

Comments on Ontario Bill 229

By

Roger Suffling

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I am pleased to be afforded an opportunity for input on Bill 229, specifically Schedules 6 and 8.

I bring to this commentary more than 40 years as a faculty member in the School of Planning at the University of Waterloo. I have been professionally involved in research, consulting and government advisory work on environmental management, as well as environmental assessment and decision-making. I chaired the Ontario government's Woodland Caribou Science Review Panel from 2007 to 2008.

In summary, schedules 6 and 8 of Bill 29 should be withdrawn and the government should consult widely with the affected communities before formulating alternative approaches.

Re: Schedule 6

Ontarians are justly proud of their pioneering and award-winning Conservation Authorities (CAs). They represent a model of effective, efficient, unbiased governance and decision-making that was pioneered by George Drew's Conservative government nearly 80 years ago. The mandate of the Authorities was strengthened after the deadly events of Hurricane Hazel in 1953, and the CAs have rightly integrated conservation, recreation and educational functions with their flood management, water supply and water quality services.

The proposed changes laid out in Bill 229, Schedule 6, serve to cripple the flood-plain management authority of the CAs. Specifically:

- Section 14. I concur with the Ontario Federation of Agriculture *"that conservation authorities benefit from having board representation that is not limited to municipal councillors, but reflective of the broader interests of the watershed. We recommend that the current system of*

appointments to the authority board by whomever council chooses as its municipal appointment to the authority be retained.”

- Section 19 serves to prevent the necessary inspection of potentially illegal activities on floodplains, such as illicit land-filling and illegal forest clearance.
- Section 20: The proposal to radically limit the functions of the CAs fosters elimination of their role in providing recreation on a local basis, and that is critical to low-income Ontarians who cannot travel far. Curtailing the educational activities of the CAs will harm the capacity of schoolboards to provide outdoor and environmental education that is so vital to our youth in an era of looming climate change.
- Section 28 centralises decision-making authority in the hands of the minister, and it robs power from communities in the watersheds. It ignores the critical importance of watershed-based planning and, to that end, it forces the CAs to take a back seat. Thus, local communities are deprived of the public safety functions of the CAs: Their vital role in protecting us all from flooding and ensuring clean, reliable water supplies. The proposals allow developers to bypass the CA decision-making by going through LPATs that do not have hydrological expertise, or through the minister. To oppose decisions that are deemed unwise and unsafe, the CAs will be obliged to follow a cumbersome and absurdly expensive legal route. This is diametrically opposite from streamlining as envisaged in the changes.

Developers in real estate do not correctly perceive the risk of building in flood plains, leading to over-intensive development in hazardous areas. Likewise, economists widely recognize that real estate markets tend to maximize private values and tend to ignore public values, especially the imperative to preserve public safety in future floods.

The capacity of the Minister to bypass CA-related expertise and to short-circuit the decision-making lays the process open to abuse of power and cooptation by special interests. Similarly, the new Section 28.3 allows developers to sidestep the flood-protection related functions of a CA.

- Section 30.4 prevents stop-orders and so lays natural areas and flood plains open to abusive actions not permitted under regulation. It goes in tandem with section 19 and is damaging to the public interest.

Re: Schedule 8

Exempting crown forest from the provisions of the Endangered Species Act 2007 opens the whole of northern Ontario's forests to destruction of endangered species. This is especially critical in the case of the wide-ranging woodland caribou. The schedule is unnecessary to the profitability of the forest industry and is damaging to natural heritage. It should be deleted.

Postscript

Using a budget bill to pass numerous items primarily unrelated to fiscal management makes public engagement and debate very difficult and constrained. The environmental material in the bill should have been posted on the EBR registry but the bill's format does not allow this.

Omnibus budget bills are fundamentally anti-democratic in that they potentially require a vote of confidence on diverse non-budget items. This bill includes eclectic material, for instance: on day-care, adult sex films, caribou, miscreant teachers, not going into tobacco fields, and audits of "anything else". Much of this legislation has nothing to do with the pandemic support, recovery or protection of Bill 229's title.

Roger Suffling

16 Fernwood Place

Kitchener

ON N2M 2Z2

226 978 4157

rcsuffli@uwaterloo.ca