

January 7, 2010

**Great Lakes-St. Lawrence River Water Resources Regional Body
DECLARATION OF FINDING**

Water Management Program Review
Water Conservation and Efficiency Program Review
Province of Québec

PURPOSE

Pursuant to Article 300 of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (“Agreement”), each Party State and Province must submit a report to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) on actions taken by that State or Province to meet the provisions of the Agreement. Following the review of such reports, the Regional Body shall determine if that State or Province’s program meets or exceeds the provisions of the Agreement; does not meet the provisions of the Agreement; or, would meet the provisions of the Agreement if certain modifications were made and what options may exist to assist the jurisdiction in meeting the provisions of the Agreement. However, and as noted below, Article 300 of the Agreement has not come into force as of this date, so all such submissions to date and subsequent Declarations of Findings issued pursuant to this Article are recognized as voluntary, and shall not be implied to indicate that Article 300 of the Agreement has come into force.

STIPULATIONS

Entry into Force of the Agreement

1. The Agreement was signed by the Great Lakes Governors and Premiers on December 13, 2005. Pursuant to Article 709 of the Agreement, the terms of the Agreement do not come into force unless and until all Parties to the Agreement notify all other Parties that measures have been enacted into law, except for the following terms that came into force on December 13, 2005:
 - a. Preamble
 - b. Chapter 1
 - c. Article 202
 - d. Article 208
 - e. Article 302
 - f. Article 303
 - g. Article 304
 - h. Chapter 4
 - i. Chapter 6
 - j. Chapter 7

To date, no such notification has been given, and the remaining terms of the Agreement have not come into force, except as described in Regional Body Resolution #8 (Attachment “A”).

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Relevant Action Taken by the Regional Body

1. Pursuant to Article 304, Paragraph 1 of the Agreement, the Regional Body must identify Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency programs by **December 13, 2007**. The Regional Body adopted Basin-wide Water conservation and efficiency objectives in fulfillment of this provision on **December 13, 2007**.

Provisions of the Agreement that must be met by the Province of Québec by a future date

1. Pursuant to Article 207 Paragraph 1 of the Agreement and Article 709, paragraph 2.e. of the Agreement, the Baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal will be set 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 207 Paragraph 1 has not yet come into force.
2. Pursuant to Article 200, Article 201 and Article 709, Paragraph 2.a-b. of the Agreement, all New or Increased Diversions are to be prohibited, with exceptions, 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 207 Paragraph 1 has not yet come into force.

Exemptions as described in Article 208 came into force on December 13, 2005.

3. Pursuant to Article 207, Paragraph 1 and Article 709, Paragraph 2.e. of the Agreement, each Party must submit a list of Baseline Diversions, Consumptive Uses and Withdrawals to the Regional Body one year after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 207 Paragraph 1 has not yet come into force.
4. Pursuant to Article 300 and Article 709, Paragraph 2.g. of the Agreement, each Party must submit a report to the Regional Body detailing its Water management and conservation and efficiency programs pursuant to the Agreement one year after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 300 Paragraph 1 has not yet come into force.
5. Pursuant to Article 304, Paragraph 2 and Article 709, Paragraph 2.i of the Agreement, consistent with the Basin-wide goals and objectives adopted by the Regional Body, each Party must establish Water conservation and efficiency goals and objectives

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within two years after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 304 Paragraph 2 has not yet come into force.

6. Pursuant to Article 304, Paragraph 2, 4 and 5, as well as Article 709, Paragraph i. of the Agreement, each Party must establish a Water Conservation and Efficiency program for all water users that is consistent with the Basin-wide goals and objectives as well as Party goals and objectives within two years after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 304, Paragraphs 2, 4 and 5 have not yet come into force.
7. Pursuant to Article 301 and Article 709, Paragraph 3.d. of the Agreement, each Party must develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the Party, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses, within five years after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 301, has not yet come into force.
8. Pursuant to Article 206, Paragraph 1 and Article 709, Paragraph 3.c. of the Agreement, each Party must create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing measures consistent with the decision-making standard of the Agreement (see Article 203) within five years after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 206, Paragraph 1 has not yet come into force.
9. Pursuant to Article 206, Paragraph 2 and Article 709, Paragraph 3.c. of the Agreement, each Party must set threshold levels that comply with Article 206, Paragraph of the Agreement within ten years after 60 days after the last Party to the Agreement has notified the others that it has completed the Measures necessary to implement the parts of the Agreement as described in Article 709, Paragraphs 2 a.-j. No such notification has occurred, and therefore Article 206, Paragraph 2 has not yet come into force.

Any Party that fails to set such thresholds shall apply a threshold for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90 day period.

