

Comment on Bill 23 – Conservation Authorities Act and Regulations (Schedule 2)
By the Greenspace Alliance of Canada's Capital

Proposed changes to the Conservation Authorities Act (ERO 019-6141) will allow landowners to "cut and fill" in any wetland or floodplain area without regard to the ecological values. The specific change strikes out "pollution or the conservation of land." From Section 28.0.1(6)(a) of the Act. The "conservation of land" is the authority that CAs have used to regulate changes in wetland plant communities, vegetation, habitats and other features that provide valuable ecosystem services.

With this change, property owners could apply to fill in a wetland provided that they could demonstrate no increased risk of flooding or erosion. They would not need to consider the other ecosystem services provided by the wetland such as habitat and carbon sequestration, both of which are critical for biodiversity and climate change mitigation. For example, a land owner could apply for a cut and fill permit to lower land in one area, while filling in an inconvenient wetland to increase developable area. If this alteration maintained the overall flood storage capacity, CAs, under the proposed provision that excludes conservation of land from their consideration, would not have the authority to refuse or apply conditions to a permit, even if it meant the loss of an irreplaceable fen or bog.

This proposed change, combined with the proposed changes to the Ontario Wetlands Evaluation System and the offset provision contained in Notice/019-6161 constitute a full scale attack on Ontario's wetlands. In addition to the green infrastructure services provided by wetlands through storage, filtration and recharge of ground water, they provide equally valuable ecosystem services by contributing to biodiversity and mitigating climate change.

Of course, these facts are well established and widely known (see Ducks Unlimited, The Nature Conservancy of Canada, the Canadian federal government) and yet this bill explicitly advances the notion that to build more homes faster, it is necessary to destroy wetlands. As these are found mostly in the rural area, these provisions will open the door to wetlands loss not just to housing, but to agriculture, extractive industries, commercial and industrial development as well. For those wetlands that are in proximity of the urban area, it will only make it easier for urban sprawl to expand into previously protected areas. This will further reduce incentives for intensification and reduce the ability for more homes to be built faster sustainably.

For these reasons, we ask that the language "conservation of land" be retained in Section 28.0.1(6)(a) of the Conservation Authorities Act.