

Wednesday, December 2nd, 2020

Via web submission

Standing Committee on Finance and Economic Affairs
99 Wellesley Street West
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Attn: Amarjot Sandhu, MPP, Chair: amarjot.sandhu@pc.ola.org
Julia Douglas, Clerk: comm-financeaffairs@ola.org
CC: Hon. Rod Phillips, Minister of Finance: rod.phillipsco@pc.ola.org
Hon. Doug Ford, Premier of Ontario: doug.fordco@pc.ola.org

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

Dear Standing Committee,

As a resident of Ontario, I am writing to request 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and consequential amendments) and Schedule 8 (proposed changes to the Crown Forest Sustainability Act, 1994) both be withdrawn in their entirety from Bill 229.

Specifically, my concerns are as follows:

1. Lack of adequate public consultation

Schedule 6 of Bill 229 proposes fundamental changes to the *Conservation Authorities Act* and to the conservation authorities' role in land use planning. Schedule 8 of Bill 229 proposes a permanent exemption for authorized logging operations from prohibitions against killing species at risk and destroying their habitats. These changes are being advanced as part of an omnibus budget measures bill, circumventing normal requirements to consult the public under Ontario's *Environmental Bill of Rights, 1993* (EBR).

The purpose of the EBR is to ensure that the public can review and comment on proposed policies and regulatory changes that may have significant ecological and social impact. Indeed the Auditor General of Ontario's recent compliance report echoed this concern about improper sidestepping of key consultation requirements in the EBR. For these reasons I believe it is not appropriate to include these proposed amendments in Bill 229.

2. Schedule 6: Proposed changes to the *Conservation Authorities Act*

As Ontario continues to experience the impacts of climate change, including flooding—the costliest natural disaster in Canada—maintaining our province's resilience to climate change is the only acceptable minimum course of action.

Some of the proposed changes (including improved transparency through publicly available information) may be supportable in principle. The majority of Schedule 6 amendments however are counter to the purpose of the *Conservation Authorities Act*, which was originally established to protect people and property from the impacts of poor land-use management.

As Doug McNeil, Ontario's Special Advisor on Flooding has noted:

"Ontario has a long history of taking actions to keep people and property safe from the impacts of flooding through land use planning policies and mitigative activities. The development of the modern floodplain policy in Ontario, the watershed approach, the conservation authority model, and the flood standards have been extremely effective at reducing flood risks, especially in new greenfield development areas."¹

Schedule 6 would limit the scope and powers of conservation authorities to the point that meaningful integrated watershed management will not be possible. Schedule 6 would hollow out what has been, to date, a successful model for good land-use planning that is currently the envy of the world.

3. Schedule 8: Proposed changes to the *Crown Forest Sustainability Act*, 1994

Biodiversity loss has been ranked as among the top five risks, by likelihood and impact, to economies over the next decade. Unlike other provinces, Ontario does not yet have a long-term plan or target to expand its network of protected areas.

In fact, Schedule 8 includes proposed changes that would remove protections for species at risk, undercutting any efforts to bolster or improve Ontario's biodiversity. If enacted, Schedule 8 would oust the protection for endangered species that is contained in the *Endangered Species Act*, 2007—and not replicated in the *Crown Forest Sustainability Act* (CFSA)—from most of the Ontario landscape.

While Schedule 8 introduces a definition of "species at risk," (i.e. 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.

These and other changes in Schedule 8 unravel what few legal mechanisms Ontario has to prioritize conservation and protect natural areas in response to the biodiversity crisis.

For the reasons discussed above, I strongly recommend 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) be withdrawn in their entirety from Bill 229.

¹ Executive Summary, Ontario's Special Advisor on Flooding Report to Government, An Independent Review of the 2019 Flood Events in Ontario, A Report to the Hon. John Yakabuski, Minister of Natural Resources and Forestry (October 2019), <https://www.ontario.ca/document/independent-review-2019-flood-events-ontario>.

Conclusion

The pandemic has been challenging for us all. The Ontario government has shown great fortitude and empathy so far in leading the province through this unprecedented crisis, and I understand and welcome the need to expedite certain measures. But the measures proposed under Schedule 6 and 8 should not be among them. The changes would erode our natural heritage, put lives and property at risk, and make the province poorer and less secure in the long run.

I should mention that my day job is with a federal crown corporation, facilitating the development of climate resilient infrastructure standards. During my work I read and hear repeatedly about the important role of natural infrastructure and science-based land-use planning in guarding our communities against the impacts of climate change-driven natural disaster. I write this letter because I personally care about protecting Ontarians, as well as the unique natural heritage that inspires us, restores us, and makes this province a wonderful place to live.

Thank you for your consideration.

Sincerely,



Adrienne Yuen