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FINDING ON PROVINCE OF QUÉBEC'S WATER MANAGEMENT AND CONSERVATION AND EFFICIENCY PROGRAMS

The Regional Body have received the Province of Québec's report on its Water management and conservation and efficiency programs, which are attached hereto as Attachments "B" and "C", respectively. Upon review of said submissions, the terms of the Agreement, as well as other actions taken by the Province of Québec as described above, the Regional Body finds the following:

Provisions of the Agreement that must be met by the Province of Québec by a future date

1. The Regional Body finds that the Agreement does not require the setting of a Baseline for New or Increased Withdrawals, Diversions or Consumptive Uses at this time.
2. The Regional Body finds that the Agreement does not require that New or Increased Diversions be prohibited at this time.
3. The Regional Body finds that the Agreement does not require the Province of Québec to submit a list of Diversions, Consumptive Uses and Withdrawals at this time.
4. The Regional Body finds that, although the Agreement does not require the Province of Québec to submit a report on its water management and conservation and efficiency programs, the Province voluntarily submitted such reports which are attached hereto as Attachments "B" and "C", respectively, to the Regional Body by December 8, 2009.
5. The Regional Body finds that the Agreement does not require the adoption or implementation of water conservation and efficiency goals and objectives at this time.
6. The Regional Body finds that the Agreement does not require adoption or implementation of a water conservation and efficiency program at this time.
7. The Regional Body finds that the Agreement does not require the adoption or implementation of a water resources inventory program at this time.
8. The Regional Body finds that the Agreement does not require the adoption or implementation of a water management program at this time.
9. The Regional Body finds that the Agreement does not require the adoption or implementation of a threshold for determining which Withdrawals of Water will be subject to management pursuant to the Agreement at this time.

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THEREFORE, the Regional Body, after reviewing the Water Management Program report submitted by the Province of Québec, finds that such program meets or exceeds the current requirements of the Agreement.

FURTHERMORE, the Regional Body, after reviewing the Water Conservation and Efficiency Program report submitted by the Province of Québec, finds that such program meets or exceeds the current requirements of the Agreement.

Issued by the Great Lakes-St. Lawrence River Water Resources Regional on January 7, 2010.

ATTACHMENT “A”

**GREAT LAKES—ST. LAWRENCE RIVER WATER RESOURCES REGIONAL
BODY**

**RESOLUTION #8—ENTRY INTO FORCE OF CHAPTER 5 OF THE
AGREEMENT (REGIONAL REVIEW)**

WHEREAS, on December 13, 2005, the Governors of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin, the Commonwealth of Pennsylvania, and the Premiers of Ontario and Québec signed the *Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement* (“Agreement”); and,

WHEREAS, Chapter 7 of the Agreement came into force on December 13, 2005, pursuant to Article 709 paragraph 1j of the Agreement; and,

WHEREAS, pursuant to Article 709, Paragraph 2j of the Agreement, Chapter 5 of the Agreement will come into force “60 days after the last Party [State or Province] has notified the others that it has completed the Measures necessary to implement” specific provisions of the Agreement as described in Article 709, Paragraph 2 of the Agreement; and,

WHEREAS, the Parties to the Agreement have neither completed all the Measures as described in Article 709, Paragraph 2, nor have they notified the other Parties that they have completed such Measures; and,

WHEREAS, the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) became effective on December 8, 2008; and,

WHEREAS, the Compact requires Regional Review to be performed from time to time to properly implement the terms of the Compact; and,

WHEREAS, Article 705 of the Agreement states that “Each Party shall, from the date of execution of this Agreement, exercise its best efforts to refrain from taking any action that would defeat the objectives of this Agreement;” and,

WHEREAS, the inability to engage in Regional Review would hinder the ability of the States to implement the Compact, which would in turn defeat the objectives of the Agreement.

NOW THEREFORE BE IT RESOLVED that the members of the Regional Body declare that Chapter 5 of the Agreement shall come into force immediately as of December 8, 2008, with regard to any requirements for Regional Review that may arise in respect of proposals from the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin, and the Commonwealth of Pennsylvania as they implement the Compact.

BE IT FURTHER RESOLVED that in accordance with Paragraph 5 of Article 709 of the Agreement, the terms, agreements and review processes contained in the Great Lakes Charter of 1985 (Charter) shall remain in full force and effect, except for those instances where Regional Review may take place in respect of diversion proposals from the States as they implement the Compact. In such instances, Regional Review shall replace prior notice and consultation requirements and activities in the Charter. The Regional Body shall be used for all prior notice and consultation activities under the Charter where they continue to apply.

