RE: Bill 66 (Proposed) Acts: ERO # 013-4125 https://ero.ontario.ca/notice/013-4125

ERO #013-4239 https://ero.ontario.ca/notice/013-4239

Dear Premier and Ministers:

The Nottawasaga Steelheaders would like to comment on the proposed Bill 66

"Water, Through the Preservation of Our Environment, is Our Most Precious Resource"

The Nottawasaga Steelheaders

The Nottawasaga Steelheaders, a volunteer group of anglers, conservationists and concerned residents, have been working with The Nottawasaga Valley Conservation Authority, Ministry of Natural Resources and Forestry and South Simcoe Streams Committee to improve, rehabilitate and preserve the integrity of various tributaries of the Nottawasaga River watershed over the past twenty years. Over this time we have removed numerous barriers to fish migration, undertaken countless garbage pick-ups, tree plantings, stream bank stabilizations, cold water delivery projects, spawning ground improvements, fish lift studies and commitments to ensure the survival of wild species in this watershed such as wild steelhead.

The Nottawasaga Steelheaders also have been instrumental in working with watershed communities to enhance awareness of critical conservation issues. We have also undertaken various projects in parallel and conjointly with these communities as a partner under the supervision of the Nottawasaga River Conservation Authority and Ministry of Natural Resources and Forestry to tackle the growing challenges of a rapidly growing population and its impact on important watersheds such as the Nottawasaga River.





The Nottawasaga Steelheaders are opposed to the proposed Bill 66, specifically Section 5 and Section 10. The following response will explain why and how these proposed actions are going to negatively impact our watershed, our fishery, our farmland, our Greenbelt and our neighbourhoods. We strongly urge the premier and ministers to read our report and respond to our concerns. The trends already indicate deterioration in our watershed and environment. Not only do we stress the importance of preserving the Greenbelt but expanding it. Sections 5 and 10 of Bill 66 present a threat to these important and vital aspects of our province. They should be immediately removed.

Water, Through the Preservation of Our Environment is Our Most Precious Resource

(And it appears that laws which protect our environment and our water are now considered a nuisance in the government's plan to "Restore Ontario's Competitiveness")

Our organization, The Nottawasaga Steelheaders, is very angered that the government, through Bill 66 and in particular the following sections (5 and 10), will negatively and seriously impact our environment and set back our hard fought gains:

1.Section 5 (To repeal the Toxic Reductions Act (TRA 2009) and revoke both of its regulations O.Reg. 455/09 and O.Reg. 296/18.

The purpose of the TRA is to prevent pollution and protect human health and the environment by reducing the use and creation of toxic substances and informing Ontarians about toxic substances. Do you have that short of a memory?? Walkerton and Grassy Narrows, from each of which residents still bear the scars! Again the government is shirking its responsibilities and putting the public at risk without thorough pre-investigation and legal recourse.

The government's proposals are based on the mistaken assumption that the TRA and its planning and reporting requirements are duplicative of federal requirements and that there is savings of money by eliminating the TRA. This is far from fact. The purpose of the TRA is to prevent pollution and protect the human health and the environment by reducing the use, creation and improper disposal of toxic substances. Federal laws only require companies to report the release of but not use of toxic substances. As frequent anglers, we often see accidents occurring on our rivers and lakes and DFO and Environment Canada appearing after the fact and the detrimental impacts to our environment already occurring.

In short, the proposal of Section 5 is regressive, unwarranted, and potentially risky. It is not consistent with keeping the public's safety and well being in mind and once again sets up a scenario for a major catastrophe. Prevention by protective measures, by far outweigh the cost afterwards...lest we forget Walkerton and Grassy Narrows. How do you want to be remembered and please do not say it won't happen...that is what other governments and politicians said during that time!

2.Section 10 (Open for Business Plan) The government is effectively washing its hands of responsibility, allowing municipalities to override protective legislation without the knowledge or input of the public.

The Nottawasaga Steelheaders find this proposal extremely undemocratic and secretive by allowing municipalities to speed through applications for development without public hearings or notice. Furthermore, the public will not be notified of the passing of laws or approval of development. The impact of such passing may not necessarily be region contained or specific. For example waste water treatment or water service could be affected by neighbouring municipalities.

Further troubling, is the removal of a legal appeal process such as through LPAT, formerly the OMB.

