

June 23, 2021

Liz Mikel  
Ministry of the Environment, Conservation, and Parks  
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*Adelaide Metcalfe*

*Blewater*

*Central Huron*

*Huron East*

*Lambton Shores*

*Lucan Biddulph*

*Middlesex Centre*

*North Middlesex*

*Perth South*

*South Huron*

*Warwick*

*West Perth*

Dear Ms. Mikel:

**RE: Submission to Environmental Registry of Ontario re. Reg. #019-2986  
from Ausable Bayfield Conservation Authority Board of Directors**

The Ausable Bayfield Conservation Authority (ABCA) Board of Directors, which is made up of municipal representatives, approved this submission at its regular meeting on June 17, 2021.

The following is the ABCA submission, in reply to the consultation opportunity to provide comment upon the Environmental Registry of Ontario (ERO) Regulation number 019-2986, the Regulatory proposals (Phase 1) under the Conservation Authorities Act:

**THANK YOU FOR THE OPPORTUNITY TO COMMENT**

We thank you very much for the opportunity to comment upon the Regulatory proposals (Phase 1) under the Conservation Authorities Act. (ERO #019-2986)

**THANK YOU FOR THE CREATION OF THE WORKING GROUP**

Ausable Bayfield Conservation Authority is pleased the Province of Ontario has formed a multi-stakeholder working group to provide input to the regulatory proposals. We appreciate the working group includes representatives from conservation authorities from various parts of the Province and various sizes of conservation authorities. We appreciate this opportunity to work cooperatively with the Province of Ontario to develop the final regulations.

**THE IMPORTANCE OF GETTING IT RIGHT**

It is crucial we get this right, and amend the regulatory proposals where appropriate, in order to efficiently and effectively continue needed programs to protect life, property, and watershed resources in Ontario now and in the years to come.

Getting this right, by making prudent and appropriate changes to the regulatory proposals, will help us to create – together – a strong, prosperous, sustainable, and resilient Province capable of meeting the pressing challenges of today and the future.

#### **THANK YOU FOR YOUR ACKNOWLEDGEMENT OF THE NEED FOR WATERSHED-BASED CONSERVATION**

We appreciate the Province of Ontario's support for the need for watershed-based resource management in Ontario. We thank you for stating, through the consultation, that effective resource management goes beyond the boundaries of individual municipalities and for confirming the importance of conservation authority work in management of water resources and natural hazards.

We appreciate your acknowledgement of our important work protecting the public from the risk of natural hazards such as flooding and erosion; conserving and managing lands we own or control; fulfilling our source protection authority duties, functions, and responsibilities under the Clean Water Act, 2006; managing resources on a watershed basis; and our work on Provincial Water Quality and Quantity Monitoring.

#### **THANK YOU FOR ACKNOWLEDGING THE IMPORTANCE OF LOCAL KNOWLEDGE, CONCERNS, ISSUES**

One of the many strengths of conservation authorities is the responsiveness to local concerns and issues. Here in this part of rural Ontario, we value going beyond 'made-in-Toronto' solutions. We appreciate that the Ministry "... recognizes that there is significant variation in the circumstances of individual conservation authorities and the programs and services they offer."

#### **A SUCCESSFUL MADE-IN-ONTARIO MODEL**

Watershed management, by conservation authorities on a watershed basis, is looked up to as a model for other jurisdictions.

This successful municipal-provincial-public partnership model has made it possible for us to meet the needs of local citizens and the local watershed environment and to help accomplish the public safety and environmental objectives of the Province of Ontario.

#### **A VALUABLE PARTNER IN ACHIEVING THE PROVINCE OF ONTARIO'S OBJECTIVES**

Incidences of storm and flooding events and extreme weather, in a time of changing climate, make strong watershed management in Ontario more important than ever.

The Province of Ontario has created A Made-in-Ontario Environment Plan, Ontario's plan to address climate change and protect our air, land and water.

We can help achieve the Province of Ontario's objectives, such as biodiversity and Great Lakes water quality, and we believe delivery of services on a watershed scale is the most effective way to deliver many of the programs required.

Upland conservation and rural extension stewardship and conservation education help support programs to protect life and property from natural hazards such as flooding and erosion and to protect municipal drinking water sources and the groundwater and surface water resources which are a foundation for prosperity.

