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Regarding staff report York Region Response – ERO 019-2833 – Lake Simcoe Protection Plan 10-Year Review

March 3, 2021

The Rescue Lake Simcoe Coalition (RLSC) appreciates the efforts made and work completed by York Region in support of a healthy Lake Simcoe. We find that your staff report on the Lake Simcoe Protection Plan (LSPP) is generally helpful and revelatory about the challenges of accommodating growth while meeting the targets of the LSPP.

There is no happy relationship between the Growth Plan and the LSPP. I wrote my masters thesis on the topic in 2011 and nothing has improved since then. Indeed, the development pressures on Lake Simcoe are massive and getting worse. York Region raises a question echoed in other municipal staff reports on the LSPP¹ – “Clarify how municipalities can comply with both legislated growth targets and wastewater servicing restrictions under the Lake Simcoe Protection Plan.”

Over the past year the **York Region municipalities of Georgina, Newmarket and Aurora passed strong resolutions**, responding to a RLSC delegation, calling “on the Ontario Government to demonstrate its commitment to clean water and protecting what matters most in the provincial statutory review of the Lake Simcoe Protection Plan, **by ensuring that provisions in the Lake Simcoe Protection Plan that protect water quality are not weakened and that policies protecting natural heritage be strengthened, in order to meet the targets of the Lake Simcoe Protection Plan.**” **Georgina Island First Nation was the first** to pass our resolution. **King Township** didn’t have a chance to pass our resolution but their submission on the LSPP says: “The Province is encouraged to strengthen the policies of the LSPP to achieve the Plan’s objectives and protect

¹ Innisfil staff report DSR-025-21

Lake Simcoe and its watershed”². All Council resolutions responding to the RLSC’s delegations can be found [here](#).

There is certainly public and municipal support for achieving the phosphorus (P) loading target of the LSPP. It is vital that updating and improving the Phosphorus Reduction Strategy occur as soon as possible to address the many factors at play, growth and wastewater servicing being the biggest factor.

Unless otherwise indicated the Rescue Lake Simcoe Coalition supports York Region’s thoughtful recommendations. There are however a few areas that we believe should be considered more deeply and amended. Those are Best Management Practices (BMPs) on agricultural lands; governance, and policy alignment on stormwater management and natural area protection.

Points 1 & 2

Phosphorus Reduction and Best Management Practices

It is possible to reduce phosphorus loads going into Lake Simcoe if a robust Phosphorus Reduction Strategy is developed as an immediate priority. We encourage York Region to pass **Georgina Council’s motion which asks the Province to develop a plan and a budget to reduce Lake Simcoe’s phosphorus pollution to 44 tonnes per year as soon as possible.**

While focusing on cost-effective actions is rational, we have some concerns about the feasibility and timing of the approach suggested. First, the Precautionary Principle is a “guiding principle” of the LSPP, and it would be fitting therefore to not assume that agricultural and landowner BMPs will be successful at the scale required to bring down P loads, and until such evidence is provided, that other sectors should not be allowed to increase their P loads.

Relying on agricultural and landowner BMPs requires a long term program that provides for the substantial staff time required to engage landowners, mandates monitoring and regular assessment, and funds the program sufficiently to support outcomes expected. There have been successes indeed with agricultural BMPs, and this work must continue, but our understanding is that the low hanging fruit has been picked.

Second, there are approximately 1/3 fewer farm owners in 2016 than there were in 2006, and a greater concentration of farm ownership in large companies and a move away from ‘family farms’ if you will. There are also roughly 1/3 fewer livestock operations in the watershed than ten years ago.³

² King Township staff report GMS-PL-2021-07 pg. 3

³ Minister’s Ten year report on Lake Simcoe, Agricultural Trends section. 2020.
<https://www.ontario.ca/page/ministers-10-year-report-lake-simcoe>

Third, it is not that easy to get landowners to do BMPs. The experience of Debbie Gordon and the Save the Maskinonge (Georgina) work on engaging farmers and landowners in stewardship is a cautionary tale. She says, in her submission to York Region for this March 4, 2021 meeting: “Much of the land on Lake Simcoe watersheds was purchased decades ago by speculators or developers who have no desire to add environmental features to properties they hope to one day develop. We ... went door to door with a binder with all the BMPs marked on maps offering funding for projects.... In the end we did accomplish many projects on the watershed but the majority were small rural and urban properties. The majority of the more serious areas of damage we could not address the BMPs, even with full funding for projects available. You can't force landowners to do them.”

