



Ontario Federation of Agriculture

Ontario AgriCentre

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Ms. Nisha Shirali, Senior Policy Analyst
Ministry of the Environment and Climate Change
Policy and Program Division
Environmental Policy Branch
40 St. Clair Avenue West, 10th Floor
Toronto, ON
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Dear Ms. Shirali;

RE: EBR Registry No. 013-1817 Watershed Planning Guidance

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 37,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

Before addressing the draft consultation document, we reiterate that there is only one Ontario landscape, meaning that the full range of urban, rural, agricultural, natural heritage, cultural heritage and mineral extraction land uses found across the province must coexist in the same space. It is critical that the process of watershed planning recognize that our agricultural areas provide us not only with food, fibre and fuel, but also a broad range of environmental and ecological goods and services that benefit all Ontarians. These environmental and ecological goods and services include not only water cycling (flood mitigation, groundwater recharge, purification and retention), but also:

- aesthetic and recreational space,
- air quality (oxygen production, carbon sequestration, climate regulation),
- biodiversity,
- habitats for wildlife, including pollinators and endangered species
- nutrient cycling, and
- soil erosion control.

Commenting on the draft consultation document as a whole, we note that it ignores the presence of agricultural lands and agricultural activities across watersheds. It cites references to the water-related policies in the Provincial Policy Statement (PPS) and Ontario's provincial plans but ignores comparable agricultural policies. The PPS and Ontario's provincial plans clearly direct users to read each document in its entirety, and then to apply all relevant policies. The Watershed Planning Guidance document must do likewise.

OFA restates its concern over Ontario's shrinking agricultural land base. Based on census data from the 2006 and 2011 censuses, Ontario lost almost 260,000 ha (636,000 acres) over that five-

year period, or almost 350 acres/day. The rate of loss has slowed slightly based on the 2011 and 2016 censuses, which saw agricultural land losses of 319,700 acres over the most recent five-year period, or 175 acres/day. We still view this rate of loss as unacceptable and unsustainable. Regrettably, the entire Guidance Document ignores the beneficial role agricultural land contributes to the overall environmental performance of watersheds.

OFA emphasizes that the Guidance Document ignores the reality applicable to much of Ontario's settled areas, that the lands that constitute these watersheds is privately owned. And that the majority of the privately-owned land is farmland, where Ontario's farmers generate their livelihood based on the production of food. OFA recommends that the Guidance Document include language that acknowledges the different land uses across Ontario; urban, rural, agricultural, natural heritage, resource extraction and hazard, and that respects the rights of private land owners.

Page 8 (Phase 2):

Under "Phase 2" agriculture and agricultural uses should be included in the list of watershed planning elements.

Page 8 (Phase 3):

The first bullet point states that a plan will be developed that will provide, "areas to be protected, enhanced and rehabilitated". How will this be implemented on privately-owned land, particularly privately-owned agricultural land? How will this meet the PPS Agriculture Policies of protecting agricultural lands? OFA believes that the highest and best use of Ontario's agricultural lands in their ability to provide us with safe, affordable food.

Page 9 (2.2 Principles - Precautionary Approach):

OFA has longstanding reservations with the application of the "precautionary principle" to a host of legislation, regulation, etc. While the OFA agrees with the principle of precaution, we do not agree with the Precautionary Principle, as generally defined. The definition that is most often advanced was drawn from the 1990 Bergen Ministerial Declaration on Sustainable Development and includes the following statement;

Where there are threats of serious or irreversible damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

This statement within the definition of the Precautionary Principle causes OFA considerable concern because of the reference to full scientific certainty. In so far as the word 'science' is defined as knowledge and knowledge is constantly evolving is not at all helpful to even reference something as unachievable as 'full scientific certainty'.

Page 13 (in the blue text box):

Where can the "land and water use objectives" be found?

Page 16 (2.6 Summary of Policy Requirements):

Although this section refers to "water-related legislation, plans and agreements", we can find no table or list anywhere in the Guidance Document that provides this vital information. OFA

recommends that the Guidance Document provide a list of the applicable “water-related legislation, plans and agreements”.

Pages 19-21 (Interconnections with Other Policies and Strategies):

Nowhere in this section is agriculture mentioned. As the predominant land use across Southern Ontario, this oversight is unacceptable.

