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**By email: alex.mcleod@ontario.ca**

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**Re: Conservation Authorities Act Review Consultation Document. Conserving Our Future:  
Proposed Priorities for Renewal, EBR Registry Number: 012-7583**

We are making the following submissions in response to the above noted proposal. In the consultation document *Conserving Our Future: Proposed Priorities for Renewal*, five priorities have been identified:

1. Stronger oversight and accountability in decision making;
2. Increased clarity and consistency in roles and responsibilities, processes and requirements;
3. Improved collaboration and engagement among all parties involved in resource management;
4. Modern funding mechanisms to support conservation authority operations; and
5. Enhanced flexibility for the Province to update Conservation Authorities Act in the future.

Below, we provide our key recommendations related to each of these priority areas.

*Stronger oversight and accountability in decision making*

Conservation authorities are crucial to delivering integrated watershed management in Ontario. As such, legislative amendments are necessary to add a purpose provision and an associated preamble. We support the proposed purpose and preamble submitted by Conservation Ontario with one modification (see Excerpt from CO submission, attached). We recommend that the purpose be:

The purpose of this Act is for the Government of Ontario to provide for the conservation, restoration, and management of natural resources by supporting participating municipalities to collaborate on a watershed basis through Conservation Authorities' programs and services, working with government bodies and interested individuals and communities.

Unlike Conservation Ontario's definition, we have not included the word "development". We believe that "management" of natural resources adequately describes the mandate.

We also recommend that there be a legislated set of principles that are to be used in fulfilling the purpose of the Act. These principles should include the following (taken from CCME, [Summary of Integrated Watershed Management Approaches Across Canada](#), 2016, pp 8-9):

- Ecosystem Approach
- Adaptive Management
- Integrated Approach
- Cumulative Impacts
- Precautionary Principle and No Regrets Actions
- Proactive Approach
- Shared Responsibility
- Engaging Communities and Aboriginal Peoples

Further, there is a need to ensure diverse representation on the governing boards of conservation authorities. Legislative amendments are necessary to: re-establish provincial appointees, expand membership to include dedicated positions for indigenous communities, and to allow for positions from the community, including non-governmental organizations, academics, or others with interest, experience, and/or expertise that relates to the conservation authorities mandate. There also needs to be consideration as to whether the current configuration of municipal representatives prevents domination by single, larger municipalities.

Finally, there is a need to ensure increased transparency and accountability in conservation authorities' decision-making. Providing for public meetings, disclosure of information, and addressing conflict of interest are very important.

#### *Increased clarity and consistency in roles and responsibilities, processes and requirements*

Streamlining to reduce burden for authorizations that will lead to ecological benefits to the watershed is important. However, there also needs to be a clear and transparent mechanism for oversight of conservation authorities' decision-making, particularly as relates to section 28 permitting. Consideration must be given to providing for meaningful input and that is actively taken into account through a process that also provides for third party appeals in particular circumstances, as is required under the *Environmental Bill of Rights, 1993*.

#### *Improved collaboration and engagement among all parties involved in resource management*

Improved collaboration and engagement is very important to delivering integrated watershed management in Ontario. We expect the government to meet its duties to indigenous communities, as guaranteed by section 35 of the *Constitution Act, 1982*. Further, we expect to see more diversity in board composition and increased public accountability in conservation authorities' decision-making, as noted above.

#### *Modern funding mechanisms to support conservation authority operations*

Next to setting a clear mandate through amending the Act to include purposes and a preamble, ensuring sustainable funding is a clear priority. There must be a mechanism that provides provincial support to ensure that all conservation authorities are given the same opportunity to deliver on their mandates. Conservation authorities, as we have stated earlier, are the key mechanism for delivering integrated

watershed management in Ontario. With that mandate, provincial support for conservation authorities can come from multiple ministries. And, funding for the core mandate (as amended) must be consistent (eg, not reliant on securing grants, etc.). Clarity regarding municipal contributions as well as guidance regarding the ability to self-generate funds is also needed.

Enhanced flexibility for the Province to update Conservation Authorities Act in the future

It is unclear to us the reasoning behind the proposed changes that would give the Minister of Natural Resources and Forestry new authority to use the *Conservation Authorities Act* to develop natural resource conservation and management programs throughout the province and to delegate the delivery of current and additional programs to public bodies other than conservation authorities. If it is the intention to make the Ministry accountable for ensuring natural resources management, on an integrated watershed management basis, meets criteria healthy ecosystems and supports provincial commitments including those to address climate change and to protect and restore the ecological health of the Great Lakes Basin Ecosystem, then there may be some merit to this set of proposal actions. Where there exists a conservation authority, there is no need to delegate programs and services to other organizations. However, we are supportive of commitments that ensure effective integrated watershed management in those parts of Ontario that do not yet benefit from established conservation authorities.

We look forward to the opportunity to comment on specific proposed legislative amendments and other policy direction related to legislative and policy amendments in the future. If you have any questions about our submissions, we are happy to meet with you at your earliest convenience.

