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**COMMENTS OF THE GREAT LAKES PROTECTION ACT ALLIANCE AND UNDERSIGNED GROUPS
REGARDING ONTARIO'S DRAFT GREAT LAKES DRAFT STRATEGY**

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This submission is the work of the Great Lakes Protection Act Alliance: Canadian Environmental Law Association, Ecojustice, Environmental Defence, Ducks Unlimited Canada, Great Lakes United, and Sierra Club Ontario. These leading environmental and conservation organizations have proven track records in advocacy, policy analysis, and on-the-ground implementation.

The submission includes the input of:
Bruce Peninsula Environment Group
Canadian Federation of University Women, Ontario Council
Gail Krantzberg, McMaster University

A list of the groups that support this submission is attached on the last page, and more will be added.

"A Great Lakes Draft Strategy for Action" (referred to here as the draft Strategy) is intended to engage Ontarians in setting priorities for action to protect, conserve, and restore the Great Lakes. It is meant to guide the activities and focus of those working on the Great Lakes. It is a result of public consultation, and will be reviewed re-drafted every 9 years. It is connected to, but different than the proposed Great Lakes Protection Act.

TOP COMMENTS ON THE DRAFT STRATEGY

- Ontario’s vision, “Great Lakes that are drinkable, swimmable, and fishable” is holistic and accessible;
- The draft Strategy’s focus on innovation, sustainable tourism, and sustainable resource use will help new allies improve the health of the Great Lakes (56);
- Great Lakes goals (33) are excellent, with two exceptions. We recommend these changes:
 1. Change “Enhancing understanding and adaptation” to “improve understanding and management of issues and stressors”;
 2. Change “protecting water” to “protecting water and human and ecological health”;
- The potential of the proposed Act and draft Strategy cannot be met unless the provincial government ensures that the necessary resources are made available for all levels of government with Great Lakes responsibilities, other “public bodies”, and other stakeholders that are tasked with undertaking the actions described in the proposed Act, draft Strategy, and any geographically-focused initiatives;
- Aligning the goals and objectives of the anticipated new Canada Ontario Agreement (36) with those of the proposed Great Lakes Protection Act and draft Strategy is essential. Opportunity to do this should be provided once the new Great Lakes Water Quality Agreement is released;
- The alignment of priorities and 'buy-in' of all Great Lakes ministries is also key to the success of the proposed Great Lakes Protection Act and draft Strategy;
- All wetlands in the Great Lakes—St. Lawrence River Basin need to be protected and the most pressing, immediate need is for full protection of all remaining coastal wetlands of any size or class in the Basin, as well as an appropriate vegetative protection zone around those wetlands;
- The proposed Act and draft Strategy should result in less, not more, regulatory complexity for proponents of all activities including activities to restore natural features like wetlands;
- The draft Strategy must embed adaptation strategies to mitigate adverse effects of a changing climate on the sustainability of the Basin’s integrity.

How is this submission organized?

This submission addresses the questions posed on page 5 of the draft Strategy. Beneath each question, where appropriate, our comments are organized according to the headings used in the Great Lakes Protection Act Alliance’s “Statement of Expectations”:

- Engage citizens and support vibrant waterfront communities;
- Protect and restore Great Lakes biodiversity; and
- Improve water quality and quantity.

We also use thematic subheadings where appropriate. This submission focuses on the forward-looking aspects of the draft Strategy, and does not comment on the “where we have been” or “where we are now” sections. Page numbers in parentheses refer to the draft Strategy.

Question #1: Does this draft Strategy address the best ways of providing opportunities to the people of Ontario to enjoy and protect the Great Lakes?

Engage citizens and support vibrant waterfront communities

General comments

- We applaud the strong emphasis on engaging people (29) by taking action and by involving stakeholders in establishing Initiatives;
- The Minister of the Environment should be responsible for ensuring that promotion and stewardship activities to protect the Basin are occurring, to support the efforts of others to protect the Basin;
- Promoting sustainable recreation and tourism (55, 57) is a very good way to bring new partners to the work of saving the Great Lakes;
- Improving connections to school programs is essential (36).

Local community action fund

- The local community action fund (35) will make visible changes, and will help to engage more Ontarians in wetland conservation and other priority actions across the Basin;
- The local community action fund should not focus exclusively on ecological/ stewardship improvements, since we know that communicating with the public is essential for success, and that programs that achieve multiple benefits are the best (like youth engagement combined with stewardship);
- Ontario needs a commitment to long-term, sustainable resourcing by the provincial government at the necessary scale through programs like the local community action fund;
- Additionally, there needs to be a funding program that allow for bigger grants to unleash the potential of what community groups can achieve.

