

Comments and Responses
Great Lakes-St. Lawrence River Water Resources Regional Body
Great Lakes-St. Lawrence River Basin Water Resources Council
December 8, 2020 Guidance and Procedures Documents
April 8, 2021 Rules Document

I. Introduction

The Great Lakes-St. Lawrence River Water Resources Regional Body (“Regional Body”) and the Great Lakes-St. Lawrence River Basin Water Resources Council (“Council”) held a public comment period from September 15 through October 15, 2020 on the Council’s proposal to amend its Rules of Practice and Procedure and its Council Guidance (“Guidance”); and, the Regional Body’s proposal to amend its Regional Body Procedures guidance document (“Procedures” and together with the Guidance, the “Guidances”). The Rules and Guidances were published for public comment as described below (referenced collectively as the “Updated Procedures Documents”).

1. ***Great Lakes-St. Lawrence River Basin Water Resources Compact Rules of Practice and Procedures.*** This document, proposed to be modified by Council as a regulation, includes proposed revisions addressing alternative dispute resolution and arbitration, and enforcement. Comments are being accepted on proposed revisions to the Rules of Practice and Procedure.

2. ***Great Lakes—St. Lawrence River Basin Water Resources Compact Guidance.*** This guidance document mirrors the Regional Body Procedures through Parts I and II with respect to review of a diversion subject to the Great Lakes-St. Lawrence River Basin Water Resources Compact, and also includes certain provisions applicable only to the Council. The Compact Council proposed amending the Guidance adopted on December 6, 2018. Comments were being accepted on proposed revisions to the Compact Guidance in Sections 200.2; 200.3; 200.4; and 200.5.

3. ***Great Lakes—St. Lawrence River Water Resources Regional Body Procedures.*** This guidance document contains the procedures that the Regional Body will follow during the review of a diversion subject to the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement through the issuance of its Declaration of Finding. This document mirrors the Compact Guidance for Parts I and II. The Regional Body proposed amending Procedures adopted on December 6, 2018. Comments were being accepted on proposed revisions to the Regional Body Procedures in Sections 200.2; 200.3; 200.4; and 200.5.

The Regional Body and Council received 5 written comments (emails) from individuals and groups. Additionally, comments were received at a virtual public hearing on October 13, 2020. Three individuals including Jacqueline Wilson of the Canadian Environmental Law Association, Marc Smith of the National Wildlife Association and Todd Brennan of the Alliance for the Great Lakes provided oral testimony at the public hearing. Comments received are grouped and summarized under topic headings. Responses are provided to the summarized comments.

II. Issues specific to U.S. Tribes, Canadian First Nations and provincially recognized Métis communities in Canada.

1. Summary of Comments

Comments were made that Federally recognized Tribes, First Nations, and the Métis communities in Canada should receive the same notice of regionally significant or potentially precedent setting proposals as the Parties.

Response

The Agreement and Compact describe the rights and obligations that the Parties have toward each other, and how they work together to exercise their authorities. As such, notice is properly provided by the Originating Party to the other Parties to each agreement so that they may properly exercise their respective rights and obligations.

The Council and Regional Body agree, however, that notice to Tribes, First Nations and Métis communities, as well as the public, is appropriate and has amended Section 200.3.2 accordingly. As revised, Section 200.3.2 of the Guidance and Procedures states, “Promptly and within 15 days of receipt of an Application to approve a Diversion, the Originating Party notifies the other Parties and thereafter determines whether the Diversion addressed in the Application is a Proposal subject to Regional Review or Regional Review and Council approval. Such notice of receipt of an Application will be posted to the Council and Regional Body websites by the Secretariat within 5 days of receiving such notice.” [Emphasis Added.]

Accordingly, all such notices will be available on the Council and Regional Body websites shortly after their receipt.

2. *Summary of Comments*

Comments were received that federally recognized Tribes, First Nations, and the Métis communities in Canada should have the same ability to request information about regionally significant or potentially precedent setting proposals as the Parties.

Response

The Agreement and Compact describe the rights and obligations that the Parties have toward each other, and how they work together to exercise their authorities. As such, the right to request information regarding a Proposal within the jurisdiction of a Party is properly provided to the other Parties to each agreement so that they may properly exercise their respective rights and obligations, including the right to request Regional Review of a regionally significant or potentially precedent setting proposal.

