



Process Over Product

The Failures of Sustainable Land-use Planning in Ontario

Elizabeth Nickson

With Research from Rob Scagel, Jessica Lauren Annis and Matthew Watters



About the Author



Elizabeth Nickson is a Senior Fellow at the Frontier Centre for Public Policy. She is an accomplished communicator, journalist, author and novelist. She was European Bureau Chief of *Life Magazine* in the late 80's and early 90's. Prior to her appointment at *Life*, she was a reporter at the London bureau of *Time Magazine*. As well, Nickson has written for *The Sunday Times Magazine*, *The Guardian*, *The Observer*, *The Independent*, *The Sunday Telegraph*, *The Spectator (UK)*, *Saturday Night*, *The Globe and Mail*, *The National Post*, and *Harper's Magazine*. Nickson's latest book *Eco-Fascists, How Radical Conservationists Are Destroying Our Natural Heritage* (Harper Collins, 2012), chronicles her experience with subdividing her 30-acre forest on Salt Spring Island in half and examines the excesses of the conservation movement. The subdivision is now taught in local colleges and universities as a case study in "good green development". She is also author of the novel *The Monkey Puzzle Tree* (Knopf, Bloomsbury 1994), which dealt with the CIA mind control experiments in Montreal. She has interviewed Nelson Mandela, Margaret Thatcher, the Dalai Lama, and dozens of other leaders, thinkers, scientists, politicians and royalty. Nickson earned an MBA from York University in Toronto.



MB: 203-2727 Portage Avenue,
Winnipeg, Manitoba Canada R3J 0R2
Tel: 204-957-1567
Email: manitoba@fcpp.org

SK: 2353 McIntyre Street,
Regina, Saskatchewan Canada S4P 2S3
Tel: 306-352-2915
Email: saskatchewan@fcpp.org

AB: Ste. 603, 734-7th Avenue SW,
Calgary, Alberta Canada T2P 3P8
Tel: 587-930-2289
Email: alberta@fcpp.org

The Frontier Centre for Public Policy is an independent, non-profit organization that undertakes research and education in support of economic growth and social outcomes that will enhance the quality of life in our communities. Through a variety of publications and public forums, the Centre explores policy innovations required to make the prairies region a winner in the open economy. It also provides new insights into solving important issues facing our cities, towns and provinces. These include improving the performance of public expenditures in important areas such as local government, education, health and social policy. The author of this study has worked independently and the opinions expressed are therefore their own, and do not necessarily reflect the opinions of the board of the Frontier Centre for Public Policy.

Copyright © MMXV by the Frontier Centre for Public Policy.

Date of First Issue: April 2015.

Reproduced here with permission of the author. Any errors or omissions and the accuracy and completeness of this paper remain the responsibility of the author.

ISSN 1491-78

*I*deas for a better tomorrow
www.fcpp.org

Process Over Product

The Failures of Sustainable Land-use Planning in Ontario

Elizabeth Nickson

With Research from Rob Scagel, Jessica Lauren Annis and Matthew Watters

Table of Contents

Executive Summary	4
A brief history of environmentalism in Ontario	8
Endangered species regulation	11
Land form conservation	16
Land trusts in Ontario	19
Dominant funders of land trusts	21
Ontario's public accounts	24
Looking Forward - The Conservation Authorities' Whitepaper	32
Bill 6	38
The Cities	45
Conclusions	52
Bibliography	54
Appendix I - Remapping	56
Appendix II - Case studies from rural Ontario	61
Appendix III - Ontario Regional Conservation Organizations	78
Appendix IV - National/International Conservation Organizations	79
Appendix V - History of Environmental Legislation in Ontario 1941-2012	82
Appendix VI - Watersheds	84
Appendix VII - Agreements Timeline	84
Appendix VIII- <i>Rural Canada: A Socio-Economic Analysis</i>	85
Endnotes	86

Note to reader: Endnotes and some words in this document may appear in [blue](#) and underlined.

When e-reading, these links will directly access relevant online websites or documents using your associated browser.

Endnotes' numerals will directly link to the appropriate reference at the end of this document.



Executive Summary

For the past 150 years, the province of Ontario has been the primary driver of Canada's collective wealth. However, since the early 1990s, with the passing of five *Acts* in quick succession,¹ an unacknowledged shift began. Through these and subsequent *Acts*, Ontario's resource and land-use ministries have placed increasing importance on "sustainability," an ill-defined term with, as this paper will show, few metrics. As the policies introduced by the *Acts* took hold, accompanying legislation, meant to further improve environmental conditions ([Appendix VII](#)), was passed. Once the attendant regulations and rule-making were in place, the province began to experience a steady economic decline, first in its rural regions,² and now, it can be argued, in its cities. The public treasury has made up for the lack of substantive growth through public spending, and as a result, Ontario's public accounts are disturbing — begging comparison with Detroit, California and Greece.³ Structural municipal deficits — the repair of bridges, roads, schools, hospitals, social housing, welfare and critical infrastructure, core services, in other words — in the amount of \$60-billion (over 10 years) remain undone.⁴

As described in the Frontier Centre for Public Policy paper "Surviving Sustainability," the three elements of the Iron Triangle⁵ of bureaucrat, legislator and environmental NGO operate in tandem to create legislation, regulation and rules that satisfy the apparent requirements of all three members of the environmental Iron Triangle. The regulated, on the other hand, pay for this activity either directly through their taxes, through tax money diverted to environmental non-governmental organizations and land trusts and indirectly by diminishing economic opportunity and reduced land values because of increased regulation and land-use restriction. As pointed out in Paper 1 of this series, the Environmental Iron Triangle has had some serious scholarly investigation and is reliably described by the 2012 Oxford University Press's *Oxford Handbook of U.S. Environmental Policy*.⁶

Ontario's bureaucracy, empowered by these bills and subsequent legislation,⁷ spends large sums of taxpayer money performing comprehensive watershed planning, devising complex regional plans and supporting additional legislation that has the effect of stalling and hindering once-profitable private enterprise.⁸ Business owners are severely restricted in making any

decisions to alter their land by strict species-at-risk regulation and complex land-use planning regulation that is tightly supervised by Ontario's 36 Conservation Authorities (CA's), provincial ministries, municipal land-use planners and Delegated Administrative Authorities.⁹ CA's, discontented with the control they already have, released a Whitepaper in late 2012 stating their case for increased planning, regulation and enforcement tools. During the most recent election, Bill 6, the

During the most recent election, Bill 6, the Great Lakes Protection Act, was considered so Draconian by voters in the North that the government of the day promised to throw it out.

Great Lakes Protection Act, was considered so Draconian by voters in the North that the government of the day promised to throw it out. However, since that government won re-election, the elements of Bill 6 are sure to be reconfigured,¹⁰ and it will enter the legislative process once more,¹¹ and therefore deserves analysis. The Bill, as written, would have had the effect of shifting control of the Great Lakes-St. Lawrence River Basin from residents, townships and municipalities to a Great Lakes Guardians' Council consisting largely of appointed members of environmental NGOs and Aboriginal band members. It is unclear what their plans are for stopping the waterways from becoming shallower, the declining fish stock and the retreating of aquifers around the Great Lakes because years of comprehensive planning for the thousands of hectares included in the plan will need to occur before any actions are taken. This is called process-focused legislation. It assumes that, provided the regulations and plans are followed, environmental objectives, such as the ill-defined and ill-understood sustainability, will be achieved.¹²

In Toronto, densification of inner-city neighbourhoods has become the "sustainable" solution to population growth by "saving" land that would otherwise be used to house people in single-family dwellings in suburban and exurban areas. But evidence is mounting that densification has a negative impact on health, traffic congestion,¹³ housing affordability, pollution, crime and community cohesion and that it increases the heat island effect.¹⁴ Projected benefits are almost utopian in nature. Cato Institute senior fellow Randall O'Toole lists them as follows: "The greater social goods that planners promise include clean air, open space, reduced congestion, affordable housing, and easier access to work, shopping, and recreation areas,"¹⁵ but these benefits are failing to materialize. For example, O'Toole argues that having enough people to support an ordinary supermarket that



Increasingly, it is becoming obvious that results from comprehensive planning meant to save the environment are largely costs borne by the taxpayers who are becoming disenchanted with the schemes for which they are paying.

is within a quarter-mile walking distance of their homes would require them to live at a population density double that of Manhattan, or 40,000 people per quarter mile. Because no such densities are imaginable in Western democracies, either the supermarket will depend on substantial car traffic or it will go out of business and be replaced by boutiques that also depend on substantial car traffic, or the only walkable shopping available in the area will be convenience stores with high prices and limited selection.¹⁶ Increasingly, it is becoming obvious that results from comprehensive planning meant to save the

environment are largely costs borne by the taxpayers who are becoming disenchanted with the schemes for which they are paying.¹⁷ The struggles faced by landowners and rural businessmen and businesswomen with regard to environmental regulatory overreach are outlined in case studies attached to this report.

Ecosystem-based planning and management and New Urbanist planning are based upon process and not product. Benefits, it is judged, have failed to turn up because the planning is not complete. For instance, increased traffic congestion in Smart Growth cities such as Toronto is blamed on the lack of public investment in light rail, despite the fact that studies have shown that in many cities people do not use light rail.¹⁸ As well, ecosystem-based planning and management¹⁹ is so complex in its definition, it is virtually impossible to achieve success, given the unpredictability and constant variability of natural systems. More planning is always recommended, and increased enforcement of the proliferation of rules is considered a necessary step.

What can be measured, however, is the cost of implementing Smart Growth principles and ecosystem-based management. This paper attempts to outline some of those costs and calls for a full-scale audit of the new planning regimes in both rural and urban regions. The task is urgent. Ontario Premier Kathleen Wynne's last campaign was based in part on a \$50-billion investment — over 25 years²⁰ — in The Big Move, a light rail system for the Toronto and Hamilton region, despite substantial light rail cost overruns and the lack of use in Denver, Portland, San Jose, Sacramento



and Phoenix.²¹ Since Wynne won re-election, The Big Move will certainly be implemented, no matter the borrowing needs or costs.

Because ecosystem planning and management are relatively new, there are no studies that use traditionally understood metrics to measure its effectiveness either in the ministries that effect planning-rule changes or in independent organizations. Case studies of the people working within the economies that are most affected by this change are therefore useful.

As stated by researcher Robert K. Yin, the case-study research of complex issues can extend understanding of an issue through contextual analysis.

Researchers have used the case study research method for many years across a variety of disciplines. Social scientists, in particular, have made wide use of this qualitative research method to examine contemporary real-life situations and provide the basis for the application of ideas and extension of methods. Researcher Robert K. Yin defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used (Yin, 1984, p. 23).²²

New Urbanism, Smart Growth, New Ruralism and densification have many adverse consequences that, of all the provinces in Canada, are seen most clearly in Ontario. As such, it is ripe for productive study and evaluation, a study that could have a significant positive impact on similar issues in cities and countryside all over the world.



A brief history of environmentalism in Ontario

The environmental movement was formalized in Ontario in 1941 with an initial meeting of conservationists that led, under Premier George Drew, to the *Conservation Authorities Act* (CAA) in 1947. The CAA is unusual in that conservation land-use planning became fully integrated into the Ontario bureaucracy very early on²³ with the creation of the Conservation Authorities (CA's). CA's were initially created to control flooding and erosion; they are now involved in nearly every element of land-use planning in the pursuit of sustainability and as such are refocused from product (results) to process.

The Walkerton E. coli outbreak can be considered a consequence of this shift from product-based to process-based regulation and a failure of the complexity required by ecosystem-based management.²⁴ Walkerton was a breakdown of the adaptive management cycle, which is inherent in risk management. As regulation moves from product-based regulation to process-based regulation, the self-correcting cycling is lost at either the measurement or the assessment link.²⁵ Measurements required by ecosystem-based management are so complex, few records, whether ecosystem-management requirements or traditional safety standards, are properly kept. The submission by the Safe Drinking Water Coalition to the Walkerton Inquiry points out that the long-standing knowledge of contamination in the system was ignored.

Despite the history of adverse samples, the history of non-conformity with the ODWO's [Ontario Drinking Water Objectives] and the significant risk of contamination identified in the 1978 hydrogeological report, there was no basis for prosecution.

No accountability was built into the regulatory process.²⁶ Walkerton is part of the Saugeen Valley Conservation Authority.

Many CA's have created their own CA charitable foundations to advance conservation objectives, further entrenching conservation land-use planning.²⁷ In other parts of the country, and indeed in the United States, conservation land-use planning was first undertaken by arm's-length agencies, and that undertaking did not get underway until the 1970s or 1980s. Land-use planning was integrated into the the work of the planning



bureaucracies in the 1990s and 2000s with comprehensive plans.

In Ontario, this early adoption gave CA's across the province more power than they had — initially — elsewhere. Over time, this was to have a substantial and, in many cases, deleterious effect on Ontario's rural economies, culture and traditions.

In 1971, the Ministry of the Environment was established and in 1979, Conservation Ontario was founded. Conservation Ontario integrated the planning of the now 36 CA's and has established itself as working on a watershed-by-watershed basis, which allows the Authorities the power to effectively control land-use and water.

In the late 1980s and early 1990s under Premier Bob Rae and Environment Minister Ruth Grier, the formalization of the environmental movement moved ahead with no little dispatch. As detailed by Iron Triangle analysis in "Surviving Sustainability" and extrapolated in a recent U.S. Senate Minority Report with the lively title "The Chain of Environmental Command: How a Club of Billionaires Control the Environmental Movement and Obama's EPA," the emotional values prosecuted by the environmental movement are shared across many sectors of society, and its adherents in the bureaucracy are in constant contact with activist leaders and those who steer the agendas of powerful foundations.²⁸ They felt the need to protect the earth from industry allowed the movement to build regulatory structures within government with little oversight or auditing.

The Environmental Protection Act passed into law, as did the *Ontario Water Resources Act*, the *Environmental Assessment Act* and the *Pesticides Act*.²⁹

In 1992, Canadian oil man and UN official Maurice Strong spearheaded the Rio Summit as Secretary-General of the UN Conference on Environment and Development, which introduced a new planning regime meant to densify cities and allow rural areas and their fields, forests, ranges and wetlands to "recover." Industrial activity was thought to be creating climate change and biodiversity decline, and the way people lived on and off the land had to be reformed.

The idea and rationale were based in part on the work of St. Lucian economist

...early adoption gave CA's across the province more power than they had — initially — elsewhere. Over time, this was to have a substantial and, in many cases, deleterious effect...



Sir Arthur Lewis. In 1979, Lewis won the Nobel Prize for Economics for his work showing that developing world economies grow by bringing people off the land and into the cities and that clearing traditional peoples from their rural homelands does not substantially affect a country's economy.

For generations of development economists building on Lewis's insights, 'the problem of development' has come to mean moving people and resources out of the traditional sector, agriculture and the countryside, and into the modern sector, industry and cities.³⁰

This population shift is evident in Ontario. From the 1972 establishment of Ontario's Ministry of Environment to 2012, rural population in Ontario has grown by 7.2 per cent, while the urban Ontario population has grown by 60 per cent.³¹

At the same time, in 1992, Strong became the head of Ontario Hydro. Before his arrival, the utility focused on building nuclear energy capacity. Under then Premier Bob Rae's direction, Strong shut down that project and repurposed Ontario's energy supply toward "sustainability." In the same year, Rae passed the *Environmental Bill of Rights*. This event marked an inflection point in the transition of the government's role, from facilitating and expanding industry to one where the instruments of government focused on moral and even emotional values related to the environment.

From 1995 to 2003, the drive to make Ontario green continued under Progressive Conservative Premiers Mike Harris and Ernie Eves. The Ontario Living Legacy Land-use Strategy the Ontario Forest Accord, the *Safe Drinking Water Act, 2002*, and the *Nutrient Management Act, 2002*, were all passed into law during this period.

From 2003 to 2012, under the Liberal Premier Dalton McGuinty, Strong's initial work in repurposing Ontario Hydro was completed with the *Green Energy Act*, which mandated that a stated and increasing percentage of Ontario's electrical supply be provided by windmills and, to a lesser extent, other sources such as sun and geothermal. The subsidy required the placement of a greater financial burden on taxpayers through higher taxes and electricity rates. At present, Ontario has the highest electricity rates in the country, and they are set to rise between 40 per cent and 50 per cent in the next few years.³² The *Clean Water Act, 2006*, and the *Toxics Reduction Act, 2009*, were also passed under McGuinty, and they increased the burden of environmental regulation on Ontario's rural people and businesses.



Endangered species regulation

In 2007, Ontario's *Endangered Species Act* was passed. At the time, proponents claimed it was the most comprehensive in the world.³³ Under Ontario's *Endangered Species Act* (ESA), the Ministry of Natural Resources (MNR), which oversees endangered species in Ontario, lists over 200 species that are threatened, of concern or extirpated.³⁴ Under the Committee on the Status of Species at Risk in Ontario (COSSARO), Ontario's list of endangered species, extensive remapping of Ontario has been completed,³⁵ with wildlife corridors, sensitive areas and a new form of conservation implemented. It is landform conservation and seeks to turn a defined ecosystem into an ideal state, with the correct number of species in the correct proportion. Only at that time, can the ecosystem be said to be healthy, with the determination made by conservation bureaucrats, along with members of the public deemed to have environmental knowledge — generally employees of environmental NGOs — and in many cases, the opinion of First Nations.³⁶

Computer modelling is the basis for the endangered species findings. Fieldwork is expensive, and few are trained well enough to do it.³⁷

Absence of evidence is given undeserved evidentiary weight. Because the expense of fieldwork is so high, much species counting is done through aerial surveillance and computer-generated mapping using algorithms.³⁸

When performed, fieldwork often reports "suitable habitat" without certifying that the critter or plant actually exists or ever did exist in said habitat. Like ecosystem-based management definitions, species-at-risk science is immensely complex and based for the most part on modelling rather than on real-world measurement. For instance, mapping is based on an element occurrence, a point observation, meaning a representative of a species was observed here at this time and this place. The veracity of these observations is highly variable. Much of what is mapped is based on hunches, anecdotes, an out-of-date herbarium or upon collection records. For instance, many of the ESA records are based on herbarium records that were last reported in the 1930s when locations were poorly identified (i.e., Chilliwack River or 49° x 126°), which in reality, rather than in desktop mapping, is far too vast an area to canvas for actual occurrence.³⁹ It is important to note that the ESA does not take into consideration the following: succession, migration, the abundance of a species elsewhere,



(for example, where Southern Ontario constitutes the northern limit of a species' range), disease, evolution (two species mating, producing a third) and species adaptation.

Although field verification and validation are the gold standard of evidence, there is usually not the budget or the experienced staff necessary to verify the current situation. Therefore, desktop analysis continues as follows: From element occurrence, the next step is Area of Occurrence (polygons) or (AOO). AOO is extrapolated (scaled) to fit the scale in the mapping. Species occurrence ("element occurrence" in COSEWIC⁴⁰ language) is an identified point that is then extrapolated to a grid cell. It is the projection from point occurrence to polygon when modelling takes over. In the case of COSEWIC, this may be a 1 km² cell or a 4 km² cell. For endangered species, this is arbitrarily increased to 10 km.² ⁴¹

The algorithms for scaling are, therefore, arbitrary, even random, whereas species habitat is distinctly not — the 10 km² range, for instance, may include an unmapped swamp or cultivated field or newly dense forest — which would militate against the species occurrence. The one constant in nature is change. COSEWIC uses the term "suitable habitat" rather than the more suspicious "potential." This does not mean that the species was ever actually observed in the location, just that it might have been⁴² or should be.

E.O. Wilson developed the equation at the base of all modelling, and it has metastasized throughout the world by virtue of the work of the International Union for Conservation of Nature, or IUCN.⁴³ Since 1992, IUCN has spent an average of \$100-million a year — \$150-million in 2012 — developing the science of endangered and threatened species and promoting the necessity for increased protection everywhere.⁴⁴ The IUCN develops legislative agendas, legislation, regulation, rules and mapping as well as science, which are offered to all levels of government if the government chooses to halt what is being commonly called the Sixth Great Extinction.⁴⁵ Few governments can afford to be seen as ignoring endangered species since protecting nature has become, rightly, a universally held value.

The IUCN is working with a relatively new form of biology called conservation biology, which was first identified as a new form at a conference at the University of Southern California, San Diego, in 1978. Conservation biology starts with the assumptions "that humans are wreaking havoc on the natural world and that resources are both finite and decreasing." These are plausible

assumptions, but assumptions nonetheless. History and hard evidence demonstrate that bounty, life expectancy, health, wealth, clean water, and air are all *increasing*, at least for those of us who live in countries under the system of democratic capitalism.^{46/47}

As is evident by the failure of climate models to accurately project temperatures for the past 17 years, species models are fraught with the same kind of error associated with the modelling of complex natural systems. In point of fact, rather than species collapse accelerating over the past 500 years because of population growth and industrialization as is commonly believed, species extinction is rapidly decreasing.⁴⁸ Since 1992, the extinction rate has been 0.2 species a year, whereas from 1500 to 1992, the extinction rate was 1.6 per year.⁴⁹ Since 1500, only three continental mammals and six continental bird species have been evaluated for extinction.⁵⁰ Island extinctions occur at a greater rate and are often cited to support the flawed assumptions surrounding species loss. Additionally, distinct population species, or DPS, derived from the tiny genetic differences between (for example) the salmon in one creek and the salmon in another creek miles away are also greater. However, evidence of these two category failures is also decreasing as the economy improves and we can afford not to drain every ditch and creek to irrigate farmland.^{51/52} In fact, the whole idea of scarcity and our declining natural wealth may be in error. Oil findings, for instance, increased in 2010-2011 by an order of magnitude, obviating the fashionable theory of Hubbert's Peak⁵³ and surpassing even the most optimistic projections. Innovations in large-scale farming feed more people with fewer resources, and forests — before the environmental movement seized the issue and politicized the industry — were increasingly well tended, as forestry science progressed.⁵⁴ New species are discovered every year,⁵⁵ and species thought to be endangered, or even extinct, have been found in abundance.⁵⁶ Further, science has progressed to the point where bringing species back from extinction in the lab is possible.⁵⁷ However, we remain wedded to the idea of looming natural catastrophe, despite the flaws in many climate change models and despite demonstrated reality. Restrictions, therefore, only ever increase. The concept of species at risk has now been extended in British Columbia to "ecosystems at risk" and, in Ontario, to "landscapes at risk."

The concept of species at risk has now been extended in British Columbia to "ecosystems at risk" and, in Ontario, to "landscapes at risk."



What is clear from the contradictions in empirical trends and the assumptions within legislative frameworks is that we know even less about species science than we do about climate science, and much of what we know is untested. For centuries, man used adaptive management when interacting with natural systems. We knew we did not know everything and proceeded with the notion of utility. Did we want a park, wildlife, a range or farming country? Did we want to create environmental health? If so, we learned how to create each of these public or private goods. Adaptive management allowed, even promoted, quick and efficient problem-solving. And with adaptive management in the United States and Canada, over 250 years, enormous bounty was created. That course changed with “sustainability.” With the abandonment of adaptive management, the current effort to master complexities that we still do not understand using algorithms and comprehensive planning threatens stasis in communal wealth and the well-being of natural systems.

Further, with the move from adaptive management to ecosystem management, we have lost a crucial step, the measurement of results. Adaptive planning focused on problem-solving and delivering results. It was simple.

CHART 1



However, if we are to believe endangered species advocates, species loss is accelerating, despite the fact that by the reporting of its own institutions, the IUCN and Committee on Recently Extinct Organisms (CREO),⁵⁸ species loss is decelerating. The problem lies in the definition of “ecosystem



management.” Within ecosystem-based management, the measurement of success or failure is impossible. Species’ health is tied to an ever-widening set of ill-defined metrics. The expanded definition of “ecosystem management” below describes the difficulty of establishing success or failure or even reliable metrics.

