

December 2, 2020

Dear Minister Phillips and Finance Committee

RE: Schedule 6, Bill 229 – Proposed Changes to the Conservation Authorities Act and Consequential Amendments

*Please find for the assistance of the Standing Committee my 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below, that **Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) be withdrawn in its entirety from Bill 229.***

I am very concerned regarding the lack of opportunity for meaningful public consultation on changes to the Conservation Authorities Act

I have concerns regarding the lack of opportunity for meaningful public input on changes to the CAACT. 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 both denied the public their rights and also deprived themselves from hearing from the public regarding their values and interests affected by Schedules 6.

I ask the Government to withdraw Schedule 6 because the proposed changes to the CAACT are not administrative budget-related amendments but rather are significant amendments impacting public policy and for which adequate and specific public consultation has not occurred. These proposed amendments are deserving of the sober second thought provided through specific consultations and then debate in the Legislature.

The work of conservation authorities support the mandate and objectives of Ontario's public health units, ensuring health protection through healthy natural environments

Ontario's Conservation Authorities are mandated to undertake watershed-based programs to protect people and property from flooding and other natural hazards, and to conserve natural resources for economic, social and environmental benefits^[v]. Their science and watershed-based approach helps inform decision-making about where to put development, how to protect water quality and quantity, as well as how to conserve, restore and rehabilitate important natural systems such as forests, wetlands, soils, escarpments, moraines and lakes. These components of a healthy, functioning ecosystems are vital to human health and well-being, and to building climate resiliency.

The Ontario Public Health Standards^[vi] (OPHS) acknowledges that the health of Ontarians is inextricably tied to healthy natural systems. This is articulated in the OPHS' Healthy Environments goal: "To reduce exposure to health hazards and promote the development of healthy built and natural environments that support health and mitigate existing and emerging risks, including the impacts of a changing climate." Public Health Units across Ontario are required to collaborate with community partners, and implement public health interventions, to reduce exposure to health hazards and promote healthy built and natural environments.

Healthy ecosystems are essential for human health and survival. We all depend on clean air to breathe, clean water to drink, healthy food supplies, green spaces for recreation and climate protection, and contact with nature to enrich our lives. There is growing evidence that we gain specific physical and mental health benefits from living in clean, healthy ecosystems and from having access to natural areas and biodiversity.

Conservation authorities have played a crucial role in the first phase of implementation [\[vii\]](#) of the Clean Water Act, 2006 [\[viii\]](#). Having arms-length agencies, whose jurisdiction is on a watershed-basis, has been key to enabling drinking water source protection. Ontario's Special Advisor on Flooding Report to Government, An Independent Review of the 2019 Flood Events in Ontario noted that: "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." [\[ix\]](#)

While the purpose of the CAAct 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" [\[x\]](#), the proposed amendments will limit the scope and powers of conservation authorities to the point that no meaningful integrated watershed management will be possible. The "watershed approach" and the "conservation authority model" praised by the Special Advisor on Flooding, will be severely hampered. Building climate resilient communities for the future will be impeded, if not impossible.

Allowing the Minister, his staff or a municipal government, to issue permits to allow for the destruction of important wetlands and forests and to override protections from flooding, removes the ability of Conservation Authorities to protect these important features in their communities, and makes Ontarians much more vulnerable to the impacts of climate change.

Narrowing 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" [\[xi\]](#) 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." [\[xii\]](#) 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.

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 are reflected in MMAH's implementation of the Planning Act, including (as proposed) the watershed approach of conservation authorities, the desire to build climate resilient communities for the future is very unlikely to be fully realized.

Conclusion

I recommend that Schedule 6 (proposed changes to the Conservation Authorities Act and consequential amendments) be withdrawn in it's entirety from Bill 229.

Building climate resilience is crucially important for the health and well-being of all Ontarians. For the reasons discussed above, I believe that the proposed changes to the Conservation Authorities Act will not achieve this important task. To the contrary, the amendments as proposed are likely to set back watershed planning and implementation of an ecosystem-based approach by decades. I am very concerned that the proposed amendments will increase flooding and other climate-related health risks, and allow accelerated destruction of wildlife habitat, wetlands, woodlands, and natural spaces on which human health depends.

Yours truly,

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[i] <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-229>

[ii] <https://www.ontario.ca/laws/statute/90c27>

[iii] <https://ero.ontario.ca/notice/019-2646>

[iv] <https://www.ontario.ca/laws/statute/93e28>

[v] <https://www.ontario.ca/laws/statute/90c27>

[vi] http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2018_en.pdf

[vii] <https://conservationontario.ca/conservation-authorities/source-water-protection>

[viii] <https://www.ontario.ca/laws/statute/06c22>

[ix] <https://www.ontario.ca/document/independent-review-2019-flood-events-ontario>

[x] <https://www.ontario.ca/laws/statute/90c27>

[xi] <https://www.ontario.ca/page/provincial-policy-statement-2020>

[xii] <https://www.ontario.ca/page/provincial-policy-statement-2020>

<https://www.ola.org/en/apply-committees>