

May 17, 2019

Ms. Carolyn O'Neill
Great Lakes Office
Ministry of Environment, Conservation and Parks
40 St. Clair Avenue West
10th Floor
Toronto, ON M4V 1M2

Dear Ms. O'Neill;

RE: ERO 013-5018 Modernizing conservation authority operations – Conservation Authorities Act

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

ERO 013-5018 proposes amendments to the CA Act to;

- **Clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the Clean Water Act) and protection of the Lake Simcoe Watershed (as prescribed under the Lake Simcoe Protection Act)**

OFA supports a clear definition of the core mandatory programs and services which each conservation authority is expected to provide, including drinking water source protection and protection of the Lake Simcoe watershed. Furthermore, we support conservation authorities focusing their efforts on core programs and services; namely natural hazard protection and management, conservation and management of conservation authority lands. At their outset, conservation authorities were created and empowered to address the protection of people and property from natural hazards, primarily flooding.

Conservation authorities should retain this function. Being established on a watershed basis serves them well in planning and delivering the protection of people and property from flooding. Their staff have the requisite skills, knowledge and historical perspective to fulfil this mandate.

Conservation authorities focus on their core mandatory programs and services including drinking water source protection and protection of the Lake Simcoe watershed can only be accomplished if adequate funding is provided to each authority to facilitate its ability to deliver these programs,

including the provision of adequate funding to enable individual landowners to implement complimentary on-the-ground projects and actions.

- **Update the CA Act to conform with modern transparency standards by ensuring the municipalities and conservation authorities review levies for non-core programs**

OFA Offers no comments on this specific proposal.

- **Establish a transition period (e.g. 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards**

OFA Offers no comments on this specific proposal.

- **Clarify the duty of conservation authority board members is to act in the best interest of the conservation authority**

OFA disagrees with this proposal. We believe that conservation authority board members owe their primary duty to the municipality they represent. They're named to the conservation authority board by their local municipality and representing and reflecting the interests and concerns of their local municipality should be their foremost responsibility.

Across Southern Ontario, the majority of the land is dedicated towards agricultural uses, namely the production of food, fuel and fibre. Regrettably, individual conservation authority boards do not adequately reflect this reality through the make up of the board. What is lacking, in our view, is dedicated farmer representation on the conservation authority board. As municipal councils in Ontario's agricultural municipalities often lack farmer representation, OFA proposes that conservation authority boards include a minimum of one seat representing farmers in that municipality.

The functioning of Conservation Authority Boards can be improved through training for Board appointees, particularly after a municipal election. Board training should include agriculture's role in the watershed, including the broad suite of environmental and ecological services that agricultural lands provide, in addition to providing clean, safe and affordable food.

- **Proclaim un-proclaimed provisions of the CA Act**
 - **fees for programs and services**
 - **transparency and accountability**
 - **approval of projects with provincial grants**
 - **recovery of capital costs and operating expenses from municipalities (municipal levies)**
 - **regulation of areas over which conservation authorities have jurisdiction (e.g. development permitting)**

Fees for programs and services, including permits, should reflect the actual cost to deliver the program, service or permit. Conservation authority fees should never be a source of revenue. Furthermore, the timelines for issuing a permit, once the conservation authority has received a complete application should be as short as possible. Fees indicate that a property owner wants to undertake a specific project, building, etc. on their property. Unnecessary delays in issuing a permit can easily shift the project into the next building season, adding unnecessary costs as well

as foregone income. Conservation authority staff and boards dealing with permit and project applications need to be cognizant of the negative consequences of unnecessary delays. Conservation authorities, the provincial government and stakeholders should be brought together to develop service standards for issuing permits and project approvals.

With respect to regulation of areas over which conservation authorities have jurisdiction (e.g. development permitting), ERO posting 013-4992 speaks in part to updating definitions of terms like wetlands and watercourses; the driver for an authority's "regulated areas". The specific wording for those key terms, wetlands, watercourses, development activity, interference and conservation of land are critical. OFA's submission on ERO posting 013-4992 will include our proposed wording for these key terms. Secondly, while we agree that conservation authority's do, and should, have authority over areas adjacent to wetlands and watercourses, the limits of these "regulated areas" must be clearly defined and mapped, and conservation authority's should have no regulatory authority, including issuing permits, inspections, etc. over areas that are **outside** or **beyond** the mapped limits of regulated areas.

OFA welcomes the opportunity to provide its perspective on *ERO 013-5018 Modernizing conservation authority operations – Conservation Authorities Act* and its companion, *ERO 013-4992 Focusing conservation authority development permits on the protection of people and property*.

Sincerely,



Keith Currie
President

KC/pj

cc: The Honourable Rod Phillips, Minister of Environment, Conservation and Parks
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors