY.

4 2. A PARTY MAY PROVIDE NOTICE, AN OPPORTUNITY TO COMMENT AND A
5 RESPONSE TO COMMENTS EVEN IF THIS IS NOT REQUIRED UNDER PARAGRAPH 1
6 OF THIS SECTION. ANY PROVISION OF SUCH NOTICE AND OPPORTUNITY TO
7 COMMENT SHALL BE UNDERTAKEN ONLY AFTER CONSULTING THE APPLICANT.

8 SECTION 4.7. COUNCIL ACTIONS.

9 1. PROPOSALS FOR EXCEPTIONS SUBJECT TO COUNCIL REVIEW SHALL BE
10 SUBMITTED BY THE ORIGINATING PARTY TO THE COUNCIL FOR COUNCIL
11 REVIEW, AND WHERE APPLICABLE, TO THE REGIONAL BODY FOR CONCURRENT
12 REVIEW.

13 2. THE COUNCIL SHALL REVIEW AND TAKE ACTION ON PROPOSALS IN
14 ACCORDANCE WITH THIS COMPACT AND THE STANDARD OF REVIEW AND
15 DECISION. THE COUNCIL SHALL NOT TAKE ACTION ON A PROPOSAL SUBJECT
16 TO REGIONAL REVIEW PURSUANT TO THIS COMPACT UNLESS THE PROPOSAL
17 SHALL HAVE BEEN FIRST SUBMITTED TO AND REVIEWED BY THE REGIONAL
18 BODY. THE COUNCIL SHALL CONSIDER ANY FINDINGS RESULTING FROM SUCH
19 REVIEW.

20 SECTION 4.8. PROHIBITION OF NEW OR INCREASED DIVERSIONS.

21 ALL NEW OR INCREASED DIVERSIONS ARE PROHIBITED, EXCEPT AS
22 PROVIDED FOR IN THIS ARTICLE.

23 SECTION 4.9. EXCEPTIONS TO THE PROHIBITION OF DIVERSIONS.

24 1. STRADDLING COMMUNITIES. A PROPOSAL TO TRANSFER WATER TO AN
25 AREA WITHIN A STRADDLING COMMUNITY BUT OUTSIDE THE BASIN OR OUTSIDE
26 THE SOURCE GREAT LAKE WATERSHED SHALL BE EXCEPTED FROM THE
27 PROHIBITION AGAINST DIVERSIONS AND BE MANAGED AND REGULATED BY THE

1 ORIGINATING PARTY PROVIDED THAT, REGARDLESS OF THE VOLUME OF WATER
2 TRANSFERRED, ALL THE WATER SO TRANSFERRED SHALL BE USED SOLELY FOR
3 PUBLIC WATER SUPPLY PURPOSES WITHIN THE STRADDLING COMMUNITY, AND:

4 A. ALL WATER WITHDRAWN FROM THE BASIN SHALL BE RETURNED,
5 EITHER NATURALLY OR AFTER USE, TO THE SOURCE WATERSHED LESS AN
6 ALLOWANCE FOR CONSUMPTIVE USE. NO SURFACE WATER OR GROUNDWATER FROM
7 OUTSIDE THE BASIN MAY BE USED TO SATISFY ANY PORTION OF THIS
8 CRITERION EXCEPT IF IT:

9 i. IS PART OF A WATER SUPPLY OR WASTEWATER TREATMENT SYSTEM
10 THAT COMBINES WATER FROM INSIDE AND OUTSIDE OF THE BASIN;

11 ii. IS TREATED TO MEET APPLICABLE WATER QUALITY DISCHARGE
12 STANDARDS AND TO PREVENT THE INTRODUCTION OF INVASIVE SPECIES INTO
13 THE BASIN;

14 iii. MAXIMIZES THE PORTION OF WATER RETURNED TO THE SOURCE
15 WATERSHED AS BASIN WATER AND MINIMIZES THE SURFACE WATER OR
16 GROUNDWATER FROM OUTSIDE THE BASIN;

17 B. IF THE PROPOSAL RESULTS FROM A NEW OR INCREASED WITHDRAWAL
18 OF 100,000 GALLONS PER DAY OR GREATER AVERAGE OVER ANY 90-DAY
19 PERIOD, THE PROPOSAL SHALL ALSO MEET THE EXCEPTION STANDARD; AND,

20 C. IF THE PROPOSAL RESULTS IN A NEW OR INCREASED CONSUMPTIVE
21 USE OF 5 MILLION GALLONS PER DAY OR GREATER AVERAGE OVER ANY 90-DAY
22 PERIOD, THE PROPOSAL SHALL ALSO UNDERGO REGIONAL REVIEW.

23 2. INTRA-BASIN TRANSFER. A PROPOSAL FOR AN INTRA-BASIN
24 TRANSFER THAT WOULD BE CONSIDERED A DIVERSION UNDER THIS COMPACT,
25 AND NOT ALREADY EXCEPTED PURSUANT TO PARAGRAPH 1 OF THIS SECTION,
26 SHALL BE EXCEPTED FROM THE PROHIBITION AGAINST DIVERSIONS, PROVIDED
27 THAT:

1 A. IF THE PROPOSAL RESULTS FROM A NEW OR INCREASED WITHDRAWAL
2 LESS THAN 100,000 GALLONS PER DAY AVERAGE OVER ANY 90-DAY PERIOD,
3 THE PROPOSAL SHALL BE SUBJECT TO MANAGEMENT AND REGULATION AT THE
4 DISCRETION OF THE ORIGINATING PARTY.

5 B. IF THE PROPOSAL RESULTS FROM A NEW OR INCREASED WITHDRAWAL
6 100,000 GALLONS PER DAY OR GREATER AVERAGE OVER ANY 90-DAY PERIOD
7 AND IF THE CONSUMPTIVE USE RESULTING FROM THE WITHDRAWAL IS LESS
8 THAN 5 MILLION GALLONS PER DAY AVERAGE OVER ANY 90-DAY PERIOD:

9 *i.* THE PROPOSAL SHALL MEET THE EXCEPTION STANDARD AND BE
10 SUBJECT TO MANAGEMENT AND REGULATION BY THE ORIGINATING PARTY,
11 EXCEPT THAT THE WATER MAY BE RETURNED TO ANOTHER GREAT LAKE
12 WATERSHED RATHER THAN THE SOURCE WATERSHED;

13 *ii.* THE APPLICANT SHALL DEMONSTRATE THAT THERE IS NO FEASIBLE,
14 COST EFFECTIVE, AND ENVIRONMENTALLY SOUND WATER SUPPLY ALTERNATIVE
15 WITHIN THE GREAT LAKE WATERSHED TO WHICH THE WATER WILL BE
16 TRANSFERRED, INCLUDING CONSERVATION OF EXISTING WATER SUPPLIES;
17 AND,

18 *iii.* THE ORIGINATING PARTY SHALL PROVIDE NOTICE TO THE OTHER
19 PARTIES PRIOR TO MAKING ANY DECISION WITH RESPECT TO THE PROPOSAL.

20 C. IF THE PROPOSAL RESULTS IN A NEW OR INCREASED CONSUMPTIVE
21 USE OF 5 MILLION GALLONS PER DAY OR GREATER AVERAGE OVER ANY 90-DAY
22 PERIOD:

23 *i.* THE PROPOSAL SHALL BE SUBJECT TO MANAGEMENT AND REGULATION
24 BY THE ORIGINATING PARTY AND SHALL MEET THE EXCEPTION STANDARD,
25 ENSURING THAT WATER WITHDRAWN SHALL BE RETURNED TO THE SOURCE
26 WATERSHED;

27 *ii.* THE APPLICANT SHALL DEMONSTRATE THAT THERE IS NO FEASIBLE,

1 COST EFFECTIVE, AND ENVIRONMENTALLY SOUND WATER SUPPLY ALTERNATIVE
2 WITHIN THE GREAT LAKE WATERSHED TO WHICH THE WATER WILL BE
3 TRANSFERRED, INCLUDING CONSERVATION OF EXISTING WATER SUPPLIES;

4 *iii.* THE PROPOSAL UNDERGOES REGIONAL REVIEW; AND,

5 *iv.* THE PROPOSAL IS APPROVED BY THE COUNCIL. COUNCIL APPROVAL
6 SHALL BE GIVEN UNLESS ONE OR MORE COUNCIL MEMBERS VOTE TO
7 DISAPPROVE.