The Premier boasted about transparency prior to his election. Unfortunately, he and the Progressive Conservative government have failed the Ontario public by their actions through this bill by allowing municipal governments to do the dirty work undemocratically and unchallenged. Premier Ford said "he" would not develop the Greenbelt. But, this is untruthful. He has allowed municipalities to develop the Greenbelt. In effect he didn't pull the trigger. He gave the weapon to the municipalities. Therefore he and the Progressive Party are complicit in developing the Greenbelt through Section 10 of Bill 66.

The Nottawasaga Steelheaders are very concerned that other key critical levels or agencies with appropriate knowledge and understanding such as the Ministry of Natural Resources and Forestry and Conservation Authorities will be excluded from valuable input and guidance. Municipalities do not have the ability, expertise or resources to properly evaluate and assess applications. Nor do they have ability to evaluate the advice from an applicant's consultant, who cannot be assumed to be impartial or objective. Again, the public is excluded from important input. This is a government for the government by the government. Bill 66 allows for "open for business" bylaws to facilitate development randomly without coordination or proper planning.

The effects of these poorly planned actions, motivated by short sighted financial gain, will impact us as they have done in the past. Walkerton, the most serious case of water contamination in Canadian history could have been prevented by proper chlorination of drinking water for E. Coli contamination according to a 2002 judicial inquiry. Justice Dennis O'Connor's report pointed to public utilities managers and the Ontario Progressive Conservative government's cutbacks as contributors. Seven people died and 2,300 fell ill, some of whom still suffer today. A 60 page study released in 2001 concluded that the tragedy cost at least 64.5 million and an estimated \$155 million in human suffering. Today, these figures would be more than triple. But then again how do you rationalize the loss of life and suffering in financial terms??

Bill 66 will also affect other important acts which have attempted to create a balanced, holistic approach and quality to life in southern Ontario, a major reason why residents choose to reside here. These include the Places to Grow Act (2005), the Greenbelt Act (2005), the Oak Ridges Moraine Act (2001) and the Great Lakes Act (2015).

The Lake Simcoe Protection Act was created in 2009 and enhanced in 2014 to address continued long term deterioration in Lake Simcoe due to human activity, neglect and poor planning. Phosphorus contamination, warm water run-off and development have been key factors in Lake Simcoe's demise. The Lake Simcoe watershed is home to over 500,000 residents and has over 50 fish species. The Lake Simcoe Region Conservation Authority reported in 2014 that the lake and watershed bring in over \$200 million each year. The new enhancements to the LSPA have resulted in a 40% decrease in phosphorus and reduced algae blooms in an effort to maintain healthy mesotrophic / oligotrophic characteristics. It is essential that the integrity of this watershed along with so many others be maintained and not compromised by Bill 66 which would exempt new development proposals from the Lake Simcoe Protection Plan presenting a serious threat to this important lake.

A study by Econometric Research Limited in 2012 determined that Ontario's Greenbelt has 1.8 million acres of green space, farmland, vibrant communities, important forests, wetlands and the headwaters of many significant watersheds and their interdependent and sensitive biodiversity. In return, the Greenbelt returns back to Ontario, \$9.1 billion in economic benefits and \$2.6 billion in ecosystem services, annually. This unique balance provides total employment of over 161,000 fulltime equivalent jobs...important reasons for not only preserving the balance provided by the Greenbelt but expanding it. Allowing ill informed municipalities utilizing Bill 66 to "bite into" the Greenbelt will cause irreparable damage to that critical damage and its many realized benefits.

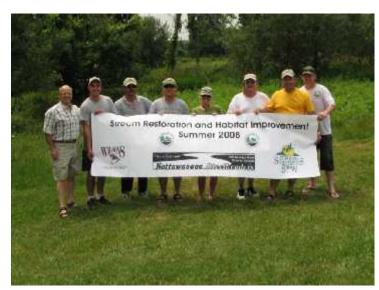
The Nottawasaga Steelheaders will demonstrate the fact that the Nottawasaga River watershed, an important tributary in the Greenbelt, is already being impacted by pressures and stresses by development and land use change due to human activity. This has been exacerbated by climate change. It is only one part of the complex and interconnected nature of the Greenbelt and Bill 66 through Sections 10 and 5 present a further threat to its well being.













