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February 17, 2010

Jerry J. Ouellette, MPP Oshawa  
 Official Opposition Critic, Natural Resources  
 Room 428, Queen's Park  
 Legislative Building  
 Toronto, Ontario  
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Dear Mr. Ouellette:

As you know, Conservation Ontario works on behalf of Ontario's 36 Conservation Authorities. Our CA members have shared your recent letter to them with us and we are responding on their behalf, although we note that some may choose to provide additional comments. We know that you have written to municipal officials as well and expect that those who choose to will respond directly to your inquiry.

Let me begin by thanking you for acknowledging the valuable work done by Conservation Authorities in ensuring the successful management of watershed-based ecosystem resources, services and land-use. Conservation Authorities play a critical role in developing the science which underpins our understanding of the complex interactions of the physical components of the watershed – the land, the water and the living organisms.

Conservation Authorities play a singular role in flood protection and the Province relies heavily on CAs to ensure public safety in relation to natural hazards, making them a critical part of land use planning and development. Our study on the *Business Case for Investing in Flood Prevention and Control* shows that through the public investment of \$2.7 billion in infrastructure and through ongoing regulation of flood prone and hazardous areas, Conservation Authority flood plain management programs, including regulation, save the taxpayers in excess of \$100 million annually.

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The expertise that CAs bring to the table is a vital component in the development of source protection plans across the Province. *Adapting to Climate Change in Ontario*, a recent report by the Expert Panel on Climate Change, outlines in clear detail the threats to water quality and supply, the potential for increased flooding and erosion due to more frequent extreme weather events, as well as increased drought, and degraded biodiversity. These findings make very clear that Conservation Authorities are - and will continue to be - essential to the protection of Ontario's water and land resources.

As Section 20 of the *Conservation Authorities Act* states: "*The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.*" Conservation Authorities take this mandate very seriously.

Most importantly, it allows a Conservation Authority to develop a program that responds to the unique conditions and pressures within a particular watershed. This is critical to the successful management that you noted.

Conservation Authorities use a variety of tools to meet their mandate. These include education, stewardship, the provision of science-based advice to municipalities as part of the land use planning process, and the regulation of flood plains, hazardous areas, and wetlands that are key to the function of watershed hydrology.

More than 144,000 hectares of forests, wetlands, flood plains and other environmentally significant lands have been acquired by CAs, providing protection and public access for education and recreation, currently serving more than 5 million visitors annually, contributing greatly to Ontarian's quality of life and economic well being.

As we enter the second decade of this millennium, with greater awareness than ever of the linkages between a healthy environment, a healthy economy and a healthy society, it is ironic yet not surprising that the art of balancing the public interest with individual interests continues to be a focus of discussion and in some cases, outright conflict. How best to manage these apparently competing interests is a challenge for all of society. There should be no debate about the value of this process to our quality of life. But who pays for a healthy environment and how environmental programs should be funded, remains at issue. There is tension from user and permit fees, municipal levies, and provincial funding sources. Despite realizing the benefits, no party wishes to bear more of the costs, particularly in difficult economic times.

Your questions are relevant and timely concerning legislation, regulations and organizational responsibilities of Conservation Authorities. As you know, the Ministry of Natural Resources recently posted on the EBR, a draft of the proposed "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities" (Posted Nov25/09 EBR #010-8243).

This proposed policy resulted from a two year multi-stakeholder consultation involving representatives of the Province, municipalities, the development industry, ENGOs and Conservation Authorities. The consultation was a response to criticism by the development industry that Conservation Authorities were extending their influence beyond their mandate. The

expectation of the participants is that this policy, if approved will provide necessary guidance, rationale and timelines to improve the parties understanding of roles and the process and provide improved transparency and accountability.

It should be noted that the ENGO community position in the review was that Conservation Authorities needed a stronger mandate to protect the environment, this was ultimately reflected in passage of the *Lake Simcoe Protection Act*. Indeed, this position is shared by a number of municipalities.

Conservation Authorities are established under the *Conservation Authorities Act* by a resolution of the majority of municipalities within a watershed. The *Act* has been changed only slightly over its 60 year history, and is still considered a visionary piece of legislation. Conservation Ontario has identified a number of amendments to the *Act* which would bring certain aspects into better alignment with, for example, the municipal election cycle; the ability of staff to issue permits; and a consistent limitation for laying charges under the Section 28 regulations.

As you know, the *Act* was amended in 1996 to eliminate the appointment of Provincial representatives on CA Boards, a move that was seen as being consistent with the diminished level of Provincial financial support which took place at that time. As noted above, tensions continue and stakeholders' positions range from wholesale "dissolution" of Authorities to severely curtailing the role and mandate, to broadening their scope and jurisdiction.

I want to be clear that Conservation Authorities are quite open to any dialogue with the Province, municipalities and other stakeholders which would improve the effectiveness and efficiency of watershed and natural resources management; indeed, we have consistently pursued such discussions over the years. We submit that improvements to the current system can, and should be made in the interest of increasing efficient, effective, transparent and accountable management of our water and natural heritage.

We would be happy to speak in more detail about any specific issues which you may wish to discuss.

Yours truly,



Dick Hibma,  
Chair, Conservation Ontario