

GREY SAUBLE CONSERVATION AUTHORITY

SUBMISSION TO THE

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

BILL 229; SCHEDULE 6

THE PROTECT, SUPPORT AND RECOVER FROM COVID-19 ACT (BUDGET MEASURES) 2020

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

December 2, 2020

Submission to Standing Committee on Finance and Economic Affairs

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

I am writing on behalf of the Grey Sauble Conservation Authority in response to the proposed amendments to the Conservation Authorities Act (CA Act), contained in Schedule 6 of Bill 229. We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.

For over 60 years, Grey Sauble Conservation Authority (GSCA) has served the interests of its residents by conserving the environment and enabling watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting over four million trees, to managing 28,000 acres of land, teaching and engaging thousands of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, GSCA has been a trusted, accountable partner to the Province and our municipalities. Today, GSCA serves nearly one hundred thousand residents and hundreds of thousands of visitors in one of the most beautiful parts of Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure that responsible growth and development support sustainable and vibrant communities.

GSCA has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further

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conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

These changes significantly limit the ability of conservation authorities to protect Ontario's environment, ensure people and property are safe from natural hazards and to apply watershed-based decisions on development. Ultimately, these changes in many ways, remove much of conservation authorities' ability to influence the overall health and protection of Ontario's citizens and the environment.

In 2018, the Province began to review Conservation Authority operations with three key goals in mind:

- Improve consistency and transparency of the programs and services that conservation authorities deliver,
- Provide additional oversight for municipalities and the province, and
- Streamline conservation authority permitting and land use planning reviews to increase accountability, consistency, and transparency.

Since the launch of the review, conservation authorities have been working to meet Provincial expectations regarding consistency and transparency of programs and services and to streamline planning and permitting processes. Since that time, authorities have worked collectively to:

- Adopt consistent By-Laws by December of 2018,
- Implement best management practices regarding governance and administration,
- Voluntarily reduce timelines for issuance of permits, and

- Initiate client centric service training and monitoring protocols to document improvements in service delivery.

Conservation authorities have demonstrated their willingness to work with the Province and change to meet provincial expectations. Unfortunately, the current changes introduced by the Province show no regard for these efforts and many of the proposed changes have consequences which are counterproductive and will increase red tape, cost taxpayers more, and place Ontario's residents and environment at risk.

The following is a summary of our concerns.

Summary of Concerns

Provincial Bill 229 changes to both the Conservation Authorities Act and the Planning Act eliminates the conservation authorities' science-based watershed approach which currently protects Ontario's environment.

- Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.
- CAs bring watershed science and information to the various tables where development and growth are being reviewed and discussed.
- Provincial changes limit conservation authorities' ability to provide input to municipal planning applications and to permit decisions and appeals.
- The conservation authority watershed model has served Ontario well and is relied upon by many levels of government, businesses, and residents to protect the environment from upstream to downstream.

- Conservation authorities undertake watershed-scale monitoring, data collection, management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis.

Bill 229 changes will create more costs, delays and red tape around permit and planning applications and appeals.

- There are new appeal processes proposed, particularly around fees, which will significantly slow down the permitting process, creating delays and more red tape. This will also result in additional costs which would need to be recovered by increasing permit fees or through increases to municipal levies.
- If applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors), the new changes will allow applicants to appeal directly to the Minister, who could make their own decision without a hearing, including issuing a permit. This process lacks the local knowledge and watershed science that goes into the decision-making process, and also lacks the transparency of a hearing.

Bill 229 changes will remove conservation authorities' ability to independently appeal decisions made around municipal planning applications. This will put more people and infrastructure at risk of flooding and other natural hazards as well as add additional stressors to Ontario's biodiversity.

- Changes have been made to the conservation authorities' role in the land use planning process. Conservation authorities are no longer afforded the ability to appeal decisions or be party to an appeal.

- Being able to participate in appeals processes ensures that the watershed lens is being applied to planning and land use decisions and that people and their property are protected from natural hazards such as flooding.
- Without our ability to look at development applications on a watershed basis, we run the risk of the plan review process being piecemealed and ultimately the potential to exacerbate risks associated with natural hazards and for cumulative negative environmental impacts.
- As development permits will still be required in these areas, this new process is set up to instigate unnecessary conflict and delays.
- Conservation authorities are landowners and may need to appeal a local planning decision on this basis. The changes proposed in Schedule 6 will eliminate this ability.

Bill 229 changes will remove the responsibility for municipally appointed CA Board members to represent the interests of the Conservation Authority.