Our Great Lakes and Tributaries Watershed Fisheries are at Risk

As anglers, we have had the privilege to enjoy Ontario's world class recreational sport fishery. The <u>Great Lakes Fishery is a \$7 Billion fishery</u> shared by the United States and Canada and the majority of that is recreational. Many of the fish species of these lakes are migrational and depend on excellent source water for sustainability. Today 61 species of fish are considered threatened or endangered. In addition, these water sources, our Nottawasaga River being just one, are also critically important to many interdependent species and the fragile biodiversity within the Great Lakes as well as inland lakes and wetlands.

(1) Great Lakes Fishery Commission

The Nottawasaga River Watershed's Unique Biodiversity



The Nottawasaga River watershed's 1600 kilometers of river, streams and tributaries, covers over 3500 square kilometers over 3 counties. Its surrounding lands are home to some of the richest, most productive farmland in the province. By 2031 the population of the watershed is expected to grow by 40% to over 600,000, putting enormous pressures on it.⁽²⁾

The Nottawasaga River is also home to one of 2000 of the world's most significant wetlands (Ramsar Convention 1971). It is designated as Provincially Significant and ANSI (Areas of Natural and Scientific Interest) classified. This key biological wetland component of the Nottawasaga River Watershed is home to over 400 plant species (11 of which are provincially rare). It supports numerous plant species which are at the extremities of their natural range, including those indigenous to the arctic tundra in the north and the Carolinian to the south, and is home to the "largest pure stand of silver maple in the province". It also has 5 provincially rare birds indigenous to the swamp including one of the largest Blue Heronries⁽³⁾

- (2) Places to Grow, Simcoe Area: A Strategic Vision for Growth, Government of Ontario, 2009
- (3) Minesing Wetlands Biological Inventory Bowles, Laverty, Featherstone NVCA, 2007

The Minesing Wetlands is Dying

The Minesing Wetlands is home to one of only two North American shallow wetland spawning walleye. These walleye migrate from the Great Lakes to the Minesing to spawn each year. Over the last two decades, these walleye, once abundant in the Nottawasaga and its productive fishery have all but disappeared. As anglers, we have the unique ability to see impacts to our watershed as they begin, sometimes and unfortunately as in this case, long before they reach severity. Ironically, some 20 years later, in 2014, The Nottawasaga Valley Conservation Authority produced an in-depth report describing a demise in the health of the Minesing over the last 60 years, citing stagnation from land use change as key factors. This included 60% decrease in deciduous cover and 37% overall decrease in tree cover. The Minesing Wetlands also serves as a natural and significant flood control protecting many communities including Wasaga Beach, downstream. That natural defense capability is disappearing with its rapidly deteriorating health and filtering viability.

McMaster University in conjunction with the NVCA, determined in a 2014 and 2015 study that the Nottawasaga River and the Minesing Wetlands were becoming negatively impacted through a process of "Eutrophication", (excessive nutrient discharge overload which results in the over stimulation of algae and plant life resulting in depleted oxygen). The study concluded that nutrient loading and inability to assimilate these pollutants by the Wetlands has resulted in release of pollutants downstream. (5) Areas of low dissolved oxygen (hypoxia) and no dissolved oxygen (anoxia) were also observed in 2015 and 2016 and noted in a follow up study. (6)

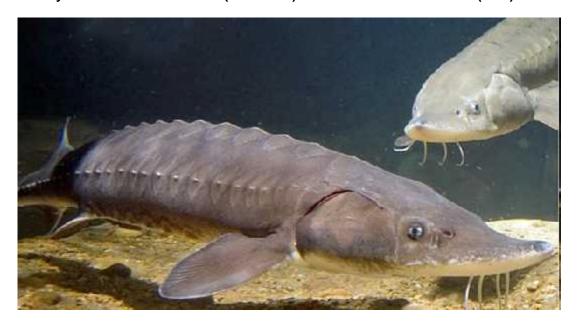


(4) 60 years of forest change in the Minesing Wetlands (1953-2013): Causal factors, ecological implications and recommendations for reforestation - Sean Rootham and Dave Featherstone, NVCA, 2014
(5) Land-use effects on nutrient and algae in the Middle and Lower Nottawasaga River and in the Minesing Wetlands – J. Rutledge, P. Fraser (McMaster University), M.Narini, A. Kirkwood (U. Of Ont.Inst of Technology), T. Duval (University of Toronto) Submitted to: Environment Canada, Lake Simcoe and Southern Georgian Bay Cleanup Fund, 2015)

