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**Official Report  
of Debates  
(Hansard)**

**Monday 17 November 2008**

**Journal  
des débats  
(Hansard)**

**Lundi 17 novembre 2008**

**Standing Committee on  
General Government**

Lake Simcoe Protection Act, 2008

**Comité permanent des  
affaires gouvernementales**

Loi de 2008 sur la protection  
du lac Simcoe

Chair: Linda Jeffrey  
Clerk: Trevor Day

Présidente : Linda Jeffrey  
Greffier : Trevor Day

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 17 November 2008

Lundi 17 novembre 2008

*The committee met at 1401 in room 151.*

## SUBCOMMITTEE REPORT

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. I'm going to call the Standing Committee on General Government to order. We're here to discuss Bill 99, An Act to protect and restore the ecological health of the Lake Simcoe watershed and to amend the Ontario Water Resources Act in respect of water quality trading.

Could someone read the report on the subcommittee business?

**Mrs. Carol Mitchell:** Your subcommittee met on Wednesday, October 29, to consider the method of proceeding on Bill 99, An Act to protect and restore the ecological health of the Lake Simcoe watershed and to amend the Ontario Water Resources Act in respect of water quality trading, and recommends the following:

(1) That the committee meet in Toronto on Monday, November 17, 2008, and Wednesday, November 19, 2008, for the purpose of holding public hearings.

(2) That the committee clerk, with the authorization of the Chair, post information regarding public hearings in the Toronto Globe and Mail, the Toronto Star, L'Express, and a major paper in the cities of Barrie and Orillia for one day during the week of November 3, 2008.

(3) That the committee clerk, with the authorization of the Chair, post information regarding public hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(4) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 12 noon on Friday, November 7, 2008.

(5) That groups and individuals be offered 10 minutes for their presentation. This time is to be scheduled in 15-minute increments to allow for questions from the committee.

(6) That, in the event all witnesses cannot be scheduled, the committee meet in Toronto on Monday, November 24, for an additional day of public hearings.

(7) That an official from the Trent-Severn canal be invited to appear before the committee.

(8) That the deadline for written submissions be 5 p.m. on Wednesday, November 19, 2008.

(9) That the research officer provide the committee with a summary of presentations.

(10) That, for administrative purposes, proposed amendments be filed with the committee clerk by 5 p.m. on Thursday, November 20, 2008.

(11) That the committee meet for the purpose of clause-by-clause consideration of the bill on Monday, November 24, 2008, or on Wednesday, November 26, 2008, should an additional day of public hearings be required—an additional day was not required, as the two days were all that were needed.

(12) That the committee clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

**The Chair (Mrs. Linda Jeffrey):** Thank you, Mrs. Mitchell.

Just an update for committee members on the request that we made to the official from the Trent-Severn canal, the invitation to appear before committee: They were invited, they respectfully declined, but they will be forwarding materials shortly to the committee.

As Mrs. Mitchell indicated, we will be doing clause-by-clause consideration of the bill on November 24; we were able to accommodate all requests by delegates.

Our first delegation is—

*Interjection.*

**The Chair (Mrs. Linda Jeffrey):** Oh, sorry. Can we vote on the minutes? All those in favour? All those opposed? That's carried.

## LAKE SIMCOE PROTECTION ACT, 2008

LOI DE 2008 SUR LA PROTECTION  
DU LAC SIMCOE

Consideration of Bill 99, An Act to protect and restore the ecological health of the Lake Simcoe watershed and to amend the Ontario Water Resources Act in respect of water quality trading / Projet de loi 99, Loi visant à protéger et à rétablir la santé écologique du bassin hydrographique du lac Simcoe et à modifier la Loi sur les ressources en eau de l'Ontario en ce qui concerne un système d'échange axé sur la qualité de l'eau.

## INNISFIL DISTRICT ASSOCIATION

**The Chair (Mrs. Linda Jeffrey):** Our first delegation is Innisfil District Association, Mr. Avery. Welcome, Mr.

Avery. When you get comfortable, please state your name and the organization you speak for. You'll have 10 minutes, and when you get close I will give you a warning.

**Mr. Don Avery:** Good afternoon. My name is Don Avery. My address is 45 Tijou Woods Place in Innisfil.

First, I'll give you some brief background.

As chairman, I'm speaking on behalf of the Innisfil District Association. We are a ratepayers' group representing about 700 people, about half of whom own or occupy waterfront property in Innisfil, in the county of Simcoe. Our association has existed for over 30 years. I was the president from 2002 to 2007, before stepping up to the chairman's position that I now occupy.

In 2007, the IDA appeared before the Ontario Municipal Board in opposition to the Big Bay Point Resort and mega-marina proposed for Innisfil. I personally have been sued by the developer in that case for approximately \$1 million and am now personally liable for some or all of the present adverse cost claim for \$3.2 million now before the OMB.

The mission of our association is to support the long-term sustainable development of Innisfil and Simcoe county, while protecting the lifestyles of the citizens, the health of Lake Simcoe and our natural environment.

Our association was a part of the Rescue Lake Simcoe Coalition from its inception in 2003, and I am a charter director of that coalition. It follows, then, that the Innisfil District Association is a supporter of Campaign Lake Simcoe and signed on to support Campaign Lake Simcoe's EBR submission on the discussion paper last spring.

In my own case, my family has owned property on Lake Simcoe for over 60 years. I have been a permanent resident of Innisfil for the past five years. I was instrumental in the research and publishing of a book in 1999 entitled *Big Bay Point, Lake Simcoe, Ontario, Canada: A Special Place*. This book contains much of the early background on that area, such as the first settlers, the first cottagers, the lake boats of the 19th and 20th centuries that plied the waters of Lake Simcoe, as well as other related topics. So it goes without saying that I have a long association with and a deep interest in Lake Simcoe.

Thank you for the opportunity to speak with you about the Lake Simcoe Protection Act, Bill 99. We are pleased with the direction the act has taken and the commitment the province has made to this gem of southern Ontario. I know well that this lake has been a source of pleasure to a great many for over 200 years, whether it be for boating, fishing, swimming, picnicking or just casual viewing. But after a lifetime of enjoying its benefits, I can also say that the lake has been very greatly impacted by human activity in the past 20 years or so. Thus, this act has arrived just in time.

While the act is good, it still needs to include some specific items if it is to work effectively. So let me deal with our concerns.

We're concerned that we do not know how transition regulations are going to work yet, and this is the crux of the issue. If people continue to see sprawling, unsustainable suburbs sprouting up in Simcoe county over the next 10 years, they're not going to believe your government has addressed the environmental health issues of Lake Simcoe. You need to anticipate the public response to this apparent contradiction and set strict development regulations accordingly.

To be consistent in the application of new rules set for development on Lake Simcoe, we need the act to affect development proposals that are in the pipeline now. All developments or projects lacking final permits or regulatory approvals must be caught by regulation, be subject to the act and/or plan, and meet the environmental and development standards outlined in the plan. This is an environmental act, and as such, issues other than phosphorus loads must be addressed in development approvals. This is the way it was done for the Oak Ridges moraine and the greenbelt. Lake Simcoe should be treated no differently.

We strongly advise that the Lake Simcoe Protection Act be made effective as of December 6, 2007, the date of the announcement of the interim phosphorus regulation.

#### 1410

The provision for shoreline protection needs to be strengthened. We suggest you delete the clause "The Lieutenant Governor in Council may make regulations" and replace it with "The Lieutenant Governor in Council will make regulations," and that these regulations will be in place at the coming into force of the plan. Furthermore, it must be explicit that the Lake Simcoe protection plan's shoreline development restrictions apply to residential redevelopments, resort development, and servicing, and include a shoreline restoration plan.

At present, no lakefront residential property owner can alter his waterfront without permission from the Lake Simcoe Region Conservation Authority. In fact, the conservation authority are quite strict on what they will and will not allow, particularly in regard to any negative effect on fish habitat. For example, you cannot dump a load of sand on your waterfront, expand your boathouse, or dig a swimming pool near your shoreline. Yet with the Big Bay Point project development we have the situation of a developer being allowed to dig an inland lake of 30 acres to accommodate a 1,000-boat-slip mega-marina which connects to the lake. This would seem to not only pose a further threat to the deteriorating condition of Lake Simcoe, but also be unjust and unfair. The shoreline policy must be even-handed.

Regarding this project, the position of our association—and we believe most, if not all, groups of the Rescue Lake Simcoe Coalition and Campaign Lake Simcoe—is that no act that purports to protect the lake can permit such a radical, large-scale alteration of the shoreline and the natural environment that buffers it. Also in regard to this project, whether it is through this act or some other piece of legislation, the government

must provide protection for its citizens from strategic lawsuits against public participation, or SLAPP suits. No member of the public should have to endure what I and the members of my association have had to endure over the past five years. Lawsuits outstanding against our members, lawyers and other critics of the Big Bay Point projects now total over \$90 million. This act and other statutes like the Planning Act or the Environmental Assessment Act are meaningless unless residents can speak out openly against projects that threaten the environment. This government should move quickly, as Quebec has done, to guarantee that citizens be allowed to participate free from the chill of developer lawsuits.

Section 18 provides for the creation of a Lake Simcoe science committee. I believe this committee is made up of 15 or more very capable individuals, and the government is to be commended for their brilliance in making such a fine selection.

Section 19 provides for the creation of a Lake Simcoe coordinating committee. However, it is clear that this body and the science committee are both essentially advisory bodies and do not have any real powers. Environmental groups, specially referenced in section 19(4), paragraph 6, must be well represented on the Lake Simcoe coordinating committee in order to achieve the transparency, co-operation and public credibility lacking in LSEMS. The absence of these qualities in LSEMS is what essentially motivated the public and environmental groups, especially the Rescue Lake Simcoe Coalition, to demand a review of the governance structure of LSEMS.

Public and environmental interests are underrepresented in the governance provision as it is now written. It should follow the LSEMS working group recommendations and have equal representation from industry, the public and government: one third representation from each of these sectors.

At the July 7 Lake Simcoe summit, Premier McGuinty stated that this act and plan are going to be based on the "best available science." If this is to become a fact, then we believe that the advice of the provincially appointed Science advisory committee, or SciAC, must be followed.

**The Chair (Mrs. Linda Jeffrey):** Mr. Avery, you have one minute left.

**Mr. Don Avery:** All right.

Recognizing that wildlife relies on healthy habitats and that wildlife is an integral part of ecological health, the 100-metre vegetative buffer must be adhered to.

We should aim for permanent protection of natural areas, as these guidelines recommend, and protect at least 30% of the forest cover of the Lake Simcoe watershed. Forests also filter further contaminants from the land, especially those that contain phosphorus that could adversely impact water quality on the lake.

My printed report includes a summary of our recommendations. Let me merely conclude by saying that if the recommendations of the scientific advisory committee are adopted and our call for maximum ecological protection is answered, my association will stand resolutely

and appreciatively with anyone who supports Bill 99. Thank you for undertaking this critical leadership on behalf of the lake.

**The Chair (Mrs. Linda Jeffrey):** Thank you, Mr. Avery.

Mr. Barrett, you have about a minute and a half.

**Mr. Toby Barrett:** Thank you, Mr. Avery, for your presentation from the Innisfil District Association.

Two quick questions. I know we have only five minutes to go around the horn. I'll just pick up on a few things.

You're concerned for the suburban sprawl. We know the watershed now is home to about 350,000 people, and there are another quarter of a million people on the way, as I understand. So in that same paragraph you talk about the crux of the issue as knowing how the regulations are going to work. A quick question: Would you advocate public hearings when we get to that stage of regulation six or nine months down the road?

The second question: You talk about the \$90 million of lawsuits and how that inhibits people from speaking out. Do you have any further information on what Quebec has done?

**Mr. Don Avery:** Let me take the first question first. Yes, I would welcome public hearings. I'm not suggesting that development should be halted; certainly, we're going to have development. I think you have to be very careful on where it goes, particularly as it may affect Lake Simcoe.

As to your second question, which I think pertains to Quebec, I believe that they are now developing bylaws to address these SLAPP suits. I don't know that I could tell you any more than that.

**Mr. Toby Barrett:** Well, thank you, sir. Maybe legislative research could pull a modicum of information on this Quebec approach, if there is an approach there.

**The Chair (Mrs. Linda Jeffrey):** Okay. Mr. Tabuns?

**Mr. Peter Tabuns:** Mr. Avery, thanks for the presentation. I have two questions.

First, if this act was in place today and Big Bay Point wasn't going forward, would this act block it?

Secondly, you referred to "developments" in the pipeline, plural. Are there other substantial developments that you're concerned about going ahead?

**Mr. Don Avery:** Your first question was, if the act were in place today, would that Big Bay Point development go forward? Well, it depends on what's in the act. If the appropriate restrictions on, for example, shoreline development were there, then I don't see how it could.

As to other developments, I'm not sure that I can specifically mention any, but our sense is that if the Big Bay Point development proceeds, it could well occur in other places around the lake and even in other places in the province. I don't know if that answers your question, but that's our concern.

**Mr. Peter Tabuns:** No, it is helpful. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you, Mr. Avery. I thought your report was very thorough and very balanced. I know how it feels to run out of time near the end, and you had to skip over five points here. I wondered if you would like to take the minute or so that we have and maybe expand on some of those points you were forced to skip over at the end. That would be on the five recommendations, the five points of the summary.

**Mr. Don Avery:** Okay. Well, I'd quickly summarize what we see as the vital things that are needed in the plan. Certainly, as I mentioned, it must state clearly that the regulations would apply equally to marinas, resorts and residential developments. It must have an effective date and clear transition rules and must not allow grandfathering of projects lacking final permits and regulatory approvals.

**1420**

It must not allow significant shoreline alteration. We've talked about the 100-metre buffer that needs to be there. And that shoreline policy, as I mentioned, must be even-handed.

The targets for phosphorus, surface impermeability and natural cover must follow the advice of the scientific advisory committee. Also, policies covering the above targets must be identified as designated policies: natural cover targets; permeable surface minimums; setbacks from watercourses, wetlands and the lake; and shoreline policies.

There must be, finally, adequate and sustained funding with this plan, which needs to be reinforced with a practical enforcement regime. Unless we correct these long-standing problems of funding and enforcement, progress and results will be difficult.

That summarizes what we'd like to see.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for your deputation today. We're grateful that you came to see us.

#### CAMPAIGN LAKE SIMCOE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Campaign Lake Simcoe, Claire Malcolmson. Welcome. We're glad you're here today. As you make yourself comfortable, please state your name for Hansard and the organization you speak for, and then once you've done that you'll have 10 minutes. I'll give you a one-minute warning.

**Ms. Claire Malcolmson:** My name is Claire Malcolmson. Good afternoon. I'm here representing Campaign Lake Simcoe. I'm the coordinator of Campaign Lake Simcoe, which is a partnership of Environmental Defence, Ontario Nature and the Rescue Lake Simcoe Coalition. Thank you very much for the opportunity to speak with you this afternoon.

I am a fifth-generation cottager at Innisfree on DeGrassi Point in Innisfil. Lake Simcoe and the 250 acres of interior forest that my extended family has taken care of over the last 120 years are simply the backdrop of my childhood.

After eight months of being in Africa in 1999, I returned a proud Canadian, determined to create models of sustainability that could be used in those parts of the world that don't have the ability to invest resources to develop plans for sustainable futures. I believe that if we can't get it right, then the planet is in trouble, so I set about working on the little piece of the planet that I could help save. Here we are, eight years later, and I'm providing advice to the province on a model for sustainable living in watersheds, based on my lake. This is so rewarding. I can hardly begin to express how important this is to me and how important the strength of the act is not just for me, but for our human progress, for the possibility of living in balance with nature without denying future generations the same possibilities.

As I said, I coordinate Campaign Lake Simcoe. It is a coalition of 45 local groups, speaking with one voice for the protection of Lake Simcoe. What makes the Lake Simcoe story so special is the remarkable citizens' movement and the response from provincial and federal governments. While we try to speak with one voice when it comes to policy, we take action in very local ways. Whether it's residents at Moon Point or Big Bay Point fighting development and trying to protect wildlife habitats, or my family at DeGrassi restoring an endangered savannah, or the Ladies of the Lake making enviro-movies with youth, or MegaWHAT? trying to keep natural gas power plants out of our airshed, Lake Simcoe is home to a committed collection of people, and you noticed and you took action, so thank you.

From the beginning, the task of saving this lake and its watershed has been a non-partisan issue. It was here at Queen's Park in 2006 that Conservative MPP Garfield Dunlop and David Donnelly connected, realizing that they both wanted to draft a Lake Simcoe protection act. Almost two years later, at the Lake Simcoe summit which Campaign Lake Simcoe and the Ladies of the Lake organized, Mr. McGuinty made an election promise to introduce an act. John Tory was making his own promises for Lake Simcoe. The protection of green space in Ontario has typically been guided by a non-partisan spirit, and this is certainly no exception.

Thank you for introducing the Lake Simcoe Protection Act. It builds on the legacy of this and previous governments' protection initiatives.

While supportive of the general intent of the act, Campaign Lake Simcoe is concerned that the act's purpose will not be achieved if a number of issues are not adequately addressed in the act and the pending Lake Simcoe protection plan.

The targets for yearly phosphorus loading, surface impermeability in the watershed and for natural cover—meaning forests, wetlands, and scrublands—must follow the advice of the Science advisory committee, which is SciAC.

This summer, I sat on the stakeholder advisory committee, hearing assurances that SciAC's recommendations would be followed by the government, yet when the stakeholder and science advisory committees re-

viewed the draft plan this summer, the policies and targets revealed many significant departures from the advice of SciAC. Based on this concern, we are adamant that the plan and the act must follow the advice of the Science advisory committee. This is a bottom line for Campaign Lake Simcoe members.

Naturally vegetated buffers should be a minimum of 100 metres wide on shorelines and rivers in order for them to be used as wildlife corridors between larger anchor patches in the natural heritage system. One hundred metres is what SciAC recommends for wildlife corridors, and that is the advice we have to follow.

If you're not familiar with Lake Simcoe, don't forget that 12,000 cottages line the shores of this lake, that the shoreline is already hardened, and it's unnatural and under stress. These realities call for the most generous riparian buffers to rectify this imbalance.

The shoreline policy must not allow significant shoreline alteration and must be logical and fair. If an individual cannot build a stone dock, but a developer at Big Bay Point—or, by extension, anywhere in the province—can carve a 30-acre lake into the shoreline for a marina, that's unfair and it sets a dangerous precedent for lakes in Ontario.

We created a four-minute video on this topic, and I suggest you take a peek. There's a link in the document that you've been given. We just came out with that last week, so it's fresh.

The act distinguishes “designated” from “have regard to” policies. In order for the act to achieve its purpose, the following must be classified as designated policies: natural cover targets; permeable surface minimums; setbacks from watercourses, forests, wetlands and the lake; and the shoreline policies.

The act and plan must clearly state that regulations apply equally to marinas, resorts and residential developments. There is no better way to discourage citizens from taking action to protect their lake than for them to see the environmental impacts of massive developments wipe out any progress made by citizens and environmental organizations. There must be no exceptions made for marinas, resorts and residential developers in the application of environmental practices and regulations.

Adequate and sustained funding must accompany the plan. A few years ago, the Lake Simcoe Region Conservation Authority estimated that environmental projects necessary to improve water quality would cost \$165 million. The ability of the LSRC to protect the lake was drastically reduced during the 1990s due to provincial funding cuts. To keep going, the conservation authority invited an increased role for municipalities that stepped up with funding. At the same time, a coordination government body headed by the conservation authority was established: the Lake Simcoe environmental management strategy, LSEMS—a great acronym. What this did, in essence, was make Lake Simcoe governance all-government and give rise, at least optically, to conflicts of interest, resulting in decisions about development that did not put the lake first. This also shut the public out from meaningful participation in decision-making.

It's crucial that the province becomes the entity to lead the plan, with meaningful input from citizens, business and government. This will ensure that all decisions are above any perceived suspicion of self-interest at the local level and ensure that those who have no other interest than the well-being of the lake are heard and heeded. Going with the recommendations of the LSEMS working group about governance of Lake Simcoe is essential to guarantee transparency and honesty.

The last couple of things: The act and the plan need to be enforceable and these costs have to be considered and included in the plan's budget; and the plan must have an early effective date, set clear transition rules, and must not allow grandfathering of projects lacking final permits or regulatory approvals.

I have three specific changes that I am requesting to the act, and there is more detail in the document that I've given to you. The first one is the effective date. I'm concerned that we don't know how transition regulations are going to work. There's a lot of development planned. There is some suspicion that in fact, in terms of the development applications that have been put forward, we have already reached the goal for 2031 for Simcoe county. I can name some; I know you asked Mr. Avery. Craighurst, Eight Mile Point, a little thing called Stonehenge; in Alcona, some massive developments; in Innisfil, 2,000 homes planned for the next few years; Leonard's Beach. There's a lot of development pressure in Innisfil.

1430

**The Chair (Mrs. Linda Jeffrey):** Ms. Malcolmson, you have one minute left.

**Ms. Claire Malcolmson:** Excellent. Really, the effective date needs to be December 6, 2007, which is when the province introduced the interim phosphorus regulation. This was clearly when the province made it very clear that they plan to take action on Lake Simcoe to reduce phosphorus loads.

The shoreline protection is meant to be based on the best available science, as is this entire act and plan, according to Premier McGuinty. Again, the 100-metre buffer needs to be part of the act and the plan. I'm a bit concerned with the wording in 26(2)(a). It should read something more specific that includes the 100-metre distance.

Finally, municipalities' ability to surpass provincial policies in subsection 5(2): Municipalities should be able to create policies that are more restrictive than what are in the plan. There have been quite a lot of grumbings from municipalities around the greenbelt or hesitation to become part of the greenbelt because their local plans are more restrictive than the province's. Also with the pesticide bill, there was some resistance to that. I hope we can learn from that and allow municipalities to do better.

**The Chair (Mrs. Linda Jeffrey):** Thank you, Ms. Malcolmson. I'm sorry, your time has expired. Otherwise, we won't get to questions.

