

The Ontario Headwaters Institute

Working to preserve the foundation of Ontario's watersheds

Richard Stromberg
Manager, Ontario Growth Secretariat
Ministry of Municipal Affairs and Housing
PDF via e-mail

RE: Co-ordinated Land Use Planning Review – Environmental Registry # 012-3256

The Ontario Headwaters Institute, a registered charity that works to preserve the province's headwaters and their watersheds through research, education, and best practices, expresses our overall support for the Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and the Growth Plan, as contained in the Co-ordinated Land Use Planning Review.

Unfortunately, we find that both the background document (Our Region, Our Community, Our Home) and the break-out groups in the Town Halls were out of balance, with 4 of 7 sections focused primarily on urban issues; 1 that questionably combined agriculture, water, and natural areas; 1 on implementation; and 1 on Ontario's comprehensive approach to regional planning, for which there were no break-out groups in the Town Halls.

As a result, we believe that the Review has under-stated a real challenge: protecting Ontario's natural heritage in a landscape with both a growing population and expanding development.

We represent this challenge in the graphic to the right. The graphic depicts the need for balance between natural heritage and development, six major pressures that society must address, and the important pinch-point between thriving rural economies and urban boundaries.

Please note that we do not reject the Review's inclusion of the primarily-urban issues of building infrastructure, jobs, and resilient cities, merely the way in which their critical mass appears to trump ecological integrity, farming & the use of natural resources, and the need to foster thriving rural communities that will have their future tax revenue curtailed by growth restrictions.

Please also note that we offer two layers of comments: high-level objectives to address the need for balance and a series of recommendations that, while listed under items 4.1 to 4.6 of the Review, provide our perspectives both on those issues and under item 4.7, the Province's comprehensive approach to regional planning, which we find in need of significant redress.



We urge the Panel and the Province to address the imbalance in the current focus of the Review, and we wish you the best in developing meaningful draft documents for the next stage of public consultation.

Sincerely,

Andrew McCammon
Executive Director

HIGH-LEVEL OBJECTIVES TO ADDRESS THE NEED FOR BALANCE

Safeguard Ecological Integrity	Terrestrial and hydrologic integrity in the Greater Golden Horseshoe must be protected to safeguard biodiversity and the ecological goods and services needed by future generations, especially with respect to forests, air quality, climate, soil, and water.
Transitional Seam	Reduce human impacts on natural heritage, including those from biocides and GMOs, while protecting long-term resource use.
Support Appropriate Agriculture and Resource Use	The Province must support the shift to sustainable agriculture, encourage family farming, and support on-farm value-added processing and other farm-supportive operations. Other rural resource uses should adopt conservation and continuous improvement to reduce impacts.
Transitional Seam	Facilitate diversified rural income and employment opportunities.
Foster Thriving Rural Economies	The Province needs to support local food, other regional resources, and rural tourism. We must also find ways to off-set the cost of growth restrictions on Greenbelt towns.
Transitional Seam	Protect rural areas from sprawl and leap-frogging; find funding to replace long-term tax revenue for growth-restricted rural communities.
Establish Hard Urban Boundaries	Add this missing piece of the land use planning puzzle by better defining both rural and urban edges.
Transitional Seam	Locate urban infrastructure within or close to urban areas.
Build Complete Communities	Increased densities, energy efficiency, and mass transit need to be balanced with good schools, libraries, public space, access to social services, fair wages, and opportunities for self-fulfillment.
Transitional Seam	Smart and resilient communities need smart and flexible residents who can readily engage in transparent and accountable systems.
Deliver Sound Governance	The Environmental Commissioner of Ontario and others have noted a legion of serious policy gaps, including: a patchwork of initiatives on planning and environmental protection; the need to embrace Integrated Watershed Management; unsatisfactory responses to requests for reviews; the inability of municipalities to have input on green infrastructure; delays in amending the OMB; the efficacy of the “one window” approach; the lack of funding for MOECC and MNRF; and the questionable integrity of PPS and Greenbelt natural heritage performance indicators. At a time when the Province is proposing substantial new direction in a draft Great Lakes Protection Act that includes inter-ministerial collaboration, targets, reporting, and public engagement, abandoning the landscape to its current state of policy gaps and un-even implementation is unacceptable.

RECOMMENDATIONS ON ITEMS 4.1 - 4.6, INCLUDING HOW THEY PERTAIN TO ITEM 4.7

4.1 Protecting Agricultural Land, Water, and Natural Areas

The intent and reach of the ecological elements of the plans in the Review is laudable. Their uneven emergence at different times, however, whets the appetite for both standardization within the territory covered by the plans and their on-going evolution and application to all of Ontario.

We therefore urge the Province to take a broader perspective, establishing a more fulsome framework to safeguard the ecological integrity of Ontario, applying it first to the Greater Golden Horseshoe (GGH) and then to all of the province.

In short, terrestrial and hydrologic integrity in the GGH must be protected to safeguard biodiversity and the ecological goods and services needed by future generations, especially with respect to forests, air quality, climate, soil, and water. Key elements of this perspective should include the following actions.

