



Junction Creek Stewardship Committee Inc.
30 Ste. Anne Road, #B4
Sudbury, Ontario, P3C 5E1
T: 705-525-8736 F: 705-674-7939
E: info@junctioncreek.com
W: www.junctioncreek.com

Comité d'intendance du ruisseau Junction
30 Rue Ste. Anne, #B4
Sudbury, Ontario, P3C 5E1
T: 705-525-8736 F: 705-674-7939
E: info@junctioncreek.com
W: www.junctioncreek.com

December 2nd, 2020

VIA email

Standing Committee on Finance and Economic Affairs
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON
M7A 1A2

ATTN:

Amarjot Sandhu, MPP, Chair: amarjot.sandhuco@pc.ola.org
Julia Douglas, Clerk: comm-financeaffairs@ola.org

CC:

Hon. Doug Ford, Premier of Ontario, doug.fordco@pc.ola.org
Hon. Rod Phillips, Minister of Finance, rod.phillipsco@pc.ola.org
Hon. Jeff Yurek, Minister of Environment, Conservation and Parks, jeff.yuekco@pc.ols.org
Hon. John Yakabuski, Minister of Natural Resources & Forestry, john.yakabuski@pc.ola.org
Hon. Steve Clark, Minister of Municipal Affairs and Housing, steve.clark@pc.ola.org
MPP Jamie West: JWest-CO@ndp.on.ca

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

On behalf of the Junction Creek Stewardship Committee (JCSC), please find our recommendation, as discussed below, 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and consequential amendments) and Schedule 8 (proposed changes to the Crown Forest Sustainability Act, 1994) both be withdrawn in their entirety from Bill 229.

In addition, we are deeply concerned that these proposed changes were brought forward in a budget bill, thereby over-riding residents' right to comment under the Environmental Bill of Rights.

ABOUT THE JUNCTION CREEK STEWARDSHIP COMMITTEE

The JCSC is a not-for-profit organization in Greater Sudbury formed in 1999 for the purpose of restoring the central urban watershed of our northern mining community, known as Junction Creek. Our mission is "to lead the way for improving and maintaining a healthy Junction Creek watershed by:

- conducting research and monitoring programs to create understanding and inform sound decisions
- organizing restoration activities to recover and protect the watershed
- providing educational opportunities to share knowledge and promote its ecological, economic, and health benefits
- connecting the community with Junction Creek to empower long-term stewardship”

The JCSC values the conservation of the watershed and inhabiting species. Greater Sudbury's Junction Creek watershed is a valued natural asset and home to a Provincially Significant Wetland and various species at risk. Over the years we have been monitoring and remediating stream health and riparian habitat, improving biodiversity, and promoting citizen stewardship. Our research, restoration, and community-oriented programs are conducted in collaboration with stakeholders, academic institutions, local organizations, and the municipality. We provide expert advice and local knowledge to stream projects and watershed studies to assist with watershed management and conservation. We understand the integral role a healthy thriving ecosystem plays in our community, and the positive correlations it has with the prosperity of our economy.

Sudbury is known world-wide for its inspirational regreening efforts following the extensive logging and mining practices that turned the landscape to a black barren rock. From our unique history and community-led restoration efforts, the Greater Sudbury community has a deep connection and appreciation for nature and an exceptional understanding about the important role that legislation plays on the health of our air, water, environment and community. A recent survey from Coalition for a Liveable Sudbury conducted September 2017 to September 2018 revealed that "protection and enjoyment of our water and natural environment" was the top response from Sudburians when asked "what do you need in your community".

For this reason, we can't stress enough that the protection and conservation of our environment should be placed as a priority and taking progressive measures to setting higher standards through legislation is the first step.

BILL 229

While some of the proposed amendments in Bill 229 are positive, other amendments have significant implications with unintended consequences and negative impacts on environmental health.

Schedule 6 of Bill 229 proposes fundamental changes to the *Conservation Authorities Act* and to the conservation authorities' role in effective flood protection and ensuring environmental health within their respective watersheds. Schedule 8 of Bill 229 proposes a permanent exemption for authorized logging operations from prohibitions against killing species at risk and destroying their habitats.