BE IT FINALLY RESOLVED that Chapter 5 of the Agreement shall come into force with regard to any requirements for Regional Review that may arise in respect of proposals from the Provinces of Ontario and Quebec once each province has notified the other Parties that they have completed the measures needed to implement the prohibition of diversions and the management and regulation of exceptions. Once notice has been provided, Regional Review shall replace prior notice and consultation requirements under the Charter for diversion proposals in that Province.

***Adopted by the Great Lakes-St. Lawrence River Water Resources Regional Body on
December 8, 2008.***

ATTACHMENT “B”

COURTESY TRANSLATION

December 8, 2009

Mr. David Naftzger
Secretary, Great Lakes–St. Lawrence River Basin Water Resources Council
c/o Council of Great Lakes Governors
35 East Wacker Drive, Suite 1850
Chicago, Illinois 60601

Subject : Progress report on the implementation of Québec's Water Management and Water Conservation and Efficiency Programs

Mr. Naftzger,

As representative of the Government of Québec, signatory of the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement, please find attached the progress reports on the Water Management and Water Conservation and Efficiency Programs, in accordance with Article 300 of the Agreement. Though this article is not yet in force in Québec, we would like to keep the partners of the Agreement informed about the progress and advancement of our programs. We also wish to adhere to, as much as is possible, the timeline for the implementation of the Compact that began on December 8, 2008.

However, as the measures necessary for the prohibition of diversions are not yet in force, it is not possible for us to send you the inventory of existing water withdrawals (Baseline).

I remain available to discuss your questions and comments, and to provide you with further information.

With my very best regards,

ORIGINAL SIGNED BY

Yvon Maranda, Ph. D.
Representative of the Government of Québec
Great Lakes–St. Lawrence River Water Resources Regional Body

Encl. Report

c. c. Mr. Charles Laroche, Assistant Deputy Minister, Water, Air and Climate Change Branch, ministère du Développement durable, de l'Environnement et des Parcs

Mrs. Madeleine Paulin, Deputy Minister, ministère du Développement durable, de l'Environnement et des Parcs

Mr. Peter Johnson, Program Director, Council of Great Lakes Governors

**Great Lakes - St. Lawrence River Basin Sustainable Water Resources
Agreement**

Québec Water Management Program Review

The following information shall be included in the reports submitted by the States and Provinces to the Regional Body and Compact Council pursuant to the requirements in the Agreement Article 300 and the Compact Section 3.4.1.

1. Lead agency/agencies and contact person(s).

The ministère du Développement durable, l'Environnement et des Parcs (MDDEP) is responsible for the implementation of the Agreement in Québec.

Mr. Yvon Maranda, Head of the Integrated Water Management Section, is the Designee of Premier Jean Charest on the Regional Body.

Mr. Yvon Maranda, Ph. D.
Ministère du Développement durable, de l'Environnement et des Parcs
Direction des Politiques de l'eau
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2. Citations to State/Provincial Water management program implementing laws, regulations and policies.

- Environment Quality Act, R.S.Q., chapter Q-2
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/Q_2/Q2_A.htm
- Groundwater Catchment Regulation, c. Q-2, r.1.3
(http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R1_3_A.htm)
- Regulation respecting environmental impact assessment and review, RRQ, 1981, c. Q-2, r. 9.
(http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R9_A.htm)

- An Act respecting the conservation and development of wildlife L.R.Q., c. C-61.1
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_61_1/C61_1_A.html
 - Regulation respecting wildlife habitats, c. C-61.1, r.18, L.R.Q.,
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/C_61_1/C61_1R18_A.HTM)
- Water Resources Preservation Act, R.S.Q., chapter P-18.1
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P_18_1/P18_1_A.htm)
- Watercourses Act, R.S.Q., chapter R-13
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/R_13/R13_A.htm)
- An Act to affirm the collective nature of water resources and provide for increased water resource protection, (S.Q. 2009, c. 21)
<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2009C21A.PDF>)

Division VI amending provisions Environment Quality Act, §2. — Special provisions applicable to water withdrawals from the St. Lawrence River Basin

- Regulation respecting the declaration of water withdrawals, c. Q-2, r.3.2.1
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=3&file=/Q_2/Q2R3_2_1_A.HTM)
- Québec Water Policy (<http://www.mddep.gouv.qc.ca/eau/politique/index-en.htm>)

3. Summary description of the State’s or Province’s Water management program scope & thresholds, including the current status of program implementation and a description of which New or Increased Withdrawals, Consumptive Uses and Diversions will be subject to the program. The summary should include information on registration (if applicable), management and regulation, and reporting elements of the program.

The provisions of Article 709, paragraph 2 of the Agreement are not in force in Québec, as the measures necessary for their implementation have not been completed. For this reason, the water management and water withdrawals regulations allowing the implementation of the Agreement, as well as Article 300 of the Agreement, are not yet in force in Québec. Québec nonetheless considers it important to provide the Regional Body with a progress report on its water management and water withdrawals program.

