

HOUSE RESEARCH

Bill Summary

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Overview

This is a document in bill form for all eight Great Lakes states to adopt in order to legally protect water from large-scale diversions outside the Great Lakes watershed and limit unwise water use within. There has been a six-year negotiation process through the Council of Great Lakes Governors to reach this point. The compact is recommended not to be amended and it must be ratified by Congress to be legally enforceable.

The main elements of the compact agreement are:

- There will be a ban on new diversions of water from the Great Lakes Basin, with limited exceptions for community public water supply purposes.
- The Great Lakes states, and two Canadian provinces, will use consistent standards to review proposed uses of Great Lakes water.
- Strengthens the collection of necessary technical data to share by the participants for improved water resource decision-making in the Basin.
- Requires the states and provinces to implement conservation and efficiency programs.

Section

- Encourages lasting economic development to be balanced with sustainable water use.
- Commits to an ongoing public involvement process in implementing the agreement.

Minnesota's existing water conservation and permit laws are ahead of most, if not all, of the other Great Lake's states. We establish water use priorities in statute, have a permit system for withdrawals and diversions, and emergency water conservation plans and requirements.

This is a governor's initiative, fully endorsed by the Department of Natural Resources. The Department's Division of Waters does not anticipate any large-scale diversion requests in Minnesota that would require regional approval under the compact at this time.

Below is a capsule summary of what's contained in the various articles of the compact bill.

Article 1: Short Title, Definitions, Purposes and Duration

Overview

- Defines water adaptive management and other terms;
- Specifies legislative findings and purpose.

Article 2: Organization

Overview

- Creates the Great Lakes - St. Lawrence river basin water resources council;
- Specifies membership, alternates, voting, organization, procedure, existing offices and agencies use, status, jurisdiction, immunities and privileges;
- Authorizes the council to constitute and empower advisory committees;
- Permits public, federal, state, tribal, local government, academic expert and water resources agencies, sectors and interest groups advisory committees participation.

Section

Article 3: General Powers and Duties

Overview

- Specifies sovereign general powers and council powers;
- Allows the council to conduct research and disseminate data;
- Authorizing council rulemaking;
- Requires council member parties report submission to the council and subsequent council review and findings.

Article 4: Water Management and Regulation

Overview

- Requires member parties to develop and maintain a water resources inventory, requiring the council to assist in developing a common data base;
- Requires certain water withdrawal registration and specifies reporting requirements;
- Requires the council to identify conservation and efficiency objectives;
- Specifies member party powers and duties, originating party approval and regional review requirements;
- Prohibits new or increased diversions, with some exceptions;
- Requires member party creation of management programs and regulation of new or increased withdrawals and consumption;
- Specifies a decision making standard and criteria, applicability and exemptions;
- Requires member parties to conduct periodic cumulative withdrawal and consumption impact assessments.

Article 5: Tribal Consultation

Overview

- Requires consultation with federally recognized tribes;
- Specifies consultation mechanisms.

Section

Article 6: Public Participation

Overview

- Requires council meetings to be open to the public;
- Specifies a policy of public participation.

Article 7: Dispute Resolution and Enforcement

Overview

- Provides and specifies good faith implementation, alternative dispute resolution and enforcement.

Article 8: Additional Provisions

Overview

- Specifies effect on existing rights, relationship to agreements concluded by the federal government, confidentiality, additional laws, amendments and supplements, severability and duration of compact and termination.

Article 9: Effectuation

Overview

- Provides for repeal of inconsistent acts;
- Authorizes the governor to effectuate the compact;
- Specifies compact to be complete and whole with the effective date and execution.