

Great Lakes Protection

Ministry of the Environment



Purpose



- The Great Lakes are vitally important to Ontario families and communities for our drinking water, our quality of life, and our prosperity. We need to keep them healthy now and for our future.
- As part of its Throne Speech, on November 22, 2011, the government committed to “*follow through on its goal to become the continent's water innovation leader by 2015 and work with environmental experts and community groups to develop and introduce a Great Lakes Protection Act.*”
- Building on existing legislative and policy frameworks, including the Great Lakes agreements, and work to date, the government introduced the proposed Great Lakes Protection Act, into the legislature on June 6, 2012 and also released a draft Ontario’s Great Lakes Strategy for comment.
- The proposed Great Lakes Protection Act is about creating opportunities for communities to make improvements in their corner of the Great Lakes, improving water quality and protecting beaches, wetlands and coasts.
- We want all Ontarians to be Great Lakes Guardians – help to make sure our lakes are drinkable, swimmable, fishable.

All Ontarians have a stake in the ecological health of the Great Lakes. The Government of Ontario seeks to engage Ontarians in its protection and restoration.



Protecting the Great Lakes



While the health of the Great Lakes has improved in some areas, other areas have seen a decline.

Beach Closures and Algae

- Degrading shorelines and waterfronts
- Beach postings
- Waterfronts covered in filamentous (nuisance) algae (green slime)
- Massive blooms of potentially toxic blue-green algae (Lake Erie)

Invasive Species

- Food web changing, decline in fisheries
- Clogged water intakes
- More pathogens
- Risk of new invaders: Asian carp

Population Growth

- Increased stormwater and wastewater, treatment not keeping pace
- Loss of natural cover
- More water consumption



Natural Heritage

- Loss of critical habitat
- Declining coastal health
- More species at risk
- Loss of natural and cultural heritage

Harmful Pollutants

- Chemicals of emerging concern (e.g. some flame retardants, pharmaceuticals)
- Continued fish consumption restrictions
- Reproductive/ immune impairment in some wildlife
- Potential human health impacts

Climate Change

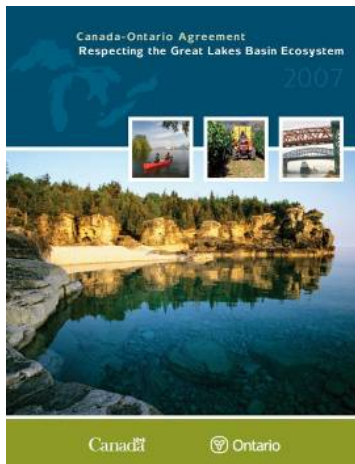
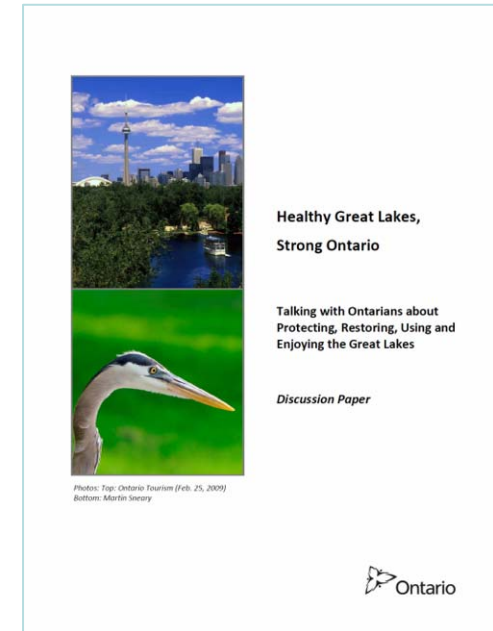
May impact:

- Lake levels
- Water availability
- Intensity of storms
- Stressed infrastructure
- Increased flooding-basements

Context



- In 2009, the province released and consulted on a “Healthy Great Lakes, Strong Ontario” discussion paper, which included a proposed Great Lakes Vision, Goals and Strategies.
- Canada and the U.S. also announced they would be updating the Great Lakes Water Quality Agreement (GLWQA). Ontario was engaged in the domestic negotiation process to ensure its priorities for the GLWQA were reflected in a revised Agreement. Canada and the US signed an amended GLWQA on September 7, 2012.
- Ontario is working to negotiate a new Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA). The existing COA expired June 24, 2012. Work will continue until a new agreement is in place, anticipated in 2013.