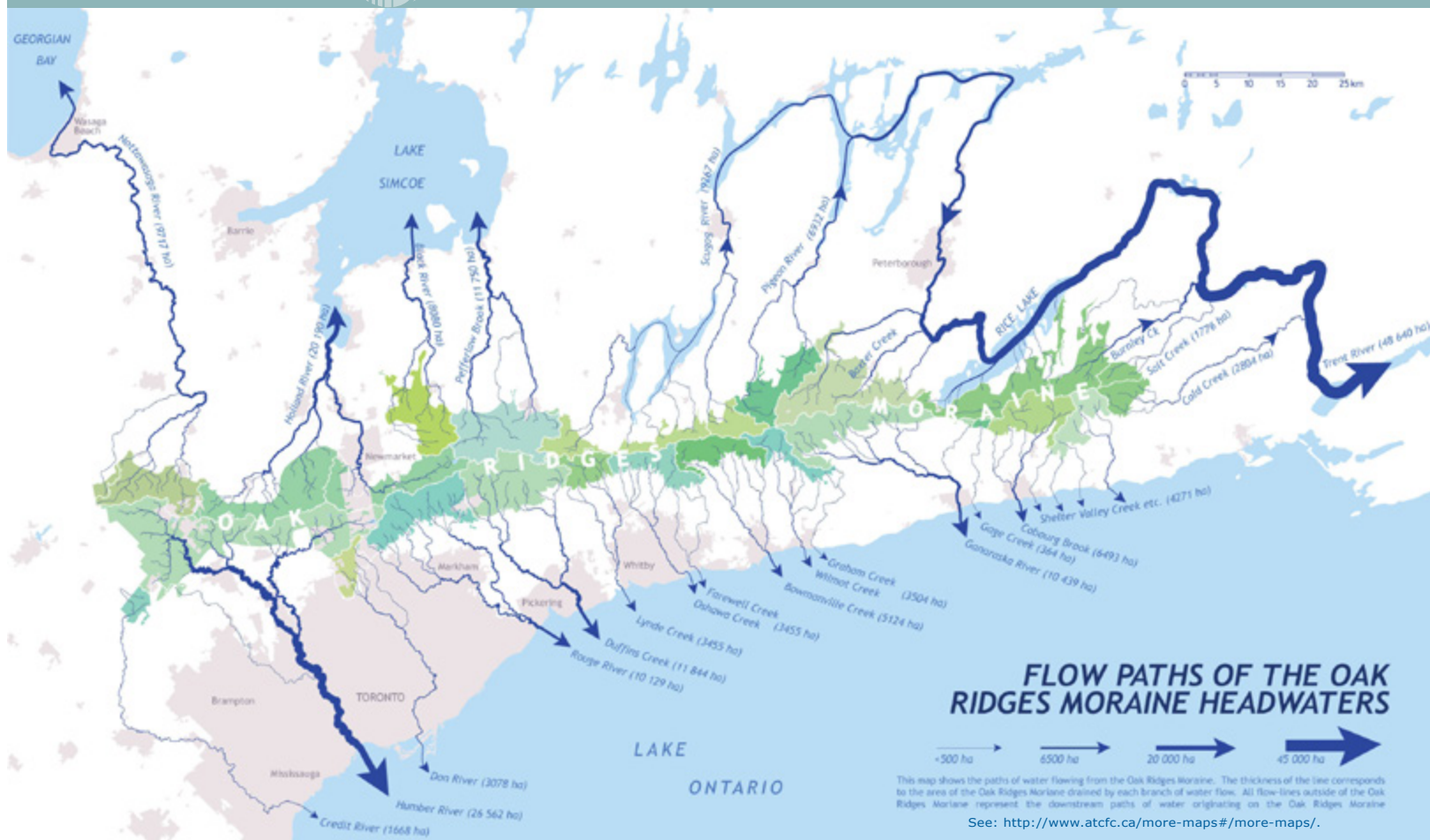
Ecosystem management defines a paradigm that weaves biophysical and social threads into a tapestry of beauty, health, and sustainability. It embraces both social and ecological dynamics in a flexible and adaptive process. Ecosystem management celebrates the wisdom of both our minds and hearts, and lights our path to the future. (Cornett, 1994)⁵⁹

and,

Articulating a clear *definition* for ecosystem management seems a reasonable place to start. The diversity of definitions provides some indication of the current amorphous nature of the concept (Norton, 1992; Slocombe, 1993; Bengston, 1994; Stanley, 1995). Typical of definitions of ecosystem management are:

1. ‘A strategy or plan to manage ecosystems to provide for all associated organisms, as opposed to a strategy or plan for managing individual species’ (FEMAT, 1993).
2. ‘The careful and skillful use of ecological, economic, social, and managerial principles in managing ecosystems to produce, restore, or sustain ecosystem integrity and desired conditions, uses, products, values, and services over the long term’ (Overbay, 1992).
3. ‘To restore and maintain the health, sustainability, and biological diversity of ecosystems while supporting sustainable economies and communities’ (EPA, 1994).⁶⁰

Attempting to measure the results of these goals is immensely difficult. What does ecosystem integrity look like? What are desired conditions? How does one measure them? The answer is one cannot. Therefore, success or failure is impossible to determine.



Land form conservation

The Oak Ridges Moraine is located north of Toronto, Oshawa, Pickering and Port Hope and comprises what is commonly known as cottage country. The planning attached to the Moraine is extensive, with 17 separate conservation plans required of every piece of property. The Crown holds 85 per cent of Ontario land.⁶¹ The Oak Ridges Moraine Conservation Plan sharply limits property use in the little private land left for Ontarians and adds significant costs to any future development.

The following plans have been developed for the Oak Ridges Moraine⁶²:

1. Identification of Key Natural Heritage Features,
2. Significant wildlife habitat,
3. Supporting connectivity,
4. Landform conservation,
5. Identification and protection of Vegetation Protection Zones for ANSI,



6. Identification of significant portions of habitat for endangered, rare and threatened species,
7. Identification and Protection of Significant Woodlands,
8. Preparation of Natural Heritage Evaluations for All Key Natural Heritage Features,
9. Watershed plans,
10. Water budgets,
11. Water conservation plans,
12. Hydrological evaluations for Hydrologically Sensitive Features,
13. Subwatersheds – Impervious Surfaces,
14. Wellhead Protection – Site Management and Contingency Plans,
15. Recreation Plans and Vegetation Management Plans,
16. Sewage and Water System Plans,
17. Storm-water Management Plans.

While many of these functions were included in either building or development permits, they have now been repurposed, with the additional requirement of preserving species and ecosystems and protecting entire watersheds. Watershed management is finely calibrated to include run-off ditches, irrigation ditches, online and offline ponds, manmade or other, lakes, rivers, ephemeral and permanent streams and swamps, and in some jurisdictions it includes roof run-off and yard puddles. Definitions of what constitutes a wetland are loose in many jurisdictions, and they have expanded greatly in Ontario with the implementation of a definition for wetland complexes. Definitions of “scale” and “contiguity” are also lacking.

...most citizens are entirely unaware of existing conservation plans until they decide to build a garage or add a house to an existing development.

Duplication of requirements remains because no municipal or regional authority will give up its prerogative of protecting human health and safety. Further, while these goals as stated are certainly worthy, no formal independent auditing of any conservation plan has ever taken place to determine whether these plans are necessary or effective. These plans are usually agreed upon without any citizen voting on them. Indeed, most citizens are entirely unaware of existing conservation plans until they decide to build a garage or add a house to an existing development. Very few of these plans receive independent economic cost-benefit analysis. Generally, while plan requirements are acknowledged to have costs, these



costs are dismissed with the commonly held belief that the value of a pristine, healthy environment trumps mere economic costs.

In fact, in some ministry plans, ecosystem services (clean water, abundant species) are arbitrarily assigned monetary value, somewhat like carbon pricing, and these are factored into ministry forecasting.⁶³ This is Natural Capital or ecosystem services accounting, and, again, the values assigned to natural capital are arbitrary.⁶⁴ Uncertainties remain across the spectrum of these new rules due to the lack of supporting evidence to reinforce the underlying assumptions of the plans. However, one of the few certainties under this regime is that these requirements will raise the price of developed recreational property out of the reach of the ordinary middle-class family and impose impressive costs on any individual wanting to develop recreational country acreage.

The word “sprawl” has become a pejorative term meant to describe urban dislike of suburban and exurban big-box stores, strip malls and suburbs. Accompanying this recent social norm is the wish for the protection of species. Sprawl, however, to people in working country⁶⁵ is felt to be the sign of a healthy rural economy, and species protection is something that most rural people feel strongly about. That said, this poorly conceived and administered endangered species law⁶⁶ has led to the ethos of “shoot, shovel and shut up.”⁶⁷ This is the case all across rural North America. From time to time, rural associations make an effort to reform species protection, but these efforts meet with hysteria and accusations of “profiteering” and “destruction of our biosphere.”⁶⁸

The Walkerton, Ontario, tragedy of 2000, where seven died and 2,500 people fell ill because of town water contaminated by E. coli, still looms large. Despite the fact that human error was the cause of the disaster, subsequent efforts to lock down and control watersheds were met with general public approval. Finally, current and proposed projects such as the Greenbelt Plan, Growing the Greenbelt, the Growth Plan for the Greater Golden Horseshoe, the Lake Simcoe Protection Plan, the Source Protection Plans (for each watershed) are examples of the proliferation of government-prosecuted plans to constrict usage of all commonly held natural resources on private and public lands.



Land trusts in Ontario

Less than 15 per cent of Ontario land lies in private hands, yet almost 100 land trusts and Conservation Authorities are in continuous search for more land to purchase and set aside. Along with active conservation, these organizations lobby for more regulation to control activity on private lands.

Conserving land has become a lucrative career and a source of funding for many non-profits. Raising the alarm about species loss and the ruination of land is a profitable venture. Keep in mind, again, that no more than 15 per cent of Ontario's land is available to private citizens, and most of that land is already wrapped in layers of boilerplate regulation, with specific rules either in place or about to be in the near future.

The following is a list of provincial land trusts operating in Ontario. An expanded list of all ENGOs and CA's, with numbers of people employed, is included in [Appendix III](#).

1. Algoma Highlands Conservancy
2. The Bruce Trail Conservancy
3. Canada South Land Trust
4. Couchiching Conservancy
5. Escarpment Biosphere Conservancy
6. Georgian Bay Land Trust
7. Haliburton Highlands Land Trust
8. Hastings Prince Edward Land Trust
9. Head-of-the-Lake Land Trust
10. Kawartha Heritage Conservancy
11. The Kensington Conservancy
12. Lake Clear Conservancy
13. Lake Superior Watershed Conservancy
14. Lambton Wildlife Inc.
15. Land Conservancy for Kingston, Frontenac, Lennox & Addington
16. Lone Pine Marsh Sanctuary
17. Long Point Basin Land Trust
18. Lower Grand River Land Trust Inc.
19. Magnetawan Watershed Land Trust
20. Mississippi Madawaska Land Trust Conservancy
21. The Muskoka Conservancy



22. Niagara Land Trust Foundation
23. Northumberland Land Trust
24. Oak Ridges Moraine Land Trust
25. Rainy Lake Conservancy
26. Rare Charitable Research Reserve
27. Thames Talbot Land Trust
28. Thickson's Woods Land Trust
29. Thousand Islands Watershed Land Trust
30. Thunder Bay Field Naturalists

Provincial Associate Members

1. Nature Conservancy of Canada - Ontario Region
2. Ontario Heritage Trust
3. Ducks Unlimited Canada
4. Ontario Farmland Trust
5. Ontario Nature

Conservation Authority Associate Members

1. Conservation Ontario
2. Credit Valley Conservation Authority
3. Essex Region Conservation Authority
4. Hamilton Conservation Authority
5. Maitland Valley Conservation Authority
6. Rideau Valley Conservation Foundation
7. Toronto and Region Conservation Authority.

Land trusts are funded in part by the provincial government, and in part by foundations, corporations and individual donors who receive tax reductions in return. The dominant funding organizations are listed below. The links between ENGOS are illustrated by the diagram, next page, describing the connections of the Ivey Foundation's CEO, Bruce Lourie. Lourie is considered one of the most powerful people working to acquire as much land as possible by way of environmental regulations in Canada.⁶⁹ The chart demonstrates how the Iron Triangle operates, with bureaucrats leaving the service to become NGO employees or activists and employees leaving foundations or environmental NGOs to work in the bureaucracy.⁷⁰ While it is difficult or even impossible to prove collusion between ENGOS and foundation employees, bureaucrats and legislators, regulatory capture by the environmental movement seems almost assured with this level of collaboration.



CHART 2

Summerhill Foundation

Sustainability Network

Power Up Renewable Energy (PURE)

Canadian Environmental Grantmakers' Network

Ontario Trillium Foundation

Richard Ivey Foundation

Canadian Boreal Initiative

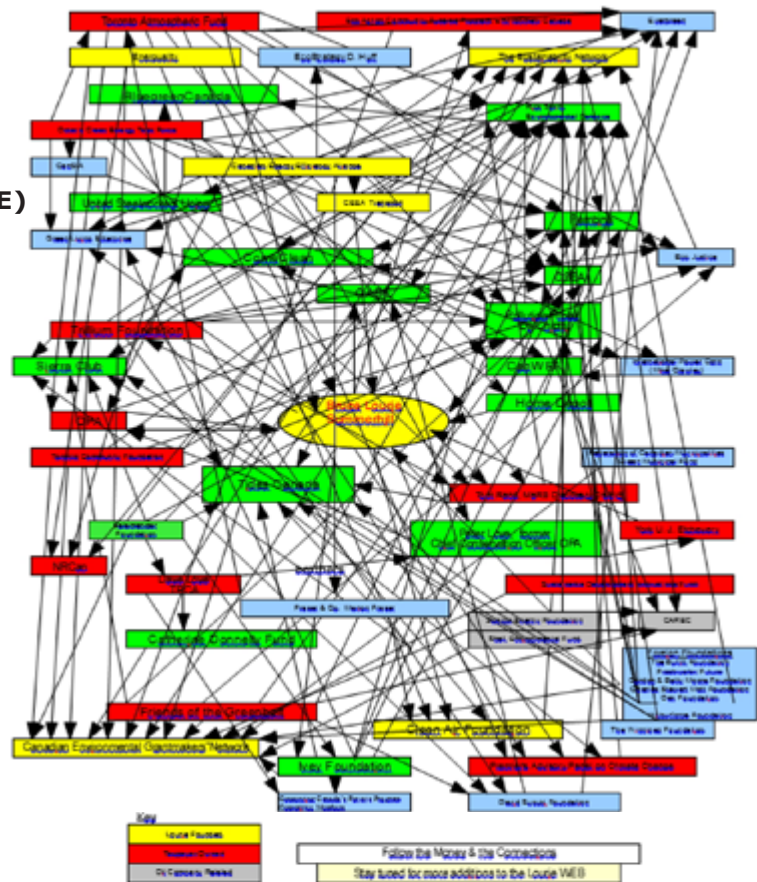
Environmental Defence - Canada

Environmental Grantmakers Association (EGA)

Laidlaw Foundation

Pollution Probe

Commission for Environmental Cooperation (CEC)



Dominant funders of land trusts

Of the 42 land trusts highlighted above, each acquires land, conservation easements and conservation covenants. All of them are strongly in favour of stricter regulation on private land, and often their arguments for conservation are to prevent private sector use of a “treasured” or “important” site. Note that each of these organizations incurs costs that are borne by the taxpayer. Also problematic is that many of the advocacy organizations evade financial responsibility for their actions because they have charitable status under CRA rules. As will be explained in paper three of this series, “The Market Failures of Forest Certification and the Implications for the Public Wealth of the Canadian North,” after the 1992 Earth Summit, foundations in the United States, Canada, Europe and Asia partnered to create “an organizational field” in which organizations were founded and funded, and each had a specific purpose in creating the new sustainable environment and economy. So, although the Nature Conservancy of Canada, the



***...not only do land trusts
and conservation authorities
draw upon the public purse,
they work vigorously to
prevent economic activity.***

largest land conserver in Canada, which has charitable status, will correctly not “lobby” for regulatory restrictions, it will “support” a regulation or land set-aside, and a public relations firm will “soften up” the public with an expensive and glossy campaign aimed at voters and decision-makers alike. On the ground, also co-ordinated on a project-by-project basis, “grass roots” organizations

will provide an urgent note, with colourful demonstrations meant to attract TV crews and with strident claims of predation by industry, profit-taking, species loss, climate change and destruction of the biosphere. In each case, a non-profit or foundation will take the lead in a campaign and act as co-ordinator, splitting off from the organization with the charitable status, a separate and private organization to enjoy greater freedom of speech and action, yet with the tacit support and connections of its parent NGO or foundation.⁷¹

The results of their work are measurable. Attached is a 123 page watershed mapping and management document ([Appendix VI](#)), which outlines the costs of mapping entire watersheds, ranging into the hundreds of thousands for municipalities with populations as small as 500 people. Sustainable community planning is very expensive. In New Hampshire, with a population of only 1.2 million, the estimated cost of undertaking initial planning for sustainable communities reached \$6-million.⁷² It is important to keep in mind that not only do land trusts and conservation authorities draw upon the public purse, they work vigorously to prevent economic activity.

While government money plays a significant role in funding Conservation Authorities, conservation foundations and conservation land trusts in Ontario, there are also several tax vehicles available to help procure properties.⁷³

Ontario has co-ordinated, institutionalized and managed land protection and sequestration to a degree that has yet to be seen in any other Canadian province. Alberta’s recent *Land Stewardship Act* is a new regulatory scheme that carries within it much of the legislative and rule-making innovations of Ontario’s land trusts and Conservation Authorities, chiefly by removing land-use planning from the townships, counties or regions being planned. As in Ontario, there is little recourse for citizens whose property rights have been removed, except for the courts,⁷⁴ or less commonly, the Ontario Municipal Board or the Mining and Lands Commission. Bob Mackie, a retired



warehouse manager, began a small indoor archery range on his nine-acre property, which, although in the Niagara Escarpment, was too rocky for agriculture. He fought the Escarpment Commission for 10 years, as it said archery was a non-mandated use of his agricultural land. He attended court date after court date until he died of a heart attack at age 60. Generally, an appellant faces a complex, lengthy and expensive bureaucratic procedure, the costs of which are borne by the taxpayer and the appellant. Most cannot afford to enter the process, and those who do, are quickly broken. Legal issues are discussed in [Appendix II](#), with a description of the few successful legal strategies landowners have found. This is an important point. While Conservation Authorities are linked through their bureaucracies, those people who are protesting the restrictions on their land are rural, isolated and not wealthy.

[Appendix I](#) contains a sample of conservation mapping for Ontario. Every species, forest, mineral, watercourse, etc., is mapped. Ideally, environmental mapping is performed in 10 dimensions. This is very expensive and often done by ENGOS rather than municipalities or ministries. As each map is completed, further regulation is written to protect or restrict access to the “ecosystem services” and “natural capital” of the area. While there is no doubt that natural capital and healthy ecosystems add value to a community, this form of accounting is uncertain.



Ontario's public accounts

Ontario's debt was expected to reach \$272-billion by the end of 2013, which meant every Ontarian owed \$19,928. Ontario has been in deficit since 2008 and currently has the second-largest debt-to-GDP ratio in the country. As of 2012, the debt was on track to double in the span of a decade, according to the Fraser Institute's "State of Ontario's Indebtedness."⁷⁵ In October 2012, the Macdonald-Laurier Institute warned that a Eurozone-style debt crisis could hit if the province did not take finances in hand.⁷⁶ The same month, the TD Bank said that fiscal challenges were "most acute" in Ontario, where the timetable to eliminate the deficit is "very long."⁷⁷ Ontario's 2013 budget did not address the deficit according to the *Financial Post*.⁷⁸

The supposed \$5-billion improvement came from one-time-only charges such as the "\$1.2-billion boost in corporate tax revenues from tax assessments for years prior and \$1.5-billion in savings from reducing liabilities associated with public sector sick-day banking." For 2014, the deficit was estimated to increase to \$11.7-billion. On July 2, 2014, Moody's downgraded Ontario's debt from stable to negative. On September 22, 2014, Finance Minister Charles Sousa reported that he had reduced the deficit by \$1-billion, though observers point out that he had merely taken \$1-billion from a reserve fund. Despite Sousa's legerdemain, in 2015 the deficit is projected to reach \$12.5-billion.⁷⁹

Canada's federal budget watchdog, Kevin Page, released a report in late 2012 warning that the provinces are on a worse financial path than the federal government is. In early 2013, the Fraser Institute compared Ontario's debt situation with that of Greece and California and concluded that while troubling, the province was not yet at those levels of risk. However, MPP Victor Fedeli, (PC - Nipissing) pointed out that Detroit might be a more accurate comparison: He wrote:

In many ways, Detroit is a warning light to the rest of the global economy, and especially to Ontario.

Their debt is \$27,000 for each resident. In Ontario, we each owe \$20,000.

Detroit is estimated to owe \$9 billion for pensions and benefits.



Here, our unfunded pension liability is estimated at \$100 billion — a problem that will only increase as Baby Boomers reach retirement.^{[80](#)}

One-hundred-billion dollars in unfunded pension liability is a substantial problem when added to an almost \$300-billion provincial debt. But that is not all of the province's liabilities. In the 1990s, during Paul Martin's tenure as federal finance minister, the federal government shifted many expenses on to municipalities. As Doug Reycraft, then president of the Association of Ontario Municipalities explained:

In the early 1990s, the federal government transferred a significant portion of its operating deficit to provinces and territories by drastically cutting funding transfers. In Ontario, in turn, the provincial government downloaded part of its operating deficit to municipalities by downloading costs for programs such as welfare, social housing, ambulance services, and 5000 kilometres of provincial highways and related bridges.^{[81](#)}

According to a study of 123 municipalities released in September 2007 by the Federation of Canadian Municipalities and some industry partner organizations:

[M]ore than half of municipal roads are 'falling apart' and ... 25 per cent carry more traffic than they were designed to handle. Between 15 and 30 per cent of water and waste water systems need upgrades or replacement.

The report also said, "Roads, bridges, water pipes, sewer lines, schools, hospitals – the list of aging systems and facilities in need of cash is almost endless"^{[82](#)}

"The results are clear," said Reycraft. "Federal and Provincial historical budget deficits have been transformed into a municipal infrastructure deficit." In 2007, when Reycraft pointed out this fact, the infrastructure deficit for Canada's municipalities ran at \$123-billion. Today, it stands at \$200-billion.^{[83](#)} Ontario's share is \$60-billion. Hospitals, schools, roads and community centres, along with parks, social housing, bridges and other critical infrastructure projects need \$60-billion in repairs and upgrading. In addition, the provincial government has been upgrading standards for water and sewer systems in rural Ontario — which increases costs. As well, retrofitting infrastructure in high-density urban and/or suburban areas is considerably more expensive than it is in low-density suburban and/or exurban areas.



Welfare and social housing are other costs for which municipalities are responsible.

In the United States, where ecosystem planning is in the latter stages of completion in many counties, municipal bondholders are abandoning the market that was once a refuge for a conservative investor seeking a safe, low-yield, tax-free return. The bankruptcies of towns and small cities in the United States has frightened investors,⁸⁴ further suggesting the wholesale damage caused by repurposing municipal services from core services to “sustainable” goals. Municipal infrastructure in the United States is a cause for enormous concern and is considered a drag on the economy by both sides of the political aisle. No Canadian municipalities have applied for bankruptcy protection because, unlike American municipalities, Canadian municipalities are not permitted to go bankrupt. But, as in the United States, sustainability has created serious economic roadblocks. “Canada’s massive municipal infrastructure deficit is undermining the prosperity and competitiveness of the nation,” concluded Reycraft.

Green energy has become another charge on the Ontario taxpayers, who owe \$1-billion for shuttered gas plants, according to the province’s auditor.⁸⁵ Parker Gallant estimated that for the next 20 years, Ontario ratepayers would be paying in excess, between \$600 million per year for twenty years and by 2016, between \$1.5 to \$2-billion a year for alternative energy.⁸⁶ The *National Post* estimated that because of Ontario’s electricity rates, 250,000 manufacturing jobs would be lost within 10 years. The province can ill afford this blow. For a variety of reasons, as of 2014, Ontario has already lost 300,000 manufacturing jobs, and minimum wage jobs have gone from 3 per cent to 9 per cent of the jobs in Ontario.⁸⁷ In Ross McKittrick’s analysis of the results of Ontario’s Green Energy program, he said:

[As] a consequence of these policies, returns on investment in manufacturing in Ontario will decline by 29% and in mining by 13%. Adding insult to injury, the very modest environmental benefits realized by Ontario through the transition to renewables could have been secured at one-tenth the cost if the province had simply continued to use existing technologies to retrofit aging coal plants.⁸⁸



CHART 3

Ontario Manufacturing Employment & CAD-USD Exchange Rate (2000-2011)

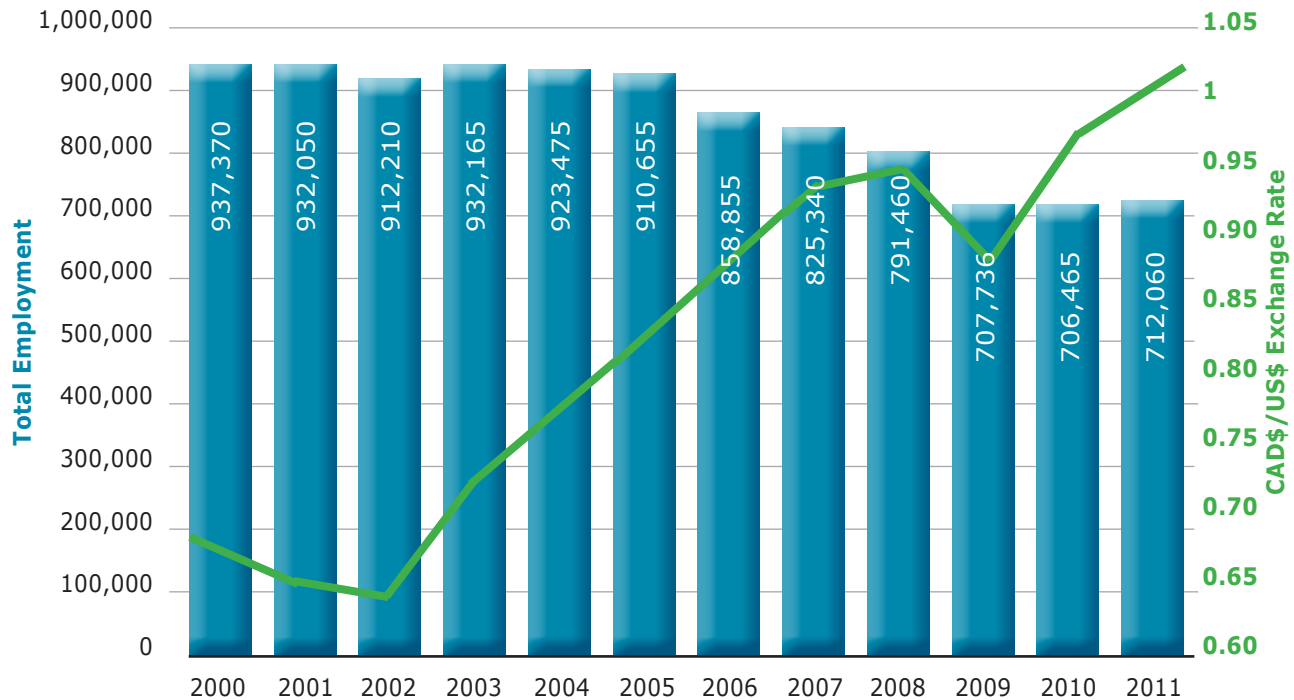


TABLE 1

Incidence of Minimum Wage Workers Among Recent Immigrants (1998-2011)

	Recent Immigrants	[a] Member of a Disadvantage Group	[b] All Workers
1998	6.9	7.4	6.3
1999	8.9	7.7	6.0
2000	7.9	7.8	5.6
2001	3.9	5.7	4.3
2002	3.6	4.2	3.9
2003	2.4	5.4	4.3
2004	5.1	5.6	4.6
2005	4.7	4.6	5.0
2006	7.1	5.5	5.4
2007	9.2	7.6	6.7
2008	14.7	10.2	7.6
2009	13.0	10.4	8.4
2010	19.9	13.5	10.6
2011	19.1	11.2	9.0

[a] Recent immigrant arrived in the past 10 years of the reference year.

