



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

January 18, 2008

**Canadian Environmental Law Association
Response to AAP Questions regarding a Proposed Great Lakes Strategy**

The Canadian Environmental Law Association and Great Lakes United have a long history of working to improve protective policies for the Great Lakes-St. Lawrence River ecosystem spanning over three decades. We have been concerned not only by the lack of overall progress on historical problems but also by the inability of governments to cooperate in anticipating and preventing new stresses on the ecosystem. We espouse the **concerns** articulated by many scientists and environmentalists that we may be nearing the tipping point where this ecosystem will no longer have the resilience to withstand new stresses. In the United States these concerns have led to a consolidated vision endorsed by governments and citizens known as the Great Lakes Regional Collaboration, which has prioritised actions and assigned costs to the activities needed to repair and enhance the ecosystem. This has resulted in bills being drafted for passage through Congress to allocate the funds needed for this restoration plan.

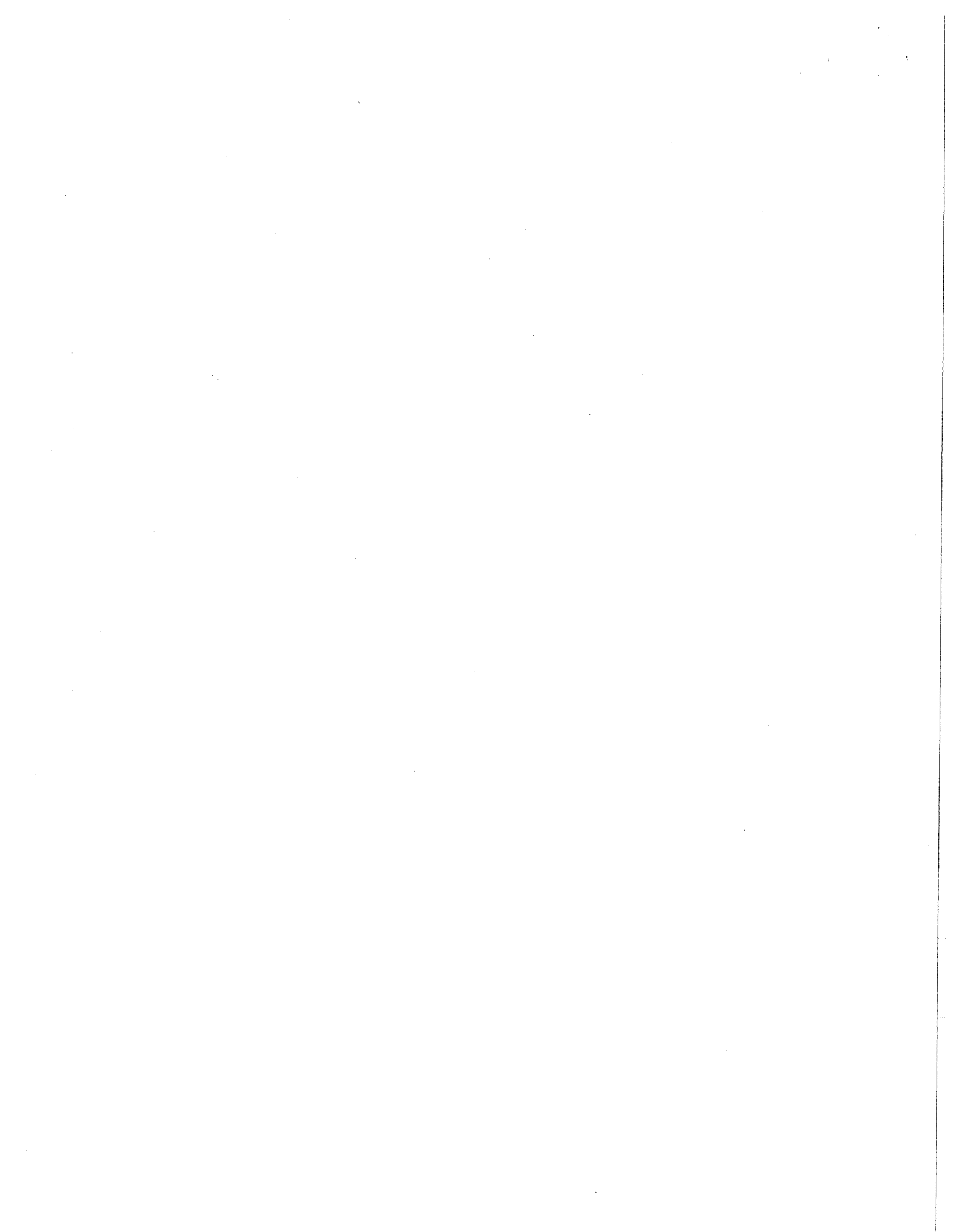
1. We welcome any efforts to develop a parallel strategy within Canada that will clarify programs and commitments, timetables and costs. Indeed this summer we joined with other groups to produce the Great Lakes Blueprint to respond to multiple **opportunities** arising from the review of the Great Lakes Water Quality Agreement, promises of a strengthened Canada-Ontario Agreement in 2009, and the passage of the Clean Water Act and legislation implementing the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement in Ontario. It is the integration and synthesis of these **many issues into one cohesive strategy** that is essential rather than elevating one concern above all others. We are concerned that if this strategy is not in place soon we risk losing the ecosystem approach needed to balance efforts across boundaries and that the US could pursue their programs unilaterally. We are pleased that the Ontario and Federal governments are suggesting this long overdue effort. It will be crucial to ensure that the Quebec government is included in this process since the Great Lakes and entire St. Lawrence River is an integrated ecosystem where activities in one part can potentially affect the well-being of the rest of the system. It will also be necessary for each jurisdiction to get their own houses in order as regards coordination of their own agencies, programs and legislation. Then the challenge of improving cooperation between the levels of government becomes a major goal. A new level of cooperation and trust will need to be built