Tribes, First Nations, and the Métis communities in Canada may request either the Applicant or the Originating Party to provide information voluntarily or as may be required by the laws of the Originating Party.

3. *Summary of Comments*

Comments were received that federally recognized Tribes, First Nations, and the Métis communities in Canada should be afforded the same right as the Parties to request Regional Review of regionally significant or potentially precedent setting proposals as the Parties.

Response

Article 502 paragraph 2 of the Agreement and Section 4.5.f of the Compact grant only to a majority of the members of the Regional Body the authority to request Regional Review of regionally significant or potentially precedent setting proposals.

However, nothing in the Agreement, Compact, Guidance or Procedures prevents federally recognized Tribes, First Nations, and the Métis communities in Canada from encouraging the Regional Body members to request Regional Review of regionally significant or potentially precedent setting proposals.

4. *Summary of Comments*

Comments were received that there should be greater consistency between the Compact Council Guidance and Regional Body Procedures when referencing federally recognized Tribes, First Nations and Métis communities in Canada. Specifically, First Nations and Métis communities in Canada should be referenced in every place where federal recognized Tribes are referenced in the Council Guidance.

Response

The Great Lakes-St. Lawrence River Basin Water Resources Compact, grants the Council authority to manage the water resources of the Great Lakes – St. Lawrence River Basin which consists of the watershed of the Basin upstream from Trois-Rivieres, Québec within the jurisdiction of the State Parties to the Compact. *See* Compact §§ 1.2 (definition of Basin) and 2.7 (Jurisdiction). Referencing the First Nations and Métis communities in Canada wherever federally recognized Tribes are referenced in the Guidance would suggest that the Council is inappropriately enlarging its jurisdiction.

III. Comments on Section 200.3 of the Council Guidance and Regional Body Procedures (Originating Party Powers and Duties; Applicant’s Submission to Originating Party)

5. *Summary of Comments*

Comments were received that there should be public notice of regionally significant or potentially precedent setting proposals for Great Lakes Basin residents who may be interested in the proposals.

Response

Section 200.3.2 of the Guidance and Procedures, which has been revised to provide notice by posting in the Council and Regional Body websites, states, “Promptly and within 15 days of receipt of an Application to approve a Diversion, the Originating Party notifies the other Parties and thereafter determines whether the Diversion addressed in the Application is a Proposal subject to Regional Review or Regional Review and Council approval. Such notice of receipt of an Application will be posted to the Council and Regional Body websites by the Secretariat within 5 days of receiving such notice” (emphasis added). The public will receive notice of all diversion proposals.

6. *Summary of Comments*

Comments were received that the wording of Section 200.3.2 of the Guidance, should be changed to read: “Promptly and within 15 days of receipt of an Application to approve a Diversion, the Originating Party notifies the other Parties and of its determination whether the Diversion addressed in the Application is a Proposal subject to Regional Review or Regional Review and Council approval.” This would make it clearer to the Parties that the Originating Party is expected to have determined that the Application is or is not subject to Regional Review.

Response

The final version of Section 200.3.2 of the Guidance and Procedures now states, “Promptly and within 15 days of receipt of an Application to approve a Diversion, the Originating Party notifies the other Parties and thereafter determines whether the Diversion addressed in the Application is a Proposal subject to Regional Review or Regional Review and Council approval. Such notice of receipt of an Application will be posted to the Council and Regional Body websites by the Secretariat within 5 days of receiving such notice.”

The final language makes it clear that for the purposes of notice the Originating Party determines whether an Application is or is not subject to Regional Review or Regional Review and Council Approval. However, 15 days after receipt of an Application may not provide the Originating Party sufficient time to review an Application to approve a Diversion to determine whether it is or is not subject to Regional Review or Regional Review and Council Approval. Sections 200.3.2.a and b require the Originating Party to make such a determination and notify the other Parties of such determination 30 days from receipt of the Application.

7. Summary of Comments

Comments were made that Section 200.3.2.ii and section 200.3.3 should use a “reasonably consider” threshold that a proposal may be potentially precedent-setting or regionally significant rather than “substantial likelihood.”

Response

The Regional Body and Compact Council agree with the substance of this comment. Changes were made to use a “reasonable likelihood” threshold in place of “substantial likelihood.”