Page 20 (Natural Heritage):

The section on Natural Heritage makes reference to How Much Habitat is Enough?. How Much Habitat is Enough? was not developed as a general guidance document on habitat and habitat restoration. Rather it was developed to specifically focus on the rehabilitation of Great Lakes Areas of Concern, namely “severely contaminated and degraded locations around the Great Lakes”. Twelve of the forty-three identified areas are solely in Canada and five are shared sites. In that light, we question if the guidance in ‘How Much Habitat is Enough?’ transfers from these “severely contaminated and degraded locations around the Great Lakes” to the broader landscape? OFA does not endorse the use of How Much Habitat is Enough? as a generalized habitat restoration guide. Language in the introduction noting that “the framework is not legislative and should be viewed as a means to guide, not dictate, local decisions, by providing planners, rehabilitation teams and other decisions makes with the best available information” should be acknowledged and included in this Watershed Planning Guidance Document.

In addition, this section does not reference or acknowledge the “working landscapes” role played by agricultural uses, in addition to overlooking prime agricultural lands and prime agricultural areas, all of which are addressed and promoted in the PPS and regional plans.

Page 21 (2.7 Roles and Coordination):

Ontario’s Conservation Authorities, along with our Source Water Protection Committees are already undertaking mandated roles in watershed planning. How is it possible that the authors of this draft Watershed Planning Guidance document have overlooked the existing roles played by these entities?

Page 25 – (3.1 Effective Engagement and Committees):

Engagement is referred to as, “a flexible process ranging from general information sharing to meaningful dialogue and collaboration”. When dealing with those whose livelihood may be directly impacted by this process, it is essential that their engagement is meaningful and given full consideration.

Page 26 (paragraph 3):

Where it states, “where there is no conservation authority, other environmental organizations ...”, specifically what other environmental organizations do the authors have in mind? If the role of this document is guidance, then at the least it should direct users to consider organizations whose objectives and aims align with provincial land use and environmental protection policies. In instances where no conservation authority is in place, OFA suggests that municipal planners include local Source Water Protection Committees and County Federations of Agriculture as key stakeholders.

Engagement with source water protection committees should be considered essential, not merely helpful. These committees represent the range of interests within the watershed and have developed expertise on this subject matter. Under Step 1, OFA recommends including a specific reference to County Federations of Agriculture.

A general recommendation is that when establishing committees or working groups, that organizers be cognizant of, and respectful of farming schedules; planting, harvesting, etc. when planning meetings, open houses, engagement sessions, etc. Farmers are business people, and their principle focus is on their farm business. Its demands take precedence over all other, particularly at peak seasons.

Page 28 (Step 4: Conduct Effective Engagement):

With reference to “citizen science”, the document must not overlook “community knowledge”.

Pages 38 & 39 (Information Sources):

First, the list of sources should be broken into three lists, one each for Provincial, Municipal and Federal. Furthermore, where do the Regional Natural Heritage System for the Greater Golden Horseshoe, the Agricultural System mapping for the same geography and the proposed expansion of the Greenbelt fit into this draft Watershed Planning Guidance document?

Pages 39 & 40 (4.3 Characterization of Existing Conditions):

How much of what is noted here already exists at Conservation Authorities and Source Water Protection Committees? Furthermore, there is no mention of land uses and their role. Who will do the information gathering, and how will they do it?

Will there be requests to visit farms throughout a watershed? Many Ontario farms utilize on-farm biosecurity, principally livestock and poultry farmers, but also to a lesser degree by a variety of fruit and vegetable producers, to minimize the risks of disease transfers, plant blights, etc. on footwear and vehicle tires. By rigorously restricting access to the farm, the risks of disease transfers are significantly curtailed, thereby enabling to farmer to use less or no medication for their animals. For crops, the likelihood of a successful harvest from fields free from a wide range of plant diseases is higher.

The Ontario Ministry of Agriculture, Food and Rural Affairs has a wealth of information about on-farm biosecurity on its website. In addition, Ministry staff can provide biosecurity training to enforcement staff who may need to access a farm in the course of their duties.

There's a list of watershed elements on page 40. Nowhere in the list are agricultural lands and agricultural uses included. How can a fulsome guidance document contain such an oversight?

