



April 2, 2015

Laura Blease
Senior Policy Advisor
Ministry of the Environment and Climate Change
Integrated Environmental Policy Division
Land and Water Policy Branch
135 St. Clair Avenue West, Floor 6
Toronto Ontario M4V 1P5

Re: Conservation Ontario's Comments on "Bill 66: Proposed Great Lakes Protection Act" (EBR# 012-3523)

Dear Ms. Blease:

Thank you for the opportunity to provide comments on "Bill 66: Proposed Great Lakes Protection Act". The following comments are provided by Conservation Ontario on behalf of Ontario's 36 Conservation Authorities. Conservation Ontario continues to support the purpose of the Act which is to protect and restore the ecological health of the Great Lakes St. Lawrence River Basin, and to create opportunities for individuals and communities to become involved in its protection and restoration. The Great Lakes are an essential resource to Ontarian's social, economic and environmental well-being. These comments are not intended to limit consideration of comments shared individually by Conservation Authorities on Bill 66.

The Great Lakes Protection Act provides new tools for the Province of Ontario to continue to be an effective partner in Great Lakes protection. In particular, conservation authorities, as public bodies under the Act, are pleased to see that it enables:

- ✓ setting measurable targets for nearshore areas to achieve Great Lakes objectives;
- ✓ coordinated actions by various watershed stakeholders;
- ✓ building off and enhancing existing tools and programs to implement local actions for broader Great Lakes' benefits and to engage Ontarians' support for their Great Lakes;
- ✓ additional science, research, monitoring and reporting; and
- ✓ building upon existing models for efficiency (both watershed and bi-national)

The full potential of the proposed Great Lakes Protection Act can only be met with resources achieved through leveraging provincial and other partner investment. The Conservation Authorities are prepared to assist the province in achieving Great Lakes protection through:

- Providing the support and advice of watershed management and science practitioners at municipal/provincial tables where strategic priorities are set for action and funding, and for development of specific work plans;

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- Providing opportunities for public engagement and collaborative decision-making in watershed and shoreline plans or studies;
- Serving as an operational, science-based delivery agent representing watersheds and shorelines with a history of engagement in monitoring, modeling and research partnerships, etc.;
- Serving, in partnership with a range of important stakeholders, as an on the ground, local delivery agent of:
 - stewardship/capital assistance programs,
 - land use planning advice and development regulations,
 - education and communications/outreach; and,
- Providing efficiencies of shared capacity and resources.

Conservation Authorities and the Great Lakes Protection Act

It is acknowledged that some of the following comments may be more appropriately dealt with through implementation as opposed to amendments to the legislation. They are being shared with a view to raising awareness of potential implementation issues that continue to be identified by our member Conservation Authorities and we look forward to ongoing collaborative dialogue. The comments which are suggested as requiring amendments to Bill 66 are indicated in **bold text**.

PART 1: PURPOSES AND INTERPRETATION

Conservation Ontario is supportive of the principles of the Act, including protecting human health and well-being; protecting and restoring watersheds, natural habitat and biodiversity; improving the capacity of the Great Lakes-St. Lawrence River Basin to respond to the impacts and causes of climate change; advancing science; and enriching the quality of life.

PART 2: GREAT LAKES GUARDIANS' COUNCIL

Conservation Ontario is appreciative that Conservation Authorities are now identified specifically as parties to receive invitations to meetings of the Great Lakes Guardians' Council. It is noted however that the Great Lakes Guardians' Council is loosely defined in the Act and that the membership of the Council may vary from meeting to meeting, presumably depending on the items on the agenda. This may lead to inconsistencies in the advice from such an ad hoc Council. To enable commitment and continuity, it is suggested that the Council include a core defined group of members (including a representative of Conservation Authorities – preferably 2 per Lake) and invite additional members, subject to the needs of the agenda, as is provided for in the draft legislation. The Council should operate with a defined terms of reference and procedures.

