



ENVIRONMENTAL DEFENCE CANADA

615 Yonge Street Suite 500 • Toronto Ontario Canada • M4Y 1Z5 • tel: 416.323.9521 fax: 416.323.9301 • www.edcanada.org



CANADIAN ENVIRONMENTAL LAW ASSOCIATION

L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT
130 SPADINA AVE • SUITE 301 • TORONTO • ON • M5V 2L4
TEL: 416/960-2284 • FAX: 416/960-9392 • WWW.CELA.CA

January 28, 2005

DRAFT

Brenda Lucas
Programme Manager, Fresh Water Resources Protection
Walter & Duncan Gordon Foundation
Suite 400, 11 Church Street
Toronto, ON
M5E 1W1

Re: Passing the Source Water Protection Legislation, Building toward Implementation and Monitoring Results

Dear Brenda,

Thank you for the opportunity to submit a proposal that will further engage the ENGO community in the Ontario Government's consultation process on the Source Water Protection legislation. This proposal builds from the success of our previous grant, *Proposal for Ontario Water Action Group*, and is designed to ensure community-based ENGOs will continue their commitment to source water protection as the new legislation is implemented at the watershed level.

Through the previous support of the Walter & Gordon Duncan Foundation we successfully coordinated the input of ENGOs to create a Statement of Expectations, submitted during the public comment period. This statement reflected the views of 21 organizations and provided a sophisticated response to a complex piece of legislation. Our statement greatly influenced discussions within the Ontario Ministry of the Environment and the Technical Experts and Implementation Committee reports confirm that our recommendations were incorporated. Feedback from the organizations involved has been overwhelmingly positive and we are encouraged by their commitment.

Although CELA and Environmental Defence have ongoing projects related to water protection at the national and provincial level, the support of the Walter & Duncan Gordon Foundation for this initiative leverages our work to a new level and will enable us to achieve significant and permanent improvement in the protection of Ontario's precious water resources.

Ontario's watershed based source protection initiatives are of significant importance and leadership both nationally and internationally. The Canadian Council of Ministers of the Environment and other provincial Environment ministers are closely following Ontario's proposals and watching the experience as this initiative proceeds. American jurisdictions and water managers are also highly interested in Ontario's proposals as evidenced for

example at the American Water Works Association's biannual source protection meeting held earlier this month in Florida. While many jurisdictions, both nationally and internationally are considering or have pursued elements of source protection, few have embarked on a source protection initiative with the breadth and scope as well as the regulatory backdrop of Ontario's current proposals.

Given the far reaching implications of the new Source Water Protection Act, the Ontario government's ambitious multi-year timeframe to implement the legislation, and the importance of source water to the people of Ontario, we are committed to this process. We are requesting \$200,000 over the next two years from the Walter & Duncan Gordon Foundation. This grant will help ED and CELA work to ensure that the potential and promise of Ontario's source protection initiative comes to fruition.

Overview and Objectives of the Proposal

Both groups are working within their organizational mandate to build and strengthen the legislative framework to protect sources of drinking water and to generally protect the Great Lakes. Over the next two years we will work first to get the Source Water Protection Act passed and ensure that the new Act includes the recommendations from the ENGO Statement of Expectations. We will continue to work closely with our ENGO partners throughout the province and leverage their commitment to source water protection to create the Ontario Water Action Network, with the mandate to monitor the progress of the implementation of the new legislation at the watershed level.

Overall, the objectives of this proposal are to:

- (1) coordinate strategies, communications and networking opportunities with ngos committed to achieving strong source water protection legislation
- (2) enhance public participation in the provincial government's consultation processes
- (3) draft reports, submissions and factsheets that will further elaborate on the essential need for a strong legislative framework for source protection
- (4) translate the implications of the legislation into an inspiring vision and suite of actions at the watershed level
- (5) coordinate a committed network of community-based ENGOs to participate in monitoring the progress of the implementation of the new Act
- (6) support activities relating to the Great Lakes Water Quality Agreement and Annex 2001, etc.

