



July 31, 2012

Wendy Ren  
Manager  
Ministry of the Environment  
Integrated Environmental Policy Division  
Land and Water Policy Branch  
135 St. Clair Avenue West, Floor 6  
Toronto, ON M4V 1P5

Dear Ms. Ren:

**RE: Conservation Ontario Comments on Bill 100, An Act To Protect And Restore The Great Lakes St. Lawrence River Basin (EBR Registry # 011-6461)**

Conservation Ontario supports 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.

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)

P.O. Box 11, 120 Bayview Parkway Newmarket Ontario L3Y 4W3  
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: [info@conservationontario.ca](mailto:info@conservationontario.ca)

The full potential of the proposed Great Lakes Protection Act (and Strategy) 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;
- 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.

The following comments are primarily focussed on specific recommended amendments to the legislation.

#### PART I: PURPOSES AND INTERPRETATION

Conservation Ontario supports **the inclusion of Principles to guide the implementation of the Act**. Such principles must **guide Great Lakes related decision making and input in all fora – principles such as science based priority setting and decisions; collaboration and integration; prevention of harm; citizen involvement; and application of the precautionary principle in existing and future Great Lakes responsibilities**.

Subsection 1(1) (b) – For clarity, the Act should also state in 1. (1) (b) “to create opportunities for individuals, communities and **organizations** to become involved...”

Subsection 3(1) – Conservation Ontario supports that the “Great Lakes – St. Lawrence River basin” should include all watersheds, both directly and indirectly draining into the Great Lakes and St. Lawrence River, including the northern and eastern watersheds that drain into the Ottawa River.

Subsection 3(1) - The inclusion of Source Protection Authorities and Source Protection Committees in the definition of “public bodies” **should be deleted**. These groups have specific mandates through the *Clean Water Act, 2006* for the purpose of protecting municipal drinking water sources. The *Clean Water Act, 2006* already provides for the establishment of one or more Great Lakes advisory committees to

provide advice to the Minister related to the use of the Great Lakes as a source of drinking water. Additionally, it permits the Minister to establish qualitative or quantitative targets related to the use of the Great Lakes as a source of drinking water. Through the *Clean Water Act, 2006* a SPA can be directed to prepare a report recommending policies or other steps to achieve Great Lakes targets and a Source Protection Plan can include “designated Great Lakes policies”. There appears to be duplication between these provisions of the *Clean Water Act, 2006* and the proposed Great Lakes Protection Act, in particular if source protection authorities and committees are named as public bodies in the Great Lakes Protection Act. Finally, the Great Lakes Protection Act could direct a public body to develop a proposal for an initiative, develop a geographically focused initiative (GFI) and undertake responsibilities associated with GFIs (e.g. monitoring), or develop a target. These responsibilities and activities could hold significant financial and human resource implications for public bodies and given that SPAs and SPCs are not incorporated under the *Clean Water Act, 2006* or any other legislation it is unclear how these groups would meet these responsibilities.

## PART II: GREAT LAKES GUARDIANS’ COUNCIL

Subsection 4(3) – Given the roles and responsibilities of conservation authorities as watershed managers in Ontario, it is expected that conservation authorities would be identified specifically as parties to receive invitations to meetings of the Great Lakes Guardians’ Council for an Act with the purpose to ‘protect and restore the ecological health of the Great Lakes-St. Lawrence River Basin’. The conservation authorities’ watershed perspective will be very different than the local municipal or province-wide perspective and should be specifically brought to this Council. Additionally, conservation authorities can provide perspective on matters such as, shoreline hazards, dynamic beaches, and nearshore water quality. As watershed and shoreline managers, there are numerous references to partnerships with conservation authorities for the Great Lakes Protection Strategy and they are defined as public bodies to have significant responsibilities under Parts IV, V and VI of the Act. **Representatives of conservation authorities should be specified** in this section of the legislation to participate on a Council that is to “identify priorities for actions, potential funding measures and partnerships and facilitate information sharing” (p.i, Explanatory note).

