

November 18, 2020



E-Conservation BLAST

SOUTH LAKE SIMCOE NATURALISTS

Important Conservation News: Ford Government makes concerning attack on Conservation Authorities in Ontario, and other troubling changes to Planning, with BILL 229!

Members of SLSN this is a very concerning time in the history of conservation in Ontario. The Ontario Ford Government recent tabling of this omnibus Bill 229, a financial budget bill, has in it very concerning policy changes, provisions and directions principally nestled in Schedules 6 and 8. These policy provisions and directions have debilitating impacts on **our Ontario Conservation Authorities**, ad hoc consideration and approvals for development, and the **terrible loss of endangered species and habitat in forestry operations in the province**. The unfettered use of the **Ministers Zoning Orders (MZO's)** in many instances in the province now by this government means that you, the public and local and regional municipal governments, are also being shut out of the Ontario Planning process for comment and rigorous information contribution for your local and regional community futures.

These actions will also severely limit your public knowledge of, and input into, all these actions and impacts affecting the natural heritage places, wildlife and conservation opportunities in Ontario.

Below are details provided by a range of organizations, including the Conservation Authorities themselves, of the government actions in this Bill 229 for your information and reference. Please, take your own action! There are many links to Petitions to the Premier and Ministers responsible for these actions, **and municipal and regional politicians that should be leading the fight against these actions by the province, as our direct political community representatives! Action is needed now. I have responded myself through many of these links already. **This Bill and these provisions are moving fast and already at Second reading at Queens Park and could be passed within a week!****

Paul Harpley, SLSN

TAKE ACTION

Ontario Nature

Barbara MacKenzie-Wynia, Regional Coordinator Nature Network

Budget Bill 229 proposing numerous changes to the *Conservation Authorities Act* (CAA)

Dear Nature Network friends and colleagues,

As you are likely aware, earlier this month the Government of Ontario tabled omnibus Budget Bill 229 proposing numerous changes to the *Conservation Authorities Act* (CAA) that will severely curtail the role of Conservation Authorities in watershed planning and management and undermine efforts to conserve biodiversity and build community resilience to climate change. The changes are contained in Schedule 6 of Bill 229.

Ontario Nature, working in partnership with the Canadian Environmental Law Association (CELA), Environmental Defence and many other organizations is urging the government to remove Schedule 6 from the bill. I am reaching out today to request that you contribute to this collective effort by contacting your members and others in your networks to raise awareness and ask them to become engaged.

Bill 229 is already at second reading. Now is the time for people across Ontario to speak up in support of conservation authorities. You can help by promoting our action alert: <https://ontarionature.good.do/conservationauthorities/send/> Close to 12,000 people have signed our Action Alert but we need more folks to sign on.

Even more important, please encourage your friends, neighbours and colleagues to phone their MPPs, and Hon. Rod Phillips, Minister of Finance 416-325-0400 to express their concern, and ask that Schedule 6 be removed from Bill 229. A personal phone call is not easy to ignore and will leave a much stronger impression than an email.

Among the key concerns identified in Schedule 6 are:

- Narrowing of the scope and powers of Conservation Authorities, impeding the achievement of the overall purpose of the CAA, which is to “provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario;”
- Restricting the duties of Conservation Authorities’ members so that they no longer must act to further the watershed-based mandates of the Conservation Authorities, but rather can act only on behalf of the narrower interests of their respective municipalities;
- Reducing the ability of Conservation Authorities to act as independent public bodies in land use planning, including removing their ability to seek to appeal municipal planning decisions;
- Introducing new rights for developers to force fast-tracking of development approvals and to appeal decisions they do not like, without providing the same opportunity to citizens who may wish to challenge decisions that damage the environment; and

- Giving the Minister new power to overturn a conservation authority's decision to refuse to issue a development permit.