**Ms. Claire Malcolmson:** Oh, that's fine. I'm finished. Thank you.

**Mr. Peter Tabuns:** Claire, thanks very much for that presentation. One of the things you noted was a distance between the recommendations of the scientific advisory committee and the direction that was taken in the drafting of this bill. If the scientific advisory committee recommendations aren't heeded, aren't implemented, do you believe that the bill would then still be strong enough to protect the lake?

**Ms. Claire Malcolmson:** No, because the province appointed a scientific advisory committee to bring together all of the reports. Basically, a lot of scientific data has been collected by the MOE, the MNR and the conservation authority, to name a few, over the last 30 years, and someone, some group, needed to bring it together to make sense of it and to provide some recommendations.

They set those recommendations based on the goal of reducing phosphorus in the lake to a target that was going to be sustainable. The target right now is 75 tonnes a year that can go into Lake Simcoe. It turns out that it's more like 40 that we need to actually achieve in order for the lake to survive.

So we are going to need some very drastic changes to the way we do business, the way we build to our shorelines and the way we treat them around the lake. That was what the scientific advisory committee was charged with establishing, and to disregard their recommendations goes against the intent of the act: to protect the ecological health of the watershed.

**Mr. Peter Tabuns:** Thank you. That's very useful.

**The Chair (Mrs. Linda Jeffrey):** To the government side.

**Mr. Kevin Daniel Flynn:** Thank you, Claire, for your presentation. One part you focused on would be on page 2 of your presentation, where you took quite a bit of time here in the report to talk about how you would like to see the governance end up at the end of the day and why it's important that somebody be accountable for this, and it should obviously be the people who are engaged in the work who are accountable at the end of the day. Can you expand on that a little bit, why that's such an important point for you?

**Ms. Claire Malcolmson:** Yes. I think for quite a long time, the public has felt shut out. They haven't really had the ability to influence decisions, and it's that frustration that led to the creation of the Rescue Lake Simcoe Coalition, Campaign Lake Simcoe, the Ladies of the Lake. Six years ago, there was almost nothing going on, and it's that citizen frustration and environmental organization frustration at their lack of ability to be part of the solution that led to a call for a review of the governance model.

One of the things that we really need to achieve in this new governance model is ingenuity, and we really need connectors. If it's only government—no offence to government—you have a certain type of person. We need it to be a very dynamic team, and so, for that reason, I think that industry, which tends to be much better than NGOs or government at innovation and sparking new ideas, really needs to be an important part of the team. So do the public, because they need to have their faith

restored in the system, and government needs to be there obviously because of their ability to create and set policies and help fund the program.

We also need the public and industry to help with funding, because the province can't foot the bill 100%. For example, the conservation foundation for the conservation authority has done fantastic work fundraising, but they're nowhere near raising as much money as we need to save this lake.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Good answer. Mr. Barrett.

**Mr. Toby Barrett:** Thanks, Campaign Lake Simcoe. Mrs. Savoline has a question as well. Maybe mine has been answered.

**Governance:** Do you see the province of Ontario managing this in the future years, or a local body created—

**Ms. Claire Malcolmson:** I would say, let's see how it goes. I'm not sure why the province has said that it might change, that it might start off being the province and then later it might be coordinated locally. I think we need to see how it goes in order to address that.

**Mrs. Joyce Savoline:** Great presentation. Thank you very much. There have been suggestions made that there should be some protection for citizens and interest groups, kind of the Goliath in the David and Goliath story. Given that we're in a democracy, have you got any suggestions of how that might be managed through the act?

**Ms. Claire Malcolmson:** Well, it will apply beyond the act. I think that with the Lake Simcoe situation not only faced by people at Big Bay Point but other places, Creemore and so on, people have backed down from participation as a result of intimidation. So it's beyond this act, and it would be great if something was effected through the Lake Simcoe Protection Act, but it needs to be broader than that.

Essentially, people shouldn't be participating in two things at one time. I think it's very brave of Mr. Avery to come up here and make a deputation while he's being sued. We need to make sure that while people are being sued, the public process doesn't continue or vice versa. You've got to control one thing in order to allow people to actually participate in an honest way and to fulfill the intention of a democracy.

**Mrs. Joyce Savoline:** That's great. Thanks.

**The Chair (Mrs. Linda Jeffrey):** Thank you for your thoughtful presentation. We appreciate your being here today.

#### BOND HEAD/BWG RESIDENTS FOR RESPONSIBLE DEVELOPMENT

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Bond Head/BWG Residents for Responsible Development.

Good afternoon, gentlemen, and welcome. As you get yourselves settled, if you're both going to be speaking, if you could identify yourselves for Hansard and the organization you'll speak for, and then once you've done



that, you'll have 10 minutes. I'll give you a one-minute warning when you get close to the end of your time.

**Mr. Phil Trow:** Great. Good afternoon, Madam Chair and committee. I appreciate being here today. My name is Phil Trow, and with me is Robert Keffer. We are representing Bond Head/BWG Residents for Responsible Development. This is a non-profit organization of residents working together to ensure that our community retains its strong rural and agricultural character.

Our mission statement says we want to pass on to the next generation a healthy environment and a beautiful countryside. We believe the Lake Simcoe Protection Act is necessary and will protect our environment; therefore, we support it.

We are located in the town of Bradford West Gwillimbury, just north of the Holland Marsh in south Simcoe county.

Subsection 3(2) says the act applies to the Lake Simcoe watershed. If I may explain why this section should be expanded, our area is under strong development pressure. At this point, I think you have a nice photograph of our area. It's an aerial view of Bradford centre, the most northern end of the Holland Marsh, and its relationship to Lake Simcoe. You can see at the top of the photo Cook's Bay. We thought this was an important photo for you to see the proximity of how close the lake is to our town. In the middle of the picture you have a road going east and west, and if you can imagine going west along that route 10 kilometres, you would come to our small rural hamlet of 500 people. Getting there, you would have passed beautiful, prime agricultural farmland.

**1440**

There are two development proposals before the OMB right now. One is called OPA number 15, which wants to rezone 1,800 acres to employment lands at Highway 400 and County Road 88 and create a new settlement area. The other is OPA number 16, which will increase the boundaries and the population of Bond Head from 500 people to 4,500 people. These proposals are supported by our local council, but have yet to be determined by the county and the province.

At this point, I'd like to pass it over to Robert Keffer to continue our presentation.

**Mr. Robert Keffer:** The interesting point of these proposals is that they will use sewers going into Bradford's sewage treatment plant and on to Lake Simcoe, but all of Bond Head and some of the employment lands are in the Nottawasaga watershed. From my understanding of the Lake Simcoe Protection Act, Bond Head will not be governed by the plan, but they could be getting their water and sending their waste water to Lake Simcoe. Bond Head is in the Nottawasaga watershed. How can this be? The health of Lake Simcoe is affected by any transfers from other watersheds. I think the Lake Simcoe Protection Act should stipulate that there will be no new inter-watershed transfers of water.

Imagine if a developer owns property in two watersheds but could send the waste water from both to Lake Simcoe. Which property would he be more likely to

develop, the one that will come under all the restrictions of the act or the one where can use the services of Lake Simcoe but have none of the restrictions?

There are mechanisms in the act where the boundaries can be expanded. I feel that there are areas that we know of now that should be added to the act without having to wait for the added process. I would ask that clause 15(2)(b) be removed. This pertains to increasing the area of the Lake Simcoe Protection Act. I think in certain circumstances the Lake Simcoe Protection Act should supersede the Planning Act when regulating outside the watershed.

If I may speak to the governance of the plan, there is subsection 5(4), "Responsibility for Implementing Policies"—"designate a public body or person." Our group would support the recommendations of governance of the LSEMS working group where there was a secretariat that would be the one voice for the lake. The Lake Simcoe Region Conservation Authority is very good at educating and monitoring the watershed, but it is governed by a board of directors with 20 members. Sometimes the smaller the number at the top of an organization, the more that will get done.

The county of Simcoe and the province undertook a growth study to determine where growth in Simcoe county would be best served, and this was called the IGAP study. It was done by a consulting firm called Dillon Consulting to look at the big picture. Their recommendation lined up with Places to Grow, with the majority of growth to occur in Barrie. The Lake Simcoe Region Conservation Authority board of directors came out with a strong position against the IGAP options. They preferred an option that matched the assimilative capacity study for each sub-watershed, so growth would be spread out over the watershed.

I am a seventh generation farmer who found this recommendation by Lake Simcoe Region Conservation Authority to not be in the best interests of the agricultural industry. The science behind the assimilative capacity study is that the farm community will decrease their phosphorus loads so that the development community can increase their phosphorus pollution. When the assimilative capacity study is done on a sub-watershed level, any area without farms, like Barrie, cannot grow.

I would prefer for development to be kept away from farming areas so we don't have the traffic problems, the nuisance complaints and the trespassing problems. If farms want to expand, they follow the Nutrient Management Act and do a nutrient management plan so that their phosphorus loadings will decrease. We don't ask towns to build storm water ponds so that the neighbouring farm can increase and grow. We look after our own growth. Towns should look after their own phosphorus reduction so that they can grow.

This leads me to speaking on section 30 of the act, water quality trading. This section, I believe, would benefit the development community and not the agricultural community, with questionable benefits to Lake Simcoe. There would have to be a bureaucracy set up to

run this. There would have to be a lot of current scientific research done to determine benefits of best management practices on phosphorus budgeting. There will be a certain amount of scientific uncertainty with non-point sources of phosphorus.

I know some of the studies referred to in some phosphorus budgets are 30 years old, and there have been a lot of changes in farming practices in the last 30 years. Just the number of farmers that have taken the environmental farm plan will have a profound change on current practices compared to earlier practices.

Farmers will voluntarily use best management practices, but they will become suspicious if they are indirectly funding urban growth. If the Lake Simcoe protection plan puts limits on point source discharge of phosphorus, phosphorus trading weakens any regulations: If you can't meet the limits, you can buy your way around them.

In Simcoe county, the planning regulations aren't as stringent as in York or Durham because of the greenbelt. In Simcoe county, any planning application will appear to be negotiable, and any servicing studies will have to take into account the possibility of phosphorus trading. Imagine the improvement in Lake Simcoe if the farming community's advances in phosphorus reductions aren't counterbalanced by the increased loadings from urban sources.

If we want Ontario to be in the forefront of new technology for ensuring water quality, water quality trading would be counterproductive to this initiative. If we want new technology, we don't want people to be able to take the easy way out and phosphorus trade.

**The Chair (Mrs. Linda Jeffrey):** Gentlemen, you have a minute left.

**Mr. Phil Trow:** We are supportive of the intent of this act. There are some changes we think will strengthen the act. There are four points:

(1) Section 3(2) says the act applies to the Lake Simcoe watershed. The health of Lake Simcoe is affected by any waste water transfers from other watersheds. No new transfers should be allowed.

(2) Section 15(2)(b): If expanded to other watersheds, the act should be able to supersede the Planning Act and Condominium Act.

(3) Section 5(4), responsibility for implementing policies: We would suggest a governing structure as recommended by the LSEMS working group with a secretariat that would be one voice for the lake.

(4) Section 30, water quality trading: This could be time-consuming and costly to set up, with little proof of utilization.

We thank you for the time that we have been given to talk to your committee.

**The Chair (Mrs. Linda Jeffrey):** Thank you, and our first question will be from the government side. Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you for the presentation; it was very thorough. Good to see you again.

I took some time to go up and do a little visit because my experience with this area had been really what I could see from the 400 as I was driving up to the cottage, which was in some places a few miles and in some places a few feet. Just confirm for me that Bond Head is outside the watershed but is inside Simcoe county. Is that correct?

**Mr. Robert Keffer:** That's right, yes.

**Mr. Kevin Daniel Flynn:** Okay. Your first point here, you gave us two realistic proposals, one at 400 and 88 and one being OPA 16, I think you referred to it as, which would increase the population growth of Bond Head.

In your first recommendation you're saying that no new transfers should be allowed. I took that to mean that you couldn't artificially transfer water that was not naturally flowing through a watershed from outside the watershed into the watershed. But then, in the second point you said, "if expanded to other watersheds." Presumably if you don't get what you want in number one, you'd like what is in number two?

1450

**Mr. Robert Keffer:** Yes. Realistically, for new sewer lines to go from the Nottawasaga watershed to the Lake Simcoe watershed really isn't the best practice for keeping Lake Simcoe healthy. Point two, in the act it does give direction that it has to go through the environmental registry and quite a process of consultation before any expansion—

**Mr. Kevin Daniel Flynn:** Okay. If I could just ask a short question—

**The Chair (Mrs. Linda Jeffrey):** Sorry, Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Do I have no time?

**The Chair (Mrs. Linda Jeffrey):** No.

**Mr. Kevin Daniel Flynn:** It was a great question.

**The Chair (Mrs. Linda Jeffrey):** I'm sure it was. Unless somebody else takes pity on you, no.

Mr. Barrett.

**Mr. Toby Barrett:** Thank you for the presentation. Section 30 on water quality trading: I just wondered if you could expand a bit more on your understanding of that. We know, for example, that the agricultural community is already subject to nutrient management legislation and, if that legislation is valid, has already reduced their phosphorus loading. Are you aware of this water quality trading being done anywhere else in the world? And secondly, is this—farmers can trade, can buy credits or quota, put a value on quota; developers can buy quota and start moving this around. How do you see that working?

**Mr. Robert Keffer:** In eastern Ontario there has been a pilot project of phosphorus trading. They set limits for the river that runs through the watershed at zero for any new sewage treatment plants, but it is possible to start a new sewage treatment plant if you buy phosphorus credits from the farm community. They set up an organization to try and talk the farmers into doing certain projects that will qualify for phosphorus trading.

I think the problem is getting enough farmers outside who will be interested in participating. I think the

problem has been that there hasn't been a lot of uptake from the farm community in the phosphorus trading and there is quite a bureaucracy that's set up. They have to try and decide if the phosphorus is going into a stream from non-point sources, which could be soil erosion or whatever, compared to something that you can definitely measure.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Tabuns.

**Mr. Peter Tabuns:** Yes, thanks for your presentation because it's very concrete, where you saw problems and where you wanted changes.

The whole question of diversion of water from other watersheds into Lake Simcoe: Can you give us examples of existing ones or ones that you feel are potentially there, should this act go ahead unamended, as you suggested?

**Mr. Phil Trow:** That's a hard question to answer. With the situation in our community you have two watersheds, the Lake Simcoe and the Nottawasaga, and for our particular hamlet, where we live—where I live, where Rob farms his land—we're considered in the Nottawasaga. There's a development proposal for that situation there. Yet, right now, that hamlet does receive water from Lake Simcoe.

There's a larger-scale development proposal that would go in between Bond Head and Bradford that would encompass thousands of acres of farmland and 120,000 people in between the two areas of what you see here. You see Bradford, which is 48,000; then you have our small hamlet of 4,500; then you have a larger-scale proposal, which is on the back burner, as they say. So you have that large amount of people coming into two watersheds, and you're trying to come up with a proposal as to how we direct water and protect a source of water properly.

**Mr. Robert Keffer:** But there are other areas, like Barrie, if they expand south of Innisfil into the employment lands—if they service some of those employment lands, some of those employment lands would be in the Nottawasaga watershed as well. So it is a difficult question.

**The Chair (Mrs. Linda Jeffrey):** Gentlemen, thank you very much for being here today. We appreciate your delegation.

#### FEDERATION OF ONTARIO COTTAGERS' ASSOCIATIONS

**The Chair (Mrs. Linda Jeffrey):** Our next group is the Federation of Ontario Cottagers' Associations, Mr. Rees and Ms. Moore. Welcome. As you settle yourself, if you're both going to be speaking, if you could say your name and the organization you speak for. Then you'll have 10 minutes, and I'll give you a one-minute warning as you get a little closer. The floor is yours.

**Mr. Terry Rees:** Thanks for this opportunity to speak to this important bill and the Lake Simcoe plan which will inform it. My name is Terry Rees and I'm the

executive director of the Federation of Ontario Cottagers' Associations. On my right is my colleague Ros Moore, who's the vice-president of our board. I'm going to speak first and then turn it over to Roslyn.

I'm speaking on behalf of FOCA, the Federation of Ontario Cottagers' Associations, an incorporated, not-for-profit organization. It's a province-wide association that represents about 600 waterfront property owners' groups, with over 50,000 member families. Our group's mission is to provide representation, assistance and leadership to and for waterfront associations on issues affecting their interests, and to encourage good environmental stewardship on behalf of every waterfront property owner. FOCA is a supporter of Campaign Lake Simcoe and signed on to support Campaign Lake Simcoe's EBR submission and discussion paper last spring.

Ontario's waterfront property owners have a vested and long-term interest in sound and balanced land use planning and resource management. Lake and rural residents are a major economic force in Ontario and certainly around Lake Simcoe. Across the province, they collectively contribute over \$500 million annually in property taxes and, as described in MOE's "Protecting Lake Simcoe" fact sheet in March of this year, cottagers, residents and tourists support about \$200 million of economic activity in the Lake Simcoe area.

One of FOCA's current interests relates to lake planning, which is a comprehensive undertaking for engaging lake communities. Lake planning is a multi-stakeholder process including residents, businesses, municipal representatives and government agencies, the goal being that the plan for the long term will result in the preservation of water quality and of natural and cultural heritage through community stewardship, land use planning, and support of governance and policy approaches. Some examples of the outcomes from our communities that have undertaken this process include the development of shoreline protection policies and practices combined with education for homeowners on best management practices with respect to shoreline buffers, reduction of pollution at the water's edge, maintenance of on-site waste water systems, etc. This type of community-driven engagement, informed by sound science and backed by appropriate public policy, is required for long-term results across large landscapes and across watersheds. The lake plan model is the embodiment of the provincial policy statement, which compels municipalities and stakeholders to identify natural systems and develop policies for their protection.

FOCA and our members have been involved with the Lake Huron Binational Partnership and the Canadian framework for community action, and we've been pleased to see that across this broad and binational watershed it's been a combination of community action, research and policy which serves as a compelling example of broad thinking that could serve this undertaking well on Lake Simcoe. We note that Lake Simcoe currently has no recreation policy and no consistent shoreline management policy, and that despite being one of the most

intensively studied lakes in North America, had no broad-scale plan to save it until the Lake Simcoe protection plan was developed, so we're very pleased to see this before us.

As it stands, planned growth in Simcoe county is in conflict with protecting the health of the lake in the long term. There are a number of development proposals under way or proposed that run contrary to the concepts of preservation of water quality and the protection of natural and cultural heritage. These issues need to be addressed through the act and the plan that it informs if they're going to achieve the objectives of the act. Like our inland and small-lake efforts, the Lake Simcoe act can be a successful model for citizens working co-operatively with government.

In summary, we see the value in a broad and collaborative watershed approach for Lake Simcoe, and it can only be accomplished by following through with the spirit and intent of this bill and engaging landowner interests in a proactive manner. FOCA and our member associations and the people we represent are vested parties in a viable future for our rural and waterfront communities and we respectfully submit our concerns and suggestions for your consideration and use.

I'll turn it over to my colleague and my board member, Roslyn Moore, who's going to follow up with some specific recommendations relating to the act. While we understand that this consultation is specific to the act itself, we understand that the devil is in the details and that the plan that it informs is going to obviously be a big part of how this rolls out on the landscape. So, Roslyn?

1500

**Ms. Roslyn Moore:** Thank you. My name is Roslyn Moore. I don't know if you need to know my address. That was on the deputation notes that were circulated.

I actually have three affiliations. As a board member of FOCA, I have served for four years on the board and am aware of the policies and procedures that affect the planning for the cottage associations across Ontario through that effort.

Second, in my professional work as an environmental planning consultant, I serve as project coordinator to the Alliance for a Better Georgina community mapping project. This is a three-year project producing computer-based community mapping and a website for eight communities in the Lake Simcoe watershed.

Our latest map is called the Historic Lakeshore Communities map, which provides community-identified features and text integrated with local and provincial data, which is promoting conservation of the Lake Simcoe watershed. I just wanted to show this to you. I'm going to actually have a copy for each of you that will be delivered by Annabel Slight, who's going to be presenting for the Ladies of the Lake. She is the vice-chair of the Alliance for a Better Georgina. This is a two-sided map: environmental and culture heritage. I hope you'll take a good look at it; you'll have one to take away with you.

The significance of this map is that it is a combined community and public agency effort. It's a prime

example of what can happen when you have a consensus-building, multi-stakeholder process to provide a dynamic method of educating the community and effecting public policy. This map has been heralded by the Lake Simcoe Region Conservation Authority computer services department as a huge educational tool, something that they don't have the time or the staff to do with their limited funding. As well, it's serving as a planning tool for the town of Georgina planning department, as a reference tool.

The other piece of my experience that I bring to bear today is as a volunteer on the federal Trent-Severn Waterway system, specializing in local lake planning on Clear, Stony and White lakes in the Kawarthas. I co-initiated a three-year Clear/Stony/White Lake plan, lake planning that Terry just referred to, a community-driven, multi-stakeholder process including representation of four municipalities on our steering committee over a three-year period.

The plan was completed in the summer of 2008. I'm going to leave this with you. This is an example of lake planning. It's 48 to 50 pages of comprehensive data, information and community/government-consensus-built, action-oriented deliverables and outcomes. You might like to take a look at it at your leisure. There's a website that's listed on here: stonylake.on.ca. You can access the plan on that as well.

This past summer, Terry and I invited the Honourable Donna Cansfield, Minister of Natural Resources, to attend our celebratory launch of this lake plan and of a FOCA-supported lake planning process in southern Ontario. We should add that Minister Cansfield is also a cottage resident on Lake Simcoe, so she has a real vested interest in lake planning per se.

During her complimentary public remarks, Minister Cansfield provided a strong message on the importance of shared learnings between the Lake Simcoe process and province-wide lake planning efforts, including the Clear/Stony/White Lake plan process. Specifically, the Lake Simcoe act and plan serve as a blueprint or a template for lake planning in Ontario. A vibrant two-way process for sharing learnings and outcomes between the Lake Simcoe effort and other lake planning efforts will provide enormous benefits to sustainable watershed planning across Ontario.

What I've said is that there should be some mutual learning taking place here. What we'd like to try to do today, if you will, is share the outcomes of our understandings of lake planning to date.

