



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

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Ms. Lisa Wojnarowski
Program Manager
Council of Great Lakes Governors
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Dear Lisa,

Re: Draft Water Use Information Reporting Protocols

As you know, the Canadian Environmental Law Association (CELA) has been involved for decades in Great Lakes St. Lawrence River Basin water quantity issues. CELA has endorsed a group letter which is being submitted to you today from a number of environmental and conservation groups on the Draft Water Use Information Reporting Protocols. In addition to these group comments that focus on data aggregation, we would like to add concerns we have about new data needs identified during the negotiation process and in the final *Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement*.

On March 12, 2009 CELA made submissions to the Ontario Government on their consultation on the implementation of the Agreement and on their conservation strategy. In these submissions we raised concerns that data needs be integrated with science and information needs with a view to addressing information gaps. While you may consider these outside your current consultation, we wanted to voice them now so that the data we gather in the next several decades are visionary and close serious information deficits.

“Our Approach to Information, Science and Data needs (when in doubt err on the side of more information)”

In 1997 CELA and Great Lakes United published a report examining the outcomes of the original 1985 Great Lakes Charter. That report, *The Fate of the Great Lakes ~ Sustaining or Draining the Sweetwater Seas?*, reviewed the problems with the current database on water use in the Great Lakes and found that the database was not current. Today there still is a five year lag. The data was aggregated so much it was not adequate to identify trends or attribute them to causes. There were gaps in reporting as each jurisdiction collected information for some but not all sectors of users and some jurisdictions based reporting on estimates rather than actual volumes used leading to variations in accuracy. Jurisdictions were unable to report to the database as data gathering had not been a historical priority and cuts to water management resources further undermined their capacity to report and gather data.

It has been a point of pride that Ontario and Minnesota have had the most detailed information on actual use because they have been collecting information on much lower trigger levels than are still

required by the Agreement (50,000 litres in Ontario). This means that these two jurisdictions will have much more accurate information about actual cumulative and consumptive use by sector. Because we have such a knowledge deficit of our use and of the sustainability of our surface waters, Great Lakes tributaries and ground water, we should encourage reporting of all the data we have above and below the trigger level as this will help drive and build a basin-wide understanding of our use of the resource and the value of collecting better data at lower thresholds.

Because each jurisdiction has different implementing legislation rather than harmonised legislation implementing the key provisions of the Compact and Agreement, some of the problems with the unevenness of the information and data reported under the Charter will likely persist. CELA concurs that more precision can be created by, for instance, using more precise consumptive use coefficients for more sectors as Ontario is suggesting. This leads to the question: Are we collecting data on enough aspects of the system to help us fill science gaps we have on groundwater influence on the Great Lakes, groundwater recharge baselines, indicators of climate change and ecological impacts of water withdrawals? Consideration needs to be given to expanding the data we are gathering to fill these gaps in anticipation of new stressors on water supply such as population growth in the Basin, as well as in the straddling counties.”

We will need to collect new information to be the best stewards of all of the components of the ecosystem including groundwater. We should be striving to understand, track and protect recharge rates of groundwater aquifers and the amount of precipitation and other factors necessary for sustainable recharge for G Lakes aquifers. We also need to collect data on how many Great Lakes Tributaries are under the influence of groundwater for their flows and report on those flows.

The Preamble to the Agreement states: *"In light of possible variations in climate conditions and potential cumulative effects of demands that may be placed on the Waters of the Basin, the States and Provinces must act to ensure the protection and conservation of the Waters and the Water Dependent Natural Resources of the Basin for future generations;"*

There is a need to begin to collect data on climate change trends that have already been observed and also have the flexibility to add and report on other indicators once identified. This winter climate scientists reported diminished ice coverage in the Great Lakes. Data on ice coverage and calculations on the increased trans-evaporation that results from this should begin to be collected at once.

While a whole other dataset could be created for these it would be much more efficient and informative to have this new data along side the traditional data sets collected so that trend analysis can be done. Thank you for the opportunity to comment on these matters.

Yours truly,

Sarah Miller

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