8 3. STRADDLING COUNTIES. A PROPOSAL TO TRANSFER WATER TO A
9 COMMUNITY WITHIN A STRADDLING COUNTY THAT WOULD BE CONSIDERED A
10 DIVERSION UNDER THIS COMPACT SHALL BE EXCEPTED FROM THE PROHIBITION
11 AGAINST DIVERSIONS, PROVIDED THAT IT SATISFIES ALL OF THE FOLLOWING
12 CONDITIONS:

13 A. THE WATER SHALL BE USED SOLELY FOR THE PUBLIC WATER SUPPLY
14 PURPOSES OF THE COMMUNITY WITHIN A STRADDLING COUNTY THAT IS
15 WITHOUT ADEQUATE SUPPLIES OF POTABLE WATER;

16 B. THE PROPOSAL MEETS THE EXCEPTION STANDARD, MAXIMIZING THE
17 PORTION OF WATER RETURNED TO THE SOURCE WATERSHED AS BASIN WATER
18 AND MINIMIZING THE SURFACE WATER OR GROUNDWATER FROM OUTSIDE THE
19 BASIN;

20 C. THE PROPOSAL SHALL BE SUBJECT TO MANAGEMENT AND REGULATION
21 BY THE ORIGINATING PARTY, REGARDLESS OF ITS SIZE;

22 D. THERE IS NO REASONABLE WATER SUPPLY ALTERNATIVE WITHIN THE
23 BASIN IN WHICH THE COMMUNITY IS LOCATED, INCLUDING CONSERVATION OF
24 EXISTING WATER SUPPLIES;

25 E. CAUTION SHALL BE USED IN DETERMINING WHETHER OR NOT THE
26 PROPOSAL MEETS THE CONDITIONS FOR THIS EXCEPTION. THIS EXCEPTION
27 SHOULD NOT BE AUTHORIZED UNLESS IT CAN BE SHOWN THAT IT WILL NOT

1 ENDANGER THE INTEGRITY OF THE BASIN ECOSYSTEM;

2 F. THE PROPOSAL UNDERGOES REGIONAL REVIEW; AND,

3 G. THE PROPOSAL IS APPROVED BY THE COUNCIL. COUNCIL APPROVAL
4 SHALL BE GIVEN UNLESS ONE OR MORE COUNCIL MEMBERS VOTE TO
5 DISAPPROVE.

6 A PROPOSAL MUST SATISFY ALL OF THE CONDITIONS LISTED ABOVE.
7 FURTHER, SUBSTANTIVE CONSIDERATION WILL ALSO BE GIVEN TO WHETHER OR
8 NOT THE PROPOSAL CAN PROVIDE SUFFICIENT SCIENTIFICALLY BASED
9 EVIDENCE THAT THE EXISTING WATER SUPPLY IS DERIVED FROM GROUNDWATER
10 THAT IS HYDROLOGICALLY INTERCONNECTED TO WATERS OF THE BASIN.

11 4. EXCEPTION STANDARD. PROPOSALS SUBJECT TO MANAGEMENT AND
12 REGULATION IN THIS SECTION SHALL BE DECLARED TO MEET THIS EXCEPTION
13 STANDARD AND MAY BE APPROVED AS APPROPRIATE ONLY WHEN THE FOLLOWING
14 CRITERIA ARE MET:

15 A. THE NEED FOR ALL OR PART OF THE PROPOSED EXCEPTION CANNOT
16 BE REASONABLY AVOIDED THROUGH THE EFFICIENT USE AND CONSERVATION OF
17 EXISTING WATER SUPPLIES;

18 B. THE EXCEPTION WILL BE LIMITED TO QUANTITIES THAT ARE
19 CONSIDERED REASONABLE FOR THE PURPOSES FOR WHICH IT IS PROPOSED;

20 C. ALL WATER WITHDRAWN SHALL BE RETURNED, EITHER NATURALLY OR
21 AFTER USE, TO THE SOURCE WATERSHED LESS AN ALLOWANCE FOR
22 CONSUMPTIVE USE. NO SURFACE WATER OR GROUNDWATER FROM THE OUTSIDE
23 THE BASIN MAY BE USED TO SATISFY ANY PORTION OF THIS CRITERION
24 EXCEPT IF IT:

25 i. IS PART OF A WATER SUPPLY OR WASTEWATER TREATMENT SYSTEM
26 THAT COMBINES WATER FROM INSIDE AND OUTSIDE OF THE BASIN;

27 ii. IS TREATED TO MEET APPLICABLE WATER QUALITY DISCHARGE

1 STANDARDS AND TO PREVENT THE INTRODUCTION OF INVASIVE SPECIES INTO
2 THE BASIN;

3 D. THE EXCEPTION WILL BE IMPLEMENTED SO AS TO ENSURE THAT IT
4 WILL RESULT IN NO SIGNIFICANT INDIVIDUAL OR CUMULATIVE ADVERSE
5 IMPACTS TO THE QUANTITY OR QUALITY OF THE WATERS AND WATER
6 DEPENDENT NATURAL RESOURCES OF THE BASIN WITH CONSIDERATION GIVEN
7 TO THE POTENTIAL CUMULATIVE IMPACTS OF ANY PRECEDENT-SETTING
8 CONSEQUENCES ASSOCIATED WITH THE PROPOSAL;

9 E. THE EXCEPTION WILL BE IMPLEMENTED SO AS TO INCORPORATE
10 ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER CONSERVATION
11 MEASURES TO MINIMIZE WATER WITHDRAWALS OR CONSUMPTIVE USE;

12 F. THE EXCEPTION WILL BE IMPLEMENTED SO AS TO ENSURE THAT IT
13 IS IN COMPLIANCE WITH ALL APPLICABLE MUNICIPAL, STATE AND FEDERAL
14 LAWS AS WELL AS REGIONAL INTERSTATE AND INTERNATIONAL AGREEMENTS,
15 INCLUDING THE BOUNDARY WATERS TREATY OF 1909; AND,

16 G. ALL OTHER APPLICABLE CRITERIA IN SECTION 4.9 HAVE ALSO BEEN
17 MET.

18 SECTION 4.10. MANAGEMENT AND REGULATION OF NEW OR INCREASED
19 WITHDRAWALS AND CONSUMPTIVE USES.

20 1. WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS COMPACT,
21 EACH PARTY SHALL CREATE A PROGRAM FOR THE MANAGEMENT AND REGULATION
22 OF NEW OR INCREASED WITHDRAWALS AND CONSUMPTIVE USES BY ADOPTING
23 AND IMPLEMENTING MEASURES CONSISTENT WITH THE DECISION-MAKING
24 STANDARD. EACH PARTY, THROUGH A CONSIDERED PROCESS, SHALL SET AND
25 MAY MODIFY THRESHOLD LEVELS FOR THE REGULATION OF NEW OR INCREASED
26 WITHDRAWALS IN ORDER TO ASSURE AN EFFECTIVE AND EFFICIENT WATER
27 MANAGEMENT PROGRAM THAT WILL ENSURE THAT USES OVERALL ARE

1 REASONABLE, THAT WITHDRAWALS OVERALL WILL NOT RESULT IN SIGNIFICANT
2 IMPACTS TO THE WATERS AND WATER DEPENDENT NATURAL RESOURCES OF THE
3 BASIN, DETERMINED ON THE BASIS OF SIGNIFICANT IMPACTS TO THE
4 PHYSICAL, CHEMICAL, AND BIOLOGICAL INTEGRITY OF SOURCE WATERSHEDS,
5 AND THAT ALL OTHER OBJECTIVES OF THE COMPACT ARE ACHIEVED. EACH
6 PARTY MAY DETERMINE THE SCOPE AND THRESHOLDS OF ITS PROGRAM,
7 INCLUDING WHICH NEW OR INCREASED WITHDRAWALS AND CONSUMPTIVE USES
8 WILL BE SUBJECT TO THE PROGRAM.

