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Environmental Policy Branch
Ministry of Environment, Conservation and Parks
c/o Brent Taylor
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RE: Proposed Implementation of Updates to Ontario's Water Quantity Management Framework (ERO#019-2017)

Thank you for the opportunity to provide comments on the proposed implementation of updates to Ontario's Water Quantity Management Framework. Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs) who recognize that water security during times of drought and sustainable water resources overall are vital to a healthy economy. These comments are not intended to limit consideration of comments shared individually by conservation authorities.

As outlined in the "Made in Ontario Environment Plan", the Province has committed to enhancing the ways in which water takings are managed to ensure Ontario has access to sustainable water resources in the face of a changing climate and continued population growth. Conservation Ontario previously provided comments on "Updating Ontario's Water Quantity Management Framework" (ERO#019-13490), and was generally supportive of the proposals to ensure water resources are sustainably managed and adequately protected for future generations.

Conservation Ontario offers the following comments related to the proposed implementation guidance focused on area-based water quantity management and priorities of water use.

Draft Guidance to Support Area-Based Water Quantity Management

Conservation Ontario is generally supportive of the draft guidance to support an area-based water quantity management approach, as it will allow for a robust assessment of cumulative impacts in water quantity stressed areas. Based on the draft guidance, it is our understanding that such a strategy could be applied to a variety of hydrologically-defined areas which are deemed appropriate for managing the cumulative impacts of water takings (e.g. watersheds, subwatersheds or aquifers). Such an approach will provide the Ministry with flexibility to develop strategies which will address the unique water quantity stress issues and circumstances of water use in a defined area, and will allow strategies to be adapted over time, as resource conditions and water uses/demands change. Through the draft guidance, the Ministry identifies a proposed process towards the development of a strategy, including a preliminary assessment to determine if an area-based strategy is warranted, preparation of a water-taking management strategy for public consultation, engagement of local stakeholders, water users and Indigenous Communities, and requirements for the strategy to align with other provincial policies and programs.

Conservation Ontario offers the following comments on components of the draft guidance to support area-based water quantity management:

Initiating a Water Taking Management Strategy

Regarding the considerations for initiating an area-based water taking management strategy, the guidance states that the Ministry may initiate a water taking management strategy at its discretion. Strategies may be initiated where there is documented evidence that an area is experiencing ongoing or recurring water quantity stress, or where changing conditions are adversely affecting the sustainability of water resources and the water security of users in an area. While this flexible approach will allow the Ministry to develop strategies to address the unique water stress issues on an area-basis, Conservation Ontario recommends further clarification/direction be provided in the guidance to clarify if there will be any specific instances where an area-based strategy will be required (i.e. specific triggers and/or thresholds). As it is written, the guidance leaves the determination of whether to pursue such an approach with the Ministry, and does not identify specific circumstances where such a strategy should be undertaken. In addition to the listed instances where a water taking management strategy may be initiated, it is recommended that the Ministry consider initiating studies in areas where there are significant information gaps regarding the status of water resources (e.g. areas without sufficient water budget information), or in areas where there is low capacity for information/data collection and analysis.

In an effort to further leverage the local “on-the-ground” knowledge of external stakeholders, Conservation Ontario recommends that the Ministry develop a mechanism which would allow water managers and users outside of the MECP to request the development of an area-based strategy. These water managers may include source protection authorities, municipalities, regulated and unregulated water users, CAs and Indigenous Communities who possess local information regarding water quantity conflicts and stressors, and may be able to provide early indication to the Ministry on whether a water-taking management strategy is required.

Further, Conservation Ontario recommends that additional clarification be provided which outlines the mechanism which will be used to identify the appropriate area-basis for the strategy. While it is understood that the preliminary assessment will focus on the “area of concern” identified by the Ministry, this assessment will see the Ministry engage with other Ministries, water users, CAs, municipalities and other local stakeholders, as well as Indigenous Communities to identify issues and determine the geographic extent of the affected area. The mechanism used to determine this geographic extent should be made available, and the proposed final “area of concern” discussed with key stakeholders to confirm it appropriately captures the current and future regulated and unregulated water uses (e.g. aquatic ecosystems) in an area which may be putting stress on and/or rely upon the water resources.

