

The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building
Queen's Park
Toronto, Ontario M7A 1A1

As we approach 2012 the undersigned groups are concerned that the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement signed in December 2005 between the eight Great Lakes States and two Provinces has not yet fully come into force because the Province of Ontario still has not passed its regulations for exceptions to the Agreement for Intra-Basin transfers. We urge you to promulgate this regulation immediately. We understand you have already consulted on this regulation.

We understand that the Wisconsin Department of Natural Resources will be making a decision on the Waukesha, Wisconsin diversion proposal early in January 2012 and that this diversion proposal will move onto the Regional Body for review. It would be preferable to have the full Agreement in force for the first precedent setting consideration of a major diversion from the Great Lakes at that time. The Agreement comes into full force once the last jurisdiction brings measures to ban diversions, regulate exceptions into force.

Should this not occur, many procedural and status questions will be raised and the Regional Body Review process will be unduly complicated. Ontario will still be bound by the rules of the 1985 Great Lakes Charter not by the Agreement. This raises concerns about how the other nine jurisdictions will proceed in utilizing the Agreement and if and how Ontario will be accommodated in the review process. What if any are the implications for the parallel US Compact Review?

Important data from Ontario and Quebec on their baseline water use need not be submitted under terms of the Agreement until one year after the Agreement is in force. Will the impacts for these downstream jurisdictions and assumptions on cumulative Great Lakes water use be able to inform the decision-making on the historic Waukesha diversion proposal? Could this decision be challenged later once the full Agreement is in force?

Copies to the CGLG for distribution to other Governors, and the Premier of Quebec