

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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OFAH FILE: 333D/794
January 20, 2019

Mr. Michael Helfinger
Senior Policy Advisor
Ministry of Economic Development, Job Creation and Trade
Business Climate and Funding Administration Division
Policy Coordination and Business Climate Branch
900 Bay Street, Hearst Block 7th Floor
Toronto, Ontario
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Dear Mr. Helfinger:

Subject: ERO Number 013-4293: Bill 66, Restoring Ontario's Competitiveness Act, 2018

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 "Bill 66: Restoring Ontario's Competitiveness Act, 2018" (ERO#013-4293), the "Proposed open-for-business planning tool" (ERO#013-4125), and "New regulation under the Planning Act for Open-for-Business Planning Tool" (ERO#013-4329) and submit the following comments.

The OFAH recognizes that environmental policies and approval processes can influence if, where and how development occurs in Ontario. We also acknowledge the potential for duplication and redundancy in policy and approvals that can limit the attractiveness of Ontario for some businesses. The OFAH believes there are opportunities for the province to streamline and reduce unnecessary regulatory burden; however, it must be done in a strategic and targeted way to ensure there are no gaps in important environmental protections. The scope and scale of Bill 66, the proposed planning tool, and the associated regulation have us concerned that such sweeping changes have significant potential to cause irreparable harm to Ontario's environment.

The proposed regulation suggests that only business-related criteria will be used to determine the threshold for whether or not "open-for-business by-laws" (hereafter referred to as OFB by-laws) would be approved by the Minister of Municipal Affairs and Housing (MMAH). It appears there is no environmental threshold, meaning that protection of some environmental values will be completely dependent on whether or not the development meets the business-related criteria. If development under an OFB by-law will not be subject to environmental policies with equivalency in prohibitions to those removed in Bill 66, then the OFAH cannot support these changes. A by-law that allows development to circumvent environmental protections for wetlands, headwaters, wildlife habitat and other features is unacceptable.

Mr. Michael Helfinger
January 20, 2019
Page Two

Our concerns are focused on Schedule 10 of Bill 66 that proposes to eliminate the application of the Clean Water Act, Great Lakes Protection Act, Greenbelt Act, Lake Simcoe Protection Act, Oak Ridges Moraine Conservation Act, Places to Grow Act, and the Provincial Policy Statement (PPS) under the Planning Act as it relates to the proposed OFB by-laws. Each of these statutes and their related regulations and policies have varying degrees of necessary protections for the environment and other values. There may be some duplication or redundancy where efficiencies may be found; however, some of the protections offered have no equivalency for certain development scenarios in Ontario. Completely removing the application of multiple policies will result in inadequate protections, increase risks to important values, and is a significant concern.

The PPS has broad application across the entire province and provides provincial direction to municipalities in developing official plans and making land use planning decisions. The PPS is critically important for the protection of wetlands, wildlife habitat and many other important natural heritage features not adequately protected under other statutes. If OFB by-laws have the potential to allow development to occur in or adjacent to wetlands, deer wintering areas or other important ecological features where development should be restricted, then the OFAH cannot support the proposal.

The PPS also requires that prime agricultural lands be protected and designated for long-term use for agriculture, because these areas are finite and relatively rare in Ontario. The agricultural industry provides important jobs and plays an important role in Ontario's economy. A reduction in prime agricultural lands will constrain the long-term potential for agri-food exports, local food production and Ontario's long-term food security.

Although much of the other legislation listed above is limited in geographical scope, it applies to areas of Ontario that have experienced significant reductions in ecological features (and associated functioning) and those remaining on the landscape are highly strained. The proposed OFB by-laws would completely circumvent multiple conservation and growth plans for these specially protected areas. Conservation organizations such as the OFAH have worked very hard to restore degraded ecosystems in these areas, and the proposed OFB by-laws have the potential to negate decades of work.

We cannot understate the value of healthy natural areas and productive prime agricultural lands, not only for the environment, but also to provide enormous contributions to the economic, social, physical and mental well-being of millions of Ontarians.

Eliminating the application of so many environmental protections has garnered significant opposition, because it appears to be a relatively drastic means to achieve the stated intent of streamlining approvals. It appears to go well beyond efficiencies and head towards minimizing, or even eliminating, environmental oversight. It is imperative for the government to show that OFB by-laws will not result in gaps in protection for important environmental values. The OFAH recommends that MMAH, in consultation with the other relevant Ministries (e.g. Ministry of Natural Resources and Forestry), undertake a comprehensive analysis to offer a transparent demonstration of what potential environmental protection gaps could occur if Bill 66 becomes law and is implemented. Only then can the public and stakeholders truly understand the potential implications of the proposed changes and offer informed feedback.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Mr. Michael Helfinger
January 20, 2019
Page Three

As stated previously, the OFAH completely supports a review of the approval processes for development in Ontario to look for efficiencies and offer enhanced business certainty; however, the review must be comprehensive and transparent enough to show the trade-offs between business certainty and any negative consequences (environmental or otherwise). We strongly recommend that any efforts to streamline approvals must use strategic and targeted measures guided by an impact analysis. The analysis should illustrate where redundancy exists (and can be addressed), as well as identify any legislative gaps in protections that would occur as a result of proposed changes. To our knowledge, such an impact analysis has not been completed or, at least, not released publicly as a part of this consultation.

The OFAH also has concerns about the proposal to remove the requirement under the Planning Act for consultation or advanced public notice for development in the event of an OFB by-law. While the removal of consultation may reduce the potential time required for approvals, it will undermine the ability for municipalities and the province to determine the impacts of a proposed development and erode public confidence in government impartiality in the regulatory process.

In conclusion, the OFAH supports strong legislative oversight of development in Ontario, particularly as it relates to environmental protections. Decision-making on development today must adequately consider the environment and other critical values needed to sustain us tomorrow. While we also recognize the need to establish an efficient regulatory system to minimize unnecessary burden on business development, it must be done in a responsible way. There are many examples of how insufficient environmental policies have resulted in permanent impacts or enormous costs to make things right. The aftermath of experiences like Hurricane Hazel, Hamilton Harbour, and Walkerton should serve as sobering reminders that strong and preventative environmental policies often end up being the most cost-effective solutions. Finding efficiencies should not come at the expense of effectiveness. We cannot allow short-term business development opportunities to compromise the long-term health and prosperity of Ontario.

Yours in Conservation,



Lauren Tonelli
Resource Management Specialist

LT/jb

cc: OFAH Board of Directors
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