

May 23, 2024

RE: Bill 185

Dear Members of the Standing Committee,

Further to our submission of May 4, the Ontario Headwaters Institute, an Ontario corporation with charitable status whose mission is to promote watershed security, writes you again due to the extension of the Committee's deadline and its request for comments related to proposed amendments.

Given the late timing, the proliferation of deep concerns about the Bill and its aligned efforts, and the Committee's probable desire to focus on one or two key amendments, we feel compelled to not ask you again to withdraw the Bill, nor to put forward our 4 recommendations from earlier in the month – recommendations supported by more than 250 signatories on our e-mail campaign.

Instead, we ask you to consider two issues.

First, please amend the Schedule 12 of the Bill in order to restore the public's right of appeal, per the submission from the Canadian Environmental Law Association and others.

Secondly, if you are not prepared to make that amendment outright, please consider an amendment that would allow appeals focused on water.

This is because protecting watershed security, per the backgrounder overleaf, is not like land use planning conflicts that weigh one landowner's concerns against those of an adjacent or nearby landowner.

Rather, no one owns water, and any deleterious impacts on one property do not stay there.

While issues of water supply to one development may in fact impact water upstream of a development, the most probable negative impact of a development is on the water that flows downstream from it. These impacts can include those to water quality, water quantity, water temperature, aquatic biodiversity, and more.

While we are aghast that Bill 185 seeks to bar much of the historic legal right of the public to appeal land use planning decisions, it would be simply incomprehensible and totally unacceptable for people to not be able seek the protection of regional watershed security via legal recourse.

Sincerely,

Andrew McCammon

Executive Director
ccs Selected MPPs and other recipients

Backgrounder on Watershed Security



Watershed security exists when a watershed is healthy and resilient, supporting regional ecological integrity, social wellbeing, and economic vitality.

These conditions provide water for humans and other living things, sustain biodiversity, reduce impacts from drought & flooding, serve as the foundation of a stable society, and are best protected by a commitment to integrated land use and watershed planning, supported by sound stewardship practices.

These commitments secure a watershed's core ecological features and functions, including its natural heritage, surface & groundwater flow characteristics, and water quantity & quality, maintaining the ecological goods and services that in turn sustain us.

Where ecological features and functions deteriorate, such as through poor planning or land occupancy practices, invasive species, or climate change, our social and economic wellbeing will be challenged.

Negative watershed outcomes from current policies and practices include the loss of natural heritage & biodiversity, altered surface & ground-water flows, and impaired water quality for both nature and human uses such as drinking water and water for agriculture, industry and recreation.

Unfortunately, current reports on biodiversity, climate, and our watersheds indicate that watershed security is deteriorating across much of the province, and particularly in South-central Ontario. Given increasing development and escalating climate and biodiversity crises, it may get worse before it gets better.

To prevent the worst projected outcomes, Ontario needs to pursue watershed security by revitalizing its approaches to watershed management, improving the integration of land use and watershed planning, and embracing a commitment to sustainable development.