8. Summary of Comments

Comments were made that Section 200.3.2.ii and Section 200.5.2 should include requirements that the Originating Party also provide information on the expected environmental impacts of the proposal and any disproportionate environmental, social, or economic burden on any community directly impacted by the application.

Response

For purposes of this phase of revising the Guidances, the Council and Regional Body focused on the information clearly needed to evaluate the criteria set forth in the agreements. Further consideration would have to also be given as to whether the additional information identified by the commenters would be relevant when determining

whether the Decision-Making Standard or the Standard of Review and Decision had been met by the Proposal contained in the Application, and how this additional information should be taken into account. Accordingly, this requested change is outside the scope of the Phase II of procedures updates.

IV. **Comments on Section 200.5. Consideration of regionally significant or potentially precedent setting Proposals.**

9. *Summary of Comments*

Members of the public should have the ability to petition the Regional Body and Compact Council for Regional Review of regionally significant or potentially precedent setting proposals.

Response

Article 502 paragraph 2 of this Agreement and Section 4.5.f of the Compact grant only to a majority of the members of the Regional Body the authority to request Regional Review of regionally significant or potentially precedent settling proposals. Nothing in the Guidance or Procedures prevents members of the public from encouraging the Regional Body members to request Regional Review of proposals they believe to be regionally significant or potentially precedent setting proposals.

10. *Summary of Comments*

Comments were made that in Section 200.5.6 it would help to clarify who is expected to consult the Applicant at a minimum. For example, it could reference that the Council chair is expected to consult, or an alternate Council member if the chair is the originating party.

Response

Article 500 Paragraph of the Agreement states, “The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal and shall consult with the Applicant throughout the Regional Review Process.” Section 4.5.e. of the Compact includes similar language. Accordingly, the Originating Party has primary responsibility for coordinating such consultations.

11. *Summary of Comments*

Comments were made that Section 200.5.8.c should be broken out to clarify that any Party has a right to review a proposed Application and provide comments regardless of

whether review was initiated by a written request of the majority of Parties to pursue alternative means of collectively reviewing an Application.

Response

Section 200.5.8.c now allows for “Submission by Council if a majority of Parties agree, or by individual Parties, of comments to the Originating Party to be placed in the Originating Party’s administrative record.” [relevant section underlined.] The intention is to make it clear that individual Parties may submit comments even if a Council majority does not agree to submit comments on behalf of Council. The Regional Body Procedures contain a similar provision.

V. Comments on the Council Rules of Practice and Procedures Section 500 and (where relevant) Section 500 of the Regional Body Procedures: Alternative Dispute Resolution (ADR)

12. Summary of Comments

Comments were made that the Compact Council is the final decision-maker for diversion requests that qualify for regional review. Accordingly, the alternative dispute resolution process should still empower the Council to make the final decision by majority vote. Accordingly, the panel established by the alternative dispute resolution process should make a recommendation to the Council, and the Council will make the final decision, and furthermore Section 501 should be removed in its entirety.

Response

The final sentence of Section 500.1 of the Rules states, “These procedures shall not be used to dispute a Council Decision or Final Council action on a Proposal that is subject to Council review.” Accordingly, ADR pursuant to Section 500 of the Rules is unavailable to challenge a Council decision on a diversion. In addition, neither the ADR proceedings nor the arbitration proceedings will result in a “decision” binding upon either the Council or the Parties.

Designed to implement § 7.2 of the Compact, both the ADR provisions and the Arbitration provisions of the Council Rules encourage the Parties to the Compact to resolve their disputes without resorting to litigation. Section 501 (Arbitration) of the Council Rules has been retained to provide Parties to a dispute the opportunity to try to reach a resolution after completing ADR pursuant to Section 500 before resorting to litigation.

13. *Summary of Comments*

Comments were received that dispute resolution should begin in the United States Article III courts where there are rules of civil and criminal procedure, rules of evidence, the right to a jury and a competent judge.

Response

Engaging in Alternative Dispute Resolution (ADR) and developing ADR Rules is both authorized and required under Section 7.2 of the Compact, which states that:

1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.
2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

ADR is also required by Article 6 of the Agreement.

14. *Summary of Comments*

Comments were received that because of their unique status, federally recognized Tribes, First Nations, and Métis communities in Canada should be given notice of any ADR proceedings that could implicate their interests, and be given an opportunity to participate.