PART 3: ONTARIO'S GREAT LAKES STRATEGY

Conservation Ontario recommends an amendment to Section 7(1), that is, the inclusion of **hydrology and biological communities** in the list of monitoring and reporting. Hydrology plays a significant role in ecological health and this parameter should be included throughout the Act. Biological monitoring including wetlands and fish populations is complementary and supportive to the assessment of changes in water quality and associated ecosystem impacts. Additionally, an amendment should be made that the **monitoring and reporting should be done on a watershed basis** which would be neatly nested

within and consistent with the focus of this legislation on the ecological health of the Great Lakes and St. Lawrence River Basins.

Conservation Ontario is supportive of Section 7(2) which includes a coordinated approach for monitoring and reporting.

PART 4: TARGETS

Conservation Ontario feels strongly that targets are essential and should not be discretionary. The Province is commended for requiring the Minister to “establish at least one target...to assist in the reduction of algae blooms in all or part of the Great Lakes-St. Lawrence River Basin” and that a two year timeframe is specified. It is recommended that Section 9(3) be amended to **remove the word “may”** with regard to establishing targets for preventing the net loss of wetlands and make it consistent with the wording of Section 9(2).

Conservation Authorities are well positioned to assist with the development of targets for Great Lakes water quality, including the relationship to water quantity and natural heritage systems. The watershed and subwatershed plans which CAs develop are important tools for setting targets.

PART 5: PROPOSALS FOR INITIATIVES et al.

Conservation Ontario commends the inclusion of 19 (2) 9 which requires “A description of the benefits and costs arising from the implementation of the initiative to the public body or public bodies responsible for implementation of the initiative”. Funding could be a major constraint to successful implementation of **Part V (proposals for initiatives), Part VI (initiatives) and Part IV (targets)** and all three of these activities could hold significant financial and human resource implications for the public bodies involved. For this reason, it is recommended that it be dealt with more explicitly and each section should **include a statement of the funding required and any proposed funding partnerships, along with confirmation from funding partners of what they will contribute.**

PART 6: INITIATIVES

Conservation Ontario supports an integrated watershed management approach. The geographically focused initiatives enable such an approach to resolving an issue and/or meeting a target since Section 19 (2) and the Schedules (particularly 2 and 3) outline elements that are very similar to a watershed management plan. Conservation Ontario commends the addition of the “Existing protections” clause (Section 15 (2) a and b) which requires the public body to take into account consideration of other studies, plans, strategies and legislation which relate to/address ‘ecological health’. These clauses should lead to initiatives that are well coordinated with, and derive co-benefits from complementary provisions in other provincial legislation, such as the *Conservation Authorities Act*, and plans, such as watershed plans and Remedial Action Plans. There is concern that the language, however, could be too limiting depending upon the extent of the definition for ‘ecological health’. In general, for greater clarity, terms such as **“ecological conditions”, “ecological health” and “environmental conditions” should be defined** in the proposed legislation.

Finally, Conservation Ontario would like an opportunity to discuss how the work undertaken for source water protection plans will/could be recognized in the geographically focused initiative (GFI) proposals and whether there is more that could be done through legislative amendment to clarify the relationship between the *Clean Water Act* and the *Great Lakes Protection Act*.

PART 7: MISCELLANEOUS

Conservation Ontario supports that public bodies should be sharing documents **and data** to achieve the protection and restoration of the Great Lakes and to efficiently deliver on their respective responsibilities. Section 34(2) requires the sharing of documents between public bodies for the purposes of developing a proposal for an initiative (Part V), or developing, amending or reviewing an initiative (Part VI) and for reporting on the progress or implementation of an initiative. This clause needs to be expanded to include a clear **requirement for the sharing of data** which may be necessary to deliver on the noted elements. Additionally, sharing should be required between public bodies for **the provision of advice on development of a target under Part IV**.

Overall, Conservation Ontario is very supportive of the Province's initiative to protect the Great Lakes - St. Lawrence River Basin and your consideration of the suggested amendments to the proposed Great Lakes Protection Act is greatly appreciated. Conservation Ontario would appreciate the opportunity to further discuss these comments. In the meantime, if you have any questions, please contact me at ext 223.

Sincerely,

A handwritten signature in black ink that reads "Bonnie Fox". The signature is written in a cursive, flowing style.

Bonnie Fox
Manager, Planning and Policy

c.c.: Jennifer Keyes, Manager, Great Lakes & Water Policy Section