



The mission of OPHA is to provide leadership on issues affecting the public’s health and to strengthen the impact of people who are active in public and community health throughout Ontario.

**Ontario Public Health Association**  
l'Association pour la santé publique de l'Ontario  
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Association of Supervisors of Public Health Inspectors of Ontario (ASPHIO)

Canadian Institute of Public Health Inspectors - Ontario Branch (CIPHI-O)

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**RE: ERO 019-6161– Conserving Ontario’s Natural Heritage**

Thank you for the opportunity to comment on ERO 019-6161 – Conserving Ontario’s Natural Heritage. As noted in our November 16<sup>th</sup> submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 23<sup>i</sup>, the Ontario Public Health Association (OPHA) fully supports the need for Ontario to find more affordable housing opportunities for its residents and create healthy, equitable and climate-resilient communities. At the same time, it is vital that these processes, including provincial policies changes related to natural heritage, are undertaken in a manner that reduces the risk of inadvertent harms and inequities to the health and climate resiliency of communities.

**There is strong cross-sectoral understanding of the vital interconnections between healthy environments and human health. Alongside this understanding is the acknowledgement that all sectors and all levels of government must work collaboratively on actions to achieve healthy, equitable and climate-resilient communities.** Many of our OPHA members work at the local public health unit level and are actively engaged with municipalities and other partners to build healthy communities and achieve the Ontario Public Health Standards goals which include: *“To reduce exposure to health hazards and promote the development of **healthy built and natural environments that support health** and mitigate existing and emerging risks, including the impacts of a changing climate.”<sup>ii</sup>*

OPHA appreciates that the Government of Ontario’s ERO 019-6161 proposal acknowledges that *“Natural heritage provides many benefits to people and the natural world”* and that natural ecosystems are facing risks – including development pressures and climate change. While we have little control over the frequency and

severity of climate-related extreme weather events and risks, we have significant control over development pressures that threaten the essential functions of ecosystems including wetland, woodlots and other natural wildlife habitat.

Integrated land-use planning and environmental protection policies are the means to preserve and enhance ecosystem functions. The historic agreement to preserve and protect nature, signed on December 19<sup>th</sup> at the UN Convention on Biological Diversity, highlights the need to “*ensure biodiversity-inclusive urban planning, enhancing native biodiversity, ecological connectivity and integrity, and improving human health and well-being and connection to nature*”<sup>iii</sup>.

Disruption of essential natural ecosystem services reduces their ability to provide local sources of healthy, nutritious food, to control climate-related health impacts including flooding, extreme heat and other extreme weather events, to mitigate climate change, and to support equitable access to nature. Carving out portions of green space for development removes vital protections for wetlands, woodlots and wildlife habitat. These cannot be replaced by providing protection in other areas.

**OPHA is concerned that the Government of Ontario’s proposal to develop an offsetting policy (“programs that offset development pressures on natural heritage, including wetlands”) does not place a strong enough emphasis on the first essential step which must be to direct development away from natural heritage features.** Ecological offsetting should be used only as a last resort. We are concerned that an ecological offsetting policy will result in further decline in essential ecosystem services by taking a reactive approach to land-use planning that prioritizes development, urban sprawl, and expanding settlement area boundaries rather than a proactive approach that restricts sprawling development for the protection and preservation of natural heritage systems.

Ecological offsetting should not be used as justification for the removal of already established natural heritage features or wetland systems. Wetlands play a critical role in mitigating floods and provide valuable ecosystem services. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Any offsetting should result in a net gain in natural heritage features and functions located within the same watershed.

Growth planning and development does not have to come at the expense of the protection of natural ecosystems including woodlots, wetlands, and other natural wildlife habitat. The optimal way to protect woodlots, wetlands and other natural wildlife habitat from development pressures is to prohibit development in these areas, not offset it. Approval of new housing developments should ensure adequate protection of greenspace to meet the needs of the community.

