

Discussion Paper

March 2008



Protecting Lake Simcoe

Creating Ontario's Strategy For Action

Protecting our environment.



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Protecting Lake Simcoe: Creating Ontario's Strategy for Action

Lake Simcoe is an important part of Ontario's natural and ecological heritage, it supports an important tourism industry and recreational fishery, is a source of drinking water for local communities, receives wastewater from sewage treatment facilities, and provides many recreational opportunities for visitors and residents alike. The Lake Simcoe watershed (or drainage basin) supports valuable agricultural industries and is home to more than 350,000 people. Aboriginal People have a strong and longstanding connection to this landscape. Over time, diverse communities of Aboriginal People have inhabited the Lake Simcoe area.



The Lake Simcoe watershed ecosystem has experienced broad change and faces growing pressures on its water quality and general ecological health. Pressures are wide-ranging and are found throughout the watershed, including excessive nutrients, pollutants, invasive species, impacts of climate change and pressures from population growth. The province is proposing to develop a comprehensive strategy to protect Lake Simcoe, enabled by proposed legislation that builds on the good work already completed.

The provincial government has recently put in place new environmental, land use planning, and growth management frameworks through the *Clean Water Act 2006*, the *Safeguarding and Sustaining Ontario's Water Act 2007*, the *Nutrient Management Act 2002*, the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe 2006, the Provincial Policy Statement 2005, and reforms to the *Planning Act*. The government is proposing to develop a Lake Simcoe Protection Strategy that builds on these existing frameworks to protect the health of the lake and ensure that future growth in the Lake Simcoe watershed occurs in a sustainable manner.

How can residents, business and communities, governments, and all those who have an interest in Lake Simcoe work together to ensure that the lake's environmental future is protected, along with its recreational, cultural, and economic significance?

The Ontario government wants you to take part in a discussion about this very important question. Your ideas will help create a comprehensive strategy to protect Lake Simcoe, including proposed legislation.

Here's how you can get involved:

- Read this discussion paper. It describes the key issues that are being considered as a strategy for Lake Simcoe is being developed.
- Respond to the questions raised in this paper. For instructions, see page 21.
- Participate in a consultation session or other planned activity.

What's Been Done So Far in the Lake Simcoe Watershed?

At the community level, much good work has been done:

- The Lake Simcoe Environmental Management Strategy (LSEMS)¹, a voluntary multi-agency partnership that involves provincial ministries, the federal government, the Lake Simcoe Region Conservation Authority, municipalities in the watershed², and the Chippewas of Georgina Island First Nation³, and that engages the watershed community, has achieved a great deal since it was formed in 1990. You can read more about the progress made under the LSEMS at: www.lsems.info/about/progress.html.
- There have been many investments and actions that have had a positive impact on the lake including sewage treatment plant upgrades, stormwater management retrofits, aquatic habitat improvement, environmental farm plans, improved agricultural management practices, and a variety of other stewardship activities.
- The Intergovernmental Action Plan (2006)⁴ consisted of a series of studies undertaken by the Province of Ontario in partnership with the municipalities in Simcoe County, Barrie and Orillia to address common concerns regarding growth, environmental, and servicing pressures in Simcoe County. One of the studies, called an assimilative capacity study⁵, helped provide a better understanding of the potential impacts of existing and planned land use activities on the water quality of Lake Simcoe and its tributaries.

But more work is needed and tough choices must be made to maintain these past advances, and continue on a path towards a healthy lake.

¹ Lake Simcoe Environmental Management Strategy: www.lsems.info

² The municipalities in the Lake Simcoe Watershed include: York Region: www.york.ca, Durham Region: www.region.durham.on.ca, County of Simcoe: www.county.simcoe.on.ca, City of Kawartha Lakes: www.city.kawarthalakes.on.ca, City of Barrie: www.barrie.ca, City of Orillia: www.city.orillia.on.ca

³ Chippewas of Georgina Island First Nation: www.georginaisland.com

⁴ Intergovernmental Action Plan: www.county.simcoe.on.ca/municipalservices/planning/currentinitiativesstudiesandstatistics/intergovernmentalactionplan/index.htm

⁵ Assimilative Capacity Study: www.assimilativecapacity.info

Where are We Going?

The Ontario government recognizes the importance of Lake Simcoe and is committed to taking strong action to protect the Lake Simcoe ecosystem, including its water quality, for the long-term. It is moving forward with the development of a long-term strategy that would be based upon:

- consideration of the broad range of societal values associated with the Lake Simcoe watershed, including the environment, recreation, the agricultural economy, and sustainable growth
- science
- an approach that allows for continuous improvement by adapting to what is learned from ongoing science and monitoring (i.e., an adaptive management approach)
- the use of consistent and coordinated policies, programs, and other management approaches on a watershed basis
- the use of a variety of regulatory and non-regulatory management tools, which build on the existing provincial regulatory frameworks and enable the use of new regulatory tools where necessary.

The government proposes to:

- build on the findings of scientific and community planning studies undertaken in recent years
- raise the bar for sewage treatment standards and set strict limits on pollutants such as phosphorus
- create a new governance structure including consideration of the work of the Lake Simcoe Environmental Management Strategy Working Group
- promote sustainable recreational opportunities while protecting the health of the lake.