Response

The focus of ADR under these Rules and Procedures is among the Parties to the Compact. As previously noted, Alternative Dispute Resolution (ADR) between the Parties is required under Section 7.2 of the Compact, which states that:

1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.
2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

ADR is also required to resolve disputes among the Parties to the Agreement. *See* Agreement, Art. 6.

Regardless, Section 500.2 of the Council Rules states:

“A Party choosing to commence ADR shall do so by sending via email, or U.S. or Canadian postal mail, a detailed written notice of dispute to the Secretariat identifying the Parties to the dispute, summarizing the issues in dispute, the Party’s position on those issues, any legal authority relied upon, and any additional information that might facilitate settlement of these issues. The Secretariat will distribute a copy of the notice to all of the Parties and shall give notice of an ADR application under this Section as follows:

- a. Posting on the Council’s website; and
- b. Correspondence, either electronically or in written form, to interested Persons in accordance with a list of such Persons compiled by the Council. Any interested Person may have his or her name added to the list by making a written request to the Secretariat.”

See also, Procedures, § 500.4.

In short, notice will be given to Tribes, First Nations, and Métis communities in Canada when ADR proceedings are initiated. Tribes, First Nations and Métis communities may participate in the ADR proceeding at the request of a Party, absent timely objection of any other Party. *See* Rules § 500.5. *See also*, Procedures, § 500.4.

It is also noted that ADR outcomes are not in and of themselves binding. Where ADR is conducted pursuant to the Compact and Section 500 of the Council Rules, any steps taken to implement any ADR outcomes to bind-non-Parties will need to be implemented pursuant to Compact procedures, if applicable, or the relevant laws of the participating States. ADR conducted pursuant to the Agreement is likewise non-binding.

15. Summary of Comments

Comments were received that there should be additional opportunities given to stakeholders other than Parties to participate in ADR. For example, although Parties can request that another person take part in ADR, that other person will not be able to participate if any other Party objects. The comments stated that the provision allowing Parties to object to stakeholders other than Parties participating in ADR should be revised to ensure that critical stakeholders are not excluded from an important dispute-resolving process simply because an opposing Party does not want them to be able to protect their interests.

Response

The focus of ADR under these Rules is among the Parties to the Compact. As previously noted, Alternative Dispute Resolution (ADR) between the Parties is required under Section 7.2 of the Compact, which states that:

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1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.
2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

ADR is also required to resolve disputes among Parties to the Agreement. *See* Agreement, Art. 6.

It is also noted that ADR outcomes are not in and of themselves binding. Where ADR is conducted pursuant to the Compact and Section 500 of the Council Rules, any steps taken to implement any ADR outcomes will need to be implemented pursuant to applicable law, such as those of the participating States, which may provide opportunities for stakeholder input.

16. *Summary of Comments*

Comments were received that the public should be notified of any ADR proceedings, and the results of those proceedings should be publicized as well, to ensure decisions are being made transparently and with public input.

Response

The Rules provide for public notice of the commencement of ADR proceedings. Section 500.2 of the Compact Council Rules states:

“A Party choosing to commence ADR shall do so by sending via email, or U.S. or Canadian postal mail, a detailed written notice of dispute to the Secretariat identifying the Parties to the dispute, summarizing the issues in dispute, the Party’s position on those issues, any legal authority relied upon, and any additional information that might facilitate settlement of these issues. The Secretariat will distribute a copy of the notice to all of the Parties and shall give notice of an ADR application under this Section as follows:

- c. Posting on the Council’s website; and
- d. Correspondence, either electronically or in written form, to interested Persons in accordance with a list of such Persons compiled by the Council. Any interested Person may have his or her name added to the list by making a written request to the Secretariat.”

See also, Procedures, § 500.2. Reporting on outcomes of any ADR proceedings has been left to the discretion of the participating Parties and may vary depending on the issues in dispute. It is also noted that ADR outcomes are not in and of themselves binding.

17. Summary of Comments

Comments were received that Section 500(5) and 600(4) of the Rules should be amended to provide that the alternative dispute resolution process that is more formal with a panel of decision makers, formal processes for consulting experts and obtaining written evidence, provide the public an opportunity to comment, seek oral testimony through public hearings, and state clearly that all costs and expenses are to be borne by the participating Parties.

