

Eastern Ontario Conservation Authorities

November 15, 2022



The Honourable Doug Ford
Premier of Ontario
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premier@ontario.ca

The Honourable Steve Clark
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The Honourable Graydon Smith
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The Honourable David Piccini
Minister of the Environment, Conservation and Parks
College Park 5th Floor, 777 Bay St,
Toronto, ON M7A 2J3
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Re: Loss of Local Decision-Making: Bill 23 Does Not Work for Eastern Ontario

Dear Premier Ford, Minister Clark, Minister Smith, and Minister Piccini,

With housing affordability affecting much of Ontario, we understand your government's target to build 1.5 million new homes over the next 10 years.

Conservation Authorities (CAs) have always supported long-term sustainable growth. In fact, our role is to ensure land-use decisions made today do not impede future growth tomorrow. We accomplish this by ensuring development has minimal impacts on flooding, erosion, slope stability and water quality by guiding development away from natural hazards and protecting the function of natural features. This can only be accomplished when evaluating growth and its cumulative impacts across a watershed, which is the value and service CAs provide to municipalities. Water flows across municipal boundaries and so do the impacts of development.

In Eastern Ontario, CAs have been working closely with municipalities to reduce barriers to development and streamline processes to provide the best service possible to municipalities, communities, homeowners, and developers. For many, this includes modernizing policies and procedures, streamlining approvals, reducing timelines, meeting and reporting on service standards, and promoting pre-consultation with applicants. CAs are not a barrier to growth, but an assurance that growth is safe and sustainable, and we have been a source of cost-effective expertise for municipalities and developers for decades.

We are committed to doing our part to help increase Ontario's housing supply, but it needs to be accomplished through smart, sustainable growth that will not have detrimental impacts down the road.



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We are concerned that some changes proposed in the *More Homes Built Faster Act* will:

- Weaken the ability of conservation authorities to continue protecting people and property from natural hazards such as floods;
- Diminish our ability to protect critical natural infrastructure like wetlands which reduce flooding, droughts and improve water quality in lakes and rivers; and,
- Place new downloaded responsibilities on municipalities related to natural hazards and natural resources that they are unprepared and under resourced to tackle.

We are calling on your government to press pause on the proposed changes highlighted below and to reconvene the multi-stakeholder *Conservation Authorities Working Group* that your government created. This group can help identify alternative solutions that will increase Ontario's housing supply without jeopardizing public safety or downloading additional responsibilities to municipalities. At a time when climate change is causing more frequent and intense storm events, the role and watershed mandate of CAs has never been more critical.

Proposed Changes of Concern and Their Potential Impact:

1. If conservation authorities are no longer allowed to provide planning comments to municipalities beyond natural hazards:
 - Municipalities have indicated that they will need to contract this work out to the private sector, where there is already a limited labour market, as most do not have the expertise or capacity to take on this expanded role.
 - Municipalities anticipate higher costs, and possible delays, that will be passed on to applicants and developers. The current model enables municipalities to use existing expertise within the CAs (such as biologists, water resource engineers, ecologists, hydrogeologists) to fulfill responsibilities under the Provincial Policy Statement pertaining to natural heritage and water, while saving time and money for applicants.
 - Municipalities have shared conflict of interest concerns due to the limited availability of consultants in Eastern Ontario and shared concerns about the lack of local knowledge should they need to secure consultants from other regions.
 - Municipalities are also concerned with the loss of the watershed perspective in making planning decisions, which will result in a narrow review of the impacts to natural hazards and natural heritage. Municipalities formed CAs to address this very issue.

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2. If development that is subject to a planning approval is exempt from requiring a permit from the conservation authority:
 - Municipalities will assume greater responsibility and liability for the impact of development on flooding, erosion, slope stability and water quality within municipal boundaries and in upstream and downstream communities.
 - Municipalities and CAs will require more detailed studies and designs at the planning stage which are normally not required until the permitting stage. This would make planning applications more onerous and costly for developers and slow down approvals.
 - Municipalities will also have limited mechanisms to ensure compliance outside of the permitting process if development is not constructed properly.

3. If certain types of development are deemed “low risk” and exempted from requiring a conservation authority permit:
 - Public safety and property damage risks may not be adequately addressed as a single list of exempted activities across the province will not capture local conditions and constraints. Some activities which may be low risk in one watershed, such as fencing or auxiliary buildings, may be a significant risk in others that have retrogressive landslide areas or ravines.
 - It should also be acknowledged that CAs already have the ability to exempt or streamline review processes for activities that are low risk in their watershed and this practice is already in use by most CAs.

4. If the scope of conservation authority permits is narrowed to only address natural hazard issues (removal of “pollution” and “conservation of land” considerations, restrictions on conditions that can be required as part of a permit):
 - CAs may not be able to require development setbacks from water, protect naturalized shorelines or require sediment control during construction.
 - CAs would no longer be able to address water quality concerns, which are required under federally and provincially approved “Remedial Action Plans” for designated “Areas of Concern”.
 - CAs use pollution and conservation of land considerations and conditions to limit sediment and nutrient runoff into lakes and rivers that contribute to poor water quality, excessive weed growth and algae blooms. Municipalities would become responsible to address these types of concerns.

