

Public Participation in Water Management in the Great Lakes: Provincial and Joint Initiatives

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Table of Contents

PREFACE	4
INTRODUCTION	4
PUBLIC PARTICIPATION IN ORGANIZATIONS INVOLVED IN MANAGEMENT OF THE GREAT LAKES	5
International Joint Commission (IJC)	5
The Great Lakes Water Quality Agreement (GLWQA)	6
Public Participation in RAPs	6
Public Participation in LAMPs	7
IJC Recommendations for Areas of Concern (AOC)	8
Great Lakes United (GLU)	8
Commissioner of Environment and Sustainable Development	9
North American Commission for Environmental Cooperation (CEC)	10
Great Lakes Cities Initiative	11
Canadian Council of Ministers of the Environment	11
Public Participation in recent Ontario Water Policy	11
Ontario Watershed Reporting	13
Examples from US and Europe	15
Public involvement in Great Lakes Basin Water Quantity Management	18
CONCLUSIONS AND RECOMMENDATIONS	20

"A challenge of all governments is to find a way innovative ways to put citizens at the centre of the governing process..."

The Right Honorable Jean Chrétien,
Speech before the Progressive Governance for the 21st Century Conference,
Berlin, June 2000

Preface

Public participation is recognized as a key component of proper water management but in practice public participation remains hard to implement. This paper looks at how different Canadian jurisdictions involved in Great Lakes water management are practicing public participation. This paper concludes that a number of organizations involved in the management of the Great Lakes require improved public participation. The public involvement process is often poorly prepared and is exercised without sufficient resources. Active participation of communities in water management could be encouraged by well organized, transparent long-term programs with clear goals and feedback mechanisms.

Introduction

The purpose of this paper is to review the public involvement efforts in various Canadian and binational organizations that seek to protect Great Lakes water quality and quantity, identify problems and give examples of success from other jurisdictions. It also includes examples and recommendations to federal and provincial governments on how to improve public participation.

New water management systems are needed to respond to current trends, such as:

- changing mix of population, development and user demands
- increasing understanding of complexity of environmental issues
- increasing complexity of legal management and governance structures
- rapidly changing mix of technologies, products and services
- decreasing resources allocated to public participation
- increased public sophistication and demands.¹

Given recent evidence of declining trust in politicians and the decisions they make, it has been suggested by many organizations that greater openness and transparency is needed, and that citizens should play more active role in the decision making process especially environmental issues like watershed policy. Trust is critical if decisions are to be publicly accepted and, as a result successful in achieving their goals.

Participatory watershed management of the Great Lakes - in which communities help to define problems, set priorities, select technologies and policies, monitor and evaluate impacts - is expected to improve policy outcomes. An increasing number of watershed management projects already require public participation, however challenges remain to creating a 'level playing field' among stakeholders, increasing public education and interest, and sharing experience and good practices. Greater public and stakeholder

¹ Dopelt, 2000 in E. Mostert, The challenge of public participation, Delft University of Technology, RBA Centre, Journal 'Water Policy' Volume 5, Number 2, 2003.

participation in the policy making process was identified as one of the requirements for ‘smart regulation’.²

In the literature on public participation, reasons for greater public input into watershed management decision-making include:

- 1) The difficulty of commensurating environmental and social factors with market-based prices, and therefore of deriving accurate cost-benefit analyses denominated in dollar terms alone, for development projects and policies.
- 2) The need to balance economic studies and development pressures with more nuanced and long-term understanding of the role and impact of policies citizens can bring.
- 3) The importance of public education and involvement as components of sustainable development.
- 4) The value of the diverse local environmental and cultural knowledge that citizens contribute to decision-making processes.
- 5) The ethical imperative that people should be consulted about policies and decisions that affect them.³

Beierle and Konisky analyzed public participation in Great Lakes Remedial Action Plans (RAPs) in the United States and concluded that public participation can accomplish important societal goals and that success depends, in large part, on the actions and commitment of government agencies. They described a number of extremely successful cases, and found success was often related to procedural issues over which policymakers and the public have influence.⁴

The Organization for Economic Co-operation and Development (OECD) *Guide on Information⁵, Consultation and Public Participation in Policy Making* identifies three ways governments can strengthen their relationships with the public: information, consultation and active participation. The overview below shows how the organizations involved in Great Lakes management practice public participation. The examples are included to illustrate how some jurisdictions in different levels of government involve the public in water resources management.

Public Participation in Organizations Involved in management of the Great Lakes

International Joint Commission (IJC)

The International Joint Commission was created by the Boundary Waters Treaty (1909) and reports to the federal governments of Canada and United States. Its mandate is to conduct studies and make recommendations to both governments. It has no power to make laws or enforce them, but it can conduct studies and can act as a decision-making authority.

² How Can Better Risk Management Lead to Greater Public Trust in Canadian Institutions: Some Sobering Lessons from Europe; Ragnar E. Lofstedt, Policy background paper for the Canadian Privy Council Office, December 2003. Available at <http://www.smartregulation.gc.ca>

³ Public Participation in Ecologic Valuation: how Policies Can Help it Happen, Ellie Perkins, Associate Professor Faculty of Environmental Studies York University, 2003. Presentation at the conference of the Canadian Society for Ecological Economics (CANSEE/SCANEE) on “Sustainability: Making Genuine Progress” October 16-19, 2003.