Page 41 (Step 2 Undertake a Watershed Monitoring Program):

Again, how much of this work is already being done by Conservation Authorities and Source Water Protection Committees? Surely the first step should be determining what is already being done on this front, and then addressing any monitoring gaps.

While “five years of pre-development monitoring is appropriate to achieve a baseline condition” this may not be realistic. Will the lack of five years of data negatively impact development proposals?

Pages 43 & 44 (Table):

With reference to soils, how will data pertaining to erosion rates, poor drainage and steep slopes be collected, and by whom? Agricultural lands are private property. Respect for this reality is sadly missing from this document.

On page 44, what does TMDL stand for?

Pages 43 & 44 (Watershed Indicators):

The subject of the urban environment is addressed, but there is no parallel for agricultural and rural environments.

Pages 46 & 46 (Sources of Available Baseline Data):

This section overlooks data from Conservation Authorities and Source Protection Committees.

Page 50 (How to do it?):

The text in the blue box refers to the “Vision for Ontario’s Land Use Planning System” set out in Part IV of the PPS. Only a portion of the paragraph on page 4 of the 2014 PPS is cited. By omitting, “the Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, and meet its long-term needs”, OFA believes that the key role of agriculture, along with biodiversity, public health and safety, etc. are undervalued and overlooked in this proposed Guidance Document. OFA recommends that the complete paragraph should be cited here.

Page 51 (How to do it? Step 1):

This document includes the statement that goals should be “economically achievable”. The consideration of economics must go beyond the cost to the municipality for watershed planning. The process must also consider the economic impact this process may have on private landowners and find ways to acknowledge this and mitigate or compensate for these potential impacts.

Page 52 (Table):

The example in table notes that “stream corridors are publicly owned and protected”. What is the context and rationale for this statement? Is it put forth as an example of a target? If so, this should be clearly indicated. In addition, does this Guidance Document define what a “stream corridor” is?

Page 55 (water budget graphic):

Looking at the outputs side, where does agriculture fit? We are neither industrial nor residential, although farms do have a residential component. OFA recommends that “agricultural uses” be added to the outputs side of this graphic.

Pages 64 to 70 (6.2 Water Quality and Nutrient Load Assessment):

This section makes no reference to the negative effects role of road salt on water quality.

The description of the GLWCA, COA and the Canada-Ontario Action Plan are misleading. The 40% phosphorous load reduction by 2025 refers to the commitment to Lake Erie. This section reads as though the reduction is a commitment for loadings to all the Great Lakes.

Step 2: Identify Trends in Time is a critical step that is oversimplified in this document. The story of what happening in the watershed over time is very important to understand but must not be limited to trying to explain it solely in terms of “response to human activities”. Both invasive species and legacy phosphorous play critical roles in understanding water quality and must be identified and accounted for.

OFA is opposed to a watershed plan requiring the adoption of agricultural best management practices (BMPs). There is a plethora of agricultural BMPs, which include a variety of options within each category. They were developed this way to recognize that the most effective options vary site to site, and to address different challenges. Mandating adoption of agricultural BMPs on private land without understanding the potential benefit or potential detriment to the environment is unacceptable. There is also a need to understand the full economic cost to the farmer for implementing specific practices, which need to be accounted for. This appears to contradict the statement under Rural Nonpoint Sources that recognizes the need for “site appropriate management practices” and the need to increase activities receiving stewardship funding. Mandating adoption of BMPs is contrary to stewardship.

Under “Rural Nonpoint Source” the list of Best Management Practices (BMPs) includes both “cover cropping” and “cover crops”. Why? The Ontario Ministry of Agriculture, Food and Rural Affairs has developed and publishes an extensive series of BMP booklets. The complete list of titles is available at: <http://www.omafra.gov.on.ca/english/environment/bmp/series.htm>

While it is recognized that the ideal for measuring progress is to have hard numbers such as kilograms of load reduction, there is a reason why this is not currently being done. It is virtually impossible to quantify these in a natural system. What load is being considered – phosphorous, nitrogen or carbon? The majority of agricultural BMPs provide multiple benefits to the environment, whereas other BMPs may benefit one aspect of the environment to the potential detriment of another. Also, the load reduction will vary on a site by site basis. For example, the total load reductions achieved by erosion control measures will vary based on soil type, slope, cropping methods, etc.