Reviews

- Reviewing the Draft Strategy every nine years (31) makes sense for making goals clear to people who are engaged or those researching Ontario Great Lakes policy, but there is no commitment to a timeframe for progress reports to engage other people and keep all stakeholders informed;
- To ensure desired outcomes are being achieved, progress reporting achievements against the Vision and Goals needs to occur more frequently than every 9 years;
- Progress reports (31) should refer to the impacts of actions taken, where possible.

Protect and restore Great Lakes biodiversity

- Engaging groups through the local community action fund will help protect biodiversity;
- We support the proposed focus on collaboration with key partners including conservation groups and others; in particular, we are encouraged by the Province's commitment to support the bi-national Eastern Habitat Joint Venture and development of tools to encourage enhanced wetland conservation by municipalities.

Question #2: Does this draft Strategy address the most important Great Lakes issues? What have we missed?

General comments

- We are encouraged to see an attempt made to improve shorelines, waterfronts, and public access to waterfront areas (58);
- Linking the draft Strategy's proposed future actions to specific Great Lakes goals is prudent and should help to apply adaptive management to optimize effectiveness and efficiency of the draft Strategy;
- We need clarification about whether the Minister is legally obligated to implement the draft Strategy;
- Saving the Great Lakes is an all-hands-on-deck goal; the alignment of priorities across ministries is essential;
- There lacks an explicit connection to watershed-based management or Integrated Watershed Management. Reference should be made to promoting and supporting Integrated Watershed Management as a tool in Initiatives to protect the Great Lakes;
- Linkages to Lake-wide programs, as they emerge, should be explicit. These will be defined under a new Great Lakes Water Quality Agreement;
- It would be helpful to explore how geographically-focussed initiatives could be rolled out where Conservation Authorities or Source Protection Authorities or Committees exist, and do not exist;
- The Guardians' Council lacks representation for the watershed perspective which could be provided by representatives of Conservation Authorities and/or Conservation Ontario. Conservation Authorities should be included on the Great Lakes Guardians' Council, recognizing their significant role in watershed planning, shoreline management and protection, stewardship and ecological monitoring.

Protect and Restore Great Lakes biodiversity

Wetlands

- We are concerned that there is no basin-wide protection of wetlands. The costs of continuing loss are too high, as per recent research (by Ducks Unlimited Canada and others e.g. Marbek study for MoE);
- All wetlands in the Basin need to be protected and the most pressing, immediate need is no-touch protection of all remaining coastal wetlands of any size or class in the Basin. Whether coastal wetlands have been assessed under the Ontario Wetland Evaluation System or not, they must be protected from degradation or encroachment;
- Both wetland protection and restoration are needed to achieve a net gain in wetlands including provisions to expand and enhance Greenbelt wetland policies across the portion of the Great Lakes Basin that falls within the Mixedwood Plains;
- In the Mixedwood Plains portion of the Basin where wetland loss has been high, map all wetlands and ensure mapping is done on a regular basis; and require municipalities to include updated mapping in their Official Plans and Natural Heritage System designations;
- In addition to strengthening the protection for coastal wetlands and natural features in the Provincial Policy Statement (PPS)(42), recognition and protection of connected natural heritage systems is important in improving the health of coastal wetlands and the Great Lakes;
- Greater emphasis is recommended for supporting and promoting coastal wetland conservation projects and initiatives, including monitoring (42). Recognition of the value of coastal wetland monitoring programs is needed. It is recommended that support of new and existing coastal wetland monitoring programs to evaluate:

- a) the health of wetlands and their biotic communities,
 - b) changes in health over time;
 - c) susceptibility to climate change and lake level changes; and
 - d) responses to restoration enhancement projects;
- Great Lakes water levels must be allowed to fluctuate enough to maintain wetland health and diversity;
 - Provide incentive based tools and assistance to farmers, non-farm landowners and municipalities to protect and restore wetlands across the Basin;
 - We hope and expect that the proposed Act and draft Strategy will result in less, not more, regulatory complexity across the Basin, for all types of activities, and less regulatory barriers to wetland restoration and management activities.

