



June 25, 2021

VIA email to ca.office@ontario.ca

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**Re: Regulatory proposals (Phase 1) under the *Conservation Authorities Act*
ERO Number 019-2986**

The undersigned organizations strongly encourage the Ministry of Environment, Conservation and Parks to ensure that any proposed regulations do not hamper or limit the ability of Conservation Authorities (CAs) to develop and deliver watershed-wide programs and services aimed at achieving a healthy and climate resilient Ontario. CAs should determine programs and services with local partners, based on community needs and priorities, rather than creating a rigid division between mandatory and non-mandatory programs and services. Further, it is crucial that a stable funding model be developed that enables CAs to fully realize their legislative purpose, which is "... to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario."¹

Included with the proposal notice on the Environmental Registry of Ontario (ERO) is a discussion paper: *Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities*.² While helpful commentary to support proposed regulations, it is no substitute for providing the full draft regulation (as the Ministry of the Environment, Conservation and Parks did recently in another situation³). Without the proposed regulatory language, it is impossible for the public to meaningfully participate in environmental decision-making, as guaranteed by Ontario's *Environmental Bill of Rights*. As such, our comments are necessarily high-level and general in nature.

¹ Section 0.1, *Conservation Authorities Act*, RSO 1990, c C27 (as amended), <https://www.ontario.ca/laws/statute/90c27>

² Linked to the notice "Proposed Implementation of Updates to Ontario's Water Quantity Management Framework" and the resource "Proposed amendments to Regulation 387/04" (ERO Number 019-2017), <https://ero.ontario.ca/notice/019-2017>

³ See the notice "Proposed Implementation of Updates to Ontario's Water Quantity Management Framework" and the resource "Proposed amendments to Regulation 387/04" (ERO Number 019-2017), <https://ero.ontario.ca/notice/019-2017>

As has been stated in prior submissions, CAs are the only agency in Ontario that hold deep expertise at a watershed-scale. This expertise has been acquired through decades of extensive stewardship, monitoring, research, mapping, and on-the-ground contact with the people within and the lands and waters of the regions in which they operate. There is no other agency, Ministry, or entity in Ontario with the same comprehensive understanding of integrated watershed management (IWM). It is also a unique system in Canada.

IWM is based on the perception of water as an integral part of the ecosystem, a natural resource and social and economic good⁴. IWM provides direction to human activities to protect and rehabilitate water, the aquatic and terrestrial health and the social and economic resources and assets in the watershed. Through an IWM model, CAs can achieve coordinated development and management of water and land resources that protect people and property, as well as the health of ecosystems upon which our societies and economies rely.

CAs provide services and deliver programs in their regions to achieve these goals of protecting people and property. Effective IWM includes not only flood mapping, mitigation, and hazard protection; it must also include programs and services such as tree-planting, soil erosion control, wetland protection, climate change mitigation, biodiversity health, and land use planning oversight.

Further, in his Part Two Report of the Walkerton Inquiry (2002), the Honourable Dennis O'Connor stressed the need to have a comprehensive approach to watershed management:

Because drinking water source protection is one aspect of the broader subject of watershed management, it makes the most sense in the context of an overall watershed management plan. In this report, I restrict my recommendations to those aspects of watershed management that I think are necessary to protect drinking water sources. However, **I want to emphasize that a comprehensive approach is needed and should be adopted by the Province. Source protection plans should be a subset of broader watershed management** (emphasis added).⁵

As such, any implementing regulations must support the vital role that CAs play in watershed-based monitoring, land use planning and permitting, land management, conservation, and restoration programs, drinking water source protection, and public education.

Regulations that reduce or constrain the mandate of CAs are contrary to the interests of the people of Ontario. Enormous risks and costs face residents, because of climate change and ongoing biodiversity loss, both of which are accelerating. The roles and responsibilities of CAs are critical in

⁴ Conservation Ontario, *Integrated Watershed Management: Navigating Ontario's Future - Overview of Integrated Watershed Management in Ontario* (2010), https://conservationontario.ca/fileadmin/pdf/policy-priorities_section/IWM_OverviewIWM_PP.pdf

⁵ The Honourable Dennis R. O'Connor, *Part Two Report of the Walkerton Inquiry: A Strategy for Safe Drinking Water* (2002) at pp 89-90.

protecting the lands, waters and wildlife which benefit businesses and communities across Ontario, and upon which our health and well-being ultimately depend.

CAs are a unique and widely respected Ontario innovation. They were established in the 1940s in response to concerns expressed by agricultural, environmental and sports groups about the unhealthy state of the province's lands and waters due to poor resource management practices. The combined impacts of drought and deforestation had led to extensive soil loss and flooding, pointing to the need for a regional approach to managing Ontario's watersheds, for the safety and well-being of communities.

Operating in watersheds where 95 percent of the province's population resides, CAs provide a much-valued bridge across municipal boundaries to understand and address environmental concerns, including flooding and erosion. Because they operate at the watershed level, CAs are ideally positioned to encourage science-based collaborative strategies and decision-making.

