

June 13, 2014

Premier Kathleen Wynne  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

***Via e-mail***

Dear Premier Wynne :

On behalf of the Canadian Environmental Law Association (CELA), Ecojustice, and Environmental Defence, we wish to congratulate you on being elected Premier of Ontario.

We are writing to you as a group of environmental organizations that originally came together to work on the proposed Great Lakes Protection Act. We have since continued to collaborate on responding to other water policies put forward by the province.

The Great Lakes contain approximately 20 per cent of the world's surface freshwater, and provide drinking water to over 10 million residents of Ontario. The Basin contains 40 per cent of the country's economic activity, including 25 per cent of Canada's agricultural production, and more than 75 per cent of Canada's manufacturing activity.

But the Great Lakes need help. Scientists are telling us that 3 out of 4 of Ontario's Great Lakes are in a state of decline. We've lost 72% of southern Ontario's large wetlands so far, and fish harvests are expected to decline by another 25% in the next 25 years.

Your constituents, especially those living on Great Lakes' shorelines, are increasingly concerned about the health of the Lakes. Water levels – despite rebounding this year – remain below the multi-year average, and forecasts suggest levels will continue their downward decent. Algal blooms are increasing in size and frequency. Lake Erie's 2011 bloom for instance, covered a portion of the lake almost the size of Prince Edward Island. These blooms can be toxic, resulting in beach closures and fish kills. They can have significant adverse impacts on the cost of drinking water treatment, property values and local tourism.

Decisive action from your government will be critical if we want to ensure the Great Lakes remain important economic, social and environmental drivers for the province.

We commend your government's commitment to Great Lakes protection in your platform and under the Great Lakes Strategy. These commitments are important steps toward strong and

**Canadian Environmental Law Association**

T 416 960-2284 • F 416 960-9392 • 130 Spadina Avenue, Suite 301 Toronto, Ontario M5V 2L4 • [cela.ca](http://cela.ca)

effective Ontario freshwater policy. We are eager to work with you to build on this momentum to advance this and other opportunities to protect the Great Lakes.

In the immediate term, we urge your government to take action to finalize key water policies in progress, and to set the stage for a viable and effective action plan to protect Ontario's fresh water resources and ecosystems.

**1. Finalize the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, 2014 (COA) immediately**

The draft COA, which has been negotiated by the Governments of Canada and Ontario over the past couple of years, is currently posted on the Environmental Registry and the Canada Gazette. Comments are due July 3, 2014. We will be submitting our full analysis of the proposal prior to the deadline.

The COA determines which level of government will do what to meet our international obligations under the Great Lakes Water Quality Protocol of 2012. It establishes an action plan for working on issues your constituents care about such as protecting and restoring habitat and wetlands, preventing the spread of invasive species such as Asian carp, complying with water conservation requirements, and reducing pollution from air and land.

The previous COA (signed in 2007) expired June 24, 2012 after the maximum extension permitted under federal law, almost two years ago.

***Recommended Action***

It is critical that Ontario and Canada finalize the COA as soon as possible. A complete COA will ensure work continues on the restoration, protection and conservation of the Great Lakes-St. Lawrence River basin and to also enable full implementation of the Canada-United States Great Lakes Water Quality Protocol of 2012.

**2. Implement regulatory amendments to support implementation of the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement**

The binational Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement will not be in full force until all parties have acted to implement their obligations. Ontario is the only jurisdiction that still needs to take action by implementing a number of regulatory amendments, including regulating new or increased transfers of water from one Great Lake watershed to another.

The timing of implementation is particularly important to all Great Lakes Governors because the city of Waukesha, WI is in the final stages of requesting a permit to take Lake Michigan water outside the Great Lakes Basin. This proposal will set a precedent and there are many US communities waiting to request a similar diversion. As a result, without Ontario's action, it will be increasingly difficult to ensure sustainable water management throughout the Great Lakes—St. Lawrence River Basin. This is an issue that has been top of mind for Ontario residents, especially those owning shoreline properties, who are concerned about the decline in average Great Lakes water levels.

Prior to the election, Ontario posted its proposed regulatory amendments on the Environmental Registry (EBR Registry Number 012-1607). Please see the signatories' submissions for a full set of recommendations on next steps for implementation.

***Recommended Action***

We have already been waiting more than 8 years since Ontario signed the Agreement for Ontario to follow through completely on the commitments made.

We strongly encourage your government to make it a priority to ensure a decision regarding the Regulation Proposal is made and fully implemented quickly.

**3. Great Lakes Protection Act**

Bill 6, the proposed Great Lakes Protection Act died on the order paper when the election was called. This important piece of legislation would have introduced important new legal and policy tools to help safeguard, restore, and protect Ontario's portion of the Great Lakes-St. Lawrence River Basin.

***Recommendation***

We encourage the province to immediately reintroduce a stronger and more effective version of the proposed Great Lakes Protection Act that incorporates the recommendations made by the Great Lakes Protection Act Alliance (see submission made to the Standing Committee on Regulations and Private Bills November 2013). This includes mandating the setting of clear, measurable targets within three years that address each of the purposes of the Act: protecting human health and well-being; protecting and restoring wetlands, beaches, shorelines and other coastal areas; protecting and restoring natural habitats and biodiversity; advancing science relating to existing and emerging stressors; and supporting environmentally sustainable economic opportunities in Great Lakes' communities.

The signatories on this letter welcome the opportunity to work with you and your government to foster Ontario's commitment to conserve and protect its water resources. We look forward to further discussing these priorities and will contact your office in the next few weeks with the hopes of arranging a meeting with you or your staff this summer.

Sincerely,

**Theresa McClenaghan**  
*Executive Director and Counsel*  
Canadian Environmental Law  
Association

**Anastasia Lintner**  
*Staff Lawyer and Economist*  
Ecojustice

**Nancy Goucher**  
*Program Manager*  
Environmental Defence

cc Gillian McEachern, OPO Policy Advisor