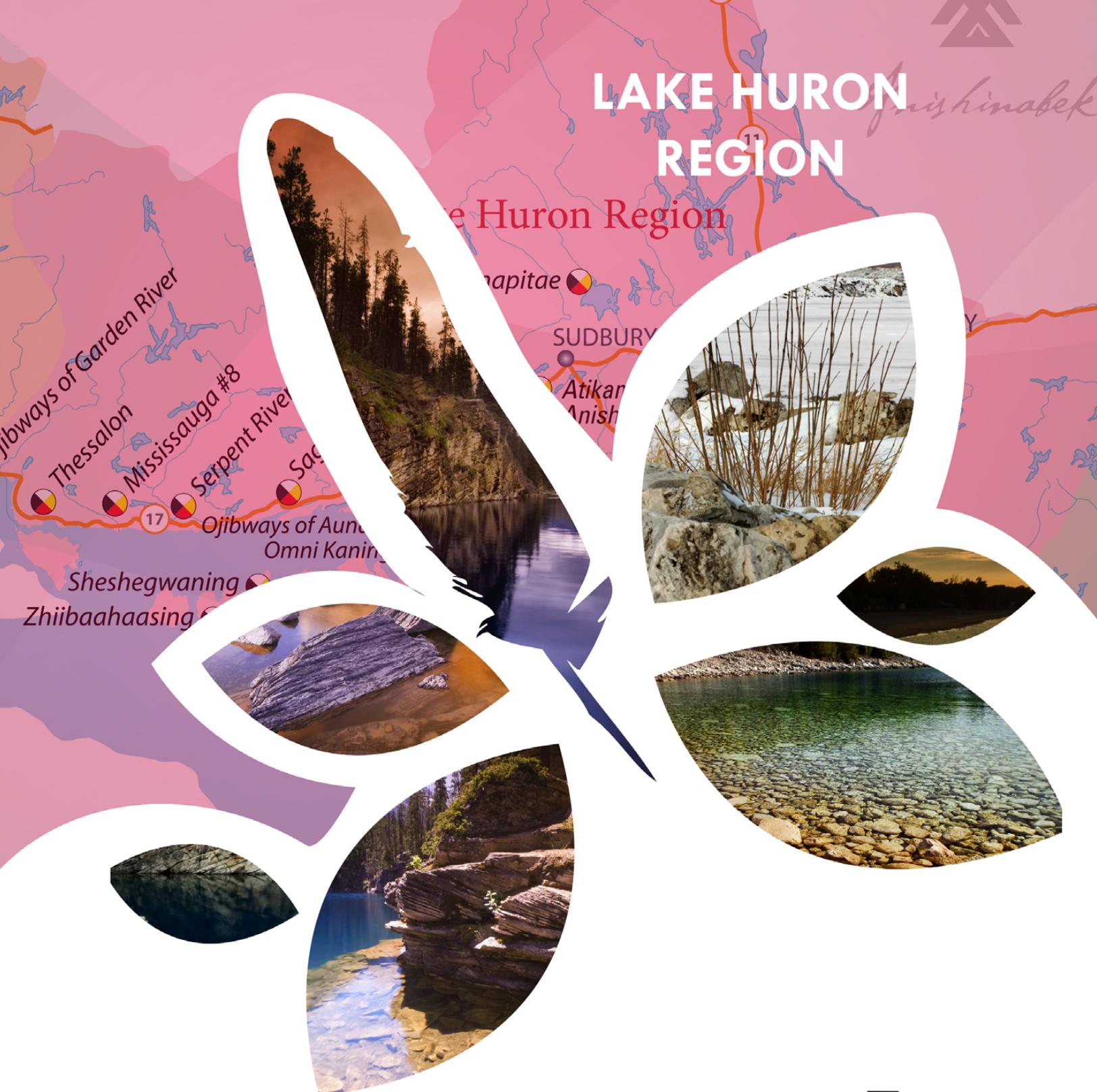


LAKE HURON REGION



GREAT LAKES ROUND TABLE SUMMARY WINTER 2017



Lake Huron Region



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INTRODUCTION

The Anishinabek Nation has actively been building positive working relationships with First Nations, our citizens, government, industry, and academia. Positive working relationships are where we can come to understand and respect each other's views and perspectives. With the variety of matters, the Anishinabek Nation needs an avenue to bring regional and local concerns, issues, action items, recommendations and opportunities to the table for discussion.

In December of 2016, a Lands & Resources Forum was designed with a very specific set of goals and objectives in mind. The goal is to build positive working relationships where we can come to understand and respect each other's views and perspectives with the objectives to:

1. Establish a regional framework that will allow Anishinabek leadership and technical expertise to gather and discuss the local and regional priorities, concerns, and opportunities.
2. Enhance decision-making that will act on matters that will protect our jurisdiction, traditional territories and rights.
3. Increase communications and to understand each other's needs, priorities and opportunities.

The relationship between the Anishinabek Nation and the Ministry of the Environment and Climate Change has been moving forward. As part of moving forward, a new regional framework will be established to ensure that the Anishinabek Nation communities can meet and discuss Great Lake Basin initiatives as a collective, share information, and build on community partnerships with MOECC at the regional and local level.

The first series of Anishinabek Regional Round Table took place from January to March 2017 to discuss the initiatives that are occurring within the Great Lakes Basin. The discussion ranged from the implementation of the Great Lakes Protection Act, 2015, the Great Lakes Guardians' Council, Concept of a Great Lakes Virtual Space, Lake Erie Nutrients Update, Introduction to Water Quantity Management, and an Excess Soil Update.

BACKGROUND

The Anishinabek Lake Huron First Nations gathered on Feb 8th, 2017 at the Union of Ontario Indians, Nipissing First Nation, Ontario. This round table provided an opportunity for the Lake Huron communities to establish and build upon the relationship, seek opportunities and to address concerns and issues with the Ministry of the Environment and Climate Change with focus on the Lake Huron basin located within the Great Lakes basin.

The Lake Huron Basin is also referred to as "Gichi-aazhoogami-gichigami – Great Crosswaters Sea" and is the traditional territory of the Anishinabek Nation Nation, also recognized as the Lake Huron Region. This Region

is comprised of nineteen. The Robinson Huron Treaty and Lake Huron basin are one in the same if you refer to the height of land in the treaty. Anishinabek Nation communities located within the Lake Huron basin have jurisdiction to the treaty land (Crown land) and rights to resources. Anishinabek have different perspectives when water, lands, and resources are the topic of discussion.



Figure 3. Anishinabek Nation - Lake Huron Region

FACTS:

Lake Huron has the longest shoreline of the Great Lakes, extending 3,827 miles.

Manitoulin Island “Spirit Island” (Mnidoo Mnising) is the largest freshwater island in the world.

Wasauksing “The Brightly Shining” is the home of Wasauksing First Nation.

Lake Nipissing “Big little waters lake” (Gichi-nibiising-zaaga’igan) is the home of Nipissing First Nation

TOPICS OF DISCUSSION

To ensure consistent information sharing between the regions, the topics of discussion on the Great Lakes and related lands and water initiatives were the same for each region. This section will provide a snapshot of the presentations that were provided in order of the agenda for the regional round tables ¹. The first Great Lakes topic of discussion was an overview of the relationship between the Anishinabek Nation and the Ministry of the Environment and Climate Change (MOECC) that dates back to 2008. This includes MOECC working with First Nations and organizations for a number of years. There have been successes to report in initial implementation of the Great Lakes Protection Act, 2015 and Ontario's Great Lakes strategy, 2012.

The Ministry continues to learn a lot from First Nations and is building a greater understanding that community level engagements are important. In addition to supporting these regional sessions, MOECC continues to demonstrate their commitment in various ways, for example by providing funding for five First Nations Traditional Knowledge Pilot Projects and by attending and sharing information on Great Lakes and land and water initiatives of interest at thirteen pow wows within First Nation communities.

The Great Lake Guardians' Council has been established, this is a forum for gathering ideas, sharing information, identify priorities for action, and fostering partnerships, their inaugural meeting was held in March 2016. Other meetings have occurred:

- Great Lakes Gathering, August 2016
- Second Council Meeting, October 2016
- Third Council Meeting, planned for Spring 2017



Figure 1 The Great Lakes Guardians' Council inaugural meeting March 2016.

¹ The round table agenda and presentations are available; please contact the Union of Ontario Indians Lands and Resources Department.

At the Great Lakes Guardians' Council inaugural meeting an idea for the Great Lakes gathering space was raised, where information can be shared and celebrated. During the second Council meeting, the Council supported the idea of further brainstorming and engagement on a Great Lakes Virtual Space and that a Council working Group would be established that would oversee the concept plan development, gather input and build on ideas.

Grand Council Chief of the Anishinabek Nation is the co-chair to the Great Lakes Guardians' Council alongside with the Minister of the Environment and Climate Change. Other Anishinabek Nation members to the Council includes the Anishinabek Nation Regional Grand Chiefs, Chief Water Commissioner, Josephine Mandamin, Chief of M'Chigeeng and Chief of Chippewa's of the Thames.

DISCUSSION, QUESTIONS & ANSWERS

As the Great Lake Protection Act and Guardian Council Update was presented, much discussion and ideas were brought forward from the community participants at the regional round table. Some of the point that was heard are provided below.

QUESTION: New Canada Ontario Agreement and a standalone First Nation annex. Can you clarify that?

ANSWER: There is now a chapter in the agreement about how the First Nation are going to work with the other levels of government to protect the Great Lakes, through a new First Nation Annex.

QUESTION: The Canada US Agreement is there a First Nation presence at the table?

ANSWER: There are some First Nation reps in some of the working groups. That is probably an First Nation area of opportunity. It is fair to say that the Tribes south of the boarder have more participation in this Agreement due to available capacity.

QUESTION: First Nation interests are represented by Canadian Government . If we are not at the table then we need to be represented by our own people rather than the feds.

ANSWER: There are two committees that First Nations currently have some representation, point is acknowledged and will be reported back to Canada.



