

Submission to the Standing Committee on Finance and Economic Affairs.

Regarding Bill 229, specifically Section 6: Conservation Authorities Act and Consequential Amendments to the Planning Act



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About Us: The Rescue Lake Simcoe Coalition (RLSC) is a lake-wide member-based organization, representing 26 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe. Groups include concerned residents, people united by a local problem affecting Lake Simcoe, cottager groups and neighbourhood associations. We campaigned to get the Lake Simcoe Protection Act with the help of former MPP Garfield Dunlop, Simcoe North, Environmental Defence and Ontario Nature. The Lake Simcoe Protection Act was passed unanimously by all parties in 2008.

www.rescuelakesimcoe.org

Recommendations:

1. Withdraw Section 6 from Bill 229.
2. Consult with Conservation Authorities, First Nations, not-for-profit experts in climate change impacts and watershed management; and insurance companies specializing in flooding impacts while re-writing this section. The consultation should be based on regulations as proposed under Bill 108.
3. Introduce these changes in a way that allows for public consultation and reflects the commitments made in the Made in Ontario Environment Plan.

The proposed changes that are the most problematic are:

- Creating a mechanism for the Minister of Natural Resources and Forestry to use his/her “opinion” to override the science-based decisions of Conservation Authorities regarding the protection of wetlands, woodlands, endangered species habitats and flood protection;
- Forcing Conservation Authority Board members to “generally act on behalf of their respective municipalities” instead of the goals and objectives of the Conservation Authority and the watershed health it was entrusted to protect;
- Tangle up permitting processes while providing appeal rights for developers, and adding red tape and costs for all involved; and
- Limiting conservation authorities’ ability to provide input to municipal planning applications and to permit decisions and appeals.

Comments:

The Province has no mandate from the public to throw the environment under the bus in the name of COVID recovery. These changes proposed will undermine the effectiveness of CAs, will add costs and “red tape” for both the CAs and those seeking development permits in lands now regulated by CAs, and will leave financial liability for the impacts of poorly sited development and potential related flooding impacts on municipalities and property owners.

Sixty percent of home owners are not insured for flood damage. It is hard to understand what logical, fair, and forward-thinking rationale underpins the province’s proposal. On the other hand it is easy to see how the changes proposed advance the interests of the development community and land owners who want to maximize profit through development. That the province would allow them to do so in a way that puts people and municipalities both at physical risk and financial risk is unconscionable.

Conservation Authorities have professionally trained staff, including ecologists and hydrologists, who are best qualified to understand the impacts of development on key environmental features. By taking over control to authorize or deny development permits, the Ontario government will help the development industry continue to destroy key forests, wetlands, and recreational areas across the province. This will allow, for example, the province to ensure the destruction of the coastal wetland in Lower Duffins Creek to proceed despite the objection of the Toronto and Region Conservation Authority, the Town of Ajax and thousands of citizens’ objections.

Comments specific to Lake Simcoe and the implementation of the Lake Simcoe Protection Act and Plan

The Lake Simcoe Region Conservation Authority (LSRCA) has developed leading-edge policies and programs that help to minimize the significant impacts of development on water quality, which were enabled by the *Lake Simcoe Protection Act*. Developers are for the most part doing their part to participate and are thereby reducing harm to Lake Simcoe as compared to a pre-Lake Simcoe Protection Plan scenario. This uses a polluter pay principle which this provincial government claims to support. The province made a commitment in the draft made in Ontario Environment Plan to allow the LSRCA to continue implementing the Lake Simcoe Protection Act. I am curious how that would be achieved and at this stage do not think it can with the changes proposed for the following reasons.

As this committee considers the impacts of these proposed changes, I would like committee members to consider the following questions:

1. If CA's do not automatically have to review development permits, then how can the CA ensure that developers are implementing the regulations and requirements of the Lake Simcoe Protection Plan? Specifically, at the site design stage, the LSRCA works with developers to do two things:

1. maintain water balance on site, and
2. measure pre and post development phosphorus export from the site.

They help developers incorporate Low Impact Development technologies on site to manage heavy precipitation on site, and keep erosion and Phosphorus out of the lake and watershed streams.

Note that if the province removes these programs and requirements to make development cleaner and greener then the province will be criticized further for giving developers a free pass.

Choose: are you making polluters pay, or not? If not, then the Province will be transferring public goods into private hands. Developers get richer and the public and taxpayers are still on the hook for cleaning up Lake Simcoe. There would be no upside to the public or to the sustainable recreation sector at Lake Simcoe, which is valued at \$420 million / year for the local economy.

2. If the province does not address this and the LSRCA is not able to run these programs consistently and reliably, then how on earth will we achieve the Phosphorus loading target of the LSPP? (Which is half the most recent ten year average load; or 1/3 of the maximum load in 2017). How will any governing body make polluters pay in order to generate income for retrofitting stormwater management in older suburbs?

3. The LSRCA has also developed an exceptional Natural Heritage and Restoration Strategy, a key tool in achieving the Lake Simcoe Protection Plan's natural heritage protection targets, including the 40% high quality natural cover target. Would the promotion of this strategy and its implementation into Official Plan and municipal mapping be allowed under the new restricted mandate? It appears that CAs would not be allowed to buy lands, which is short-sighted and potentially puts future home owners at risk of buying homes that are built on hazard lands.

Here are some videos you should watch if you're not familiar with the Lake Simcoe Protection Plan and its policies and the degree to which development is harming Lake Simcoe.

How does development harm Lake Simcoe?

https://www.youtube.com/watch?v=1qR21Om-5_g

And another, What is the Lake Simcoe Protection Plan?

<https://www.youtube.com/watch?v=-HECoCNgwoQ>

And finally, our research on protecting green space and meeting the Lake Simcoe Protection Plan's natural heritage targets:

<https://www.youtube.com/watch?v=eZxn5GWCyFc>

Public consultation:

I participated in the province's "public" consultation on Conservation Authorities and did not hear an overwhelming call for the radical changes advanced by the Province. The Province has not released details on how they made the CA Act change proposal in relation to the comments received in their public consultation process.

Further, there are a good number of environmental organizations that have expertise in watershed management and water issues that were first, not invited to participate in the "consultations" and when asked to participate, were denied. Ontario Headwaters Institute and Environmental Defence both have extensive expertise in advising governments on watershed management issues and were denied the opportunity to participate in the consultations, for instance. This kind of consultation is far too limited, biased, and results in getting "public" input that is biased against Conservation Authorities at best. Members of the public who took the Province's survey were unable to answer its questions effectively as they were so specific that they were only really

answerable by Conservation Authorities, municipalities, and developers. Responding to this sort of manipulation of consultation where an independent Environmental Commissioner of Ontario would have been helpful.

I urge you to remove S. 6 from Bill 229 and to do much more robust work looking into how the Lake Simcoe Protection Plan would be followed should the proposed changes to the Conservation Authorities Act be finalized.

Thank you for your consideration, and good luck.

Best regards,

A handwritten signature in black ink, appearing to read "Claire Malcolmson". The signature is fluid and cursive, with the first name "Claire" being more prominent and the last name "Malcolmson" following in a similar style.

Claire Malcolmson

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