- The Province has changed the 'Duty to Members' section of the Conservation Authorities Act to have municipal representatives on CA Boards act in the interests of their own municipality rather than the conservation authority's interests.
- This contradicts the fiduciary duty of board members to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the conservation authority and watershed interests.
- This change undermines the ability of Conservation Authority Boards to address the broader environmental and resource management issues facing our watersheds today. It limits discourse on these issues and other programs and services that address watershed-wide issues spanning municipal boundaries in a time of increasing climate change.

Bill 229 will reduce the ability for enforcement of the Section 28 Regulation, putting residents and the environment at risk by not providing Conservation Authorities the necessary tools to control illegal activities.

- Conservation authorities are mandated to administer and enforce development regulations under the Conservation Authorities Act, but the Province is denying conservation authorities the basic enforcement tools to effectively fulfill this mandate. These basic tools would save time and money for all parties involved.
- The current revisions significantly limit a Conservation Authority's ability to enforce the regulation. Conservation authorities will have to continue to rely on search warrants to gain entry to a property where infractions/compliance is a concern taking time and costing money. Reasonable grounds for obtaining a search warrant now cannot be obtained unless the activity can be viewed without entry onto the property (i.e. from the road). This will protect would be violators of the regulation.
- The ability to issue Stop (work) Orders has been repealed. This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction to stop unauthorized activities. Obtaining injunctions takes further staff time and Authorities will incur significant costs for legal and court fees. Given the lack of Provincial funding this cost will be borne by our municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, or alteration of a floodplain which then puts people at risk.
- This unintended consequence is contrary to the Province's Made in Ontario Plan which references getting tough with polluters. Illegal filling, dumping of contaminated materials, destruction of wetlands and the re-aligning of watercourses continues to be a concern. Without the necessary tools, the public and environment are at risk.

Bill 229 includes changes that would allow regulations affecting non-mandatory programs.

- New clauses enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services and Other Programs and Services. As the Ministry does not provide any funding toward these services, and the Ministry does not understand the local perspective, there is no reason the Ministry should be involved in prescribing standards and/or requirements to these programs and services. Ontario's conservation authorities are heavily dependent on self-generated revenues to offset programming costs. We are seriously concerned that the Ministry's disconnect and lack of understanding of local conservation authority business will dramatically impact these revenues, with the additional impacts on the ability of conservation authorities to carry out the mandatory programs and services.

Information being present about Conservation Authorities is misleading

We note concerns about the information that is being conveyed through the current deliberations on Bill 229. On December 1, 2020, the Honourable Minister Yurek stated to the Speaker, "*Conservation authorities are not transparent, it is hard to get an audited financial statement publicly*". We would like to refute this statement. Grey Sauble Conservation Authority's audited financial statements, dating back to 2003, are available on our website for anyone who chooses to read them: <https://www.greysauble.on.ca/about-us/publications/>. We believe this to be true for many, if not all, of Ontario's 36 conservation authorities.

Lack of Transparency and Accountability

We would raise concerns of the Province regarding Transparency and Accountability. The Province has failed to consult on the proposed changes to the Conservation Authorities Act. Even the previous proposed changes could barely be described as being true consultation. As Ontario's conservation authorities and municipalities pay the predominant portion of conservation authority budgets, Ontario's conservation

authorities and municipalities should be afforded more opportunity for input. However, the Province has chosen to include these changes in an omnibus bill that does not provide the opportunity for public review and comment. Additionally, the Province appears prepared to push this Bill through without regard to the substantial public resistance. This process is neither transparent or accountable.

We request that Schedule 6 be removed from Bill 229 and that the Province make actual efforts to consult with conservation authorities and municipalities on changes to the Conservation Authorities Act.

Thank you for your consideration.

Sincerely,



Tim Lanthier

Chief Administrative Officer

Grey Sauble Conservation Authority

To: Standing Committee on Finance and Economic Affairs
Re: Bill 229, Section 6
From: Cathy Little

December 2, 2020

To Members of the Standing Committee,

As a Grey County, Ontario resident, Grey Highlands Councillor and Grey Sauble Conservation Authority Board Member, I am gravely concerned about Section 6 of Omnibus Bill 229.

Before joining Grey Highlands Council six years ago, I enjoyed our local attractions like Inglis Falls and Old Baldy and was acquainted with conservation authority staff when I needed a permit but like many watershed residents that was about all I knew about the Grey Sauble Conservation Authority.

