



Testimony to the U.S. Senate Judiciary Committee
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The Great Lakes—St. Lawrence River Basin Water Resources Compact
July 30, 2008

Good afternoon, Chairman Feingold, Ranking Member Specter, and members of the Senate Judiciary Committee. I would like to particularly recognize Senator Feingold and Senator Kohl from Wisconsin as well as the other Senators from the Great Lakes States. I am Jim Doyle, Governor of the State of Wisconsin and Chair of the Council of Great Lakes Governors. Thank you for the opportunity to submit this testimony regarding *the Great Lakes—St. Lawrence River Basin Water Resources Compact* (Compact) and Senate Joint Resolution 45 which provides Congressional consent for this historic measure to protect the Great Lakes.

The Council of Great Lakes Governors is a non-partisan partnership of Governors from each of the eight Great Lakes States--Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. In recent years, the Premiers of Ontario and Québec have partnered with the Governors through the Council to advance the environmental health and high performance economy of the entire region.

In 2005, the Great Lakes Governors in collaboration with regional partners completed the negotiation of the eight-State Compact. And, on July 9, 2008, the Great Lakes States completed State ratification. To become law, Congress must now provide its consent. By implementing this Compact, leaders are taking the necessary steps to protect the Great Lakes and sustainably manage this shared resource.

There is a long tradition in this country of States using compacts to work together to manage shared water resources. Historically, States and the federal government have supported interstate compacts to address water supply, water quality and flood control issues within the hydrological context of watersheds and basins. There are currently at least 41 interstate water compacts that have been entered into by the party States and consented to by the U.S. Congress over a period of decades. 45 States and the District of Columbia currently belong to at least one interstate water compact and many States belong to more than one.

Interstate water compacts provide an effective means to manage shared water resources consistent with our system of constitutional federalism. As the National Governors Association policy on water resources states, "Governors urge the federal government to continue to support interstate water basin organizations and to consent in the future to similar arrangements including interstate water compacts ratified by the party states." The Great Lakes Governors appreciate the opportunity to work with you to obtain Congressional consent for this Compact.

The Great Lakes in Perspective

The Great Lakes are a national treasure—important to our nation and the world as both an environmental and economic asset. Our national economy depends on the Great Lakes for industrial uses, hydropower, maritime commerce, agricultural irrigation and many other uses. The Great Lakes are also a globally unique and important environmental resource.

The Great Lakes contain approximately 20% of the world's surface freshwater, and 95% of North America's. One in three Canadians and one in 10 U.S. residents depend on the Great Lakes for their water. More than 35 million U.S. residents and 8 million Canadians live, work, and recreate in, on or by the waters of the Great Lakes Basin.

The Great Lakes regional economy and, indeed, our nation's depend on the Great Lakes. For example, the Great Lakes provide water for 70 percent of U.S. steel production. The Lakes provide transportation for almost 200 million tons of international and interlake cargo—indeed, the lake carriers can tell you how much transport tonnage they lose for each inch of water lost. One-third of all the boats registered in the United States are in the Great Lakes States and boating alone supports over 250,000 jobs. Overall, our region generates nearly 30% of our nation's gross domestic product and about 60% of all U.S. manufacturing. Water is also used for hydro-power on both sides of the border. All of these different uses depend on the lakes in different ways as a source for clean, abundant fresh water.

Sustainable management and use of the Great Lakes can foster economic growth while protecting our environment. Conversely, we place our water resources, our environment and our economy at risk if we do not manage the Lakes sustainably and do not keep our lakes at healthy levels. Therefore, we must be forward-looking to put in place effective policies that address today's issues and anticipate tomorrow's challenges.

