

**PH32.6 Our Plan Toronto: Draft Environment and Climate Change Official Plan Policy Updates, Planning and Housing Committee consideration on March 25, 2022\_Submission Lenka Holubec**

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VIA E-MAIL: [phc@toronto.ca](mailto:phc@toronto.ca)

CC: [jane.welsh@toronto.ca](mailto:jane.welsh@toronto.ca) [jane.weninger@toronto.ca](mailto:jane.weninger@toronto.ca) [janie.romoff@toronto.ca](mailto:janie.romoff@toronto.ca)  
[councillor\\_perks@toronto.ca](mailto:councillor_perks@toronto.ca)

**RE: PH32.6 Our Plan Toronto: Draft Environment and Climate Change Official Plan Policy Updates, Planning and Housing Committee consideration on March 25, 2022**

Dear Chair Deputy Mayor Bailão, Vice Chair Councillor Fletcher, and Councillors,

Thank you for this opportunity to comment on **Plan Toronto: Draft Environment and Climate Change Official Plan Policy Updates, PH32.6**

I am writing to express support for the proposed draft environmental and climate change policy updates to the Official Plan, specifically:

- “The draft policies address the commitment to review additional Environmentally Significant Areas (ESAs) since the last Official Plan update (OPA 262) and input received from Our Plan TO consultations, which focused on protecting the environment and acting on climate change.”
- “Proposed changes include new maps to identify the water resource systems, an update of Map 9 Natural Heritage System to include water resource features and to align with the Ravine and Natural Feature Protection bylaw regulated area and a new layer that identifies areas that contribute to resilience of the natural heritage system. **Four new Environmentally Significant Areas and additions to two existing Environmentally Significant Areas are proposed for designation bringing the total number of Environmentally Significant Areas to 90. A new Provincially Significant Wetlands (PSW) are proposed to be added to Map 12b.**”

**It will be now crucial to bring protection laws from the text of policy documents into busy reality of our fast growing city to ensure these unique places work first for nature - fauna/flora, aquatic environments - to continue provide us with rare benefits.**

It is exciting to hear that four new ESAs and Provincially Significant Wetlands (PSW) are being added.

Especially rewarding is to learn that **MNRF is designating the Grenadier Pond presently ANSI/ESA, and some adjacent areas, as a Provincially Significant Wetland complex and this new PSW will be added to Map 12B of the Official Plan.**

The ESAs in Toronto are currently only 4% of the city land. Big Cities have important role to play in climate/biodiversity crisis to support local and regional biodiversity and ecological systems from decline. Toronto plays a critical role in the North American birds migration and this role was highlighted when the city has received last years from the Nature Canada **Birds Friendly City Certification** which comes with pride and obligation: ***“The cities play a vitally important role in the survival of Canada’s migratory birds.”*** Graham Saul, the executive of Nature Canada

To ensure that protected natural places are here for future generations and actually work for nature, we must ensure that all good intentions and mandatory policies are translated from the text of policies, such as the Provincial Policy Statement and the City Official Plan, into daily reality - on to the ground of our busy ESA/ANSI/PSWs.

Over the past years, we have learnt the hard way, that most of our protected areas actually are lacking this protection on the ground and that the policy fundamental requirement: ***“Activities will be limited to those that are compatible with the preservation of the natural features and ecological functions attributed to the areas.”*** really exists only on the paper of policies. Management plans for Toronto’s ESAs at this point are mostly not present, while **management of public use is largely absent**. This fact, in correlation with rapidly growing city, has negatively affected protected natural areas capacity to preserve the very natural features and ecological functions why these areas received their protected status.

This clearly means that impacts of recreational activities, having a potential to affect protected areas negatively, needs to be monitored/discontinued when conservation and biodiversity are affected. This may apply in some ESAs to dog walking, groups/gathering activities, sports, overnight camping, filming activities, recreational fishing (Grenadier Pond), etc.

**Protection is founded on precautionary principle that is to prevent harm.** Protected areas management is to ensure that this prevention of harm is prioritize over other considerations and recreational uses that potentially impact negatively protected natural features and ecological function reducing biodiversity.

Yours sincerely,

Lenka Holubec

member [ProtectNatureTO](#) and [High Park Nature](#)

## Background:

The ESA includes transition provisions that phase in habitat protection for listed species. However, the policies of the PPS apply regardless of when the habitat protection provisions of the ESA take effect.

The manual identifies data sources for known occurrences and locations of species at risk and their habitats, but these do not document all actual occurrences and locations (see section 5.3). Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the ESA.

### Note:

A permit that would authorize the destruction of endangered or threatened species habitat under the ESA cannot be used to justify development and site alteration in a natural heritage feature where such is not permitted for other reasons (e.g., significant wetland). Individuals are responsible for ensuring that an activity being undertaken by or for them does not contravene the ESA.

## 5.2 Why Protect?

The protection of significant habitat of endangered and threatened species, especially habitat essential for reproduction or for survival at critical points in the life cycle, is fundamental for the recovery of these species at risk. Protection is necessary to prevent the extirpation of species from Ontario and to assist with their recovery.