Response

To implement Section 7.2 of the Compact and Article 6 of the Agreement, the Parties' overall goal of both the ADR provisions in Section 500 of the Council Rules and Regional Body Procedures, and the Arbitration provisions in Section 501 of the Council Rules, is to encourage the Parties to resolve their disputes without resorting to litigation. Accordingly, the decision has been made to keep ADR processes informal and in Section 500.6 of the Rules provide the Chair with multiple available approaches to achieve this policy goal.

Similarly, the arbitration provisions in Section 501 of the Council Rules are designed to afford the Parties to the arbitration flexibility in designing arbitration procedures best suited to resolve their dispute. Standard procedures are provided in the event the Parties to the arbitration do not otherwise agree. Additional formality might discourage arbitration and thereby conflict with the goal of this provision.

It should also be noted that the Section 500 ADR procedure will not result in any binding decisions, but rather result in non-binding recommendations only. This includes the result of any vote by the Compact Council members taken as part of the ADR process.

Changes were made to Section 500.2 to provide notice to the public of the initiation of ADR proceedings, and to Section 500.15 to provide that the costs of ADR shall be equally borne by the participating Parties.

VI. Comments on the Rules of Practice and Procedure Section 501. Arbitration

18. Summary of Comments

Comments were made that the Arbitrator should be picked by a coin toss.

Response

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Section 501.3 states in part that “The Parties participating in the arbitration (“Arbitration Parties”) shall unanimously agree on the procedures to be followed in the arbitration.” Accordingly, the Parties may decide to choose an Arbitrator by coin toss. Should there not be unanimous agreement on the procedures to be followed, Section 501.3 provides details on the process to be used for arbitration with reference to the International Arbitration Rules of the International Center for Dispute Resolution of the American Arbitration Association.

19. *Summary of Comments*

Comments were made that the Rules move away from any private, confidential decision-making model, and that if binding arbitration is engaged in between two Parties, such arbitration should take place in a public forum with an opportunity for the public to participate. No binding decisions that impact public policy should be made outside of a public forum without an opportunity for the public to participate and make their voices heard. Issues that would arise under section 7.2 of the Compact, including interpretation of the Compact, its application, or its implementation, are all of interest to the public.

Response

Section 501 has been modified so that binding arbitration decision-making may no longer be engaged in pursuant to this Section.

Specifically, Section 501.1 has been modified to state that “Any Party desiring to ~~arbitrate~~ engage in non-binding arbitration in an effort to resolve its dispute with one or more other Parties....”

In addition, the last sentence of Section 501.1 now states that “Binding arbitration may not be undertaken by any Party under this Section.”

20. *Summary of Comments*

Comments were made that arbitration must be appealed through the United States Article III courts and that arbitration must not hold any power of precedent over any future case because of the inherently discreet nature of hydrology, geology and human factors. The only place in the federal courts where precedent is established is in the Circuit Courts and U.S. Supreme Court.

Response

As noted in the previous response, Section 501 has been modified to expressly state that binding arbitration may not be undertaken by any Party under Section 501 and that the arbitration award and any recommended remedy or relief may not be entered as a

judgment in any court, tribunal or other adjudicatory body. Hence no appeal is anticipated.

21. *Summary of Comments*

Comments were made that Section 501.4 should be changed to prohibit confidentiality of decisions.

Response

An overall goal of both the ADR provisions in Section 500 of the Council Rules and Regional Body Procedures and the Arbitration provisions in Section 501 of the Council Rules is to encourage the Parties to the Compact to resolve their disputes without resorting to litigation. However, because arbitration pursuant to the non-binding arbitration provisions of Section 501 of the Council Rules, if unsuccessful, may be a prelude to litigation, the option for keeping the proceedings confidential is important to maximize the likelihood the Parties will reach an amicable resolution of the dispute.

Regardless, Section 501.4 states in full that:

“Unless all Arbitration Parties agree, the content of the arbitral proceedings and any rulings of the arbitrator(s) preliminary to the arbitration award shall be kept confidential except (i) to the Parties to the Compact, or (ii) to the extent that disclosure may be required of a Party to fulfill a legal duty or protect or pursue a legal right. Notwithstanding the foregoing sentence, any Arbitration Party may disclose matters relating to the arbitration or the arbitral proceedings where necessary for the preparation or presentation of a claim or defense in such arbitration.” [Emphasis Added.]