Lastly, the Ministry is encouraged to broaden the instances where a water taking management strategy could be initiated to allow such strategies to be used as a proactive tool to avoid creating future water quantity stressed areas. It is noted that there is a difference in wording used on page four and five of the guidance document which may speak to a more proactive approach. Within Figure One, considerations for initiating a water taking management strategy would include where changing conditions “**could affect** the future sustainability of water resources and water security...”, whereas the text on page five reads where “**changing conditions are adversely affecting** the sustainability of water resources...”. The wording found in Figure One is favoured, as it suggests a more proactive approach which would allow the Ministry to consider current documented and anticipated future changing conditions (e.g. increased water use from new development), in order to prepare strategies proactively.

Preliminary Assessment and Preparing a Water Taking Management Strategy

It is understood that when the Ministry is considering developing a strategy to manage a water quantity stressed area, a preliminary assessment would be conducted to characterize the state of water resources and evaluate water uses in the area of concern, including consideration to cumulative impacts. In undertaking the preliminary assessment, the Ministry may engage with a wide range of interested and/or affected groups, including CAs who may have data, knowledge, or expertise to support the assessment. Should the permit director determine that an area-based strategy is required to manage permitted water takings, an information notice would be posted to the Environmental Registry. To provide transparency in this decision-making process, Conservation Ontario recommends that the MECP's preliminary assessment clearly outline: the information utilized in determining if an area-based strategy is warranted or not, any information gaps which were identified through the assessment, and any immediate opportunities to bridge some of the identified information gaps (e.g. increased monitoring efforts). It should be acknowledged in the guidance that, in some areas, it may be necessary for the Ministry to invest in data collection and modelling due to a lack of local capacity and resources.

Further, the guidance document outlines examples of the type of information that the Ministry may assess when undertaking a preliminary assessment. Conservation Ontario recommends that the preliminary assessment also consider information regarding the future potential for an area to experience water quantity stress, such as projected water takings, municipal water needs based on population growth, and impacts of climate change. As with Conservation Ontario's previously submitted comments to ERO#019-1340, the Ministry is encouraged to leverage **all** available information contained in the Approved Drinking Water Source Water Protection Plans and Assessment Reports developed by Source Protection Authorities/ Source Protection Regions across Ontario, under the *Clean Water Act* (2006). These plans and reports contain valuable source water area (sub watershed basis) assessments with strong science foundations in addition to locally developed source protection policies to protect the existing and future drinking water sources. The assessment reports, developed by the 19 source protection areas/regions, includes Tier 1 & 2 water budgets in most cases and Tier 3 water budgets in some cases. These watershed and sub-watershed scale assessments also include watershed characterizations, and estimates of permitted and non-permitted water uses for the area; in addition to identifying vulnerable ground water areas (Wellhead Protection Areas-WHPA) and lake intake areas (Intake Protection Zones-IPZ) and potential threats to drinking water sources. If not in updates to Ontario Regulation 387/04 under Section 4(2) "Matters to be considered by the Director" when considering a permit application, then at a minimum the **Source Protection Plans and their associated assessments/studies, including water budgets** should be identified in the guidance material for PTTW staff as potential sources of information for preliminary assessments.

Engaging Water Users, Local Stakeholders and Indigenous Communities

The guidance identifies two key points during the process of developing a water taking management strategy where the Ministry would formally initiate engagement: at the outset of the preliminary assessment through direct engagement with Indigenous communities and a posting to the Environmental Registry, as well as with Indigenous Communities, water users, local stakeholders (such as CAs) and other groups through the development of a strategy. Although not explicitly mentioned in the draft guidance, it is suggested that reference be made to "locally relevant Federal agencies (e.g. Parks Canada – Trent Severn Waterway)" as agencies identified for engagement in the finalized guidance document.

Conservation Ontario acknowledges that the level and extent of engagement will be tailored for each strategy based on factors such as the size of the area, the number and type of water users, and scope and nature of issues being addressed in the strategy. However, in order to ensure that all stakeholders are aware of the overall engagement / involvement process, we recommend that the Ministry prepare and

make available an engagement plan/strategy which broadly outlines how and when different groups may be involved in the strategy development. Such a plan could be included as part of the information notice posted to the Environmental Registry regarding the preliminary assessment which identifies an area under stress and the intent to develop an area-based strategy. Where the Ministry will engage directly with stakeholders, it is recommended as a best practice that engagement take place early in the process, either in the preliminary assessment phase or when beginning the development of a strategy, as required. For instance, given the role of CAs in the provincial Low Water Response program and their liaison with local stakeholders, it is recommended that CAs receive direct notification early in the process of undertaking a preliminary assessment and when the Ministry initiates the development of a water taking management strategy. With many stakeholders involved in shaping these strategies, early and on-going engagement will strengthen interactions between agencies, and will help to reduce duplication of efforts by identifying local work/studies, knowledge and expertise which can be leveraged through the strategy development process.