It is inaccurate to state that adopting an “outcome-based programming where funding and resources are provided per kilogram load reduction” is consistent with the “growing realization of a need monetary valuation of ecological goods and services”. Yes, there is a need to value ecological goods and services, but the outcome-based programming described here is not inherently consistent with ecological goods and services valuation.

The paragraph at the bottom of page 70 strays beyond developing a Watershed Guidance Document for municipal planners into policy and program development, which is not the intent behind developing this document. OFA recommends that this paragraph be rewritten to remove suggestions on refocussing program funding and resources.

Page 79 (information sources):

Are these the appropriate information sources for climate change?

Pages 87 – 93 (6.5 Connections to Natural Systems):

The PPS defines a natural heritage system as “a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used”.

Working landscapes in the context of this definition refers to agricultural lands as well as other rural lands. To ignore the role played by agricultural lands as “working landscapes” in the watershed context is indefensible. When combined with no references to the Regional Natural Heritage System for the Greater Golden Horseshoe, the Agricultural System for the same geography, we question how fulsome this guidance truly is.

Pages 90 - 93 (Habitat Guidelines):

On the theme of forest cover, we reiterate our objections to the reliance on How Much Habitat is Enough? for forest cover guidance. Since How Much Habitat is Enough? was not written as general habitat guidance document, we do not hold that its guidance on forest cover percentage is relevant to this application.

With reference to wetland restoration, where is the guidance on this? OFA is skeptical that fully functioning wetlands can be recreated elsewhere in a watershed. Furthermore, the land needed to recreate wetlands will come from Ontario's finite and shrinking agricultural land base; an unacceptable use of agricultural land.

The Guidance Document speaks to riparian buffers having “a minimum width of 30 metres”. We know of no legislation, regulation or policy that mandates buffer widths. Many want wide buffers, but in the absence of solid science on buffer widths, OFA opposes any reference to a specific width.

On grassland protection and restoration, agricultural uses dictate agricultural land uses; i.e. where pasture lands, row crop lands, orchards and fruits and vegetables are situated, the distribution of grass pastures on the landscape is directly related to the distribution of livestock (cattle & sheep) farms. Where livestock farms are found, grass pastures will also be found. Conversely, where non-livestock farm operations predominate, there will be few, if any, livestock farms. Municipalities have no authority to mandate grassland protection and restoration within agricultural areas.

Lastly, with reference to the role of corridors in fragmented landscapes, open agricultural lands serve as de facto corridors. Sections 2.3.2 (pages 9-11) and 3.4.5 (page 34) of the Ministry of Natural Resources and Forestry's Natural Heritage Reference Manual clearly enunciates this.

Page 101 (Cumulative Effects Assessment):

OFA is pleased to see the recognition of the difficulty and expense of industry calculating cumulative effects. One important component missing from this section is the issue of data hoarding and the fact that public agencies are often not willing to share data.

Pages 102-109 (6.7 Assessment of Land Use and Management Scenarios):

Again, we note that agricultural uses and agricultural lands are ignored.

Pages 107-108 (Step 4 Costs and Benefits):

While it is essential that cost-benefit be an integral component on examining land use and management scenarios, this process outlined is significantly flawed. This approach appears to only consider the cost-benefit from a municipal/public perspective without mention of the potential cost to a private landowner. This process must also consider what the potential benefit may be to the landowner, if any. Increasingly farmers are being asked to make changes on their land to benefit the common (public), that provide little to no benefit to the farmer.

Page 115-122 (7.2 Informing Land Use Planning and Integrated Planning for Water, Wastewater & Stormwater):

Page 120 states that “outside settlement areas, proposals for large scale development in key hydrologic areas ... may be permitted ...”. It must be reiterated that they may be permitted from a Watershed Planning perspective, but there are still many other important criteria to be considered. For example, just because a development may pass the burden of the watershed plan, it may contradict the PPS or other provincial plan on protecting agricultural lands.

The Ontario Federation of Agriculture welcomes this opportunity to provide its perspective on Watershed Planning Guidance. We look forward to the incorporation of our recommendations and suggestions into the final version.

Sincerely,



Keith Currie
OFA President

KC/pj

cc: The Honourable Chris Ballard, Minister of Environment and Climate Change
The Honourable Nathalie Des Rosiers, Minister of Natural Resources and Forestry
The Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors