



December 2, 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.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

On behalf of the Pickering Naturalists, please find for the assistance of the Standing Committee 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and consequential amendments) and Schedule 8 (proposed changes to the Crown Forest Sustainability Act, 1994) both be withdrawn in their entirety from Bill 229.

About Pickering Naturalists

Pickering Naturalists is a non-profit organization established in 1977 to provide a local natural history group in Pickering and Ajax (both formerly included in Pickering Township). Membership is open to anyone with an interest in nature. We have individual, family, student and life memberships. A club newsletter, Pickering Naturalist, is published quarterly. Regular outings to sites of interest are offered, both locally and farther afield. Our mission statement, as given on our website, is: encourage the enjoyment and study of nature and the environment; promote the conservation of our flora and fauna, land and water; and foster awareness and education of our natural surroundings. We have a long-standing involvement in conservation issues, dating from early participation in environmental planning for Frenchman's Bay in 1978. It is from this focus on conservation that we have reviewed Schedules 6 and 8 in Bill 229.

Pickering Naturalists
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Background

The Government of Ontario has proposed drastic and substantial changes to the Conservation Authorities Act, and the Crown Forest Sustainability Act, 1994, both which will have major repercussions for other provincial legislation, including the Endangered Species Act and other measures to protect species at risk. Pickering Naturalists have strong concerns regarding the proposed changes, which are overwhelmingly negative, to the Conservation Authorities Act and the Crown Land Sustainability Act, as discussed below.

Conservation Authorities Act

Withdraw Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) in its entirety from Bill 229

One of the most positive aspects of the role of Conservation Authorities is their independence in the realm of land-use planning. The purpose of the Conservation Authorities Act is to: “provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario.” It would be very short-sighted for the Government to disrupt such a progressive model by slashing the scope and powers of the Conservation Authorities, merely in the name of short-term gains related to ephemeral developments. Under the prevailing system, Conservation Authorities provide a critical service in preventing unchecked development, thereby reducing the risk of flooding and the resultant loss of wetlands and farmland. According to the report to the Government by Douglas McNeil, Ontario’s special advisor on flooding: “... the watershed approach, the conservation authority model, and the flood standards have been extremely effective at reducing flood risks ...” (see “An Independent Review of the 2019 Flood Events in Ontario”, Douglas McNeil, page 21).

Under the existing legislation, individual members of a Conservation Authority Board are required to act on the basis of the watershed-based mandate of their agency. The proposed changes to the legislation limit the duties of a member – so that, in future, he/she would act on behalf of their municipality *only*. This is clearly a backward step, which would result in a reduced focus on environmental protection and watershed-based planning, in particular flood protection and prevention. The proposed changes would surely result in less resilience for municipalities in the face of ongoing climate change.

We reject the approach of fast-tracking development proposals. If developers are to be given additional rights to appeal decisions they dislike, how will this approach be balanced on behalf of citizens who wish to challenge decisions that have a negative effect on the environment? If the proposed fast-tracking were to move forward, it would very likely favour the One Percent over and above the citizenry at large. We assume that the Government would find such an outcome as offensive as we do.

Pickering Naturalists reject changes which would reduce or limit the ability of Conservation Authorities to comment on development and similar proposals brought forward by various parties. The unrestricted capacity of Conservation Authorities to comment on such proposals is the most effective means to ensure that natural areas, including wetlands, forests, meadows, creek valleys, shorelines, alvars and other habitats are properly protected. Since Conservation Authorities submit comments using a science-based watershed approach, they are by far the best agency to assess the potential impacts of development proposals. They are particularly well-placed to review potential negative effects on local habitats, flora and fauna, with special reference to species at risk (especially endangered species) and the overall loss of biodiversity.

In rural areas of the province, municipalities generally lack the staff and expertise in key areas to comment effectively on development proposals. Conservation Authorities are the agency most likely to have the requisite skills in-house to assess complex issues, including present and future flooding concerns. Where additional expertise is desirable, the Conservation Authorities have the proven track-record to access outside experts and make best use of their advice in a timely and efficient manner. It is extremely unlikely, verging on inconceivable, that Ministry officials at Queen's Park will have sufficient intimate knowledge of the site(s) for proposed developments in order to approve, deny, overturn or make any reasonable judgements whatsoever as to their advisability. We therefore do not support providing the Minister with new power to overrule the decision of a Conservation Authority to refuse to issue a permit for development.

In contrast, urban areas face different challenges. In a highly urbanized setting, like much of the GTA, most of the land that could conceivably be developed already has been. Areas that have not seen development are often sites where such development was actually prohibited – by the local Conservation Authority. Reduction in the mandate, scope and powers of the Conservation Authorities will inevitably lead to losses in green space, natural areas, flora and fauna – indeed, the very livability of these municipalities. Few Ontarians want to live in Trantor.

We are also very concerned that the proposals are lacking in detail, especially regarding the extent of programs and services. It is not possible to thoroughly assess the impact of this legislation when a preponderance of the fine points will be left up to the interpretation of the Lieutenant Governor in council or to the Minister to issue further regulations.

If the Government truly believed that this vast arsenal of weaponry aimed at the environmental protections provided by Conservation Authorities would be supported by the public, then why did they feel it necessary to conceal their armoury within layers and layers of protective camouflage, inside the trojan horse of an omnibus budget bill?

Crown Forest Sustainability Act, 1994

Withdraw Schedule 8 (proposed changes to the Crown Forest Sustainability Act, 1994) in its entirety from Bill 229.

Proposed changes to the Crown Forest Sustainability Act, 1994 will have numerous negative impacts on the lands affected. As noted previously, it is hard to imagine how such changes will benefit the citizens of Ontario, as they might benefit the One Percent. Pickering Naturalists fail to understand how it will serve Ontarians' interests to have Endangered Species and other species at risk given reduced protection by the Government. Since the Crown Forest Sustainability Act will apply to about two thirds of the province, surely there is an even greater need to ensure that species at risk in general, and endangered species in particular, are well-protected on such lands?

Under existing legislation, the Minister has the authority to order a halt to activities which will or might have "a significant adverse effect" on a species at risk. This power will be removed under the new proposal. It would seem from these proposed changes that the Government has less concern about species at risk than citizens at large – why should this be so?

The thrust of proposed changes will be to exempt all forestry operations from the existing constraints of the Endangered Species Act. Any approach along these lines is utterly unacceptable. Such an extreme realignment of priorities – from protection of our birthright of unique flora and fauna as inviolate – to

unbridled exploitation of resources heedless of the consequences – seems more aligned with discredited jurisdictions south of the border than with those in Ontario.

Conclusion

Based on the rationale outlined above, Pickering Naturalists 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.

We look forward to the Government's response.

Thank you for considering our submission,
PICKERING NATURALISTS

Steve LaForest
President
Pickering Naturalists