



# LOWER TRENT CONSERVATION

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Registered Charitable Organization No. 107646598RR0001

November 18, 2020

The Honourable Doug Ford, Premier of Ontario  
The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
The Honourable Rod Phillips, Minister of Finance

**Re: Bill 229 and Changes to the Conservation Authorities Act**

Lower Trent Conservation is a local, community based, environmental organization and one of 36 Conservation Authorities responsible for managing watershed resources across Ontario. Lower Trent Conservation jurisdiction is the lower reach of the Trent River Watershed south and north east of Rice Lake to the Bay of Quinte and the shores of Lake Ontario.

Conservation Authorities Act Withdrawal from Schedule 6 of Bill 229

First and foremost, we request that Schedule 6 of Bill 229 be withdrawn as a component of the Bill 229 and be treated as a separate bill. There are portions of Schedule 6 that are not clearly defined and require additional regulations to be applied. There are some outstanding questions and clarity in wording required before these proposed changes in legislation should be enacted. Our concerns are outlined below.

Governance Provisions

Lower Trent Conservation supports the provisions to enhance transparency and accountability of conservation authorities and is in compliance with the proposed provisions.

In regard to the requirement that all Members be “municipal Councillors,” we would like to ensure this requirement allows Mayors to be Board Members. We would recommend using the term “municipally elected official” for the wording of this requirement. We have several small municipalities in our watershed that are responsible for providing members for multiple CA Boards. A consideration must be made to such municipalities that do not have the capacity to appoint only municipally elected officials and maintain the ability for these municipalities to choose their appointed representative.

We also note Bill 229 would replace the currently un-proclaimed duty of Members to “act honestly and in good faith with a view to furthering the objects of the authority” to require conservation authority Members “generally act on behalf of their respective municipalities”. It is important for the corporation that Members put the interest of the broader watershed above that of the individual municipality. Corporations run best with Boards that support the entity that they are overseeing, not when balancing competing interests.

*Working with Local Communities to Protect our Natural Environment*



Member of Conservation Ontario  
Representing Ontario's 36 Conservation Authorities

There is mention of a transition period to enact the regulations. It would be appreciated if the transition period recognized the need for fulsome discussion with our municipal partners regarding programs and services agreements and discussions with neighbouring conservation authorities where we share municipalities. Consideration should be given to the need for re-development of budget processes. We would request that the transition be effective December 2022.

#### Regulations Prescribing Standards for Municipal and Other Programs and Services

We will continue to offer our support to work with the province in formulating regulations to prescribe standards and requirements for provincially mandated programs and services.

Municipal programs and services could be subject to such standards and requirements as prescribed by regulation. The identification and development of municipal programs are completed in a collaborative manner. As these programs are established locally, the standards and requirements for these local programs and services should remain the responsibility of the municipality and the conservation authority. Conservation authorities have various capacities to deliver programs and services to their partner municipalities and restrictive standards may limit their ability further.

Dependent on the standards and requirement developed, Other Programs and Services that are funded outside of municipal partnerships may be affected. There are legal agreements in place that must be fulfilled. Many of these other programs are with federal or provincial agencies.

#### Section 28 Permitting and Enforcement

Section 28 permitting is critical to safeguarding people and property from natural hazards such as flooding and erosion. The province's goal to streamline permitting is shared by Lower Trent Conservation and we are continually improving our methods to make the process more efficient and practical. Our major concern is with the new appeal process mechanisms that appear much more onerous on the proponent. Parameters for the use of these new appeal mechanisms need to be established to prevent long delays for the proponent. The appeal process as written under Minister's Review lacks the local context required to make fulsome decisions. The process as written appears much more burdensome and less transparent.

Bill 229 also provides the Minister with new powers to issue Orders allowing the Minister to issue a permit instead of the conservation authority. It is strongly suggested there be strict limitations to the use of these Orders and that the Minister take into consideration the foundation of science and local watershed knowledge conservation authorities have, to further ensure informed decisions will safeguard people and property from flooding and erosion.

There is uncertainty of responsibility for compliance and enforcement of decisions made under Minister's Order. Problems would arise if conservation authorities were anticipated to ensure compliance and enforcement for a permitted activity which would not be permitted under Section 28 regulations.

Bill 229 also removes the un-proclaimed provision to allow conservation authorities to issue stop work orders. This is an important enforcement tool that conservation authorities have been requesting from



the province for many years. Stop work orders would result in a decrease in destruction of sensitive regulated areas and save the taxpayer on costly legal fees.

#### Planning Act Amendment

The proposed amendment includes the removal of conservation authorities as a public body under the *Planning Act*, thereby removing our ability to appeal *Planning Act* decisions to the Local Planning Appeal Tribunal (LPAT).

The proposed change to the Planning Act should recognize the critical oversight role that conservation authorities have under the Act and the Provincial Policy Statement - Protection from natural hazards. The CA plays a crucial role in planning on behalf of smaller municipalities. We need to ensure that these services are not jeopardized. The amendment to limit conservation authority appeals to "the risk of natural hazards" decreases our effectiveness to protect the people of Ontario.

#### Summary

As outlined above, the changes to the Conservation Authorities Act are too numerous and complex to be placed under Bill 229 and should be withdrawn from the Bill and processed separately. The associated regulations should be developed in collaboration with Conservation Authorities.

Sincerely,



Jim Alyea, Chair  
Lower Trent Conservation

c.c. David Paccini, MPP  
Todd Smith, MPP  
Daryl Kramp, MPP  
LTC Municipal Partners