among the federal and provincial governments. In addition, increased political will is needed. Creation of political will hinges on meaningful inclusion, education and involvement of the public and their municipal governments.

2. We concur that the four elements you have set out for the Strategy are critical. Great Lakes United has just completed a study on Great Lakes governance that includes many excellent recommendations. We emphasize that the strategy needs tangible identification of needs, costs and timetables. The lack of these is hindering our progress now. The economic role of the Great Lakes in Canada is more central than in the US. A study similar to the one done by the Brookings Institute would be very beneficial to making the case of the importance of a Great Lakes restoration plan to our fiscal well being as a Nation.
3. We discussed the need you raised for a public product. Perhaps a Great Lakes Bill of Rights or some kind of instrument that transcends the existing particular agreements, treaties, commitments, and programs could coalesce this vision.
4. A Great Lakes forum will need to go beyond the people already or usually engaged. The engagement also needs to be ongoing. This will require an implementing body that is also a strong champion for and voice for the Great Lakes and St. Lawrence River.
5. Special effort should be made to accommodate the unique approaches and needs of the First Nations to ensure that they are included. Particular efforts should be made to include youth to bring new energy.
6. A forum to ensure adequate engagement of the Great Lakes Community will require resources for people who need to travel to participate. Consideration should also be given to providing participants with resources and assistance to report back to their communities of interest and to bring feedback from those communities back into the development of the strategy.
7. Opportunity needs to be given for participants to share and understand others views. The vision should be structured on their common shared objectives.
8. The experience of the Annex Advisory Panel to the Ontario Government holds lots of promise for a model. The report "Rethinking Public Consultation from the Inside Out" has documented some of the effective methods and outcomes of that process which was particularly suited to the resolution of complex environmental challenges such as this vision which will need to endure over a very long time horizon. These included:
 - Early and continuous involvement of the public in the process,

