

April 23, 2022

DELIVERED VIA EMAIL

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Re: Proposed Amendment to the Greenbelt Plan

**Growing the size of the Greenbelt (ERO Numbers: 019-4485 & 019-4483)
Ideas for adding more Urban River Valleys (ERO Number: 019-4803)
Consultation on growing the size of Greenbelt (ERO Number: 019-3136)**

Canadian Environmental Law Association (“CELA”) provides the following comments in response to the proposed amendments to the Greenbelt Plan – Growing the size of the Greenbelt (ERO Number 019-4485); proposed amendments to the Greenbelt Plan – Growing the size of the Greenbelt through a proposed amendment to O. Reg 59/05 (ERO Number: 019-4483); ERO number 019-4803, which seeks feedback on ideas for future expansions to the Greenbelt through the addition and expansion of Urban River Valleys; and, ERO number 019-3136, which contains the Ministry of Municipal Affairs and Housing (MMAH)’s decision to not include the Paris Galt Moraine in the Greenbelt.¹

At the outset, CELA submits that there is need for a significant improvement in the public consultation process for Greenbelt expansion. First and foremost, the incorporation of Indigenous input and Indigenous ecological knowledge into decision-making should be transparent and at the forefront of any decisions on the Greenbelt area. Secondly, Environmental Registry postings on related topics should be consolidated and considered together, to enhance public participation and avoid confusion. In the current process, all comments on any related posting on expanding the Greenbelt area should be considered together. Moreover, all submitted comments, whether submitted by mail, email, or through the Registry itself, should be posted online and available for review.

CELA is also very disappointed by the MMAH decision not to include the Paris Galt Moraine in the Greenbelt area, especially because of its critical role in protecting drinking water and to combatting the impacts of an ever-worsening climate crisis. CELA urges the Ministry to reverse its decision.

¹ Consultation on growing the size of Greenbelt (ERO Number: 019-3136). Available at: <https://ero.ontario.ca/index.php/notice/019-3136#decision-details>

CELA supports the inclusion of 13 publicly-owned urban river valleys within the Greenbelt area. However, privately owned urban river valleys must be included as well and more private and public urban river valleys should be included.

A. Background on Canadian Environmental Law Association

CELA is a public interest law group founded in 1970 for the purposes of using and enhancing environmental laws to protect the environment and safeguard human health. As a specialty legal aid clinic funded by Legal Aid Ontario, our primary focus is on assisting and empowering low-income people and disadvantaged communities.

CELA has a long history advocating for better protection of water in Canada and particularly in the Great Lakes – St Lawrence River region. CELA represented the Concerned Walkerton Citizens at the Walkerton Inquiry, and was actively involved in the development of the Safe Drinking Water Act, 2002, the Clean Water Act, 2006, and regulations, policies, and guidelines thereunder. In addition, CELA has a Healthy Great Lakes program which seeks robust, holistic, well implemented laws and public policy and an engaged citizenry to protect and restore the waters of the Great Lakes – St Lawrence River basin and Ottawa River watershed.

Given CELA's priorities with respect to empowering vulnerable communities and protecting waters, CELA believes that the Greenbelt should be enhanced and expanded to fulfill the vision for which it was originally created. For this purpose, in 2018, CELA, Ontario Environment Network, and Ontario Headwaters Institute ran an initiative called WaterScape in response to a government of Ontario proposal on protecting water for future generations and made 17 recommendations. CELA also participated in Phase I of the Growing the Greenbelt consultation, wherein we made 10 recommendations (Attached).

B. Improving Consultation on Greenbelt

CELA would like to reiterate its earlier submission in Phase I of the Growing the Greenbelt consultation which focussed on Ontario's obligations to First Nations, Inuit, and Métis people regarding expansion or enhancement of the Greenbelt. CELA is concerned that MMAH has not emphasized the importance of Indigenous consultation in its decisions to date, or demonstrated how Indigenous ecological knowledge has been incorporated into its decision-making on Greenbelt expansion. We urge the government to do so.

The expansion and enhancement of the Greenbelt area should reflect the vision for which it was created, including social equity and protecting waters. The Greenbelt's natural heritage (including water resources) and agricultural systems should be protected and enhanced to help foster healthy ecosystems and thriving communities. Those overarching purposes for the Greenbelt should inform every decision about expansion and protection of the area.

There is significant public interest in the government's proposals with respect to the Greenbelt and, instead of further promoting that interest, the consultation approach in Phase II is confusing. Currently, there are three related consultations on the Greenbelt posted on the ERO, along with a

separate decision not to incorporate the Paris Galt Moraine into the Greenbelt area. These proposals, along with the public input received, should be considered together. In the future, it would be easier to understand the breadth of what is being proposed by combining all related, simultaneous consultations and decisions into one posting on the Environmental Registry.

Similarly, most of the comments in Phase I, and likely most of the comments in Phase II, will be submitted via email. The Ministry should ensure that all submitted comments (including those submitted via email or mail) are posted online on the Environmental Registry, so that all comments are easily available for review by the public.

CELA also strongly encourages the Ministry to include proposed regulatory language. This will enable the public to provide informed and meaningful feedback, in keeping with the purpose of Ontario's *Environmental Bill of Rights, 1993*.

CELA has the following recommendation:

Recommendation No. 1: The Ministry of Municipal Affairs and Housing should ensure that its decisions on the expansion and enhancement of the Greenbelt emphasize its obligations to First Nations, Inuit, and Métis peoples and that Indigenous input and Indigenous ecological knowledge is transparently incorporated into decision-making.

