



The Ontario Headwaters Institute

Jeff Yurek, Minister, MECP and
Members of the One Window Planning Team
March 13, 2020 -- PDF via e-mail

RE: Conservation Authorities and the current consultation

Dear Minister Yurek et al,

The Ontario Headwaters Institute and the 17 co-signatories below are deeply concerned about the government of Ontario's direction to amend the mandate and role of conservation authorities.

Our concerns are not restricted to the current consultation, but cover a broad range of issues that go back to the amendment of the Act in 2019, address a series of un-resolved current issues, and note that the government's intended direction may create a state of lawlessness in Ontario that will be ruinous.

Ill-advised Amendments to the CA Act 2019

The 2019 amendment of the Conservation Authorities Act (CA Act) broached a few key changes in an omnibus bill that saw little public discussion and which are proving to be both unwise and ill-defined. In particular, we are deeply worried that Ontario thinks that it can remove the historic mandates of conservation authorities for the conservation of land and for watershed management without an alternative, and without consequence.

While numerous organizations argue for the continued delivery of those mandates in the current consultation on mandatory and non-mandatory roles, which essentially is a debate about the content of S. 28 of the CA Act, we see the damage as structural and amendments to S. 28 as insufficient and temporal.

Recommendation 1: That the Government of Ontario revoke the recent changes to the Conservation Authorities Act and restore the historic mandates to conservation authorities for the conservation of lands and watershed management.

Lack of Context for the Current Consultation

The current consultation is taking place without a needed broad perspective. Important issues that need to be tied to this initiative include:

- Implementing a provincial version of the federal guideline How Much Habitat is Enough;
- Standardizing conservation authority guidelines required under O. Reg 97 /04, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, as called for in ERO 013-4992, which is closed but for which no decision notice has been posted;
- Similar efforts to harmonize O. Reg. 97/04 with the Ontario Natural Heritage Reference Manual; and,
- Integrating the Province's response to the report of the flood advisor, when that response was released on March 9, four days before the end of this consultation, creating more questions about the Province's commitment to meaningful consultation while continually changing the context.

Recommendation 2: That the Government of Ontario withdraw this consultation until it is able to provide a clearer picture of how the role of conservation authorities will be involved in land conservation, watershed management, and flooding, and until the government continues the process begun under ERO 013-4992.

The Current Consultation Violates the Ministry's Statement of Environmental Values

In contravention of its Statement of Environmental Values, the ministry has not consulted widely. Key transgressions in this regard include:

- Holding invitation-only meetings and no public consultations, not even a webinar;
- Not inviting key stakeholders to the meetings, including those with clear expertise in and track records of making submissions to the ministry on issues relating to conservation authorities; and,
- Providing a disingenuous and biased survey on the consultation, with no e-mail address for any other type of submission.

Recommendation 3: That the Government of Ontario withdraw this consultation or extend it with a more sincere and fulsome approach to public engagement.

Cumulative Impact will Encourage Lawlessness in Ontario

The recent and proposed changes to the mandate and roles Ontario's conservation authorities are not occurring in a vacuum, but in an arena in which other significant changes are also being proposed, such as with respect to the housing action plan and the Provincial Policy Statement.

Two issues of significant concern include that:

- While the PPS retains wording in S 2.2.1 that "Planning authorities shall protect, improve or restore the *quality and quantity of water* by a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning", the Province has sought and continues to seek the abolition of the role of conservation authorities as the key provincial agency with a mandate for watershed management; and,
- While the Province appears to support an on-going role for conservation authorities in hazardous lands mapping, it is providing a new license to municipalities to develop low risk lands.

Both these issues represent situations in which significant variations of how watershed management and hazardous lands management might be delivered across Ontario, without oversight, and therefore may encourage both provincial anarchy and local lawlessness in bending or ignoring reasonable standards to protect the environment, public safety, commercial opportunity, and the public trust.

Recommendation 4: That the Government of Ontario withdraw this consultation until it identifies a lead organization for watershed management in Ontario in order to ensure the full delivery of S. 2.2.1 a) of the Provincial Policy Statement.

Please feel free to contact the undersigned at your convenience for any needed clarification.

Sincerely,

Andrew McCammon

Executive Director

cc: co-signatories, various elected officials, CA personnel, other NGOs, etc

Co-signatories

Belfountain Community Organization, Belfountain
Blue Mountain Watershed Trust Foundation, Collingwood
Coalition On the Niagara Escarpment, Oakville
Ecological Farmers Association of Ontario, Guelph
Friends of Sheldon Creek, Burlington
Friends of the Rouge Watershed, Toronto
Friends of Salmon River, Tamworth
Grey Bruce Centre for Agroecology, Allenford
Hamilton Naturalists' Club, Hamilton
Land Over Landings, Claremont
London Environmental Network, London
Save the Maskinonge, Keswick
SaxeFacts.com, Toronto
Sierra Club (Ontario), Ottawa
Wellington Water Watchers, Guelph
Whole Village Farm / Ecovillage, Caledon
York Region Environmental Alliance, Richmond Hill