



August 4, 2023

**DELIVERED BY EMAIL**

The Honourable Min. Steve Clark  
Minister of Municipal Affairs and Housing  
17th Floor, 777 Bay Street  
Toronto, Ontario  
M7A 2J3

Sent via email to: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca) and [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)  
and submitted online through the Environmental Registry of Ontario

**Re: ERO Number 019-6813**

These submissions are provided on behalf of my clients, Williams Treaties First Nations. Please note that these submissions are a summary of my clients' immediate concerns and that they require meaningful consultation to address their concerns.

The proposed 2023 PPS has been prepared without participation of Williams Treaties First Nations. Excluding indigenous voices from land use planning in Ontario perpetuates a long history of marginalization and dispossession and undermines the exercise of Aboriginal and treaty rights and Indigenous people's right to self-determination. It disregards international principles embodied in the United Nations Declaration on the Rights of Indigenous Peoples, which emphasizes the importance of free, prior, and informed consent in matters affecting Aboriginal people's lands and resources. Moreover, these exclusionary practices hinder the potential for meaningful collaboration between First Nations and Ontario and erodes the opportunities for partnerships that would result in more equitable and sustainable land use in Ontario.

The 2023 PPS must prioritize the inclusion of Indigenous perspectives and acknowledgment of the rights and roles of First Nations in land use planning in Ontario. This commitment is crucial for advancing reconciliation and recognizing the role of Indigenous people in land use planning in their territories. Williams Treaties First Nations ask that Ontario government consult with them and address their concerns prior to finalization of the 2023 PPS.

Williams Treaties First Nations oppose any consolidation of the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* and the *Provincial Policy Statement* that would result in a loss of additional protections for natural heritage features including wetlands in their territories and weaken and eliminate policies that address climate change. The proposed changes would



accelerate urban sprawl and the ongoing loss of natural areas in Ontario and adversely impact Williams Treaties First Nations’ ability to exercise their constitutionally protected treaty harvesting rights and Aboriginal gathering rights.

Preserving these protections is of utmost importance, particularly since recent legislative changes to the Ontario land use planning system have significantly reduced safeguards for natural heritage features and agricultural lands in Williams Treaties First Nations’ territories: including weakening of Conservation Authorities’ oversight of development, changes to the Ontario Wetland Evaluation System and removing critical protected lands from the Greenbelt and Oak Ridges Moraine.

There is no justification offered for the proposed policy changes which would:

- Allow municipalities to expand settlement areas at any time without a comprehensive review of infrastructure needs or potential impacts on farmland and natural areas;
- Eliminate mandatory intensification and greenfield density targets that were designed to rein in urban sprawl;
- Exempt lands that are the subject of Minister’s Zoning Orders (MZOs) from complying with provincial policies and official plans;
- Remove the requirement for municipalities to undertake watershed planning; and
- Weaken and eliminate policies intended to address climate change.

Williams Treaties First Nations require policies that are designed to curb sprawl, protect agricultural lands, natural heritage resources and address climate change; policies that mandate the utilization of existing settlement areas and the built environment through mandating densification and minimize the disruption to critical, scarce and sensitive lands including agricultural lands and wetlands.

### **The Purpose of the Growth Plan**

When the *Places to Grow Act* (“PGA”) was enacted in 2004, it was to ensure responsible and sustainable growth in Ontario by protecting the environment, agricultural lands, and natural heritage resources. It sought to plan for the expected population growth, at the time estimated at over four million residents by 2031, while integrating all necessary elements to build stronger communities and a robust economy. The legislation aimed to guide growth to appropriate areas, developing necessary public infrastructure, preserving green spaces, supporting agricultural lands, and safeguarding essential natural systems. The goal of the *PGA* was to avoid past patterns of sprawl, air pollution, inefficient infrastructure use, and loss of green spaces, aiming for a more sustainable and environmentally conscious approach to development. Accordingly, for the last



two decades the *PGA* directed growth away from important agricultural lands and natural heritage areas.<sup>1</sup>