³ T.C. Beierle, D.M. Konisky, Public Participation in Environmental Planning in the Great Lakes Region, September 1999.

⁵ Citizens as Partners: Information, Consultation and Public Participation in Policy Making, OECD 2001. Available at <http://www1.oecd.org/publications/e-book/4201131e.pdf>

The Great Lakes Water Quality Agreement (GLWQA)

The Great Lakes Quality Agreement signed between Canada and the United States in April 1972 gave the IJC new responsibilities for the collection and analysis of information on water quality objectives and procedures for monitoring subsequent progress.⁶ Under GLWQA the Canadian and U.S. governments have identified 43 areas of concern: 26 in U.S. waters, 12 in Canadian waters, and five shared by both countries. *The Great Lakes Water Quality Agreement*, as amended in the 1987 protocol, directs Canadian and U.S. governments to cooperate with state and provincial governments, and involve the public to develop and implement Lakewide Management Plans (LaMPs) for open lake waters, and Remedial Action Plans (RAPs) for each Area of Concern (AOC). Getting the 'public' mentioned in this Agreement was a major victory of public organizations during the negotiations related to this agreement.

In its 2003 Great Lakes Conference and biennial meeting the IJC committed to:

- Engage the public in active dialogue and discussion, making the advice it gives to government regarding the review of GLWQA transparent and open to input from all who care about the health of the Great Lakes basin ecosystem.
- Facilitate public participation in the review process by involving stakeholder organizations such as environmental and conservation groups, industry and trade associations and riparian interests through a variety of mechanisms.
- Listen to and consider the broadest possible array of perspectives on the nature of the review of the GLWQA in preparing advice to the governments.¹

Public Participation in RAPs

In 1990, the IJC recommended several elements for public participation necessary for RAPs to succeed:

- Those participation efforts that are most successful begin early. The scope of participation opportunities should include the provision to meet local needs.
- In addition to whatever approaches are used, it is essential for key public meetings to be coordinated with established agreed-upon decision points within the context of the planning process being followed.
- The complex, technical nature of the information used in RAPs requires communication in understandable terms if it is to encourage informed, meaningful input.
- The disposition of public input must be accounted for or reflected in the final plan.
- Decisions on immediate problems need to be related to longer term issues, and the restoration of beneficial uses in order for the public to be committed to plan implementation.⁷

In Canada the federal government and the province of Ontario share budgetary and programmatic responsibility for the Remedial Action Plan process under the Canada-Ontario Agreement Respecting Great Lakes Water Quality. The agreement was first signed in 1971 and renewed and renegotiated most recently in 2002.

⁶ Environment on Trial: a Guide to Ontario Environmental Law and Policy, David Estrin and John Swaigen, 1993.

⁷ Public Participation and Remedial Action Plans: an Overview of Approaches, Activities and Issues Arising from RAP Coordinator's Forums; International Joint Commission Great Lakes Regional Office Windsor, Ontario, January 1990.

In RAP programs local, provincial/state and federal authorities work in consultation with polluting industries, public interest groups, and others to develop plans and programs for the restoration of environmental health in each Area of Concern.

Most RAPs supplement public participation through advisory committees with outreach to the wider public through public meetings, newsletters, and other mechanisms. Although public advisory committees worked in initial stages of RAPs, later they have been abandoned due to insufficient funding.

There is very little information on public participation in RAPs. For *example Canada's RAP Progress Report 2003* gives some public participation examples in each of the RAPs but there is no measurement of success, analysis of good practices or recommendations for the future activities.⁸

Example: Bay of Quinte RAP

In 1985 the Bay of Quinte near Kingston, Ontario, was identified as one of the 43 most severely polluted water bodies in the Great Lakes. In 1987 a Remedial Action Plan for the Bay of Quinte was created which included a Public Advisory Committee. In 1997 this committee became Quinte Watershed Cleanup (QWC). QWC holds workshops and forums and notifying the media throughout the year, to raise public awareness and promote action on issues that affect the public.⁹

In the Bay of Quinte RAP the Public Advisory Committee put significant effort into its Public Education and Consultation Program, which was a direct effort to inform and educate the wider public about the RAP process. When surveyed, however, Public Advisory Committee members were concerned that they had only reached a small percentage of the people in the Area of Concern. Overall, educating the wider public appears to be a far greater challenge for these types of processes than educating participants.

Public Participation in LAMPs

There is controversy over the extent of public involvement in the development of some of the LaMPs. The quality of public involvement has varied substantially by lake. In particular, there has not been routine or regular public involvement in the development of the Lake Ontario LaMP as the governments have relied only on occasional meetings.¹⁰ In the spring of 2004 CIELAP entered the Lake Ontario LaMP web site but there was no new information or upcoming events had been posted since December 2001. The lack of ongoing information limits public participation and input.

