# ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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Ontario Farmer
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Letter to the Editor: **Re: (A) "OFA News" by Glenn Powell, p.C11, Feb.28/06**
**"Wetland Buffer Won't Impact Farming"**

**(B) "Opinion" by Don Pearson, p.B9, Feb.28/06**
**" Speaker Explains New Wetland Rules"**

Never in recent memory have government agencies, in this case the Ministry of Natural Resources (MNR) and the Association of Conservation Authorities (ConOnt), set out to mislead farmers and rural landowners with such stealth and determination. Rather than using the Red Tape Reduction Act to decrease regulatory excess, this otherwise laudable initiative has been employed to sneak in a bureaucratic grab for more authority.

Regulating development in areas where risk to life and property from flood events is rightly tasked to Ontario's 36 Conservation Authorities. That mandate is clearly articulated in both the Conservation Authorities Act (CAA) and the Public Health and Safety section of the Provincial Policy Statement (PPS) as set out under Ontario's Planning Act. The relevant CA statement of purpose reads: "restricting and regulating the use of water in and from rivers, streams, inland lakes, ponds, wetlands (swamps) and natural or artificially constructed depressions in rivers or streams". Note "wetlands …… in rivers and streams".

Land use planning is very different from regulating development but, clearly, MNR and ConOnt are anxious to do both with respect to "management of natural resources" starting with all PPS wetlands, not just CAA wetlands in rivers and streams. Are " Areas of Natural and Scientific Interest, Wildlife Habitat, Endangered Spaces and Protected Countryside not to mention millions of acres of privately owned rural land "natural resources"? If so, are all these to be "regulated" in future by the MNR and ConOnt? We think that frightening level of state control is not only probable but, judging from sly "adjustments" in the CAA, already in progress.

The recently massaged "Generic Regulation" under that Act is simply a ruse to sweep PPS wetlands and 120 meters (400 feet) of adjacent land, conveniently renamed and disguised as "other areas", into the MNR/ConOnt regulatory orbit. No mention of the impact related to moving a 400' buffer from "planning" under the PPS to "regulation" under the CAA. No mention that a 400' no-building zone around each one acre wetland transfers a total of 23.5 acres to CA regulatory control. And certainly no mention that any wetland property tax relief applies only to that one acre, not to the other 22.5 acres automatically caught in the MNR/ConOnt net.

Land use planning is key to more power, policy and funding. MNR in the past dealt with flooding risks related to development but now intends to "plan" a lot more. The Ministry of Municipal Affairs (MMA) also claims a PPS mandate in that rich, bureaucratic field of endeavor and now the Ministry of Environment (MOE) intends to deliver Clean Water Act regulatory control into CA hands as well. Nutrient Management adds to the broth. In this pervasive climate of regulatory overkill, CAs invoice local municipalities for their efforts to help Queen's Park down load ever expanding costs of implementing what is urban-oriented provincial policy onto rural-based taxpayers. This is analogous to the victim paying for his or her own execution.

Let's cut to the chase. The CAA was revised in 1998. By 2003 ConOnt and a number of senior CA managers had, with the connivance of MNR staff, put together "a guidance manual for implementing a generic Regulation". Although that manual had never been exposed to public review it was "legalized" by proclamation of generic regulation 97/04 in May, 2004, a shining example of putting the cart before the horse. Thus a regulation formulated not by elected government but rather by a few unelected bureaucrats waiting patiently, we presume, for the Harris/Eves provincial government to blow over. With that evolution safely out of the way, speed now seemed of the essence. Hence, to seek Ministerial approval for a premeditated Regulation without review by a fully informed public, a May 1, 2006 deadline was inserted.

The result? Vast tracts of privately owned rural land will be impacted, some immediately, more later. The effect has little to do with 'planning" but a great deal to do with "regulation". Permission for farmers and landowners to do something under a combination of new CA definitions of "use" and their existing definitions of "development" will sooner or later be required anywhere within 400' of any area that's growing water tolerant plants as well as along waterways, streams, drainage ditches and other so-called "depressions in the ground". Needless to say, the document cost of such "permits" is not yet established, at least not publicly, but enforced payment of same will certainly improve the income stream for newly empowered CAs.

In OPERA's view, manipulating Provincially Significant wetlands wherever located and however designated instead of managing watercourse wetlands as originally mandated to CAs is a gigantic rural deception at the expense of public trust in senior government. Accordingly, the MNR Minister should not approve proposed CA generic Regulations now being put before him without unbiased and extensive public consultation in advance.

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