



# Bruce Trail CONSERVANCY

November 29, 2023

Public Input Coordinator  
MNRF-RPDPB – Natural Heritage Section  
300 Water St., 2<sup>nd</sup> Floor South  
Peterborough, ON  
K9J 3C7

**RE: ERO No. 019-7696, Proposed amendments to the Niagara Escarpment Planning and Development Act, R.S.O 1990**

To Whom it May Concern:

Thank you for the opportunity to review proposed amendments to the Niagara Escarpment Planning and Development Act (NEPDA).

Bruce Trail Conservancy is one of Ontario's largest land trusts that acquires, protects and restores the vulnerable habitat and biodiversity of the UNESCO Niagara Escarpment Biosphere. We are a member-driven, volunteer-based, charitable organization, governed by a 19-member Board of Directors. Bruce Trail Conservancy is a recognized *public body* within the Niagara Escarpment Plan (NEP) who works with each of the nine Bruce Trail Clubs to care for the Bruce Trail and to preserve land along its route. To date Bruce Trail Conservancy has protected over 16,000 acres of the Niagara Escarpment and secured more than 70 percent of the Bruce Trail. It is our goal to secure the Optimum Route of the Trail within a permanently protected natural corridor, through receipt of land donations, purchase of land, easement agreements, or other arrangements with landowners.

We have reviewed the proposed amendments to the NEPDA and the Bruce Trail Conservancy is in support.

**Remove the outdated requirement to publish notices in newspapers for NEP amendment proposals and associated hearings**

- In support. Using modern consultation methods makes sense especially as local community newspapers are a lot less common

**Expand the Minister's regulation-making powers to allow broader exemptions for low-risk activities where standard conditions would provide appropriate mitigation in regulation.**

- Though we are eager to review potential amendments to the related *Regulation 828*, we are in support of efforts to clarify language, modernize existing exemptions for conservation organizations, and exempt additional activities of conservation organizations from the requirement to obtain a development permit. Many activities the BTC undertakes, such as building new trail infrastructure for habitat protection and trail safety and experience, are unlikely to have a negative environmental impact and in our view should be exempt from the requirement to obtain a development permit. For

example, Overnight Rest Areas (ORAs) are a permitted use in the NEP, and development criteria for ORAs is described clearly in s. 2.14(2) of the NEP.

- We encourage the development of a policy interpretation document to clearly identify all activities of the BTC that would be exempt from the requirement for a Development Permit, to simplify the process for NEC and BTC staff.

**Broaden the range of compliance tools and powers to provide NEC staff greater abilities to inspect and address non-compliant development activities**

- In support. BTC has long been in support of a greater range of tools and powers for compliance officers along the Escarpment. It is equally critical that the NEC be resourced sufficiently to enable more effective enforcement.

In addition to the proposed amendments, we also wish to provide general comments related to provincial legislation, regulations and the BTC.

As mentioned previously, the BTC is recognized as a *public body* within the Niagara Escarpment Plan (NEP). We are grateful for this special status within the NEP, however this status is not recognized elsewhere, such as in the *Planning Act*. For instance, Conservation Authorities are exempt from the requirement to obtain consent to sever from local municipalities under the *Planning Act*. BTC undertakes several severances for Bruce Trail and conservation purposes every year. Hundreds of staff hours and other organizational resources are put into obtaining consents to sever as well as NEC development permits for the public good that we provide.

According to the Hon. Parm Gill, the purpose of the amendments to the NEPDA in the *Less Red Tape, More Common Sense Act* is in part to free up the Niagara Escarpment Commission to “focus on more complex applications and protection measures for the area” (Hansard No. 102A, 5690).

In fact, the idea of providing the BTC with an exception to subdivision control under the *Planning Act* is not new. At its July 15, 2010 meeting, the NEC decided to strongly support the BTC’s request for an amendment to Section 50(3) of the *Planning Act*, providing for the acquisition and disposal of land for the purposes of securing conservation land in the Niagara Escarpment Plan area. A letter was subsequently sent to the then Ministers of Municipal Affairs and Housing and Natural Resources, respectively, requesting the change. A copy of the NEC staff report, BTC correspondence, and the letter to the Ministers is included here for your reference.

As a conservation land trust, BTC has been working for over 50 years on protecting and preserving the Niagara Escarpment for all to enjoy. We are entrusted to do this work through the NEP and as such would request further changes to streamline conservation efforts.

Respectfully submitted,



Joel Swagerman, MCIP, RPP  
Land Securement Planner  
jswagerman@brucetrail.org