



Grey Sauble Conservation
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November 19, 2020
Grey Sauble Watershed CAOs
(via email distribution list)

Dear Grey Sauble Watershed CAOs:

Re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

We are writing on behalf of the Grey Sauble Conservation Authority to seek your municipality's support to address several changes introduced by the Province to the Conservation Authorities Act and the Planning Act in [Bill 229, Protect, Support and Recover from COVID-19 Act \(Budget Measures\), 2020](#).

These changes significantly limit the ability of conservation authorities to protect Ontario's environment, ensure people and property are safe from natural hazards and to apply watershed-based decisions on development. Ultimately, these changes in many ways, remove much of conservation authorities' ability to influence the overall health and protection of Ontario's citizens and the environment.

In 2018, the Province began to review Conservation Authority operations with three key goals in mind:

- Improve consistency and transparency of the programs and services that conservation authorities deliver,
- Provide additional oversight for municipalities and the province, and
- Streamline conservation authority permitting and land use planning reviews to increase accountability, consistency, and transparency.

Since the launch of the review, conservation authorities have been working to meet Provincial expectations regarding consistency and transparency of programs and services and to streamline planning and permitting processes. Since that time, authorities have worked collectively to:

- Adopt consistent By-Laws by December of 2018,
- Implement best management practices regarding governance and administration,
- Voluntarily reduce timelines for issuance of permits, and
- Initiate client centric service training and monitoring protocols to document improvements in service delivery.



Watershed Municipalities
Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands
Meaford, Owen Sound, South Bruce Peninsula, Town of The Blue Mountains



Conservation authorities have demonstrated their willingness to work with the Province and change to meet provincial expectations. Unfortunately, the current changes introduced by the Province show no regard for these efforts and many of the proposed changes have consequences which are counterproductive and will increase red tape, cost taxpayers more, and place Ontario's residents and environment at risk.

The following is a summary of our concerns and a resolution that we would respectfully ask you to bring forward to your mayor and council to support.

Summary of Concerns

Provincial Bill 229 changes to both the Conservation Authorities Act and the Planning Act eliminates the conservation authorities' science-based watershed approach which currently protects Ontario's environment.

- Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.
- CAs bring watershed science and information to the various tables where development and growth are being reviewed and discussed.
- Provincial changes limit conservation authorities' ability to provide input to municipal planning applications and to permit decisions and appeals.
- The conservation authority watershed model has served Ontario well and is relied upon by many levels of government, businesses, and residents to protect the environment from upstream to downstream.
- Conservation authorities undertake watershed-scale monitoring, data collection, management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis.

Bill 229 changes will create more costs, delays and red tape around permit and planning applications and appeals.

- There are new appeal processes proposed which will significantly slow down the permitting process, creating delays and more red tape. This will also result in additional costs which would need to be recovered by increasing permit fees or through increases to municipal levies.
- If applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors), the new changes will allow applicants to appeal directly to the Minister, who could make their own decision without a hearing, including issuing a permit.
- Alternatively, or in addition, the applicant can appeal a decision of the conservation authority to the Local Planning Appeal Tribunal (LPAT). Previously applicants could appeal to the Mining and Lands Commission for a hearing.

Bill 229 changes will remove conservation authorities' ability to independently appeal decisions made around municipal planning applications. This will put more people and infrastructure at risk of flooding and other natural hazards as well as add additional stressors to Ontario's biodiversity.

- Changes have been made to the conservation authorities' role in the land use planning process. Conservation authorities are no longer allowed to appeal decisions or be party to an appeal.
- Being able to participate in appeals processes ensures that the watershed lens is being applied to planning and land use decisions and that people and their property are protected from natural hazards such as flooding.
- Without our ability to look at development applications on a watershed basis, we run the risk of the plan review process being piecemealed and ultimately the potential to exacerbate risks associated with natural hazards and for cumulative negative environmental impacts.
- As development permits will still be required in these areas, this new process is set up to instigate unnecessary conflict and delays.

Bill 229 changes will remove the responsibility for municipally appointed CA Board members to represent the interests of the Conservation Authority.

- The Province has changed the 'Duty to Members' section of the Conservation Authorities Act to have municipal representatives on CA Boards act in the interests of their own municipality rather than the conservation authority's interests.
- This contradicts the fiduciary duty of board members to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the conservation authority and watershed interests.
- This change undermines the ability of Conservation Authority Boards to address the broader environmental and resource management issues facing our watersheds today. It limits discourse on these issues and other programs and services that address watershed-wide issues spanning municipal boundaries in a time of increasing climate change.

Bill 229 will reduce the ability for enforcement of the Section 28 Regulation, putting residents and the environment at risk by not providing Conservation Authorities the necessary tools to control illegal activities.

- Conservation authorities are mandated to administer and enforce development regulations under the Conservation Authorities Act, but the Province is denying conservation authorities the basic enforcement tools to effectively fulfill this mandate. These basic tools would save time and money for all parties involved.
- The current revisions significantly limit a Conservation Authority's ability to enforce the regulation. Conservation authorities will have to continue to rely on search warrants to gain entry to a property where infractions/compliance is a concern taking time and costing money. Reasonable grounds for obtaining a search warrant now cannot be obtained unless the activity can be viewed without entry onto the

property (i.e. from the road). This will protect would be violators of the regulation.

- The ability to issue Stop (work) Orders has been repealed. This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction to stop unauthorized activities. Obtaining injunctions takes further staff time and Authorities will incur significant costs for legal and court fees. Given the lack of Provincial funding this cost will be borne by our municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, or alteration of a floodplain which then puts people at risk.
- This unintended consequence is contrary to the Province's Made in Ontario Plan which references getting tough with polluters. Illegal filling, dumping of contaminated materials, destruction of wetlands and the re-aligning of watercourses continues to be a concern. Without the necessary tools, the public and environment are at risk.

Draft Resolution of Support

The following is a draft resolution of support for your consideration. This motion was recently unanimously approved for circulation by our Board of Directors:

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications

WHEREAS we, (**MUNICIPAL NAME**), rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*

WHEREAS the changes allow the Minister to make decisions without conservation authority watershed data and expertise

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs

WHEREAS these proposed changes will impact Ontario's ability to adapt to and mitigate the effects of climate change by undermining the work of conservation authorities to keep development out of high-risk areas and protect natural infrastructure

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs

WHEREAS municipalities believe that the appointment of municipal representatives on conservation authority Boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority Board should be elected as per the discretion of the conservation authority Board

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative

WHEREAS changes to the legislation will create more administrative burden and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process

WHEREAS the combined contribution of municipal levy and self-generated revenues support 93% of the Grey Sauble Conservation Authority budget

WHEREAS the Provincial contribution to this budget is 7%, the majority of which is for Drinking Water Source Protection

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water

THEREFORE, BE IT RESOLVED

THAT the Province of Ontario work with conservation authorities to address their concerns by removing Schedule 6 from Bill 229 which affects changes to the *Conservation Authorities Act* and the *Planning Act*

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority-municipal budget processes

THAT the Province respect the current conservation authority/municipal relationships

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

Thank you for your consideration and we look forward to continuing to work with your municipality into the future.

Sincerely,



Cathy Little
Board Chair



Tim Lanthier
Chief Administrative Officer

Cc via email: Watershed Clerks
GSCA Board Members