Already, in December 2007, the government has taken immediate actions, including:

- an \$850,000 investment in studies and innovative projects on the management of non-point sources of phosphorus
- a proposed regulation that places stricter limits on phosphorus discharges into Lake Simcoe and its watershed tributaries from municipal and industrial sewage treatment plants, prohibit the establishment of new industrial or municipal sewage treatment plants in the watershed, and set strict design standards for any new stormwater management facilities servicing new developments.⁶ These regulatory proposals are now law. These limits are in place until the end of March 2009.

In developing a long-term strategy, in addition to seeking your comments through the release of this discussion paper, the Ontario government is:

- establishing a multi-disciplinary science advisory committee that will help ensure that the long-term strategy is based on the best available science
- establishing a stakeholder advisory committee that will provide advice on key aspects of the Lake Simcoe protection strategy – it will include representatives of the agricultural, tourism, and fisheries-related businesses, the development community, environmental advocates, as well as the municipal sector and the Lake Simcoe Region Conservation Authority
- inviting opportunities for discussions with Aboriginal communities that have an interest in the development of the Lake Simcoe protection strategy
- holding public and stakeholder meetings and workshops.

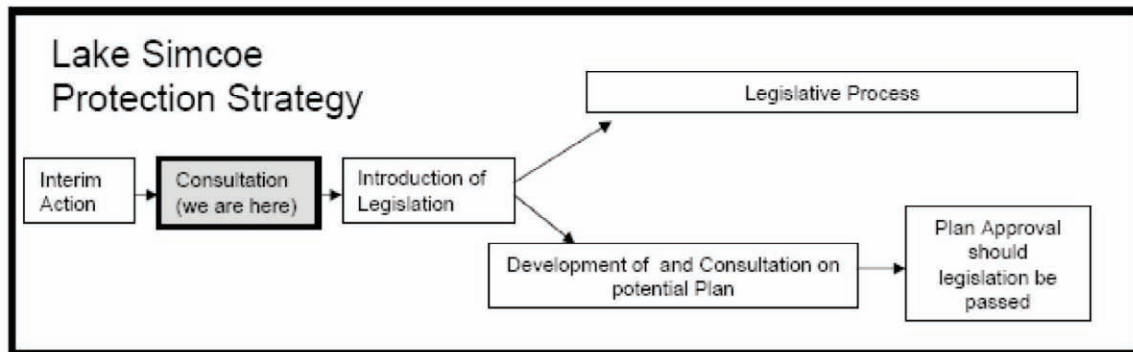
The long-term strategy is likely to have several components, including the proposal for legislation and a “Lake Simcoe Protection Plan” (Protection Plan) that would be developed and implemented within the framework established by the legislation, both described in more detail below.

Overall, the process being followed can be divided into two broad phases:

1. Development and introduction of proposed legislation.
2. Development of the Lake Simcoe Protection Plan in accordance with the proposed legislation.

Consultation will be an important component of both phases. As illustrated in the diagram below, we are seeking public input from the start. It is estimated that this process would take about 12 months.

⁶ This proposal was placed on the Environmental Bill of Rights (EBR) Registry for public consultation for 60 days between December 6, 2007 and February 4, 2008 (EBR Registry Number 010-2246). Information on this proposal is available on the EBR website: www.ebr.gov.on.ca



The Path Forward

It is now time to start creating a comprehensive long-term protection strategy for Lake Simcoe. We want everyone who is interested in the future of Lake Simcoe to take this opportunity to bring forward ideas, provide suggestions, and to be involved in developing this strategy.

A lot of work has been done on Lake Simcoe by the provincial government, the Lake Simcoe Region Conservation Authority, other agencies and researchers that provides a strong scientific foundation for moving forward. You can access additional information about Lake Simcoe on the Ministry of the Environment's website at: www.ene.gov.on.ca and the Lake Simcoe Environmental Management Strategy website at: www.lsems.info

We will be building on this foundation as well as the experience of other jurisdictions as we develop our strategy to improve and protect the health of the Lake Simcoe watershed.

Please read through the rest of this discussion paper. It describes what we know about the problems currently facing Lake Simcoe. It breaks the issues out into five discussion points, each with a set of questions and background to guide your response:

- **Discussion Point 1: A Proposed Goal for the Lake Simcoe Protection Strategy**
- **Discussion Point 2: What could a Lake Simcoe Protection Plan Cover?**
- **Discussion Point 3: What Funding Mechanisms are Available/Necessary?**
- **Discussion Point 4: Towards a Proposed New Implementation Partnership**
- **Discussion Point 5: What could the proposed Legislation to protect Lake Simcoe look like?**

Your participation and input will form an important part of our examination of the issues facing Lake Simcoe as well as the development of a long-term strategy.

For your convenience, a summary of the questions asked in the discussion paper is included in an appendix.

What We Know About the Problems Currently Facing Lake Simcoe

The Lake Simcoe watershed contains significant natural, urban and agricultural systems including those on the Oak Ridges Moraine and within the Greenbelt. Within the watershed there are provincially-significant wetlands, woodlands, prime agricultural areas, and specialty crop areas such as the Holland Marsh. There are also 50 different species of mammals, 141 bird species, 36 reptilian/ amphibian species and a number of species at risk.