To begin, we believe the act as it currently stands is good, but it must be enhanced or informed by specific details of the plan. As I think Terry said earlier, the devil is in the details.

We understand the plan will soon be released as a draft to the public and it will help to provide clarity and strength to the intent of the act. We do feel that special attention must be paid to the following four sections, which you have a copy of on your desk.

**The Chair (Mrs. Linda Jeffrey):** One minute.

**Ms. Roslyn Moore:** The section on the effect of the act: We hope that there will be a consistent application of new rules set for the development of Lake Simcoe affecting proposals that are currently under consideration and that all projects and development procedures lacking final permits or regulatory approvals will be caught by this legislation effective December 6, 2007.

The term “significant” should be deleted from the phrase “the existing significant threats.” The use of the term is ambiguous and misleading and open to a multitude of inaccurate interpretations, often leading to poor or inappropriate development.

Shoreline protection regulations should be affected by the clause, “The Lieutenant Governor in Council will make regulations,” as opposed to its current statement that says “may make regulations”—we’d like this to be strengthened—and should refer to restrictions applying equally to residential developments, resource development servicing and a restoration plan.

Finally, number 4: The best available science should not deviate from the science advisory recommendations on policy and targets. This is incredibly important to ensure protection for water quality and healthy habitat for wildlife.

I’m just going to summarize with five quick points.

**The Chair (Mrs. Linda Jeffrey):** I’m sorry, you can’t. I gave you your one-minute warning, but nice try.

**Ms. Roslyn Moore:** Okay. I’ll try to insert them into a question.

**The Chair (Mrs. Linda Jeffrey):** You can insert them in an answer, if you’re on top of things. Mrs. Munro.

**Mrs. Julia Munro:** It’s the perfect segue, because I was going to ask you, in the presentation that we just heard, point 3 was with regard to governing structure as recommended by the LSEMS working group. Given the kind of information you’ve provided us with, my question to you is simply, what kind of specific recommendations would you have? I’m assuming that you would support this notion of the working group recommendation of a secretariat, so you can talk further about the plans you were about to speak about.

**Ms. Roslyn Moore:** Exactly. Thank you very much. First of all, the first point is that the terms of reference should be strong and clear, and this should be a multi-stakeholder process which features citizens, business and policy-makers. I would concur with the former speaker Claire Malcolmson’s points about representation on that effort. That’s incredibly important. I don’t think anything’s going to get done if there isn’t a joint effort between citizen groups, science, government and business. It has to be a multi-stakeholder effort.

I think it’s important to continue the researcher dialogue on the components of both successful and unsuccessful planning for lakes in our watersheds. There’s a lot to be learned already from the experience of other lakes in Ontario. I think the Science advisory committee probably is aware of that. I’d like to see that that would

be built into the process—and a sustainable fund for funding.

**The Chair (Mrs. Linda Jeffrey):** That has to be the highlights, sorry. I’m going to have to go to Mr. Tabuns.

**Mrs. Julia Munro:** I like the map, though.

**The Chair (Mrs. Linda Jeffrey):** Good.

**Mr. Peter Tabuns:** Thanks for the presentation. There was a lot of good material in there. When I’ve talked to people in Barrie and the city government about pollution in the lake, they’ve mentioned the number of boats that are on the lake and sewage from those boats. Do you know how many boats are currently estimated to be on the lake on a regular basis and what the impact of 1,000 more boats would be on this lake?

**Mr. Terry Rees:** No.

**Mr. Peter Tabuns:** Darn.

**Mr. Terry Rees:** Probably not great, is my short answer. Land use planning and including the water bodies that exist there is a balance between uses. The recreational benefit that comes from the lake is multi-faceted, and having people on the lake is a positive thing for the local communities, for the economy and for a variety of other reasons. There’s new technology that’s making it better all the time, but we almost never have any undertakings as humans that are completely benign. There’s a limit to all of our activities, though, and planning thoughtfully in advance is one way to manage the limits of our impacts. That’s all I could say to that.

**Mr. Peter Tabuns:** Okay. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Flynn?

**Mr. Kevin Daniel Flynn:** Just in terms of defining a member in your organization—and the reason I bring this up is that I did a tour of about two days and they took me out on the lake to look at the cottages. The cottages I was looking at looked like Conrad Black should have been standing on the balcony and waving back at you. At what point does a cottage become a house or a dream house?

1510

**Ms. Roslyn Moore:** Unfortunately, it’s become a trend on many of the lakes in Ontario that cottages are no longer acceptable for local planning purposes. They don’t meet the bylaws; they have to be full-time, year-round facilities. So you get that mixed together with a—

**Mr. Kevin Daniel Flynn:** Okay. The one image that stands out in my mind is the size of the lawns in front of some of these places that were clearly fertilized—perhaps they even used pesticides—and the slope ran unimpeded to the lake. Twenty years ago, that would have been a sign of a good citizen, somebody who was maintaining their property. Now people were pointing at them, but pointing at them in a bad way.

When you send out anything in an educational format, do you include that type of education about what you can do with shorelines?

**Mr. Terry Rees:** Thank you, by the way, for—this is my world, because “cottage” is a misnomer, really. We’re 50 years old and that’s how you referred to anyone who lived on the water, and it usually referred to a frame

shack that you went hunting or fishing at, so obviously not entirely a good description these days, because we've got all manner of size, shape and form of residential development on the water. Any new developments are generally held to the current building code, which includes sewage works, which is a positive thing these days for anyone who's building new. There's often very little that a local municipality has to directly influence site planning on individual residential lots, so we know there's a strong—it can be a tricky role to play, because there are only so many resources to manage your local bylaws. That's why we feel that environmental stewardship through local community groups and through groups like ours is so very important. It has been a long-standing message that our organization has delivered, that we've each got a role to play in the responsible use and enjoyment of our water, and that the kinds of practices which you described around grading lots and lawns is really not a sustainable, long-term proposition.

Our membership is composed of associations that willingly join us. Their members, in turn, are people who have joined with a community interest in mind. We don't represent every person on the water, and we don't always represent everyone's landscaping preferences, but if we had our druthers we would certainly make our preferences known in terms of what a sustainable waterfront looks like.

**Mr. Kevin Daniel Flynn:** Thanks for the work you do.

**The Chair (Mrs. Linda Jeffrey):** Thank you both very much for being here today.

**Mr. Terry Rees:** Thank you.

#### ONTARIO NATURE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Ontario Nature. Welcome. Thank you for being here today. If you could say your name and the organization you speak for, once you get yourself comfortable. Once you've done that, you'll have 10 minutes. I'll give you a one-minute warning as you get close to the end. Okay?

**Ms. Clare Mitchell:** Great. Thank you very much. My name is Clare Mitchell and I'm with Ontario Nature. If you could just note, Caroline Schultz, our executive director, had planned on being here today. She's had emergency surgery, so she won't be joining us today.

Since its inception in 1931, Ontario Nature, formerly the Federation of Ontario Naturalists, or FON, has been the voice for nature in Ontario. From spearheading the creation of a wilderness area in Algonquin Park in 1934 to working tirelessly for the creation of the Oak Ridges moraine conservation plan in 2001, to pushing for the timely revision of the Endangered Species Act in 2007, Ontario Nature has been nature's champion. Today, our voice is sustained by over 30,000 members and supporters, including a network of over 140 member groups, of which eight are located in the Lake Simcoe watershed. We strive to protect and conserve nature while connecting people with it.

As a partner in Campaign Lake Simcoe, Ontario Nature would like to applaud the Ontario environment minister for the introduction of the Lake Simcoe Protection Act. This act is a tremendous positive step in protecting this beautiful lake and the regional economy at its heart. It also begins to recognize that what happens on the land determines what happens to our lake.

Each Friday morning for the last five years, I have risen at 5:45 a.m. for a run along the shores of Lake Simcoe on Kempenfelt Bay. I have watched the sun burn the early morning mist off the lake, I have felt the very cold winter winds whip across the bay, and I have heard the crunch of the leaves beneath my feet on cool fall mornings. I am not alone during these runs. There is often an abundance of wildlife on and near the lake: other crazy runners and walkers, rowers with their oars silently slicing the glass-like surface of the lake, and people trying to hook the first catch of the day. We are the lucky ones who are able to appreciate Lake Simcoe right in our own backyards.

For those people for whom Lake Simcoe is not in their backyards but who still reap its many ecological benefits, how can we ensure that this public resource is protected now and for future generations? We can do this by ensuring that the commitment of the Ontario government to protect and restore the ecological health of Lake Simcoe happens through a strong Lake Simcoe Protection Act and the resulting plan.

Building on the comments that were expressed in the Environmental Bill of Rights and at the information forums and community partner workshops earlier this year, we are moving in the right direction, but there are still things that need to happen if this act and the plan are to protect Lake Simcoe now and for future generations. To save Lake Simcoe, the plan's principal focus needs to be how we can act now to protect and restore natural areas within the watershed as part of an integrated natural heritage system.

I don't think I can emphasize enough the importance of retaining natural coverage for the health of our lake and the ecological goods and services, like clean air, clean water and its abilities to mitigate climate change that we all benefit from. According to the Lake Simcoe Basin's Natural Capital: The Value of the Watershed's Ecosystem Services report released in June of this year, the ecological benefits provided by the Lake Simcoe ecosystem, a vital part of the world's largest and most diverse greenbelt, are estimated at close to \$1 billion a year.

We need to maintain and restore native woodlands, connect the largest cores of habitat with corridors, allowing wildlife to move between these areas, and maintain the biodiversity found in these areas. For woodlands, we need to focus on the three Cs: composition, connectivity and coverage. We should aim for meeting habitat guidelines developed by Environment Canada, which recommend protecting at least 30% of the forest cover in the watershed, of which 15% should be interior forest

We know there are certain wildlife species, such as the scarlet tanager and oven birds, that rely on interior forest habitat for their survival. All of these measures work towards maintaining the rich biodiversity which is so fundamental to the essential goods and services these areas provide and from which we all benefit.

A stronger emphasis on native forest cover and protecting wetlands in our watershed and beyond is imperative, so we can continue to benefit from acceptable water quality and quantity, as the eight communities in and around the lake do each day.

Other recommendations pertaining to the proximity of the forest patches and forest-type representation should also be followed.

Additional criteria and thresholds suggested in Conservation Guidelines for the Identification of Significant Woodlands in Southern Ontario pertaining to minimum patch size, hydrologic linkages and slopes should also be addressed. Environment Canada's guidelines for wetland and riparian habitats should also be met as part of an extensive and ecologically functional natural heritage system.

In clause 26(2)(a) of the act, I am concerned that "areas of land or water adjacent or close to the shoreline of Lake Simcoe" is too restrictive. I and Ontario Nature would like it to read that "land within a 100-metre distance to the lake, shoreline, ... tributary of Lake Simcoe, as defined in the plan, and informed by scientific advisory committee's recommendations." Also, the requirement that all new riparian riverine or shoreline activities result in protection of and improvement to fish habitat must be included.

There are 43 species at risk in the Lake Simcoe watershed, from monarch butterflies to Blanding's turtles to the southern flying squirrel to American ginseng. If we continue to destroy threatened wildlife habitats, as we are doing now, we will leave a legacy of adding species to this list.

All of the strong natural heritage policies I wish to see are possible and are the intent of the act as referenced in Bill 99. The act's purpose is "to protect and restore the ecological health of the Lake Simcoe watershed," so let's ensure we do just that.

The act must be the vehicle to deliver a protected natural heritage and agricultural system as promised by the growth plan for the greater Golden Horseshoe. Again, what happens on the land determines what happens to our lake.

The act's principal focus must concentrate on how we can act now to protect and restore natural areas within the watershed as part of an integrated natural heritage system.

Healthy growth means protecting key natural features given the value of the services they provide. The benefits of integrating the value of nature into decision-making are clear: sustainable urban growth, balanced communities, and increased health and quality of life for Ontarians.

All developments or projects lacking final permits or regulatory approvals must be caught by regulation, be

subject to the act and/or plan, and meet the environmental and development standards outlined in the plan. This is an environmental act and, as such, issues other than phosphorus loads must be addressed in development approvals.

**1520**

It must be explicit that the Lake Simcoe protection plan's shoreline development restrictions apply to residential redevelopments, resort development and servicing, and include a shoreline restoration plan. We need to curtail ill-planned urban growth around our lake, because planned growth in Simcoe county is in conflict with the protecting of the health of our lake.

There needs to be a stronger emphasis on improving land use planning, both within the watershed and in adjacent areas where development pressures are the greatest. The Lake Simcoe watershed is home to more than 350,000 people, and Places to Grow indicates that the population living within the watershed will nearly double by 2035. Our land use planning needs to plan for this and work together to ensure that the future growth and development are sustainable.

It is crucial that the plan works with and strengthens the growth plan for this area. Although the province may be reluctant to include population and development caps in the Lake Simcoe watershed, these issues may need to be addressed through the plan and act if they are going to achieve the objectives of the act. It must lay out a plan for assessing and achieving appropriate levels of growth within the watershed and adjacent areas on the west side of our lake, where development pressures are the greatest and the watershed is the narrowest. It must lay out a plan for how we can assess whether this level of growth is appropriate, how to accommodate future growth while putting the needs of our lake and its surrounding ecosystems first, and how to ensure infrastructure critical to protecting our lake, such as water and sewage treatment, keeps pace with growth in the most ecologically sound way possible to benefit current residents and future residents.

This requires comprehensive and interactive long-term planning to ensure the fundamentals are in place now so our lake can thrive today and continue to be a public resource in the future.

**The Chair (Mrs. Linda Jeffrey):** Ms. Mitchell, you have one minute. Okay?

**Ms. Clare Mitchell:** Yes.

Approximately 40% of the lake's shoreline is governed by the greenbelt development restrictions, leaving the rest of the watershed unprotected. The act must end the paradox of one lake, two policies.

To touch on a couple of points that need to be included in the plan:

It must not allow significant shoreline alteration. Naturally vegetated buffers should be a minimum of 100 metres wide on shorelines and rivers.

Policies covering the above targets must be identified as designated policies: natural cover targets, permeable surface minimums, setbacks from watercourses, wetlands and the lake, and shoreline policies.

Adequate and sustained funding must accompany the plan, which needs to be reinforced with a practical enforcement regime. Unless the government corrects these long-standing problems of funding and enforcement, progress and positive results will be difficult to achieve.

What brings the need for a strong Lake Simcoe Protection Act home for me is two-fold. I work for Ontario Nature, which, along with the other members of Campaign Lake Simcoe, is committed to seeing a strong Lake Simcoe Protection Act and plan in place—that sends a clear message to our government to protect our lake now and for future generations. At the same time, when it's not snowing in Barrie and I stand in my driveway, I can see the lake, and each and every day I reap many of the benefits the lake offers.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Our first questioner will be Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you for that presentation. In one of the earlier presentations, it was indicated to us that, if the recommendations from the scientific advisory committee weren't followed, it would be very difficult to make sure that this lake was healthy and sustainable. Is your organization in agreement with that position?

**Ms. Clare Mitchell:** That's a very good question. Could you repeat it?

**Mr. Peter Tabuns:** An earlier presentation by Campaign Lake Simcoe said that the recommendations of the scientific advisory committee were quite important to ensure that the lake was actually protected, that what they had seen coming out around the act was not as protective and, in fact, went in a different direction. I asked if the protection of the lake depended on implementation of the scientific advisory committee recommendations.

**Ms. Clare Mitchell:** Yes. Premier McGuinty, when he spoke in Barrie, when he made the first announcement, said that we need to have sound science. I think that if you don't have that sound science—we know that the advisory committee has been taking all that science that's been around for ages and putting it all together. I think we need to make those decisions based on the best available science that we have.

**Mr. Peter Tabuns:** Okay. Thank you.

**Mr. Kevin Daniel Flynn:** Thank you, Clare, for your presentation. One of the things your organization is quite famous for is its magazine. I used to get it; I don't know what happened.

**Ms. Clare Mitchell:** I didn't bring any copies with me today. Sorry.

**Mr. Kevin Daniel Flynn:** I probably didn't pay for it; that's probably why I didn't get it.

**Ms. Clare Mitchell:** I'll give you a membership brochure before I leave.

**Mr. Kevin Daniel Flynn:** There we go. That was a shameless plug to get me one.

*Interjection.*

**Mr. Kevin Daniel Flynn:** That's right. But on the topic of shared learning, that's been raised so far, and there's a really positive atmosphere that surrounds this whole project. There's a partisan nature to it, but this is

one of the more positive exercises I've seen. What sort of feedback are you getting from your members? Are they excited about the fact that we're trying to clean up a whole lake?

**Ms. Clare Mitchell:** They are very excited. And I'm fortunate, in my position, that I work directly with the naturalist clubs—so over 140 naturalist clubs across the province, of which eight are in the Lake Simcoe watershed—and they're behind this. I think naturalists inherently have a connection with nature, so they're sort of the converted. They're already on side and they are very willing to support the Lake Simcoe Protection Act, but they're also going out into their communities. So it's not just a naturalist issue now; now it's a bigger issue. I talked briefly about ecological goods and services and the idea that we all benefit from clean water, from clean air, mitigating climate change. I think it's very well received and it's seen as a bigger issue. It's multi-stakeholder. It's not just the naturalists and not just the environmentalists; everybody understands the value of it. I think if we have a strong act in place and a strong plan in place, then it sets the precedent for what might happen in other places in the province.

**The Chair (Mrs. Linda Jeffrey):** Mr. Barrett?

**Mr. Toby Barrett:** Clare, thank you for your presentation on behalf of the FON. We have the Norfolk Field Naturalists down our way. That was established maybe in the 1950s.

You talk about population, and of course the goal of naturalists to protect and to restore this particular environment. But I think of the population of Ontario or Lake Simcoe in 1931 and the population now, and you're projecting a population of 700,000 people by the year 2035. Do you think there's a hope to actually achieve your goals with that kind of population growth? Secondly, does FON, Ontario Nature, have a position on what I consider out-of-control population growth in this part of the world?

**Ms. Clare Mitchell:** I think at Ontario Nature we realize that this population growth is going to happen regardless. We can't control the population growth, and I think with that understanding, we want to work within that context and help to make sure that, when growth does happen in areas, there are natural areas which are protected. We have a huge strategy right now called our greenway strategy, which is about connecting natural areas to the cores and the corridors. I think we're aware of the situation, and our approach is to work within that. So, what are the policies that we can help either provincial government or municipal government do so that, when this inevitable population growth occurs or as it's happening, there are measures in place to reduce the environmental impact?

**Mr. Toby Barrett:** So you feel it's not possible to control population growth?

**Ms. Clare Mitchell:** No. I think it's inevitable that the population is going to keep on growing. They need somewhere to go, and the most natural areas are some of the areas that they are attracted to.



**Mr. Toby Barrett:** That's where they go.

**Ms. Clare Mitchell:** But I think also, if you understand and appreciate nature—and that's a lot of the work that we do through our magazine and with outreach and education: getting people to understand and appreciate, and helping them to understand what actions they can take, whether they support green builders, whether they support green legislation, so that there's something that's being done there to minimize their impact.

I spend a lot of time down by the lake because I live in Barrie, and there are so many people out there using the lake. There are always people out there, whether they're rollerblading or biking or swimming or sailing. It's a very well used resource. I think if people understood a lot more about how important it is and how to protect it, then they would. I think people really appreciate it, but they don't necessarily know what role they can play. I think that's part of the work that we do at Ontario Nature: helping them to understand so that they can then influence local and provincial governments.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today. And ignore the shameless plug for the magazine.

## EARTHROOTS

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Earthroots. Good afternoon. Welcome. As you settle yourself down, if you could state your name and the organization you speak for before you begin; then you'll have 10 minutes. I'll give you a one-minute warning as you get close to the end. Welcome.

**Mr. Josh Garfinkel:** My name is Josh Garfinkel. I'm the senior campaigner for Earthroots.

First off, I'd just like to say good afternoon to the Chair and members of the committee. I'm really grateful for the opportunity to speak in this forum. I'd like to say how encouraging it is that the government has taken this really critical progressive step of introducing legislation for Lake Simcoe. We're really enthused that the Ontario provincial government sees the incredibly urgent need for affording meaningful protection to this vital watershed.

1530

Earthroots is a non-profit environmental advocacy organization that works to protect wilderness, wildlife and watersheds through research, education and action. We've been around for over 20 years. We focus on Ontario-based issues and we represent approximately 15,000 supporters across Canada. Our organization is in full support of Campaign Lake Simcoe.

Once again, it's a privilege to speak with you about Bill 99, the Lake Simcoe Protection Act. We're very pleased with the overall direction the act has taken and the commitment that the province has made to this vital part of southern Ontario. We feel that the act is an extremely important step towards addressing some of the environmental problems that have plagued Simcoe but, like any piece of environmental legislation, there are certainly areas that need some work.

One area that is a cause for concern is subsection 3(4), the effect of the act; also subsection 5(1), the effective date—"The Lake Simcoe protection plan takes effect on the date specified in the plan."

The fact that we do not yet know how transition regulations will be treated is extremely concerning. Just to stop and clarify, when we say "transition," we mean development applications that were ready and processed prior to the plan. That needs to be stressed. This is a really essential component that needs to be addressed by our government.

If people continue to see automobile dependence and unsustainable suburbs sprouting up in Simcoe county over the next 10 years, they will rightfully be skeptical as to whether or not your government has thoroughly dealt with the environmental issues that are central to a healthy Lake Simcoe. It is essential that you anticipate the public response to this apparent contradiction and establish strict development regulations accordingly.

As a campaigner for Earthroots, one important part of my job is conducting research on the Oak Ridges moraine. Our partnership with Ecojustice, formerly Sierra Legal Defence Fund, has actually led us to focus on a controversial development application called West-hill. This proposed golf course and condo development on the moraine in Aurora is in violation of the Oak Ridges Moraine Conservation Act and has put the effectiveness of this legislation in question. There is legal uncertainty surrounding this case due to its transitional status, as its application had not received approval when the Oak Ridges Moraine Conservation Act was introduced.

