



Canadian Environmental Law Association

Great Lakes United



Union St-Laurent Grand Lacs

July 14, 2011

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

Dear Premier McGuinty,

**Re: Urgent Ontario action needed on Ohio legislation 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 immediate action to ensure that flawed legislation in Ohio does not undermine the success and integrity of the hard won Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement) and the US Great Lakes Water Resources Compact (Compact).

The Ohio General Assembly has passed legislation (Sub H.B. 231) that is inconsistent with the Regional Agreement and the Compact. We have attached a factsheet put together by several Ohio organizations explaining the problems with the legislation. We here extract the description from that factsheet of how the legislation is contrary to the Regional Agreement and Compact (Attachment 1):

The bill attempts to re-write the Compact by:

Limiting Ohio Department of Natural Resources to judge only impacts (from water withdrawals and consumptive uses) to the whole Lake Erie basin, rather than to both the Lake Erie basin *and* the streams and rivers and groundwater that feeds Lake Erie—in direct violation of the Compact;

Measuring only physical individual impacts from water withdrawals and consumptive uses, rather than physical, chemical and biological impacts—in direct violation of the Compact;

Not considering cumulative impacts to Lake Erie, its tributaries, and ground water—in direct violation of the Compact;

Not requiring the use of a scientific process to measure impacts from water withdrawals

and consumptive uses— in direct violation of the Compact;

Not allowing DNR to consider impacts from withdrawals as required under the Compact; rather the legislation only requires DNR to consider impacts from consumptive uses— in direct violation of the Compact;

Allowing a water user to determine what environmentally sound and economically feasible water conservation measures to use, rather than requiring the water user to select an approved DNR water conservation measure;

Not relying on science in considering threshold levels for when a water user must seek a permit— in direct violation of the Compact; and

Casting aside the reasonable use criteria that DNR must use under the Compact to determine whether an applicant's proposed withdrawal or consumptive use is reasonable— in direct violation of the Compact.

Ohio Governor John Kasick has until this Monday July 18<sup>th</sup> to act to prevent this flawed legislation from becoming law. Today we became aware that New York State has voiced their objections in a letter (see attachment 2). As the Premier of another downstream signatory, former Chair of the Regional Body and a champion of the Agreement, we urge you to immediately voice your concern to Ohio Governor John Kasick.

Yours truly,

*Sarah Miller*

Sarah Miller Canadian Environmental Law Association  
130 Spadina Avenue Ste 301 Toronto, ON M5J 2A8 [millers@lao.on.ca](mailto:millers@lao.on.ca)

*John Jackson*

John Jackson, Great Lakes United  
17 Major Street, Kitchener, ON N2H 4R1 [jjackson@glu.org](mailto:jjackson@glu.org)

Delivered by Fax:

Premier McGuinty 416 325-3745

Copied to:

Aaron Freeman Policy Advisor

The Honourable Linda Jeffrey

Minister of Natural Resources

6th Floor, Room 6630,

Whitney Block,

99 Wellesley St. W.,

Toronto, Ontario,

M7A 1W3

[ljeffrey.mpp.co@liberal.ola.org](mailto:ljeffrey.mpp.co@liberal.ola.org),