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VIA email

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Standing Committee on Finance and Economic Affairs
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CC: Hon. Rod Phillips, Minister of Finance: rod.phillipsco@pc.ola.org
Hon. Doug Ford, Premier of Ontario: doug.fordco@pc.ola.org

Regarding: Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

My recommendation is that Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) and Schedule 8 (proposed changes to the Crown Forest Sustainability Act, 1994) both be withdrawn in their entirety from Bill 229.

I am representing myself personally as a citizen of Ontario, and an ordinary constituent. I do not make any revenues servicing the environmental industry or providing consultation on environmental issues. I am a member of local naturalist organizations (The Willow Beach Field Naturalists and the Northumberland Land Trust) that seek to raise awareness of natural heritage, increase knowledge about the alarming decline of biodiversity in recent years and support better conservation of our natural spaces. However, I am not representing these organizations through this correspondence, my opinions are my own. Furthermore, I strongly support Ontario's Biodiversity Strategy, and our goals to reach 17% of protected areas, in concert with federal and international goals.

In general, the speed with which the current government has dismantled environmental protections, its apparent lack of knowledge or disregard for the health of the environment, and lack of public consultation is leading to a lack of trust in its ability to govern and manage environmental issues.

Remove Schedule 6, proposed changes to the Conservation Authorities Act and consequential amendments

While a few the proposed changes (such as improved transparency through publicly available information) may be beneficial, most of the Schedule 6 amendments are a step backwards and make it more difficult to achieve the goals of the Conservation Authorities Act. I would ask that Schedule 6 be withdrawn from Bill 229. Conservation Authorities in Ontario play an important and useful role in ensuring watershed protection, providing expertise to local communities on environmental issues and conducting important studies on the health of local waterways and natural areas. Proposed changes in

Bill 229 will limit the scope and powers of conservation authorities to the point that meaningful integrated watershed management will be impossible. The “watershed approach” and the “conservation authority model” that the Special Advisor on Flooding lauded will greatly reduce and it will be more difficult to building climate change resilient communities.

The current Provincial Policy Statement (PPS) contains policies aimed at protecting, improving and restoring water quality and quantity. It uses the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development. It aims to ensure the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, which recognizes the true complexity of nature, including the vital linkages between and among natural heritage features and areas, surface water features and ground water features. The proposed amendments will narrow the authorities of conservation authorities to the extent that that it will be difficult to ensure land use planning decisions are consistent with the PPS and achieving the overall purpose of the conservation act.

It is important NOT to limit conservation authorities’ powers to study and investigate, enter land throughout the watershed, cause research to be done, and expropriate as necessary. Furthermore, it is ill advised to remove conservation authorities’ status as independent public bodies in land use planning and to bring conservation authorities under the “one window” approach to municipal land use planning. Stripping the CA’s independence will severely hamper meaningful integrated watershed management.

Remove Schedule 8, proposed changes to the Crown Forest Sustainability Act, 1994

I oppose the entirety of Schedule 8 and ask for it to be withdrawn from Bill 229.

The Crown Forest Sustainability Act, 1994 (CFSA) applies to approximately two thirds of Ontario's land base, which is home to numerous species at risk and their habitat. It is precisely because of the Act’s application to the majority of Ontario that makes the rollbacks proposed in Schedule 8 so significant and objectionable from the public interest perspective. If enacted, Schedule 8 will oust the protection for endangered species, contained in the Endangered Species Act, 2007 and not replicated in the CFSA, from most of the Ontario landscape.

While Schedule 8 introduces a definition of “species at risk,” (ie. species that are listed as extirpated, endangered or threatened on the Species at Risk List in Ontario) into the CFSA, it does so in order to exempt all forestry operations from mandatory consideration of species at risk protection and recovery mandated by the Endangered Species Act, 2007 (ESA). That is, Schedule 8 proposes a new exemption within the CFSA which if enacted, removes the ESA’s Prohibitions (that no person shall kill, harm, or harass a listed species nor damage or destroy its habitat necessary for their survival and recovery) from forestry operations, when on Crown land, as part of a forest management plan or forest resource licence.

More alarmingly, Schedule 8 proposes to remove the ability of the Minister to issue orders in

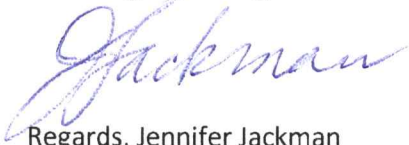
circumstances when there is imminent danger to an at-risk species. Specifically, under the ESA, the Minister is able to order that a person stop engaging in an activity that could or is having a "significant adverse effect" on a species at risk. However, by virtue of the proposed Schedule 8 amendment, this power has been nullified.

Further, while Schedule 8 introduces a new regulation making power enabling the Minister of Natural Resources and Forestry to order forestry operations to refrain or take certain actions to minimize impacts on at-risk species, the passage of such a regulation remains at the discretion of the Lieutenant Governor in Council. Notably, the scope of the regulatory power and its aim to 'avoid or minimize harm' to species at risk is also much narrower than the ESA's purpose to 'protect and promote recovery.' In short, a could-be regulation is not a stand in for the ESA and its detailed oversight and enforcement mechanisms aimed expressly at protecting at-risk species and enabling their recovery.

Read in conjunction with the province's commitment to double logging in public forests and permanently exempt forestry from environmental assessment, Schedule 8 unravels what few legal mechanisms remained that prioritize conservation and protect natural areas in response to the biodiversity crisis.

This is of great concern to me personally, as I feel the issue which ought to garner the government's urgent and utmost attention is biodiversity loss. It is not only a great risk to negatively impact the economy, and quality of our own living spaces, failure to address biodiversity loss will lead to a permanent loss of species and natural spaces that are also profoundly important to the well-being of humans, and of the species with which we share this planet. Unlike other provinces, Ontario does not have a long-term plan or target to expand its network of protected areas.

This is a great failing and one which, as an ordinary constituent of Ontario, I am watching closely.



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