The Growth Plan is the instrument by which the *PGA* has been achieving its objectives, including directing urban growth and infrastructure away from agricultural lands and important natural heritage features.<sup>2</sup>

The Growth Plan created and sought to protect a Natural Heritage System, made up of natural heritage features and areas, and linkages intended to provide connectivity or improve ecological features in the future. The NHS includes lands that have been restored or have the potential to be restored to a natural state and working landscapes that enable ecological functions to continue.<sup>3</sup> The Growth Plan also created the Agricultural System, with the goal of protecting “prime agricultural areas” for the long-term.<sup>4</sup> Under the Growth Plan, “settlement areas” are designated as the focus for development.<sup>5</sup> Any settlement area expansions are to avoid key hydrologic areas, the NHS, and prime agricultural areas, where possible.<sup>6</sup>

The Greater Golden Horseshoe which covers a large and populous area of the province, has been the traditional territories of the Williams Treaties First Nations since time immemorial. While these lands experienced significant development pressures making it exceedingly difficult for the Williams Treaties First Nations to exercise their Aboriginal and treaty rights to hunt, trap, fish and gather, many of Ontario’s most significant ecological and hydrologic natural features remain in the Greater Golden Horseshoe.<sup>7</sup> The necessity for protecting natural heritage features and the agricultural system in the Greater Golden Horseshoe remains critical to ensure the *PGA* fulfills its intended purpose, that significant ecological and agricultural lands are protected from degradation and the Williams Treaties First Nations can continue to exercise their Aboriginal and treaty harvesting rights.

### **No need to expand settlement boundaries**

The premise of the PPS 2023 proposal that settlement boundaries need to be expanded to promote new housing is not correct. There has been no demonstrated need to revise either the *PPS* or the *Growth Plan* to make land available for housing. A shortage of land is not the cause of Ontario’s housing shortage, the amount of land already designated for development far exceeds what is needed to meet long-term housing targets. As noted by the Province’s Housing Affordability Task Force in 2022:

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<sup>1</sup> *Places to Grow Act, 2005*, SO 2005, c 13 (“*PGA*”), preamble and ss 1(a)-(d).

<sup>2</sup> *PGA*, ss 4-10.

<sup>3</sup> *A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2020)* (“2020 Growth Plan”), s 7.

<sup>4</sup> 2020 Growth Plan, s 4.2.6.

<sup>5</sup> 2020 Growth Plan, s 2.2.1.2(d)

<sup>6</sup> 2020 Growth Plan, s. 2.2.8.3.(e) and (f)

<sup>7</sup> 2020 Growth Plan, s. 1.1.



“Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts. ... Most of the solution must come from densification. Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture.”<sup>8</sup>

### **Proposed changes to intensification, municipal comprehensive reviews, and settlement area expansion**

Williams Treaties First Nations are concerned with the proposed changes in PPS 2023 related to expansion of settlement areas. Notably, the PPS 2023 would remove the previous requirement that planning authorities establish and implement minimum targets for intensification and redevelopment within built-up areas.

Currently a planning authority can only designate a settlement area or expand its boundary during a comprehensive review and upon demonstrating specific conditions. The proposed PPS 2023, however, would grant planning authorities the flexibility to identify new settlement areas or expand boundaries at any time without a municipal comprehensive review. The tests to be applied are not as stringent as they were and only provide that that planning authorities “should” and not “shall” consider that there is sufficient capacity in existing or planned infrastructure and public service facilities; that the applicable lands do not compromise specialty crop areas; that the new or expanded settlement area complies with the minimum distance separation formulae; that impacts on agricultural lands and operations which are adjacent or close to the settlement area are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and that the new or expanded settlement area provides for the phased progression of urban development.

In terms of density targets for new settlement area expansion lands, the PPS 2023 would encourage, but not require, planning authorities to establish appropriate density targets based on local conditions. Additionally, it would encourage large and fast-growing municipalities, but not require them, to plan for a minimum density target of 50 residents and jobs per gross hectare. Furthermore, the policy no longer requires eroding the possibility of efficient land use.

