

Housing Supply Action Plan: What Bill 108 and Changes to the Growth Plan Mean to You

JUNE 25



OUR SPONSORS



EAA, ESA & CAA

Environmental Assessment Act (EAA)

Endangered Species Act (ESA)

Conservation Authorities Act (CAA)

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ENVIRONMENTAL ASSESSMENT ACT

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OBJECTIVES

- Ensure better alignment between the level of assessment and level of environmental risk
- Find efficiencies in the environmental assessment process; shorten the timelines from start to finish
- Eliminate duplication
- Go digital by permitting online submissions

EAA

- Schedule 6: Finding a better match of scope/risk; exemptions for lower risk projects and projects with important benefits
- Section 15.3 ... a class environmental assessment may exempt specified categories of undertakings within the class from the Act
- ... also exempt certain undertakings that are currently subject to approved class environmental assessments
- New section 15.4 ... process governing amendments to approved class environmental assessments

SECTION 16 ORDER

- An order under section 16 could ... require a proponent of an undertaking subject to a class environmental assessment process to carry out further study. ***The amendments would limit the Minister's ability to issue such orders ...***

PRIVATE SECTOR EA APPLICATIONS

- Some private sector applicants may be required by regulation to complete an environmental assessment or they may voluntarily do so
- ***Alternatively, the government can also exempt applicants or specific projects from having to complete an environmental assessment... where it is determined to be in the public interest because, for example no significant environmental effects are expected***

ENDANGERED SPECIES ACT

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WHAT SOME PLAYERS ARE SAYING

- ***“Schedule 5 would be better named the Extinction Schedule,”*** Caroline Schultz, Executive Director of ON Nature
- ***“Plants and animals need homes too.”*** Rachel Plotkin of the David Suzuki Foundation
- ***“These changes will let developers and big business write a cheque to destroy precious habitats, and let lobbyists and politicians rather than scientists decide which species are considered endangered.”*** Tim Gray, Environmental Defence

WHAT SOME PLAYERS ARE SAYING

- ***...has evolved into a proposal which reads like a sprawl developer's wish list.*** Kelsey Scarfone, Program Manager, Water.
Environmental Defense Canada
- ***... seems to argue for habitat protection at all cost – even over food production.*** That's just not a sustainable solution.
Larry Davis, Director, OFA

WHY THE POLARIZED RESPONSES...

- 2007 Act oriented strongly towards conservation and recovery (“*gold standard*”)
- Hard for people to understand the rationale for and results of listings
- Some listed species are found only in the dozens in Ontario; others occur in the hundreds of thousands
 - Bobolink, for example, occurs widely in Ontario, mostly in agricultural hayfields
 - Was determined to be Threatened and subject to the Act
 - Stakeholders reacted...

Bobolink

Status:

Threatened in Ontario and
Canada

IUCN Red List – Least Concern

Aside: 25% of this species
breeds in Canada

Abundance:

Canada: 2.0 to 4.3 million

Ontario: 800,000



WHERE IS THE ESA GOING?

- COSSARO remains in place with reporting responsibilities to the Minister (arms-length)
- Members sought now revised to include expertise in: genetics, or *wildlife management*; or *community knowledge*
- Minister now requires COSSARO to consider: the species' geographic range in Ontario; and the ***condition of the species*** across the broader biologically relevant geographic range in which it exists ***both inside and outside of Ontario***
- Increased Ministerial flexibility

LOOK BEYOND ONTARIO – LOWEST STATUS

- *If that consideration would result in a species classification indicating a lower level of risk to the survival of the species than would result if COSSARO considered **the condition of the species inside Ontario only**, **COSSARO's classification of a species shall reflect the lower level of risk to the survival of the species***
- If the Minister, if of the opinion that **credible scientific information** indicates that the classification may not be appropriate, may require COSSARO to reconsider the classification; and submit a second report to the Minister (re-starts the time clock)

LANDSCAPE AGREEMENTS

- Authorizes a party to the agreement to carry out multiple activities throughout a geographic area identified in the agreement
- The authorized activities would otherwise be prohibited... to one or more impacted species
- ... requires that the authorized party execute specified beneficial actions that will assist with the protection or recovery of benefiting species

SPECIES CONSERVATION FUND

- Requirements to pay a species conservation charge to the Agency if an impacted species under the agreement is also a conservation fund species
- The Minister may require a permit holder to pay a species conservation charge only if the permit is issued with respect to a species that is a conservation fund species
- Minister may, by regulation... designate species that are listed on the Species at Risk in Ontario List as conservation fund

CONSERVATION AUTHORITIES ACT

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GENERAL THOUGHTS & HONESTY PLEDGE

- ***Establish that the core mandate of CAs is natural hazard protection and management, conservation and management of conservation authority lands ...***
- Increase transparency in how municipalities are charged
- Create a power for the province to appoint an investigator to audit
- ... proposed amendment also adds a requirement for members of conservation authorities to ***act honestly and in good faith with a view to furthering the objects of the authority***

CONSISTENCY, TRANSPARENCY, ACCOUNTABILITY

- **Consistency:** Replaces 36 individual regulations with one regulation that further structures the discretion of CA to regulate development
- Exempts low-risk development activities from requiring a permit
- **Transparency:** CAs to have publicly available policies that guide permitting decisions; CAs to provide public notice of new Regulated Areas mapping/designations
- **Accountability:** Requires CAs to establish, monitor and report on service delivery standards including timelines for permit decisions

CONSERVATION AUTHORITY GROWTH

- Rapid expansion of budgets and scope have attracted attention
- TRCA: In the 10 years from 2007 to 2017:
 - Revenues have grown 67% to \$118 million
 - Expenditures have grown 49% to \$108 million
 - Revenues from municipalities have grown 135% to \$69 million

CONCLUDING REMARKS

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CONCLUDING REMARKS

EAs

- How far will EAA exemptions go?

ESA

- How will COSSARO adjust to new instructions?
- Will the delays in listing negatively impact intended outcomes?
- How will Landscape Agreements work?

CAA

- How will Municipal/Conservation Authority dialogue unfold - will CAs change their methods and behaviours?

CONCLUDING REMARKS

- **Other Challenges/Opportunities include:**

- Will the critical supporting documents adequately change in step with this legislation (i.e., PPS, NHRM, COSSARO criteria, SWH criteria)
- ... i.e. is everything is still significant?
- Will these changes generate clarity

- **The Devil is in the Details....**