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June 25, 2021

Ministry of Environment, Conservation and Parks  
Conservation Authorities Act, R.S.O.1990 Review  
ERO#: 019-2986

To whom this may concern:

**Re: ERO# 019-2986**

The Township of Springwater has had an opportunity to review available documentation regarding proposed amendments to the Conservation Authorities Act and provide the following comments for consideration as part of the consultation process.

Council for the Township of Springwater reviewed and considered the attached staff report dated June 16, 2021 and raised the following three key themes for consideration.

- Need for Clear & Prescriptive Mandate
- Requirement for MOU and Need for an Arbitrator
- Enhanced Options for Service Delivery

**Need for Clear & Prescriptive Mandate**

The Township understands that a key objective of this review is to better define and clarify the specific mandate of conservation authorities resulting in the identification of core services that are “mandatory” versus “non-mandatory services”. The Township appreciates this directive and is seeking further clarification regarding the extent to which the role of conservation authorities extends into land use planning.

Springwater Township Council has also expressed the need for additional clarification regarding mandatory services and non-mandatory services as this information is extremely important to consider as part of deliberations associated with Memorandums of Understanding (MOU's) to establish the mandate and services that conservation authorities are to provide to partners.

It is also important to take a prescriptive approach when outlining non-mandatory services, especially related to land use planning as municipalities consider various options (third party peer review vs. consulting services) for providing a level of service to meet the needs of residents and stakeholders.

The Township understands that the Second Phase of the process will address levies associated with the provision of “mandatory” and “negotiated non-mandatory” services. The documentation speaks to a requirement for municipalities to cover financial shortfalls if user fees and grants cannot cover the associated costs. The payment of any shortfall in finances should be negotiated with the affected municipalities and should not be imposed on municipalities without agreement.

### **Requirement for Memorandum of Understanding and the Need for an Arbitrator**

The preparation and negotiation of Memorandums of Understanding (MOU) can be a complicated and a contentious process due to financial implications to partner municipalities and ultimately the taxpayer. Conflicting interpretation of the Conservation Authorities Act exacerbates the issue as not all parties are well versed in the legislation.

It is for this reason that the Township of Springwater recognizes the need for a dedicated arbitrator provided by the Province to help guide the MOU process when disputes arise. An arbitrator could assist in disputes regarding mandatory services vs non-mandatory services, which are to be identified within the transition plan.

The preparation/inclusion of a definitive template that outlines mandatory services/non-mandatory services and how those services are to be applied would be a helpful resource to ensure that all parties are working with the same understanding when negotiating MOU's.

### **Enhanced Options for Service Delivery**

As noted, a prescriptive approach to clarifying “mandatory services” and “non-mandatory services” is extremely important to provide municipalities with clear distinct mandates within the Conservation Authorities Act. A clear distinct mandate within the Act that outlines the services that conservation authorities are required to provide will aid in the efficient delivery of service as certain programs may be provided by a third party as an option.

It would be helpful if further clarification regarding specific land use planning considerations that would be non-mandatory within the Conservation Authorities Act were included.

The vast geographic area that watershed planning covers could have the effect to have all aspects of planning related considerations fall under the mandatory mandate of conservation authorities.

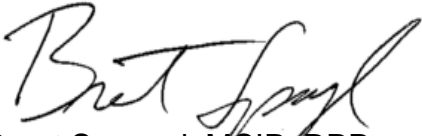
For example, under a watershed management strategy; would a conservation authority be required to provide input on storm water management as a mandatory service for land use planning applications; or could land use planning related reviews be provided through a different third party other than a conservation authority?

In order to establish municipal control in the provision of services related to land use planning, land use considerations should be considered as non-mandatory to provide municipalities with an option for third party review and comment to responsibly plan for the provision of services while ensuring that matters of Provincial Interest are maintained through-out the planning process.

It is also requested that conservation authorities maintain jurisdiction within their own watershed and that cross jurisdictional powers into other watersheds include approval/support from the affected municipalities. Notwithstanding previous MOU's, jurisdictional powers should be reviewed through future negotiations with conservation authorities and affected municipalities.

The Township of Springwater appreciates the opportunity to comment and welcomes further involvement in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Spagnol". The signature is fluid and cursive, written over a light blue horizontal line.

Brent Spagnol, MCIP, RPP  
Director of Planning Services

*on behalf of Council for the Township of Springwater*

Cc: Council, Township of Springwater  
Jeff Schmidt, Chief Administrative Officer, Township of Springwater  
Renee, Ainsworth, Clerk, Township of Springwater