

# Proposed new Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health

[\(ERO#019-0198\)](#)

Sections	Comments
Article I - Definitions	None
Article II - Purpose	None
Article III - Principles	None
Article IV - Annexes	None
Article V – Administration of the Agreement	None
Article VI – Science	None
Article VII – Reporting	None
Article VIII – Resources	None
Article IX – Notification	None
Article X – Amending the Agreement	None
Article XI – Dispute Avoidance	None
Article XII – Entry Into Force	None
Article XIII – Compliance with Law	None
<b>Priority – Protecting Waters</b>	
Annex 1: Nutrients	<p>Result 1 (a) should specify the partners to implement the Lake Erie Action Plan. Will local conservation authorities, municipalities, indigenous communities, and citizens be involved? Are the partners already listed in the LEAP?</p> <p>Result 5 (m): in some cases, Conservation Authorities have existing resources to support this sub-result; therefore, there may not be a need to <i>develop</i> the watershed models to support decision-making for Lake Erie and Ontario.</p> <p>Result 5 (o) For Lake Ontario, extend seasonal coverage of water quality monitoring into and <del>in</del> <b>within</b> the lake to better [...]</p> <p>We suggest adding a sub-result to identify existing partnerships that Canada and Ontario can and should be utilizing to coordinate monitoring of nutrients in the Great Lake basin, leverage existing resources, and share information.</p>
Annex 2: Harmful Pollutants	<p>Page 21, paragraph 3, line 3 (Preamble): “high-level PCBs in storage”. This statement is not clear. What does this mean? Stored in a facility? Stored in sediments?</p>

	<p>Result 2 (d): should specify existing binational strategies that are directly related to this sub-result, for example, the Niagara River Toxics Management Plan.</p> <p>Result 5 - Plastic pollution in the Great Lakes basin is reduced: how will this result be measured and reported on? Is there baseline data on the amount of plastic pollution in the Great Lakes?</p> <p>Result 5 (a): Wording needs to be improved as it is unclear. Suggestion: Support projects that aim to clean-up and capture plastic pollution from our waterways and land.</p> <p>Result 5 (i): the first bullet (i) under this sub-result needs clarification. First, to “transition from” typically means that it will not be utilized anymore and will be replaced by another approach. The interpretation from this bullet is that Ontario will discontinue the Blue Box Program and will encourage producers to reduce the amount of waste their packaging creates. Is that interpretation correct? What happens if the producer is outside of Ontario? Ontario should (like Canada under 5(h)) invest recycling facilities and encourage residents to practice re-use and reduction.</p> <p>Result 5 (l): this sub-result is weak. A consideration does not necessarily result in action or change and may have no impact on the issues.</p>
<p>Annex 3: Wastewater and Stormwater</p>	<p>Agree that controlling (preventing) upstream sources of pollution is more effective and less expensive than cleaning it up later.</p> <p>Result 1 (i): agree that conservation authorities are identified as partners to help promote and support the use of green infrastructure and low-impact development. However, many conservation authorities are limited in their resources (staff, expertise, and funding) to implement and support such work. Furthermore, with the recent changes to the mandate of Conservation Authorities (through Bill 108), CAs are supposed to focus on their mandatory programs (natural hazards, regulations, lands, and Source Water Protection), and are not able to use levy to conduct this work. As such, Ontario should provide funding support to Conservation Authorities to work with local partners (municipalities, landowners, developers) to implement the use of green infrastructure.</p> <p>Result 1 (j): needs rewording for clarity—does “high uptake” in this case mean the sequestering of phosphorus through green infrastructure or the implementation of many projects?</p>