**There are several concerns and risks in offsetting**, one of which is that with this system, the loss of the ecosystem service is certain, but the compensation or replacement of that service is uncertain. While many conservation authorities have adopted offsetting guidelines, they acknowledge that development pressures in rapidly growing areas are putting stress on natural heritage features and their ability to provide the same ecosystem benefits as they had in the past<sup>iv</sup>. With the decline in natural heritage features in many areas, it is understandable why CAs developed this offsetting system. However, it does not come without risks, and it is

not the ideal solution to protecting essential ecosystem services. In the hierarchy of approaches, restricting development away from sensitive natural heritage features must be prioritized. With respect to development pressures, a transparent and convincing argument must be demonstrated as to why development and growth plans cannot be achieved through sustainable community design such as intensification. OPHA recommends caution in considering cash-in-lieu compensation for the loss of natural heritage features. Given the essential features of ecosystem services for human and planetary health, is challenging to see how cash-in-lieu could be a “net gain”.

**If the Government of Ontario intends to proceed with an offsetting policy, OPHA urges the province to align their criteria for offsetting to those identified by experts such as the Business and Biodiversity Offsetting Programme, Ontario’s Wetland Conservation Strategy Advisory Panel and Ontario Nature which include<sup>v</sup>:**

1. “A clear policy goal that aims for a net gain of natural areas and their values, or at least no net loss
2. Application of the policy to a range of ecological, social and cultural values
3. Commitment to engage with Indigenous communities meaningfully and respectfully
4. Strict adherence to the “mitigation sequence” (avoid, minimize, mitigate, then offset adverse impacts), which positions offsetting as a last resort
5. Setting limits to which ecosystems can be considered for offsetting which uphold strict protections for significant or ‘irreplaceable’ natural areas
6. Strategic selection of offset sites that support desired outcomes
7. Commitment to addressing time lags (between creating the offset and realizing its full range of benefits) and ensuring long-term protection of offsets
8. Long-term performance monitoring and adaptive management to achieve desired outcomes
9. Credible process for quantifying gains and losses of identified values
10. Public transparency about the status and outcomes of policy and implementation”

**OPHA recommends that the province examine the approaches used by conservation authorities such as the Lake Simcoe Region Conservation Authority<sup>vi</sup>.** The first step must be to avoid any negative impacts from development by changing the project location and scope. This approach recognizes that there are limits, that certain natural heritage features are irreplaceable, and that they should not be considered for offsetting. In addition, this approach relies on scientific assessments (e.g. Environmental Impact Studies, Natural Heritage Evaluations, or equivalent) to demonstrate that development proposals satisfy the “no negative impact test” for the loss of natural heritage features. Simply replacing a natural heritage feature in one area with one of similar or greater size in another area, is not equivalent to “no negative impact” or “net gain”.

**OPHA recommends that the Government of Ontario consider Natural Asset Management and Ecosystem Service Values that estimate the value of the ecological goods and services provided by ecosystems in order to understand the cost of impacts to natural heritage features.** While these valuations provide a partial estimate of ecosystem services (carbon storage and sequestration, flood attenuation, water purification, climate regulation, biodiversity, nutrient cycling and soil stabilization) they fail to capture the additional health protective and health promoting values of ecosystem services (access to nature, recreation and physical activity, mental health and wellness, health equity etc).

**OPHA recommends that ecosystem services evaluations also consider human health benefits by using tools such as A Conceptual Framework to Understand the Business Case for EcoHealth in Ontario<sup>vii</sup>.** This tool allows for the monetary valuation of green space from a health benefits perspective e.g. physical activity benefits, mental wellness benefits and health benefits associated with reduced air pollution from trees absorption of air pollutants.

In order to understand losses of natural ecosystems it is important to first understand the current assets of natural ecosystems. As noted by the Municipal Natural Assets Initiative<sup>viii</sup>, local governments lack policies to measure and manage natural assets. As these natural assets provide critical services including climate adaptation for health (e.g. flood attenuation, surface temperature regulation) measuring their monetary value is an important way to understand their economic benefits and incorporate that data into municipal decision-making in areas such as growth planning and development. This process has the added benefit of increasing the resilience of infrastructure at lower cost and reducing risks. The tool can also incorporate private lands and private landowners for a more comprehensive understanding of ecosystem assets across the community. This type of assessment should logically be completed before an offsetting program is to be considered.