Lake Simcoe itself is a complex ecosystem that is home to many different fish species, as well as many other aquatic plants and animals. It is the most intensively fished inland lake in Ontario, with a significant winter fishery for lake trout, whitefish and yellow perch.

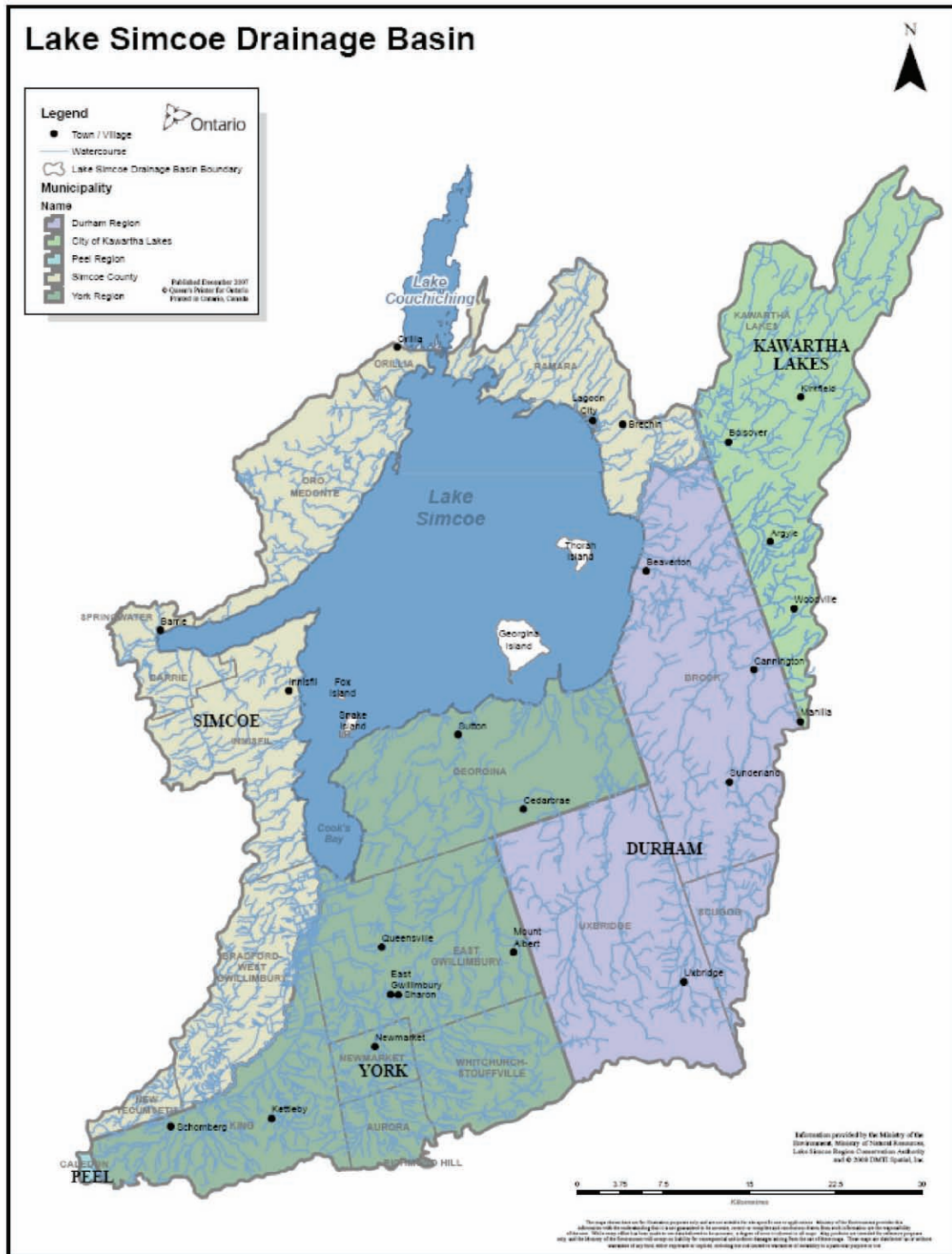
Today, Lake Simcoe supports a thriving tourism industry and provides highly valued year-round recreational opportunities. It provides drinking water for residents in local municipalities. It also receives treated discharges from local sewage treatment plants.

The Lake Simcoe watershed has been influenced by activities – urban, rural, recreational and agricultural – for more than 200 years. These have changed the landscape, vegetation, and ecological function of the watershed. Some examples include:

- land use changes and associated activities have contributed to increases in the inputs of pollutants such as suspended sediments, phosphorus, other nutrients, and chlorides to the lake harming the lake's water quality
- increased inputs of phosphorus have resulted in the loss of deep-water habitat and ultimately the reproductive failure of cold-water fish species (e.g., lake trout, lake whitefish, lake herring)
- growth of aquatic plants and algae has reached nuisance levels in parts of the lake, affecting people's quality of life and recreational opportunities
- changes in aquatic habitats in the lake and its tributaries have altered the composition, diversity and abundance of aquatic communities, threatening some species and degrading the overall ecosystem
- invasive species such as zebra mussels have profoundly impacted the lake's ecosystem.

