

**Pilon, Janet**

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**Subject:** Comment Period for Updated Procedures for Regional Review under the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (the Agreement)

**From:** Great Lakes and Water Policy Section (MNRF) [<mailto:mnrwaterpolicy@ontario.ca>]

**Sent:** September 11, 2018 11:48 AM

**To:** Great Lakes and Water Policy Section (MNRF) <[mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca)>

**Subject:** Comment Period for Updated Procedures for Regional Review under the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (the Agreement)

This notice is to inform you of a public comment period being held by the Great Lakes – St. Lawrence River Water Resources Regional Body (Regional Body) regarding the Agreement signed by the Great Lakes Premiers and Governors in 2005.

On September 1, 2017 the Regional Body and Compact Council initiated a collaborative review of the Regional Body Procedures and Compact Council Guidance for Regional Review of proposals brought forward under the Agreement to divert water from the Great Lakes Basin. Ontario is participating in this process as a member of the Regional Body.

The proposed updates are intended to address lessons learned and respond to public, stakeholder and Indigenous communities' input heard during the Regional Review process conducted for Waukesha, Wisconsin's straddling county diversion proposal in 2016. The content of the Agreement itself is not being reviewed.

Ontarians have an opportunity to comment on the proposed updated Regional Body Procedures and Compact Council Guidance and Rules as part of the Regional Body's public participation process. The Regional Body public comment period is from **September 10<sup>rd</sup> to October 10<sup>rd</sup>, 2018**.

We encourage stakeholders, municipalities and the public to submit comments submitted directly to the Regional Body through one of the following methods (email, mail, or during an upcoming public hearing) identified on the Regional Body's website (<http://www.glsregionalbody.org/ProposedUpdates.aspx>).

After the public comment period closes, the Great Lakes States and Provinces, as part of the Regional Body and Compact Council, will review all of the public input received. Further updates will be made as needed prior to adopting a final version.

If you have any questions regarding Ontario's involvement in the Procedures update, please contact [mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca)

Thank you,

Jason Travers

Director  
Natural Resources Conservation Policy Branch  
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# Background Information

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## **What is the *Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement*?**

In 2005, Ontario, Quebec, and the eight U.S Great Lakes State signed the [Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement](#)<sup>1</sup> (the Agreement) in order to strengthen the protection and conservation of the shared waters of the Great Lakes basin.

The Agreement, along with the corresponding [U.S Compact](#)<sup>1</sup> (the Compact), commit each jurisdiction to a ban on diverting water outside of the Great Lakes basin. They also contain commitments for regulating water use based on common environmental standards, implementation of conservation programs in each jurisdiction, and enhancing information and science to support water use decisions.

## **How are exceptions granted to the ban on diversion of water from the Great Lakes Basin and what is a Regional Review?**

The Agreement has exceptions to the ban on diversions for communities that are close to or straddle the Great Lakes basin boundary, if they meet strictly regulated criteria. Communities that qualify may submit an application for a water diversion to its State or Provincial government, which evaluates it against the Agreement criteria before approval is granted.

In some cases, the proposal must also be reviewed by the Regional Body, made up of the representatives of all Great Lakes States and Provinces. The Regional Body issues its findings for the State or Province to consider in making their approval decision. This process is referred to as a “Regional Review”. If the proposal comes from a U.S. jurisdiction, it may also need unanimous approval by the Compact Council, made up of the eight Great Lake States.

## **What are the procedures to be followed in conducting a Regional Review?**

In 2010 the Regional Body developed Interim Procedures for conducting a Regional Review of a proposal to divert Great Lakes water to a community that is close to or straddles the basin. The Compact Council also developed Interim Guidance to guide its approval process.

The Interim Procedures and Guidance provide direction on what information should be included in an application for a diversion of Great Lakes water that is subject to a Regional Review, on what opportunities are to be provided for public and stakeholder input during a Regional Review, and on the involvement of Tribes, First Nations and Métis communities.

## **What is the Procedures Update project and how can you provide input?**

On September 1, 2017 the Regional Body and Compact Council initiated a project to update the Regional Body’s Interim Procedures and Compact Council’s Interim Guidance. The content of the Agreement itself (e.g. the allowable exceptions for water diversions and their associated criteria) is not being reviewed.

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<sup>1</sup> <http://www.glsregionalbody.org/GLSLRBAgreements.aspx>

The project is a collaborative process by the Regional Body, which includes representatives of the States and Provinces, and the Compact Council, which includes the U.S. states only, with input from the public, stakeholders, and Indigenous communities.

A 30-day comment period is being held on the proposed updated Regional Body Procedures and Compact Council Guidance and Rules from September 10 - October 10, 2018. Please visit the Regional Body website (<http://www.glsregionalbody.org/ProposedUpdates.aspx>) to view the proposed updated Procedures and for information on how to submit comments.

All input received during the comment period will be reviewed by the Regional Body and Compact Council. Further updates will be made if needed prior to adopting a final version.

### **Why is the Regional Body and Compact Council reviewing these procedures?**

In January 2016, the first proposal under the Agreement for a Great Lakes water diversion was submitted for Waukesha, Wisconsin. As a community outside of the basin but in a straddling county in the U.S., the Waukesha proposal was subject to both Regional Review and Compact Council approval. The review is aimed at addressing lessons learned and responding to public, stakeholders, and Indigenous concerns heard during this process.

### **What are the key changes being proposed to the Procedures?**

Some of the key changes the Regional Body and Compact Council are proposing based on lessons learned and feedback received include:

- Indicating that the Originating party will notify the other jurisdictions of the receipt of any application for a diversion.
- Allowing for additional public meetings or Hearings of the Regional Body and Compact Council outside of the jurisdiction where the diversion is proposed.
- Providing a separate meeting with Tribes, First Nations and Métis communities prior to the public meeting or Hearing in the jurisdiction where the diversion is proposed.
- Noting that if additional time is provided to jurisdictions to submit a technical review, the public comment period shall be extended by the same length of time.
- Clarification of what documents are included in the complete administrative record, including all documents which were relied upon or otherwise considered as part of Regional Body findings and Compact Council decisions.
- Specifying that if the Compact Council's Final Decision on a diversion proposal contains provisions or conditions unrelated to those previously made available for public comment, an additional comment period shall be held on those provisions.
- Setting out Rules of Practice for Administrative Appeals of Compact Council decisions and a process for the Compact Council to modify its Final Decision.
- Including a placeholder to outline a process for the consideration of regionally significant or potentially precedent setting proposals.