The inherent problem with transitional developments is that they fall into a legislative grey area and they cause great confusion within the public. So the government must be careful and strategic about transition regulations. People will rightfully question what the term "protected area" actually means if environmentally harmful developments continue to be built on vital landforms and ecologically sensitive watersheds that are, allegedly, protected.

To be consistent in the application of new rules set for development on Lake Simcoe, we need the act to affect development proposals that are actually in the pipeline right now. All developments or projects lacking final permits or regulatory approvals must be subjected to the regulation. It must meet the environmental and development standards outlined in the plan.

This is an environmental act and, as such, there's a wide spectrum of ecological and hydrological issues that need careful consideration when addressing development approvals. It is imperative that the Lake Simcoe protection plan be effective as of December 6, 2007, the date of the announcements of the interim phosphorus regulation.

Another area that needs to be strengthened is subsection 5(1): "Contents of Plan ... The Lake Simcoe protection plan shall set out the following." After examining the phrase, "the existing significant threats and potential significant threats to the ecological health of the Lake

Simcoe watershed,” we anticipate problems with the soft, ambiguous language. We have legitimate concerns that the use of the word “significant” insinuates a level of threat that is open to interpretation which, therefore, could be used to disregard threats not deemed to be “significant.”

Furthermore, in reference to subsection 26(2), it is of utmost importance that Premier McGuinty uphold his assertion that this act and the plan are going to be based on the best available science. It is critical that the recommendations of the provincially appointed scientific advisory committee be adopted. In particular, the committee’s 100-metre naturally vegetated buffer recommendation—number 36—must be followed.

Between the Great Lakes, the Oak Ridges moraine, abundant lakes, rivers and streams, Ontario is blessed with plentiful fresh water. Unfortunately, this has led our government and citizens alike to often act as if our water is an infinite resource. Unchecked urban sprawl and mismanagement of water resources in southern Ontario created a clear need for protection that the Ontario government could not ignore. The Oak Ridges Moraine Conservation Act and the Greenbelt Act were created to curb urban sprawl and protect vital watersheds. Earthroots feels a sense of pride to have been an important part of lobbying for the moraine conservation act. We were thrilled when our government introduced the landmark greenbelt legislation.

With that being said, there are activities that are allowed to take place within the greenbelt that completely compromise the most important objectives of the plan and undermine the very notion of a protected area. The fact that golf courses and aggregate operations are permitted in ecologically sensitive areas of the greenbelt is a fundamental problem that is completely at odds with the most integral goals of this highly lauded act. Since the Lake Simcoe Protection Act is modelled on acclaimed laws that already exist in Ontario, notably the Niagara Escarpment plan and the Oak Ridges Moraine Conservation Act, it is imperative that our government learn from the mistakes and omissions from these pieces of legislation.

Hydrological integrity is emphasized in the Oak Ridges moraine conservation plan as an overriding priority, yet water-intensive operations such as aggregates and golf courses are allowed to take place within many parts of this key land form. Earthroots and Ecojustice have recently completed reports entitled Ontario’s Water Hazard, a case study that examines golf courses on the Oak Ridges moraine and how they are routinely allowed to flout rules surrounding the Ministry of the Environment’s permit-to-take-water process. With the inordinate number of golf courses in ecologically sensitive watersheds and the Ministry of the Environment’s lack of enforcement, it comes as no surprise that places such as Newmarket and Aurora have been experiencing declining groundwater levels for years—for over 10 years, specifically.

If hydrological integrity were interpreted in a more direct way, there would be a moratorium on any new or

expanded golf courses in the greenbelts and much stricter practices surrounding the sustainable allocation of groundwater resources in these sensitive areas. If one of the purposes of the greenbelt was to protect prime farmland, the government would not allow water-hungry golf courses to be constructed over land with such important soil. Furthermore, the government must be cognizant of the fact that golf courses and aggregate operations are contributing factors to farmers and homeowners experiencing water shortages.

To bring this back to the Lake Simcoe protection plan, one of the key tenets is to protect the ecological and hydrological integrity of a protected area. Let’s think about what these terms mean. This sounds impressive, and it appears that the government is going in the right direction toward affording strong protection. However, due to the ambiguity of the terms “ecological” and “hydrological integrity,” it is unclear how these critical concepts will hold up when put to the test. It is absolutely essential that the government address the urgent need to protect this vital watershed and prohibit any new golf courses or any new aggregate operations in this protected area. In the case of expanding an existing golf course, it is essential that the Ministry of the Environment conduct cumulative impact assessments, environmental impact assessments and regularly monitor water levels.

To conclude, we have our concerns regarding ambiguous language, the treatment of transitional development applications and the allowance of certain damaging land uses within sensitive areas. However, we do feel that the government is on the right track. If the recommendations of the scientific advisory committee are adopted, and our call for strong, meaningful ecological protection is answered, we will stand resolutely and appreciatively with anyone who supports Bill 99. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you. My first questioner will be Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you, Josh, for your presentation. You talked a lot about things that would influence land use. I was hoping to hear something about what is actually going on in the lake, especially with sports fishery and commercial fishery, that type of thing. Has Earthroots taken a look at what’s actually happening under the water? I know we’ve had a depletion in the dissolved oxygen levels, that type of thing. We’re seeing a little bit of a comeback in some species, but certainly it looks like it needs a lot more work. Have you taken any position on what’s actually happening in the lake itself?

**Mr. Josh Garfinkel:** We have. We’ve looked at different studies in terms of uses that actually impact the health of the lake. It’s tough to have only 10 minutes for a presentation. I try to focus on issues that I work on directly, in terms of the moraine and greenbelt, in trying to relate the importance of learning from our mistakes in terms of how the government’s going to develop the plan for the Lake Simcoe Protection Act.

We’ve looked at the motorboat issue most closely because we work a lot on provincial parks issues, and motorboats have been an issue in certain provincial

parks. I would have liked to talk a little more about ecological carrying capacity in relation to motorboats but, again, that was about nine and a half minutes.

1540

**The Chair (Mrs. Linda Jeffrey):** Mr. Barrett.

**Mr. Toby Barrett:** You called for a moratorium on any new expanded golf courses within the greenbelt, but the greenbelt is only part of this watershed, if I recall from looking at the maps. Do you mean the whole watershed, or just the greenbelt part?

**Mr. Josh Garfinkel:** I guess we would call for it on the whole watershed, but in terms of the wording within the Oak Ridges moraine conservation plan and the greenbelts, I was trying to point to the ambiguity and the lack of clarity regarding the term “hydrological integrity,” and the fact that water-intensive operations are leading to a lot of water shortages is something that we really need to learn from and act upon really fast.

**Mr. Toby Barrett:** You mentioned Newmarket and Aurora, with the groundwater declining and that. Is that because of golf courses, or could it be from washing cars and watering lawns and other things—

**Mr. Josh Garfinkel:** It’s multi-faceted. I didn’t want to make this presentation just about golf courses, but I do think that they’re one of the leading contributing factors, in terms of how much water they use. I think they could be a lot better in terms of alternatives to that much groundwater being used.

**Mr. Toby Barrett:** I don’t golf, but I just wondered. Are there gravel pits in those—

**Mr. Josh Garfinkel:** Yes. There are a number of things that are contributing to it, but based on the case study that we completed, the golf courses are allocated about 50% of the town of Aurora’s water supply. So, based on those numbers alone, that’s pretty staggering in terms of what that means to citizens of the town and—

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you for the presentation. Could you speak a bit to the impact of boats on the lake—motorboats, sailboats, sewage from the boats—and the potential impact of 1,000 more being put in place at Big Bay Point?

**Mr. Josh Garfinkel:** Without getting too much into the weeds, in terms of the science of the motorboats, undeniably study after study has continually pointed to the fact that Lake Simcoe is in jeopardy. The health of the lake is at serious risk. I understand that tourism dollars are important in this part of Ontario, but that cannot override the health of the lake. The lake is in so much trouble already. I believe there are about 7,000 motorboats right now on the lake. Another 1,000 motorboats would have a devastating impact, and the government really needs to reconsider what this means in terms of how this is going to jeopardize the health of the lake. We have a lot of concerns about that.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today.

ANNE GOLDEN

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is West Oro Ratepayers’ Association, Anne Golden. Welcome. Thank you for being here today. Please say your name and the organization you speak for, and once you do, you’ll have 10 minutes.

**Dr. Anne Golden:** Actually, I’m speaking more or less for me. I am an active member of the West Oro Ratepayers’ Association, but I’m actually speaking as someone who has been on Lake Simcoe since I was three years old.

**The Chair (Mrs. Linda Jeffrey):** Good. I’m going to give you one minute’s notice when you get close to your 10 minutes, okay?

**Dr. Anne Golden:** I’m not going to take 10 minutes.

I want to thank you for the opportunity to speak to you in support of Bill 99, the Lake Simcoe Protection Act. I actually have been cottaging on this lake since I was three years old, more than 60 years, almost 40 of which have been in Oro-Medonte. I am an active member of an active ratepayers’ group, the West Oro Ratepayers’ Association, which has some 300 members.

In these six decades plus, I have seen the quality of the lake decline. I can remember when we used to fish in the lake, eat the bass, eat the lake trout, without concern. Now, every year, I see more beaches closed during the summer, I see more weeds due to phosphates, more sprawling subdivisions sprouting up, and real risk that Lake Simcoe will not provide the kind of enjoyment to future generations that I have had.

This government has demonstrated that it understands the need to check urban sprawl, preserve community identity and ensure green space, while it provides for growth in a responsible way through Places to Grow, the greenbelt, the Clean Water Act, the provincial policy statement etc., and it has received praise within Canada and globally for this approach. The whole key to it, though, is implementation. I am not an expert on Bill 99. Other deputants, as the one before me did, spoke to, for example, the problem with language, where it’s too vague. They will provide the details and the specific amendments to the act that are needed, and specific improvements to the plan. I’m here today to support their efforts.

Mine is a two-page, little presentation, so if you want to follow along on page 2, hopefully the plan will do the following:

Establish specific targets for phosphorus, for natural cover, and what they call surface impermeability—in other words, concrete docks and breakwaters—that follow the advice of the scientific advisory committee.

Not allow significant shoreline alteration. So-called riparian corridors, which are naturally vegetated buffers, must be set at a minimum width, and they recommend that width.

This is very important, this next point. Ensure that shoreline policy is even-handed. It is not even-handed now. If my family and my neighbours cannot build a

cement dock—I can tell you, we can't move a rock without permission from provincial and federal authorities—but a developer can carve a 30-acre hole in the shoreline for 1,000 marina slips, that is not even-handed.

This leads me to comment on Big Bay Point, as an example and for itself. This particular development is offensive. It's offensive due to its scale—thousands of fractional ownership units—and the enormous basin that's going to be created for the most massive marina on a lake already overloaded with motorboats.

If the numbers that the last deputant gave you are correct, you're talking a 15% or 20% increase in the number of boats from a single development. It's not right. This is inconsistent with any plan to save the lake.

Given all the efforts that you're making through legislation so enlightened, why would the government grandfather this development and allow this particular application to be an exception to the standards you are now establishing under the Lake Simcoe protection plan?

I'm hoping that you will make the effective date of the Lake Simcoe protection plan December 2007—I can't stress to you enough; this is really why I'm here—because if you don't, you're going to be undermining your plan before you start. It must have an early effective date and a period of transition. I have heard developers refer to the land north of the greenbelt as the Wild West of development. Without clear transition rules, without stopping the grandfathering of projects that lack final permits or regulatory approvals, you're going to be undermining your whole purpose.

I'm hoping that the new plan will include regulations that apply equally to marinas, resorts and residential developments.

One more point that I want to stress—two more points. I'm hoping that you'll make these regulations in some way non-appealable to the Ontario Municipal Board.

This isn't in my presentation, so if you'll just bear with me, I want to tell you a very quick story.

WORA was created to fight a particular development called the UCCI development. This would have created a golf course adjacent to the lake, with all of the pollutants running down. It was a bad development. Thank goodness, the province stepped in and declared a provincial interest, which was a very enlightened thing to do, and it stopped that development. We were successful.

This is a rare story, but because of that experience, I know what it takes to fight a development. I know that the developers have the deep pockets; the ratepayers don't. Unless you've been involved in one of these issues, you have no idea of the amount of energy and commitment—four years, on our part—and huge sums that we had to raise.

What's happening right now in Big Bay Point—as you know, there's the case before the OMB. If this, what really amounts to a SLAPP suit, is successful—you're all aware of this, I'm hoping—you will basically destroy citizen participation at this level. So you need to do something that makes the Lake Simcoe act impervious to

the appeals of developers who have endless supplies of money—endless supplies.

The reason we ended up at the OMB is that the local township, Oro township—this was specifically said to us, so it's public—said that the reason they passed this development, which they knew was unwise, was they didn't want to have to spend the money before the OMB. So it was passed by the local township although it was inconsistent with the county plan, and it was kicked up to the OMB and it came upon the citizens to have to fight it.

We can't continually fight it. And now that you've got them—your approach is so right. You're doing everything so right. I guess what I'm saying to you is, please don't undermine it by not being crystal clear about what is unacceptable development outside settlement areas. You may also know that in my past life I chaired the report on the future of Greater Toronto and other work. I'm not an official planner, but even in my work at the Conference Board of Canada I've had a lot of experience with research and generally good planning. This government is doing the right thing. I'm here to say, please don't undermine yourselves by not enforcing it and implementing it in the right way. That is my message: Provide adequate funding, an enforcement regime that tracks and monitors to make sure that the strategy is implemented.

#### 1550

Don't doubt that Lake Simcoe is in trouble. Experts have given you details on phosphorus loading and species at risk. We know that there are development projects and proposals in the pipe. Thirty years ago, you may not know, I was the director of research for Dr. Stuart Smith; some of you remember. I did a study for him on Lake Simcoe. At that time I learned about phosphorus loads, more than I ever thought I wanted to know—everything you'd ever wanted to know about phosphorus. Really, at that time it was roughly one third agricultural runoff, one third municipal sewage—which we've done some things to improve except in a storm—and urban development, all of these kinds of subdivisions. I suspect it's still that kind of division, but we have now reached a tipping point.

I'm here with two messages. First, congratulations—thank you for the leadership that you are showing with Bill 99—and a plea. My plea today is that you make it effective. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Our first speaker today is Mr. Barrett.

**Mr. Toby Barrett:** Thank you, Ms. Golden. Just maybe picking up on your work with urban trends: You talk about the Wild West, kind of beyond the greenbelt boundary. It's too bad that the committee room doesn't have a map of what we're talking about here, but I understand that—

**Dr. Anne Golden:** North of the moraine, and north of Keswick—basically Simcoe county.

**Mr. Toby Barrett:** It is not in the greenbelt.

**Dr. Anne Golden:** Right.

**Mr. Toby Barrett:** Yes. So there are going to be 700,000 people living here, we've just been told by one of the presenters, by I think the year 2035. That's double what's here now. I think we're assuming they're going to leapfrog over the greenbelt and end up right around Lake Simcoe?

**Dr. Anne Golden:** Not all 700,000, because when I did the study on the GTA, we projected that the growth within the GTA—in the five regions comprising the GTA—you're going to see huge growth there. That will probably be the bulk of the growth, but there will be growth. The good news is that the government's plan allows for responsible growth. We have to have responsible growth—growth that's within designated settlement areas; growth that is more intense.

One of the studies I did for the GTA was the cost of sprawl. The study we did is still definitive, I'm proud to say—done by Pamela Blais. We found that if we reduced sprawl and intensified it and did better planning and land use, and integrated it with transportation, you would save \$20 billion in 20 years—back-end loaded, but roughly \$1 billion a year, money that we need for schools and hospitals.

**Mr. Toby Barrett:** Will this legislation stop that sprawl in an area that is not protected by a greenbelt—

**Dr. Anne Golden:** No, this legislation will protect the lake from being destroyed by inappropriate land use.

**Mr. Toby Barrett:** But not sprawl.

**Dr. Anne Golden:** It won't stop sprawl, but it will—well, yes, partly, because it will strategically encourage, in fact it will require, development to go within settlement areas, and because the growth is not sprawling out but is more intensified, you can have better transportation; it is less sprawled out. When I use the word "intensified," I don't mean crowded. It's not unacceptable densities; it's very comfortable densities. It means where you have liveable communities. More and more work is being done on this. There is almost nobody that disagrees that this kind of development is better for communities, and in this case, better for the natural resources, better for the lake. Right now, the lake is at a tipping point, no question.

**The Chair (Mrs. Linda Jeffrey):** Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you very much for your presentation. I really appreciate it. You're familiar with the area. You're familiar with the province. You call for implementation of this act, effective date to be December 6, 2007. I am sure that there will be objections to that date being set. Do you see practical problems with setting it at December 6, 2007, that a government will not be able to overcome?

**Dr. Anne Golden:** No. I've looked at governments make decisions on a whole host of things, from income trusts to—governments make decisions with ramifications that are hugely felt. Here the ramifications would be fairly narrow. I don't know what's in the pipeline or what has received preliminary versus final approval. I'm not an expert on that. But there may be a few developers who are unhappy. Because the ratepayers can't speak together

with their unhappiness because they're dissipated around, I think that the positive impact will far exceed—it will take courage, because you will hear from those who aren't happy.

I know you're getting encouragement and international recognition for the enlightened approach that's being taken towards planning. I'm just saying that by making it December 2007, you will in fact prevent the undermining of the kinds of projects that are going forward. I know that Big Bay Point has received preliminary approval. I can't imagine how it will really succeed in meeting the environmental conditions, of which, by the way, the Ministry of the Environment has been doing a fabulous job. I'm talking about the level of effort, of vigilance, that it takes on the part of the ratepayers. It's exhausting and costly and beyond the capacity of many. That's what makes the playing field so tilted. But in this case it's not just the ratepayers that will suffer; it's all of us who depend on Lake Simcoe. What a treasured resource, and it's already going downhill. I don't know the stats, but I can tell you that every year the beaches are closed etc.

**The Chair (Mrs. Linda Jeffrey):** Thank you.

**Dr. Anne Golden:** Sorry; I've taken too long.

**The Chair (Mrs. Linda Jeffrey):** It's okay.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Mauro.

**Mr. Bill Mauro:** Thank you, Dr. Golden. Some of the background material we have points out that about 15% to 20% of the P loading that's going into the lake is a direct municipal contribution to that. As I understand it, there are about 12 or 14 municipalities in the area that are contributing to that P loading. I guess I'm wondering: As someone who's here representing, I'm told, a ratepayers' association, if the municipal councils in that area are supportive, what are their positions on what we're doing? Have they passed individual resolutions supporting this work? Are they willing to look at their water rate structure, their sewage rate surcharges, those kinds of things? Are they upgrading their municipal infrastructure so that they can impact on the P loading that's going into the lake? Is there any work going on at the municipal level that would be supportive of what we're trying to achieve here provincially?

**Dr. Anne Golden:** Fair question. I can only speak in terms of Oro-Medonte. Sandy Agnew, who I believe will be making a presentation, is our representative there. They're doing very enlightened things with respect to waste management. It's beyond even what the city of Toronto is doing. They've just gone really green. It's a rural municipality, so that's all on septics. They have done the dye test and everything like that. They're very rigorous on septic standards. We're not on sewers, so I don't think that's what you're referring to. As far as the other municipalities, I think many of them—Barrie is growing so fast, and there probably needs to be infrastructure improvement. I don't know whether the municipalities are or would be eager to take their fair share of it. Certainly I'd be in favour of all that.

**The Chair (Mrs. Linda Jeffrey):** That was a wonderful presentation. We've run out of time. Thank you very much.

**Dr. Anne Golden:** Thanks very much for this opportunity.

**The Chair (Mrs. Linda Jeffrey):** You're welcome.

GEORGIAN COLLEGE/MOON POINT  
HOMEOWNERS ASSOCIATION

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Georgian College/Moon Point. Mary O'Farrell-Bowers?

**Ms. Mary O'Farrell-Bowers:** Yes. Hi.

**The Chair (Mrs. Linda Jeffrey):** Welcome. As you get yourself settled, if you could say your name and the organization you speak for, and then you'll have 10 minutes. I'll give you a one-minute warning as you get close to the end. The floor is yours.

**Ms. Mary O'Farrell-Bowers:** My name is Mary O'Farrell-Bowers, and I'm here in two capacities. I'm the coordinator for the environmental techniques and technology program at Georgian College, and Georgian College is the educational institution in the watershed of Lake Simcoe. The second reason I'm here is that I live in the Wild West, I work in the Wild West, and I've had the life experience of challenging a decision by a municipal council right up to the Ontario Municipal Board. I'm lucky to say that I ended up coming out without a lawsuit. I will explain that as I go through my presentation. I'm living proof of the need for this act, and I'm going to speak to that. Can we start the time now?

**The Chair (Mrs. Linda Jeffrey):** Just go. We'll see how it goes.

**Ms. Mary O'Farrell-Bowers:** Okay.

**Mr. Kevin Daniel Flynn:** Smooth.

**Ms. Mary O'Farrell-Bowers:** I know. I can't help it. I've had to learn these skills going through the trenches.

Georgian College is the leading community college in environmental education. We have both a one-year certificate and a three-year technology diploma with several university articulations. Our students are working with Environmental Defence Canada, the Rescue Lake Simcoe Coalition and our faculty to educate communities and the general public about the dire health of Lake Simcoe. We have built it into our curriculum. We recently hired Claire Malcolmson as a faculty member—Claire spoke earlier—in order to have up-to-date knowledge on the health of Lake Simcoe and to ensure that our students are educated in that capacity.

**1600**

I am a member of the Moon Point Homeowners Association. We led a charge, up to and including an OMB hearing, to stop a 14-lot estate development on one of the last remaining pieces of undeveloped natural shoreline on the north shore of Lake Simcoe. This was a three-year battle that included deputations at the township of Oro-Medonte, the county of Simcoe and, finally, an OMB appeal. We laboured for three years: fundraised and

fought this development, which was ultimately approved by the Ontario Municipal Board. This fight garnered local, provincial and national support; however, we still lost, and this parcel of property, now in the process of being destroyed, clearly reminds me—when I look at the chronological age of the panel—of the song by Joni Mitchell, which we're probably all familiar with, Big Yellow Taxi, with the lyrics "paved paradise" and "took all the trees and put them in a tree museum." It is truly sad indeed, and I'm not being facetious at all. This is why we need the Lake Simcoe Protection Act; because if you would see the before and the after, it is devastating.

