

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

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MNRF - PD - Resources Planning and Development Policy Branch  
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**Subject: ERO# 019-2927 Proposed Updates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario**

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. We have reviewed ERO posting 019-2927 Proposed Updates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario and offer the following comments for consideration.

The Conservation Authorities Act helps to ensure the safe and responsible use of lands and waters across our province. In addition to protecting people and property from natural hazards, however, this act is also an important conservation tool, making it extremely valuable to Ontario's sportsmen and women. Although we appreciate the need to eliminate legislative redundancies, the OFAH feels that many proposed amendments found within this proposal would significantly weaken protections for wetlands and other valuable ecosystems in Ontario.

## **Buffer zones**

Provincial Significant Wetlands (PSW) are ecological systems with unique value to the Province of Ontario. This special designation is assigned using the Ontario Wetland Evaluation System (OWES), which identifies and evaluates wetland function based on biological, social, and hydraulic criteria. Many of the ecosystems which meet the requirements for PSW designation even harbour rare or endangered species (MNRF, 2013; TNL, 2013).

While most conservation authorities (CAs) have historically placed prohibitions on developments "...within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size" (O. Reg. 42/06) Bill 23 proposes to limit prohibitions to areas within 30 metres of any and all wetlands, regardless of their status or size. Such an amendment would put PSWs and other vulnerable wetlands at significant risk.

The spatial buffer required between a development activity and a given wetland can vary greatly depending on the activity in question and species present. While some scenarios may require as little as 3 metres, others may necessitate buffer zones of more than 200 metres (Castelle et al. 1994; Semlitsch & Bodie, 2003). Unless the ministry intends to evaluate the buffer zone needs of all of Ontario's wetlands on a case-by-case basis, development restrictions must err on the side of caution. This is critical to ensuring the preservation of our dwindling wetland ecosystems and is especially true for PSWs. The OFAH strongly recommends that the MNRF continue to grant conservation authorities agency to place prohibitions on development within 120 metres of provincially significant wetlands and wetlands larger than 2 hectares.

**Low-risk Activities**

Although the OFAH recognizes that some low-risk activities may not require conventional permitting, we are concerned about potential cumulative effects of activities like well installation, if overutilized. Will the MNRF impose regulations to restrict the number of “low-risk” activities done within a particular space? How will these be enforced? Additionally, does the MNRF intend to require wetland buffer zones for these low-risk activities?

The OFAH is also concerned about the potential impacts of overflow from offline ponds. Without proper consideration of pond location, this “low-risk” activity could easily become a high-risk for the spread of invasive species in the event of a flood. Will there be measures set in place to prevent this? How will they be enforced?

**Considerations and exemptions**

While the OFAH understands and supports the addition of factors such as “unstable soils and bedrock,” we do not support the removal of “conservation of land” and “pollution” as considerations in the permitting process. This change will affect permit conditions assigned by a CA, review and exemption considerations, and even ministerial considerations.

According to Conservation Ontario, part of a conservation authority’s core purpose is “...to conserve natural resources for economic, social and environmental benefits.” (2022) Eliminating a conservation authority’s ability to consider pollution and conservation of land in their permitting process is to neglect some of Ontario’s most valuable and sensitive habitats. The removal of these considerations may have tremendous consequences for ecological health and water quality, which, in turn, will have implications for the environment, economy, and even human health. We strongly recommend that the MNRF keep “conservation of land” and “pollution” as core considerations in the permitting process.

The OFAH also questions the allowance of permitting exemptions for activities authorized by the Planning Act. Although some redundancies exist, many considerations within the Conservation Authorities Act differ from those found in the Planning Act. Exempting projects from requiring a permit under the Conservation Authorities Act would allow potentially detrimental activities to move forward without due consideration. For example, while the Conservation Authorities Act states that “Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland” are prohibited within the jurisdiction of an authority, there is no mention of the alteration of a watercourse in the Planning Act. We recommend the MNRF does not allow exemptions from either act and, instead, they simply eliminate duplication where it exists. The OFAH would also like to request clarification on what conditions would need to be met for this exemption to occur.

This bill also proposes to increase the minister’s ability to influence the permitting process, granting them power to review and amend any conditions attached to permits, as well as to limit the conditions a CA may assign to a permit. We question the appropriateness of this change, in part due to potential delays that the addition of an extra step (case-by-case considerations by the minister) may cause to the permitting process. We are also concerned that such an amendment would prevent Ontario CAs from acting on their expertise. Conservation authorities base their assessments and determinations on a high degree of localized expertise and, thus, should be given final authority in the decision-making process. Considering Bill 23 also proposes to eliminate the minister’s ability to consider pollution or conservation of land, granting this additional level of authority could be to the great detriment of the vary natural resources the MNRF aims to conserve.

Maintaining the role that conservation authorities play in the protection of people, property, and our shared natural resources will be critical to our province's continued success as we tackle complex issues like the current housing crisis. Thank you for considering our comments.

Yours in Conservation,



Matthew Robbins  
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MR/jb

cc: OFAH Board of Directors  
OFAH Land Use/Access/Trails Advisory Committee  
OFAH Small Game/Migratory Birds/Wetlands Advisory Committee  
Angelo Lombardo, OFAH Executive Director  
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