



CATARAQUI REGION CONSERVATION AUTHORITY

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May 17, 2019

Ms. Carolyn O'Neill
Great Lakes and Inland Waters Branch
Ontario Ministry of the Environment, Conservation and Parks
40 St Clair Avenue West, Floor 10
Toronto, ON M4V 1M2

Dear Ms. O'Neill,

**RE: CATARAQUI REGION CONSERVATION AUTHORITY COMMENTS ON
ENVIRONMENTAL REGISTRY POSTING 013-5018:
MODERNIZING CONSERVATION AUTHORITY OPERATIONS –
CONSERVATION AUTHORITIES ACT**

Cataraqui Region Conservation Authority (CRCA) staff are writing to provide comments on the above-noted Environmental Registry posting, along with Schedule '2' to Bill 108, for consideration by the Ontario Ministry of the Environment, Conservation and Parks. These comments have been prepared in consultation with the CRCA Board.

Summary of Posting

The Ontario government seeks to amend the *Conservation Authorities Act* to: (1) define mandatory programs for conservation authorities (CAs); (2) refine how CAs receive funding from participating municipalities for mandatory and non-mandatory programs; (3) enable the Minister to commission reviews of conservation authority operations; and, (4) clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.

Proposed amendments to the *Conservation Authorities Act* are outlined in Schedule '2' to Bill 108, which received 1st Reading in the Legislative Assembly of Ontario on May 2, 2019.

CRCA Comments

- CRCA staff support the comments that were submitted by Conservation Ontario regarding this posting on May 10, 2019.

- Regarding the proposed list of mandatory programs:
 - Bill 108 indicates that CA mandatory programs would be defined at Section 21.1 of the *Conservation Authorities Act* as those related to: (1) natural hazards; (2) conservation lands; (3) drinking water source protection; and, (4) other legislation (as prescribed by regulation).

 - With respect to natural hazards, CRCA staff request that CAs be afforded opportunities to contribute to the new task force that will consider the risk of flooding hazards in Ontario. A successful and longstanding partnership between the Province of Ontario, conservation authorities and municipalities has helped communities in CA watersheds to avoid or mitigate flood damages and the high costs of flood response and rebuilding.

 - CRCA staff request that “Conserving Natural Resources” be listed as an additional mandatory program.
 - Conserving natural resources is acknowledged in the Made-in-Ontario Environment Plan (2018) as part of the core mandate of conservation authorities. As described in the comments submitted by Conservation Ontario (May 10, 2019), the 36 CAs offer a range of programs and services, suited to their watersheds and communities, to achieve natural resource conservation and support efforts by community partners.

 - CAs undertake environmental monitoring to understand the present and evolving condition of natural resources on a watershed basis. This foundational knowledge is reported to local communities and partner organizations. It supports decision-making and successful outcomes in the other proposed mandatory programs, contributes to the conservation of natural heritage and water resources, and supports climate change adaptation.

- CAs also work to improve environmental conditions through stewardship initiatives, and share practical knowledge via education programs for people of all ages.
- It is essential that CAs continue to be enabled to deliver programs that conserve natural resources on a consistent, watershed-wide basis.
- The implementing regulations should be prepared in consultation with CAs, municipalities and other stakeholders.
 - There is a need to appropriately define the scope of each mandatory program area in the implementing regulations, while continuing to allow for variations between the CAs that reflect local watershed needs.
 - The effective delivery of the mandatory programs relies upon administrative and corporate services support (e.g. Board, management, accounting, communications, information technology). The scope of the programs should be defined accordingly.
- Regarding funding for conservation authority programs:
 - CRCA staff interpret Bill 108 to mean that CAs could continue to levy municipalities for mandatory programs (Section 21.1) but would need to enter into agreements with municipalities to collect revenues from them for non-mandatory programs (Sections 21.1.1 and 21.1.2).
 - CRCA staff concur with the concerns raised by Conservation Ontario (May 10, 2019) regarding: (1) the administrative burden of the proposed approach; (2) the potential for the inconsistent delivery of non-mandatory programs within CA watershed jurisdictions; and, (3) the loss of financial economies of scale.

- CRCA staff request that the Ontario government continue to provide funding and technical support for CA natural hazard programs.
 - CAs have worked with the Province, municipalities and others to successfully mitigate the impacts of flooding for more than 70 years.
 - The Made-in-Ontario Environment Plan (2018) identifies the increasing risk posed by flooding from extreme weather events. In this context, Provincial funding support and updated technical guidance for tools such as floodplain mapping, flood forecasting and warning, and water control structures will be necessary to protect life and property from harm.

- The proposed amendments to the *Conservation Authorities Act* would enable CAs to levy municipalities for drinking water source protection program costs. However, sole reliance on municipal funding for this Provincially-mandated program would result in uneven funding across Ontario. Further, if municipalities are compelled to cover the full cost of drinking water source protection, then they may not have funds available for other important but non-mandatory CA programs. CRCA staff request that the Ministry continue to provide funding support for drinking water source protection.

- Regarding a transition period:
 - The Environmental Registry posting indicates that there would be a transition period for CAs and municipalities to enter into agreements regarding non-mandatory programs.
 - CRCA staff request that any transition period extend to at least December 2022 to coincide with the current term of municipal councils and allow enough time for related dialogue.

- Regarding Provincial reviews of conservation authority operations:
 - Bill 108 includes proposed additions to Section 23.1 of the *Act* whereby the Minister could appoint an investigator to review the operations of a CA and may require the CA to pay all or part of the related costs.
 - CRCA staff anticipate that such reviews would be uncommon, and that most issues can be resolved through dialogue and information sharing between the Ministry and CA Boards.
 - CRCA staff recommend that the terms “investigator” and “investigation” in Bill 108 be replaced with “auditor” and “audit” (or “review”) to communicate that such reviews would be undertaken in a cooperative manner.

Regarding the duty of Board members:

- Bill 108 proposes to add section 14.1 to the *Act* to require that: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority.”
 - CRCA passed an Administration By-Law in 2018, pursuant to Section 19.1 of the *Act*, that includes a Code of Conduct for CRCA Board members. The language and intent of the Code of Conduct is consistent with the proposed legislative amendment.

Thank you for your consideration of these comments. If you have any related questions, please contact the undersigned via rmcrae@crca.ca or 613-546-4228 ext. 224.

Yours truly,

A handwritten signature in blue ink, appearing to read 'RM' followed by a flourish and the year '2014'.

Rob McRae, MCIP, RPP
Acting General Manager and Manager, Corporate Services