I sincerely congratulate this government for introducing the Lake Simcoe Protection Act, and I must say I'm very proud of Garfield Dunlop, who is the Simcoe North MPP, for his leadership. Garfield actually agreed to testify at our OMB hearing in support of our application. I am supportive of the act, but I have some areas of concern that I just wanted to bring to your attention:

(1) The targets for phosphorus, surface impermeability and for natural cover must follow the advice of the scientific advisory committee.

(2) It must not allow significant shoreline alteration. Naturally vegetated buffers should be a minimum of 100 metres wide on shorelines and rivers.

(3) The shoreline policy must be even-handed. If I can't build a stone dock and I live on Lake Simcoe, but a developer can carve a 30-acre hole in the shoreline for 1,000 marina slips or develop a 14-estate home lot on an environmentally sensitive piece of property that abuts a provincially significant wetland, these, for example, are not even-handed.

(4) Policies covering the above targets must be identified as designated policies: natural cover targets, setbacks from watercourse, wetlands and the lake, and shoreline policies.

(5) The act and plan must state clearly that regulations apply equally to marinas, resorts and residential developments.

(6) Adequate and sustained funding must accompany the plan, which needs to be reinforced with a practical enforcement regime. Unless we correct these long-standing problems of funding and enforcement, progress and results will be difficult.

The plan must have, and I've heard it spoken about before, an early effective date and clear transition, rules and must not allow grandfathering of projects lacking final permits or regulatory approval.

I have a few specific changes requested to the act:

Under subsection 3(4) and clause 5(1)2, the effective date, I want the Lake Simcoe Protection Act to be effective on December 6, 2007, the date of the announcement of the interim phosphorus regulation.

Under subsection 26(1), shoreline protection, I propose that you delete the clause, "The Lieutenant Governor in Council may make regulations," to be replaced with, "The Lieutenant Governor in Council will make regulations," and that these regulations will be in place at the coming into force of the plan. Furthermore, it must be

explicit that the Lake Simcoe protection plan shoreline development restrictions apply to residential redevelopments, resort developments and servicing, and include a shoreline restoration plan.

Subsection 26(2), dealing with shoreline protection: I propose that, recognizing that the wildlife relies on healthy habitats and wildlife is an integral part of ecological health, the science advisory committee's 100-metre naturally vegetated buffer recommendation, which is number 36 from their July 7 report, should be followed. For this reason, in clause 26(2)(a), I'm concerned that the "areas of land ... adjacent or close to the shoreline of Lake Simcoe" is too restrictive. It should read, "Land within a 100-metre distance to the lake, shoreline, ... tributary of Lake Simcoe, as defined in the plan and enforced by the scientific advisory committee recommendations."

If the recommendations of the scientific advisory committee are adopted and our call for a maximum ecological protection is answered, we will stand resolutely and appreciatively with anyone that supports this bill. I really do want to thank you for taking this critical leadership on behalf of the lake, but I want to tell you, because I think I have a few minutes left, our sad tale.

At a personal and local level, we as taxpayers of the province of Ontario and the township of Oro-Medonte, and as local neighbourhood associations supported by the larger community and renowned environmentalists, should not have to give up three years of our life to fight a development that had been approved at both the municipal and county council level on one of the last remaining undeveloped parcels of land on Lake Simcoe. As mentioned in the introduction, this pristine piece of natural heritage abuts onto a provincially significant wetland and experts believe is the home of the Jefferson salamander, a species at risk.

At a personal level, as a Moon Point homeowners' representative who signed two of the three appeals, I should not have to check with my lawyer and I should not have to check with my insurance company to establish if I will lose my home and other assets my husband and I have worked hard for 25 years to develop. I should not be concerned that I will lose my home. I should not be faced with constant threats from lawyers who have big pockets when going through an Ontario Municipal Board hearing.

As taxpayers in the province of Ontario, we should not have to organize silent auctions and community fundraisers and seek additional donations to cover the costs incurred because our belief, supported by environmentalists and Environmental Defence Canada, that this type of irresponsible, unnecessary and totally non-environmentally sound development was approved. What we need is a law that will ensure that local, municipal and provincial governments have the teeth to stop this very disturbing and destructive pattern of unacceptable development on our beautiful Lake Simcoe. There is such an urgent need for the Lake Simcoe Protection Act, one that will be a model for other jurisdictions in the future, one that the

residents in the province of Ontario will truly support and, finally, one that will stop the degradation of Lake Simcoe and its watershed.

If I were to push it a bit further, I hope that after you successfully pass this legislation, you'll start to consider SLAPP legislation because, having gone through this terribly brutal process, it is unacceptable that people in the province of Ontario have to deal with this.

The lake is in trouble. If you have any doubts about the scale of the challenges facing Lake Simcoe, allow me to provide you with a few examples: 7% to 10% impervious surface area—

**The Chair (Mrs. Linda Jeffrey):** You have just less than a minute.

**Ms. Mary O'Farrell-Bowers:** Okay. Well, I'll just end then by saying that I really congratulate you on this piece of legislation. I hope that you have the courage to pass it. I look forward to answering any questions that you may have. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Tabuns.

**Mr. Peter Tabuns:** Mary, thanks for the presentation. I understand that the Lake Simcoe conservation authority supported the Moon Point development.

**Ms. Mary O'Farrell-Bowers:** Yes.

**Mr. Peter Tabuns:** Are you concerned about having more citizen representation on governing bodies here to ensure that those sorts of things don't happen?

**Ms. Mary O'Farrell-Bowers:** Very concerned, yes. I think it would be a great idea, and—

**Mr. Peter Tabuns:** No, no. Go ahead.

**Ms. Mary O'Farrell-Bowers:** I won't go there. I don't know who's in the room.

**Mr. Peter Tabuns:** Well, it doesn't matter if they're in the room or not. It's on the record.

**Ms. Mary O'Farrell-Bowers:** I think a lot of people are pressured by developers and their lawyers, and that could include conservation authorities, and our previous speaker spoke about local municipal governments.

**Mr. Peter Tabuns:** Right.

**The Chair (Mrs. Linda Jeffrey):** Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you, Mary, for that presentation.

The committee process allows people to bring forward ideas and recommendations as to what they'd like to see implemented, so thank you for yours. But what really intrigues me more than anything else is that your post-secondary educational institution is within an area now that's become a bit of an example of how an initiative should take off from the grassroots level, move up into government and have a favourable sort of decision made. What sorts of opportunities or possibilities are we going to see coming out of Georgian College now as a result of this experience? Will anything change in the curriculum?

**1610**

**Ms. Mary O'Farrell-Bowers:** Actually, because of this experience, I ended up being—we received a lot of media attention. I'm educated with a bachelor of social work and a master's of education, so I don't purport to be educated in environmental science. But I was given the

opportunity to take over as coordinator of the environmental programs because of my experience. We did end up having Claire Malcolmson come to Georgian College and we co-presented on what actually did happen at Moon Point. We have a student organization called GEAR, which is made up of students right across the college system who were active, working with the Rescue Lake Simcoe Coalition and Environmental Defence and some of their initiatives. One of them included going out on the coldest day of the year last winter to fishing huts and providing education to ice fishers. So we have done a lot. We have changed our curriculum. We have an environmental law course where this example is embedded into it. We have advocacy courses, where students understand—it is a science program, these programs, but there is a large role for advocacy, and advocacy not only as community groups like the one that I belong in but also advocacy for environmental people who work in the field. It's a juggling act.

**Mr. Kevin Daniel Flynn:** That's great news. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Barrett.

**Mr. Toby Barrett:** Thank you, Mary. This is legislation to minimize the impact of rapid development, and I know much of your presentation is about development. This is an environmental bill. This is why I'm wondering if we've maybe got the wrong type of legislation. This is not the Oak Ridges moraine legislation. This is not greenbelt legislation. This is not designed for the province to have power over urban development. This is an environmental bill. Did we bring in the wrong type of bill?

**Ms. Mary O'Farrell-Bowers:** No, absolutely not. I encourage you to work on other types of legislation; I encourage having the greenbelt extended up into the wild West. That's something that can be looked at as well. However, we need environmental legislation in order to protect Lake Simcoe, which will then result in municipalities having to follow that legislation when looking at plants and developments.

**Mr. Toby Barrett:** So regardless of that, the population is going to double.

**Ms. Mary O'Farrell-Bowers:** Yes, I understand that.

**Mr. Toby Barrett:** All of it is inevitable, and this legislation will do nothing to stop that, from what I can see.

**Ms. Mary O'Farrell-Bowers:** No, and I understand that, but it will stop the degradation of development around Lake Simcoe, and that's a great thing. I also sit on the Oro-Medonte planning advisory committee and am fully aware of development applications that come forward. If there were a "protect Lake Simcoe act," then that would be part of the decision-making when looking at whether that development should be approved or not. So it is critically necessary.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today. We appreciate your passion.

## KIDS FOR TURTLES ENVIRONMENTAL EDUCATION

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Kids for Turtles Environmental Education. Welcome, Mr. Bowles. I know you've been sitting here for a little while, but I'll go through my preamble again. If you could say your name, the organization you speak for, and once you've done that you'll have 10 minutes. I'll give you a one-minute warning as you get close to the end. We look forward to your presentation.

**Mr. Bob Bowles:** Good afternoon. My name is Bob Bowles. I live in Orillia, Ontario, on the north shore of Lake Simcoe. I'm a volunteer executive director of Kids for Turtles Environmental Education, which is a non-profit organization with charitable status and 250 members. It has a mandate to educate the public about the environment through education and workshops on species.

Thank you very much for the opportunity to speak with you this afternoon. It is something we usually don't do—we usually tend to make presentations at schools, community organizations, special events, summer camps, that sort of thing—but since we feel so strongly about the protection of Lake Simcoe, I've travelled down here this afternoon to take this wonderful opportunity to make my brief presentation to you.

It's my pleasure today not only to speak for Kids for Turtles, as their executive director, for the protection of Lake Simcoe, but also as a professional environmental consultant who's been through—I've been around for a while. I've heard the speakers before me. I've been there with them. I've been through a couple of OMB hearings as an expert witness. I'm usually out in the field, out in the wetlands, up to my waist in water and not sitting in a boardroom like this.

Let me start by saying that the Lake Simcoe Protection Act is a good one. It's late in being implemented. It's something we've needed—this movement—before now. I would have liked to have seen this move this way five years ago, because the pressure on Lake Simcoe has greatly increased in that time frame. I'm out there every day; I'm seeing the changes, I'm seeing the species. I know that our lake is in trouble; there's no doubt about that.

First, I would like to see the Lake Simcoe act extended to include—and I was hoping there was a map here this afternoon showing where the greenbelt area is, showing where the Lake Simcoe watershed is. Just north of Lake Simcoe is the smaller Lake Couchiching. The water flows from Lake Simcoe through the narrows into Lake Couchiching. It doesn't make sense to me to draw a line across Orillia and say, "This is the watershed," when Lake Couchiching really needs protection as well. I can sit in our offices and look to the south to Smith's Bay and Lake Simcoe, turn my chair and look to the north to Portage Bay and Lake Couchiching—a very short distance. It's really the same watershed. I've witnessed ill-planned leapfrog developments moving north, again from



the greenbelt protection area to our area. Lake Couchiching and Lake Simcoe are greatly under development pressure right now. I would have liked to see that extended. And if we extend it, there's the Black River watershed to the north of that—of course, the Trent-Severn, but really Lake Couchiching is a small area, and that should be looked at.

One thing I'm concerned about is that municipalities should not have the ability to surpass the restrictive standards of those in the provisional Lake Simcoe protection plan but should have the ability to create more restrictive standards if they see fit.

Shoreline protection is one of my biggest concerns on Lake Simcoe, since many species of wildlife at risk in the area live along this shoreline area. Species at risk are one of our main focuses, as are invasive species, in Kids for Turtles Environmental Education. We tend to do a lot of workshops on species at risk. We have very few natural shoreline areas remaining around the lake at this time. The act must not allow significant shoreline alterations, and natural vegetation buffers in this riparian zone must be a minimum of a hundred metres wide. These buffers are so important, as I'll cover later with the surface permeability and the wetlands. Wetlands are acting as a filtering for the health of the lake. The streams coming into Lake Simcoe are helping: keeping the water temperature low, offsetting the effects of eutrophication. So this 100-metre buffer is very important to maintain, and that shoreline protection is really paramount in the fact of keeping that 100-metre buffer.

**1620**

Construction of roads and housing developments lead to surface impermeability, causing phosphorus and other nutrients to wash into the lake, and we know what happens: These nutrients cause algae bloom and eutrophication. Now 15% of the surface area in the watershed is impermeable, and this figure is due to rise greatly in the next few years as we see more areas of development. These natural buffer areas would greatly reduce this from happening.

The act and the plan must protect these shorelines in protection regulations for all. Restrictions for the small lakefront owner who wants to make adaptation to his dock should be just as restrictive, if not more, to a major housing or marina development along the lake. Again, that's been touched on before by other speakers, but it's so important to have an even playing field with little chance of changes and appeals to the act. The act must clearly state that regulations apply equally to marinas, resorts and residential developments.

The act needs to recognize special habitats for wildlife and species at risk, such as mature woodlands and vernal pools. These habitats are obligate for many species at risk. The Jefferson salamander that Mary touched on is in the watershed and it needs these vernal pools to reproduce. Without those vernal pools, it will not survive; it'll go extinct. When we got into the Moon Point OMB hearing, there was very little understanding of vernal pools by the developer. These have to be recognized, and

they're recognized by the scientific advisory committee and have to be protected.

The act also must have provisions for funding for enforcement of these legislative measures in the protection act. You can put in the greatest act going, but if you don't have the funding to enforce those acts, then they're going to lose their teeth and not be effective. It must clearly state who will enforce these restrictions. Without these measures, the act will lack teeth for the protection of Lake Simcoe.

There are now more than 43 species at risk that live in the Lake Simcoe watershed, and you can expect that number to increase every year. Since I've been doing environmental inventories, spotted turtles are now an endangered species—very hard to find. These species are declining rapidly, so the species-at-risk list will increase in the next few years. It's very important that those habitats are protected for those species.

**The Chair (Mrs. Linda Jeffrey):** Mr. Bowles, you have one minute left.

**Mr. Bob Bowles:** Okay.

Planned growth in Lake Simcoe needs to have high regard for the species at risk in the lake.

The recommendation of the scientific advisory committee for the protection of these species by targets for phosphorus, surface impermeability and natural coverage needs to be adopted. They're good recommendations and they need to be adopted.

The Lake Simcoe protection plan is long overdue and needs to be, again, effective back to December 2007, the date of the announcement of the interim phosphorus regulation. We've covered that before, so I won't touch on that.

Environmental groups and members of the public must have representation on the Lake Simcoe coordinating committee in order to achieve transparency, credibility and co-operation to make this act effective. Without that public representation, you won't get buy-in. There should be equal representation from industry, government and the public at large.

If all these committee recommendations are met and the maximum ecological protection implemented, enforcement of the act will be effective in protecting Lake Simcoe and the habitat and the species at risk within the watershed. Thank you very much for allowing me to make this presentation this afternoon and for your leadership in taking this critical step forward to protect our lake.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mrs. Mitchell.

**Mrs. Carol Mitchell:** From the name that you were presenting under, Kids for Turtles Environmental Education, I was curious about what you do with kids to make them aware of endangered species, species at risk, in the work that you do. I also have another question.

**The Chair (Mrs. Linda Jeffrey):** Better be quick.

**Mr. Bob Bowles:** Kids for Turtles Environmental Education brings the past—turtles have been around for 250 million years and saw the dinosaurs come and go.

They have not had to adapt. We have only been around for two million years, on the other hand. There are eight species of turtles in Ontario; right now six of them are species at risk, and a seventh one will be added. This is the message we bring to the schools, that we really have to protect them. Turtles are our sort of marquee, but we do dragonflies, butterflies, all reptiles and amphibians. That's the whole message: Children are the policy-makers. The children of today will be sitting where you are tomorrow, and that they have a sound understanding of the environment and how it's changed is the whole purpose of Kids for Turtles.

**Mrs. Carol Mitchell:** Just a little, wee, short question: Is a recommendation that you're making on the date with regard to the interim phosphorus regulation that the act begin on that day? I don't know if you can answer this question, but my question to you is about your inventory environmental concerns and how it affects species at risk. In fact, when that framework came forward—what's the difference today? Has the phosphorus load improved from that date?

**Mr. Bob Bowles:** The phosphorus load hasn't really significantly improved. Some of the phosphorus loading is coming from the atmosphere. It was mentioned earlier that there was a rebound. We know that lake herring is in big trouble, and lake trout and lake whitefish. It was mentioned that there is some rebound on that. There is very little rebound on that, and I think we're a little premature to say that it's changing. I haven't seen a great increase on that, and I think that's why the act is so important. We need to get that momentum going and start turning things around.

**Mrs. Carol Mitchell:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Ms. Munro.

**Mrs. Julia Munro:** I have a couple of questions with regard to the material you gave us. In the bullet point about shoreline protection, you indicate that we have very few natural shoreline areas. Can you give us any idea what that is? Are we talking 10%, 50%, 80%? Do you have any idea?

**Mr. Bob Bowles:** We went through this in the OMB hearing for Moon Point at that time. That was even before the Big Bay Point development. I'd hate to give you a figure, Ms. Munro, but we did study a satellite study at that time, and we are talking about 15% of the shoreline being natural—less than 15% now, more like 10%.

**Mrs. Julia Munro:** The reason I asked the question is because in the next part you talk about how important it is to have the minimum of 100 metres. I was trying to get a sense of what potential area can be covered by the 100 metres, because in your next point you talk about road construction and housing developments. There you say, "Now, 15% of the surface area in the watershed is impermeable, and this figure is due to rise greatly in the next few years. These natural buffer areas would greatly reduce this from happening." I was trying to get a sense of, if you've got 15% that's impermeable now, and you have 15% where you have natural vegetation, how we are

going to match up, then, having more areas with the buffer.

**Mr. Bob Bowles:** I'm speaking from the north perspective right now. If we go down to the southern part of the lake, we know a lot of that area has been developed. The development is starting at the north now, and there's still room to put restrictions in to keep those buffers.

**1630**

Now, in places like Barrie and Orillia, to be practical, we know that it's going to be very hard to get that buffer through those areas, but certainly in between it would be very easy to put in legislation to maintain that buffer so that, as we get more development behind that area, more surface impermeability, you have those wetlands. Wetlands are so important for filtering and buffer areas—

**Mrs. Julia Munro:** I understand.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Tabuns.

**Mr. Bob Bowles:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Wait.

**Mr. Peter Tabuns:** You've got one more.

**The Chair (Mrs. Linda Jeffrey):** Sorry, sir, one more.

**Mr. Bob Bowles:** Oh, sorry.

**Mr. Peter Tabuns:** That's okay. Don't worry. Thanks for your presentation, by the way. I understand that you gave testimony about endangered species when the Moon Point development was going forward; is that correct?

**Mr. Bob Bowles:** Yes. I was an expert witness.

**Mr. Peter Tabuns:** And I understand that the conservation authority disagreed with your approach?

**Mr. Bob Bowles:** Disagreed with my approach personally?

**Mr. Peter Tabuns:** Yes, with the testimony you were giving about endangered species.

**Mr. Bob Bowles:** Well, I wasn't aware of that. I'm quite prepared to defend everything I said at that OMB hearing. I feel that there are vernal pools in those areas that needed to be protected, that weren't protected and will be developed now.

**Mr. Peter Tabuns:** So do you feel that the legislation that's in place right now for the protection of species is adequate?

**Mr. Bob Bowles:** I feel that there are new species at risk being added. Dragonflies, for instance, are good indicators of water quality. We have S1 to S3 species, and we're doing a lot of work on dragonflies right now.

They weren't in the past—for instance, Moon Point, when we were there, they weren't considered at all. So no, there's not enough protection for species at risk, but the Ministry of Natural Resources, MNR, is now putting more emphasis on those species at risk, adding more species to it, and re-evaluating which should be moved from special concern up to threatened, to endangered.

**The Chair (Mrs. Linda Jeffrey):** Thank you, Mr. Bowles. We appreciate your being here today.

BUILDING INDUSTRY AND LAND  
DEVELOPMENT ASSOCIATION

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is the Building Industry and Land Development Association, Mr. Vaccaro.

Welcome. Make yourself comfortable. After you are settled, if you could say your name and the organization you speak for, and you'll have 10 minutes. I'll give you a one-minute warning when you get close. The floor is yours.

**Mr. Joe Vaccaro:** Good morning, Madam Chair and members of the legislative Standing Committee on General Government.

My name is Joe Vaccaro, vice-president of the Building Industry and Land Development Association, BILD. I am pleased to be afforded this opportunity to present the industry's views with respect to Bill 99, the proposed Lake Simcoe Protection Act.

BILD supports the stated purpose of the proposed Lake Simcoe Protection Act: "To protect and restore the ecological health of the Lake Simcoe watershed."

Before I speak specifically to Bill 99, I would like to take this opportunity to outline the rigorous land use planning regulatory regime that has been developed in the province of Ontario, and significantly strengthened by the action of the current government, that serves to govern land use decisions in the watershed.

These include the Oak Ridges Moraine Conservation Act; Oak Ridges moraine conservation plan; Sustainable Water and Sewage Systems Act, 2002; Nutrient Management Act; the Planning Act—including Bill 26, the Strong Communities (Planning Amendment) Act, Bill 51, the Planning and Conservation Land Statute Law Amendment Act—provincial policy statement; Ontario Heritage Act, Greenbelt Act; greenbelt plan; Places to Grow Act; Places to Grow, growth plan for the greater Golden Horseshoe; Endangered Species Act; Clean Water Act; South Georgian Bay-Lake Simcoe source protection plan.

