

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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OFAH FILE: 507/794
May 17, 2019

Mr. Alex McLeod
Natural Resources Conservation Policy Branch
300 Water Street
Peterborough, Ontario
K9J 8M5

Dear Mr. McLeod:

RE: ERO Number 013- 4992: Focusing conservation authority development permits on the protection of people and property

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest non-profit, conservation-based organization representing 100,000 members, subscribers, and supporters, and 740 member clubs. We have reviewed the proposal to focus conservation authority development permits on the protection of people and property and submit the following comments for consideration.

Wetlands are important for the people of Ontario – they play an important role in public safety through flood control and water filtration, as well as support important socio-economic activities, such as wildlife viewing, hunting, fishing and trapping by providing critical habitat.

While the majority of proposed changes appear to be improvements, it is very difficult to provide constructive comments in the absence of actual wording. As such, we expect the proposed regulation to be open for public comment once drafted.

Updating Definitions

Using consistent definitions within and across provincial legislation is important for clarity and interpretation. The current definition of “wetland” under the Conservation Authorities Act already aligns with the Provincial Policy Statement; therefore, changing it in the Act would decrease consistency. In order to provide meaningful feedback on the updated and newly proposed definitions, the actual wording would have to be provided. Without knowing which pieces of legislation the proposal is seeking to align definitions with, it is impossible to determine if it is appropriate for the Conservation Authorities Act.

Reducing Regulatory Restrictions

Currently the Act prohibits development within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and within 30 metres of wetlands less than 2 hectares in size, in order to reduce interference with the hydrologic function. The proposal to reduce regulation restrictions in these areas is vague, as it is unclear to what extent the restrictions will be reduced. Better, more reliable, mapping of wetlands would likely be a more effective way to reduce regulatory restrictions when it comes to wetlands due to known inconsistencies in current mapped areas. Without the exact wording changes and how they would be implemented, it is not feasible to give additional comments on this proposed change.

There are many activities that can impact water resources given the role that ground strata composition play in the recharge of aquifers, filtration of water, groundwater reservoirs, and as discharge areas for surface springs and stream headwaters. Due to the potential impacts, any proposed development allowed would need to be shown to have no affect on the wetland's function.

The proposal to allow CAs to further exempt low-risk development activities from requiring a permit also needs to be defined more clearly. While small alterations may not show evidence of impacting a system, there is a potential for cumulative impacts to sensitive areas. If there are to be exemptions for low-risk development, the OFAH suggests that there is an associated requirement to increase environmental monitoring within individual watersheds and across watersheds to quantify cumulative impacts.

We support the proposed mechanisms to ensure adequate public consultation on permitting decisions and public reporting of service delivery standards. These changes should improve the transparency of the permitting process, keep the permitting guidelines responsive to changes in policy, and ensure that CAs continue to be accountable to the public.

Consolidation of CA Specific Regulations

Currently each CA has a specific regulation under the Conservation Authorities Act for "development, interference with wetlands and alterations to shorelines and watercourses;" consolidating them into one provincially encompassing regulation would provide consistency in the operation of CAs. However, the proposed regulation must accommodate local context and decision making. It is important that locally significant factors are not excluded from determining what is and is not allowed within those CAs.

Once a draft regulation has been written, the OFAH will be able to provide more comments on how it could function in place of the individual regulations.

Conclusion

For adequate consultation the Ministry needs to provide the wording for the legislative changes that this proposal puts forward. The title of the proposal, focusing on protections of people and property, along with the proposed reductions in wetland protections is worrisome in the context of conservation. The OFAH looks forward to being able to comment on the draft changes as they become available. Thank you for considering these comments.

Yours in Conservation,



Lauren Tonelli
Resource Management Specialist

LT/jb

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