Overall, Conservation Ontario is pleased to see direct references to CAs as local stakeholders which may be engaged in the development of a provincial water taking strategy in a water stressed area. Conservation authorities, in partnership with the province, have made great investments into understanding their local watersheds/subwatershed through ongoing and past studies through the lens of drinking water source protection and watershed management. The 36 CAs can be a valuable partner in data and knowledge sharing in addition to providing expertise during the implementation of the strategy. It is important to recognize the strong areas of expertise in watershed management that CAs can offer. It would be expected that any CA effort would be supported with adequate provincial funding to assist MECP's preliminary assessment and development of area-based Water Taking Strategies.

Aligning a Water Taking Management Strategy with Other Provincial Policies and Programs

Conservation Ontario is pleased to see that the management, monitoring and assessment actions which will be required as part of an area-based water taking management strategy will be required to act jointly with other relevant provincial programs and policies, such as Ontario Low Water Response, drinking water source protection plans completed under the *Clean Water Act*, water management plans under the *Lakes and Rivers Improvement Act*, and watershed or subwatershed plans for the area. Conservation Ontario's interpretation of the guidance is that consideration would be given to those watershed and subwatershed plans which are prepared by CAs for their watershed jurisdictions, in addition to the examples provided in the guidance document (those which are required under the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, or supporting implementation of the Provincial Policy Statement). In addition to the programs and policies identified in the guidance, Conservation Ontario recommends that the Ministry ensure newly developed strategies are in alignment with municipal water supply master plans which may identify long-term strategies, initiatives and programs to meet present and projected future municipal water needs.

Draft Guidance to Support Priorities of Water Use

Conservation Ontario is supportive of the Ministry's proposed amendments to the Water Taking and Transfer Regulation (O. Reg. 387/04) to establish clear provincial priorities of water use in regulation. Establishing such priorities will be critical in informing guidelines and protocols for water use / takings in areas subject to drought or water quantity stressed areas, ensuring the demand for essential uses is satisfied, and helping communities adapt to impacts of a changing climate.

Regarding the priorities of water use, Conservation Ontario agrees that both the environment and drinking water are the highest priority uses. With regard to the environment, it is recommended that all water

takings, regardless of prioritization, must meet criteria to maintain adequate ecosystem health to ensure that water resources are adequately protected and sustainably used and include future climate change considerations. It is recommended that the examples listed under “Environment” be amended to include wetlands, along with streams, rivers, lakes and aquifers, as an environmental water use. The protection of natural features, functions and areas, including streams, lakes, **wetlands** and groundwater resources, is an important tool to ensuring water security, quantity and quality, for future generations.

Further, Conservation Ontario recommends that the Province amend the list of examples provided under “Drinking Water” to remove aquaculture and direct watering of poultry and livestock, as they are not examples of drinking water as defined in the *Safe Drinking Water Act*. A possible solution is to create an additional category of use which aligns with the water requirements of livestock under the Ministry of Agriculture, Food and Rural Affairs.

Additionally, Conservation Ontario notes that the draft guidance states that the priorities of water use are generally intended to be applied as a last resort, to complement other elements of the PTTW framework that are used to avoid or resolve conflict among water users. Any considerations to conflict resolution should align with the s.105 of the *Clean Water Act*, 2006 which states: *If there is a conflict between a provision of this Act and a provision of another Act or a regulation or instrument made, issued or otherwise created under another Act with respect to a matter that affects or has the potential to affect the quality or quantity of any water that is or may be used as a source of drinking water, the provision that provides the greatest protection to the quality and quantity of the water prevails.* 2006, c. 22, s. 105 (1).

Conservation Ontario appreciates that the guidance states that priorities of water use may be applied proactively in areas where there are temporary but recurring competing demands. It is recommended that the guidance clarify that these priorities will be applied as recommended in an area-based water taking management strategy that has been prepared to proactively avoid future cumulative impacts of multiple water takings on an area-basis. As included in Conservation Ontario’s previous comments, there is a need for this guidance to enable proactive approaches in the PTTW process to ensure measures are taken to optimize water supply and increase water use efficiency for all water users now, and in the future.

Thank you for the opportunity to provide comments on the proposal to update Ontario’s Water Quantity Management Framework. Should you have any questions about this letter, please contact myself at extension 223 or Deborah Balika (Source Water Protection Lead) at extension 225.

Sincerely,



Bonnie Fox
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cc. All CA CAOs/GMs