For more information, please invite your contacts to watch the video of a webinar, co-hosted by CELA, Environmental Defence and Ontario Nature earlier this week: <https://cela.ca/we-need-our-conservation-authorities-webinar/>

Thank you so much for your attention and support. Together we can make a difference



**Other concerning details about this Bill,
noted by others, with Links to action.**

**Tell your MPP you want the Ontario
government to stop destroying
nature**

David Suzuki Foundation

The Ontario government is stealthily continuing to bulldoze nature for more subdivisions and warehouses, and shutting the doors to opportunities for public consultation.

The minister of municipal affairs and housing has been issuing minister's zoning orders (MZO) to override stringent protection measures for wetlands, forests and other important natural areas. Last week, a budget bill was tabled that includes a mechanism to strip conservation authorities of their ability to make decisions to safeguard woodlands and wetlands.

[Please take a moment to let your MPP know you won't stand by while the Ontario government bulldozes nature and the tools in place to protect it.](#)

Conservation authorities have been standing up for nature. When the province recently approved a MZO in Pickering to build a production facility that would destroy the significant

lower Duffins Creek coastal wetland (a designation the province assigned), the regional conservation authority stood poised to block the permit. Hence the province's recent bold move — *tucked into the budget, for which there is no public consultation* — to take away conservation authorities' means of fulfilling their mandate.

Stop Ontario from bulldozing nature

Wetlands and forests provide recreation, and even solace, but they do much more. They mitigate against floods and climate change and provide habitat for numerous at-risk species.

Over 72 per cent of wetlands in southern Ontario have already been destroyed. If we don't act now to push back against MZOs and uphold conservation authorities' decision-making powers, there's little hope for remnant patches of nature in southern Ontario.

Thank you,

Rachel Plotkin
Wildlife Campaigner
David Suzuki Foundation

P.S. Ontario's onslaught against nature is wearying, especially in the midst of a global pandemic. Many of us put colourful signs in our windows to show support for essential workers. We worked with our colleagues to create a window sign to celebrate nature, which is also essential to us. [Print yours here](#).



Ontario Greenbelt Alliance

For too long, developers and land speculators have been lobbying Mayors and Council Members for sprawl-style development that harms natural areas, farmland and water sources we need in and around the Greenbelt.

Now it's our turn to speak.

- [Take Action Now!](#) In less than 1 minute, contact your local Council and let them know you want them to stop MZOs, stop Sprawl and grow the Greenbelt.
- Tell others about this Action by sharing OGA posts on [Facebook](#), [Twitter](#) and [Instagram](#).
- Let your supporters know about this Action in the next few days.

Thank you for raising your voice to stop MZOs, stop Sprawl and grow the Greenbelt!

Franz Hartmann
Ontario Greenbelt Alliance

2020-11-06

Conservation Ontario



Changes to *Conservation Authorities Act* Trigger Red Flags for Conservation Ontario

NEWMARKET November 6, 2020 - Conservation Ontario and the conservation authorities (CAs) are reviewing the Province's changes to the *Conservation Authorities Act (CA Act)* which were released in the 2020 Ontario Budget yesterday.

"There are a number of changes that we feel could have significant impact on conservation authorities, and on their watershed management responsibilities," said Kim Gavine, General Manager of Conservation Ontario (CO). **Conservation Ontario** is the association which represents Ontario's **36 conservation authorities**.

The CA Act has been under review by the Province since April 2019. Earlier this year, the Minister of Environment, Parks and Conservation (MECP) hosted a series of five consultation meetings across the province with invited representatives primarily from municipalities,

conservation authorities and agriculture, landowner and development sectors. Conservation Ontario was a presenter at these sessions.

"There are a number of changes that could actually create more red tape and delay permit application approvals and I'm not sure that's what the Province intended to do," Gavine pointed out. Over the past two years, CO has been working with CAs, the development sector and the Association of Municipalities of Ontario (AMO) to develop better streamlined client service approaches for CAs to use when reviewing plan review and permit applications. The initiative has been well-received and is ongoing.

As well, changes have been made to the planning role for conservation authorities which could actually put more people at threat, rather than protect them from natural hazards. "One of our main goals throughout this review has been to maintain the conservation authorities' watershed-based approach to protecting people from natural hazards and ensuring the conservation of Ontario's natural resources. Some of the changes will impact the CAs' ability to do so," Gavine said.

