

Proposed Amendments Conservation Authorities Act

Board of Directors
November 27, 2020

Mike Walters
Chief Administrative Officer



Lake Simcoe Region
conservation authority



Member of Conservation Ontario

Chronology of the CA Review

- 2018, the Province begins a review of CA operations
- 2019, Bill 108, More Homes, More Choice Act was introduced, with three key goals in mind:
 - Improve consistency and transparency of the programs and services that conservation authorities deliver,
 - Provide additional oversight for municipalities and the province, and
 - Streamline conservation authority permitting and land use planning reviews to increase accountability, consistency, and transparency.

Conservation Authorities Response

Work towards meeting Provincial expectations regarding consistency and transparency of programs and services and to streamline planning and permitting processes.

- Adopted consistent By-Laws by December of 2018,
- Implemented best management practices regarding governance and administration,
- Voluntarily reduced timelines for issuance of permits based on the previous CALC requirements by 30 days,
- Initiated client centric service training and monitoring protocols to document service improvements,
- Attended consultation sessions with the Minister/Provincial staff.

Bill 229, Schedule 6: Observations

- Amendments contained in Schedule 6 of Bill 229 show no regard for these efforts,
- Do not reflect the discussions had during consultations,
- Conflict with other existing pieces of legislation,
- Containing unintended consequences which are counterproductive to their stated objectives,
- They will increase red tape, cost to the tax payer, liability, and potential litigation and law suits,
- They have the potential to put people, property at risk and will degrade the environment.

Schedule 6: Main Areas of Concern

- Amendments to the *Planning Act* to remove CAs as public bodies,
- Concerns Related to Regulatory Changes,
 - Appeals of Section 28 Hearing Board Decisions to the Minister and/or to the LPAT.
 - Minister's Orders/ Minister's Powers.
 - Enforcement Clauses.
- Scoping of Non-Mandatory CA Programs,
- Changes to CA Governance

Planning Act: Removal of Conservation Authorities as Public Bodies

There is no Provincial requirement for municipalities to circulate planning files and CAs do not have the ability to initiate LPAT hearings.

- There would be no oversight for stormwater, natural features (LSPP), and most significantly natural hazards,
- Municipalities are accepting liability if they approve a file, mistakes could impact public safety,
- Increases the potential for conflict between a CA and the development industry,
- Removes the watershed lens and consideration of cumulative impacts of growth.
- By accepting liability, municipalities bond rating could be dramatically affected

Concerns Related to Regulatory Changes

The appeal processes proposed will significantly slow down the permitting process, creating delays, more red tape and additional costs.

- If applicants are not satisfied with decisions made by the Hearing Boards, applicants can appeal directly to the Minister for a decision.
- Our ability to protect people and infrastructure has been reduced. Limited right of entry, repeal of stop work and no consideration to enact restoration orders.

More damage and higher remediation costs



Cannot prevent or reduce the effects or risks



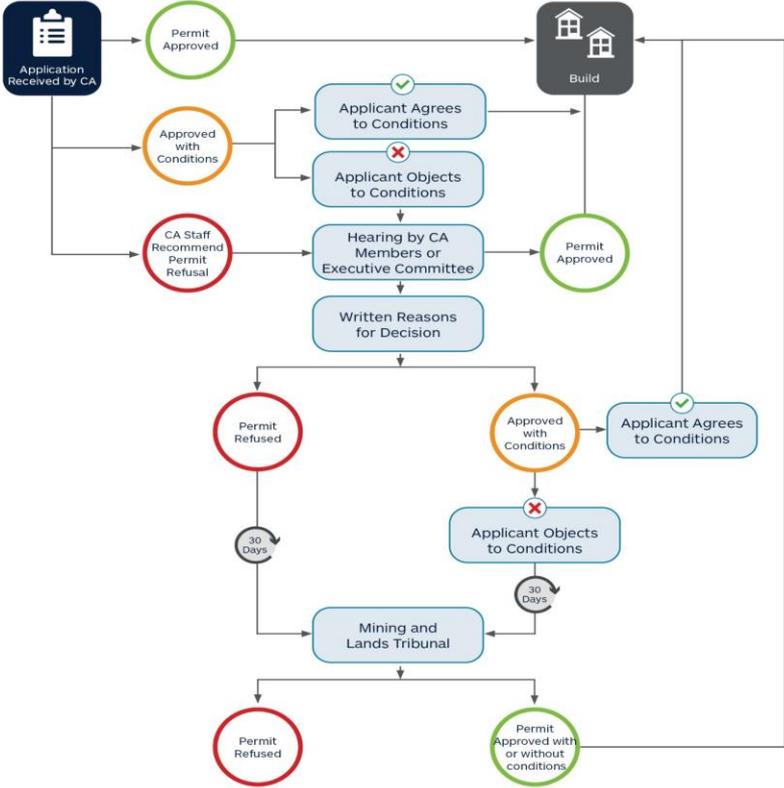
More litigation means more costs to taxpayers



