

Great Lakes - St. Lawrence River Basin Sustainable Water Resources Agreement

INTRA-BASIN WATER TRANSFER EXCEPTION CRITERIA

AAP Representative: _____

CONTEXT

Overview of OWRA Intra-Basin Transfer Provisions:

AMOUNT	INTRA-BASIN TRANSFER PROVISIONS	
New or increased intra-basin transfer of $\geq 379,000$ litres per day	<p><i>Municipal Drinking Water Systems:</i></p> <ul style="list-style-type: none"> ▪ Meets exception criteria (as outlined in Section 34.6(3) of the OWRA), including return flow to source Great Lake Watershed. 	<p><i>All Uses</i> (including Municipal Drinking Water Systems if return flow to source Great Lake watershed cannot be met):</p> <ul style="list-style-type: none"> ▪ Meets exception criteria (as outlined in Section 34.6(3) of the OWRA), except return flow may be to another Great Lakes Watershed if demonstrated that it is not feasible, environmentally sound or cost effective to return water to the source Great Lakes Watershed. ▪ No feasible, environmentally sound, cost effective alternatives to transfer, including conservation. ▪ Ontario provides prior notice to Great Lakes States and Quebec.
New or increased intra-basin transfer involving a consumptive use of ≥ 19 million litres per day	<ul style="list-style-type: none"> ▪ Meets exception criteria (as outlined in Section 34.6(3) of the OWRA) including return flow to source Great Lakes Watershed. ▪ No feasible alternative to transfer, including conservation. ▪ An intra-basin transfer involving a consumptive use of 19 million litres per day is subject to Regional Review by the parties to the Agreement. Additional materials may be required to support Regional Review and consultation. 	

Exception Criteria:

1. The transfer amount is **returned, either naturally or after use, to the same Great Lakes watershed from which it was taken**, except for an amount prescribed by the regulations that may be lost through consumptive use.
2. The **efficient use and conservation of existing water supplies** cannot reasonably avoid the transfer
3. The **transfer amount is reasonable**, given the purposes for which the transfer is done
4. The transfer is implemented so as to ensure that it **does not result in any significant individual or cumulative adverse impacts** on the quantity or quality of the waters, or the water-dependent natural resources, of the Great Lakes-St. Lawrence River Basin, considering the potential cumulative impacts of any precedent-setting consequences associated with the transfer.
5. The transfer is implemented so as to **incorporate feasible, environmentally sound and cost effective water conservation measures** to minimize the taking of water and losses of water through consumptive use.
6. The transfer is implemented so as to ensure that it complies with the Boundary Waters Treaty, the International Boundary Waters Treaty Act and any other treaty, agreement or law prescribed by the regulations.
7. The transfer is implemented so as to ensure that it complies with any other criteria that are prescribed by the regulations (for the purpose of implementing Agreement Article 209)

QUESTIONS:

Prior to responding to the following questions, please review the two Intra-Basin Transfer Exception Criteria Slide decks for an overview of relevant Agreement definitions and a brief summary of draft Procedures Manual

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guidance. A more detailed **Procedures Manual Excerpts** document was also provided. The manual was originally prepared by the 10 states and provinces as a companion document to the Great Lakes Agreement; however it was removed before negotiations were completed. The excerpts are offered to generate discussion of the possible guidance that could be provided by Ontario in support of intra-basin transfer regulations.

Please respond to the following questions after reviewing the Exception Criteria Slides Provided:
1. Return Flow to the Source Great Lake Watershed
A. What additional definitions are required to support the Exception Criterion?
B. What comments do you have with the draft guidance (i.e. draft Procedures Manual excerpts prepared to support the Agreement)?
C. What additional Guidance is required?
2. No Significant Individual or Cumulative Impacts
A. What additional definitions are required to support the Exception Criterion?
B. What comments do you have with the draft guidance (i.e. draft Procedures Manual excerpts prepared to support the Agreement)?
C. What additional Guidance is required?
3. No Feasible, Environmentally Sound or Cost Effective Alternatives, Including Conservation of Existing Water Supplies (element of intra-basin transfer exception)
A. What additional definitions are required to support the Exception Criterion?
B. What comments do you have with the draft guidance (i.e. draft Procedures Manual excerpts prepared to support the Agreement)?
C. What additional Guidance is required?
D. How strong should the requirements be for the demonstration of water conservation for <u>existing</u> development?
4. Conservation of Existing Water Supplies (Exception Criterion – related to intra-basin transfer exception language in 3 above)
A. What additional definitions are required to support the Exception Criterion?
B. What comments do you have with the draft guidance (i.e. draft Procedures Manual excerpts prepared to support the Agreement)?
C. What additional Guidance is required?
D. How strong should the requirements be for the demonstration of water conservation for <u>existing</u> development?

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5. *Transfer Amount is Reasonable for the Intended Purpose*

- A. What additional definitions are required to support the Exception Criterion?
- B. What comments do you have with the draft guidance (i.e. draft Procedures Manual excerpts prepared to support the Agreement)?
- C. What additional Guidance is required?
- D. How strong should the requirements be for the demonstration of water conservation for new development?

6. *Implementation of Feasible, Environmentally Sound and Cost Effective Water Conservation Measures to Minimize the Taking of Water and Losses of Water through Consumptive Use*

- A. What additional definitions are required to support the Exception Criterion?
- B. What comments do you have with the draft guidance (i.e. draft Procedures Manual excerpts prepared to support the Agreement)?
- C. What additional Guidance is required?
- D. How strong should the requirements be for the demonstration of water conservation for new development?
- E. Should a Conservation Plan be required?

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