

July 25, 2013

The Right Honourable Stephen Harper
Prime Minister of Canada

Amendments to Bill C530 – An Act to Establish the Trent-Severn Water Authority

The Coalition for Equitable Water Flow (CEWF) is a volunteer organization that was formed in 2006 to represent the interests of approximately 40,000 residential shoreline property owners on the 41 reservoir and 20 flow-through lakes within the Haliburton Sector of the Trent River watershed located in Haliburton County and the northern part of Peterborough County in Ontario with regard to water management issues.

On June 11, 2013 Barry Devolin, MP 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). 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.

The Coalition believes that the proposal to change the governance model of the Trent-Severn Waterway (TSW) is timely but that the Bill as tabled needs to be amended so that in addition to covering the operation of the 'through-waterway' (or canal) it is also specific with regard to the TSWA's water management responsibilities for the Trent and Severn watersheds.

The Coalition also believes that the Bill has considerable merit in its recognition that the Province 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.

At the urging of Barry Devolin, the Coalition is pleased to submit the attached proposed amendments to the Bill for consideration.

The principal amendment is the inclusion of a clear distinction between the two main responsibilities of the Trent-Severn Water Authority: (1) water management for the Trent and Severn watersheds; and (2) operation of the through-waterway (canal). This would go some way to reflecting the approach proposed by the federally sponsored Panel on the Future of the Trent-Severn Waterway in their 2008 Report "It's All About the Water".



on behalf of Chris Riddle & Martin Rist
CEWF co-chairs

c.c. The Honourable James Flaherty, Minister of Finance
The Honourable Denis Lebel, Minister of Infrastructure, Communities and Intergovernmental Affairs
The Honourable Leona Aglukkaq Minister of the Environment
The Honourable Lisa Raitt Minister of Transport
Barry Devolin, MP Haliburton – Kawartha Lakes - Brock
Bruce Stanton MP, Simcoe North
Dean Del Mastro MP, Peterborough
Rick Norlock MP, Northumberland – Quinte West
The Honourable Kathleen Wynne, Premier of Ontario
The Honourable David Oraziotti, Ontario Minister of Natural Resources
The Honourable James Bradley, Ontario Minister of the Environment
Laurie Scott, MPP Haliburton – Kawartha Lakes - Brock
Carol Moffatt, Warden Haliburton County & Reeve, Algonquin Highlands
Murray Fearrey, Reeve Dysart et al
Barb Reid, Reeve, Minden Hills
Dave Burton, Reeve, Highlands East
Janet Clarkson, Mayor, Municipality of Trent Lakes
J. Murray-Jones, Warden Peterborough County
Jim Whelan, Mayor Township of North Kawartha
Chuck Richard, Chair, TSW Water Management Advisory Council
Rob Messervey, CAO Kawartha Conservation Authority
Glenda Rodgers, CAO Lower Trent Conservation Authority
Allan K. Seabrooke, CAO Otonabee Conservation Authority
Tim Pidduck, General Manager Crowe Valley Conservation Authority



Proposed Amendments to Bill C530

Introduction to the Coalition for Equitable Water Flow (CEWF) Proposals

The principal amendment that the Coalition would like to see in Bill C530 is the inclusion of a clear distinction between the two main responsibilities of the Trent-Severn Water Authority, namely: (1) water management for the Trent and Severn watersheds; and (2) operation of the through-waterway (canal). This would go some way to reflecting the approach proposed by the federally sponsored Panel on the Future of the Trent-Severn Waterway in their 2008 Report “It’s All About the Water”. Related to this is a need for the Bill to distinguish between the “Through Waterway” and the Trent-Severn Waterway “System”, which includes the reservoir and flow-through lakes lying upstream of the Through Waterway.

Proposed Amendments

1. The Preamble

For the recital we propose the following additional sections:

On page 1, line 1 insert:

Whereas the 2008 Report of the federally sponsored Panel on the Future of the Trent-Severn Waterway entitled “It’s All About the Water” noted that:

- *The Trent-Severn waterway is really a vast water management system with a navigation channel running through it;*
- *The most important aspect of the waterway is the management of water storage and flows;*
- *The responsibility for water management is not an appropriate job for Parks Canada;*
- *Although there is currently a legal requirement to maintain a six foot draft, managing water in such a way that navigation trumps, or is perceived to trump, all other demands makes little sense in the 21st century;*
- *Effective conservation in the watersheds will be virtually impossible without repair or replacement of the many leaking dams.*

Immediately before line 35 of page 2 of the Preamble:

Whereas proper management of the Trent-Severn Waterway System needs to recognise that water management at the watershed level and operation of the through-waterway are two separate but related activities that will sometimes be in conflict;

Whereas, public health and safety considerations are to take precedence over obligations to manage the through-waterway when water management conflicts arise;

Whereas integrated water management at the watershed level is typically one component of integrated watershed management along with consideration of social and economic activity;

2. Interpretation

It is proposed that the definition of the Trent-Severn Waterway on lines 19-25 of page 3 be replaced by two definitions. One for the “Trent-Severn Through Waterway” and one for the “Trent-Severn Waterway System”:

“Trent-Severn Through Waterway” or “Through Waterway” means the series of connected lakes, rivers, canals and other bodies of water that form the direct navigable channel extending from Lake Ontario to Georgian Bay and that lie within the watersheds of the Trent River and the Severn River, including dams, locks and other ancillary or incidental works.

