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Standing Committee on Finance and Economic Affairs
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
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Attention: Amarjot Sandhu, MPP, Chair: amarjot.sandhu@pc.ola.org
Julia Douglas, Clerk: comm-financeaffairs@ola.org

Cc: Hon. Rod Phillips, Minister of Finance: rod.phillipsco@pc.ola.org
Hon. Doug Ford, Premier of Ontario: doug.fordco@pc.ola.org

Re: Bill 229. Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

I was distressed to learn of the drastic changes for conservation authorities proposed in Schedule 6 of Bill 229. Conservation authorities play an essential role in the management of watersheds. The province must support and encourage conservation authorities in their work of environmental protection, rather than crippling them through inappropriate legislation.

I respectfully urge the committee to remove Schedule 6 in its entirety from Bill 228.

The following points provide rationale for removal of Schedule 6. Further consultation is essential before any further refinements to the role and mandate of conservation authorities are proposed.

- the majority of the Schedule 6 amendments are regressive in nature and are completely contradictory to fulfilling both the purpose of the *Conservation Authorities Act* and the need for Ontario to set the course for more climate resilient communities in the future.
- In 2019, Ontario's Special Advisor on Flooding, Doug McNeil, reported, "Ontario has a long history of taking actions to keep people and property safe from the impacts of flooding through land use planning policies and mitigative activities. The development of the modern floodplain policy in Ontario, the watershed approach, the conservation authority model, and the flood standards have been extremely effective at reducing flood risks, especially in new greenfield development areas. Conversely, if Schedule 6 were implemented, the scope and powers of conservation authorities would be limited to the point that no meaningful integrated watershed management will be possible. The "watershed approach" and the "conservation authority model" that the Special Advisor on Flooding lauded would be stripped down and made unrecognizable. Building climate resilient communities for the future will be impeded, if not impossible.

- The proposed narrowing of duties of conservation authorities' members is completely contrary to the watershed approach needed to build climate resilient communities for the future. The duty of members will not include acting to further the objects of a conservation authority. The duty of members who are municipal councillors will be to act on behalf of their respective municipality. Conservation authorities were established to have a watershed-based approach and oversight precisely because municipal boundaries and interests do not align completely with ecologically relevant (e.g. watershed) boundaries.
- The proposed narrowing of the objects and powers of conservation authorities is counter to the watershed approach needed to build climate resilient communities for the future. The current Provincial Policy Statement (PPS) contains policies aimed at protecting, improving and restoring water quality and quantity, including emphasizing "using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development" and aimed at ensuring "the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems" as important recognition of the "linkages between and among natural heritage features and areas, surface water features and ground water features." The proposed amendments will narrow the objects of conservation authorities such that ensuring land use planning decisions are consistent with the PPS and achieving the overall purpose of the CAACT will be significantly impeded. Further, conservation authorities' powers to study and investigate, enter land throughout the watershed, cause research to be done, and expropriate will be narrowed or removed, making the ability to use a watershed approach next to impossible.
- While there may be a desire to reduce red tape, the proposed requirement for conservation authorities to negotiate separate municipal service agreements for non mandatory services will, in fact, increase administrative burden. In the case of authorities in the London area, that would mean 17 separate agreements for the Upper Thames River Conservation Authority, and 10 for the Lower Thames River Conservation Authority.
- Removing conservation authorities' status as independent public bodies in land use planning will set integrated watershed management back decades. Bringing conservation authorities under the "one window" approach to municipal land use planning will limit meaningful integrated watershed management. Under the Planning Act, all provincial interests are expressed and defended only through the Ministry of Municipal Affairs and Housing (MMAH). As there is no express mechanism to ensure the interests of other ministry's mandates, including (as proposed) the watershed approach of conservation authorities, are reflected in MMAH's implementation of the Planning Act, the desire to build climate resilient communities for the future is very unlikely to be fully realized.

- New procedures are being introduced without indication of whether matching third party rights of appeal in the public interest will be provided. New procedural rights for requestors (for fee reconsideration) and applicants (for the yet to be proclaimed permits), including new rights to appeal to the LPAT, are proposed. Further, new processes for the Minister to review, as well as appoint investigators and recommend the appointment of administrators, are also proposed. These amendments do not indicate, one way or another, whether third party, public interest based, appeal rights (as exist under the EBR for certain "instruments") will be made available.
- Much of the detail in relation to the scope of programs and services, standards and requirements, and other important matters, is left to the development of future regulations. It is therefore impossible to fully analyze the impact of the proposed changes to conservation authorities' roles and responsibilities, as so many details are left to the discretion of the Lieutenant Governor in Council and/or the Minister to make future regulations.

Building climate resilience is crucially important for Ontario. The amendments put forward in Schedule 6 will diminish the ability of conservation authorities to achieve this important task. Indeed, the package of amendments as proposed is likely to set back watershed planning and implementation of an ecosystem-based approach by decades.

Regards,

David Wake