[b] Worker is either disabled, recent immigrant, member of a female lone-parent family, an Aboriginal person or an unattached individual 45 to 64 years old.

Source: Compiled by Ontario Ministry of Finance based on Statistics Canada's Survey of Labour and Income Dynamics.



TABLE 2

Minimum Wage Workers and Total Paid Workers by Household Status (Ontario 2012)

Family Status	Less than or equal to \$10.25				
	Total ('000s)	Incidence (%)	Share (%)	Total ('000s)	Total Employees Share (%)
Total	534.9	9.3	100	5,740.4	100
Couple	125	3.8	23.4	3,294	57.4
Lone parent	14	5.2	2.6	270	4.7
Son or Daughter	301	30.7	56.3	981	17.1
Other family type	44	11.5	8.3	387	6.7
Unattached individual	50	6.2	9.4	809	14.1
Couple	125	3.8	23.4	3,294	57.4
Spouse not employed	32	5.1	6.0	630	11.0
Spouse unemployed	8	5.7	1.4	134	2.3
Spouse Not in LF	24	4.9	4.5	496	8.6
<55	13	4.4	2.5	298	5.2
55+	11	5.6	2.1	198	3.4
Spouse employed	93	3.5	17.4	2,664	46.4
Lone parent	14	5.2	2.6	270	4.7
No children under 18	3	4.3	0.6	72	1.2
Youngest child under 18	11	5.5	2.0	198	3.5

Source: Computed from Labour Force Survey (LFS) by Ministry of Finance: Special Tabulation Made for the Ontario Minimum Wage Advisory Panel.

In contrast with an ailing private sector, since 2008, Ontario's bureaucracies have grown considerably. Ontario's bureaucrats receive as much as 30 per cent more money than do comparable workers in the private sector. As *The Globe and Mail* pointed out in March 2013, the Sunshine List, Ontario's Public Sector Salary Disclosure list, shows the massive increase in public sector workers in the past 16 years, fully 39 per cent since 2009 alone. Private sector salaries have fallen behind more than 30 per cent when benefits and shorter workweeks are included.⁸⁹ *The Globe and Mail* gives a telling example in the case of the municipality of Durham, the population of which rose "from 458,616 in 1996 to 608,124 in 2011. In 1996, it listed 11 employees as having salaries of more than \$100,000. In 2012, it listed more than 670."⁹⁰ In a 2012 publication titled *Avoiding a Crisis: Fixing Ontario's Deficit*, Fraser Institute researchers calculated that just matching wages with the private sector would save up to \$3.8-billion annually (this figure excludes the potential savings from matching benefits).

To the tsunami of green costs that threaten our economies, add mandated green investments by public pension funds that, if they fail, become the taxpayers' liability. In the service of creating clean, green energy economies, many public pension plans in Canada, the United States and Europe have, over the past two decades, invested heavily in green technologies.⁹¹ In the United States, as of 2006, public pension funds had invested \$1.2-trillion in assets under management in companies and technologies that mitigate climate change, and these represented approximately 45 per cent of the total assets managed by state and local governments. This level of investment is guided and achieved through Ceres,⁹² a network of investor advisors who address global warming by lobbying and pressuring corporations and governments, holding investor summits and directing a coalition of institutional investors who are focused on climate change.⁹³ Throughout Canada, public pension funds widely use Ceres principles — particularly OPTrust,⁹⁴ Ontario's public service pension fund, and OMERS,⁹⁵ Ontario's municipal employees' pension fund.

In the service of creating clean, green energy economies, many public pension plans in Canada, the United States and Europe have, over the past two decades, invested heavily in green technologies.

Unfortunately, green technologies are proving more difficult to bring to market with any scale or profitability, and far too many are failing altogether.⁹⁶ Those that are not failing are "succeeding" because of long-term commitments by governments to make up any shortfall. California holds clues to the likely results of prioritizing the portfolio categories on a basis other than maximizing returns and growth of investments. In California in 2004, State Treasurer and former Democratic Governor of California Phil Angelides started the Green Wave Initiative of investing for the California State Teachers' Retirement System (CalSTRS) and the California Public Employees' Retirement System (CalPERS). But in March of 2013, Joseph Dear, CalPERS' chief investment officer, reported that California's public employees' pension system "lost millions of dollars on its green investments," which he claimed was "a noble way to lose money."

Dear made the comments at the *Wall Street Journal's* ECO:nomics conference in March of 2013, "where he said the pension fund has pulled back on its clean energy investments to avoid losing even more."⁹⁷



Of the companies funded by the Department of Energy, the cost on average was more than \$10-million per full-time, ongoing green job.

Sustainable Prosperity, an NGO located at the University of Ottawa, works to prove that sustainability is good for the bottom line of the planet and its people. Chaired by Stewart A.G Elgie, founder of EcoJustice (formerly the Sierra Legal Defence Fund) and founding executive director of the Canadian Boreal Initiative (CBI), the foundation estimates that...

...global climate-themed bonds outstanding amount to at least **USD \$174 billion**. Of this figure, the majority (USD \$119 billion) is for low-carbon transport. Low-carbon energy bonds account for USD \$29 billion. On top of the USD \$174 billion, another USD \$204 billion of bonds have more than 50% of their revenues going to climate change solutions. Most of these bonds (82%) were issued by private, public or state-owned companies, followed by development banks and financial institutions (13%), project bonds (3%) and municipal bonds (2%).⁹⁸

What are the likely returns on those bonds? No one knows yet, but green bonds, as reported by the BBC, are already problematic. "A growing appetite for green bonds is prompting issuers to release a larger volume in Europe, the US, Canada and elsewhere — although the product itself is only six years old" Bloomberg recently began such an index to track performance; however, how much of investor income comes from government subsidy is not included in said index.

Offerings for investors are still limited. In some cases, it is difficult to discern exactly how green a project is. And green bonds are low yielding: the majority yield under 3% according to Climate Change Initiative.⁹⁹

Green investment results are readily available to investors pondering a move into green energy and transportation. As of 2014, many have failed across the board. Again, the taxpayer is liable for these failures. The United States invested about \$80-billion in new green energy technologies through its stimulus program from 2009 to 2013. "So far, 34 companies that were offered federal support from taxpayers are faltering — either having gone bankrupt or laying off workers or heading for bankruptcy."¹⁰⁰ Of the companies funded by the Department of Energy, the cost on average was more than \$10-million per full-time, ongoing green job.¹⁰¹



So far, green energy investment, whether in creating green jobs or green energy, only works when subsidized by the taxpayer, further loading costs on to government debt, and public liability for that debt.^{[102](#)} Green energy investments in Spain^{[103](#)} and Germany^{[104](#)} depend upon taxpayer subsidy for profitability. Spain's subsidies have had to be pulled back, as the country retrenched. The investments were lost. And, as reported by *Forbes* in October 2013:

Germany's utilities and taxpayers are losing vast sums of money due to excessive feed-in tariffs and grid management problems. The environment minister says the cost will be one trillion euros (~\$1.35 trillion US) over the next two decades if the program is not radically scaled back. This doesn't even include the hundreds of billions it has already cost to date. Siemens, a major supplier of renewable energy equipment, estimated in 2011 that the direct lifetime cost of Energiewende through 2050 will be \$4.5 trillion, which means **it will cost about 2.5% of Germany's GDP for 50 years straight.**

So far, the public is assuming the losses of green energy investments in Western democracies in the form of added public debt. However, how long can that last? At this juncture, it is useful to note that as of Detroit's December 2013 declaration of bankruptcy, its municipal pensioners will receive 16 cents on the dollar.^{[105](#)}



Looking Forward

The Conservation Authorities' Whitepaper

Ontario's Conservation Authorities manage 10 per cent of Ontario's lands, which are largely located in the exurban areas of the cities and towns in Southern Ontario where most of Ontario's private land is situated and where nearly 90 per cent of its population lives.

Board members, generally municipal councillors, are appointed by local municipalities, which gives these organizations nominal public representation. Conservation Authorities have large budgets and staff and are very influential. Each Conservation Authority also has a sister conservation foundation and a presence on the conservation land trusts. The Authorities have control of the land with regard to any change in its configuration, including buildings. The ENGOS have been lobbying for years to have environmentally minded "citizens" appointed to CA boards — as articulated in Conservation Ontario's Whitepaper. This is an important point, since local residents need to be able to express preferences and make decisions about the place where they live. It is an important and often overlooked part of the democratic process. It is more likely that an individual will speak with a local elected official than with a provincial or state official, and when in some kind of distress, local government is the first phone call people make. Alienating control of home places to committees in provincial capitals or other parts of the region, with few elected officials on that committee is an overturning of a basic democratic principle. Also, shifting development funds from a wealthy municipality to a less wealthy one moves control of public funds out of the hands of local citizens.

In 2013, the Conservation Authorities dropped "Authority" from their name, although in terms of how they function, "authority" is perfectly descriptive.

One of the results of the institutionalization of Conservation Authorities, Stewardship Councils and Source Protection Authorities was that private charitable conservation interests such as the Nature Conservancy of Canada began steering the agenda. If a county is targeted for conservation (please see Norfolk County Case Study below), more than six conservation-type organizations join forces. These include federal and provincial agencies, Conservation Authorities, conservation land trusts and foundations, local and regional private land trusts, bird watchers and animal lovers.



For a single landowner or even a county to take on such panoply of well-funded, well-supported conservers acting in concert is incredibly daunting. With each victory thus achieved, the organizations expand their mandate. For instance, in 2010, Canada's landmark Boreal Forest Agreement placed 76 million hectares of forest from the provinces of British Columbia to Newfoundland under the control of nine environmental organizations, two of which were American, and 18 were multinational forestry companies, thereby de facto alienating those acres from the control of Canadians who live within the forest and placing the forest out of the reach of any local operators. The CBFA (Canadian Boreal Forest Agreement) stated its aim was 50 per cent conservation, with the rest under strict ecosystem land management overseen by environmental NGOs, First Nations and the multinationals.

The moment the agreement was signed, Greenpeace quit the CBA, furious at the accommodation of industry, and began work on "Boreal Alarm: A Wake-up Call for Action on Canada's Endangered Forests," published in 2012, which pointed out that five forests in Quebec, Manitoba and Ontario required saving as well. In British Columbia's Great Bear Rainforest, the same expansion of goals is evident.¹⁰⁶

[Appendix IV](#) lists the 192 national and international land trusts and ENGOS with which Ontario conservers partner.

Conservation Authority Name	Ha	km ²
Mattagami Region Conservation Authority	1,107,051	11,071
Nickel District Conservation Authority	690,980	6,910
St. Clair Region Conservation Authority	683,165	6,832
Quinte Conservation	592,949	5,929
Hamilton Region Conservation Authority	464,519	4,645
Rideau Valley Conservation Authority	433,349	4,333
Mississippi Valley Conservation	424,502	4,245
Ganaraska Region Conservation Authority	416,295	4,163
South Nation Conservation Authority	414,551	4,146
Credit Valley Conservation	357,069	3,571
Lake Simcoe Region Conservation Authority	344,440	3,444
Cataraqui Region Conservation Authority	336,337	3,363
Halton Region Conservation Authority	333,415	3,334



Conservation Authority Name	Ha	km ²
Toronto and Region Conservation Authority	328,261	3,283
Lower Thames Valley Conservation Authority	327,887	3,279
Grey Sauble Conservation Authority	316,565	3,166
North Bay/Mattawa Conservation Authority	288,679	2,887
Grand River Conservation Authority	286,097	2,861
Lakehead Region Conservation Authority	270,235	2,702
Kawartha Region Conservation	249,041	2,490
Kettle Creek Conservation Authority	248,763	2,488
Otonabee Region Conservation Authority	246,389	2,464
Saugeen Valley Conservation Authority	243,332	2,433
Ausable Bayfield Conservation Authority	205,522	2,055
Crowe Valley Conservation Authority	200,647	2,006
Upper Thames River Conservation Authority	190,647	1,906
Essex Region Conservation Authority	169,115	1,691
Raisin Region Conservation Authority	167,031	1,670
Nottawasaga Valley Conservation Authority	96,518	965
Catfish Creek Conservation Authority	94,918	949
Niagara Peninsula Conservation Authority	93,022	930
Long Point Region Conservation Authority	63,880	639
Central Lake Ontario Conservation Authority	51,524	515
Maitland Valley Conservation Authority	49,053	491
Lower Trent Region Conservation Authority	45,274	453
Sault Ste. Marie Region Conservation Authority	27,934	279

In 2013, Conservation Ontario began to lobby the provincial government to expand the authority of CA's to impose natural heritage systems on municipalities. On October 13, 2012, the umbrella organization released "Watershed Management Futures for Ontario: Conservation Ontario Whitepaper."¹⁰⁷

The Whitepaper outlined Conservation Ontario's plans for the province's Conservation Authorities and asked to expand the authority of CA's to impose natural heritage systems on municipalities, amalgamate or cluster Conservation Authorities, confirm and/or expand the regulatory authority of CA's, appoint citizens versus elected representatives to CA



boards, redistribute municipal property taxes from well-resourced CA's to less-resourced CA's and define stakeholders in such a way as to exclude citizens.¹⁰⁸

The costs for the initial mapping of the watershed and the initial planning of "sustainable communities," as described above, are high and ongoing, particularly in view of the fact that across Ontario, with every set-aside of private property for conservation management, the municipality loses property tax revenue.¹⁰⁹ With enormous pension liabilities, infrastructure repairs and urgent social housing and welfare needs pressing on those municipalities, it is unclear what benefit further mapping and planning would achieve. What is certain is that ecosystem mapping and planning will limit economic activity by adding costs to any development, and what is more common, forbidding development.¹¹⁰ While this issue of actual regulatory costs is generally dismissed in academic and policy circles because the ecosystem benefits (monetized in fanciful ways) of carbon sequester, clean water, species protection, etc., trump any costs to business, whose costs remain very real. The coal bed methane energy extraction wells in Wyoming provide an example.¹¹¹ The escalation of regulatory requirements over the decade of the 2000s, forced by a coalition of environmental groups, eventually crippled the industry, particularly when natural gas prices fell. Larger operators can shut down to ride out low prices, but small operators are driven out of business. Because small operators are usually resident in the local community, these losses have a large multiplier effect on local economies. These costs are not counted in ministry reports, because they are localized and small, and bureaucrats appear to have a limited understanding of how small business operates and thrives in smaller counties and towns. However, multiplied over thousands of towns and counties, the effects are very real, are not limited to energy extraction and include ranching, farming, forestry and mining operations, all of which have direct and indirect effects on local economies. These regulatory blows, over time, draw down the asset value of the region. The loss of property tax revenue — which funds welfare, social housing, infrastructure maintenance — is immediate.

As detailed above, in the Conservation Whitepaper, Conservation boards, whether called trusts, commissions or authorities, attempt to diminish the involvement of local citizens. The Conservation Authority prefers appointed rather than elected citizens, wants the Authority to take money from populous regions and distribute it to the less populous areas without voter consent as well as the permission to exclude local citizens from their



Shifting tax revenue from one jurisdiction to another increases the distance between regulator and regulated. This serves as an additional barrier to local involvement, citizen participation and accountability.

deliberations.¹¹² The more distance from the electorate that the trust, commission or authority can establish, the more power they can wield and the less oversight they must endure. Further, as detailed in the archives of the Ontario Landowners Association¹¹³ and described in the case studies attached to this report, the lives they most affect tend to be struggling working and middle-class people without easy access to the lawyers, judges, press and other experts who could possibly turn back some of the planning and restore people's property rights. If local elected officials serve on these boards, they are accessible to the individual whose rights

are being removed. Shifting tax revenue from one jurisdiction to another increases the distance between regulator and regulated. This serves as an additional barrier to local involvement, citizen participation and accountability. In 2014, Ottawa's Sustainable Prosperity outlined some of the problems with regional boards.

When regions are established, they are managed by unelected council members who often wield the same or even more power than local elected officials do. They can set policy, make changes in zoning regulations and even make decisions that affect community members' lifestyles and property rights.

In spite of their power, in most cases unelected consortium or regional board members are not answerable to the people or the local public officials. Community members cannot vote them out of office or even hold them accountable for failures. Lacking local oversight, regional boards are ripe for political favoritism, backroom deals and outright bribes.

Overbearing regional boards are one of the biggest causes of citizens' complaints against Sustainable Development Regions. Plan Bay Area, which covers nine counties, wants to reduce greenhouse gasses by forcing people into smaller homes and limiting their access to automobiles. Similar attempts have had little effect on greenhouse gasses, but have driven up the cost of housing by as much as 100%. Still, none of these arguments has deterred the regional council. As we will discuss later, when the Plan Bay Area planning commission



was caught sending misleading surveys to community members, there was little the community or local officials could do to stop the regional commission.

Once in power, regional boards may directly overrule local official's authority, or partner with groups like transportation authorities to sway officials to vote their way using their control of millions of dollars. In situations like these, local officials surrender much of their authority and community members find themselves with no place to go for representation.^{[114](#)}

Yet, it is pretty much guaranteed, when it comes to water courses, species protection, forest, swamp, wetland and the health of the soil, local people hold knowledge that is generally unavailable to biologists just out of graduate school or even, in too many cases, community college, who are assigned to reconfigure the use of county residents' lands. The depth of knowledge that comes from running a property over generations and the collective repository of information in a region, be it of local rainfall patterns or a deep understanding of historical floods is large and could prove of enormous help in land management. The simple reality that earning income from land means that residents have a vested interest in improving and protecting the local environment.

The fact that anti-democratic legislative innovations have the power to take away a family's access to resources for which they have worked long and hard to acquire and maintain is humiliating and a cause of much of the anger simmering in Canada's rural regions.

While in Southern Ontario, land conservation works on a small scale with drainage ditches, watersheds and acres, in Northern Ontario, the scale of intended conservation is much larger and includes the entire Great Lakes, the St. Lawrence water system and the vast storehouse of wealth known as the Canadian North.



Bill 6

Some of Canada's most valuable resources are held in Northern Ontario, and Bill 6, introduced in 2013, was meant to place these resources under strict environmental control. While Bill 6 was shelved during the election campaign in spring of 2014 because of citizen protest, it is useful to look at it in terms of its legislative intent. The *Act* has substantial support among environmental NGOs, and its supporters will attempt to bring the Bill forward again.

Many regulatory systems in Ontario's northern regions are already in place. Most importantly, in 2010, Canada locked down the most valuable sections of its vast boreal forest under the Canada Boreal Forest Agreement. According to the Canadian Boreal Forest Association, part of the forest lies in Ontario, which is home to 75,962,315.83 hectares of boreal forest. In Ontario, 11,765,936.41 hectares of the Forest Products Association of Canada (FPAC) member tenure lands are covered by the Canadian Boreal Forest Agreement, which applies to 3,665,769.70 hectares of caribou range within the FPAC member tenure lands in Ontario.

"Ontario has 27,455,859.31 hectares of commercial forest within its Boreal zone. The Canadian Boreal Forest Agreement commits to no harvesting or road-building in 3,564,428.73 hectares of caribou range in Ontario".¹¹⁵ All harvesting in the boreal forest must be performed under a strict certification regime.

Various systems of environmental management including Aggregate Mining Areas, Forest Management Units, Stewardship Council Areas, and Drainage Chapters govern other publicly held resources in Ontario.

The following regulatory structures are also in place. [Appendix I](#), page 56, contains mapping for the lands controlled by these regulatory systems.

Ring of Fire

This area in North Ontario is now a focus of environmental organizations. Former Premier and federal Liberal leader Bob Rae is studying this enormously rich region for further environmental regulation and control. An evaluation of the mining interests in Ontario, the public wealth held in those mining interests and the environmental regulatory structures that warehouse that wealth must be accomplished before any extraction



progresses. From 2000 to 2012, Ontario dropped from being number one in the world in mining to number 17.¹¹⁶

Manitoba-Ontario Interprovincial Wilderness Area

This is being proposed as a UN World Heritage Site. It is sometimes known as the East Side Heart of the Boreal UNESCO or Pimachiowin Aki.

See <http://www.heartoftheboreal.ca/see-the-east-side/planning-area-map>.

Ontario Living Legacy

See http://www.mnr.gov.on.ca/en/Business/LUEPS/2ColumnSubPage/STDU_137970.html#map1.

Crown Land-use Planning

Figure 1 lays out the two forms of land planning in Ontario.

This guide refers to southern Ontario. See http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@lueps/documents/document/std_u_138092.pdf.

Woodland Caribou Management

Particularly, the area of currently discontinuous distribution and buffered changes.

Global Forest Watch

The geospatial data warehouse for illustrating many of the Ontario conservation interests. See <http://www.mah.gov.on.ca/AssetFactory.aspx?did=4487>.

Despite these regulatory systems, Bill 6, the *Great Lakes Protection Act*, is an act that would further preserve the terrain around the Great Lakes in perpetuity. Further, Bill 6 would control what remains of Ontario's industrial heritage. Much of the worry centred on the Great Lakes region is due to fewer fish, shallowing waterways, drying up wetlands, retreating aquifers and sinking lake levels. While largely blamed on climate change and human disturbance, in fact, a great deal of the water level loss is due to a century of lake bed mining and dredging in the St. Clair River to allow passage for bigger ships.¹¹⁷ The St. Clair River joins Lake Michigan to Lake Huron, and for more than a century, it was a crucial transportation passage for large cargo ships. Underwater dams were to have been constructed in the 1960s but were not.¹¹⁸ In 2013, a report by the Georgian Bay Association identified a 2.5 billion gallon a day loss from a hole,¹¹⁹ called the St. Clair drain hole, at the foot of Lake Huron.¹²⁰



As well, the Nestlé Company holds a lease on Great Lakes water and mines it for bottled water at a rate of 300 million gallons a year from the U.S. side of the border and more than 400 million gallons a year from the Canadian side of the border.

However, rather than address these two issues, which are thought to be¹²¹ the main contributors to the retreating of aquifers, the shallowing of waterways and the starving of fish, the environmental ministries introduced regional watershed planning programs in each Ontario municipality, and both ENGOs and conservation bureaucrats are stressing the crucial need for even more comprehensive planning before any action is taken.

Within these two examples lies the enormous contrast between 20th century problem-solving and 21st century problem-solving in land and resource use. At present, large-scale plans with intricate moving parts are required to solve the massive problems apparently caused (or about to be caused or likely to be caused) by overpopulation and industrial activity. This is a core problem and underlines the shift in thinking from progress and development to “sustainability.”

Comprehensive land-use planning is a recent phenomenon and not properly understood or even, in most cases, noted. Over the past 40 years, its complexity has increased by several orders of magnitude. By the 1970s, government planning in other areas of the economy had been largely discredited.

Planning was a 20th century invention. The English economist John Jewkes concluded that it originated, “as many evil ideas originated,” as a method of war administration in the Germany of 1914-1918.¹²² Lenin could find no guidance on planning from existing socialist literature. After WW II, policy-makers, primarily British, preached the virtues of planning, but when its totalitarian implications became plain, they wisely declined to pursue it.

In 1956, Gunnar Myrdal, a leading missionary of planning who received the Nobel Prize in Economics in 1974, said, “grand-scale national planning” was “unanimously endorsed by governments and experts in the advanced countries.”¹²³ Nevertheless, as Tom Bethell makes clear in *The Noblest Triumph: Property and Prosperity through the Ages*, as the years passed and not much in the way of housing and consumer durables appeared, the equations became more complicated. The Harrod-Domar model was replaced by the Solow model, and then it, too, had to be made more elaborate. Confounding variables were hunted down. By the time Albert O. Hirschman of Princeton’s Institute for Advanced Study was reduced to

pondering the chain of disequilibria, backward and forward linkage and polarization effects, the planning game was up.¹²⁴

While economic planning was agreed to have widely failed, land-use planning tore on through the decades, becoming more and more complex and ambitious, and in the end, like the five-year plans of the USSR, virtually incapable of creating any benefit, just sterilized land left to grow invasive weeds and harbour stones, where no species, endangered or otherwise, could live. There was employment for the tens of thousands of environmental Iron Triangle participants but at the cost of rural communities everywhere.¹²⁵ Rural economies were dying, both in the developed world and in the developing world. And, according to ENGOs, so was the land dying. Watersheds, despite depopulation of the countryside, were dying; lakes were shallowing and more and more species were threatened or endangered. Aside from “saved” land, no success from the past 40 years of energetic planning and effulgent public funding has been claimed.

There was employment for the tens of thousands of environmental Iron Triangle participants but at the cost of rural communities everywhere.