QUESTION: The U.S. has proposed to pump more water out of the great lakes. Is there a First Nation presence there?

REMARK: This is the Waukesha Diversion and the Anishinabek Nation identified a lack of consultation. This has been expressed to the Ministry of Natural Resources and Forestry as well as the Ministry of the Environment and Climate Change (MOECC). Ontario did not agree with the transfer, however, Ontario was vetoed because of the 8 states and the process is if all States agree, the project goes through as it is the States project. The Anishinabek Nation needs to understand what the States and Tribes positions are. As the Anishinabek Nation, we cannot say they do not have the right to water when their own water is contaminated and polluted it cannot be consumed. Difficult topic to discuss because of the complex issues attached.

COMMENT: Chiefs have heard the rationale. The Leadership needs to find the balance. It has always been said that it is the Anishinabek Nations and that is taking into account the other members of the nation who are on the US side of the boarder - the Tribes.

RECOMMENDATION: Time to strike up a conversation with the Tribes and have a three fires confederacy meeting to understand each other's perspectives. It is understood that you cannot drink the water over there and the Anishinabek Nation here needs to reach out to the Tribes sooner.

COMMENT: In 1979, water was hooked up to households and then shortly after the water was being treated. From there costs become associated with operation and maintaining. Water should not be taken for granted. In the U.S., the Tribes have declared their rights to the water.

COMMENT: The role of maintaining the water is the role of women and all kinds of women should be here to talk about water.

GREAT LAKES VIRTUAL SPACE

The Great Lakes Virtual Space is a concept that could bring together Great Lakes information such as:

- Arts, Culture, Recreation and Tourism
- Traditional Ecological Knowledge and Information
- Scientific Information
- Student, Teachers, and Education Administrations

The various uses seem to be aimed at a wide audience. In creating the virtual space and developing the concept, a focused, intensive and collaborative brainstorming session took place, called a design charrette. This brings people together from different Great Lakes backgrounds to develop a broad range of ideas and innovative solutions around central themes.

Anishinabek Grand Council Chief is the Co-chair to the working group and the Chief of Chippewas of the Thames has been actively involved in this process. The outcomes from the design charrette are to create a space that evokes a connection to the Great Lakes and action toward Great Lakes protection. This could take place through storytelling, education, multimedia, Traditional Ecological Knowledge, scientific information, networking, and other creative tools that result in changes to support greater protection and enjoyment of the Great Lakes².

From the discussions, it was heard that the first step is the catch which is to create a personal connection, by using local content, and to establish threads to broaden interest. The second step is the hook or the grab, and the potential to use interactive tools that grab attention and keep people coming back; it could include stories and videos. The third step is the love and to make that connection to the lake (Love the Lakes). The final step is the actions that will promote positive behaviours and further protection of the Great Lakes.

MOECC is seeking additional thoughts from the Anishinabek Nation such as:

1. What in the space will give me knowledge?
2. What tools can be created to connect people, especially youth?
3. What makes us curious and sparks a desire to learn?
4. How can we engage people, and keep them interested?
5. How can this site be of use to my community?

The next steps are to have a Traditional Ecological Knowledge (TEK) focused gathering with the Anishinabek Nation, Stakeholders and various Government Ministries on March 9, 2017 in North Bay Ontario. An additional report will be distributed.

² Slide 17, from the Great Lakes and Related Lands and Water Initiatives presentation provided by MOECC



DISCUSSION, QUESTIONS & ANSWERS

The Guardian Council Update was presented, much discussion and ideas were brought forward from the community participants at the regional round table. Some of the points that were heard are provided below.

COMMENT: The legislation is not tied to federal processes and allows the ministry to respond to challenges and opportunities. The Great Lakes Guardians' Council is not a traditional government process. The Council is asking to think outside the box on how to share information in one place, the Great Lakes Virtual Space.

COMMENT: The Ontario Government is so restrictive with what they can put on the web site and glad to hear about the direction going forward.

COMMENT: There is an opportunity for cross-cultural learning and sharing. Protecting what you love is the central theme of the design work.

QUESTION: Appreciating the fact that governments come and go. If for a chance that one of the major stakeholder decides that they do not want to put money and effort into this project, does the project fall? Does everything hinge on the Provincial Government taking the lead?

ANSWER: As civil servants we continue to deliver on no matter what the government is. This space is built outside of the government. The council is free to connect and meet outside of what the government is doing. The great lakes are not a political body. Ontario has the majority of the Great Lakes shoreline and this is the kind of thing that as it grows through the partners, they see this as a non-threatening thing.

QUESTION: Who owns the information that is uploaded?

ANSWER: For those entities that contribute, they are the owners of the information.

QUESTION: This can be a tool that may help us to develop policy. Is that a safe statement?

ANSWER: That is a safe statement

COMMENT: The importance of youth and First Nations is to see the current youth sitting at these types of tables as they graduate from post-secondary school.

SUGGESTED IDEAS FOR THE VIRTUAL SPACE BY THE LAKE HURON ROUND TABLE

PARTICIPANTS:

- Historical sites should be on the space
- Identify places to visit
- Manitoulin Island is the largest fresh water island in the world. It has been told that it was a place that the creator rested on his journey. Cockburn Island was the place of the original reserve. There are stories there. The thing about the waters is that Manitoulin, in the northern side the water is darker but it is green on the south side.
- There is an excellent fishing guide that tells you when and where to eat the fish and use the beach. There are areas that are polluted. MOECC beach warnings could go on the space. The findings in reports that are out there that speak to water quality, this information needs to be included to share information on what to avoid.
- There is a need for this kind of project but one concern is project hatred. How will that be managed? People might take advantage of First Nations being involved and people may take advantage to spread hateful messages. Youth involvement, the youth need to be protected.
- There is a need for monitoring in a way that does not hinder the free flow of debate around issues and ideas. If there is debate about our history or an area of the great lakes then First Nations need to be part of that discussion.
- 1812 there were battles between our Nations even before the settlers. Need to share that knowledge.
- Teachers should use this one site to take children to learn about the Great Lakes. Use the technologies in the schools to provide the opportunity that will talk with other students from on the other side of the lake.
- There are practical uses for First Nation communities to deal with tourism. It is up to the nation about sharing their own history. This is an opportunity to share what First Nation have for tourists for example the Benjamin islands.
- Many advantages for the communities and this is an opportunity to tell First Nation history and stories. Everyone else has tried to tell it. In addition, to strengthen the relationship with the non-indigenous communities around the lake.
- Opportunity to show our own First Nations what we have. It is a good opportunity to remind ourselves why we are there. Our ancestors chose those places for a reason.



QUESTION: Control of the data, is it going to be the First Nation who can upload the data or only to download. Need some sort of central control. We do not want inappropriate conduct going on and who is going to fund this?

ANSWER: MOECC will play a role around the support of the product and the council. Other funding partners will be explored once the scope of the portal is defined.

COMMENT: Wikiwemkong is taking a holistic approach, where history is being brought forward by mentors. The approach of wellness and wellbeing is to get out on the land.

QUESTION: Water is universal. Are the Great Lakes a world heritage site?

ANSWER: It represents 21% of the world's fresh surface water. Trying to get it designated as a world heritage site. It is an important conversation to have.

QUESTION: Was there any talk of celebrities to endorse and engage the young people.

ANSWER: Yes

COMMENT: You could put a selfie of the youth in and around the lakes.

COMMENT: A timeline what it was like for your grandparents to have water and what it is for you now?

COMMENT: Tool to find a hotel or a gas station

QUESTION: Where is the conversation about how communities can start to develop some of these ideas? Is there a way that First Nations can access funding in the space to allow communities to do this work?

ANSWER: We understand the capacity needs and TEK is a vital part, more time needs to be spent on how TEK can be collected and presented, including potential necessary resourcing.



Figure 3. Manitoulin Island - Largest fresh water island in the world. Image courtesy of https://en.wikipedia.org/wiki/Manitoulin_Island#/media/File:Manitoulin_Island.jpg

LAKE ERIE NUTRIENTS UPDATE

There are many changes occurring on Lake Erie, mussels are changing the chemistry of the lakes, allowing more sunlight, temperatures are also rising due to climate change. To compare two great lakes in regards to populations, Lake Superior is home to a small portion of Ontario's population (a little over 1%), where Lake Erie is more urbanized and hosts a larger portion of Ontario's population (approximately 17%).

This topic of discussion within the presentation provided an overview of the Canada – U.S. Great Lakes Water Quality Agreement and the Canada Ontario Agreement on Great Lakes Water Quality and Ecosystem Health (COA) where the agreements include a commitment to establish phosphorus reduction targets for Lake Erie by February 2016 and a Domestic Action Plan to meet the targets by February 2018³.

Canada and Ontario are working together through COA to complete an Action Plan for Lake Erie and engagement will occur within the coming year (2017), building on engagement efforts to date. The Lake Erie Nutrients Working Group includes representation from organizations and individual First Nation communities in the Lake Erie basin.

³ More information on the agreements is included on slide 27 or contact the Union of Ontario Indians.



DISCUSSION, QUESTIONS & ANSWERS

Before the presentation and discussion, unlabeled photos of Lake Erie were passed around and the table was told that those photos represented Lake Huron. As most participants knew this was not Lake Huron. This exercise is to help prompt the question, “What do you think about your lake being like that?” Lake Erie was facing a sad situation that needs attention.

See handout

As the Lake Erie Nutrients Update was presented, much discussion and ideas were brought forward from the community participants at the regional round table. Some of the points that were made are provided below.

COMMENT: There is some work being done on new filter technology that will clean up the algae

COMMENT: Blooms still happen under the ice

REMARK: The blooms may not seem like it is going to affect you and your community. Think about it broadly, as it can affect your tourism, your health, and your economic bottom line.

COMMENT: There are costs associated to invasive species that can impact all the uses of the lake and the water quality.