The removal of mandatory density targets for settlement area expansion lands, the reduction or elimination of intensification targets in the Growth Plan, the elimination of the requirement of planning authorities to identify appropriate locations or take stock of suitable existing sites for residential development, the removal of policies with respect to rural lands and the requirement

<sup>8</sup> Report of the Ontario Housing Affordability Task Force, (February 8, 2022) at 10.



that municipalities plan beyond 25 years will inevitably result in a faster consumption of land within municipal boundaries and an increased rate of urban boundary expansion.

All of these policy changes will inevitably lead to taking up of more green lands for settlement area expansion to accommodate urban sprawl and adversely impact Williams Treaties First Nations' ability to exercise their Treaty harvesting rights. Williams Treaties First Nations require meaningful consultation to address these concerns and develop policies that ensure efficient land use and protection of natural areas so that they could continue to exercise their harvesting rights.

### **Importance of Agricultural Lands for Food Security**

Ontario's prime agricultural lands comprise less than 5% of Ontario's land base.<sup>9</sup> With the growing rate of farmland loss, it is more important than ever before that the province protects its agricultural areas. Williams Treaties First Nations appreciate that the Ministry chose to withdraw the proposed changes to farmland and rural areas that would have allowed for additional severances and lot adjustments. These changes would have far reaching consequences from increasing food insecurity in the province that disproportionately impacts Indigenous people and lead to habitat fragmentation and loss of habitat for wildlife which would adversely impact Williams Treaties First Nations' ability to exercise their Treaty harvesting rights.

The preservation of agricultural lands is essential for food security that disproportionately impacts most vulnerable populations in Ontario, including indigenous people. In addition, agricultural lands provide habitat and additional food and water sources for wildlife in various ways and play an important role in the ability of Williams Treaties First Nations to exercise their treaty harvesting rights. Certain bird species such as birds of prey have adapted to agricultural landscapes and rely on agricultural fields for nesting, foraging, and shelter. Transition zones between agricultural fields and natural habitats also offer habitat features that support a variety of wildlife. These edge habitats provide a mix of different vegetation types, which attract birds, small mammals, reptiles, and other wetland-associated fauna. Agricultural lands that contain wetlands also provide habitat for water-dependent species such as waterfowl, wading birds, amphibians, and aquatic invertebrates. Agricultural lands that contain hedgerows create habitat corridors and provide shelter, nesting sites, and foraging opportunities for various species. These features benefit small mammals, birds, pollinators, and other beneficial insects. During fallow periods or off-seasons, the cover crops planted by farmers provide temporary habitat for wildlife especially during winter when other food and cover sources is limited.

<sup>9</sup> Ontario Ministry of Agriculture, Food and Rural Affairs. 2016. Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Retrieved from <http://www.omafra.gov.on.ca/english/landuse/facts/permitteduseguide.pdf>



The proposed changes in PPS 2023 would have made it optional for municipalities to adopt provincial agricultural system mapping which would inevitably lead to fragmented agricultural systems between municipalities. This proposal would have led to inconsistent designations, thus leading to further fragmentation of farmland, particularly between municipal boundaries. The policy proposal that would allow for severance of lots from agricultural lands would also lead to further fragmentation of agricultural systems.

The loss of and fragmentation of agricultural lands would further reduce the availability of suitable habitats for wildlife and would further reduce their populations. Farmland fragmentation often results in the conversion of continuous agricultural land into smaller, isolated patches. This conversion leads to a reduction in the overall availability and size of suitable habitat for wildlife species. Fragmentation will also result in the loss of nesting sites, foraging areas, and cover, affecting the viability of populations and disrupts the natural movement patterns and migration routes of wildlife. Animals that require larger areas for feeding, breeding, or seasonal movements will be impeded by the presence of fragmented farmland.

