

## **AGREEMENT REVIEW COMMITTEE**

### **DRAFT MEETING SUMMARY**

**23 March, 2006  
(via teleconference)  
9:00am-12:00pm CST / 10:00am-1:00pm EST**

#### **I. INTRODUCTION OF CALL ATTENDEES**

Vicki Thomas, USEPA-GLNPO  
Mark Elster, USEPA-GLNPO  
Jamie Schardt, USEPA-GLNPO  
Bert Frey, USEPA Region 5  
Nancy Nelson, U.S. State Department  
Lori Boughton, Pennsylvania Department of Environmental Protection  
Dave Ullrich, Great Lakes and St. Lawrence Cities Initiative  
Kelly McKnight, Great Lakes Indian Fish and Wildlife Commission  
Ann McCammon-Soltis, Great Lakes Indian Fish and Wildlife Commission

Mike Goffin, EC - Ontario Region  
Louise Lapierre, Service des affaires intergouvernementales, Ministère du  
Développement durable, de l'Environnement et des Parcs  
Shawn Morton, Foreign Affairs Canada  
Jenna Mackay-Alie, EC - International Branch.  
John Vidan, Ontario Ministry of the Environment  
Anna Pace, Great Lakes and St. Lawrence Cities Initiative

Mike Goffin and Vicki Thomas spoke of the importance of the Agreement and the large amount of work to be done.

#### **II. ARC MEMBERSHIP**

Both the U.S. and Canadian have openings on ARC which they need to fill.

- **ACTION ITEM: COMPLETE ARC MEMBERSHIP**

#### **III. ARC TERMS OF REFERENCE**

Roles/Responsibility

- ARC has been charged by Binational Executive Committee (BEC)
- Will guide and assistance to Review Working Groups

- Will ensure timelines are being met
- Keep DOS and FA informed.

#### Timeline/Meetings

- Following this meeting ARC will meet with Review Working Group co-chairs at kick-off meeting in Chicago on April
- October 2nd, will be next meeting with Review Working Group
- November 1st, opportunity for meeting with ARC and RWG co-chairs
- ARC meet in early January to discuss drafts and develop Review Report
- In January, 2007, ARC will synthesize findings into a draft Agreement Review Report with support of ARC secretariat.

#### Discussion

Q: Can ARC members server on RWG

A: Yes

Q: Can we get Coast Guards as part of ARC? They have an important role in reviewing many of the Annexes.

A: We will look into this matter.

➤ **ACTION ITEM: ARC Secretariat to inquire with USCG and Transport Canada regarding ARC membership.**

Q: When will public consultation take place, before or after development of Report (December 31, 2006)?

A: Ongoing consultations will take place. Formal public review of report will take place in the May 2007 timeframe.

➤ **ACTION ITEM: ARC Secretariat to revise TOR based on ARC input and any additional comments provided by April 7.**

➤ **ACTION ITEM: Secretariat to clarify the roles and responsibilities of each member of the ARC.**

➤ **ACTION ITEM: ARC TOR to be approved at next ARC Meeting.**

#### **IV. STATUS OF REVIEW AND SPECIAL ISSUE WORKING GROUPS**

##### **A. Review Structure**

Discussion of Review Working Group structure chart (previously agreed by BEC co-chairs) showing types of review and special issue working groups to be formed.

- Goal was to combine articles and annexes together in logical groups, so that they can be reviewed together.
- Two additional groups: Governance and Institutions RWG which includes review of BEC and IJC. Special Issue Working Group will be looking at address forward looking issues.

✓ **DECISION ITEM: ARC AGREED WITH WORKGROUP STRUCTURE**

## **B. Special Issue Working Group**

- Discussion of proposal for Special Issue Working Group Terms of Reference.
- Acknowledgement that there are issues that current GLWQA does not address. This group will look at these other environmental stressors to the Great Lakes.
- A stepwise approach will be applied to each of the issues raised by this group.
- Operation of this group is similar to the other RWGs.
- It will be critical to pick good co-chairs to facilitate these wide-ranging discussions.

Q: Can we have the reports due before the October meeting, so that ARC can review them in advance of the meeting.

A: Good recommendation, we will try to schedule that in. Also, we want to adjust these meetings so that they don't conflict with the many other Great Lakes meetings.

➤ **ACTION ITEM: MOVE DELIVERY OF DRAFT REPORT UP A WEEK**

Q: If you are going to revise anything, you will need to look at existing legal authorities. Is there a workgroup that will address that?

A: Part of the review framework includes an analysis of implementing authorities. In the U.S., an ad hoc group of several lawyers that can serve as a resource to the RWGs in their review.

Other Comment:

- we may want to consider the use of a workshop to facilitate the Special Issue Working Group.

➤ **ACTION ITEM: Additional Comments on Special Issue Working Group Terms of Reference to be submitted by ARC to ARC secretariat by April 7<sup>th</sup>.**

### C. Specific Guidelines

Discussion of the need for specific guidelines for Review Working Groups.

- There maybe some additional guidelines for each of the RWG beyond the standard review framework to facilitate their analysis. We are soliciting comments by April 7th, 2006.
- We may want to be ask this question of the SIWG co-chairs, as well.

➤ **ACTION ITEM: Additional Comments on Special Issue Working Group Specific Guidelines to be submitted to ARC secretariat by April 7<sup>th</sup>**

### D. Membership

Status report on identification of proposed working group co-chairs to date.