- Involvement of all participants as partners and equals, including government representatives,
 - Strong political leadership and support,
 - Commitment of senior staff,
 - Sincerity and an atmosphere of respect,
 - Involvement of a broad based group of affected stakeholders, including critics,
 - Establishing clear ground rules,
 - Clear follow through and continuous feedback,
 - Transparency and open communication,
 - Using the public as a resource and source of intelligence, and
 - Working toward consensus
9. While the AAP has a broad spectrum of stakeholders engaged in implementation, they may not be the group to take on building this strategy. They already have a full agenda with Annex implementation, water conservation and interim measures. Many AAP members may well want to participate in the strategy. However, care should be taken to include others who have been involved in the monitoring and implementation of other key Great Lakes programs such as the GLWQA, Lamps and RAPS.
10. The integration aspects of the strategy are appealing to CELA and GLU as we are now participating in numerous Great Lakes forums and struggling with how to integrate our own diverse efforts into effective actions. For years we have tried to create political will by active campaigns to form Great Lakes caucuses of legislators at Queens Park and in Ottawa similar to the Congressional caucuses that have been critical to the passage of US laws. The creation of a Great Lakes Strategy has the potential to stimulate these caucuses to form. This would also give Canadians the tools they need to effectively influence Great Lakes decision-making in the US States and Congress and a stronger voice at international tables.

These notes reflect the discussions of CELA Staff active in Great Lakes issues: Hugh Benevides, Fe de Leon, Theresa McClenaghan, Sarah Miller, and CELA Board Member and GLU staff person John Jackson.



AAP Questions:
Proposed Near Term Agreement Implementation Work Planning Priorities

1. Do you have any comments, suggestions regarding proposed **near term work plan priorities** related to Agreement implementation (relative priority, timing of deliverables, additional priorities etc.)? Suggested priorities include:
 - **First Nations Engagement**
 - Development, implementation of work plan to implement MNR-UOI Memorandum of Understanding
 - **Water Conservation, Efficiency:**
 - Consultation towards the development of Ontario conservation goals, objectives, program (sector meetings followed by AAP discussion)
 - Consideration of possible early actions prior to completion of Ontario goals, objectives, program (e.g. water efficient toilets)
 - **Regulations, Policy:**
 - Development of intra-basin transfers regulation, supporting policies (e.g. revised MOE Permit to Take Water Manual)
 - Guidance, policy to assist MNR, MOE, MMAH in review of Class EAs for proposed intra-basin transfers, large consumptive uses (19+ mld) under Great Lakes Charter
 - Operational guidance for MOE, MNR in review of PTTW applications under Great Lakes Charter (intra-basin transfers, large consumptive uses)
 - **Information and Science:**
 - Development of action plan to address key science, information gaps (MNR, MOE, OMAFRA, small group of AAP members)
 - GL watershed boundary mapping tool (to support intra-basin transfer identification and regulation)
 - Consumptive use coefficients science synthesis (to assist in the management and regulation of new or increased withdrawals and transfers under Great Lakes Charter and new Agreement)
 - Participation in regional Water Use Information Initiative
 - Ontario submission to Great Lakes Water Use Data Base
2. Should Ontario consider **interim measures** (e.g. intra-basin transfer control) pending Agreement/Compact ratification and completion of regulations. If so, do you have any suggestions? If not, what are your concerns?
3. Suggestions for **International Association for Great Lakes Research (IAGLR) Conference** – May 2008, Peterborough. The session is intended to focus on the science commitments of the Agreement-Article 302 (e.g. individual and cumulative impact assessment of water withdrawals-with consideration of climate change, improved understanding of Basin waters including the role of groundwater, science and research related to water conservation and water use efficiency) :
 - topics (e.g. water budget application, water conservation, aboriginal ecological knowledge, climate change)
 - Research in advance of conference (e.g. consumptive use science synthesis)
 - speakers (AAP members, others)