Project Partners and Engagement Strategies

CELA and Environmental Defence (ED) will continue their core partnership to develop and coordinate the Ontario Water Action Group over the next two years. Each group brings an extensive involvement on water issues in Ontario to the partnership, with different expertise, working relationships and contacts. CELA is integrally involved in source protection policy development, the Great Lakes Water Quality Agreement and Annex 2001 and Environmental Defence is working with community groups on water-

taking issues and water quality monitoring as well as provincial land-use planning policy with respect to the proposed GTA Greenbelt. CELA and Environmental Defence also have a successful history of partnership, as we enter the fourth year of collaboration on PollutionWatch, an interactive web site that makes Environment Canada's NPRI database accessible to the general public.

The Ontario Water Action Group initially involved a small, but strategic network of key organizations with expertise and experience on water issues in Ontario. We included groups with experience at the provincial level, such as Great Lakes United, Ontario Nature - Federation of Ontario Naturalists, OEN Water Caucus and Sierra Club of Canada, as well as local groups from different regions that work primarily at the watershed level, such as Toronto Environmental Alliance, Windsor-based Community Environmental Alliance, and Friends of the Tay Watershed. This group will continue to identify the input and feedback needed throughout the provincial government's consultation process and develop joint strategies around the outreach, networking and communication efforts required to maximize public participation but we will work to expand the network as described herein, to reach additional sectors and geographic regions of the province.

Legislative Background, Status and Timelines

At present, it is anticipated that the Ontario government will introduce Watershed Based Drinking Water Source Protection legislation for first reading in the legislature sometime between February and June, 2005. April may be a likely time for introduction. As we understand it, the government is working on legislation and necessary associated regulations presently, based on the advice received from the Implementation Committee on Watershed Based Source Protection and the Technical Experts Committee on Watershed Source Protection in November, 2004. The government is also considering several other issues that were outside of the mandate of those two committees, but that need to be resolved prior to introduction of legislation. One such example is the issue of a governance approach for source protection in the North of Ontario (Parry Sound / Severn Sound and north to north-west Ontario).

While preparing legislation and regulation, the government is also consulting on the two Source Protection Committee reports with comments due February 14, 2005. CELA and ED continue to work with the ENGO community to review and assess these reports, to exchange information, views and assessments, and to communicate with government. The work done under the first year grant from the Walter and Duncan Gordon Foundation has been judged by many, including policy makers, ENGO's and members of the two advisory committees to have been extremely useful and highly influential. In particular, the ENGO's statement of expectations continues to provide a strong and concise set of benchmarks for decision makers as they make critical decisions regarding the content of source protection legislation. These expectations are being reinforced by the individual ENGO's in their various separate submissions as well as by CELA and ED in our on-going communications regarding the shape of source protection legislation and regulation.

Upon the completion of the government's formal consultation period in mid-February 2005, the project partners will embark on the next phase of the intended work plan which is to begin intensive work on source protection outreach and community organizing, as well as to assist groups with participation in the legislative process. CELA will continue to provide extensive in-kind contribution to this work on legislative and policy analysis, communications to, and substantive assistance to groups to participate. ED and CELA will publicize the introduction of legislation, standing committee's schedule or any other public hearings as applicable through the Water Action Group lists and Waterhole website. ED and CELA will liaise with environmental, citizens and health groups and interested members of the public to discuss themes and specific points of interest or concern in order to assist with participation in the parliamentary process and submissions thereto. ED and CELA will also prepare briefing materials for ENGO's to use in their own watersheds in meeting with key decision makers and actors in the watersheds regarding the need for and benefits of watershed based drinking water source protection. CELA will carry out clause by clause analysis and make it available to the public, ENGO's and decision makers. CELA and ED will also arrange for briefing / background meetings with key decision makers including all parties' caucuses on source protection.