Public awareness of the problems facing Lake Simcoe has increased in recent years, as has public concern about the need to ensure that future development and other activities in the watershed occur in a manner that protects the health of the lake.

Protecting Lake Simcoe



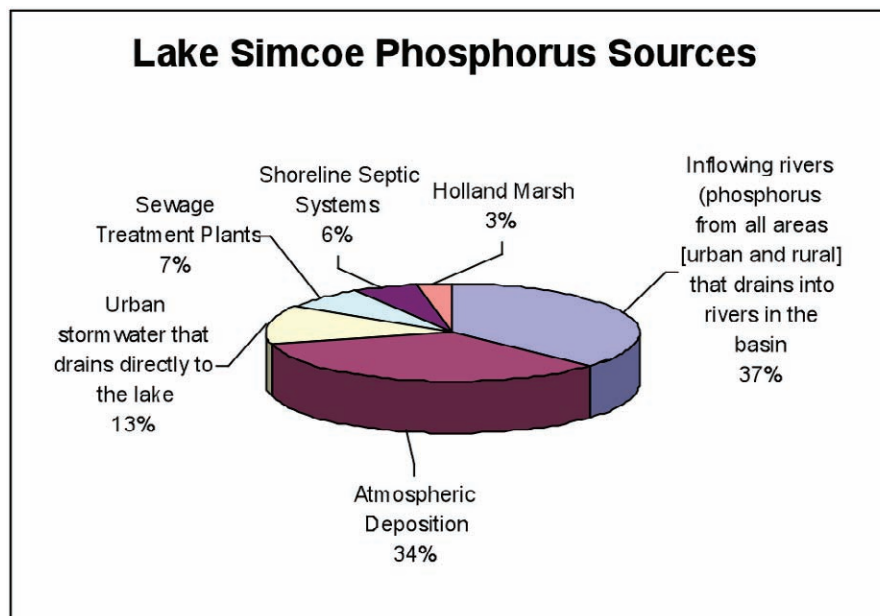
Phosphorus and Water Quality

Phosphorus is a naturally occurring element in soils and rocks that is critical to plant and animal growth. It is also important to aquatic ecosystems. As soils and rock weather and erode, phosphorus enters lakes naturally through groundwater and streams and from dust particles in the air. Phosphorus is a nutrient that feeds the growth of plants and algae. Human activities that disturb the land and erode the soil, runoff from urban and rural lands, excess fertilizer, and sewage effluents can contribute phosphorus in excessive amounts.

Phosphorus is the major element associated with water quality problems in Lake Simcoe. Elevated phosphorus levels feed the excess growth of plants and algae in the lake. This can result in dense aquatic plant growth near the shore and in the shallow bays of the lake, as well as blooms of algae. The algae and microscopic animals that graze on them eventually die and sink to the deep waters of the lake where they decompose, consuming oxygen in the process. This depletes the oxygen levels in the deep waters that are necessary to support some aquatic life, such as lake trout and whitefish. In Lake Simcoe, lake trout and whitefish reproduction was virtually eliminated, so the continued existence of these fish species in the lake has been almost entirely due to a (hatchery) stocking program. The health of these cold-water fish species is particularly important because they are sensitive species that require the highest quality environment to thrive, making them good indicators of the overall health of the ecosystem. They are also native species, important components of Lake Simcoe's biodiversity.

Sources of phosphorus to Lake Simcoe include:

- airborne phosphorus from wet (snow and rain) or dry (dust) deposits
- runoff and drainage from rural and agricultural lands in the watershed carried into the lake by rivers and streams
- stormwater runoff from urban areas within the watershed
- treated effluent from sewage treatment plants serving urban communities and industry in the watershed
- drainage from septic systems located adjacent to the lake, or carried into the lake by rivers and streams.



Pie chart based on: J.G. Winter, M.C. Eimers, P.J. Dillon, L.D. Scott, W.A. Scheider & C.C. Willox (2007) Phosphorus inputs to Lake Simcoe from 1990 to 2003: Declines in tributary loads and observations on lake water quality. *Journal of Great Lakes Research* 33:381-396

It is estimated that phosphorus levels were 32 tonnes per year in 1800, before there was extensive landscape alteration and settlement within the Lake Simcoe watershed. The phosphorus levels increased to more than 100 tonnes per year in the 1990s. Due to concerted efforts by the province, municipalities, industry, community organizations, and individuals, these levels have since declined so that the average annual contribution of phosphorus was 67 tonnes per year between 1998 and 2004.

In the case of dissolved oxygen levels, the estimate is that during pre-European settlement the dissolved oxygen levels in the deep waters of the lake were close to 8 milligrams per litre (mg/L) at the end of summer. In the 1990s, they fell below 3 mg/L – the lethal threshold for lake trout – in the deepest parts of the lake. Currently, dissolved oxygen levels are around 5 mg/L. Recent evidence of naturally reproduced wild lake trout and whitefish is coincident with improvements in oxygen conditions. However, the cold-water fish species are still not able to sustain themselves naturally.

