

ONTARIO FINAL WLEB IMPLEMENTATION PLAN LETTER

July 27, 2015

Premier Wynne:

Thank you for your commitment to reduce phosphorus entering the western Lake Erie basin by 40% by 2025. This paradigm-changing commitment is an extremely important first step that follows the scientific consensus that 40% reductions in phosphorus will significantly reduce the prevalence and impact of harmful algal blooms in the basin. Of course, commitments are only valuable to the point that they are implemented. Our organizations are ready to work with you to develop Implementation Plans that will achieve this goal. Our shared goal is to ensure that these reductions are achieved efficiently and effectively in the shortest possible time period with the maximum benefits to human health and natural resources.

As you know, the status of the Great Lakes as a globally unique fresh drinking water resource is at risk from harmful algal blooms caused by excess nutrient runoff. This threatens the quality of life and economic vitality that drives our region's leaders to champion the Great Lakes. Nowhere is this more obvious than in Lake Erie which generates \$12.9 billion in annual economic impact from tourism and recreation in Ohio alone.

The Great Lakes region has made a lot of progress toward protecting and restoring our Lakes by working together to address threats and garner critical public, state, provincial and federal support. Because of the Clean Water Act in the U.S., significant progress has been made in reducing nutrient pollution from point sources. Ontario's Nutrient Management Act and Clean Water Act have similarly reduced nutrient pollution. We, however, have failed to keep pace

with pollution threats like agricultural runoff. As a result, decades of work to revitalize our economy, environment and quality of life are at risk.

Our organizations are willing and able to work with you to achieve a 40% reduction of phosphorus entering western Lake Erie by 2025. We recognize and support the development of regulatory, voluntary and effective market based approaches and would support their inclusion in the Implementation Plans. We also applaud the commitment to developing these plans in “collaboration with stakeholder involvement” as specified in the memorandum of understanding, and we urge Ohio, Michigan and Ontario to fulfill this spirit of inclusiveness while still producing Implementation Plans in a timely manner by considering the following recommendations:

- Michigan and Ohio should each complete a draft Implementation Plan by October 15, 2015 and hold a 45-day public comment period accompanied by public hearings in key communities within the western Lake Erie basin. After considering public comment, these plans should be finalized by December 31, 2015.
- Ontario should release a timeline for completing its Implementation Plan by October 15, 2015. To inform the development of the plan, the province should convene a balanced, multi-party task force of key stakeholders to help build consensus on management actions necessary. The task force should produce a report within six months that identifies specific policy and management recommendations, funding needs, key aspects of a monitoring plan to track progress, and research and data needs to address remaining questions about phosphorus and its movement across the landscape.
- Each Implementation Plan should include provisions to adapt the plan based on specific events and new scientific information. For example, the results of efforts to identify and calculate specific phosphorus sources, and the release of the Great Lakes Water Quality Agreement Annex 4 Domestic Action Plans may change what needs to be included in the implementation plans.

In order to effectively achieve the goal of reducing phosphorus entering western Lake Erie by 40% and improve Lake Erie's water quality, as well as demonstrate progress, we urge each state and the province to:

- Set up a process to identify sources of phosphorus and nitrogen including locations, causes and amounts to the greatest extent possible using the best available science. In addition to the known point sources, this effort should differentiate between specific sources such as chemical fertilizers, livestock waste, biosolids, combined sewer overflows, and home septic systems.
- Build on existing monitoring work to develop and implement a measurable, reportable and verifiable water quality monitoring system with continuous sampling stations in locations that will provide data for the whole western Lake Erie basin watershed that can be used to determine whether reduction in phosphorus are being achieved.
- Report publicly on progress made under the implementation plan on a yearly basis.

Our organizations recognize that developing and deploying these Implementation Plans are critical to help each jurisdiction move toward the 40% phosphorus reduction goal. It is also critical that each jurisdiction enforce existing laws related to the ways nutrient pollution enters the western Lake Erie basin.

Through the enforcement of existing laws, deployment of voluntary conservation practices on agricultural lands, and the development of Implementation Plans that require additional, mandatory action to reduce all sources of phosphorus, we hope each jurisdiction can achieve a 40% reduction in phosphorus entering western Lake Erie by 2025.

Thank you for your consideration of our comments.

Sincerely,

Nancy Goucher

Water Program Manager

Environmental Defence

Molly M. Flanagan

Vice President, Policy

Alliance for the Great Lakes

Katie Rousseau

Director, Clean Water Supply, Great Lakes

American Rivers

Madeline Fleisher

Staff Attorney

Environmental Law & Policy Center

Jill Ryan

Executive Director

Freshwater Future

Captain Paul Pachowski

President

Lake Erie Charter Boat Association

Beth Nagusky

Policy Director

League of Conservation Voters in Ohio

Jack Schmitt

Acting Executive Director

Michigan League of Conservation Voters

Mike Shriberg

Regional Executive Director, Great Lakes Office

National Wildlife Federation

Adam Rissien

Director, Agricultural & Water Policy

Ohio Environmental Council

Gail Philbin

State Director

Sierra Club, Michigan Chapter

Wayne Howard & Lino Grima, Co-Chairs

The Binational Great Lakes Committee of the Sierra Club

Sierra Club of Canada Foundation

Christine Elwell

Chair

Sierra Club, Ontario Chapter

Cc: Gillian McEachern, Senior Policy Advisor, Office of the Premier

Sarah Rang, Senior Policy Advisor, Ministry of the Environment and Climate Change