Example: Lake Erie Binational Public Forum

Government agencies involved in the Lake Erie LaMP created the Forum in 1995, in recognition that this public input was critical to the LaMP's success. The Forum is made up of citizens representing various interests and geographic areas from around the basin. Members provide input on the planning and implementation of the LaMP. There is two-way communication with the diverse population of the Lake Erie basin. The information is posted on the Web and includes minutes of meetings and list of contacts but currently is not updated and the effectiveness of public participation still needs to be evaluated.¹¹

⁸ Canada's RAP Progress Report 2003, Environment Canada Ontario Region.

⁹For more information on Bay of Quinte watershed cleanup activities visit the QWC web site:

<http://www.quintewatershedcleanup.org/>

¹⁰ Environmental Agenda for Ontario, CIELAP <http://www.cielap.org/infocent/research/water5.html>

¹¹Lake Erie binational forum <http://erieforum.org/>

IJC Recommendations for Areas of Concern (AOC)

The following are recommendations from the International Joint Commission regarding issues that must be considered in the planning and implementation of all Areas of Concern (AOC) remediation.

Public Participation

IJC recommends more resources be mobilized by the parties and jurisdictions in order to enhance public participation efforts. In order to increase public awareness of and participation in AOC restoration efforts, low-cost or no-cost means of reaching and influencing the public should be better utilized.

Information Transfer

IJC recommends greater use of available technology to enhance public participation efforts and improve the transfer of information and technology to and between AOCs. Efforts similar to the U.S. EPA web site for nonprofit organizations are needed. Increased private sector participation could be instrumental in carrying out this activity. Publishing RAP documents and other publications on web sites would provide a cost-effective means of sharing advances in remediation strategy and technology.

Quantification of Environmental Benefits

The reduction in risk to human health achieved under the Superfund Program in the Waukegan Harbor (United States) AOC has not received optimal public exposure. IJC recommends additional effort be devoted to properly informing citizens and politicians of this notable success.¹²

Great Lakes United (GLU)

Great Lakes United is an international coalition dedicated to preserving and restoring the Great Lakes-St. Lawrence River ecosystem. Great Lakes United is made up of member organizations from the United States, Canada, and First Nations and Tribes.

The Great Lakes United Green Book on Great Lakes restoration points out that such issues as effective cleanup of contaminated sediments, toxic waste sites and groundwater, and prevention of future contamination will require every affected community to be part of the solution over the long term. Communities need information on the health risks associated with toxic contaminants, the economic benefits of cleanup, and the alternatives for making informed decisions along the way. The Green Book recommends that a minimum of five percent of cleanup funds be allocated to public outreach on contamination problems and cleanup alternatives. It also states that a plan should be in place for building the local leadership network necessary at each site for achieving long-term goals.¹³

¹² Special Report on Successful Strategies Toward Restoration in Areas of Concern under the Great Lakes Water Quality Agreement; International Joint Commission, March 1998. <http://www.ijc.org/php/publications/html/beacon/beacon.html>

¹³ Great Lakes Green Book, Summary of a Citizens' Action Agenda for Restoring the Great Lakes-St. Lawrence River Ecosystem; Great Lakes United, 2003. <http://www.glu.org/english/index.html>

Commissioner of Environment and Sustainable Development

The Commissioner of Environment and Sustainable Development monitors sustainable development strategies, overlooks environmental petitions process, reports annually on environmental matters to the House of Commons, and conducts audits and special studies on federal government's performance in environmental issues.

In the 2001 the Canadian Commissioner of the Environment and Sustainable Development audited the Federal Government of Canada to examine how it was planning on dealing - in concert with the provinces, the U.S. government, and many other partners - about the environmental threats facing the Great Lakes basin. The commissioner identified a lack of transparency and accountability and limited opportunity for regular public input, as barriers to implementation of the Canada-Ontario Agreement.

Lack of transparency.

In the 1994 Canada–Ontario Agreement, both governments agreed, “neither government [would] modify financial support to agreed-upon commitments, programs and activities without consultation.” However, although the federal government informed Ontario in broad terms about Program Review, it did not detail the implications of the Agreement for the Province beforehand.

Further, when the federal government did indicate the effects of budget reductions on Great Lakes 2000 targets and schedules, it tried to convey a positive message—that the federal government had protected the Great Lakes program as a priority and the major consequence of Program Review reductions would be to extend the program from six years to seven. They did not make it clear to the IJC or to the public and Parliament, how Program Review—not to mention subsequent provincial cuts—would affect its ability to meet Canada's commitments under the Canada–Ontario Agreement and the Great Lakes Water Quality Agreement with the U.S.

Accountability Obscured Under Canada–Ontario Agreement.

When the 1994 Canada–Ontario Agreement was signed, managers of Great Lakes 2000 agreed to report progress using the same framework as the Agreement— targets, planned results, and progress reports. This was intended to simplify management and reporting.

By design, the 1994 Canada–Ontario Agreement goals were almost identical to those of Great Lakes 2000: restore degraded areas, prevent and control pollution, and conserve and protect human and ecosystem health.