Our valuable natural infrastructure and natural heritage provides many ecological benefits – by protecting and enhancing it, we help to protect life and property against natural hazards such as flooding and erosion.



Conservation authorities are able to provide these ecological goods and services, on a watershed scale, through our effective partnerships with municipalities and other community partners.

We ask that you make the necessary changes, to the regulatory proposals, so we can realize our shared objectives without adding additional bureaucratic burdens and creating unnecessary costs and extra administrative hurdles.

### **RETURN ON INVESTMENT**

The investment, by the Province of Ontario and municipal ratepayers, is multiplied several times in bringing in additional revenue – from sources such as fees, donors, foundations across Canada and the United States, and other funding partners – which enhances the Province’s ability to achieve its objectives.

It is important that funding resources be used prudently for needed conservation work in the watershed – however, the regulatory proposals, at the current time, could create additional and unneeded costs.

In Ontario, together we have had to deal with a pandemic emergency that has required a province-wide investment in public health and safety. At this time, we should design regulations that protect our citizens and protect the watershed resources that are the foundation of our economy and prosperity. We cannot afford to add expensive and unproductive bureaucratic layers that will do very little, if anything, to advance the Province’s environmental goals.

### **OUR SHARED COMMITMENT TO TRANSPARENCY AND ACCOUNTABILITY**

The Ausable Bayfield Conservation Authority Board of Directors shares your commitment to transparency and accountability in our operations.

Transparency, accountability, and public input can all be accomplished without adding expensive and duplicative bureaucratic layers outlined in the proposed regulations.

The regulatory proposals should be revised so the Province’s objectives can be accomplished without adding new legal and administrative costs. Those costs would, if the proposals are not amended, be shouldered by local municipalities and local ratepayers.

### **UNINTENDED CONSEQUENCES OF THE REGULATORY PROPOSALS – ADDED LEGAL AND ADMINISTRATIVE COSTS; ADDED BUREAUCRACY**

One of the many strengths of local conservation authorities, in Ontario’s longstanding and successful watershed management model, is providing efficiencies, limiting bureaucracy, and reducing delivery costs.

In that spirit, we would like to bring it to your attention that the regulatory proposals, as currently drafted and posted on the ERO, would have unintended consequences and costs for our local rural municipalities, the conservation authority, and the Province of Ontario.

The creation of a Community Advisory Board would put a strain on organizational and staff capacity, add costs to the Board of Directors, and add costs for meetings.

The creation of Memoranda of Understanding (MOUs) will add associated administrative costs (to local municipalities; the conservation authority; and the Province of Ontario) to develop and update those agreements.

The creation of added plans and strategies (e.g. Transition Plan and Core Watershed-based Resource Management Strategy) will add associated administrative costs (to local municipalities; the conservation authority; and the Province of Ontario) to develop and update those agreements and those documents.

There would be additional legal costs to review MOUs. There would be additional legal and administrative costs to develop and maintain advisory boards.

We believe the Province of Ontario and ABCA share a commitment to streamlining processes and creating efficiencies and reducing costs. In contrast, the implementation of the Phase 1 regulations, as proposed, would add costs, add bureaucracy, and reduce efficiencies. This cannot be your intent so we ask that you reconsider this approach and amend the proposed regulations accordingly in order to ensure there is no added and unnecessary burden created for local ratepayers.

#### **UNINTENDED CONSEQUENCES OF THE PROPOSALS – DUPLICATION OF EFFORT**

In our watershed, the community created a Conservation Strategy and staff created a Watershed Management Strategy to implement the mission and vision articulated by the community. Requiring a Core Watershed-based Resource Management Strategy could duplicate work we have already done.

#### **UNINTENDED CONSEQUENCES OF REGULATORY PROPOSALS – DIVERTING PROVINCIAL, MUNICIPAL AND RATEPAYER FUNDS AWAY FROM BOOTS-ON-THE-GROUND CONSERVATION TOWARDS LEGAL, ADMINISTRATIVE WORK**

When the Province of Ontario and ratepayers, through the municipal levy, invest in local watershed conservation programs there is currently an excellent return on investment. That investment in watershed health and protection should continue to be honoured and valued. Those resources should be channeled towards tangible conservation work, not diverted towards added legal costs or added layers of bureaucracy, which would result from the regulatory proposals as currently written.