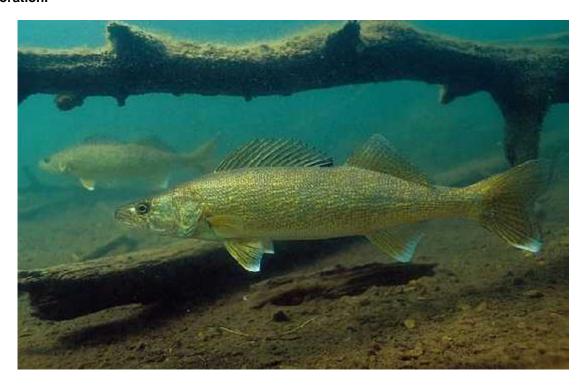
(6) Factors Influencing Water Quality in a Large Riverine System – J. Rutledge, P. Fraser (McMaster U), 2016, (Study for Thesis Submission)

The Nottawasaga River Fisheries – Under Pressure, Declining Returns and Numbers

The Nottawasaga River is home to over 75 species of fish including both migratory and resident species. These species are already experiencing pressure from encroaching development as noted in the NVCA 2009 Fisheries Habitat Plan. Several of these including the Great Lakes Sturgeon are listed as "Threatened" by the Federal Government (COSEWIC) and Provincial Government (SAR). (7)



We have already noted that a very healthy and robust walleye population and fishery has all but disappeared from the Nottawasaga River after anglers noticed decreased frequencies of catches as early as the 1990s. The diminishing Nottawasaga walleye population is a unique strain, one of only two shallow wetland spawning walleye in North America. They spawn in the Minesing Wetlands, a important spawning habitat that has been going through tremendous negative impacts and deterioration. (3)



(7) Nottawasaga River Walleye Population Study – W.Calder, MNR, Midhurst, Spring 1994 (8) Nottawasaga River Walleye Population Study – F. Dobbs, B. Perreault, NVCA, Spring 2000

Migratory rainbow trout (Steelhead), a much sought after angling species, are also being impacted by pressures on our watersheds.



A report⁽¹⁰⁾ undertaken by the Nottawasaga Steelheaders in 1998 had determined that the repeat spawner rate or percentage of steelhead in the Nottawasaga River, through past fish lift data conducted at Earl Rowe and Nicolston Dam Fishways is below a critical point of 55% as noted by Brian Morrison, Ganaraska River Conservation Authority⁽¹¹⁾. A healthy repeat spawner return percentage or rate should be equal to or preferably exceed this number for a healthy sustainable population. All but one year of fish lifts from 1982 showed a poor return.

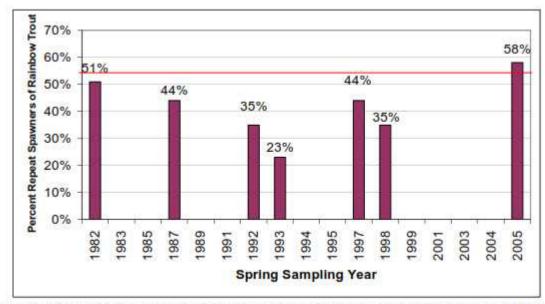


Figure 20. Historical and current repeat spawning rate for rainbow trout captured during the spring from the Earl Rowe Fishway, Boyne River. The red line delineates the optimum minimum of 55% repeat spawners.

