



April 1, 2010

Ms. Laura Blease
Senior Policy Advisor
Ministry of the Environment
Integrated Environmental Policy Division
Land and Water Policy Branch
135 St. Clair Avenue West, Floor 6
Toronto, ON M4V 1P5

**Re: EBR # 010 9107
Lake Simcoe Shoreline Protection Discussion Paper**

Dear Ms. Blease,

The Ontario Professional Planners Institute (OPPI) is pleased to provide comments on the Lake Simcoe Shoreline Protection Discussion paper in support of the development and implementation of a regulation addressing shoreline protection and help implement the Lake Simcoe Protection Plan.

Established in 1986, OPPI is the recognized voice of the Province's planning profession and provides vision and leadership on planning issues. Government, private industry, agencies and academic institutions employ more than 3,000 practicing planners where they help create healthy communities in the Province of Ontario.

We have organized our comments as answers to the questions raised in the Discussion Paper. The answers are followed by specific comments on the document.

1. Is a regulation the preferred tool to address the activities discussed in this paper?

There are limits to how far stewardship and regulatory programs can achieve the intent of the Lake Simcoe Plan. A balanced approach using both approaches is recommended.

We assume the regulation is required, in part, to ensure the oxygen and phosphorus and other targets of the Lake Simcoe Protection Plan are met. The guidance documentation that will accompany the regulation's implementation should state what the regulation is intended to achieve to enable effectiveness monitoring.

OPPI is concerned that one recommendation is to amend the Plan to change some of the setback requirements. Other information may be required before this action is considered. See our answer to question #4.

Guidance documentation should also illustrate the lakeshore and stream environmental qualities that are to be provided and protected in order to guide stewardship and regulatory efforts towards achieving Plan's objectives.

2. Should the proposed shoreline protection regulation address other activities that have not been discussed in this paper?

Clarification is a good idea. For example, there are several definitions for development depending upon the context: the Planning Act, the Conservation Authorities Act; or the Building Code Act. Examples will help clarify what is regulated and shape expectations as to what is to be achieved. In addition, some site alterations are provided for by the Lake Simcoe Protection Plan where required to remedy adverse conditions.

We understand agriculture is exempted. The Environmental Farm Plan program and implementation of the Nutrient Management Act are intended to address agriculture. We recommend a discussion of these measures be included in guidance documents that accompany the regulation's implementation. Clarification of what agricultural activities are addressed through these instruments and what activities are covered by the proposed regulation is needed.

The removal of debris and management of erosion conditions by Authority and municipal management help achieve the Plan's shoreline and stream objectives. Management of infrastructure such as bridges and the line may also have impacts. Examples of good management practices and outcomes should be included in the guidance documents together with a discussion of how the regulation applies.

Additional discussion and clarification should be given to application of this regulation to site disturbance associated with construction beyond the regulation buffers throughout the watershed, especially where construction sites are left disturbed for a long time. What measures are proposed to address these circumstances?

3. What other programs and/or information are necessary to support a regulation addressing these types of activities (education, outreach, mapping, etc.)?

We understand the Lake Simcoe Plan targets will be successful if dissolved oxygen levels are increased during certain times in the year and phosphorus loadings are decreased overall and in selected areas. What proportion of these targets will this regulation's implementation achieve? How critical is the regulation to achievement of these targets? Are phosphorus loading and dissolved oxygen targets achievable and how will the various planned programs contribute to their achievement? To the extent the available science allows, estimates should be provided in the regulation's guidance documents.

In the Report of the Expert Panel on Climate Change Adaptation entitled "*Adapting to Climate Change in Ontario*" the Panel recommends that risk factors should be applied to matters such as this initiative in order to address potential climate change adaptation measures that may be required to meet the oxygen and phosphorus targets. Has this been taken into consideration?

Section 7.2, Climate Change, Lake Simcoe Protection Plan, sets out potential climate change impacts and in particular impacts that may affect water quality (Chapter 4) and Shorelines and Natural Heritage (Chapter 6). What adaptation measures have been taken to ensure these potential changes are addressed?

The Lake Simcoe Plan contains a great many planned actions, including this regulation. The Hamilton Harbour Remedial Action Plan contains a listing of the several actions that are required to achieve the delisting of Hamilton Harbour as a Great Lakes area of concern. It would be useful to produce a document that sets out "*who does what and when*" in order to organize the various Plan implementation actions required. There are also statutory opportunities and constraints associated with planning instruments that need to be understood. Planning instruments can accomplish some of the planned actions and not others.

The water quality trading mechanism is an interesting paper. The implementation of this approach would need co-ordination with the proposed regulation and planned actions. Would compliance with the regulation be waived if credits are purchased? How will this scheme fit into that framework?

Programs that raise awareness and encouraged good land stewardship can help support achievement of these targets. For example, the Niagara Escarpment Commission has an awards program that rewards good stewardship and design and these awards build positive environmental incentives.

4. Are the proposed compliance tools reasonable?

No comments.

5. Who should be ensuring compliance?

We presume that the Plan implementation responsibility includes a reporting mechanism this reporting mechanism should include responsibility for ensuring compliance.

The Institute would be pleased to discuss our comments further if needed. For further information or to schedule a meeting, please contact Loretta Ryan, MCIP, RPP, Manager, Policy and Communications at 416 483-1873, x226.

Sincerely,

A handwritten signature in black ink that reads "Susan Cumming". The signature is written in a cursive style with a large, looped 'S' and a long, sweeping tail on the 'g'.

Susan Cumming, MCIP, RPP
President
Ontario Professional Planners Institute