A – Natural Heritage and Water

1. **Establish targets for natural heritage protection similar to “How Much Habitat is Enough”, a federal guideline that suggests minimums for forested land, wetlands, and planted riparian edge on a watershed basis. Support their implementation through Natural Heritage System inventories, strategies, & monitoring.**
2. **Facilitate the transition of the province to Integrated Watershed Management, cumulative monitoring, and adaptive management, with a significant role for Ontario’s conservation Authorities.** While the OHI expresses this as a positive, logical evolution in the Province’s framework approach to watershed management, it must also be seen as an imperative to deliver action on what we see as the most significant un-delivered directive in the PPS:
 - 2.2 Water
 - 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:
 - a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.

The OHI understands that sound fiscal management of this recommendation might entail applying it as watersheds reach various development triggers, such as forest loss, wetland loss, population, length of roads, etc. A meaningful cost-benefit assessment of the watershed plans required under the Oak Ridges Moraine Conservation Plan might be helpful in this regard.

3. **Apply the definition of a watercourse in Section 28 of the Conservation Authorities Act by having the Province and Conservation Ontario take joint leadership in standardizing:**
 - 3a A common guideline for O. Reg. 179/06, Development, Interference with Wetlands and Alteration to Shorelines & Watercourses Regulation;
 - 3b A common policy document based on The Evaluation, Classification and Management of Headwater Drainage Features Guideline; and;
 - 3c Definitions, principles, and protocols, including post-construction monitoring, for Natural Channel Design.

4. **Protect wetlands through the promised new provincial wetland strategy.** Key aspects of this initiative should include: over-arching regulatory and policy initiatives (such as in 3a above); revising the evaluation procedure for the classification of Provincially Significant Wetlands (PSWs); creating new categories of PSWs so that most remaining wetlands in any county or watershed that has lost a high percentage of its wetlands can be declared significant, and; shortening the time between when wetlands are evaluated as significant by a natural heritage agency and when that designation takes effect.
5. **Extend Ontario's Low Water Response Plan to include water for nature.** Given the prospect of a changing climate and the incredibly significant roles that wetlands and headwater streams perform as nurseries of Ontario's biodiversity, water quantity, and water quality, we think that monitoring just for where low water may inconvenience human beings – and not the full ecosystems on which we depend – must be balanced with a more comprehensive sensitivity to water budgets, especially at different times of the year, for all living things.
6. **Provide increased funding to MOECC and MNRF.** The OHI concurs with recommendations in reports from the Environmental Commissioner of Ontario that funding must be increased to the two key ministries involved in protecting Ontario's natural heritage and environmental health - MOECC and MNRF. This increased funding should include allocations for Ontario's conservation authorities, collaborative efforts such as the Stream Monitoring and Research Team Networks and the Provincial Water Quality Monitoring Network, and general research funding which could lever needed academic or practical research from groups such as post-secondary institutions, groups such as the Oak Ridges Moraine Foundation (whose funding we believe should be restored), and organizations such as our own.
7. **Establish thresholds for action for poor water quality ratings.** Currently, any body of water can fail to meet individual or multiple objectives for water quality, even year after year, and no action is taken. We believe the province should introduce thresholds that would prescribe further monitoring, source detection, and/or remedial action to protect water quality when those thresholds are exceeded.
8. **Enhance natural heritage conservation and sectoral stewardship initiatives.** As population and development continues to increase in south-central Ontario, the Province should set aside adequate land to protect biodiversity and should encourage sectoral stewardship. Increased resources referred to in 6 above should include allocations to secure land, including forested upland headwater areas, and support conservation land trusts. For their part, sectoral stewardship efforts could seek to engage forestry, agriculture, extractive resources such as mining and aggregates, and other operations with permits to take water. We also note that targeted stewardship initiatives could be tied to poor grades on watershed report cards, water bodies not meeting other standards as per 7 above, and concerns relating to the Low Water Response Plan as described in 5 above.
9. **Regulate the movement of commercial fill.** Moving commercial fill within the Greenbelt should be the object of standards for testing and the sensitivity of proposed host locations. Ontario must prevent the placement of fill with potentially harmful leachate on land where infiltration to aquifers or run-off to streams can impact public or environmental health.
10. **Require municipal tree-cutting bylaws.** Regional ecological health, including that of watersheds, groundwater, wetlands, biodiversity, air quality, and the provision of a buffer against climate change, would benefit from bylaws requiring permits to cut trees. While we appreciate the prospects of special consideration for agriculture, the regional application of tree-cutting bylaws may be informed through thresholds of de-forestation and the regional targets for natural heritage expressed in item 1 above.

B. Agriculture

Near-urban farmers and farmlands are stressed. Many farmers see the best hope for their future in the sale of their land to developers; farm ownership is being concentrated in fewer hands; farms are becoming bigger; large equipment is requiring longer fields with straightened streams and less forested land; and many farms are sold years in advance of re-zoning and leased back to least-cost farming.

