



March 26, 2009

Mike Parkes
Cabinet Liaison & Strategic Policy Coordinator
Regulatory Affairs and Strategic Policy
Strategic Policy and Research Branch
Ministry of Energy and Infrastructure
6th Floor, 880 Bay Street
Toronto, Ontario
M7A 2C1

RE: Proposed Green Energy and Green Economy Act, 2009 (EBR #010-6017)

Dear Mr. Parkes,

Thank you for the opportunity to comment on Bill 150, the proposed “Green Energy and Green Economy Act, 2009”, which was posted for public comment on the Environmental Registry (#010-6017).

Conservation Ontario represents Ontario’s 36 Conservation Authorities. Conservation Authorities, created in 1946 through the *Conservation Authorities Act*, are mandated to ensure the conservation, restoration and responsible management of Ontario's water, land and natural habitats through programs that balance human, environmental and economic needs. Through regulations under the *Conservation Authorities Act*, Conservation Authorities are empowered to regulate development in river or stream valleys, Great Lakes and large inland lakes shorelines, hazardous lands and wetlands.

Conservation Ontario commends the Province for taking steps to facilitate the development of renewable energy projects and fostering a culture of conservation. Conservation Authorities support the green energy agenda and renewable energy projects in general, and recognize the need for such a mitigation strategy in response to climate change, a world crisis.

Bill 150 proposes to amend Section 28(13) of the *Conservation Authorities Act* by adding subsection 13.1 “Grounds for refusing permission”. The amendment removes the ability of an Authority to refuse permission for “...development related to a renewable energy project, as defined...” on grounds other than control of pollution, flooding, erosion or dynamic beaches, or to impose conditions relating to same. This amendment fetters the current regulatory authority which also includes the “conservation of land” as grounds for refusal and for imposing

conditions. While the interpretation of “conservation of land” has been an issue from time to time since it is not defined in the *Conservation Authorities Act* or regulation, it has been interpreted in judiciary proceedings. Further, a working interpretation of “conservation of land” has been developed by the Ministry of Natural Resources/Conservation Ontario Section 28 Peer Review & Implementation Committee: “the protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed” (February 2008). This interpretation ensures the protection of natural features is only considered within the context of maintaining hydrologic and ecological functions within the watershed.

The protection, management and restoration of natural heritage systems and their relationship to the hydrologic and ecological functions within a watershed is a critical adaptation strategy for climate change to ensure biodiversity and water supply and quality. Establishment of a green energy economy is a critical mitigation strategy for climate change. Both are required and one should not be at the expense of the other.

Conservation Ontario staff are unaware of any green energy projects that have been refused or even delayed due to Section 28 regulatory reviews focused on “conservation of land”. The proposed amendment to the *Conservation Authorities Act* is not consistent with the stated purpose of the “Green Energy and Green Economy Act, 2009” (Bill 150) with regard to protecting the environment and mitigating climate change. It is potentially counter productive to adaptation strategies for climate change and certainly unnecessary to fetter the Conservation Authorities’ regulatory authority with regard to “conservation of land”.

Conservation Ontario strongly urges the Province to remove from Bill 150 “Green Energy and Green Economy Act, 2009” the proposed amendment to Section 28(13) of the *Conservation Authorities Act*. Conservation Ontario also strongly urges the Ministry of Natural Resources in consultation with the Ministry of Energy & Infrastructure to provide technical guidelines, as necessary, for the timely review and issuance of Section 28 permits for green energy projects.

Again, Conservation Authorities support the green energy agenda and renewable energy projects in general and Conservation Authorities recognize the need for such a mitigation strategy in response to climate change. We look forward to working with the provincial government in achieving its goals in this regard. If you have any questions regarding the above comments please contact myself at (905) 895-0716 ext. 231 or Bonnie Fox at ext.223.

Sincerely,



Don Pearson
General Manager

c.c. Environmental Commissioner of Ontario
All Conservation Authorities General Managers/CAOs
MNR/CO Section 28 Peer Review & Implementation Committee