

CELA BULLETIN
A Watershed is (almost) Reached

On July 23, 2008, Great Lakes protection reached an historic watershed with the introduction into both the Congressional House and the Senate of Bills supporting the passage of the *Great Lakes St. Lawrence Basin Water Resources Compact*. The Compact is one of two Agreements forged by the eight Great Lakes States and the two Provinces to protect the Great Lakes St. Lawrence ecosystem from large diversions and withdrawals. For the first time this US Compact with its companion agreement *The Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement* endorsed by all ten jurisdictions, have provided a legally binding framework to protect this treasured freshwater ecosystem. The Canadian Ambassador to the United States in Washington, the Honourable Michael Wilson issued a statement of support from the Canadian Government for the passage of the Compact legislation.

These protections are long overdue and have not come without exceptional effort. In 1985 a gentleman's agreement known as the Great Lakes Charter committed the region to collecting data on use and to prior notice and consultation on large withdrawals and diversion proposals. Since that time however, it has become clear that as stewards of one fifth of the world's freshwater our Region will face many new challenges to sustainability which could put the resiliency and health of this ecosystem at risk. These Agreements give us a set of new tools for the 21st century when it will be necessary to manage for sustainability. The Agreements set out a rigorous set of conditions which must be met for large withdrawals and diversions which include obligations to return water to the same watershed, and conservation programmes. They set high expectations that each jurisdiction will improve their own management in new implementing legislation now passed in each state and province.

The Canadian Environmental Law Association (CELA) staff has worked since 1985 to see these improvements enshrined into law. During the 80's and 1990s we opposed all large withdrawal proposals from the Great Lakes. We coauthored the report "The Fate of the Great Lakes ~ Sustaining or Draining the Sweetwater Seas?" with Great Lakes United (GLU) to draw attention to the inadequacy of the Great Lakes Charter to deal with emerging challenges to sustainability. CELA and GLU challenged the NOVA Permit to ship water in bulk from Lake Superior. The Permit was withdrawn but generated real recognition of the loopholes in Great Lakes Protection. CELA was part of an advisory Committee to the Governors and Premiers from 2001 until 2005 when they undertook their complex negotiations of these Agreements. We worked with ENGOs from the States and Quebec on draft after draft. We worked with Ontario's Annex Advisory Panel to reshape these Agreements from week first drafts to Basin-wide prohibitions of diversions. We continue to work on the

tough issues of implementation with the 50 stakeholders on that panel. CELA authored a report "Rethinking Public Consultation from the Inside Out - a Risk Worth Taking" to capture the unique effectiveness and influence Ontario was able to have in these negotiations because of their inclusion of the public. CELA recognizes that the real proof of the success of these Agreements will be in their implementation. We are concerned that despite efforts to educate and inform there are still many misconceptions circulating about these Agreements. As we lift a glass of Great Lakes water to toast reaching this milestone we are also holding our breath until Congress has given their approval for the Great Lakes to have the right to protect their waters with a compact just as they have approved 41 other historic compacts among States that share waters. We have put together an information sheet to address some of the myths that are still getting play about these Agreements which can be read on our website at LINK.

Cheers! Let's keep them Great.