An Act to affirm the collective nature of water resources and provide for increased water resource protection, C.21, 2009 (Water Act), adopted by l’Assemblée nationale du Québec (National Assembly of Québec) in June, 2009, and more specifically, Sub-division 2 of Division VI, will allow Québec to meet its commitments with regards to the legislative amendments necessary for the implementation of the Agreement. The implementation of some provisions of the Act, and specifically this sub-division, requires the adoption of implementation regulations. There will be several steps in the adoption of these regulations. The development of a regulatory project that will allow the implementation of the general

provisions of *An Act to affirm the collective nature of water resources and provide for increased water resource protection*, particularly the practice of new power of authorization for water withdrawals introduced in the Environment Quality Act (Article 31.74 and the following) will be carried out in 2011. In the meantime, a first regulation on the declaration of water withdrawals was adopted in 2009. This regulation is for all water withdrawers in Québec and requires mandatory declaration of water withdrawal data. However, this regulation only partially meets the commitments of articles 301 and 207, paragraph 1 of the Agreement with regards to the information and inventory of existing withdrawals. A second regulation is being drawn up. It will cover the provisions of the Act that must be entered into force prior to the implementation of the articles of the Agreement in Article 709, paragraph 2. This regulation will also include the additional information necessary to be in accordance with articles 301 and 207, paragraph 1.

With regards to the commitments under paragraph 3 of Article 709 (related to withdrawals management and consumptive use in the Basin), these will be included in the future water withdrawals and water protection regulation, which will allow the implementation of the new general power of authorization of the *An Act to affirm the collective nature of water resources and provide for increased water resource protection* (Article 31.74 and the following), in 2011. As such, this future regulation will allow us to work with an amalgamation of various regulations related to water withdrawals: the *Groundwater Catchment Regulation*, c. Q-2, r.1.3 (RCES), the recently adopted *Regulation respecting the declaration of water withdrawals*, the first regulation for the implementation of the Agreement that allows the implementation of the provisions of paragraph 2 of Article 709 of the Agreement.

Once the regulations of the *An Act to affirm the collective nature of water resources and provide for increased water resource protection* are in force, all new or increased diversions outside the Great Lakes and the St. Lawrence River Basin will be prohibited. Exceptions may be possible solely in cases involving drinking water supply in straddling communities, or in a straddling county. The stipulations of Article 201 of the Agreement are reaffirmed in articles 31.90-31.94 of the Act. The management requirements related to withdrawals and consumptive use in the Basin are described in articles 31.95 and 31.97. These articles state that for all types of withdrawals, new or increased in the Great Lakes and St. Lawrence River Basin, the Standard of decision for the management of withdrawals and consumptive use applies at the average 379,000 litres per day threshold, or by a quantity or consumptive use specified by a government regulation.

In order to implement Article 705, *Measures Subject To Transitional Provisions*, entered into force at the signature of the Agreement, MDDEP established a transitory measure. Thus, when an application for certificate of authorization project, by virtue of Article 22 of the Environment Quality Act, or authorization by virtue of Article 32 of the Environment Quality Act pertains to the Agreement or the Great Lakes Charter, the analysts must follow the procedure determined by the Ministry, and take the provisions of the Agreement into account before authorizing a project.

Currently, even if the provisions allowing the implementation of the provisions of Article 709, paragraph 2 of the Agreement are not in force, Québec legislation has provisions for the authorization of water intakes and surface water projects, as well as a regulation for groundwater catchments.

4. Describe specifically how Water Withdrawals in the State or Province are managed by:
 - a. Sector (public water supply, self-supply commercial and institutional, self-supply irrigation, self-supply livestock, self-supply industrial, self supply thermoelectric power production (once-through cooling), self-supply thermoelectric power production (recirculated cooling), off-stream hydroelectric power production, in-stream hydroelectric power production (voluntary), and other self-supply);
 - b. Water source (groundwater, surface water (Great Lakes-St. Lawrence River), surface water other than Great Lakes-St. Lawrence River);
 - c. Quantity (regulatory thresholds, volumes, rates, and reporting requirements);
 - d. Location (Statewide/Province-wide or Great Lakes-St. Lawrence River Basin); and,
 - e. Any specific exemptions as allowed in the Agreement and the Compact.

Note: Address all sectors and sources in your descriptions even if one or more sector or source is not currently managed by your State or Province.

*As some regulations in the *An Act to affirm the collective nature of water resources and provide for increased water resource protection* are not yet in force, this section provides a general description of the main provisions governing water use in Québec.*

- Environment Quality Act (LQE)

Currently, under the Environment Quality Act, and with regards to surface water, it is not water withdrawals that are subject to authorization, but rather the work and activities on a watercourse and water intakes.