COMMENT: Is there a strategy? It is not just a Lake Erie problem, it also needs to look at the rivers that are feeding the great lakes. The strategy for the province with the First Nation communities need to consider what is happening in the traditional territories. First Nations needs to be consulted and needs to consider how drinking water is protected.

COMMENT: Things need to happen at the Ontario Government level and municipalities need more authority to do what is needed. The First Nations have the responsibility in dealing with industry and other users on those water systems. Watershed protection is needed in First Nations territories.

COMMENT: Mackey successfully sued the government for polluting the water. Under the Indian Act, First Nations are not allowed to retain a lawyer. The Spanish River was an important food source for Sagamok and surrounding communities. Ontario declared the Spanish River as toxic hot spot. The community needs to know:

- What happened in the past?
- Who has permits to take water now?
- What are they doing with it?
- What kind of work has been done by industry?

COMMENT: Private groups are restocking the Spanish River, treating the river and pumping oxygen into the river. First Nations need and want these opportunities and how do we get that? It is about restoration of jurisdictions and capacity building.

COMMENT: Ontario needs to make sure that there are achievable strategies in place and supporting First Nation communities.

COMMENT: First Nations not responding to a permit to take water does not mean we approve, and it is due to lack of capacity to review, comment and make decisions. First Nations need capacity for their own due diligence.

COMMENT: Promote technology to reduce the amount of human waste water. There is water management, technologies, and examples of other jurisdictions that have significantly reduced.

COMMENT: Communities need environmental monitors to do all of this work including monitoring the lakes, but not just in their communities but also in the wider traditional territory.

INTRODUCTION TO WATER QUANTITY MANAGEMENT

This section of the presentation was provided to share information about Ontario's moratorium on new and increased bottled water permits and explore future opportunities for conversations and engagement on water quantity management issues in Ontario.

ONTARIO WATER RESOURCES ACT OVERVIEW

The purpose of this presentation was to introduce the Water Management topic for future conversations and discussions, as well as to provide an update on the small but positive actions taken place to protect groundwater in Ontario. This topic began with an overview of Ontario's Water Resources Act which provides for protection of surface and groundwater, including tools that focus on water quantity management. Permits are required for water withdrawal exceeding 50,000 litres on any day. Some prohibitions are in place and proposed for specific water taking activities such as water used for water bottling and water charges for highly consumptive industrial and commercial uses.

MOECC does work with other ministries to manage water quantity in Ontario such as the Ministry of Natural Resources and Forestry. It has been heard that First Nation communities and the public have expressed concerns about the impact that water bottling operations are having on groundwater supplies and the Ministries ability to effectively monitor and regulate these facilities.

It was also heard there is a growing interest among First Nation communities and Ontarians about the priority of uses and users of water. In addition, it was recognized that there are uncertainties of future water availability in light of the climate change and future demand.



MORATORIUM – USE OF GROUNDWATER FOR WATER BOTTLING

Ontario's strategy to address these issues to protect water in the province includes three immediate actions:

1. Two year moratorium on new or increased groundwater taking for water bottling (effective until January 1, 2019)⁴
2. Stricter rules for existing water bottling facilities – technical guidance document up for review and comment⁵
3. New water charge to recover costs from water bottling facilities on groundwater⁶

Future activities during the moratorium MOECC will undertake include work related to the use of groundwater for the purpose of water bottling and other water quantity management issues in Ontario and including:

- Advancing knowledge and understanding of water systems
- Reviewing water taking rules
- Examining water pricing and other tools
- Engagement and discussion during the two year moratorium

DISCUSSION, QUESTIONS & ANSWERS

As the water quantity management was presented, much discussion and ideas were brought forward from the community participants at the regional round table. Some of the points that were made are provided below.

Water as a whole the quantity and quality are related. The quality reflects how much we can take and what we can use it for. It has been 10 years since MOECC last reviewed what they are doing. There are approximately 1200 to 1400 permit applications made per year and MOECC works with many other ministries and municipalities.

MOECC treats every use of water equally called fair sharing. The question is are you impacting other people and are you impacting the environment?

QUESTION: Henvey Inlet First Nation is happy to hear about the moratorium. On private lands you could have surface or ground water. Does the Government claim ownership of water or just how it is used?

ANSWER: Ontario does not claim ownership of water. We have not vested ownership in water and it is based on a fair share principal.

⁴ More information provided on slide 34

⁶ More information provided on slide 36

⁵ More information provided on slide 35

COMMENT: There is a lot of legislation out there and some communities tend to oppose the moratorium. We have been trying to get away from plastic containers and the moratorium should be permanent. We have other ways to drink water and need to do more to discourage bottled water?

COMMENT: When MOECC posted the moratorium it received 22 thousand comments.

QUESTION: Is MOECC or Ontario collecting tax from bottled water?

ANSWER: No, currently MOECC is receiving \$3.71/million litres and the money received is for cost recovery for our programs.

QUESTION: Are there First Nation taking water for bottle water?

ANSWER: Maybe – need to verify

QUESTION: The ground water is underground somewhere. Do we have the science to tell how much of water do we have out there?

ANSWER: There is some science but it is location specific and we do not know the whole system.

COMMENT: The government has been doing this by trial and error. They pump the water and then they wait to see if there are impacts and then they want to shut it down.

COMMENT: In municipalities, they have water meters to see how much people are using but in most First Nations, they do not have this. Some of the First Nations are questioning if they should be charging some form of tax for those non-Native person living on the First Nation land.

COMMENT: These bottled water plants should be discontinued.

QUESTION: Was there truth to the rumour that some of the bottle water companies go to a municipal water system?

ANSWER: Yes

QUESTION: Is Nestle safe?

ANSWER: They continue to take water on their existing permit conditions.

QUESTION: What about fracking?

ANSWER: Ontario is not considering. Before we do we would have to put new requirements in place.

COMMENT: Fracking is for trapping oil and gas to make it flow.

QUESTION: When there is a big disaster, similar to flint does the government pay for that?

ANSWER: The state provided some funds, as may have other types of government.

Lake Huron Region



COMMENT: Is there a willingness to work with something like the Union of Ontario Indians (UOI) to try and assist with ensuring that consultations are done and done properly with First Nations.

COMMENT: Aggregates extraction, the watchdog should be the UOI to ensure that things are done properly.

QUESTION: What are the opportunities to keep an eye on the companies withdrawing and extracting? There were challenges for First Nations that do not have the types of exploration activities in order to access funding. For example, there are problems in accessing the funding for mineral advisors.

COMMENT: First Nations, designed their consultation protocol documents. The First Nations will accommodate and decide who they are going to work with. It is not up to the government to decide that we are done with you and consultation is over.

COMMENT: Part of the frustration that First Nations have is depending on what ministry First Nations are talking too. As consultation means different things for different matters. The Federal Government have a totally different understanding on consultation. On water takings, it is sometimes confusing for First Nations to decide who has jurisdiction over these resources and who should not.

QUESTION: Why are we not conserving water in our municipalities and has the province ever discussed banning bottled water?

ANSWER: We have not put out a proposal on banning bottled water to date.

QUESTION: What about soda bottles?

ANSWER: They are not captured, most use municipality's water.

COMMENT: There is a need to review the extension of charges.

QUESTION: 10 million liters per day is a lot of water. Is it even worth it, even if it makes some money? Does the province help communities to fix their infrastructure with these funds?

ANSWER: It is primarily the responsibility of the municipalities to for infrastructure. The provinces role is to ensure that the water is safe and we are concerned with discharge.

RECOMMENDATION: The Union of Ontario Indians should help communities to connect with other communities (network) to assist First Nations with infrastructure needs. The Anishinabek Nation should be negotiating an MOU with MOECC.

COMMENT: The way that this should work is to raise these things with the Anishinabek Nation Council. There are many issues and the challenge is how First Nations prioritise what issues we are doing to deal with first when there are other compounding issues like drug problems and family problems.

QUESTION: Has there been the position from the First Nations that they own the water?

ANSWER: There has been discussion around that and around the ownership of the lakebed.

RECOMMENDATION: The Union of Ontario Indians needs to work on the waste management issues.

COMMENT: A challenge is to build the human resources in the community. The leadership needs to make that commitment however, funding is an issue to recruit our citizens back to the communities. Anishinabek First Nation communities are still pushing back on nuclear waste management. The companies are looking to spend 20 billion in this region.

ANSWER: In terms of the nuclear waste, the underground storage is only a 50 year plan.

COMMENT: There has to be a better way. The Anishinabek Nation understands the concerns of our brothers and sisters down in the Bruce area. Maybe it will be a First Nation, who figures out how to extract the other energy sources in the rod. We are approaching some sort of road when the Indigenous people and non-indigenous people coming together to deal with this.

ACTION ITEM: ** Nuclear waste to go on the agenda for the next meeting.**

COMMENT: MOECC have heard from this table that the First Nations are more firmly asserting ownership. If the nation takes the stance on the ownership with the Ontario Government, it is going to have an impact on our relationship.



Figure 4. Bridal Falls located on Manitoulin Island. Photo courtesy of <http://cheryltravels12.blogspot.ca/2016/08/first-day-on-manitoulin-island.html>



EXCESS SOIL UPDATE

This section of the presentation was to provide an update where Ontario is at on the framework on managing excess soil. MOECC has been discussing excess soil management with First Nations since 2014 and many concerns were heard such as protection for cultural significant sites, inappropriate dumping in First Nation communities, consideration of Traditional Ecological Knowledge (TEK), the need for soil testing and standards, management of invasive species and opportunities to engage.

The Excess Soil management Policy Framework was finalized in December 2016 and includes 21 key actions and some include:

- Development of a new source site regulation (including supporting amendments to the waste, brownfields and building code regulations)
- New standards and sampling guidance
- Online registry for soil movements
- Establishment of various soil working groups to provide advice on framework implementation. There are First Nation seats available on all of these soil working groups.