Furthermore, it's important to understand that local plans and policies that inform land use decisions in the watershed include the County of Simcoe Growth Management Study; Intergovernmental Action Plan for Simcoe, Barrie and Orillia; Ontario regulation 170/06, Lake Simcoe Region Conservation Authority; draft Simcoe area growth plan; official plan review, Simcoe county; Planning for Tomorrow, York region; Growing Durham, Durham region; and Liveable Peel, Peel region.

Recent technical studies that inform land use decisions in the watershed include:

- Watershed Report Card, 2008: A report on the health of the Lake Simcoe watershed;
- Assimilative Capacity Studies for the Lake Simcoe Watershed and Nottawasaga River;
- Natural Heritage System for the Lake Simcoe Watershed;
- Lake Simcoe Basin Wide Report, March 2008;

- Benthic Macro-invertebrate Sampling and Analysis of Lake Simcoe;

- Lake Simcoe Hydrodynamic and Water Quality Model;

- Assimilative Capacity Studies: CANWET Modeling Project Lake Simcoe and Nottawasaga River Basins.

The above list of recent changes to the legislative and policy framework and recent, ongoing technical studies that govern and inform land use decisions within the Lake Simcoe watershed is not intended to be an exhaustive list of tools available to approval authorities within the watershed. Instead, the list is intended to identify the transformation of the land use planning system that has occurred over the last several years in an effort to address issues that have been identified by the public and stakeholders across the province and within the watershed.

BILD supported the Premier's announcement on July 6, 2007, that the government would develop a Lake Simcoe Protection Act. In addition, in response to questions from reporters, the Premier stated that the new act, if passed, would not apply to existing approvals, respecting the long-held principle that land use planning legislation and regulation should be applied on a go-forward basis.

As stated earlier, BILD supports the stated purpose of the bill: to protect and restore the ecological health of the Lake Simcoe watershed. BILD members have an inherent interest in protecting and restoring the ecological health of the Lake Simcoe watershed and, through the development application approvals process, have made significant and substantial investments in infrastructure and restoration efforts, which in turn have played an important role in the continued rehabilitation of the lake and the watershed.

Although BILD supports the stated purpose of the act, we are concerned the act does not recognize or reflect the work undertaken by the Lake Simcoe environmental management strategy. As many of the committee members would know, the LSEMS is comprised of representatives from the Ministries of Agriculture, Food and Rural Affairs, Environment, Energy and Infrastructure, Municipal Affairs and Housing, and Natural Resources, as well as Fisheries and Oceans Canada, Environment Canada, the regional municipalities of York and Durham, the county of Simcoe, the cities of Barrie and Orillia, the towns of Bradford West Gwillimbury and Innisfil, the townships of Oro-Medonte and Ramara, the Chippewas of the Georgina Island First Nation and the Lake Simcoe Region Conservation Authority.

BILD, along with the Ontario Federation of Anglers and Hunters, Ladies of the Lake/the WAVE and Rescue Lake Simcoe Coalition, have been engaged through the LSEMS working group and through various partnerships. These partnerships have served in improving the ecological state of the lake.

Minister Gerretsen recognized the success of the LSEMS in his introduction of the Lake Simcoe Protection Act on September 22: "With hard work and commitment by many—phosphorus levels have been reduced

from more than 100 tonnes per year down to 67, and the water quality has seen some level of improvement.” BILD agrees with the minister that, over the last eight years, as both public sector, institutional, tourism and population growth have increased, the LSEMS program was successful in lowering the phosphorus levels in Lake Simcoe.

The minister goes on to say, “But there’s still much more work to be done,” and BILD equally agrees with the minister. There is much more work that needs to be done, and the LSEMS structure and success provide a valuable blueprint for future work in the watershed.

I thought it important to provide the committee with some information regarding the LSEMS and the successful partnership before I comment on the governance structure outlined in sections 18 and 19 of the act.

Bill 99 enables the establishment of a Lake Simcoe science committee and a Lake Simcoe coordinating committee through an appointment by the Lieutenant Governor in Council, supported by the Ministry of the Environment. In BILD’s opinion, these committees may actually restrict the involvement of qualified and significant stakeholders and, more importantly, limit the information sharing that is at the core of the LSEMS partnership success.

To build public confidence, it is important that the governance structure be accountable to the local community, transparent in the appointment of members to the committees, and easily understood by the public with a single point of contact, and that it integrate the mandates and requirements of other organizations and agencies serving the Lake Simcoe watershed. The governance model must also serve to promote information sharing, co-operation and coordination of effort.

It’s also critical that the proposed governance structure does not encourage duplication and overlap. Again, BILD would suggest that the work of the LSEMS provides a blueprint.

BILD is concerned that these aspects of governance are not currently reflected in the legislation and would recommend that the legislation be amended to reflect and acknowledge the need for the scientific committee to outreach and consult with the scientific practitioner community and those who work within the watershed.

Section 18 is silent on the membership and composition of the scientific committee, providing no ministerial rationale for those appointments nor identifying the necessary expertise required to serve the committee. To that point, the membership of the scientific committee should include representatives from the scientific practitioner community, such as aquatic scientists, along with scientific expertise to address methods of restoration, better engineering of storm water and sewage treatment or planning and building sustainable communities. Instead, the scientific focus is restricted to identification and quantification of problems.

**1640**

With subsection 18(2) charging the scientific committee to provide advice to the minister on potential

strategies to deal with threats, it should include experts with practical experience who have a history of providing solutions related to Lake Simcoe.

BILD recommends that an amendment be made to section 18 regarding the membership of the scientific committee, similar to what is found in section 19 regarding the coordinating committee, requiring representation on the committee from members of the scientific practitioner community that serves Lake Simcoe, and experts in the areas of municipal waste water treatment, storm water management and sustainable development.

Similarly, the coordinating committee should also explicitly include stakeholder representation from experts in the areas of municipal waste water treatment, storm water management and sustainable development. At the current time, none of these disciplines is specifically required.

Again, if the coordinating committee is charged in subsection 19(2) with coordinating implementation of the plan, identifying and resolving issues that arise in relation to the implementation of the plan and providing advice to the minister on any issue or problems related to the implementation of the plan, then it is essential that the necessary local expertise is reflected in the coordinating committee.

BILD recommends that paragraph 4 of subsection 19(4) be amended to include representation from the development industry, along with the stated agricultural, commercial and industrial sectors.

BILD is suggesting that the recommended amendments to the committee structures will serve to create a greater sense of local accountability, transparency and ultimately co-operation in identifying threats and potential strategies and solutions as we work together to protect and restore the ecological health of the Lake Simcoe watershed.

Without some amendment to the current committee structures, the concern is that the decisions made by the committees become disconnected from the local authorities and the practical realities in the watershed.

Given that the Lake Simcoe Region Conservation Authority currently undertakes many activities pursuant to the Conservation Authorities Act that are described in Bill 99, it is unclear how establishing another Lake Simcoe watershed focused organization—the new temporary Lake Simcoe plan project team in the Ministry of the Environment—will discourage duplication and overlap.

**The Chair (Mrs. Linda Jeffrey):** Mr. Vaccaro, you have a minute left.

**Mr. Joe Vaccaro:** This concern speaks to the need to integrate existing mandates and structures serving the watershed. The danger in centralizing the implementation of the plan at the provincial level is the loss of local accountability through existing authorities, and ultimately the breakdown of information sharing.

Bill 99 does not address funding. In fact, the bill, as currently drafted, does not compel the provincial government to provide funding of any kind. Respectfully, I would say to the provincial government that the plan

cannot be downloaded on the local municipalities. BILD has recognized and applauded the government for uploading services from the municipalities. Funding from the province is critical in dealing with existing threats to the lake and what is currently in the ground and in the water.

Transition: Paragraph 4 of subsection 5(2) appears to enable the provincial government to establish policies in the plan to amend existing approvals. On July 6, 2007, the Premier stated that a Lake Simcoe Protection Act and plan, if passed, would not be retroactively applied to existing approvals. As the Premier indicated, it would be unreasonable and unfair to municipalities and to the applicants.

BILD recommends the legislation include language that supports the comments made by the Premier on July 6 so as to provide clarity and consistency in the application of the legislation. This should also serve to focus the shared efforts of stakeholders as we move co-operatively to implement the plan.

In closing—

**The Chair (Mrs. Linda Jeffrey):** It had better be a short closing, Mr. Vaccaro, please.

**Mr. Joe Vaccaro:** Absolutely. I would like to end my presentation with a quote from Gord Miller, Environmental Commissioner of Ontario, speaking about the success of the LSEMS program at the Lake Simcoe environmental management strategy conference held in Barrie on October 20, 2005. In reference to the fact that recent Ministry of the Environment studies had shown improved water quality in Lake Simcoe over a period of very strong economic growth and increased development, Mr. Miller stated, “You have decoupled economic growth from environmental deterioration.”

BILD believes that, by addressing the concerns raised in our deputation today, the provincial government can allow this trend to continue.

Thank you very much.

**The Chair (Mrs. Linda Jeffrey):** Beginning with Mrs. Munro—are you asking a question?

*Interjection.*

**The Chair (Mrs. Linda Jeffrey):** I don’t know. Mr. Barrett, okay?

**Mr. Toby Barrett:** Further to your presentation on governance—and thank you for the brief; it’s put together nicely—how do you envision the governance? I can think of different models. For example, there’s the Niagara Escarpment Commission, which is a provincial body, maybe top-down—I’m using your lexis on here. We have an existing conservation authority. What do you envision as the ideal? Do you envision a new body, or do we go back to some of the existing organizations?

**Mr. Joe Vaccaro:** BILD has supported the LSEMS working group’s document supporting the new governance model. Really, the key is to take advantage of what’s already in place in Lake Simcoe, take advantage of those resources and that institutional information. The need to recreate a body, especially a body which is from the province down—you lose that disconnect between

local planning authorities and the ultimate need for transparency and accountability when decisions are made.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Tabuns?

**Mr. Peter Tabuns:** Thank you for your presentation. I understand that there are 10 or fewer significant areas of untouched shoreline on the lake. Given that reality, unless you have statistics to the contrary, it strikes me that the government does need to act very strongly to protect what’s left and does need to go back to have an implementation date in December 2007. Given that reality, why would your organization oppose strong, quick action to protect what is left?

**Mr. Joe Vaccaro:** In terms of your comment, I don’t have the exact figures. What I would say is that there’s a basic principle when we deal with issues around land use planning, and that principle is that regulations and legislation come forward on a go-forward basis. They’re not built on the idea of retroactivity. That is the principle that has been applied through a number of different pieces of legislation and regulations coming forward, and it’s a principle we support.

**Mr. Peter Tabuns:** My understanding is that in most cases we’re not talking about projects—I’ll take Big Bay Point, that’s got all its approvals, environmental and otherwise. If it doesn’t have all its approvals, then I don’t see any reason for us not to act—in fact, make sure it doesn’t go forward. Are you saying that a project that has partial approvals should be treated as if it’s got its permits and all the licenses and certificates it needs to go ahead?

**Mr. Joe Vaccaro:** I would ultimately leave that decision to the government, but at the end of the day, the reality is that it’s on a go-forward basis. The Premier has commented in the media and to reporters, indicating that projects that are currently in the pipeline—obviously, there will have to be some sort of distinct cut-off of what that means—where significant investment has been made and, more importantly, where end users will be affected, have to be considered. Traditionally, it has been on a go-forward basis.

**The Chair (Mrs. Linda Jeffrey):** Mr. Flynn?

**Mr. Kevin Daniel Flynn:** Thank you for your presentation. Part of the beauty of the process so far is that it has brought together groups that would traditionally be seen as adversaries in other forums. And it wouldn’t come as any surprise to you to know that your group is often viewed as the guys with the black hats. I’m just wondering, as this process has unfolded and the same groups have been sitting around the table, what has BILD learned from the process so far? Is there anything you know about this area, or anything you know about the people or the passion they bring to this area, that you didn’t know before this process started?

**Mr. Joe Vaccaro:** Well, let me provide this opportunity to explain from the BILD perspective. We are a volunteer membership-based organization. Builder members are not required to join us; they do so of their own

volition. Our role in advocating for our membership is to advocate for good planning, good public policy and good environmental standards; that's our role. Speaking to specific applications and such is not really our role.

Having said that, I think what we've learned, as an organization and through our various chapters—we have a chapter specific to Simcoe—is that information-sharing is the key. There is a need to share information, to validate that information and to move that information forward. As I said earlier in my comments, I would suggest that landowners, whether they be homeowners or developers, all have an intrinsic interest in ensuring that the lake is safe and that the ecological health of the lake is improved. Municipalities and the authorities in the area share that concern, and there's a process we work through to move these applications forward. That's sort of how I would put that together.

**Mr. Kevin Daniel Flynn:** Thanks.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today.

#### LAKE SIMCOE REGION CONSERVATION AUTHORITY

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Lake Simcoe Region Conservation Authority: Ms. Hackson and Ms. Wood.

I know you've been here for a while, but I'll still go through my preamble. Welcome. Get yourselves settled, be comfortable, and when you are, could you state your names, if you're both going to be speaking, and the organization you speak for. Then you'll have 10 minutes. I'll give you a one-minute warning before you get to the end. Thank you for being here.

**Ms. Virginia Hackson:** Thank you, Madam Chair, and thank you to the committee.

Good afternoon. I know you've had a long afternoon. I'd like to introduce myself and thank you for the opportunity to speak regarding Bill 99, the proposed Lake Simcoe Protection Act, and to congratulate the government on its leadership on this important matter.

My name is Virginia Hackson. I am a third-term councillor with the town of East Gwillimbury, in the region of York. I have been a member of the Lake Simcoe Region Conservation Authority for eight years, and I am currently in my second term as chair. In addition, I sit on the executive committee of Conservation Ontario. I would also like to introduce our chief administrative officer, Gayle Wood, who is with me today. We also have board member Councillor Sandy Agnew, from Oro-Medonte, in the audience.

**1650**

The Lake Simcoe Region Conservation Authority's board of directors is on record as supporting Bill 99 and has been actively involved in providing comments on the government's discussion paper, participating in public consultations and providing input on the Environmental Bill of Rights registry regarding the bill's first reading.

I am here today representing the conservation authority to address three key issues which we believe will strengthen the proposed act, acknowledge the role of the conservation authority and avoid duplication of effort.

The Lake Simcoe Region Conservation Authority has a long and distinguished history in the protection and restoration of Lake Simcoe and its watershed. Created in 1951 under the provincial Conservation Authorities Act, the Lake Simcoe Region Conservation Authority has expanded seven times to a jurisdictional area of 3,573 square kilometres, which virtually encompasses the drainage basin around Lake Simcoe, as noted in Bill 99. We have been involved in watershed planning and restoration for decades and want to acknowledge and support the government's steps toward legislating a watershed protection plan. The LSRCA, under sections 20 and 21 of the Conservation Authorities Act, with the financial support of the province and its member municipalities, has developed an 80-member interdisciplinary team of staff who have been recognized worldwide as leaders in integrated watershed management. Countries such as China and Australia have bestowed the conservation authority with special awards for excellence in watershed management.

Legislating watershed planning and management for the protection of Lake Simcoe is strongly supported by the conservation authority. Section 4 of Bill 99 states the objectives of the Lake Simcoe protection plan. The conservation authority strongly believes that subsection 4(j)(ii), which lists provincial legislation that provides protection for the watershed and lake, should include a reference to the Conservation Authorities Act. Inclusion of this reference would help ensure that implementation of the plan will avoid duplication of programs such as watershed planning, scientific research, monitoring, natural heritage protection, stewardship and watershed reporting which have been successfully delivered by the conservation authority for decades.

Clause 27(1)(a) of the proposed Lake Simcoe Protection Act allows the Lieutenant Governor in Council to make regulations regarding the participating municipalities for the Lake Simcoe Region Conservation Authority for the purpose of this proposed act. This would enable the LSRCA to have jurisdiction over the entire watershed, including the portions of the cities of Orillia and Kawartha Lakes which are now not currently within the authority's jurisdiction. It is strongly recommended that this be accomplished through an appropriate amendment to the Conservation Authorities Act for the following reasons.

Presently, the LSRCA has an 18-member board of directors constituted under section 2 of the Conservation Authorities Act to conduct the authority's business. Further, as the lead agency for the south Georgian Bay-Lake Simcoe watershed region, established under the Clean Water Act, the authority leads an additional board of 24 members to oversee source water protection planning on behalf of the province. Clause 27(1)(a) of Bill 99 may indeed result in the creation of an additional board

of directors to deal specifically with the proposed Lake Simcoe Protection Act. Substituting the proposed clause 27(1)(a) with a subsection that directs an equivalent amendment to the Conservation Authorities Act is recommended in order to reduce confusion and increase efficiencies of watershed processes.

The Lake Simcoe Region Conservation Authority would also like to highlight the potential for overlap between the proposed shoreline protection regulations under section 26 of the proposed act and the existing section 28 regulations under the Conservation Authorities Act.

The LSRCA has received provincial approval of regulation 179/06, which regulates activities in and adjacent to rivers or stream valleys, large inland lake shorelines, hazardous lands, watercourses and wetlands. It is extremely important that existing and proposed regulations do not result in confusion to the public or duplication of process.

The LSRCA participates in our umbrella organization, Conservation Ontario. It is important to acknowledge our support for the submission of our colleagues from Conservation Ontario, which will be presented later today.

We look forward to working with the province on the Lake Simcoe protection plan and ensuring that the plan recognizes where the conservation authority can play a leading and supportive role to the province. Given the authority's history as the facilitator of the Lake Simcoe environmental management strategy partnership—a 17-year partnership between the federal government, the province, municipalities, the LSCRA and the community—we look forward to providing our expertise to the province to protect and restore Lake Simcoe and its watershed. We would also encourage the government to build upon the success of this 17-year partnership as we move forward to legislate a new Lake Simcoe Protection Act and plan.

It has been a pleasure for the Lake Simcoe Region Conservation Authority to participate in and support the government in this initiative. The conservation authority supports Bill 99 and would ask for favourable consideration of the comments outlined in our submission.

**The Chair (Mrs. Linda Jeffrey):** Mr. Tabuns, you have the floor.

**Mr. Peter Tabuns:** Thank you for coming and presenting today. It's my understanding that your conservation authority supported the development at Moon Point and didn't oppose Big Bay Point. We've had a number of deputants today talking about Big Bay Point—I think a 100-acre clear-cut and 30 acres of artificial lake that has been dug out, and people consistently saying that what happened there is inconsistent with, and in fact undermines, the act that's under consideration. Do you agree with the earlier deputants, and if you do, why didn't you take the steps necessary to protect Lake Simcoe?

**Ms. Gayle Wood:** Madam Chair, would you permit me, as chief administrative officer, to answer that ques-

tion? I'd like to clarify the conservation authority's role under the Planning Act. We are one of many commenting agencies on municipal developments. The ultimate approval authorities are the municipalities themselves. We concurred that both the Moon Point and the Big Bay Point developments did have significant impacts on the environment, and substantially had fisheries biologists, our aquatic biologists, our terrestrial biologists, our engineers, etc. take a look at the developments and try to mitigate them to the best of our ability, based on the policy and legislation that existed. The problem, in our opinion, is that we needed stronger policy and stronger legislation on which the authority would base their comments in order to take a look at the developments. We think the Lake Simcoe Protection Act and plan will afford that opportunity, and if it comes into effect, we will be very pleased to comment based on a strong plan and policy.

**Mr. Peter Tabuns:** Given your commentary, would you support a coming into effect date of December 2007 as a way of protecting the lake?

**Ms. Gayle Wood:** That's an area that is tricky, and the authority has quite frankly not taken a position on that, the reason being that you, as the provincial government, have the very difficult task of trying to reconcile the Places to Grow Act and the Lake Simcoe Protection Act. What we, as an agency, have done for you is take a look at the lake—we did this two years ago under the intergovernmental growth plan for Simcoe county. We were asked to take a look at projecting development into your settlement areas around Lake Simcoe to 2030, and to tell you, if that development was built to 2030, would there indeed be an impact on Lake Simcoe? The answer is yes—we've said that very clearly—there would be a \$163-million impact to the lake that would need to be restored.

So you've got the tough decision to determine what's going to be the balance between the growth plan and the act. Our position is to be the scientific agency and advise you, on various scenarios you wish to consider, what's going to be the impact of that development on the lake.

**Mr. Peter Tabuns:** I know it won't be your decision. That's why I asked for your advice.

**Ms. Gayle Wood:** The conservation authority has not taken a position on that issue.

**The Chair (Mrs. Linda Jeffrey):** Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you for your presentation, and thanks for the hospitality any time I get up into Ms. Munro's riding; you've always been quite good to me.

I can't imagine that this process would have gotten this far without your assistance, and of course you've played a major role with a number of other groups and stakeholders in the area.

I wonder if you could explain in basic English what you're asking for in 27(1)(a). If we did make that change, what exactly would that mean? At the end of the day, everybody on any side of this issue would be looking for some form of accountability—the buck has to stop

somewhere on this. My feeling is that the buck should stop with the minister. I don't know if you feel the same way or not.

1700

**Ms. Gayle Wood:** Absolutely, the buck has got to stop with the minister when it comes to the Lake Simcoe Protection Act, and I think the authority has supported that.

What we're saying is that, under section 27, because we would now be subject to three pieces of legislation, that in essence means we have three different boards of directors to deal with, with various pieces of processes that deal with Lake Simcoe.

We believe that there can be a more efficient way of dealing with that, and we think the more efficient way is to amend the Conservation Authorities Act to allow us to have one board of directors to deal with all the issues related to the Lake Simcoe Protection Act, the Conservation Authorities Act and the Clean Water Act. Thank you.

**Mr. Kevin Daniel Flynn:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mrs. Munro.

**Mrs. Julia Munro:** I'm very pleased that you're able to be here today. I have a couple of quick questions to ask you, and I do want to indicate, just for the purposes of Hansard, that I did ask the question about the balance, when it was an issue for you. Certainly, I think it remains a very important question, a pivotal question.

I want to ask you: How complex is this watershed in comparison to your choice? Does it have unique issues? Do we need to have a Lake Simcoe Protection Act?

**Ms. Gayle Wood:** The watershed is extremely complex. It's one of your few southern Ontario inland lakes. It is in an area of intense growth. It has many other issues which you're quite familiar with. So, yes, it's extremely complex.

