

January 31, 2011

Tija Dirks
Director
Ministry of Energy
Ontario Growth Secretariat
Growth Policy, Planning and Analysis
Planning and Analysis
777 Bay Street, Floor 4
Toronto Ontario M5G 2E5

Dear Tija Dirks,

**Re: EBR Registry Number 011-1528
Proposed Amendment to the Simcoe Growth Plan**

We are making this submission from our perspective as members of the Ontario's Agreement Advisory Panel (AAP) (formerly called Ontario Annex Advisory Panel) of the Ministries of the Environment and Natural Resources. Ontario's Annex Advisory Panel was established in December 2004, to ensure that key stakeholders and experts were fully engaged during development of the *Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement* (the Sustainable Water Resources Agreement). The Sustainable Water Resources Agreement was signed by all Great Lakes Governors and Premier McGuinty and the Premier of Quebec in December 2005. The panel was then renamed the Agreement Advisory Panel to ensure that stakeholders are fully engaged in the implementation of the Sustainable Water Resources Agreement.

Some members of the AAP of over fifty stakeholders have been involved in Great Lakes withdrawal, diversion and sustainability issues since 1985. During this time Ontario has shown exceptional leadership in opposing harmful diversions from the region, was one of the first jurisdictions to implement a strong permitting system for water use and was instrumental in achieving the basin-wide ban on diversions contained in the precedent-setting Sustainable Water Resources Agreement.

This Simcoe Growth Plan Amendment is premature and should be withdrawn until new protections obligated by the Sustainable Water Resources Agreement are in place in Ontario.

We will be limiting our comments here to the unexplored water supply and wastewater implications of this Growth Plan Amendment, rather than the merits of the specific development and growth plan details.

Our concerns are that a Growth Plan change at this time could result in a commitment to harmful Intra-Basin transfers between Great Lakes watersheds before Ontario has worked out its approach, in consultation with the AAP and the public, regarding the exceptions provisions from the diversion prohibitions in the Sustainable Water Resources Agreement. This would weaken Ontario's ability to set strong domestic implementation provisions of the international Sustainable Water Resources Agreement and set bad

precedents for Ontario and the other jurisdictions in the Great Lakes and St. Lawrence River basin. The proposed Growth Plan Amendment raises expectations, which have not been substantiated, that water is available in these growth hubs. For these reasons we are requesting that this proposal be withdrawn until a time when Ontario has put the Sustainable Water Resources Agreement mandated protections in place to help the public and the government evaluate any potential water-diversion proposals.

The Growth Plan for the Greater Golden Horseshoe has already mandated growth in areas of Ontario where water is in short supply. This has led to tensions and disputes between neighbouring areas and among sectors for water supplies. While there is long term infrastructure planning underway in Ontario, these plans for pipes cannot replace **integrated** water supply and sustainability master planning for southern Ontario where many areas have or will have shortages in supply as climate change impacts increase. Such growth plans need to take into account ecological supplies for not only human settlement but also for biodiversity. The Province should not continue to relegate water sustainability and supply issues so late in the planning process. Instead these decisions should supersede planning and development decisions.

The Ontario *Water Opportunities and Water Conservation Act* provides Ontarians with some important new tools for conservation. However, regulations are pending and until they are promulgated, and integrated with the commitments made in the Sustainable Water Resources Agreement, we will not yet have the comprehensive program expected and outlined in the government's 2008-2009 consultations on the Sustainable Water Resources Agreement. It also does not provide the rules for exceptions from the prohibition provisions in the Sustainable Water Resources Agreement. Our AAP expected the Ontario government to provide new water protection tools in 2010 arising from commitments made in the Sustainable Water Resources Agreement to produce a water conservation strategy for the Great Lakes as well as protections from proposals for exceptions from prohibited diversions. In late 2008 and early 2009 a six-month consultation was held with all sectors of water users in the Province and commitments were made to have the conservation strategy extend to the whole Province not simply to the Great Lakes. At the same time a parallel consultation was held on the rules for exceptions to the Sustainable Water Resources Agreement including Intra-Basin diversions. It was expected that substantive regulations would flow from these consultations to give us new tools and strong water protection programs.

Our AAP spent a considerable amount of time consulting on the York Region Application for Intra-Basin Transfer of Water to ensure that it would comply with the spirit of the Sustainable Water Resources Agreement, although it was grandfathered from it and was approved by other Great Lakes jurisdictions under the 1985 Great Lakes Charter provisions. We are concerned to see this proposed Growth Plan Amendment for further changes in the same area come forward so soon after that application was completed. If this proposed Growth Plan Amendment goes forward at this time it may be perceived by other Regional Body members overseeing the Sustainable Water Resources Agreement implementation as if Ontario is proceeding with large water undertakings of this nature prior to implementing their international obligations.

Other large diversion proposals on the US side from areas outside of the Great Lakes basin are expected to be brought to the Regional Body soon. This proposed Growth Plan Amendment places Ontario in an extremely weak position to argue against them. This is the first time in three decades that Ontario has been on such weak ground to oppose irresponsible withdrawals of Great Lakes water. For these reasons we ask that this proposed Growth Plan Amendment be withdrawn at this time.

Yours truly,

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