There is an upcoming regulatory proposal for excess soil that will leave a property or project area. This proposed regulation is to shift more responsibility to the source site owner to ensure excess soil is properly managed and relocated. This proposed regulation would require an Excess Soil Management Plan for certain sites that focuses on larger and smaller riskier excess soil movements such as condominiums, subdivisions, industrial sites, etc. The goal is to have a final regulation in effect sometime in 2018. More information on this regulatory proposal will be provided at the next round table.

DISCUSSION, QUESTIONS & ANSWERS

As the excess soil update was presented, much discussion and ideas were brought forward from the community participants at the regional round table. Some of the questions and comments are provided below.

COMMENT: Shift to source site responsibility.

COMMENT: There is space for First Nation representation on the committees and Ontario will pay travel.

COMMENT: There are some opportunities. To receive of fill (soil) and some people would like this fill (soil). It is a tool to find a match for the kinds of soil that you may need.

RECOMMENDATION: There is a need for First Nations to develop their own policies, may be able to learn from work done by MOECC on excess soil.

SUMMARY

Each region and community is unique and have different needs and interests. The themes highlighted from the Lake Huron round table include:

1. Lack of Capacity (Expertise & Financial)
2. Proper consultation is needed with the communities.
3. Opposition to Nuclear storage and transportation within Anishinabek Nation territory.

The next round table will be held in the spring of 2017, where the follow up items and unanswered questions will be discussed. We thank all the communities for participating, sharing their stories, and providing recommendations.

ACTION ITEMS FOR NEXT DISCUSSION

1. Rational for the \$500.00 new water charge – report back
2. Nutrient issue and researching the needs and relating them back to the Anishinabek Nation Water Needs Assessment
3. Online resources that illustrates the permits and locations (maps)
4. Research MOECC involvement with the Nuclear waste matters such as transportation and storage in Ontario
5. First Nations and Tribes gathering to discuss the Great Lakes water quantity and quality matters



Great Lakes and Related Land and Water Initiatives

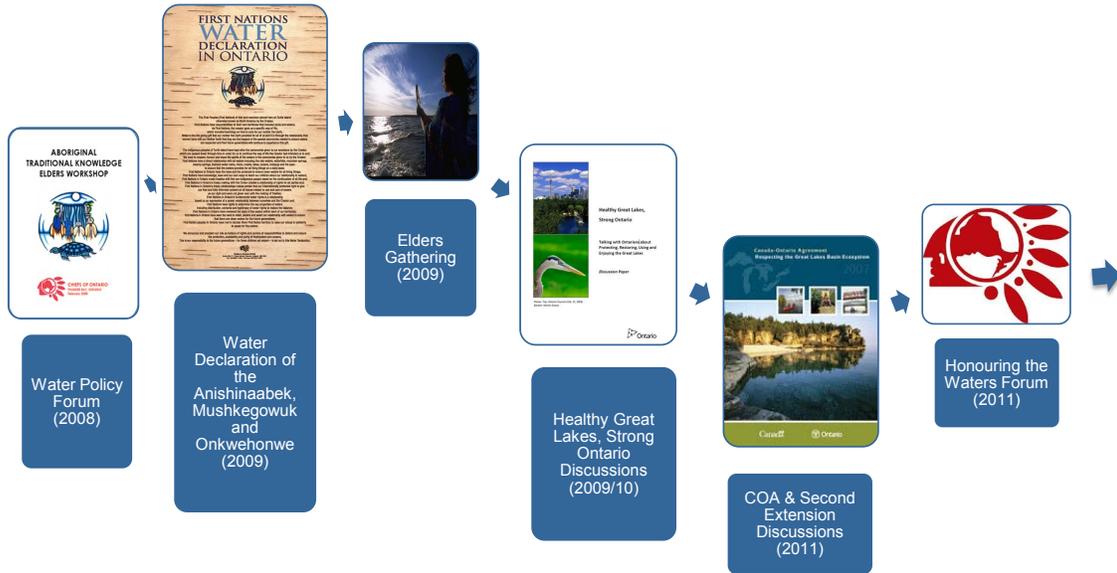
Ministry of the Environment and Climate Change
Land and Water Policy Branch

February 8, 2017
Lake Huron Region

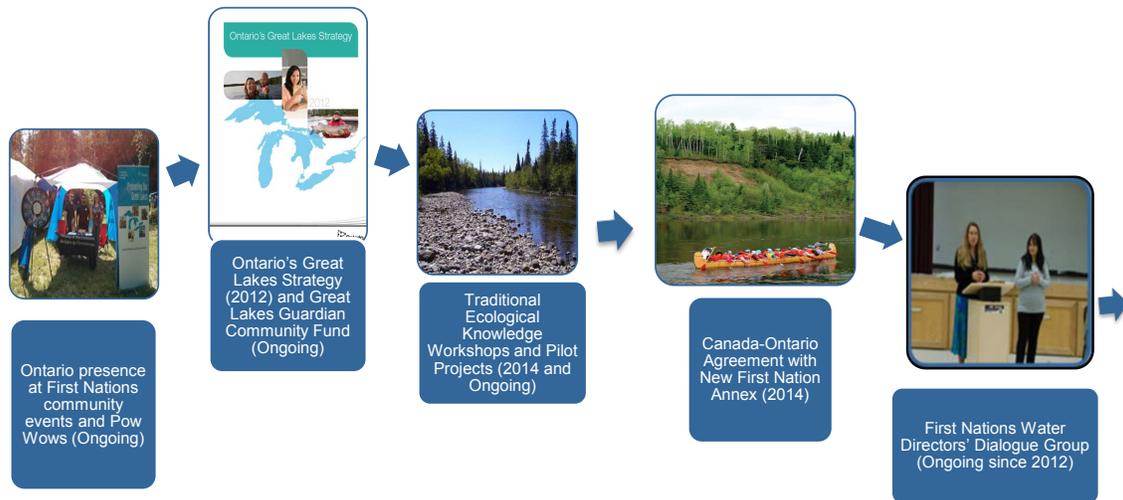
Overview

- Context and Background
- Great Lakes Guardian s' Council Update
- Great Lakes Virtual Space – Design Charrette
- Lake Erie Nutrients Update
- Water Quantity Management
 - Permit to Take Water – Introduction to the Program
 - Water Bottler Moratorium and Next Steps
- Excess Soil Update

Context and Background



Context and Background



Context and Background



5

Context and Background



6

Great Lakes Guardians' Council - Update on Actions



Great Lakes Guardians' Council - Great Lakes Protection Act

The Ministry of the Environment and Climate Change has been working with First Nations communities and organizations on Great Lakes protection for a number of years

The Great Lakes Protection Act:

- Recognizes that First Nations have important connections to the Basin, maintaining a spiritual and cultural relationship with water
- Recognizes that First Nations have a historic relationship with the Great Lakes
- Sets a purpose to improve our understanding and management of the Great Lakes by promoting the consideration of traditional ecological knowledge, if offered

Great Lakes Protection Act, 2015

S.O. 2015, CHAPTER 24

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Great Lakes Guardians' Council - Overview



A forum for:

- Gathering ideas
- Sharing information
- Identifying priorities for action
- Fostering partnerships

Events to date:

- Inaugural meeting, March 2016
- Great Lakes gathering, August 2016
- Second meeting, October 2016
- Third meeting, Spring 2017

The Guardians' Council is different than other Great Lakes groups, committees and councils as it focuses on Ontario

Great Lakes Guardians' Council - Leadership and Participants

The council is co-chaired by MOECC Minister Glen Murray and Grand Council Chief Patrick Madahbee



Ontario Great Lakes Ministries

- Natural Resources and Forestry; • Agriculture, Food & Rural Affairs;
- Municipal Affairs; • Indigenous Relations and Reconciliation;
- Tourism, Culture and Sport; • Research, Innovation and Science;
- Economic Development and Growth; Infrastructure; • Transportation;
- Health and Long-Term Care; • Intergovernmental Affairs;
- Education; • Energy; • Finance; • Northern Development and Mines
- Environment and Climate Change

Great Lakes Guardians' Council - Key Themes

- Great Lakes outreach and education
- Council as a vehicle for working together
- Connecting to and enjoying the Lakes
- Youth and education
- Role of women and water
- Identifying priorities for action
- Information and data for better decision making
- TEK for better decision making
- Great Lakes Virtual Space 



Gathering on Manitoulin Island, August 2016

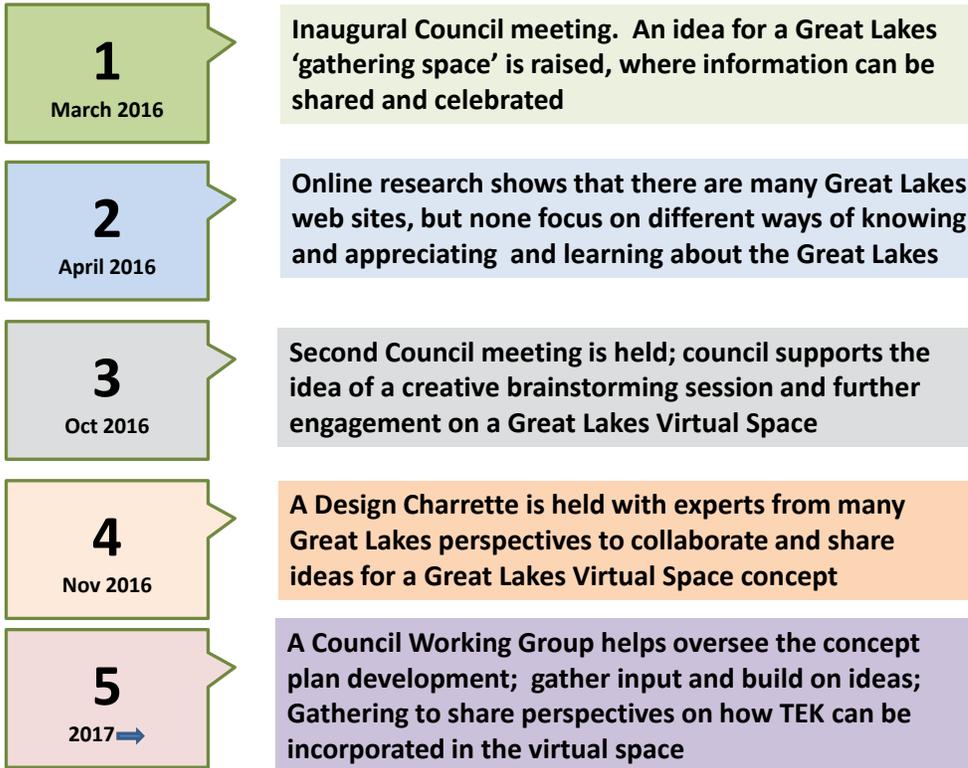
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Great Lakes Virtual Space