At its simplest level, in the intersection between man and nature, during the 19th and 20th centuries, engineers identified a problem, analyzed it and fixed it. In the 21st century, environmentalists identify a problem, raise money and develop an intricate plan that then requires legislation, more money, more organizations and staff and yet more planning. The problem is judged fixable when all the planning is completed, or in the case of the *Great Lakes Protection Act, 2013*, when the legislation is passed, the Guardian Council formed and its goals identified. After which, comprehensive planning will take place. This means that any solution to the shallowing of the Great Lakes will only be found after all planning has taken place and been implemented. Comprehensive plans often take half a decade or more to complete, and in the case of some U.S. states, a decade or more of fierce fighting among citizens, ENGOs and bureaucrats before implementation. While 20th century adaptive management mainly focused on engineering questions and providing safe infrastructure to human communities, it was not perfect by any means. It did not consider wildlife linkages, species preservation and watercourse integrity, values that arose in the latter part of the 20th century. However, its attention to immediate problem-solving and providing measurable results must be reintegrated into current planning.



While planning takes many years, results show up immediately. In 2012, the Ontario Liberals announced that the Northland Railroad would be shutting down, thus eliminating a vital link for communities such as North Bay, Cochrane and Timmins. Not only were passengers affected, but also businesses in the North were hurt.

One of the largest forestry companies in Northern Ontario immediately cancelled a \$10-million expansion outside Kapuskasing because they didn't know if there'd be freight rail service to get their products out the next year, said Tory MPP Vic Fedeli.¹²⁶

As is the case with all comprehensive land-reform bills of the last 50 years, new methods of governance are needed. Many requirements soften democratic principles so taken for granted that people do not believe they can be alienated from the land and resources that they and their families had owned or leased, often for many generations.

Bill 6 alienates control of the private and public land around the Great Lakes from residents, property owners and county or municipal government.

Municipalities and municipal planning authorities are prohibited from undertaking any public work or other undertaking and from passing any by-law that conflicts with any designated policy set out in a Bill 6 or Guardian Council initiative.

Section 4 of the Bill establishes the Great Lakes Guardians' Council, which is required to provide a forum to, among other things, identify priorities for actions, potential funding measures and partnerships and facilitate information sharing to achieve the purposes of the Bill.

Section 5 of the Bill requires the Minister of the Environment to maintain Ontario's Great Lakes Strategy. The Bill specifies the contents of the Strategy. The Bill sets out a procedure to be followed in respect of proposals for geographically-focused initiatives. A public body identified in an approved proposal for an initiative is required to develop an initiative in accordance with the approved proposal. (See section 15.) The initiative must contain a policy or a recommendation that would have specified legal effect under the Bill. (See section 19.)

Decisions made under the *Planning Act* or the *Condominium Act, 1998*, must conform with designated policies of Bill 6 and the Guardian Council and must have regard to other policies set out in an initiative of same. (See section 20.) In the case of conflict, a designated policy prevails over an official plan or a zoning by-law.

Comments, submissions or advice provided by public bodies on certain decisions and matters, and decisions to issue prescribed instruments, must conform with designated policies and have regard to other policies set out in an initiative.

This means a censorship of dissent by anyone working in the public sector, often those with an intimate knowledge of problems.

Municipalities and municipal planning authorities that have jurisdiction in the Great Lakes-St. Lawrence River Basin must amend their official plans to conform to designated policies set out in the initiative. (See sections 21 and 22.) If required in the initiative, prescribed instruments issued before an initiative takes effect must also be amended to conform with designated policies set out in an initiative. (See sections 23 and 24.)¹²⁷

The Bill gives power over local planning matters to the Ministry of the Environment, allows through the Great Lakes Guardian Council the incremental, direct takeover of Ontario's land-use legislative and regulatory framework by the ENGOS (environmentally minded citizens) through appointments to CA boards. Bill 6 refocused land-use decision-making via the creation of another unelected, appointed, unaccountable group, the Guardians' Council. The Bill creates massive confusion, duplication and overlap and potential conflict with legislation, policies, regulations, bylaws, guidelines of federal, provincial, conservation authority and the municipal governments already in place. It prohibits government officials and members of public bodies from criticizing and/or objecting to designated policies. The Bill provides enforcement officers with the authority to enter property without the consent of the owner or occupier and without a warrant. The Bill requires landowners to "restore" property if so ordered and includes fines of \$25,000 a day for an offence in the case of a first conviction and \$50,000 a day for an offence in the case of subsequent convictions. The Bill severely limits legal actions for costs, compensation and/or damages arising from implementation of the Act and does not include compensation for any "taking" of property because of the implementation of the Act.¹²⁸

This is how ecosystem land-use management limits the ability of private

The Bill creates

massive confusion...

It prohibits government officials and members of public bodies from criticizing and/or objecting to designated policies.



enterprise and industrial activity to operate in rural regions. Regulatory systems become so complex that an applicant wanting to develop anything faces an array of regulation, rules, boards, authorities and enforcement implements that make it impossible to start or continue operation. Without a rail link to bring people and product to market, the difficulty increases. The economy cannot support residents and they leave. In the 40 years since environmental land-use planning began, during which time Canada's population very nearly doubled, Ontario's rural population has only grown 7 per cent, while growth in Ontario's cities accelerated by 60 per cent.

In contrast to the confusion created by overly complex ecosystem-based planning and management in the cities, sustainable land-use planning — known as Smart Growth or New Urbanism or densification — has real-world metrics that can and have been measured.



The Cities

As stated in Paper 1 of the Surviving Sustainability series, in the early 1980s, sociologists began noting the vibrancy of inner-city neighbourhoods invaded by young artists and performers who then attracted shops, restaurants, galleries and clubs. New York's Soho neighbourhood was the grandparent of them all, but Toronto's Queen St. West was a near second, and over the 1980s and 1990s, every major city in the United States, Canada and Europe began noting a similar phenomenon. The neighbourhoods were typically run down, with cheap rents, dense, with little green space and tiny yards, serviced largely by subways and busses. Cars were not that crucial to 20 and 30 year olds without children, or even, in many cases, full-time jobs. Nevertheless, the creative ferment in these neighbourhoods made them attractive to suburbanites and visitors from more-traditional city neighbourhoods, because of the funky restaurants, performance art venues, vintage clothing stores and lively music scenes. As the colonization of cities and run-down neighbourhoods by artists and would-be artists continued, a gentrification of the housing stock began.¹²⁹ In New York, investment bankers and professionals were drawn to these areas, and with their purchase of run-down buildings and their subsequent improvement, these areas became economic engines, a result entirely unlooked for by young artists seeking a cheap place to live and make art.

Inspired too by a romanticized vision of European cities where many people live in multiple-family dwellings without gardens or yards — quite different from the supposedly dull, featureless suburbs most boomers grew up in — densification of inner cities became an entire movement. It was named New Urbanism or Smart Growth.¹³⁰

Richard Florida, who popularized the term “creative class,” is perhaps the best-known promoter of this new planning ethic. He has lived in Toronto since 2007, teaching at the University of Toronto, speaking and writing to promote his idea of the creative class and the creation of creative-class neighbourhoods, which he believes are the most vital of communities. Today, what Florida is promoting is the idea of Toronto as a Global City and he cites Chicago as an ideal to which Torontonians should aspire. However, as Aaron Renn¹³¹ observes Chicago's core services have been neglected in favour of creating attractive environments for the elite, and the resultant crime and general disaffection foments behind the glittering



arenas, shopping streets and astonishing modern architecture. Renn points out that crime in Chicago now rivals the level of crime in the Prohibition era.

Urban planners seized on the idea that densification creates economic and cultural success, and they have been working assiduously to make it happen in nearly every city in North America. Celebration, Florida, and Seaside, Florida, were the models for this new set of ideas; both were designed by the original proponents of New Urbanism and modelled on 19th century towns and villages. The Charter of the New Urbanism reads, in part, as follows:

We advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.

Regional planning, open space, “context-appropriate” architecture and the balanced development of jobs and housing are part of the New Urbanist framework. New Urbanists believed that their strategies could reduce traffic congestion, increase the supply of affordable housing and rein in sprawl. Historic preservation, safe streets with treed sidewalks, green building, the restoration of brownfields, New Urbanism covers the entire panoply of planning. And because its vision appealed to many influential urbanites, these principles have been put in practice without much in the way of testing or oversight.

However, there are rumblings of discontent in dense neighbourhoods, particularly from residents used to less traffic, less noise, less pollution and fewer transients. As it turns out, densification proves to have many negative consequences, which are unacknowledged by urban planners and the promoters of New Urbanism. Former Vancouver municipal councillor, Vancouver mayoral candidate and current B.C. Attorney-General and Minister of Justice, Suzanne Anton, started a project called Laneway Housing in selected Vancouver neighbourhoods, which proved to be so unpopular with people who lived in them that she de-emphasizes her contribution or eliminates its mention in her official biography.¹³² In September of 2013, angry protests against densification of the Marpole



and Dunbar neighbourhoods took place outside Vancouver's City Hall.^{[133](#)} In December of 2013, in Hollywood, California, a densification plan was turned down based upon shoddy research and citizen outrage. In suburban San Francisco, the regional plan called One Bay Area has inspired years of protests by angry citizens who do not want their neighbourhoods densified and their open spaces turned into highly regulated parks or set-aside green spaces, which, in some cases, no human may visit.

Portland, Oregon, is said to be the most successful example of densification, New Urbanism and Smart Growth. It is also unpopular with many who live there. Randall O'Toole pointed out in "Debunking Portland," a 2007 essay, that voters are increasingly upset by declining urban services, higher taxes, unaffordable housing, declining jobs and increased traffic congestion.^{[134](#)} Many researchers have pointed out that light rail is underused in Portland despite vast public expenditure and massive promotional campaigns.

Densification in Portland continues, as the Antiplanner pointed out in December of 2013, despite its increasing unpopularity:

When the city proposed to densify the neighborhood in 1996, residents hotly protested, but the city promised to add sidewalks and improve other services.

Since then, the city has added not an inch of sidewalk, roads are in worse shape than ever, and transit service is even less frequent than it was in 1996. But the city has permitted the construction of more than 14,000 new dwelling units. One homeowner (presumably not the home's occupant) built five three-story duplexes in his or her backyard.^{[135](#)}

Ottawa's Sustainable Prosperity issued a paper in 2014 that touts the many advantages of sustainable community development including a lesser cost to the public purse called "Inside the World of Planning." A chief benefit outlined in the chapter "Grants, Grants and More Grants" demonstrates, at least in part, the appeal of "sustainability," that both governments and foundations are willing to spend money on various sustainability schemes.

However, in Toronto, where densification is proceeding at a great pace, new problems, hitherto unquantified by sustainability boosters, are being discovered. As Enid Slack pointed out in her paper for the C.D. Howe Institute, "No one, however, compares the costs of rebuilding or retrofitting facilities with the costs of building on vacant land."^{[136](#)}



What began as a footnote might prove a financial sinkhole. Developers in Toronto are finding that retrofitting urban lots is much more expensive than building on greenfields or brownfields.

Slack writes about hard infrastructure (sewer, water, roads) costing more as a function of the length of the infrastructure but gives no numbers, and she does not mention labour costs. Congestion is a major problem on Toronto construction sites and adds significantly to labour costs.

In addition, the assumption that smaller and/or denser is less expensive to build is not necessarily true. For example, a couple of years ago, drywallers, who are paid by the square foot of installed drywall, demanded and received a wage hike because in tiny condos there is much more work per square foot due to bulkheads, doors, windows, etc. The popular (or mandated) green roofs require extra protection to stop maples from growing roots through the roof membrane. As well, green roofs require sophisticated engineering adding substantial costs, since plant matter and growing medium are heavy.

Finally, condos, unlike most houses, have underground parking garages, pools, party rooms, elevators, security personnel, complex and expensive HVAC systems, water pumps, storm-water management systems, mechanical systems, etc., that are expensive to build and maintain. While these are not publically financed infrastructure, they are costs for condo buyers going in, and maintaining them will add considerably to the cost of densified living.

In 2005, Michael Neuman, a sustainable urbanism professor, argued against New Urbanism in an essay called “The Compact City Fallacy,”^{[137](#)} which looked at the supposed success of New Urbanism and concluded that it did not work. According to Neuman, densification increases traffic, noise, pollution, transient residents, crime and stress, and it has negative health effects.^{[138](#)} People miss having a private garden and resent having their property rights overturned in favour of renters who do not stay and, largely, do not contribute to the stability and peace of the neighbourhood. Densification, because it increases traffic, adds to commute times. It also pushes up house prices, resulting in a lack of housing stock for the marginal, the young families starting out and the elderly.

As well, Neuman listed ongoing problems:

1. “Social equity, measured by forty-four social equity indicators was more often than not negatively affected by urban compactness.”^{[139](#)}



2. Reduced automobile trips (a goal of sustainability advocates), are not positively linked with densification; in fact travel is affected more by cost of travel and income.
3. Densification increases emotional distress and other negative psychological markers.
4. Densified cities increase social homogeneity.
5. “The new Urbanist Village is by necessity a fully planned and regulated environment, fiercely resistant to change” and this inflexibility leads to inevitable decline.¹⁴⁰

Other researchers have discovered additional failures:

1. Housing affordability. As cited by Wendell Cox:

As former governor of the Reserve Bank of New Zealand Donald Brash indicates, ‘the affordability of housing is overwhelmingly a function of just one thing, the extent to which governments placed artificial restrictions on the supply of residential land.’¹⁴¹

2. Randall O’Toole found that because comprehensive planning places a great deal of power in a few hands, corruption is likely. A 2004 scandal in Portland revealed that an insider network known as the light rail mafia had manipulated the planning process to direct rail construction contracts and urban-renewal subsidies to themselves.¹⁴²
3. New Urbanism and Smart Growth require increased multiple-family housing and infill building. Rosa Koire, a retired forensic real estate appraiser, documented many instances of collusion between developers and planners in her book, *Behind the Green Mask*.¹⁴³

Densification increases risk to the built environment. For example, Sandy was only a tropical storm when it made landfall, but because of the dense populations of New York and New Jersey, the damage was catastrophic. Equally the ice storm of 2013, in Eastern Canada was no longer or intense with regard to accumulation, than other years, however, increased population density and infill building made the storm far more destructive than in earlier years. Densification resulted in the consequences being more destructive. Adding housing without attendant changes, such as burying electrical infrastructure and strengthening the electrical grid to minimize downstream blackouts, means that while the storm intensity has not changed, the impact is greatly increased. This is only the most recent example of neglecting core services in favour of ill-defined environmental goals.

TABLE 3
Risk Planning

Significant	Considerable management required	Must manage and monitor risks	Extensive management essential
Moderate	Risks may be worth accepting with monitoring	Management effort worthwhile	Management effort required
Minor	Accept risks	Accept but monitor risks	Manage and monitor risks
	Low	Medium	High
	Likelihood		

Nine years after his initial essay, Neuman has only sharpened his view:

‘Thus we are getting less efficient and less sustainable as we move to cities, not more, contrary to popular belief and professional dogma. This is the ultimate compact city fallacy.’¹⁴⁴

Neuman’s data demonstrates that cities are becoming less sustainable as they grow.

He now promotes open, indeterminate planning.

Neuman advocates biomimicry as a planning and design solution, where we use models of open, interconnected loops of processes as nature does. In nature, the outputs of one process become the inputs of another process, and all the processes are connected.

He says that the more we study and use examples of open-loop systems in nature, the more sustainable all developments, including cities, will become. ‘We have a long way to go if we want to approach the efficiency and sustainability of nature,’ he says. ‘That is understandable, considering nature has a several-hundred-million-year head start on humans.’

A compact city can be sustainable if it is truly born out of a more careful integration of living systems.¹⁴⁵

In fact, it can be argued today that people looking for places to raise their



families created the original townscapes of Ontario: places where they could make a living, places that had adequate water, fertile soil, wood for housing and timber. They did not need to practice “biomimicry,” since they were following normal human drives and were therefore planning biologically. It was not until the planning process was alienated from the people living in said city, town or neighbourhood that the systems started to fail.

Since 2008, Wendell Cox, Aaron Renn and Joel Kotkin have shown in a series of papers, journal articles and blog posts¹⁴⁶ that while urban cores continue to be popular with Millennials, people with young families are increasingly moving to the suburbs and small cities, particularly those still modelled on older, less dense, more-traditional towns. In 2014, the Demand Institute issued a study showing that 62 per cent of Millennials are planning to move to suburbs or exurban areas in the near future.¹⁴⁷ Boomer retirees are choosing actual small towns and cities over densified “global cities.”¹⁴⁸ Job growth is greater in small cities, and city-core residents are increasingly white and wealthy. These are all pieces of evidence that overturn the ideas of New Urbanists and the promoters of densification. Facts are outpacing theory.

...They did not need to practice “biomimicry,” since they were following normal human drives and were therefore planning biologically.



Conclusions

Ecosystem planning and management, with its concomitant densification of urban cores, has failed, and it is time to consider alternatives. Sprawl and suburbia may be anathema to the urban elite, but for many former urbanites and for suburbanites, these places are home, and because unplanned and not overregulated, indicate a more vital economy, community and society than do the tightly regulated cities and towns that are supposed to represent “a sustainable future.”

As recommended by Neuman and Ruth Durack, who proved another convert who became a stern critic of New Urbanism,¹⁴⁹ a more open-ended, flexible planning regime must take its place. Experts have alienated the participation of citizens in the operation of their home places. Local people of every political or environmental persuasion must become re-involved in the daily management of their towns, counties and cities. Appointments to land-use boards must be eliminated in favour of elections and a re-establishment of democratic principles of private property, access to law, the ability of bureaucrats and councillors to criticize policies openly, and local control must take place.

Endangered species regulation must be reformed. At present, it is the most powerful law of the land outside the cities, and the private sector and rural people generally agree that this regulation is an impediment to economic activity and that it fails threatened species.

As illustrated in [Appendix II](#), species-at-risk dangers are broadly overstated and destructive of human economic activity.

Landowners who sue for their rights in court have been successful. The research of Elizabeth Marshall, research fellow of the Meighen Institute and Director of Research at the Ontario Landowners Association, into Crown Land Patent Grants means that many Ontario property owners have stopped bureaucratic incursions into their land and businesses before they begin. Crown Land Patent Grants place the property owner at a status similar to indigenous peoples and the Crown. Recent Ontario case history has found, with some reservations, that given the patent grant on a piece of private property, government, whether municipal, provincial or federal, has no right to regulate, confiscate or attempt to control the property.



Land already saved with taxpayer dollars must be evaluated for its highest and best use. Saved land has been “saved” with public money, and therefore is properly public land. In many jurisdictions, there is so much “saved” land that property and house prices have risen beyond the ability of middle-class Canadians, particularly young families and the struggling, and the elderly, to find housing. Property and commercial tax revenue has fallen, leaving less money to take care of roads, schools, hospitals and the less advantaged. In a country with so much land, with most land held by the government, this is patently wrong and entirely the fault of bad regulation and land-use planning. Regulation in service of the ill-defined term “sustainability” must undergo strict auditing before any fresh real-world regulation is imposed on the economy in service of what is now only a conceptual dream.



Bibliography

1. New Hampshire Sustainable Communities Initiative. Available online at <http://www.slideshare.net/halshurtleff/new-hampshire-sustainable-communities-initiative>.
2. Ontario Master Drainage Plan, 2011.
3. "Green Bonds Policy Brief," Sustainable Prosperity, June 5, 2012.
4. Andrew C. Coors and Wayne Winegarden, "Corporate Social Responsibility – Or Good Advertising?" Regulation, Spring 2005.
5. Peter Ellsworth and Kirsten Snow Spalding, "The 21st Century Investor: Ceres Blueprint for Sustainable Investing," Ceres, June 2013.
6. Stephen Milloy, "Turning Business Upside Down," Green Hell, Regnery Publishing, New York, 2009.
7. Videos from Ontario's Endangered Species Act Conference, April 8, 2013. Available online at <http://endangeredspeciesconference.com/index.php/media/P5>.
8. "2011 Annual Expenditure Report (Part I): Transfer of Federal Tax Revenues under the New Deal for Cities and Communities," the Association of Municipalities of Ontario, 2011.
9. "A Review of Ontario's Land Acquisition Program," Having Regard, ECO Annual Report, 2000-01, Environmental Commissioner of Ontario, 2001. Available online at http://www.ecoissues.ca/index.php/A_Review_of_Ontario%27s_Land_Acquisition_Program.
10. Commitments by members of the forest industry, the Partnership for Public Lands (as represented by the World Wildlife Fund Canada, the Federation of Ontario Naturalists and the Wildlands League) and the Ministry of Natural Resources; "1999 Ontario Forest Accord: A Foundation for Progress," Ministry of Natural Resources, June 1999.
11. "Beyond Islands of Green: A Primer for Using Conservation Science to Select and Design Community-based Nature Reserves," Canadian Wildlife Service, 2005. Available online at <http://publications.gc.ca/site/eng/283450/publication.html>.
12. "Provincial Deficits and Debt: Quebec Wins on Debt, but Ontario is the Real Problem Now," The Huffington Post Canada, August 25, 2013.
13. "Public-Private Income Disparity is the Dark Side of the Sunshine List," *The Globe and Mail*, Editorial, March 29, 2013.
14. "Aquatic Species at Risk: A Quick Guide for Ontario," Fisheries and Oceans Canada, January 2013.
15. Claude Gravelle, "Ring of Fire Mining Project Remains Stalled," Netnewsledger, December 4, 2013. Available online at <http://www.netnewsledger.com/2013/12/04/ring-fire-mining-project-remains-stalled-claude-gravelle-mpp/>.
17. Derek Burleton, Sonya Gulati, Jonathan Bendiner, "2013 Ontario Budget: Four More Years of Deficits to Go," TD Economics, May 2, 2013.
18. Massimo Pigliucci, "The Pseudoscience Black Hole," *Rationally Speaking*, December 23, 2013.
19. Richard Florida, "What Toronto Needs Now: Richard Florida Offers a Manifesto for a New Model of Leadership," Toronto Life, October 22, 2012. Available online at http://www.torontolife.com/informer/features/2012/10/22/what-toronto-needs-now/?page=all#tlb_multipage_anchor_1.
20. Multiple interviews with members of the Ontario Landowners Association including Bob Mackie, Jessica Annis, Elizabeth Marshal, Jack MacLaren, Tom and Marlene Black, et al.
21. E.F. Marshall and Tom Black, "Conservation Authorities: The Legislator's Intent," Ontario Landowners Association, October 2013.
22. Emily Badger, "Where Even the Middle Class Can't Afford to Live Any More," The Atlantic City Lab, October 10, 2013.



23. Wolf Richter, "Why Investors Are Fleeing Muni Bonds at Record Rates," *Business Insider*, December 16, 2013.
24. Ted Mallet, "Canada's Hidden Unfunded Public Sector Pension Liabilities," the Canadian Federation of Independent Business, May 31, 2012.
25. Bill 6, *Great Lakes Protection Act*, 2013, Ministry of the Environment, Ontario.
26. "No Expropriation without Compensation: Proposals for Strengthening the Species at Risk Act," Canadian Real Estate Association, 2012.
27. Peter Jaworski, "How Bylaw Officers Can Trespass on to Your Property – without a Warrant," *C2C Journal*, September 13, 2012.
28. Ruth Durack, "Village Vices: The Contradiction of New Urbanism and Sustainability," The Design Observer. Available on line at http://designobserver.com/media/pdf/Village_Vices_780.pdf.
29. Aaron M. Renn, "The Rise and Rise of the Global City," *The Urbanophile*, October 3, 2013.
30. Julian Beltrame, "Budget Watchdog Kevin Page: Ottawa Doing OK Financially, but Provinces, Cities Could Face Cash Squeeze," Huffington Post Canada, September 27, 2012. Available online at http://www.huffingtonpost.ca/2012/09/27/budget-watchdog-kevin-page_n_1919149.html.
31. Conservation Ontario, "Watershed Management Futures for Ontario: Conservation Ontario Whitepaper." Available online at http://www.conservation-ontario.on.ca/media/Watershed_Management_Futures_for_Ontario_FINAL_Oct3.pdf.
32. Mark Hagar, "Hundreds Protest Controversial Densification Outside Vancouver City Hall," The Vancouver Sun, September 25, 2013. <http://www.vancouversun.com/news/Vancouverites+protest+controversial+neighbourhood+plans+outside+city+hall/8954537/story.html> - last accessed December 13, 2014
33. Peter Ellsworth and Kirsten Snow Spalding, "The 21st Century Investor: Ceres Blueprint for Sustainable Investing," June 2013.
34. Jessica Annis, Memo to Ontario Landowners Association, "Conservation Authorities and Bill 6, *Great Lakes Protection Act*, 2013," November 29, 2013.
35. Aaron M. Renn, "The Rise and Rise of the Global City," *The Urbanophile*, October 3, 2013, and "Well-heeled in the Windy City," *City Journal*, October 2013.
36. Anastasia Touati, translated by Oliver Waine, "'Soft densification' in Canada: The example of 'accessory apartments' in Ontario," *Metropolitiques*, June 5, 2013. Available online at <http://www.metropolitiques.eu/Soft-densification-in-Canada.html>.
37. Alan Oakes, *Green Building and Design Magazine*, September/October 2013.
38. Joel Kotkin, "The Geography of Aging: Why Millennials Are Headed to the Suburbs," *New Geography*, December 9, 2013.
39. Randal O'Toole, "Debunking Portland: The City that Doesn't Work," July 9, 2007, Cato Institute.
40. Wendell Cox, "The Law's No Ass: Rejecting Hollywood's Densification," *New Geography*, December 24, 2013.
41. Tamara Baluja, "The Down Side of a City that Just Keeps Growing Up," *The Globe and Mail*, November 5, 2011.
42. Wendell Cox, "Mobility and Prosperity in the City of the Future," Macdonald-Laurier Institute, May 2012. Available online at <http://www.macdonaldlaurier.ca/files/pdf/Mobility-and-Prosperity-in-the-City-of-the-Future-Commentary-May-2012.pdf>.
43. Joel Kotkin "Where Working-age Americans Are Moving," *New Geography*, December 19, 2013. Available online at <http://www.newgeography.com/content/004100-where-working-age-americans-are-moving>.
44. SARO list – Species At Risk Ontario See also COSEWIC, "Guidelines for Use of the Index of Area of Occupancy (IAO) in COSEWIC Assessments."



