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26 April 2013

Carolyn O'Neill  
Manager  
Ministry of the Environment  
Integrated Environmental Policy Division  
Land and Water Policy Branch  
Great Lakes Office  
135 St. Clair Avenue West, Floor 6  
Toronto, Ontario M4V 1P5

Dear Ms. O'Neill:

Re: Bill 6 - Great Lakes Protection Act, 2013  
EBR 011-6461

Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization with a focus on healthy river ecosystems all across Ontario. ORA members represent numerous organizations such as the French River Delta Association, Council of Canadians, Friends of Temagami, Whitewater Ontario, Vermilion River Stewardship, Mississippi Riverwatchers, Kiishik Community Association, French River Stewardship Council, along with many other stewardships, associations, and private and First Nations citizens, who have come together to support healthy river ecosystems in Ontario and to ensure that development affecting Ontario rivers is environmentally, ecologically and socially sustainable.

ORA writes further to our letter, dated 7 August 2012, regarding the proposed Great Lakes Protection Act and Strategy, and wishes to comment more fully through EBR Registry Number 011-6461.

ORA endorses the submission of the Great Lakes Protection Act Alliance. We wish to further stress the importance of the following, which are crucially important to the ORA's interests.

ORA agrees that a Great Lakes Protection Act (Act) and its regulations should protect and apply to the entire Great Lakes Basin (Basin), and effectively include all unorganized townships, municipalities, conservation authorities, and regions. There must also be accountability by the government and Great Lakes Guardians' Council (Council) to the citizens living within the Basin to ensure the proposed Act is upheld and administered effectively. Outreach, monitoring, and compliance measures must be ensured and realized if we are to see real improvement in the health and vitality of the Great Lakes.

The purposes as set out in Bill 6 and the Strategy will be very effective if rigorously adhered to, and are provided precedence over other provincial and federal initiatives leaning towards job creation, expansion of the tax base, and resource and energy development. Many development and water taking practices within the Basin must be strictly modified, and in some cases deterred, and environmental and ecological considerations made a priority.

If the Province places protection and restoration of the Great Lakes as one of its highest priorities, then it must apply the proposed Act's purposes using a watershed approach and include all wetlands, streams and rivers within the Basin – not just along the shorelines and coastal areas of the Great Lakes themselves.

These receiving wetlands, streams and rivers are currently challenged by:

1. A rash of proposed peaking and cycling hydroelectric facilities planned for many of the rivers feeding the Great Lakes, along with their numerous negative impacts to water quality and water quantity;
2. Treated, undertreated and untreated effluent continues to be released by a multitude of wastewater treatment facilities, mining and other industries into waters in the Basin;
3. The aftermath of over a century of this effluent discharge has left sediment in many lakes, streams, and rivers contaminated with heavy metals such as mercury, arsenic, nickel, copper, lead, zinc, iron, cadmium, manganese, etc.;
4. Water taking for industrial, agricultural, hydroelectric, public and private uses; and
5. Many wetlands within municipal boundaries have already been lost to development, and continue to be paved over, flooded, in-filled, and replaced by residential, industrial and hydroelectric development.

We recently received the results of a 1986 MOE sediment study for Wabagishik Lake, which is one of the connecting lakes on the Vermilion River system, and located several kilometres downstream of Sudbury. The Vermilion River flows into the Spanish River, which then empties into the North Channel of Lake Huron. This system has been subjected to over 100 years of mining and wastewater effluent being released into its waters. The results of the study reveal highly contaminated sediment, in some cases many times over the Provincial standards. The following heavy metals were considered to be at Severe Effect Level (SEL): arsenic 3 times SEL (X), nickel 24X, copper 5X, lead, zinc, iron, cadmium, and manganese. These were only the worst – several other heavy metals were also elevated and very close to the SEL. SEL is considered to be heavily polluted and likely to affect the health of sediment-dwelling organisms.