Limited opportunity for regular public input

In the Canada–Ontario Agreement, the governments agreed to “provide stakeholders with an annual opportunity to comment on progress to date and future plans.” Eventually, managers abandoned plans to consult stakeholders about the Agreement as a whole, but continued to consult them on an ad hoc basis about separate issues. In 1994, government ministers made a commitment in 1994 to create an advisory group that would review the overall application of the Agreement, but the commitment was never met.¹⁴

¹⁴ Report of the Commissioner of the Environment and Sustainable Development to the House of Commons, Great Lakes and St. Lawrence River Basin 2001. <http://dsp-psd.communication.gc.ca/Collection/FA1-2-2001-1-1E.pdf>

The Commissioner also reviewed two Canadian federal environmental programs: St. Lawrence Vision 2000 and Great Lakes 2000/2020. St. Lawrence Vision involves local residents through Priority Intervention Zone (ZIP) committees. In small restoration projects ZIP committees help to build local consensus on actions needed to address local environmental issues, create action plans, and mobilize efforts to carry out the plans. Each committee is required to include representatives from a range of community interests: environmental associations; industry and commerce; and social, cultural, and municipal organizations. ZIP committees work independently, but with the supervision and funding from the government and they have achieved positive results in St. Lawrence river conservation. St. Lawrence Vision 2000 formed ZIP committees as forums to build consensus for action on local issues between the governments and community representatives. It gives these groups stable funding and effective oversight

The Environmental Commissioners audit of the Great Lakes 2000/2020 program, however, identified numerous shortcomings. There was no reporting on federal spending for this program and a lack of regular public involvement. In the spring of 2004 CIELAP researchers were invited to the consultations on the new Great Lakes 2020 program. CIELAP requested the necessary economic evaluation and spending reports but was told this information is not available. The documents distributed at the consultation are not available online. This limits input from people who are not able to participate in consultations.

The Commissioner also pointed out that there is a lack of transparency in meeting goals set up in the Great Lakes programs. CIELAP visited the Great Lakes 2000/2020 website in April 2004 but there was no electronic version of any of its Great Lakes Programs available for review. Neither is it possible for ordinary citizens to look at the aim of the Great Lakes 2000 program or learn about the achievements of the Program.

In its 2001 report the Commissioner also concluded that communities need support from governments to get started. They also need ongoing support to maintain momentum, motivate volunteers, leverage funding, and carry out actions that are beyond their local resources, expertise, or ability.¹⁵ As of summer 2004 funding has not been provided.

North American Commission for Environmental Cooperation (CEC)

The Commission for Environmental Cooperation (CEC) created in 1993 with the passage of NAFTA, is committed to public education and consultation and emphasizes public participation in conserving, protecting and enhancing the environment. It has developed a number of documents outlining guidelines for active public participation such as “Guidelines for Citizen Submissions on Enforcement Matters under Articles 14 and 15 of NAAEC,” the “JPAC Public Consultation Guidelines,” the “North American Fund for Environmental Cooperation Administration and Funding Guidelines”, and the “Framework for Public Participation in Commission for Environmental Cooperation Activities”. Although the organization has a number of guidelines citizens often complain that their views are not taken into consideration.

¹⁵ Commissioner for Environment and Sustainable Development, Report to the House of Commons; [http://www.oag-bvg.gc.ca/domino/reports.nsf/html/c101sec7e.html/\\$file/c101sec7e.pdf](http://www.oag-bvg.gc.ca/domino/reports.nsf/html/c101sec7e.html/$file/c101sec7e.pdf)

The mandate of CEC includes the right to hear complaints that governments are not enforcing their own environmental legislation. The CEC, if they choose to do so, can investigate and write report, though they have no power to enforce legislation themselves.

Great Lakes Cities Initiative

The Great Lakes Cities Initiative (GLCI) is a Canada-United States coalition of mayors and other local officials that works actively with federal, state, and provincial governments to advance the protection and restoration of the Great Lakes.¹⁶ Of the 45 members of this initiative there are only 15 mayors from the Canadian side of the Great Lakes. Considering that many people would be likely to approach their local mayor first with their concerns about closed beaches, sewage discharge or lakefront development, the GLCI could become an influential policy making force.

The Great Lakes Cities Initiative publishes their announcements on a web site and regularly updates its news section.

Canadian Council of Ministers of the Environment

The Canadian Council of Ministers of the Environment (CCME) is composed of federal, provincial, and territorial environment ministers and aims to promote effective intergovernmental cooperation and coordinated approaches to interjurisdictional issues as well as to establish nationally consistent environmental standards, strategies, and objectives.¹⁷ Established standards are guidelines only, as the Council lacks the authority to implement or enforce compliance. Water quality-related initiatives of the Council include the development of the National Water Quality Index, the Guidelines for Canadian Drinking Water Quality (part of the Canadian Environmental Quality Guidelines), and the Source to Tap initiative, an Internet-based outreach tool to provide information about water quality and management to Canadians.

The Source to Tap Initiative outlines public involvement as one of the most important element of the multi-barrier drinking water protection approach and recommends enhance public awareness by providing information about health risks and water management, providing monitoring results on a regular basis, and consulting with the public when making decisions about water. The Source to Tap page of the CCME web site has links to the provincial ministries' water pages and makes it easy to track ongoing policy changes in each province.¹⁸ Although Internet based public information tools are important in our modern life, there should be more open and interactive initiatives and programs for building public awareness and interest in water quality.