**OPHA urges the Government of Ontario to strengthen not dilute assessments of natural heritage features.**

An offsetting policy will be ineffective if the studies and data needed to determine impacts are not available. OPHA is concerned that the Government of Ontario is considering watering down assessment tools such as the Ontario Wetland Evaluation System (OWES) that could help ensure that offsetting minimizing the negative impacts of development. To reiterate our comments on ERO 019-6160 - proposed updates to the Ontario Wetland Evaluation System<sup>ix</sup>:

- OPHA is extremely concerned that the Government of Ontario is considering changes to wetland protections as a means to increase housing supply.
- OPHA does not support changes to the Wetland Evaluation System that weakens wetland protection. This will have negative impacts from a climate resiliency and health perspective, increasing health risks and disproportionately impacting equity-deserving groups who have less adaptive capacity to flooding and climate-related risks. The proposed changes to wetland and other natural heritage policies that emphasize growth expansion and rural residential development will result in the loss of diverse and mature ecosystems. This will have immediate and long-term environmental impacts
- Recent research examining wetland loss and stormwater management ponds in southern Ontario found that many lost wetlands have been replaced with stormwater management ponds of smaller total area and with reduced overall ecological function, pointing out that the latter “are designed to manage urban stormwater and contaminants, but only provide limited ecosystem services.”<sup>x</sup> Given their critical ecosystem function, including flood mitigation, this study emphasized the need for greater protection for wetland ecosystems in urban and peri-urban areas, and to conserve wetlands that still exist in growing municipalities, especially smaller wetlands.<sup>xi</sup>

**OPHA recommends that the Government of Ontario examine the federal government’s Offsetting Policy for Biodiversity<sup>xii</sup> and incorporate the mitigation hierarchy.** While this document applies to development projects of federal interest, it has valuable guidance that prioritizes avoidance (e.g. re-design or re-locate project) as the best means to reduce environmental harm and adverse effects proactively. It also emphasizes

the commitment to respect Indigenous rights in decision-making, and consideration and adoption of Indigenous knowledge, values and perspectives.

**OPHA also urges the Government of Ontario to require cross-ministerial consultation** to ensure that planning for growth (MMAH), planning for climate action (MECP) and planning for protection of natural ecosystems (MNRF) is effectively integrated and that provincial policies can help to collectively solve the multiple crisis facing the province – biodiversity loss, climate change, and the housing crisis. This statement from A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, is an example of an integrated approach: *“[Complete communities] support climate change mitigation by increasing the modal share for transit and active transportation and by **minimizing land consumption through compact built form**. Building compact and complete communities, and **protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of a changing climate.**”*

**OPHA urges the Government of Ontario to join global leaders and demonstrate its commitment to environmental protection by examining all goals and targets in the Global Biodiversity Agreement and considering how they can be achieved through integrated provincial policy tools.** These are a few examples from the Kunming-Montreal Global Biodiversity Framework<sup>xiii</sup>:

- *“This agreement means people around the world can hope for real progress to halt biodiversity loss and protect and restore our lands and seas in a way that safeguards our planet and respects the rights of indigenous peoples and local communities.”*
- *“Biodiversity is interconnected, intertwined, and indivisible with human life on Earth. Our societies and our economies depend on healthy and functioning ecosystems. There is no sustainable development without biodiversity. There can be no stable climate without biodiversity.”*
- **Goal A: The integrity, connectivity and resilience of all ecosystems are maintained, enhanced, or restored, substantially increasing the area of natural ecosystems by 2050**
- **Goal B: Biodiversity is sustainably used and managed and nature’s contributions to people, including ecosystem functions and services, are valued, maintained and enhanced, with those currently in decline being restored, supporting the achievement of sustainable development, for the benefit of present and future generations by 2050**
- **Target 1: Ensure that all areas are under participatory integrated biodiversity inclusive spatial planning and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities**
- **Target 11: Restore, maintain and enhance nature’s contributions to people, including ecosystem functions and services, such as regulation of air, water, and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters, through nature-based solutions and ecosystem- based approaches for the benefit of all people and nature**
- **Target 12: Significantly increase the area and quality and connectivity of, access to, and benefits from green and blue spaces in urban and densely populated areas sustainably, by mainstreaming the conservation and sustainable use of biodiversity, and ensure biodiversity-inclusive urban planning, enhancing native biodiversity, ecological connectivity and integrity, and improving human health and**

*well-being and connection to nature and contributing to inclusive and sustainable urbanization and the provision of ecosystem functions and services.*

- **Target 14: Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, fiscal and financial flows with the goals and targets of this framework.**<sup>xiv</sup>

