



Rescue Lake Simcoe Coalition
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The Honourable Todd Smith
Minister of Economic Development, Job Creation and Trade
Ministry of Economic Development, Job Creation and Trade
18th Floor
777 Bay St.
Toronto, ON M7A 1S5

January 18, 2019

Re: Comments on Bill 66, Restoring Ontario's Competitiveness Act, 2018
from Rescue Lake Simcoe Coalition
ERO # 013-4293 <https://ero.ontario.ca/notice/013-4293>

Dear Minister Smith,

Thank you for the opportunity to comment on Bill 66, Restoring Ontario's Competitiveness Act, 2018.

About Us: *The Rescue Lake Simcoe Coalition is a lake-wide umbrella organization representing 19 member groups around Lake Simcoe that share a concern for the lake's health, and a desire to improve its future.*

We are a member of the Simcoe County Greenbelt Coalition, and we support their submission as well.

What does Bill 66 do?

The main subject of our submission is the relevance of the legislation that is impacted under Schedule 10 of the Bill. Under Schedule 10, there is a proposal to create an Open for Business Bylaw (OFB-ZBL) tool which allows municipalities to apply to the Minister of Municipal Affairs for permission to use an Open for Business Bylaw. This bylaw is intended to allow the municipality to fast track the approval of development applications whose primary purpose is employment (which can include retail) and can also include residential, commercial and industrial land uses as a secondary use.

In order to facilitate fast tracking employment development applications, this Bill aims to cut “red tape”. However, this attempt to cut red tape guts key planning and environmental legislation including 5 sections of the Planning Act, Section 39 of the Clean Water Act, 2006, Section 20 of the Great Lakes Protection Act, 2015, Section 7 of the Greenbelt Act, 2005, Section 6 of the Lake Simcoe Protection Act, 2008 and Section 7 of the Oak Ridges Moraine Conservation Act, 2001. The sections affected are those with legal effect. Said in another way, without those sections, the affected legislation is rendered impotent as if the other protective policies contained in the Acts are non-existent.

Thus, an OFB-ZBL would enable any participating and approved municipality to bypass a host of regulations that are intended to control sprawl, safeguard municipal drinking water, protect Lake Simcoe, the Greenbelt and the Oak Ridges Moraine, and the natural features within those geographical areas. That said, we do understand that the use of the Open for Business Bylaw is site specific, as is the effect of Schedule 10, and that the passage of Bill 66 would not mean that the legislation affected by Schedule 10 is cut across the province.

In our view, the environment and the economy are inextricably linked, and damage done to our environment literally costs us, “the people” who depend on water, air, and food (which, last we checked was everyone) in a variety of ways. Protecting natural features like wetlands, on the other hand, has multiple benefits such as municipal and household cost savings and preserving ecosystem health and biodiversity. ⁱ

If the government is serious about cutting red tape then it should streamline the approvals process, and deal with duplicative policies without undermining the right of citizens to participate in local development decisions, or the future of our water and natural resources. We believe this would be welcomed by planners, municipalities and developers.

We recommend that the Province remove Schedule 10 of Bill 66 and make no further attempts to weaken environmental legislation affecting Lake Simcoe.

What does Bill 66 do to the Lake Simcoe Protection Act and Plan?

Due to the phosphorus pollution stresses affecting Lake Simcoe, the *Lake Simcoe Protection Act*, 2008, and Plan, 2009, came into effect in order to, among other things, “protect, improve or restore the elements that contribute to the ecological health of the Lake Simcoe watershed, including water quality, hydrology, key natural heritage features and their functions, key hydrologic features and their functions.”ⁱⁱ

We are concerned that as Lake Simcoe’s health is showing tentative signs of recovery that additional assaults could negate any gains made. For example, an OFB-ZBL could be applied by any of the municipalities in the watershed and as such may not be required to meet any of the policies contained within the Lake Simcoe Protection Plan (LSPP) for qualifying development applications. OFB-ZBL development applications, therefore; would not be legally bound to:

- Comply with additional protection policy for natural features like forest and wetlands;
- Comply with mandatory natural buffers around streams, the lake, and around other natural features;
- Comply with mandatory septic inspection system to catch faulty systems, and ensure septic systems are doing their job;
- Use enhanced stormwater management guidelines in their planning and development.

Other components of the LSPP that could be swept aside with the use of the OFB-ZBL are:

- The requirement that no new sewage treatments plants (STPs) can be built unless they are replacing an old system;
- The current phosphorus load caps on STPs are tough, and in the LSPP’s associated Phosphorus Reduction Strategy, the plan is for these caps to get lower over time, forcing municipalities to upgrade the technologies used in the STPs or get creative in other ways to reduce the system’s phosphorus load to the lake. The biggest gains in lowering phosphorus loads have come from these STP load capsⁱⁱⁱ[i]. We need them to stay tough to keep bringing phosphorus loads down.