9 2. ANY PARTY THAT FAILS TO SET THRESHOLD LEVELS THAT COMPLY
10 WITH SECTION 4.10.1 ANY TIME BEFORE 10 YEARS AFTER THE EFFECTIVE
11 DATE OF THIS COMPACT SHALL APPLY A THRESHOLD LEVEL FOR MANAGEMENT
12 AND REGULATION OF ALL NEW OR INCREASED WITHDRAWALS OF 100,000
13 GALLONS PER DAY OR GREATER AVERAGE IN ANY 90 DAY PERIOD.

14 3. THE PARTIES INTEND PROGRAMS FOR NEW OR INCREASED
15 WITHDRAWALS AND CONSUMPTIVE USES TO EVOLVE AS MAY BE NECESSARY TO
16 PROTECT BASIN WATERS. PURSUANT TO SECTION 3.4, THE COUNCIL, IN
17 COOPERATION WITH THE PROVINCES, SHALL PERIODICALLY ASSESS THE WATER
18 MANAGEMENT PROGRAMS OF THE PARTIES. SUCH ASSESSMENTS MAY PRODUCE
19 RECOMMENDATIONS FOR THE STRENGTHENING OF THE PROGRAMS, INCLUDING
20 WITHOUT LIMITATION, ESTABLISHING LOWER THRESHOLDS FOR MANAGEMENT
21 AND REGULATION IN ACCORDANCE WITH THE DECISION-MAKING STANDARD.

22 SECTION 4.11. DECISION-MAKING STANDARD.

23 PROPOSALS SUBJECT TO MANAGEMENT AND REGULATION IN SECTION 4.10
24 SHALL BE DECLARED TO MEET THIS DECISION-MAKING STANDARD AND MAY BE
25 APPROVED AS APPROPRIATE ONLY WHEN THE FOLLOWING CRITERIA ARE MET:

26 1. ALL WATER WITHDRAWN SHALL BE RETURNED, EITHER NATURALLY OR
27 AFTER USE, TO THE SOURCE WATERSHED LESS AN ALLOWANCE FOR

1 CONSUMPTIVE USE;

2 2. THE WITHDRAWAL OR CONSUMPTIVE USE WILL BE IMPLEMENTED SO AS
3 TO ENSURE THAT THE PROPOSAL WILL RESULT IN NO SIGNIFICANT
4 INDIVIDUAL OR CUMULATIVE ADVERSE IMPACTS TO THE QUANTITY OR QUALITY
5 OF THE WATERS AND WATER DEPENDENT NATURAL RESOURCES AND THE
6 APPLICABLE SOURCE WATERSHED;

7 3. THE WITHDRAWAL OR CONSUMPTIVE USE WILL BE IMPLEMENTED SO AS
8 TO INCORPORATE ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE
9 WATER CONSERVATION MEASURES;

10 4. THE WITHDRAWAL OR CONSUMPTIVE USE WILL BE IMPLEMENTED SO AS
11 TO ENSURE THAT IT IS IN COMPLIANCE WITH ALL APPLICABLE MUNICIPAL,
12 STATE AND FEDERAL LAWS AS WELL AS REGIONAL INTERSTATE AND
13 INTERNATIONAL AGREEMENTS, INCLUDING THE BOUNDARY WATERS TREATY OF
14 1909;

15 5. THE PROPOSED USE IS REASONABLE, BASED UPON A CONSIDERATION
16 OF THE FOLLOWING FACTORS:

17 A. WHETHER THE PROPOSED WITHDRAWAL OR CONSUMPTIVE USE IS
18 PLANNED IN A FASHION THAT PROVIDES FOR EFFICIENT USE OF THE WATER,
19 AND WILL AVOID OR MINIMIZE THE WASTE OF WATER;

20 B. IF THE PROPOSAL IS FOR AN INCREASED WITHDRAWAL OR
21 CONSUMPTIVE USE, WHETHER EFFICIENT USE IS MADE OF EXISTING WATER
22 SUPPLIES;

23 C. THE BALANCE BETWEEN ECONOMIC DEVELOPMENT, SOCIAL
24 DEVELOPMENT AND ENVIRONMENTAL PROTECTION OF THE PROPOSED WITHDRAWAL
25 AND USE AND OTHER EXISTING OR PLANNED WITHDRAWALS AND WATER USES
26 SHARING THE WATER SOURCE;

27 D. THE SUPPLY POTENTIAL OF THE WATER SOURCE, CONSIDERING

1 QUANTITY, QUALITY, AND RELIABILITY AND SAFE YIELD OF HYDROLOGICALLY
2 INTERCONNECTED WATER SOURCES;

3 E. THE PROBABLE DEGREE AND DURATION OF ANY ADVERSE IMPACTS
4 CAUSED OR EXPECTED TO BE CAUSED BY THE PROPOSED WITHDRAWAL AND USE
5 UNDER FORESEEABLE CONDITIONS, TO OTHER LAWFUL CONSUMPTIVE OR NON-
6 CONSUMPTIVE USES OF WATER OR TO THE QUANTITY OR QUALITY OF THE
7 WATERS AND WATER DEPENDENT NATURAL RESOURCES OF THE BASIN, AND THE
8 PROPOSED PLANS AND ARRANGEMENTS FOR AVOIDANCE OR MITIGATION OF SUCH
9 IMPACTS; AND,

10 F. IF A PROPOSAL INCLUDES RESTORATION OF HYDROLOGIC CONDITIONS
11 AND FUNCTIONS OF THE SOURCE WATERSHED, THE PARTY MAY CONSIDER THAT.

12 SECTION 4.12. APPLICABILITY.

13 1. MINIMUM STANDARD. THIS STANDARD OF REVIEW AND DECISION
14 SHALL BE USED AS A MINIMUM STANDARD. PARTIES MAY IMPOSE A MORE
15 RESTRICTIVE DECISION-MAKING STANDARD FOR WITHDRAWALS UNDER THEIR
16 AUTHORITY. IT IS ALSO ACKNOWLEDGED THAT ALTHOUGH A PROPOSAL MEETS
17 THE STANDARD OF REVIEW AND DECISION IT MAY NOT BE APPROVED UNDER
18 THE LAWS OF THE ORIGINATING PARTY THAT HAS IMPLEMENTED MORE
19 RESTRICTIVE MEASURES.

20 2. BASELINE.

21 A. TO ESTABLISH A BASELINE FOR DETERMINING A NEW OR INCREASED
22 DIVERSION, CONSUMPTIVE USE OR WITHDRAWAL, EACH PARTY SHALL DEVELOP
23 EITHER OR BOTH OF THE FOLLOWING LISTS FOR THEIR JURISDICTION:

24 i. A LIST OF EXISTING WITHDRAWAL APPROVALS AS OF THE EFFECTIVE
25 DATE OF THE COMPACT;

26 ii. A LIST OF THE CAPACITY OF EXISTING SYSTEMS AS OF THE
27 EFFECTIVE DATE OF THIS COMPACT. THE CAPACITY OF THE EXISTING

1 SYSTEMS SHOULD BE PRESENTED IN TERMS OF WITHDRAWAL CAPACITY,
2 TREATMENT CAPACITY, DISTRIBUTION CAPACITY, OR OTHER CAPACITY
3 LIMITING FACTORS. THE CAPACITY OF THE EXISTING SYSTEMS MUST
4 REPRESENT THE STATE OF THE SYSTEMS. EXISTING CAPACITY
5 DETERMINATIONS SHALL BE BASED UPON APPROVAL LIMITS OR THE MOST
6 RESTRICTIVE CAPACITY INFORMATION.