The Nottawasaga River Fisheries – Under Pressure, Declining Returns and Numbers (Cont'd

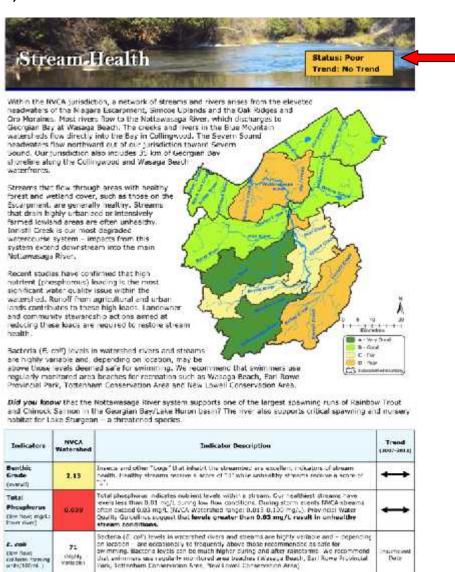
The NVCA has noted declining water conditions in the Notty over the years and has established a report which denotes zones of water temperature and associated fish species (i.e. cold water, cool water and warm water)⁽⁹⁾ This will be used as biological reference in addition to other reports provided by the conservation authority including the 5 year Watershed Health Check⁽¹⁰⁾. The last report published was in 2013. Declining water conditions are a significant factor to maintainable fish populations from early juvenile to adult stages.⁽⁹⁾

- (9) Fisheries Habitat Management Plan Nottawasaga Valley Conservation Authority and Department of Fisheries and Oceans Canada 2009
- (10) Steelhead A Report on Nottawasaga River Rainbow Trout Nottawasaga Steelheaders 2000)
- (11) Boyne River, Earl Rowe Provincial Park, Rainbow Trout (Oncorynchus Mykiss) Fall 2004 and Spring 2005 Monitoring Survey
- (12) Nottawasaga Valley Watershed Health Check Nottawasaga Valley Conservation Authority, 2013

Essential Aquatic Benthic Communities are Not Healthy

very pond

Benthic or aquatic originating bug communities are a key indicator of the health of river system. These bug communities play a significant and critical role in early juvenile fish and trout development. They are also a critical part of a very sensitive interdependent watershed biodiversity. The 2013 NVCA Watershed Health Check⁽¹²⁾ showed only a marginal level of a healthy benthic community and very poor total phosphorus (TP) level. This does not bode well for the watershed!



Essential Aquatic Benthic Communities "Stream Health Indicator" are Not Healthy (cont'd)

The Nottawasaga Valley Conservation Authority in 2015 published the Stream Health, Upper Nottawasaga River Report⁽¹³⁾, showing impacts to fragile benthic communities in the Nottawasaga River. The Hilsenhoff Family Biotic Index (FBI) is commonly used as an indicator of the level of organic pollution such as livestock waste, sewage from failed septic systems, etc. in a river. Some bugs are more sensitive to organic pollution levels, whereas some are more tolerant. The species found in a sample can indicate what level of organic pollution is present. A community with a lower FBI score suggests less organic pollution and therefore better water quality.

Based on NVCA FBI data, there is a significant difference between the two monitoring sites in the Upper Nottawasaga Sub-watershed, indicating a decline in stream health as you move downstream. Land use is a strong driver of water quality.

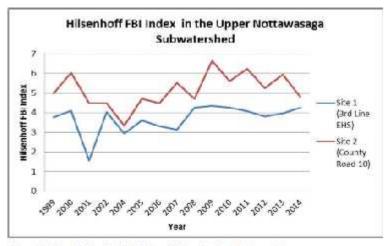


Figure 2. Hilsenholf Family Biotic Index (FB!) results for the Upper Nottawasaga

Bugs are very selective on where they like to live, having good water quality is not the only thing they look for! Sensitive bug communities also like to live in faster flowing, gravel-bottom streams that provide them with lots of different nooks and crannies in which to hide and feed. The availability of good bug habitat can be represented by %EPT. The %EPT is a measure of the number of mayflies (Ephemeroptera), stoneflies (Plecoptera) and caddisflies (Trichoptera0 in a river or stream. These bug orders are associated with good habitat and water quality. If there are a high percentage of these bugs, this suggests a site has desirable conditions: the preferred substrate (boulder, cobble and/or gravel river bottoms) and good water quality. Based on the data below, there is a significant difference between the two sites, indicating a decline in bug habitat quality as you move downstream. Site 1 has more preferred substrate (cobble and gravel) than Site 2 (gravel and sand), and based on the FBI score, better water quality.

