

The Panel: Why and How

INTRODUCTION/BACKGROUND

Since 1833, the dream and reality of a navigable waterway from Lake Ontario to Georgian Bay has been part of the fabric of central Ontario. The Trent-Severn Waterway was constructed between 1833 and 1920 to facilitate navigation between Lake Ontario and Georgian Bay. A National Historic Site of Canada since 1929, the waterway is a complex array of 44 locks including a marine railway and approximately 160 dams and water control structures. Forty one reservoir lakes in the Haliburton Highlands provide supplementary water to ensure that navigation levels are maintained.

After nearly 180 years, the original waterway mandate of navigation is now challenged to meet the needs and expectations of modern stakeholders. As a National Historic Site, the waterway must also be managed for the protection and presentation of nationally significant cultural resources. Beyond that, however, government agencies and environmental organizations expect that the system will be managed to provide for the protection of natural values including species at risk. Cottagers and shoreline owners expect that it will be managed to contribute to the quality of their lifestyles and recreational interests. Municipalities and individuals along the waterway expect the system to be managed to ensure water supplies of adequate quality and quantity. Governments, business organizations and individual business owners expect the system to contribute to economic well-being. There are many other interests.

The physical infrastructure that makes up the system is deteriorating due to age. The waterway has more than 1,500 assets with a replacement value of in excess of \$1.5 billion. It is estimated that essential maintenance and recapitalization over the next 15-20 years could require hundreds of millions of dollars.

The jurisdictional, governance and regulatory framework of the waterway does not appear to be well suited to its emerging roles. The range of responsibilities far exceeds the mandate of the Parks Canada Agency, that manages the waterway. There is also uncertainty in the legal/jurisdictional responsibilities of Parks Canada compared to those of the province and adjoining municipalities particularly in land management activities and the Historic Canals Regulations are outdated and largely unenforceable as Parks Canada's primary management tool.

The last waterway management plan was approved in 2000. A review of that plan is required. There is a need to address how Parks Canada will manage the waterway in the future to achieve its corporate mandate and how the waterway can contribute to the broader goals and expectations of Canadians. In recognition of this challenge, on May 12, 2006, the Member of Parliament for Simcoe North introduced a Motion in Parliament as follows:

That, in the opinion of the House, the government should consider the advisability of evaluating the future of the historic Trent-Severn Waterway, one of Parks Canada's National Historic Sites, and its potential to become: (a) a premier recreational asset; (b) a world-class destination for recreational boaters; (c) a greater source of clean, renewable electrical power; (d) a facilitator of economic opportunity and renewal in the communities along its 386 km length; and (e) a model of environmental sustainability.

The Motion passed unanimously on October 18, 2006. The Minister of Environment has accepted the content of the motion.

PROJECT VISION

This project will consult with an array of stakeholders to:

- Document and quantify the values and benefits the waterway provides to Canadians;
- Understand what the public and stakeholders need and expect with regard to the mandate and performance of the system;
- Develop a shared vision for the future of the waterway;
- Address the issues, challenges and opportunities of jurisdictional responsibilities; alternative governance mechanisms and how to fund the waterway in the future;
- Identify how to achieve the Parks Canada mandates to protect cultural and natural resources, promote public education and understanding, and provide memorable visitor experiences.

KEY ISSUES FACING THE WATERWAY

- *Deteriorating Infrastructure* – The waterway's aging infrastructure is deteriorating after years of inadequate maintenance and funding. The last time the condition of the infrastructure was evaluated was more than eight years ago, and there are not enough resources to conduct a current evaluation. Many assets do not meet modern codes and standards such as the Canadian Dam Safety Guidelines. If nothing is done, the deterioration will likely lead to extended closures in the future. This would create public safety and legal liability concerns and have a significant economic impact on the communities and businesses along the waterway route.
- *Understanding and Protecting Significant Historic Resources* – Other than the Peterborough Lift Lock and the Talbot sector of the waterway, the national historic significance of the waterway is somewhat ambivalent. The waterway's value as a fully functioning, working national historic canal system embraces many newer assets that are essential to the historical function but which do not fit conventional criteria for historic significance. A 1994/95 cultural resources inventory evaluated the historic importance of many of the assets, however the

criteria did not address opportunities such as cultural landscapes or provide a framework for considering the waterway as an historical or culturally significant corridor.

- *Provide Public Education and Understanding* – Parks Canada's 2004 Commemorative Integrity Assessment of the waterway identified serious shortcomings in how the waterway delivers its mandate of public education and understanding. Very little on-site interpretation takes place and there is virtually no community outreach despite the range of important stories that relate to Ontario's 19th century history. Natural heritage and aboriginal history are also very relevant to the waterway but largely unexplored. Parks Canada needs to determine how to broaden the waterway's appeal and meaning to visitors so that learning becomes part of the visitor's experience.
- *Water Allocation* – In the 19th and early 20th century, the waterway was a network of canals and natural rivers and lakes managed for commercial navigation, hydropower and the spring movement of logs. Forty-one lakes in the Haliburton Highlands provided reservoirs to ensure adequate water quantities. Development along the waterway and around the reservoir lakes has generated new water allocation demands and expectations that cannot be met with the existing system and resources. There is also Interest in expanding existing hydro generating capacity and maintenance of natural habitat and domestic water supply.
- *Protecting Natural Resources* – The TSW includes 3,400 hectares of land at locks stations and along canals and more than 76,000 hectares of federally-administered water bed in the lakes and rivers.¹ This area includes approximately 210 provincially classified wetlands, 35 designated Species at Risk and primary habitat for many other species of plant and animal.