	<p>Suggestion: Support studies that improve the understanding of the impacts of green infrastructure and low impact development on phosphorus loadings.</p> <p>Result 2 (f): unless a beach is tested for bacteria level daily, reporting on the number of days beaches are open and safe for swimming is not accurate. The sampling frequency at beaches differs based on location, agency, and popularity. Several beached in Ontario are tested daily while many others are tested weekly. For those tested weekly, an “open” result on Monday could fail to meet requirements on Wednesday but it would be reported at 7 days open (or vice-versa if it testing showed it was ‘posted’ on Monday and not tested again until the following week).</p> <p>Result 2 (g &amp; p): Outside of Source Water Protection, what role do Conservation Authorities have with respect to road salt application best management practices?</p> <p>Result 2 (l): should also include the importance of maintenance of septic systems</p> <p>Result 2 (m): “E. coli” needs to be italicized; Replace “reduce use of” with “impact water quality and enjoyment of beaches”; provide clarification on other substances (chemicals? Algae?)</p>
Annex 4: Discharges from Vessels	Page 33, paragraph 5: this is no longer the most recent Progress Report of the Parties.
<b>Priority – Improving Coastal Areas</b>	Page 36, last paragraph: grammatical error. “This” without a subject or context. This agreement? This Annex? This effort?
Annex 5: Areas of Concern	<p>Several conservation authorities act as the host organization to support the coordination and local implementation of Remedial Action Plans at Canadian Great Lakes Areas of Concern. The Annex does not acknowledge nor confirm the involvement and support of partners in completing actions toward restoring Areas of Concern despite having a result linked to coordination and collaboration. It is disappointing as it was included in the previous 2014 COA. Furthermore, there is concern that funding support for conservation authorities (as host agencies of the RAP Teams) is not an explicit commitment as it has been in past COAs (e.g., 2014 COA Result 1.5)</p> <p><u>Suggested revision for Result 1:</u> Advance remediation of AOCs through enhanced coordination and cooperation amongst governments, First Nations, Métis, municipalities, conservation authorities, and communities.</p> <p><u>Suggestions for additional sub-results for Canada and Ontario:</u></p>

(b) Provide resources to support the activities of the Remedial Action Plan Implementation Teams to coordinate and implement projects, report on progress, facilitate community engagement and consultation toward delisting the AOC, and promote adoption of mechanisms to sustain long-term environmental protection.

(c) Undertake a process to engage communities, First Nations and Métis in remediation and decision-making for removal of beneficial use impairments, designating the AOC as an AOC in Recovery and/or delisting the AOC, as appropriate, in each AOC.

Sub-result (c) is being suggested under Result 1 because the engagement with communities, First Nations, and Métis is noted (repeated) for each Area of Concern. This is an important overarching engagement process for all Areas of Concern and is better suited for the result related to coordination and cooperation.

Comment—Result 10:

It may be an over-commitment to say that the Niagara River AOC will “complete all remaining actions required to achieve delisting”. There are actions for the Niagara River AOC that may extend beyond the time-frame of this Canada-Ontario Agreement, particularly if funding support is not provided or if monitoring indicates there are still issues after actions are completed. For example, while contaminants levels in the Niagara River are on the decline, 5 years may not be enough time to see changes in the contaminants in fish tissue. The RAP partners are working diligently to complete remedial actions and will continue to make progress on restoring the Niagara River AOC. Should the result not be revised, then Canada and Ontario should ensure appropriate resources are provided to the Niagara River AOC to achieve results.

Suggested revision for Result 10:

**Continue to implement** actions required to achieve delisting [...]

Result 10 (a): Assess the status of five remaining beneficial use impairments. Since there are five remaining beneficial use impairments, this result should be linked to each of those remaining issues. Suggested revisions and comments below:

- i. Determine status of fish **and wildlife** populations and fish and wildlife habitat to assess progress towards achievement of delisting criteria;
- ii. Conduct monitoring of ~~fish~~ contaminants **in fishes** and improve understanding of fish consumption habits to assess progress towards achievement of delisting criteria;

iii. Continue to monitor water ~~quality~~, suspended sediment quality and biota upstream and downstream of the Niagara River AOC to assess progress towards achievement of delisting criteria; and

Comment: sub-result (iii) pertains to the Niagara River Toxics Management Plan (NRTMP) Upstream-Downstream Program and not the necessarily the Niagara River AOC. Replace with text below.

Revision Result 10 (a) (iii):

Continue to monitor water and sediment quality, biota, benthos, and beach water quality in the Niagara River AOC to assess progress towards achievement of delisting criteria;

iv. Complete status assessments, prepare status assessment reports, and, as appropriate, proceed with the beneficial use impairment redesignation for Restrictions on Fish and Wildlife Consumption; Degradation of Fish and Wildlife Populations; Degradation of Benthos; Beach Closings; and Loss of Fish and Wildlife Habitat.