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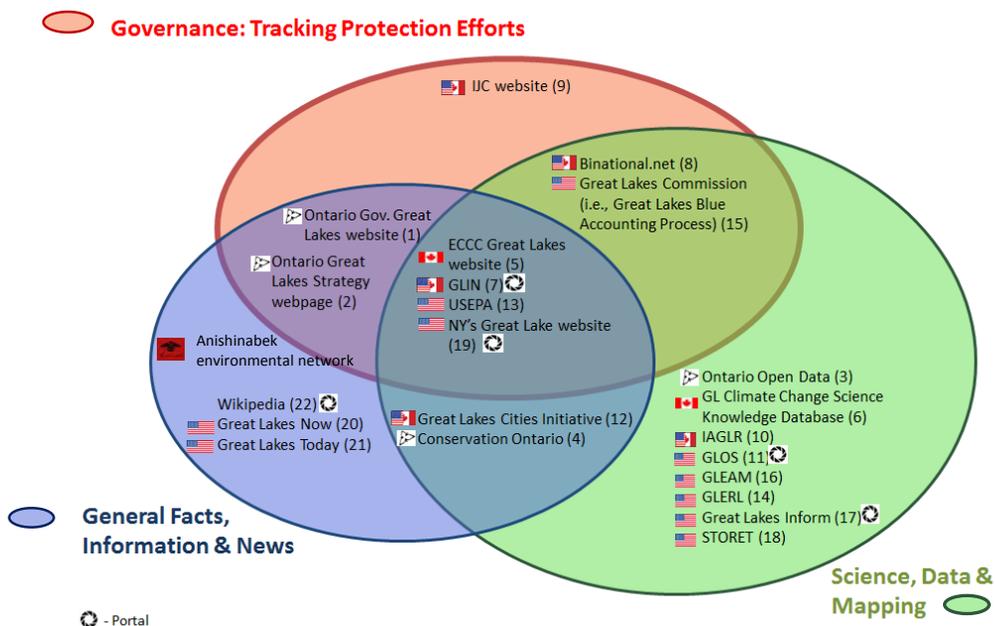
Great Lakes Guardians' Council - Virtual Space Development Status



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Existing Great Lakes Sites

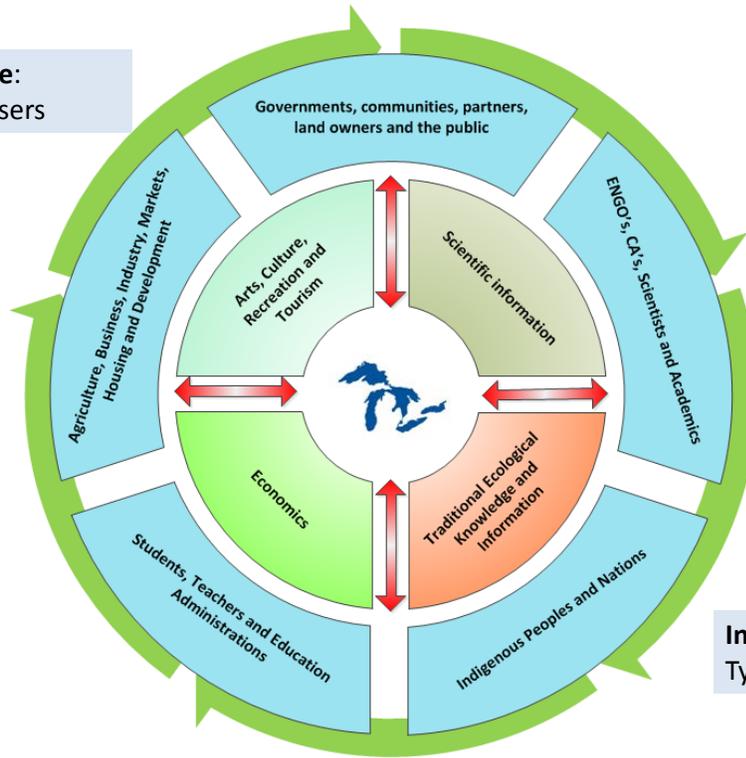
Great Lakes information resources on the internet:



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Virtual Space Concept - Content and Users

Outer Circle:
Potential users



Inner Circle:
Types of content

Creating a Great Lakes Virtual Space - Developing the Concept

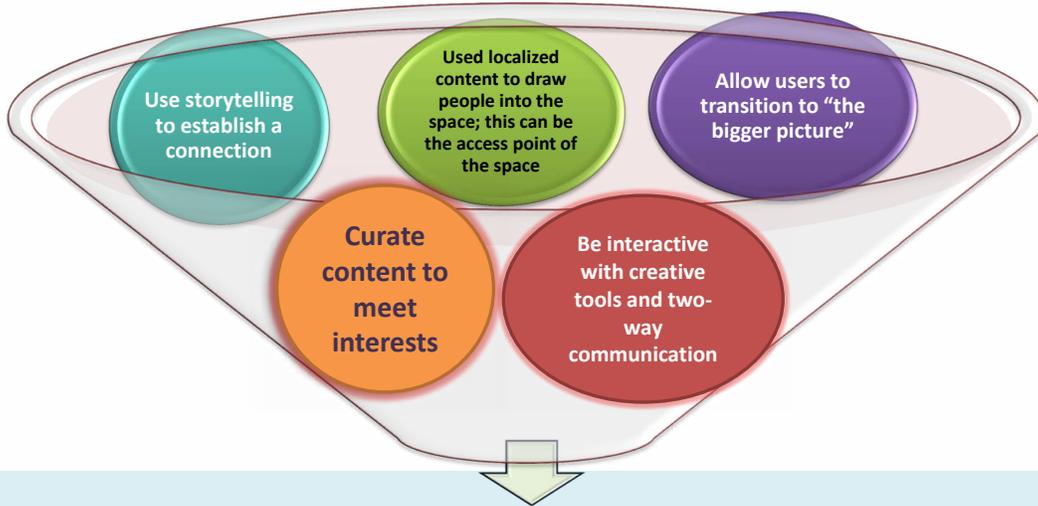


Design Charrette, November 17, 2016

A **design charrette** is a focused, intensive and collaborative brainstorming session. It brings together people from different Great Lakes backgrounds to develop a broad range of ideas and innovative solutions around a central theme.

The design charrette is the starting point for engagement and brainstorming. We are reaching out to many partners and stakeholders.

Creating a Virtual Great Lakes Space - Developing the Concept - What We Heard



Outcome: A space that evokes a connection to the Great Lakes and action toward Great Lakes protection – through storytelling, education, multimedia, Traditional Ecological Knowledge, scientific information, networking and other creative tools – that results in changes to support greater protection and enjoyment of the Great Lakes

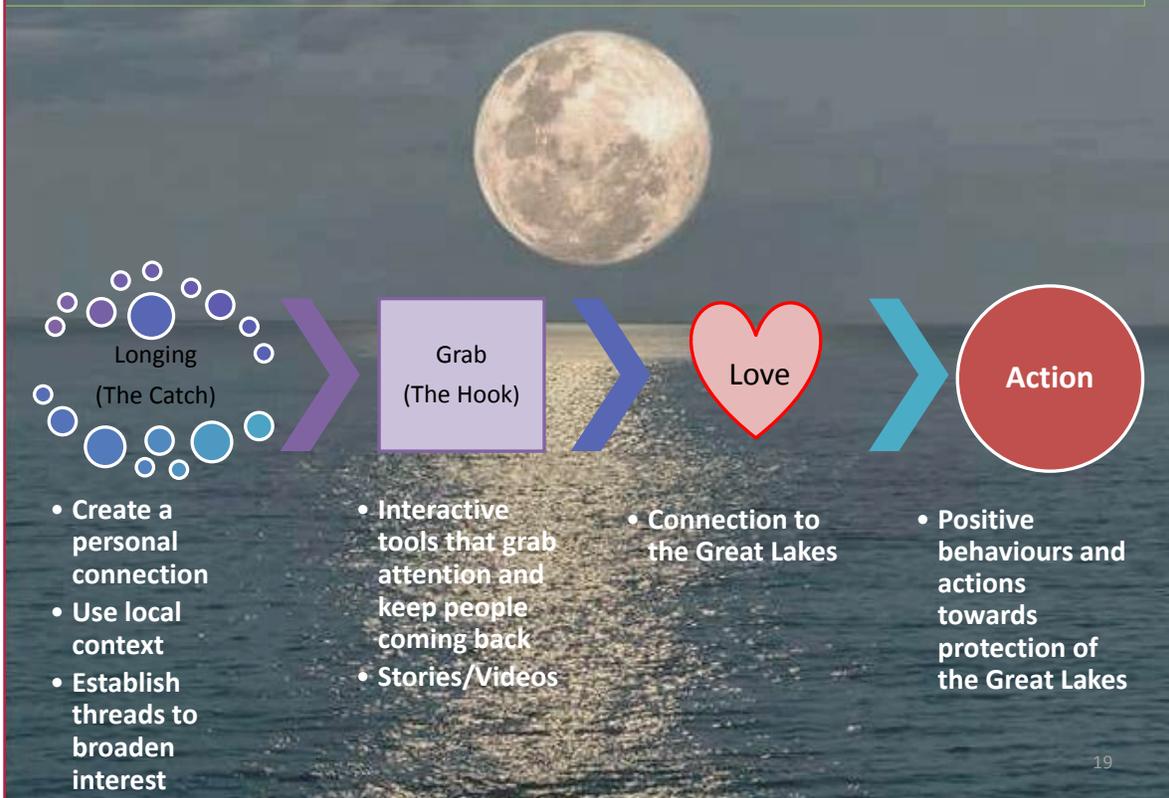
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Virtual Space Concept - Key Themes