Biodiversity

- Strategies for protecting and improving biodiversity are vague (49). They can be addressed through geographically-focussed initiatives, but we are concerned that in the absence of clear targets, biodiversity will not be adequately protected;
- Invasive species cause massive problems in the Basin. We are pleased to see Ontario that proposes to take stronger action through the Biodiversity Strategy, 2011 and the Ontario Invasive Species Strategic Plan (49, 50);
- Build on current biodiversity initiatives, such as the Ontario Invasive Species Strategic Plan and the US Great Lakes Restoration Initiative;
- Maintain green spaces and forest trails within cities and nearby to offer outdoor experiences for residents to enjoy while maintaining the ecosystems needed for the Basin's healthⁱ;
- Follow through on Ontario's *Building Together* recommendationⁱⁱ to assist municipalities' protection or establishment of green infrastructure, such as urban forests, wetlands, stormwater ponds, and green roofs, to reduce costs and keep waterways and lakes healthyⁱⁱⁱ;
- Use shoreline and riparian vegetation protection zoning policies specific to watersheds, especially in urban areas;
- Place a moratorium on open net-cage, aquaculture (under MNR and DFO) until a strategy for closed system sustainable aquaculture is developed that protects water quality, native species and aquatic ecosystems.

Climate change mitigation and adaptation

- The draft Strategy does not address climate change mitigation. As an MoE initiative, it should aim to help meet Ontario's climate change targets;
- We appreciate the emphasis on green building and low impact development (LID) but would like to see more concrete actions than "supporting the development of innovative water technologies, services and practices... [such as] encouraging development and use of green technologies and demonstrating leadership in green building, green infrastructure such as coastal wetlands, and water and energy conservation" (57);
- We support the Ontario Climate Change Secretariat's *Adapting to Climate Change in Ontario* 2009 report suggestions to:
 - Undertake a climate change vulnerability assessment of nearshore water quality;
 - Assess risks arising out of climate change impacts in vulnerable areas such as wetlands, navigation, power generation, shorelines subject to flooding, erosion and slope instability^{iv};
- Assess and prepare for the impacts on industry, fisheries, tourism, and recreation. Prepare fisheries for shifts in fish species relative abundance due to warming waters. Prepare for the impacts of longer periods of lake stratification and bottom water oxygen depletion;

- Consider proactive policies that protect potential new habitats created as lake levels potentially retreat.

Improve water quality and quantity

- Establish targets for water quality and quantity and aquatic ecosystem health for each part of the Great Lakes Basin, even outside the geographically-focused initiatives;
- Determine the best ways of protecting stream flows to sustain ecosystem health;
- Set integrated geographical targets to reduce Ontario's Great Lakes loadings of toxics across all Ontario pollution control programs;
- Research the presence and impacts of chemicals of concern in the Basin which are present but not yet regulated. These substances of emerging concern may be health threatening and include pharmaceuticals, endocrine disruptors, carcinogens and other health impacts that have not yet been determined to be manufactured or in use in Ontario;
- Prohibit hydrofracking in the delicate Basin's watersheds;
- The proposed actions listed on page 37 include a number of actions related to strengthening municipal water, waste water and stormwater management. We strongly agree with the promotion of LID approaches that minimize stormwater run-off and support increased infiltration but the Draft Strategy should provide caution regarding the quality of water allowed to infiltrate based on provincial ground and surface water trends (e.g. salt);
- The draft Strategy supports the continued implementation of sustainable stormwater practices (i.e. low impact development) for the purposes of having more pilot sites (37-38). Given that this draft Strategy is meant to guide us for the next 9-years we should not only be encouraging pilot sites but also requiring better stormwater management. The MOE's Guide to Stormwater Management does recommend that a treatment train approach be used; however, there is only a need to meet the minimum requirement. The proposed draft Strategy has the ability to work with and strengthen the MOE's Stormwater Management Guide (2003). Updating the MOE 2003 Storm Water Management Planning and Design Manual to provide greater direction and clarity on LID would greatly support undertaking action 'c' on pages 38 and 39 (i.e., provide guidance and a streamlined/standardized approvals process for sites incorporating low impact development practices);
- While the introduction (38) refers to watershed approaches such as Lake Simcoe work, the draft Strategy should also acknowledge the opportunities to build on other existing planning frameworks, such as watershed plans prepared by conservation authorities and municipal stormwater management strategies. (This would be consistent with the intro to the Wetlands section);
- Include quantification of surface and groundwater contribution to the Great Lakes, identifying challenges, and finding sustainable solutions. Overall water balance of Great Lakes—St. Lawrence River system is the key driver and lacks emphasis in the draft Strategy (40).

Question #3: Does this draft Strategy lay out the right areas of focus and the right actions for the Government of Ontario to pursue on Great Lakes protection? Which actions are most important to you?

