

The Ontario Headwaters Institute

Preserving Ontario's headwaters through education and action

October 29, 2010

Kyle MacIntyre
Manager (A), Local Government and Planning Policy Division
Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
PDF via web and e-mail

RE: Review of the Provincial Policy Statement (ER # 010-9766)

Dear Mr MacIntyre,

The Ontario Headwaters Institute, a registered charity incorporated under the laws of Ontario in order to work toward the protection of Ontario's headwaters, thanks the Government of Ontario for conducting a comprehensive review of the Provincial Policy Statement and submits the attached comments and recommendations.

We also extend our appreciation to you and your staff for your professionalism and thoroughness in facilitating the review, for the provision of requested support material, and for the extension to the original deadline for comments.

The seven recommendations in this submission urge the Government of Ontario to:

- Set targets to help preserve the ecological goods and services that are the foundation of Ontario's social and economic well-being;
- Embrace an environment-first perspective in the Vision of the PPS;
- Re-order the sections of PPS to further signal the primacy of the environment;
- Provide greater support for agriculture, sustainable agriculture, and local food, both within and far beyond the PPS;
- Signal that it will shift to and implement a comprehensive system of Integrated Watershed Management by 2015;
- Immediately begin to address existing conflicts, policy gaps, and implementation problems in the current system of hydrologic and watershed management; and,
- Take significant steps to protect the remaining wetlands in EcoRegions 5E, 6E, and 7E;

Should you have any questions or wish to discuss any aspect of this submission, please contact OHI Executive Director Andrew McCammon, as listed below.

Sincerely,

Nancy Penny
President

cc Gord Miller, Environmental Commissioner of Ontario
Conservation Ontario
Members - Planning for Sustainability: A PPS Review Collaborative

Contents

- I Putting the Environment First**
- II Acknowledging the Special Role of Agriculture**
- III Hydrologic Systems and Watershed Management**

I Putting the Environment First

The Provincial Framework: The PPS is a seminal document that seeks to provide a framework for Ontario's policy-based land-use planning regime and which has evolved significantly during previous revisions. As a result of both these facts, the PPS holds the admiration of many sectors in the province.

One over-arching issue that the PPS has not yet embraced, however, and that has repeatedly been the object of suggested amendments in previous reviews, is the imperative to put the environment first.

Our environment provides the ecological goods and services upon which our social and economic well-being depends.

Unfortunately, the environment's ability to continue to provide these services is under increasing threat. Key pressures that must be considered in land-use planning include climate change, increased demands for resources and infrastructure from a growing population, and the net impacts of reductions in habitat, biodiversity, and ecological carrying capacity.

In recent years, the Province has made great strides in dealing with several aspects of some of these pressures through initiatives such as the Clean Water Act, Greenbelt Plan, Green Energy Act, Great Lakes St Lawrence River Basin Sustainable Water Resources Agreement, the development of a biodiversity strategy, the Far North Act, and other actions.

In some of these initiatives, Ontario, its municipalities, and its conservation authorities have established targets for preserving a percentage of our natural heritage. All areas of the province, however, as well as the preservation of the ecological goods and services on which we all depend, would benefit from a more strategic approach.

We refer the Government to two key perspectives. Several years ago, Environment Canada published *How Much Habitat is Enough*, which provided suggested targets for natural forest cover, riparian habitat, and wetland preservation in order to maintain the ecological integrity of a watershed. More recently, the Intergovernmental Panel on Climate Change has suggested that the world needs to set aside 50% of its natural heritage to preserve biodiversity and the provision of the planet's ecological goods and services, especially in the light of increased greenhouse gas emissions.

We suggest that Ontario work toward the establishment of targets for the long-term protection of the natural heritage, biodiversity, and carrying capacity of the province.

Recommendation 1: That the Government of Ontario produce a study similar to *How Much habitat is Enough* and develop direction to planning authorities to set aside enough quality habitat to safeguard the ecological goods and services of the province, on a watershed by watershed basis as much as possible.

Reframing the PPS: Pending the availability of the study and direction referred to above, the OHI suggests that the PPS be reframed to acknowledge the environment as the foundation of Ontario's social and economic well-being.

This substantial task can be accomplished through two fairly simple changes: re-writing the Vision contained in Part IV and re-ordering the table of contents.

While the second of these may seem relatively unimportant, it would in fact send a significant signal about the primacy of the environment and the need to protect our natural heritage and hydrologic systems, as well as public health and safety, as a pre-condition to building sustainable communities.

Recommendation 2: That the Government of Ontario amend Part IV of the PPS to articulate that the environment is the foundation of Ontario's social and economic well-being, as suggested in Appendix A.

