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Hon. Kathryn McGarry
Minister of Natural Resources and Forestry
Ministry of Natural Resources and Forestry
Whitney Block - 6th Floor - Room 6630
99 Wellesley Street West
Toronto ON M7A 1W3

Dear Minister McGarry:

On behalf of the Association of Municipalities of Ontario (AMO), I would like to thank you for the opportunity to provide comments on the *Conservation Authorities Act Review Consultation Document. Conserving Our Future: Proposed Priorities for Renewal* (EBR Registry Number: 012-7583). This consultation has been in progress for some time and we appreciate this level of attention to such an important special purpose body. Equally, your Ministry's acknowledgement of the significance of the municipal role in maintaining Conservation Authorities is valued.

The recent consultation has focused on three themes. The following is the AMO Board advice to you on these themes.

1. Roles & Responsibility: Clarity but One Size Does Not Fit All

Conservation Authorities (CAs) are indeed a strong model for managing the natural environment at a watershed scale. The current mandate provides both provincial and local environmental benefits. The current system provides for mandated services that all CAs are expected to provide. As well, local regions have the flexibility to provide additional unique services within the means of the local population.

While in theory this approach is solid, in practice the delivery of even the mandated services can be a challenge for some CAs and has been the source of municipal concern. Because watersheds cross multiple municipal jurisdictions, multiple CAs deliver the same service in different ways or levels within a single municipality. This becomes challenging for municipal governments seeking to provide equality and consistency to its citizens. Planning and development related activities generally are the most problematic of these services where fees, timeframes and approaches can vary significantly between CAs.

It is time to create a Conservation Authority framework that fosters harmonization while recognizing that different areas of the province have different needs for watershed management and different abilities to meet those needs. A three tiered framework is recommended that would recognize 1) the majority of Conservation Authorities which provide the mandated services using integrated watershed management (IWM); 2) those CAs that can exceed this level of service with municipal agreement; and 3) those that are challenged to meet a minimal service and do not have municipal capacity to compensate for this reality.

To solidify this approach, perhaps minor regulatory changes would be needed and best management practices (BMPs) should be standardized. However, the Province may have to take responsibility to deliver the activities normally undertaken by the CA in some areas of the province.

2. Service Standards and Approaches

Quality services are generally measured against a set of principles or criteria. They include completeness, accuracy, timeliness and in a format that meets the customer's needs. Such Best Management Practices (BMPs) need to be better employed by some CAs. As previously stated, opportunities to improve often centre on land use planning and development applications.

The timelines, advice and permits delivered by the CAs should be established within the context of other land use planning timeframes, mandated by the *Planning Act* and *Aggregates Resources Act*. Failure to meet these timelines by a CA should default to approval or positive assessment rather than hold up the process. Pre-consultation meetings are held by most municipal planning departments. The CA should participate in or instigate such meetings. Broader use of complete applications would also help this process. These benchmarks need to be centrally established and implemented through local MOUs.

As well, modernizing the availability of applications and information held through the CA should be a goal, phased in over a short period of time. It may be that municipal governments have the hardware and software to facilitate this level of service and the CAs should seek to enter service sharing agreements rather than duplicating work.

Generally, the mandated services of CAs can be characterized as issuing permits, identifying natural heritage and hazards and providing a wide range of environmental advice. MOUs with municipalities should set the local expectation for these activities and harmonize delivery where multiple CAs are within one municipal jurisdiction.

There is an ongoing difficulty in that not all CAs are equipped to meet these standards. Frequently, these CAs are in areas of the province where economic challenges make it not possible nor prudent for the local municipalities to levy

more taxes to support the CA. As protecting natural heritage and avoiding hazard risks is in the provincial interest, there has been a call since the outset of this process to reinstate funding support and address inflationary increases. The lack of a funding commitment from the Province continues to be disappointing.

The Province should consider some resource equalization grants for CAs, taking into account local ability to pay. The case for cost avoidance, either in reduced hazard claims or improved health outcomes, should stimulate a broader level of support from the province to fund CAs. In addition, if new responsibilities devolve to CAs, new funding needs to accompany these new duties.

3. The Board & Governance

Conservation Authority Board members are appointed by Municipal Councils as the municipal government is the key funder for most CAs. This approach connects the CA into the public accountability that characterizes municipal governments. Municipal council members, in the vast majority of the province, are comprised of a representative sample of the breadth of local citizens. When council members are CA Board members, they bring this local lens.

Municipal governments have also exercised the authority to appoint community members to CA Boards. Further, to assist in rounding out the CA Boards ability to represent the area, often community consultations take place and advisory groups (cottage associations, agriculture groups) are frequently employed.

Special sector representatives on the CA Board itself would not enhance the Board but could create the perception that the CA is an Environmental Non-Government Organization (ENGO) rather than a Special Purpose Body of government. The existing model works well and given the above noted nature of services, there is no need to alter the governance model.

There is room for improvement with respect to First Nation and Metis involvement. However, the Duty to Consult belongs to the Crown as set out by Canadian case law and is not a municipal or CA duty. Further, there is no ability for CAs or municipalities to pay for participation of First Nations and Metis.

That said, Source Protection Committees demonstrated both the benefits and the constraints of relying on "committee seats" as the basis for indigenous representation. It is recommended that, as a minimum, annual meetings between the CA Board and representatives of Metis, First Nation and Indigenous Peoples within the CA area be a required practice. The purpose would be to discuss respective interests in environmental and natural heritage management to inform the on-going and future work of the CA. MNRF should host and facilitate these meetings. However, these meetings cannot be construed as a substitute for the Provincial Crown's duty to consult responsibility.

In closing, AMO supports the notion that Conservation Authorities are to protect the natural environment **for** people, not **from** people. We support moving forward through a voluntary peer review process to reach goals rather than imposing changes. There are many examples of local collaboration which can serve as examples for others to adopt. In that vein, AMO staff and Conservation Ontario staff have been working collaboratively to find areas of agreement in order to facilitate and outcome positive change through this review process. We also urge the Province to reengage the federal government which also has expectations for local watershed management but could be more supportive.

Should you wish to discuss this further, please feel free to contact us. As a new Minister, we appreciate the challenge you face to move such an important review through the process. We look forward to working with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gary McNamara', with a long horizontal flourish extending to the right.

Gary McNamara
AMO President