General comments

- Although we understand the province's fiscal restraints, we are concerned about inadequate levels of funding for current and future work outlined in this draft Strategy. For example, the Ministry of Natural Resources has a new boat on Georgian Bay that is supposed to be able to begin to assess the fish community for the first time but they do not have the funds to operate the boat;
- Future work should focus on areas and issues where the problems are well-defined AND there is a high likelihood of success, including areas where on-going activities have achieved clear results and success.

Protect and Restore Great Lakes biodiversity

Shorelines

- We are concerned that the whole will suffer if only priority areas or geographically-focussed initiatives are improved through shoreline regulations. Whether this will be adequate will depend on the number and the geographic scale of initiatives;
- The goal statement should include specific reference to shorelines i.e. improving wetlands, beaches, **shorelines**, and coastal areas. Some thoughts for a subsection to identify future actions as has been done for beaches, wetlands and coastal areas, are: shoreline naturalization programs through partners, education and communications on best management practices to enhance shoreline areas, identifying areas for protection and prescribing planning and by-law restrictions on new developments and activities; moving to one-window permitting to ensure consistency in approach to shoreline activities.etc;
- Shoreline alterations are noted as a pressure but potential solutions are never listed as with other impacts. This is a major issue for Great Lakes shoreline especially where 80%++ is hardened and already under private ownership. Further hardening needs to be better scrutinized and alternatives developed that meet the ecological requirements and protection of life and existing property.

Wetlands

- We are concerned that if Ontario's PPS review is not successful at achieving better protection for wetlands, there is no backup plan to address the scale of the problem of wetland loss;
- Other proposed actions specific to wetlands are positive, such as updating wetland data and mapping (45);
- We are pleased to see a commitment to support strategic partnerships such as the Eastern Habitat Joint Venture, and tools to encourage municipal engagement in wetland conservation (45).

Beaches

- Prioritize action where nearshore algae blooms occur;
- The overall discussion of beaches focuses in on human values and use as related to access, swimming and economics. There is no recognition of their diversity and rarity; e.g. there is only 35km of cobble beach left on Lake Ontario as related to natural habitats and functions. Even the endangered Piping Plover once nested on Lake Ontario beaches;
- Expand Beach Monitoring. Ontario should test water quality at more of the province's beaches, and communicate results to the public so they know what the significance is of the results, and of the

- contaminants tested;
- Utilize source track down testing at Ontario’s beaches with water quality problems, to help beach managers identify the sources of E. coli contamination, an important step in remediating upstream pollution at beaches;
- Create a strong beach promotion draft Strategy with a very clearly defined goal: for example, to ensure that all Great Lakes beaches are swimmable by the year 2020. The goal should be something that captures the imagination of the general public. An effective beach promotion draft Strategy would recognize that people are going to swim where they feel like swimming, and strive to ensure that
 - (a) the water is clean; and
 - (b) users have all the information they need to make informed decisions.

Natural Features / Natural Heritage

- There are no explicit protection measures for natural heritage including wetlands, other than the mention of protecting and restoring wetlands and natural habitats in the purposes section of the draft Strategy;
- We note the Province may consider certain ‘elements’ of provincial plans like the Greenbelt Plan for future actions to conserve wetlands (43); and stronger protection measures for coastal wetlands is a consideration during the on-going PPS review (44).

Improve water quality and quantity

- Improving LID is an important action. We are pleased to see “seeking environmental considerations such as use of LID early in municipal planning decisions, so that stormwater is considered as part of project design and approvals, not after the fact”(39);
- The support of new high-tech innovations to build new and upgrade sewage and water treatment plants, through pilots is helpful, but needs to be aggressively pursued over time;
- We like that the geographically-focused initiatives will allow for the setting of, for example, phosphorus discharge caps on Certificates of Approval on wastewater treatment plants in lakes suffering from excessive nutrient loads, where appropriate;
- Continue with hot-spot clean up, and monitor and enforce the toxic discharge regulations;
- Integration of actions across programs in Ontario to reduce of loadings of toxics to the Great Lakes— St. Lawrence River airsheds and watersheds is needed. Facilities contributing to these loadings should have consistent geographic reduction targets that are integrated into their:
 - a) pollution prevention plans (set out in regulations to the *Toxic Reduction Act*);
 - b) individual facility Certificates of Approval; and
 - c) sewer discharge permits;
 Regular reports to measure tangible reduction in loadings should be made publicly accessible.

Question #4: What targets would you suggest?

General comments

- The draft Strategy should recognize the role of local watershed or shoreline management plans in setting locally relevant quantitative targets.

