



The Ontario Headwaters Institute

November 7, 2017

Shauna Fernandes Chagani
Natural Heritage Ecologist
Lake Simcoe Region Conservation Authority
PDF via e-mail

RE: LSRCA Natural Heritage System and Restoration Strategy

Dear Ms Chagani,

We thank the Authority for the opportunity to comment on the proposed Natural Heritage System and Restoration Strategy and offer the following observations, supported by the groups listed below.

We also extend our compliments to the Lake Simcoe Region Conservation Authority for:

- Being the first CA off the mark with a practical example of what a natural heritage strategy might look like within the emerging framework for criteria, methods, and mapping of the proposed natural heritage system for the Growth Plan for the Greater Golden Horseshoe, as per the recent draft document proposed by the Ministry of Natural Resources and Forestry and posted to Environmental Registry as item 013-1014;
- The excellence of text that articulates both a commitment to a high-level philosophical vision and well-described technical details;
- Pursuing a watershed enhancement approach that includes reference to both How Much Habitat is Enough and Ontario's Biodiversity Strategy, for which we are particularly pleased to see commitments on:
 - The protection of ecological and hydrogeological functions and services; and,
 - The protection, restoration and creation of natural heritage features and corridors; and,
- Combining the natural heritage system policy with a proposed restoration strategy, with 32 recommended restoration opportunities.

These accomplishments notwithstanding, we offer the five observations below. We consider the first three to have relatively easy fixes, with LSRCA-generated amendments. However, we consider the last two to be high-level issues that need to be addressed not just at the conservation authority but in conjunction with the Province.

In that vein, and while we embrace the evolution of new tools such as GIS mapping to assist in natural heritage protection, we are deeply concerned about the devolution of responsibilities to regional agencies such as conservation authorities where public participation, methods to address errors and appeals, offsetting, and compensation may not be as fully described, administered, nor indeed as consistent as they need to be. For that reason, we are copying the Minister of Natural Resources and Forestry, as well as selected staff.

1. Ambiguous Terminology

We are unsure as to what the figure of 37,551 ha, first used on page iv, refers. On page iv, it refers to watercourses and fish habitat. Elsewhere, such as on page 25, it includes watercourses, fish habitat, and riparian zones. Later, the draft refers to floodplains. In various locations, floodplains may be bigger or smaller than riparian areas, and floodplains fall under more regulatory influence than a riparian buffer outside of a floodplain. We suggest some clarity and consistency is needed, particularly as it relates to the next item.

2. Floodplain Enhancement (eg Sections 4.3.2, 4.3.4, and 4.3.5)

We are encouraged that the draft commits to floodplain enhancement, 100m buffers where possible, and identifies 32 corridor restoration opportunities. As mentioned, above, however, we feel clarity and consistency is needed in the use of such terms to set out an early understanding of intended scope of action. There are huge differences in enhancement or restoration efforts, for example, along a riparian edge, within a floodplain, or in adjacent areas above the 100-year flood-line, such as a designated 30m buffer beyond a stable top of bank. While we see benefits where such efforts could even be tied to larger areas above a stable top of bank that could offer interior breeding grounds for indicator species, or even be added to the overall targets for natural heritage lands in the watershed, the descriptions in the draft are vague regarding riparian, floodplain, and immediately adjacent areas such as from the 100-year flood-line to or above a stable top of bank.

3. Implementation of Flood-plain Enhancement and other target Restoration Areas

In addition to our comments in item 2 above, we would appreciate an improved commitment to implementation, addressing issues such as:

- How will priorities be established between and within the 32 candidate and/or other areas?
- Where and how will public participation be ensured in setting either over-arching or local restoration priorities?
- What sources of funding might be used to launch, deliver, and sustain stages of restoration until completion? and,
- While some enhancement in riparian or adjacent natural heritage areas beyond the regulated floodplain may occur within the area being pursued under a permit application, how will potential cash-in-lieu situations for lands outside of a permit application area involve public participation and avoid issues of potential organizational conflict of interest?

4. Outreach and Education vs Perceived Errors and Appeals (eg - section 5.3.5 and elsewhere)

While this section and other sections demonstrate commitment by the LSRCA to outreach and education leading up to natural heritage mapping and the designation of areas within or not in the natural heritage system, there is no description of how perceived errors in mapping or site designation decisions might be addressed or, if required, how decisions might be appealed.

This has always been a challenge in natural heritage and Greenbelt mapping. While we naturally understand and embrace the emergence of new tools, such as GIS technology and the draft Provincial document on criteria, methods, and mapping for NH systems, we have concerns that “the system” may be deemed to have been perfect, incapable of error, and not subject to subsequent and erroneous human refinement.

Consistent with our submission on the Provincial draft document, found [here](#), we believe that the Authority should have a clearly defined process for errors and appeals and, as stated in our submission on ER 013-1014, that MNR should have a designated staff team to address challenges to mapping, potential appeals on un-defined “decisions”, and consistency from agency to agency.

5. Ecological Offsetting

We have four significant concerns about ecological offsetting in this draft.

First, and foremost, we are concerned that the fundamental direction on ecological offsetting is founded on an ecological offsetting plan never submitted to public comment. Instead, this plan was circulated to a restricted group and summarily passed by the Board in May, 2017.

Regardless of its merits, it may now be used as a cudgel in efforts such as this, with no ability for the public to have commented on its overall suitability or asked questions about its application.

Secondly, concerns about transparency in this regard are amplified by the fact that the vitally important offsetting plan that is closely linked to this draft strategy is only cited in a chart in the executive summary when its importance should have required greater description. The plan is similarly mentioned only in passing in other sections of this strategy, with no substantial description, no chart of the off-setting hierarchy, and no hyperlink to the plan, in either the main body of the strategy or an appendix.

While the ship may have sailed with respect to the policy implications of the offsetting plan, we urge the LSRCA to add appropriately informative text to the draft strategy.

Thirdly, we are deeply concerned about public input regarding offsetting. We believe that public participation is fundamental to decisions about all aspects of offsetting, both within and outside of an area under consideration for a permit.

Fourthly, we believe the measures described in the policy for compensation and/or cash-in-lieu require far greater scrutiny than described therein. Discussions on compensation require public participation, far more transparency than being off-loaded to BILD, and a clear process to avoid allegations of conflicts of interest on the Authority than the mere reporting described.

In addition to our observations, we support the comments submitted by the Simcoe County Greenbelt Coalition as well as those in the joint submission from Ontario Nature, EcoSpark, STORM, and the North Gwillimbury Forest Alliance.

For more information or any requested clarification, please contact me at your convenience.

Sincerely,

Andrew McCammon

Executive Director

cc Minister McGarry and Ala Boyd, MNR; selected additional agency staff and NGOs, Environmental Commissioner of Ontario

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