- Since the Throne Speech announcement to introduce Great Lakes protection legislation, the Minister held listening sessions with Great Lakes municipalities, environmental organizations, industry, agricultural and recreation sector, and has met with First Nation communities and others.
- The Ministry is committed to continuing to listen to its partners' suggestions and to working together to protect the Great Lakes.

Building on Engagement to Date



- Hosting meetings, bringing First Nations communities together to discuss policy initiatives, for example:
 - COA extension meeting, Toronto, February 2011
 - 4 engagement sessions on “Healthy Great Lakes, Strong Ontario” Discussion Paper (August & October 2009, January & February 2010)
 - Anishinabek Water Information Sessions on Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (March, May & July 2009)
- Sponsoring First Nation events, for example:
 - First Nations Water Policy Forum (October 2008)
 - Indigenous Water Gathering (August 2011)
- Sharing information on an ongoing basis (i.e. First Nations - MOE Water Directors teleconference calls, ongoing since 2009)
- On May 16th the Minister of Environment met with First Nations communities to discuss the proposed Act before introduction
- In the summer of 2012, the Ministry hosted nine engagement sessions and attended 5 First Nation Pow Wows with First Nations communities and stakeholders to share information and gather feedback on the proposed Great Lakes Protection Act and Ontario’s Draft Great Lakes Strategy.

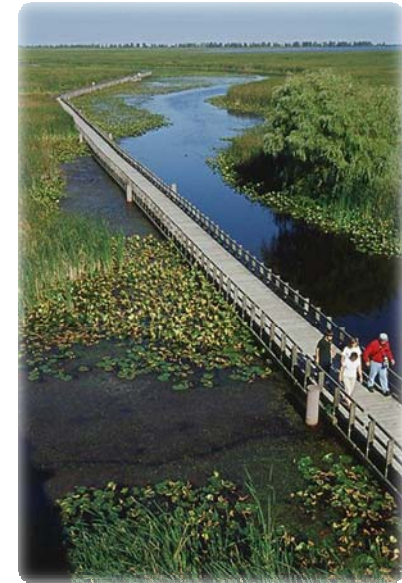


Principles Guiding Act Development



Based on what we heard from First Nations communities and stakeholders, the proposed legislation was guided by the following principles:

- **Set direction and address priority areas** – provide strategic direction and focus on priority issues and stressed areas in light of large geography and complex issues within basin
 - identify impacted or vulnerable areas for action
 - protect natural heritage
 - address water quality stressed areas
 - manage water quantity
 - address nearshore issues and protect coastal values
- **Use a phased approach** - be able to develop policies and plans over time, on a priority basis, given limited resources
- **Be efficient by building on existing tools and governance**
- **Following consultation, provide authority to impact legal instruments** (e.g. MOE approvals, land use planning approvals) **to support achieving desired outcomes**
- **Empower communities** - enable communities to be empowered to take meaningful actions and to build partnerships
- **Address cumulative impacts** - by setting direction on an ecosystem basis



Elements of Proposed Act



- Although there is a robust environmental protection framework in place, there is a need to fill key gaps and to strategically coordinate existing legislative tools and other actions to protect the Great Lakes.
- The Great Lakes Protection Act, if passed, will provide additional protective measures to address Great Lakes priority issues and areas. If passed, the proposed Act will:
 - establish a **Great Lakes Guardians' Council**, as a forum to improve collaboration
 - require the establishment of **Ontario's Great Lakes Strategy**
 - provide authority to set **Great Lakes targets**
 - provide authority to take phased, targeted action on priority areas through **Geographically-Focused Initiatives** and regulation making authority to develop a **shoreline regulation**
- The Ministry intends to avoid duplication, building on the strengths of current policy framework and inter-jurisdictional work, while addressing priority areas.



Preamble & Part I: Purposes



- **Preamble:** provides a statement on the importance of the Great Lakes to the well being of Ontarians, including provision of drinking water, fish and wildlife, its economic importance, global significance, and also recognizes that First Nations communities within the basin maintain a spiritual relationship with water.

Section 1 of the Act, the **purpose** clause, clearly states the province's roadmap for Great Lakes protection :

- 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 the protection and restoration of the ecological health of the Great Lakes St. Lawrence River Basin



The purposes of the proposed Act also include to:

- protect human health and well being
- protect and restore wetlands, beaches and other coastal areas
- protect and restore the natural habitats and biodiversity
- support science relating to climate change and other environmental stresses
- enrich the quality of life in communities through support of environmentally sustainable economic opportunities and innovation and through environmentally sustainable use of natural resources.