Engage citizens and support vibrant waterfront communities

- It is understood that targets can be set on a geographically focused basis, or on a lake-wide, lake-specific basis;
- It is positive that targets will be based on both collaboration and science (31);
- Other potential targets include:
 - Increasing number of people involved within a community (this could be a very important driver, to help intergenerational learning, and prevent stakeholder burnout);
 - Improvements in sustainable resource practices.

Protect and Restore Great Lakes biodiversity

- Net gain in wetland extent across the Mixedwood Plains portion of the Basin by a specified timeframe e.g. 2017;
- Other potential targets: no net loss of forested areas in the Basin, increased number of Blue Flag beaches, acres of Greenbelt added, no new species added to the species at risk list, species taken off species at risk list, return of natural lake levels, reduction of forest fragmentation.

Improve water quality and quantity

- Water conservation targets should not be aspirational, they should be specific and related to stresses evident in the environment;

Question #5: What geographic areas do you see as the highest priority for action?

- The province should initiate a participatory process where representatives from different sectors and different geographic zones are brought together to compile criteria for selection. The criteria should then go out for broader consultation.

Question #6: Are there other opportunities for innovation to help protect the Great Lakes and create jobs?

General comments

- Move quickly to modernize the *Ontario Water Resources Act*, and Building Code to allow Low Impact Development technology innovation and use; coordinate with ministries of Municipal Affairs

- and Housing, Infrastructure, and the Growth Secretariat on this initiative;
- Make the connection to the “Green Tech” sector in this document, such as investing in renewable energy development, this sector’s contribution to Great Lakes health, and the importance of climate change mitigation;
 - A stronger, funded, conservation agenda would create jobs;
 - Invest in sustainable fisheries practices and business development;
 - Create tools and incentives for agricultural practices that reduce erosion, increase naturalized riparian areas, and reduce pesticide and fertilizer use in watershed planning processes;
 - Special efforts should be made to apply innovative green chemistry and the growing solutions in safer substitution (EU REACH programs) to accomplish reduction in Ontario Great Lakes loadings. The US EPA Design for the Environment Approach could be replicated in Ontario to prioritize actions.

Question #7: Does this draft Strategy include all the key partners who are needed to protect our Great Lakes?

General comments

- As an example of the strength of collaboration, Ducks Unlimited Canada is very well positioned to assist the Province in taking complimentary action on both the Canadian and US sides of the Great Lakes, as evidenced by the on-going successes of North American Waterfowl Management Plan and the Eastern Habitat Joint Venture;
- Conservation authorities could be key partners for every aspect of the Draft Strategy and are referenced throughout; they would provide a distinct watershed perspective at the Guardian Council table
- Engage academics in research on sustainable interventions and solutions, and outreach to youth as future great lakes leaders;
- Add Remedial Action Plans to the list where it mentions bi-national lake plans and strategies (43).

Other:

- We have concerns about water quality trading because it is unclear still what the parameters should be, what ratios we should accept, and the long term costs and impacts of various stewardship actions (40).
- We strongly support that Ontario’s commitments under the Great Lakes and St. Lawrence River Basin Sustainable Water Resources Agreement are coordinated with the Draft Strategy.

ⁱ Ducks Unlimited Canada, *Natural Values: Linking the Environment to the Economy, Forests*. (2006). p.2. Accessed at http://www.ducks.ca/conserves/wetland_values/pdf/nv10_for.pdf

ⁱⁱ Ontario Ministry of Infrastructure, *BUILDING TOGETHER: Jobs & Prosperity for Ontarians*, (2011). p.57.

ⁱⁱⁱ Ducks Unlimited Canada, *Natural Values: Linking the Environment to the Economy, Urban Natural Capital*, (2006). p.2. Accessed at http://www.ducks.ca/conserves/wetland_values/pdf/nv13_ur.pdf

^{iv} Office of the Auditor General, 2001 October *Report of the Commissioner of the Environment and Sustainable Development*. Accessed at http://www.oag-bvg.gc.ca/internet/English/att_c101sec5e_e_11716.html.

SIGNATORIES TO THIS SUBMISSION



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Encl.

Great Lakes Protection Act Alliance Statement of Expectations and Legislative Drafting Notes

Great Lakes Protection Act Alliance Backgrounders:

Green Space and Healthy Great Lakes

Connecting People to the Great Lakes

Working Together – Protecting Natural Resources and Their Functions

Human Health and the Great Lakes

Great Lakes Beaches

Integrated Governance

These documents are all available at:

<http://environmentaldefence.ca/campaigns/safeguarding-canadas-water/protecting-great-lakes>

Cc: Gord Miller, Environmental Commissioner of Ontario