**OPHA urges the Government of Ontario to enhance policies both for the protection of natural heritage from development pressures, and for the protection of public health and safety from natural and human-made hazards. Strong environmental protection policies integrated with other provincial policies can achieve both.**

As noted in our comments on *ERO 019-6160 – Proposed Updates to the Ontario Wetland Evaluation System*, greater consideration of the scientific evidence, including direct and indirect human health impacts, must be incorporated into the decision-making process affecting natural ecosystems including wetlands. **OPHA does not support the proposed removal of wetland complexing or the inability to re-evaluate existing complexes.** These changes would expose provincially significant wetlands and wetland complex lands into consideration for urban boundary expansion and residential development. Partnered with potential changes to the Provincial Policy Statement, this could significantly increase climate risks, and exacerbate local flooding, erosion issues and biodiversity loss.

The *Independent review of the 2019 flood events in Ontario* report pointed out actions to prevent flood-related emergencies or disasters from occurring includes: *“land use planning and regulatory restrictions to keep development out of the floodplains and other hazardous areas. While we cannot prevent flooding from occurring, keeping people and property out of flood-prone areas helps ensure naturally occurring flood events do not result in local emergencies.”*<sup>xv</sup> With clear evidence that climate-related heavy rainfall events will continue to increase, it is counter intuitive to remove wetland protections that allow development to occur in these sensitive areas.

Consideration of the natural environment in planning decisions must ensure that protections for natural heritage systems are paramount, and not superseded by other planning considerations. Healthy natural ecosystems are essential to human health. Natural ecosystem services include regulating air and water pollution, flood protection, erosion control, carbon sequestration, provision of nutritious food and clean water, surface temperature regulation, and several cultural, recreational, physical and mental health benefits.<sup>xvi</sup> There is mounting evidence of the health and equity benefits of access to nature, including parkland for all populations, and in particular, children and youth and people living with inequities. Frequent access to nearby green space is important, especially for children, and nearby green space may provide added benefit in low-income neighbourhoods.<sup>xvii</sup>

In closing, OPHA would like to draw attention again to the historic commitment made by the signing of the Kunming-Montreal Global Biodiversity Framework on December 19<sup>th</sup>, 2022, where countries around the

world have recognized the damage inflicted by development, habitat loss, pollution and climate change to our natural ecosystems on which we depend, and committed to environmental protection. The Government of Ontario has an important opportunity now to join leaders across the globe in echoing this commitment and setting an example by enshrining biodiversity protection for current and future generations in all provincial policies, including a potential ecological offsetting policy.

**Thank you for considering our concerns and recommendations with respect to ERO 019-6161 Conserving Ontario's Natural Heritage. We would welcome the opportunity to meet with the government to discuss the proposed changes and solutions that address concerns related to this proposed legislative change.**

Sincerely,



John Atkinson  
Executive Director  
Ontario Public Health Association

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<sup>i</sup> Ontario Public Health Association. November 16, 2022. Submission to the Legislative Assembly of Ontario, Standing Committee on Heritage, Infrastructure and Cultural Policy. RE: Bill 23, More Homes Built Faster Act, 2022. [https://opha.on.ca/wp-content/uploads/2022/11/Ontario-Public-Health-Assn-submission-to-the-Standing-Committee-on-Heritage-Infrastructure-and-Cultural-Policy\\_Bill-23\\_Nov\\_2022.pdf?ext=pdf](https://opha.on.ca/wp-content/uploads/2022/11/Ontario-Public-Health-Assn-submission-to-the-Standing-Committee-on-Heritage-Infrastructure-and-Cultural-Policy_Bill-23_Nov_2022.pdf?ext=pdf)

<sup>ii</sup> Page 34, Ontario Public Health Standards, 2021 [https://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/docs/protocols\\_guidelines/Ontario\\_Public\\_Health\\_Standards\\_2021.pdf](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2021.pdf)

<sup>iii</sup> Statement by UN Development Programme Administrator Achim Steiner on the outcome of COP15. December 19, 2022 [https://www.undp.org/press-releases/statement-un-development-programme-administrator-achim-steiner-outcome-cop15?gclid=Cj0KCQiA14WdBhD8ARISANao07i9ZFbdfFz8EQDnjLyAdaKdd87lrKxLL741NBj\\_oMbj7-b08GemXvAaAI3YEALw\\_wcB](https://www.undp.org/press-releases/statement-un-development-programme-administrator-achim-steiner-outcome-cop15?gclid=Cj0KCQiA14WdBhD8ARISANao07i9ZFbdfFz8EQDnjLyAdaKdd87lrKxLL741NBj_oMbj7-b08GemXvAaAI3YEALw_wcB)