It is noted 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)** and invite additional members, subject to the needs of the agenda, as is provided for in the draft legislation. **The Council should operate with terms of reference and procedures including regular meetings with specified minimum frequencies.**

### PART III: ONTARIO'S GREAT LAKES STRATEGY

Conservation Ontario supports the requirement for a Great Lakes Strategy and the need for accountability for effective delivery and progress reporting; the following amendments are intended to strengthen these elements.

A clause should be added to specifically **require that the Great Lakes Ministers pursue the achievement of the Vision and Goals established in the Strategy** and that the **Minister of the Environment establish metrics to explicitly report against achievements** of the Vision and Goals.

Section 6 "Contents" - In support of the above comment and to facilitate reporting and accountability, **the strategy should be required to identify the lead agency(ies)** who will be charged with lead responsibility and accountable for delivery of initiatives and priority actions.

Section 7 "Progress Reports" - A **timeframe for completion of progress reports should be specified** to ensure accountability. For example, a "minor" report should be completed once a year or every two years, with a "major" report being completed every five years. Ideally these should be coordinated with Great Lakes Water Quality Agreement reporting.

### PART IV: TARGETS

Conservation authorities are well positioned to assist with development of targets for Great Lakes water quality, including the relationship to water quantity and natural heritage systems.

Subsection 8(1) – Targets are essential and should not be discretionary. It is recommended that the Act indicate that the Minister **shall** develop targets **within a specified timeframe**, as opposed to may develop targets.

### PART V: PROPOSALS FOR INITIATIVES

Subsection 9(1)(ii) - Since the geographic boundaries and therefore specific public bodies with jurisdiction(s) relevant to the proposed direction are known, the Act should require the Minister to consult directly with representatives identified by those public bodies (e.g. a Conservation Authority's Board of Directors would identify their representative). For greater clarity, the removal of the term "*of the interests*" is recommended from this subsection as follows: "*representatives ~~of the interests~~ of public bodies with jurisdiction in the geographic area...*"

A **proposal for an Initiative (Part V, S.11)** and an **Initiative (Part VI, S.19)** should each **include a statement of the funding required and any proposed funding partnerships, along with confirmation from funding partners of what they will contribute.** Additionally, **target setting (Part IV)** needs a **similar requirement.** All three of these activities could hold significant financial and human resource implications for the public bodies involved and funding could be a major constraint to success.

#### PART VI: 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 and the Schedules (particularly 2 and 3) outline elements that are very similar to a watershed management plan.

Add a clause to ensure that the development of the **geographically focused initiatives** are **well coordinated** with, avoid duplication of effort, and derive co-benefits from **complementary provisions in other provincial legislation** (incl. Water Opportunities Act, Ontario Water Resources Act, Clean Water Act, Lake Simcoe Protection Act, Safe Drinking Water Act, Nutrient Management Act, and the **Conservation Authorities Act**).

Section 26 –Any shoreline protection regulations that are made should not conflict with or provide duplication with Section 28 regulations under the *Conservation Authorities Act*. The above recommendation should assist in this regard. Opportunity is provided for delegation to conservation authorities via reference to ‘public bodies’, and while not solicited, it is recognized that there could be efficiencies in conservation authorities administering and enforcing GLPA shoreline protection regulations for a geographically focused initiative, if deemed appropriate by watershed stakeholders and the public. Further it is noted under **(f) that the amount of fees for administration can be governed by the Lieutenant Governor in Council.** Recognizing that there would be difficulty in getting fees amended/updated to achieve cost recovery under this scenario, it is felt to be an unnecessary level of oversight. It is recommended that **the clause be deleted and replaced with direction** as to how amounts should be governed, for example, **“must not exceed the anticipated reasonable costs”**.

#### PART VII: 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 32(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. If you have any questions regarding these suggested amendments, please contact Bonnie Fox, Manager of Policy and Planning at ext 223.

Sincerely,

A handwritten signature in black ink, appearing to read 'Don Pearson', written in a cursive style.

Don Pearson,  
General Manager

cc: All Conservation Authorities, Chief Administrative Officers