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Creating a Virtual Great Lakes Space - Developing the Concept - What We Heard



Virtual Space Concept - Navigating the Space

This is one example of a pathway a user can take:

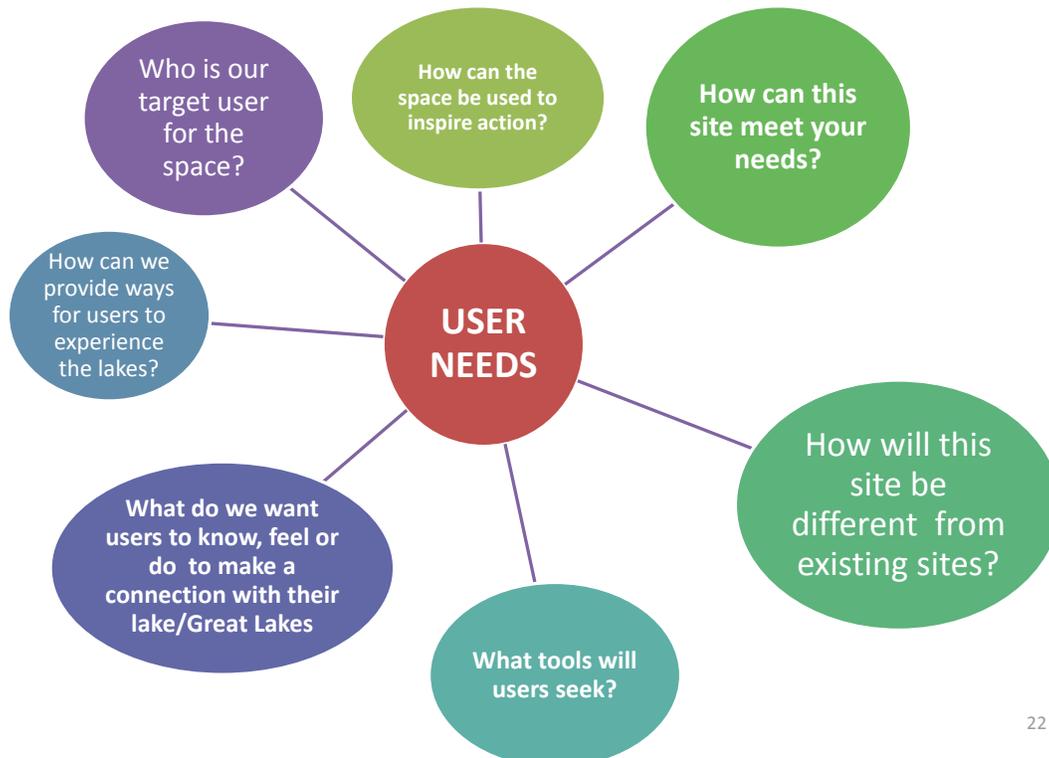


Brainstorming: Great Lakes Virtual Space



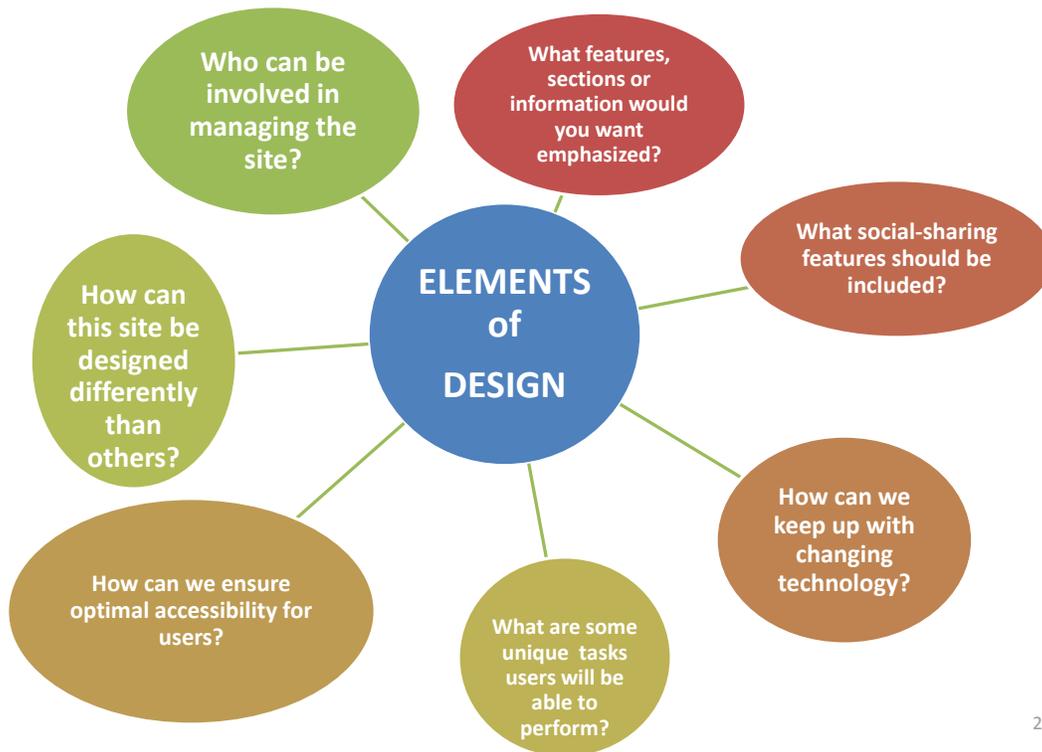
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Creating a Virtual Great Lakes Space – Brainstorming – What are the users needs?



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Creating a Virtual Great Lakes Space - Brainstorming - Design



Creating a Great Lakes Virtual Space - Your Thoughts

- What in the space will give me knowledge?
- What tools can be created to connect people, especially youth?
- What makes us curious, and sparks a desire to learn?
- How can we engage people, and keep them interested?
- How can this site be of use to my community?

Creating a Great Lakes Virtual Space - Next Steps

Milestone	Date
TEK focused workshop on Great Lakes virtual space	Early March 8-9 2017 (TBC)
Draft Great Lakes Virtual Space Concept Plan	End of March 2017
Great Lakes Guardians' Council – third meeting	April 2017(TBC)

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Lake Erie Nutrients Update

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Lake Erie Nutrients Update

- The Canada-U.S. Great Lakes Water Quality Agreement (GLWQA) and Canada-Ontario Agreement on Water Quality and Ecosystem Health (COA) include a commitment to establish phosphorus reduction targets for Lake Erie by February 2016, and a Domestic Action Plan to meet the targets by February 2018.
- Canada and the U.S. formally adopted a science-based binational target of 40 percent reduction in phosphorus loads (from 2008 levels) for the western and central basins of Lake Erie, based on an adaptive management framework.
 - This includes reducing phosphorus loadings by 40 percent from key watersheds on both sides of the lake where localized algae is a problem, including two watersheds in Ontario: Thames River and Leamington tributaries.
 - Similar targets were adopted by Ontario under the Great Lakes Protection Act, and were also included in the Western Basin Collaborative Agreement that was signed by the Premier in 2015.



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Lake Erie Nutrients Update

- Ontario and Canada are working together through COA to complete an Action Plan for Lake Erie, which will identify actions aimed at reducing nutrient loads to meet the binational targets that apply to the Ontario portion of Lake Erie.
- Ontario and Canada held engagement sessions in Summer 2016 with key stakeholders and partners including municipalities, CAs and Indigenous communities.
- Ontario posted on October 6, 2016 for public comment a Policy Proposal Notice on the Environmental Registry for 45 days, which sought public input on a preliminary list of Ontario's proposed actions to be considered for incorporation in the draft Canada-Ontario Action Plan for Lake Erie. The input received is being considered in the development of a draft Action Plan which will be released by Canada and Ontario soon for public comment.
- Ontario and Canada will engage with the Great Lakes community during the coming year on a draft Action Plan, including the Lake Erie Nutrients Working Group (which has First Nations representation), as well as with First Nations organizations and individual First Nations communities in the Lake Erie basin.

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Water Quantity Management

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Presentation Purpose and Outline

Purpose:

- Share information about Ontario's moratorium on new and increased bottled water permits and explore future opportunities for engagement on water quantity management issues in Ontario.

Outline:

1. Water Quantity Management in Ontario
2. Moratorium – Use of Groundwater for Water Bottling
3. Activities During the Moratorium
4. Contact Information

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1. Water Quantity Management in Ontario

The ministry's policy for water quantity management is to ensure the fair sharing, conservation and sustainable use of the surface and ground waters in the province.

- *Ontario Water Resources Act (OWRA)* provides for the protection of surface and groundwater, including tools that focus on water quantity management:
 - Permit requirement for **water withdrawal** exceeding 50,000 litres on any day
 - Prohibitions on specific water taking activities, such as **water used for water bottling**
 - **Water charges** for highly consumptive industrial and commercial uses
- MOECC works cooperatively with other ministries and agencies to manage water quantity in Ontario



2. Moratorium – Use of Groundwater for Water Bottling

Issues

- First Nations communities and the public have expressed concerns about the impact that water bottling operations are having on groundwater supplies (water quantity) and the Ministry's ability to effectively monitor and regulate these facilities.
- There is also a growing interest among First Nations communities and Ontarians about the priority of uses and users of water in the province and about the province's current water quantity management framework.
- Recognized uncertainties about future water availability in light of impacts of climate change and future demand.



