

Great Lakes Charter Annex Annex Advisory Panel Meeting

Wednesday August 24, 2006
Conference Call
12 – 2pm

Proceedings from the Meeting

1. Welcome, Agenda Overview and Roll Call:

- Rob Messervey welcomed all to the meeting (a teleconference) and outlined the objectives and purpose of the meeting, specifically:
 - (i) To provide Panel Members with an update on Great Lakes Charter Annex (GLCA) activities since the last Annex Advisory Panel (AAP) meeting in January;
 - (ii) To provide an overview of the province's draft implementation framework;
 - (iii) To discuss the nature of the Advisory Panel's role in implementing the Agreement;
 - (iv) To discuss the proposed next steps in the implementation process.

2. Activities that have Occurred Since January Panel Meeting:

- Kevin Wilson provided the Panel with an update on the establishment of the Regional Body.
 - Inaugural Regional Body meeting in Chicago (June 5 – 6, 2006)
 - Ohio will Chair the Regional Body and Ontario will be the Vice-Chair. Ontario will take over as Chair on December 13, 2006.
 - Kevin Wilson was appointed by the Premier to be Ontario's representative on the Regional Body
 - It was decided that the Council of Great Lakes Governors will be Secretariat to the Regional Body
 - First Nations representatives met with Regional Body members
 - Regional Body Conference Call (August 17, 2006)
 - The Regional Body has decided *not to* seek incorporation status
 - Jurisdictional updates were provided:
 - Illinois – legislation introduced in House and Senate
 - Indiana – working toward draft legislation for discussion with stakeholders by fall; package for '08 session
 - Michigan – anticipated next session which begins in January '07
 - Minnesota – '07 at the earliest – likely by next session which begins in January '07
 - New York – legislation introduced in Assembly (approved end of June) and Senate (ran out of time – may reconvene prior to election – hopeful for Oct. approval)
 - Ohio – introduced in House and Senate – hearings. Out of session – may reconvene in Nov./Dec. Some issues raised by industry related to the standard and the definition of a source watershed

- Ontario – 3 Work Groups being established (Legislation/regulations; conservation; information and science). Role of AAP maintained. Targeting fall '06 for amendments
 - Pennsylvania – anticipated in new 2-year term which begins in January '07
 - Quebec – Agreement to be adopted by National Assembly in Fall '06. Legislative/regulatory changes to follow. Implementation plan prepared.
 - Wisconsin – Legislative Council review committee set up – first meeting in September. Anticipate legislation in 2007.
- **Christine Elwell (Friends of the Earth) asked which legislation and regulations were going to be amended in Ontario this fall.**
 - *We are still in the process of determining the scope of the first package of amendments and the best vehicle(s) by which to carry the amendments forward.*
 - *We are optimistic that this information will be available by the next AAP meeting*
- **Dan McDermott (Sierra Club) inquired about Ohio's problems in implementing the Agreement; a follow up question to discussions at the AAP meeting in January.**
 - *Kevin Wilson indicated that he is more comfortable now that Ohio will pass the implementing legislation*
 - *we will continue to monitor and report on progress at the next AAP meeting*
- **Mary Muter (Georgian Bay Association) asked about the value of provincial AAP members putting added pressure on their U.S. counterparts**
 - *There is still merit in AAP members continuing to encourage their U.S. counterparts to help secure passage of the Compact*
- Rob Messervey provided an update on the establishment of the Regional Water Conservation Committee.
 - Inaugural Regional Conservation Committee call on July 28, 2006
 - Wisconsin and Ontario will serve as co-chairs of Committee
 - Committee will work with First Nations/Tribes and maintain the involvement of the Advisory, Resource and Observer Groups to develop regional water conservation goals, objectives
 - Inaugural calls with all of the above mentioned groups to take place August 28, 2006
 - Committee will provide recommended water conservation and efficiency goals and objectives to the Regional Body by March, 2007
 - After the Regional Body adopts these goals and objectives a Wisconsin case study will be developed to assist jurisdictions in developing their own goals, objectives and programs
 - **Ross Kent (Stelco Inc.) asked what kind of public and stakeholder input would be expected during the development of regional goals and objectives**
 - *The Regional Conservation Committee will hold several meetings with stakeholders where members of the stakeholder Advisory Committee will have an opportunity to provide direct input*