Article 22

According to Article 22 of the Environment Quality Act, whoever erects or modifies a structure, carries out work or projects, undertakes to operate an industry, carries on an activity or uses an industrial process or increases the production of goods or services in a constant or intermittent watercourse, a lake, a pond, marsh, swamp or bog must first obtain a certificate of authorization from the Minister of MDDEP.

The application for authorization must include plans and specifications of the structure or project to use the industrial process, operate the industry or increase production, and must contain a description of the apparatus or activity contemplated, indicate its precise location and include a detailed evaluation in accordance with the regulations of the Government of the quantity or concentration of contaminants expected to be emitted, deposited, issued or discharged into the environment through the proposed activity.

The Minister may also require from the applicant any supplementary information, research or assessment statement he may consider necessary to understand the impact the project will have on the environment and to decide on its acceptability.

Article 32

No one may construct an aqueduct, a surface water intake, water purification appliances or carry out work respecting sewers or the installation of devices for the treatment of waste water before submitting the plans and specifications to the Minister and obtaining his authorization.

Such authorization shall also be required for work on reconstruction, extension of old installations and connections between the conduits of a public system and those of a private system.

Groundwater Catchment Regulation

The Groundwater Catchment Regulation, adopted by the Government by virtue of the powers conferred by the Environment Quality Act, makes provisions for the process of authorization by the Minister included in Chapter IV, *Groundwater Catchment subject to the authorization of the Minister*. Applications related to groundwater catchment projects intended to supply drinking water, of a capacity less than 75,000 litres per day intended to supply more than 20 persons, or 75,000 litres or more per day must include a hydrogeological study establishing the impact of the project on the environment, other users, and public health.

Regulation respecting environmental impact assessment and review

The *Regulation respecting environmental impact assessment and review*, adopted by the Government by virtue of the powers conferred by the Environment Quality Act, establishes a procedure with which projects with the potential to have a significantly negative impact on the environment and with the potential to raise public concerns are subject to an environmental assessment. Through this process, the public holds the right to be informed and provide its opinions in consultations carried out by an independent organisation, the *Bureau d'audiences publiques sur l'environnement* (BAPE)¹.

Projects subject to this Regulation include work in water environments, ports and wharves, mines, industrial facilities, dangerous material treatment and disposal sites, energy production and transportation facilities, roads and highways, train stations and railways, airports, aerial pesticide spraying, and waste product disposal sites. In most cases, a threshold applies.

- An Act respecting the conservation and development of wildlife

The *Regulation respecting wildlife habitats in An Act respecting the conservation and development of wildlife* also mentions conditions related to water withdrawals. The Act states that in a fish habitat, no one shall pump water except in compliance with one of the following requirements:

1. In the case of a watercourse, the withdrawal does not exceed 15% of the flow of the watercourse at the location from which the water is removed;
2. In the case of a floodplain, the withdrawal does not exceed 45,000 litres per day;
3. In the case of a lake, the withdrawal does not lower the water level by more than 15 cm.

A written notice shall be sent by registered mail to the Minister of *Ressources naturelles et de la faune* at least 15 days before the date on which the pumping is to begin. The notice shall indicate the name and location of the lake from which water is to be pumped, the length

¹ <http://www.bape.gouv.qc.ca/sections/english/>

of time during which the pumping is expected to take place and the date on which the pumping is to start.

- Water Resources Preservation Act

The *Water Resources Preservation Act* prohibits transfers of water outside of Quebec, with exceptions. This Act will be repealed and the provisions taken up in the *An Act to affirm the collective nature of water resources and provide for increased water resource protection*.

- Watercourses Act

The *Watercourses Act* governs, among other things, in Divisions VII and IX, the construction or maintenance of work on shores and riverbeds, rivers and lakes that are part of the domain of the State.

5. Description of how the provisions of the Standard of Review and Decision are applied. The description should include information on how each criterion of the Decision Making Standard and Exception Standard is addressed.

f. Decision Making Standard for Withdrawals, Consumptive Uses.

g. Exception Standard for Diversions.

The Decision Making Standard for Withdrawals and Consumptive Uses is not currently implemented. As stated in Article 709, paragraph 3 of the Agreement, the management of new or increased water withdrawals and consumptive use in the Basin will be in force no later than five years after the entry into force of paragraph 2 of Article 709. In order to do this, a regulation for implementation must be drawn up and entered into force as previously explained.

The Exception Standard for Diversions is not currently implemented. A regulation for implementation is being drawn up. It will be related to the provisions of the *An Act to affirm the collective nature of water resources and provide for increased water resource protection* that must first be entered into force prior to the entry into force of the articles of the Agreement in Article 709, paragraph 2.

