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Randy Hillier, MPP
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Dear Mr. Hillier

RE: Bill 229 – Schedule 6

Today I am writing to you on behalf of the Friends of the Tay Watershed (FoTW). Our Association was established some 20 years ago with the intent of working in partnership with conservation authorities, other organizations and the public in sustaining the health of the Tay Watershed. FoTW partners in particular with the Rideau Valley Conservation Authority on programs and initiatives of mutual interest and during the pandemic this includes delivering a series of educational seminars affecting watershed management.

The purpose of this letter is to express FoTW's concern with respect to Bill 229 and in particular to Schedule 6 which proposes changes to the *Conservation Authorities Act*. FoTW believes you are well aware of the important role conservation authorities play with respect to a broad range of conservation programs and initiatives that are essential to sustaining a resilient watershed within a municipality, within surrounding municipalities and in northern Ontario, within unincorporated territory. FoTW is concerned that Schedule 6 to the Bill will seriously constrain the role and services provided by all 36 conservation authorities across Ontario to the detriment of the natural environment and questions why the veracity of work by CAs is so impaired as to warrant the extent of the changes proposed. Our specific concerns are as follows:

Municipal Council Appointments (Section 14)

The Bill proposes to limit appointments to Municipal Councillors only save a ministerial appointment to represent the agricultural sector. The effect is to disenfranchise representation of unincorporated territory within a CA who do not have elected councillors and to discredit the service of lay members of the public who offer their time, interest and expertise to conservation matters. Balanced membership on a CA Board of Directors broadens the perspective of the CA and lightens the workload of municipal councillors. Lay members often provide continuity in the

corporate memory of the work of a CA. The proposed changes effectively weaken the human resources that may be brought to conservation programs and seemingly shut the door to lay participation in advocating and supporting conservation.

Mandatory Programs and Services (Section 21)

The most significant and regressive change proposed in the Bill is the redefinition of the scope of services. Gone is the keynote concept in Section 21 (1) of the Act to conserve, restore, develop and manage the watershed. Core duties are reduced to flood management, management of CA-owned conservation lands and duties prescribed under the *Clean Water Act*. This effectively leaves an unlegislated vacuum in the conservation of the natural environment at a point in our history where the natural environment is becoming increasingly important in measures to mitigate the impacts of climate change, in measures to avoid the loss of wildlife and fish habitat from development, particularly endangered and threatened species, and in measures to sustain the ecological functions of our watersheds. Lost in Section 21 (1), with the changes proposed in Bill 229, will be the focus and opportunity for research, education and indeed recreation vital to discovering new techniques and measures for conservation and for sustaining a high quality of life in the use of the natural areas. Our association, as with many other environmental organizations partner with CAs to deliver a variety of conservation-related and educational programs. As recently as last week our CA provided a seminar on Trees and Climate Change with over 40 participants attending this virtual session. The proposed changes in Bill 229 may terminate these partnership programs and activities

As you aware, a conservation authority, in addition to their role in flood plain management and source protection, also provide an advisory service to area municipalities on the conservation of natural heritage features and areas, a front-line service that MNRF does not provide and municipal staff do not have the technical knowledge and resources to provide. The loss of this type of advisory service under the rescoped core functions in Section 21 will result in a major loss in comprehensive watershed management throughout Ontario.

The reduction in the scope of core services also begs the question of compliance with the Provincial Policy Statement. 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 and mandate of conservation authorities to ensure that CA decisions are consistent and integrated with the PPS.

While FoTW recognizes that other services, other than the core services, may be provided under the auspices of Section 21.1.2, there is no mandated obligation to do so. In our opinion, the core services must include retention of the concepts under the existing Sections 21 (1) (a), (p) and (q) in order to provide the assurance that conservation of the natural environment and watershed management are retained and that the integrity of compliance with the PPS is upheld.

Municipal Agreements (Section 21.1)

The Bill will require CAs to submit copies of agreements with municipalities to the Minister which we find anathema to the pattern of downward delegation of duties and responsibilities to agencies and municipalities over the last 20 years. No rationale is provided as to why this oversight is required by the Minister. This proposed change is also inconsistent with the many types of agreements local authorities enter into under the *Municipal Act* and the *Planning Act* that do not require transmittal to a provincial authority.

The scope of this section also ignores the contractual arrangements between CAs and non-municipal organizations such as our own for the administration and delivery of conservation programs and activities. The effect is to denigrate the partnership CAs have with many NGOs in the delivery of conservation services. The impact raises the question of the value of private sector organizations in participating in measures for conservation particularly where CA financial and human resources are constrained and NGOs serve to offset or supplement those constraints.

Conservation Authority Permits (Sections 28, 28.1.1, 28.2, 28.3, 28.4)

Bill 229 introduces new procedures for the issuance of CA permits by allowing the Minister to issue a permit which may or may not comply with the *Act*, to review a permit upon an appeal of a refusal of the CA to issue a permit, and to subject the appeals process to the Local Planning Appeal Tribunal (LPAT). While direct involvement by a Minister is recognized as a feature of various provincial Acts, the intervention should only occur under rare or extenuating circumstances and not as a regularized practice where the development industry, in particular, uses the exception as a means to circumvent the integrity of the CA Act in conserving Ontario's natural environment. The deference to Ministerial decision making on permits transcends local decision making by a CA who invariably will have more knowledge of the local circumstances and the potential impact on the natural environment. The effect of a ministerial permit may also compromise the veracity of watershed plans and may also compromise the policy objectives of municipal official plans and associated regulatory controls.

The introduction of a new appeals process for permits through LPAT has the benefit of bringing consistency in the way appeals are addressed where land use and conservation matters are inter-related; however, since over 95% of the permits issues by the CA are approved without an appeal, use of the LPAT process should also be the exception to the rule and for two key reasons: time and costs. LPAT appeals are neither expeditiously administered and are costly to the defendant authority, in this case a CA. Limitations of CA budgets may result in the inability or desire to defend against an appeal to the detriment of protecting the natural environment. The situation is further exacerbated by the removal of a CA as an appeal body given the change in the legislation to defer to the Ministry of Municipal Affairs and Housing as the representative appellant under the "one-window" approach. Our opinion is that the authority of a CA should not be emasculated in advocating for and defending the intent of the CA Act.

In summary Friends of the Tay Watershed are concerned that Bill 229 will limit the valued role of CAs across Ontario in the conservation of the natural environment. To this end, Schedule 6 to the Bill should be withdrawn at this time and an engaging consultative process invoked to ensure that the legislative framework for CAs coincides with the current and future conservation needs of Ontario.

Yours sincerely,

A handwritten signature in black ink, reading "Glenn Tunnock". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Glenn Tunnock, MPA, MA, RPP

Chair
Friends of the Tay Watershed

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