

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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To Whom it May Concern:

SUBJECT: ERO #019-6141 - Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. We have reviewed the proposed changes affecting conservation authorities resulting from Bill 23 (*More Homes Built Faster Act, 2022*) and offer the following comments for consideration.

The OFAH acknowledges the need for more housing supply in Ontario; however, we believe that increasing housing supply does not have to come at the cost of vital natural heritage features such as wetlands.

1. Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario (legislative changes)

The role of conservation authorities in protecting natural heritage features such as wetlands, grasslands, and forests within a watershed is key to conserving biodiversity and fish and wildlife habitat. In addition, many CAs provide valuable hunting opportunities, particularly in areas where access is limited by a high proportion of private land. Highly expert conservation authorities were established to work on a watershed basis, across municipal boundaries, to ensure that development is done in a safe and sustainable manner. While we agree that the role of CAs has expanded greatly over the years, much of the additional workload was borne of necessity as other groups divested themselves of important on-the-ground work. Now that the government is proposing to refocus CA responsibilities, we fear that some of this important work will not be done. Some CAs are the only entities that have the expertise to properly assess risk and make evidence-based decisions about development plans.

The bill proposes to exempt development applications from requiring CA permits if they have been authorized under the *Planning Act*. We recognize that the evolution of CA responsibility has created some legislative duplication and fully support eliminating this duplication. However, we are concerned that the permitting considerations under the *Planning Act* and the *Conservation Authorities Act* are not identical. As such, this exemption will result in the elimination of certain considerations during the permitting review process.

We agree with the addition of ‘unstable soils and bedrock’ to the matters considered in permitting decisions, but we question the need to remove the terms ‘conservation of land’ and ‘pollution.’ If these terms are removed, CAs will no longer be able to require minimum setbacks from water, protect shorelines, or require sediment control during construction. The importance of water quality cannot be understated. Healthy lakes and rivers provide tremendous ecological and economic benefits, including healthy fish populations, recreational and commercial fishing, and tourism values. We strongly recommend maintaining these terms in the relevant sections and adding clarifying definitions where appropriate to ensure they reflect their original purpose.

We question the proposal to enable the Minister of Natural Resources and Forestry to review and amend any conditions attached to permits issued by CAs for projects subject to a Community Infrastructure and Housing Accelerator order. Given the chronic capacity problems within the MNRF, we feel this will create an unsustainable system of case-by-case review by the minister that will ultimately prolong the application process rather than accelerate it. If this aspect of the proposal is adopted as written, we strongly recommend the government ensure there is adequate technical capacity and expertise within the MNRF to avoid exacerbating the very problem that it is intended to ameliorate.

We also disagree with giving the minister the authority to prescribe limits on what conditions a CA may include on a permit unless those limits are written in regulation. Many conservation authorities are subject matter experts, and their decisions should be given the deference they deserve. Including those limits in regulation will ensure consistency across permitting decisions.

The role of CAs in the municipal planning process is both advisory and regulatory – many municipalities rely on the technical expertise of CA staff when reviewing development proposals, and CAs have the authority to regulate development in certain hazard or sensitive areas under the *CAA*. Bill 23 would significantly restrict CA ability to perform review and commenting services on certain matters under prescribed Acts. We disagree with prescribing those Acts in regulation, as it will make it impossible for CAs to achieve their core mandate. The proposed changes would restrict the ability of a CA to assist municipalities in avoiding/mitigating certain negative impacts of development like pollution (e.g., erosion, increased sedimentation in waterbodies from construction site runoff).

2. Focusing conservation authorities’ role in review of development related proposals and applications (comments, appeals)

Inclusive and transparent public hearing processes are an important component of a functioning democracy. Indeed, the Statements of Environmental Values of both MNRF and the Ministry of Municipal Affairs and Housing commit to providing “opportunities for an open and consultative process when making decisions that might significantly affect the environment.” We see no justification in Schedule 9 of the bill to eliminate third-party appeal rights under the *Planning Act*. Local residents, including anglers and hunters, will no longer have the opportunity to appeal questionable land use decisions that will directly impact them. We have not seen any persuasive or convincing evidence to justify this change and, therefore, are not in a position to support it. We fully agree that changes should be made to prohibit spurious and vexatious appeals and would support measures to address this problem; however, there are many justifiable appeals that will be prohibited if the proposed changes are adopted as written.

3. Freezing conservation authority fees

No comment, as long as the fee structure is: (1) reasonable to cover the costs of the review, (2) reflects the work and technical expertise of those conducting it, and (3) does not create a funding shortfall in the future.

4. Identifying conservation authority lands suitable for housing and streamlining conservation authority severance and disposition processes that facilitate faster development

Amendments to section 21 of the CAA under Bill 23 outline the circumstances surrounding the potential sale of CA lands to support housing development. The proposed amendments would require a CA to post a notice of public consultation on their website and conduct consultation for a minimum of 45 days for certain types of land dispositions. We agree with the need for broad public consultation on these matters; however, we question the utility of CA websites as the sole source for these consultation opportunities. A significant proportion of citizens that are engaged in environmental issues have come to view the Environmental Registry of Ontario (ERO) has a one-window method of staying up to date on public consultation opportunities related to the environment. As such, we recommend that CAs be required to post these consultation opportunities on the ERO in addition to their websites to maximize their reach.

We have been informed that the final decision to sever or dispose of CA land will remain with the CA and not the minister. We hope this remains true in the future.

Thank you for considering our comments. We look forward to future discussions about other aspects of Bill 23, including the development of a wetland offsetting policy for the province.

Yours in Conservation,

A handwritten signature in blue ink, appearing to read "Mark Ryckman".

Mark Ryckman
Manager of Policy

MR/jb

cc: OFAH Board of Directors
OFAH Land Use/Access/Trails Advisory Committee
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