

April 6, 2018

By Email (nisha.shirali@ontario.ca)

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Re: Watershed Planning Guidance (EBR Registry Number: 013-1817)

Canadian Environmental Law Association (CELA) provides the following brief comments in response to the proposed Watershed Planning Guidance (EBR Registry Number: 013-1817).

CELA is encouraged that this proposed Watershed Planning Guidance has been developed collaboratively by the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry. CELA is very supportive of efforts to implement integrated watershed management and has stressed in many prior submissions that coordinated action across Ontario government ministries is necessary to ensure water protection, conservation, and sustainable use.

CELA also believes that the proposed Watershed Planning Guidance is a crucial step toward ensuring integrated watershed management is fully implemented in Ontario. The proposal notice states that the proposed Watershed Planning Guidance is aimed at "...implementing provincial direction related to watershed and sub-watershed planning"¹ and that it is intended to support implementation of the amended policies in the four provincial land use plans (Growth Plan for the Greater Golden Horseshoe, Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan) and the 2014 Provincial Policy Statement. We support the effort to make the Watershed Planning Guidance work across all of Ontario's watersheds.

CELA's comments on the proposed Watershed Planning Guidance are aimed at a high level and (as stated in our final recommendation), we hope that the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry will take our comments and others received to date and re-post an updated draft Watershed Planning Guidance document for further consultation.

First, CELA recommends that the Ontario government demonstrate its commitment to fully implementing integrated watershed management in the province by aligning municipal boundaries with watershed boundaries. As it stands now, there is a great deal of complexity and coordination needs as there will be municipalities with footprints in multiple watersheds,

¹ See the Environmental Registry Policy Proposal Notice Number: 013-1817: <https://ero.ontario.ca/notice/013-1817>.
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watersheds with multiple municipalities, conservation authorities, single tier municipalities, upper-tier municipalities, and so on.² Having municipal boundaries at an ecologically relevant scale would enable more efficient planning on watershed and sub-watershed bases.

Second, CELA recommends that any confusion about the “audience” for the proposed Watershed Planning Guidance be resolved. In some portions of the proposed Watershed Planning Guidance (including in the Environmental Registry Policy Proposal Notice) municipalities are clearly the target audience: for example, it is stated that the “Watershed Planning Guidance is intended to support municipalities in watershed planning throughout Ontario ...”.³ At the same time, the title of the proposed Watershed Planning Guidance (Watershed Planning in Ontario: Guidance for land use planning authorities) and other statements in the document suggest that the target audience is a broader set of authorities. For example: “Watershed Planning Guidance is intended for use by municipalities and other planning authorities, in fulfilling provincial land use planning requirements related to watershed and subwatershed planning.”⁴ As reflected in Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015-2041, inter-agency collaboration is important to effective watershed and subwatershed planning.⁵

Similarly, CELA recommends that there be consistency in the principles that are to be applied in watershed and subwatershed planning. In the proposed Watershed Planning Guidance, the principles referenced in the Introduction⁶ differ from those suggested in the Setting the Vision, Goals, Objectives, & Targets⁷ section. As well, it appears that the guidance will be for land use planning authorities to develop their own principles⁸ and to determine alignment (as needed)

² See pages 20-21, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf).

³ Page 4, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf). Also, “We are seeking feedback on draft guidance which will help municipalities in implementing provincial direction related to watershed and sub-watershed planning.”, Environmental Registry Policy Proposal Notice Number: 013-1817: <https://ero.ontario.ca/notice/013-1817>.

⁴ Page 7, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf).

⁵ See, for example, Co-ordinated Land Use Planning Review advisory panel’s Recommendation 41, in Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015 – 2041 (<http://www.mah.gov.on.ca/AssetFactory.aspx?did=11110>). The full text of Recommendation 41, and complementary Recommendations 42 and 43, is included in the Appendix.

⁶ Ecosystem Based Approach, Landscape Based Analysis, Precautionary Approach, Adaptive Management, Sustainable Development, Collaboration and Engagement, Recognition of Indigenous Communities. Per page 9, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf).