This is why there is an emphasis in the LSPP on managing STPs' phosphorus loads. They produce measurable P reductions and they work. Until other sectors bring down their P loads those STP caps should not change and new STPs and communal servicing solution should not be built unless they are replacing something equivalent (which the Holland Landing lagoons are not). To this end we would like York Region to stop advocating for the Upper York Sewage System to discharge into Lake Simcoe.

Recommendations:

- Pass the Township of Georgina resolution which asks the Province to develop a plan and a budget to reduce Lake Simcoe's phosphorus pollution to 44 tonnes per year as soon as possible.
- Ask the province to develop a program for landowner BMPs that is long term and well enough funded to make the kind of significant improvements to P loading needed to meet the P loading target.
- Do not suggest that P load caps on STPs should be weakened before evidence of phosphorus reductions from other sources has been demonstrated.
- Stop advocating for the UYSS to discharge into Lake Simcoe.
- York Region's response to the province would be clearer if it indicated that recommendation #1 (see appendix below) is not supporting water quality trading.

Points 3 & 4

Governance

Regarding York Region's points 3 & 4 on governance, we do agree that changes are needed and support the call for a greater role for the Conservation Authority. However, the citizen and ENGO-led campaign to get the *Lake Simcoe Protection Act* and Plan was fuelled by three things: 1. Dismay that the Conservation Authority issued permits for development in an intact and exceedingly rare shoreline forest at Moon Point, Oro-Medonte, and for the removal of 30 acres of shoreline for the Big Bay Point resort, Innisfil⁴; 2. A desire to reduce urban sprawl and its impacts on water quality; and 3. The desire for members of the public and ENGOS to be more involved in the governance of Lake Simcoe.

Although the CA's sensitivity and transparency has improved since these flashpoints in 2006 – 2010, there are many engaged members of the public that do not want oversight to be done behind closed doors and without any public involvement, and for good reason. For instance, the LSRCA and York Region argued against the protection of the Provincially Significant Wetland at the North Gwillimbury Forest. It was a citizen group that secured the protection of that PSW following a ten-year battle costing more than \$500,000.

The representatives your submission lists should be at the governance table, but all of the municipal and CA representatives bring with them the same conflict of interest that has made it challenging for CA's to achieve their goals, for decades. That is that municipalities, with few exceptions, are hungry for growth. This muddies the waters and makes members of the public suspicious that their efforts in environmental protection are secondary to their growth ambitions. **It is critical that the public have reason to believe that the governance body is committed to protecting Lake Simcoe, and inclusive and open governance facilitate this outcome.** There is a key sentence in your submission that York Region may want to highlight as a critical condition of the governance arrangements York suggests: *It will also be critical that LSRCA not be restricted from taking on responsibilities deemed necessary by municipalities to achieve Lake Simcoe Protection Plan goals. P. 6.*

Recommendations:

- Given the complexity of the Municipal Comprehensive Review (MCR) and LSPP updates occurring simultaneously, echo Georgina's recommendation #4, "That prior to posting any notice of changes to the LSPP Act or Plan on the EBR that the MOECP undertake an additional round of consultation on any such proposed changes."⁵

⁴Environmental Defence. 2010. *Lame Duck LSRCA Approves Big Bay Point 30-Acre Hole in Shoreline without Public Involvement*. <http://aware-simcoe.ca/2010/12/water-52/>

⁵ Town of Georgina staff report DS-2021-0022

- York's submission to the province should include a request that at least one representative of Lake Simcoe First Nations' Councils, a scientist and a member of the public or an ENGO representative who are not on the LSRCA, provincial, or municipal payroll, to sit on the governance committee, and for these members to be compensated for their time if their workplace cannot do so.
- It should be clear that increasing the strength of the policies in the LSPP as York suggests, and developing a timebound and funded phosphorus reduction strategy are essential first steps, and that a changed governance structure can only be effective if the first two are in place. It should be crystal clear what the governance team is tasked with achieving. Their focus must be on implementation.

