



June 2, 1998

Lois DeBacker
Program Officer

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

The Charles Stewart Mott Foundation
1200 Mott Foundation Building
Flint, Michigan
48502-1851

Dear Lois,

Proposal for Meeting to Strengthen Great Lakes Water Resource Protection

Thank you for speaking with me about the fast emerging issue of water export in the Great Lakes Region. The recent permit granted by the Ontario government to a private company to export water from Lake Superior by tanker for sale to Asia has caused a good deal of concern and reaction within the Basin, in Washington and in Ottawa. A number of actions have resulted which we feel gives Basin residents an unprecedented opportunity to permanently enshrine long term strengthened water resource protection and foster long overdue sustainable water use policies for the Region. Because several of these opportunities have very short timetables we feel it is imperative to gather together leaders conversant in water resources issues to plan further activities to involve the public in upcoming forums and policy initiatives.

The Canadian Environmental Law Association (CELA) is uniquely positioned to convene such a meeting because of our long-standing work on water sustainability and on international trade. Last year we published The Fate of the Great Lakes: Sustaining or Draining the Sweetwater Seas? with Great Lakes United which predicted that pressures from the growing global water market and other stresses would soon be visited on the region. This report outlines the components of a sustainable water strategy which we now have this unique opportunity to implement in the coming months.

Up-Coming Opportunities

This debate and other government undertakings have creating a variety of forums for discussion and public input. These are:

- . A meeting of the Great Lakes Governors and Premiers on July 24, 1998. The water export issue as well as the issue of the long over due Basin Water Resources Management Program called for in the Great Lakes Charter are likely to be discussed

- . Canada's Minister of Foreign Affairs, Lloyd Axworthy has petitioned the US Secretary of State, Madeline Albright to request a reference to the International Joint Commission (IJC) to consider water export, diversions and consumptive uses with a suggested deadline for reporting back by October 1998. Canadian government staff feel that the reference will go ahead and indicate that terms of the reference are now being discussed. Since the IJC is required to consult the public on its references there will be a need to educate basin

residents on the ecological, social and economic facets of this complex reference.

. The Canadian Federal government will be undertaking a review of its freshwater policies this summer. They will be meeting with all Provinces first as required by their Harmonization Agreement. Results of these consultations will be made public this fall when opportunity for public input may occur. The Federal Government has stated their intention to "fast track" the water export portion of those discussions in order to introduce a bill on water exports to the Parliament in the fall. There is concern that such a harmonized national consultation on water might not result in protection that is strong enough for the unique ecosystem of the Great Lakes.

. The recommendations of US Congressman Stupak's House Resolution 418 in reaction to the export permit will be considered by Congress. As well, The Water Resources Development Act is scheduled for review this fall. As you are probably aware, there has been considerable debate between agencies in the Basin on whether or not groundwater within the Great Lakes watershed is protected from export outside the Basin by this Act.

Seizing these Opportunities

The scheduling of these four initiatives presents considerable challenges to residents of the Great Lakes at a time of the year when most of us would rather be enjoying the recreational gifts of the Lakes rather than worrying about their fate. Certainly, the issues we are facing today of population growth and development stresses within the Basin, global economic pressures and water shortages, and climate change were never anticipated by The Boundary Waters Treaty of 1909 or even by the Great Lakes Charter of 1985. The range and scope of the considerations which must be brought to these discussions are challenging even to those active in these issues for many years. For these reasons we feel it is important to bring together Great Lakes advocates with others expert in the issues of trade and the state of global water resources. There is a need for the leaders in the basin to reach some consensus on ways to foster understanding and prepare residents of the basin to meet these challenges.

As we discussed, CELA recommends that this initial meeting be convened within the next month in order to maximize input into the July 24th meeting of the Great Lakes Governors and Premiers. To minimize the costs, we envision a one day meeting in a Great Lakes City which is easily accessible by plane to allow people to fly in and return in the same day (Detroit or Toronto). We would hope to invite Great Lakes leaders active in water quantity issues, representatives of Native Nations, experts in the GATT and free trade agreements, those active in drafting the Great Lakes Charter, and an expert in global water issues. Attached is a tentative list of participants. In addition, grant-making agencies would be notified, should they wish to attend.

The meeting agenda would be structured to have presentations on the global, trade and regional aspects of the issues in the morning. In the afternoon participants would plan how best to inform, and ensure wide public participation in shaping future policies for each of the initiatives under way. The proceedings would be recorded and distributed widely to encourage Basin-wide public involvement in the other up-coming forums and in the long

term. Recommendations framed by the meeting will be forwarded to the July 24th meeting. As the agenda is developed we will be providing you with it. John Jackson of Great Lakes United and Mark Ritchie of the Institute for Agriculture and Trade Policy have agreed to help steer the planning of this meeting.

Budget

The components of the budget would primarily be for the airfare for participants, room rental, and lunch. Some additional funds would be needed for meeting planning, recording, producing and distributing the results of the days discussion.

TENTATIVE BUDGET

TRAVEL; AIRFARE 15 TO 18 PEOPLE	\$6,500.00
FACILITY AND LUNCH	\$1,500.00
REPORT PRODUCTION AND DISTRIBUTION	\$2,000.00
MEETING ORGANIZATION	<u>\$2,000.00</u>
TOTAL	\$12,000.00

We would be happy to discuss this proposal further with you. CELA welcomes any suggestions which you have for altering it or suggestions for accessing other funding sources which could support this meeting and further work which will result from it. This proposal has been put together very hurriedly in response to the momentum that has been created by the debate on water export in the past month. Great Lakes Basin leaders have this opportunity to frame an ecosystem water management framework for sustainability for the new millennium, a framework that has the potential to be a model for other parts of the world. This example could contribute to reducing future water scarcity and conflicts. We very much appreciate your consideration of this proposal on such short notice.

A package of background materials on the concerns raised in the last month has been sent to you as background to this proposal. It includes information on the permit to the Nova Group, as well as other permits in Canada, documentation on government responses and much of the extensive coverage by the print media of this issue.

Yours truly,
Canadian Environmental Law Association

Sarah Miller
Coordinator

Reframing Great Lakes Water Management for Sustainability

Potential Presenters

The State of Water Resource Management in the Great Lakes -Overview of Great Lakes protections, new challenges, and opportunities- John Jackson, Great Lakes United

The Great Lakes from a Global Context - Sandra Postel, Global Water Policy Project
(formerly of The World Watch Institute)

Water and Trade

History of Water and Trade - Jamie Linton, Author and Expert on Water and Trade
(formerly of the Rawson Academy of Aquatic Science)

Water Export, NAFTA, and the Canada US Trade Agreements - Michelle Swenarchuk,
Canadian Environmental Law Association

Implications of GATT and the Biodiversity Convention - Mark Ritchie, the Institute For
Agriculture and Trade Policy

Protections in place for the Lakes, Beyond the Great Lakes Charter-Joe Saxe (or one of the
original framers of the Great Lakes Charter).

Invitees

Representatives of:

National Wildlife Federation

Sierra Club Midwest Office

Quebec Water Coalition

Save Ontario Water

Michigan United Conservation Club

Lake Michigan Federation

Canadian Auto Workers

United Auto Workers

First Nations: Canada and the U.S.

Academics: Canada and the U.S.

Observers

Mott Foundation

Great Lakes Protection Fund

Northeast Midwest Institute

Laidlaw Foundation

Great Lakes Commission

Joyce Foundation

International Joint Commission

Toronto Atmospheric Fund