

# Federal government flip flops on intervention to stop Doug Ford's assault on the environment

By Rachel Morgan - Local Journalism Initiative Reporter

Feb 05, 2023 - Brampton, Mississauga, Niagara

The Doug Ford PC government's push to develop Greenbelt lands "flies in the face of everything we're trying to do in terms of being better prepared for the impacts of climate change," federal Environment Minister Steven Guilbeault said in response to questions asked in a press conference last week.

B.C.-based environmental media outlet The Narwhal asked him about stepping in to intervene after Ford pushed plans to open 7,400 acres of the Greenbelt for development. "[Ottawa] will be looking at the potential use of federal tools to stop some of these projects," the Minister responded.

In November, shortly after its aggressive housing plan, under Bill 23, was announced Ford's PCs identified 15 parcels of land within the Greenbelt, which had been legislatively protected from development for almost two decades, in a bid to build 50,000 new houses, part of Bill 23's mandate to create 1.5 million new homes mostly across Southern Ontario by 2031.

The plan, which continues to receive widespread backlash from the public, municipalities that will have to shoulder the cost of this hyper growth and environmental organizations, was finalized in December despite advice from Ontario's own Housing Task Force. It tried to explain to Ford that no new lands are needed to meet the province's housing targets.





The Ontario government's Greenbelt plan will remove 7,400 acres for development, replacing it with 9,400 acres elsewhere, claiming a benefit of additional protected greenspace. Environmentalists argue that you cannot just replace ecologically sensitive land by protecting property elsewhere.

*(Alexis Wright/The Pointer)*

The environmental activist turned federal minister said he could not give specifics as it is still unknown what development projects would be proposed and where they would be located. His office clarified to The Pointer in an email that any project proposed could be considered for independent review by the Impact Assessment Agency. Until individual projects are brought forward, the Agency has no authority to get involved.

But that has not stopped pleas from various environmental and legal organizations, as well as citizens, demanding the federal government do more to protect Ontarians and the natural spaces under attack.

The press conference was held to announce over \$8 million in funds to support three critical natural areas in Ontario:

More than \$3.5 million for the Cootes to Escarpment EcoPark System which is a developing greenspace stretching from the western edge of Lake Ontario to the Niagara Escarpment;

More than \$1.05 million to better connect the Meadoway to Rouge National Urban Park, under jurisdiction of the Toronto and Regional Conservation Authority (TRCA), with improved trails; and

\$3.5 million through Nature Conservancy Canada to protect more habitat in areas within Ontario that have rich biodiversity.

"Protecting wildlife and biodiversity is a responsibility we all share," Guilbeault said. "Through proper planning, we can all benefit from the treasured greenspaces near our communities."

"I think every level of government has a role to play here and most importantly I think people need to put more pressure on the federal government," Laura Bowman, an environmental lawyer with Ecojustice, said on The Pointer's What's the Point podcast.

"I've heard a lot of MPs deny that the feds have any jurisdiction to intervene which is untrue," she said.

The Pointer analyzed projects where municipal and provincial governments have made decisions or passed legislation with potentially damaging environmental effects. Actions, or in some cases inaction, of the federal government when it had jurisdiction over decision making under various pieces of legislation were reviewed.

Parliamentarians in Ottawa have tools at their disposal to intervene when lower levels of government push development projects without considering overriding policies. One of these is the Species at Risk Act (SARA). It is a piece of legislation designed to prevent the disappearance of wildlife species in Canada; to provide recovery for species that are extirpated, endangered or threatened as a result of human activity; and to manage species of special concern to prevent them from becoming threatened or endangered. SARA works to establish measures for how governments, organizations and individuals in Canada work together, and implements assessments to ensure protection of specific species of concern.

The federal government warned provinces in October 2022 that it would no longer tolerate the destruction of habitats containing endangered species. In an interview with the Canadian Press in the lead up to COP 15 in Montreal, Guilbeault warned that he would not hesitate to step in and take interventions to support species at risk referring to what happened in Longueuil, Quebec the previous year.