Interpretation



- Section 2 would re-affirm that the Act does not abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982
- Recognizing Traditional Ecological Knowledge: Section 28 would provide that First Nation and Métis communities that have a historic relationship with the Great Lakes-St. Lawrence River Basin may offer their traditional ecological knowledge for the purpose of assisting in anything done under the Act.
- Section 3 would set out the proposed definitions and other interpretation clauses, including:
- **Geographic scope of Act:** The Great Lakes-St. Lawrence River Basin would mean the part of Ontario, the water of which drains into the Great Lakes or the St. Lawrence River, including the parts of the Great Lakes and of the St. Lawrence River that are within Ontario (this includes the Ottawa River).
- **Great Lakes Ministers:** Ministers responsible for ministries that are involved in the development or implementation of Ontario's Great Lakes Strategy. These Ministers would be collaborate on the development of Ontario's Great Lakes Strategy and would be consulted on Great Lakes targets.
- **Public body:** Include municipalities, local boards or conservation authorities, provincial ministries, boards, commissions, agencies, and source protection authorities or committees.



Part II: Guardians Council



Section 4 establishes a **Great Lakes Guardians Council**, as a forum to:

- identify priorities for actions to achieve the purposes of this Act;
 - identify projects, potential funding measures and potential partnerships;
 - facilitate information sharing; and
 - give the Minister of the Environment an opportunity to obtain input from individuals participating in the Council on matters, including:
 - targets,
 - development or implementation of initiatives,
 - inter-jurisdictional agreements.
- The Minister of the Environment would extend invitations to participate on the Great Lakes Guardians Council to Great Lakes Ministers.
 - Other partners invited to participate on the Council could include municipalities, representative of interests of First Nation and Métis communities, environmental organizations, scientific community and the industrial, agricultural, recreational and tourism sectors and other interests (e.g. which could include business; community groups; Federal Minister of the Environment)
 - The Council would help improve coordination around the Great Lakes by encouraging stakeholder involvement, gaining the benefit of expertise, allowing for greater partnerships to be built, and ultimately would lead to more collaborative actions.

Part III: Ontario's Great Lakes Strategy



- Section 5 would require the establishment of Ontario's Great Lakes Strategy, developed through collaboration across Great Lakes Ministries. It would also require it be reviewed, consulted on and amended at least every nine years.
- Section 6 would require the Strategy to include:
 - A summary of environmental conditions
 - Goals of the Strategy
 - A summary of actions taken to achieve the purposes of the Act
 - Priorities for future actions to be taken
- Section 7 would require periodic progress reports which would describe:
 - Recent actions to address the Strategy's priorities
 - Any targets established, and any geographically-focused initiatives proposed or approved, under the Act
 - Priorities in the Strategy that should be the focus for future action by public bodies



Part IV: Targets



- Section 8 would provide authority for the Minister of the Environment to set **Great Lakes targets**.
 - Setting clear targets or outcomes would help all partners coordinate their efforts.
 - Targets may be quantitative (i.e. numeric) or may be qualitative (e.g. reduce phosphorus, improve beaches, manage cumulative effects of water takings)
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- The Minister of the Environment may direct public bodies to provide information or otherwise support development of targets.
 - The Minister of the Environment would have to consult with Great Lakes Ministers prior to establishing a target and may ask for advice on setting targets (e.g. from other public bodies or Great Lakes experts)
 - Targets would specify the area to which they apply and how public bodies with jurisdiction in that area should take the target into consideration.
 - Great Lakes targets are important to help manage the cumulative impacts of activities on the Great Lakes.

