



The Ontario Headwaters Institute

Working to preserve the foundation of Ontario's watersheds

February 23, 2015

Lake Simcoe Region Conservation Authority
c/o policyreview@lsrca.on.ca
PDF via e-mail

RE: Guidelines for the Implementation of Ontario Regulation 179/06
Development, Interference with Wetlands and Alteration to Shorelines & Watercourses Regulation

The Ontario Headwaters Institute, a provincial corporation with charitable status that works to preserve the province's headwaters through research, education, and best practices, extends its appreciation to the board and staff of the Authority for undertaking an update of its development guidelines.

We offer both the over-arching comments below and the mark-ups in the attached PDF of the Guideline.

1. Fundamental Principles: Introduction (Chapter 1) and General Guidelines (Chapter 4)

We note the absence of a commitment to the ecosystem approach in the proposed new guideline, whereas it is enshrined in Objective 2 on page 1 of the current guideline. We suggest:

- 1.1 That the Authority determine the best location in the opening sections of Chapter 1 of the draft new guideline and insert the following wording from the existing guideline, as underlined: "To undertake an ecosystem approach when evaluating development proposals. The ecosystem approach must include the complete ecosystem based on watersheds or sub-watersheds."
- 1.2 That the Authority re-enforce its commitment to the ecosystem approach and the ecological integrity of the watershed inserting similar wording as in 1.1 above in numerous strategic locations. One such location could be in Section 4.0.1 (a). To ensure that this section embraces the full watershed and its component features, including headwaters, and to make this section consistent with other sections, we suggest that this section be amended to read as follows, with the suggested amendment underlined: "the development proposal has demonstrated, to the satisfaction of LSRCA staff, that there will be no negative impacts to the control of flooding, erosion, pollution, dynamic beaches, adverse effects on the ecological function of a watercourse and its surrounding riparian area, and/or the conservation of land."

2. Protecting Headwaters

While we understand that LSRCA practice is to include headwater streams in its definition of a watercourse and to protect such streams within your existing approach to watershed management, we think that the Guideline needs a clear and thorough articulation of these practices. We offer the comments and suggested edits below.

2.1 Section 7.2.2 - We find the reference to “unconfined streams” to be a term falling in to dis-use; that the definition of headwaters is partially inaccurate in that it describes headwaters as occurring in “headwater areas of drainage basins” when they in fact can occur anywhere in a watershed; and note that the description contains a confusing last sentence that appears to have words missing. We suggest the following replacement text:

“Headwater Streams: Headwater streams consist of first to third order streams; are often numerous in the upstream areas of drainage basins but can occur anywhere in a watershed; and can be ephemeral or intermittent. The LSRCA considers all streams in its jurisdiction to be part of the definition of a watercourse and refers staff, landowners, developers, and other stakeholders to the Evaluation, Classification and Management of Headwater Drainage Features Guideline for assistance in complying with the protection of headwater streams.”

2.2 In support of 2.1, we further suggest that the Authority adopt The Evaluation, Classification and management of Headwater Drainage Features Guideline, a document coming in to common practice in Ontario’s CAs, and implement its use in conjunction with your plan review and permitting applications.

3. Natural Channel Design

The new draft guideline refers in places to Natural Channel Design (NCD) as well as to NCD “principles”.

The OHI is concerned that a great deal of channel naturalization effort occurs in headwater streams, yet is unaware of any formal NCD principles nor standard operating procedures that have been adopted by the Province, Conservation Ontario, or CAs - although we are aware of a report from the TRCA on efforts to monitor and assess the effectiveness of NCD. We further consider the definition of NCD in the Glossary too broad, such that it might be open to abuse.

We suggest:

- 3.1 Reference to a document citing NCD principles and/or procedures in Ontario;
- 3.2 That the LSRCA adopt a policy of monitoring NCD sites at reasonable intervals following construction; and,
- 3.3 That LRSCA monitoring data be publicly available and include information on the yearly and cumulative extent of NCD sites and their performance.

Please feel free to contact the undersigned at your convenience should you seek further information on any of our comments or suggestions.

Sincerely,

Andrew McCammon

Executive Director

cc Minister of Natural Resources and Forestry
Conservation Ontario
Save the Oak Ridges Moraine and other selected civil organizations