

Protecting and Restoring the Ecological Health of Our Waters

Implementation expectations for 2017-18 from the Great Lakes Protection Act Alliance

Great Lakes Satellite - NASA image courtesy Jeff Schmaltz, MODIS Rapid Response Team at NASA GSFC

BACKGROUND

The Great Lakes Protection Act Alliance (Alliance) formed in 2011 to promote the need for new legislation in Ontario aimed at three key objectives:

- engage citizens and support vibrant waterfront communities and economies;
- protect and restore Great Lakes' biodiversity; and
- improve water quality and water quantity management.

Now that the Great Lakes Protection Act, 2015 (Act) is in force, the Alliance has turned its focus to implementation. The Alliance works to help achieve the purposes of the Act, which read (s1(1)):

- (a) to protect and restore the ecological health of the Great Lakes-St. Lawrence River Basin; and
- (b) to create opportunities for individuals and communities to become involved in the protection and restoration of the ecological health of the Great Lakes-St. Lawrence River Basin.

A well implemented Act has the potential to:

- Employ new planning and regulatory tools to better address the complex and challenging issues facing the Great Lakes now and in the future;
- Track and measure progress on improving Great Lakes health and holding responsible authorities accountable;
- Engage communities on identifying and resolving Great Lakes issues;
- Demonstrate provincial commitment to meeting targets outlined in agreements with neighbouring Great Lakes - St. Lawrence River states and province, and Canadian and U.S. federal governments;

- Focus public attention and government resources on the urgency of the issues at hand; and
- Align priorities and science/evidence based decision-making across provincial ministries.

We are pleased to see progress toward implementation of the Act since it came into force in November 2015, including:

- Two meetings (March and October 2016) and one gathering (August 2016) of the Great Lakes Guardians' Council (Council)
- Meetings of the Council's Knowledge Integration Working Group
- Setting a target on Reducing Phosphorus to Minimize Algal Blooms in Lake Erie of 40 per cent by 2025
- Seeking input on a proposed Canada-Ontario Action Plan for Lake Erie (comments due May 9, 2017)

To fully realize the purposes of the Act, much more will need to be accomplished. Below are our expectations for implementation for 2017-18. Our expectations are consistent with our earlier submissions and seek to focus on the key elements necessary to fulfill the purposes of the Act.

Establish a new and innovative community and public engagement model to ensure both core purposes of the Act are achieved by 2017

One of the Act's two core purposes is to engage individuals and communities in the effort to protect and restore the ecological health of the Great Lakes – St. Lawrence River Basin in Ontario. Our expectations for a new engagement model are high. Meaningful engagement requires that the community is engaged from the beginning and throughout the process.

The development of plans and programs for implementation should not occur in a “black box” within the Ministry of Environment and Climate Change (MOECC), with public consultation only coming at the end through Environmental Registry notices. It is not helpful to wait until the triennial progress reports to reveal engagement efforts. We expect the MOECC to become much more open and transparent, in keeping both with the purposes of the Act and the province's Open Government Initiative. As well, we expect that the MOECC will seek to develop interesting and innovative ways to encourage recognition and celebration of the importance of ecological health within the Great Lakes - St Lawrence River Basin.

In order to meet the purpose of the Act, the process for considering targets and geographically-focused initiatives (GFIs) that are suggested by the public (via section 30) must be open and transparent.

We understand that the MOECC has developed a Public Request to Minister form that members of the public can use to propose ideas about targets and GFIs; however, the form is not well profiled and is challenging to find (assuming that it is known to exist).

In addition to the form that has been created, we recommend a process that:

- i. sets out the criteria that will be used in assessing the requests;
- ii. commits a response within a reasonable amount of time (60 days);
- iii. makes the content of requests and the government's responses public (while keeping the identity of the requester private), in order for the public to be aware of decisions that have been made and thereby increase the effectiveness of the engagement by avoiding duplication of effort (both on the part of the public and the government).

An online registry could be created to support the process. While the Environmental Registry established under the Environmental Bill of Rights, 1993 could be used (information notices), we recommend a separate Great Lakes Registry, in order to allow for easy access. We understand that an online portal is being contemplated. In addition to hosting information about the section 30 requests as outlined above, we expect that the portal will be a tool for awareness raising, potentially to draw people into considering the ecosystem health of the entire Basin when making decisions (e.g. about voting, development, or purchasing). We also expect that this portal will not be used as an information dump of all reports, etc. regarding the Great Lakes - St Lawrence River watersheds.

Further, the Act contains commitments to monitoring and reporting (section 7) and engaging individuals and communities in protection and restoration of ecological health (subsection 1(1)). Both these commitments can be pursued by partnering with organizations that enable and promote citizen science. Examples include ACER (citizen science, community mapping, Planting For Change, Riparian Rangers), Nature Canada (Yard Map), and Federation of Ontario Cottagers Associations (water monitoring).

Finally, we suggest that the MOECC hold regular meetings, on a quarterly or semi-annual basis, with the Alliance to share mutual progress, ideas and suggestions.

