

February 24, 2010.

The Hon. Linda Jeffrey
Minister of Natural Resources
Whitney Block 6th Floor, Room 6630
99 Wellesley St W
Toronto ON
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RE: Intra-Basin Transfers and the Redefining of Great Lakes' Watersheds

Dear Minister,

Congratulations on your new appointment as Minister of Natural Resources.

The Ontario Council of the Canadian Federation of University Women (CFUW) would like to draw your attention to a current proposal by the MOE, which will be of great interest to you. It is part of the implementation of the Safeguarding and Sustaining Ontario's Waters Act (SSOWA). This is a proposal to redefine the watersheds of each Great Lake.

CFUW Ontario Council is very much opposed to this proposal to redefine the watersheds of the Great Lakes.

BACKGROUND:

Since 2004, CFUW Ontario Council has been closely following the development of policy to protect the Great Lakes. In 2004, under the leadership of the Ministry of Natural Resources, a multi-sector provincial Great Lakes Annex Advisory Panel (GLAAP) was established to provide input on Ontario's position in the negotiations of the Great Lakes Annex Agreement. CFUW Ontario Council and their Water Representative Carolyn Day have been active members of GLAAP since its inception in 2004, and remain members of the Advisory Panel today.

The Government of Ontario has made historic steps toward the protection of the waters of the Great Lakes in recent years - by negotiating and signing the Great Lakes Charter Annex Agreement (2005) and by enacting the Safeguarding and Sustaining Ontario's Waters Act. (2006).

CFUW Ontario Council and our member clubs were very proud of the strong principled stand Ontario took throughout the negotiations of the Great Lakes Charter Annex Agreement, and the strong leadership position Ontario assumed throughout. We strongly supported the development of the legislation & regulations to implement the Agreement in Ontario - the Safeguarding and Sustaining Ontario's Waters Act (SSOWA).

We do however strongly disagree with the proposal to redefine the watershed of each Great Lake for the purpose of Return Flow as part of the implementation of the SSOWA.

THE ISSUE

The purpose of the Annex Agreement and the SSOWA is the protection and sustainability of the water in each Great Lake watershed. To this end, a primary focus of the Annex is the prohibition of Intra Basin Transfers (the transfer of water from one Great Lake to another). Any exceptions to this prohibition are subject to very tight regulations including a provision for Return Flow - so that water transferred out of a Lake's watershed, must be returned, after use and treatment, to that same source watershed.

However, the recent MOE Proposal Paper contains a proposal to redefine the watershed of each Great Lake, redrawing the historic, scientific maps of the Great Lakes to include both the upstream and downstream connecting channels between the Lakes for the purpose of Return Flow. This redefinition is neither scientifically nor hydrologically correct, as a watershed is defined as an area where **all water flows in toward a central point**. The water in an upstream connecting channel meets this definition, flowing **into** the Lake. The water in a downstream connecting channel does not meet this definition, flowing **out of the Lake - away** from the central point.

The watershed map used during the MOE Public Consultation presentation, and on pg. 23 of the MOE Proposal Paper - shows each Great Lake watershed encompassing the upstream connecting channel only. The downstream connecting channel is shown as part of the watershed of the next (lower) Great Lake. The same delineation between watersheds is given in the US EPA watershed maps. These maps are correct - based on the hydrology of the water system within the Great Lakes Basin.

Yet the government is now proposing to redefine each Lake's watershed to include the downstream connecting channel for the purpose of Return Flow, which would allow water takers to return water to the downstream connecting channel and meet the Exception Criterion for Return Flow.

CFUW Ontario Council strongly opposes this redefinition of the Great Lakes watersheds.

QUESTIONS:

1. Why is the Ontario government considering this proposal?

- There are Municipalities whose boundaries straddle the junction between one of the Great Lakes and a downstream connecting channel. The intake for their water system is situated in the Lake, but treated effluent is released downstream - still within the Municipal boundary, but into the downstream connecting channel. The government recognized that it would be very expensive to require those Municipalities to retrofit their infrastructure in order to return treated water back to the source Lake as the Act requires.
- When the straddling communities return treated water, it reenters the system only a short distance downstream. There was an assumption made that, in this situation, returning the water to the downstream channel would not unduly disrupt the overall ecological flow or resources of the Lake. So the government allowed language into the Annex Agreement that accepted the downstream channel as part of the watershed in order to accommodate this situation.