As stated in the preamble to the ESA,

Biological diversity is among the great treasures of our planet. It has ecological, social, economic, cultural and intrinsic value. Biological diversity makes many essential contributions to human life, including foods, clothing and medicines, and is an important part of sustainable social and economic development.

Unfortunately, throughout the world, species of animals, plants and other organisms are being lost forever at an alarming rate. The loss of these species is most often due

to human activities, especially activities that damage the habitats of these species. Global action is required.

The United Nations Convention on Biological Diversity [1993] takes note of the precautionary principle, which, as described in the Convention, states that, where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.

In Ontario, our native species are a vital component of our precious natural heritage. The people of Ontario wish to do their part in protecting species that are at risk, with appropriate regard to social, economic and cultural considerations. The present generation of Ontarians should protect species at risk for future generations.

## 5.3 Identification

Under the ESA, MNR is responsible for giving technical advice on species identified on the SARO List and their habitats. For the purposes of the PPS, MNR is responsible for approving the delineation of significant habitat for species identified as endangered and threatened and MNR district offices should be contacted as part of early consultation (see section 12.2) when planning authorities or development proponents have reason to believe that an endangered or threatened species may be present.

Where MNR has not delineated or described the significant habitat, or otherwise defined habitat under the ESA, MNR district offices can provide information and guidance for identifying endangered and threatened species and their habitats found within a municipal planning area or within a proposed development area. Generalized mapping of the habitats and/or distributions can be used to help identify whether endangered and threatened species are present near an area proposed for a development application.

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**Several Toronto's ESAs, High Park, Tommy Thomson Park, Toronto Islands are designated for remarkable flora and fauna, while the ecological function is "a notable stop over for migratory birds providing for about 1/3 of birds populations"**

*"The City of Toronto is an annual stopover location for thousands of migratory birds. **Seasonal migration is a critical component of many birds' life cycles in North America, and elsewhere, and yet this phenomenon is often overlooked as an important consideration in habitat and wildlife conservation initiatives. The diversity and abundance of birds that continue to migrate through Toronto means that the City has both an opportunity and a responsibility to support the safe passage of these birds.** The City has already begun to undertake a number of initiatives targeted at migratory bird conservation (e.g., Bird-friendly Development Guidelines, Bird Flyways Project). The purpose of this report is to summarize the current understanding of bird migration, analyze the available data on migratory birds in the City, and develop recommendations to build on existing migratory bird conservation efforts based on the findings of this report."*

*“Over the past 17 years the most common migrant bird groups in Toronto have been warblers, shorebirds and sparrows. The most consistent and greatest migratory bird concentrations identified with this data are natural areas on the lakeshore. **The Toronto Islands, Tommy Thompson Park and High Park together account for more than 70% of the TOC’s migrant bird records for the period between 1990 and 2007.** Most of the remaining concentration areas are associated with some of the larger natural areas within the City, mainly located along the lakeshore and within the West Don and Humber Creek ravine systems.”*

**Migratory Birds in the City of Toronto, A Literature Review & Data Assessment FINAL REPORT August 2009  
DOUGAN & ASSOCIATES Ecological Consulting & Design with North-South Environmental Inc.**

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From Graham Saul, Nature Canada, recent communication:

***“The cities play a vitally important role in the survival of Canada’s migratory birds.”***

*Many Canadians think that our most critical habitats are untouched wildernesses far beyond the borders of our cities and towns. While millions of birds nest or over-winter in our cities, billions more pass through or over them during their annual migrations. **Canada’s urban centres can tip the balance for the survival of large numbers of birds.***

***Over the last three decades, our cities have become increasingly hostile places for birds to survive. Environmental degradation and loss of greenspace has limited nesting areas, light pollution has disrupted flight paths, collisions with glass-windowed buildings, roaming cats and pesticides and plastic pollution are all threats to bird lives.***

***As a result, North America has lost nearly 25% of our birds. That’s almost 3 billion birds fewer, and it includes many common species in our towns and cities. It’s heart-breaking!”***

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**Attachment 1: Recommended Policy Revisions Incorporated with the In-Force Official Plan**

<https://www.toronto.ca/legdocs/mmis/2022/ph/bgrd/backgroundfile-222629.pdf>

14. Areas of land or water within the natural heritage system with any of the following characteristics are particularly sensitive and require additional protection to preserve their environmentally significant qualities:

[...]

Development or site alteration, with the exception of trails, where appropriate, and conservation, flood and erosion control projects, is not permitted on lands within the natural heritage system that exhibit any of these characteristics. **Activities will be limited to those that are compatible with the preservation of the natural features and ecological**

**functions attributed to the areas.** New or expanding infrastructure should be avoided unless there is no reasonable alternative, adverse impacts are minimized and natural features and ecological functions are restored or enhanced where feasible. An impact study, as referred to in Policy 13, will be required for any proposed undertaking in those areas not already the subject of an Environmental Assessment under the Environmental Assessment Act

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