Parts V & VI: Geographically-focused Initiatives



- The proposed Act is enabling legislation. The proposed Act would provide authority to develop geographically-focused initiatives, which could target:
 - **stressed areas** (e.g. Thames River or Grand River and other watersheds in Lake Erie; southeast shores of Lake Huron; western basin of Lake Ontario) and
 - **priority issues**, such as excessive algae, protection of important Great Lakes habitat, or coordination of efforts to improve beaches.
- Initiatives could build on existing work, combining and aligning resources and coordinating efforts from different partners in Great Lakes protection.
- These initiatives could be developed by the province or another public body (such as a municipality or conservation authority), through a collaborative process.
- The initiatives would include (Section 19):
 - **legally enforceable policies** - that can affect government permits and approvals. For example, if the Initiative was focused on protecting a coastal area, a policy could require that construction along the shoreline does not go too close to the water's edge but leaves some green space (similar to the approach in the Lake Simcoe Protection Plan); and/or
 - **recommendations for a shoreline regulation** – policies which recommend the development of a shoreline regulation, such as protection of vegetated areas along shorelines, site alteration, and invasive species disposal, to protect sensitive shoreline area.
- The initiatives could also include **general policies and commitments** - such as programs to promote good stewardship, education and outreach, best management practices, research

Part V: Proposals for Initiatives



The steps in developing an Initiative include the following:

1. **Consultation and collaboration:** Before directing a public body to prepare a proposal for an initiative, Section 9 would require that the Minister of the Environment consult, as appropriate, with other Great Lakes Ministers, representatives of the interests of public bodies with jurisdiction within the geographic area, representatives of First Nations and Métis communities and other interests. The Minister would also be required to table the proposal at a meeting of the Council.
2. **Minister may direct public body to develop a proposal:** Subsection 10 (1) and (2) would provide the Minister of the Environment with the authority to direct a public body to develop a proposal for a geographically-focused initiative. Section 11 would specify the contents of a proposal for an initiative. A proposal would contain a description of the proposed:
 - area to which the initiative would apply,
 - issues it would address,
 - objectives,
 - types of policies that would be included in it to achieve its objectives,
 - the public body or public bodies that would be responsible for its development, and
 - consultation that would be undertaken during its development, including a plan for engaging First Nations and Métis communities.The draft proposal would be posted on the EBR for consultation.
3. **Minister to submit the Proposal to Cabinet for approval:** Section 12 and 13 would provide for approval of the proposal by Lieutenant Governor in Council. Notice of the decision would be posted on the EBR. Section 14 would specify how amendments could be made to an approved proposal.

Part VI: Initiatives Development



4. **Public body to develop the Initiative:**

Section 15 would require public bodies identified in the proposal to develop the Initiative.

The public bodies leading the development of an Initiative would decide what types of policies to include, in consultation with others who may be impacted.



5. **Submission of the Initiative for final approval:** Section 16 to 18 would provide options to the Minister of the Environment and Lieutenant Governor in Council for approval of a draft initiative once it is submitted.

The public body that developed the Initiative would submit the Initiative to the Minister who would post the draft Initiative on the EBR for consultation.

If and once approved by Lieutenant Governor in Council, notice of the decision, including the final Initiative, would be posted on the EBR.

Part VI: Initiatives Conformity



- Designated policies included in an Initiative would be provided legal effect through the following provisions in the proposed Act:
 - **Planning Act, Condominium Act and Prescribed Instruments:** would require relevant decisions and instruments to conform with or have regard to relevant policies (Subsection 20 (1) and (2), 23 and 24)
 - **Conflicts with Other Policies:**
 - would state that these policies prevail in the case of conflict between a designated policy set out in the initiative and an official plan, zoning by-law, or policy statement under the Planning Act (Subsection 20 (3)).
 - would state that where there is a conflict between a designated policy and a provincial plan or policy, the provision that provides the greatest protection to the ecological health prevails (Subsection 20 (4) and (5)).
 - **Official Plan Conformity:** would require that a municipality amend its official plan to conform with designated policies (Sections 21 and 22).



Ontario's Draft Great Lakes Strategy: Where We Are Headed



- The draft Strategy describes the proposed Great Lakes Protection Act, a vision and Goals, and priorities for action to address the Goals
- The Vision: Healthy Great Lakes for a stronger Ontario – Great Lakes that are drinkable, swimmable and fishable.
- To achieve that vision, the Province is seeking to protect and restore the ecological health of the Great Lakes and St. Lawrence River Basin. This purpose is addressed through six Great Lakes goals:
 - **Empowering communities** through opportunities for individuals and communities to become involved in protection and restoration of ecological health
 - **Protecting water** – to protect human health and well-being through protection and restoration of ecological health
 - **Improving wetlands, beaches and coastal areas**
 - **Protecting habitats and species** – biodiversity
 - **Enhancing understanding and adaptation** – science related to existing and emerging stressors, such as climate change, to improve understanding and management
 - **Ensuring environmentally sustainable economic opportunities and innovation** – includes environmentally sustainable use of natural resources

