



Greenspace Alliance of Canada's Capital
Alliance pour les espaces verts de la capitale du Canada

Postal address: P.O. Box 55085, 240 Sparks Street, Ottawa, Ontario K1P 1A1 □ Tel.: (613) 739-0727
E-mail: contact@greenspace-alliance.ca □ Web site: www.greenspace-alliance.ca

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To: Julia Holder, Policy Analyst
Ministry of Natural Resources and Forestry
Policy Division, Natural Resources Conservation
Policy Branch, Water Resources Section
300 Water Street, Peterborough Ontario K9J 8M5

by email: mnrwaterpolicy@ontario.ca

Re: Conservation Authorities Act Discussion Paper (EBR Registry number 012-4509)

Dear Ms. Holder,

Since 1997, the Greenspace Alliance works with community organizations and individuals to preserve and enhance natural areas in the National Capital area, including public and private green spaces, wetlands and waterways. We believe that urban greenness is essential for a community's quality of life, contributing to our personal, social, economic, cultural and spiritual well-being. It also connects us with the natural and cultural history of our region.

This review is timely as development pressures on land are increasing and the Conservation Authorities (CAs) could be the agencies in Ontario best placed to help protect our woodlands, water, wetlands and watersheds, given that planning on the basis of watersheds is more scientifically justified than doing so on any other basis. However, the CAs must be given the resources to do this job in a competent and professional manner and staff must be free from political interference.

We respond below to a selection of the questions posed in the Province's Discussion Paper.

Key recommendations

- The right to appeal a CA permit decision should not be exclusive to the proponent.
- CAs could increase transparency, accountability and collaboration with the community.
- The Province must restore core funding of CAs.
- The Act should be amended to give CAs the authority to issue stop work orders.
- CAs could play a larger role in the fight against invasive species.
- The CAs in Eastern and Southeastern Ontario could be given a specific mandate to foster protection of the Algonquin-to-Adirondacks corridor.
- CAs could be tasked with providing or supervising the environmental assessment of the impact of development proposals.

QUESTION #1: *In your view, how well is the current governance model as provided in the Conservation Authorities Act working?*

b. What aspects of the current governance model are in need of improvement?

1. Many Board members are also municipal councillors. This can lead to a conflict of interest. To avoid this, all board members should be required to sign an oath of office to uphold the Objects of the Act (section 20) and councillors should declare a conflict of interest and abstain from participating in discussion and voting whenever that obligation conflicts with their municipal oath of office.
2. Section 14(4) of the Act should be changed to have Board members' terms last 4 years, from the current 3, in line with municipal councils' terms of office.
3. The right of appeal under section 28(15) -- to the Minister who refers it to the Mining and Lands Commission --, now exclusive to the permit seeker, should be extended to any party that participated in the decision making process. This would be an important check on decisions by a CA that are too accommodating to a proponent.

c. In terms of governance, what should be expected of:

c. Municipalities

Municipalities should appoint representatives who are knowledgeable and bring experience and professional expertise to the table. To achieve that, the Province should, by regulation, formulate a list of criteria that ensure minimum standards are met.

d. The Ministry of Natural Resources and Forestry?

e. Other provincial ministries?

Given the range of services contributing to the goals and programs of as many as ten Ministries, we see merit in Conservation Ontario's proposal for a watershed governance body such as a multi-ministry secretariat or steering committee. Such a body could, for example, coordinate programs and discuss funding in the interest of integrated watershed management.

d. How should the responsibility for oversight of conservation authorities be shared between the province and municipalities?

We suggest that this responsibility be shared 50/50.

e. Are there other governance practices or tools that could be used to enhance the existing governance model?

1. There is much room for enhancing the transparency and accountability of the CAs' activities. In our experience, Board meetings have a low profile in the community and there are no set procedures for making staff reports available and invite members of the public to comment.
2. Each CA should be encouraged (or required) to publish service standards and report every second year on performance.

3. CAs should work better with local NGOs that contribute considerably to the mandate of the CAs. In Ottawa, Ottawa Riverkeeper comes to mind. One CA's bi-monthly newsletter notwithstanding, the community profile of our CAs remains low.