<u>Just like with FBI scores, Site 1 is undergoing a significant decline in %EPT, whereas Site 2 is not. This means that the number of good bugs at Site 1 is declining,</u>

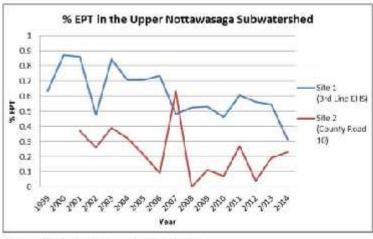


Figure 3. %EPT results for the Upper Nottanasaya

Our Cold Water Streams and Recharge Systems are Disappearing



Water temperature affects all aspects of the river environment: physical (ice), chemical (oxygen concentrations), and biological (metabolic rates). Rivers are classified into three groups based on summer temperatures. (9)(13)

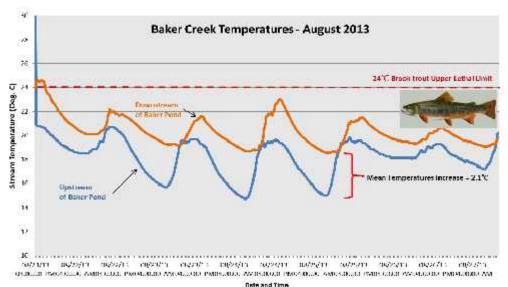
- Coldwater streams and rivers receive significant amounts of cold groundwater inputs that support sensitive fish (brook trout) and bug populations. They are also the systems most sensitive to urban development, agriculture, online ponds.
- Warm water streams and rivers receive lower groundwater inputs that support less sensitive bug populations and sport fish like pike, bass and perch.
- Cool water streams and rivers are in between both categories and support rainbow and brown trout and moderately sensitive bug populations.

The Water Quality Index can be used to describe the effects of stream temperature on the bug population. Higher index values indicate the bugs have a greater reliance on cold water. Decreases in the index over time can indicate a warming in river conditions. Human influences are the main cause of river warming, although natural factors like beaver ponds play a role. Human activities that increase stream temperatures include: removing streamside trees and plants, damming rivers to create ponds and urban

development.

Based on NVCA temperature data, the Nottawasaga River at Site 1 is classified as a cool water system. In 2005, Site 2 was also classified as a cool water system, but in the last 5-7 years has shifted and is now considered a warm water system. This means there are fewer locations on the Nottawasaga River for temperature-sensitive species like rainbow trout and stoneflies to live and breed. Possible reasons for increased temperatures at Site 2 include the upstream removal of streamside vegetation and increased sediment in the water ("sediment loading") due to development. Insufficient data was available to determine Site 1 temperature trends.

The Baker Creek Rehabilitation Project coordinated by the NVCA with volunteer help demonstrated the effect of correcting warm water on cold water species such as Brook trout.⁽¹³⁾



Our Cold Water Streams and Recharge Systems are Disappearing (cont'd)

As indicated, species such as Aquatic Bugs and Brook Trout serve as our "canaries in the coal mine", informing us years ahead of impending stream and environmental demise!

Brook Trout are known to prefer coldwater streams (less than 23 degrees Celsius) that have a year-round supply of clear, well-oxygenated waters protected by overhanging branches, logs and rocks. For these reasons, Brook Trout are often used as indicators of coldwater habitat and good water quality conditions.⁽¹⁴⁾



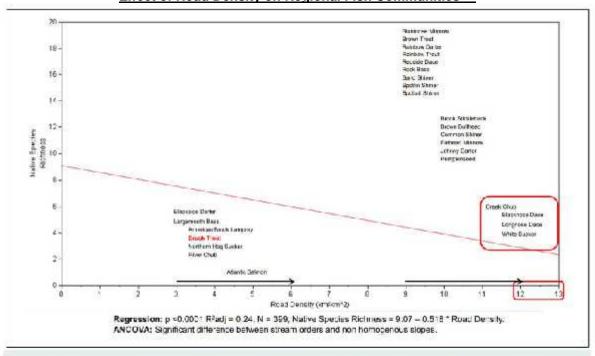


The Toronto Region Conservation Authority released an alarming report indicating that Brook Trout populations have dramatically declined over the past 16 years! (15)

