

# The Ontario Headwaters Institute

Preserving Ontario's headwaters, the foundation of our watersheds

November 22, 2012

Darryl Lyons  
Team Lead  
Provincial Policy Statement Review  
Provincial Planning Policy Branch  
Ministry of Municipal Affairs and Housing  
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Toronto, Ontario M5G 2E5  
PDF via E-mail to PPSreview@ontario.ca

**Re: Provincial Policy Statement Five Year Review: Public Consultation on Draft Policies and the Review Cycle of the PPS – EBR Registry Ref. 011-7070**

Dear Mr. Lyons,

The Ontario Headwaters Institute, which works to preserve the province's headwaters through research, education, and best practices, thanks the Province for providing the opportunity of public review of the Provincial Policy Statement (2005).

In particular, we thank the Province for the provision of draft text and staff involved in the review for their performance in discussing the draft in both a second round of public consultations and for smaller discussions, such as one the OHI was involved in with members of MNR.

In modern democracies with competing stakeholders dealing with complex issues, the provision of draft text and fulsome discussion is an emerging norm that can level uneven playing fields and enhance public access and opportunity for input.

We acknowledge and thank the Government's dedication to transparency on this issue, and we encourage its broad application going forward

We offer comments in three sections:

- A. Over-arching Considerations
- B. Detailed Comments, and
- C. Issues Requiring Coordinated Action to Better Protect Water Resources.

## A. Over-arching Considerations

1. **We support the imperative to provide better protection regarding natural heritage, water, and agriculture** as can be found in submissions from CELA/Ecojustice, Ontario Nature, Ducks Unlimited, and the Ontario Federation of Agriculture.

In particular, we strongly support:

- 1.1 The proposed addition to Part III from CELA/Ecojustice so that it reads “None of the policies are to be read in isolation from each other, and in situations where there is a conflict with respect to a matter relating to the natural environment or human health, the policy that provides more protection to the natural environment and/or human health prevails”;
- 1.2 The sections in the submission from Ontario Nature regarding the need to include biodiversity as a high level concept in the new draft of the PPS;
- 1.3 The need to remove the primacy of aggregate extraction in the PPS and to amend Part V, section 2.5 in its entirety, as per the recommendation from CELA/Ecojustice; and,
- 1.4 The intent of the four principles on page 2 of the November 12 submission from the Ontario Federation of Agriculture. Although we think the first and fourth bullet require detailed multi-sectoral discussion, we firmly support the following:
  - The expansion of the definition of prime agricultural land to include class 1 through 4 soils; and,
  - The prohibition of aggregate extraction on prime agricultural land and specialty crop areas.

In addition, we support enhanced Provincial support for agriculture in general, through both public education campaigns and broad discussions on tax relief / credit for both the retention of natural heritage on agricultural lands and shifts toward sustainable agriculture;

2. **We remain deeply troubled that this review of the PPS has not benefitted from the availability of PPS performance measures.** Ontario’s policy-led planning system is an achievement of great note. Nonetheless, without performance measures, augmented by cumulative monitoring vis-à-vis the retention of upland forests, wetlands, and the small streams that harbour the foundation of Ontario’s biodiversity, we do not know the effectiveness of the current PPS in mitigating human impact on Ontario’s ecological integrity. Going forward, we are worried that current budget-cutting initiatives, particularly those aimed at science branches, may irreparably harm the ability of MMAH and its sister agencies to properly measure what the PPS seeks to manage; and,

