

June 23, 2013



**Coalition Dismayed by Limited Scope of Bill to Create Trent-Severn Water Authority,
which makes it Poor Public Policy.**

Background

On June 11, 2013 Barry Devolin, M.P. (Haliburton-Kawartha Lakes-Brock) introduced a Private Member's Bill in the House of Commons calling for the creation of an independent Trent-Severn Water Authority (TSWA) reporting to the Minister of Transport, Infrastructure and Communities. It is understood that this Authority would assume all responsibilities for water management and canal operations currently residing with Parks Canada, an agency of the Ministry of the Environment and be given an expanded mandate to foster economic activity along the waterway.

Summary of Coalition Reaction

The proposal to change the governance model of the Trent-Severn Waterway (TSW) is timely but is seriously flawed because it focuses on the operation of the 'through-waterway' (or canal) rather than on water management for the Trent and Severn watersheds. It makes a significant change to the mandate of the TSW by adding economic development as a priority for the waterway - something the Coalition sees as poor public policy in the absence of a integrated watershed plan and adequate public consultation.

For the Trent watershed in particular, any restructuring and change in the mandate of the TSW needs to be framed sequentially in the context of: (a) watershed management; (b) water management; and finally (c) 'through-waterway' or canal operations. Barry Devolin's Bill "puts the cart before the horse" by focussing on waterway operations to the exclusion of watershed management and riparian rights. In so doing it appears to disenfranchise those stakeholders in the extensive portion of the watershed lying upstream of the canal, a region containing the reservoir and flow-through lakes that are greatly affected by TSW operations.

That being said, the Bill has considerable merit in its recognition that the Province of Ontario and affected Municipalities need to be partners in any new approach. In addition, the Bill's focus on the need for major investment in infrastructure dollars, especially as they relate to public health and safety is most welcome. However the title of the Bill is misleading: the proposed "Water Authority" is actually mandated to be a "Waterway Authority" – something that needs to change.

The Coalition remains willing to work with Mr. Devolin in the hope that our concerns can be addressed through amendments to his Bill.

Context and Observations

The federally sponsored 2008 Report of the Panel on the Future of the TSW was an exemplary report based on extensive public consultation. One of its key recommendations was for the creation of an Independent **Water Management** Agency recognizing that Parks Canada was

able to manage a canal but did not have the capacity for integrated water management within the watershed.

Mr. Devolin's proposal to create an Independent **Canal Management** Authority entirely misses the point made in "It's All About The Water" (the title of the Panel's report) - that the real issue is management of the water and not operation of the canal. This despite previous comments by Mr. Devolin that "The public perception of the TSW is different than the reality: the public perception is that it's mostly about boating and a little bit about water management, when the truth is, it's mostly about water management and a little bit about boating."

There is a broad body of evidence that recognizes the importance of '**watershed management**'. Conservation Ontario has produced extensive documentation on "integrated watershed management" that incorporates social, economic and water management within a single framework. The development of watershed management plans is typically a provincial responsibility – and provides an excellent opportunity to get the Province to come to the table and participate. Municipalities would also be partners in this process.

There is also extensive documentation of the merits of "integrated **water management**" at the watershed level as one component of watershed management. This provides for the equitable apportionment of water resources based on clear social and economic priorities within a conservation ethic for the protection of the ecosystem. If water were to be managed separately by an independent agency, that water management agency (the TSW or TSWA) would no longer be in a conflict of interest by being both the water management agency and a 'preferred' customer for the water resource as the canal operator.

So to propose a new governance and operating model for the waterway, without addressing the issue of water management at the watershed level and overall social and economic management of the watershed, while timely, is to miss the point of a significant public policy opportunity to bring together all three levels of government to map out an integrated strategy for the watershed, for water management and for the canal operation.

Next Steps – Changes Necessary for CEWF Support

The Coalition remains willing to work with Mr. Devolin in the hope that our major concerns can be addressed sufficiently to allow us to support his Bill. To this end we will be proposing a series of amendments related to the following issues.

Clarification of the terminology

The Bill's definition of 'Waterway' lacks clarity and although the term 'canal' is used it is not defined. It is not clear to what extent any lakes or rivers within the watershed, but not part of the 'through-waterway', are covered by the Bill. If the Bill were to be based on the concept of the need to manage water at the watershed level then a series of definitions would naturally follow that would provide clarity.

Separate responsibilities for water management and 'through-waterway' (canal) operations

As a minimum, we need the proposed TSWA mandate to explicitly include separate responsibilities for: (1) integrated water management at the watershed level – at least for the Trent watershed; and (2) operation of the 'through-waterway' (canal) portion of the TSW. The

additional mandate related to economic development should be reserved for consideration as part of an integrated watershed management plan as noted above.

With regard to water management, the Coalition believes that the TSWA mandate should incorporate key goals of the current TSW Water Management Advisory Council (WMAC). In addition to ensuring safe navigation, these include: taking a balanced and integrated approach to water management at the watershed level so as to manage levels and flows of water throughout the Trent and Severn rivers; reducing threats to public safety and negative impacts to public and private infrastructure from over-bank flooding, extreme water level fluctuations and high and low volume flows; contributing to the health of Canadians by managing the availability of water to be purified for residents, cities and towns throughout the watershed; conserving aquatic habitats and species; and facilitating the enjoyment of the water throughout the watersheds by shoreline residents and visitors.

Changes to the ‘representational Board’

The Coalition cautions against the ‘representational Board’ described in §8 of the Bill – with each Director selected by individual special interests, as opposed to being selected for their skills and experience based on criteria to be defined by the stakeholder community. In addition, we have the following comments on the proposed representation: (a) it omits Conservation Authorities as major stakeholders; (b) it includes a position for TSWA employees whereas a better approach would be for TSWA management to have observer status on the Board; and (c) it assumes that all property owner’s can be represented by a single Board member, when it is well-established that property owners on the canal lakes often do not share the same perspectives on water management as property owners on the reservoir and flow-through lakes.

Navigation Protection Act

In 2012 the Coalition argued for protection of the Haliburton and northern Peterborough counties’ reservoir and flow-through lakes, along with the linking river systems, through inclusion in the Schedule of Navigable Waters, under the new Navigation Protection Act. This did not happen. The Bill to establish the TSWA would appear to offer an ideal opportunity to correct this oversight.

Conclusion

At a time when extreme weather events and the effects of climate change are challenging our water management infrastructure and capabilities, the words of the 2008 Panel Report need to be heeded. They noted that *Competition for water has caused conflict and debate throughout the watersheds. Now however, the real possibility of a future with less water and increasing demand is changing that debate. It is no longer “the needs of the waterway vs. those of the Haliburtons.” It is no longer “us” and “them.” It should be “how water management can best serve the sustainability of the entire watershed.”*

The Coalition agrees and is accordingly dismayed to see a Bill that appears to cater to one group of stakeholders within the watershed at the expense of another.