7 B. FOR ALL PURPOSES OF THIS COMPACT, VOLUMES OF DIVERSIONS,
8 CONSUMPTIVE USES, OR WITHDRAWALS OF WATER SET FORTH IN THE LIST(S)
9 PREPARED BY EACH PARTY IN ACCORDANCE WITH THIS SECTION, SHALL
10 CONSTITUTE THE BASELINE VOLUME.

11 C. THE LIST(S) SHALL BE FURNISHED TO THE REGIONAL BODY AND THE
12 COUNCIL WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS COMPACT.

13 3. TIMING OF ADDITIONAL APPLICATIONS. APPLICATIONS FOR NEW OR
14 INCREASED WITHDRAWALS, CONSUMPTIVE USES OR EXCEPTIONS SHALL BE
15 CONSIDERED CUMULATIVELY WITHIN TEN YEARS OF ANY APPLICATION.

16 4. CHANGE OF OWNERSHIP. UNLESS A NEW OWNER PROPOSES A PROJECT
17 THAT SHALL RESULT IN A PROPOSAL FOR A NEW OR INCREASED DIVERSION OR
18 CONSUMPTIVE USE SUBJECT TO REGIONAL REVIEW OR COUNCIL APPROVAL, THE
19 CHANGE OF OWNERSHIP IN AND OF ITSELF SHALL NOT REQUIRE REGIONAL
20 REVIEW OR COUNCIL APPROVAL.

21 5. GROUNDWATER. THE BASIN SURFACE WATER DIVIDE SHALL BE USED
22 FOR THE PURPOSE OF MANAGING AND REGULATING NEW OR INCREASED
23 DIVERSIONS, CONSUMPTIVE USES OR WITHDRAWALS OF SURFACE WATER AND
24 GROUNDWATER.

25 6. WITHDRAWAL SYSTEMS. THE TOTAL VOLUME OF SURFACE WATER AND
26 GROUNDWATER RESOURCES THAT SUPPLY A COMMON DISTRIBUTION SYSTEM
27 SHALL DETERMINE THE VOLUME OF A WITHDRAWAL, CONSUMPTIVE USE OR

1 DIVERSION.

2 7. CONNECTING CHANNELS. THE WATERSHED OF EACH GREAT LAKE SHALL
3 INCLUDE ITS UPSTREAM AND DOWNSTREAM CONNECTING CHANNELS.

4 8. TRANSMISSION IN WATER LINES. TRANSMISSION OF WATER WITHIN A
5 LINE THAT EXTENDS OUTSIDE THE BASIN AS IT CONVEYS WATER FROM ONE
6 POINT TO ANOTHER WITHIN THE BASIN SHALL NOT BE CONSIDERED A
7 DIVERSION IF NONE OF THE WATER IS USED OUTSIDE THE BASIN.

8 9. HYDROLOGIC UNITS. THE LAKE MICHIGAN AND LAKE HURON
9 WATERSHEDS SHALL BE CONSIDERED TO BE A SINGLE HYDROLOGIC UNIT AND
10 WATERSHED.

11 10. BULK WATER TRANSFER. A PROPOSAL TO WITHDRAW WATER AND TO
12 REMOVE IT FROM THE BASIN IN ANY CONTAINER GREATER THAN 5.7 GALLONS
13 SHALL BE TREATED UNDER THIS COMPACT IN THE SAME MANNER AS A
14 PROPOSAL FOR A DIVERSION. EACH PARTY SHALL HAVE THE DISCRETION,
15 WITHIN ITS JURISDICTION, TO DETERMINE THE TREATMENT OF PROPOSALS TO
16 WITHDRAW WATER AND TO REMOVE IT FROM THE BASIN IN ANY CONTAINER OF
17 5.7 GALLONS OR LESS.

18 SECTION 4.13. EXEMPTIONS.

19 WITHDRAWALS FROM THE BASIN FOR THE FOLLOWING PURPOSES ARE
20 EXEMPT FROM THE REQUIREMENTS OF ARTICLE 4.

21 1. TO SUPPLY VEHICLES, INCLUDING VESSELS AND AIRCRAFT, WHETHER
22 FOR THE NEEDS OF THE PERSONS OR ANIMALS BEING TRANSPORTED OR FOR
23 BALLAST OR OTHER NEEDS RELATED TO THE OPERATION OF THE VEHICLES.

24 2. TO USE IN A NON-COMMERCIAL PROJECT ON A SHORT-TERM BASIS
25 FOR FIREFIGHTING, HUMANITARIAN, OR EMERGENCY RESPONSE PURPOSES.

26 SECTION 4.14. U.S. SUPREME COURT DECREE: WISCONSIN ET AL. V.
27 ILLINOIS ET AL.

1 1. NOTWITHSTANDING ANY TERMS OF THIS COMPACT TO THE CONTRARY,
2 WITH THE EXCEPTION OF PARAGRAPH 5 OF THIS SECTION, CURRENT, NEW OR
3 INCREASED WITHDRAWALS, CONSUMPTIVE USES AND DIVERSIONS OF BASIN
4 WATER BY THE STATE OF ILLINOIS SHALL BE GOVERNED BY THE TERMS OF
5 THE UNITED STATES SUPREME COURT DECREE IN WISCONSIN ET AL. V.
6 ILLINOIS ET AL. AND SHALL NOT BE SUBJECT TO THE TERMS OF THIS
7 COMPACT NOR ANY RULES OR REGULATIONS PROMULGATED PURSUANT TO THIS
8 COMPACT. THIS MEANS THAT, WITH THE EXCEPTION OF PARAGRAPH 5 OF THIS
9 SECTION, FOR PURPOSES OF THIS COMPACT, CURRENT, NEW OR INCREASED
10 WITHDRAWALS, CONSUMPTIVE USES AND DIVERSIONS OF BASIN WATER WITHIN
11 THE STATE OF ILLINOIS SHALL BE ALLOWED UNLESS PROHIBITED BY THE
12 TERMS OF THE UNITED STATES SUPREME COURT DECREE IN WISCONSIN ET AL.
13 V. ILLINOIS ET AL.

14 2. THE PARTIES ACKNOWLEDGE THAT THE UNITED STATES SUPREME
15 COURT DECREE IN WISCONSIN ET AL. V. ILLINOIS ET AL. SHALL CONTINUE
16 IN FULL FORCE AND EFFECT, THAT THIS COMPACT SHALL NOT MODIFY ANY
17 TERMS THEREOF, AND THAT THIS COMPACT SHALL GRANT THE PARTIES NO
18 ADDITIONAL RIGHTS, OBLIGATIONS, REMEDIES OR DEFENSES THERETO. THE
19 PARTIES SPECIFICALLY ACKNOWLEDGE THAT THIS COMPACT SHALL NOT
20 PROHIBIT OR LIMIT THE STATE OF ILLINOIS IN ANY MANNER FROM SEEKING
21 ADDITIONAL BASIN WATER AS ALLOWED UNDER THE TERMS OF THE UNITED
22 STATES SUPREME COURT DECREE IN WISCONSIN ET AL. V. ILLINOIS ET AL.,
23 ANY OTHER PARTY FROM OBJECTING TO ANY REQUEST BY THE STATE OF
24 ILLINOIS FOR ADDITIONAL BASIN WATER UNDER THE TERMS OF SAID DECREE,
25 OR ANY PARTY FROM SEEKING ANY OTHER TYPE OF MODIFICATION TO SAID
26 DECREE. IF AN APPLICATION IS MADE BY ANY PARTY TO THE SUPREME COURT
27 OF THE UNITED STATES TO MODIFY SAID DECREE, THE PARTIES TO THIS

1 COMPACT WHO ARE ALSO PARTIES TO THE DECREE SHALL SEEK FORMAL INPUT
2 FROM THE CANADIAN PROVINCES OF ONTARIO AND QUÉBEC, WITH RESPECT TO
3 THE PROPOSED MODIFICATION, USE BEST EFFORTS TO FACILITATE THE
4 APPROPRIATE PARTICIPATION OF SAID PROVINCES IN THE PROCEEDINGS TO
5 MODIFY THE DECREE, AND SHALL NOT UNREASONABLY IMPEDE OR RESTRICT
6 SUCH PARTICIPATION.