Public Participation in recent Ontario Water Policy

O'Connor Commission

Seven people died and more than 2,300 became sick in May 2000 after a deadly bacteria E.coli polluted the drinking water in Walkerton, Ontario. After the Walkerton Tragedy the Ontario government

¹⁶ More information on this initiative visit the Great Lakes Cities web site <http://www.greatlakescities.org/>

¹⁷ For more for information on CCME activities visit its website at <http://www.ccme.ca/>

¹⁸ The web site can be viewed at <http://sourcetotap.ccme.ca/>

established a special commission of inquiry headed by Justice Dennis O'Connor which released two reports: *Part One Report of the Walkerton Inquiry: the Events of May 2000 and Related Issues* and *Part Two Report of the Walkerton Inquiry: a Strategy of Safe Drinking Water*. In these documents, Justice O'Connor pointed out the involvement of a variety of effected groups during watershed management planning is integral to success. Groups, including many different types of users and interested public members, will help bring different views on planning issues. When the planning committee is formed, it must be ensured local groups are included as well as First Nations and government officials. For public interest groups that would like to participate but are unable for financial reasons, the provincial government should make funding available.

In his report Justice O'Connor states that the type of participation of all the groups should be "meaningful and substantial". The groups must be given enough time and information to participate and state their opinions. This type of participation will foster commitment to the process from the groups involved. With significant commitment and input from all participating groups, "a sense of fairness" is present which will allow more successful planning. The plans drafted by the planning committees should be made transparent and available to the public. General public comment and attendance at meetings must be considered.

According to Justice O'Connor, there are several options for methods of reporting source protection information to the public. One option includes having annual or biannual provincial reports published that include input from different agencies involved in the protection and planning. Also, the drinking water providers could be required to regularly monitor the safety of the water sources and publicize the results. Another option recommends the individual authority drafting the watershed-based source protection plan can be asked to produce annual reports.

The O'Connor Commission reports conclude that all reporting bodies are important but the provincial government has most of the responsibility. The provincial authorities should publish an annual report on the status of watershed management plans across the province. Additionally, the Drinking Water Branch is also recommended to prepare and disseminate an annual "State of Ontario's Drinking Water Report" addressing issues such as the quality of source water and protection initiatives, drinking water standards, results of inspections and enforcement activities. The reports must contain enough information and detail to allow a knowledgeable citizen to judge the government's performance.

The Report also points out the Conservation authorities should be responsible for educating the public, landowners, and industries about the importance of source water protection. Education is an essential part of watershed planning and protection. Understanding the "value of the resource" and why protection is needed will assist in the overall success of the plan. Most conservation authorities have also taken great measures in educating the public.¹⁹

The White Paper on Watershed-based Source Protection

In February 2004 the Ontario government released a document called The White Paper on Watershed-based Source Protection Planning. There were eight consultations held across Ontario before the paper

¹⁹ Full text of the Part One Report of the Walkerton Commission of Inquiry and Part Two Report of the Walkerton Commission of Inquiry are available on the Ministry of the Attorney General web site:
<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/walkerton/>

was released. There was a 62 day comment period running through to April 12, 2004, but as of May 2004, the Ministry of the Environment has not posted the comments on the website. The summary of the consultation sessions is available on line but interested parties could find out each others views if the comments on *The White Paper* were available online.²⁰

The White paper suggests to Ontario government to work through the Source Protection Planning Boards (SPPB) and Source Protection Planning Committees (SPPC) to develop and implement water source protection plans for each watershed. The proposed structure of the SPPC comprises five municipal representatives and ten other stakeholders including representatives of the following: one to two First Nations representatives, one to two public health bodies, one to two members from the agricultural sector, one member from the public and four to five other members to be determined locally. It is hard to believe that one public representative can adequately represent local communities considering the role local people need to play in implementation of source protection plans.

The White Paper on Watershed-based Source Protection Planning very briefly describes the “transparency to the public” process. It is not clear who is responsible for the consultations with the public, there are no clear timelines for public involvement in the planning process, and there are no resources allocated for public education and participation.

Ontario Watershed Reporting

Ontario watersheds are managed by Conservation Authorities. They are community-based environmental organizations originally formed by the Ontario Conservation Authorities Act and dedicated to conserving, restoring, developing and managing natural resources on a watershed basis. There are 38 Conservation Authorities in Ontario, each governed by a Board of Directors comprised of local municipal representatives and representatives from the community.

To address the public's demand for understandable environmental information, and in an effort to standardize the watershed reporting process, Conservation Authorities across Ontario provided input into the development of a guide on watershed reporting. After a few workshops, and with the help of many professionals, the model *State of Watershed Reports* and *Watershed Report Cards* were developed. These reports were intended to fill the need to demonstrate accountability and progress in watershed management and serve as an easily understood information source on the health of watersheds to the broader public. It was also anticipated that *State of Watershed Reports* and *Watershed Report Cards* could be a part of the annual State of Ontario's Drinking Water Report recommended by the *Walkerton Inquiry Report*.²¹

The pilot project on watershed reporting was a good start but there is still a need for the public to see *State of Watershed Reports* and *Watershed Report Cards* on a regular basis since historical information will make possible assessments of changes and progress made in each watershed. Some Conservation Authorities are planning to produce these reports every three years (e.g. Toronto Don River Watershed), and some every five years (e.g. Conservation Halton). The reporting to the public system is still not clearly defined.