Some of the other changes included in yesterday's budget bill (Bill 229) are around new rules for CA Board appointments, scoping of non-mandatory programs and services, and creation of new Ministerial powers.

"If nothing else, pandemic conditions this year have certainly reinforced how much we rely on a healthy environment for our own well-being," Gavine said. "It's important that conservation authorities are able to continue to protect our natural environment and ensure the safety of Ontario residents."

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For more information:

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Media release available for download [here](#).

MZO's – Ministers Zoning Orders

2020-04-27 Letter to Premier Ford

November 16, 2020

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

Via Email

Dear Minister Clark,

RE: Issuance of Minister's Zoning Orders

We, the 96 undersigned organizations, are strongly opposed to the use of Ministerial Zoning Orders (MZOs) to over-ride policy protections for Provincially Significant Wetlands (PSWs) in Ontario. We ask that you revoke two recently issued MZOs that will lead to the destruction of PSWs in the cities of Vaughan and Pickering, and that you refrain from using MZOs for this purpose in the future.

Wetlands are among the most productive and diverse habitats on Earth. They provide incalculable benefits for communities, including flood mitigation, water filtration, carbon sequestration, wildlife habitat, wild foods and medicines, recreational opportunities and more. They are also of immense economic value. For example, wetlands can reduce the financial costs of floods by up to 38 percent; in the Great Lakes region the benefits provided by wetlands are worth 13 to 35 times more than the cost of protecting or restoring them; and in southern Ontario alone wetlands provide over \$14 billion dollars in benefits every year.

Provincial planning law and policy rightly prohibit development on wetlands that are deemed to be provincially significant. In fact, PSWs in southern Ontario enjoy the highest level of protection of any natural feature. Strict protection of PSWs is also a key component of the Ontario Government's *Wetland Conservation Strategy for Ontario, 2017 – 2030*, which aims to achieve a net gain in wetland area and function by 2030. This approach was endorsed by the MNRF's multi-party Wetlands Conservation Strategy Advisory Panel in their 2018 report. This group included representatives from the development, agricultural, waterpower and municipal sectors.

The use of MZOs to sidestep these protections and commitments is unacceptable. We are aware of two recent instances where such circumvention has occurred, setting a deeply troubling precedent. The first was an MZO to demolish three PSWs on agriculturally zoned land in Vaughan adjacent to a planned Walmart distribution facility. The second was an MZO to authorize the destruction of a large coastal PSW in Pickering to make room for a warehousing facility. As is typically the way with MZOs, Further, these zoning orders are not subject to appeal.

In issuing these MZOs, we believe that the Ontario government failed in its Treaty obligations and constitutional duty to consult with affected First Nations. The duty to consult arises from s.35 of the *Constitution Act, 1982*, and is triggered whenever the Crown has either constructive or real knowledge of the potential existence of an Aboriginal right or title and contemplates conduct that may adversely affect it. Further, issuing MZOs without proper consultation is inconsistent with the spirit and intent of the revised *Provincial Policy Statement 2020*, whereby planning authorities must “engage with Indigenous communities and coordinate on land use planning matters.” Your ministry must recognize Indigenous rights and fulfill its duty to consult.

Ontarians can and should play a meaningful role in planning processes that affect their communities. Public participation is vital to ensuring that decisions are in the public interest. Yet MZOs eliminate this possibility, allowing deals to be cut with developers behind closed doors, without public scrutiny or input. Such lack of accountability is highly objectionable, paving the way, in this case, for the loss of wetlands that are critical to building community resilience in an era of climate change.

We urge you to cease using MZOs to sidestep policies that protect Ontario’s natural areas and farmland and to reaffirm your government’s commitment to respecting and upholding protections for all PSWs in Ontario.