The Lake Simcoe watershed population is expected to continue to grow⁷. The recent assimilative capacity study indicates that, without a comprehensive, watershed approach

⁷ The Growth Plan forecasts growth for upper-tier and single-tier municipalities from 2001 to 2031: the Region of Durham is expected to grow from 530,000 people to 960,000; the Region of York from 760,000 people to 1,500,000; the County of Simcoe, the City of Barrie and City of Orillia from 392,000 to 667,000. The growth forecasted for the above municipalities includes

to managing all sources of phosphorus, the impact of current activities and future growth is likely to result in increased phosphorus levels in Lake Simcoe, eliminating the progress made in recent years. Therefore, strategic management is required to ensure that anticipated growth and other activities in the watershed result in positive impacts to the health of the lake.

The Lake Simcoe Environmental Management Strategy focused on the significant issue of phosphorus loading and its negative effect on the cold water fishery. But other issues must also be recognized (e.g., increased levels of chloride in the lake, contaminants in sport fish, degraded aquatic habitats in Lake Simcoe and its tributaries, increased water temperature, hardening of the shoreline, stream channel alterations, in-stream obstructions, changes in stream hydrology, removal of streambank vegetation, etc.). There are also less well understood issues including the potential effects that climate change may have on the health of the lake.

Improving and protecting the health of Lake Simcoe will be a long-term undertaking. The issues affecting Lake Simcoe are continually changing and our ability to manage them varies. It is important to continue to improve our understanding of issues and how best to address them. It is proposed that over the long-term the Lake Simcoe Protection Strategy may address a wider range of issues but, in the short-term, it may focus on those issues that are best understood, while further research is undertaken to increase our knowledge of other, lesser-understood matters. For example, priorities to be tackled in the short-term could include:

- improving water quality by reducing loadings of phosphorus and other pollutants, such as bacteria and chlorides
- maintaining water quantity
- improving the health of the ecosystem by protecting and rehabilitating important areas, such as water recharge areas, forested or vegetated buffers along shorelines and riversides, fish habitat and wetlands
- reducing beach closures.

The LSEMS “Lake Simcoe Comprehensive Basin Wide Report” provides additional information on the current health of Lake Simcoe and its watershed and is available at: www.lsems.info

growth projected to occur in areas both within and outside the Lake Simcoe watershed. Actual growth in the watershed will be dependant upon future municipal decisions.

A Proposed Goal for the Lake Simcoe Protection Strategy

The following statement is proposed as a potential goal for a Lake Simcoe Protection Strategy:

To improve and protect the health of the Lake Simcoe watershed ecosystem and improve associated recreational opportunities.

This proposed goal recognizes a key principle of modern environmental management, that actions to improve and protect the health of the lake have to encompass the broader ecosystem, and these actions need to be managed on a watershed basis. It also is consistent with the current goal of the Lake Simcoe Environmental Management Strategy (LSEMS).

This proposed goal could guide the development of specific objectives related to such things as improved water quality, maintenance of water quantity, a healthy ecosystem and enhanced sustainable recreational experiences. It could also be possible to have more specific objectives such as reducing phosphorus loads and restoring a self-sustaining cold-water fishery.

Questions: Discussion Item 1

1. What are the key issues that you believe this strategy should address?
2. Would you recommend any changes to the goal statement and, if so, what are they?
3. What objectives would you recommend to assist in further defining a healthy Lake Simcoe watershed?

What Would a Lake Simcoe Protection Plan Cover?

It is proposed that a Lake Simcoe Protection Plan be developed to define the objectives and actions required to protect the lake. This Protection Plan could be developed and implemented together with the Lake Simcoe community.

This Plan could identify the priority issues to be addressed and could set specific targets to ensure the long-term health of the lake and its tributaries – for instance, water quality targets may be set for nutrients. The Protection Plan could define the policies and actions necessary to protect Lake Simcoe. It could include responsibilities and timelines for action, as well as funding approaches that may be used. The Protection Plan could also identify and prioritize research and monitoring needs, commit to supporting ongoing research and monitoring, and include mechanisms to adapt management approaches based on scientific findings.

It is proposed that the Protection Plan include a range of management approaches or tools to achieve its objectives and targets, from informal and voluntary tools to more formal and legally binding ones. The Plan may draw on existing mandatory tools, such as existing environmental approvals, or it may use new tools that have been introduced by the proposed legislation. A complete “tool-kit” would combine “soft” tools such as education, outreach and best management practices, with more “formal” tools, including regulations and mandatory directions.

Any new management approaches or tools would build on and be integrated with existing approval processes, programs, and tools within the provincial environmental, land use planning, and growth management framework recently put in place including the *Clean Water Act 2006*, the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe 2006, the Provincial Policy Statement 2005, and reforms to the *Planning Act*. The Protection Plan would help ensure that future growth in the Lake Simcoe watershed occurs in a sustainable manner.

