

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

P.O. Box 2800, 4601 Guthrie Drive, Peterborough, Ontario K9J 8L5
Phone: (705) 748.6324 • Fax: (705) 748.9577 • Visit: www.ofah.org • Email: ofah@ofah.org

OFAH FILE: 459/794
November 7, 2016

Ministry of the Environment and Climate Change
Strategic Policy Branch
77 Wellesley Street West, 11th Floor
Toronto, Ontario
M7A 2T5

Dear Sir/Madam:

Subject: Review of Environmental Bill of Rights – EBR 012-8002

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), its 100,000 members, subscribers and supporters, and 740 member clubs, we have reviewed the proposal notice EBR 012-8002 and have the following comments.

General Comments

The OFAH supports a review of the EBR if the intent is to improve the application of certain components of the existing act. While the existing consultation process is certainly not perfect, we accept that it has been a significant, if not singular, method for stakeholders to review and comment directly on important government proposals.

1. Should the EBR purposes and principles be expanded or modified? If so, how?

- There is general support for the purposes and principles outlined in the EBR; however, outside of key stakeholder groups, we believe the general public knows very little about the EBR or its purposes and principles.
- In addition to “wise management” of our natural resources, we would like to see a commitment to conservation of biodiversity and use of natural resources in a sustainable manner, reflected in the principles.
- We recommend an additional principle that commits to science-based management decisions.
- We believe there are a number of approvals through the EBR that have failed to meet the principle of wise management, mostly due to the influence of special interest groups and political pressure.

2. Are there additional ministries, instruments or legislation that should be covered under the EBR?

- No comment.

November 7, 2016

Page Two

3. *Is there a need to adjust EBR requirements regarding the content, review and updating, or application of Statements of Environmental Values? If so, how?*

- The Statement of Environmental Values (SEVs) is supposed to be one of the most important requirements of the EBR. The OFAH works closely with government, monitors many resource management issues, and officially responds to EBR postings, yet we still have limited knowledge of how exactly the SEVs are applied. Furthermore, the general public (who are not generally as engaged with the development of policies, legislation, and regulations) are likely even less aware of the SEVs and their utility.
- SEVs are supposed to explain how the objectives set out in the EBR must be integrated with social, economic, and scientific considerations, but they are not always referenced in postings. There is a need for clearer communication on how proposals and decisions are linked to the SEVs. A more consistent application of SEVs could help to increase transparency and accountability during decision-making processes.

4. *Should changes be made to the EBR's requirements for "Public Participation in Decision –making" to improve engagement of the public regarding acts, regulations, policies, instruments and other processes? If so, what changes are necessary, particularly regarding the Environmental Registry and its notice requirements?*

- There should be more clarity and consistency in postings. One of the factors that makes the EBR challenging to navigate for the interested public and even active stakeholder groups is the inconsistency in the way information is presented. There is often confusion about what postings are available for comment, how to submit comments, and how to find additional relevant information.
- Oftentimes, the information provided by the posting ministry is insufficient to allow the public and stakeholders to make an informed decision on the proposal. This undermines the entire purpose of the Environmental Bill of Rights and the Registry. We appreciate the concern of overwhelming interested parties with too much information within a posting; however, all information needed to make an informed decision should be publicly available and linked directly through the posting.
- This EBR (012-8002) is a great example of how confusing and misleading the language can be in a posting. The intent of the posting is unclear and the method for submitting comments online is not apparent to individuals who are not familiar with the Environmental Registry.
- Consultation windows should be revisited to ensure that adequate time is provided for meaningful consultation. The length of consultation also needs to be better justified, particularly for lengthy proposals, broad scope proposals, provincial proposals, and proposals encompassing multiple regulations.
- There is a need for clear and direct references on how decisions are made by providing comprehensive rationale. The SEVs could also be used to describe the rationale for decisions – particularly when changes are not made to a proposal despite consultation recommending it.
- Timelines must be strictly adhered to by the proposing ministries. Often, decisions on proposals are not added to the registry; this compromises the public's trust in the process, and ultimately limits their perception of the EBR's utility. If a deadline cannot be met it should be announced that the review of comments is still in progress.

November 7, 2016

Page Three

- We strongly recommend more active promotion of consultation opportunities to enhance stakeholder and public participation. As suggested previously, participation is largely driven by a small minority of the overall public interest. There should be more effort put into advertising what consultation opportunities are available, beyond simply posting to the Registry.
 - Comments should be sorted and weighted based on the relevance and quality of the feedback, and different weights should be applied to individual submissions and submissions from organizations that represent a large interest group.
 - Comments outside of the scope of the EBR should not be considered.
 - Submissions made to the Environmental Registry originating from outside of Ontario should not be considered in decision making.
5. *Do you have any comments on the leave to Appeal process?*
- No comment.
6. *Should the section 32 “EA exception” to public participation be modified? If so, how?*
- We are not convinced the current requirement for public participation through the EA process is adequate under the Environmental Assessments Act.
 - EA processes should be publicly announced at the provincial scale, ideally tied to the EBR. In particular, any consultations that do not go through an EBR process because of an existing EA process should be posted on the EBR.
7. *Should changes be made to Applications for Review part of the EBR, specifically, timelines and content of governmental responses? If so, how?*
- No comment.
8. *Should changes be made to the Application for Investigation part of the EBR, specifically, timelines and content of governmental responses? If so, how?*
- No comment. It is likely underutilized because the process is not well understood by the public and stakeholders.
9. *Is there a need to enhance a right to a healthy environment? What additional rights should be protected? Where should these rights be enshrined – at which level of government?*
- It is our understanding that the right to a healthy environment is enshrined at different levels of government through various existing policies, acts, and regulations. We are not convinced there is a need for additional legislation. What added value would be provided beyond the existing framework?
 - The importance of Canadians’ fishing, hunting, and trapping heritage, and the right to engage in these activities in accordance with the law, are enshrined in federal as well as provincial legislation. We would support enhancing these rights if the need is identified.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

November 7, 2016

Page Four

The EBR is an important tool for Ontario ministries to receive public input on government policy; however, we believe more needs to be done to encourage public participation through the EBR; to increase consistency in postings; ensure accountability of posting ministries; and to enhance the openness and transparency in government decision making. The EBR offers a great opportunity for Ontario to satisfy their Open Government Initiative.

In closing, we appreciate the opportunity to comment, and we look forward to seeing the summary of comments received and any next steps that may identified as a result of public consultation.

Yours in Conservation,

A handwritten signature in blue ink that reads "D Sucec". The signature is fluid and cursive, with the first letter 'D' being particularly large and stylized.

Dawn Sucec
Fish & Wildlife Biologist

DS/gh

cc: OFAH Board of Directors
Angelo Lombardo, OFAH Executive Director
Matt DeMille, OFAH Manager, Fish & Wildlife Services
OFAH Fish & Wildlife Staff