We understand that the Province faces unprecedented pressured from a global pandemic as well as climate change. However, there are better ways to find efficiencies and increase transparency and accountability without unraveling the protections put in place for the conservation of the most valuable aspect of all our communities – our natural environment.

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

Ontario's Conservation Authorities protect people, infrastructure and our natural environment. They provide a bridge across municipal boundaries to understand and address environmental concerns, such as flooding. Because they operate at the watershed level, they are ideally positioned to encourage science-based collaborative strategies and decision-making. Their vital role in land use planning and permitting must be retained to ensure that development does not put communities at risk from flooding and other climate change impacts through loss of wetlands, woodlands and farmland.

The roles and responsibilities of Conservation Authorities are critical in protecting the lands, waters and wildlife, which benefit businesses and communities across Ontario, and upon which our health and well-being ultimately depend. The changes proposed in Schedule 6 will reduce or constrain the mandate of Conservation Authorities and are therefore contradictory to the interests of the people of Ontario who are facing enormous risks and costs as a result of climate change and ongoing biodiversity loss.

Our most significant concerns of Schedule 6 are summarized as follows:

- The proposed amendments that reduce a conservation authority's role in plan review will have the detrimental effect of limiting an authority's ability to support municipalities to enhance and maintain a healthy natural environment, a critical attribute of any prosperous Ontario community.
- Several of the proposed section 28 permitting amendments will significantly reduce or impair a conservation authority's ability to protect people and property from flooding and other natural hazards.
- Many of the proposed amendments will have the effect of undermining accountability and by extension good governance.

While a small number of the proposed changes in Schedule 6 (including improved transparency through publicly available information) may be supportable in principle, the majority of the Schedule 6 amendments are regressive in nature and are contradictory to fulfilling both the purpose of the *Conservation Authorities Act* and the desire to set the course for more climate resilient communities in the future. Accordingly, JCSC recommends that Schedule 6 not be enacted in its present form and instead be withdrawn in its entirety from Bill 229.

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

Biodiversity plays a critical role in the function and adaptability of an ecosystem. The loss of biodiversity negatively impacts our environment and community, and according to Office of the Auditor General's "2020 Annual Report of Environmental Value-for-Money Audits and the Operation of the Environmental Bill of Rights", biodiversity loss has been ranked as a top-five risk to economies over the next decade.

The *Crown Forest Sustainability Act, 1994* (CFSA) manages Crown forests to meet social, economic and environmental needs of present and future generations, and applies to

approximately two thirds of Ontario's land base. This land is home to numerous species at risk and their habitat, which means protecting Crown forests also protects Ontario's biodiversity.

The proposed changes in Schedule 8 will reduce the protection of Ontario's species at risk and have negative implications on biodiversity. 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 remain to protect natural areas in response to the biodiversity crisis.

Our most significant concerns of Schedule 8 are summarized as follows:

- The proposed amendments that remove the *Endangered Species Act, 2007* (ESA) 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.
- The proposed amendments that remove the ability of the Minister to issue orders in circumstances when there is imminent danger to an at-risk species.

The proposed Schedule 8 amendments would magnify the Province's existing biodiversity crisis and hinder the protection and recovery of species at risk. Accordingly, JCSC opposes the entirety of Schedule 8 and calls for its withdrawal from Bill 229.

CONCLUSION

In the perspective of the public, economy, and environment, we cannot afford to make the proposed legislative rollbacks. We should be working collaboratively to enhance environmental protection, setting higher standards and making long-term plans and targets.

We urge the Province to consider a more collaborative approach with Conservation Authorities to develop new guidance materials and regulations, and support Conservation Authorities to effectively implement their watershed management role.

The proposed amendments in Schedule 6 and 8 of Bill 229 are expected to set back watershed planning and species at risk recovery by decades. The JCSC strongly recommends 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.

Sincerely,



Miranda Virtanen

Executive Director, Junction Creek Stewardship Committee