3. **We also remain deeply troubled by the absence of a timely evolution of policy and implementation measures** in ministries and agencies sharing the one window burden of the PPS. A sample of problems includes:
- 3.1 The lack of financial support to Conservation Authorities to generate watershed or sub-watershed studies for areas of proposed development. Instead of the current willingness of the Province to approve such plans, the Province should step in to require municipalities to fund the required studies and/or should ensure the provision of the resources needed to undertake the studies;
  - 3.2 The continuing absence of standardized policies, and associated actions, to effectively implement the new definition of a watercourse in the Conservation Authorities Act (2005). In the absence of such policies, the OHI suggests the Province direct municipalities to immediately cease burying first and second order streams;
  - 3.3 A lack of progress in amending Ontario's interior wetland policies, in a province that has lost 72% of its wetlands south of the Shield. While the PPS has new text aimed at protecting coastal wetlands, the draft wording of PPS 2012 does not advance policies that we think are required to protect interior wetlands and the invaluable contribution they make to biodiversity, water quality, and flood protection. We therefore suggest that all existing natural wetlands in Eco-regions 5E, 6E, and 7E, be declared significant, effective immediately, and that all such declarations be deemed to be included automatically in existing municipal plans.

## **B. Detailed Comments**

*I Do the Draft Policies provide sufficient direction to effectively protect Provincial interests in land use Planning?*

- The PPS is a seminal document, and the 2012 draft text offers several welcome improvements, such as reference to biodiversity and climate change, and new protection for coastal wetlands. Areas that the OHI believes would benefit from further amendment are cited below, using the same method of displaying suggested changes as the MMAH track changes document.

### **Part IV: Vision for Ontario's land use Planning System**

Proposed amendments from the Province in section 2.2 need to be foreshadowed in and supported by wording in the Vision. While the Province may be reticent to use the term "Integrated Watershed Management" at this time, there is a clear need for a broader application of the term "cumulative" than its current exclusive reference to water. We suggest the following amendments to the third and fourth paragraphs of Part IV:

The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development must may involve inter-agency collaboration, cumulative impact monitoring, and adaptive management in order to direct ing, promote ing or and sustain ing economic growth, ecological integrity, and public health. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

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## Part V: Policies

### 2.1 Natural Heritage Features, and Areas, and Systems

**2.1.1** Natural features, and areas, and systems shall be protected for the long term.

**2.1.2 and 2.1.3** In order to establish the primary task and correct sequence of actions to protect natural heritage, the order of these two sections should be reversed.

**Existing 2.1.2** The long-term *ecological function* and *biodiversity* of *natural heritage systems*, and the diversity and connectivity of natural features in an area under proposed development and the long-term *ecological function* and *biodiversity* of *natural heritage systems*, shall should be maintained, restored or, where possible, improved. The maintenance, restoration, or improvement of natural heritage features, areas, and systems shall recognize ing linkages between and among *natural heritage features*, *areas*, and *systems*, including *surface water features* and *ground water features*, guided by the Ontario Natural Heritage Reference Manual, similar municipal protocols, and/or policies directing a *net ecological gain* for development proposals.

Note: The terms “biodiversity” and “net ecological gain” need to be included in section 6, Definitions.

**2.1.4 & .5** As mentioned above, the OHI is pleased that the PPS 2012 seeks to expand the protection of coastal wetlands, and we support the recommendations for further protection in this regard as put forward by CELA/Ecojustice.

**2.1.7** The OHI fully supports the comments from Ontario Nature regarding endangered species. In addition, we think this issue underscores the need for the over-arching amendment cited in our 1.1 on page 2 of this submission.

## **2.2 Water**

**2.2.1 - Sequence** In order to establish the primary task and correct sequence of actions required to protect water for all species and not just for human development, we strongly recommend that paragraph c lead this section, followed by the other sections in their current order, with two amendments.

**Existing 2.2.1 a)** requiring ~~using the watershed plans and/or sub-watershed plans as a component of planning authority consideration for development as the ecologically meaningful scale for planning;~~

**Existing 2.2.1 b)** minimizing negative impacts through ~~inter-agency collaboration, cumulative impact monitoring, and adaptive management including cross-jurisdictional and cross-watershed impacts;~~

**2.5 Mineral Aggregate Resources --** The OHI re-iterates our support for a re-draft of 2.5 in its entirety, as per the recommendation from CELA/Ecojustice noted in our 2.3 on page 2 above, as well as for the position of the Ontario Federation of Agriculture that aggregate extraction should be prohibited on prime agricultural lands.