While some indicators of environmental quality suggest stable or improving conditions along the waterway, shoreline habitat and wetlands continue to be lost, primarily as a result of shoreline development. The extent and nature of development and the impacts of water management on natural resources are the key challenges, with jurisdiction and available information being the most important related challenges. Parks Canada manages the flow of water through two major watersheds and issues permits for in-water work along the waterway. Other levels of government have jurisdiction for on-shore development, water quality, habitat management, fisheries management or drinking water source protection decisions. As a result, there is little integration of decision-making to ensure that natural resource issues receive due consideration. This situation has exacerbated the uneven trends in natural environment quality along the waterway. The effects of broader, longer-term trends such as global warming may also warrant consideration.

- *Changing Visitor Patterns* – Since 1988 use of the locks has dropped by 50% although it appears that boating use of the waterway (but not the locks) has increased. At the same time, shore-based recreational use of waterway lands

¹ 132,500 hectares including lakes Simcoe and Couchiching.

has increased. Visitor statistics may understate the waterway's contributions to the recreational and economic life of Ontario because they focus largely on lock usage. Declining lock usage also adversely affects the long-term financial sustainability of the waterway.

The traditional perspective of boaters as the most important or only user of the waterway is outdated. Land-based visitation exceeds lock usage by several magnitudes. Land based visitor patterns are also changing. Local people and tourists still visit lock stations for short periods to observe lock operations and view the boats but there have also been significant increases in extended family use for picnicking and fishing and similar activities. A notable portion of this new use involves ethno-cultural communities from the Greater Toronto Area, underlining the increasing importance of the waterway – as the first “chain” of connected lakes and rivers within the Greater Golden Horseshoe – to a rapidly growing urban population for outdoor recreational opportunities.

The trends in shore-based visitation could generate new waterway revenue opportunities. They also raise questions about the waterway's role in helping to meet the increasing social challenges of providing access to parks and shorelines in a region where much of the access has been limited by the more than 100,000 private properties abutting the waterway. At the same time, these shoreline property owners represent an important opportunity in terms of visitation, education, and stewardship of the waterway.

- *Mandate, Legislation and Jurisdiction* – There are many issues and challenges associated with the legislative and legal ownership framework for the waterway. No federal legislation ascribes a mandate for the canals. The associated regulations are out-dated and generally not enforced. In geographic terms, the waterway is not legally defined. Ownership of the waterway and thus jurisdiction is uncertain while many traditional activities carried out by Parks Canada appear to fall constitutionally within the purview of the province. In other areas of Ontario these same activities have been delegated to the municipalities and conservation authorities. A number of regulatory administrative processes are duplicated by the various jurisdictions. This creates overlap and inconsistencies that do not meet goals and provide poor service to citizens.

THE PROBLEM STATEMENT

The Trent-Severn Waterway is a nationally significant historic, cultural, ecological and recreational corridor institution with the potential to serve Canadians more broadly and more effectively than is the present case. The economic and social environment within which the waterway operates has changed dramatically however the mandate and associated tools for its management have not.

Providing for navigation was the waterway's original mandate. As a National Historic Site, the protection and presentation of nationally significant cultural resources is also an essential obligation. Beyond those goals, the modern waterway must, in a sustainable manner, contribute to the recreational and lifestyle economy, access to water-based enjoyment, green power generation, protection of natural resources and critical community water sources, support of economically sustainable communities, and telling a compelling story of the evolution of Central Ontario and canal technology.

The challenge of this project is to determine how this can best be achieved and by whom.

PROJECT DETAILS

Part One – Panel Review of Future Mandate and Opportunities

The minister has appointed an independent panel to consult with the public and key stakeholder on the future mandate and expectations for managing the TSW. The panel will analyze the results of the consultations and the supporting studies (described in Part Two below) and develop recommendations that will be submitted to the minister. The mandate of the panel will focus on the following broad topics:

A Vision For the Waterway

- a. What are the essential values of the waterway and how do these values contribute to the quality of life of Canadians and the people of Ontario?
- b. In light of those values, what is a desirable future vision for the waterway?

Water Management

- c. Is current water management decision-making reflecting the needs and expectations of contemporary stakeholders?
- d. Are there alternative decision-making models available that could improve the responsiveness of water management decisions to needs and expectations?
- e. What broad changes in staffing, technologies and infrastructure should be considered to improve water management and the efficiency of water allocation among various users?

Jurisdictional and Inter-agency Coordination and Legislative Requirements

- f. What tools and changes should be put in place to ensure that agencies and levels of government work together toward a set of common goals with an appropriate degree of coordination and limited overlap in regulatory activities associated with the waterway and its contiguous corridor?