<sup>iv</sup> Credit Valley Conservation Authority. Ecosystem Offsetting Guidelines. 2020. [https://cvc.ca/wp-content/uploads/2021/06/rpt\\_CVCEcoOffset\\_FINAL\\_20200313.pdf](https://cvc.ca/wp-content/uploads/2021/06/rpt_CVCEcoOffset_FINAL_20200313.pdf)

<sup>v</sup> Ontario Nature Blog. December 8, 2020 Setting a High Bar For Offsetting Policy. <https://ontarionature.org/setting-a-high-bar-for-offsetting-policy-blog/>

<sup>vi</sup> Lake Simcoe Region Conservation Authority. Ecological Offsetting. <https://www.lsrca.on.ca/offsetting>

<sup>vii</sup> Prepared by Green Analytics for EcoHealth Ontario, Greenbelt Foundation, Forests Ontario. A Conceptual Framework to Understand the Business Case for EcoHealth in Ontario. 2020 [https://static1.squarespace.com/static/5c3cebfd45776eee4408f72d/t/5ecb445972e6a72aac117171/1590379619631/FO\\_8.5x11\\_EH\\_REPORT\\_FA\\_4WEB+%281%29.pdf](https://static1.squarespace.com/static/5c3cebfd45776eee4408f72d/t/5ecb445972e6a72aac117171/1590379619631/FO_8.5x11_EH_REPORT_FA_4WEB+%281%29.pdf)

<sup>viii</sup> Municipal Natural Asset Initiative <https://mnai.ca/our-story/>

<sup>ix</sup> OPHA Submission on ERO 019-6160 Proposed Updates to the Ontario Wetland Evaluation System <https://opha.on.ca/wp-content/uploads/2022/11/Proposed-Updates-to-the-Ontario-Wetland-Evaluation-System.pdf?ext=pdf>

<sup>x</sup> Birch et al. 2022. Trends and predictors of wetland conversion in urbanizing environments <https://www.sciencedirect.com/science/article/pii/S0301479722002961>

<sup>xi</sup> Ibid

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<sup>xii</sup> Government of Canada. 2020. Offsetting Policy for Biodiversity. <https://www.canada.ca/en/environment-climate-change/services/biodiversity/offsetting-policy-biodiversity.html#toc7>

<sup>xiii</sup> Statement by UN Development Programme Administrator Achim Steiner on the outcome of COP15. December 19, 2022 [https://www.undp.org/press-releases/statement-un-development-programme-administrator-achim-steiner-outcome-cop15?gclid=Cj0KCQiA14WdBhD8ARIsANao07i9ZFbdFFz8EQDnjLyAdaKdd87lrKxIL741NBj\\_oMbj7-b08GemXvAaAl3YEALw\\_wcB](https://www.undp.org/press-releases/statement-un-development-programme-administrator-achim-steiner-outcome-cop15?gclid=Cj0KCQiA14WdBhD8ARIsANao07i9ZFbdFFz8EQDnjLyAdaKdd87lrKxIL741NBj_oMbj7-b08GemXvAaAl3YEALw_wcB)

<sup>xiv</sup> Convention on Biological Diversity. December 19, 2022 <https://prod.drupal.www.infra.cbd.int/sites/default/files/2022-12/221219-CBD-PressRelease-COP15-Final.pdf>

<sup>xv</sup> <https://files.ontario.ca/mnrf-english-ontario-special-advisor-on-flooding-report-2019-11-25.pdf>

<sup>xvi</sup> EcoHealth Ontario resources. <https://www.ecohealthontario.ca/resources>

<sup>xvii</sup> EcoHealth Ontario Resources: Green City: Why Nature Matters to Health <https://www.ecohealthontario.ca/resources>

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### **More about the Ontario Public Health Association**

OPHA has established a strong record of success as the voice of public health in Ontario. We are a member-based, not-for-profit association that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including advocacy, capacity building, research and knowledge exchange. Our membership represents many disciplines from across multiple sectors.

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