Does it need legislation? Absolutely. We are strong believers, as conservation authorities and Conservation Ontario, in provincial legislation which is strong, that can be implemented with a great deal of confidence at the local level.

**Mrs. Julia Munro:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Tabuns. Did I ask you already?

**Mr. Peter Tabuns:** Yes, but if you want to let me go again—

**The Chair (Mrs. Linda Jeffrey):** Oh, you were first. No, no, you're done. I have to go back to my list.

Thank you, ladies, for being here today. We appreciate it.

**Ms. Gayle Wood:** You're welcome.

#### LADIES OF THE LAKE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is the Ladies of the Lake. Welcome. Make yourself comfortable. So far, you win the award for the most interesting handout that I've seen today, so congratulations. Not that I give an award, but it is unique. If you could get yourself settled.

**Ms. Annabel Slaight:** I'm not handing out a calendar.

**The Chair (Mrs. Linda Jeffrey):** We appreciate your being here. If you could say your name for Hansard, and the organization you speak for. When you do, you'll have 10 minutes. I'll give you a one-minute warning if you go over the time.

**Ms. Annabel Slaight:** Thank you very much, Madam Chair. Hello. My name is Annabel Slaight. I live year-round in Roches Point, a community of 250 people—about a quarter of them cottagers and three quarters of them full-time residents—on the east shore of Cook's Bay, in the south end of Lake Simcoe.

I am a co-founder of the Ladies of the Lake, a group of over 100 people from around the watershed, from Orillia to Aurora: cottagers, farmers, business people, retired people like me, moms and even a few dads.

We all came together in 2005 because of our complete frustration about what was happening to Lake Simcoe, without any significant government recognition of the situation in sight. And what did we do? Yes, we did something drastic—that calendar you've all probably heard about. Since 2005 we have engaged over 22,000 people in the watershed, people who have said, "Yes, saving Lake Simcoe is urgent," by buying our calendars—that first one for 2006, and now a second one for 2009.

The Ladies of the Lake, however, have been doing a lot more than standing around in drafts. We are using the arts to connect people. We are using research as the basis of our activities to help the lake. We are building bridges to advocate true change for Lake Simcoe's watershed. And right now we are developing some revolutionary ideas to get youth engaged in helping Lake Simcoe through filmmaking.

One of the major programs we instigated relates directly to our business here today. As we started rolling up our sleeves to help Lake Simcoe, we came to see that most of what was going on was studies, and that in fact none of them were in a form that could help ordinary people understand why the lake is ailing. Most people had no idea they lived in watershed, what a watershed is—a shack beside the water was the best answer we heard—let alone the fact that the lake's problems were being caused by human activities in the watershed.

So using some of the proceeds from the first calendar, which, by the way, earned \$250,000, we commissioned in fall 2005 a report with the Windfall Ecology Centre called *The Naked Truth: Behind the Science of Lake Simcoe*. In that report, science was presented in plain language, and content was built around people's questions like, "Why are there more and more weeds in the Lake? You can actually download that report. The address will be on the handout.

Next, in the summer of 2006, we gave that science report to 300 diverse people and armed them with digital cameras for expeditions out on rivers in canoes—Julia, you were there in one of those canoes—up over the lake and the land by plane, along the shoreline in antique cars, and under the water with the police marine unit. We then



gathered them all together to step off from the science and their first-hand experiences to talk about what they, the citizens, felt was needed for Lake Simcoe.

The result of their deliberations over those two weekends is this: The Naked Truth Citizens' Action Plan to Save Lake Simcoe. I am going to use this plan today to frame my comments about the Lake Simcoe Protection Act and the Lake Simcoe protection plan, since I'm actually speaking for 300 of the most thoughtful and influential people who love Lake Simcoe and I'm taking only nine minutes of your time to speak for them all.

Every page in this fan deck is filled with wisdom, so I am leaving a copy for each of you. It's easy and interesting bedtime reading.

The number 1, page 1, item in the fan deck is a call for the creation and enforcement of legislation and policies that protect and enhance the ecological and hydrological integrity of Lake Simcoe and the watershed. So thank you very much, province of Ontario, from the people who worked on that plan. I can assure you that their hearts are with us today as their dream moves closer to reality.

There are, however, some things about the act that give us pause. For example, how are the transition regulations going to work? If we put the survival of this very sick lake ahead of human advancement—which we must now, because we should have introduced this act years ago, before so many horses had gotten out of the barn. And so now we can't let any more horses—well, let's call those horses what they really are: inappropriate developments—run away with this noble lake's health.

The government demonstrated its appreciation of this danger by announcing the interim phosphorus regulation, December 6, 2007. If this act and plan are really going to help Lake Simcoe, can there be any question that this act and plan must also affect development proposals now in the pipeline and that all of these developments should also meet the rigorous environmental and development standards we hope will be outlined in the plan?

To prevent development that is absolutely contradictory to the intent of the plan, and other new inappropriate developments that might sneak in before the plan goes through, why not make the Lake Simcoe Protection Act and plan effective from that December 6, 2007, date so no more development that might be harmful to the lake can take place?

Now to governance: The Naked Truth Citizens' Action Plan devotes a whole section to the importance of this. "Now is the time," the people said, "to integrate the scientific and research endeavours of the NGOs, governments and institutions, to communicate and collaborate ... as a means of developing awareness and buy-in." Sections 18 and 19 of the act call for the creation of a Lake Simcoe science committee and a Lake Simcoe coordinating committee. These new bodies are crucial.

In the past, government has tried to go it alone to help Lake Simcoe with LSEMS, led by the conservation authority. The complete public frustration about being shut out except for time-to-time consultations is probably

what got us to the point where we are today, at one table, talking about helping Lake Simcoe. However, what a waste of public energy. Harnessing public energy so that it helps the lake and makes good things happen is so much better than it is being spent railing against bureaucracy and backward-looking thinking.

**1710**

Paragraph 6 of subsection 19(4), regarding the appointment of committee members, says the Lake Simcoe coordinating committee should include "other interests, including, in particular, environmental and other interests of the general public." I'm not sure about how this is worded.

I was on the LSEMS working group about governance and was really pleased when Premier McGuinty, at the Lake Simcoe summit in 2007, said the act should support that working group's report. This multi-stakeholder group recommended that there be equal representation from industry, the public and government. If we all believe that coming together to work together is the newer and better way of doing things, this balance is vitally important. And when it says that industry or business should be included, we should keep in mind that business is a lot more than the development industry, which seemed to be a bit stacked on the stakeholders advisory committee, which I was also on, that helped form the Lake Simcoe protection plan.

Some have suggested that leadership of the lake's protection should be local; namely, the conservation authority which was leader of LSEMS. The conservation authority, we all know, has accomplished many things, but this idea of the conservation authority as the leader will simply not work, the reason being that we need something fresh that empowers all stakeholders so we can truly come together. We should be led and supported by the highest government with the most power to influence, and that is the province.

Now on to the role of science: Premier McGuinty said at the July 7 Lake Simcoe summit that the advice of the provincially appointed science advisory committee must be followed. That was music to the ears of the people who created The Naked Truth Citizens' Action Plan. They said, "Accessible science ... must be at the core of efforts to help Lake Simcoe."

When I was on the stakeholders' advisory committee, we saw and heard first-hand the informed thinking of the science advisory committee that had been assembled. Some of the best scientists possible were focusing their best efforts on Lake Simcoe, and as we go forward, we should not second-guess them or water down their advice, particularly their natural heritage recommendations.

**The Chair (Mrs. Linda Jeffrey):** You have a minute left.

**Ms. Annabel Slaight:** Thank you.

If the act's purpose is to protect and restore the ecological health of the Lake Simcoe watershed, we need to get the best advice we can and heed it. So the targets for phosphorus, surface impermeability and natural cover

must follow the advice of the science advisory committee.

The science advisory committee also made recommendations about shorelines. Shorelines were so important to this group. There was a whole chapter based on shorelines. They are not only absolutely important; they are a symbol of helping the lake in the future.

Now, for two seconds, I'd like to get a bit personal. As a person who is in this watershed and by this lake 24/7, I can tell you I see things every day that underscore the need for a very strong protection act that rolls into action quickly, with a firm message for all that we must be serious about healing Lake Simcoe. Action is overdue, and we can't keep putting things off any more. I see fields and forests being ripped up for development, when Environment Canada says the Lake Simcoe watershed already has less than the minimum forest cover. I see miles and miles of sod farms leaching fertilizers and chemicals into the lake to make new lawns for new development, when everyone knows now that helping the environment means we should be going for fewer lawns.

**The Chair (Mrs. Linda Jeffrey):** Ms. Slaight, can you wrap up?

**Ms. Annabel Slaight:** I will go to my one last point, which is a nice point.

Fortunately, this great lake and beautiful watershed is not completely ruined yet, but the rampant me-first thinking in all sectors has got to change if Lake Simcoe is going to be an integrated eco-model, where the economy and the environment are in sync with each other. The province must ensure that this act and this plan lets everyone see in no uncertain terms that the lake comes first and people must adapt their thinking, their behaviour and their business to protect it, and if they do, everyone, as well as the lake, will ultimately benefit.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you for your hospitality when I was in Barrie. That was a great morning we spent. I have your calendar up on the wall in my office. I went through the card deck, but there were no pictures in it.

We've met with a lot of success to date. I think the process has been a very positive one, and we're at the point where we're going to start making some firm decisions. I can't imagine we're going to make firm decisions at the government level and then the community engagement is simply going to stop. Somehow, that community engagement has to continue on into the future.

How would you suggest, or what have you learned so far, in the process that perhaps could aid us in establishing how the community sort of remains in—I don't want people to think, oh, we've cleaned up the lake, simply because we pass the legislation. There's a lot of work ahead.

**Ms. Annabel Slaight:** We have to step forward. I think the governance model for the lake of the past is not right for the times. There are these amazing groups of people around Lake Simcoe. That is probably one of the

greatest resources that Lake Simcoe has. Not only do they know about science, they know about what's going on locally. They know about education and children. There is just a lot of wisdom there. Therefore, I feel very strongly that the idea of having a science committee and a stakeholder coordinating committee that report to a higher level of government, i.e., the Minister of the Environment, is the way to go today.

**Mr. Kevin Daniel Flynn:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mrs. Munro.

**Mrs. Julia Munro:** I'm very happy that you're here today. I think it's really a demonstration of the accomplishment that you started just a few short years ago, that here we are today. I think you deserve a lot of personal credit for having that vision and bringing us all here.

I have a question, though, actually that relates back to that which Mr. Flynn just mentioned, and that's the issue of governance because I know from our conversations that that's always been an issue for you. I really was looking, in my question, for your best advice because accountability is always a huge issue. Transparency and accountability go hand in hand. People struggle with the whole question: Who's on that committee, are they appointed, are they elected and, either way, by whom, and how broad is the representation?

You mentioned the wisdom that's collected around the lake, which certainly I would agree with, but I would just ask you in terms of how many and how did they get there? What kind of process would you like to see on a governance model?

**Ms. Annabel Slaight:** I actually can answer that question quite easily because I was on the LSEMS working group that studied all of, I would say, 15 different governance models from Lake Champlain to the Rouge River to the Oak Ridges moraine. You name it, we looked at them all. We really did land on the idea that if there was a balance between government, industry and the citizens, in many ways they could be self-appointed, which means the government would say to certain groups, "Whom would you like to see?" and they come forward. In other words, instead of naming names, organizations—and there are several handfuls of them—and there are interesting new businesses in the watershed that would be very valuable to be part of the thinking about this, which is why I said there's more than just the development industry. I wasn't saying the development industry shouldn't be there; of course, they should, but there is more than that.

If a range of groups was identified within this broad mandate of a third, a third, a third and then you allow the organizations to appoint the very best people they can—it is really important that people who are on committees like this are active people who are connectors, who are doers, who can make things happen. So often, I have been involved in the last few years and I have seen people representing organizations. They really haven't participated very much and they have been there to represent the organization. They haven't been contributing a lot of thinking and forward thinking. It's all there in the summary.

1720

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you for coming and making the presentation today.

You talked about how people came together because of their concern for the lake. Can you tell me what changes you've seen in the lake and what changes you fear you will see in the lake that have motivated people?

**Ms. Annabel Slaight:** Do you actually mean in the lake or—

**Mr. Peter Tabuns:** In the lake.

**Ms. Annabel Slaight:** Inside the lake, in the water? It's interesting: There is this huge debate about whether the phosphorus has indeed really been reduced or whether the measurement means have changed. Climate change is also coming our way. When I was in the stakeholders' advisory committee, you know how people talk about elephants in the room? Climate change is the elephant in our room. Everything that we know now and the changes that we're seeing—I'm only seeing changes in the lake for the worse, quite frankly. I'm seeing more weeds than I've ever seen before in Cook's Bay.

I'm seeing really very distressing behaviours in people as well. We must, if we're going to have a plan, be firm enough and loud enough that everybody knows that they have to take part. I see people putting Miami Beach right on there—carving out all the rocks, all the natural shorelines. and putting in a beach like they were in Florida. People have got to learn a lot. Human activity is the reason this lake got into a mess, and we cannot go forward without making sure that people have the understanding and the feeling that they must change their ways.

**The Chair (Mrs. Linda Jeffrey):** On that note, thank you very much. We appreciate you being here.

#### CONSERVATION ONTARIO

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Conservation Ontario. Mr. Pearson, welcome. Thank you for coming today. If you can get yourself settled and then if you could say your name and the organization you speak for. You'll have 10 minutes. I'll give you a one-minute warning. You have the floor.

**Mr. Don Pearson:** Thank you, Madam Chair and members of the committee. It's my pleasure to be here today on behalf of Conservation Ontario. My name is Don Pearson. I'm the general manager of that organization. We represent Ontario's 36 conservation authorities, whose jurisdiction covers about 90% of the population of Ontario.

Conservation Ontario is on record as supporting Bill 99 and we believe it's important to be represented here today to speak to a number of aspects of the proposed legislation that we believe will strengthen the act, that will acknowledge and reinforce the important role of the Lake Simcoe Region Conservation Authority and will

avoid duplication of regulation and effort in this important task.

LSRCA is recognized as a leader among its peers and has made significant progress in understanding Lake Simcoe and its environmental stressors while implementing programs that have reduced phosphorus loadings and have begun the restoration of important coldwater fisheries. But we also acknowledge that the tools available to the conservation authority are not adequate to address issues such as future growth, and hence the need for the proposed Lake Simcoe Protection Act.

First, I would like to acknowledge the government's steps towards legislating a watershed protection plan. Conservation authorities are in full agreement that the best way to protect and restore the ecological health of the Lake Simcoe watershed is through an integrated watershed management plan. This approach takes into consideration all the activities taking place on the land within the surrounding watershed which may impact the lake itself. It draws on the best available science, which has been and will continue to be provided in large part by the Lake Simcoe Region Conservation Authority.

As enabled under sections 20 and 21 of the Conservation Authorities Act and supported by the province and by the authority's member municipalities, Lake Simcoe Region Conservation Authority is an agency that has developed substantial capacity for the coordination and leadership of watershed plans and programs. As well, section 2.2.1 of the provincial policy statement under the Planning Act directs planning authorities to undertake watershed planning that, among other things, identifies "surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed."

LSRCA has been financially and politically supported by its watershed municipalities to prepare watershed plans and to provide technical advice for land use planning documents and applications. However—and this is important—the implementation of watershed plans is not legislated, and the science and plans are therefore only advisory to decision-making. Thus, Conservation Ontario supports the concept of a provincially mandated watershed plan for the protection of Lake Simcoe and the ultimate approval of such a plan by the province, but we recommend that the proposed Lake Simcoe Protection Act respect and acknowledge the watershed management agency role mandated to conservation authorities through the Conservation Authorities Act.

Section 4 of Bill 99 lays out the objectives of the Lake Simcoe protection plan, and subclause 4(j)(ii) lists provincial legislation that provides protection for the Lake Simcoe watershed and is specifically necessary to build upon. It is a point of concern that the Conservation Authorities Act is not noted in this subclause, especially given the obvious parallels between the intent of the proposed legislation and sections 20 and 21 of the Conservation Authorities Act.

Overall, Conservation Ontario encourages the province to support and acknowledge the significant past,

present and future role of the Lake Simcoe Region Conservation Authority in leading watershed management activities and programs within the Lake Simcoe watershed through any plan that is developed. Implementation of the plan must avoid duplication of existing programs such as watershed planning, science and monitoring and stewardship, and should build upon them so as to ensure efficient delivery on behalf of Ontario and watershed taxpayers.

Our first recommendation is that subclause 4(j)(ii) include the Conservation Authorities Act as provincial legislation that provides protection for the Lake Simcoe watershed and that the Lake Simcoe protection plan will build upon.

We understand that it would be inconsistent with the committee procedural rules to amend the Conservation Authorities Act through this standing committee process, unless we have the unanimous consent of the members and, ultimately, the Chair of the standing committee. However, there are a number of items that we believe are of such significance that you will agree they should warrant serious consideration.

Under clause 27(1)(a) of the proposed Lake Simcoe Protection Act, the Lieutenant Governor in Council is allowed to make regulations that designate, for the purposes of the act, the participating municipalities for the LSRCA. You've heard before that this could be interpreted as—certainly, the intention is to provide LSRCA with jurisdiction over the entire watershed of Lake Simcoe, but it could be interpreted that it's only for the purpose of the Lake Simcoe Protection Act.

It's our advice that this expansion can be accomplished through an appropriate amendment to the Conservation Authorities Act that is specific to the Lake Simcoe Region Conservation Authority. This is not unprecedented. There are several sections in the CA Act that reference individual conservation authorities, and I have included the reference to the Grand River Conservation Authority in which the Lieutenant Governor in Council may designate the participating municipalities.

Accomplishing the expansion of the Lake Simcoe Region Conservation Authority under the Conservation Authorities Act would remove potential ambiguities regarding the conservation authority's jurisdiction and provide for the necessary power for the authority to levy the municipalities for implementation of the full watershed management program, which includes planning, regulations, policy development, enforcement, education, as well as stewardship. It would also remove any potential administrative and decision-making inefficiencies by essentially creating a board for the purposes of the Lake Simcoe Protection Act.

Our second recommendation is that the standing committee unanimously support that Bill 99 delete the proposed clause 27(1)(a) and subsection 27(2) and implement the intent through an equivalent amendment to the Conservation Authorities Act.

We appreciate the recognition provided, under section 24 of the Lake Simcoe Protection Act, of the section 28

regulations under the Conservation Authorities Act. However, if the standing committee sees fit to adopt the previous recommendation to make the amendment to the Conservation Authorities Act, it could delete subsection 24(1) of the proposed Lake Simcoe Protection Act, which deals with the expansion of LSRCA's area of jurisdiction for the purpose of the conservation authority's regulation 28.

As currently drafted, again, we interpret that subsection 24(1) may provide only limited or partial conservation authority powers within the expanded portion of the Lake Simcoe watershed. As stated previously, regulations are only one of a number of tools that are going to be necessary to implement the watershed management objectives. Therefore, the expansion of the conservation authority jurisdiction should not be limited to section 28 regulations.

Our third recommendation is that the standing committee unanimously support that Bill 99 delete proposed subsection 24(1), as it would be redundant, assuming recommendation number 2 is adopted.

#### 1730

Subsection 24(2) of the proposed Lake Simcoe Protection Act enables prosecution of regulation violations for up to two years from the date of the violation. This accomplishes a necessary amendment to subsection 28(16) of the Conservation Authorities Act, which has been identified in our world since 2001, but it would only do that within the Lake Simcoe watershed.

We request the standing committee to make this amendment to the Conservation Authorities Act, and thus help protect watersheds across Ontario in addition to the Lake Simcoe watershed, and to maintain consistency within the section 28 regulations across Ontario. Most environmental legislation does contain a two-year statute of limitations, including the Niagara Escarpment Planning and Development Act, which was so amended as recently as 2007.

Recommendation four is that the standing committee unanimously support that Bill 99 delete subsection 24(2) and implement it as an amendment to the Conservation Authorities Act as a new subsection 28(16.1).

Finally, Conservation Ontario wants to highlight the potential for overlap and duplication presented by the proposed shoreline protection regulations under section 26 of the Lake Simcoe Protection Act and the existing section 28 regulations under the Conservation Authorities Act.

The Lake Simcoe Protection Act, section 28, regulations are proposed for areas currently covered under the Conservation Authorities Act, section 28, regulation that deals with development, interference and alterations to waterways for very much similar purposes. The section 28 regulations, under the Conservation Authorities Act, empower authorities to regulate development and activities in and adjacent to river or stream valleys, Great Lakes and large inland lake shorelines, hazardous lands, watercourses and wetlands.

In the case of the Lake Simcoe—

**The Chair (Mrs. Linda Jeffrey):** Mr. Pearson, you have a minute.

**Mr. Don Pearson:** Thank you.

In the case of the Lake Simcoe Region Conservation Authority, Ontario regulation 179/06 includes the shorelines of Lake Simcoe as well as the above-mentioned regulated areas. Thus, potential exists for confusion, overlap and duplication of administrative and enforcement mechanisms, with the unintended result of wasted financial and human resources.

Our fifth recommendation is that the shoreline protection regulations under section 28 of the proposed Lake Simcoe Protection Act not duplicate the Lake Simcoe Region Conservation Authority's section 28 regulation.

In conclusion, I want to commend the Ontario government's efforts at legislating a watershed plan, and reiterate that conservation authorities are in full agreement that the best way to protect and restore the ecological health of the Lake Simcoe watershed is through the implementation of an integrated watershed management plan.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Our first speaker would be Mrs. Munro.

**Mrs. Julia Munro:** I wanted to ask you, given the concerns you've raised in this presentation, whether you would be, ultimately, looking at this as something that would become a template for other conservation authorities?

