

Comments on the Draft 2007 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem

May 15, 2007

Carolyn O'Neill
Manager, Great Lakes Office
Land and Water Policy Branch
Ministry of the Environment
Floor 6, 135 St. Clair Avenue West
Toronto Ontario
M4V 1P5

RE: EBR posting 010-0063, Draft 2007 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem

Dear Ms. O'Neill,

I am writing on behalf of the Great Lakes and St. Lawrence Cities Initiative, in response to the Environmental Bill of Rights Registry posting 010-0063: Draft 2007 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA).

The Great Lakes and St. Lawrence Cities Initiative is a bi-national organisation of Mayors who have come together to give a voice to the priorities and concerns of cities regarding the protection of the Great Lakes and St. Lawrence water system. We currently have 42 members, of which 16 are Ontario mayors representing over a quarter of Ontario's population. (a list of members is attached).

The Cities Initiative would like to congratulate the Federal and Ontario Governments for reaching an agreement on extending the COA. It is essential that the COA continue to provide a framework for federal and provincial Great Lakes programs and funding. Some important advances are being proposed under COA 2007, including additional funding for the delisting of 4 Areas of Concern, and the addition of climate change and source water protection as issues to be dealt with under Annex 3.

Notwithstanding these important advances, it is understood that COA 2007 is serving as a 'placeholder' until the review of the Great Lakes Water Quality Agreement (GLWQA) is completed. With this in mind, the Cities Initiative is providing comments on both the current draft COA, and the process that will lead to COA 2010.

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Comments are provided in five principal areas

1. the municipal role in developing and implementing the COA;
2. funding for essential Great Lakes infrastructure and projects;
3. the governance framework for the COA and the GLWQA;
4. invasive aquatic species; and
5. the process to develop and implement the next COA.

1. The Municipal Role in developing and implementing the COA

Despite many commitments in CWA that would have substantial financial, administrative and political implications for cities, there is no prescribed mechanism for municipal input into the COA. This explains in part the slow progress on aspects of COA obligations that are directly linked to municipal operations. The Cities Initiative is offering its assistance in bridging this gap, in the hopes of speeding up progress towards these stated goals.

As an interim step, it is requested that the Cities Initiative be invited to join the COA Management Committee. This would be consistent with the Cities Initiative's participation on the GLWQA Review Committee (ARC) and at the Bi-national Executive Committee. I believe that both committees have benefited from the Cities' Initiative's participation.

It is also recommended that a structure be developed for formal municipal participation in the development and implementation of the 2010 Canada-Ontario Agreement. Soon after the 2007 COA is signed, the Cities Initiative requests that a process be established with Environment Canada, the Ontario Ministry of the Environment, and the Cities Initiative to explore the possible nature of this structure to formalize municipal participation in the COA. Extending this model to the GLWQA may also be considered.

The Cities Initiative is also fully supportive of a more inclusive process to develop and implement the COA, with involvement of a broad cross-section of stakeholders. This could consist of a multistakeholder advisory committee to assist in the implementation of COA 2007, and in the development and implementation of COA 2010.

2. Funding Essential Great Lakes Infrastructure and Projects

In addition to direct and formal municipal participation in the COA process, it is essential that the senior governments and Great Lakes municipalities explore shared funding commitments to meet objectives of COA 2007 and in preparation for COA 2010.

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Currently, there is little dedicated funding for municipal infrastructure and other projects that are essential to meet COA commitments. While municipalities are committed to full cost recovery for their water and wastewater services, including maintenance and renewal, the greater challenge is historical infrastructure deficiencies that are impacting the Great Lakes, such as combined sewer overflows. The anticipated impacts of climate change make such investments all the more pressing.

There is also great need for more dedicated funding to meet Remedial Action Plan objectives. Under Goal 2 of Annex 1, Canada and Ontario agree to support investments that support the delisting of Areas of Concern (AOC). However, this funding is not dedicated to AOCs delisting, but rather is part of a competitive bid process that all but eliminates some municipalities from apply for funding to delist their AOC. Without such dedicated funding, it is unclear how the Parties will meet result 2.1, to identify and promote implementation of priority actions in select AOCs, some of which require significant infrastructure investments.

Likewise, the COA 2007 commitment to ‘apply regulatory measures to reduce the quantity and improve the quality of municipal and industrial wastewater in AOCs’, and to ‘Negotiate an agreement for the purposes of implementing the federal wastewater effluent regulations’, will also require significant infrastructure investments.

It is these types of commitments that will require a federal-provincial-municipal funding partnership to be achieved.

To that end, the Cities Initiative requests that there be explicit mention of resources for municipalities in Article 5 of the COA 2007. And as part of the recommended formal process for municipal participation outlined above, the federal and provincial governments and the Cities Initiative should establish a process to define project eligibility, cost sharing arrangements and the amount of funding required for essential Great Lakes infrastructure and projects for COA 2010.

3. Governance Framework for the COA and the GLWQA

A number of recent reviews of the Great Lakes Water Quality Agreement have determined that its governance framework is in need of a fundamental rethink. These include recommendations and commentary from the International Joint Commission, the Environmental Commissioner of Ontario, and the Binational Executive Committee’s workshop on governance.