7 3. WITH THE EXCEPTION OF PARAGRAPH 5 OF THIS SECTION, BECAUSE
8 CURRENT, NEW OR INCREASED WITHDRAWALS, CONSUMPTIVE USES AND
9 DIVERSIONS OF BASIN WATER BY THE STATE OF ILLINOIS ARE NOT SUBJECT
10 TO THE TERMS OF THIS COMPACT, THE STATE OF ILLINOIS IS PROHIBITED
11 FROM USING ANY TERM OF THIS COMPACT, INCLUDING SECTION 4.9, TO SEEK
12 NEW OR INCREASED WITHDRAWALS, CONSUMPTIVE USES OR DIVERSIONS OF
13 BASIN WATER.

14 4. WITH THE EXCEPTION OF PARAGRAPH 5 OF THIS SECTION, BECAUSE
15 SECTIONS 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12
16 (PARAGRAPHS 1, 2, 3, 4, 6 AND 10 ONLY), AND 4.13 OF THIS COMPACT
17 ALL RELATE TO CURRENT, NEW OR INCREASED WITHDRAWALS, CONSUMPTIVE
18 USES AND DIVERSIONS OF BASIN WATERS, SAID PROVISIONS DO NOT APPLY
19 TO THE STATE OF ILLINOIS. ALL OTHER PROVISIONS OF THIS COMPACT NOT
20 LISTED IN THE PRECEDING SENTENCE SHALL APPLY TO THE STATE OF
21 ILLINOIS, INCLUDING THE WATER CONSERVATION PROGRAMS PROVISION OF
22 SECTION 4.2.

23 5. IN THE EVENT OF A PROPOSAL FOR A DIVERSION OF BASIN WATER
24 FOR USE OUTSIDE THE TERRITORIAL BOUNDARIES OF THE PARTIES TO THIS
25 COMPACT, DECISIONS BY THE STATE OF ILLINOIS REGARDING SUCH A
26 PROPOSAL WOULD BE SUBJECT TO ALL TERMS OF THIS COMPACT, EXCEPT
27 PARAGRAPHS 1, 3 AND 4 OF THIS SECTION.

1 6. FOR PURPOSES OF THE STATE OF ILLINOIS' PARTICIPATION IN
2 THIS COMPACT, THE ENTIRETY OF THIS SECTION 4.14 IS NECESSARY FOR
3 THE CONTINUED IMPLEMENTATION OF THIS COMPACT AND, IF SEVERED, THIS
4 COMPACT SHALL NO LONGER BE BINDING ON OR ENFORCEABLE BY OR AGAINST
5 THE STATE OF ILLINOIS.

6 SECTION 4.15. ASSESSMENT OF CUMULATIVE IMPACTS.

7 1. THE PARTIES IN COOPERATION WITH THE PROVINCES SHALL
8 COLLECTIVELY CONDUCT WITHIN THE BASIN, ON A LAKE WATERSHED AND ST.
9 LAWRENCE RIVER BASIN BASIS, A PERIODIC ASSESSMENT OF THE CUMULATIVE
10 IMPACTS OF WITHDRAWALS, DIVERSIONS AND CONSUMPTIVE USES FROM THE
11 WATERS OF THE BASIN, EVERY 5 YEARS OR EACH TIME THE INCREMENTAL
12 BASIN WATER LOSSES REACH 50 MILLION GALLONS PER DAY AVERAGE IN ANY
13 90-DAY PERIOD IN EXCESS OF THE QUANTITY AT THE TIME OF THE MOST
14 RECENT ASSESSMENT, WHICHEVER COMES FIRST, OR AT THE REQUEST OF ONE
15 OR MORE OF THE PARTIES. THE ASSESSMENT SHALL FORM THE BASIS FOR A
16 REVIEW OF THE STANDARD OF REVIEW AND DECISION, COUNCIL AND PARTY
17 REGULATIONS AND THEIR APPLICATION. THIS ASSESSMENT SHALL:

18 A. UTILIZE THE MOST CURRENT AND APPROPRIATE GUIDELINES FOR
19 SUCH A REVIEW, WHICH MAY INCLUDE BUT NOT BE LIMITED TO COUNCIL ON
20 ENVIRONMENTAL QUALITY AND ENVIRONMENT CANADA GUIDELINES;

21 B. GIVE SUBSTANTIVE CONSIDERATION TO CLIMATE CHANGE OR OTHER
22 SIGNIFICANT THREATS TO BASIN WATERS AND TAKE INTO ACCOUNT THE
23 CURRENT STATE OF SCIENTIFIC KNOWLEDGE, OR UNCERTAINTY, AND
24 APPROPRIATE MEASURES TO EXERCISE CAUTION IN CASES OF UNCERTAINTY IF
25 SERIOUS DAMAGE MAY RESULT;

26 C. CONSIDER ADAPTIVE MANAGEMENT PRINCIPLES AND APPROACHES,
27 RECOGNIZING, CONSIDERING AND PROVIDING ADJUSTMENTS FOR THE

1 UNCERTAINTIES IN, AND EVOLUTION OF SCIENCE CONCERNING THE BASIN'S
2 WATER RESOURCES, WATERSHEDS AND ECOSYSTEMS, INCLUDING POTENTIAL
3 CHANGES TO BASIN-WIDE PROCESSES, SUCH AS LAKE LEVEL CYCLES AND
4 CLIMATE.

5 2. THE PARTIES HAVE THE RESPONSIBILITY OF CONDUCTING THIS
6 CUMULATIVE IMPACT ASSESSMENT. APPLICANTS ARE NOT REQUIRED TO
7 PARTICIPATE IN THIS ASSESSMENT.

8 3. UNLESS REQUIRED BY OTHER STATUTES, APPLICANTS ARE NOT
9 REQUIRED TO CONDUCT A SEPARATE CUMULATIVE IMPACT ASSESSMENT IN
10 CONNECTION WITH AN APPLICATION BUT SHALL SUBMIT INFORMATION ABOUT
11 THE POTENTIAL IMPACTS OF A PROPOSAL TO THE QUANTITY OR QUALITY OF
12 THE WATERS AND WATER DEPENDENT NATURAL RESOURCES OF THE APPLICABLE
13 SOURCE WATERSHED. AN APPLICANT MAY, HOWEVER, PROVIDE AN ANALYSIS OF
14 HOW THEIR PROPOSAL MEETS THE NO SIGNIFICANT ADVERSE CUMULATIVE
15 IMPACT PROVISION OF THE STANDARD OF REVIEW AND DECISION.

16 ARTICLE 5

17 TRIBAL CONSULTATION

18 SECTION 5.1. CONSULTATION WITH TRIBES

19 1. IN ADDITION TO ALL OTHER OPPORTUNITIES TO COMMENT PURSUANT
20 TO SECTION 6.2, APPROPRIATE CONSULTATIONS SHALL OCCUR WITH
21 FEDERALLY RECOGNIZED TRIBES IN THE ORIGINATING PARTY FOR
22 ALL PROPOSALS SUBJECT TO COUNCIL OR REGIONAL REVIEW PURSUANT TO
23 THIS COMPACT. SUCH CONSULTATIONS SHALL BE ORGANIZED IN THE MANNER
24 SUITABLE TO THE INDIVIDUAL PROPOSAL AND THE LAWS AND POLICIES OF
25 THE ORIGINATING PARTY.