#### **QUESTIONS ABOUT WHO WILL PAY**

There are many questions, unanswered by the regulatory proposals, about who will pay for the additional costs and levies created through the added requirements in the regulatory proposals.

There are questions about how the creation of core watershed-based resource management strategies, and transition plans, articulated in your regulatory proposals, would be funded.

#### **THE CONSERVATION AUTHORITY MANDATE**

The Province of Ontario and ABCA are committed to protecting municipal drinking water sources, protecting life and property from natural hazards such as flooding and erosion, protecting water and soil resources, and fulfilling our mandate to the citizens of this watershed and this Province.

Here at ABCA, we are committed to continuing to focus and deliver on our mandate to help protect people and property from the risk of natural hazards; to conserve and manage conservation authority-owned lands; to fulfil our roles in drinking water source protection; and to ensure strong governance and oversight in our operations.

We ask that you recognize the need for the programs which support those objectives including upland conservation and rural extension stewardship services; conservation education programs which support flood

prevention and erosion control; environmental monitoring of soil health, weather, forest and wetland conditions, and water quality and quantity, all essential for low water and drought and flood forecasting and warning and planning and regulations programs; and the preservation of conservation lands and conservation areas which safeguard needed natural infrastructure in the Province of Ontario while providing the co-benefit of recreational opportunities that support mental health and physical health as well as providing economic benefits in Ontario.

Our community and our municipalities have provided clear direction on the programs and services they think we should provide here in this part of rural Ontario.

There is a public need to protect natural areas including locally and provincially significant areas and we ask that revised regulations acknowledge that need.

We ask that the regulatory proposals do not hinder our ability to:

Deliver services on a watershed basis; protect life and property from natural hazards; work with landowners to protect and improve water quality, soil health and the natural environment; restore and protect natural heritage features such as forests and wetlands; monitor water quality and quantity, soil health, forest and wetland conditions, and weather; conduct research and watershed studies; conserve and restore conservation authority-owned property; provide natural areas and facilities for recreation; and educate youth and adults about conservation in order to help develop the stewards of tomorrow and to support flooding and erosion and drinking water source protection programs.

As the extent of many rural programs, delivered by federal departments and provincial ministries, has contracted over the years, the rural extension stewardship, conservation education, and environmental monitoring work of conservation authorities has become more important than ever.

The regulatory proposals classify some technical studies, monitoring and resource assessment as outside of the 'core' mandate but we suggest this work supports the mandatory programs. In the regulatory proposals, as currently written, the following programs and services would require a memorandum of understanding (MOU) with municipalities: private land stewardship extension services including restoration and stewardship, tree planting and forest management, wetland enhancement and restoration, and invasive species management; some planning and land use work for municipalities including sub-watershed planning, stormwater management, development services to municipalities, natural heritage and mapping; and research now classified as 'non-mandatory'; development services to landowners and others; ecological monitoring outside of conservation authority-owned land; etc.

The original (1946) mandate of conservation authorities included most or many of these things and by defining them as non-mandatory this is a constriction of the work conservation authorities have done in the past and that was identified as needed when the Province of Ontario and municipalities created conservation authorities 75 years ago.

If one of the intents of the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 was to limit the extent of what new programs conservation authorities might deliver, the effect of the regulatory proposals is not just to scale back conservation authority programs to the original scope of 1946 – it is actually to greatly reduce the work of conservation authorities from what municipalities and the Province originally envisioned.

### **A 75-YEAR RECORD OF ACHIEVEMENT**

Ausable Bayfield Conservation Authority has been working cooperatively and productively with the Province of Ontario, local municipalities, and the watershed community for 75 years (1946-2021) to conserve watersheds.

We have the experience to deliver. We have a record of leadership, going back three quarters of a century, of successful delivery of programs that protect life and property from natural hazards such as flooding and erosion and delivery of programs and services that build resiliency through the protection and enhancement of watershed resources, water quality and quantity, soil health, and habitat for all living things.

We are proud of this record and we look forward to continuing to work with you so the regulatory proposals can be modified in such a way that this successful made-in-Ontario model can continue to flourish.

Sincerely,

Ausable Bayfield Conservation Authority Board of Directors

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cc: The Honourable David Piccini, Minister of the Environment, Conservation and Parks

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