In addition, the OHI is aware of a disturbing trend in which farmers can earn a premium for land to be sold for development by draining wetlands - something farmers can do more easily than subsequent owners.

The Province must take a long-term, principled stand to support sustainable agriculture, encourage family farming, and support on-farm value-added processing and other farm-supportive operations. The Province should:

11. **Champion the shift to sustainable agriculture;**
12. **Adjust the tax regime to encourage family farming, local food production, and the protection of trees, wetlands, and streams in agricultural areas;**
13. **Establish Agricultural Preserves in areas of the province where expansion of the Greenbelt is not feasible.** These areas should be able to be created under rules that would allow farmers seeking to preserve agricultural land could do so, and to be able to appeal any absence of municipal approval to the OMB.
14. **Support on-farm value-added processing and other farm-supportive operations.**
15. **Conduct a thorough study of agricultural impacts on water and natural heritage.** This study should include:
 - a.) The extent of woodlots and windrows on agricultural land;
 - b.) The extent of wetlands on agricultural land and candidate sites for wetland restoration;
 - c.) The extent of altered watercourses on agricultural land;
 - d.) The degree of riparian cover along agricultural watercourses;
 - e.) The degree of, and the accuracy of the mapping of, agricultural drainage tile; and,
 - f.) Total Agricultural Permits to take Water.

One of the purposes of the study should be to examine linkages between all the data and ways to reduce threats to natural heritage, water, and agricultural resilience, particularly in a changing climate and the possible impact of agricultural quotas under Level III Low Water Advisories.
16. **Conduct a study to determine if farmers are being enticed to earn a premium for land to be sold for development by draining wetlands.** If required, the study could recommend a mechanism to discourage this practice and reverse its outcomes.
17. **Investigate land-banking as a way to facilitate farm transfers, particularly as a bridge between retiring farmers and new farmers.**

4.2 Keeping People and Goods Moving, and Building Cost-effective Infrastructure

The OHI perceives this section of the Review as essentially urban and involving mass cash transfers from general revenue to Ontario's urban centres. Significant cash transfers include those to urban highways, mass transit, waterfront renewal, sewers, and paying off the stranded debt from Ontario's nuclear fleet. In contrast, financial support for rural infrastructure consists for the most part of subsidies for green energy - which municipalities are unable to influence. We offer the following suggestions:

18. **Provincial projects should be subject to CA permitting.** The construction of highways and other provincial projects can severely impact forests, wetlands, and small streams, and should not be allowed to end-run requirements for net ecological gain, erosion control, and other aspects of conservation authority permitting.
19. **Green energy installations should not be exempted from municipal approval.** The OHI supports the need to shift to a low-carbon future, but is concerned about limits to meaningful oversight.

4.3 Fostering Healthy, Liveable, and Inclusive Communities

4.4 Building Communities that Attract Workers and Create Jobs &

4.5 Addressing Climate Change and Building Resilient Communities

20. **Ontario should champion a conservation culture.** There is probably no silver bullet for these three goals. A legion of prescriptions is required, including the need to encourage a low-carbon industrial strategy and to establish increased performance measures for vehicles, buildings, & white goods.

Overall conservation, however, may be a key. Moving water through pipes to support the highest daily per person water consumption in the world emits a lot of greenhouse gases, as do poor-mileage vehicles, throw-away consumer products, and meat-centered diets. A conserver culture that includes de-centralized energy production may help change behaviours and lead to new employment opportunities, complete communities, and reduced threats to our climate.

21. **The Province should consider new funding mechanisms, including fees or levies on natural resources or infrastructure services, to replace diminished long-term tax revenue for growth-restricted rural communities.**

4.6 Improving Implementation and Better Aligning the Plans

22. **Clarify section 2.2.1 h) of the PPS**, which states: “ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.”

Under this provision, the OHI believes that all future greenspace development would be deemed non-compliant, as it is impossible to develop greenspace and increase vegetative and pervious surfaces. Rather than failing to achieve the unachievable, the Province needs reasonable, attainable policies.

23. **Revisit the natural heritage performance measures of the PPS and the Growth Plan.** The OHI finds the natural heritage performance measures of both the PPS and the Growth Plan inadequate. We are, moreover, concerned about the general lack of collaboration with civil society about the selection of indicators and scoring systems, including for indicators used by conservation authorities, and how staff involved in reporting seem to be allowed or encouraged to spin results to minimize disturbing facts and trends.

24. **Revisit the one-window approach.** Just as with our overall perception that the Review is out of balance, we find the capture of multi-ministry expertise in the one-window approach of the PPS and associated efforts to be under-whelming.

Clearly, MMAH has a Herculean task in delivering land use planning, but the inconsistencies noted by the Environmental Commissioner and others, as described above, present a perception that the window is not as open as it should be.

25. **Grow the Greenbelt.** We urge the province to grow the Greenbelt, through both rural expansion and Urban River Valley designations. We also suggest the creation of agricultural preserves, as per item 13 above.

26. **Harmonize the plans to the highest standards of environmental protection while taking steps to address recommendations 1 through 25.**