

October 24, 2011

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

Dear Mr. Bradley,

We are writing to you as members of Ontario's Agreement Advisory Panel first established in 2005 to advise Ontario negotiators in the international negotiations that resulted in the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement. This Panel has continued to advise your Ministry and the Ministry of Natural Resources on the domestic implementation of this historic Agreement. We are seeking a meeting on urgent unresolved matters not only impacting implementation of this Agreement in Ontario but causing serious delays in full Agreement protections for Quebec and the eight Great Lakes States. All other nine jurisdictions have passed their implementing regulations and are waiting on Ontario to pass their regulatory framework. The linked editorial from the Compass newsletter of the Council of Great Lakes Governors sets out their hopes Ontario will act soon.

<http://www.cglq.org/news/TheCompass/Compass-2011-Issue3.pdf>

We are dismayed that we have worked constructively for Intra-Basin diversion (exception regulations) and the conservation strategy set out in the Agreement in dozens of meetings since 2008. Yet, last spring we had to ask that our Advisory Panel be convened after well over a year of no meetings as we watched other jurisdictions act. After that meeting, we again were troubled when discussions of posting the Intra-Basin transfer regulation on the EBR were expunged from the meeting minutes. (available upon request).

We know that there is at least one diversion proposal expected from the US City of Waukesha, Wisconsin soon. That proposal should receive full scrutiny of the Region Body set up in the Agreement to review proposals. The full force of the Agreement needs to be part of the evaluation of this first diversion proposal so that a bad precedent is not set. The lack of regulation in Ontario raises questions about what Ontario's status might be in these deliberations and whether the full Agreement is in play yet.

## **Background**

The negotiation and the confidential contributions initially made by over 50 of our Advisory Panel members during the negotiations of this Agreement resulted in many strong gains being secured by Ontario. Ontario was able to secure an overall ban on large diversions from the Great Lakes ecosystem using the input from our Panel. That process was believed to be so successful by the negotiators that they commissioned a Report and held a workshop on the process so that other Ontario public service sectors could consider this new consultation model.

The particulars of the discussions of the Intra-Basin Transfer regulation are complex and the wording of this regulation will establish the extent to which Ontario water management will be subject to the Agreement as well as which existing diversions will be grandfathered. Because Ontario has four of the five Great Lakes and all of the connecting channels and St. Lawrence within its Great Lakes bounty these matters have much more weight and complexity here.

While it might be ideal to have you and Michael Gravelle, Minister of Natural Resources meet with the whole Agreement Advisory Panel we feel it would be advantageous for us to meet with you first to explain our concerns in more depth.

Of course, some of us who have worked with you before - the first time when you were Minister of the Environment Minister - were delighted to wake up today to find you have this Cabinet portfolio once again. This issue has many parallels with the other critical transboundary issues you worked on like acid rain and the Niagara River Accord. Congratulations.

We look forward to scheduling this meeting with you at your earliest convenience.

Best Wishes,

Sarah Miller, Canadian Environmental Law Association  
John Jackson, Great Lakes United  
Anastasia Litner, Elaine McDonald Ecojustice  
Carolyn Day, Canadian Federation of University Women: Ontario Council