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and

Greg Kirton
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Re: Phase Two Open Houses and Documents prepared by JL Richards and Hutchinson Environmental regarding the Trout Lake Study

We would like to thank you for the private meeting held on June 22nd and for exclusive access to your consultants. Messaging received at our meeting seems to differ from messaging portrayed in documents submitted by your consultants, which has us confused. Draft reports are indicating that Trout Lake and its watershed have unlimited development potential and that water quality deterioration is now acceptable. This is a significant departure from existing planning policies within both Official Plans. It is currently North Bay and East Ferris's policy to *maintain or improve* the water quality of Trout Lake. Both municipalities have imposed *higher (municipal) water quality objectives* than what is required by the province. We are at a generational juncture and have an opportunity to continue to offer a high level of protection for a key community resource which will endure for many generations to come. The consultants are ignoring current policies and justifications for having them and are only applying minimum provincial water quality objectives. The provincial objective allows for water quality deterioration. The protection threshold has, thus, been reset to the lowest threshold possible and undermines the current management framework we have fought hard to establish. This is contrary to the input you are receiving from the us and from the public.

While it is our perception that municipal staff are of the opinion that municipalities are not seeking to alter the level of protection for Trout Lake, reports filed to date clearly take a different approach. We note that modelling future steady state nutrient levels is not receiving adequate technical oversight as provincial experts, whom could provide objective opinions and proper technical guidance, have not been invited to participate. Documentation produced to date is throwing caution to the wind and paving a path towards unlimited development. Most of the strict development criteria currently applied in the watershed will no longer be justifiable. We seek written confirmation that OP policies will maintain current protections, that there is still a willingness to exceed minimum provincial standards and that resource deterioration is not on the table!

The consultants have made significant errors in the *application of the Lakeshore Capacity Model* and in the *interpretation of current planning policies* which is driving erroneous recommendations. Even the choice of report titles suggests the two municipalities are currently engaged in a process of exploiting Trout Lake as an *opportunity* rather than treat it as a *treasured community resource to be protected*. Technical reports are short sighted and draw conclusions that are deeply troubling. Our previous comments, while acknowledged, remain unaddressed and have had little influence on the

direction consultants are pursuing. We question the purpose of holding public meetings if input is ignored, questions raised go unanswered and work carries on without concern?

In our view trends in the nutrient statuses of many lakes on the Canadian Shield needs to be examined to truly understand what is happening here. The nutrient balance of a lake is influenced by both internal *and external* factors. The consultants have looked only at internal calibration opportunities that create development capacity and ignored factors that might suppress it. External inputs have changed (which have not been examined) including the phasing out of the super stack in Sudbury, the closing of coal fired electrical plants in southern Ontario, improvements in tail pipe emissions of vehicles and closure of chemical and gas fired electricity plants in North Bay, to name but a few. Nutrient loading from atmospheric inputs has undoubtedly declined. An early impact of climate change, here, is to increase the amount of annual precipitation received which is increasing lake flushing rates. Declining external inputs may be masking negative influences of watershed development on our lake. If other lakes in this region are also experiencing stable or declining nutrient levels then external factors are at play.

We offer the following observations related to reports that have just been made public:

Hutchinson Environmental Science Limited in their report entitled *Trout Lake Watershed Study and Management Plan – Existing Conditions, Issues, Opportunities and Constraints* has made questionable modifications to the Lakeshore Capacity Model in an attempt to force it to work here. We are concerned that the current steering committee does not have the capacity to judge whether the modifications are appropriate and feel strongly that this work must be peer reviewed by a reputable second party or by the province. The province has already concluded that the LSCM cannot be applied to Trout Lake because modelled and measured nutrient parameters are too divergent. Hutchinson has applied a phosphorus retention coefficient of 86% to all lots on private services adjacent to shorelines and inflowing streams. This retention figure has been extrapolated from experimental septic systems at the end of Northshore Road in the Lechliter Subdivision. These lots have been approved as ***nonimpact lots*** that must meet a 90% nutrient retention objective (owners are required to post bonds guaranteeing that technologies employed will meet nonimpact objectives). Many are using advance septic system designs and have installed iron rich earth mantles to achieve impressive short-term attenuation. Long term effectiveness is still unknown. The consultants seem unaware that extraordinary mitigation technologies have been employed on these lots and that measured retention rates cannot be applied to the ***rest of the lake***. The result is for the significant overestimation of natural retention which is not scientifically supportable. To force the model to do what they want, Hutchinson has also decreased agricultural inputs despite a land use assessment completed by JL Richards that suggests it should be increased. Using the option of applying the background plus 50% tool is a worthy exercise but background levels can't just be plucked from the air. Background nutrient conditions, before development, must be calculated with extreme caution and can only accurately be determined by conducting deep water lake coring investigative work. The consultants appear to be manipulating the model to meet predetermined outcomes.

We also take issue with the separation of the main body of Trout Lake from Four Mile Bay to create separate management recommendations for different parts of the same lake (which is not how existing policies are written or applied) without adequate explanation or justification.

JL Richards in their report *Trout Lake Watershed Study and Management Plan – Issues Opportunities and Constraints Report (Draft)* lists lake management approaches used by other municipalities without an assessment to examine whether strategies applied elsewhere are effective. Simply stating North Bay and East Ferris have or do not have comparable strategies seems pointless. Municipalities have different watershed management problems that require different approaches. Smaller municipalities in the Muskoka's often do not have the capacity to take more sophisticated management approaches or are trying to manage seasonal populations on small recreational lakes and rivers that are not directly comparable here. The lack of evaluation of policies effectiveness *makes the information presented relatively meaningless. Is it the local objective to be just average in protection efforts?* By way of example, Trout Lake and Lake Ramsey in Sudbury ***are*** comparable lakes in size, depth, use as a municipal water supply and on the fringes of urbanization of major centers. Comparing management approaches and whether management efforts are effective for these two comparable waterbodies could have been a useful exercise.

JL Richards report entitled *Directions Report (Draft) Trout Lake Watershed Study and Management Plan* correctly identifies, as mentioned above, that both North Bay and East Ferris currently have the planning objectives to ***maintain*** or ***improve*** Trout Lake's water quality. Both have set stricter management objectives than required by the province to accomplish this. The consultants have defaulted their analysis to apply the provincial minimum standard which is less protective. Consultants are offering advice that will lead to a decline in water quality to the minimum allowed by the province. This major shift is contrary to messaging we are receiving from municipal staff and defies public concerns expressed at open houses. A lower standard is something we cannot support.

We also point out that existing policies and municipal objectives are based on old total phosphorous data that was not filtered when sampling was carried out. New total phosphorous data is filtered and thus pre and post filtered data are not directly comparable. Nor can the older policies be analyzed with existing nutrient data without accounting for a difference in sampling techniques. Since filtered water samples are identifying significantly lower nutrient levels in Trout Lake, new municipal management objectives, if we are to continue to apply them, must be adjusted accordingly.

We would like our past and current concerns addressed and feel that major overhauls to draft documents are warranted (we are happy to take a more direct role to ensure information is portrayed correctly). We would like an opportunity to review corrected technical reports before this process is allowed to move forward.

Sincerely,

Anthony Falconi, on behalf of the TLCA Board of Directors
President
Trout Lake Conservation Association

c.c. Dave Euler, Jason Trottier, Karen McIsaac, Monica Hawkins