QUESTION #2: *In your view, how are the programs and services delivered by conservation authorities best financed?*

- a. How well are the existing funding mechanisms outlined within the Act working?*
- b. What changes to existing funding mechanisms would you like to see if any?*
- c. Which funding mechanisms, or combination of funding mechanisms, are best able to support the long term sustainability of conservation authorities?*

1. It is imperative that the Province restore its core funding of CAs.

Cost sharing is the foundation of the CAs' funding model but the drastic withdrawal of provincial funding since the mid-90s violates that principle. Budgets slashed under the Harris government were only partly restored under the Liberals. The Environmental Commissioner of Ontario has decried this situation since 2007 (Doing less with Less - ref. <http://greenspace-alliance.ca/node/273>). Conservation Ontario has identified ten ways in which the CAs contribute to the pursuit of provincial interests. Funding should be in proportion to that contribution.

Municipal levies have taken up some of the slack, as have user fees. A fair contribution by the municipal taxpayer is reasonable but user fees have downsides such as barriers to access and should not be relied on to the extent they are now. User fees to review development proposals, charged through to the proponents, would be reasonable (but see below for additional options).

2. The formula for allocating funding across CAs should be carefully reconsidered. Population and land values (tax base) are a reasonable basis for determining municipal levies but provincial funding should compensate for the needs of CAs with sparse population, a large land base and fragile ecosystems.

3. The reference to a maximum fine of \$10,000 in section 28(16) of the Act should be deleted and replaced by a regulation that greatly increases potential fines so they become a deterrent instead of a cost of doing business.

QUESTION #3: *In your view, what should be the role of conservation authorities in Ontario?*

- a. What resource management programs and activities may be best delivered at the watershed scale?*
- b. Are current roles and responsibilities authorized by the Conservation Authorities Act appropriate? Why or why not? What changes, if any, would you like to see?*

1. The Act should be amended to give CAs the authority to issue stop work orders and orders to comply, enforcing remediation when a landowner is causing harm to the environment in violation of permit conditions.

2. CAs could play a larger role in the fight against invasive species -- the second largest threat to species at risk after habitat loss.
3. The CAs in Eastern and Southeastern Ontario could be given a specific mandate and be provided the means to foster protection of the Algonquin-to-Adirondacks corridor.
4. As stated at the beginning, watersheds are the most scientifically justifiable basis for local and regional planning. The CAs should therefore play a central role in the preservation of our natural heritage. That role could be significantly expanded and would enhance evidence-based decision making.

At present, environmental assessments are performed by consultants hired by the proponent -- which creates an inherent bias. At least here in Ottawa, a CA is under contract to the municipality to review the studies and advise municipal staff.

Taking control of environmental impact studies away from proponents would result in a major improvement in the objectivity of the development review process. The current system does not serve the public interest well. Several alternatives are conceivable.

One is, seeing that CAs are independent, neutral and science-based bodies, they could be tasked, rather than just with providing comment on proponent-sponsored studies, with providing or supervising the environmental assessment of the impact of development proposals. They could invoice the proponent and make recommendations to the municipality. Protocols could be formulated in a Section 40 regulation. Disputes about the need or cost of the work could be mediated or adjudicated by the Ontario Municipal Board.

c. How may the impacts of climate change affect the programs and activities delivered by conservation authorities? Are conservation authorities equipped to deal with these effects?

At least in Ottawa the municipality is a laggard in coming to grips with the impact of climate change. Leadership by our three CAs would be most welcome.

QUESTION #4: *Are there any other areas, questions or concerns regarding the Conservation Authorities Act or conservation authorities in general that you feel should be considered as part of the review?*

Section 28 of the Act uses many terms that are undefined, including "conservation of land" and "interference in any way" with a channel, creek or wetland. A province-wide Section 40 regulation should define these and other terms used in the Act if they are not defined there. Definitions provided in the Act, such as "wetland" should be updated to conform to current usage.

Thank you for the opportunity to comment. We look forward to learning about the next steps in this review process.

Erwin Dreessen
Erwin Dreessen,
Co-chair