At the request of the Great Lakes Congressional delegation, in 2003 the Great Lakes Governors developed priorities for Great Lakes restoration and protection:

- Promoting the sustainable use of water resources;
- Protecting human health;
- Controlling pollution from diffuse sources;
- Reducing persistent bio-accumulative toxics;
- Stopping the introduction and spread of non-native aquatic invasive species;
- Protecting coastal wetland and wildlife habitats;
- Restoring Areas of Concern;
- Improving information collection and dissemination; and,
- Adopting practices that protect the environment along with the recreational and commercial value of the Great Lakes.

Implementation of the Compact will realize the first of these nine priorities and ensure that the Lakes are used sustainably in order to continue to provide benefits to us all. This will be a historic step in our broader efforts to protect and restore the Great Lakes.

The Compact: Key Elements

The Compact includes the following points:

- Economic development will be fostered through sustainable use and responsible management of Basin waters.

- The States will use a consistent standard to review proposed uses of Basin water. The States will have flexibility regarding their water management programs and how to apply this standard.
- Regional goals and objectives for water conservation and efficiency will be developed, and they will be reviewed every five years. Each State will develop and implement a consistent water conservation and efficiency program for all water users that may be voluntary or mandatory.
- In general, there will be a ban on new diversions of water from the Basin with limited and strictly regulated exceptions only when rigorous standards are met.
- The collection of technical data will be strengthened, and the States will share comparable information, which will improve decision-making by the governments.
- There is a strong commitment to continued public involvement in the implementation of the Compact.

The eight Great Lakes States reached a similar, good-faith agreement with Ontario and Québec in 2005 which the Provinces are using to amend their existing programs in order to provide greater regional consistency. My testimony today will focus on the Compact, however, I would be pleased to answer any questions that you may have regarding Provincial actions.

The Need for Enhanced Protections

Over the past ten years or so, it has become increasingly evident that stronger protections are needed to promote the sustainable use of the Great Lakes. In 2000 the U.S. Congress encouraged “the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin,” when it passed amendments to the Water Resources Development Act. This Act also recognized the Governors’ authority over Great Lakes diversions.

And in response in 2001, the Great Lakes Governors and Premiers signed the Great Lakes Charter Annex. In the Annex, the Governors and Premiers renewed the commitments made in the 1985 Great Lakes Charter and provided a framework for new agreements. As a result of these actions and commitments by the Great Lakes Governors and Premiers, negotiations were begun in 2001 to develop enhanced protections for the Great Lakes—St. Lawrence River Basin.

Development and Public Participation Process

An open, transparent and nearly five-year process was used to develop the Compact in order to ensure that *everyone’s* interests were represented and protected. In 2001, the Great Lakes Governors and the Premiers of Ontario and Quebec appointed senior State and Provincial officials to a Water Management Working Group (Working Group). The Working Group included staff from each Governors’ and Premiers’ offices as well as State and Provincial agencies responsible for water management. The Working Group also worked closely with a team of State and Provincial water law experts. Under the Governors’ and Premiers’ direction, the Council of Great Lakes Governors facilitated the Working Group’s discussions and other aspects of the development process.

We wanted the final package to reflect the perspectives of water users and other stakeholders, as well as the general public. To that end, an Advisory Committee was created, consisting of approximately 25 regional and national organizations who would share the perspective of their

constituencies. Members of the Advisory Committee included representatives from organizations including, for example, the Alliance of Automobile Manufacturers; American Chemistry Council; American Farm Bureau Federation; American Forest and Paper Association; Association of Metropolitan Sewerage Agencies; American Water Works Association; Consumers Energy; the Council of Great Lakes Industries; Ducks Unlimited; Great Lakes and St. Lawrence Cities Initiative; Great Lakes United; Lake Carriers Association; National Association of Manufacturers; National Wildlife Federation; The Nature Conservancy; and, the New York Power Authority. As you can see, we included a broad cross-section of water users and others.

In addition to providing input to the Working Group, the Advisory Committee members provided information regarding the Working Group's progress to members of their respective organizations. The Working Group met with them on a regular basis via face-to-face meetings and conference calls as the Compact was developed. The Working Group directly incorporated specific suggestions made by the Advisory Committee.