Point 6

Policy alignment

Natural Heritage

There is no doubt that better alignment of regulations across southern Ontario's sensitive features would make things simpler and possibly result in better policy application. More specificity in York Region's response would ensure that your advice is taken in the way we believe it is intended.

One of the RLSC's priorities is achieving the 40% high quality natural cover target in the LSPP, which is a LSPP target with no supporting policies. We obviously won't get to the target without a plan. Today 28% of the watershed is in "high quality natural cover" but only half of that is well protected by strong provincial policies.⁶

Recommendations:

- The recommendation for the alignment of natural heritage policies should be clearly in support of achieving the LSPP's natural heritage targets, and in particular, the 40% high quality natural cover target. Consider applying the "significant woodland" or "Natural core area" designation to the [areas mapped by the province as "high quality natural cover"](#).
- If not this point, York Region should support the achievement of 40% high quality natural cover in the Lake Simcoe watershed.

⁶ See the RLSC's research on environmental policy mapping in the Lake Simcoe watershed.
<https://rescuelakesimcoe.org/resources/>

- The shoreline regulations on Lake Simcoe must remain in place – they are stronger than the other plans’ shoreline regulations.⁷

Stormwater management

There are indeed some policy misalignments between the Growth Plan, the Provincial Policy Statement, and the LSRCA’s stormwater management guidelines. This has been identified by other municipalities as well.

The Province should be asked which sewage/water/stormwater policy is dominant – “accommodating forecasted growth” (as per Provincial Policy Statement policy 1.6.6.1 a) or the Growth Plan’s 3.2.6 c) i. “demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the *quality and quantity of water*.” Lake Simcoe lacks a phosphorus reduction plan that would allow STPs to expand to accommodate a doubling of the watershed population between 2016 and 2041 without negatively impacting the quality and quantity of water.

Recommendations:

- Clarify in this section to the province that stormwater management should not become weaker than it is in the LSPP.
- Ask the province to be clear about which policy prevails for water, wastewater and stormwater management. Make clear that there are negative consequences for Lake Simcoe should accommodating growth be priority number one.
- Request that any municipality or Region that does not want the Growth Plan’s population allocations not be forced to plan for them.
- As has been done in Halton region, request that the MCR process be delayed, in Lake Simcoe’s case until the LSPP review has been completed and these significant questions addressed. To do otherwise we fear is to court disaster.

Thank you for considering the recommendations above.

Sincerely,



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Executive Director, Rescue Lake Simcoe Coalition

⁷ See the Rescue Lake Simcoe Coalition’s shoreline policy comparison.

https://docs.google.com/spreadsheets/d/1dqG_IGUSAJvzRtulMjvgW4Vn4Clhaa1cpydiVTTfoeY/edit?usp=sharing

The Rescue Lake Simcoe Coalition is a lake-wide member-based organization, representing 26 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe. www.rescuelakesimcoe.org

CC: Chippewas of Georgina Island First Nation

Lake Simcoe Watch

Save the Maskinonge

York Simcoe Nature Club

Concerned Citizens of King Township

Windfall Ecology Centre

South Lake Simcoe Naturalists

Snake Island Cottagers Association

Ontario Water Centre

North Gwillimbury Forest Alliance

Lake Simcoe Association

LSRCA

Appendix 1: York Region's key recommendations:

1. Accelerate phosphorus reduction in Lake Simcoe by focusing on the most impactful and cost-effective actions that are measurable to address phosphorus from non- point sources
2. Develop, fund and commit to a time-bound implementation plan for reducing phosphorus
3. Make governance changes to the Lake Simcoe Coordinating Committee to facilitate an adaptive management approach to implementation
4. Give Lake Simcoe Region Conservation Authority the authority and tools required to effectively lead implementation and monitor the effectiveness of the Lake Simcoe Protection Plan
5. Convert some policy areas within the Lake Simcoe Protection Plan to 'Designated Policies' that mandate action

6. Align the Lake Simcoe Protection Plan with recent changes to Provincial land-use plans, including the Provincial Policy Statement, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and balance with requirements under 'A Place to Grow'
7. Clarify how municipalities can comply with both legislated growth targets and wastewater servicing restrictions under the Lake Simcoe Protection Plan
8. Focus on addressing the impacts of invasive species like mussels on the watershed and infrastructure for the next ten years