Recommendation 3: That the Government of Ontario re-order the PPS so that both the section on natural heritage and hydrologic systems and the section on public health and safety precede the section on Building Sustainable Communities, as suggested in Appendix B.

II Acknowledging the Special Role of Agriculture

Over the last eight months, the OHI conducted eight community workshops on protecting Ontario's headwaters and two on the PPS.

The depth of knowledge and the commitment of Ontarians to agriculture, sustainable agriculture, and local food was astounding, as was the perception that Ontario's farmers need significantly greater government and public support.

Recommendation 4: That the Government of Ontario provide greater support for agriculture, sustainable agriculture, and local food, as well as greater support to protect agriculture from aggregate extraction and hydrologic impacts from development, both within and far beyond the PPS.

III Hydrologic Systems and Watershed Management

One area of the PPS and associated government initiatives of particular concern to the OHI is that dealing with hydrologic systems and watershed management.

As a member of Planning for Sustainability: A PPS Review Collaborative (the Collaborative), we endorse all of the recommendations in the submission from the Collaborative. Items dealing with these subjects in that submission include the third item of the section on General Themes, dealing with an the ecosystem approach to planning, and recommendations 2, 6, 7, 8, 10, 11, 16, 17, 18, 30, 31, 32, 33, 34, 37, 43, 44, 47, 48, 49, 50, and 51.

We also support and offer the following additional direction on Collaborative recommendations 9, 41, and 35.

Integrated Watershed Management / Watershed Management: Recommendations 9 and 41 of the Collaborative are as follows:

Collaborative recommendation 9: *Support the recommendations of the Environmental Commissioner of Ontario and Conservation Ontario by amending 1.0 to include the following: planning authorities shall support and implement integrated watershed management planning to connect local, regional, and provincial scale natural heritage, water resource, urban, rural and agricultural systems.*

Collaborative recommendation 41: *Amend 2.2.1 to require watershed and/or sub-watershed plans be completed and incorporated into land use planning documents, to ensure key components are used as the basis for planning decisions.*

The OHI supports the recommendations in principle but thinks they require further direction; that significant work must be done to eliminate existing conflicts, policy gaps, and implementation problems; and that they should be staged sequentially.

Vexing conflicts, policy gaps, and implementation problems include:

- Conflicts between the mandate of Conservation Authorities and the mandate of the Municipal Drainage Act;
- Conflicts of interest that occur when municipal appointees to Conservation Authorities vote against CA budgets allocations for watershed management studies for which their municipality might have to allocate staff resources and/or funds, or that might cause their municipality to alter its development aspirations;
- The preparation and approval of many scales of planning documents, but most egregiously Official Plans and Official Plan Amendments, without the preparation of watershed plans;
- The lack of reference in the PPS to the Natural Heritage Reference Manual, the corresponding inappropriate scale for ecological considerations in many development plans, and the absence of integrated natural heritage and watershed studies, as called for in the Manual;
- The new definition of a watercourse in the Conservation Authorities Act (2006), which now includes headwaters, and the general absence of policies in most conservation authorities to protect them;
- The on-going practice of municipalities to continue to bury zero, first, and second order streams in underground pipes gap, in spite of the new definition of a watercourse in the Conservation Authorities Act (2006);
- The need to extend Source Water Protection to full watersheds, as recommended by Justice O'Connor; and,
- The need to ensure cumulative water quantity and quality monitoring, public and timely access to monitoring data and documents such as spill reports, the evolution of watershed report cards from subjective to science-based criteria, and the inclusion of meaningful hydrological data in the Performance Measures of the PPS.

Given these issues, we believe that the Province should take a two-pronged approach to hydrologic systems and watershed management, as follows:

Recommendation 5: That the Government of Ontario signal that it will shift to and implement a comprehensive system of Integrated Watershed Management by 2015, in conjunction with the 10-year review of the Greenbelt, work on PPS performance measures, the next version of the Natural Heritage Reference Manual, and Ontario's participation in the CCME's efforts to set strategic directions for water. To support this work, MNR and MOE should co-lead an IWM Implementation Project and ensure that planning authorities, stakeholders, and the public are consulted on the shift to IWM;

Recommendation 6: That the Government of Ontario immediately begin to address existing conflicts, policy gaps, and implementation problems in the current framework of natural heritage and hydrologic system management, including amendments to the PPS. Quick-start measures should include:

- Directing municipalities to immediately cease burying first and second order streams;
- Amending 2.2.1 of the PPS to require watershed and/or sub-watershed plans be completed and incorporated into land use planning documents, as recommended by the Collaborative. For situations where municipalities may have limited funds and/or in which a local municipality or conservation authority do not have the requisite resources, the Province shall create a program under which these agencies can request support; and,
- Tasking the MNR-MOE IWM Implementation Project with identifying, prioritizing, and working to remedy conflicts, policy gaps, and implementation problems in Ontario's current watershed management regime between now and 2015 as a means of both moving toward and lessening the overall impact of the final shift to IWM.