Outreach and Engaging the Community

Assuming that source protection legislation is passed by the Ontario legislature between April and October, 2005, continued legislative and policy commentary regarding proposed regulations and any associated consultations will be necessary. As we move from the public consultation period into the legislative process, we will coordinate a dynamic presence at Queen's Park to participate in the Ontario Government's public consultation process. CELA and Environmental Defence will continue to keep the public and NGO community advised of these developments and to generate opportunities for exchanges of views and input and participation in these processes. We will organize deputations to the Standing Committee from member groups and support the development of their submissions with a clause by clause review of the Source Protection Act.

However, at the same time, the focus will need to shift to the implementation of the source protection legislation at the watershed level. CELA's and Environmental Defence's work in 2006 will strongly emphasize implementation, outreach, education and capacity building for strong public participation in source protection plan development and toward excellent source protection plans in watersheds. Strong source protection plans will be essential as the foundation for the implementation of source protection planning and associated protection measures in communities and watersheds across Ontario. The current government proposals aim to begin to have concrete results in watersheds by the year 2008. The work proposed under this project will considerably enhance the opportunities to see such results as soon as possible and over many ensuing years.

We propose to build from the success of the previous grant through a variety of outreach and community engagement activities designed to support an elevated role for

community-based ENGOs in source protection at the watershed level. We believe that a new Source Water Protection Act also presents a significant opportunity to engage communities throughout the province in activities to enhance and promote a new understanding of the meaning of source protection.

Project Activities

1. Advisory Committee

We will invite up to 6 representatives from members in the Ontario Water Action Group to strategize about the development of the Regional Workshops and the Ontario Water Action Network. As we recommend in the Statement of Expectations that participants in the Source Water Protection Planning Committees should receive funding, we will offer members of the Advisory Committee a small honourarium of approximately \$200.00 per organization.

2. Expand membership in Ontario Water Action Group

Input from the organizations that have participated in meetings and conference calls proved invaluable in articulating a strong and detailed Statement of Expectations during the comment period. Government sources confirmed that the ENGO statement carried significant weight. Our analysis of the Technical Experts Committee and the Implementation Committee Reports confirmed that issues raised in the Statement of Expectations were addressed. A final conference call prior to the MOE sponsored ENGO event identified several recommendations for groups to consider in preparing their submissions.

For the final review of the legislation we intend to invite more groups to participate in the Ontario Water Action Group meetings and conference calls. In particular, we will focus on including health-focused ngos and ensuring that all geographic areas of Ontario are represented.

The expanded Ontario Water Action Group will form the basis for the Ontario Water Action Network that will be set up to monitor the implementation of the Source Water Protection legislation.

3. Facilitate strategic partnerships

A successful strategy in Environmental Defence's Greenbelt campaign has been to foster the development of strategic allies who are prepared to release their own position to the media. This resulted in the emergence of the Municipal Leaders for the Greenbelt and a successful media event and the release of an extensive study of the health effects of sprawl by the Ontario College of Family Physicians Environment Committee. We anticipate leveraging similar support from our allies for the Source Water Protection Legislation.

4. Developing educational materials

Web-based educational materials will be immediately developed to support member groups efforts to educate decision makers in their community regarding the importance of

the new legislation. In 2006, materials will be developed for member groups to use as they start to address watershed specific issues under the new Act. This will include materials that focus particularly on the importance of the general public to participate in watershed source protection planning committees and other related public participation processes.

This material can be delivered in a variety of ways, as straightforward background information or as a "call to action" style campaign that the Ontario Water Action Network gets behind and promotes at the watershed level.

Specific educational materials will be developed for recreational and other water users. We will invite the advice and participation of groups such as FOCA and the Georgian Bay Association. In addition to thewaterhole.ca, the Ontario Water Action Network will be the primary distribution vehicle for these materials.

5. Regional Workshops

Over two years we will co-sponsor six regional workshops, with at least two in northern Ontario, two in fall 2005 to focus on understanding the Source Water Protection Act and four in 2006 on implementation issues. We will support a local member group to organize the workshop and have budgeted \$1000 per workshop to cover expenses/honouraria. The Advisory Committee will help to determine the best locations for these workshops.