6. Overview of State/Provincial reporting and database of Withdrawals, Consumptive Uses and Diversions including implementation status and database elements and capabilities, and reporting mechanisms (e.g. electronic submission, etc.). The overview should include methods of measurement (e.g. flow volume or rate meters, flow gauging, timing devices, etc.) approved by the State/Province for measuring Water volumes.

As previously mentioned, the *Regulation respecting the declaration of water withdrawals* and the first Regulation of the implementation of Division VI, sub-division 2 of the *An Act to affirm the collective nature of water resources and provide for increased water resource protection* includes provisions that meet the requirements of Article 207, paragraph 1 and Article 301 of the Agreement. The *Regulation respecting the declaration of water withdrawals* has been in force since August, 2009, and targets all withdrawers not part of a

network, who withdraw 75,000 litres or more per day. The hydroelectric sector is not subject to this Regulation, and the Regulation does not include provisions for the declaration of consumptive use and all diversions outside the Great Lakes–St. Lawrence River Basin. These provisions are in the first regulation which is being drawn up to implement Division VI, subdivision 2 of the *An Act to affirm the collective nature of water resources and provide for increased water resource protection*, and applies only to withdrawers within the territory of the Agreement in Québec. As stated in the *Regulation respecting the declaration of water withdrawals*, and in the first regulation to implement the *An Act to affirm the collective nature of water resources and provide for increased water resource protection*, the withdrawers within the territory of the Agreement must declare all withdrawals of 75,000 litres per day, or greater the consumptive use associated with the withdrawal, as well as diversions outside of the Great Lakes–St. Lawrence River Basin. They must also declare all information necessary to complete the report on the inventory of existing withdrawals (the Baseline).

An information system to implement the two regulations to obtain the necessary information with respect to Article 207, paragraph 1 and Article 301 of the Agreement is being developed. This system will enable withdrawers to declare information related to withdrawals, consumptive use, and diversions of water online.

MDDEP has written and published a technical manual for withdrawers that guides them in installing a water withdrawal volume assessment system adapted to their needs. The manual introduces the most commonly used measuring equipment, its installation, use and maintenance approved by MDDEP, as well as measurement assessment methods in a precise and practical way. As added information, an up-to-date list of measurement methods written by *l'Organisation internationale de normalisation* (ISO) is annexed. And finally, this guide also includes a guide to the online declaration. Unfortunately, this manual is only available in French at the present time.

7. Attach a copy of the State or Province's Withdrawal application form(s). Copies of related regulations, policies, and manuals with the application for may be included to provide a more complete program description.

The water withdrawal proposal form, in accordance with the provisions of the *An Act to affirm the collective nature of water resources and provide for increased water resource protection*, is being drawn up. The *An Act to affirm the collective nature of water resources and provide for increased water resource protection*, the *Regulation respecting the declaration of water withdrawals*, and the technical support Guide for clients are attached. For other acts and regulations cited in point 2 of the current report, the Internet link under each title provides the legislative text.

8. Summary description of the State's or Province's initiatives to support an improved scientific understanding of the Waters of the Basin and an improved understanding of the groundwater of the Basin and the role of groundwater in Basin water resource management. A description of State or Provincial initiatives or mechanisms to support an improved understanding of individual or cumulative impacts of Withdrawals, Consumptive Uses and Diversions on the Basin ecosystem should also be provided.

Many provincial incentive measures have been carried out in the territory of Québec to promote knowledge about the water of the Basin, which includes groundwater in terms of quantity and quality.

Since 2001, the mandate of *Le Centre d'expertise hydrique du Québec* (CEHQ) has been to provide the Ministry with the hydrological and hydraulic knowledge necessary to ensure water management².

More recently, *le Bureau des connaissances sur l'eau* was established in MDDEP in September, 2008. Its structure and its mandate are confirmed in *An Act to affirm the collective nature of water resources and provide for increased water resource protection (An Act to affirm the collective nature of water resources and provide for increased water resource protection, Articles 16 and 17)*³. Its main mission is to set up and ensure the technical coordination of an up-to-date information system for the collection of data on water resources, aquatic ecosystems, and water uses in the many hydrologic units of the province, including the St. Lawrence River and its tributaries in order to sustain integrated water resource management. The *Bureau* must also prepare a report on the state of water resources and aquatic ecosystems every five years. These tasks promote a better understanding of the state of water resources in Québec, including waters of the Basin covered by the Agreement.