Energize and reframe the Great Lakes Guardians' Council to better reflect the engagement purpose specified in the Act by 2017

The Act requires that the Council be a forum for: identifying priority actions, funding, partnerships; information sharing; and, obtaining input on targets and GFIs, criteria for selecting/prioritizing GFIs, and inter-jurisdictional agreements (s 4(4)). The Alliance views the Council as a key way in which multiple ministries in the Ontario government will be able to work together and shape implementation efforts based on the broad input of the different representatives.

We view this opportunity as requiring a new approach, one that reflects the engagement purpose of the Act. As such, we are seeking to ensure that the Council is: meeting regularly (more often than the legislated requirement of once per year); engaging the public by sharing agendas, notes for meetings, and seeking ideas for topics that need to be addressed; and determining what is involved in identifying priority actions, funding, and partnerships (priorities for Council? Government?). Further, we recommend that a working group be established under the Council that will make recommendations regarding effective public engagement regarding the Act (see also the engagement suggestions above).

Initiate new target(s) and associated action plans to address specific issues by 2018

The Act enables target setting and action plans (section 9). With the exception of setting a target that assists in the reduction of algal blooms, target setting and action plans are discretionary. If significant progress is to be achieved in meeting the purpose of the Act, more targets and action plans will be needed. Members of the Alliance suggest that work toward new target(s) ought to be initiated by 2018 and progress regarding the identification and implementation of new targets be included in the upcoming review of Ontario's Great Lakes Strategy (required under the Act to be undertaken before December 17, 2018). We suggest that future targets ought to include the following, and we are willing to work with the MOECC to refine these ideas:

- Retaining enough natural heritage, including forests and wetlands, to safeguard both regional biodiversity and hydrologic norms, and which must take into account the need for resilience in a changing climate;
- Using green infrastructure where natural heritage has been heavily impacted by development. Examples of green infrastructure could include restored forests and wetlands, the use of linear stormwater storage areas and other forms of Low Impact Development. These features can be used in urban or urbanizing areas and upstream of urban areas in rural areas;
- Upgrades to wastewater treatment infrastructure to reduce pollutants released into the Great Lakes and tributaries. The province should prioritize investments that meet the purposes of the Act and leverage federal funding, eg. through the Clean Water and Wastewater Fund.
- Pollution prevention in general, as well as enhanced management for chemicals of emerging concern.



Initiate Geographically-focused Initiative(s) by 2018

The Act enables the development of GFIs (Part VI). GFIs have the potential to be a very effective tool for addressing complex threats to the health of the Great Lakes ecosystem. Members of the Alliance have advocated for ensuring that GFIs are established for every Great Lakes – St Lawrence River watershed and that three to five GFIs be initiated within the first five years after the Act was passed.

As such, we strongly recommend that at least one GFI be initiated by 2018 and that progress regarding the identification and selection of potential GFIs, as well as the status of any initiated GFIs, be included in the upcoming review of Ontario's Great Lakes Strategy (required under the Act to be undertaken before December 17, 2018). Further, in the interests of transparency and accountability, notice with an up-to-date status of all proposals for initiatives and development of initiatives at all stages ought to be publicly accessible at all times. We are willing to work with the MOECC to refine the following suggested criteria for identifying and selecting GFIs:

- Issue(s) to be addressed in a GFI is (are) not currently adequately addressed by another policy, plan, or program;
- Issue(s) to be addressed require (requires) urgent action;
- Existence of interested and engaged community members and local public body (or bodies) that are ready to tackle the issues in a collaborative manner; and
- Support of local First Nation and/or Métis communities.

Identifying issues/watersheds in need of urgent action could be determined through review of scientific research, from various agencies, universities, and organizations. A good example of the last in this list is WWF Canada's Watershed Reports (<http://watershedreports.wwf.ca>).

Continue to complete and expand work on addressing algal blooms by 2018

All of our recommendations above should in no way be seen as taking priority or supplanting work that is underway to address algal blooms in the western and central Lake Erie basins. We expect the Canada-Ontario Action Plan for Lake Erie to be completed on time (by February 2018), and that implementation of the plan be underway by that time (which includes appropriately allocated funding and staff support). We also expect that efforts to address algal blooms will be expanded over the next two to three years to include eastern Lake Erie, Lake Ontario, and other lakes, rivers and tributaries throughout the basin that suffer from nuisance and harmful algal blooms. For details regarding the Alliance's comments on the Lake Erie target, please refer to our submission: http://www.cela.ca/sites/cela.ca/files/1090-EBR_%20012-8760_GLPAA_comments.pdf.

Commitment to adequate resourcing to implement the Act by 2018

The Act requires that action plans be created for any targets set (s 9(5)). It is crucially important that the government commit to ensuring that any action plans are funded to ensure full implementation and afford the best opportunity for achieving the target(s).

As well, the Act provides for a new legislated mandate for the MOECC which must be accompanied by adequate resources to ensure the purposes of the Act are fulfilled. New dedicated funding is needed, both for the MOECC as the lead and for other Great Lakes ministries (eg, the Ministry of Natural Resources and Forestry for wetlands and biodiversity). For MOECC in particular, there needs to be resources to enable meaningful engagement with individuals and communities.



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