Wetlands: Recommendation 35 of the Collaborative states: *Given the loss of 72% of wetlands south and east of the Canadian Shield, with losses exceeding 90% in some areas, all remaining wetlands and their ecological functions in EcoRegions 5E, 6E and 7E should be protected from development and site alteration.*

The OHI supports the recommendation but thinks it needs further direction, as follows:

Recommendation 7: That the Government of Ontario declare all wetlands over 2 hectares in EcoRegions 5E, 6E, and 7E to be provincially significant and direct municipalities to immediately include them in existing official plans. Issues involving such wetlands facing the prospect of development before 2015 shall be addressed by the MNR-MOE IWM Implementation Project referred to above, which should also work to develop protocols for the long-term protection of wetlands under 2 hectares.

In conclusion, we urge the **Government of Ontario** to acknowledge the environment as the foundation of our social and economic well-being and to protect the ecological goods and services the environment provides while continuing to move forward on sustainable development and sustainable communities.

Appendix A– Sample Amendment to Part IV: Vision for Ontario’s Land Use Planning System

The long-term prosperity and social well-being of Ontario depends on maintaining the ecological integrity of our environment, protecting public health, establishing and nurturing sustainable communities, building a stable and equitable economy, and engaging Ontarians and in their communities, institutions, and governance.

The Province’s ecological and hydrologic resources – air, water, natural resources, and agricultural lands - provide the basis of our well-being. Taking action to protect the ecological goods and services upon which our health and economy are based are paramount to safeguarding the needs of current and future generations.

The long term protection and stewardship of our natural resources is, therefore, a key provincial interest, and the PPS is one of many frameworks invoked to ensure that Ontario’s biodiversity and carry capacity are maintained and that public health and safety are protected.

Within this context, the Provincial Policy Statement also focuses growth within settlement areas and away from significant or sensitive resources. Within these areas, land use must be managed in order to achieve efficient development patterns while encouraging sustainable communities and ensuring fulsome public engagement.

Efficient development patterns optimize the use of land, resources, and public investment in both infrastructure and public service facilities while promoting a healthy mix of housing, employment, parks, and choices for accommodation and transportation, and should encourage sustainable buildings.

Buttressed by tenants of a conservation culture, energy efficiency, product stewardship, and educational and cultural vibrancy, the PPS envisions that Ontario’s settlement areas can also become sustainable communities and provide good quality of life and economic opportunity while treading lightly on the earth’s limited resources.

Acts, agreements, regulations and guides supporting this vision include the Niagara Escarpment Planning and Development Act, The Oak Ridges Moraine Conservation Act, 2001, Green Energy Act, Clean Water Act, Great Lakes St Lawrence River Basin Sustainable Waters Agreement, Conservation Authorities Acts, Places to Grow, MNR Natural Heritage Reference Manual, etc....

Appendix B – Sample Amendment to the Table of Contents

Part I Preamble

Part II Legislative Authority

Part III How to Read the Provincial Policy Statement

Part IV Vision for Ontario’s Land Use Planning System

Part V Protecting Biodiversity; Public Health; Sectoral Guidelines

((From previous sections V.2 and V.3))

- 5.1 General Principles (NEW section, for goals for Natural Heritage Protection, Biodiversity, Climate Change, and Integrated Watershed Management)
- 5.2 Natural Heritage and Hydrologic Systems
- 5.3 Cultural Heritage and Archeology
- 5.4 Public Health and Safety
- 5.5 Sectoral Guidelines
 - 5.5.1 Agriculture
 - 5.5.2 Minerals and Petroleum
 - 5.5.3 Mineral Aggregate Extraction

Part VI Building Sustainable Communities

((Previously section V.1))

- 6.1 General Principles (eg: Public Engagement, Performance Measures, etc)
- 6.2 1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns
 - Settlement Areas
 - Rural Areas in Municipalities
 - Rural Areas in Territory Without Municipal Organization
- 6.3 Employment Areas
- 6.4 Housing
- 6.5 Public Spaces, Parks and Open Space
- 6.6 Infrastructure and Public Service Facilities
 - Sewage and Water
 - Transportation Systems
 - Transportation and Infrastructure Corridors
 - Airports
 - Waste Management
- 6.7 Long-Term Economic Prosperity
- 6.8 Energy and Air Quality

Part VII Implementation and Interpretation

Appendix A Figure 1

Appendix B Definitions