

September 23, 2004

NEGOTIATING THE CHARTER ANNEX
IMPLEMENTING AGREEMENTS TO PROTECT GREAT LAKES
WATERS
Fact Sheet

Ontario is negotiating draft agreements with Quebec and the eight Great Lakes states that will strengthen controls on water uses in the Great Lakes Basin.

The provinces and states are negotiating two draft agreements, which were released on July 19 for a 90-day public comment period.

The **Great Lakes Basin Sustainable Water Resources Agreement** involves all 10 jurisdictions (two provinces and eight states). It is a good-faith agreement* which each province and state will seek to implement by developing or modifying appropriate laws and regulations for their jurisdiction.

The **Great Lakes Basin Water Resources Compact** is a binding agreement among the eight Great Lakes states. The compact will allow citizens or the other parties to take a state to court if it violates the terms of the compact.

These combined commitments will help protect, conserve, restore and improve Great Lakes Basin waters for future generations.

Ontario already prohibits water transfers out of the province's three major water basins, which include the Great Lakes. The province also recently proposed tough new rules for water uses such as the bottling of water. Ontario will continue to protect the province's waters.

The Great Lakes are a shared resource. Quebec and the eight states bordering the Great Lakes have a direct interest in ensuring Great Lakes waters are protected. By working with them, Ontario can bring a strong voice to the table and help achieve the best possible protections across the Basin. If Ontario were not involved in these negotiations, it would lose this opportunity to push for stronger controls.

Through Ontario's leadership and collaborative discussions, the eight Great Lakes states, Quebec and Ontario have made important commitments. The draft agreements would:

set a minimum environmental standard - a set of rules that proposals for new water uses or diversions would have to meet before they would be approved. There is currently no such standard.

require the eight states and two provinces to collaborate and involve the public in joint state-provincial reviews of major water uses and diversions.

require water users to practise conservation, and treat and return water to the same Great Lake watershed it was taken from after use (known as "return flow").

Water diversion is the transfer of water from the Great Lakes Basin into another watershed, or from the watershed of one of the Great Lakes into the watershed of another Great Lake.

Because diversions of water for use outside the Great Lakes Basin are permitted with the approval of all the governors of the states bordering the Great Lakes, there is currently no moratorium on new or increased water diversions in those states. Compared to the rules in place now, the proposed standard would greatly strengthen the control of water uses and diversions in many of the Great Lakes states.

Through the draft agreements, the parties also commit to undertake periodic reviews of the total impact of water uses and diversions. They also commit to develop programs to encourage water conservation and a system to enhance the gathering and sharing of scientific information.

The Ontario government supports the general intent of the draft agreements. The province believes further dialogue with the other parties is needed to help resolve outstanding issues. These include how the agreements will deal with any future proposals to change major existing diversions like the Chicago Diversion, and other issues that may arise during the public review and comment period.

** Provinces and states by themselves are unable to sign treaties, which are binding international agreements between countries. The provinces and states therefore intend to enter into a good-faith agreement, which they intend to implement by passing laws or modifying applicable laws or regulations. The eight Great Lakes states intend to sign a binding agreement among themselves.*