The requirement for municipalities in the Greater Golden Horseshoe to use agricultural systems mapping should be maintained. A provincial agricultural systems approach to planning is vital for protecting agricultural land, recognizing its role in natural heritage and hydrological features and functions. Provincial guidelines should continue to serve as the standard to ensure a consistent approach across municipalities. Williams Treaties First Nations urge the government to enact policies that encourage preservation of agricultural lands to support food security and reduce reliance of fertilizers and pesticides that are harmful to Ontario's lands, waters and wildlife.

### ***Proposed Changes to the Natural Heritage Policies***

Williams Treaties First Nations express appreciation for the preservation of base policies but voice their strong opposition to proposed modifications that impact the protection of Natural Heritage Features and Areas.

Specifically, they are concerned about the exclusion of the "habitat of endangered species and threatened species" from the definition of Natural Heritage Features. No valid justification has been provided for the exclusion of endangered and threatened species habitats from the definition of Natural Heritage Features and Areas. Endangered species and threatened species are vital components of the ecosystem, and their habitats play a critical role in maintaining biodiversity and ecological balance. The removal of their habitats from the definition of Natural Heritage Features raises alarm among the Williams Treaties First Nations as it poses potential threats to the survival and well-being of these sensitive species.

Williams Treaties First Nations are also concerned with the revision of the definition of "significant" concerning wetlands, coastal wetlands, and areas of natural and scientific interest.



The revision eliminates the reference to the “role of the Ontario Ministry of Natural Resources and Forestry in determining significance.” The removal of the Ministry’s involvement in determining significance raises questions about the criteria that will be used to identify and protect wetlands. Williams Treaties First Nations seek clarity on how decisions regarding wetlands, coastal wetlands, and areas of natural and scientific interest will be made moving forward and how adequate consideration will be given to indigenous knowledge in the process.

Williams Treaties First Nations are further concerned with the exclusion of cultural heritage and archaeological resources with recognized cultural heritage value from the definition of “Significant”. These resources hold immense cultural and historical significance for indigenous communities and are an integral part of their heritage. The removal of explicit recognition for cultural heritage resources in the definition may undermine the efforts to preserve and protect these sites. The Williams Treaties First Nations require an explanation as to why this change was made and how the cultural heritage value of these resources will be acknowledged and safeguarded in the absence of such recognition.

### *Climate Change*

The Williams Treaties First Nations are also alarmed by the removal of language emphasizing the need to minimize negative impacts on air quality, combat climate change, and prepare for climate impacts. Clear guidance is critical to addressing climate change and promoting climate adaptation effectively in land use planning.

### *Water Policies*

The water policies presented in the proposed 2023 PPS exhibit a concerning weakening of safeguards for the water resource systems. Of utmost concern is the removal of any reference to sub-watershed planning, including provisions for large-scale development in designated greenfield areas. This could have dire consequences for watershed systems, including the Lake Simcoe watershed and its sub-watersheds.

The province cannot afford to adopt a fragmented municipal management approach when it comes to protecting Lake Simcoe. It is imperative to recognize the paramount importance of sub-watershed planning in the 2023 PPS, as it will serve as a cornerstone for safeguarding the health of Lake Simcoe. Failure to uphold sub-watershed planning could have irreversible consequences, jeopardizing the well-being of water systems and the people who depend on them for generations to come.

Sub-watershed planning will continue to play a pivotal role in preserving the health and integrity of Lake Simcoe. The proposed changes must be immediately reversed to avoid the potential adverse impacts, jeopardizing downstream areas, disrupting ecosystem dynamics, and



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undermining the health of water systems in Ontario including Williams Treaties First Nations territories.

All of the policy changes outlined above raise concerns about the cumulative impact the taking up of Williams Treaties First Nations lands and waters could have on the First Nations' ability to exercise their constitutionally protected treaty harvesting rights. Williams Treaties First Nations ask that Ontario government engage in a meaningful consultation process with them to address these concerns some of which are included in these submissions prior to the finalization of the PPS 2023.

Kind regards,

*Ceyda Turan*

Ceyda Turan  
Barrister & Solicitor  
Counsel for Williams Treaties First Nations