2. Moratorium – Use of Groundwater for Water Bottling

Actions

- Ontario's strategy to address these issues to protect water in the province includes 3 immediate actions.
 - 1) 2-yr moratorium in place on new or increased groundwater taken for water bottling (in effective until January 1, 2019) – *slide 34*
 - 2) Stricter rules for existing water bottling facilities (i.e. Bottled Water Technical Guidance Document was posted on the Environmental Registry for public review until January 31, 2017) – *slide 35*
 - 3) A new \$500 regulatory charge to recover costs from water bottling facilities on groundwater currently posted on the Environmental Registry for public review until March 20, 2017 – *slide 36*
- These steps will give us a window of time to better understand groundwater in Ontario, while undertaking a review of provincial water taking rules, and examining a range of tools to better protect water.

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2. Moratorium – Use of Groundwater for Water Bottling: What does it do?

What does it do?

- **Prohibits new or increased water takings** (> 50,000 litres on any day) from **groundwater** for water bottling.
- **Prohibits the issuance of permits for pumping tests**, where the test is to support a future new or expanding water bottling operation.



Who does it apply to?

- Moratorium applies to every **water bottling facility** taking **groundwater** and that is required to have a permit to take water (PTTW).
- **Allows for renewals of existing water bottling permits** (if no changes).
- Does not affect water bottling facilities that obtain their water from a municipal drinking water system.

When does it begin and end?

- The moratorium is in effect from December 16, 2016 until January 1, 2019.

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2. Use of Groundwater for Water Bottling: Proposed Technical Guidance

Ontario is proposing stricter rules that would apply to all renewals of existing water takings from groundwater for water bottling.

Procedural Requirements to increase public reporting and transparency, such as:

- Pre-submission *notification and consultation* to First Nations and Métis.
- Pre-submission *notification* to CA's, municipalities, source protection authorities.
- Reduce the duration of permits to a *maximum of five years*.
- Mandatory *reductions in water takings* in times of *drought*.
- \$3000 *application fee* for renewals due to added technical requirements
- Additional *monitoring, recording and reporting* requirements.

Technical requirements to increase the scientific rigour of applications, such as:

- Enhanced detailed *hydrogeological study* to justify water taking
- Study would include a *cumulative effects* assessment

Indigenous communities, conservation authorities, and municipalities to be notified of any bottled water applications and provided 60-days to comment



2. Use of Groundwater for Bottling: Proposed Regulatory Charge

Ontario is proposing a new charge for groundwater taken for water bottling.

What is the proposed charge?

- A new regulatory charge **\$500 per million litres** of groundwater taken
- Would apply on top of the existing water charge of \$3.71 per million litres*

Who does it apply to?

- Any permit holder who takes groundwater to produce bottled water
- Would not apply to water bottling facilities on municipal drinking water systems

How will the funds be used?

- To recover provincial costs to manage groundwater takings by water bottlers



When will it come into effect?

- MOECC is currently consulting on the proposed charge until March 20, 2017.
- If approved, the charge would apply starting August 1, 2017

3. Future Activities During the Moratorium

While the proposed moratorium is in place, the Ministry will undertake work related to the use of groundwater for the purpose of water bottling and other priority water quantity management issues in Ontario. This will include:

- **Advancing knowledge and understanding of water systems**



- Examine existing and undertake additional research to improve understanding of groundwater in Ontario, including consideration of how future climate change and population growth may impact groundwater supplies, and consideration of traditional ecological knowledge, if offered.
- Learn from, and share, the knowledge of other experts, e.g. academics, conservation authorities, etc..

- **Reviewing water taking rules**

- Review the existing rules governing water takings in Ontario, including:
 - Rules in areas designated in the Water Taking and Transfer regulation as “high use watersheds”.
 - The need to prioritize water uses to guide future water quantity management
 - Implementation of water taking policies.



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3. Activities During the Moratorium

- **Examining water pricing and other tools**



- Examine a range of pricing mechanisms and other tools to help respond to concerns related to broader environmental, economic, and social impacts of water bottling operations in Ontario

- **Engagement and discussion during the 2-year moratorium**

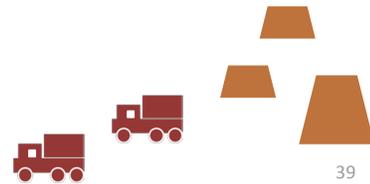


- Engage Indigenous organizations and First Nations communities on the use of groundwater for water bottling and priority water quantity management issues.
 - **Stage 1** – Early listening sessions to inform and shape discussion in future stages, including engaging with First Nations and experts
 - **Stage 2** – Engagement and discussion with First Nations, stakeholders and the public on priority issues identified in Stage 1
 - **Stage 3** – Identify and engage on proposed actions
 - **Stage 4** – Begin implementing new actions and on-going review of effectiveness and understanding of water systems



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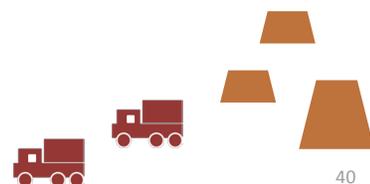
Excess Soil Update



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Excess Soil Update

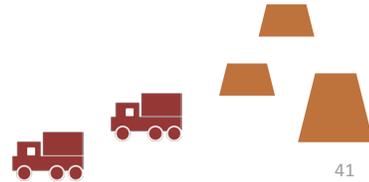
1. Context and What We Heard
2. Excess Soil Management Policy Framework
3. Upcoming Regulatory Proposal
4. Next Steps



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Context and What We Heard

- Ontario's Great Lakes Strategy, 2012 includes a commitment to develop a policy framework to encourage **sustainable soil management practices** throughout Ontario, including the Great Lakes Basin.
- What we heard from First Nations since 2014 on excess soil management:
 - Need protections for **culturally significant** sites, burial sites
 - Inappropriate **dumping** of excess soil e.g., on reserve, near water
 - Consideration of **Traditional Ecological Knowledge**, if offered
 - Need for excess soil **testing and standards**
 - **Transparency** of excess soil movements
 - Management of **invasive species**
 - Continued **opportunities to engage**



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Excess Soil Management Policy Framework

The **Excess Soil Management Policy Framework** was finalized in December 2016. The framework has **2 overarching goals**:

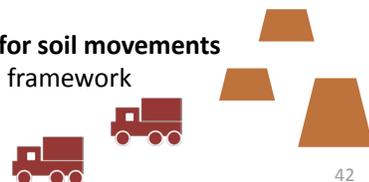
1. Protect human health and the environment from inappropriate relocation of excess soil
2. Enhance opportunities for the beneficial reuse of excess soil and reduce greenhouse gas emissions associated with the movement of excess soil

In addition, the framework outlines the various roles and responsibilities of excess soil management

MOECC's Excess Soil Management Policy Framework includes **21 key actions**. Some of the early actions anticipated for delivery under the new framework include the following:

- A new **source site** regulation, supported by complementary amendments to existing regulations e.g., **Waste, Brownfields and Building Code**
- New **standards and sampling guidance** for excess soil

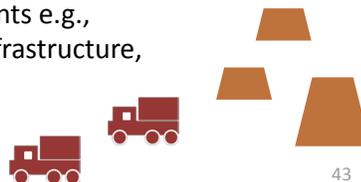
Other actions to support delivery including an **online registry for soil movements** and the establishment of various **working groups** to advise on framework implementation.



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Upcoming Regulatory Proposal

- Excess soil is soil **that will leave or has left a property or project area.**
- The new Excess Soil Management Policy Framework is intended to **shift more of the responsibility of excess soil management to the source site owner** to ensure excess soil is properly managed and relocated.
- To achieve this outcome, the proposed regulatory package would require an **Excess Soil Management Plan** for certain source sites with requirements including:
 - **Standards for reuse and requirements for sampling**
 - Requirements for **tracking and registration** of excess soil movements
 - **Certification of plans by a Qualified Person**
- Focus on **larger and smaller riskier** excess soil movements e.g., condominiums, subdivisions, transit corridors, water infrastructure, industrial sites.



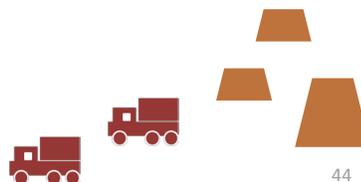
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Next Steps

- Continue to engage First Nation communities through:
 - Meetings - UOI meetings (April/May 2017), workshops with First Nations and other partners
 - Teleconferences - First Nations water dialogue regular calls
 - Invitations - visit or calls with First Nation communities
 - Excess Soil Working Group and Sub Working Groups - participation welcomed
- Development of Regulatory Proposal - Underway
- Regulatory Proposal Engagement- Winter/Spring, 2017
- Potential Final Regulation Posted, If Approved - Summer, 2017
- Potential Final Regulation In Effect - 2018



(MOECC, January 2016)



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Miigwetch

Key Land and Water Policy Branch Contacts:

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 - Senior Policy Advisor, Great Lakes Office - Jamie Boles @ 416-212-1145
 - Policy Analyst, Great Lakes Office - Emily Santoro @ 416-314-7047
2. Lake Erie Nutrients
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 - Policy Analyst, Strategic Analysis Section - HyeRin Choi @ 416-212-6566
3. Water Quantity Management
 - Supervisor, Southwest Region Office, Operations - Patrick Spezowka @ 519-873-5027
 - Manager, Water Policy Section - Leo Luong @ 416-212-4703
4. Excess Soil
 - Manager, Land Use Policy Section - Chris Lompart @ 416-314-7051
 - Senior Policy Advisor, Land Use Policy Section - Laura Blease @ 416-325-8275
 - Senior Policy Analyst, Land Use Policy Section - Sanjay Coelho @ 416-326-5107

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Appendices

Appendix 1: Water Taking - Ontario Water Resources Act & Water Taking and Transfer Regulation

Appendix 2: Purpose of the PTTW Program

Appendix 3: Water Charges

Appendix 1: Ontario Water Resources Act – Water Taking

- In Ontario, water takings are managed by the *Ontario Water Resources Act*.
- Section 34.1 of the Act requires anyone taking more than 50,000 litres of water in a day to obtain a Permit to Take Water, except for:
 - domestic (ordinary household) use
 - watering livestock and poultry (but not irrigation of crops for sale)
 - firefighting purposes.