As a municipal councillor I've seen the direct benefit to Grey Highlands from the services of the Grey Sauble (GSCA), Saugeen Valley (SVCA) and Nottawasaga Valley (NVCA) Conservation Authorities. I have served on the GSCA Board for six years and have been Chair for the past three. My knowledge of and appreciation for the value of GSCA programs and services has grown. I see our qualified, experienced staff at work in the field and in the office keeping our residents safe and protecting property. I witness the commitment of my citizen and municipal Board colleagues to serving all communities and residents of the watershed. I find the history of conservation authorities in Ontario inspiring and the founding principle, the unique and highly-regarded watershed management model, exemplary. As Chair, I am a member of Conservation Ontario, which has given me the opportunity to connect with and learn from staff and leaders of the other 35 CAs. In my time in office, I have gained a thorough understanding and great respect for the important service provided by GSCA in particular and CAs in general.

I am truly grateful to our local MPP, the Hon. Bill Walker and his staff, for taking time over the past 18 months, to meet with GSCA and SVCA representatives and discuss proposed changes affecting conservation authorities. Uncertainty about these changes has been challenging but not impossible to imagine as CAs and municipalities wait to adapt to specificity in provincial regulations. But, Section 6 is a dramatically different story, in its content and in its release through Omnibus Bill 229.

Expressions of concern are growing. They come from not only environmental groups but also groups representing other major stakeholders like the Ontario Federation of Agriculture and the Association of Municipalities of Ontario. Their concerns are not identical of course but a common theme is the need to remove Section 6. For more information on GSCA concerns I have attached a copy of the GSCA Media Release and a Conservation Ontario Backgrounder.

Please consider the irreparable consequences that would result from the hasty implementation of Section 6.

1. How will the unique and effective integrated watershed model survive when the governance principle of watershed management is negated?
2. How will flood risk be effectively managed when the authority of the local authority is eroded?
3. How will climate change be mitigated when the local authority has little power to enforce?
4. How can CAs, already lean organizations, continue if revenue generation options are restrictive?

Many Ontario municipal councils, including my own Grey Highlands Council, have passed variations of the following resolution, shown here in part:

THAT the Province of Ontario work with conservation authorities to address their concerns by removing Schedule 6 from Bill 229 which affects changes to the *Conservation Authorities Act* and the *Planning Act*;

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns;

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority-municipal budget processes;

THAT the Province respect the current conservation authority/municipal relationships;

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

I am gravely concerned for my family and the communities I serve. Please support the removal of Section 6 from Omnibus Bill 229.

Respectfully,

Cathy Little
Resident, Grey County
Chair, Grey Sauble CA
Councillor, Grey Highlands
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November 19, 2020

For Immediate Release

Ontario Communities Put at Risk by Changes to Conservation Authorities Act

The Province has introduced changes to the *Conservation Authorities Act*, under the 2020 Provincial Budget Bill, Bill 229, that will limit the conservation authorities' ability to protect people, property, and the environment. Most of these changes have come with no warning or consultations and have raised concerns with Grey Sauble Conservation Authority (GSCA), who believes these actions by the Province lack transparency and will put communities across Ontario at risk. It is important for all Ontarians to understand how they may be impacted by these proposed changes to the *Conservation Authorities Act* and know who they should contact to express their concern.

GSCA has identified several major issues related to these proposed changes that the public and municipalities in Ontario should be concerned about and prepared to act on.

Changes imposed by this Bill would allow the Province to determine which municipally or self-funded programs conservation authorities can undertake. This undermines the ability of local Boards and Councils to define the programs that are beneficial to their local watershed communities. This Provincial overreach may have significant impacts on public safety, the local environment and resilience to climate change.

Changes to the development permit process include permit appeals to be submitted directly to the Minister of Natural Resources & Forestry (Minister) and for power to be given to the Minister to issue their own permits. This has the potential for significant negative impacts on Ontarians as it lacks transparency and could add political motivation to permit decisions while removing the use of background information, local watershed knowledge, and scientific expertise on which conservation authority staff currently make these decisions. Further, this change would allow bypassing of the hearing process and could result in development in unsafe locations such as flood plains and the destruction of environmental features.

The Province has also introduced new fee appeal methods that may cause a significant administrative burden on staff and hearing boards, ultimately leading to delays in development reviews. Ontario's conservation authorities are tasked with keeping local communities safe from the impacts of natural hazards. Amendments to the *Planning Act* that remove the ability of conservation authorities to appeal planning decisions will dramatically reduce the ability of conservation authorities to provide this service.

Tim Lanthier, Chief Administrative Officer for Grey Sauble Conservation Authority states, "The changes being proposed by the Province will effectively undo decades of thoughtful planning to keep our communities safe." Further, Ontario's ability to adapt to and mitigate the effects of climate change will be hampered by these changes that undermine the work of conservation authorities to keep development out of high flood risk areas and for protecting natural infrastructure such as wetlands. These actions directly contradict the Made in Ontario Environment Plan that promotes building resilience for the costs and impacts of Climate Change.