Comment: there are grammatical issues in this sub-result.

Result 10 (b) Undertake remedial actions to achieve beneficial use impairment delisting criteria:

i. Provide technical and financial support for ~~design implementation~~ of remedial actions to address high bacterial levels at Queen's Royal Beach; and

Comment: support is required for implementation & completion of priority remedial actions, not the design of actions.

ii. Provide technical and financial support for ~~the completion of one~~ remaining priority coastal wetland and riparian habitat projects to improve fish habitat and populations, as identified by the local RAP Team to ~~and to~~ achieve delisting criteria ~~for Loss of Fish and Wildlife Habitat and Degradation of Fish and Wildlife Populations.~~

Comment: Of the seven projects identified for the Niagara River AOC, four have already been completed. There are 3 remaining coastal wetland habitat creation projects identified to achieve delisting criteria for the Niagara River AOC; one is funded and two are not yet funded. Several Remedial Action Plan partners are engaged and committed to completing these remaining habitat projects in the Niagara River AOC. Local partners will work together to complete these projects but without technical and funding support from Canada and Ontario (as well as other partners) for the remaining projects, delisting goals will not be achieved.

	<p>Result 10 (c): there is a typo wherever Lyons Creek is mentioned (it's Lyons <u>not</u> Lyon's).</p> <p>Result 10 (d): revise and move to Result 1 (c). See comments above.</p> <p><u>Suggested Addition:</u> Result 10 (d): Support and inform the Canadian Nutrients Strategy for Lake Ontario to address water quality issues and remedial actions in the Niagara River AOC.</p>
Annex 6: Lakewide Management	<p>Result 2: agree with this result and it should be duplicated in the Areas of Concern Annex.</p> <p>Result 4 (a) (iii): there might be a word missing in this sentence. Does it refer to the Upstream-Downstream program? If so, suggestion for revising: Niagara River Toxics Management Plan including the Niagara River water quality <b>monitoring</b> (Upstream-Downstream Program) and biomonitoring</p> <p>Result 8 (e): Will this sub-result include the connecting channels?</p>
<b>Priority – Protecting Habitat and Species</b>	
Annex 7: Aquatic Invasive Species	None
Annex 8: Habitat and Species	None
<b>Priority – Enhancing Understanding and Adaptation</b>	
Annex 9: Groundwater Quality	Result 2 (c), where it says “Maintain”—it would be better if it was “Expand and maintain” because the more data that is collected through the monitoring program, the more accurate the understanding of groundwater influences on Great Lakes Water Quality will be.
Annex 10: Climate Change Impacts and Resilience	Result 2 (g): should conservation authorities be involved in this result related to flooding and flood mitigation?
<b>Priority – Engaging Communities – From Awareness to Action</b>	
Annex 11: From Awareness to Action	<p>As part of Result 1 (a), Canada and Ontario should promote information exchange between partners working on the Great Lakes, for example, hosting a Canadian AOC Conference.</p> <p>Result 1: There is no mention of Ontario's support for Great Lakes projects and initiatives to help restore, protect and conserve the Great Lakes. Without funding support, little progress will be made on achieving the results of the COA. The 2014 COA included this language under the Engaging Communities Annex (Result 1.2 (b)).</p>

Annex 12: Métis and the Great Lakes	Page 77, paragraph 2: typo. Should read “Canada and Ontario <b>will</b> work with Métis on a good governance basis [...]”
Annex 13: First Nations and the Great Lakes	Page 79, paragraph 3: typo. Should read “Canada and Ontario <b>will</b> work with First Nations on a good governance basis [...]”

<b>General Comments</b>	
Proposed new Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health ( <a href="#">ERO#019-0198</a> )	There are grammatical issues throughout the AOC Annex (perhaps others, as well). The authors should review the consistent use of the semi-colon or comma (as noted in 10 (a) (iv) and whenever “as appropriate” is used. For example, “complete status assessments, prepare status assessment reports, <b>and as appropriate</b> proceed with the beneficial use impairment redesignation for [...]” should read “complete status assessments, prepare status assessment reports <b>and, as appropriate,</b> proceed with the beneficial use impairment redesignation for [...]”