The following list identifies some of the possible mandatory tools and approaches that could be used:

- a nutrient management framework in relation to point and non-point sources of phosphorus and other nutrients, possibly including nutrient offsetting or trading
- mechanisms to integrate and influence land use, infrastructure and building activities, operations, and approvals (e.g., policies for water conservation, stormwater management, protection of hydrologic or habitat features)
- mechanisms to direct site-specific approvals (e.g., setting standards and monitoring requirements in instruments such as Certificates of Approval)

- other mechanisms to require protection of natural areas important to the health of the lake, such as wetlands, shorelines, or other habitats
- mechanisms to require identification and remediation of existing problems (e.g., urban stormwater maintenance or retrofitting, septic system re-inspection, improved measures to control agricultural runoff)
- requiring municipal by-laws (e.g., site alteration).

Voluntary tools and approaches could include:

- stewardship programs
- pilot programs
- best management practices and performance monitoring
- research and monitoring programs
- outreach and education.

This discussion paper proposes that the Government of Ontario would lead the development of a first Lake Simcoe Protection Plan under the proposed legislation. There would be additional public consultation as the Protection Plan is developed.

After the first plan has been established, the new governance body could be responsible for supporting implementation of the Protection Plan and for reviewing and proposing amendments to it in future. Future amendments to the Protection Plan would be subject to approval by the Government of Ontario.

Questions: Discussion Item 2

4. Do you have comments on the proposed contents of a Protection Plan?
5. Are there tools not mentioned in the discussion paper that you think should be considered? Tell us about them.
6. Are there circumstances in which certain tools should not be used? Please explain.
7. How should these tools be integrated with existing approval processes, programs, and tools?

What Funding Mechanisms are Available or Necessary?

Funding is required to implement and sustain the programs needed to protect Lake Simcoe. One recent study⁸ estimated that it would cost \$163 million to implement measures to reduce non-point sources of phosphorus from stormwater runoff and agricultural best management practices.

There are existing programs that may be able to fund some aspects of the Lake Simcoe Plan, such as the Lake Simcoe Water Quality Improvement Program⁹, the Lake Simcoe Conservation Foundation Funding Program¹⁰, Private Land Stewardship Councils¹¹, Drinking Water Stewardship Fund¹², agricultural cost-share programs¹³, Friends of the Greenbelt Foundation¹⁴, and the Oak Ridges Moraine Environmental Enhancement Program¹⁵. But we know these alone will not be enough to get the job done.

We understand that everyone has a role to play in helping to protect Lake Simcoe. We are seeking advice on how to assist small businesses, farmers, property owners and individuals to further their stewardship roles. We would also like help determining program needs, including new or enhanced programs and initiatives supporting agricultural stewardship activities.

There may also be a need for innovative funding mechanisms that could be used to fund programs for the remediation of Lake Simcoe, ones that have been used in other locations and jurisdictions, such as nutrient offsetting or trading.

One example of an offsetting program established to improve water quality is found in the South Nation watershed in eastern Ontario. This program allows municipal and

⁸ The Louis Berger Group Inc. 2006. Pollutant Target Load Study – Lake Simcoe & Nottawasaga River Watersheds – Final Report (available at: www.assimilativecapacity.info/fin_rprt.htm)

⁹ The Lake Simcoe Water Quality Improvement Program is a partnership between the Lake Simcoe Region Conservation Authority, its member municipalities, and the York, Durham and Simcoe chapters of the Ontario Federation of Agriculture. It provides technical and financial support to private landowners for environmental projects that improve local surface and ground water quality, reduce soil erosion, and enhance wildlife habitat.

¹⁰ The Lake Simcoe Conservation Foundation invests in projects designed to protect and restore Lake Simcoe. It is a non-profit organization, raising funds through donations and fundraising activities.

¹¹ The Ministry of Natural Resources' Ontario Stewardship program provides funding for community-based stewardship initiatives and projects.

¹² The Drinking Water Stewardship Fund is a program under the Clean Water Act to help landowners and business owners to take action to reduce the threats to municipal drinking water sources.

¹³ Federal-Provincial cost-share programs to help Ontario farmers to implement agricultural best management practices include the Canada-Ontario Farm Stewardship Program, the Canada-Ontario Water Supply Expansion Program, and Greencover Canada.

¹⁴ Friends of the Greenbelt Foundation grants fund a range of initiatives from studies to outreach programs, and initiatives supporting local farmers and fruit growers, including the Greenbelt Farm Stewardship Program.

¹⁵ The Oak Ridges Moraine Environmental Enhancement Program builds upon an existing cost-share program through the Agricultural Policy Framework.

industrial wastewater or stormwater facilities to offset phosphorus from their discharges by investing in other projects that reduce phosphorus such as retrofits for improved control of stormwater and agricultural best management practices. Ontario's experience with phosphorus offsetting/trading in the South Nation Watershed and the Lake Simcoe Watershed are reviewed in a report by Conservation Ontario entitled "Watershed economic incentives through phosphorus trading and water quality" (available at:

http://www.conservation-ontario.com/projects/pdf/reports/PHASE%20I/watershed_economic_incentives.pdf).