Recommendation No. 2: The Ministry of Municipal Affairs and Housing should ensure that any comments on any of the related Greenbelt ERO postings (ERO Numbers 019-4485, 019-4483, 019-4803) are considered together.

Recommendations No. 3: Future related, simultaneous ERO consultations should be combined to create a more straightforward process that facilitates public participation.

Recommendation No. 4: All submitted comments on Environmental Bill of Rights consultations should be posted online and available for public review.

Recommendation No. 5: Environmental Registry Postings should include draft regulatory language to provide for better input and public participation as intended by the Environmental Bill of Rights.

C. Analysis of Proposal for Expansion of the Greenbelt Area

1. Expand the Greenbelt by including privately held urban river valley systems

CELA supports the decision of MMAH to expand the Greenbelt area by including Urban River Valleys (URVs) and their tributaries into the Greenbelt. URVs are a key component for the long-term health of the Greenbelt's natural system. The river valleys connect the suburban and rural lands of the Greenbelt to Lake Ontario. Protecting them

is an important step to ensure that the water and air in the region is clean and filtered.² These river systems also reduce flood risks, which is important for low-income and vulnerable communities, as flooding tends to exacerbate existing health inequities. Furthermore, these river systems provide haven for wildlife as well as greenspace for the community to explore.

CELA, acknowledging the role that UVAs play, supports the inclusion of the proposed 13 urban river valleys, and tributaries, within the Greenbelt. However, the listed UVAs are on public land and already enjoy some level of protection. It is critical to expand the definition of Urban River Valleys to include privately held lands in the same area, which remain vulnerable to zoning orders and further development.

CELA recommends that all river valleys that connect the Greenbelt to the Great Lakes and inland lakes be included within the Greenbelt, whether they are publicly or privately owned. Privately held lands are more vulnerable to development. A watershed approach requires the government's proposal to be expanded. To only protect publicly held Urban River Valleys does not ensure the ecological integrity of the Greenbelt is protected.

Recommendation No. 6: The protection of Urban River Valleys must include private and public lands.

2. Inclusion of the Paris Galt Moraine into the Greenbelt

CELA is very disappointed by the Ministry's decision not to include the Paris Galt Moraine in the Greenbelt area, and we urge the government to reverse its decision.

The Paris Galt Moraine provides critical ecological functions to the surrounding community in Halton Region. It ranges from Brantford in the southwest, through north Milton and Halton Hills, to Caledon in the northeast. In 2021, in Phase I of the Growing Greenbelt consultation, the Government sought feedback on the inclusion of a specific focus area of the Paris Galt Moraine into the Greenbelt. This proposal was strongly supported by CELA. Needless to say, we disagree strongly with the decision not to include these critical ecological systems within the Greenbelt.

Moraines, in general, serve as recharge areas that maintain groundwater aquifers that are used for drinking water, agriculture and other purposes. Within the Greater Golden Horseshoe, they help to protect and recharge the groundwater aquifers that provide the basis for a broad range of needs, including drinking water supply, sustaining local ecosystems, and growth and economic management. Further, moraines allow rain and snowmelt to soak into the ground more rapidly and in much greater amounts than the surrounding, less permeable areas.

² "Greenbelt Protected Urban River Valleys" (7 Feb 2020), online: https://www.greenbelt.ca/greenbelt_protected_urban_river_valleys

These ecosystem services are important in augmenting resilience to the impacts of the climate crisis such as extreme weather events, flooding and drought, which disproportionately affect low-income people. Not having these benefits will exacerbate health inequities. Given that the *Places to Grow Act* is projecting additional population growth in the western corridor covered by the Paris Galt Moraine and that most communities in the area are dependent on groundwater as their source of drinking water, it is all the more important to protect it.

Recommendation No. 7: The Ministry of Municipal Affairs and Housing should expand the Greenbelt to include the Paris Galt Moraine, in addition to other moraines in the Greater Golden Horseshoe, to build climate resilience and to protect low-income and vulnerable communities.

C. Summary List of CELA's recommendations

CELA recommends the following in response to the Ministry's proposal about ways to grow and enhance Ontario's Greenbelt:

Recommendation No. 1: The Ministry of Municipal Affairs and Housing should ensure that its decisions on the expansion and enhancement of the Greenbelt emphasize its obligations to First Nations, Inuit, and Métis peoples and that Indigenous input and Indigenous ecological knowledge is transparently incorporated into decision-making.

Recommendation No. 2: The Ministry of Municipal Affairs and Housing should ensure that any comments on any of the related Greenbelt ERO postings (ERO Numbers 019-4485, 019-4483, 019-4803) are considered together.

Recommendations No. 3: Future related, simultaneous ERO consultations should be combined to create a more straightforward process that facilitates public participation.

Recommendation No. 4: All submitted comments on Environmental Bill of Rights consultations should be posted online and available for public review.

Recommendation No. 5: Environmental Registry Postings should include draft regulatory language to provide for better input and public participation as intended by the Environmental Bill of Rights.

Recommendation No. 6: The protection of Urban River Valleys must include private and public lands.

Recommendation No. 7: The Ministry of Municipal Affairs and Housing should expand the Greenbelt to include the Paris Galt Moraine, in addition to other moraines

in the Greater Golden Horseshoe, to build climate resilience and to protect low-income and vulnerable communities.

We would be pleased to discuss these submissions further.

Yours sincerely,

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