Yours sincerely,

Caroline Schultz

Executive Director

Ontario Nature

Tim Gray

Executive Director

Environmental Defence

David Miller

Executive Director

Algonquin to Adirondacks

Collaborative

Liz White

Director

Animal Alliance of Canada

Debra Sherk

President

Bert Miller Nature Club

Gregor Beck

Ontario Director

Birds Canada

SLSN was a signatory to this letter.

2020-11-13

Rescue Lake Simcoe Coalition

Claire Malcolmson, Executive Director

Nov 13, 2020

Changes to Conservation Authorities Act are irresponsible and unjustified

Ford government eviscerates CA powers putting environment and property at risk

Lake Simcoe, Ontario – Last week the province of Ontario snuck changes to Conservation Authorities' (CAs) powers into their budget bill, which could be passed without consultation as early as next week. The proposed changes are widely regarded by the environmental community as a vindictive stab at the environment and CAs led by the Premier's Office. Critics argue that these changes will undermine the effectiveness of CAs. Additionally these changes will add costs and "red tape" for both the CAs and those seeking development permits in lands now regulated by CAs.

The proposed changes include:

- Creating a mechanism for the Minister of Natural Resources and Forestry to use his/her "opinion" to override the science-based decisions of Conservation Authorities regarding the protection of wetlands, woodlands, endangered species habitats and flood protection;
- Forcing Conservation Authority Board members to "generally act on behalf of their respective municipalities" instead of the goals and objectives of the Conservation Authority and the watershed health it was entrusted to protect; and
- Tangle up permitting processes while providing appeal rights for developers, and adding red tape and costs for all involved.

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More Information: www.rescuelakesimcoe.org

Resignation Letter

LINDA R. PIM, MCIP, RPP

93 Lorne Street, Inglewood, Ontario L7C 1L3

lindareanpim@rogers.com

November 4, 2020
The Honourable Steve Clark
Minister of Municipal Affairs and Housing
Queen's Park, Toronto
By email: minister.mah@ontario.ca

Dear Minister Clark:

RE: Resignation from the Greenbelt Council over the Durham Live MZO (City of Pickering) and its destruction of the Lower Duffins Creek provincially significant wetland complex

Your government's increasingly frequent use of Ministerial Zoning Orders (MZO) to bypass most of Ontario's highly regarded land use planning processes and policies under the *Planning Act* has deeply concerned me, with close to 30 MZOs having been issued in the past two years. In the case of the major Durham Live development in the City of Pickering, your October 30 news release rationalizes the MZO issued on that date as promoting economic growth and creating over 10,000 jobs. However, the provincial land use planning framework requires that *all* relevant provincial policies be met for any proposed development. Complete destruction of the 22-hectare (54-acre) Lower Duffins Creek Wetland Complex – a Provincially Significant Wetland (PSW) – for the Project Lonestar warehousing and logistics component of Durham Live, with its almost four million square feet of space, flagrantly contravenes wetland protection policies that have been well established in Ontario's provincial planning documents for several decades.

It is well documented that southern Ontario has already lost over three-quarters of its pre-European-settlement wetlands to various forms of development. Their vital roles in flood control, water quality enhancement, carbon sequestration, biodiversity conservation and public appreciation of nature through low-impact recreation are the reasons that development in PSWs is strictly prohibited in provincial policy. As you know, the Provincial Policy Statement (PPS, 2020) under the *Planning Act* states (in policy 2.1.4) that development and site alteration are not permitted in PSWs. There is no provision in the PPS for "compensating" for PSW destruction through wetland creation elsewhere or other means of creating ecological benefits, as is being called for through a compensation agreement signed by the Durham Live proponent and the Toronto and Region Conservation Authority (TRCA). This agreement, as I understand it, runs counter to the position of TRCA's board of directors of not supporting development within PSWs.

Instead of looking for other places to attempt to create a wetland equivalent in ecological value to the Lower Duffins Creek wetland complex, the Durham Live proponent's project, if it proceeds, should keep that wetland complex fully protected and instead, seek other, less environmentally sensitive lands on which to locate the warehousing and logistics component. I understand that the Pickering East Net Employment area contains underutilized lands nearby that could provide site(s) for such development.