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The Canada-Ontario Agreement would benefit from a similar fundamental review. Questions of accountability, the binding nature of goals and objectives, the nature of the oversight function of the Management Committee, and the role of municipalities, First Nations and stakeholders in the COA process, are all issues in need of consideration.

Indeed, if Canada and Ontario undertake such a review in advance of the finalization of the GLWQA review, it may have a strong influence on the outcome of discussions regarding GLWQA governance.

As a first step, it is recommended that the signing of the COA 2007 be elevated to the head of Canada's and Ontario's governments, the Prime Minister and the Premier respectively. This would ensure a government-wide commitment to the goals and objectives of the COA.

4. Invasive Aquatic Species

It is encouraging to see the COA 2007 goal of 'Reducing the threat of aquatic invasive species to Great Lakes aquatic ecosystems and species'. It is assumed that biological diseases, such as Viral Haemorrhagic Septicaemia, are included in this goal. This should be made explicit in the agreement.

Comprehensive action to eliminate ballast water and sediment introduction into the Great Lakes must be made a priority. Current regulations fail to regulate the management of non-pumpable water in ships with no ballast on board. Approximately eighty percent of vessels entering the St. Lawrence seaway declare no ballast on board. In addition to preventing the irreversible ecological damage of invasive species, there is a significant financial incentive to act now. The U.S. Aquatic Nuisance Species Taskforce has estimated that the impact of invasive species to the Great Lakes basin could cost over U.S. \$138 billion by 2050.

5. A process to develop and implement the next COA.

Given the importance of the next COA in relation to a possible renegotiated GLWQA, it is important that Article X outline a process to review the agreement that is transparent, includes a meaningful role for cities, First Nations, and stakeholders, and gives ample time for input.

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Thank you in advance for considering the Great Lakes and St. Lawrence Cities Initiative's comments on the draft 2007 Canada-Ontario Agreement on the Great Lakes Basin Ecosystem. I trust that these comments are helpful to the COA signatory agencies. Again, the Cities Initiative is offering its assistance in implementing COA 2007, and in developing and implementing a strong, inclusive, and achievable COA 2010. We would welcome a meeting with relevant staff to discuss these comments further.

Yours sincerely,



David A. Ullrich
Executive Director
Great Lakes and St. Lawrence Cities Initiative

cc. Theresa McClenahan
Natalie Houle
Mike Goffin
Sharon Bailey

Attachment

Comments on the Draft 2007 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem

Membership of the Great Lakes and St.Lawrence Cities Initiative,05-11-07

Town of Penetanguishene	Dubeau	Anita	Mayor
Town of the Blue Mountains, ON	Anderson	Ellen	Mayor
Beaconsfield, QC	Benedetti	Bob	Mayor
Trois-Rivières, QC	Lévesque	Yves	Mayor
Hamilton, ON	Eisenberger	Fred	Mayor
Waukegan, IL	Hyde	Richard H.	Mayor
Collingwood, ON	Carrier	Chris	Mayor
Cobourg, ON	Delanty	Peter	Mayor
Becancour, QC	Richard	Maurice	Mayor
Evanston, IL	Morton	Lorraine H.	Mayor
Rochester, NY	Duffy	Robert	Mayor
Gary, IN	Clay	Rudolph	Mayor
Goderich, ON	Shewfelt	Deb	Mayor
Parry Sound, ON	Adams	Richard	Mayor
The Archipelago, ON	Ketchum	Peter	Reeve
Superior, WI	Ross	Dave	Mayor
Toronto, ON	Miller	David	Mayor
Duluth, MN	Bergson	Herb W.	Mayor
St. Catharines, ON	McMullan	Brian	Mayor
Québec City, QC	Boucher	Andrée P.	Mayor
Racine, WI	Becker	Gary	Mayor
Cornwall, ON	Kilger	Bob	Mayor
Sorel-Tracy, QC	Robert	Marcel	Mayor
Erie, PA	Sinnott	Joseph	Mayor
Grand Rapids, MI	Heartwell	George K.	Mayor
Salaberry-de-Valleyfield, QC	Lapointe	Denis	Mayor
Thunder Bay, ON	Peterson	Lynn	Mayor
Sault St. Marie, ON	Rowswell	John	Mayor
Highland Park, IL	Belsky	Michael D.	Mayor
Chicago, IL	Daley	Richard M.	Mayor
Montréal, QC	Tremblay	Gerald	Mayor
Port Colborne, ON	Bodner	Ron	Mayor
Grand Marais, MN	Sandbo	Mark	Mayor
Ville de Chateauguay, QC	Pavone	Sergio	Mayor
Windsor, ON	Francis	Eddie	Mayor
Toledo, OH	Finkbeiner	Carleton S.	Mayor
Carling Twncsp, ON	Konoval	Mike	Mayor
Ferndale, MI	Porter	Robert	Mayor
Ferrysburg, MI	Tejchma	Ray	Mayor
East Chicago, IN	Pabey	George	Mayor
Whiting, IN	Stahura	Joseph	Mayor
Milwaukee, WI	Barrett	Tom	Mayor