The draft Strategy describes a proposed focus for future Ontario action, to support each goal

1. Empowering Communities



- Individuals, communities and governments can all play a role in protecting the Great Lakes from the cumulative impacts of activities across the landscape
- This Goal also focuses on providing opportunities to enjoy, benefit from and connect with the Great Lakes

Proposed focus for future Ontario action includes:

- Developing a program to help fund small-scale local community actions
- Action under the proposed Great Lakes Protection Act, if passed: involving local communities in helping set priorities through geographically-focussed initiatives, and establishing a Great Lakes Guardians' Council as a forum to help align efforts
- Creating more opportunities for Great Lakes experiences
- Relationship building and shared work with key partners including First Nations and Metis communities, Great Lakes municipalities, conservation groups, the federal government, U.S. jurisdictions, and drinking water source protection partners

2. Protecting Water



- A key priority in the draft Strategy is protecting the quality and quantity of Great Lakes water

Proposed focus for future Ontario action includes:

- Using new tools under the proposed Great Lakes Protection Act, if passed, to address water protection through setting targets and empowering focused action in a particular geographic area
- Strengthening municipal water, wastewater and stormwater management, including collaboration on drinking water source protection and work with municipalities on stormwater and sewage bypasses
- Managing rural non-point sources of nutrients with a potential focus on priority geographic areas
- Improving water quantity management, e.g. Ontario's commitments under the Great Lakes and St. Lawrence River Basin Sustainable Water Resources Agreement
- Protecting water quality including support for local actions and collaboration with the federal government

3. Improving Wetlands, Beaches, Coastal Areas



- Wetlands, beaches, waterfronts and other coastal areas are important: they are where people meet the lakes, and are biologically important as well. These areas are also where pressures on the lakes are most evident.
- The flexibility of the proposed Great Lakes Protection Act would allow focused action to target different issues in different ways, in different parts of the Great Lakes.

Proposed focus for future Ontario action includes:

- Under the proposed Great Lakes Protection Act, if passed, launching discussions on establishing the first geographically-focused initiatives
- Working with partners to enhance the enjoyment and protection of beaches
- Supporting wetlands protection and restoration
- Addressing other priority coastal areas including work with partners to develop a shared nearshore framework, promoting sustainable coastal recreation, and addressing key challenges in Areas of Concern



4. Protecting Habitats and Species



- The draft Strategy supports biodiversity protection, restoration and conservation, and addresses invasive species.

Proposed focus for future Ontario action includes:

- Protecting habitats and species – including:
 - Improving habitat protection and restoration methods
 - Completing and implementing binational biodiversity conservation plans for each of Ontario's four Great Lakes
 - Collaborating to support the establishment of the Lake Superior National Marine Conservation Area
- Addressing invasive species – with a focus on:
 - Preventing new invaders
 - Detecting new invaders and responding rapidly
 - Managing and adapting to invaders that have become established



5. Enhancing Understanding and Adaptation



- Science is the foundation for achieving each of the other Goals of the draft Strategy
- Science must consider past, present and future stresses, including building our understanding of climate change and supporting adaptation

Proposed focus for future Ontario action includes:

- Delivering needed science through research, collaboration and long-term monitoring, and the integration of different types of knowledge into decision making
- Sharing and communicating science
- Addressing climate change impacts and supporting adaptation

6. Environmentally Sustainable Economic Opportunities & Innovation



- Ontario's Goal is to enrich quality of life in Great Lakes and St. Lawrence River Basin communities through environmentally sustainable economic opportunities
- Economic research shows that actions to keep the Great Lakes healthy can also bring a high economic return on investment

Proposed focus for future Ontario action includes:

- Supporting the development of innovative water technologies, services and practices
- Promoting tourism and recreation opportunities
- Ensuring environmentally sustainable resource use

Thank You



Ontario's Draft Great Lakes Strategy and proposed Great Lakes Protection Act were posted on the Environmental Registry for comment until August 7, 2012. You can also find them at:

www.ontario.ca/healthygreatlakes

- Protecting the Great Lakes is a shared opportunity.
- The Province looks forward to working with all of its partners and those who live, work, and play in the Great Lakes as we move forward.
- First Nation communities are invited to provide additional input on the Great Lakes proposals on October 25th in Sault Ste. Marie.