6. Ontario Water Action Network

In 2005 we will work to expand the membership of the Ontario Water Action Group. In 2006, we will formalize this group into the Ontario Water Action Network. The mandate of the network will be to monitor implementation of the Source Water Protection legislation and a brand identity will be developed. Membership in the network will require a "formal" commitment to fulfill this monitoring and a communications strategy will be devised to raise the profile of member groups in their community.

The Ontario Water Action Network will function as a forum for member groups to report on progress in their community, including successes and problems that have arisen, and to strategize around responses should any "threats" to the legislation or its implementation emerge.

The Advisory Committee will advise on key elements regarding the structure of the network, such as method of formalizing commitment, required deliverables of membership, strategy for branding and promoting role of member groups at the community level, type and frequency of communication.

7. Conference Calls

We will coordinate periodic conference calls with member groups when policy issues need to be discussed or when implementation issues arise in 2006.

Communications

1. Expanding web-based capacity

Thewaterhole.ca has become an effective communications vehicle for posting key dates, upcoming events, important documents and policy developments related to water issues in Ontario. Different members of the Ontario Water Action Group have also used it to post their own materials. Over the next two years, thewaterhole.ca will expand to support the efforts of the members of the new Ontario Water Action Network at the watershed level and build awareness about water issues in general. For example, we could incorporate a private discussion forum, accessible to members only, to post issues or concerns related to the implementation of the legislation. We could build a "Protecting Water in Your Community" page to highlight the need for citizens to participate at the municipal level in public processes related to the implementation of the legislation. We could add a "Protect Your Water" page to focus on actions individuals can take at home, the cottage or at work and profile behaviours that promote or undermine water protection. While the tone of the web site will be informative and positive, we could create a "Communities at Risk" page and post the details of water problems in communities hit by boil water advisories. The web site could also be used to record the progress of the implementation of the legislation by highlighting success stories and/or problems that have occurred.

2. Media Relations

Throughout the legislative review we will create strategies to keep the media interested in the issue of source water protection. This could include pitching Op Eds by prominent Ontarians to the Toronto Star and other regional papers, setting up editorial meetings and promoting the issue to columnists.

In 2006, we will diversify our strategy to focus more on highlighting and responding to issues at the watershed level and building a rapport with key media in each region. As the legislation will have significant impacts on smaller or rural communities we will also support member groups, wherever needed, to develop their own media profile by creating a list of resources that supply media training materials and offering direct advice in developing a media strategy.

3. Developing Targeted Strategies

The next two years offers the opportunity to begin the process of changing Ontarians relationship to our abundant water resources significantly. This abundance is frequently blamed for our historic cavalier attitude to water protection, but as the legislation is passed and municipalities begin the process of developing source water protection plans, the timing is perfect to promote key messages about water protection to the general public. Each strategy will be determined based on the answers to three simple questions: who do we want to reach, why do we want to reach them and what do we want to tell them about water protection.

Timeline March 2005 - December 2006

TASK	DESCRIPTION	LEAD PARTNER	TIME FRAME
Prepare outreach educational kits for groups to educate decision makers in their community – Part A – regarding importance of source protection and legislation; Part B – regarding watershed specific issues	Outreach	ED w CELA input	Part A – spring 2005 Part B – spring 2006
Prepare outreach educational materials for groups and public to acquire capacity to participate in watershed source protection plan committees and other public input venues	Outreach	CELA w ED	Spring to Fall 2005
Publicize introduction of legislation and standing committee schedule to public and ENGO's once Source Protection Act introduced	Legislation and Policy	ED; also CELA lists	Spring 2005
Attend standing committee deputations; liason with groups making submissions	Legislation and Policy; Community Organizing	Both	Spring – summer 2005
prepare clause by clause review of Source Protection Act and make available to public, ENGO's and decision makers	Legislation and Policy; Community Organizing	CELA	Spring 2005
Prepare briefing document for groups who want help with appearing as witnesses before standing committee	Legislation and Policy; Community Organizing	CELA w ED	Spring – summer 2005
Meet / briefings with members of all parties' caucuses re source protection	Legislation and Policy	Both	Spring – summer 2005
Opinion editorials, meetings with editors, outreach with media re source protection	Media and Communications	ED with CELA	Spring 2005
Periodic conference calls with ENGO's working on water in Ontario	Community Organizing	Both	through-out 2005 - 2006
Regional workshops for public, groups and ENGO's on water policy issues in Ontario (six over two years) especially re source protection implementation at watershed scale	With ENGO advisory committee for workshops to be established Outreach May provide for re-grants or honoraria to partner groups who host workshops	ED & CELA	Late fall/winter 2005 (3) and late spring/summer 2006 (3)
Finalization of source protection outreach materials for recreational & other water users	Outreach	ED & CELA	Summer 2006
Maintenance of Waterhole web site and announcements to email list of	Communications and media	ED	through-out 2005 and 2006

