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**BY EMAIL**

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**RE: CELA’S WRITTEN SUBMISSIONS ON THE PROPOSED AMENDMENTS TO  
THE GREENBELT PLAN AND BOUNDARY REGULATION AND THE OAK RIDGES  
MORAINÉ CONSERVATION PLAN:  
ERO NUMBER 019-6216; ERO NUMBER 019-6217; ERO NUMBER 019-6218**

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Canadian Environmental Law Association (“CELA”) appreciates the opportunity to provide comments on the proposed amendments to the Greenbelt Plan and boundary regulation and the Oak Ridges Moraine Conservation Plan (ERO numbers 019-6216, 019-6217 and 019-6218).

**A. About Canadian Environmental Law Association**

CELA is a non-profit, public interest law organization that works toward protecting public health and the environment by seeking justice for those harmed by pollution or poor decision-making and by advocating for improvements to laws and policies to prevent problems in the first place. Since 1970, CELA has used legal tools, conducted public legal education, undertaken ground-breaking research, and advocated for increased environmental protection and to safeguard communities. As a specialty clinic funded by Legal Aid Ontario, our primary focus is on assisting and empowering low-income, disproportionately impacted, and vulnerable communities to further access to environmental justice.

## B. CELA's comments

Below are CELA's comments on the above ERO postings.

### i. There is a need to expand the Greenbelt, not shrink it

The Greenbelt is a system made up of natural heritage features and areas, linkages intended to provide connectivity and improve ecological features in the future, protected countryside and urban river valleys. In fact, it contains some of Canada's most ecologically and hydrologically significant natural environments and scenic landscapes, including the Oak Ridges Moraine and the Niagara Escarpment. These natural areas clean the air, provide drinking water, provide diverse flora and fauna habitats, including pollinators, and they provide opportunities for recreational activities that benefit public health and overall quality of life.<sup>1</sup> "It is a system of farm and forest, water and air, that can't be segmented without damaging the way the system functions as a whole."<sup>2</sup>

CELA believes that the Greenbelt should be expanded to fulfill the vision for which it was originally created. The Greenbelt is intended to be a broad band of permanently protected land which:

- a) Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- b) Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in southcentral Ontario will be organized;
- c) Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and
- d) Builds resilience to and mitigates climate change.<sup>3</sup>

CELA is concerned with the province's proposal to take 15 areas of Greenbelt land<sup>4</sup> out of the protected area, reducing its size by 7,400 acres.<sup>5</sup> In exchange, it would add only one small area of the Paris Galt Moraine and make it part of the Greenbelt.<sup>6</sup> In addition, the government stated that a series of 13 urban river valleys, totaling approximately 9,400 acres, would be given "new" protection. However, some of these urban valleys proposed to be "added" are simply expansions of urban river valleys that are already in the Greenbelt, and all of those urban river valleys were already announced to be protected and added to the Greenbelt earlier this year.<sup>7</sup>

<sup>1</sup> *Greenbelt Plan*, section 1.1, online: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>.

<sup>2</sup> Susan Elliot, *Doug Ford's broken Greenbelt promise tells youth there's no point in voting*, Toronto Star, 12 November 2022, online: <<https://www.thestar.com/opinion/contributors/2022/11/12/doug-fords-broken-greenbelt-promise-tells-youth-theres-no-point-in-voting.html>>.

<sup>3</sup> *Greenbelt Plan*, section 1.2.1, online: <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>.

<sup>4</sup> Although the ERO postings state that 15 areas of land will be removed, CELA believes the more accurate figure is 19. This was determined by examining the *Redesignations or Removals Map 1 to 11* document attached to the ERO posting, available here: <https://prod-environmental-registry.s3.amazonaws.com/2022-11/Redesignations%20or%20Removals%20Map%201%20to%2011.pdf>.

<sup>5</sup> See: <https://ero.ontario.ca/notice/019-6216>.

<sup>6</sup> See: <https://ero.ontario.ca/notice/019-6216>.

<sup>7</sup> See: <https://ero.ontario.ca/notice/019-4485>.

The successful realization of this vision for the Greenbelt relies on it being protected, permanently; not by subjecting it to a death by one thousand cuts.