You attended part of the June 25, 2020 Greenbelt Council meeting. You will have received Council's Report #12 (publicly available) of July 31, 2020 following up on that meeting, a report in which Council expressed significant concerns about the increasing use of MZOs by your government since

late 2018. Council recommended in Report #12, *inter alia*, that MZO, if used at all, should be used sparingly and only in exceptional cases; that information about a proposed MZO should be publicly accessible and explicit, posted on your ministry's website and the Environmental Registry; and that the public should be formally consulted prior to issuance of an MZO. You have apparently not given these recommendations due consideration at the same time as making a decision on Durham Live that runs totally counter to decades-long provincial policy mandating complete protection of PSWs.

As an environmental biologist and land use planner with a long career behind me both within and outside of the Ontario government, I find that with the issuance of the MZO for Durham Live and its complete destruction of an irreplaceable Provincially Significant Wetland, I have simply had enough. I cannot in all conscience continue to sit on the Greenbelt Council which has provided you with its best advice on urban and regional planning issues in the Greenbelt and the entire Greater Golden Horseshoe (GGH) – advice which seems to me to have not been given due consideration. In this letter, I have spoken only for myself, not other members of Council, for whom I have the utmost respect and admiration. I have lost confidence in your government's commitment to honour and meet Ontario's long-standing requirements to protect our precious natural heritage from development. Future generations will thank us all for both economic development *and* protection of natural places. We can and must achieve both simultaneously.

I hereby resign from the Greenbelt Council, effective immediately. I have appreciated the opportunity to serve on the Greenbelt Council over the past two and a half years.

Yours sincerely,

Linda R. Pim
c.c. David Crombie, Chair, Greenbelt Council
Greenbelt Council members
Alex Beduz, Chief of Staff, Minister's Office, Ministry of Municipal Affairs & Housing
Kate Manson-Smith, Deputy Minister, MMAH
Cordelia Clarke-Julian, ADM, Ontario Growth Secretariat, MMAH
Jonathan Lebi, ADM, Local Government & Planning Policy Division, MMAH
Sean Fraser, Director (Acting), Provincial Planning Policy Branch, MMAH
Ed McDonnell, CEO, Greenbelt Foundation

Ontario Forests Impacts – Endangered species and habitat impact

2020-11-14

National Observer

<https://www.nationalobserver.com/2020/11/13/news/doug-ford-permanently-exempt-logging-endangered-species-law>

Doug Ford moving to permanently exempt logging industry from endangered species law

By [Emma McIntosh](#) | [News](#), [Politics](#) | November 13th 2020

The Ontario government is attempting to make logging companies permanently exempt from endangered species law, a move environmental advocates say would hasten the decline of creatures like the woodland caribou.

A similar but temporary exemption has been in place in Ontario since 2013. The province has said making it permanent would help create jobs in the forestry sector.

"It's not unexpected, but it's devastating nonetheless," said Greenpeace Canada nature and food campaigner Reykia Fick.

"The province of Ontario is failing to protect species at risk and to turn around the [extinction crisis](#) as it's playing out here."

The change was introduced as part of Bill 229, a piece of legislation introduced Nov. 5 to enact measures the Progressive Conservative government outlined in its [2020 budget](#).

Under the temporary exemption from Ontario's Endangered Species Act, logging companies follow a different set of rules under the Crown Forest Sustainability Act. In an emailed statement, Ministry of Natural Resources and Forestry spokesperson Maimoona Dinani said removing logging companies from the endangered species rules eliminates "duplicative requirements" while "maintaining rigorous oversight and sustainable management of Ontario's Crown forests."

"The proposed changes do not decrease current protections for species at risk already in place under the Crown Forest Sustainability Act (CFSA)," Dinani said. "Ontario's sustainable forest management framework will continue to provide for the consideration of species at risk – as it has done since the passing of the CFSA."

But the guidelines aren't equivalent, advocates say: Endangered species protections are aimed at helping species at risk recover, while the forestry rules attempt to minimize the impact but don't stop populations from shrinking.