- Ontario will also continue to bring AAP comments and recommendations forward to the Regional Initiative in this development process
- AAP members were given an opportunity to update the rest of the Panel on some of the work they were doing.
 - Sarah Miller (Canadian Environmental Law Association) requested an update on the New Berlin water diversion proposal in Wisconsin.
 - Looking for guidance, Wisconsin provided Premier McGuinty with an early (informal) draft of the New Berlin proposal
 - Ontario (MNR) provided comments stating that we appreciated their situation, but that we found their application to be incomplete and should they make a formal proposal we would seek further information
 - Christine Elwell- Friends of the Earth, Sierra Club have been working on getting language into draft Bill 43 of the Clean Water Act (e.g. changes to assessment reports, and water budgets) that would link it with the new Annex Agreement.
 - Caroline Day (Canadian Federation of University Women) described her efforts to get language on the GLCA into the Clean Water Act.
 - Sarah Miller- CELA has been actively involved with source protection and with regional dialogue related to the Great Lakes Water Quality Agreement- seeking protection of groundwater, Annex linkages and integration
 - Mary Muter asked whether MNR is represented on the IJC Upper Lakes study being conducted to examine increased water loss
 - Allan Chow (MNR) is represented on the study; Ian Cameron is an alternate.
 - Glen Pleasance (Canadian Water and Wastewater Association) discussed the CWWA's network of water use experts and practitioners across North America. Glen chairs a Water Efficiency Committee. He also agreed to provide the Panel with some Best Management Practices and a paper being developed on water efficiency plans for the municipal sector
 - Steve Gombos (Ontario Water Works Association) chairs an OWWA Water Efficiency Committee, has provided input to MOE Permit to Take Water effort and looks forward to supporting Annex implementation.
 - Bill Carr (MIA) informed the Panel that the Annual Mid-Western Legislators Conference recently passed a resolution endorsing the U.S. Compact Agreement. Mary Muter added that the Great Lakes – St. Lawrence Cities Initiative also endorsed the Agreement
- ACTION: MNR to circulate both resolutions with meeting notes**
 - MNR was asked whether there was something similar to the bio-hydrologic study mentioned in the Regional Body Update being done in Ontario
 - Danielle Dumoulin described the Canada-Ontario Water Use and Supply Project and the work it was doing to compile water use, supply and aquatic information and data on a tertiary watershed level in Ontario
 - Rob Messervey pointed to the Information and Science Work Group to outline the work being done to improve our information on the Great Lakes

3. Overview of Ontario's Draft Implementation Framework

- Rob Taylor provided the Panel with a summary of the province's proposed implementation framework which was distributed prior to the conference call and an overview of key timelines, milestones
 - Assistant Deputy Minister's (ADM) Steering Committee
 - Steering Committee is headed by Kevin Wilson and consists of ADMs from other provincial ministries
 - Steering Committee will provide direction to the 3 Work Groups
 - 3 Inter-ministerial Work Groups are being developed
 - i. Legislation, Regulation, Agreement Administration Work Group
 - Co-chaired by MOE and MNR
 - Exploring Agreement's implications on other legislation, regulation and how to approach amending them
 - ii. Water Conservation and Efficiency Work Group
 - Co-chaired by MOE and MNR
 - Developed to help formulate provincial positioning on regional conservation goals, objectives (by March '07)
 - Then, develop provincial conservation goals, objectives
 - iii. Information and Science Work Group
 - Co-chaired by MOE, MNR, and OMAFRA
 - Helping to develop a unified regional science strategy
 - Currently developing provincial baseline data to help contribute regionally (in about 2 years time)
 - A First Nations Engagement Strategy is being created
 - Provincially, we are still very early in the development process
 - First Nations and Tribes have been active regionally
 - Continuing to utilize the Annex Advisory Panel
 - Panel will be charged with complimenting and directing the 3 Work Groups to aid them in achieving their regional, provincial goals
 - **Ross Kent requested that the province makes sure that it adequately evaluates the potential impacts legislative, regulatory amendments will have on stakeholders. He then asked whether we were allowing ourselves enough time to develop an adequate baseline information assessment.**
 - *Rob Taylor told him that we already have a lot of our data requirements in place, so the focus of the Information and Science Work Group will be to identify and fill the gaps to ensure that we do not overlook any of our commitments*

