

November 25, 2011

Sent via Fax 807-345-2922

The Honourable Michael Gravelle
Minister of Natural Resources
Primary Constituency Office 101-215 Van Norman Street
Thunder Bay, ON P7A 4B6

Dear Minister Gravelle,

Re: Ontario Implementation of the Great Lakes St. Lawrence River Basin
Sustainable Water Resources Agreement

We are writing to you as members of Ontario's Agreement Advisory Panel first established in 2005 to advise Ontario negotiators in the international negotiations that resulted in the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement. This Panel has continued to advise your Ministry and the Ministry of the Environment on the domestic implementation of this historic Agreement. We are seeking a meeting on urgent unresolved matters not only impacting implementation of this Agreement in Ontario but causing serious delays in full Agreement protections for Quebec and the eight Great Lakes States. All other nine jurisdictions have all passed their implementing regulations and are waiting on Ontario to pass their regulatory framework. The linked editorial from the Compass newsletter of the Council of Great Lakes Governors sets out their hopes Ontario will act soon.

<http://www.cglg.org/news/TheCompass/Compass-2011-Issue3.pdf>

Our Panel has worked constructively for Intra-Basin diversion (exception regulations) and the conservation strategy set out in the Agreement in dozens of meetings since 2008. Yet, last spring we had to ask that our Advisory Panel be convened after well over a year without meetings as we watched other jurisdictions act. After a summer meeting, we again were troubled when discussions of posting the Intra-Basin transfer regulation to the EBR were expunged from the July meeting minutes (available upon request).

We know that there is at least one diversion proposal expected from the US City of Waukesha, Wisconsin next spring. That proposal should receive full scrutiny of the Region Body set up in the Agreement to review proposals. The full force of the Agreement needs to be part of the evaluation of this first diversion proposal so that a bad precedent is not set. The lack of regulation in Ontario raises questions about what Ontario's status might be in these deliberations and whether the full Agreement is in play yet. Until Ontario regulates, Great Lakes water management in the Province will remain under the provisions of the 1985 Great Lakes Charter.

Background

The negotiation and the confidential contributions initially made by over 50 of our Advisory Panel members during the negotiations of this Agreement resulted in many strong gains being secured by Ontario. Ontario was able to secure an overall ban on large diversions from the Great Lakes ecosystem using the input from our Panel. Premier McGuinty presided at the December 2005 official signing of the Agreement. Ontario's role in that process was believed to be so successful by the negotiators that they commissioned a Report and held a workshop on the process so that other Ontario public service sectors could consider utilizing it as a new public consultation model.

The particulars of the discussions of the Intra-Basin Transfer regulation are complex and the wording of this regulation will establish the extent to which future Ontario water management will be subject to the Agreement as well as which existing diversions will be grandfathered. Because Ontario has four of the five Great Lakes and all of the connecting channels and St. Lawrence within its Great Lakes bounty these matters have much more weight and complexity here. It is our hope that the challenge of living within our watersheds is one that Ontario can meet.

It would be ideal to have both you and the Honourable Jim Bradley, Minister of the Environment, who we are also contacting, meet with the whole Agreement Advisory Panel. However, we feel it would be advantageous for us to meet with you both individually first to explain our concerns about the delay in regulation in - depth.

We look forward to scheduling this meeting with you at your earliest convenience. You can respond to Sarah Miller at 416 960-2284 ex.213.

Best Wishes,

Sarah Miller

Sarah Miller, Canadian Environmental Law Association millers@lao.on.ca per:
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