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

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To: DENNIS E BREITZMAN

From: SARAH MILLER

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Message: ATTACHED ARE COMMENTS ON THE RED RIVER VALLEY WATER SUPPLY PROJECT. FROM THE CANADIAN ENVIRONMENTAL LAW ASSOCIATION.

Sarah Miller



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

April 13, 2006

Mr. Douglas E. Breitzman
Area Manager
Dakotas Area Office
Bureau of Reclamation
P.O. Box 1017
Bismarck, ND
USA 58502-1017

Dear Mr. Breitzman,

Re: Red River Valley Water Supply

The Canadian Environmental Law Association (CELA) is a public interest legal clinic established in 1970. Our organization has been involved extensively in water management issues, most recently in the negotiations between Ontario, Quebec and the eight Great Lakes States that resulted in The Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement to protect and manage these resources in an integrated, equitable and sustainable manner to protect these water resources for generations to come. We are also involved in stewarding a new *Ontario Clean Water Act* receiving second reading in our legislature today. This act mandates watershed plans to protect drinking water in Ontario. These two initiatives have considerable relevance to the disputes about the Red River Valley Water Supply and contain options that could go along way to resolution of these transboundary disputes in a more sustainable way for all parties.

While we do not have the capacity to comment in detail on your Draft Environmental Impact Statement on the Red River Valley Water Supply, we would like to endorse the April 5, 2006 letter you received from the Government of Canada, signed by Peter M. Boehm Assistant Deputy Minister North America of the Department of Foreign Affairs. As well we support the position of the Ontario government communicated to you in May 2005 by our Premier Dalton McGuinty as regards the Lake of the Woods options.

Lessons we have learned in the Great Lakes are that water planning for the 21st century is long overdue. It can no longer be seen as a temporal dispute resolution but must be farsighted, ecosystemic and integrated. Many submissions we have seen on your impact statement raise concerns that needs and alternatives have not been adequately addressed.

In particular the impacts of aggressive water conservation programs across all sectors to prevent future crisis and drought strategies are in adequate.

As far back as 1977, the International Joint Commission recommended that those portions of the project that could divert water from the Missouri River into the Hudson Bay watershed not be built until or unless international concerns over biota transfer are resolved. This is a violation of the intent of *the Boundary Waters Treaty of 1909*. In the Great Lakes we have paid a high price because of the introduction of invasive species that we may never recover from. Freshwater fisheries continue to be devastated lamprey eels and every user of the waters of the Great Lakes has had to bear huge costs preventing zebra mussels from invading their intake pipes. These losses may have been prevented if studies were done and policies prevented these introductions.

We would urge you not only to enter into dialogue with Canadian governments, scientists and stakeholders downstream on this impact statement, but to consider undertaking a long term international water management plan which will result in permanent tools and agreements to address water use and protection.

Thank you for your consideration of this submission.

Yours truly
Canadian Environmental Law Association

Sarah Miller

Sarah Miller
Water Policy Researcher