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Québec City, June 17, 2008

Mr. David L. Emerson
Minister of Foreign Affairs and
International Trade
125 Sussex Drive
Ottawa, Ontario K1A 0G2

Mr. John Baird
Minister of the Environment
Environment Canada
10 Wellington Street
Gatineau, Québec K1A 0H3

Dear Ministers:

Last March 28, the International Joint Commission (IJC) released a proposed Order of Approval and a new regulation plan for managing the water flows and levels of Lake Ontario and the St. Lawrence River (called Plan 2007). The Order and accompanying Plan 2007 will have impacts beyond the Canadian-U.S. border zone, namely on the St. Lawrence River located in Québec. They are likely to affect sectors and interests of great importance for Québec's environment, its economy, and its cities, as well as for Québec's population as a whole. We hereby wish to inform you of our initial position regarding the project announced publicly by the IJC.

The proposed Order of Approval and Plan 2007 contain significant loopholes that could prove damaging to Québec compared with the current management of water levels and flows. The present consultation was launched by the IJC without prior assurance of support neither by the Government of Québec, nor by the Government of Ontario and the State of New York. The assessment of the impacts in Québec, as presented to the Québec public, is highly inadequate to ensure a thorough understanding of them. This consequently casts some doubt on the validity of the public consultation in its present form. Moreover, the importance of sectors such as the Port of Montréal and the overall value that cities derive from recreational and tourist activities requiring river access appears, in our view, to have been underestimated since the beginning of the review process. Plan 2007, as well as Plan B+, a competing plan put forward in 2006 as being environmental, are in fact initially designed for Lake Ontario and would produce very few environmental improvements in Québec. It should be recalled that the entire review process initiated by the IJC in 2000 was intended to take into account the environment and recreational navigation, including the issue of climate change. Furthermore, this IJC project poses a palpable risk of creating new problems for the affected interests in Québec.

The Government of Québec therefore requests that the Government of Canada not accept the proposed Order of Approval until it has been substantially

modified to include significant provisions that will protect the St. Lawrence River and its users in Québec, improve the management structure and governance, and maintain the flexibility required for the authorization processes of discretionary deviations. To ensure that the Order will bring about true progress over the next 50 years, provisions need to be included in order to provide effective management mechanisms in the event of extreme situations, especially for events related to climate change. It is also important that the Order be far more precise since it constitutes a reference document of primary importance should problems arise. The Order must accurately reflect the elements contained in the plan with which it is associated and those pertaining to the downstream section of the system located in Québec. It is likewise vital that the framework for the proposed adaptive management approach be much better defined. From an institutional perspective, the proposed governance should be reviewed, especially with respect to the role of the provinces.

Due to the weak gains to be generated in Québec by either Plan 2007 or Plan B+, it is imperative at this time to discuss what Québec considers to be the main irritants in these plans and to allow for the necessary corrections to be made before their potential implementation. It is equally imperative to evaluate the social and economic acceptability of the measures that will affect Québec as well as the amount of financial compensation, which should be negotiated before, not after, the implementation of a new plan, particularly with regard to mitigation (e.g. flooding, river bank erosion and impacts on shoreline infrastructures). In addition, it is unacceptable that the Order should provide for moving toward another plan based on a different methodology, while granting the IJC full latitude to operate with no clear markers and without formally consulting Québec or the other jurisdictions involved in a structured manner at a subsequent time.

Should it prove impossible to substantially modify the Order and Plan 2007 according to these parameters, it might be advantageous to not modify them (this option appears in the LOSL 2006 study report) and to apply the precautionary principle, i.e. undertake parallel simulations of the new plans over the coming years and re-evaluate their merit, in consultation with the federal and provincial governments and the government of the State of New York. This approach would accurately take management uncertainties into account in real time as well as the risks associated with climate change. It would not preclude devising a better process than the one proposed, a process that, for Québec, would allow greater coordination with all the other initiatives designed for the protection and integrated management of the St. Lawrence River. Lastly, it bears noting that the IJC is proposing to implement a regulation plan for LOSLR without knowing what would be the results and impacts of potential upstream new structures on the regulation of water levels and flows of the Upper Great Lakes (re: International Upper Great Lakes

Study). In that respect, applying the precautionary principle would be amply justified.

For the remainder of the process, Québec reiterates that it must be formally consulted before any decision is made by the federal government, given the extent of the consequences of these issues for the people of Québec and their safety, for Montréal and the riverside municipalities, for the numerous sectors of activity in Québec, and for the health of the St. Lawrence River ecosystem. We are ready to continue discussions, together with Ontario and the State of New York, in order to find an acceptable solution for all the involved stakeholders, both upstream and downstream of the system.

Yours sincerely,

Monique Gagnon-Tremblay
Minister of International Relations and
Minister Responsible for La Francophonie

Line Beauchamp
Minister of Sustainable Development,
Environment and Parks