Our point is that Wabagishik Lake is going through the approvals process to be used as a lake coupled headpond for a modified peaking hydroelectric facility, and if this highly contaminated sediment is stirred up and flushed out by this facility, it will go downstream, directly into Lake Huron. This is only one example - many rivers and streams feeding the Great Lakes have been used to dilute wastewater, mining and industrial effluent for many years, and are already struggling with blue-green algae blooms. These types of toxic sediments must not be disturbed at the risk of sending more pollutants into the Great Lakes.

## 1. Protecting Inland Waters

ORA supports the clarity in Ontario's Great Lakes Strategy that the goal that appeared in draft form as "protecting water" has been refined to "protecting water for human and ecological health" (p.30). Our concern is that the cumulative impact of various decisions that impact the waters in our rivers and streams (as evidenced by the example of Wabagishik Lake above)

must be addressed urgently. The focus on improving wetlands, beaches and coastal areas, without also ensuring the rivers and streams feeding these features are being protected and improved as well, will not enable the vision of the proposed Act to be realized.

ORA recommends that, should Bill 6 be enacted, the Province immediately place a moratorium on all hydroelectric approvals within the Basin, until such time as their well-documented and substantial impacts on the health of the Great Lakes can be effectively assessed and addressed. The 40 year FIT contracts awarded to hydroelectric projects would ensure a long and lasting impact that could be very costly to stop or reverse once approved.

## 2. Reducing and Eliminating Toxic Substances in the Basin

ORA agrees with the submissions of the Great Lakes Protection Act Alliance and similarly propose that the following clause be added to the Purposes, subsection 1(2):

- 2.1 To reduce and eliminate toxic substances in the Great Lakes-St. Lawrence River Basin, particularly persistent pollutants and toxic substances, sediment pollutants and air borne pollutants, including those that have cumulative adverse impacts.

We further propose that the following be added at the end of Section 1 of Schedule 1:

For greater certainty, such policies may include policies that restrict the use, disturbance, or emission of contaminants onto, into or from the use of lakes, rivers, or land, or the erection, location or use of buildings or structures for such purposes as may be set out in the initiative.

We also propose that the following be added at the end of Section 4 of Schedule 1:

For greater certainty, such policies may include policies that restrict the use, disturbance, or emission of contaminants permitted within prescribed instruments for such purposes as may be set out in the initiative.

This proposed new provision explicitly covers toxic substances within the Act's purposes to ensure toxic reduction or elimination is a valid target or goal of a geographically-focused initiative and these additions to Schedule 1 ensure that necessary policy tools will be available to achieve such targets and goals.

The wording of proposed clause 2.1 has been crafted to align with the purposes of Ontario's *Toxic Use Reduction Act*.

## 3. Accountability

ORA fully supports the purpose and intent of Bill 6, the proposed Great Lakes Protection Act, as expressed in subsection 1(1):

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

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

We further propose that explicit recognition be given to the goal of achieving drinkable, swimmable, fishable waters by adding the following to subsection 1(1):

(c) to ensure that the Great Lakes-St. Lawrence River Basin is able to provide Ontarians with a source of water that is drinkable, swimmable and fishable”.

ORA notes that cumulative effects and the precautionary principle are totally missing in Bill 6, and request that these vital considerations be enshrined within the Act to ensure sustainable and wise development throughout the Basin. This can be achieved by implementing the recommendation of the Great Lakes Protection Act Alliance’s submission relating to including decision-making principles as new subsections 1(3) and 1(4):

**Decision-making Principles**

(3) Decision-making under this Act shall be exercised in accordance with the following principles, as defined in Ontario’s Great Lakes Strategy:

- (a) ecosystem approach,
- (b) precautionary approach,
- (c) accountability,
- (d) adaptive management,
- (e) collaboration and engagement, and
- (f) recognition of First Nations and Métis communities.

**Same**

(4) Additional decision-making principles may be prescribed as necessary to ensure the purposes of this Act are fulfilled.

ORA congratulates the Province for taking these necessary steps to protect and restore our valued and finite freshwater resources, including our wetlands, lakes, rivers, streams, and even the springs within the Basin.

ORA requests involvement in any future public consultation opportunities. Thank you for this opportunity to comment.

Respectfully,



Linda Heron  
Chair, Ontario Rivers Alliance

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