



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT



(CELA Publication 484e.)

Principles used by CELA and GLU in Efforts to Strengthen the Great Lakes Charter Annex

This document recommends a comprehensive set of reforms based on specific environmental protection and restoration objectives. These recommendations—environmental “must haves” for any reform project to succeed—can distinguish proposed approaches that lead to sustainable use of Great Lakes waters from those that push the region further down the spiral of non-sustainable water use.

In brief, these recommendations are:

1. The federal, tribal, state and provincial governments should place a moratorium on new or increased water uses, diversions, and other changes to the Great Lakes and St. Lawrence River water system, until a comprehensive conservation and ecosystem restoration strategy has been developed and implemented in legislation and permitting
2. The goal of the strategy must be to protect *and* affirmatively restore the basin water system, not just fend off additional harm
3. A central objective of the strategy must be substantial reductions in basin water consumption and use
4. The comprehensive conservation and restoration strategy must:
 - Address *all* changes to the Great Lakes and St. Lawrence River water system. Managing solely for how much water is used while neglecting, for example, how and where it moves, will not protect water for the benefit of all users, including nonhuman users
 - Provide specific, binational protection and restoration goals for the basin water system
 - Include a basin-wide standard to be applied to all decisions on proposed new water uses or alterations of the water system
 - Be conservation-based, that is, based on protecting and restoring the basin water system as opposed to accommodating and mediating the wasteful needs of use sectors
 - Set conservation targets by use sectors with timelines
 - Take a watershed approach to system protection and restoration by encouraging living within the means of individual watersheds, defined as no larger than major river watersheds
 - Prohibit new diversions of water between watersheds

- Embody the precautionary principle: use conservative approaches in the absence of perfect information about the needs of the water system
- 5. The public must have full access to the process for developing and implementing both the basin-wide conservation and restoration strategy and the standard for making decisions on proposed water uses and alterations
- 6. All water use and alteration decisions must be subject to challenge by citizens
- 7. The process for developing and implementing the strategy and standard must be guided by the region's state, provincial and tribal governments, but it must also respect and accommodate the legitimate role of the federal governments: overseeing the national and international interest in protecting and restoring the basin water system
- 8. The federal governments must assure the availability of a constitutionally valid mechanism that enables vigorous international, tribal, provincial and state cooperation
- 9. Should state, local and tribal governments fail to create a strategy, the federal governments should step in to assure that a strategy is created
- 10. The onus must rest with those proposing new or increased water uses or alterations to the water system to show that they are consistent with the strategy and standard
- 11. Information on the connection between the basin water system and the life it supports should be continuously and aggressively gathered and assimilated into a publicly accessible, binational water information base that is understandable and useful to lay citizens
- 12. Regional climate change should be aggressively researched and climate change data evaluated with water data to routinely review the estimated impacts of climate change on basin water quantities and movement
- 13. The effects of all approved water uses must be monitored for periodic evaluation of the uses against the standard and strategy, and to inform future water use decisions. This monitoring information should be included in the binational water information base
- 14. Water use approvals must be rescindable if evidence later arises that they are no longer, or never were, consistent with the strategy and standard
- 15. Every individual's right to water for basic human needs—drinking, cooking, and bathing—must be guaranteed

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