⁷ Ecosystem-based approach, Precautionary approach, Landscape-based analysis, Adaptive management, Sustainable development, Collaboration. Per page 50, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf).

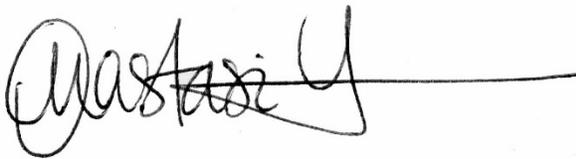
⁸ In the example of content (page 111, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf)), there’s reference to an overview of the “underlying principles guiding the planning process”, which given that there is no consistent set of principles that are clearly indicated to be applied, could be read to mean that the planning authority is to develop the principles that will apply to their situation.

with environmental assessment principles⁹. Ensuring a common and comprehensive set of principles that are to be applied will prevent any confusion and allow for consistency across all of Ontario's watersheds.

CELA understands that there is extensive and detailed feedback from those engaged more fully in the development of the proposed Watershed Planning Guidance (including particularly from within the Watershed Engagement Group). Addressing such suggestions, including CELA's high-level recommendations, are anticipated to require substantive changes to the proposed Watershed Planning Guidance. As such, CELA's final recommendation is that the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry re-post an updated draft for further consultation, prior to making a decision regarding the policy proposal. The further consultation period can be quite short, particularly if the Environmental Registry notice speaks to how the draft has been updated.

CELA hopes that you find these recommendations helpful. If you wish to discuss anything with us, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anastasia', followed by a long horizontal line extending to the right.

Anastasia M Lintner, PhD, LLB
Special Projects Counsel, Healthy Great Lakes

CC: Dr Dianne Saxe, Environmental Commissioner of Ontario (commissioner@eco.on.ca)

⁹ See pages 118-119, Watershed Planning in Ontario: Guidance for land use planning authorities, DRAFT February 2018 (https://prod-environmental-registry.s3.amazonaws.com/2018-02/013-1817_DraftGuidance.pdf).

Appendix (excerpted from [Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015 – 2041](#))

RECOMMENDATION 41 (pp 103-104)

Strengthen protection of water resources throughout the area of the four plans by requiring municipalities that share a watershed to work with one another and with conservation authorities to develop integrated watershed management plans and sub-watershed plans. Watershed planning at the appropriate scales should inform the development of municipal official plans, secondary plans and block plans. Watershed and sub-watershed planning should address:

- Climate change mitigation and adaptation, including resilience to increased flooding risk
- Source water protection plans, science and information
- Water budgeting and conservation
- Shared water resource management between municipalities that share a water source
- Capacity to supply water, treat and manage stormwater, treat and assimilate wastewater, and foster and sustain healthy natural systems
- Cumulative impacts of existing land uses and proposed developments in the watershed
- Measures to protect people and property from natural hazards
- Targets and measures to protect water quality and quantity
- Measures to protect natural heritage systems, water resources and aquatic ecology
- Approaches to address historic sources of contamination
- Linkages with infrastructure plans and official plans
- Environmental monitoring to provide at least five years of data to inform preparation of a watershed or sub-watershed plan
- Monitoring and reporting requirements to evaluate the success of plan implementation and the state of watershed health

COMPLEMENTARY RECOMMENDATION 42 (p 104)

Develop provincial guidance on watershed planning, including monitoring of water and natural heritage, to support the implementation of Recommendation 41.

RECOMMENDATION 43 (p 109)

Improve mapping of natural heritage systems by:

- Developing, in collaboration with conservation authorities, municipalities and other partners, a Provincially led, large scale map of natural heritage systems, using a phased approach to sub-regions within the GGH to address priority needs
- Providing guidelines on how to consistently map, define and monitor natural heritage systems, including guidance on connections between regional and local scale systems
- Requiring consistent and comprehensive local scale mapping and protection of robust, long-term, viable natural heritage systems as part of integrated watershed and sub-watershed plans, prior to approval of secondary and block plans (see Section 6.1)