Sincerely,

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Executive Director and Counsel  
Canadian Environmental Law Association

Mark Mattson  
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Lake Ontario Waterkeeper

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Cc: Dianne Saxe, Environmental Commissioner of Ontario (commissioner@eco.on.ca)

## ATTACHMENT 1

### Proposed Purpose Statement and Preamble

**Table 1: Purpose Statement**

Purpose Statement	Rationale
<p>The purpose of this Act is for the Government of Ontario to provide for the conservation, restoration, development and management of natural resources by supporting participating municipalities to collaborate on a watershed basis through Conservation Authorities' programs and services, working with government bodies and other stakeholders.</p>	<p>This statement is to confirm the mandate of the Conservation Authorities in order to specifically address stakeholder confusion about this. This statement reiterates the Objects and Powers of Authority under the Act, and is aligned with an integrated watershed management approach by reiterating the importance of managing natural resources and human activities together on a watershed basis. It acknowledges the role of member municipalities while speaking to the overall collaborative partnership approach. It supports our ability to address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges.</p>

**Table 2: Preamble**

Preamble Sections	Rationale
<p>1. WHEREAS the demands on Ontario's natural resources are increasing rapidly; AND THAT more knowledge is needed of the nature, extent and distribution of those resources, and the present and future demands on a watershed basis; AND THAT actions must be taken to ensure that those demands are sustainably met;</p>	<p><b>Sustainability</b></p> <p>This section recognizes the demands on natural resources due to ongoing pressures including land use changes and growth. This section reiterates that these pressures should be examined and better understood on a watershed basis in order to determine a sustainable means to meet the demands. This is consistent with Ontario's acknowledgement of CAs as public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario's proposed requirement for watershed plans in the Provincial Plan Review.</p>
<p>2. AND WHEREAS the impact of climate change on natural resources of Ontario is a significant threat to the health, well-being and prosperity of the people of Ontario; AND THAT more knowledge is needed of the impact of climate change on those resources; AND THAT actions must be taken to mitigate and adapt to those impacts to ensure the</p>	<p><b>Climate Change</b></p> <p>This section acknowledges that climate change is impacting natural resources, our health, and the economy crossing political and other boundaries. This section highlights the need to study climate change in order to identify and implement appropriate mitigation and adaptation measures to protect human life and build</p>

Preamble Sections	Rationale
<p>protection of human life and infrastructure and the resilience of natural resources;</p>	<p>resilient communities and resources. This is consistent with the Ontario’s related legislative amendments and proposals noted above. As well, this is consistent with Ontario’s 2014 Provincial Policy Statement amendment to Section 3.1 ‘Natural Hazards’ for which Conservation Authorities have provincially delegated responsibility to represent provincial interests, which states “Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards”. Natural resource management on a watershed-basis helps protect municipal and private infrastructure from natural hazards and climate change impacts. This general statement includes, but is not limited to, the \$2.7 billion in water and erosion control infrastructure which is managed by Conservation Authorities and the important role of green infrastructure in water management.</p>
<p>3. AND WHEREAS the pollution of natural resources of Ontario is also a threat to the health, well-being and prosperity of the people of Ontario; AND THAT as a result, actions must be taken to prevent and mitigate pollution;</p>	<p><b>Pollution</b></p> <p>This section brings to attention the contamination of natural resources which impacts public health and the environment, and the need to address this issue through measures such as Section 28 permits under the <i>Conservation Authorities Act</i> which prevent sedimentation and the import of contaminated fill, amongst other measures. This is consistent with Ontario’s acknowledgement of CAs as source protection authorities under the <i>Clean Water Act</i>, public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario’s proposed requirement for watershed plans in the Provincial Plan Review.</p>
<p>4. AND WHEREAS the conservation, restoration, development and management of natural resources on a watershed basis is an effective approach to ensure healthy and sustainable Great Lakes, surface water and groundwater including drinking water sources, and associated ecosystems, soil, and air resources which in turn support prosperous and resilient communities.</p>	<p><b>Watershed Management</b></p> <p>This section provides the logic in watershed-based natural resource management; therefore supporting the work of watershed-based CAs. It is noted that this approach provides a locally relevant boundary that supports bringing together stakeholders crossing political boundaries and consideration of broader natural resource issues that cross watershed boundaries (e.g. groundwater, ecosystems, natural heritage systems, and air).</p>
<p>5. AND WHEREAS the Province of Ontario desires that Conservation Authorities deliver programs utilizing an adaptive management framework that is watershed-based and informed by science, to result</p>	<p><b>Local Issues, Science and Adaptive Framework</b></p> <p>This section reiterates the Objects in Section 20 and Powers of Authority in Section</p>

Preamble Sections	Rationale
<p>in actions that address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges.</p>	<p>21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach based on watershed science and a continuous improvement cycle of implementing measures and monitoring their performance. This watershed-based adaptive framework approach lends itself to addressing local, unique and unexpected natural resources issues including climate change impacts, resource depletion and pollution.</p>
<p>6. AND WHEREAS the Province of Ontario desires that, Conservation Authorities collaborate with participating municipalities, indigenous peoples, government bodies and others, bringing together all stakeholders on a watershed basis to manage natural resources and human activities together for the health, social and economic well-being of Ontarians.</p>	<p><b>Integrated Watershed Management Approach</b></p> <p>This section also reiterates the Objects in Section 20 and Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach supporting shared decision making about management actions. Conservation Authorities bring together multiple stakeholders crossing political and other boundaries to efficiently and sustainably address common natural resource issues while considering the connected interests of ecology, economy and society.</p>
<p>7. AND WHEREAS the Province of Ontario recognizes the substantial public land holdings of the Conservation Authorities and the value and importance of these for conservation, connecting people to nature through recreation and education, and for the overall health of people and watersheds.</p>	<p><b>Connecting People and Nature</b></p> <p>This section also reiterates the Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i> and makes the linkage between conservation programs that link to human activities and needs in the watershed. This is consistent with the Province’s various initiatives emphasizing tourism, cultural heritage, health, and environmental education which they have relied upon partnerships with CAs for delivery. This relationship most recently aligned through the Great Lakes Protection Act and associated multi-ministry Strategy.</p>