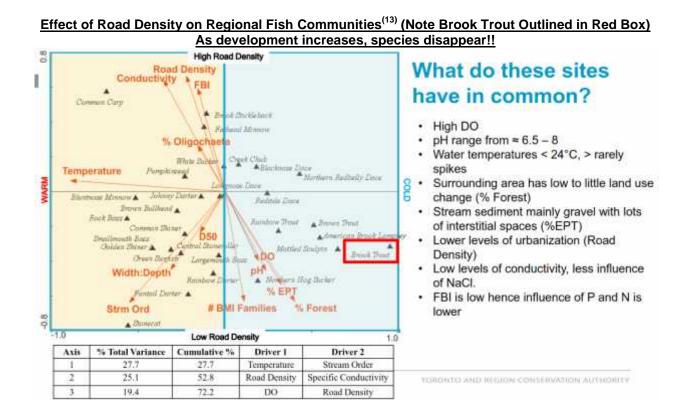
"Brook Trout are the only remaining native Salmonid fish species naturally occurring in Toronto and region tributaries. Monitoring data from TRCA's long-term Regional Watershed Monitoring Program shows that the occurrence of Brook Trout in Toronto and region has decreased over the last sixteen years (2001-2017)"!!

The study indicates many factors including human land use change and development as major factors in their population demise. Brook Trout are not found in regional streams where surrounding road density thresholds exceed 6km per km².

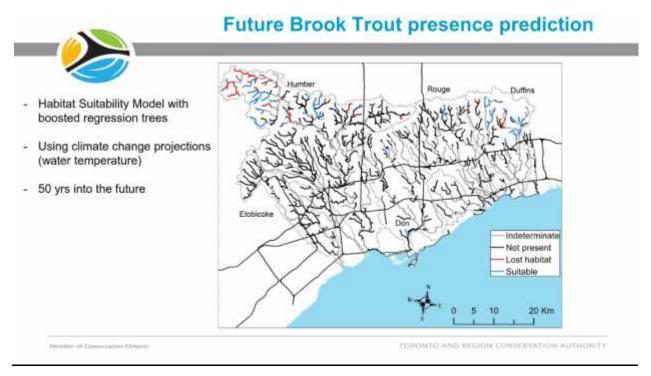
Effect of Road Density on Regional Fish Communities (13)



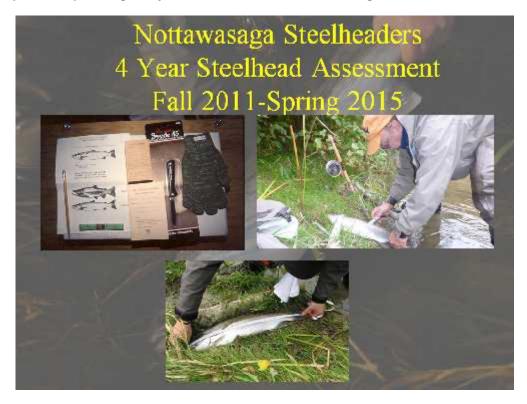
The Regional Watershed Monitoring Program data from 2001-2012 shows that Brook Troot are not found in regional streams where surrounding road density thresholds are above 6 km/km², and that only four fich species typically persist when road densities are higher than 11 km/km². The assumption here is that the higher the density of roads in a given catchment, the greater the level of urbanization.



At the rate we are proceeding, our coldwater streams and Brook Trout will have disappeared in the next 50 years!!(15)

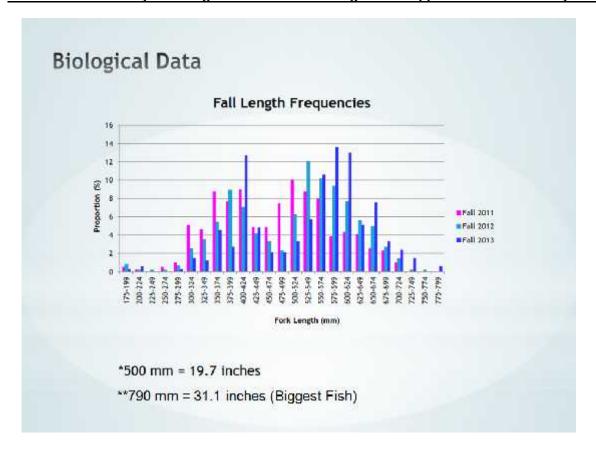


The Nottawasaga Steelheaders have recently concluded a 4 year study on Nottawasaga river steelhead, which was initiated upon responses from anglers concerned about declining frequency of catches and overall quality of the angling experience as it related to catch over the past decade. It involved over 30 MNRF approved anglers and members of the Nottawasaga Steelheaders. The anglers caught, took data info (measurements, scale samples for aging and locations) and released back almost 2000 steelhead over the 4 years. The data is presently being finalized by the Upper Great Lakes Management Unit of the MNRF. Preliminary data seems to confirm poor repeat spawner rates below 55%. There also appears to be a decrease in the size of fish caught compared to fish over a decade, ago from our club derbies. The largest of these fish did not exceed 790mm (31.1inches). Though the contribution of lake health and growth is important, spawning and juvenile habitat contribution is significant and critical. (9)(13)

