

THE UPPER MISSISSIPPI RIVER BASIN CHARTER

PRINCIPLES FOR THE MANAGEMENT OF UPPER MISSISSIPPI RIVER BASIN WATER RESOURCES AND NOTIFICATION AND CONSULTATION PROCESS GUIDELINES

FINDINGS

The Governors of the signatory Upper Mississippi River Basin States jointly find and declare that:

The water resources of the Upper Mississippi River Basin are precious natural resources. The Basin's water uses include municipal, industrial, and agricultural water supply; navigation; hydroelectric power and energy production; recreation; mining; and the maintenance of fish and wildlife habitat. The Basin States have a duty to protect, conserve, develop, and manage the water resources of the Basin.

The water resources of the Upper Mississippi River Basin comprise a valuable regional and national resource. The Upper Mississippi river system is a multi-purpose system with two Congressional mandates; it is managed both for commercial navigation and as a national wildlife refuge. The States in partnership with the federal government of the United States share a continuing and abiding responsibility to maintain and enhance all aspects of this multipurpose system. Without careful and prudent management, future diversions of the water resources of the Upper Mississippi River Basin may have significant adverse impacts on the environment, economy, and welfare of the region.

Management of the water resources of the Upper Mississippi River Basin is subject to the jurisdiction, rights, and responsibilities of each Basin State. Effective management of the water resources of the Basin requires the Basin States to exercise their jurisdiction, rights, and responsibilities in the interest of all of the people of the region through a continuing spirit of comity and mutual cooperation.

A preferred means to achieve effective management of the water resources of the Upper Mississippi River Basin is through the joint pursuit of unified and cooperative principles and policies mutually agreed upon and adhered to by the States of the Upper Mississippi River Basin.

PURPOSE

The purposes of this charter are to conserve the levels and flows of the water resources; to protect the environmental ecosystem; to secure present development; to provide a foundation for future investment and development; and to assure all significant benefits and impacts are considered before a decision is made.

**PRINCIPLES FOR THE MANAGEMENT
OF THE UPPER MISSISSIPPI RIVER BASIN WATER RESOURCES**

In order to achieve the purposes of this Charter, the Governors of the signatory Upper Mississippi River Basin States agree, subject to the laws of each state, that:

**Principle I
Integrity of the Upper Mississippi River Basin**

The water resources of the Upper Mississippi River Basin shall be managed for the wise use, benefit, and enjoyment of all citizens of the Basin. The planning and management of the water resources of the Upper Mississippi River Basin shall recognize that the water resources of the Upper Mississippi River Basin transcend political boundaries within the Basin and should be conserved and provided for beneficial uses including navigation, recreation, municipal and industrial water supply, irrigation, hydroelectric power and energy production, water quality, mining, maintenance of fish and wildlife habitat, aquatic ecosystem, and other instream and withdrawal uses.

**Principle II
Notification and Consultation**

The signatory states agree that it is the intent of the states that interbasin diversion of water resources will not be supported if individually or cumulatively they would have significant adverse impact on instream flows, in-basin uses, and the basin ecosystem.

Any state having knowledge of a proposal for a new or increased diversion of water which will exceed 5 million gallons per day average in any 30 day period from the waters of the Upper Mississippi River Basin to another basin shall notify and offer to consult with all signatory states in order to allow all signatory states to express their concerns, identify their interests, develop where possible mutually acceptable agreements, or take such other actions as they may find appropriate.

**Principle III
Cooperation Among States**

The Governors agree to pursue such additional agreements as may be necessary to promote greater cooperation with respect to any new or increased interbasin diversions of Mississippi River Basin waters.

**Principle IV
Reservation of States Rights**

The signatory States mutually recognize the rights and standings of each other to represent and protect the rights of their respective jurisdictions. Each State reserves and retains all rights and authority to seek, in any state, federal, or other appropriate court or forum, adjudication or protection of their respective rights.

NOTIFICATION AND CONSULTATION PROCESS GUIDELINES

1) State Appointments

- Each signatory state shall designate a contact person for the state's involvement in the notification and consultation process.
- The Upper Mississippi River Basin Association shall compile and maintain a mailing list.

2) Notification

- Notice shall be given to all signatory states of an anticipated diversion which exceeds 5 million gallons per day average in any 30 day period.
- The notice shall include at a minimum:
 - a) name, location, and sending and receiving waterbodies or basins
 - b) list of applicable permits
 - c) purpose of water use
 - d) method of measurement
 - e) request for comments

3) Comments/Objections

Comments or objections from the signatory states:

- a) shall be submitted by the Governor or his representative within 45 days
- b) should be based on hydrologic, economic, or environmental concerns
- c) may include a request for a consultation meeting

4) Consultation

- The originating state shall schedule and conduct a consultation meeting when a letter of objection has been received and a consultation meeting requested.
- The originating state shall provide a minimum 30 day notice of the meeting to the Governors or their representatives.
- The originating state shall be responsible for preparation of the agenda, chairing of the meeting, and preparation of notes of the meeting.
- The consultation meeting shall include opportunities for description of the proposed diversion, presentation of basin states positions, and discussion.

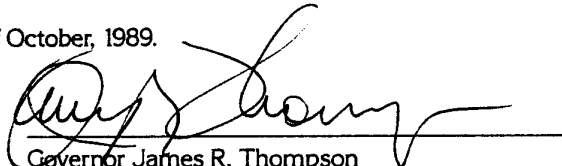
5) Decision

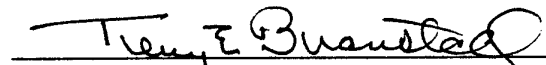
- If no objections are received, the originating state shall make its decision on the proposed withdrawal and inform the signatory states.
- If objections are received, whether or not a consultation meeting is convened, the originating state shall:
 - a) distribute to signatory states a summary of the consultation discussion and comments and a draft response to the diversion request.
 - b) allow 30 days for comments from the signatory states.
 - c) consider comments received.
 - d) distribute the final disposition of the diversion request to all signatory states within 15 days after the final decision has been made.

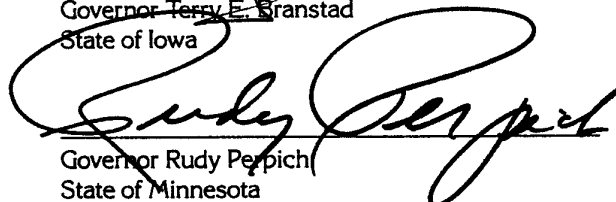
6) Annual Review


At each annual meeting of the Upper Mississippi River Basin Association each state shall report on its involvement with diversion requests.

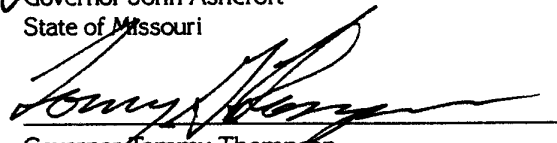
Signed at Milwaukee, Wisconsin this 2nd day of October, 1989.


Governor James R. Thompson
State of Illinois


Governor Terry E. Branstad
State of Iowa


Governor Rudy Perpich
State of Minnesota


Governor John Ashcroft
State of Missouri


Governor Tommy Thompson
State of Wisconsin