*II Are there additional land use planning matters that require provincial policy direction and which are not included?*

- As mentioned in our item 3 beginning on page 3, the OHI is deeply troubled by the absence of a timely evolution of policy and implementation measures in ministries and agencies sharing the one window burden of the PPS.

*III Do you foresee any implementation challenges with the draft policies?*

- Conservation Authorities and MNR continue to lack the funding needed to properly map, inventory, and protect Ontario's natural heritage features, areas, and systems.
- We note on-going, significant gaps in on-the-ground monitoring and a need to encourage greater inter-agency collaboration, cumulative monitoring, and adaptive management.

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- Proposed cutbacks to science programs, as is currently occurring with respect to MNR, may significantly hamper the effectiveness of both PPS Performance Monitoring and the over-arching need for more extensive and cumulative monitoring as human actions continue to impact the ecological integrity of Ontario.
- Any on-going failure to honour the need to protect natural heritage, water, and agriculture over the current PPS's predilection in favour of aggregate extraction will condemn all of us to fighting this battle repeatedly in the future, with potentially ever-increasing negative cumulative impacts for the environment, agriculture, and our economy.

*IV Is additional support material needed to help implement the PPS?*

- Consistent with the submissions from the Ontario Federation of Agriculture and Ducks Unlimited Canada, the OHI recommends that the PPS contain a list of and/or a hyperlink to PPS support materials, such as the Ontario Natural Heritage Reference Manual.

*V Do you think the legislated PPS review cycle should be extended from the current 5-year period?*

- The OHI does not support the extension of the review cycle. Human development is re-shaping the landscape, with ever-increasing potential for negative impacts, as evidenced by the inclusion of climate change in the new draft. We need to maintain the current review cycle to ensure our practices are appropriate, supported by public access to meaningful performance measures, in order to fashion opportunities for new policy initiatives while ensuring ecological integrity, public health, resilient communities, and economic vitality.

**C. Issues Requiring Coordinated Action to Better Protect Water Resources**

Without implying any priority for our suggested changes, allow us to bring to your attention the inherent interconnectedness of several of our suggestions with respect to providing the required protection for the province's water resources.

These interconnected aspects are:

- i.) The need to provide adequate financial support to Conservation Authorities to generate watershed and/or sub-watershed studies for areas of proposed development, as per our 3.1 on page 3;
- ii.) The need to standardize policies to effectively implement the new definition of a watercourse as per the Conservation Authorities Act (2005), as per our 3.2 on page 3;

- iii.) The need to amend the third paragraph of Part IV to including reference to inter-agency collaboration, cumulative impact monitoring, and adaptive management, as per the top of our page 4, which is further reflected in our suggestions regarding 2.2.1 c below;
- iv.) The need to amend the first three sub-sections of 2.2.1, as per our page 5, to read:
  - a) [old c] identifying water resource systems consisting of *ground water features, hydrologic features, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrologic integrity of the *watershed*;
  - b) [old a] requiring *watershed plans and/or sub-watershed plans* as a component of planning authority consideration for development; and,
  - c) [old b] minimizing negative impacts through inter-agency collaboration, cumulative impact monitoring, and adaptive management; and,
- v.) The need to protect all remaining wetlands in Ecoregions 5E, 6E, and 7E.

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In conclusion, while the OHI considers the PPS a significant achievement, we also believe that its long-term success will be dependent on the willingness of the Province to extend the policy-based approach to planning to a framework that more fully embraces the identification and redress of systemic policy and implementation gaps.

We further believe that the key step in pursuing such a direction is for the PPS to chart a course that aspires to enhanced inter-agency collaboration, cumulative impact monitoring, and adaptive management – for all our natural resources but especially for our water.

We again extend our thanks to the Province for providing the opportunity of public review of the Provincial Policy Statement, for the provision of draft text for a second round of consultations, and for the expertise and role of staff involved in the review.

Sincerely,

*Andrew McCammon*

Executive Director

cc Gord Miller, Environmental Commissioner of Ontario  
Members - Planning for Sustainability: A PPS Review Collaborative  
Ontario Federation of Agriculture