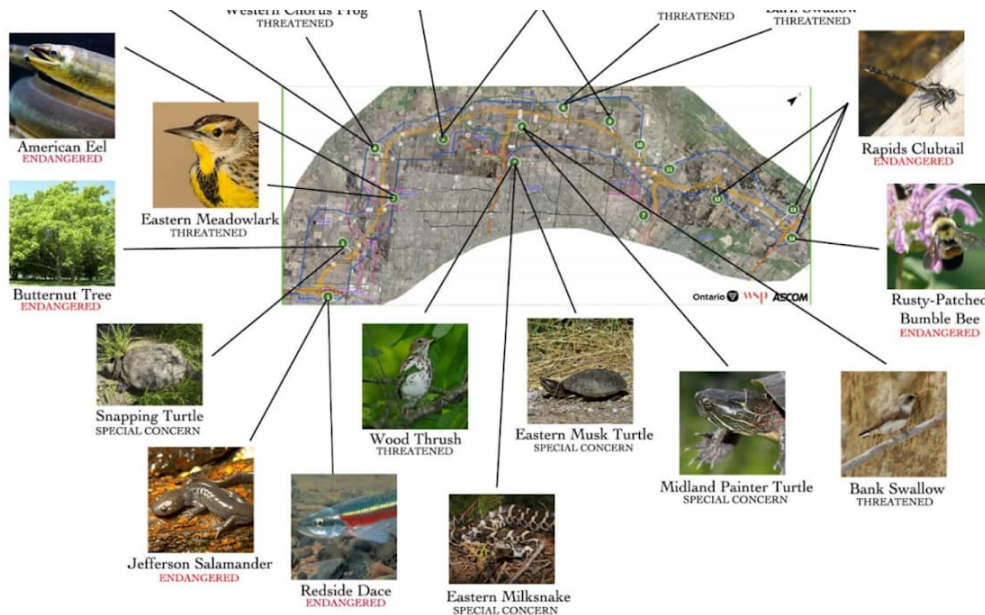
In November 2021, Parliament adopted an emergency directive to slow the extension of a street in Longueuil along Montreal's South Shore to protect the endangered chorus frog. Despite pushback from the Ministry of Forests, Wildlife and Parks, Guilbeault assured he had backing from the courts to intervene when species at risk are at stake. He issued an Emergency Order to stop the expansion of a small planned connector road through the wetland where a large chorus frog population thrives.

The government released a press release at the time: "The Emergency Order follows a threat assessment by Environment and Climate Change Canada based on the best available information, including the most recent science and all data and documentation provided by the Government of Quebec, the City of Longueuil, and non-governmental organizations."

Despite swift and decisive intervention in Longueuil, to stop a relatively small plan, the federal Ministry of Environment has not taken the same type of actions to support species at risk along the approved path of the 413 highway, which the PCs plan to build through Peel and York. The massive project, which could see a six-lane 400-series highway eventually cut through some of Ontario's most valuable agricultural land, has unfolded without oversight by the federal government.







Close to 30 species of concern have been found along the proposed route of Highway 413.

*(The Pointer)*

A previous investigation by The Pointer [confirmed 29 species](#) either listed as endangered, threatened or of special concern along the highway's route in the six months prior to the publishing of the article in April 2022. As was the case with the chorus frog in Longueuil, the presence of these species is cause for the federal government to step in under SARA.

Instead, the GTA West Corridor is being [subject to a federal assessment](#) by the Impact Assessment Agency (IAA), another tool at the disposal of the federal government. But it was only because the public triggered the possibility of a review by the agency through complaints, that it eventually determined the Ontario government needs to submit details of the 413 Highway project to ensure federal legislation is not being contravened.

Under the Environment and Climate Change Canada portfolio, the IAA is responsible for conducting federal environmental assessments of major projects. There are three circumstances which require projects to be evaluated by the federal IAA: projects listed under the Impact Assessment Act's Project List, projects located on federal land or that require approval by a federal authority, and any project designated by the Minister of Environment and Climate Change.

In May 2021, Guilbeault designated Highway 413 for a federal environmental assessment, that will attempt to address concerns over species at risk, Indigenous lands and heritage, despite objections from the Ford government that a provincial assessment was enough (the PC government has failed to complete a full Environmental Assessment of its own, but approved the project anyway). The process

involving the federal Impact Assessment Agency is at a stand still while it awaits a submission from the Ontario Ministry of Transportation of the second draft of the Initial Project Description (IPD). The Ford government has delayed its submissions.