Appendix I

Re-mapping

Re-mapping has long been a goal of the environmental movement. At its most sophisticated, it is ten-dimensional mapping, and in part, meant to sensitize humans to the natural elements of the world. It also demonstrates the complexity of environmental regulation. If, for instance, a region has mapping for watercourses, three endangered fish species, forest, farmland, vulnerable bird and rodent species, each of these elements has its own map, and own regulatory structure and requirements.

At this juncture, it is useful to remember from the first paragraph of Mark Monmonier's, *How to Lie with Maps*.

"Not only is it easy to lie with maps, it's essential. To portray meaningful relationships for a complex, three-dimensional world on a flat sheet of paper or a video screen, a map must distort reality ... There's no escape from the cartographic paradox: to present a useful and truthful picture, an accurate map must tell white lies".

At its broadest, environmental mapping is meant as a way of over-turning the traditional idea of property rights and ownership of land, by alienating that land from individuals or corporations, so as to "save" the land from industrial depredation and human-caused pollution. In some jurisdictions, remapping exercises are undertaken by the community and as well as water mapping, species mapping, terrain, forest and field mapping, emotional values are attached to certain land features. This too is meant to increase the idea of land being owned by the community, the collective and repurposed to the "good of all".

Starting in the mid-70's, the American NGO, The Nature Conservancy devised environmental mapping with the help of the U.S. government, and the International Union for the Conservation of Nature (IUCN). Its mapping software is called 'natureserve' and it is donated to countries, provinces and counties all over the world. In some jurisdictions, TNC works to developed more fine grained mapping with local conservation organizations, land use bureaucracies and land trusts. Conservation Data Centers, in existence in hundreds of jurisdictions around the world hold The Nature Conservancy's data. In Canada, the Nature Conservancy of Canada's [NCC] data has been founded on broad-stroke TNC data. As well, other mapping information is added by local and provincial government agencies.

The following maps are of interest to Ontarians curious about the extent of environmental mapping in their province. It also indicates the goals of the environmental movement with regard to Ontario's public and private lands.

Equally a look at the Crown Land mapping for Ontario is enlightening. The map linked here, has many layers, and through it anyone can establish over-arching environmental/sustainability plans for each area. Map can be accessed here: <http://www.giscoeapp.lrc.gov.on.ca/web/MNR/NHLUPS/CLUPA/Viewer/Viewer.html>. Brief notes are attached to each map.



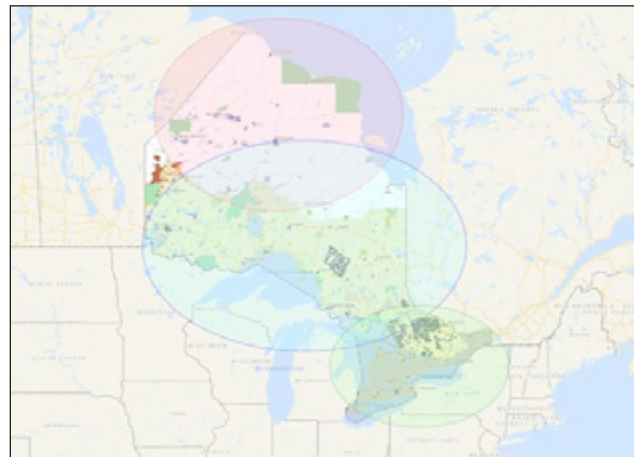
Appendix I



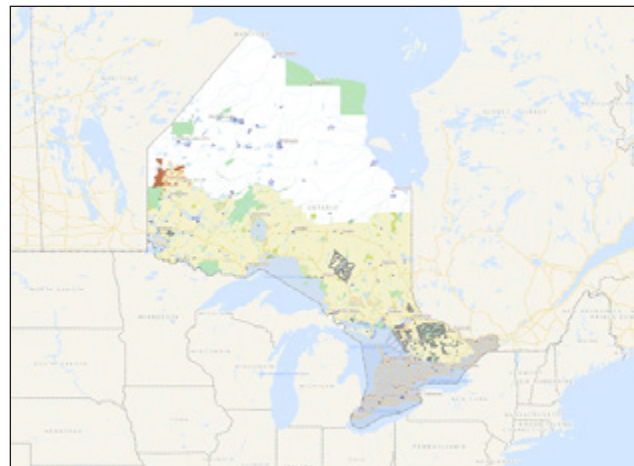
This basic map, almost cartoon like in its simplicity, indicates the over-arching demand by the movement for human-free zones in North America that will allow species recovery and interconnected corridors for wildlife, restored in their idealized numbers and proportions.



This is a map of Canada's Boreal Forest. While not all of it falls under the current Boreal Forest Agreement at present, the stated goal of the environmental movement is to preserve 50 per cent of the Boreal Forest region. This will probably be done piecemeal because of public protest, with ever-expanding buffer zones lobbied for and instituted. This map includes Taiga in the Prairie Provinces and includes Mixedwood in Eastern Canada and the Foothills in Alberta. In BC it includes sub-Boreal forest.



The three areas of interest to conservation NGO's and Conservation Authorities are circled.



Land ownership in Ontario





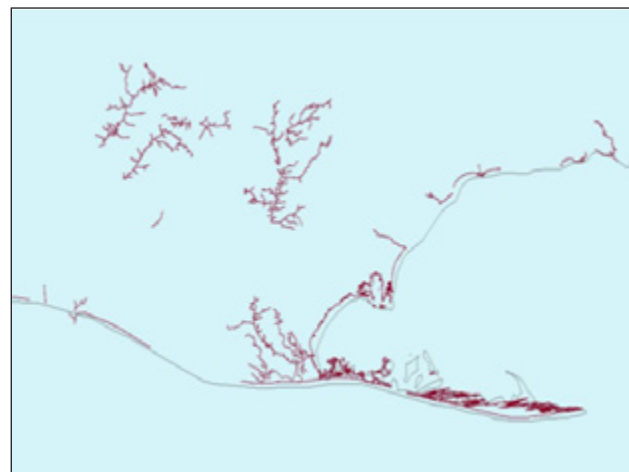
Appendix I



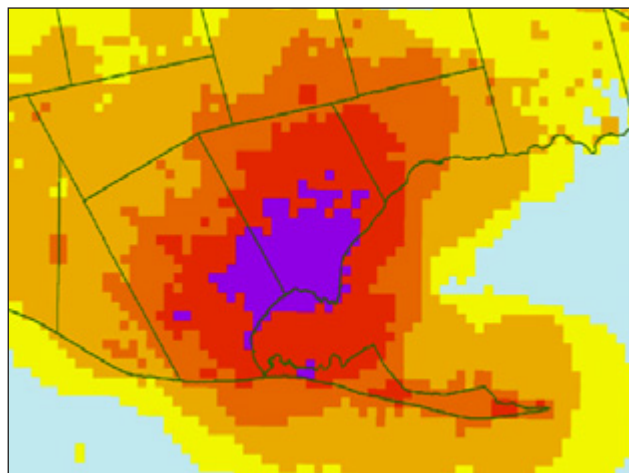
This is a map showing the current land use strategies of the Ontario government, the next map is more fine-grained showing strategies in south-west Ontario.



The following maps are from Norfolk County, where currently, a half dozen land conservation bureaucracies and private conservers are working. In some cases, species considered under threat in Norfolk County, are at the furthest northern range of that species, and therefore have only existed in nominal numbers. That said, conservers are working to increase those populations.



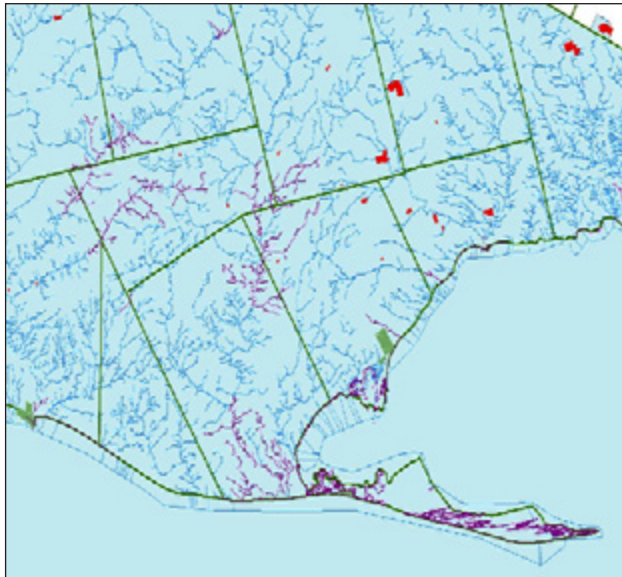
Water courses in Norfolk County



Species at risk map for Norfolk County.



Appendix I



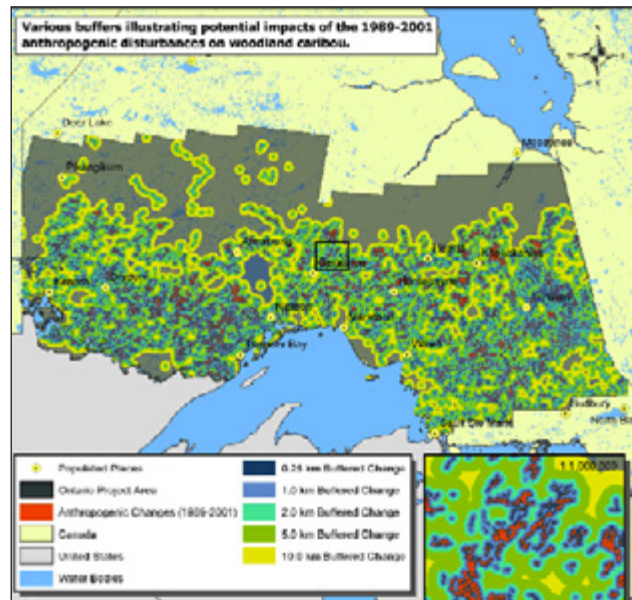
Expanded watershed mapping of Norfolk County, with areas of degraded watersheds highlighted.



Land form conservation. The Niagara Escarpment Commission is the oldest Conservation Authority in Ontario. Oak Ridges Moraine lies in cottage country.



The Ring of Fire is an enormously rich region for the deposit of minerals.



Woodland caribou mapping.



Appendix I



Cross border conservation area, a proposed World Heritage Site.

A2A Region



Courtesy CPAWS Ottawa Valley

The Algonquin to Adirondack (A2A) a transnational conservation zone, was an early attempt to link conservation areas, by creating a large buffer zone from private property, piece-meal, through a county-by-county regulatory structure, without the knowledge of property owners.



The over-arching plan to place under strict control the headlands of the water system of North America.



This is the kind of map used to scare vulnerable citizens and bureaucrats. This is exaggeration through pointelism. To understand the illusion you have to know the size of the disturbance pixel. Generally speaking, however, wherever humans live they increase biodiversity — this is the case nearly everywhere after the necessary burst of industrialization has taken place. Some species may be diminished, others are increased in vast numbers. Think of Canadian gardens.



Appendix I



Map of land under threat from Bill 6, the *Great Lakes Protection Act*.

Appendix II

Case Studies from Rural Ontario

The following cases are drawn largely from the archives of the Ontario Landowners' Association, and from interviews with members of OLA, as well as from supporting documents. These cases are chosen to indicate the various fronts of the defensive battle landowners must fight, if they are to keep their land and earn income from that land.

The archives of the ten year old Ontario Landowners Association hold thousands of similar stories. Since environmental regulation requires no metrics regarding the effects of said regulation on the human community, or any independent economic cost/benefit analysis, or analyses of the health of the natural systems being regulated, brief case studies have to serve as illustration of the negative effects on rural culture in Ontario and on rural businesses.

As stated in 'The Failures of Sustainable Land Use Planning in Ontario', researcher Robert K. Yin defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used (Yin, 1984, p. 23).¹

1. "The Case Study as Research Method" Uses and Users of Information – University of Texas at Austin, LIS 391D.1 Spring 1997.



Appendix II

Ontario Landowners

Ontario Landowners Association had its origins in Lanark on April 28, 2003 when a handful of men met in the office of Scott Reid, Conservative MP for Lanark-Frontenac-Lennox and Addington, just west of Ottawa. Randy Hillier, a current MPP, Tom Hana, Merle Bowes, and John Vanderspa were the other founding members of Lanark Landowners Association, which now has chapters working in Ontario's rural counties under the umbrella of the Ontario Landowners Association.

"We had to do something," says LLA co-founder Merle Bowes, an organic vegetable farmer. Bowes had been dealing with regulations dealing with run-off from watering his vegetables, a confiscation of part of his land for an endangered species buffer zone, and was unable to clean out his drainage ditches because of an endangered species order from the Department of Fisheries. But mostly his problems lay in an excess population of deer who were ruining his crops, destroying his fences. Despite repeated requests for a formal cull, he and other farmers had found no relief from the Ministry of the Environment or local government. Damages were reaching into hundreds of thousands of dollars of destroyed crops and infrastructure.

In June 2003, members staged a well-publicized deer hunt, out of season and without permits.

In 2004, members started a series of tractor demonstrations on Hwy 401, the main artery through southern Ontario, that drew in people of widely differing political persuasions. The BSE crisis of 2004 activated the beef farmers of southern Ontario. Forbidden to ship their beef to the U.S. and Mexico, because of a still disputed case of BSE in Alberta, farmers were getting 2 cents a pound for their cattle. Cheques for an entire cow would amount to \$7.00 and many beef farmers were put out of business. During the crisis, Ontario farmers asserted that both American and European farmers were heavily subsidized, and while they didn't want subsidy, they thought at the least, their government should show support for them, lobbying in the international arena, rather than sacrificing them in negotiations.

The destruction of the fruit crop of southern Ontario in 2009/10 was a final blow, the disaster that drew all the disparate elements together. Farmers were paid to cut down their fruit trees. All 33 canneries but one were closed.

"They were down to one over time, last one bought by Welsh's — they shut it down rather than sell it to the Canadians, they didn't want us competing," says Tom Black, head of the Ontario Landowners Association. "All this stuff is hinging on stuff being too expensive up here — unions and electricity — our canneries couldn't compete. It has nothing to do with health or safety, everything to do with control and power." Welsh's shut down the remaining factory in 2013.

Over its ten years of operation, as Ontario's liberal government moved into its 'new green economy', Ontario Landowners aggregated chapters. There are now 21 chapters of OLA.

Appendix II

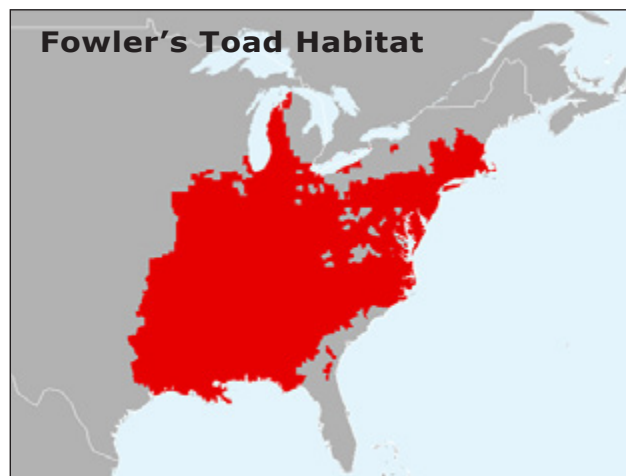
Norfolk County

In 2004, Dalton McGuinty's government required that Norfolk County's tobacco farmers invest in energy-efficient drying shacks. Norfolk County holds some of the most fertile farmland in Canada, and the tobacco farmers invested hundreds of thousands of dollars in energy efficient drying sheds. In 2006, they were informed that Ontario was going to stop growing tobacco and that tobacco would be largely grown in the U.S. and China. Nine tobacco farmers, staggering under the weight of debt killed themselves. All were under 40 years of age.

Since that time, Norfolk County farmers have repurposed their farms, but most are still straining under the debt incurred for drying shacks, which abandoned, litter the Norfolk landscape.

In 2007, the Nature Conservancy of Canada began working with several other conservation groups, as well as federal and provincial ministries to "save" land in Norfolk County. They offered prices far above current market value, and some farmers, given their debt, sold out. As of 2014, 8.75 per cent of fertile Norfolk land has been taken out of production and the tax base, turned to "wilderness" and used as a carbon tax loophole for wealthy donors to the Nature Conservancy. Beaches long used by county residents have been shut off, roads have been fenced and decommissioned and access to traditional hunting and firewood gathering grounds forbidden. Furthermore decommissioned fields are now covered with invasive weeds that travel to cultivated fields, meaning farmers are further burdened by clearing weed. Wildlife families are separated by the extensive fencing built by the Nature Conservancy of Canada.²

While recent protests in the county have led to NCC re-opening one road, the Conservancy has two other phases of "conservation" planned. There has been no public display of the plans for the county. Three endangered species have been identified in Norfolk County, which is the northernmost range for many common



species found in abundance further south. A recovery and restoration plan has recently been issued for Norfolk County for the Fowler's Toad. At left is the map of where the toad is found, reaching from Louisiana to Michigan, but not normally found in southern Ontario.

Despite the toad's habitat in Canada, minimal at best, the following are the 2014 regulatory requirements of property owners in Long Point, Norfolk county for "recovery" of the Fowler's Toad.

2. Author interviews with farmers and landowners in Norfolk County, October 2013.



Appendix II

- Any parts of wetlands, ponds or other bodies of water, including vernal or other temporary pools that are being used for breeding, egg laying or tadpole development as well as the 30 metres around such areas;
- Natural or man-made hibernation sites;
- In the geographic township of Walsingham; suitable habitat is protected up to a distance of 150 metres up and down the shoreline from known occurrences of Fowler's Toad and up to 700 metres inland from the shoreline.
- In all other listed geographic townships; suitable habitat is protected up to a distance of 150 metres up and down the shoreline from known occurrences of Fowler's Toad and up to 300 metres inland from the shoreline.
- The dispersal corridor along the water's edge, where the distance between two occupied areas is less than one kilometre; and
- Naturally occurring areas used by Fowler's Toad to migrate between breeding areas, hibernation sites and/or seasonally used beach areas, where at least two such creatures are within two kilometers of each other.
- The above areas are protected until five consecutive years of documented non-use.

Residents now require a permit from MNR if they are considering an activity that may adversely affect regulated habitat.

Activities that are generally NOT compatible are:

- Significant alteration, clearing, or dredging of natural features, such as dunes, ponds and wetlands.
- Large-scale construction, such as a housing development or roads.
- Replacement of natural dune and beach shoreline with artificial stabilization or erosion control structures such as breakwalls or the construction of piers or gyrones.
- Beach maintenance activities such as grading, grooming, clearing of algae, and mechanical removal of sand (except when performed in a manner or time of year that maintains habitat functionality for Fowler's Toad).³

This is only one of three recovery plans for species at risk in Norfolk County. In October of 2013, a farmer observed Ministry of Natural Resources releasing cages full of the "at risk" Gray Ratsnakes, the biggest snakes in Canada,⁴ on the road bordering his chicken farm. The snakes scented the chickens and made their way towards the chicken barns. The farmer stood at the crest of his hill and decapitated the snakes before they could kill his chickens.

The Gray Ratsnake occurs relatively continuously throughout the major part of
3. The decision notice is posted at www.ebr.gov.on.ca (Registry #011-9021).

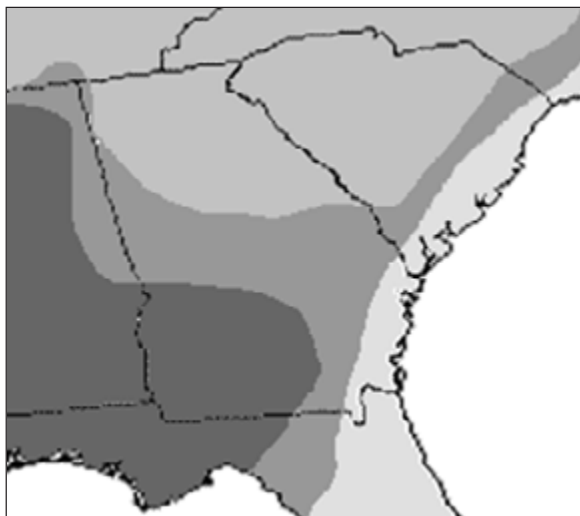


Appendix II

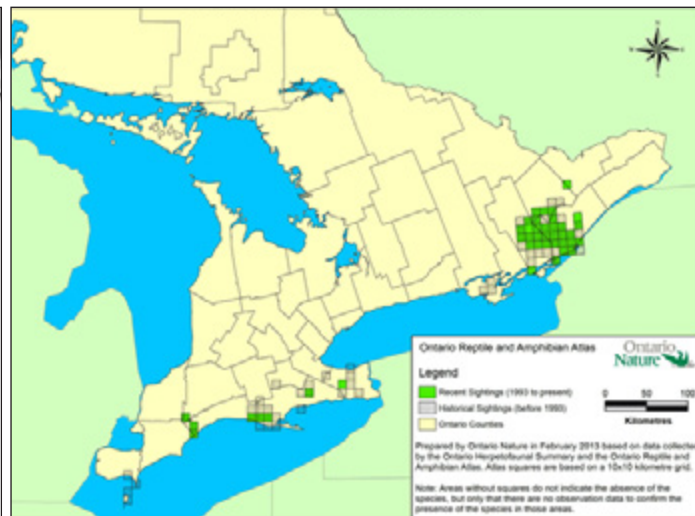
the eastern half of the United States, along the western edge of the Appalachian Mountains, from southwestern New England to the Gulf of Mexico, westward to the Mississippi River, and northward from northern Louisiana to southwestern Wisconsin.

In Canada, this species is known to occur in two tiny disjunct regions of southern Ontario: the Carolinian forest region along the north shore of Lake Erie in the southwest, and the Great Lakes/St. Lawrence region in the southeast. It is arguably, given its wide range in the south, not a species at true risk which needs re-insertion and protection at the cost of livestock and human safety and well-being.

Gray Ratsnake U.S. range



Gray Ratsnake Ontario range



The Bobolink

In February of 2012, Tom Black, head of Ontario Landowners Association, a farmer from an Ontario farming family which has tilled the same land for more than 150 years wrote about the supposedly endangered 'Bobolink', a bird which is the most visible currently on Ontario's Endangered Species list.⁵

Black points out that he grew up with the Bobolink, and that the species was itself an invasive species rather than an endangered species, since it loves new mown hay fields and reached its population height in the 20's when Ontario's fields and farms reached their height of activity. With the corporatization of food, and the steady loss of family farms, hay fields have been replaced by square miles of cash crops, one reason for the decline of the bird. While treasured in Ontario, the bird fattens on rice on its trip south and is considered a pest bird, (a "butter bird") because it is so fat by South Carolinians, and eaten in large numbers by

4. http://www.ontarionature.org/protect/species/reptiles_and_amphibians/gray_ratsnake.php.

5. http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/MNR_SAR_BBLNK_EN.html.



Appendix II

Jamaicans. Another reason for the declining incidence of Bobolinks is that the invasive English Sparrow and Starlings destroy the nests of Ground Sparrows, Meadowlarks, and Bobolinks.

Despite these threats, COSSARO (Committee on the Status of Species at Risk in Ontario) is demanding privately held farmland be set aside for the bird, and restrictions on harvesting during bobolink breeding seasons. Restrictions include no hay cutting till the end of July, no matter the state of the crop, the harvesting of which depends on the weather. Black reports that a former Ministry of Natural Resources employee told him that in general this legislation was thought to be completely flawed from the start by MNR personnel, but that they are not allowed to contribute their opinions or criticize legislation openly.⁶ COSSARO has no landowners on its committee, only indigenous peoples and scientists. Local non-indigenous knowledge, which is deep, broad, and reaches back two hundred years, is not considered or consulted. There are no formal mechanisms to appeal the decision with respect to the issuance of a permit under the ESA.⁷ Any change in a restoration plan is entirely at the discretion of the bureaucrat. However the costs of the bobolink listing are entirely borne by the landowner. Fines of up to \$250,000 for an individual or \$1,000,000 for a corporation can be levied, and Ministry of Natural Resources personnel can come onto the landowner's land without permission to inspect progress.

The Bobolink breeds from southern interior British Columbia across southern Canada and central Ontario south to eastern Oregon, central Colorado, central Illinois, and central New Jersey.

**Range map of Bobolink
in United States**



6. Tom Black, interviews, and Black, *The Landowner Magazine*, March/April 2012.

7. http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/stdprod_093115.pdf.



Appendix II

Quarry Owners

Aggregate producers are a particular target of MNR employees and the environmental movement in general.⁸ Pits and quarries remove natural vegetation, which the movement believes causes “a huge loss of biodiversity as habitats are destroyed. Moreover, adjacent eco-systems are affected by noise, dust, pollution and contaminated water. Pits and quarries disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water for residents and wildlife near or downstream from a quarry site”.⁹

Quarries also mean development, which the environmental movement wants to control. However quarries have a relatively small footprint, and over time, nature restores them.¹⁰

In 2010, two quarry owners near Maetier, Ontario were given a contract by the Ministry of Natural Resources, regarding the protection and restoration of three species at risk, MNR believed were on their properties. At a meeting in Parry Sound, MNR produced a map of the two quarries with dots representing the species found. MNR admitted they had not been on the two properties in question, nor had they any hard evidence that the species were on the properties. Nevertheless, the property owners had to sign the contracts. When the two quarry owners prevaricated, MNR threatened the two men with legal action if they did not sign by June 2010.¹¹

One quarry owner, Ron Renaud did sign. His contract stated that quarry operators had to ensure that personnel that worked on the site, including drivers would have to receive training in identifying the adults, juveniles, neonates and eggs of the species at risk. The quarry operators would have to update their skills on the biology of the species, any potential threats and learn how to minimize those threats. If species needed to be re-located, quarry operators had to be trained in how to handle reptiles. If a species at risk is injured, MNR must be called. Reptile fencing must be erected, and species must be allowed to go from point A to point B in their own time. As well as the training, fencing, observing, recording, removing and trips to the vet, the quarry operators have to complete “Monitoring and Reporting Requirements” annually. Quarry owners would be required to monitor all activities around the species at risk, and present a “Summary Report” of their mitigation work, every year. Fines for not completing any of these requirements can reach \$1,000,000 a year.