Further, Section 501.5 states in full that:

“Unless an Arbitration Party objects, the Secretariat shall give notice of the non-binding arbitration award including any remedy or relief recommended by the arbitrator(s) as follows:

- a. Posting on the Council’s website; and
- b. Correspondence, either electronically or in written form, to the project Applicant, and interested Persons in accordance with a list of such Persons compiled by the Council. Any interested Person may have his or her name added to the list by making a written request to the Secretariat.”

Accordingly, the default position is to provide notice and include the outcomes of any such non-binding arbitration.

Finally, as provided in Section 501.6, regardless of whether an objection to disclosure is made, “any Party to the Compact (whether or not an Arbitration Party) may make the arbitration award and any recommended remedy or relief available to the public at such Party’s discretion.”

22. *Summary of Comments*

Comments were received that all Arbitration hearings should be held in public, as public arbitration procedures will address the concerns about environmental justice in the basin, and allow for diverse and marginalized voices to be heard. Further, a public hearing model will ultimately result in much better, more easily defensible decisions.

Response

See Responses to Comment 15, 16 and 19. In addition, the Arbitration provisions do not supplant the opportunities for public participation in the review of Proposals. See, e.g., Compact, Art. 6, Agreement, Art. 503; Guidance and Procedures, § 201.

VII. Additional Comments received

23. *Summary of Comments*

Comments were made that Compact Council Rules of Practice & Procedure “Section 600.6. Enforcement” should not provide that enforcement-related communications are treated as confidential unless the Compact Council expressly determines otherwise, as such communications are in the public interest, especially with many such interests at stake.

Response

In addition to maintaining Attorney-Client privilege, government agencies, including interstate compact agencies, must be able to hold confidential internal enforcement-related discussions. Public disclosure of such discussions could prejudice an enforcement action or settlement negotiations. Consequently, it is the regular practice at all levels of government to maintain confidentiality regarding internal discussions relating to the enforcement of laws. The Compact Council rules are consistent with this practice.

24. Summary of Comments

Comments were made that there must always be public meetings whenever there is a Diversion Proposal, as well as provisions that all can attend and speak.

Response

See Response to Comment 22. To the extent the commenter is requesting revision to the public participation provisions of the Guidance and Procedures referenced in the response to Comment 22, this subject area is outside of the scope of this procedures update workplan for the Regional Body and Council. Note that the Compact already provides for public participation related to diversion proposals in Compact Sections 4.5.3 and 6.2. Additionally, the Regional Body and Compact Council do meet in public at least twice a year, and opportunities for public to provide comments are provided.

25. Summary of Comments

Comments were made that the Regional Body and Compact Council should have public hearings generally each quarter of a year for open discussion concerning all of their work to ensure the public is informed of their activities and that the public can inform the Regional Body.

Response

The subject areas of these comments were outside of the scope of this procedures update workplan for the Regional Body and Council. Regardless, the Regional Body and Compact Council do meet in public at least twice a year, and opportunities for public to provide comments are provided. A summary of all comments made at such meetings is included in written summaries posted to the Regional Body and Compact Council websites.

26. Summary of Comments

Comments were received that the Regional Body and Compact Council should incorporate the concepts of environmental or justice or use environmental justice as a framework as part of its decision-making process, particularly when considering diversions of water from the Great Lakes-St. Lawrence River Basin. To that end, the activities of the Regional Body and Compact Council should remain transparent to the public and prioritize equitable communication strategies that target outreach to marginalized communities around the Great Lakes Basin, while adaptively pursuing decision making that is inclusive of diverse stakeholders, and equitably engages the voice of Great Lakes communities.

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Response

These subject areas were outside of the scope of this procedures update workplan for the Regional Body and Council. However, the Compact Council and Regional Body are committed to public participation; this request has been noted and may be addressed by the Regional Body and Compact Council in the future.

27. Summary of Comments

Comments were received that inclusion of page numbers in the “Table of Contents” would make the document more accessible and easy to use.

Response

A Table of Contents including page numbers has been added to the final versions.

28. Summary of Comments

Comments were received opposing any changes in the Compact UNLESS it makes diversions more difficult. From the information sent, it is not clear what the impact of the rules are.

Response

No changes were made to the Compact.