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Ministry of Natural Resources Ministère des Richesses naturelles

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To Members of the Great Lakes Charter Annex Advisory Panel

I want to thank those of you who attended the recent meeting of the Great Lakes Annex Advisory Panel on January 17th, 2007 and for raising some very important policy considerations with regard to Ontario's implementation of the Annex Agreement. I would also like to take this opportunity to confirm several commitments that were made at the meeting. These commitments relate to the on-going role of the Panel, the next steps in the process to implement the Agreement and a number of associated matters.

When the Panel met I indicated that it is our intent to have the Panel continue to provide input and expertise as Ontario moves forward to implement the Agreement. While some members expressed concern that the protections negotiated and agreed upon were not strong enough, I also heard from many others that Ontario should take advantage of the small window we have to seek approval of a legislative package that would set the framework for implementing the current Agreement signed in December of 2005. We recognized that a new policy decision to go beyond the current Agreement would involve substantive dialogue and debate and require the necessary time to carry out such a process. Such delays may impair our current successes, reduce our momentum and ultimately, reflect poorly on the leadership that Ontario has provided to the other Basin jurisdictions. I am confident that we have the opportunity to introduce a flexible legislative framework that is capable of growing and responding to the needs of the Province.

At the Panel meeting some members requested that the government put in place a moratorium on intra-basin transfers, pending passage of the legislation. While I appreciate the attempt to find a solution to the concerns raised at this meeting I am unable to commit to a moratorium at this time. Like the request that there be no intra-basin transfers permitted under the legislation, this action would be considered a new policy direction requiring substantial policy development, consultation, government approvals and a regulation to be made by the Lieutenant Governor in Council. It is not possible to pursue the proposal and still meet the deadlines necessary to get our enabling legislation passed this year.

However, we are prepared to engage the Panel in early dialogue of interim measures, including discussion around the request that we consider an interim moratorium on intra-basin transfer, as the legislative framework proceeds. This proposed framework, with its new requirements for intra-basin transfers, provides an improved vehicle to address these matters in a more

comprehensive manner. I can confirm that both MNR and MOE Minister's offices are comfortable with this approach.

I would like to offer the following additional commitments, which I am prepared to recommend to government:

- To seek greater flexibility in the legislation such that return flow to the source Great Lake watershed is required for intra-basin transfers 19+ million litres per day, or a lesser amount prescribed by regulation. Before such a regulation could be passed, further work would be done and consultation with the Advisory Panel and others would be conducted to determine the appropriate threshold level.
- To provide regulation-making flexibility to introduce additional criteria to control intra-basin transfers, in response to the periodic cumulative impact assessments required under the Agreement (i.e. Article 209).
- To provide regulation-making flexibility such that terminology related to the intra-basin transfer criteria can be fleshed out by regulation (e.g. "cumulative adverse impacts").

In addition to the foregoing, we remain committed to having the Panel engaged with other implementation efforts including water conservation programs and our science and research strategy. From our discussions it was also clear that we need to gather and share more information about potential water transfers that are on the near horizon. To this end, I shall endeavor to work with our municipal partners to bring such proposals before the Panel for their information and consideration. These efforts will complement any formal review requirements that may be necessary (e.g. environmental assessment) and will help all of us understand how best the Agreement may be implemented in Ontario. Additionally, the Ministry of the Environment will commit to work with the York Region representative on the Panel to provide the most current information on the plans on servicing in York Region and to discuss its implications with respect to the Agreement.

Given our current urgency to move the proposed legislative framework forward, it is important for you to let me know whether you are prepared to support us moving ahead on this basis so that I may decide how to recommend to government that they proceed. I would appreciate your comments by February 5th, 2007.

The Great Lakes Annex Advisory Panel is an unprecedented approach to citizen involvement that helped Ontario negotiate an Agreement that, when implemented, will substantially improve the levels of protection across the Great Lakes Basin. With your help, we can ensure that this is a platform to build upon for the future protection of this globally significant resource. I look forward to continuing to work with you on this important task.

Yours truly,

Kevin J. Wilson
Assistant Deputy Minister
Natural Resource Management Division

c: Robert P. Taylor, Director, Lands & Waters Branch
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