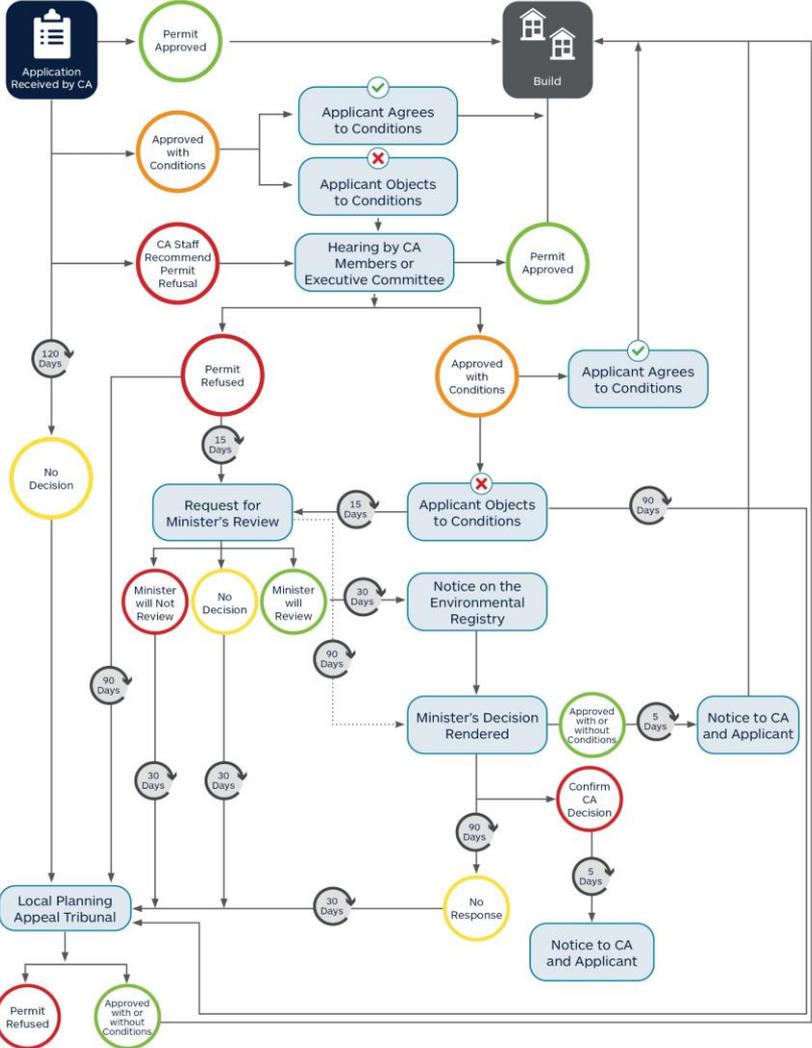
Or no one held accountable

Appeals Process Map

Current



Proposed



Scoping of Non-Mandatory CA Programs

A fundamental principle of Conservation Authorities is that the jurisdictional area does not follow political boundaries but natural watershed divides.

- Watershed planning is integral to informed decision making, currently this is not a core mandatory program,
- This change undermines the ability of Conservation Authorities to identify the broader environmental and resource management issues facing our watersheds,
- It limits an Authority's ability to address watershed wide issues and the *cumulative impact* of change,
- Results in less informed decision making increasing the risk to people and property and environmental damage.

Toronto

\$1B class-action claim alleges Oakville property owners at flood risk due to 'over-development'



Oakville mayor calls claim 'political stunt by political losers'

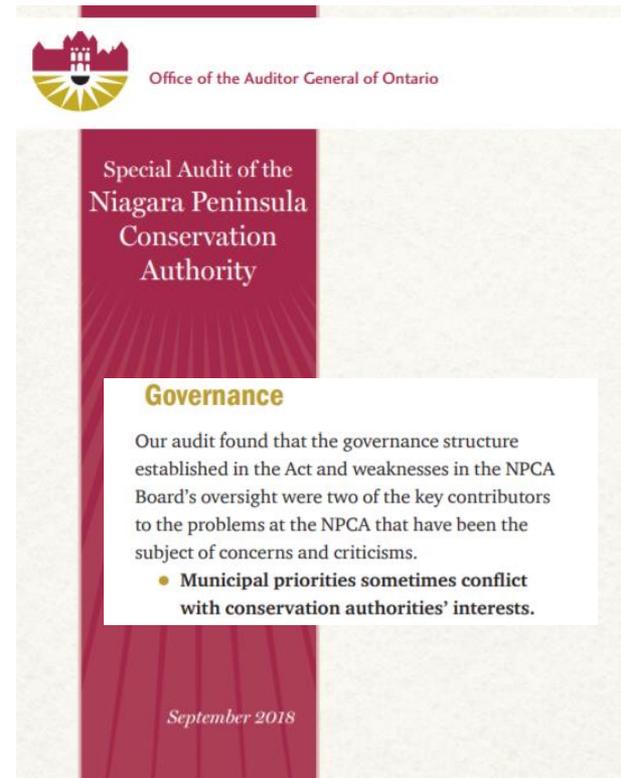
 Trevor Dunn · CBC News · Posted: Oct 09, 2020 5:00 AM ET | Last Updated: October 9



Changes to CA Governance

The Province has changed the ‘Duty to Members’ section of the Conservation Authorities Act to have municipal representatives on CA Boards act in the interests of their own municipality rather than that of the conservation authorities’.

- Contradicts the fiduciary duty of board members,
- It is contrary to a recommendation by the Auditor General,
- It could limit discourse on issues, increases potential conflict and result in decisions contrary to the watershed interests.



Proposed Solution: There is a Better Way

The LSRCAs value its partnership with the Province and shares the Province's desire to find efficiencies, reduce red tape, costs to the taxpayer, increase transparency and accountability. Schedule 6 will not achieve these goals.

We recommend the Province:

1. Withdraw Schedule 6 regarding the Changes to Conservation Authorities from Bill 229,
2. Appoint a Commissioner to work with Conservation Authorities, the Province and all stakeholders to identify and drive change,
3. Include Conservation Authorities in discussions to develop a new guidance materials, regulations and changes to legislation if needed along with a transition plan,
4. Establish metrics for monitoring Conservation Authorities to demonstrate improvements in efficiencies.

Request to the Board of Directors

Receive the staff report and support a request that:

- a) The Province withdraw Schedule 6 from Bill 229,
- b) The Province collaborate with the conservation authorities to develop new guidance materials, regulations and any necessary changes to legislation, along with a transition plan, and
- c) The Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.