The setting up of *le Bureau des connaissances sur l'eau* was accompanied by the announcement of major investments by MDDEP in Fall, 2008 to increase knowledge of groundwater and to create the *Portail sur l'eau* (Portal). More specifically, a parcel of 13.5 million CDN dollars, over five years, was given to *le Bureau* for these objectives. This investment will in part allow for the establishing of the *Portail sur l'eau*. The objective of this branch is to transmit and share knowledge, to facilitate collaborative work, and to promote innovation ultimately in order to support and facilitate integrated water resource management in Québec. The remaining investment will be to launch various groundwater data-collecting projects:

- 1) A program to acquire knowledge of groundwater in order to create a portrait of the groundwater resource in municipal southern Québec;
- 2) Two research programs on groundwater and its sustainable development whose administration was given to the *Fonds québécois de la recherche sur la nature et les technologies (FQRNT)* and to the *Fonds québécois de la recherche sur la société et la culture (FQRSC)*, respectively.
- 3) Specific work to increase knowledge of groundwater under the responsibility of MDDEP.

The acquisition of knowledge program and the research program were launched in September, 2008, and April, 2009⁴.

² <http://www.cehq.gouv.qc.ca/mission/index-en.htm>

³ <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2009C21A.PDF>

⁴ Further information on this subject is available at:
http://www.mddep.gouv.qc.ca/eau/protection/index_en.htm

In February, 2009, MDDEP allocated a sum of ten million dollars to the consortium *Ouranos* - a consortium on regional climatology and climate change adaptation⁵. This subsidy will contribute to increasing scientific knowledge of the impacts of climate change, and to developing of adaptation strategies. One priority is water resources, and the following are particularly targeted:

- 1) quantity and quality of water,
- 2) study of the Great Lakes–St. Lawrence River system,
- 3) acquisition of further knowledge about surface water and groundwater.

Many studies conducted in this program will broaden knowledge of the waters of the Basin in the territory of Québec under the Agreement.

With regards to provincial incentive measures developed in order to increase understanding of individual and cumulative impacts of withdrawals, consumptive use, and diversions on Basin ecosystems, the government of Québec has made its commitments in the *An Act to affirm the collective nature of water resources and provide for increased water resource protection*. As such, Article 31.102 of the Act states that *The Minister must conduct an assessment of the cumulative impacts of water withdrawals and consumptive uses in the St. Lawrence River Basin on the Basin ecosystem, particularly on the waters and water-dependent natural resources of the Basin...*This assessment shall be carried out at least every five years. Furthermore, Article 31.103 states that the Minister shall make public each of the assessments conducted under section 31.102, and invite members of the public to present their observations in writing. After considering observations received from members of the public, the Minister shall make public the actions that the Minister or the Government intends to take in response to the assessment. These commitments will ensure a better understanding of the cumulative impacts of withdrawals and ultimately lead to an enlightened decision.

Finally, Québec is currently working to develop a method with management tools to assess individual and cumulative impacts of water withdrawals. This method will be used for applications for authorizations for water withdrawals.

⁵ <http://www.mddep.gouv.qc.ca/infuseur/communique.asp?no=1461>

ATTACHMENT “C”

COURTESY TRANSLATION

December 8, 2009

Mr. David Naftzger
Secretary, Great Lakes–St. Lawrence River Basin Water Resources Council
c/o Council of Great Lakes Governors
35 East Wacker Drive, Suite 1850
Chicago, Illinois 60601

Subject : Progress report on the implementation of Québec's Water Management and Water Conservation and Efficiency Programs

Mr. Naftzger,

As representative of the Government of Québec, signatory of the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement, please find attached the progress reports on the Water Management and Water Conservation and Efficiency Programs, in accordance with Article 300 of the Agreement. Though this article is not yet in force in Québec, we would like to keep the partners of the Agreement informed about the progress and advancement of our programs. We also wish to adhere to, as much as is possible, the timeline for the implementation of the Compact that began on December 8, 2008.

However, as the measures necessary for the prohibition of diversions are not yet in force, it is not possible for us to send you the inventory of existing water withdrawals (Baseline).

I remain available to discuss your questions and comments, and to provide you with further information.

With my very best regards,

ORIGINAL SIGNED BY

Yvon Maranda, Ph. D.
Representative of the Government of Québec
Great Lakes–St. Lawrence River Water Resources Regional Body

Encl. Report

c. c. Mr. Charles Laroche, Assistant Deputy Minister, Water, Air and Climate Change Branch, ministère du Développement durable, de l'Environnement et des Parcs

Mrs. Madeleine Paulin, Deputy Minister, ministère du Développement durable, de l'Environnement et des Parcs

Mr. Peter Johnson, Program Director, Council of Great Lakes Governors

COURTESY TRANSLATION

Great Lakes - St. Lawrence River Basin Sustainable Water Resources Agreement

Quebec Water Conservation and Efficiency Program Review

The following information shall be included in the Water Conservation and Efficiency Program reports submitted by the States and Provinces to the Regional Body and Compact Council pursuant to the requirements in the Agreement Article 300 and the Compact Section 3.4.1.

