



Nature
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Procedural Services Branch

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To House Standing Committee on Finance and Economic Affairs:

Re: Bill 229 (*Protect, Support and Recover from Covid-19 Act [Budget Measures]*, 2020),

Schedule 6: Conservation Authorities Act

I am writing on behalf of Nature London to express opposition to the inclusion of Schedule 6 in the budget omnibus bill, Bill 229, as it is lacking in clarity, has little or nothing to do with a budget, and its proposed changes threaten the future health, safety, and welfare of Ontario's citizens and natural heritage. This is not the first time the Ontario Government has tried to avoid public input and discussion under the *Environmental Bill of Rights* by 'hiding' in a budget bill a proposal that will weaken environmental protections under existing legislation. The following are comments about proposed amendments to the *Conservation Authorities Act* which Nature London opposes in Schedule 6 of Bill 229:

1. **Proposed Amendment:** *Require participating municipalities to appoint municipal councillors as conservation authority members and that municipally appointed members generally act on behalf of their municipalities. The Minister is given the authority to appoint an additional member to a conservation authority to represent the agricultural sector. This proposal would repeal the un-proclaimed provision made in Bill 108 that members were to act with a view to furthering the objects of the conservation authority, and instead provide clarity for conservation authority member governance and enhanced municipal oversight over taxpayer dollars.*

Comment: Municipalities should have the right to allow members of the public, in addition to municipal councillors and an agricultural representative, to be members of a conservation authority (CA) board. This would provide community oversight and help to mitigate any political bias that councillors may try to exert. The focus of the CA should be on furthering the objects of the CA, its member governance, and municipal oversight of taxpayer dollars. Requiring CA board members to act in the interest of only the municipality they represent, rather than the interest of all municipalities in the watershed in which they are situated, will result in a set of different programs among municipalities that will put the environment at risk. This will not promote fiduciary responsibility under governance best practices and is likely to cause confusion among CAs. A consistency in approach by all municipalities within a watershed to flood control and other watershed threats is essential. That is, a 'Big Picture' approach makes sense.

2. **Proposed amendment:** *Enable the minister to, by regulation, establish standards and requirements for the delivery of non-mandatory programs and services.*

Comment: Conservation authorities should have the right to implement non-mandatory

programs to serve local needs and interests, so long as these do not interfere with the core mandatory roles of the conservation authorities, and their municipalities and/or other organizations are willing to support the programs financially. These programs contribute to education about, and better protection of, wetlands and other areas in a CA's watershed, as well as a better understanding of the importance of watersheds.

- 3. Proposed amendment:** *Remove the un-proclaimed provisions for conservation authorities to be able to issue stop work orders and retain the current enforcement tools, such as laying charges and potential court injunctions.*

Comment: CAs should have unrestricted ability to investigate illegal activities, especially activities that can cause detrimental effects in sensitive areas of a watershed, such as wetlands and coastal bluffs, etc.

4. Comment on Schedule 6 as it related to permits for development:

If Schedule 6 is retained in Bill 229, it will negate the essential role of CAs in flood control by allowing developers to apply to override CA decisions regarding building permits in wetlands and on flood plains. Wetlands and flood plains act as sponges to mitigate flood activity. Concrete- and paved-infrastructure in these areas will contribute to rapid water runoff and do little to mitigate flooding. Development will remove very valuable wetlands that provide ecological, economic, and flood-mitigation benefits.

- 5. Proposed Amendment:** *Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).*

Comment: Permit decisions should be science-based. New Ministerial powers could preclude watershed science-based decisions based on watershed-scale benefits and impacts. CAs currently take these factors into consideration when making decisions. Clarity is needed about how legislative changes will ensure improved watershed health and public safety from hazards in the possible absence of watershed science being taken into account in Ministerial permitting decisions. Separate municipal service agreements for non-mandatory services within in a single watershed will contribute to increased staff time and effort in dealing with new appeal processes before the Local Planning Appeal Tribunal (LPAT) and/or Minister. The whole permitting process could end up being longer and more costly.

On behalf of Nature London, I wish to thank you for providing the opportunity for comment. I hope that the above comments will receive due consideration.

Yours sincerely,

Anita Caveney.

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