Nutrient trading may not be appropriate in every watershed. Additional background information on nutrient trading, including a description of situations where it works best, is available from the United States Environmental Protection Agency at:

www.epa.gov/owow/watershed/trading.htm

We would like to know what you think about an option that would lead to the development of a nutrient offsetting or trading program in the Lake Simcoe watershed as one element in an overall framework for managing nutrients like phosphorus. The economic basis for a nutrient offsetting or trading program lies in the varying costs that face individuals, facilities, businesses, etc., to achieve improvements in their environmental performance. For example, investing in new municipal and industrial wastewater infrastructure to lower phosphorus discharges could be highly costly to achieve a relatively small improvement. However, the same amount of funding could be used in other ways to achieve much greater reductions in pollutants.

A nutrient offsetting or trading program has the potential to be more cost-effective and create net environmental benefits, including improved water quality. Further work would be required to establish the scientific and economic basis for a program in the Lake Simcoe watershed. Such a program could be enabled in the proposed legislation, with the details set out in regulation. There would be further consultation should a regulation be developed.

Questions: Discussion Item 3

8. Which existing programs might be a "fit" with Lake Simcoe protection activities and act as a source of funding? Where are the programming and funding gaps and how can they be addressed?
9. Are you aware of other innovative funding approaches that may be helpful?
10. Does the idea of an innovative funding tool such as a nutrient offsetting or trading program make sense for the Lake Simcoe Watershed? What are its advantages? Its disadvantages?

Towards a Proposed New Implementation Partnership

A new governing body is needed to champion the long-term protection of Lake Simcoe, one that supports partnerships and community involvement. If, as proposed, the provincial government leads the development of a first Protection Plan, the responsibilities of this new body could include:

- overseeing implementation of the Protection Plan; monitor and report on progress (results and outcomes)
- coordinating reviews and proposing amendments to a Protection Plan
- facilitating partnerships with municipalities, conservation authority and other stakeholders to implement the Protection Plan

The Lake Simcoe Environmental Management Strategy (LSEMS) has been working since 1990 for the betterment of Lake Simcoe. In 2007, the LSEMS issued two reports¹⁶, one report prepared by a Working Group consisting of public, industry and government representatives, and one report from the Lake Simcoe Environmental Management Steering Committee which reviewed the Working Group's Report. Both reports supported recommendations for moving forward on a potential future governance framework for Lake Simcoe.

Shared principles of both the LSEMS Steering Committee and the Working Group supported a future governance model for the lake premised on:

- a collaborative approach that is expanded to include the public and industry along with all levels of government
- what the lake needs
- enhanced communications/consultation and information sharing
- avoiding duplication and overlap
- sustainable and reliable funding
- strong science and monitoring
- building on the success of the past

¹⁶ The Working Group Report on Governance is available on the LSEMS website at:
<http://www.lsems.info/about/The%20Lake%20Simcoe%20Partnership%20Working%20Group%20Final%20Final%20Report%20June%2026.pdf>

The LSEMS Steering Committee Report on Governance is available on the LSEMS website at:
http://www.lsems.info/Docs/FINAL_Lake%20Simcoe%20Governance%20Report.pdf

- the idea that no new decision-making body be created (e.g., the governance model provides linkages to organizational structures that already exist, and adds value).

The LSEMS Working Group and the LSEMS Steering Committee agreed that:

- Participants need to recognize that the future of the lake is dependent on efforts being aligned and motivated by a shared purpose.
- A collaborative governance structure should optimize efficiencies and promote integration.
- Reporting on results should be tied to a defined time horizon and critical issues so that progress reports can clearly define the goal, the actions taken, the results, and what remains to be completed.

They recommended that the new governance model could have several components:

- A Governing (or Executive) Council comprised of representatives from government (inclusive of Aboriginal communities), industry (e.g., farmers, homebuilders) and the public who can access resources and influence key players in bringing about positive changes to Lake Simcoe.
- An Executive (or Steering) Committee comprised of representatives from government (inclusive of Aboriginal communities), industry and the community – this Committee could have a role in budgeting, funding allocation, fundraising, etc.
- A Secretariat with dedicated staffing and funding to coordinate the efforts of the Lake Simcoe partnership.
- Subcommittees focused on specific core functions.

Questions: Discussion Item 4

11. What type of body should be given ongoing responsibility for a Lake Simcoe Protection Plan? How should the proposed governance body work with the other bodies in the watershed, such as the conservation authority, municipalities, and the source protection committee¹⁷ that was established recently?
12. What do you think should be the responsibilities of the governance body?
13. How should management actions be coordinated across the Lake Simcoe Watershed?

¹⁷ Ontario's *Clean Water Act, 2006*, establishes local source protection committees responsible for developing Terms of Reference for a source protection plan, an assessment report to identify threats to local drinking water, and a source protection plan to address threats to drinking water. The Lake Simcoe watershed falls within the South Georgian Bay Lake Simcoe Protection Region. The source protection committee for this region held its first meeting in December 2007.

What could the proposed legislation to protect Lake Simcoe look like?

An important component of the Lake Simcoe Protection Strategy is the government's intention to introduce proposed legislation, enshrining the framework that would protect the health of Lake Simcoe based on the “building blocks” we have discussed throughout this document.