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- Water quality in lakes and rivers is an important economic driver in Eastern Ontario as it impacts property values, tourism, recreation, and commercial fisheries, and it is the source of drinking water for many permanent and seasonal residences.
 - CAs and municipalities would welcome a consistent definition of “conservation of land” in the new regulations, pertaining to the protection, management, and restoration of lands to maintain or enhance hydrological and ecological functions.
5. If the protection of wetlands is diminished (changes to wetland evaluation criteria, elimination of wetland complexing, reduction in the area around wetlands that is regulated, introduction of offsetting measures to compensate for wetland loss and the withdrawal of MNRF as the body responsible for wetland mapping and evaluations):
- Municipalities are concerned that the withdrawal of MNRF from administering the Ontario Wetland Evaluation System and maintaining wetland mapping will be downloaded to municipalities to manage reevaluation reports from consultants and maintain up-to-date wetland mapping that is needed for development review.
 - Municipalities and CAs are concerned that there will be a loss of wetlands that will have immediate and long-term impacts. Removing wetlands is like removing dams and reservoirs. Wetlands act as infrastructure that absorb and retain a significant volume of snow melt and rain which reduces flood levels during spring runoff and storm events. They also release this water slowly throughout the rest of the year, helping augment water levels in lakes and rivers during low flow periods which reduces drought conditions. Wetlands also filter nutrients and sediment from runoff which improves water quality.
 - These benefits are particularly important where lakes and rivers are supporting agriculture, recreation, tourism, and fisheries and acting as a source of drinking water. Municipalities and CAs could never afford to build the infrastructure it would take to replace wetland functions which is estimated to be billions.
6. If the Minister freezes conservation authority fees:
- Taxpayers, not developers, would absorb increasing costs for development review. In this scenario, growth would not be paying for growth.
 - Legislative amendments made earlier this year directed conservation authorities to demonstrate that self-generated revenue such as fees for service are considered where possible to reduce pressure on the municipal levy. This includes plan review and permitting fees that are collected to offset program costs, but not exceed them.

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Recommendations:

1. Municipalities should retain the choice to enter into agreements with conservation authorities for natural heritage and water-related plan review services.
 - Recent legislative amendments by this government now require agreements to include defined terms, timelines, and performance measures, and CAs have demonstrated that they can provide these comments to municipalities in a cost-effective and timely manner. CAs are also already prevented by these earlier amendments from commenting beyond natural hazards if they do not have an agreement with a municipality.
2. Development that is subject to plan approval should not be exempt from requiring a conservation authority permit.
 - The planning process is not sufficient to ensure natural hazard concerns are addressed through appropriate design and construction. This change would also place additional responsibility and liability on municipalities.
3. Conservation authorities should determine which types of developments are deemed “low risk” through their regulations policies.
 - CAs are already able to create exemptions and streamline review processes that are appropriate locally, given watersheds have unique conditions.
4. Maintain “pollution” and “conservation of land” as considerations when conservation authorities are reviewing permit applications but provide a clear definition of each to ensure a consistent approach on how it is applied.
 - Streamlining these definitions will allow CAs to provide consistency to municipalities and developers and meet obligations under other pieces of legislation that require water quality-related comments from CAs.
5. Continue to protect wetlands to reduce flooding, provide flow augmentation.
 - Wetlands are critical pieces of natural infrastructure and municipalities cannot afford to build the infrastructure it would take to replicate wetland function to protect upstream and downstream communities from flooding and drought.
6. Do not freeze fees to ensure growth pays for growth.
 - Recent legislative amendments by this government now require CAs to demonstrate through their budget process that development review fees are offsetting, but not exceeding, program costs.

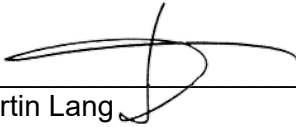
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Thank you for the opportunity to share our concerns and recommendations with you.

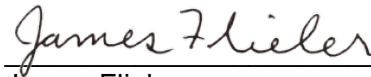
Our goal is to support you in creating more housing in Ontario while ensuring changes to Ontario's land use planning and permitting system do not have unintended and irreversible consequences on the protection of people, property, and natural resources.

We sincerely hope that you will remove the amendments we have highlighted from Bill 23 before it is passed, and that you will reconvene your government's *Conservation Authorities Working Group* to work with your Ministry to propose alternative improvements and refinements to conservation authority development review processes.