Once the IPD is complete, a 180-day planning phase will begin and the federal Impact Assessment Agency will hold a public commenting period to include input during this review phase.

“The public, Indigenous groups, federal authorities, and provincial and municipal jurisdictions are invited to provide knowledge, expertise or information that may help the Agency identify key issues of concern, and determine how Indigenous groups and the public would like to be engaged should an Impact Assessment be required,” the Agency explained in an email statement to The Pointer in July.

After public consultation, a ‘Summary of Issues’ is presented to the Ontario Ministry of Transportation for which they have 30 days to respond with a Detailed Project Description. Once this is received, the Impact Assessment Agency can determine whether a full fledged environmental assessment is needed, a process which could take between two and five years. This could eventually lead to the cancellation of the highway project, if federal legislation cannot be accommodated, even if the Province proposes mitigation plans (such proposals sometimes can not properly address legislative requirements such as the protection of species).



Protests involving many residents of the GTA as well as municipal and federal leaders have taken place against the proposed highway.

*(Alexis Wright/The Pointer)*

“I wasn’t blown away by the sophistication of their analysis of our actual impact assessment request for both Highway 413 and the Bradford Bypass,” Bowman said, referring to the effectiveness of the Impact Assessment Agency in the case of the 413 highway and the Bradford Highway, which will not be reviewed by the Impact Assessment agency, despite similar complaints about the damage it will cause. “There were a lot of errors in that analysis, a lot of things that were misunderstood about the project and about the mitigation measures or those projects.”

“There are definite questions about resourcing at the Impact Assessment Agency and the level of expertise that is happening there, but at this point the Province still hasn’t initiated the federal impact assessment process, so I think it would be unfair for me to say that I thought they would or wouldn’t do a good job on the actual assessment phase (for the 413).”

While there is potential that the federal government, through the Impact Assessment Agency, could have a major impact on how the Highway 413 project could move forward (if it does), its sister project, [the Bradford Bypass](#), will not be reviewed by Ottawa.

The Bradford Bypass, also known as the 400-404 Link is a proposed 400-series highway spanning 16.2 kilometers in the northern reaches of the GTA from West to East Gwillimbury. While the highway is relatively short, it has a laundry list of potential environmental consequences, similar to those that would arise from the construction of the 413. The proposed route runs directly through the Greenbelt and rams into the Holland Marsh and the edge of the Lake Simcoe watershed.

The potential for an east-west highway link in the area has been lingering since the 1970s when a proposal for a highway south of Lake Simcoe was proposed. A decade later, in 1981, a route that would cross the Holland Marsh was given approval, before being shelved several years later.

Like the 413, the Bradford Bypass is touted by the provincial government for being a time saver and a way to deal with growing population numbers across most of southern Ontario. But local residents and activists have been advocating around the negative effects the highway will have on the Holland Marsh which will inevitably ripple out into Lake Simcoe, a watershed ecosystem that is already on the brink of collapse.

Despite these harms, the Bradford Bypass was not given the same designation to be evaluated by the Impact Assessment Agency as the GTA West Corridor, a blow to many in the area.

“The Impact Assessment Agency’s designation request tool is an important safety valve that gives local communities a say in making sure that potentially harmful projects do not slip through the

cracks," Ecojustice lawyer Ian Miron wrote in a press release. "Rather than considering public concerns and the project's potential environmental effects, the Minister took a very narrow view of his power to trigger a federal impact assessment for the Bradford Bypass."

Angered by the dismissal of the potential federal review of Highway 413's smaller sister project, Ecojustice, representing the Rescue Lake Simcoe Coalition, Ontario Nature, Forbid Roads Over Green Spaces, Environmental Defence, Wilderness Committee, Wildlands League and Earthroots, filed a lawsuit against the federal government seeking a judicial review of Minister Guilbeault's failure to consider designating the Bradford Bypass for a federal impact assessment. The move came with widespread support from the community and other environmental groups who did not want to see a major 400-series roadway rip through such a sensitive ecosystem.

Ecojustice told The Pointer the application was heard by the federal courts on November 2, and they are still waiting on a decision.