The importance of safe and healthy communities, as well as access to nature for personal well-being has become extremely evident this year, which highlights the value that conservation authorities provide across Ontario. "If you value the work of conservation authorities to protect the environment and to protect our communities from the impacts of natural hazards, it is vital that you speak up now. Call your MPP, email your councilors, or go to GSCA's website to advocate for the removal of Schedule 6 from Bill 229" – Lanthier.

For more information on these changes and to find out how to take action, visit: www.greysauble.on.ca

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For more information:

Tim Lanthier, GSCA Chief Administrative Officer

Email: t.lanthier@greysauble.on.ca

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Background:

Our vision is a healthy watershed environment in balance with the needs of society.

Our mission, in partnership with the stakeholders of the watershed, is to promote and undertake sustainable management of renewable natural resources and to provide responsible leadership to enhance biodiversity and environmental awareness.



Backgrounder

Concerns About Changes to the *Conservation Authorities Act* and *Planning Act* Which Affect Conservation Authorities

November 13, 2020

The Province has introduced a number of changes to the *Conservation Authorities Act* and the *Planning Act* that significantly either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards. The changes risk watering down or limiting the conservation authorities' ability to ensure a watershed-based approach to development and to overall protection of Ontario's environment.

Highlights of Key Changes:

- remove and/or significantly hinder the conservation authorities' role in regulating development, and engaging in review and appeal of municipal planning applications
- allow the Minister make decisions on permit appeals and issue permits without watershed data and expertise from the conservation authorities
- redirect the fiduciary role (Duty of Members) for municipally appointed CA Board members. They are being told to make decisions in the best interest of the municipalities and not the conservation authority.

Conservation Authority Transparency and Accountability

There are a number of changes which appear administrative in nature which we acknowledge will address concerns around conservation authorities' transparency and accountability. CA Administrative By-Laws were completed by the December 2018 legislated deadline and should already address these concerns including making key documents publicly available; including meeting agendas, meeting minutes, and annual audits.

Conservation Ontario Concerns

Ontario's environment will be at risk.

Provincial changes to both the *Conservation Authorities Act* and the *Planning Act* risk watering down or losing the conservation authorities' science-based watershed approach which currently protects Ontario's environment.

- Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.
- CAs bring the watershed science and information to the various tables where development and growth are being reviewed and discussed.
- Provincial changes limit the conservation authorities' ability to provide input to municipal planning applications and to permit decisions and appeals.

- The conservation authority watershed model has served Ontario well and is relied upon by many levels of government, businesses and residents to protect the environment from upstream to downstream.
- Conservation authorities undertake watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis.

Provincial changes will actually create more costs, delays and red tape around permit and planning applications and appeals.

- There are new appeal processes which will significantly slow down the permitting process creating delays and more red tape.
- If applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors or Executive), then applicants can now appeal directly to the Minister who can make his or her own decision without a hearing and even issue a permit.
- Alternatively, or in addition, the applicant can appeal a decision of the conservation authority to the Local Planning Appeal Tribunal (LPAT).
- These changes could add as many as almost 200 days to the application process.

Changes made by the Province to the conservation authorities' role in not being allowed to independently appeal decisions made around municipal planning applications will put more people and infrastructure at risk of flooding and other natural hazards and add additional stressors to Ontario's biodiversity.

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- Changes have been made to the conservation authorities' role in the land use planning process. They are no longer allowed to appeal these decisions independently.
- Being able to participate in appeals processes ensures that the watershed lens is being applied to planning and land use decisions and that people and their property are protected from natural hazards such as flooding.
- Without our ability to look at development applications on a watershed basis, we run the risk of the plan review process being piecemealed and ultimately the potential to exacerbate risks associated with natural hazards and for cumulative negative environmental impacts.

The Province has removed the responsibility for municipally appointed CA Board members to represent the interests of the Conservation Authority.

- The Province has changed the 'Duty to Members' section of the CAA to have municipal representatives on CA Boards actually act in the interests of their own municipality rather than the conservation authority's interests.

- It contradicts the fiduciary duty of board members of any organization to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the conservation authority and watershed interests.
- This change undermines the ability of the CA Board to address the broader environmental/resource management issues facing our watersheds today. It limits discourse on these issues and consideration of programs and services that address watershed-wide issues that span municipal boundaries is paramount in a time of increasing climate change.

For more information:

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