8. <http://www.torontoenvironment.org/gravel/impacts>.

9. The Environmental Impact of Aggregate Extraction, The Toronto Environmental Network. <http://www.torontoenvironment.org/gravel/impacts>.

10. Author has a restored quarry on her property – re-wilded within two years – and her family had quarries along the coast of B.C., which she has visited and which have been completely restored over time.

11. Bob Mackie, “Justice Denied, the NEC strikes again”, *The Landowner Magazine*, April/May 2013



Appendix II

The other landowner, Bev Keall refused to sign the contract. He had obtained his Crown Patent Contract which gave him full title to his land, without any mention of reserving it for endangered species. Until Mr. Keall signed a contract with MNR, they did not have the right to come onto his property. MNR made a site visit to Mr. Keall's property in July 2010, and demanded he sign the contract. He again refused, showed them his Crown Patent grant, and the officials never returned.¹²

Twinkle Trees Christmas Tree Farm

The Niagara Escarpment Commission was the first conservation land use agency in Canada. The board consists of unelected individuals who make land use decisions for everyone in the heavily populated ex-urban area which comprises the escarpment all the way up to the Bruce Peninsula.

Jim Williams, 88, of Beamsville, Ontario, had a 35 acre Christmas tree farm, on 100 acres he bought in 1957. He also had a sawmill on his property. In late March 2013, doing what he had been doing for the past 60 years, he and his son bought some virgin fill, so he could plant 1100 Christmas trees and repair erosion. Before they could complete the repair, an employee from the NEC turned up and told him they would have to stop. The officer, O.J. Macdonald asked to see the rest of the property, and Mr. Williams consented. After the inspection, Macdonald told Williams that he was in big trouble. He could not spread dirt on his farm without a permit. He had to get a permit for the sawmill, he could not store lumber, and the trailers on the property must be removed. The boutique that his wife, Beth, ran in the basement of their home had to be permitted, as well as the apartment they had in the basement of their home.

Mr. Macdonald had been on the job for two months, when he began his pursuit of the elderly Williams, who was extremely distressed by the demands of the NEC. The morning of a meeting with the officer and the NEC planner, he was taken to the hospital and died that day. His last words expressed his worry about missing the appointment.

Prior to Williams' death, MPP, and former head of the Ontario Landowners Association, Jack MacLaren called the NEC and asked them to reschedule the meeting, as Williams was in hospital and seriously ill. MacLaren said they were unreceptive to the request.

"I told them I would strongly recommend they reschedule it. Their reception was 'We'll see.' A half hour later we heard Mr. Williams had died. Until then, their attitude was very uncooperative and unreceptive to me," said MacLaren. "When I said he may die, they didn't take it seriously."

In a cultural tradition that reaches back hundreds of years, rural people have to

12. Brock Napier, "The Tale of Two Quarry Owners and the MNR", *The Landowner Magazine*, June/July, 2012.



Appendix II

cobble together a half dozen different jobs to enable them to live in the country. This custom is a very real and valuable part of the heritage of rural Canada. However, the NEC, over time, has increased its regulatory power, so that now, under the rubric of protecting the environment, NEC requires developers to come to them for a permit for all development — building a house, business, industrial building, new road or even changing the grade of a property.¹³ While this may be understandable for new development, when regulatory and enforcement powers are levied against a traditional way of life, the state becomes an oppressor.

Spirit Tree Cidery

The disincentive to start and run businesses in the Niagara Escarpment, is strong. “Bureaucratic purgatory” has kept Thomas Wilson from opening a \$1-million facility to produce fermented apple cider in Caledon, he says.

The project, similar to a winery, was completed in September after four years of planning and building. However, Wilson can’t produce or sell his product because he hadn’t yet received his license from the province’s Alcohol and Gaming Commission. Spirit Tree Estate Cidery, on Boston Mills Rd., includes a small bistro that offers light meals, fresh bread and pastries. It had been operating from September to February, at which time it was closed by the Niagara Escarpment Commission.

“We’ve been put through the meat grinder,” Wilson said, noting about 60 conditions must be met before he can open. “The town and the NEC are concerned that we’ve found a loophole that allows us to open a restaurant. ... They think we’re trying to pull something over on them.” The original budget for the project was \$750,000 but the demands of the NEC have pushed the final tab to \$1-million, Wilson said. However, the project has been popular in the community and public support has recently sparked some movement from the NEC and the town, he noted. When the cidery opened it had become immediately popular with local residents and tourists and it experienced a high level of demand. Due to this demand they planned on continuing their hours of operation through the winter months this past January and February.

According to Ken Whitbread, chair of the NEC, the NEC first became aware of permit violations when third party signage began to show up on the businesses property. “Excess signage” is not allowed and the Commission’s enforcement officer shut down the cidery.

13. Jeff Bolichowski, “Red Tape Report: How Agencies Stack Up”, *St. Catharine’s Standard*, June 17, 2013.



Appendix II

A Legal Challenge to Conservation Authorities

The following is a case study describing how bureaucrats use environmental re-mapping, in this case, designating a provincial wetland, without actually visiting the property. Computer modeling allows MNR bureaucrats to remove property rights, charge permitting fees and levy non-compliance fines. The property owners took the case to court.

In this case, the court found an “insidious erosion” of respect, an attitude which landowners believe that provincial agencies now hold regarding the people they serve. The court found Ministry bureaucrats to have practised unlawful entry, illicit warrants, “clandestine” behavior, and a disturbing breach of trust exhibited by agents in a position of perceived authority.¹⁴

In briefs to the court, Ontario Landowners stated that government agents are now operating *ultra vires*. The organization’s principals attributed these actions to legislative changes to the *Municipal Act*. Prior to 2003, changes to the *Municipal Act* were designed to create efficiencies in municipal government. After 2003, the provincial government’s economic plan challenged all ministries, departments and agencies to “find new revenue models” to fund government initiatives.¹⁵ This ‘new economy’ directive broadened bureaucratic initiative beyond the democratic mandate of providing essential services.¹⁶ The directive set the stage for clandestine behavior, and coupled with legislative changes that followed, enabled an insidious erosion of rights. As a result, the administration now extracts equity from private property as a source of income.

On a Saturday morning in December of 2009, Peter Pregel and Gordon Turcotte were clearing an access lane on their 200-acre vacant bush lot in rural Ontario. They stopped their work as they were confronted by a stranger coming out of the woods. Without hesitation, the intruder demanded to see a work permit. Puzzled, the landowners asked the intruder for his name but were ignored. They then informed the intruder that he was trespassing on private property and requested he depart.

The following Monday morning the landowners were again confronted by two different men at the property, one of whom was surveying the land with survey gear. After subjecting the landowners to a verbal barrage of scolding and regulatory offences pertaining to the work undertaken, on demand, the intruders identified themselves as Regulations Officers with the local Conservation Authority. Three years of harassment later, the owners were served a summons to appear in Court for committing offences pursuant to regulations made under the *Conservation*

14. <http://ontariolandowners.ca/clandestine-conservation-authority-reprimandrobert-ed-by-court/> also, Ontario Court of Justice Provincial Offences Court, Peter Pregel, Robert Realffe and Gordon Turcotte vs Her Majesty the Queen, Ruling on Motion, P. Brecher, December 14, 2012. Case 12-5963/5964/5965.

15. <http://ontariolandowners.ca/news/clandestine-conservation-authority-reprimanded-by-court/>. September 21, 2013

16. *Ibid.*



Appendix II

Authorities Act (CAA).

The charges stemmed from a complaint-driven investigation of the access work done on the property and to this day, there is no public record of the person or persons responsible for filing the complaint.

The landowners decided to defend the charges against them and retained counsel. Upon review, they decided to challenge the legality of the Conservation Authority's evidence under Section 8 of the *Charter of Rights and Freedoms Act* and a motion to examine the events leading up to the charges was requested and accepted. At the hearing, the examining Justice scrutinized the legislation, the landowners and the Agents. The Court found that the Regulation's Officers' overall testimony evasive, inconsistent and disconcerting, leaving the Court to discount the Agency's credibility. More importantly, the Court found that the evidence admitted was illicit. Thus, the charges were denied and subsequently dropped. However, the proceeding cost the landowners approximately \$10,000 in legal fees (a request to determine the cost to taxpayers is under consideration).

In delivering the ruling, the examining Justice expressed a deep concern regarding the agent's attitude and behaviour, a direct reflection on the culture of the Conservation Authority and its governance. Numerous infractions were revealed including unlawful entry, illegal obtainment of a warrant, failure to inform and breach of the CAA. The Justice made special note of the Agents' "clandestine" behavior and the conducting of an illegal investigation to deceive the Court system into issuing a search warrant.¹⁷

In the landowners' case, the problem arose when the Ministry of Natural Resources (MNR) applied a wetlands mapping 'overlay' to a portion of their land. Immediately, both the Conservation Authority and Municipal Planners were entitled to rights and interest in that private property. Conservation Agents trespassed the land at will and the Municipality promptly treated the lands as Environmental Protection zoning. A rezoning process was instigated, despite protest from the landowners. In their struggle to understand what was happening to their property rights, the landowners were informed by Municipal Planners that when MNR publishes a wetlands overlay, the local Council is required to rezone the lands (MNR on the other hand, informed the owners that the Municipality is NOT required to rezone the lands). The planners then told the landowners that they could apply for an Official Plan Amendment (OPA) to change the zoning to suit their needs, accompanied by a \$50,000 fee to override the EP zoning change. This suggestion was made despite the fact that the proposed EP zoning change had not yet passed through the planning process and onto the official plan. During that exchange, they were also told that a municipality is not bound to written law but rather governed by the Provincial Policy Statement (PPS).

For example, in their case during the process of discovery, the landowners found that an environmental planner who once worked for the MNR and now works for

17. Op cit Case cited above.



Appendix II

the municipality had done a desktop evaluation of their property using descriptive terms like “most certainly would be” and “likely” to facilitate Provincially Significant status.

Thompson’s Hardwoods

Doug and Sheila Thompson own and operate Thompson’s Hardwood, a sawmill specializing in the milling and harvesting of hardwood lumber. The company employs between 25 and 30 people, most of whom are residents of the area surrounding Thedford, Ontario.

“My daughter received a phone call February 11, 2011. The Ministry of the Environment (MOE) wanted to perform an Air Facility Inspection at our sawmill. My first thought, “great, more government legislation.” My second; “we have our Crown Land Patent (CLP).”¹⁸ The Ministry of the Environment had just reclassified sawdust as a pollutant and closed down eight sawmills, putting 100 people out of work in Lanark and Renfrew.

When MOE officers Whiting and Hutt arrived, they were confronted by an enthusiastic but peaceful crowd that blocked their entry to the premises. Hutt spoke to the Thompsons and told them that under the *Environmental Protection Act* he had the right to enter the property and conduct an inspection of the facility.

“I asked the MOE officers to read the information at our main entrance. The sign read ‘NO Trespassing, Back off Government’, along with our Entry Contract. After reading the Entry Contract, the Senior Officer asked me what we were asking of him. I replied exactly what the contract says. Meaning if they enter our property without permission they are trespassing. Next I handed the officers a lawyer’s letter stating if they enter our land without our permission they will be charged with criminal trespassing.”¹⁹

After considerable discussion Hutt said: “I know I haven’t got a chance in hell of getting into this building today.”

The Thompsons are dealing with another regulatory requirement, Certificates of Approval under the *Environmental Protection Act*. This report says that most industrial processes or modifications to industrial processes and equipment require approval... So in other words we have to apply to the MOE for individual Certificates of Approval to operate most pieces of equipment. The hiring of a consultant was mentioned; to help us spend our money!”

“They’re saying sawdust is a pollutant, but as far as I can see top soil is basically

18. <http://www.todaysfarmer.ca/2011/02/23/lambton-sawmill-owners-face-down-moe-2>;
<http://www.workingforest.com/viewpoint-thompson-hardwoods-sawmill-versus-ministry-environment-landowner-rights/>.

19. *Ibid*, Working Forest.



Appendix II

sawdust and rotted trees,” said Thompson, who added that he sees it as just an excuse to mandate a “bunch of new equipment” that the business doesn’t need and can ill afford.

Enhanced environmental regulations at the Canadian Food Inspection Agency (CFIA) and the Ontario Society for the Protection of Animals, (OSPCA) give more tools to Ontario bureaucrats to enter private property and confiscate animals. According to Marlene Black, publisher of *The Landowner Magazine*, OSPCA inspectors understand very little about farm animals, yet have confiscated valuable animals in many cases. Ontario Landowners have stepped forward to protect the rights of farmers against the OSPCA.

Dog with Gingivitis

A 64 year old disabled retired postal worker was napping on the couch one day when an OSPCA agent crawled through her bedroom window, on the evidence of an anonymous phone call. He then opened Ms. Johnson’s front door to allow in five other agents and enforcement officers. Jessica Johnson bred dogs to supplement her tiny retirement income and there were five adult dogs and nine puppies in the house. The OSPCA agent found only one dog with problems, a 9 year old Yorkie with gingivitis. The OSPCA ordered Johnson to have the dog’s teeth fixed. She did not comply because she couldn’t afford it. She then faced charges. The OSPCA then hired one of the most powerful lawyers in Canada, Clayton Ruby to prosecute the disabled retiree. Ms. Johnson was charged with animal cruelty, and her case was heard at the Animal Care Review Board, a quasi-judicial tribunal.

Johnson had a previous Business Plan Implementation (BPI), Farm Financial Assessment (FFA) and Agricultural Skills Development (ASD) encounter with the OSPCA in 2011, she said when taking the witness stand. Four dogs were seized and given back four days later after being certified healthy by a vet. The four-day boarding cost according to the OSPCA document — presented into evidence by Andrews after attempts at blocking by Ruby — was \$2,449.51. “They wouldn’t take payments. If I wanted my dogs back I had to pay up front,” said Johnson.

Dr. Julia Brown had examined the rest of Johnson’s dogs after the raids on July 30th. Brown went through detailed notes of all six dogs she examined finding everyone perfectly healthy, other than nine-year-old Vicki who had “severe gingivitis but no other issues. She was bright and alert, body condition fine, no infectious diseases.” When asked if she had ever called the OSPCA on dental issues, “never” replied Brown.

Under questioning from panel member Menard, Brown explained how she had written about the dental issues on the one dog, but had noted in writing that the dog was “not in immediate distress.” She noted to Menard that meant, “the dog was still eating and drinking. Everything was normal.”²⁰



Appendix II

The OSPCA is a private charity that has been given enforcement powers by the province. It spent \$15.9-million in 2011, only \$3.8 million came from government. The OSPCA has police powers under the *OSPCA Act*, and the definitions of distress are broad. The trial took six days to complete. Johnson mounted a Charter Challenge saying the OSPCA had no right to enter her house without her permission, and she lost. The OSPCA announced that they would take the case to the Supreme Court.

Wholearth Farmstudio, Northumberland County

Montana Jones began accumulating her flock of rare Shropshire sheep in 2000. Once an extremely popular breed due to their high productivity, their hardiness, and their ability to thrive on grass, Shropshires had become progressively more rare in Canada as grain-feeding became the norm. Concerned about the dwindling biodiversity and the quality of grass-fed versus grain-fed lamb, Montana wanted to preserve and revive this heritage breed.

But in early 2010, the Canadian Food Inspection Agency (CFIA) quarantined Montana's farm. A single sheep that she had sold in 2007 had died on a farm more than 1,500 miles away. It tested positive for a disease called scrapie. The CFIA thought the rest of Montana's flock might be infected. Scrapie is a disease in the same category as mad cow disease. However, unlike mad cow, scrapie is not transmissible to humans. Its impact on sheep farms is financial: infected sheep tend to lose wool, produce fewer lambs, and die young.

The CFIA conducted live biopsies on Montana's flock during 2011. All were negative for disease. None showed any symptoms of illness. But the CFIA said the live tests were only 88% accurate. They would need to kill the sheep and dissect their brains to know for sure whether they were ill, they said.

They gene-tested Montana's flock. In November 2011, the CFIA told her that they proposed to slaughter 41 animals of the genotype they considered the most susceptible to scrapie. The female animals were pregnant and killed, the lambs were killed too. No scrapie was found.

"The domino effect since has been devastating, its been a downward spiral from their first raid, and worse with every invasion since. I keep telling myself "There are worse things", and I keep going.

"The CFIA charged myself and raw milk activist farmer Michael Schmidt and two others with numerous criminal charges including conspiracy, for allegedly trying to save Canada's heritage sheep and preserve our country's agricultural biodiversity.

20. <http://canadianlandowneralliance.ca/articles/Ian-Cummings-OSPCA-dog-care.html>.



Appendix II

"I barely scraped through winter and now, I face imminent foreclosure and an astonishing \$100,000 legal fee for the upcoming criminal trial. I have no income, no transportation, am battling depression and post traumatic stress."

Montana Jones faces prison and a \$1.5-million fine. The case has attracted international attention and outrage:

"CFIA's intent to annihilate the Wholearth flock of Shropshire sheep owned by Montana Jones is deeply troubling. Without credible tests that empirically prove the existence of scrapie, to proceed with the planned extermination is both unscientific and tyrannical..." — *farmer/author* Joel Salatin.

Montana and her partners in the farm, Michael Schmidt, Suzanne Atkinson and Robert Pinnell were arrested on multiple criminal charges related to the Canadian Food Inspection Agency (CFIA) destruction of Jones's healthy flock of heritage Shropshire sheep. In the three years since the CFIA first invaded her farm Schmidt and Jones have yet to have a proper bail hearing, since each of the five appearances have been repeatedly postponed for various reasons by the Crown and the court.

As part of the imposed bail conditions on December 6, 2012, they were forced to surrender their passports; agree not to leave Ontario, and promise not to communicate with one another except in the presence of their lawyer.²¹

The Crown brought an application to remove constitutional and criminal lawyer Shawn Buckley from the case. They claim a potential conflict of interest might arise in the future — though the accused see none and wish to proceed. Michael Schmidt and Montana Jones have chosen Shawn Buckley, and their choice of legal representation is a constitutional right.

The Crown then argued that they should not be allowed a bail hearing review until the motion to remove their lawyer was resolved. The matter was adjourned to a subsequent date. The Court held that Schmidt and Jones have a right to a bail review and if the Crown is alleging the potential for a future conflict is a problem, then the Court will make a decision on that at the bail review. So in effect the two issues are now tied together and the alleged potential conflict must be resolved before the court can speak to the bail review.

As of this date, 107 registered breeding females, 38 ewe lambs and 16 rams remain in Canada. At one time the Shropshire was the preferred sheep breed in North America, with over a half a million registered animals. The Wholearth flock bloodlines trace back to their 1882 descendants by way of the first Shropshire sheep imported here from England at the turn of the century.

"The Shropshire sheep is one of the most significant heritage breeds in Canada, with a great chance of making a comeback ... if we let them become extinct, it's all over,"

21. <http://thebovine.wordpress.com/2013/11/17/michael-schmidt-and-montana-jones-court-proceedings-postponed-again/>.



Appendix II

says Rare Breeds Canada Past President Dr. Tom Hutchinson of Trent University. “Montana Jones has assembled some of the best, most ancient heritage genetics, so these are not just average sheep we’re talking about. This is an absolute genuine heritage Shropshire flock, and Canada cannot afford to lose it. To kill them based on suspicion with no proof or reason, is absolutely ludicrous.”

Department of Fisheries, Drain Tiles and Million Dollar Bills

Wetlands are a point of contention in the community interface with environmental land use planning agencies especially around cities where many wetlands have been drained. After the amalgamation of Ottawa, it became obvious that the city needed more wetland designations so that they could add housing stock. By 2005, Goulbourn Wetland Complex, now located in the city of Ottawa, formerly Goulbourn Township, looked likely.

The Ministry of Natural Resources determines which wetlands in Ontario are considered provincially significant, using a scientific point-based ranking system known as the Ontario Wetland Evaluation System (OWES). Provincially significant wetlands (PSWs) are protected from development and site alteration through the 2005 Provincial Policy Statement (PPS), administered by the Ministry of Municipal Affairs and Housing (MMAH) under *The Planning Act*. Although MNR is responsible for identifying PSWs, wetlands must then be designated as such in municipal official plans for the PPS protection provisions to apply.²²

In 2005, MNR confirmed the addition of 20 new wetland units to the provincially significant Goulbourn Wetland Complex. Wetland complexes are two or more functionally linked wetland units that are separated by a non-wetland area. That same year, the City of Ottawa began its official plan amendment process to designate the new wetland units in the Goulbourn Wetland Complex. This meant 156 farmers in the former county would be out of business.

Some landowners claimed that lands added to the Goulbourn Wetland Complex were not natural wetlands, but rather lands that were flooded because of poor drainage from beaver activity and unmaintained private ditches. Over the years, farmers had dug drainage ditches, but with the involvement of the Department of Fisheries in endangered species designation, it was no longer legal to clean out your own drainage ditches.

In 2010, the city drew up a plan to install drainage tiles in the farmers ditches. The cost to the farmers was estimated at \$1.2-million, to be shared across 156 farmers, with additional \$440,000 borne by the city. The initial cost estimation was \$200,000, but adding the Department of Fisheries and Oceans requirements

22. http://www.mnr.gov.on.ca/en/Business/Biodiversity/2ColumnSubPage/STEL02_176756.html.



Appendix II

for fish habitat added \$500,000 and the engineers' costs ran to \$383,000.

Some landowners in both drainage petition areas had altered their land (filled, drained and removed vegetation) in an effort to keep farming. According to one farmer: "Run off ditches — pretty much all municipal drains, because otherwise they would be a swamp, install drain tiles every 40 feet or so which sucks off excess water — everyone paid for them, and to get a clean out you had to call municipal drain guys, they assessed it, and had to clean it. They assessed upstream cost, those who benefited most bore the highest cost. Stats Canada records showed that the average clean out was 35 years."

"MNR and DFO started to assert that the farmers wanted to clear their ditches every year and the fish would be at risk. After two years of waiting, one of the older farmers cleaned out his ditches himself, his tiles were under mud. Twelve armed men, police and department of fisheries and ocean, flak jackets, to have a talk with these farmers who had cleaned out a ditch."²³

The Goulbourn Landowners Group issued a position paper on the state of farmers and the regulatory snarl they faced. Called "Wetland Designation Problems",²⁴ they listed the many issues that were problematic:

- No consultation. Landowners were not informed of the process until their property had been designated by the Province. No opportunity for input in the City's process.
- It over-designates. Properties are designated as wetlands that bear no resemblance to the normal concept of wetland.
- It ignores property rights. Designated properties are devalued. Wetlands are a communal good, and are of no particular value to the individual owner, yet the owner is expected to absorb the cost when his/her land is devalued.
- Designated properties and the buffer areas become a regulatory nightmare for the landowner.

"I found city of Ottawa absolutely corrupt," said Mike Westley. Both he and his neighbor, Terry Hale suffered heart attacks after years of visits by armed MNR and DFO officers. "One official told me to my face, these wetlands are going to be designated, no matter what. A private biologist came on my property, found maples, pine, and told MNR to remove my land from provincially significant wetlands, I had none of the vegetation that indicates wetlands. Seventeen other farmers got the designation taken off, the study area is coming off. It was an absolutely corrupt deal with the city of Ottawa who were filling in actual wetland for property development. They needed to replace that wetland because the city was down to three per cent wetlands, and they need to be 12 per cent. What they do is they fly over, and if the photographs show the land to be dark and completed

23. Interview, Mike Westley

24. <http://www.ruralcouncil.ca/wetlands-issues-050704.htm>.

Appendix II

in mapping, they say it's a wetland. Afterwards the University of Ottawa did a study — none of it supported wetland designation. Basically they went shopping on other people's property."