The Ministry of the Environment and Climate Change came under similar criticism after approving a deepwater oilfield off the shore of Newfoundland. The Bay du Nord plan is the first deepwater project offshore of the province and is estimated to produce 500-million barrels of oil over several decades.

It received public backlash due to the impact of a deepwater oilfield which could have disastrous environmental consequences from any oil spill. The public also questioned the motives of the federal Liberal government which claims climate action sits at the top of its agenda, while approving a project to expand fossil fuel use just days after the chief of the United Nations called funding new fossil fuel projects "moral and economic madness".

An environmental assessment was conducted by the federal Impact Assessment Agency due to the project area which is under federal jurisdiction, but the controversial plan was approved by Justin Trudeau's Liberals anyway.

Environmental groups, again represented by Ecojustice, sued the federal government for failing to adhere to strict environmental legislation. The lawsuit was heard in May and a decision by the courts is expected in the coming months.

In Ontario, safeguards for water bodies have generally been handled by conservation authorities, so the federal government has often taken a step back. However, now that Bill 23 has stripped conservation authorities of power in the development approval process, the federal government, under the Fisheries Act and other pieces of relevant legislation, could intervene with jurisdiction over fishing resources, Great Lakes protection, species preservation, habitat policies and a host of federal statutes around climate change and environmental protection.

The Fisheries Act, for example, "prohibits the deposit of deleterious substances into water frequented by fish, or to any place, under any conditions, where they may enter waters frequented by fish," the



federal law states. "A deleterious substance can be any substance that, if added to any water, would degrade or alter the water quality such that it could directly or indirectly harm fish, fish habitat, or the use of fish by humans."

These concerns have been raised in the controversy over a [wastewater treatment plant proposed in Erin](#). Effluent from the facility will be discharged directly into the West Credit River, where one of the last self-sustaining Brook trout populations thrives. The concern is the temperature of the effluent will make it too warm for the fish to spawn. Brook trout are a coldwater species that prefer a temperature of around 14 degrees celsius. However, in the plans for the cooling system for the yet to be constructed wastewater plant, it will only be turned on when temperatures reach above 19 degrees celsius.



The wastewater treatment plant in Erin will dump its effluent directly into the West Credit River altering the cold water ecosystem and the species that thrive in it.

*(Alexis Wright/The Pointer)*

Increased concern led to local groups lobbying for both provincial and federal support in getting a government mandated environmental assessment. A petition, started by the late federal Green Party member, Jenni Le Forestier garnered support from local residents and was brought to the House of



Commons Floor by Dufferin-Caledon Conservative MP Kyle Seeback.

The petition was tabled on May 10, 2021, but no further action was taken, despite a significant number of signatures and 90 days on the floor. The wastewater treatment plant, pushed by developer interests (the new municipal water system supported by the plant will be hooked up to recently approved subdivisions before existing residents are converted from their longstanding septic tank system) has not undergone what some residents are calling a proper and public environmental assessment.

The few projects reviewed by The Pointer suggest the federal government lacks consistency when dealing with land use, development and project approvals and environmental impacts across the country, despite the Liberal government's repeated claims that climate change and related issues around biodiversity loss and use of natural lands are at the very top of its list of priorities.

"Collaboration is the approach we are focussed on," the federal environment ministry told The Pointer in an email statement.

The lack of a coherent vision supported by consistent action leaves many questioning whether or not the federal government will step in to protect Ontario's beloved Greenbelt.

Bowman, whose work within Ecojustice helps lead the way from a strategic legal position, said it is also crucial that citizens keep fighting to force government action.

Referencing public apathy toward the lack of action at all three levels of government, she said, "What we are teaching our political leaders time and again is that they can get away with that."

---

Email: [rachel.morgan@thepointer.com](mailto:rachel.morgan@thepointer.com)

Twitter: @rachelnadia\_

---

COVID-19 is impacting all Canadians. At a time when vital public information is needed by everyone, The Pointer has taken down our paywall on all stories relating to the pandemic and those of public interest to ensure every resident of Brampton and Mississauga has access to the facts. For those who are able, we encourage you to consider a subscription. This will help us report on important public interest issues the community needs to know about now more than ever. You can register for a 30-day free trial [HERE](#). Thereafter, The Pointer will charge \$10 a month and you can cancel any time right on the website. Thank you