²⁰ The White Paper is available at <http://www.ene.gov.on.ca/envision/water/spp.htm>

²¹ The examples of the State of the Watershed Reports and Watershed Report Cards are available on the Conservation Ontario web site <http://conservation-ontario.on.ca/>

Example: Lessons Learned in Public Participation from Pilot Studies on Watershed Planning in Ontario

The Ontario Government together with many partners including conservation authorities, stewardship councils, farmers, environmental groups and interested citizens was working on a few watershed-based demonstration projects. One of the components of the demonstration projects was the report *Lessons Learned and Best Practices in Watershed Planning (2000)*. The best management practices case studies involved public participation in development of the Watershed Management Plans. As reports show, the public involvement process was not easy or simple.

The Grand River Conservation Authority points out that the study went to extreme lengths to ensure that the process was open and unbiased and later had the public trust. Four public consultation working groups were involved in the formation, screening and evaluation of the water management plans. They were involved in selecting the final recommended plan. Three of the four groups agreed on the selection of the same plan .

During the public involvement process Conservation Authorities experienced all kinds of unexpected barriers. For example, the Caledon Conservation Authority undertook a number of meetings and open houses to inform the general public about the watershed planning study and encourage public input. The Communications Committee undertook some analysis and classified land use in the subwatersheds to determine the target audiences in the subwatersheds. The two major land uses in the subwatersheds were determined to be agriculture and aggregate extraction. Historically the relationship between those involved in the aggregate extraction industry and residents has not been ideal. To improve the situation, the Communications Committee members organized a meeting with representatives from the major aggregate operations in the subwatersheds. One of the representatives from the aggregate sector was appointed to the Technical Committee to represent the industry and to increase communication and technical information exchange.

Some Conservation Authorities have not been able to solicit input from the local community at all. For example the Credit River Conservation Authority in its report regrets that during the development of the local watershed management strategy, interaction with the public was very limited. Two information meetings were advertised and held in the upper and lower watersheds but these meetings were not well attended. The organizers of the workshops expressed the belief that this happened because of the complexity of the process and lack of understanding by the public.

Example: Ontario Lake Partner Program involves community and helps provide valuable monitoring information

The goal of the Ontario Ministry of the Environment (MOE) Lake Partner Program aims to create a valuable, long term database to evaluate the nutrient status of Ontario's inland lakes. Residents and cottagers, located mostly in Northern Ontario take samples from close-by lakes using the tools and guides provided by the MOE. The lakes' nutrient status, as detected from the samples, will reflect land use changes in the watershed and assist in efforts to conserve and protect the inland lakes.

The program volunteers collected water samples and made water clarity observations at 1143 locations throughout Ontario in 2003. For the second year, the samples were analyzed for total phosphorus (TP) at the Ministry of the Environment's Dorset Environmental Science Center laboratory.

The MOE not only collects data but also publishes annual reports and makes recommendations on how to improve the water collection methodology. There is staff, a phone line, and a regularly updated website available for the program participants and people interested in joining the program.

This program could be expanded to Southern Ontario and could be a good support for monitoring Great Lakes waters.

Examples from US and Europe

Example: The information clearinghouse in The United States

The Conservation Technology Information Center (CTIC) in Indiana leads the development of public/private partnerships that promote soil, water and air quality and sound habitat management by equipping agriculture with realistic, affordable and integrated solutions.

The CTIC created a *Know Your Watershed* information clearinghouse for watershed coordinators to help assure measurable progress toward local goals. The interactive website has information on Watershed Management Plans, watershed problems such as wetlands, agricultural pollution, upcoming events and conferences, as well as documents on communication and public involvement.²²

Example: the Water Framework Directive and EU efforts to enhance the public participation through the comparative analysis project

An example of how other countries manage large watersheds comes from river basins in the EU. The European Water Framework Directive (WFD 2000) requires member states to manage their basins as a whole, and reach a good water status for all their waters by 2015. The backbone of the WFD is a system of river basin management planning involving extensive public consultation. In addition, the member States have to ‘encourage the active involvement’ of all interested parties. Upon request, access has to be given to background information.

Article 14 of the European Water Framework Directive outlines clear timelines and says that member states should ensure that, for each river basin district, they publish and make available for comments from the public, including users:

- a) A timetable and work program for the production of the plan, at least three years before the beginning of the period to which the plan refers;
- b) An interim overview of the significant water management issues identified in the river basin, at least two years before the beginning of the period to which the plan refers;
- c) A draft copy of the river basin management plan, at least one year before the beginning of the period to which the plan refers.

1. On request, access shall be given to background documents and information used for the development of the draft river basin management plan.

²² More information on Know Your Watershed initiative is available at: <http://www.ctic.purdue.edu/KYW>

2. Member states should allow at least six months to comment in writing on those documents in order to allow active involvement and consultation.