4. Discussion of the Advisory Panel's Role in Implementation

- Rob Messervey discussed the modified mandate of the AAP:
 - Panel members are expected to participate in regular AAP meetings, which will be scheduled as necessary
 - The Panel will provide input both provincially and regionally to help ensure that all Agreement commitments are satisfied
 - The AAP will act as a sounding board where necessary
 - The issue of confidentiality during meeting discussions was emphasized. This was an aspect of our relationship which made the negotiation process work so well. We would like to maintain this confidentiality

through implementation so we can continue to provide panel members with as much information as possible

- The Panel was asked to review the current AAP membership to see if any additional names should be added

ACTION: Panel members to provide any additional names they believe should be added to the AAP distribution list.

- Rob Messervey raised the question of future AAP meetings and their interaction with the 3 Work Groups: Should Work Groups report directly to the broader Panel or should Panel members feed into individual Work Groups?
 - **Paul Norris (Ontario Waterpower Association) advocated the idea of the Work Groups and the Steering Committee presenting to the AAP so that members could see the bigger picture and provide input to the suite of Annex implementation activities. Elizabeth Griswold (Canadian Bottled Water Association) concurred with this idea.**
 - Rob Taylor suggested sending preliminary information to all AAP members before each Panel meeting so that members can attend only those meetings or portions of meetings that interest them.
 - Everyone concurred with this idea.
 - **Paul Norris also suggested updating Panel members and sharing information through a web portal rather than via email.**
 - *Concerns about accessibility and security were raised, but it was agreed that this would be an option that would be explored further. A potential compromise would be the continued use of email in addition to a web portal.*

ACTION: MNR staff to explore the idea of developing a web portal and report back to the Panel.

- Rob Messervey asked for feedback on how the Panel wanted to interact with the regional conservation initiative (i.e., the Regional Conservation Committee and Advisory Committee).
 - Rob noted that some members of the provincial AAP were already on the Regional Advisory Committee, but that there may be an opportunity to have more participants from Ontario join the Committee.
 - **Sarah Miller stated her desire to have more representatives from Ontario join her on the Advisory Committee and inquired about the availability of funding for members to participate**
 - *Rob Taylor was unsure whether funding would be available, noting that the Council of Great Lakes Governors had limited resources at their disposal. There may be some funding for the Regional Conservation initiative through funding from the Great Lakes Protection Fund, but it is unlikely that meetings with the Regional Body would be covered.*
 - *If anyone is limited by funding constraints, tell us and we will push for more teleconferences rather than face-to-face meetings.*

ACTION: AAP members to identify themselves to MNR if they are interested in participating on the regional Advisory Committee

- Paula Thompson asked how we wanted to coordinate participation and representation between national groups that have American counterparts.

- OWWA/CWWA work closely with AWWA and will coordinate with them directly to determine whether it is necessary for all three organizations to participate individually
 - MNR followed up with the Council of Great Lakes Governors who determined that Ontario representatives for these groups should participate if they wished as the communication between groups was infrequent

5. Next Steps in the Implementation Process

- The timing of the next meeting was discussed and the week of September 25, 2006 was suggested.
 - ***The next meeting has subsequently been set for Wednesday September 27, 2006***
- Suggested agenda items were then requested:
 - Update on Work Group meetings and products (e.g. Legislation/Regulations, conservation)
 - Update on what Panel members are doing
 - Presentation of proposed York Region case study
 - Discuss contrast/linkages with other initiatives, e.g. *Great Lakes Water Quality Agreement, Clean Water Act*
 - Regional updates (e.g. regional Conservation Committee)
 - Discuss alternative dispute settlement for Ontario

ACTION: Develop draft agenda for next meeting and distribute to AAP members.

- ***Ross Kent suggested adding a representative from Niagara Region to the AAP***
 - *Austin Kirkby – chair of the Niagara on the Lake Irrigation Advisory Committee and Henri Benemeer of Niagara on the Lake are represented on the AAP*

ACTION: MNR to get the name of a potential Niagara Region contact from Ross Kent.

6. Adjourn

- Meeting adjourned at approximately 1:45pm.