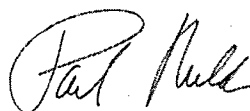
significant water policy developments in Ontario			
Creation of network of watershed based source protection / participants/ observers across Ontario for monitoring source protection planning and public participation (new name / brand?)	With ENGO advisory committee for network establishment; interim steering committee Community Organizing	Both	Beginning summer 2005 and throughout 2006 and thereafter
Link with other group / sectors such as health groups in strategic partnerships (e.g. OCFP, CAPE, ALPHA, CPCHE) especially for re-confirming need for health links to source protection	Community Organizing; Outreach	Both	2005 and into 2006
Expand membership of Ontario Water Action Group, especially geographically	Outreach	Both	2005 and 2006
Review Conservation Authorities Act regarding scope and governance; analysis of capacity to implement and needed resources	Legislation and Policy	CELA along with ED	2006

Thank you for considering our request. We are very excited at the opportunity to focus our efforts on achieving the strongest possible protection for Ontario's source water. By leveraging and coordinating the support of the wider ENGO community now and in the future, we believe we will succeed. We look forward to your comments and response to this important initiative.

Sincerely yours,



Rick Smith, Ph.D.
Executive Director
Environmental Defence



Paul Muldoon
Executive Director
Canadian Environmental Law
Association

Draft Budget: Passing the Source Water Protection Legislation, Building toward Implementation**and Monitoring Results**

March 2005 - March 2007

Legislative Background, Status and Timelines

Preparing clause by clause review of SWPA	\$ 5,000
Liaising with groups making submissions, preparation of briefing document	\$ 4,000
Briefings with members of all parties' caucuses	\$ 2,400
Participating in Standing Committee hearings	\$ 2,500
Ongoing analysis and review of progress in policy implementation	\$ 10,000
Preparing briefing documents regarding policy implications for Ontario Water Action Network	\$ 12,000
Subtotal	\$ 35,900

Outreach & Engaging the Community

Expanding membership in Ontario Water Action Group	\$ 6,000
Facilitating strategic partnerships and fostering supporting positions from allies	\$ 5,000
Developing educational materials for member groups and targeted user groups	\$ 15,000
Printing & photocopying resource materials	\$ 6,000
Advisory committee honouraria (6 x \$200)	\$ 1,200
Developing parameters of network and doing preliminary foundation building	\$ 5,000
Co-organizing and participating in Regional workshops (including regrants of \$6,000)	\$ 21,000
Organizing Toronto workshop as kick-off event for network	\$ 5,000
Coordination and development of network (15 mos. x \$2800)	\$ 42,000
Conference calls - (6 x \$300)	\$ 1,800
Travel (CELA & ED participation in regional workshops)	\$ 8,000
Telephone, fax, office supplies	\$ 2,000
Subtotal	\$ 118,000

Communications

Expanding web capacity	\$ 10,000
Web hosting	\$ 600
Consultant services	\$ 1,500
Ongoing media relations - preparing media releases, setting up editorial meetings, etc	\$ 12,000
Diversifying media strategy to focus at the watershed level	\$ 7,000
Providing media support and training	\$ 5,000
Developing targeted strategies to promote key messages about water protection	\$ 10,000
Subtotal	\$ 46,100

Total **\$ 200,000**