1. Lead agency/agencies and contact person(s).

The ministère du Développement durable, l'Environnement et des Parcs (MDDEP) is responsible for the implementation of the Agreement in Québec.

Mr. Yvon Maranda, Head of the Integrated Water Management Section, is the Designee of Premier Jean Charest on the Regional Body.

Mr. Yvon Maranda, Ph. D.
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2. Status of the State or Province's Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives. If developed, include State or Provincial goals and objectives or link to electronic version.

The provisions of Article 709, paragraph 2 of the Agreement are not in force in Québec, as the measures necessary for their implementation have not been completed. For this reason, Articles 300 and 304, with the exception of paragraph 1 of the Agreement, are not yet in force in Québec (see Water Management Program Report). However, Québec would like to keep the Parties of the Agreement informed about progress in work related to Water Conservation and Efficiency Use.

Based on objectives developed in co-operation with the Partners of the Agreement, the Integrated Water Management Section of the MDDEP is currently working on

establishing Water Conservation and Efficiency Use goals and objectives for the territory of Québec under the Agreement. A number of actions may stem from meeting these objectives, and this, in its totality, will be the government of Québec's proposal for Water Conservation and Efficiency Use in accordance with the provisions of the Agreement. The goals and objectives should be drawn up and completed to be submitted for government approval by the end of summer, 2010. These goals and objectives should be adopted in fall, 2010.

3. Water Conservation and Efficiency Program Overview.

a) Citations to State/Provincial Water Conservation and Efficiency Program implementing laws, regulations and policies.

- An Act to affirm the collective nature of water resources and provide for increased water resource protection, (S.Q. 2009, c. 21)
<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2009C21A.PDF>
 - Division VI amending provisions Environment Quality Act, §2. — Special provisions applicable to water withdrawals from the St. Lawrence River Basin (Articles 31.101 and 31.102)
- Quebec Water Policy (<http://www.mddep.gouv.qc.ca/eau/politique/index-en.htm>)

b) Summary description of the State's or Province's Water Conservation and Efficiency Program including what elements are voluntary and mandatory.

Even though Québec has not yet developed its Water Conservation and Efficiency program in accordance with the provisions of the Agreement, it adopted the National Water Policy in 2002. This water management policy contributes to respecting the commitments made by virtue of the Agreement.

The commitments of the National Water Policy related to Water Conservation and Efficiency Use:

43. Urge all municipalities to achieve an infrastructure renewal rate of 0.8% per annum, and a rate of 1% per annum by 2012. (in order to encourage responsible management practices) (in progress).
45. Achieve a 25% rate of infrastructure rehabilitation over replacement (in progress).
46. Develop a mechanism for determining the cost of water services (in process).
47. Develop appropriate tools to measure water services management performance (in progress).
48. Increase Québec's expertise in water services by promoting the use of new technologies and best practices (in progress).

49. Develop a Québec strategy for drinking water conservation, making the allocation of any financial assistance to municipalities contingent upon their adoption of measures to conserve water and reduce leakage (in progress).

50. Establish a water-conservation program in government buildings (in progress).

Water Conservation and efficiency measures are undertaken locally by municipalities. The government offers financial support to some non-governmental organisations (NGO), such as *RÉSEAU environnement*, which has promoted water conservation through publications, conferences, and their Web site (www.reseau-environnement.com)

The government of Québec also provides financial support to small municipalities for the replacement or improvement of their water treatment and purification infrastructures.

Some municipalities have adopted regulations and have notably implemented restrictions with regards to the watering of lawns and gardens.

c) For each of the regional objectives identify how the State/Provincial program is consistent with the regional objective. More details for each objective are available at http://www.glsregionalbody.org/Docs/Resolutions/GLSLRWRRB_Resolution_6-Conservation-Efficiency.pdf and can be referenced below.

OBJECTIVES

- **Guide programs toward long-term sustainable water use.**
- **Adopt and implement supply and demand management to promote efficient use and conservation of water resources.**
- **Improve monitoring and standardize data reporting among State and Provincial water conservation and efficiency programs.**
- **Develop science, technology and research.**
- **Develop education programs and information sharing for all water users.**

4. Description of how the State or Province promotes Environmentally Sound and Economically Feasible Water Conservation Measures.

5. Description of the State or Provincial Water conservation and efficiency program implementation timeline and status.

The work related to the development of the Water Conservation and Efficiency program and the assessment strategy of the program in accordance with the Agreement should begin in winter 2010-2011.