



The Ontario Headwaters Institute

Working to preserve the foundation of Ontario's watersheds

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PDF via e-mail

RE: 012-3523 – Proposed Great Lakes Protection Act

The Ontario Headwaters Institute, a registered charity that works to preserve the province's headwaters through research, education, and best practices, extends our appreciation to the Province for Bill 66, the proposed Great Lakes Protection Act.

The new version of this proposed Act represents a stellar accomplishment, adding broad philosophical commitments to the Preamble and deftly incorporating numerous changes suggested during discussion on previous efforts. We are particularly thankful for the Bill's incorporation of commitments to more fully embrace watershed management, improved engagement of the Ministry of Natural Resources and Forestry, and increased details on targets, monitoring, and reviews.

In addition to being a signatory to a submission from the Great Lakes Protection Act Alliance, the OHI offers the observations below.

A. Opportunities for the involvement of individuals and communities

The OHI welcomes section 1 (1) (b), making an important purpose of the Bill “to create opportunities for individuals and communities to become involved in the protection and restoration of the ecological health of the Great Lakes-St. Lawrence River Basin”.

Unfortunately, it is not clear how or where those opportunities might be pursued, as there are no actual provisions for involvement, particularly in sections 9 through 13, in which all actions are precipitated by a Minister.

In contrast to the details in these sections, there is a rather under-whelming statement in section 30 that any person “may make a request to the Minister to establish a target ... or ... proposal”.

Worse, section 30 (3) requires anyone making a request to “provide any additional information requested by the Minister”, thereby exposing them to potentially ruinous expenses or other consequences in an apparent obligation to meet a Minister's requirement for “any additional information”.

Recommendation 1: The OHI urges the Government fill the gap with respect to 1 (1) (b) by:

- **Developing wording that describes both a process and a mechanism to facilitate opportunities for individuals and communities to become involved in the protection and restoration of the ecological health of the Great Lakes-St. Lawrence River Basin;**
- **Referring to these opportunities in sections 9 through 13; and,**
- **Removing the veiled if unintended threat against individual and community engagement in section 30 (3).**

B. Healthy Great Lakes Require Healthy Watersheds

The OHI celebrates Ontario's historic role in developing watershed management and, as expressed above, welcomes the inclusion of watershed management in this Bill.

The more recent delivery of watershed management across the province, however, is a fractured landscape of gaps in science, policy & program delivery, and funding.

Key selected issues from our perspective include:

- There are no provincial targets for natural heritage protection similar to “How Much Habitat is Enough”, a federal guideline that suggests minimums for healthy wetlands, forested land, and planted riparian edge on a watershed basis. In addition, much of the mapping on which attempts to report on natural heritage is out of date;
- The Province pursues soft implementation of key provisions of the Provincial Policy Statement (PPS) and the Conservation Authorities Act, such as those requiring watershed plans and the protection of small streams. These and other deficiencies unacceptably relegate watershed management to being a junior partner in Ontario's land use planning regime;
- The Province lags behind Conservation Authorities (CAs) that have adopted Integrated Watershed Management and/or adaptive management. Instead, the Province maintains a 20-year old foundation document called “Water Management on a Watershed Basis” and, through selective implementation of various aspects of the O'Connor report on Walkerton and the Low Water Response Plan, appears to think it can manage water for people separately from water for nature;
- Conservation Authorities, in spite of the important roles they play in Ontario, are in general under-resourced. One result is an un-even patchwork of policies, protocols, and programs, including with respect to O. Reg. 179/06, Ontario's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation; natural heritage system strategies; and myriad efforts for wetland, stream, and riparian protection. Indeed, CAs are sometimes constrained from moving forward in their delivery of watershed management by members of their boards who may have legal obligations to direct the growth and manage the finances of municipalities – obligations that might conflict with or at least be a source of friction with the mandate of the conservation authority.

While our hope is that Bill 66 might invest new vigour into Ontario's framework approach to watershed management, this hope is balance by equal trepidation that staff and other resources will be assigned to state-of-the-lake issues at the expense of enhanced management for the broader basin and its watersheds.

On this point, allow us to clearly state that we are not opposed to increased resources to lake-wide issues - such improved remediation for areas of concern, the reduction of toxics and other pollutants, and improved management of areas such as coastal wetlands and the near-shore. In fact, we look forward to the prospect of both new targets and Geographically Focused Initiatives (GFI).

Nonetheless, we urge the Province to bolster existing watershed management resources rather than allow them to wilt in the face of new investments in the Great Lakes, and to exercise its existing powers to both shift assertively to integrated watershed management and to designate priority watersheds where more than a GFI might be required.

In short, we believe that a healthy Great Lakes require health watersheds.

One example of this synergy relates to climate change. While there is much appropriate concern that climate change may impact the Great Lakes themselves vis-à-vis flows, hydro-electric generation, shipping, fisheries, dredging, coastal wetlands, and shoreline, the OHI holds that significant alterations in our watersheds and their headwaters may mean that indirect impacts could present even greater challenges than direct impacts on the Lakes themselves.

In-direct upstream impacts that could include the loss of breeding habitat, reduced nutrient flows, and changes to water chemistry, for example, might result in significant overall losses to the biodiversity and ecological integrity of the Lakes.

Similarly, one has only to look upstream from Lakes with growing nutrient problems to see watershed-wide sources of nutrient loading.

In the face of such challenges, sound management of the Great Lakes must include a framework for the enhanced management for the broader basin and its watersheds.

Recommendation 2: We urge the province to:

- **Ensure a management framework for the Great Lakes that balances state-of-the-lake issues with enhanced management of the broader basin and its watersheds;**
- **Exercise its existing powers to designate priority watersheds for protection and/or restoration where a more than a Geographically Focused Initiative might be required;**
- **Proceed immediately on the promised review of conservation authorities as an activity associated with Bill 66 and fundamental to the successful application of watershed management to the whole of the basin, and beyond; and,**
- **Embrace and apply Integrated Watershed Management across the province, including for planning, cumulative monitoring, and public access to meaningful and up-to-date data.**

In conclusion, we urge the Government both to amend the Bill to ensure the fulsome opportunities for public involvement promised in section 1 (1) (b), and to pursue needed enhancements to the current framework of watershed management in order to achieve both healthy Lakes and healthy watersheds.

Please feel free to contact the undersigned at your convenience on any aspect of this submission.

Sincerely,

Andrew McCammon

Executive Director

cc Various elected officials, agency staff, and affiliated organizations