- Membership of RWG is open to any and all participants. We have submitted request to BEC membership and asked for reply by end of March.
- We have also sent request to broader public, for reply by end of March. Non-governmental organizations are requesting an extension, which we will grant.
- Again, the goal is equal membership from both countries, if possible.
- In materials that go out the RWGs, will include additional information to help provide background information for the members. We will look into other ways to expand information and outreach on background information on the GLWQA.

Both the U.S. and Canada updated the ARC on the identification of RWG Co-chairs.

- **ACTION ITEM: ARC Members provide recommendations for co-chairs**
- **ACTION ITEM: Co-chairs and Secretariat to continue to solicit RWG membership.**
- **ACTION ITEM: ARC secretariat to provide the following to the ARC by April 7<sup>th</sup>, 2006 for comments:**
  - **Final list of working group co-chairs**
  - **list to date of working group BEC member agency and public representatives**
- **ACTION ITEM: ARC co-chairs to confirm Working Group co-**
- **ACTION ITEM: US will consider the need for additional outreach to U.S. Tribes**
- **ACTION ITEM: ARC Secretariat to investigate the formation of a standing body of GLWQA**

## **experts to be on call to the Review Working Groups.**

### **E. Governance and Institutions Working Group**

- Will have two non-governmental co-chairs.
- Will look at IJC institutions and the BEC.
- The co-chairs will have some flexibility on their effort. Will likely include meetings and workshops. This group will submit a workplan for how they will perform their review.
- They will use the same review framework questions to perform their review.
- Goal is to have co-chairs in place to attend the April 28, 2006 Kickoff meeting.
- Reporting will be the same as the other groups: meeting summaries, quarterly reports, and draft final reports.

Q: How will governmental people provide their views/information to this group?

A: Government members can provide information at the workshops hosted by this group.

Q: Since the GLWQA, NAFTA is now in place. How can we ensure we are consistent with it?

A: There has been some sensitivity of the IJC with the CEC. We need to consider the best way to inform them and involve them in the review. Other binational groups could also be contacted, such as the GLFC.

Q: Should we insure that the G&I workplan is reviewed and approved by ARC?

A: We are accountable for the cost of this effort, so we do need to review the workplan.

Q: What institutions are covered by this group?

A: BEC and IJC institutions are the focus, since they are explicitly mentioned in the GLWQA. We should provide the specific articles and annexes that would be addressed for better clarification. Any other additional comments on this, including specific guidelines for this group's activities, should be provided to ARC secretariat. More discussion on this topic is necessary. The identification and conversations with the Co-Chairs of this group will help inform our discussion.

➤ **ACTION ITEM: Update TOR to reflect ARC discussions.**

➤ **ACTION ITEM: ARC will discuss workplan and goals of this Working Group with the Co-chairs.**

## **F. Communication and Outreach Team**

To address public involvement a small team, about two members from both countries, will work on posting of documents on-line, translate documents into French, and press-releases as needed.

Contract support may be used to help this team.

- **ACTION ITEM: Secretariat will distribute Team roster to ARC**

## **V. REVIEW OF KICK-OFF MEETING**

- Will be held April 28, 2006 in Chicago, IL.
- A draft agenda has been developed and will be distributed to ARC
- Those that are unable to travel will be able to participate via conference call.
- This is the opportunity to bring people together, provided background on the GLWQA and the review, and the time when the charge is given from the ARC to the Review Working Groups.
- We will also describe the timeline and deliverables, as well as the logistical support that will be provided to the Groups.
- This meeting will also provide the first opportunity for the groups to meet and begin their discussions.
- Members of ARC are encouraged to attend.

Q: Is this meeting limited with the ARC and the Co-chairs?

A: This will be opportunity to inform everyone on the review logistics. Anyone involved with the review is welcome to attend. This meeting will also assist the co-chairs in delivering information and direction to their members.

Q: Is it true that anyone who is interested can be a member of the working groups?

A: The process document calls for an open, inclusive process. The principle of equal Canadian and U.S. process is trying to be maintained by the ARC and Co-chair process, but we do not want to restrict members of the public that have a desire to attend.

- **ACTION ITEM: Secretariat will distribute draft agenda to ARC.**
- **ACTION ITEM: Secretariat will distribute invitation to Kick-Off Meeting ASAP.**

## **VI. INFORMATION PACKAGE FOR REVIEW WORKING GROUPS**

- The information package that will be provided will consist of the TOR and will include any additional guidelines for the specific groups.
  - It will also include background material, including IJC public discussion document, results from the previous GLWQA review, and other items.
- **ACTION ITEM: Secretariat will distribute outline of Information Package to ARC.**

## **VII. NEXT ARC MEETING**

- We expect to have at least quarterly meetings and probably more frequently, as described in the timeline section, as necessary.
  - There was a general consensus that more frequent phone calls might be needed and that there is an advantage to scheduling these far in advance.
  - Propose a mid-April call, in advance of the April 28th Kickoff meeting.
- **ACTION ITEM: Secretariat will schedule a one-hour ARC call for mid-April.**

## **IX. OTHER ITEMS**

The posting of the process paper and the associated press release will occur after Foreign Affairs Canada receives direction from the Privy Council.

- **ACTION ITEM: Shawn Morton (FAC) and Nancy Nelson (DOS) to coordinate this issue and inform the Secretariat when they have reached closure.**

## **VIII. ADJOURN**