



The Ontario Headwaters Institute

July 31, 2017

Finn MacDonald, Policy Officer
Ministry of Natural Resources and Forestry
PDF via e-mail

RE: EBR Registry Number 013-0561 - Proposed amendments to the Conservation Authorities Act as per Schedule 4, Bill 139

We thank the Province for its effort to update the Conservation Authorities Act (CA Act), for the publication of background information and public consultation, and for the opportunity to make comments at this stage.

In addition to being a signatory to a joint submission from a group of NGOs on the proposed amendments, we offer the comments below.

1. Our high-level observations are contained in the enclosed letter to Minister McGarry, some of which might be addressed in item 5 below;
2. The proposed draft of the new CA Act presents a lot of enabling terminology for which the real substance will emerge in the future. While the OHI retains faith in those working in agencies to protect Ontario's natural heritage, we note that the joint submission we signed previously enumerates significant issues to be addressed downstream, and that the submission from Conservation Ontario (CO) moves from its previous policy and implementation concerns to a wish list for missing details on items for which they "support movement", including efforts to:
 - Strengthen Oversight and Accountability
 - Increase Clarity and Consistency in Programs and Services
 - Increase Clarity and Consistency In Regulatory Requirements
 - Enhance Collaboration and Engagement, and,
 - Modernize Funding Mechanisms

We urge the Ministry to be as clear as possible in describing future actions to be taken under this initiative.

3. Part III, Section 4. 1: We find the wording "of the adjoining watersheds" to be vague and potentially inaccurate. As some watersheds have sub-watersheds in the jurisdiction of more than one conservation authority, we suggest "*of contiguous watersheds or parts thereof*".

4. Part IV, Section 19.4: That Authority by-laws should be made “available to the public in a manner the authority considers appropriate” is obtuse and inadequate. We suggest “*An authority shall make its by-laws available to the public on its website, at meetings of the Authority and its Boards, and at any main reception area of the authority. Draft and final amendments to the by-laws must be placed on the authority’s website within 48 hours of their being proposed or passed, with hard copies to be made available at meetings and main reception areas as soon as they are proposed.*”;
5. Part IX, Section 40.1 and part (c): The OHI is encouraged by the inclusion of the means to ensure respect for standards and requirements applicable to those standards. We find the wording problematic, and suggest that 40.1 be amended to read “*the Minister*” and not the Lieutenant Governor in Council; that the section refer to “*one or more conservation authorities*” so that some standards might be applied if and as warranted where needed; and that *the Minister be directed to develop an up-to-date library of standards and guidelines, within two years of the passage of the Act, that might be either voluntarily implemented and/or imposed by regulation.* Documents could include standards on natural heritage protection, development (O. Reg 97/04), Watershed Planning, Integrated Watershed Management, stormwater management, and thresholds for action under the Provincial Water Quality Objectives; and,
6. We urge the Province to end the exemption of Provincial projects from conservation authority permitting. We are aware of downstream erosion issues caused by high flows from greater volumes of run-off due to the expansion of Highway 5 through Oakville, as well as of increased sediment loads on local streams due to the exemption of the expansion of High 410 through Brampton to have siltation fencing. These and other negative impacts on our watersheds must be addressed in a manner that treats Provincial projects in a manner consistent with other development activities.

Sincerely,

Andrew McCammon

Executive Director

Encl: Letter to Minister McGarry, July 31

cc Selected agency staff and NGOs, Environmental Commissioner of Ontario

Enclosure: Copy of letter to Minister McGarry



The Ontario Headwaters Institute

July 31, 2017

Kathryn McGarry, Minister
Ministry of Natural Resources and Forestry
PDF via e-mail

Dear Minister McGarry,

RE: Proposed amendments to the Conservation Authorities Act (ER 013-0561) and efforts to create a Watershed Planning Guidance Document

We thank you and your ministry for leading the current efforts to update the Conservation Authorities Act (CA Act) and to create a Watershed Planning Guidance Document.

As you may be aware, the OHI has been a consistent voice for big-picture thinking on natural heritage protection and integrated watershed management over the last several years. Our efforts, supported by others, resulted in an amendment to heighten the role of watershed planning in the Provincial Policy Statement, and more recently contributed to 4 outcomes in the Four Plan Review: the requirement for watershed planning; the need to update the province's foundation paper on watershed management; the need to protect 30% of natural heritage in new development; and a commitment to protect significant surface water contribution areas. On the last item, we continue to put forward a concept to protect significant surface water contribution areas in part through the establishment of special policy approaches to protect Contiguous Upland Headwater Areas (CUCHs, pronounced "kooks") in south-central Ontario.

We have been less successful in seeking a set of Provincial targets similar to How Much Habitat is Enough, in urging the Province to formally commit to Integrated Watershed Management, in seeking both minimal standards for planning authorities based on the Ontario Natural Heritage Manual and/or guidelines required under O. Reg 97/04 for conservation authorities, and in pursuing the establishment of thresholds for required action under the Provincial Water Quality Objectives.

The current government initiatives with respect to both the CA Act and the development of a Watershed Planning Guidance Document unfortunately do not directly address these issues, seem to be being conducted in isolation from one another, and don't seem to embrace broader envelopes to protect the Great Lakes from a watershed perspective - but represent a fabulous opportunity to do so.

We urge you to address the need for a Provincial vision to protect natural heritage similar to How Much Habitat is Enough, to implement Integrated Watershed Management across the Province, and to ensure consistency for both high-level policies and standards. We attach a copy of our submission on the CA Act.

Sincerely,

Andrew McCammon

Executive Director

cc Minister MOECC, Selected agency staff and NGOs, Environmental Commissioner of Ontario