26 2. ALL FEDERALLY RECOGNIZED TRIBES WITHIN THE BASIN SHALL
27 RECEIVE REASONABLE NOTICE INDICATING THAT THEY HAVE AN OPPORTUNITY

1 TO COMMENT IN WRITING TO THE COUNCIL OR THE REGIONAL BODY, OR BOTH,
2 AND OTHER RELEVANT ORGANIZATIONS ON WHETHER THE PROPOSAL MEETS THE
3 REQUIREMENTS OF THE STANDARD OF REVIEW AND DECISION WHEN A PROPOSAL
4 IS SUBJECT TO REGIONAL REVIEW OR COUNCIL APPROVAL. ANY NOTICE FROM
5 THE COUNCIL SHALL INFORM THE TRIBES OF ANY MEETING OR HEARING THAT
6 IS TO BE HELD UNDER SECTION 6.2 AND INVITE THEM TO ATTEND. THE
7 PARTIES AND THE COUNCIL SHALL CONSIDER THE COMMENTS RECEIVED UNDER
8 THIS SECTION BEFORE APPROVING, APPROVING WITH MODIFICATIONS OR
9 DISAPPROVING ANY PROPOSAL SUBJECT TO COUNCIL OR REGIONAL REVIEW.

10 3. IN ADDITION TO THE SPECIFIC CONSULTATION MECHANISMS
11 DESCRIBED ABOVE, THE COUNCIL SHALL SEEK TO ESTABLISH MUTUALLY
12 AGREED UPON MECHANISMS OR PROCESSES TO FACILITATE DIALOGUE WITH,
13 AND INPUT FROM FEDERALLY RECOGNIZED TRIBES ON MATTERS TO BE DEALT
14 WITH BY THE COUNCIL; AND, THE COUNCIL SHALL SEEK TO ESTABLISH
15 MECHANISMS AND PROCESSES WITH FEDERALLY RECOGNIZED TRIBES DESIGNED
16 TO FACILITATE ON-GOING SCIENTIFIC AND TECHNICAL INTERACTION AND
17 DATA EXCHANGE REGARDING MATTERS FALLING WITHIN THE SCOPE OF THIS
18 COMPACT. THIS MAY INCLUDE PARTICIPATION OF TRIBAL REPRESENTATIVES
19 ON ADVISORY COMMITTEES ESTABLISHED UNDER THIS COMPACT OR SUCH OTHER
20 PROCESSES THAT ARE MUTUALLY-AGREED UPON WITH FEDERALLY RECOGNIZED
21 TRIBES INDIVIDUALLY OR THROUGH DULY-AUTHORIZED INTERTRIBAL AGENCIES
22 OR BODIES.

23 ARTICLE 6

24 PUBLIC PARTICIPATION

25 SECTION 6.1. MEETINGS, PUBLIC HEARINGS AND RECORDS.

26 1. THE PARTIES RECOGNIZE THE IMPORTANCE AND NECESSITY OF
27 PUBLIC PARTICIPATION IN PROMOTING MANAGEMENT OF THE WATER RESOURCES

1 OF THE BASIN. CONSEQUENTLY, ALL MEETINGS OF THE COUNCIL SHALL BE
2 OPEN TO THE PUBLIC, EXCEPT WITH RESPECT TO ISSUES OF PERSONNEL.

3 2. THE MINUTES OF THE COUNCIL SHALL BE A PUBLIC RECORD OPEN TO
4 INSPECTION AT ITS OFFICES DURING REGULAR BUSINESS HOURS.

5 SECTION 6.2. PUBLIC PARTICIPATION.

6 IT IS THE INTENT OF THE COUNCIL TO CONDUCT PUBLIC
7 PARTICIPATION PROCESSES CONCURRENTLY AND JOINTLY WITH PROCESSES
8 UNDERTAKEN BY THE PARTIES AND THROUGH REGIONAL REVIEW. TO ENSURE
9 ADEQUATE PUBLIC PARTICIPATION, EACH PARTY OR THE COUNCIL SHALL
10 ENSURE PROCEDURES FOR THE REVIEW OF PROPOSALS SUBJECT TO THE
11 STANDARD OF REVIEW AND DECISION CONSISTENT WITH THE FOLLOWING
12 REQUIREMENTS:

13 1. PROVIDE PUBLIC NOTIFICATION OF RECEIPT OF ALL APPLICATIONS
14 AND A REASONABLE OPPORTUNITY FOR THE PUBLIC TO SUBMIT COMMENTS
15 BEFORE APPLICATIONS ARE ACTED UPON.

16 2. ASSURE PUBLIC ACCESSIBILITY TO ALL DOCUMENTS RELEVANT TO AN
17 APPLICATION, INCLUDING PUBLIC COMMENT RECEIVED.

18 3. PROVIDE GUIDANCE ON STANDARDS FOR DETERMINING WHETHER TO
19 CONDUCT A PUBLIC MEETING OR HEARING FOR AN APPLICATION, TIME AND
20 PLACE OF SUCH A MEETING(S) OR HEARING(S), AND PROCEDURES FOR
21 CONDUCTING OF THE SAME.

22 4. PROVIDE THE RECORD OF DECISION FOR PUBLIC INSPECTION
23 INCLUDING COMMENTS, OBJECTIONS, RESPONSES AND APPROVALS, APPROVALS
24 WITH CONDITIONS AND DISAPPROVALS.

25 ARTICLE 7

26 DISPUTE RESOLUTION AND ENFORCEMENT

27 SECTION 7.1. GOOD FAITH IMPLEMENTATION.

1 EACH OF THE PARTIES PLEDGES TO SUPPORT IMPLEMENTATION OF ALL
2 PROVISIONS OF THIS COMPACT, AND COVENANTS THAT ITS OFFICERS AND
3 AGENCIES SHALL NOT HINDER, IMPAIR, OR PREVENT ANY OTHER PARTY
4 CARRYING OUT ANY PROVISION OF THIS COMPACT.

5 SECTION 7.2. ALTERNATIVE DISPUTE RESOLUTION.

6 1. DESIRING THAT THIS COMPACT BE CARRIED OUT IN FULL, THE
7 PARTIES AGREE THAT DISPUTES BETWEEN THE PARTIES REGARDING
8 INTERPRETATION, APPLICATION AND IMPLEMENTATION OF THIS COMPACT
9 SHALL BE SETTLED BY ALTERNATIVE DISPUTE RESOLUTION.

10 2. THE COUNCIL, IN CONSULTATION WITH THE PROVINCES, SHALL
11 PROVIDE BY RULE PROCEDURES FOR THE RESOLUTION OF DISPUTES PURSUANT
12 TO THIS SECTION.

13 SECTION 7.3. ENFORCEMENT.

14 1. ANY PERSON AGGRIEVED BY ANY ACTION TAKEN BY THE COUNCIL
15 PURSUANT TO THE AUTHORITIES CONTAINED IN THIS COMPACT SHALL BE
16 ENTITLED TO A HEARING BEFORE THE COUNCIL. ANY PERSON AGGRIEVED BY A
17 PARTY ACTION SHALL BE ENTITLED TO A HEARING PURSUANT TO THE
18 RELEVANT PARTY'S ADMINISTRATIVE PROCEDURES AND LAWS. AFTER
19 EXHAUSTION OF SUCH ADMINISTRATIVE REMEDIES, (i) ANY AGGRIEVED PERSON
20 SHALL HAVE THE RIGHT TO JUDICIAL REVIEW OF A COUNCIL ACTION IN THE
21 UNITED STATES DISTRICT COURTS FOR THE DISTRICT OF COLUMBIA OR THE
22 DISTRICT COURT IN WHICH THE COUNCIL MAINTAINS OFFICES, PROVIDED
23 SUCH ACTION IS COMMENCED WITHIN 90 DAYS; AND, (ii) ANY AGGRIEVED
24 PERSON SHALL HAVE THE RIGHT TO JUDICIAL REVIEW OF A PARTY'S ACTION
25 IN THE RELEVANT PARTY'S COURT OF COMPETENT JURISDICTION, PROVIDED
26 THAT AN ACTION OR PROCEEDING FOR SUCH REVIEW IS COMMENCED WITHIN
27 THE TIME FRAMES PROVIDED FOR BY THE PARTY'S LAW. FOR THE PURPOSES

1 OF THIS PARAGRAPH, A STATE OR PROVINCE IS DEEMED TO BE AN AGGRIEVED
2 PERSON WITH RESPECT TO ANY PARTY ACTION PURSUANT TO THIS COMPACT.