"Essentially what this means is slowing down extinction, but not reversing it," Fick said.

"Fast or slow, it's heading to the same point."

In a statement, Ontario Green party Leader Mike Schreiner said the Ford government "continues to clear-cut" protections for endangered species.

The Doug Ford government wants to permanently exempt logging companies from endangered species law. "Essentially what this means is slowing down extinction, but not reversing it," said Reykia Fick of Greenpeace Canada. #onpoli

"These actions will push the woodland caribou closer to extinction and tarnish Ontario's reputation for sustainable forestry," he said. "Instead of a rip and ship approach, Ontario should focus on sustainable forestry and value-added production."



Ontario Premier Doug Ford and Natural Resources and Forestry Minister John Yakabuski at Queen's Park in 2018. The Ford government is attempting to permanently exempt forestry companies from endangered species rules. File photo by Alex Tétreault

'Scientists are sounding the alarms'

The number of species that are endangered in Ontario is increasing as the province fails to meet its national and international nature protection commitments, auditor general Bonnie Lysyk [found last year](#). Of the 88 types of known mammals found in the province, 16 are at risk, she noted. One of them is the woodland caribou, which the province [has found](#) to be on the decline thanks to human activities like forestry and road building.

The Ford government previously [watered down](#) the Endangered Species Act in 2019. One change gave environment ministers the power to delay protections for endangered species, while another made it possible for developers to pay fees for endangered species recovery instead of following the rules.

The province announced plans to make the logging industry's exemption from the law permanent in December 2019. In its new forestry strategy, released that month, the government outlined plans to double wood production by 2030 to "attract investments" in Canada and internationally.

The Ontario Forest Industries Association, which represents forestry companies, [has said](#) the change would "reduce red tape and administrative burden."

"Now the forest industry will be free to ignore the plight of woodland caribou and other species that are threatened with extinction or extirpation," said Tim Gray, the executive director of the non-profit Environmental Defence.

The forest planning process always "begins with considerations of what we must protect," Dinani said, adding that the government's plans aim to keep woodlands "healthy, diverse, and productive."

"Ontario is committed to protecting species at risk and improving environmental outcomes by modernizing and improving the effectiveness of the Endangered Species Act, as committed to in our Made-in-Ontario Environment Plan," Dinani said. "The Endangered Species Act continues to apply to all other activities in Crown forests."

The new legislation is likely to pass, as the Progressive Conservatives hold a majority in the legislature.

In some cases, it's not always clear what a species adds to our ecosystem until they're gone, Fick said. But a complex web of living things sustains human life, and allowing species to go extinct could have [unforeseen consequences](#).

“This is an existential crisis for humans as well,” she said. “Scientists are sounding the alarms.”



Stop Bill 229 from dismantling major environmental protections

Dear Anna

We are fighting battles on all fronts. While we face a pandemic, a climate emergency and a biodiversity crisis, the Ford government is fueling the fire by quietly rolling back protections for wildlife, forests, and wetlands in the latest omnibus Budget Bill. [Read Lintner Law's](#) legal opinion on the changes to Bill 229.

We need your support now more than ever. [Lend your voice.](#)



Schedule 6 of Bill 229 proposes changes to allow developers to force fast-tracking of development approvals while narrowing the mandate of conservation authorities to protect the environment. A watershed wide approach will be next to impossible.

Schedule 8 gives industry a free pass to destroy forests without consequence. If passed, forestry will have permanent exemption from protecting and recovering endangered species. To make matters worse, it would prevent the Minister of Environment,

Conservation and Parks from ever issuing a species protection order or habitat protection order for any forest operations conducted as per the exemption.

[Register for our webinar](#) in partnership with Lintner Law on **Wednesday Nov 25th at 2pm EST**, where we break down the proposed changes to forestry and endangered species.

Take 30 seconds to stand up for the natural world. [Tell your MPP](#) to remove Schedules 6 & 8 from Bill 229.

SEND A LETTER