



**BY E-MAIL AND MAIL**

October 5, 2009

Ann Marie Weselan  
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Dear Ms Weselan:

**Re: Stewardship - Leadership - Accountability: Managing Ontario's Water Resources for Future Generations  
EBR #010-6350**

Lake Ontario Waterkeeper is writing to comment on the Proposal Paper, released in the summer of 2009, entitled, "Stewardship - Leadership - Accountability: Managing Ontario's Water Resources for Future Generations", as it relates to inter- and intra-basin transfers in the Great Lakes and St. Lawrence River basin. Lake Ontario Waterkeeper has actively participated in the ongoing process to establish and implement the Great Lakes - St. Lawrence River Basin Sustainable Water Use Agreement ("the Agreement") since the early stages of the proposal. Our comments on the Proposal Paper are consistent with our earlier calls for Ontario to take a strong position against all inter- and intra-basin transfers.

Although fresh water appears plentiful in Ontario, only one percent of the water in the Great Lakes is replenished each year by precipitation. For the last century, Canada, the United States, and the individual Great Lakes states and provinces have struggled to regulate water levels and to influence each others' laws and policies on water diversions.

On December 13, 2005, Ontario, Quebec, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin signed the Great Lakes–St. Lawrence River Basin

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Sustainable Water Resources Agreement (the Agreement). Each of the signatory provinces and states borders on at least one Great Lake or the St. Lawrence River. Created largely in response to the threat of large water diversions and bulk water exports, the provinces and states committed to passing laws that protect surface and groundwater resources.

The Agreement is non-binding, but the eight participating American states became party to a binding compact that implements the Agreement. The Great Lake - St. Lawrence River Basin Water Resources Compact was passed into U.S. law in December 2008. Quebec adopted legislation to implement the Agreement in June 2009. In June 2007, the Ontario provincial government promulgated the *Safeguarding and Sustaining Ontario's Water Act*, which, when it comes into force, will implement some of the commitments in the Agreement by amending the *Ontario Water Resources Agreement (OWRA)*.

To reflect the commitment made in the Agreement, section 34.3 of the *OWRA* prohibits *inter-basin transfers* (i.e., the transfer of water outside of the Great Lakes - St. Lawrence River Basin) subject to some exceptions. However, *intra-basin transfers*, where water is moved from the watershed of one Great Lake to another, are not prohibited under the *OWRA*. Ontario is currently seeking input on potential changes to the *Act* that, if implemented, would govern intra-basin transfers, allowing them to occur under a certain set of conditions.

## **No intra-basin transfers should be allowed between any of the Great Lakes or the St. Lawrence River.**

Intra-basin transfers of water from one Great Lake to another, such as from Lake Huron to Lake Erie, threaten to cause harm to the environment, both at the source and in the receiving watershed. Four of the Great Lakes are within Ontario's jurisdiction. **As demand for new drinking water sources grows and groundwater supplies shrink or become contaminated, Ontario has the potential to emerge either as the Great Lakes' biggest perpetrator intra-basin transfers or the greatest defender of watersheds against these transfers.**

The Agreement between Ontario, Quebec, and the eight Great Lakes States generally prohibits both inter-basin and intra-basin diversions, but allows each under specific circumstances. However, the Agreement is only binding in Ontario if it is reflected in provincial law. The changes to the *OWRA* introduced in 2007 ban only inter-basin transfers, leaving intra-basin transfers unregulated. Lake Ontario Waterkeeper supports

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Ontario's move to apply the *OWRA* to intra-basin transfers. However, the province must implement a full ban of intra-basin diversions if it is to fulfill its commitment to protecting natural source water supplies in every community across the province. Only then can the province have a strategy that could safeguard and sustain Ontario's water resources for future generations.

Diversions have ecological, cultural, social, and economic impacts that cannot be avoided or remedied. Further, other domestic conservation or regulation strategies cannot succeed if we allow new drains to be added to the Great Lakes. While there is ever greater pressure on the Great Lakes water supply, Lake Ontario Waterkeeper submits that these threats do not justify consenting to water diversions that could threaten the integrity of the supply in the long term, while also compromising the ecological integrity of the lakes. Moving forward, new and amended statutes meant to enact the Great Lakes - St. Lawrence River Basin Sustainable Water Resources Agreement must explicitly ban all diversions of water out of the Great Lakes Basin and between Great Lakes Basins, without exceptions or criteria under which these transfers could occur.

If you have any questions or comments, please do not hesitate to contact Joanna Bull, Counsel for Lake Ontario Waterkeeper, at 416-861-1237 or [joanna@waterkeeper.ca](mailto:joanna@waterkeeper.ca).

Yours truly,



Mark Mattson  
Waterkeeper & President

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