3. Paragraphs 1 and 2 shall apply equally to updated river basin management plans.²³

In order to assist authorities with the implementation of article 14 of the Water Framework Directive the EU developed a *Guidance Document to Public Participation in Relation to the Water Framework Directive: Active Involvement, Consultation, and Public Access to Information*. This document can also benefit stakeholders and the general public by informing them of the public participation process, encouraging them to engage in river basin management planning, explaining what can be expected, and outlining opportunities.

HarmoniCOP Project

The Harmonizing Collaborative Planning (HarmoniCOP) project has been set up in the framework of the 5th European Framework Program for Research and Technological Development, in order to increase understanding of participatory river basin management. The project involves 17 research teams (including two subcontractors) from nine European countries. Its specific objectives are as follows:

The HarmoniCOP²⁴ project aims to increase the understanding of participatory river basin management against the background of the European Water Framework Directive. The project involves 17 research teams from nine European countries. Its specific objectives are as follows:

- Prepare a Handbook on public participation methodologies;
- Provide insight into social learning in a multi-phase multi-level context;
- Increase the understanding of the role of information and communication technology tools in public participation;
- Compare and assess national public participation experiences and their backgrounds;
- Involve governments and stakeholder groups.

This project is supported by the European Union's framework Program for Research and Development, and by the European Commission as part of its program on Energy, Environment and Sustainable Development started in November 2002 and will run until November 2005.

The Harmoni COP project overview gives a list of advice for government initiated public participation. It contains following recommendations to the governments:

1. Before using any public participation technique, reach agreement between the different government bodies concerned on the scope of public participation (what can be discussed and what cannot?), the purpose (what benefits are aimed for?, why public participation?), the level of public participation, the different publics to be targeted, the project organization and procedures for exchanging information and deciding on follow-up.
2. Conduct some form of actor analysis.

²³ Guidance On Public Participation In Relation To The Water Framework Directive Active involvement, Consultation, and Public access to information. This document comes with 3 annexes: 1: participation techniques; 2: examples of public participation in water management projects; 3: members of the drafting group and other contributors.

²⁴ Comprehensive reports on public participation in EU river basin management and many case studies are available on the HarmoniCOP project web site <http://www.harmonicop.info/pictures.html>

3. Identify the relevant publics on the basis of
 - the interests they represent;
 - the information, ideas and skills they have; and
 - their influence on decision-making and implementation.
4. Make a process design.
5. Discuss the process design beforehand with the major stakeholders and develop "co-ownership". Important topics are the type of contributions from the public that are expected and what will be done with them. Do not build up false hopes.
6. Make clear afterwards what has been done with the input by the public.
7. More support for water management is a legitimate aim of public participation, but if the input by the public is not taken seriously, public participation may backfire and public support may decrease.
8. Approach the different publics actively to prevent limited or unrepresentative response. Intervener funding and/ or participatory training may be needed, especially if some publics have far fewer resources than others.
9. Consider the appointment of a professional outside process manager or facilitator to enhance the legitimacy and effectiveness of the process.
10. Start public participation as early as possible, when something still can be done with the public input. Different publics may need to be targeted in different phases.
11. Organize public participation on the different aspects of river basin management at the geographical scale (local, regional, river basin, etc.) that is closest to the most relevant publics for these aspects, while still keeping the process manageable.
12. Ensure smooth communication between scales and between units at each scale (e.g. different basin states).
13. Try to involve the different publics in policy research, if only to prevent technical controversies.
14. Prevent "participation burnout." It is better to ask the public to participate in one integrated planning exercise than in 20 sectoral exercises.
15. Review and develop the public participation capacity of government (personnel, skills, budget, openness, flexibility).
16. Choose "realistic" public participation methods and techniques that fit the available resources, the concerned publics, the geographical scale, the type of issues to be addressed and the phase in the planning cycle.
17. Evaluate public participation afterwards in order to learn for future processes and during the PP process in order to adjust to unforeseen developments.
18. Foster mutual trust and open communication.²⁵

²⁵ Public Participation and the European Water Framework Directive a Framework For Analysis Box 2: Lessons from the literature on public participation initiated by government (public participation levels "consultation", "discussion" and "co-decisionmaking")

Public involvement in Great Lakes Basin Water Quantity Management

Council of Great Lakes Governors

The Council of Great Lakes Governors, started in 1983, is a partnership of the Governors of the eight Great Lakes States: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. Later the Canadian Premiers of Ontario and Quebec joined the Council as official observers.