Such legislation could start with a purpose provision that states the proposed goal of the Strategy, and go on to deal with the development and implementation of a Lake Simcoe Protection Plan. The proposed legislation could include mechanisms to ensure that the Plan's provisions are informed by science. The Protection Plan's specific objectives could be identified in the proposed legislation with further details able to be added through regulations. The proposed legislation could provide authority for targets for the lake and watershed – for example, targets related to improved water quality or the health of the ecosystem – to be set either through regulation or through the Protection Plan. The specific geographic area to which the Protection Plan applies could be set out in regulation.

The proposed legislation could establish a new governance body and set out its powers and duties with details regarding its makeup and operations potentially provided in regulation. While the Province could be required to prepare the first Lake Simcoe Protection Plan, the proposed legislation could also provide the new governance body a role with respect to supporting implementation of the Plan and proposing amendments to it in future. The proposed legislation could also provide either the Minister of the Environment or the governance body the duty to periodically conduct a review of the Plan.

Regarding the scope of the Protection Plan, the proposed legislation could:

- require the Plan to include provisions dealing with monitoring, reporting, and emerging issues in order to foster a process that adapts based on scientific findings and that continuously improves the management of the watershed
- authorize the Plan to use a combination of mandatory and voluntary tools to achieve its objectives
- authorize the Plan to identify the appropriate tools and actions needed to address issues related to achieving the objectives of the Plan
- authorize other forms of requirements in the Plan, such as technology or performance standards pertaining to stormwater management, or building or development standards to help achieve sustainable development.

With respect to its impact on existing and future activities in the watershed, the proposed legislation could authorize the Plan to influence other statutory decisions that regulate those activities. For instance, sewage treatment plant approvals under the *Ontario Water Resources Act* could be required to comply with Plan provisions dealing with phosphorus loading limits. In relation to future activities in the watershed, requirements in the Plan may be applied to planning approvals to help achieve the Plan's objectives.

The proposed legislation could also include any new statutory authority necessary for implementing the Plan, such as a phosphorus offsetting or trading program. The proposed legislation and Plan would support and enhance existing provincial plans, such as the Growth Plan, the Oak Ridges Moraine Conservation Plan, and the Greenbelt Plan. The proposed legislation could also provide that any legal conflicts between the proposed legislation and requirements under other provincial statutes be resolved in favour of whichever provision is most protective of the health of the lake.

Questions: Discussion Item 5

14. Does the proposed approach to developing proposed legislation to protect Lake Simcoe seem comprehensive and inclusive of the major components necessary to make it work? Is there anything that we've missed?

Here's how you can be involved:

Send us your written comments

Written comments can be submitted to:

Stephen Maude, Senior Policy Advisor

Ontario Ministry of the Environment

Land and Water Policy Branch

135 St. Clair Avenue West, 6th Floor

Toronto, ON M4V 1P5

Fax: 416-326-0461

This proposal was posted on the Environmental Bill of Rights Registry on March 27, 2008 for public comment. Comments may also be submitted electronically to the ministry through the EBR at: www.ebr.gov.on.ca.

Participate in a consultation session

Check our website for information on upcoming consultation sessions.

Follow our progress

We will use the Ministry of the Environment's website to post up-to-date information on the government's Lake Simcoe Protection Strategy.

Website: www.ene.gov.on.ca

Find out more about Lake Simcoe

You can obtain additional information about Lake Simcoe, and access a number of scientific, technical, and general interest publications from the Ministry of the Environment's website at: www.ene.gov.on.ca or the LSEMS website at: www.lsems.info

Discussion Point 1: A Proposed Goal for the Lake Simcoe Protection Strategy

1. What are the key issues that you believe this strategy should address?
2. Would you recommend any changes to the goal statement and, if so, what are they?
3. What objectives would you recommend to assist in further defining a healthy Lake Simcoe watershed?

Discussion Point 2: What could a Lake Simcoe Protection Plan Cover?

4. Do you have comments on the proposed contents of a Protection Plan?
5. Are there tools not mentioned in the discussion paper that you think should be considered? Tell us about them.
6. Are there circumstances in which certain tools should not be used? Please explain.
7. How should these tools be integrated with existing approval processes, programs, and tools?

Discussion Point 3: What Funding Mechanisms are Available/Necessary?

8. Which existing programs might be a “fit” with Lake Simcoe protection activities and act as a source of funding? Where are the programming and funding gaps and how can they be addressed?
9. Are you aware of other innovative funding approaches that may be helpful?
10. Does the idea of an innovative funding tool such as a nutrient offsetting or trading program make sense for the Lake Simcoe Watershed? What are its advantages? Its disadvantages?

Discussion Point 4: Towards a Proposed New Implementation Partnership

11. What type of body should be given ongoing responsibility for a Lake Simcoe Protection Plan? How should the proposed governance body work with the other bodies in the watershed, such as the conservation authority, municipalities, and the source protection committee that was established recently?
12. What do you think should be the responsibilities of the governance body?
13. How should management actions be coordinated across the Lake Simcoe Watershed?

Discussion Point 5: What could the proposed Legislation to protect Lake Simcoe look like?

14. Does the proposed approach to developing proposed legislation to protect Lake Simcoe seem comprehensive and inclusive of the major components necessary to make it work? Is there anything that we've missed?