

November 17, 2022

Open Letter to the Province on Proposed Bill 23:

Integrating Nature and Affordable Housing

This letter has been prepared by a group of Ecologists and Water Resource Engineering consultants with decades of applied municipal land-use planning and environmental impact management experience in southern Ontario.

Bill 23 and the four related proposals posted on Ontario's Environmental Registry include several policy amendments that may help to secure more land for urban development, and potentially result in more homes being built in Ontario over the next 10 years (e.g., support for more mixed-use development, housing options and intensification aligned with existing and planned infrastructure). Our group is supportive of initiatives to deal with the housing availability and affordability issues. We are, however, deeply concerned that the proposed changes to natural heritage and water resource planning policies and guidelines move Ontario away from the significant progress made towards environmentally responsible planning that has been the cornerstone of balancing development with natural systems protection since the 1980s.

Some of the specific proposed changes of concern include:

1. Downloading the responsibility of confirming wetland status onto local municipalities. Very few municipalities have staff with the necessary technical expertise to review wetland evaluations.
2. Removing the ability to complex wetlands as part of the Ontario Wetland Evaluation System without any scientific justification. These refinements fail to account for the fact that in some cases small, seemingly isolated wetlands provide critical ecological and/or hydrological functions as part of a broader natural environment system.
3. Preventing conservation authorities from reviewing and commenting on the natural heritage aspects of planning and development proposals (except as it relates to natural hazards and flooding). Conservation authorities are already uniquely positioned and technically qualified to provide a watershed perspective, which is essential for natural environment system planning, and to continue their leadership with respect to climate change mitigation and adaptation strategies.
4. Introducing an offsetting policy could set precedents for the removal of wetlands, woodlands, and wildlife habitat, irrespective of significance. In principle, we are not opposed to an offsetting policy. However, the current discussion paper does not acknowledge the complexity, challenges and costs in managing and implementing the re-creation of ecosystems.

It has been increasingly recognized that developing lands in ways that respect biophysical conditions across multiple spatial scales (e.g., watershed, regional, local) is necessary, and ultimately more cost-effective and sustainable in the long-term. This has been a key driver for the systems-based natural heritage and water resource planning policy regimes that are in the current provincial plans.

We recognize that environmental planning in Ontario has become more complex since the 1970's, and that this complexity can contribute to longer approval timelines for development. However, in our opinion (supported by well-established best practices), an up-front investment in multi-jurisdictional and multi-disciplinary information sharing and collaboration to inform land use planning is, ultimately, in the best interest of municipalities and their constituents. Furthermore, there is an urgent need to leverage the ecosystem services provided by natural systems as valued assets that can mitigate and adapt to the impacts of climate change.

We would suggest that this is not the time to be adopting a quick-fix approach for the housing crisis through massive overhauls to current land use policy regimes that are core to the protection of biodiversity, people, and property. Instead, we suggest the Province:

- ensure that natural systems are protected for the long-term in balance with the need for more housing;
- recognize the vital role that conservation authorities and upper-tier municipalities play in providing expertise to land use planning at watershed, regional, and local scales; and
- build on the current systems approach to natural environment planning.

Some specific directions to consider are:

- Continuing to build on existing provincial regulations and policies that support green infrastructure (e.g., O. Reg. 588/17, Provincial Policy Statement 2020 clause 1.6.2), including natural infrastructure, to help build affordable communities that will integrate natural and green spaces, and will therefore be more resilient to climate change.
- Improving the planning process by facilitating multi-jurisdictional and multi-disciplinary information sharing and collaboration for local municipalities, particularly as it relates to natural heritage and water systems planning.
- Ensuring that policies seeking to formalize offsetting recognize:
 - the complexity, challenges and costs in managing and implementing the re-creation of ecosystem types
 - a systems approach requiring that any offsets are located close to where the impact has occurred
 - that creation of functional and complex ecosystems requires applied technical expertise, and
 - that conservation authorities are well-positioned to support, implement (including monitoring), and contribute to the success of such a program.

Natural environment systems are not an obstacle to affordable housing. In fact, effective integration of the natural environment in urban areas is needed for southern Ontario communities to remain healthy and resilient as the frequency and intensity of flood, heat, and other extreme weather events increases.

We believe that there are opportunities to revise the current policy framework to shorten timelines for planning approvals without putting natural environment systems at risk and undermining the progress made over the past 40 years. We are confident that such opportunities can be identified through fulsome engagement with a range of experts in land use and natural environment planning.

Respectfully,

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