Appendix 1: Water Taking and Transfer Regulation (O. Reg. 387/04)

- The Water Taking and Transfer Regulation under the Act sets out rules the Ministry must follow when considering applications for water taking permits
 - Requires consideration of ecosystem natural functions, water availability for existing uses, measures related to water conservation and efficient use, and any public or private interest in the water
- Requires notification to those potentially affected
- Establishes high use watersheds: new or expanded takings by highly consumptive water takers are not permitted in high use watersheds
- Requires all permit holders to annually report their daily taking amounts to Ministry

Appendix 2: Purpose of the PTTW Program

- Implement the Ministry's water quantity management policy - to ensure the fair sharing, conservation and sustainable use of the surface and ground waters in the province.
- Emphasis is on conservation and fair sharing of water in province.
- Key focus is to safeguard water through wise and sustainable use, and the recognition of other needs, including ecosystem health and other water users by preventing unacceptable interference caused by water takings.
- Permitting enables monitoring and tracking of actual water use to inform provincial water management initiatives.
- PTTW is not a mechanism to allocate or assign rights to water or explicitly establish water use priorities.

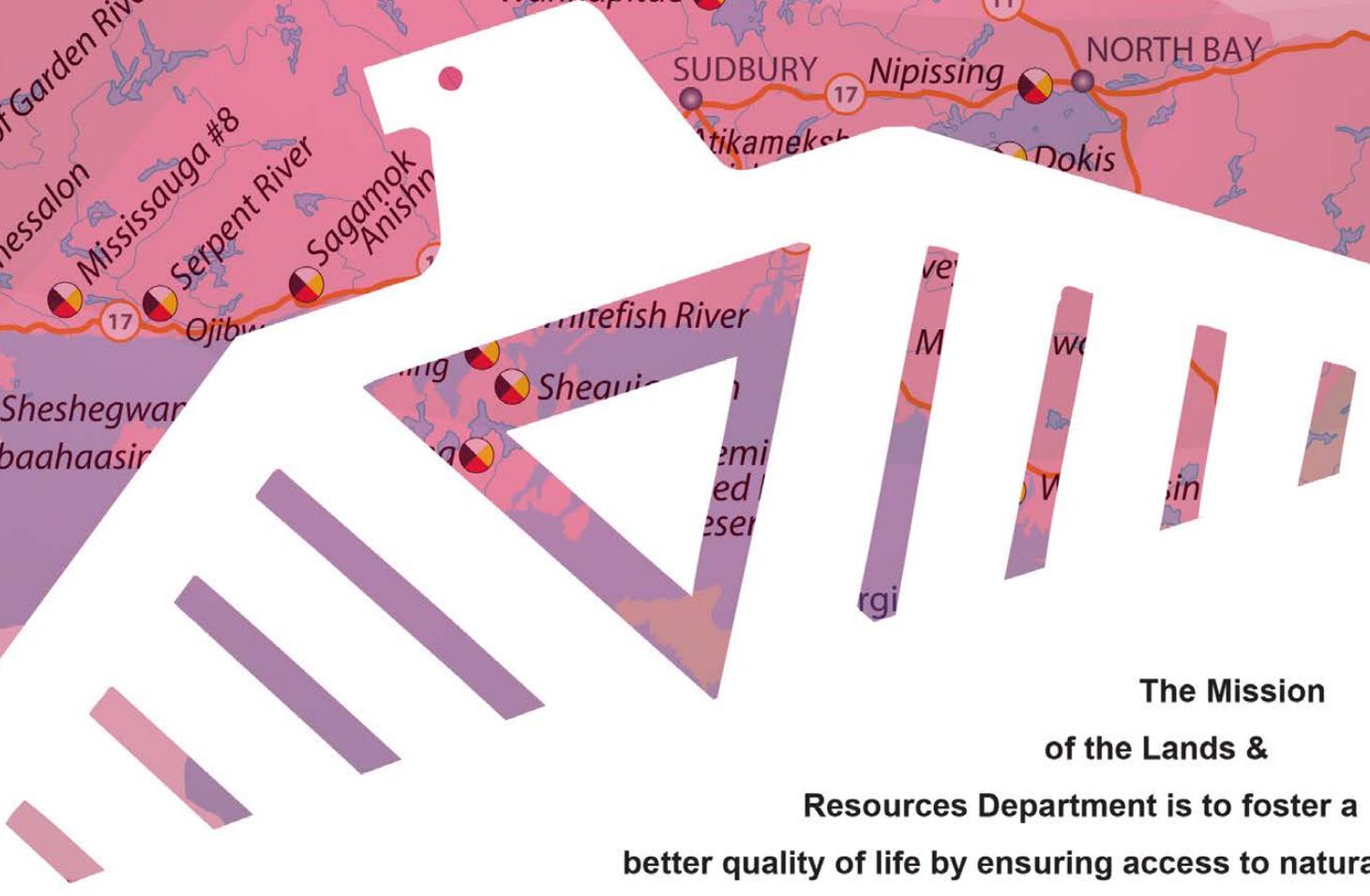
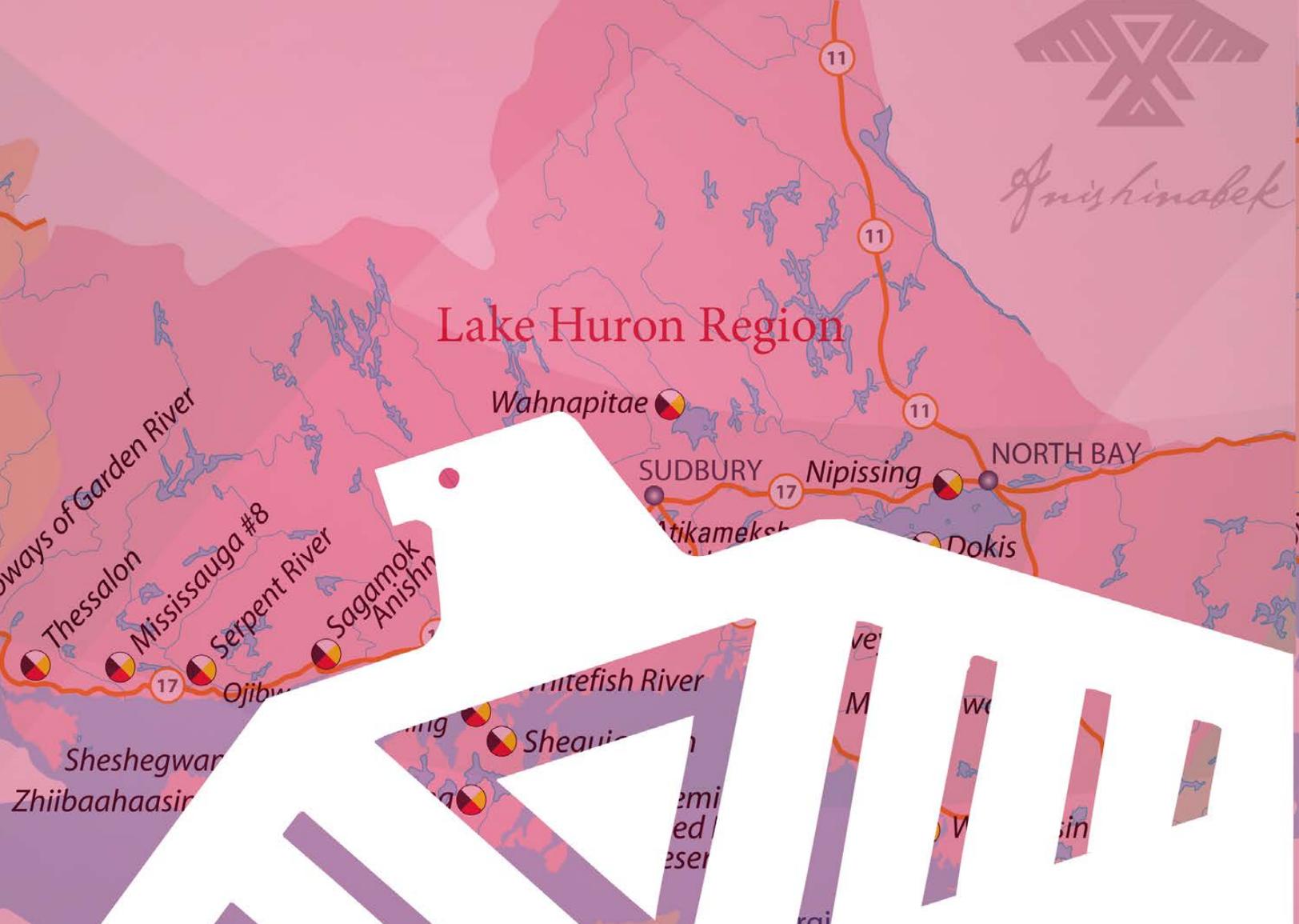
Appendix 3: Water Charges under the Ontario Water Resources Act

- Subsection 75 (1.5) of the Ontario Water Resources Act provides authority to:
 - “make regulations establishing and governing charges to promote the conservation, protection and management of Ontario's waters and their efficient and sustainable use, or to recover costs the Government of Ontario incurs for that purpose in the administration of this or any other Act”.
- Under Ontario Regulation 450/07 “Charges for Industrial and Commercial Water Users”, highly consumptive water users (e.g., water bottlers, beverage manufacturers, ready-mix producers) pay \$3.71 per million litres of water taken from surface, ground, or municipal sources.
 - The charge recovers a portion of the province's water quantity management program costs.
- Ontario has no authority to charge a royalty for water takings, as the Province does not own the water.



Anishinabek

Lake Huron Region



The Mission of the Lands &

Resources Department is to foster a better quality of life by ensuring access to natural resources in support of the goals, principles and values of the Anishinabek Nation.



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