Sincerely,



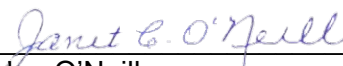
Martin Lang
Chair
Raisin Region Conservation Authority



James Flieler
Chair
Quinte Conservation Authority



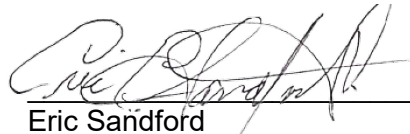
Pierre Leroux
Chair
South Nation River Conservation Authority



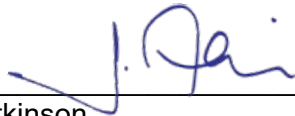
Jan O'Neill
Chair
Crowe Valley Conservation Authority



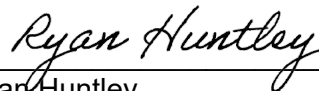
Pieter Leenhouts
Chair
Rideau Valley Conservation Authority



Eric Sandford
Chair
Lower Trent Conservation Authority



Jeff Atkinson
Chair
Mississippi Valley Conservation Authority



Ryan Huntley
Chair
Otonabee Region Conservation Authority

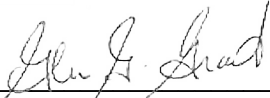


Paul McAuley
Chair
Cataragui Region Conservation Authority



Mark Lovshin
Chair
Ganaraska Region Conservation Authority

This letter has also been endorsed by the following municipal partners:



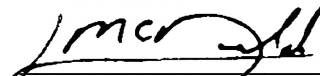
Mayor Glen Grant
City of Cornwall



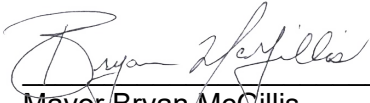
Mayor Francois Landry
Township of North Stormont



Warden & Deputy Mayor Carma Williams
Township of North Glengarry



Mayor Lachlan McDonald
Township of South Glengarry



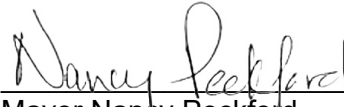
Mayor Bryan McGillis
Township of South Stormont



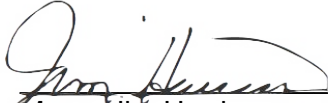
Mayor Tony Fraser
Township of North Dundas



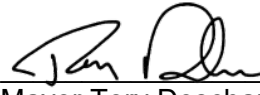
Mayor Genevieve Lajoie
Municipality of Casselman



Mayor Nancy Peckford
Municipality of North Grenville



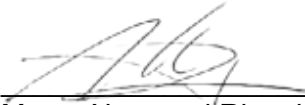
Mayor Jim Harrison
City of Quinte West



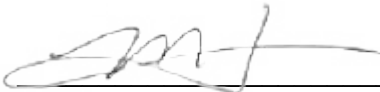
Mayor Tory Deschamps
Township of Edwardsburgh Cardinal



Mayor Brian Ostrander
Municipality of Brighton



Mayor Normand Riopel
Township of Champlain



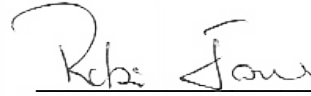
Mayor Marg Isbester
Town of Greater Napanee



Mayor Pierre Leroux
Township of Russell



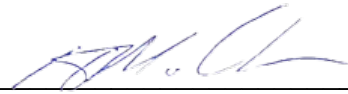
Mayor Mario Zanth
City of Clarence-Rockland



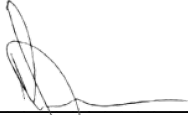
Mayor Robin Jones
Village of Westport



Deputy Mayor George Darouze
City of Ottawa



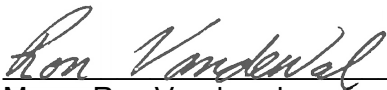
Mayor Bob Mullin
Township of Stirling-Rawdon



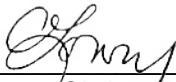
Mayor Michael Cameron
Village of Merrickville-Wolford



Reeve Rob Rainer
Tay Valley Township



Mayor Ron Vandewal
Township of South Frontenac



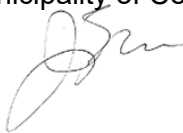
Mayor Christa Lowry
Municipality of Mississippi Mills



Reeve Peter McLaren
Township of Lanark Highlands



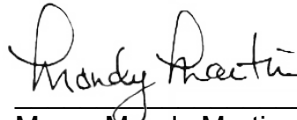
Mayor Tom Deline
Municipality of Centre Hastings



Mayor Judy Brown
Town of Perth



CAO Darlene Noonan
Township of Athens



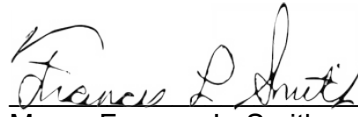
Mayor Mandy Martin
Township of Cramahe



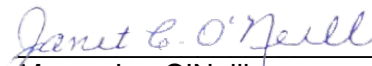
Reeve Steve Fournier
Township of Drummond/North Elmsley



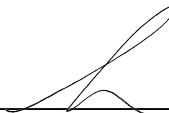
Mayor Arie Hoogenboom
Township of Rideau Lakes



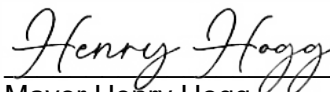
Mayor Frances L. Smith
Township of Central Frontenac



Mayor Jan O'Neill
Municipality of Marmora and Lake



Mayor Shawn Pankow
Town of Smiths Falls



Mayor Henry Hogg
Township of Addington Highlands



Mayor Roger Haley
Township of Front of Yonge



Mayor James Hegadorn
Loyalist Township