The Flood Advisor's report⁶ showed strong support for the conservation authority model in protecting Ontario from the impacts of climate change. Their role in flood mapping, hazard assessment and monitoring is critical to protecting life and property.

A few examples of vital conservation authority programs and initiatives that should be maintained and adequately financed by the provincial and municipal governments include:

1. **Monitoring:** The monitoring carried out by CAs is necessary for the effective delivery of flood mitigation and drinking water protection programs. Additionally, it supports broader environmental protections including land conservation, biodiversity conservation, water quality protection and ecological restoration. This monitoring role is essential to science-based, evidence-based decision-making and keeps communities informed about the health of their watersheds. Every five years, for example, CAs release watershed report cards which track the conditions of forests and surface and groundwater quality. This monitoring help us to understand local environmental issues, track change over time and direct resources to where they are needed most.
2. **Drinking water source protection:** CAs play a critical role in drinking water source protection planning and implementation. Ontario's Auditor General recently found that significant risks remain for drinking water sources for about 18% of Ontario's population⁷ (over 2 million people), some of which are within regions with CAs, because they live in a First Nation community that has not opted in, in a place outside the scope of a conservation authority, or in an area that is not served by municipal drinking water systems. It is crucial to

⁶ Ontario's Special Advisor on Flooding, *Report to Government An Independent Review of the 2019 Flood Events in Ontario* (2019), <https://www.ontario.ca/document/independent-review-2019-flood-events-ontario>

⁷ Environmental Commissioner of Ontario, *BACK TO BASICS: Respecting the Public's Voice on the Environment* (2018 Environmental Protection Report), Volume 2: Clean Water, Chapter 1: Protecting Ontario's Drinking Water from Pollution, available for download at <https://www.auditor.on.ca/en/content/reporttopics/environment.html>

both ensure the full implementation of drinking water source protection plans as well as expand the application of the *Clean Water Act* to include non-municipal systems and ensure mandatory protection for the many communities across Ontario that are not served by municipal drinking water systems.

3. **Land use planning and permitting:** CAs bring a watershed perspective to planning and development decisions – to ensure that development proposals are reviewed with the health of the watershed in mind. This role must be retained so that development does not put communities at risk from flooding and other climate change impacts through loss of wetlands, woodlands, and farmland.
4. **Conservation lands:** CAs are the second largest landowner in Ontario, and on behalf of Ontarians they protect significant natural areas and hydrological features in our watersheds. They own and manage over 150,000 hectares of conservation lands that provide many benefits to communities (mitigation of flooding and drought, carbon sequestration, soil retention, biodiversity conservation, recreation). These benefits are becoming increasingly important as we strive to adapt and become more resilient to the impacts of climate change.
5. **Conservation areas:** CAs own and manage almost 300 publicly accessible conservation areas. These provide nature-based recreational opportunities for millions of Ontarians. As we struggle to cope and adjust to the COVID pandemic, all residents of Ontario are more aware than ever of the importance of access to nature.
6. **Local partnerships and projects:** CAs have a solid track record in responding innovatively and effectively to community needs and priorities. They are solid partners in many local initiatives. Whether its on-the-ground restoration and stewardship or public outreach and education, they support/partner with municipalities, conservation groups, farmers, other landowners, and other community members, providing the expertise, the connections and the matching funds to make things happen. These initiatives include support for agricultural best practices. For example, in 2012 the Credit Valley Conservation Authority initiated the highly innovative Bird Friendly Hay program which connects hay-growers, hay-buyers and rural landowners to create safe habitats for threatened grassland bird populations. By 2018 there were 388 acres of bird-friendly hay produced, with 22 pairs of at-risk Bobolink and Eastern Meadowlark observed nesting on participating properties.

Those who forget history are doomed to repeat it. We simply cannot afford to forget that CAs were established in the 1940s in response to the unhealthy state of the province's lands and waters due to poor land use management practices. They were created to provide a regional approach to land management, at a watershed scale. Now more than ever we need their expertise to respond effectively to the challenges ahead.

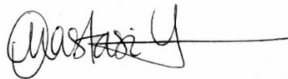
We believe that the rigid division between mandatory and non-mandatory programs and services sets up unnecessary barriers to effective and responsive integrate watershed management. Instead, CAs should continue to determine programs and services with local partners, based on community needs and priorities. Such flexibility is important, given the significant differences among municipal resources and expertise across Ontario.

Finally, the existing model could be improved through increased and consistent funding from the Government of Ontario. The most common complaint directed at CAs is about fees and delays in processing development applications. Municipalities face the same issues and transferring responsibilities to them does not resolve the issue, which comes down to adequate and stable funding. Effective and timely review of development applications requires staff, which in turn requires sufficient funding. The significant reduction in provincial funding has meant that costs must be transferred to applicants. The solution lies in covering costs through an acceptable balance in revenue from taxes, development fees, and other sources.

As the proposed phase 1 regulations are drafted, we strongly encourage the goal of enabling CAs to develop and deliver watershed-wide programs and services aimed at achieving a climate resilient Ontario, ensuring drinking water source protection for all, and fulfilling the purpose of the *Conservation Authorities Act* be kept front and centre.

Sincerely,

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