3 2. A. ANY PARTY OR THE COUNCIL MAY INITIATE ACTIONS TO COMPEL
4 COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT, AND THE RULES AND
5 REGULATIONS PROMULGATED HEREUNDER BY THE COUNCIL. JURISDICTION OVER
6 SUCH ACTIONS IS GRANTED TO THE COURT OF THE RELEVANT PARTY, AS WELL
7 AS THE UNITED STATES DISTRICT COURTS FOR THE DISTRICT OF COLUMBIA
8 AND THE DISTRICT COURT IN WHICH THE COUNCIL MAINTAINS OFFICES. THE
9 REMEDIES AVAILABLE TO ANY SUCH COURT SHALL INCLUDE, BUT NOT BE
10 LIMITED TO, EQUITABLE RELIEF AND CIVIL PENALTIES.

11 B. EACH PARTY MAY ISSUE ORDERS WITHIN ITS RESPECTIVE
12 JURISDICTION AND MAY INITIATE ACTIONS TO COMPEL COMPLIANCE WITH THE
13 PROVISIONS OF ITS RESPECTIVE STATUTES AND REGULATIONS ADOPTED TO
14 IMPLEMENT THE AUTHORITIES CONTEMPLATED BY THIS COMPACT IN
15 ACCORDANCE WITH THE PROVISIONS OF THE LAWS ADOPTED IN EACH PARTY'S
16 JURISDICTION.

17 3. ANY AGGRIEVED PERSON, PARTY OR THE COUNCIL MAY COMMENCE A
18 CIVIL ACTION IN THE RELEVANT PARTY'S COURTS AND ADMINISTRATIVE
19 SYSTEMS TO COMPEL ANY PERSON TO COMPLY WITH THIS COMPACT SHOULD ANY
20 SUCH PERSON, WITHOUT APPROVAL HAVING BEEN GIVEN, UNDERTAKE A NEW OR
21 INCREASED WITHDRAWAL, CONSUMPTIVE USE OR DIVERSION THAT IS
22 PROHIBITED OR SUBJECT TO APPROVAL PURSUANT TO THIS COMPACT.

23 A. NO ACTION UNDER THIS SUBSECTION MAY BE COMMENCED IF:

24 *i.* THE ORIGINATING PARTY OR COUNCIL APPROVAL FOR THE NEW OR
25 INCREASED WITHDRAWAL, CONSUMPTIVE USE OR DIVERSION HAS BEEN
26 GRANTED; OR,

27 *ii.* THE ORIGINATING PARTY OR COUNCIL HAS FOUND THAT THE NEW OR

1 INCREASED WITHDRAWAL, CONSUMPTIVE USE OR DIVERSION IS NOT SUBJECT
2 TO APPROVAL PURSUANT TO THIS COMPACT.

3 B. NO ACTION UNDER THIS SUBSECTION MAY BE COMMENCED UNLESS:

4 i. A PERSON COMMENCING SUCH ACTION HAS FIRST GIVEN 60 DAYS
5 PRIOR NOTICE TO THE ORIGINATING PARTY, THE COUNCIL AND PERSON
6 ALLEGED TO BE IN NONCOMPLIANCE; AND,

7 ii. NEITHER THE ORIGINATING PARTY NOR THE COUNCIL HAS COMMENCED
8 AND IS DILIGENTLY PROSECUTING APPROPRIATE ENFORCEMENT ACTIONS TO
9 COMPEL COMPLIANCE WITH THIS COMPACT.

10 THE AVAILABLE REMEDIES SHALL INCLUDE EQUITABLE RELIEF, AND THE
11 PREVAILING OR SUBSTANTIALLY PREVAILING PARTY MAY RECOVER THE COSTS
12 OF LITIGATION, INCLUDING REASONABLE ATTORNEY AND EXPERT WITNESS
13 FEES, WHENEVER THE COURT DETERMINES THAT SUCH AN AWARD IS
14 APPROPRIATE.

15 4. EACH OF THE PARTIES MAY ADOPT PROVISIONS PROVIDING
16 ADDITIONAL ENFORCEMENT MECHANISMS AND REMEDIES INCLUDING EQUITABLE
17 RELIEF AND CIVIL PENALTIES APPLICABLE WITHIN ITS JURISDICTION TO
18 ASSIST IN THE IMPLEMENTATION OF THIS COMPACT.

19 ARTICLE 8

20 ADDITIONAL PROVISIONS

21 SECTION 8.1. EFFECT ON EXISTING RIGHTS.

22 1. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO AFFECT,
23 LIMIT, DIMINISH OR IMPAIR ANY RIGHTS VALIDLY ESTABLISHED AND
24 EXISTING AS OF THE EFFECTIVE DATE OF THIS COMPACT UNDER STATE OR
25 FEDERAL LAW GOVERNING THE WITHDRAWAL OF WATERS OF THE BASIN.

26 2. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED AS
27 AFFECTING OR INTENDING TO AFFECT OR IN ANY WAY TO INTERFERE WITH

1 THE LAW OF THE RESPECTIVE PARTIES RELATING TO COMMON LAW WATER
2 RIGHTS.

3 3. NOTHING IN THIS COMPACT IS INTENDED TO ABROGATE OR DEROGATE
4 FROM TREATY RIGHTS OR RIGHTS HELD BY ANY TRIBE RECOGNIZED BY THE
5 FEDERAL GOVERNMENT OF THE UNITED STATES BASED UPON ITS STATUS AS A
6 TRIBE RECOGNIZED BY THE FEDERAL GOVERNMENT OF THE UNITED STATES.

7 4. AN APPROVAL BY A PARTY OR THE COUNCIL UNDER THIS COMPACT
8 DOES NOT GIVE ANY PROPERTY RIGHTS, NOR ANY EXCLUSIVE PRIVILEGES,
9 NOR SHALL IT BE CONSTRUED TO GRANT OR CONFER ANY RIGHT, TITLE,
10 EASEMENT, OR INTEREST IN, TO OR OVER ANY LAND BELONGING TO OR HELD
11 IN TRUST BY A PARTY; NEITHER DOES IT AUTHORIZE ANY INJURY TO
12 PRIVATE PROPERTY OR INVASION OF PRIVATE RIGHTS, NOR INFRINGEMENT OF
13 FEDERAL, STATE OR LOCAL LAWS OR REGULATIONS; NOR DOES IT OBIVIATE
14 THE NECESSITY OF OBTAINING FEDERAL ASSENT WHEN NECESSARY.

15 SECTION 8.2. RELATIONSHIP TO AGREEMENTS CONCLUDED BY THE
16 UNITED STATES OF AMERICA.

17 1. NOTHING IN THIS COMPACT IS INTENDED TO PROVIDE NOR SHALL BE
18 CONSTRUED TO PROVIDE, DIRECTLY OR INDIRECTLY, TO ANY PERSON ANY
19 RIGHT, CLAIM OR REMEDY UNDER ANY TREATY OR INTERNATIONAL AGREEMENT
20 NOR IS IT INTENDED TO DEROGATE ANY RIGHT, CLAIM, OR REMEDY THAT
21 ALREADY EXISTS UNDER ANY TREATY OR INTERNATIONAL AGREEMENT.

22 2. NOTHING IN THIS COMPACT IS INTENDED TO INFRINGE NOR SHALL
23 BE CONSTRUED TO INFRINGE UPON THE TREATY POWER OF THE UNITED STATES
24 OF AMERICA, NOR SHALL ANY TERM HEREOF BE CONSTRUED TO ALTER OR
25 AMEND ANY TREATY OR TERM THEREOF THAT HAS BEEN OR MAY HEREAFTER BE
26 EXECUTED BY THE UNITED STATES OF AMERICA.

