

1604 – 75 Queen St. N.
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Nov. 27, 2020

Dear Chair and Members of the Standing Committee on Finance and Economic Affairs

Re: Schedule 6 of Bill 229

I join with the many municipalities, conservation authorities, and conservation and environmental organizations who oppose sweeping proposals to weaken the mandate and responsibilities of conservation authorities as detailed in Schedule 6 of Bill 229.

Before commenting on specifics of the amendments to the Conservation Authorities Act, I would like to address my comments to the Progressive Conservative members of the Committee.

As a member of the Queen's Park Press Gallery from 1977 to 1981, representing The Hamilton Spectator, I covered and observed the Bill Davis government first-hand. The Davis administration led the province in a very well-balanced, moderate and pragmatic fashion that served Ontarians well.

Premier Davis and his cabinet had a solid track record in environmental and natural resources issues, consistently upholding preservation of the Niagara Escarpment, improving provincial parks, and investing in the enhancement and protection of the Great Lakes among other things.

The Davis' approach reflected the legacy of previous Conservative governments, shown by the passage of the Conservation Authorities Act under Premier George Drew and strengthened by Premier Leslie Frost. Premier John Robarts showed leadership in creating the Niagara Escarpment Commission.

Bill Davis became the second-longest serving premier in Ontario's history in part because he carefully avoided radical policy changes that would shift the pendulum too heavily in the direction of deregulation and excessive development, as reflected in the virtual emasculation of conservation authorities proposed in Schedule 6 of Bill 229.

As an example of how these ill-advised proposals are raising alarm across the political spectrum, I will quote the comments of Hamilton City Councillor Brad Clark, former PC MPP who served as Transportation Minister in the Mike Harris government and Labour Minister in the Ernie Eves administration.

"I am struggling to find words that are diplomatic and respectful of a provincial government that in a ham-fisted manner would literally gut what a conservation authority is, because developers in Toronto are suggesting conservation authorities are in the way of economic growth," Councillor Clark stated as Hamilton City Council voted unanimously on Nov. 25 to urge the government to withdraw Schedule 6.

Councillor Clark, who has served on two conservation authority boards, criticized what he described as "incredibly frustrating" proposals that would hamper the ability of conservation authorities to prevent residential development in flood plain areas. I agree with his remarks entirely.

He and other councillors decried the inexplicable proposal to remove citizen appointments to conservation authorities. Citizens have made significant contributions for decades.

Of equal concern is a stipulation that conservation board members act only on behalf of their municipality as opposed to the entire watershed. That's a recipe for piecemeal, unsustainable growth.

Another disturbing proposal would remove the ability of conservation authorities to issue stop-work orders to protect natural areas from development.

As Hamilton Councillor and Conservation Authority Chair Lloyd Ferguson put it: "We need the right to expropriate and we need the right to issue stop-work orders whenever someone's trying to fill in or doing damage to the environment."

Red flags are rightly being raised about more measures that would allow disgruntled developers to appeal conservation authority decisions to the natural resources minister or the Local Planning Appeal Tribunal.

The Canadian Environmental Law Association is justifiably warning the proposals "are likely to set back watershed planning and implementation of an ecosystem-based approach by decades."

The fast-tracking of this legislation, without an opportunity for citizens to comment in the Environmental Registry of Ontario, is also very problematic. Many of my concerns are shared by the 600-member Hamilton Naturalists' Club, of which I am the Conservation and Education Director.

It is hard to imagine a Bill Davis government proposing such a drastic weakening of conservation authorities in a process that leaves much to be desired.

As Kim Glavine, general manager of Conservation Ontario said, "This isn't what you would expect a government to do in light of the growing and more complex climate change impacts we are experiencing."

I will leave the final word to Councillor Clark, who had prudent advice for Premier Ford and the cabinet at the Hamilton City Council meeting.

"This is not going to play well for you," he said. "If you think this is about a few special interest groups that are upset, you are mistaken...you had better acknowledge that you have had a misstep, and that you are going to heed the cautions provided to you by conservation authorities and citizens across Ontario and remove Schedule 6 before it becomes a political albatross you will not be able to shake."

Thank you for your consideration.

Gord McNulty