Appendix III

Ontario Regional Conservation Organizations

Algoma Highlands Conservancy (AHC)	16	Halton Hamilton Source Protection Region	16
Ausable Bayfield Maitland Valley Source Protection Area	16	Halton North Peel Naturalists Club	1
Ausable Byfield Conservation (ABCA)	44	Hamilton Conservation Authority (HCA)	74
Ausable Byfield Conservation Foundation (ABCF)	13	Head of the Lake Land Trust (HOLT)	1
Bancroft Area Stewardship Council	18	Huron Tract Land Trust Conservancy (HTLTC)	9
Bruce Trail Conservancy (BTC)	33	Kawartha Conservation	37
Canada South Land Trust (CSLT)	10	Kensington Conservancy	21
Cataraqui Conservation Foundation	14	Kettle Creek Conservation Authority (KCCA)	21
Cataraqui Region Conservation Authority	46	Lake Clear Conservancy	8
Cataraqui Source Protection Area	24	Lake Erie Protection Region	28
Catfish Creek Conservation Authority (CCCA)	12	Lake Simcoe Region Conservation Authority (LSRCA)	101
Central Lake Ontario Conservation Authority (CLOCA)	54	Lake Superior Watershed Conservancy (LSWC)	8
Conservation Foundation of Greater Toronto	29	Lakehead Region Conservation Authority (LRCA)	34
Conservation Halton	15	Lakehead Source Protection Area	13
Couchiching Conservancy	15	Lambton Wildlife	18
Credit Valley Conservation (CVC)	18	Land Conservancy for KFLA (LCKFLA)	11
Credit Valley Torontoand Region and Central Lake Ontario Source Protection Region	25	Long Point Basin Land Trust (LPBLT)	10
Crowe Valley Conservation Authority (CVCA)	17	Long Point Region Conservation Authority (LPRCA)	39
Eastern Ontario Stewardship Collaborative (EOSC)	1	Lower Grand River Land Trust	16
Escarpment Biosphere Conservancy	19	Lower Thames Valley Conservation Authority (LTVCA)	27
Essex Region Conservation Authority (ERCA)	49	Lower Trent Conservation (LTC)	27
Essex Region Source Protection Area	17	Magnetawan Watershed Land Trust	3
Foster Wild Environmental Fund	13	Maitland Conservation Foundation (MCF)	10
Ganaraska Conservation (GRCA)	13	Maitland Valley Conservation Authority (MVCA)	12
Georgian Bay Land Trust (GBLT)	91	Mattagami Region Conservation Authority	11
Grand River Conservation Authority (GRCA)	38	Mattagami Region Source Protection (MRSPA)	19
Greater Nipissing Stewardship Council (GNSC)	8	Mississippi Madawaska Land Trust Conservancy (MMLTC)	8
Greater Sudbury Source Protection Area	15	Mississippi Rideau Source Protection Region (MRSPR)	18
Grey Sauble Conservation	32	Mississippi Valley Conservation Authority (MVCA)	45
Grey Sauble Conservation Foundation (GSCAF)	13	Muskoka Conservancy (MHT)	17
Haliburton Highlands Land Trust (HHLT)	14	Niagara Land Trust	11
		Niagara Peninsula Conservation Authority (NPCA)	70

Appendix III

Niagara Peninsula Source Protection Area (NPSPA)	11	Saugeen Valley Conservation Authority (SVCA)	45
Nickel District Conservation Authority (NDCA)	16	Sault Ste Marie Region Conservation Authority (SSMRCA)	12
North Bay Mattawa Conservation Authority (NBMCA)	35	Sault Ste Marie Source Region (SSMSR)	10
North Bay Mattawa Source Protection	16	Severn Sound Environmental Association (SSEA)	9
Northumberland Land Trust	9	South Georgian Bay Lake Simcoe Protection Region	23
Nottawasaga Valley Conservation Authority (NVCA)	58	South Nation Conservation (SNC)	49
Oak Ridges Moraine Land Trust (ORMLT)	14	St Clair Conservation (SCRCA)	48
Otonabee Conservation (ORCA)	27	Stewardship Network of Ontario (SNO)	14
Otonabee Conservation Foundation (ORCF)	10	Thames Sydenham and Region Source Protection Region	28
Quinte Conservation	51	Thames Talbot Land Trust (TTLT)	15
Quinte Source Protection Region	32	Thousand Islands Watershed Land Trust (TIWLT)	4
Raisin Region Conservation Authority (RRCA)	23	Toronto and Region Conservation Authority (TRCA)	52
Raisin South Nation Source Protection Region	19	Upper Thames River Conservation Authority (UTRCA)	88
Rideau Valley Conservation Foundation (RVCA)	89	York Environmental Stewardship (YES)	2
Saugeen Grey Sauble Northern Bruce Peninsula Source Protection Region (SGSNBPSR)	22	Total	2,317
		Pacific Phytometric Consultants - Dec. 2013	

Appendix IV

National/International Conservation Organizations

Algonquin to Adirondacks	Canadian Environmental Law Association
Alliance for the Wild Rockies	Canadian Foundation for Climate and Atmospheric Science
Alternative Land Use Services	Canadian Institute for Environmental Law and Policy
American Friends of Canadian Land Trusts	Canadian Land Trust Alliance
American Rivers	Canadian Meteorological and Oceanographic Society
BC Climate Action Secretariat	Canadian Parks and Wilderness Society
BC Climate Action Team	Canadian Regional Climate Model
BC Sustainable Energy Association	Canadian Wild Salmon Alliance Society
BC Treaty Commission	Canadian Wildlife Federation
Bert Miller Nature Club of Fort Erie	Carbon Friendly Solutions
BIOCAP Canada Charitable Foundation	Carbon Trust
Biosphere Conservation Foundation	Carolinian Canada
Bird Studies - Canada	Castle-Crown Wilderness Coalition
Blue Green Alliance Foundation	Catherine Donnelly Foundation
BlueEarth Renewables	Center for Clean Air Policy
Canadian Association of Physicians for the Environment	Center for Environmental Health
Canadian Boreal Forest Agreement Secretariat	Center for Inquiry - Transnational
Canadian Boreal Initiative	Centre for Longterm Environmental Action Newfoundland/
Canadian Centre for Pollution Prevention	Labrador
Canadian Environmental Defence Fund	Certified Forest Products Council

Appendix IV

CFFA	Haldimand Norfolk Stewardship Council
CityGreen	Haliburton Highlands Stewardship Council
Clean Air Task Force	Hastings Stewardship Council
Climate Project Canada	Henry P. Kendall Foundation
Coast Information Team	Huron Stewardship Council
Community Stewardship Council of Lanark County	Inter-governmental Panel on Climate Change
Conservation Council of Ontario	International Centre for Sustainable Cities
Conservation Ontario	International Institute for Sustainable Development
CorpWatch	International Network of Forest and Communities
Cultural Survival	International Society of Doctors for the Environment
David Suzuki Foundation	InvestEco
Destination Conservation	Island Nature Trust
Dogwood Initiative	Kawartha Field Naturalists
Earthday Canada	Kingsburg Coastal Conservancy
Earthday Network	Kootenay Centre for Forest Alternatives
EarthJustice	Kootenay Centre for Forestry Alternatives
EarthRangers	Laidlaw Foundation
Eastern Georgian Bay Stewardship Council	Land Conservancy of BC
Eastern Ontario Certified Forest Owners	Land Stewardship Project
Eastern Ontario Trails Alliance	Land Trust Alliance
Ecocentrism	Leadership for Environment and Development
Ecojustice	Living Legacy Trust
EcoLogic Institute International	Long Point Biosphere Reserve
EcoNorthwest	Maine Environmental Policy Institute
Emissions Trading Group	Maine Interfaith Power and Light
Energy Probe	Malaspina Land Conservancy Society
Environmental Advocates of NY	Marine Protected Areas Research Group
Environmental Bureau of Investigation	Middlesex Stewardship Council
Environmental Fund of BC Association	Mississippi Valley Field Naturalists
Environmental Law Alliance WorldWide	Model Forest Network
European Foundation Centre	Musicians United to Sustain the Environment
Evergreen	National Roundtable on the environment and the economy
For Our Grandchildren	Natural Resources Canada
Friends Committee on Unity with Nature of the Americas	Nature Canada
Friends of Rondeau	Nature Conservancy - Canada
Friends of Temagami	Nature Conservancy - US
Friends of the Greenbelt	NatureServe - Canada
Frontenac Stewardship Council	NatureServe - US
FSC - Canada	Norfolk Field Naturalists
Glacier Institute	Northern Alaska Environmental Center
Global Forest Watch - Canada	Oak Ridges Moraine Foundation
Good Wood Watch	Ocean Voice International
Great Lakes United	Ontario Biodiversity Council
Green Party - Canada	Ontario Forest Accord Advisory Board
Green Party - Washington	Ontario Land Trust Alliance
Grey County Forest Stewardship Network	Ontario Nature

Appendix IV

Open Society Institute	Western Climate Initiative
Organic Consumers Association	Western Resource Advocates
Ottawa Riverkeeper	Westwind Forest Stewardship Council
Ottawa Stewardship Council	White Cloud Council
Pacific Institute for Climate Solutions	Wild Lands Center for Preventing Roads
Partnership for Public Lands	Wildlands League
Peterborough Green-Up	Wildlife Conservation Society
Pew Charitable Trusts	Wildlife Conservation Society - Canada
Pew Wilderness Center	Wildlife Habitat - Canada
Policy Link	William & Flora Hewlett Foundation
Pollution Probe	World Business Council for Sustainable Development
PowerUp Canada	World Fisheries Trust
Raincoast Conservation Foundation	World Resources Institute
Renfrew County Stewardship Program	WWF - Canada
Resource Stewardship Council of Stormont Dundas and Glengarry	York Region Environmental Alliance
Richard Ivey Foundation	Zoocheck - Canada
Rockwood Fund	Pacific Phytometric Consultants - Dec. 2013
Rockwood Leadership Program	
Sackville Rivers Association	
Salmon Safe	
Save the Rogue Valley System	
Scientists for Population Reduction	
Seattle Foundation	
Sierra Club - Canada	
Siskiyou Project	
SmartWood Network	
Social Venture Partners	
Southern Alberta Land Trust Society	
Stockholm Environment Institute	
Stonehouse Standing Circle	
Summerhill Foundation	
Sustainability Network	
Sustainable Fisheries Foundation	
Tall Grass Ontario	
The Natural Step - Canada	
Trees Ontario	
Trent Conservation Coalition Source Protection Region	
Trust for Public Land	
Urban Development Institute	
Valhalla Wilderness Society	
Victoria Stewardship Council	
W. Maurice Young Centre for Applied Ethics	
W.K. Kellogg Foundation	
Washington Wildlife and Recreation Coalition	
Waterkeeper Alliance	

Appendix V

History of Environmental Legislation in Ontario (1941-2012)

Year	Np	Nr	Admin	Minister of Environment	Legislation/Event
1941	3,787,655	1,449,022	Mitchell Hepburn		Initial meeting of conservationists leading to CAA
1942			Gordon Daniel Conant		
1943			Harry Nixon		
1944			George A. Drew		
1945					<i>Conservation Authorities Act</i>
1946					
1947					
1948			Thomas Laird Kennedy		
1949			Leslie Frost		
1950					
1951	4,597,542	1,346,443			
1952					
1953					
1954					
1955					
1956	5,404,933	1,302,014			
1957					
1958					
1959					
1960					
1961	6,236,092	1,412,563	John Roberts		MOE established
1962					
1963					
1964					
1965					
1966	6,960,870	1,367,430			
1967					
1968					
1969					
1970					
1971	7,703,105	1,359,480	Bill Davis	George Kerr	
1972				James Auld	
1973					
1974				William Gould Newman	
1975				George R. McCague	
1976	8,264,465	1,555,945			
1977					
1978				Harry Craig Parrott	
1979					
1980					
1981	8,625,107	1,578,075		Keith Norton	
1982					
1983				Andy Brandt	
1984					
1985			Frank Miller	Morley Kells	
1986	9,101,695	1,632,275	David Peterson	Susan Fish	
1987				Jim Bradley	
1988					
1989					
					Conservation Ontario founded

Appendix V

History of Environmental Legislation in Ontario (1941-2012)

Year	Np	Nr	Admin	Minister of Environment	Legislation/Event
1990			Bob Rae	Ruth Grier	<i>Environmental Protection Act (EPA); Ontario Water Resources Act (OWRA); Environmental Assessment Act (EAA); Ontario Pesticides Act (OPA)</i>
1991	10,084,885	1,831,043			
1992					
1993				Bud Wildman	<i>Environmental Bill of Rights (EBR)</i>
1994					
1995			Mike Harris	Brenda Elliott	Appointment: Eva B. Ligeti - ECO
1996	10,753,573	1,794,832		Norm Sterling	
1997					
1998					
1999				Tony Clement	Ontario's Living Legacy; Ontario Forest Accord
2000				Dan Newman	Appointment: Gordon Miller - ECO
2001	11,410,046	1,747,499		Elizabeth Witmer	Walkerton
2002			Ernie Eves	Chris Stockwell	<i>Safe Drinking Water Act; Nutrient Management Act; Waste Diversion Act</i>
2003			Dalton McGuinty	Jim Wilson	Walkerton Inquiry
2004				Leona Dombrowsky	
2005				Laurel Broten	
2006	12,160,282	1,809,147			<i>Clean Water Act (OCWA)</i>
2007				John Gerretsen	<i>Endangered Species Act</i>
2008					
2009					<i>Green Energy Act; Toxics Reduction Act (TRA); Cosmetic Pesticides Amendment</i>
2010				John Wilkinson	
2011				Jim Bradley	
2012	12,851,821	1,806,036			
2013			Kathleen Wynne		
2014					
2015					
2016					
2017					
2018					
2019					
2020					

Appendix VI

Watersheds

See <https://www.fcpp.org/posts/process-over-product-the-failures-of-sustainable-land-use-planning-in-ontario-appendix-6-appendix-8>

Appendix VII

Agreements Timeline (1972-Present)

Great Lakes Water Quality Agreement, 1972
Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem
The Niagara Escarpment Planning and Development Act, 1973
Environmental Assessment Act, 1975
The Great Lakes Water Quality Agreement, 1978
Parkway Belt West Plan, 1978
The Great Lakes Charter, 1985
Niagara Escarpment Plan, 1985
Niagara Escarpment Land Acquisition and Stewardship Program (NELASP), 1985
Pesticides Act, 1990
Environmental Protection Act, 1990
Ontario Water Resources Act, 1990
Conservation Land Act, 1990
Forestry Act, 1990
Lakes and Rivers Improvement Act, 1990
Environmental Bill of Rights, 1993
Environmental Assessment Act, 1993
Ontario Planning and Development Act, 1994
Rouge Park, 1995
Forced municipal restructuring and amalgamation, 1996
Municipal Property Assessment Corporation Act, 1997
Development Charges Act, 1997
Natural Areas Protection Program (NAPP), 1998
Ontario's Living Legacy Land Use Strategy, 1999
Ontario Forest Accord, 1999
Community Conservancy Program (CCP), 1999
Environmental Review Tribunal Act, 2000
Oak Ridges Moraine Conservation Act, 2001
Oak Ridges Moraine Conservation Plan, 2002
Nutrient Management Act, 2002
Waste Diversion Act, 2002
Safe Drinking Water Act, 2002
Ecological Land Acquisition Program (ELAP)
Niagara Escarpment Ecological Land Acquisition Program (NEELAP)
Nature Conservancy of Canada (NCC) Greenlands Program
Ontario Land Trust Assistance Program (OLTAP)
Ontario Regulation 97/04
Content of Conservation Authority Regulations Under Subsection 28(1) of the Act: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
Provincial Policy Statement, 2005
Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005
Ontario Heritage Act, 2005

Accessibility for Ontarians with Disabilities Act, 2005
Greenbelt Act, 2005
Greenbelt Plan, 2005
The Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement, 2005
Places to Grow Act, 2005
An Act to amend the Planning Act and the Conservation Land Act, and to make related amendments to other Acts, 2006
Places to Grow - Growth Plan for the Greater Golden Horseshoe, 2006
City of Toronto Act, 2006
Clean Water Act, 2006
Endangered Species Act, 2007
The Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem, 2007
Western Climate Initiative, 2008
Lake Simcoe Protection Act, 2008
Lake Simcoe Protection Plan, 2009
Ontario Building Code amendments
Green Energy Act, 2009
Toxics Reduction Act, 2009
Water Opportunities Act, 2010
Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 Second Edition (2010)
Growth Plan for Northern Ontario, 2011
Local Food Act, 2013
Bill 6, Great Lake Protection Act, 2013
Bill 91, Waste Reduction Act, 2013
Provincial Policy Statement, 2014
Bill 83, Protection of Public Participation Act, 2014

Other MNR programs include:

- The Managed Forest Tax Incentive Program
- The Conservation Land Tax Incentive Program
- Land Stewardship Habitat Restoration Program
- Eastern Habitat Joint Venture Program

In addition to legislation, policies and programs, the Ontario provincial government has recently:

- On March 23, 2012, Ontario's provincial government announced that it planned to wind down the Ontario Northern Transportation Commission, divest and liquidate its assets
- On March 12, 2014, the University of Guelph announced that it will close its two rural campuses in Kemptville and Alfred
- Ontario provincial government proposes revisions to the Ontario Provincial Police municipal billing model, which will significantly increase costs to small, rural municipalities
- Decreased health services to seniors.

Appendix VIII



Rural Canada

A Socio-Economic Analysis

By Matthew S. Watters

See <https://www.fcpp.org/posts/process-over-product-the-failures-of-sustainable-land-use-planning-in-ontario-appendix-6-appendix-8>



Endnotes

1. *Environmental Protection Act* (EPA), 1990; *Ontario Water Resources Act*, 1990; *Environmental Assessment Act*, 1990; *Pesticides Act*, 1990; *Environmental Bill of Rights*, 1993.
2. Please see Matthew S. Watters, "Rural Canada: A Socio-economic Analysis." Note chapter on Ontario rural population and resource industry decline; May 2014; [Appendix VIII](#).
3. Such comparisons are becoming common. For example, see Jason Clemens, Milagros Palacios, Robert P. Murphy and Sean Speer, "Comparing the Debt Burdens of Ontario and California," The Fraser Institute, March 2014. Available online at <https://www.fraserinstitute.org/research-news/display.aspx?id=20973>.
4. Canada's Gas Tax Fund: Permanent Funding for Municipal Infrastructure, Association of Ontario Municipalities, 2011, page 9.
5. For a full description, see Elizabeth Nickson, "Surviving Sustainability: Deconstructing the Myths and Mapping Post-Scarcity," Paper 1, Smart Green Policy Series, Frontier Centre for Public Policy, September 2014.
6. *The Oxford Handbook of U.S. Environmental Policy*, edited by Sheldon Kamieniecki, Michael Kraft, Oxford University Press, 2012; Brooke S. Simler, "The Changing Roles of Environmental Interest Groups in National Policy-making: A Marine Conservation Case Study," Master's Thesis, Oregon State University, 2001. Available online at http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/4233/Simler_ocr.pdf?sequence=1.
7. See Environmental Andrex Chart, [Appendix VI](#), Ontario, for legislative landmarks.
8. The complexity of land-use management, as illustrated by [Appendix VII](#), and the buy-in by the relevant politicians (illustrated by the Iron Triangle) means that, to date, there has been very little dispassionate oversight of the economic results of environmental ministries.
9. Please see [Appendix II](#), Ontario Case Studies for a description.
10. Interview with legislative aides.
11. Interview with Jessica Annis, legislative aide, Ontario Legislature.
12. The purpose of product (or results)-focused legislation is to create a defined objective. Less crime is one example. The results of defined objectives can be measured as to success or failure. Process-focused legislation has value-based goals that are more difficult to measure. If goals are determined to be unmet, more regulation and more planning are undertaken. This idea is fully fleshed out in Randall O'Toole's essay "Debunking Portland: The City that Doesn't Work" and in his book *The Best-laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future*. The fact that ecosystem planning is process focused is explored in the following paper: "An Ecosystem-based Approach for PNCIMA: Defining Ecosystem-based Management." Available online at <http://www.pncima.org/site/how/ecosystem-based-approach.html>; and for the depth of research behind the ecosystem-based approach, please see http://bio.research.ucsc.edu/people/raimondi/labmeetingpapers/winter2007/arkema_etal.pdf.
13. Brian Lee Crowley, "Sick of Congestion? Build Roads, not Transit," *The Globe and Mail*, December 26, 2013.
14. Michael Neuman, "The Compact City Fallacy," *Journal of Planning Education and Research* 25:11-26. Available online at http://courses.washington.edu/gmforum/Readings/Neuman_CC%20Fallacy.pdf; Ruth Durack, "Village Vices: The Contradiction of New Urbanism and Sustainability," *The Design Observer*. Available online at http://m.designobserver.com/media/pdf/Village_Vices_780.pdf.
15. Randall O'Toole, *The Vanishing Automobile and Other Urban Myths: How Smart Growth Will Harm American Cities*, Thoreau Institute, 2001.
16. Book Review of Randall O'Toole's *The Vanishing Automobile, Planning*, The American Planning Association, 2001.
17. For example, see <http://www.vancouversun.com/business/Marpole+residents+protest+plan/8813401/story.html>, last accessed December 11, 2014



18. O'Toole, *The Vanishing Automobile*, op. cit.
19. An Ecosystem Based Approach for PNCIMA. Available online at <http://www.pncima.org/site/how/ecosystem-based-approach.html>.
20. The Big Move. Available online at <http://www.bigmove.ca/what-is-the-big-move>.
21. Warren Meyer, "Urban Light Rail Fail," *Forbes*, September 22, 2010. Available online at <http://www.forbes.com/sites/warrenmeyer/2010/09/22/urban-light-rail-fail/>; "Light Rail Op-ed," *Vanishing Automobile* update, Thoreau Institute. Available online at <http://www.ti.org/vaupdate05.html>; "Light Rail Transit Doomed to Failure," *Waterloo Regional Record*, September 17, 2012. Available online at <http://www.therecord.com/opinion-story/2614484-light-rail-transit-doomed-to-failure/>.
22. Susan K. Soy, "The Case Study as a Research Method," University of Texas at Austin, Spring 1997.
23. When compared with other provinces and jurisdictions that were creating similar mechanisms.
24. The Walkerton Inquiry; Implications for the Public Health Sector; <http://c.ymcdn.com/sites/www.alphaweb.org/resource/collection/9221E880-473D-46C9-A428-F4F1A67305F8/CHSMCBS> presentation also [WalkertonInquiryRecommendationsCoversheet_10-06-2002.pdf](#), S.E. Hrudey, P.M. Huck, P. Payment, R.W. Gillham, and E.J. Hrudey "Walkerton: Lessons learned in comparison with waterborne outbreaks in the developed world" Published on the NRC Research Press Web site at <http://jees.nrc.ca/> on 15 November 2002. See <https://www.lakeheadu.ca/sites/default/files/uploads/53/outlines/2012-13/GEOG%204411/Hrudey,%202002%20Walkerton%20Comparison.pdf>.
25. Steve E. Hrudey, Elizabeth J. Hrudey and Simon J.T. Pollard, "Risk Management for Assuring Safe Drinking Water," *Environment International*, Volume 32, Issue 8, Environmental Risk Management – The State of the Art, December 2006, pp. 948-957. Available online at <https://dspace.lib.cranfield.ac.uk/bitstream/1826/1519/1/Risk%20Management-safe%20drinking%20water-2006.pdf>.
26. Louis Sokolov, Benson Cowan, "Submissions of the Safe Drinking Water Coalition on Parts 1A and 1B of the Walkerton Inquiry." Available online at <http://www.pollutionprobe.org/report/WalkertonInquiry.pdf>, pages 2, 5, 6, etc.
27. Maitland Valley Conservation Authority. Available online at <http://www.mvca.on.ca/>; Niagara Peninsula Conservation Authority. Available online at <http://www.npca.ca/corporate-services/foundation/>.
28. Richard Lindzen, "Science in the Public Square, Global Climate Alarmism and Historical Precedents," *Journal of American Physicians and Surgeons*, Volume 18, Number 3, Fall 2013; Committee on Environment and Public Works, "How a Club of Billionaires and Their Foundations Control the Environmental Movement and Obama's EPA," U.S. Senate Minority Report, July 20, 2014.
29. Op. cit. and [Appendix VI](#), Environmental Andrex Chart.
30. Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, Crown Business, 2012, p. 258.
31. See [Appendix VI](#), Environmental Andrex Chart.
32. Ross R. McKittrick, "Environmental and Economic Consequences of Ontario's *Green Energy Act*," Fraser Institute, Spring 2013.
33. Species at Risk in Ontario (SARO) list, Ministry of Natural Resources Ontario. Available online at http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/MNR_SAR_CSSR_SARO_LST_EN.html.
34. Ontario's Ministry of Natural Resources implements Ontario's *Endangered Species Act*. The Committee on the Status of Species at Risk in Ontario (COSSARO) is responsible for assessing species at the provincial level in Ontario. Species determined to be extirpated, endangered, threatened and of special concern are listed on the SARO List. Environment Canada is responsible for implementing the federal *Species at Risk Act* (SARA). The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is responsible for assessing species for all of Canada. COSSARO often adopts COSEWIC's assessment reports.



