

Changes needed to compact

June 1, 2004

roman = summary

bold = critique

Diversion definition

- defined as 1) out of the Great Lakes basin and 2) between lake basins
- **define as between major river tributaries**

Source watershed definition

- defined as Great Lake or the St. Lawrence River, or a tributary to them
- **make it the same scale of the watershed of withdrawal, down to smallest stream level**

Required return flow definition

- defined as return to the source watershed, not simply to the basin
- acceptable if source watershed definition changed
- **best if required to take place “in close proximity to the site of withdrawal”**

Consumptive loss definition

- basis for determining quantity of required return flow
- **needs defining, or process for defining it**

“Environmentally sound and economically feasible water conservation measures”

- “economically feasible” is defined weakly: as cost-benefit analysis, which generally undervalues benefits
- “economically feasible” is defined strongly, with “avoided environmental costs” expressly to be included on the benefit in the cost-benefit analysis
- **“environmentally sound” is not defined: should be defined as “measures that 1) for the applicant’s water use sector, represent best conservation practices for water withdrawals and consumptive uses, as carried out by the best performing withdrawers in the developed world for the given sector*, and 2) have been evaluated to assure that they do not cause as adverse ecological impact when implemented”**

“Significant adverse impacts” definition

- not defined
- **state-provincial agreement “procedures” appendix should be referenced**

Conservation “measures” definition

- applicant given complete latitude to choose measures
- **state-provincial agreement “procedures” should indicate minimum acceptable measures**

“Basinwide conservation plan”

- as distinct from conservation plans required for larger withdrawal proposals
- not currently in the compact or state-provincial agreement
- **suggested language: “The Great Lakes basin states (and provinces in the agreement) shall collectively develop a basin wide strategy for water conservation that includes targets and timetables for reducing current basin wide water use by individual jurisdiction and use sector, and measures to be taken by the states (and provinces) to increase water conservation by water withdrawers and users.”**

Council voting power

- regionally reviewed diversions: unanimous
- regionally reviewed withdrawals: majority of six of the eight
- **for regionally reviewed withdrawals, should be unanimous**
- modification of articles 8–10: unanimous
- rest of compact: majority
- **for rest of compact: should be unanimous**

Diversions of 1 mgd or more

- regional review, with unanimous vote for approval (from article 3.3)
- no “reasonable alternative,” including conservation
- quantity reasonable for proposed use
- return withdrawn water less consumptive loss factor to source watershed
- no significant adverse impact
- improvement (except: state decides on compliance for proposals up to 3 million mgd)
- **should be no exception on application of improvement**

Withdrawals resulting in a consumptive loss of 5 million gallons a day or more

- option one: all the criteria above except 1) six votes for approval (from article 3.4) and 2) unqualified improvement provision
- **should be unanimous and loss threshold much closer to 1 mgd**
- **eliminate option two: regional “prior notice and consultation”**

State-provincial body

- above categories of diversion and withdrawal must be reviewed by state-provincial body
- possible attempt to link the compact and state-provincial agreement by requiring compact votes be the same as state-provincial votes

Diversions under 1 mgd

- state review
- exemption for 250,000 gd or under for near-basin public supply where potable water is “unavailable”
- **should there be an exemption?: if so, what? 100,000 gd, with near-basin defined as one mile?**
- minimum acceptable “conservation measures” should be defined (perhaps vs. Noah—all withdrawals should be a “conservation plan?”)
- **improvement should be required**

Withdrawals over 100,000 gd, but less than quantity/use causing 5 mgd consumptive loss

- state review
- ten years to implement
- **improvement should be required – but for what size of withdrawal?**
- **minimum acceptable “conservation measures should be defined**

Cumulative impacts study

- every five years or total increased basin consumptive loss of 50 mgd or more, whichever is sooner
- **should be major-river tributary-based, every five years or half of a percent of low flow volume**
- **should be a requirement to act on the basis of the study**