**RECOMMENDATION:** CELA recommends that the Greenbelt be expanded, not shrunk, to ensure the Greenbelt be protected and realize its original purpose.

**ii. Offsetting is not effective nor recommended**

Although the ERO posting does not specifically state that the province will be undertaking “land swapping” or “offsetting”, offsets have been defined as restoration or creation of new lands to compensate for the negative impacts of development. Often used in the cases of wetlands, this practice can apply to other natural lands as well.

Unfortunately, offsets have also been called “risky business” because the incentive to restore a natural area is directly related to the desire to obtain a permit to conduct activities that are harmful to other natural areas.<sup>8</sup>

Offsets are plagued with problems that cast significant doubt on their effectiveness in producing robust substitutes for the areas nature created let alone ensuring there is “no net loss” of remaining natural areas in Ontario. As an illustrative example, the following are some of the problems that Ontario Nature has identified with wetland offsetting:

- Failure to treat offsets as a last resort and avoid harm in the first place;
- Failure to consult with affected Indigenous communities;
- Lack of performance standards;
- Low levels of compliance monitoring;
- Lack of oversight and enforcement by government agencies;
- Poor design, including:
  - Lack of science to determine baseline conditions;
  - Failure to consider multiple values and benefits;
  - Failure to consider landscape-level impacts;
  - Lack of appropriate metric for measuring losses and gains;
- Careless implementation;
- Poor record keeping.<sup>9</sup>

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<sup>8</sup> Great Lakes Wetlands Conservation Action Plan, Great Lakes Wetlands Conservation Action Plan Highlights Report 2005–2010 (Peterborough: GLWCAP, 2012) at 24, online: Ontario Nature <[https://ontarionature.org/wpcontent/uploads/2016/11/GLWCAP\\_Highlights\\_2005-2010\\_EN.pdf](https://ontarionature.org/wpcontent/uploads/2016/11/GLWCAP_Highlights_2005-2010_EN.pdf)>.

<sup>9</sup> See generally, Ontario Nature, *Navigating the Swamp: Lessons on Wetland Offsetting for Ontario* (Toronto: Ontario Nature, July 2017).

CELA opposes the province's proposal to take 15 parts of Greenbelt land<sup>10</sup> out of the continuous protected area and "adding" that land back somewhere else<sup>11</sup> as this practice inherently destroys a natural environment and alters the land use.

**RECOMMENDATION:** CELA recommends the province not remove the proposed 7,400 acres of land to protect the integrity of the Greenbelt.

### iii. Creating unnatural forest boundaries is bad

Habitat fragmentation is the consequence of habitat loss in which large, continuous habitat is broken up into many smaller fragments, separated from one another by human-modified land.<sup>12</sup>

When fragmenting the Greenbelt, we are creating boundaries in forests, wetlands and other natural areas as well as isolating others. These boundaries, or edges, are not the same as whole forest or wetland complexes because when you clear a section in the middle of the forest, new forest edges are created and the interior forest habitat that was there is both much smaller and is now fragmented.

The effects of fragmentation are well documented in all forested regions of the world. Fragmentation leads to loss of biodiversity, increases in invasive plants, pests, and pathogens, and reduction in water quality. These wide-ranging effects all stem from two basic problems: isolation between forest communities and edge effects.<sup>13</sup>

When a forest becomes isolated, the movement of plants and animals is inhibited. Fragmentation is a threat to natural resilience, and connectivity of forest habitats may be a key component of forest adaptation and response to climate change.<sup>14</sup>

Edge effects alter growing conditions within the interior of forests through drastic changes in temperature, moisture, light, and wind.<sup>15</sup> Increased wind, lower humidity, and higher daytime

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<sup>10</sup> Although the ERO number 019-6216 posting state that 15 areas of land will be removed, CELA believes the more accurate figure is 19. This was determined by examining the *Redesignations or Removals Map 1 to 11* document attached to the ERO posting, online: <https://prod-environmental-registry.s3.amazonaws.com/2022-11/Redesignations%20or%20Removals%20Map%201%20to%2011.pdf>.

<sup>11</sup> See: <https://ero.ontario.ca/notice/019-6216>.