In addition to the Advisory Committee, the Working Group relied heavily on a Resource Group and Observers. The Resource Group included staff from governmental entities in order to provide policy and technical expertise. Resource Group members included the U.S. Congressional Great Lakes Task Force, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Geological Survey, the National Oceanic and Atmospheric Administration, Northeast-Midwest Institute and Great Lakes Commission. Observers included representatives from the International Joint Commission, U.S. State Department, and the Canadian Department of Foreign Affairs and International Trade.

Discussions with the federally recognized Tribes in the Basin were held at the State level followed by consultations at the regional level. Council staff met with staff representing various water users and took a tour of a steel mill as well as water treatment plants, sewage treatment plants, and nuclear power facilities to obtain a better understanding of water users' needs. This was in addition to the numerous meetings that State officials had with interested parties in each of their States and in Washington, D.C.

To solicit the input of the broader public, two drafts of the Compact were released for public comment. The first public comment period began in July of 2004, and the second public comment period began in June of 2005. Over 60 public meetings around the basin were held, and over 13,000 comments were received.

Numerous other informational meetings were held as the Compact was developed, including several briefings for Congressional staff and staff from the U.S. State Department. Five regional briefings were also held for State legislators--four hosted by the Council of State Governments and one hosted by the National Caucus of Environmental Legislators. Additional briefings took place in the individual States.

In short, every opportunity was given to people interested in Great Lakes water management to have their voice heard as the Compact was developed.

Support for the Compact

The Compact has attracted broad-based and bi-partisan support at all levels of government and among stakeholders because of the protections it provides for our Great Lakes. For example:

- **Congress**—Dozens of members of Congress have publicly expressed their support for the Compact including the bi-partisan Co-Chairs of the Congressional Great Lakes Task

Force. Senator Levin (D-Michigan), Senator Voinovich (R-Ohio), Representative Conyers (D-Michigan), Representative Oberstar (D-Minnesota), Representative Ehlers (R-Michigan) and Representative LaTourette (R-Ohio) are leading efforts to provide Congressional consent to the Compact.

- **Canada**—the Canadian federal government has encouraged Congressional consent to the Compact. The Ontario and Québec governments are similarly supportive.
- **Governors**—the Governors of the eight Great Lakes States developed and have led efforts to implement the Compact. During the negotiation and implementation of the Compact, each State has had a partisan change in the office of Governor but all States have maintained their commitment to the negotiations and enactment of the Compact.
- **State legislators**—over 1300 State legislators voted to ratify the Compact. More than 95% of all legislators who cast a vote on the Compact approved it. And, it has been endorsed by the Midwestern Legislative Conference.
- **Mayors and local governments**—The Great Lakes and St. Lawrence Cities Initiative as well as individual elected officials, City Councils, County Boards and other local governments.
- **Tribes**—the National Congress of American Indians has adopted a resolution in support of the Compact.
- **Media** including: *Chicago Sun-Times*, *Indianapolis Star*, *Detroit Free Press*, *Duluth News-Tribune*, *Buffalo News*, *Cleveland Plain Dealer*, *Erie Times-News* and the *Milwaukee Journal-Sentinel*.
- **Stakeholders**—More than 150 different and diverse groups representing elected officials; agriculture; business and industry; conservationists and environmentalists; and, others.

Conclusion

The Compact will ensure that water continues to be available for future use and economic growth. It represents a once-in-a-lifetime opportunity to protect one of our nation's greatest natural resources. The Compact promises to promote sustainable use and preserve and protect the Great Lakes now and for future generations.

Thank you for the opportunity to submit this testimony. Should there be questions, I would be happy to try to answer them now, or please do not hesitate to contact me in Madison or David Naftzger, Executive Director of the Council of Great Lakes Governors at 35 E. Wacker Drive, Suite 1850, Chicago, Illinois, 60601; Phone (312) 407-0177; E-mail dnaftzger@cglg.org.