- [35.](#) COSEWIC, "Guidelines for Use of the Index of Area of Occupancy (IAO) in COSEWIC Assessments."
- [36.](#) Please see the management structure of the Canadian Boreal Forest Agreement as well as the 2013 Conservation Ontario's Whitepaper and Bill 6, specifically the Guardian Council.
- [37.](#) Interview with Robert Scagel, forest physiologist and other experts. A great deal of the information used to inform the ESA is warehoused at the Natural Heritage Information Centre. This is problematic, as sightings of species are often out of date – by several decades – and are submitted by citizens rather than by trained biologists, which brings into question the robustness of the data. See <http://www.mnr.gov.on.ca/en/Business/NHIC/index.html>.
- [38.](#) *Ibid.* Expert interviews.
- [39.](#) Interviews with Robert Scagel.
- [40.](#) Committee on the Status of Endangered Wildlife in Canada.
- [41.](#) *Ibid.*
- [42.](#) Interview with Robert Scagel.
- [43.](#) *Ibid.* "COSEWIC Section C. Guidance: IUCN Guidelines for IAO and Area of Occupancy."
- [44.](#) IUCN Financial Plan 2013–16; *Draft, March 2012* Congress Document WCC-2012-9.1/2; page 212–216. See https://portals.iucn.org/docs/2012congress/docs_april/en/WCC-2012-9.2-2%20IUCN%20Financial%20Plan%202013-16.pdf.
- [45.](#) Leslie Anthony, "How to Combat the Next Great Extinction Event," *The Globe and Mail*, November 22, 2013. Available online at <http://www.theglobeandmail.com/technology/science/how-to-combat-another-great-extinction-event/article15572735/>.
- [46.](#) Arne Naess, *The Selected Works of Arne Naess*, Heidelberg: Springer Science+Business Media, 2005, Vol. 1, 326. "These normative postulates are value statements that make up the basis of an ethic of appropriate attitudes toward other forms of life – an ecosophy," Naess, 1979. "They are shared, I believe, by most conservationists and many biologists, although ideological purity is not my reason for proposing them," David R. Keller, ed., *Environmental Ethics: The Big Questions*. This quote cited by Michael E. Soulé in the essay "What is Conservation Biology?" "Examples of these supposed collective norms are diversity of organisms is good, ecological complexity is good, evolution is good, and biotic diversity has intrinsic value." Cited by Monique Borgerhoff Mulder and Peter Coppelillo in *Conservation: Linking Ecology, Economics and Culture*, Princeton, NJ: Princeton University Press, 2005, p. 67.
- [47.](#) Steven F. Hayward, *2011 Almanac of Environmental Trends*, Pacific Research Institute, San Francisco, April 2011. Hayward published 12 years of the "Index of Leading Environmental Indicators" between 1996 and 2008, with the Pacific Research Institute and the American Enterprise Institute. See also Ben Eisen and Romy Yourex "The Environmental State of Canada 2013 Update," Frontier Centre for Public Policy, Policy Series No 150.
- [48.](#) IUCN Red List (birds) and CREO (Committee for Recently Extinct Organisms) (mammals).
- [49.](#) IUCN Red List (birds) and CREO (mammals).
- [50.](#) Barnosky et al., "Has the Earth's Sixth Mass Extinction Already Arrived?" *Nature*, Vol. 471, March 3, 2011; Navjot S. Sodhi and Paul R. Ehrlich, *Conservation Biology for All*, Oxford University Press, 2010.
- [51.](#) As explained in the drop from the average of 1.6 species lost a year from 1500 to 1992 and the shift in 1992 to 0.2 species lost a year.
- [52.](#) Steven F. Hayward, *2011 Almanac of Environmental Trends*, Pacific Research Institute, San Francisco, April 2011. Hayward published 12 years of the "Index of Leading Environmental Indicators" between 1996 and 2008, with the Pacific Research Institute and the American Enterprise Institute. See Romy Yourex and Ben Eisen's "The Environmental State of Canada 2013 Update," Frontier Centre for Public Policy, Policy Series No 150.



53. Russell Gold, "Why Peak-Oil Predictions Haven't Come True," *Wall Street Journal*, September 29, 2014.
54. Please see Paper 3 of this series: "The Market Failures of Forest Certification and the Implications for the Public Wealth of the Canadian North."
55. The Biodiversity Group, Describing Species New to Science. Available online at http://biodiversitygroup.org/projects/new_species.html?gclid=CJnA4IvGicECFVEQ7AodFDMAxA; Live Science, Newfound Species. Available online at <http://www.livescience.com/topics/newfound-species/>; Wildscreen Arkive, Newly Discovered Species. Available online at <http://www.arkive.org/newly-discovered-species/>.
56. Anthony Watts, "Royal Society in Trouble over False Extinction Claim Paper," Watts Up with That? See also Paul Rogers, "Snail Rediscovered after Climate Change 'Extinction,'" *Forbes*, September 20, 2014, and Ben Webster, "Snail 'Wiped Out by Climate Change' is Alive and Well," *The Times*, September 20, 2014.
57. Post Scarcity Alliance, How Markets Will Resurrect Endangered Species, July 13, 2013. Available online at <http://www.postscarcityalliance.com/how-markets-will-resurrect-endangered-species/>; Michael Archer, How We'll Resurrect the Gastric Brooding Frog, the Tasmanian Tiger, TED, March 2013. Available online at https://www.ted.com/talks/michael_archer_how_we_ll_resurrect_the_gastric_brooding_frog_the_tasmanian_tiger.
58. International Union for Conservation of Nature and the Committee on Recently Extinct Organisms.
59. Robert T. Lackey, "Seven Pillars of Ecosystem Management," *Landscape and Urban Planning*, 1998, 40(1-3) pp. 21-30.
60. *Ibid.*
61. Government of Ontario. See <https://www.ontario.ca/rural-and-north/crown-land>. However, it is unclear if the 85 per cent Crown land figure includes municipal land, hospitals, schools, Conservation Authority land, etc. Therefore, it is difficult to say how much land in Ontario is held privately.
62. <http://www.mah.gov.on.ca/Page1707.aspx> and <http://www.mah.gov.on.ca/Page323.aspx>.
63. Austin Troy and Ken Bagstad, "Estimating Ecosystem Services in Southern Ontario," Spatial Informatics Group, 2009. Available online at <http://alus.ca/wpsite/wp-content/uploads/2013/05/estimation-of-ecosystem.pdf>; Mark Anielski and Sara Wilson, "Counting Canada's Natural Capital: Assessing the Real Value of Canada's Boreal Ecosystems," Pembina Institute, 2009. Available online at http://www.borealcanada.ca/documents/BorealBook_CCNC_09_enFINAL.pdf.
64. *Ibid.*
65. "Working country" describes rural areas where people farm, ranch, cut and manage forests and engage in the many supporting businesses for a living, rather than urbanites relaxing in cottage country.
66. Damien Schiff and Julie MacDonald, "The *Endangered Species Act* Turns 40 – Hold the Applause," *Wall Street Journal*, December 27, 2013.
67. Jeffrey A. Michael and Dean Lueck, "Preemptive Habitat Destruction under the *Endangered Species Act*," Social Science Research Network. See also R.H. Nelson, "Shoot, Shovel and Shut Up," *Forbes*, December 4, 1995.
68. Chris Clarke, "Bill Would Gut *Endangered Species Act*," KCET, December 2, 2013. Available online at <http://www.kcet.org/news/redefine/rewild/legislation/bill-would-gut-endangered-species-act.html>; Margaret Krome, "Our Hubris in Trampling Other Species is Breathtaking," December 24, 2013, *City Watch*; Noah Greenwald, "Latest *Endangered Species Act* Battle Shows Why it's 'Doc' Hastings, Not Dr. Hastings," *Huffington Post*, December 26, 2013. Available online at http://www.huffingtonpost.com/noah-greenwald/latest-endangered-species_b_4495391.html.
69. Speakers' Spotlight, Bruce Lourie. Available online at <http://www.speakers.ca/speakers/bruce->



- [lourie/](#) and Terence Corcoran, "A Peak into Bruce Lourie's Ontario World of Green Political Networks," *Financial Post*, May 25, 2012. Available online at <http://opinion.financialpost.com/2012/05/25/a-peek-into-bruce-louries-ontario-world-of-green-political-networks/>.
70. An expanded discussion of the operations of the Iron Triangle is included in the third paper of this series.
71. Macdonald Stainsby and Dru Oja Jay, "A Place at the Table," an excerpt from "Offsetting Resistance: The Effects of Foundation Funding from the Great Bear Rainforest to the Athabasca River," *The Dominion*, 2009. Available online at <http://www.dominionpaper.ca/weblogs/macdonald/2966>; "Offsetting Resistance: The Effects of Foundation Funding from the Great Bear Rainforest to the Athabasca River." Available online at <http://s3.amazonaws.com/offsettingresistance/offsettingresistance.pdf>.
72. New Hampshire Sustainable Communities Initiative. Available online at <http://www.slideshare.net/halshurtleff/new-hampshire-sustainable-communities-initiative>.
73. Conservation Land Tax Incentive Program, Ministry of Natural Resources, Ontario. Available online at <http://www.ontario.ca/environment-and-energy/conservation-land-tax-incentive-program>.
74. Appendix II, Case Studies covers issues regarding relief in law.
75. "The State of Ontario's Indebtedness: Warning Signs to Act," eds. Jason Clemens and Niels Veldhuis, Fraser Institute, 2013. Available online at <http://www.fraserinstitute.org/uploadedFiles/fraser-ca/Content/research-news/research/publications/state-of-ontarios-indebtedness.pdf>.
76. Marc Joffe, "Provincial Solvency and Federal Obligations," Macdonald-Laurier Institute, October 2012. Available online at <http://www.macdonaldlaurier.ca/files/pdf/Provincial-Solvency-October-2012.pdf>.
77. Daniel Tencer, "Canada Provincial Debt: Eurozone-style Crisis Could Hit if Provinces Don't Take Finances in Hand, Report Warns," *Huffington Post Canada*, October 18, 2012. Available online at http://www.huffingtonpost.ca/2012/10/18/canada-provinces-euro-style-crisis_n_1980321.html.
78. Jason Clemens and Niels Veldhuis, "Ontario Liberal Budget: Deficits Are Not Our Problem," *Financial Post*, May 2, 2013. Available online at <http://opinion.financialpost.com/2013/05/02/ontario-liberals-postpone-spending-restraint/>.
79. Kelly McParland, "Ontario Hocus Pocus Makes Ontario Debt Magically Disappear," *National Post*, September 22, 2014. Available online at <http://fullcomment.nationalpost.com/2014/09/22/kelly-mcparland-ontario-budget-hocus-pocus-makes-1-billion-in-debt-magically-disappear/>.
80. Victor Fedeli, "Ontario May Soon Face Crisis Similar to Detroit," *Timmins Free Press*, September 27, 2013.
81. "Understanding Canada's Municipal Infrastructure Deficit," Association of Municipalities, Ontario, November 20, 2007. Available online <http://www.amo.on.ca/AMO-Content/News-Releases/2007/Understanding-Canada%E2%80%99s-Municipal-Infrastructure-De.aspx>.
82. Scott Simpson, "Municipal Infrastructure Gap Widens," *Vancouver Sun*, October 26, 2012. Available online at <http://www.vancouversun.com/business/Municipal+infrastructure+widens/7454506/story.html>.
83. <http://www.td.com/document/PDF/economics/budgets/on2013.pdf> and Scott Simpson, "Municipal Infrastructure Gap Widens," *Vancouver Sun*, October 26, 2012. Available online at <http://www.vancouversun.com/business/Municipal+infrastructure+widens/7454506/story.html>.
84. Wolf Richter, "Why Investors Are Fleeing Muni Bonds at Record Rates," *Business Insider*, December 16, 2013. Available online at <http://www.businessinsider.com/fear-and-trembling-in-muni-land-2013-12>.
85. Adrian Morrow and Karen Howlett, "Ontario Liberals Gas-plant Cancellations Cost \$1-billion: Auditor," *The Globe and Mail*, October 8, 2013. Available online at <http://www.theglobeandmail.com/news/politics/ontario-liberals-gas-plant-cancellations-cost-1-billion-auditor/article14744879/>.



86. Parker Gallant, "Ontario's Power Trip: McGuinty's Bigger Debacle," *Financial Post*, June 27, 2013. Available online at <http://opinion.financialpost.com/2013/06/27/ontarios-power-trip-mcguintys-bigger-debacle/>.
87. Mowat Centre, July 29, 2014.
88. McKittrick, op. cit.; Kenneth P. Green, "The Bank Accounts of Albertans Will Take a Big Hit if Premier Follows Ontario's Renewables Push," *Financial Post*, October 2, 2014. Available online at <http://business.financialpost.com/2014/10/02/the-bank-accounts-of-albertans-will-take-a-big-hit-if-premier-follows-ontarios-renewables-push/>.
89. "Public-Private Income Disparity is the Dark Side of the Sunshine List," *The Globe and Mail*, Editorial, March 29, 2013. Available online at <http://www.theglobeandmail.com/globe-debate/editorials/public-private-income-disparity-is-the-dark-side-of-the-sunshine-list/article10556177/>.
90. *Ibid.*, *The Globe and Mail*, Friday, March 29, 2013.
91. R. Della Croce, C. Kaminker and F. Stewart, "The Role of Pension Funds in Financing Green Growth Initiatives," 2011, OECD Working Papers on Finance, Insurance and Private Pensions, No. 10, OECD Publishing. Available online at <http://www.oecd-ilibrary.org/docserver/download/5kg58j1lwdjd.pdf?expires=1411935101&id=id&accname=guest&checksum=62E0C54E7A894B7FD6F1BF7A63D2932E>.
92. Investor Network on Climate Risk (INCR) is a network of 100 institutional investors that represents more than \$11-trillion in assets and is committed to addressing the risks and seizing the opportunities resulting from climate change and other sustainability challenges. In 2013, INCR turned 10 and celebrated a decade of investor action on climate risk.
93. Steve Milloy, "Green Hell: How Environmentalists Plan to Control Your Life and What You Can Do to Stop Them," Regnery Publishing, 2009.
94. OPTrust at <http://www.optrust.com/investments/responsible-investing.asp>.
95. "Canadian Socially Responsible Investment Review, Social Investment Organization, 2010." Available online at <http://riacanada.ca/wp-content/uploads/CanadianSRIReview2010.pdf>, page 14.
96. Eric Wesoff, Rest in Peace: The List of Deceased Solar Companies, 2009 to 2013, greentechsolar. Available online at <http://www.greentechmedia.com/articles/read/Rest-in-Peace-The-List-of-Deceased-Solar-Companies-2009-to-2013>.
97. Michal Conger, "California Pension Fund Loses Millions on Green Tech: 'A Noble Way to Lose Money,'" *Washington Examiner*, March 28, 2013. Available online at <http://washingtonexaminer.com/california-pension-fund-loses-millions-on-green-tech-a-noble-way-to-lose-money/article/2525683>.
98. Green Bonds, Policy Brief, Sustainable Prosperity, June 2012.
99. Constance Gustke, A Growing Appetite for Green Bonds, Despite Downsides," BBC, December 4, 2013. Available online at <http://www.bbc.com/capital/story/20131204-eco-bonds-get-the-green-light>.
100. Ashe Schow, "President Obama's Taxpayer-backed Green Energy Failures," *The Daily Signal*. Available online at <http://blog.heritage.org/2012/10/18/president-obamas-taxpayer-backed-green-energy-failures/>.
101. David Middleton, "DOE Green Energy Loans: \$11.45-million per Job and a Rounding Error's Worth of Averted Carbon Emissions," Watt's Up With That? June 11, 2013. Available online at <http://wattsupwiththat.com/2013/06/11/doe-green-energy-loans-11-45-million-per-job-and-a-rounding-errors-worth-of-averted-carbon-emissions/>.
102. A recent case in New York State is instructive: "Elon Musk Scores Again: Cuomo Bans Fracking but Gives the Billionaire's Company \$750-million," *Wall Street Journal*, September 29, 2014. Available online at <http://online.wsj.com/articles/elon-musk-scores-again-1411944767>.
103. Katell Abiven, "Spanish Downturn a Disaster for Green Energy," *Phys Org*, June 23, 2013. Available online at <http://phys.org/news/2013-06-spanish-downturn-disaster-green-energy.html>.



104. "Should other Nations Follow Germany's Lead on Promoting Solar Power?" *Forbes*. Available online at <http://www.forbes.com/sites/quora/2013/10/04/should-other-nations-follow-germanys-lead-on-promoting-solar-power/>.
105. Perry Chiaramonte, "Detroit bankruptcy Proposal Would Leave Pensioners with 16 Cents on the Dollar," Fox News, October 30, 2013. Available online at <http://www.foxnews.com/us/2013/10/30/detroit-bankruptcy-proposal-would-leave-pensioners-with-16-cents-on-dollar/>.
106. "Take It Taller: Great Bear Rainforest Overview," February 2012, Greenpeace. Available online at http://www.greenpeace.org/canada/Global/canada/report/2012/03/RSP_update.pdf.
107. "Management Futures for Ontario: Conservation Ontario Whitepaper," October 3, 2012. Available online at http://www.conservation-ontario.on.ca/media/Watershed_Management_Futures_for_Ontario_FINAL_Oct3.pdf.
108. Jessica Annis, Memo to Ontario Landowners Association, "Conservation Authorities and Bill 6, Great Lakes Protection Act, 2013," November 29, 2013.
109. "Municipalities Lose Tax Dollars and Provincial Funding with Conservation Land Purchases," editorial, *Manitoulin Expositor*, September 27, 2013. Available online at <http://www.manitoulin.ca/2013/08/21/mcgregor-bay-association-decries-tax-increase-proposal/>; accessed on December 12, 2014. See also Dana Joel Gattuso "Conservation Easements: The Good, the Bad, and the Ugly," National Policy Analysis, May 2008.
110. Elizabeth Nickson, *Eco-fascists: How Radical Conservationists Are Destroying Our Natural Heritage*, Harper Collins, New York, 2012.
111. Dustin Bleizeffer, "CBM Operators Feel the Squeeze," *Casper Star-Tribune*, August 8, 2009. Available online at <http://www.investorvillage.com/mbthread.asp?mb=4288&tid=7725841&showall=1>; Colleen Haight and Derek Thieme, "Regulation in the Pulp and Paper Industry: Costs and Consequences," No 12-16, Mercatus Center, May 2012. Available online at <http://mercatus.org/publication/regulation-pulp-and-paper-industry-costs-and-consequences>.
112. Conservation Ontario Whitepaper.
113. *The Landowner Magazine*. Available online at http://landownermagazine.com/website/index.php?option=com_content&task=section&id=11&Itemid=33.
114. "Inside the World of Planning," Sustainable Freedom Lab, Sustainable Prosperity, 2014, page 14.
115. http://www.canadianborealforestagreement.ca/media-kit/Boreal_Ontario_FactSheet_English_Final.pdf.
116. Alana Wilson, Fred McMahon and Miguel Cervantes, "Survey of Mining Companies: 2012/2013," Fraser Institute. Available online at <http://www.fraserinstitute.org/uploadedFiles/fraser-ca/Content/research-news/research/publications/mining-survey-2012-2013.pdf>.
117. Xiaofeng Liu and Gary Parker, "Modeling of Hydrodynamics and Sediment Transport in St. Clair River," April 2009. Submitted to the International Joint Commission and the International Upper Great Lakes Study. Available online at <http://www.iugls.org/files/tinymce/uploaded/PeerReviewpdfs/Liu%20-%20Modeling%20of%20Hydrodynamics%20and%20Sediment%20Transport%20in%20St%20Clair%20River%20-%20Draft%20Report.pdf>.
118. Roger Gauthier, lead hydrologist for the Great Lakes Commission and Bill Bialkowski, the engineer who conducted most of the research for the new Georgian Bay Association research cited below.
119. Penny Pepperell, "The Drain Hole in the St. Clair Has Enlarged Alarminglly, Beating the Predictions," GBA Update, Summer 2007. Available online at <http://www.georgianbayassociation.com/update-newsletter/vol17no2.pdf>.
120. "Great Lakes Losing 2.5 Billion Gallons per Day Due to Manmade Drain Hole Near Detroit," PR Newswire. Available online at <http://www.prnewswire.com/news-releases/great-lakes-losing-25-billion-gallons-per-day-due-to-manmade-drain-hole-near-detroit-58094902.html>.



121. *Ibid.*, Penny Pepperell, "New Study Backs GBA's View on Water Loss: Baird Report Garner International Attention," GBA Update, Spring 2005. Available online at <http://www.georgianbayassociation.com/update-newsletter/vol15no1.pdf> and Penny Pepperell, "The Drain Hole in the St. Clair Has Enlarged Alarmingly, Beating the Predictions," GBA Update, Summer 2007. Available online at <http://www.georgianbayassociation.com/update-newsletter/vol17no2.pdf> and *Ibid.*, Xiaofeng Liu and Gary Parker, "Modeling of Hydrodynamics and Sediment Transport in St. Clair River," April 2009. Submitted to the International Joint Commission and the International Upper Great Lakes Study. Available online at http://www.iugls.org/files/tinymce/uploaded/PeerReview_pdfs/Liu%20-%20Modeling%20of%20Hydrodynamics%20and%20Sediment%20Transport%20in%20St%20Clair%20River%20-%20Draft%20Report.pdf.
122. Tom Bethell, *The Noblest Triumph: Property and Prosperity through the Ages*, St. Martin's Press, 1998, pp. 188-189.
123. P.T. Bauer, *Reality and Rhetoric: Studies in the Economics of Development*, Cambridge, Mass.: Harvard University Press, 1984.
124. As cited in Bethell, Albert O. Hirschman, *The Strategy of Economic Development*, New Haven, Conn: Yale University Press, 1961.
125. Elizabeth Nickson, *Eco-fascists: How Radical Conservationists Are Destroying Our Natural Heritage*, Harper Collins, New York, 2012.
126. Christina Blizzard, "Derailing Passenger Train to Ontario North Costly Blunder," Sun News Network, September 26, 2013. Available online at <http://www.sunnewsnetwork.ca/sunnews/straighttalk/archives/2013/09/20130926-194656.html>.
127. Op. cit., Jessica Annis.
128. Jessica Lauren Annis, BURPI, MCIP, RPP Legislative Aide to Jack MacLaren MPP, MPP Carleton-Mississippi Mills PC Critic for Democratic & Senate Reform, "Conservation Authorities and Bill 6, Great Lakes Protection Act, 2013", November 29, 2013. This memo circulated around the Ontario Legislature in December of 2013, resulted in the postponement of Bill 6.
129. Richard Florida, *The Rise of the Creative Class ... and How it's Transforming Work, Leisure, Community, and Everyday Life*, Basic Books, 2003.
130. Other names for Smart Growth or New Urbanism:
- Growth Management
 - New Community Design
 - Sustainable Development
 - Resource Stewardship
 - Land Preservation
 - Preventing Urban Sprawl
 - Creating Sense of Place
 - Development Best Practices
 - Preservation Development
 - Sustainable Transport
 - Triple Bottom Line (TBL) Accounting - People, Planet, Profit
 - The Three Pillars - Human, Natural, and Created Capital (Source Wikipedia)
131. Aaron Renn, "The Rise and Rise of the Global City," Urbanophile October 3, 2013, <http://www.urbanophile.com/2013/10/03/the-rise-and-rise-of-the-global-city/> and "Well-heeled in the Windy City," *City Journal*, October 16, 2013.
132. Interview with Elizabeth Nickson.
133. <http://www.vancouver.sun.com/news/Vancouverites+protest+controversial+neighbourhood+plans+outside+city+hall/8954537/story.html>, accessed December 12, 2014.



134. Randal O'Toole, "Debunking Portland: The City that Doesn't Work," July 9, 2007, Cato Institute. Available online at <http://www.cato.org/publications/policy-analysis/debunking-portland-city-doesnt-work>.
135. "Portland's Continuing Disaster," *The Antiplanner*, the Thoreau Institute, December 26, 2013. Available online at <http://ti.org/antiplanner/?p=8537>.
136. Enid Slack, "Municipal Finance and the Pattern of Urban Growth, C.D. Howe Institute, 2002, p. 5, footnote 11.
137. Michael Neuman, "The Compact City Fallacy," *Journal of Planning Education and Research*, September 2005, Vol. 25 no. 1 11-26. Available online at http://courses.washington.edu/gmforum/Readings/Neuman_CC%20Fallacy.pdf.
138. Op. cit., O'Toole.
139. Burton, E. 2000. The compact city: Just or just compact? A preliminary analysis. *Urban Studies* 37 (11): 1969-2001.
140. Michael Neuman, "The Compact City Fallacy," *Journal of Planning Education and Research*, September 2005, Vol. 25 no. 1 11-26. Available online at http://courses.washington.edu/gmforum/Readings/Neuman_CC%20Fallacy.pdf.
141. Wendell Cox, "Mobility and Prosperity in the City of the Future," *Commentary*, Macdonald-Laurier Institute, May 2012.
142. Op. cit., O'Toole, "Debunking Portland."
143. Rosa Koire, *Behind the Green Mask*, Post Sustainability Institute Press, 2011.
144. Op. cit., Neumann, "The Compact City Fallacy." Alan Oakes, "Revisiting Neumann's Compact City Fallacy," *Green Building and Design Magazine*, September/October 2013.
145. Op. cit., Neumann.
146. Joel Kotkin, "How Can We Be So Dense? Anti-sprawl Policies Threaten America's Future," *New Geography*, August 8, 2013. Available online at <http://www.newgeography.com/content/003873-how-can-we-be-so-dense-anti-sprawl-policies-threaten-americas-future>; Aaron M. Renn, "Why Are There So Many Murders in Chicago? *New Geography*, February 2, 2013. Available online at <http://www.newgeography.com/content/003456-why-are-there-so-many-murders-chicago>; Richard Campanella, "Gentrification and its Discontents: Notes from New Orleans," *New Geography*, March 1, 2013. Available online at <http://www.newgeography.com/content/003526-gentrification-and-its-discontents-notes-new-orleans>; Joel Kotkin, "The Geography of Aging: Why Millennials Are Headed to the Suburbs," *New Geography*, December 9, 2013. Available online at <http://www.newgeography.com/content/004084-the-geography-of-aging-why-millennials-are-headed-to-the-suburbs>; Aaron M. Renn, "The White City," *New Geography*, November 18, 2009. Available online at <http://www.newgeography.com/content/001110-the-white-city>; Joel Kotkin, "The Best Cities for Jobs," *New Geography*, April 20, 2010. Available online at <http://www.newgeography.com/content/001517-the-best-cities-for-jobs>.
147. Jeremy Burbank and Louise Keely, "Millennials and Their Homes: Still Seeking the American Dream," *The Demand Institute*, September 16, 2014. Available online at <http://www.demandinstitute.org/blog/millennials-and-their-homes>.
148. <http://www.newgeography.com/content/002451-what-boomers-are-choosing>, see particularly Trend 6.
149. Ruth Durack; "Village Vices: The Contradiction of New Urbanism and Sustainability" *Places*, November 2001 <https://escholarship.org/uc/item/4667g41s>.



Further Reading



January 2015

The Critical Need for Endangered Species Reform

Elizabeth Nickson

<https://fcpp.org/posts/the-critical-need-for-endangered-species-reform>

October 2014

Surviving Sustainability

Elizabeth Nickson

<https://fcpp.org/posts/surviving-sustainability>

Ideas for a Better Tomorrow

www.fcpp.org

