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**RE: Proposed new Canada-Ontario Agreement on Great Lakes Water Quality  
and Ecosystem Health (ERO# 019-0198 in Ontario)**

The Ontario Headwaters Institute, a charity working to protect headwaters, natural heritage, watersheds, and receiving waters, offers the following comments on the working draft of the proposed new COA.

Our two main comments are entwined and focus on a key gap that we perceive in the existing COA: the absence of a systems-based framework to protect the Great Lakes Ecosystem, creating an unbalanced focus on the water in the Lakes themselves, and a corresponding lack of a perspective on the Basin and watershed management.

Before providing our comments, we express our appreciation to the two governments for this initiative and for the commitment in the posting on the ERO that, if “a new Canada-Ontario Agreement is not yet in place when the current agreement expires, our collaborative Great Lakes work can continue while we work to finalize the new Canada-Ontario Agreement.”

We are available to discuss our comments further at your convenience.

Sincerely,

*Andrew McCammon*

Executive Director  
416 231 9484, 9 am - 7 pm

## 1. Title, Preamble, and Definitions

We note the evolution of the title over the years from the Canada–Ontario Agreement Respecting the Great Lakes Basin Ecosystem to the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health.

We consider that during this period an imbalance has evolved in which a focus on the water in the Lakes has trumped a systems-based ecosystem approach to the Basin as a whole: a posture we believe must be changed as most of the stresses in the Lakes, with the notable exception of water-based transportation, come from terrestrial activities.

Indeed, the very wording of the current title suggests that somehow water quality is not included in ecosystem health.

Further, and in spite of a statement that “the Parties recognize that restoration and enhancement of Great Lakes water quality and ecosystem health cannot be achieved by addressing individual threats in isolation, but rather depend upon the application of an ecosystem approach”, the Preamble employs an array of ill-defined and inconsistent terms such as Great Lakes region, Great Lakes basin, Great Lakes ecosystem, and so on, without any real vision for the promised ecosystem approach.

We believe that these slights and over-sights enable science, policy, and funding imbalances focused on the Lakes at the expense of a vision and subsequent actions for the Basin that might include regional biodiversity, ecological integrity, sustainable development, and watershed management.

One example of how this plays out occurs in Article II, Purpose. While item 1 refers to a healthy, prosperous, and sustainable “region”, Item 4 refers to the Great Lakes - not once but twice. But there is no description of any Great Lakes “region” in definitions, although that Article clearly distinguishes the “Great Lakes” from the “Great Lakes Basin Ecosystem”.

In other words, it would appear that Article II, like other aspects of the draft agreement, holds a vision for the Great Lakes but nothing for the Basin or its ecosystem.

### **Recommendation 1: That the Parties:**

- a. Amend the title to the one used in 1971 - The Canada–Ontario Agreement Respecting the Great Lakes Basin Ecosystem;**
- b. Re-write the Preamble and other needed sections to reflect a systems-based approach to protecting the ecosystem of the whole of the Canadian side of the Basin; and,**
- c. Update the definitions to include terms such as biodiversity, ecological integrity, sustainable development, and watershed management.**

## 2. Article VII - Reporting

The sentence in this article does not provide any context.

We suggest that this section be tied to section 4 of Article V, Administration of the Agreement, on the duties of the COA Executive Committee, and that there be a clear requirement for reporting to the public in a timely manner and with publicly accessible data.

There should be no oblique references in the future, as there were this year, that almost all of some unidentified 269 COA ‘goals’ had been or were on track to be achieved.

Instead, more transparent reporting should begin with indicators traditionally relevant to the Agreement, such as zero discharge or the reduction of the sources of algal blooms; should be SMART (Specific, Measureable, Assignable, Realistic, and Time-related), and should refer to resource allocation and efficacy.

In addition, the OHI suggests that the COA Executive Committee, in consultation with stakeholders, should identify a process to nominate and select priority watersheds, identify indicators to track pressures in those watersheds, and recommend actions to avoid worsening conditions.

We believe that this suggestion not only would go a long way to alleviating the imbalance of Lake and Basin science, policy, and funding initiatives as cited above but also would tie in with existing senior-level government commitments with respect to maintaining biodiversity, source water protection, Geographically Focused Initiatives, the natural heritage responsibilities of conservation authorities, and numerous other agency programs.

Candidate indicators to track areas designated as priority watersheds might include:

- For areas in high natural heritage with significant non-agricultural development - Indicators on anticipated outcomes, such as reductions in natural heritage and/or increased impacts such as sediment or other stressors from aggregate, forestry, or mining operations;
- For highly agricultural areas – The percentages of streams that have been straightened, fields with drainage tile, estimated annual sediment, fertilizer, and nutrient flows similar indicators; and,
- For highly developed or high population watersheds - Key natural heritage indicators such land use (natural heritage, agriculture, impervious areas), the percentage of the cover along both sides of all streams reaching 20 metres, and changes in stream flow, stream temperature, and the volume and treatment of storm water inflow and sewer overflows.

**Recommendation 2: That the Parties amend the agreement to indicate that the COA Executive Committee be:**

- a. **Given responsibility for the reporting mentioned in Article VII;**
- b. **Mandated to deliver reporting in a meaningful and public manner; and,**
- c. **Tasked with developing a method to nominate and select Priority Watersheds as well as to determine key indicators to track pressures in those watersheds and recommend actions to avoid worsening conditions.**

### 3. References to Ontario’s Environment Plan

As we have raised on several occasions with the Government of Ontario, the Province does not have an environment plan, and certainly not one that needs to be put in quotation marks in some locations and not in others in the agreement. What it has is a draft plan, and no decision notice on that plan has been placed on the Environmental Registry of Ontario.

As such, we consider the wording of item (j) in Article I and the reference to the plan in item 5 in Article II to be on unfirm ground and misleading to the public.

**Recommendation 3: That the agreement refer only to final plans and not draft plans.**