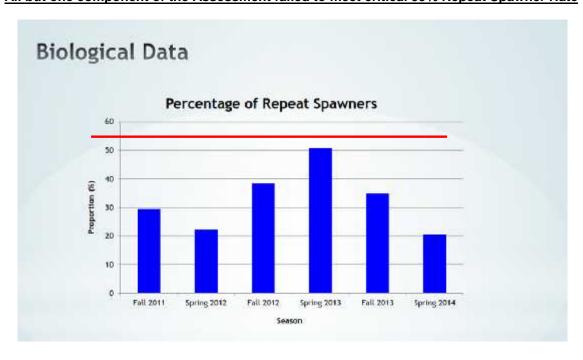




Our Steelhead Fishery is feeling the stress as returning fish #'s appear to fall off after 5 years



All but one component of the Assessment failed to meet critical 55% Repeat Spawner Rate



The 2011-2015 Angler Catch Assessment data appears to duplicate and confirm that from the Earl Rowe Fish Lift $(2005/2005)^{(11)}$ with regards to low repeat spawner rate % (below 55%)

Anglers, by virtue of the frequency they fish and their passion for the recreational sport, often are the initial group to experience change and impacts that are occurring in watersheds.

In December of 2017, the Nottawasaga Steelheaders on the FaceBook page, (Nottawasaga Steelheaders) requested responses to a survey assessing anglers experience on the Nottawasaga River.

The anglers, many of whom have fished the Notty for decades and are very experienced and proficient, have indicated in their responses, a decline in the steelhead fishery. This is in terms of numbers of fish caught, frequency of fish caught and size of fish caught.







In Summary

This report demonstrates and further supports the urgency of not only preserving the integrity of the Nottawasaga River Watershed and our Greenbelt but expanding it. It also stresses the importance of removing sections 5 and 10 of Bill 66, actions which will have irreversible negative impacts on our province. Fiscal responsibility and economic growth are important but not at the cost of sacrificing our environment and green space... a cost so dear, it's effects will be will be felt by generations to come.

You said you were not going to touch the Greenbelt but in effect you are reversing your decision and shirking your responsibility by passing undemocratic decision making to municipalities. You said you were for the people. We are the people. We are the people who elected you...not the big business interests. They come and go like the dollar that comes into and leaves your hand. We the people do not.

Timing is ticking and this government can be one that will be ever-remembered for making truly positive decisions. We are already experiencing the effects of climate change. And our watersheds, including the Nottawasaga River, are succumbing to these effects at an alarming rate. Studies by York University⁽¹⁶⁾ and the United States Geological Survey⁽¹⁷⁾ are showing changes in fish populations due to warming. Our cold and cooler water species are giving way to warm water species. The Nottawasaga River watershed and its delicate interdependent biodiversity is already experiencing impacts due to climate change and the pressures associated with land use change and development. We have all ready lost so much!

The Nottawasaga Steelheaders, stewards of the Nottawasaga River for over twenty years, extend our hand out to your government to join us in making that difference by removing Section 5 and Section 10 from Bill 66 and leaving our children with a healthy legacy, one that we can all be proud of.

(16) Examining the Effects of Climate Change and Species Invasions on Ontario Walleye Populations: Can Walleye Beat the Heat – T. Zuiden, S. Sharma, York University, 2016

(17) Climate Change and Fresh Water Fish, Lakes in Wisconsin are Getting Warmer and Fish Communities are Changing as a Result – J.S. Reed, U.S. Geological Survey, Global Change Biology, 2016

We leave you with this message



Thank you for the opportunity to provide input for this important proposal.

...The Nottawasaga Steelheaders

Report prepared by

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