



Greenspace Alliance of Canada's Capital  
Alliance pour les espaces verts de la capitale du Canada

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8 September 2016

To: Alex McLeod,  
Policy Officer, Water Resources Section  
Natural Resources Conservation Policy Branch,  
Policy Division,  
Ministry of Natural Resources and Forestry

By Email: [mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca)

Dear Mr. McLeod,

Re: May 2016 Discussion paper (EBR 012-7583)

Further to the suggestions in our letter of 19 October 2015 to Julia Holder (attached), we provide additional feedback by re-iterating some of our earlier comments and responding to some of the proposed Actions, thus answering the three questions posed in *Conserving Our Future - Proposed Priorities for Renewal* (May 2016). One of our members attended the June 3 Regional Engagement Session in Ottawa; its materials and his report further informed our feedback below.

### **1. What do you think of these [five] priorities? ... Are there others?**

A.: It is difficult to argue with these priorities, due to their broad nature and use of progressive verbs (strengthening, increasing, improving, modernizing, enhancing). Likewise it is difficult to say which are more or less important. A comprehensive review of the current framework would aim to achieve progress on all of these priorities.

One priority missing from your list is that the work of Conservation Authorities should be grounded in science and this mandate should be firmly established in law and practice. A template of watershed-based planning should be developed. It should fit in the context of the hydrological, air and terrestrial cycles.

### **2. What actions would you recommend?**

A.: 1. Regarding Priority #1 (*Strengthening oversight and accountability in decision-making*), we suggest again: "The right of appeal [of the issuance of a permit] under section 28(15) ..., now exclusive to the permit seeker, should be extended to any party that participated in the decision making process. This would be an important check on decisions by a CA that are too accommodating to a proponent."

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In your proposed Actions, you meet our concerns about potential conflict of interest for municipal councillors. We also support your proposal to have CAs be more open to the public and practice pro-active disclosure of information.

2. Regarding Priority #2 (*Increasing clarity and consistency in roles and responsibilities, processes and requirements*), we re-iterate that "The Act should be amended to give CAs the authority to issue stop work orders and orders to comply, enforcing remediation when a landowner is causing harm to the environment in violation of permit conditions." Also, we suggested several ways for the Conservation Authorities to gain higher community profile and operate in a more transparent manner. And we noted that penalties should be greatly increased so as to become a deterrent instead of a minor cost of doing business.

It is surprising that there is a need for a comprehensive Provincial Policy Directive as you propose. We would caution against such an objective resulting in a complex bureaucratic exercise that in the end changes nothing on the ground. But if there is indeed a significant level of confusion, please proceed.

Clarity and consistency in the application of the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulations would be most welcome. We once enquired with the Ministry about the scope of this regulation among all CAs and were disappointed that no statistics could be provided.

3. Regarding Priority #3 (*Improving collaboration and engagement among all parties involved in resource management*), we are pleased to see that you appear to share our support for Conservation Ontario's proposal for a multi-ministry secretariat or steering committee to help achieve integrated watershed management. In addition, there is definitely room for more and deeper collaboration with environmental NGOs and other levels of government. In Eastern Ontario, for example, several projects, programs and authorities are finding ways of collaborating on a coherent conservation framework. The Conservation Authorities could and should play a vital role in this collaboration.

Greater opportunities for local residents and stakeholders groups to participate in the identification of local needs, priorities and CA decision making processes would be most welcome.

4. Regarding Priority #4 (*Modernizing funding mechanisms to support conservation authority operations*), we reiterate that restoration of core funding of CAs by the Province is imperative. Assertions that no new money is available does not diminish the fact that the Ministries of Environment and Natural Resources, and through them the CAs, have been starved of funds for many years. A re-allocation at an all-government level is called for. As well, a new deal needs to be struck between the Ministry and the municipalities to put the CAs on a sounder financial footing so that they can fulfil their mandate.

We reiterate our suggestion that CAs could undertake to perform or supervise Environmental Assessments. Proponent-sponsored assessments and impact statements have serious drawbacks because of an inherent risk of bias. Municipalities do not always have the capacity to perform or evaluate assessments. Moreover, their role as regulator (reviewer of proposals) may interfere with the role of objective assessor. As we said last October:

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...seeing that CAs are independent, neutral and science-based bodies, they could be tasked, rather than just with providing comment on proponent-sponsored studies, with providing or supervising the environmental assessment of the impact of development proposals. They could invoice the proponent and make recommendations to the municipality. Protocols could be formulated in a Section 40 regulation. Disputes about the need or cost of the work could be mediated or adjudicated by the Ontario Municipal Board.

We see such a role as offering synergies with the overall mandate of CAs, thus rendering both the development review process and the operation of CAs more efficient.

5. Regarding Priority #5 (*Enhancing flexibility for the Province to update the Conservation Authorities Act in the future*), we agree with all the actions contemplated, with the proviso that delegation should not compromise accountability.

### **3. What are some of the key challenges in achieving improvements?**

A: Not all areas in Ontario have CAs. How to give watershed-based planning equal due in such areas is a challenge. This goes beyond what the *Conservation Authorities Act* can do but is a call for amendments to the *Planning Act* (which currently does not recognize watersheds), so that planning in Ontario will one day be firmly based on a watershed model.

We look forward to the next stage in this review.

Sincerely,

*Paul Johanis*  
Paul Johanis,  
Co-chair

*Nicole DesRoches*  
Nicole DesRoches,  
Co-chair

*Since 1997, the Greenspace Alliance has worked with community organizations and individuals to preserve and enhance natural areas in the National Capital area, including public and private green spaces, wetlands and waterways. We believe that urban greenness is essential for a community's quality of life, contributing to our personal, social, economic, cultural and spiritual well-being. It also connects us with the natural and cultural history of our region.*