**Mr. Don Pearson:** In terms of the template, the aspect of the Lake Simcoe Protection Act that conservation authorities support is providing for the development of watershed management plans that are actually capable of being implemented. The limitation under the Conservation Authorities Act is that, effectively, the act can be developed in a multi-stakeholder forum, it can be absolutely sound in terms of science, and it can only be implemented to the extent that the conservation authority is able to negotiate resources or persuade planning authorities, for example, to incorporate it into official plans. It's very much a voluntary effort. So the fundamental difference with the Lake Simcoe Protection Act is that it's mandated, once the plan is developed, that it will be implemented. In that respect, the process could be applied throughout. We're not really talking about governance here. I'm only really talking about the content of the plan.

**Mrs. Julia Munro:** That's right—

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Tabuns.

**Mr. Peter Tabuns:** Thanks for your presentation.

I have to say, I heard the presentation from the Lake Simcoe conservation authority and I've heard yours. The conservation authority didn't speak out about Big Bay Point. As I understand from what you've said, they're responsible for protecting this watershed.

As a member of the umbrella group for all the conservation authorities, do you think that digging out a 30-acre artificial lake on the edge of Lake Simcoe to provide for a thousand more boats going into this lake—do you think, ecologically, that's defensible?

**Mr. Don Pearson:** I'm not qualified to speak about whether that particular development is defensible or not defensible. I think I would defer to the response that was provided by the LSRCA in that regard. But, again, I can tell you that the advisory role of the conservation authority and its ability to influence development is very much one where the authorities are required to strike a balance between their regulatory powers, their influence on the planning process and their application of science. Again, the land use planning process is governed by the Planning Act which clearly resides in the municipalities, and the authorities always have to walk a very fine line in terms of—

**Mr. Peter Tabuns:** I understand the municipalities and the province have the power. We look to the conservation authorities to give the advice, and the conservation authorities are silent when substantial negative change takes place; I don't see them as fulfilling their responsibilities. Do you think you should be silent when in fact the ecology of the lake is going to be impacted substantially?

**The Chair (Mrs. Linda Jeffrey):** It needs to be a short answer to that.

**Mr. Don Pearson:** Yes, I think the context of a properly developed and approved watershed plan would provide the basis on which the authority could provide that kind of advice.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you for the presentation. Obviously I don't reside in the watershed, but I reside in a watershed that's governed by a different conservation authority down in Halton region. I look at this with some interest, because having seen my own community go through some trials and tribulations as it's grown, often it has been a very adversarial process. This process to date has been fairly positive and groups have been trying to work together.

At Conservation Ontario, do you discuss this process? Has this been the subject of any feedback from your members? Certainly, I'm just thinking as a person from a different watershed. I could be a little closer to this issue than other people, perhaps, but I think even at this stage in the game there appears to be a lot of learning.

**Mr. Don Pearson:** Thank you. The best way I can answer that: Certainly the conservation authorities at Conservation Ontario have taken a great deal of interest in the Lake Simcoe legislation. The authorities within their own areas of jurisdiction again have responsibility to bring forward advice to undertake planning and to try and advocate for protection of the resources. Having said that, it's obvious that they try to define that fine line between their jurisdiction, their role and the various interests of the community because obviously there are economic interests that appear sometimes to compete with environmental interests. How do you get everybody in the tent, so to speak, and get them to agree on a certain way forward?

**Mr. Kevin Daniel Flynn:** Okay. I just wondered if you could answer one short question on recommendation three.

**The Chair (Mrs. Linda Jeffrey):** Mr. Flynn, it's got to be really short.

**Mr. Kevin Daniel Flynn:** Yes, it is short. You're saying that the statute of limitations as proposed is two years. What statute of limitations are you currently operating under?

**Mr. Don Pearson:** It's six months.

**Mr. Kevin Daniel Flynn:** Okay, thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today. We appreciate your delegation.

#### KELLY CLUNE

**The Chair (Mrs. Linda Jeffrey):** Our next delegation is Kelly Clune. Welcome. As you settle yourself, if you're speaking for an organization, can you tell us the organization you speak for? If just for yourself, if you could state your name for Hansard. When you begin, you'll have 10 minutes. I'll give you a one-minute warning as you approach your 10 minutes. The floor is yours.

**Ms. Kelly Clune:** Okay, great. Thanks. My name is Kelly Clune, and I'm a resident of the city of Orillia. I'm proud to say I'm also a Georgian College environmental techniques student and enjoying that. I've been involved in waste issues for some time in the city of Orillia.

This has to do with garbage and dumps, so I would really like it if you could just imagine that there is a garbage bag here with a big question mark on it because that's really what it's all about. I usually bring visuals like that, but unfortunately, I'll have to get you just to imagine that garbage bag with a big question mark on it there.

I just want to say thanks so much. I appreciate what you're doing. We really need an act to protect Lake Simcoe. It's in serious danger. I'm just going to refer to the environmental assessment hearing that I was involved in as an intervener in 1991.

In 1991, an environmental assessment hearing was held in the city of Orillia to review the certificate of approval for the Kitchener Street landfill site. That's the city's garbage dump located on the shore of Lake Simcoe. That hearing lasted two weeks. A significant amount of time and money and a great deal of consideration went into preparing the EAB report. I would like to share with you some of the comments and recommendations from that 1991 landfill hearing because they apply to Lake Simcoe.

1740

You have a map before you, I hope, that's sort of two-sided. On the map there are actually two landfills side by side on the shore of Lake Simcoe there. The Kitchener Street landfill, which is the current one in use, was established in 1967, when the old landfill, just east of the new site, was closed.

The old landfill accepted waste from about the 1940s to 1967, and waste disposal inventory confirms the well-known fact that toxic materials, chemicals that pose a threat to human health, were dumped there.

Neither landfill has a leachate collection system. The city's sewage treatment plant is located between the two landfills. The city's drinking water intake pipe is located just downstream from this. As a resident of the city of Orillia, that concerns me.

In 1991, it was reported that contaminants from the city sewage treatment plant and the old and current landfills were spilling into Lake Simcoe through Mill Creek and Ben's Ditch in significant quantities. You'll see that on the side there's a picture of Mill Creek and Ben's Ditch. You might be able to see them.

The report reads: "With respect to Lake Simcoe, the landfill is having an effect which cannot be measured because of the dilution factor caused by the large volume of water in the lake." So I would like to stress that the solution to pollution should not be Lake Simcoe, and that's currently what's happening.

In the 1991 EAB report, there resulted a number of conditions to reduce the impact of the landfill on the environment. One of these conditions stated that no toxic substances and no reusable, recyclable or compostable materials were to be landfilled. All waste was to be sorted. Unfortunately, the city is still disposing of contaminated material at this lakeside dump. In fact, in 2004, the city of Orillia dumped over 40,000 tonnes of contaminated soil from property with a plume of chemicals, including vinyl chloride levels of over two million parts per billion. I think somebody will discuss that next.

The report states that "the landfill is not endowed with the kind of ... clay barriers which would prevent leachate from escaping off-site...." In 1991, it was reported that the landfill generates 78 million litres of leachate per year flowing into Lake Simcoe. That was in 1991.

The board attempted to focus on positive opportunities, and in the report they stated: "This landfill is conveniently located next door to a sewage treatment plant, with the capacity to treat leachate. This convenience minimizes the cost and difficulty of operating a leachate system. Ideally, this landfill and Kitchener park (the old landfill) should have leachate intercepted and collected before it escapes into Lake Simcoe."

The EAB stated: "In our view, this is not a site with a high degree of natural protection. We were told that if monitoring indicates that leachate collection and treatment is necessary, a system will be installed. Yet, given the size of Lake Simcoe and its dilution potential for the leachate discharge, it may be unlikely that the city or its consultants will feel the need to request that a leachate system be installed ... we agree with the aphorism that 'an ounce of prevention is worth a pound of cure,' and recommend to the city and its waste advisory committee that the cost of installing and operating a leachate collection system, or a pre-treatment system, be explored and given serious consideration."

It's now 2008, 17 years later, and very little has changed. The proactive recommendations set out in the

1991 Environmental Assessment Board report have been effectively ignored: recommendations to protect our environment, in particular Lake Simcoe. Seventeen years later, and no leachate collection system has been installed at either landfill, and hazardous materials continue to be disposed of in this lakeside landfill, which is not lined.

It would be a shame if the Lake Simcoe Protection Act results in nothing more than paperwork like the EAB report. The Lake Simcoe Protection Act is long overdue. It's a proactive bill, and for it to be successful I would like to suggest that it possibly include specific timelines and goals and, most importantly, strong enforcement mechanisms that carry with them substantial fines for non-compliance. I hope that the number one goal might be to address the serious problems that are seeping into the lake from city of Orillia operations, specifically the 78 million litres of leachate that seep into the lake every year from the city of Orillia landfills on the shore.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much. Our first speaker is Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you for the presentation, disturbing as it is. Was the whole matter of leachate from those landfills raised with the Ministry of the Environment when they did their earlier review—consultation, I assume—with citizens about this act?

**Ms. Kelly Clune:** The ministry has reviewed the landfill recently, and we are quite concerned with the fact that they have actually made the conditions easier for the city to get around.

**Mr. Peter Tabuns:** Did they give reasons for reducing the strength of the regulations?

**Ms. Kelly Clune:** What I've heard is basically, "We're in a situation where, if you tell us to do that, we're going to run away and say we don't have the money. You're going to put us into bankruptcy, and so you as a province are going to come out to save us."

We have a situation here; it's political; it's got to be stopped. We need to take some action on this lake. I appreciate what you're doing, but we're in Orillia and we've got TCEs in our wells. We've got a serious problem. We're drinking from the lake, where contaminants are being spilled. I hear Mr. Barrett mentioning the number of people who are coming soon to spill into the area. If we don't have drinking water for them, what will we do from there? That's the situation we're facing now. We have a very serious problem.

**Mr. Peter Tabuns:** Have any of those leachate contaminants been detected in the city's drinking water?

**Ms. Kelly Clune:** TCEs have been detected in the two wells, and they've both been closed.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you for the presentation and for your support of the act. You kept referring to two sites. I see one, the Kitchener Street site. Where would the second site be on the map?

**Ms. Kelly Clune:** The second is the initial dump that was there. The one with the circle around it is the current, operating Kitchener Street landfill site, and directly to the

right of that is the earlier dump, which they now call a park, that people play on.

**Mr. Kevin Daniel Flynn:** This looks like the hearing was held in 1990 and the certificate of approval was issued in 1991.

**Ms. Kelly Clune:** The hearing was in 1991.

**Mr. Kevin Daniel Flynn:** Does the city of Orillia monitor the situation on a regular basis? Do they provide reports? You seem to be up to date on the information.

**Ms. Kelly Clune:** Well, it's been a 17-year-long haul trying to keep ahead of the game. That's what I consider it, a game. I think the monitoring is very important, but we have to get beyond that. We have to get beyond just monitoring, testing, reviewing, discussing and putting great pieces of work together; we need to take action.

**Mr. Kevin Daniel Flynn:** Are the results always made available to the public when the monitoring is done?

**Ms. Kelly Clune:** I guess, if you're given the opportunity to investigate that, but the results of the tests are questionable in themselves: whether or not they're tested for different materials, whether the materials get broken, samples get—we can talk about samples, if you want.

**Mr. Kevin Daniel Flynn:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Mr. Barrett.

**Mr. Toby Barrett:** Thank you for the map.

In the last 17 years, is there kind of a paper trail of people writing letters to the various ministers? Have MPPs picked up this ball? Also, has there been any trenching? I assume there's a plume that's moving underground into either the creek or the ditch.

1750

**Ms. Kelly Clune:** Are you looking at the plume that's coming from the West Street site, or are you looking at the city of Orillia?

**Mr. Toby Barrett:** I'm looking at Lake Simcoe and the ditch.

**Ms. Kelly Clune:** Yes, the dump site. There's no leachate collection system under there. It's not a line dump. They're depending on a very thin layer of peat, in many cases, which is just four inches thick. What that site is, is a cash cow. Unfortunately, the people of Ontario are going to be paying the price in terms of health. We have a serious problem with this lake, and we need this act, we need the attention, we need it to be effective and—

**Mr. Toby Barrett:** Has there been any trenching or anything at all to—

**Ms. Kelly Clune:** There have been lots of studies.

**Mr. Toby Barrett:** Has equipment ever moved in to put up a barrier or to—

**Ms. Kelly Clune:** No.

**Mr. Toby Barrett:** Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much for being here today.

ALLAN MILLARD

**The Chair (Mrs. Linda Jeffrey):** Our last delegate today is Mr. Millard. Welcome. We've saved the best for

last. We thank you for being here today. If you could state your name—I presume you don't speak for an organization—

**Mr. Allan Millard:** That's correct.

**The Chair (Mrs. Linda Jeffrey):** —and then you'll have 10 minutes.

**Mr. Allan Millard:** My name is Allan Millard. I bring perhaps a slightly different approach to this committee, and I'm not speaking with a prepared speech. Some material has been distributed to you to support what I'm about to say. Perhaps you might want to read, at your leisure, some very interesting data I assembled in 2005 and a letter I wrote in 2008 about contamination in Orillia that is heading for Lake Simcoe.

My presentation is based on my experience, and it has not been good. I look at Bill 99 from a slightly jaundiced point of view. We have serious problems in Orillia relating directly to Lake Simcoe, and there appears to be no existing remedy. The city, when asked to act, does not.

I don't mind pointing fingers. I think the city of Orillia is a rogue in the whole area of protecting Lake Simcoe. The MOE has pleaded impotence, and frankly, Kelly Clune and I made presentations to the LSRCA and it has done nothing. So we are a little bit disappointed, to say the least.

I took action in 2004, with the support of some citizens, and took the city to court. It related to Lake Simcoe. My statement of claim, among other things, referred to the heavy cost to the people of Orillia, and in fact to all the people, animals and plants on, in and around Lake Simcoe. So I think it's relevant that I speak today; our pleas to other authorities have fallen on deaf ears. We were successful in court, by the way.

I look to Bill 99 to fill the legislative gaps that I discovered in trying to bring to public attention a serious environmental issue threatening the lake. I also want to say that I hope the Legislature will get this bill right the first time. I had experience, when I was involved with the tobacco control business, of a situation where inadequate legislation was passed and then the government washed its hands of it for a number of years, saying, "We've dealt with that." So I just say that you've got to get it right the first time.

I will deal with two specific problems in connection with the threat to Lake Simcoe. One of the goals in the plan is 4(d), "to reduce the discharge of pollutants to Lake Simcoe and its tributaries."

One of them, which I have outlined in a 10-page paper, is that I say the city of Orillia knowingly dumped hazardous waste into the landfill which is on the shore of Lake Simcoe. I point out in the covering note that my allegations have never been disputed. They've never been contradicted by the ministry, the city or anyone. In fact, the risk assessment that the city eventually submitted for the recreation project that it's trying to build on contaminated land gave further evidence to support what I have said.

We have approximately 20,000 tonnes that we know is heavily contaminated. This is muck, groundwater-satur-

ated soil. We have a world-renowned hydrogeologist who happens to live in Orillia, and his word is that this will leach from the landfill site into Lake Simcoe. He doesn't say "may," and he has this in writing and it has been in court. This is not "may"; it will. These are the things that we can't get people to look at, including the LSRCA.

In this recreation project on heavily contaminated land, one of the most heavily polluted sites in North America, the city has no plan to deal with the contaminants that it proposes to leave in the ground. These are contaminants like trichloroethylene at the level of—this you may find hard to believe, but it's true—2.2 million parts per billion. That is about 110,000 times what the MOE limit is for non-potable water.

In connection with that, please see my two-page letter about the Love Canal. We have a Love Canal situation in Orillia. Although it's moving more slowly than the contaminants did in New York state, those contaminants are moving inexorably towards Lake Simcoe. Of that there is no scientific doubt.

We need enforcement, and I recall what Kelly Clune said about the MOE and the certificate of approval. We got no satisfaction from the ministry. The minute we said, "But you require the city to have a plan. Fine, they have a plan. Do you enforce it?" The MOE said, "No, we don't. We have no means." I said at that meeting with three of their officials, "Well, you're the ministry. Go and get the authority." Needless to say, they didn't.

So I'm saying about Bill 99, I would like to see something in there that provides for real authority for the ministry to act. Following immediately on that, since I lack a certain confidence in public authorities, and bureaucrats are determined to cover themselves occasionally—cover their rear ends—I say there has to be some room in that act for the public to be involved, to call the government and authorities to account without having to take them to court, which I did. That was the last resort.

Ordinary citizens shouldn't have to do that. We should have something built into our environmental legislation that allows us to call to account public authorities when they don't do their job. It's pretty simple. I'm not going to give you specific recommendations. I'm just saying I think that's a general proposition that should be written into the bill.

I noticed a section that talked about requiring a municipality to pass a bylaw, and I say, "Good." It's certainly needed for Orillia. But the protection act should go further and, as Kelly Clune has mentioned, there should be power to order the building of a leachate collection system around this contaminating landfill and upgrade the sewage treatment system in Orillia to handle things like DNAPLs—that's dense non-aqueous phase liquids, of which VOCs are a part—because it's admitted by our civic authorities that the water treatment can't handle that.

**1800**

**The Chair (Mrs. Linda Jeffrey):** Mr. Millard, you have about a minute left, okay?



**Mr. Allan Millard:** Objective 4(h)—I have to throw this in—talks about “environmentally sustainable recreational activities related to Lake Simcoe,” so I just want to make a pitch for this. We have huge power boats being operated on Couchiching and on into Lake Simcoe. These are fuelled, I believe, by gasoline and testosterone. I would like to make a serious plea that something has got to be done to stop this, if not for the carbon dioxide emissions, then at least for all that unburned fuel that is being spewed under water into Lake Simcoe. Please do something. Write it into the act if you have to.

Finally, I want to make this point. There is blanket legal protection of the bureaucracy and so on in Bill 99, and I would like to see some avenue for public interest action, when authorities like the MOE, the LSRCA or a municipality fail or refuse—in the case of Orillia, it’s refuse—to act.

I also would like to see more “shalls” in the bill regarding public input. I believe a previous speaker spoke to that. Governments and bureaucracies don’t have a monopoly on environmental wisdom. Thank you.

**The Chair (Mrs. Linda Jeffrey):** Thank you. Our first speaker is Mr. Flynn.

**Mr. Kevin Daniel Flynn:** Thank you, sir, for your presentation. As you can imagine, most—certainly, I am—are hearing this information for the first time. I noticed you’ve included a letter that you sent to the mayor of Orillia earlier this year, along with two councillors. Did you ever get a response to that letter?

**Mr. Allan Millard:** No.

**Mr. Kevin Daniel Flynn:** Okay. So you haven’t got anything back at all?

**Mr. Allan Millard:** No. I should explain that one of the reasons I wrote the letter is that the mayor got very upset about three or four years ago when we started to compare what was happening in Orillia to Love Canal. He got very upset. So when one of the councillors also said that perhaps we were exaggerating, I said, “Okay. I’d better do my research.” So I did. Needless to say, I think I’ve effectively silenced that criticism. The mayor has said not a word about this comparison, which I maintain is very apt.

**The Chair (Mrs. Linda Jeffrey):** Thank you. From the Conservative side, Mr. Barrett, did you want to ask a question?

**Mr. Toby Barrett:** Thank you for the presentation. Yes, one would think that this is very timely to bring this forward at the provincial level, and I don’t know to what extent it has been brought forward at the provincial level. You’ve brought this in shortly after the introduction of the Lake Simcoe Protection Act, which says something, that there may be a way and that perhaps it is through regulation, if the legislation cannot be amended to the extent to handle something like this. We know there are other pieces of legislation that deal with this.

Secondly, this issue has been raised before in the Legislature, in this committee, and before the introduction of another piece of planned legislation that we understand may be coming forward to deal with toxic waste, again through the Ontario government.

There are other measures that have been taken with other harbours. I don’t know whether this would actually be in a harbour, but I think of Marathon Harbour or Randle Reef in Hamilton on the Great Lakes. Those hot spots, as they’re referred to, on the Great Lakes, mainly in old industrial areas in harbours, are being dealt with—to what extent or how rapidly, I’m not sure. But one would think, with provincial legislation—

**The Chair (Mrs. Linda Jeffrey):** Mr. Barrett, can you finish your question?

**Mr. Toby Barrett:**—there would be a way that this could be worked in. So I would say keep it up, because it’s very timely to introduce this right now.

**Mr. Allan Millard:** I would certainly support the province helping to deal with the brownfields, or hot spots, whatever you want to call them. There hasn’t been any sign of that so far, and that’s unfortunate. This is both a federal and a provincial responsibility. It goes well beyond the municipalities. The estimates for cleaning up or doing something with this problem of the contaminants that are heading inexorably to the lake have ranged anywhere from \$75 million to dig it up and treat it—we’re talking about a depth of 22 to 25 metres of silty clay—to maybe \$4 million or \$5 million to put in barriers. You can either have a source control or a boundary area control for doing this. There is a way of doing it. But the interesting thing, in respect to your comment: If the city of Orillia were to walk away and say, “This is too much; we’re not going to do anything,” I don’t think there’s any provincial legislation that allows the MOE or anybody else to say, “Sorry, you have to do something.”

**The Chair (Mrs. Linda Jeffrey):** Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you again for making this presentation today. Have you talked to the medical officer of health in Orillia or the department of public health about this?

**Mr. Allan Millard:** I did, in 2004 or 2005.

**Mr. Peter Tabuns:** And their response?

**Mr. Allan Millard:** They would not take a position. We had the data on the vinyl chloride and the DCE and the TCE from mid-November 2004, as I’ve mentioned in my handout. Vinyl chloride is a known carcinogen; it’s a breakdown product from TCE and it rises. We said, “You’ve got a carcinogen. They want to build a recreation centre on top of this, if you can believe it. We need support from public health,” and they said, “Oh, no, that’s not our business; that’s environment.” So I couldn’t interest the MOH. The level that was discovered in November 2004 was approximately 82,000 times the level allowed by the MOE.

**The Chair (Mrs. Linda Jeffrey):** Thank you very much, Mr. Millard. We appreciate you being here today.

Committee, this concludes our hearing our delegates today on Bill 99, An Act to protect and restore the ecological health of the Lake Simcoe watershed and to amend the Ontario Water Resources Act in respect of water quality trading. We resume hearings on November 19 at 4 p.m.

*The committee adjourned at 1808.*



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