<sup>12</sup> Jordan E. Rogan, Thomas E. Lacher Jr, *Defining and Distinguishing Habitat Loss From Habitat Fragmentation* in Reference Module in Earth Systems and Environmental Sciences, 2018, online: <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/forest-fragmentation>.

<sup>13</sup> Mitchell Snyder, *What Is Forest Fragmentation and Why Is It A Problem?*, Northern Woodlands, 13 October 2014, online: <https://northernwoodlands.org/articles/article/forest-fragmentation#:~:text=The%20effects%20of%20fragmentation%20are.and%20reduction%20in%20water%20quality>.

<sup>14</sup> Mitchell Snyder, *What Is Forest Fragmentation and Why Is It A Problem?*, Northern Woodlands, 13 October 2014, online: <https://northernwoodlands.org/articles/article/forest-fragmentation#:~:text=The%20effects%20of%20fragmentation%20are.and%20reduction%20in%20water%20quality>.

<sup>15</sup> Mitchell Snyder, *What Is Forest Fragmentation and Why Is It A Problem?*, Northern Woodlands, 13 October 2014, online: <https://northernwoodlands.org/articles/article/forest->

temperatures make fires more likely in forest fragments. In the process, many species will be eliminated.<sup>16</sup>

**RECOMMENDATION:** CELA recommends not removing the proposed areas from the Greenbelt in order to keep the Greenbelt as one continuous protected area.

#### iv. Considering and respecting past and current public input

In late 2017, a public consultation was commenced regarding “a study area for potential Greenbelt expansion” (proposal “Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring”, ERO Number 013-1661).<sup>17</sup> The decision notice it stated that the government “is not proceeding with the policy proposal under this posting. Consultation results *could inform* any future growing the Greenbelt proposals.” (emphasis added)<sup>18</sup>

A total of 227 comments were received during the comment period for this consultation. There was substantial public interest in this proposal.

Again, in 2021, a public consultation was commenced regarding “growing the Greenbelt, including a Paris Galt Moraine study area and ideas for adding Urban River Valleys” (proposal “Consultation on Growing the Size of the Greenbelt”, ERO Number 019-3136).<sup>19</sup> The decision notice stated that the government “will move forward with the next step in the growing the Greenbelt initiative by launching a phase 2 consultation.”<sup>20</sup>

Over 6,150 comments, including 950 unique submissions, and over 5,200 submissions from write-in campaigns, were received during the comment period for the phase 1 consultation on growing the size of the Greenbelt.<sup>21</sup> There is clearly significant public interest in the idea of expanding the Greenbelt.

And finally, in 2022, a public consultation was launched regarding “changes to the Greenbelt Plan (including the schedules) that could add new 13 new Urban River Valley areas to the Greenbelt” (proposal “Proposed Amendment to the Greenbelt Plan - Growing the size of the Greenbelt”, ERO Number 019-4485).<sup>22</sup>

As countless organizations and individuals took the time to respond to all three invitations for public comment, we strongly encourage the Ministry to actively consider all the submissions

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[fragmentation#:~:text=The%20effects%20of%20fragmentation%20are.and%20reduction%20in%20water%20quality>.](#)

<sup>16</sup> Richard B. Primack, Rachel A. Morrison, *Edge Effects* in Encyclopedia of Biodiversity (Second Edition), 2013, online: <<https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/forest-fragmentation>>.

<sup>17</sup> See: <https://ero.ontario.ca/notice/013-1661#decision-details>.

<sup>18</sup> See: <https://ero.ontario.ca/notice/013-1661#decision-details>.

<sup>19</sup> See: <https://ero.ontario.ca/notice/019-3136#decision-details>.

<sup>20</sup> See: <https://ero.ontario.ca/notice/019-3136#decision-details>.

<sup>21</sup> See: <https://ero.ontario.ca/notice/019-3136#decision-details>.

<sup>22</sup> See: <https://ero.ontario.ca/notice/019-4485>.

made pursuant to ERO Number 013-1661, ERO Number 019-3136 and ERO Number 019-4485 in this current consultation.

### C. Conclusion

CELA hopes these comments and recommendations are helpful and encourages the Ministry to rethink its proposal to remove over 7,000 acres of lands from the Greenbelt. We would be happy to answer any questions arising from this submission.

Yours truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**



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