



17 November 2022

Hon. Steve Clark
Minister, Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, Ontario M7A 2J3

Dear Minister Clark:

With warranted concern, we write you today on behalf of the Ontario Chapter of the American Fisheries Society to convey our concerns regarding the proposed environmental legislation changes within *Bill 23, More Homes Built Faster Act, 2022*. The American Fisheries Society is the world's oldest and largest organization dedicated to strengthening the fisheries profession, advancing fisheries science, and conserving fisheries resources representing over 8,000 freshwater scientists and fisheries professionals focused on aquatic ecosystem health as well as fish habitat and fish management matters, with over 160 individuals and 1500 followers in the Ontario Chapter. This society includes representatives of the private sector, academia, not-for-profit organizations, Conservation Authorities, and provincial and federal governments. We include many aquatic science professionals in Ontario within our society, and contemporaneously share our wealth of experience with all sectors and offer formal training to all members. We also maintain professional interactions with scientists around the world regarding all aspects of aquatic and fisheries ecology and management.

We are concerned, however, that some changes proposed in Bill 23 will:

- Place new responsibilities on municipalities for natural hazards and natural resources that will lead to inefficiencies, uncertainties, and delays in the development review process.
- Weaken the ability of Conservation Authorities to protect people and property from erosion, pollution, flooding, and natural hazards.
- Reduce critical natural infrastructure and ecological health of wetlands, watercourses, and greenspaces that currently serve to reduce flooding, improve water quality and quantity, maintain important recreational activities such as fishing, support ESA listed species, and buffer against current and future effects of climate change.
- Negatively influence the assessment of Provincially Significant Wetlands (PSWs) by reducing the qualifying components.

We feel that municipalities should retain the ability to enter into agreements with Conservation Authorities to ensure appropriate technical expertise for review and comment on development applications such as natural heritage, water resources, pollution, and natural hazard reviews. Previous legislative amendments by your government require agreements prior to Conservation Authorities undertaking this work. Recent regulations define requirements to be included in these voluntary agreements. Through these agreements, Conservation Authorities currently provide comments to



municipalities in a cost-effective and timely manner, and these comments encompass a more holistic watershed approach that spans the single geographic jurisdictions of municipalities, since many of the components of these reviews span multiple municipalities. In 2020, through amendments to the *Conservation Authorities Act*, Conservation Authorities are already prevented from commenting beyond mandatory programs and services, such as natural heritage, without a municipal agreement.

Development subject to *Planning Act* authorizations should not be exempt from requiring Conservation Authority permits and Conservation Authority regulations should not be delegated to municipalities. The municipal planning process is insufficient to ensure natural hazard, water resource, and natural heritage concerns are addressed through design and construction alone. This places additional pressure, responsibility, and liability on municipalities and could result, for example, in building permits being issued in error for areas susceptible to natural hazards. Working beyond political boundaries is essential in the permitting role to consider impacts on upstream and downstream communities. Natural hazards, water resources, and natural heritage must be considered at both site-specific and watershed levels to ensure public safety, prevent loss of infrastructure, and maintain ecological integrity of watersheds.

Our specific concerns are:

- Changing the definition of a watercourse within the Provincial Policy Statement (PPS), which would result in the loss of protection for headwater drainage features. The loss of these features would result in a significant loss of linear stream length, increase the risk and severity of flooding effects, and contribute to cumulative or 'death by a thousand cuts' effects on watershed health.
- The proposed one-time placement of fill not exceeding 10 cubic meters that is not placed within hazardous land or a watercourse or wetland. There are existing regulations within Conservation Authorities that speak to this, plus provide some boundaries about where fill may be placed, the type of fill, and the volume, which provide oversight to ensure contamination of floodplains and cumulative cut/fill related flood risk issues do not arise. For example, within the Lake Simcoe Region Conservation Authority's 2021 *Ontario Regulation 179/06 Implementation Guidelines*, one may without written permission, place minor fill "for landscaping or resurfacing of existing driveways provided the fill does not obstruct flood flows, the volume does not exceed 7 cubic meters and that it is not placed within 15 meters of a watercourse, wetland or shoreline".
- The evaluation of CA owned lands for the potential to identify areas eligible for development. Conservation Authorities own many properties that support high levels of aquatic biodiversity across southern Ontario, and the loss of these critical habitat anchors can further imperil many species, undermining efforts to conserve and support aquatic biodiversity, including species listed under Ontario's *Endangered Species Act*. Additionally, many of these lands also reduce flood risk, offer carbon sequestration to mitigate climate change effects, and provide important areas for people to recreate.
- The proposed removal of MNRF staff from the assessment and classification of wetlands in Ontario and downloading this responsibility to municipalities. We have concerns that this would result in a loss of technical expertise and the existing knowledge from MNRF district staff, and be

reliant on municipal staff who are not trained or have the relevant experience, thus being an inefficient use of human resources and a net loss of knowledge.

- Removal of the ability to have complex wetlands have additive scoring to qualify for PSW status. This would force assessors to solely assess each wetland unit separately and not based on the cumulative wetland function and connectivity, thereby setting a higher benchmark for each wetland unit ultimately ensuring fewer wetlands would qualify for PSW status.
- Coupled with above, the proposal that existing PSWs can be reassessed by decoupling aggregate wetland scoring and assessing them individually, resulting in fewer PSWs.
- Species at risk elements of scoring would no longer apply. This means that species-at-risk habitat will no longer factor into decisions about which wetlands should be protected, severely undermining ESA protection of listed species.
- The proposal that “an ecological offsetting regime” would result in a no-net-loss approach to wetlands in Ontario. We are not aware of any existing peer-reviewed science that supports a no-net-loss of function, productivity, and aquatic biodiversity that would support the proposed approach.

We call on your government to remove revisions to the proposed legislation from Bill 23, and to begin a meaningful process of consultation with Indigenous Peoples and the public through well-established processes. The perspectives and concerns outlined in this letter are representative of our membership as a collective, and do not represent those of employers of AFSOC membership. Our organization has a wealth of expertise and years of experience, and we stand ready to provide the best available science to inform any necessary changes.

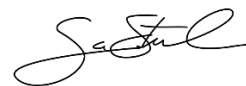
Sincerely,



Zachery Wells, M.Sc.
President, AFS-OC



Andre-Marcel Baril, M.Sc.
Vice-President, AFS-OC



Sarah Steele, PhD
Past President, AFS-OC

cc: Hon. Graydon Smith, Ministry of Natural Resources and Forestry
Hon. David Piccini, Ministry of Environment, Conservation and Parks
Hon. Doug Ford, Premier of Ontario