

July 14, 2011

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

The Honourable Linda Jeffrey  
Minister of Natural Resources  
6th Floor, Room 6630,  
Whitney Block,  
99 Wellesley St. W.,  
Toronto, Ontario,  
M7A 1W3

The Honourable John Wilkinson  
Minister of the Environment  
77 Wellesley Street West  
11th Floor, Ferguson Block  
Toronto ON  
M7A 2T5

Dear Premier McGuinty, Minister Jeffrey and Minister Wilkinson,

**Re. Urgent Ontario actions needed on the Great Lakes St. Lawrence  
River Basin Sustainable Water Resources Agreement**

As two members of Ontario's Agreement Advisory Panel, we are writing to urge you to take two immediate actions to ensure the success and integrity of the hard won Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement.

Over the last several weeks the US media in the Great Lakes region has been dominated by articles and editorials critical of the State of Ohio's legislation to implement the US Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) and their obligations as signatories with the Canadian Provinces of the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement. A number of these articles can be viewed here: <http://www.great-lakes.net/dailynews/isearch.html> by searching "Compact".

**First Request**

The next several days will determine whether Ohio will be acting to address the flaws in their legislation which undercut the terms of the Agreement and could

allow applicants in that state to have rights to take **more** water than applicants in other Great Lakes jurisdictions. Today we became aware that New York State has voiced their objections in a letter (see attachment 1). As another downstream signatory we urge the Ontario government to also voice their concern immediately.

### **Second Request**

Yesterday the Council of Great Lakes Governors announced that Quebec has passed its implementing legislation for the Agreement. This means that **Ontario is now the last jurisdiction** in the Great Lakes to act to implement legislation. We urge you to post and enact your decisions on these regulations on Ontario's Environmental Registry since have been through extensive consultation. This would serve as a statement of your intent and commitment timetable. This is particularly critical because until Ontario complies the full Agreement will not come into force and timetables for action will not be triggered. The current climate where the full weight of the Agreement is not in force could very well be contributing to the weak and divergent interpretations of obligations which have resulted which have been set out in a National Wildlife Federation Report released last week. <http://www.nwf.org/news-and-magazines/media-center/reports/archive/2011/the-good-the-bad-and-the-ugly-implementation-of-the-great-lakes-compact.aspx>.

Critics of the Agreement and the Compact have argued that rather than it being a proven tool for sustainability, it could well become protectionist and challengeable through its weak implementation. Without Ontario acting swiftly to implement their legislation on exceptions and on their conservation strategy and voicing objecting to other's weak laws these criticisms will be justified.

Yours truly,

John Jackson Great Lakes United  
Sarah Miller Canadian Environmental Law Association

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## **Attachment 1**

News from New York State Department of Environmental Conservation

For more information contact: Emily DeSantis, 518-817-7842

### **NYS DEC's Martens Warns Ohio on Water Withdrawal Legislation**

ALBANY, NY (07/13/2011)(readMedia)-- New York State Department of Environmental Conservation Commissioner Joe Martens today sent the following letter to his counterpart in Ohio to express New York's concerns with Ohio's Water Withdrawal legislation passed by the Ohio General Assembly yesterday.

July 13, 2011

Mr. David Mustine

Director

Ohio Department of Natural Resources

2045 Morse Road, Building D-3

Columbus, Ohio 43229-6693

Re: Ohio Water Withdrawal Legislation and the Great Lakes Compact

Dear Director Mustine:

I am writing to encourage you to recommend the Governor's veto of legislation passed by the Ohio General Assembly yesterday that could fundamentally unravel our Great Lakes Compact (Compact). The bill would essentially provide for no governmental approval or conditions for withdrawals of up to five million gallons of water per day from Lake Erie. A lower, but equally unacceptable, threshold of two million gallons would apply to most tributaries. The thresholds contained in the legislation are far too high and if enacted would defeat and undermine the measures taken by other Great Lakes States and Provinces.

A fundamental premise of the Compact is that the Great Lakes States and Canadian Provinces share a tremendous, yet fragile, resource. Comprising 18 percent of the world's available fresh water, the Great Lakes are a vestige of the last ice age whose waters are only replenished once every one hundred years. Consequently, they can be drawn down and dramatically damaged by unbridled water withdrawals, a situation that the Compact was designed to prevent. With this in mind, the New York Legislature recently passed NYS DEC's legislative proposal to manage all water withdrawals of 100,000 gallons per day or more.

If this legislation becomes law, the Great Lakes could be harmed irreparably. It could lower the Lakes' water levels affecting ports, marinas and wetland habitats including important fish spawning grounds. The legislation also stands to impair New York's and others' ability to

generate hydropower. Further, the Compact could unravel if other states and provinces adopt similar thresholds or if a multitude of large withdrawals (below the five million gallon threshold) go unmanaged throughout the Great Lakes Region. These consequences are far too dire to ignore.

For all of these reasons, I ask that you urge the Governor to veto this legislation so the Compact will not be compromised and Ohio may continue to act as a good neighbor to protect the Great Lakes that we share.

Sincerely,

Joseph J. Martens

Permalink: <http://readme.readmedia.com/NYSDECs-Martens-Warns-Ohio-on-Water-Withdrawal-Legislation/2829373>

## **Attachment 2**

### **QUÉBEC ENACTS HISTORIC REGULATIONS FOR THE GREAT LAKES AND ST. LAWRENCE RIVER BASIN**

Québec— On July 8, the Québec Government led by Premier Jean Charest enacted historic regulations to protect the Great Lakes and St. Lawrence River Basin. The recent adoption of the regulations represents a major milestone in Québec's efforts to implement the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement), which includes a ban on new or increased diversions of water from the Basin, with limited exceptions.

Québec's action follows the National Assembly's approval of the Agreement and passage of Bill 27, and allows Québec to put the Agreement into force. The Great Lakes States previously completed their required actions with enactment of the Great Lakes-St. Lawrence River Basin Compact. Following Ontario's enactment of regulations expected in coming months, the Agreement will become fully effective and the various dates and deadlines for its provisions will begin.

Premier Charest serves as Chair of the Regional Body that coordinates regional collaboration on the Agreement. He said, "Through this historic action, Québec has reaffirmed its commitment to protecting the waters of the Great Lakes-St. Lawrence River Basin. Our continued pledge is to conserve and protect our vital water resources for our children and for future generations."

Illinois Governor Pat Quinn serves as Chair of the Great Lakes-St. Lawrence River Basin Water Resources Council (Compact Council). Governor Quinn said, "I applaud Premier Charest and the Québec Government for their leadership in protecting our shared resource. I look forward to our continued work together to protect the Great Lakes and the St. Lawrence River."

The Agreement and Compact include the following:

- Lasting economic development will be balanced with sustainable water use to ensure Great Lakes-St. Lawrence River Basin waters are managed responsibly.
- There is a ban on new or increased diversions of water from the Basin or between Great Lake watersheds. Limited exceptions could be allowed, such as for public water supply purposes in communities along the boundaries of the Basin, but exceptions would be strictly regulated.
- The States and Provinces will use a consistent standard to review proposed uses of Great Lakes water.
- Regional objectives for water conservation and efficiency have been developed, and they will be reviewed every five years. Each State and Province will develop and implement a water conservation and efficiency program to support the regional objectives.
- The collection of technical data will be strengthened, and the States and Provinces will share the information, which will improve decision-making by the governments.
- There is a strong commitment to continued public involvement and engagement of First Nations and Tribes in the implementation of the agreements.

Further information on the Regional Body and the Agreement can be found at [glsregionalbody.org](http://glsregionalbody.org)

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July 13, 2011

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