27 3. NOTHING IN THIS COMPACT IS INTENDED TO AFFECT NOR SHALL BE

1 CONSTRUED TO AFFECT THE APPLICATION OF THE BOUNDARY WATERS TREATY
2 OF 1909 WHOSE REQUIREMENTS CONTINUE TO APPLY IN ADDITION TO THE
3 REQUIREMENTS OF THIS COMPACT.

4 SECTION 8.3. CONFIDENTIALITY.

5 1. NOTHING IN THIS COMPACT REQUIRES A PARTY TO BREACH
6 CONFIDENTIALITY OBLIGATIONS OR REQUIREMENTS PROHIBITING DISCLOSURE,
7 OR TO COMPROMISE SECURITY OF COMMERCIALY SENSITIVE OR PROPRIETARY
8 INFORMATION.

9 2. A PARTY MAY TAKE MEASURES, INCLUDING BUT NOT LIMITED TO
10 DELETION AND REDACTION, DEEMED NECESSARY TO PROTECT ANY
11 CONFIDENTIAL, PROPRIETARY OR COMMERCIALY SENSITIVE INFORMATION
12 WHEN DISTRIBUTING INFORMATION TO OTHER PARTIES. THE PARTY SHALL
13 SUMMARIZE OR PARAPHRASE ANY SUCH INFORMATION IN A MANNER SUFFICIENT
14 FOR THE COUNCIL TO EXERCISE ITS AUTHORITIES CONTAINED IN THIS
15 COMPACT.

16 SECTION 8.4. ADDITIONAL LAWS.

17 NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO REPEAL, MODIFY
18 OR QUALIFY THE AUTHORITY OF ANY PARTY TO ENACT ANY LEGISLATION OR
19 ENFORCE ANY ADDITIONAL CONDITIONS AND RESTRICTIONS REGARDING THE
20 MANAGEMENT AND REGULATION OF WATERS WITHIN ITS JURISDICTION.

21 SECTION 8.5. AMENDMENTS AND SUPPLEMENTS.

22 THE PROVISIONS OF THIS COMPACT SHALL REMAIN IN FULL FORCE AND
23 EFFECT UNTIL AMENDED BY ACTION OF THE GOVERNING BODIES OF THE
24 PARTIES AND CONSENTED TO AND APPROVED BY ANY OTHER NECESSARY
25 AUTHORITY IN THE SAME MANNER AS THIS COMPACT IS REQUIRED TO BE
26 RATIFIED TO BECOME EFFECTIVE.

27 SECTION 8.6. SEVERABILITY.

1 SHOULD A COURT OF COMPETENT JURISDICTION HOLD ANY PART OF THIS
2 COMPACT TO BE VOID OR UNENFORCEABLE, IT SHALL BE CONSIDERED
3 SEVERABLE FROM THOSE PORTIONS OF THE COMPACT CAPABLE OF CONTINUED
4 IMPLEMENTATION IN THE ABSENCE OF THE VOIDED PROVISIONS. ALL OTHER
5 PROVISIONS CAPABLE OF CONTINUED IMPLEMENTATION SHALL CONTINUE IN
6 FULL FORCE AND EFFECT.

7 SECTION 8.7. DURATION OF COMPACT AND TERMINATION.

8 ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN
9 BINDING UPON EACH AND EVERY PARTY UNLESS TERMINATED.

10 THIS COMPACT MAY BE TERMINATED AT ANY TIME BY A MAJORITY VOTE
11 OF THE PARTIES. IN THE EVENT OF SUCH TERMINATION, ALL RIGHTS
12 ESTABLISHED UNDER IT SHALL CONTINUE UNIMPAIRED.

13 ARTICLE 9

14 EFFECTUATION

15 SECTION 9.1. REPEALER.

16 ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT ARE TO
17 THE EXTENT OF SUCH INCONSISTENCY HEREBY REPEALED.

18 SECTION 9.2. EFFECTUATION BY CHIEF EXECUTIVE.

19 THE GOVERNOR IS AUTHORIZED TO TAKE SUCH ACTION AS MAY BE
20 NECESSARY AND PROPER IN HIS OR HER DISCRETION TO EFFECTUATE THE
21 COMPACT AND THE INITIAL ORGANIZATION AND OPERATION THEREUNDER.

22 SECTION 9.3. ENTIRE AGREEMENT.

23 THE PARTIES CONSIDER THIS COMPACT TO BE COMPLETE AND AN
24 INTEGRAL WHOLE. EACH PROVISION OF THIS COMPACT IS CONSIDERED
25 MATERIAL TO THE ENTIRE COMPACT, AND FAILURE TO IMPLEMENT OR ADHERE
26 TO ANY PROVISION MAY BE CONSIDERED A MATERIAL BREACH. UNLESS
27 OTHERWISE NOTED IN THIS COMPACT, ANY CHANGE OR AMENDMENT MADE TO

1 THE COMPACT BY ANY PARTY IN ITS IMPLEMENTING LEGISLATION OR BY THE
 2 U.S. CONGRESS WHEN GIVING ITS CONSENT TO THIS COMPACT IS NOT
 3 CONSIDERED EFFECTIVE UNLESS CONCURRED IN BY ALL PARTIES.

4 SECTION 9.4. EFFECTIVE DATE AND EXECUTION.

5 THIS COMPACT SHALL BECOME BINDING AND EFFECTIVE WHEN RATIFIED
 6 THROUGH CONCURRING LEGISLATION BY THE STATES OF ILLINOIS, INDIANA,
 7 MICHIGAN, MINNESOTA, NEW YORK, OHIO AND WISCONSIN AND THE
 8 COMMONWEALTH OF PENNSYLVANIA AND CONSENTED TO BY THE CONGRESS OF
 9 THE UNITED STATES. THIS COMPACT SHALL BE SIGNED AND SEALED IN NINE
 10 IDENTICAL ORIGINAL COPIES BY THE RESPECTIVE CHIEF EXECUTIVES OF THE
 11 SIGNATORY PARTIES. ONE SUCH COPY SHALL BE FILED WITH THE SECRETARY
 12 OF STATE OF EACH OF THE SIGNATORY PARTIES OR IN ACCORDANCE WITH THE
 13 LAWS OF THE STATE IN WHICH THE FILING IS MADE, AND ONE COPY SHALL
 14 BE FILED AND RETAINED IN THE ARCHIVES OF THE COUNCIL UPON ITS
 15 ORGANIZATION. THE SIGNATURES SHALL BE AFFIXED AND ATTESTED UNDER
 16 THE FOLLOWING FORM:

17 IN WITNESS WHEREOF, AND IN EVIDENCE OF THE ADOPTION AND
 18 ENACTMENT INTO LAW OF THIS COMPACT BY THE LEGISLATURES OF THE
 19 SIGNATORY PARTIES AND CONSENT BY THE CONGRESS OF THE UNITED STATES,
 20 THE RESPECTIVE GOVERNORS DO HEREBY, IN ACCORDANCE WITH THE
 21 AUTHORITY CONFERRED BY LAW, SIGN THIS COMPACT IN NINE DUPLICATE
 22 ORIGINAL COPIES, ATTESTED BY THE RESPECTIVE SECRETARIES OF STATE,
 23 AND HAVE CAUSED THE SEALS OF THE RESPECTIVE STATES TO BE HEREUNTO
 24 AFFIXED THIS ____ DAY OF (MONTH), (YEAR).

25 Enacting section 1. This amendatory act does not take effect
 26 unless all of the following bills of the 94th Legislature are
 27 enacted into law:

- 1 (a) Senate Bill No. 723.
- 2 (b) Senate Bill No. 727.
- 3 (c) Senate Bill No. 858.
- 4 (d) Senate Bill No. 859.
- 5 (e) Senate Bill No. 860.