2. Why does it matter if the definition of watershed is changed to include the downstream connecting channel?

- It sets a dangerous precedent for water management within the Great Lakes Basin - with the potential to affect the sustainability of water resources not only in the present day but into the future.
- It undercuts and potentially undoes the intended protection of the integrity of each Lake - by sanctioning the return of water taken from a Lake to a channel which drains away from the Lake.
- It contradicts Ontario's obligation under the Act to use the best scientific knowledge in the development of Policy.
- It contradicts Ontario's undertaking to watershed-based policy development by accepting a policy that does not respect the hydrology of the Lake system.
- It contradicts Ontario's determination from the Discussion Paper Healthy Lakes Healthy Ontario) to dispel the "myth of Abundance" about the water resources in the Great Lakes Basin.
- It ignores the information presented in the Report of the Expert Panel "Adapting to Climate Change" (Dec 19, 09) warning that Climate Change would cause lower water levels in the four lower Lakes.
- And it ignores the advice of the Expert Panel on Climate Change that stressed that hydrology be the basis for policy development in the Great Lakes Basin.

And so CFUW Ontario Council strongly opposes this redefinition of the Great Lakes watersheds.

WHAT ARE THE FUTURE IMPLICATIONS:

- There are in Ontario some Municipalities which pipe water a longer distance from a Lake to service their community, and they don't want the expense of having to pipe their treated wastewater back to the source Lake, as the Act requires, finding it more economical to release it into a downstream channel (or even a tributary of a downstream channel). The proposed redefinition of watershed is dishonest. It is broad and open-ended - not limited to the specific situation of straddling communities. It would give Municipalities the legal right to return treated effluent to a water system which would not in fact be a part of the source watershed - to drain rather than sustain Lake levels.
- For example, the City of London pipes water from Grand Bend on Lake Huron for use in their Municipality. After use, rather than piping the treated water back to Lake Huron (the "source watershed"), they release it into the Thames River, which flows into Lake St. Clair, and then flows into the St. Clair River and Lake Erie. Because Lake St. Clair is part of the downstream channel between Lake Huron and Lake Erie, the MOE redefinition would characterize that return of water as a return to the Lake Huron watershed, even though the water obviously is no longer part of the Lake Huron water inventory, but is flowing into the Lake Erie watershed instead.
- **As the groundwater beneath the most heavily populated areas of Southern Ontario becomes more stressed and compromised - by increased demand through increasing development, by pollution, and by Climate Change - there will be increasing pressure to pipe more water from the Great Lakes to serve Municipalities outside the watershed of the source Lake through Intra-Basin Transfers. If this proposed redefinition of watershed is allowed to stand, there will be no obligation to sustain the resources of the source Lake by returning the treated water after use to the Lake's hydrological watershed.**

That is why CFUW Ontario Council so strongly opposes this redefinition of the Great Lakes watershed.

ALTERNATE SOLUTIONS:

There are viable alternate solutions to this proposal to redefine the watershed of a Lake to include the downstream connecting channel:

- Grandfather the existing Municipal systems that straddle the Lake/Channel divide.
- Grandfather the existing systems that pipe water through Intra-Basin Transfers but do not return the water after use to the source watershed for the water they are **currently** using.

This would avoid the potential costs to Municipalities of retrofitting their current water delivery systems which are dependant on the Intra-Basin Transfers of water for their Municipal supply - **without the necessity of redefining the watershed to include the downstream connecting channel.**

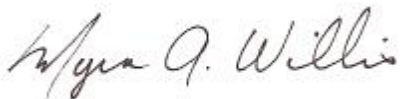
And then, going forward, all future requests for new and/or increased Intra-Basin Transfers would be required to adhere to the prohibition provisions in the SSOWA, with requests for exceptions tied to meaningful Return Flow requirements, and to specific provisions in the new Conservation Strategy - provisions that would lead to reduced water usage and waste. There would be a requirement that these Conservation measures be completed before an application for a new and/or increased Intra-Basin Transfers would be considered.

The 6,000 members of CFUW Ontario Council ask you:

- **to discuss this important issue with your colleagues in caucus, and**
- **to oppose any proposal to change the definition of the watershed of a Great Lake to include the downstream channel for the purpose of Return Flow and thereby to retain the essential focus of the SSOWA - which is on the safeguarding and sustainability of the water resources in our Great Lakes.**

Ontario Council of the Canadian Federation of University Women is composed of 57 clubs comprised of graduates living in urban and rural areas across Ontario. We are non-partisan, non-sectarian and we are totally member funded. Our members are active in public affairs, advocating on public education, justice, health and environmental issues as well as the status of women and human rights. Ontario Council is part of the Canadian Federation of University Women and has links to the International Federation of University Women.

Yours truly,



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