In 1985 the eight Great Lakes States and the two Canadian Provinces signed the Great Lakes Charter on Great Lakes collective management and diversions. Later the Great Lakes Charter Annex 2001 was developed and signed in June 2001. The Annex 2001 Directive No.2 requires states and provinces to develop a 'broad-based public participation program' and 'ensure ongoing public input in the preparation and implementation of the binding agreement(s) called for in the Annex' and report to the public periodically. The Council of Great Lakes Governors formed an Advisory Committee but there was no 'broad-based' program implemented to ensure ongoing input beyond those on the advisory committee. The Annex by itself was criticized as having almost no public involvement.²⁶

Currently Draft Annex Implementing Agreements 2004 are issued for public comments but some experts call the 90-day public comment period insufficient and suggest a much longer comment period and a better prepared public participation framework.²⁷

Water Takings in Ontario

In 2002 the Association of Municipalities of Ontario (AMO) analysed Ontario's Permit to Take Water Program and identified the lack of public awareness as a very important issue. AMO noted that there are no requirements to notify the public about upcoming water takings beyond posting the water taking application on the Environmental Bill of Rights registry. The AMO advised giving municipalities the right to hold public consultations and to take public opinion into account.²⁸

Leadlay and Kreutzweiser evaluated PTTW programs and also identified limited stakeholder involvement as one of the weaknesses of the program.²⁹

The White Paper on Watershed-based Source Protection mentioned above also discusses the Permit to Take Water Program very briefly. MOE held brainstorming consultations with an abbreviated overview of the water takings in Ontario and without any dollar value attached to the costs of the program. In contrast, for example in United Kingdom the government put much more effort into preparing information on water takings for the public.

²⁶ Political Diversions: Annex 2001 and the Future of the Great Lakes; Andrew Nikiforuk, A position Paper, June 2004. http://www.powi.ca/nikiforuk_June2004.pdf

²⁷ One Issue Two Voices, Decision Time: Water Diversion Policy in the Great Lakes Basin; The Canada Institute, Woodrow Wilson International Centre for Scholars, September 2004. <http://wwics.si.edu/>

²⁸ Proposed Improvements to Ontario's Water Taking Permitting Process Recommendations to the Government of Ontario, December 12, 2002. A.M.O. Water Taking Task Force

²⁹ Rural Water Supply Allocation in Ontario: an Evaluation of Current Policy and Practice; Canadian Water Resources Journal, 24(1)

Example: How the Government informs the public before increasing charges on water takings in the United Kingdom

CIELAP looked at water taking documents presented to the public in the UK. The paper presented to the public for discussions includes gap analysis, clearly identifies costs, and makes it easy for the local government or the public to understand upcoming changes in the program, and clearly explains why an increase in water abstraction charges is necessary (see Review of the Water Abstraction Charges Scheme).³⁰

³⁰ UK Ministry of The Environment, Review of the Water Abstraction Charges Scheme. http://www.environment-agency.gov.uk/commondata/105385/wm_english_640536.pdf

Conclusions and recommendations

There is a large number of jurisdictions in Canada working on the Great Lakes issues. Although numerous government organizations have public participation included in their agendas their actions often focus on public relations efforts to gain citizen approval on specific projects rather than incorporating citizens into the decision-making process. Most of the organizations such as IJC, CCME, federal and provincial initiatives have some guidelines or recommendations for public participation however there is no information on how these recommendations or guidelines have been implemented, what was or was not achieved, what lessons were learned.

Recommendation 1: There is a need to identify one central agency in charge of coordinating public involvement in all levels of Great Lakes watershed management.

Recommendation 2: There is a great deal to be gained from public participation on Canadian side of the Great Lakes. However, this expertise is often fragmented, and needs to be incorporated into a unified strategy.

Recommendation 3: Guidelines for public participation should include mechanisms for measuring the success, and build on lessons learned from the past experience.

Recommendation 4: Create methodologies for transforming information into knowledge: then establish institutions designed to facilitate further levels of activity and participation based on this knowledge.

In 2001, the Commissioner of Sustainable Development released his comments on implementation of Canada-Ontario Agreement but there were little or no changes made by the governments over the last few years. There is still no progress on transparency and accountability, nor is information available on overall progress .

Recommendation 5: The public should be informed on the progress of the major regulatory developments, such as the Canada-Ontario Agreement and the Great Lakes Annex on regular basis.

There should be improved reporting on watershed level. Watershed Report Cards released on a regular basis could help measure progress and serve as a source of historical information as well as lessons learned.

Recommendation 6: Such tools as Watershed Report Cards, Watershed Information Clearinghouses could help improve reporting on public participation on watershed level.

Public participation plans should be a part of each program (e.g., Great Lakes Program, RAPs) implementation strategies. They should encourage public participation, explain what is expected and outline opportunities in different stages of the management process. Public participation can not be dropped in the middle of the implementation of the program, as it happened with some RAP Public Advisory Committees.

Recommendation 7: The public participation is not the end point. Rather it is collective learning process that helps stakeholders to learn from experiences of others. It is and should be treated as an ongoing process.

Recommendation 8: Public participation should be seen as an equally important component of any program implementation strategy.

Public participation is not a free tool. It demands time and resources. Effective public participation requires an effective capacity building approach to ensure the long-term success of participation initiatives.

Recommendation 9: Public participation methods and their costs should be estimated for each implementation plan. The sources of funding should be specified and remain stable until the end of the project.

Recommendation 10: Capacity building and investment should be a part of the public involvement process, and help build relationships and understanding between participants.

Recommendation 11: There should be federal and/or provincial funding available to involve the public in watershed management.

Recommendation 12: There should be facilitation and technical support available for innovative projects and community research.