



November 21, 2022

Attention:
Public Input Coordinator
Resources Planning and Development Policy Branch
Policy Division
Ministry of Natural Resources and Forestry
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Subject: **Ducks Unlimited Canada Submission - ERO Proposal Posting 019-6141,
Legislative and Regulatory Proposals Affecting Conservation Authorities**

Ducks Unlimited Canada (Ducks) is the leader in wetland conservation. A registered charity, we partner with government, industry, non-profit organizations, and landowners to deliver wetland conservation that benefits every Canadian. In Ontario alone, we have conserved more than one million acres of wetlands and associated wildlife habitats. The protection and restoration of wetlands and associated natural heritage systems and watersheds are critical to addressing the impacts of climate change and to building naturally resilient landscapes. The wetlands we save aren't just for ducks; they're for all of us.

DUC has reviewed the proposed legislative amendments and new Minister's regulation associated with this ERO proposal posting, along with the various other concurrent public consultations, Environmental Registry and Regulatory Registry postings associated with the *Ontario Housing Supply Action Plan 2022-2023*.

DUC understands this government's commitment and priority to help enable an increased supply of housing for Ontarians. Consistent with our input to the Province's Housing Affordability Task Force and active participation on the Rural Ontario Municipal Association Attainable Housing Task Force, DUC is supportive of selected aspects of the *Action Plan 2022-2023*, particularly those proposals that:

- encourage urban and community intensification,
- make best use of existing provincial and municipal infrastructure
- capitalize upon existing and future transit systems

Despite this targeted support for some aspects of what the government is proposing through Bill 23 and the broader *Action Plan 2022-2023*, DUC is very concerned about various proposed legislative amendments to the *Conservation Authorities Act* and the newly proposed Minister's regulation, on the basis that these proposals potentially threaten to accelerate the loss of wetlands and their associated ecosystems, including impacts on water and other climate mitigation and adaptation service benefits.

From our understanding of the proposed changes under Bill 23 and the *Ontario Housing Supply Action Plan 2022-2023*, there may be an incorrect belief that wetland and other critical natural infrastructure features are barriers to enabling increased housing supply and that the role of conservation authorities needs to be

limited to achieve community and provincial housing targets. DUC does not share that belief, nor does the Province's Housing Affordability Task Force 2022 Report point to wetlands, natural heritage systems or the role of conservation authorities as barriers to the province's housing supply.

DUC has long maintained that natural infrastructure must be included in planning and development proposals for more climate resilient, healthy, livable communities. We maintain that these goals are achievable in concert with actions to increase housing supply and we are concerned that Bill 23 and the proposals outlined in this ERO proposal posting do not adequately embrace the need to pursue the dual, concurrent imperatives of pursuing environmentally sustainable landscapes and an increased and affordable housing supply for Ontarians.

DUC values Ontario's conservation authorities for their role in flood management, watershed management and their invaluable landowner stewardship work. We are proud to work in partnership with Conservation Ontario and its conservation authority affiliates across the province that share our commitment to conserving and restoring wetland and supporting upland habitats.

While DUC strongly supports initiatives to streamline approval processes for low-risk projects including habitat restoration projects, we are concerned with several key aspects of the proposed *Conservation Authorities Act* and the *Planning Act* amendments including:

- limiting the regulatory focus of conservation authorities to only natural hazards, which will leave many wetlands at risk to development and loss,
- amending *Conservation Authorities Act* sections 21.1.1 and 21.1.2 to preclude the opportunity for municipalities to engage conservation authorities in technical and land use planning reviews beyond the scope of natural hazards through the approval of a new Minister's regulation that would prescribe those Acts that conservation authorities are barred from reviewing and providing advice to willing municipalities,
- amending *Conservation Authorities Act* Section 28.1 to remove the "conservation of land" as a regulatory consideration for conservation authorities; and
- amending various sections of the *Planning Act* to expedite land use development without the benefit of conservation authority review, permitting or appeal.

From our perspective, the cumulative impacts of these proposed legislation amendments and the newly proposed Minister's regulation may:

- result in a significant lack of available expert natural heritage capabilities to inform municipal land use planning decision making,
- create uncertainty around which public bodies will be responsible for wetland and natural heritage land use planning expertise, particularly given that provincial ministries no longer play an active role in municipal plan input and review,
- result in land use planning decisions being made without the benefit of watershed level perspectives and
- not help communities address the urgent and growing challenges of climate change mitigation and adaptation and the need to ensure the maintenance and restoration of resilient natural systems.

After careful consideration, **DUC recommends that the government not proceed** with the legislative amendments and the newly proposed Minister's regulation associated with this ERO proposal posting, **to provide more time for government to engage municipalities, the development industry and the conservation community in solutions that ensure important natural features and systems are protected and enhanced.**

DUC notes that deferral of these legislative and regulatory amendments to the CA Act would allow government, stakeholders and the public, a better opportunity to engage on the promise of potential improvements to other aspects of Ontario's approach to wetland protection and restoration through concurrent government proposals contained in the broader *Ontario Housing Supply Action Plan 2022-2023*, such as the review of the *Ontario Wetland Evaluation System* manual, a new opportunity for wetland and natural heritage offsetting, and input to the review of the *Planning Act* natural heritage policy statement and the *Places to Grow Act*.

Each of these initiatives represent important opportunities to improve Ontario's approach to achieving net gain in wetlands on the landscape, while helping to enable much needed and increased housing supply in Ontario. However, if the government proceeds with the legislative amendments and the newly proposed Minister's regulation detailed in this ERO proposal posting, we believe this action will impair the necessary technical reviews needed, and Ontario would not be able to achieve the potential benefits of the other concurrent initiatives.

DUC is committed to working with the Province of Ontario to pursue its housing objectives in the context of embracing science and evidence-based sustainable development and intensification efforts and a commitment to protecting and enhancing natural infrastructure in planning processes. Any viable housing strategy must pursue the joint imperatives of protecting our most ecologically valuable wetland habitats, alongside a commitment to protect and restore our natural systems as we jointly pursue our overall climate change and biodiversity objectives.

DUC thanks the Ministry for the opportunity to comment on the package of proposals contained in this ERO proposal posting and for its careful consideration of this submission.

If there are any questions in this regard, please feel free to contact me directly.

Yours truly,



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