



*The GSWA mission
is to protect, promote and advocate for sustainable
improvements in water quality and healthy watersheds.*
gswa.ca

December 2, 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

November 30, 2020

On behalf of the Greater Sudbury Watershed Alliance (GSWA) we respectfully request that:

Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) be withdrawn in its entirety from Bill 229.

The Greater Sudbury Watershed Alliance is a volunteer organization representing 24 lake and creek stewardship organizations and First Nation communities. We advocate for sustainable improvements in water quality and healthy watersheds in the Sudbury region.

GSWA is dedicated to healthy, dynamic and sustainable watersheds within and around the City of Greater Sudbury

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One of the proposed changes to the Conservation Authorities Act provides developers and builders the ability to completely circumvent Conservation Authority permitting decisions by appealing directly to the Minister, and the Minister's decision is then final. The CA follows well established planning principles, and decisions are based on scientific evidence. Bypassing this process will allow development in watersheds unrestricted by policy, planning regulations, or good governance.

Without the benefit of a science-based analytical framework, politically motivated ministerial decree can easily result in environmental degradation, increased exposure to erosion and flooding, and watershed damage that may be irreparable. Ultimately, the cost of any required remediation will be the responsibility of Ontario taxpayers. There is no indication in the legislation that those who make ill-informed decisions that bypass scientific rigour and planning regulations will bear any responsibility for their actions.

The proposed legislation changes the composition of CA boards to municipal representatives exclusively and mandates them to represent the interests of their own municipalities, rather than the policies and guidance of the Act they are constituted under. Structuring a board that is directed specifically not to follow its fiduciary duty is unprecedented and completely contrary to the way any other legally constituted board operates.

The proposed legislation removes the ability of CAs to independently appeal municipal planning decisions. As a result, watersheds can be seriously compromised. The current CA structure provides for comprehensive protection of a watershed by ensuring that the total watershed is included in any planning considerations. Municipalities are responsible for development in their specific region and have no obligation to consider downstream effects, or the overall health of the watershed where they are situated. The CA appeals process provides a check on this process so that more comprehensive data can be considered before a final decision is made. Removing this process eliminates that possibility.

The proposed legislation limits Conservation Authorities to "core responsibilities" and places new conditions on any other programs they operate by requiring individual agreements with the municipality for each program and service they deliver. It is appropriate that the province regulate any program or service they pay for, but it is not appropriate for the province to interfere either with the relationship between CA and the municipality, or any program it does not financially support.

The proposed legislation repeals section 30.4 which had not yet been proclaimed that "would have given officers the power to issue stop orders to persons carrying on activities that could contravene or are contravening the Act." It also restricts the ability for officers to enter private land within the jurisdictions of an authority by amending subsection 30.2. Both of these changes will substantially increase the time required to stop illegal activities resulting in environmental damage that cannot be undone.

It is for these reasons that we urge the government to withdraw schedule 6 from Bill 229 and return to consultation with the Conservation Authorities. Numerous municipalities and Conservation

Authorities, the two groups most affected by this legislation have made the same request. It was a Conservative government in 1946 that, in response to serious flooding damage and the loss of life caused by unregulated development, created Conservation Authorities. It was a Conservative government that strengthened the legislation after the disaster of hurricane Hazel in 1955. It is indeed ironic that it is a Conservative government that is proposing to remove those protections with unprecedented climate change on the horizon.

Sincerely

Richard Witham

Chair, Greater Sudbury Watershed Alliance