“Trent-Severn Waterway System” or “Waterway System” means the Trent-Severn Through Waterway plus the series of lakes, rivers and other bodies of water in the Trent River watershed lying upstream of the Through Waterway and which form the reservoir and flow-through capacity of the Through Waterway including dams, locks and other ancillary or incidental works.

Then in the body of the Bill the term “Trent-Severn Waterway” or “Waterway” will need to be replaced by either “Trent-Severn Through Waterway”/“Through Waterway” or “Trent-Severn Waterway System”/“Waterway System” as follows:

“Through-Waterway” to be substituted:

Page 1: lines 1, 11, 16.

Page 2: line 39.

Page 4: 12, 29, 35, 39.

Page 11: line 28.

“Waterway System” to be substituted or inserted:

Page 1: lines 18, 23, 29.

Page 2: lines 3, 9, 15, 21, 27, 29.

Page 4: lines 9, 16, 22, 27, 32.

Page 5: lines 3, 10, 19.

Page 6: line 12.

Page 13: line 21, 34.

In addition revised text will be required as follows:

Page 1: line 18 *its shores and the Trent-Severn System supports more than 50 additional communities*

Page 4: line 27 *water levels and flow rates throughout the Waterway System*

Page 4: line 38 *enhancement of the natural environment throughout the watershed and cultural heritage of the Through Waterway*

In light of the realignment of Ministry responsibilities announced on July 15, 2013 it is also proposed that the Minister (page 12, lines 13-14) be identified as the Minister of Infrastructure, Communities and Intergovernmental Affairs.

3. Mandate and Duties

The mandate makes no mention of: (1) water management operations; or (2) through-waterway operations. Surely these are core mandate areas of the TSWA and given the potential for conflict between these two activities they should comprise separate divisions of the TSWA.

On page 4, immediately after line 6, insert:

- (a) be the lead water management agency for the Trent and Severn River watersheds;*
- (b) operate the Through-Waterway;*

On page 4, immediately before line 28, insert:

- (d) manage conflicts between the water management and Through-Waterway mandates in such a way as to ensure that public health and safety are never compromised in favour of maintaining navigation on the Through-Waterway;*

On page 4, revise section 5(2)(c) on lines 26 & 27 to read:

- Develop and implement policies relating to water levels and flow rates throughout the Waterway System so as to optimize water conservation while seeking to maintain historic water levels and flow regimes.*

4. Organization

Re §8 on page 7, the ‘representational’ board of directors would be better if it were a skills-based board - with each Director selected for their skills and experience based on criteria to be defined by the stakeholder community and identified in the regulations as opposed to being selected by individual special interests. Either way, the Government can reserve the right to unilaterally select a certain proportion of Directors. In addition, CEWF has 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 Superintendent to have Observer status at 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 Through-Waterway often do not share the same perspectives on water management as property owners on the reservoir and flow-through lakes.

Rather than propose specific language re an amended section 8 the Coalition proposes that the above concerns be addressed.

Re §14 on page 9, it is assumed that the bylaws will also provide for the development of rules to guide the TSWA.

5. Financial Matters

On page 9, line 14 make the following clarification:

- 15. (1) All Through Waterway navigation and visitor services...*

On page 9, line 23 add:

And shall include provision for safe navigation on the reservoir and flow-through lakes to the extent that navigation is affected by water management decisions such as fluctuating water levels and flow-rates.

On page 9, line 33 modify to read:

services on the Through-Waterway, ...

6. Committees

Re §24(3) on page 12 it is suggested that committees of the Board should not require a Director to be Chair in every instance (for example if a special skill-set is required), non-Director Chairs could be made Officers of the TSWA.

7. Related Legislation

It is proposed that amendments to two pieces of related legislation be considered when passing the Act to establish the TSWA.

First, it is proposed that protection of the Haliburton and northern Peterborough counties' reservoir and flow-through lakes, along with the linking river systems, be included in the Schedule of Navigable Waters, under the Navigation Protection Act.

Second, it is proposed that §14 and Schedule II of the Canal Regulations be aligned with the Act to establish the TSWA with regard to the priority given to public health and safety.