

Liz Mikel
Conservation Authorities Office
Ontario Ministry of the Environment Conservation & Parks
PDF via ca.office@ontario.ca
cc via Environmental Registry of Ontario



June 25, 2021

RE: ERO 019 – 2986 - - Regulatory proposals (Phase 1) under the Conservation Authorities Act

Dear Ms Mikel,

The Ontario Headwaters Institute, an Ontario corporation with charitable status, strongly opposes this initiative and urges it be withdrawn in favour of a comprehensive framework for how the Province might shift toward an integrated framework for watershed and land use planning.

Originally focused on protecting headwater areas, where our watersheds start, the Ontario Headwaters Institute obtained supplementary letters patent in 2018 that expanded our mandate to full watersheds, their natural heritage, and receiving waters such as the Great Lakes and Lake Simcoe.

This was a natural evolution, keeping pace with the development of or changes over the last 15 years, particularly from 2005 to 2017, with respect to the Conservation Authorities Act, the Clean Water Act, the Provincial Policy Statement, the co-ordinated land use planning review and subsequent amendment of the three core Greenbelt plans and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the Lake Simcoe Protection Plan,

Within this context, we were proud to contribute to efforts to improve environmental protection and democratic engagement in one of the world's most progressing planning regimes, seeking to enhance our framework approach to watershed management and articulating the need for a sustainability lens for land use planning.

Unfortunately, Ontario has sought since 2018 to reduce the environmental safeguards prescribed in many aspects of these initiatives, augmented by similar efforts limiting the effectiveness of environmental assessments, flood management, species at risk, and other key initiatives in order to facilitate poorly articulated goals under its Housing Action Plan.

Ontario has even gone so far as to bar citizen participation in key consultations (the Aggregate Summit and meetings on the Conservation Authorities Act); deal with numerous issues via limited deputations to standing committees under cloture; has sought and failed to allow municipalities to establish special zoning areas without requiring property signage, public notice, or the need to adhere to the Clean Water Act; has recently sought to regularize the issue of Minister Zoning Orders for normal regular planning; and is now embarked on a trend of protecting itself from legal action under several recent environmental initiatives.

Worse, in its efforts we consider designed to hog-tie the work of conservation authorities, Ontario has not demonstrated any command of the issues nor any interest in how to make things better. Instead, it offers repeatedly piecemeal thinking, creates huge policy gaps in an effort to eliminate unproven accusations of duplication, and consistently contradicts itself.

We could offer many of descriptions of how it is doing that, but this one will suffice. Since it announced the Conservation Authorities working group, the Province has changed the terms of reference twice; altered on three occasions statements of how the working group might manage itself and public input; has been exposed as having already made input to the Government without any of its own promised public consultation; and has now had its timeline so threatened by Government dawdling that the submission from Conservation Ontario to this process has suggested that “the Province needs to move phase 1 and phase 2 consultations along quickly.”

Just to cross the t here, a working group fulfilling an important public duty is not talking to the public and Conservation Ontario, co-ordinating body for conservation authorities but which conducts no public engagement, has suggested the process be expedited. While we respect the work of conservation authorities, this is untenable in a representative democracy.

We suggest the following:

1. Withdraw this egregious posting;
2. Commit the Province to developing a guideline similar to How Much Habitat is Enough as a way of establish norms for watershed health, as well as to support global and national commitments to protect 25% of Canada’s lands and waters by 2025 and 30% by 2030;
3. Issue guidance requiring all planning authorities to adhere to the following section of the Provincial Policy statement:
 - 2.2 *Water*
 - 2.2.1 *Planning authorities shall protect, improve or restore the quality and quantity of water by:*
 - a) *using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.....*
4. Launch an effort to harmonize the work of the five main frameworks under which the Province delivers watershed management, being community planning in the Far North, provincial permitting for areas without conservation authorities, areas under the jurisdiction of conservation authorities, the Muskoka watershed, and areas in the Lake Simcoe Protection Plan;
5. This effort should consider supporting Integrated Watershed Management as the key operating premise of watershed management in Ontario and making the guidelines in the Ontario Natural Heritage Reference Manual minimum standards for conservation authority permitting;
6. Ensure that local Land Need Assessments require a watershed or sub-watershed plan to be considered complete, ready for public comment, and to be presented for ratification by Council; and,
7. Ontario should develop means to identify and provide increased protection for headwater areas where the majority of downstream areas are significantly degraded, leaving headwater areas as de facto reservoirs of regional forests, wetlands, wildlife, and water quality & quantity. Instead, we ask you to consider special protection for such headwater areas, as development there based on past protocols will probably be inadequate to prevent serious negative cumulative impact to the whole watershed.

Sincerely,

Andrew McCammon

Executive Director

cc to be shared broadly