It should be noted that 58% of the land in the Lake Simcoe watershed is in the Greenbelt Plan area, which provides similar protection to forests, wetlands, and buffers around natural features as the LSPP. Allowing development to not adhere to the policies of the Greenbelt Plan will reduce the amount of natural cover in the watershed, which given past evidence, will lower the lake’s water quality.^{iv} Protecting natural features is an inexpensive way to get services we need: A Lake Simcoe Region Conservation Authority report found that the value of Lake Simcoe wetlands’ ecosystem services is approximately \$435 million each year.^v

Avoiding the LSPP's designated policies through the use of OFB-ZBLs would create an uncoordinated stewardship approach for a body of water that depends on regional coordination and cooperation. The gutting of the LSPP through the use of OFB-ZBLs would negatively affect the lake, and therefore Bill 66 threatens the economies that rely on a healthy Lake Simcoe.

Lake Simcoe's health is a local economic driver

The potential of Bill 66 and an OFB-ZBL could significantly damage or threaten existing, key regional economic drivers. In Simcoe County and around the Lake Simcoe watershed, our existing economies are highly reliant on water (Wasaga Beach, Lake Simcoe, Georgian Bay) as well as our agricultural systems. Tourism and recreation bring an estimated \$200 million each year for the Lake Simcoe economy. ^{vi}

Further, research conducted by Ryerson University in 2015^{vii} includes the following highlights, which demonstrate the importance of a healthy Lake Simcoe in the local economy, and show us the value of sustainability to tourists. Ryerson Associate Professor Dodds' report, says,

The average visitor spends \$178 per person for an overnight stay and \$49 per same day visit. The potential to generate economic contribution to the region is high (i.e. the economic impact potential for 1,000 average groups of visitors who travel to Lake Simcoe to fish and stay overnight generate \$1.2 million in visitor spending, which generates \$1.1 million in GDP in Ontario (indicating a low level of economic leakage), produces \$727,000 in labor income that equates to 17 full time jobs.

In addition, \$273,000 in combined direct taxes for all three levels of government is generated.

There are four main user groups that represent 65% of the visitors to the region:

- o Outdoor recreation
- o Visiting friends and relatives
- o Fishing
- o Going to a cottage

There is a **high interest in sustainability** by all user groups:

- o 73% somewhat or extremely likely to consider sustainability in their travel plans;
- o Outdoor recreation (68%) and fishermen (70%) are the most interested in seeing sustainability showcased as well as considering it in their travel plans;
- o Lower income were also the most interested in sustainability (44% of those who make under \$50,000 per annum).

(Dodds, pg 4)

Putting the Lake Simcoe ecosystem at risk through Bill 66 could very well weaken the tourism industry, and thus the local sustainable tourism and fishing industries. This kind of red-tape-cutting is not helpful to communities and local entrepreneurs.

We sincerely hope that logic prevails, and that this government will remove Schedule 10 of Bill 66 and make no further attempts to weaken environmental legislation affecting Lake Simcoe. There are many more constructive ways to cut red tape than by gutting long-fought environmental polices, many of them gained through campaigns funded and run by “the people” of Ontario.

Signed,



Claire Malcolmson
Executive Director
Rescue Lake Simcoe Coalition

Group signatories

Member groups of the Rescue Lake Simcoe Coalition:

Carden Field Naturalists
Chippewas of Georgina Island First Nation
Concerned Citizens of King Township
Couchiching Conservancy
Crescent Harbour Association
DeGrassi Cove Association
Friends of Strawberry Island
Innisfil District Association
Innisfree Ltd. DeGrassi Point
Lake Simcoe Association
Nature Barrie
North Gwillimbury Forest Alliance
North Mara Beach Residents Association
Ontario Water Centre
Simcoe County Greenbelt Coalition
South Lake Simcoe Naturalists
Snake Island Cottagers Association
Windfall Ecology Centre
York Simcoe Nature Club

CC: Minister Phillips, MPP Khanjin, MPP Mulroney, MPP Downey

SOURCES

^{i i} Wilson, Sarah, 2008. Lake Simcoe Basin's Natural Capital: The Value of the Watershed's Ecosystem Services. <http://www.davidsuzuki.org/publications/reports/2008/lake-simcoe-basins-natural-capital/>

Ducks Unlimited, 2011. A Business Case for Wetland Conservation: Black River Subwatershed. http://www.ducks.ca/assets/2012/06/duc_blackriver_case.pdf

ⁱⁱ Ministry of Environment, Conservation and Parks, 2009. Lake Simcoe Protection Plan. Pg. 4. <https://www.ontario.ca/page/lake-simcoe-protection-plan>

ⁱⁱⁱ Lake Simcoe Region Conservation Authority, 2017. Phosphorus Loads Update, 2012/13 – 2014/15. https://www.lsrca.on.ca/Shared%20Documents/reports/Phosphorus_Load_Report.pdf

^{iv} Lake Simcoe Region Conservation Authority, 2018. Watershed Report Card. <https://www.lsrca.on.ca/watershed-health/reportcard>

^v Lake Simcoe Region Conservation Authority, 2010. Black River Subwatershed Plan. Page 248. <https://www.lsrca.on.ca/Shared%20Documents/reports/black-river-subwatershed-plan.pdf>

^{vi} Lake Simcoe Region Conservation Authority, 2014. Lake Simcoe Watershed. <http://www.lsrca.on.ca/about/watershed.php>

^{vii} Dodds, Rachel. 2015. Assessing Visitor Travel and Spending Patterns for Recreation and Tourism in the Lake Simcoe Watershed. <https://www.htmresearch.ca/wp-content/uploads/2016/06/May-2015-Simcoe-Visitor-Report.pdf>