Contributing to Sustainable Communities

- g. How can communities economically, environmentally and socially benefit from their location along the waterway while protecting its natural and cultural values?
- b. What programs should governments put in place to support the above goal?

Protecting and Presenting Canada's cultural heritage

- h. What is required for Parks Canada to achieve its protection and presentation objectives for commemorative integrity along the waterway?
- i. How can the varied cultural heritage resources along the waterway – federal, other public, and private – be protected and presented as part of an integrated waterway story?

Assuring the Future of the Waterway Natural Environment

- j. What can be done to stem or reverse the loss of shoreline habitat?
- k. How can jurisdictions better cooperate and integrate their efforts to protect and restore the natural environment?
- l. How should the waterway be managed in support of its contributions to the larger regional ecosystem?

Providing for Enhanced and Appropriate Visitor Experiences

- m. What visitor experiences should the waterway offer?
- n. How can land-based visitors be better served in the context of Parks Canada's mandate for the waterway?
- o. What role should the waterway play in serving the demands for near-urban open space and recreation within a rapidly-growing Greater Golden Horseshoe region?

Future Funding Frameworks

- p. Recognizing the broad range of contributions that the waterway makes to Canada and Ontario, are there alternative funding models and/or revenue sources that might better contribute to its long-term financial sustainability?
- q. What criteria should guide the setting of priorities for future investment in the waterway?

Part Two – Supporting Studies

Update Asset Condition Assessment including Future Capital and Maintenance Requirements

The last asset inventory and condition assessment was completed in 1999-2000. This was a broad assessment that did not include hundreds of minor assets. Because of ongoing deterioration due to age and maintenance shortfalls, the results may be incomplete and/or out of date. Costs have risen substantially since the assessment was completed.

Carrying out a full Asset Inventory and Condition Report would take 1-2 years and cost nearly one million dollars. A shorter version of this assessment will be done over a six-month period to get a better idea of the state of waterway assets and the long-term recapitalization, repair and improved maintenance requirements.

Review of Legal Jurisdiction Issues

This study will examine a range of ownership and jurisdictional options that might help achieve a long-term vision for the waterway and improve coordination of overall land and water management.

Assessment of Sustainable Communities Potential

A 1999 Parks Canada Study estimated the economic impact of the waterway at more than \$100 million annually from direct Parks Canada expenditures, expenditures by boaters and expenditures from those who visit lock stations. A recent study estimated the economic value of water-based activities on Lake Simcoe alone at \$200 million annually. Beyond tourism expenditures, little analysis has been done of the economic impact and contribution to communities of the so-called lifestyle economy of housing developments and industry that have grown up due to proximity to water and the role of water in lifestyle choices. The reality is that no one knows the total economic impact from activities that are directly or indirectly related to the waterway.

This assessment will assume that the economic value of the waterway is very substantial and will focus on the potential for communities to take sustainable economic advantage of the existence of the waterway and how governments can help.

Development of Options for Future Water Management

Water Management is one of the more complex issues faced by the waterway. The system of reservoir lakes, dams and other infrastructure is managed by Parks Canada with the primary mandate of providing for through navigation – the expectation upon which a 1905 exchange of Federal and Provincial Orders-in-Council are based. However, the existing infrastructure and management models do not meet contemporary needs and expectations.

A study will be commissioned to provide a history and background of water management regimes on the Trent-Severn Waterway including legislative authorities. The study will provide a costing of current operational investments in water management and an inventory of associated infrastructure and instrumentation. It will examine the

experience of other jurisdictions with similar water management conditions and where alternative management/governance frameworks are in place.

Finally, the study will make recommendations on alternative approaches to water management on the Trent-Severn Waterway that might better engage and serve the interests of the full range of modern and future stakeholders.

Examination of Other Waterway/Canal Management Models

Selected canals or waterway systems will be reviewed, including mandate, governance, funding frameworks, etc.

State of the Waterway Natural Environment

In 2005, Parks Canada reviewed literature and other sources of information to obtain a snapshot of the current state of the waterway environment. As part of the panel process, this study will look at the results of this review and solicit input on current and future issues and management options.

Other Studies As Required

New questions that need to be studied may arise as the panel review gets underway.

PROJECT MANAGEMENT

- The panel will carry out its work over a maximum of one year through a detailed consultation process. Each member would be contracted for 30-35 days of work over the review period.
- The Minister has appointed the panel, having regard for interests in the waterway beyond those of Parks Canada.
- Panel members will be respected leaders within their communities of interest, be familiar with the waterway, have a broad outlook, and understand the complexities of governance in a public context.
- The Panel will be supported by a Panel Secretariat that includes:
 - Principal Parks Canada Advisor to the Panel/Head of Secretariat
 - Waterway Planner
 - A Consultation Specialist/Facilitator
 - An Administrative Support and Contracts Officer
- The Panel will be independent and report to the Minister by December 31, 2007. Parks Canada input into the panel process would be through submissions in the consultation process.
- The Panel would engage stakeholders by the following methods:
 - 1-800 number, e-mail address, and website
 - meetings with stakeholders representing specific interests

- public consultation meetings along the length of the Waterway, as well as in Toronto