

Friends of the Spit

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01 December, 2020

VIA email

Standing Committee on Finance and Economic Affairs
99 Wellesley Street West, Room 1405
Whitney Block, Queen's Park
Toronto, ON
M7A 1A2

Attn: 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

On behalf of Friends of the Spit, please find, for the assistance of the Standing Committee, our recommendation, as discussed below, that: Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) **be withdrawn in its entirety from Bill 229.**

About Friends of the Spit

Friends of the Spit is an all-volunteer advocacy group, established in 1977, to advocate for the entire Leslie Street Spit and Baselands [portions of which are Tommy Thompson Park] (in Toronto) to be a car-free urban wilderness. Since 1982, Friends of the Spit has interacted with the Metropolitan and Region Conservation Authority, and its successor, the Toronto and Region Conservation Authority (TRCA), to work with that organization to ensure these goals were met. From initial opposition to development Master Plans, to serving on advisory committees and stakeholder groups, our interaction with the TRCA has been generally positive and productive. Without their stake in the land, and without their involvement, the Spit would have become nothing more than another of the cookie-cutter waterfront parks in Toronto. The key to The Spit's success has been the TRCA's

recognition of this land as an Urban Wilderness, and its drive to maintain it as such. This Urban Wilderness has become a signature park, featured in print and video around the world. World-class, to use dated lexicon! To be clear, The Spit has benefitted immensely from The Living City policies of the TRCA.

Lack of Robust, Meaningful Public Consultations

On November 5, 2020, the Ontario government tabled omnibus budget measures Bill 229 (the proposed Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020) for First Reading in the Ontario Legislature. Schedule 6 of Bill 229 proposes fundamental changes to the Conservation Authorities Act (CAA) and to the conservation authorities' role in land use planning.

An Environmental Registry of Ontario (ERO) bulletin titled Updating the Conservation Authorities Act (ERO # 019-2646) was also posted on November 5, 2020, stating that public consultation is not required under Ontario's Environmental Bill of Rights, 1993 (EBR) because the proposed amendments form part of a budget.

Bill 229 is the most recent proposal in a disturbing and undemocratic trend, starting with Bill 55, Strong Action for Ontario Act (Budget Measures), 2012, of using omnibus budget measures bills to make substantive changes to environmental laws and thereby sidestepping the public's EBR rights.

Friends of the Spit has great concern regarding the lack of opportunity for meaningful public input, and stakeholder involvement. Proceeding with significant legislative amendments affecting forests, species, waters, and lands should not occur without full and direct public engagement. Perhaps the Act could be improved: however, sneaking these drastic revisions in by the back door via a budget bill is wrong.

Further, relying on an exemption for budget measures implementation when proposed amendments to environmental laws are likely to have significant ecological and social impacts is inconsistent with the public participation rights guaranteed in the EBR. By not providing the opportunity for public review and comment via the ERO, which imposes a duty on the appropriate ministries to take every reasonable step to ensure all comments received in relation to a proposal are considered when decisions are made, the government has denied the public their rights and also deprived themselves from hearing from Indigenous communities and the public regarding their values and interests affected by Schedule 6. The Auditor General of Ontario's recent compliance report echoed this concern about improper sidestepping of key consultation requirements in the EBR.

Remove Schedule 6, proposed changes to the Conservation Authorities Act and consequential amendments

Our overall conclusion is that while a small number of the proposed changes (including transparency, and term limits for the chair and vice-chair) may be supportable in principle, 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 desire to set the course for more climate resilient communities in the future. Accordingly, Friends of the Spit recommends that Schedule 6 not be enacted in its present form and instead be withdrawn in its entirety from Bill 229.

Having arms-length agencies, whose jurisdiction is on a watershed-basis, has been key to enabling drinking water source protections.

While the purpose of the CA Act is to “provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario”, the scope and powers of conservation authorities will be limited to the point that no meaningful integrated watershed management will be possible. The “watershed approach” and the “conservation authority model” that are so lauded will be stripped down and made unrecognizable. Building climate resilient communities for the future will be impeded, if not impossible.

The membership of the Authority must represent the community-at-large, including indigenous members. The duties of the board members must reach beyond that of their own municipality, to further the objects of the authority and the watershed it manages.

To narrow Board members’ duties, and to narrow the objects and powers of the authority are both counter to the over-arching watershed approach that is needed to build climate - resilient communities for the future.

Further, conservation authorities’ powers to study & 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. Removing the ability of a conservation officer to issue a “stop-work” order at a non-compliant work site makes no sense. 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.

This recitation could have been much longer. Suffice to say, if changes to the Act are needed, then the proper process is to call for submissions, review those, and then proceed forward. There is no haste required, particularly in this Covid19 pandemic. Sneaking these changes in under the cover of a monetary instrument, while the population is reeling from Covid19, is totally inappropriate.

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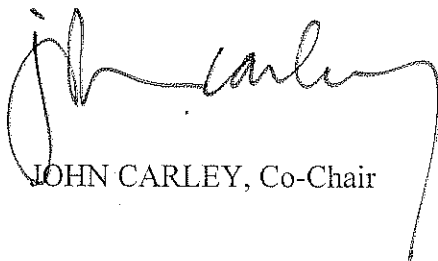
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We would be pleased to participate in any proper review of the Conservation Authorities Act.

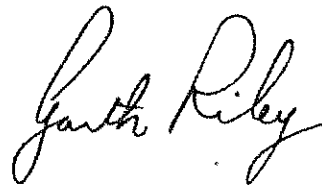
Yours sincerely,

FRIENDS OF THE SPIT

per:

A handwritten signature in black ink, appearing to read "John Carley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

JOHN CARLEY, Co-Chair

A handwritten signature in black ink, appearing to read "Garth Riley". The signature is cursive, with a large initial "G" and a long, sweeping underline.

GARTH RILEY, Co-Chair

Celebrating 43 years: since 1977, Friends of the Spit has been advocating for the entire Leslie Street Spit and Baselands to be a car-free Public Urban Wilderness.

Without Friends of the Spit advocacy, The Spit and Baselands would not exist as they do today: a wonderful urban wilderness, enjoyed by hundreds of thousands of visitors yearly.