

May 21, 2019

To: Ontario Ministry of Environment, Conservation and Parks

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

Thank you for the opportunity to provide our perspective on modernizing conservation authorities operations in Ontario.

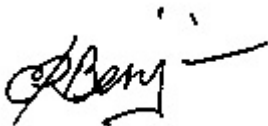
Representing more than 1,300 family-run farms located in more than 330 communities province-wide, the Chicken Farmers of Ontario ensures Ontario consumers with safe, healthy, affordable, nutritious, locally-grown chicken.

Chicken Farmers of Ontario embraces and promotes minimum effective regulation, and we view this call for submissions as an opportunity for the Ontario government to further support agriculture, and promote Ontario farmers growing, innovating and advancing their businesses.

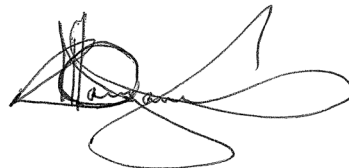
Please find the attached submission in response to the Ontario government's proposal to modernize conservation authorities operations.

Thank you again for this opportunity to provide our viewpoints.

Sincerely,



Ed Benjamins, Chair
Chicken Farmers of Ontario



Rob Dougans, President & CEO
Chicken Farmers of Ontario

Conservation Authority Operations *Conservation Authorities Act*

Submission from the Chicken Farmers of Ontario

Introduction

Representing more than 1,300 family-run farms located in more than 330 communities province-wide, the Chicken Farmers of Ontario ensures Ontario consumers with safe, healthy, affordable, nutritious, locally-grown chicken.

Chicken Farmers of Ontario embraces and promotes **minimum effective regulation** – robust and appropriate regulation, supported by relevant policies that are “fit for purpose”, concentrating on outcomes and include, wherever possible, clear, value-creating goals, targets and benchmarks.

In *Preserving and Protecting our Environment for Future Generations – A Made-in-Ontario Environment Plan*, the provincial government pledged to review the operation of and legislation governing the province’s conservation authorities to ensure they are meeting their “core mandate of protecting people and property from flooding and other natural hazards, and conserving natural resources.”

On May 2, 2019, the provincial government introduced Bill 108, the *More Homes, More Choice Act, 2019*, which includes some proposed amendments to the *Conservation Authorities Act, 1990*.

As environmental stewards and business owners, chicken farmers in Ontario are committed to following environmental standards.

When considering amendments to the *Conservation Authorities Act*, CFO, on behalf of chicken farmers, would advance that the government has a further opportunity to support agriculture, allowing Ontario farmers to grow, innovate and advance their businesses.

Concerns

Before offering recommendations on proposed changes to the *Conservation Authorities Act*, the following highlight some of the concerns we have with the existing legislation and accepted practices of Ontario’s conservation authorities.

1. The approval process with conservation authorities is not only overly complex, it is also inconsistent from jurisdiction to jurisdiction. The often slow and costly process makes it challenging for Ontario farmers to make capital investments and innovative upgrades in a timely and predictable manner.

2. The cost of the land-use and building permit approval process at conservation authorities can be prohibitively expensive. While the cost of fees paid directly to the conservation authority may not be unreasonable, it is a process that can require significant dollars being spent on consultants and legal experts to prove due diligence and respond to legal challenges (often perceived to be unmerited and frivolous).
3. Many applications require compliance based on maps that are often available through a local municipality, but farmers sometimes learn later in the process, and at great cost already incurred, that the maps at the municipality are not the same as maps used by the conservation authority. This adds confusion and complexity to the application process.

This is an opportunity for the Ontario government to make changes that are outcome based - improving consistency, simplifying processes, and reducing red tape - in the spirit of an environment governed with **minimum effective regulation**.

Recommendations

Governance

Recommendation 1: CFO supports the Government of Ontario amending the *Conservation Authorities Act* to streamline and clarify the mandate of conservation authorities.

CFO supports the government's interest in improving the governance model for conservation authorities and focusing conservation authorities on a more strictly defined core mandate: prevent flooding, erosion, drought and deforestation through improved land, water and forestry practices.

Based on the experiences of our members, which are located across the province and in different and sometimes multiple conservation authority jurisdictions, the operations are not the same from one organization to another.

Some conservation authorities strictly adhere to the *Act* and what it outlines as their areas of responsibility and jurisdiction, while others are using more creative interpretations.

Recommendation 2: In addition to proposed amendments in Bill 108 that address the relationship between municipalities and conservation authorities, the Ontario government should consider a one-window approach for land-use and building permit applications that streamlines approvals between municipalities, conservations authorities and all relevant Ontario government ministries.

Key to a governance model and clarifying the role of conservation authorities is defining the relationship they have with the municipalities in their jurisdiction.

Between various levels of government and the conservation authorities, there are several agencies with whom farmers interact to obtain building and other permits. Often there is a lack of communication and coordination between these approval bodies.

By way of example, conflict has been known to arise with conservation authorities over tree removal. Different laws and by-laws governing the removal of trees at the municipal, provincial and conservation authority levels have led to confusion, delays and, in some cases, farmers are not pursuing important capital upgrades in fear of unknowingly and inadvertently finding themselves in a legal situation.

Red Tape

Recommendation 3: Land-use and building permit approvals should be made more straightforward, reducing the requirement for farmers to employ consultants and legal professionals for standard or more simple building permit applications.

CFO supports the provincial government's priority of reducing red tape, and favours changes that create an environment of minimum effective regulation.

The fees charged by conservation authorities are generally consistent from jurisdiction to jurisdiction. However, permit applications can also require significant additional costs for external consultants and legal professionals to meet the requirements of the permit application.

Mapping

Recommendation 4: Conservation authorities and municipalities should enhance public consultation processes when considering any changes to natural heritage maps and provide broader direct communication to all residents and business owners that may be impacted.

In order to plan for the future of their farms — replacing outdated barns and outbuildings, investing in new equipment, maintaining crops and livestock — Ontario farmers need access to accurate and reliable information.

Foremost is accurate, transparent and easily accessible mapping information.

Experience has shown that the maps available at a municipality are not always the same as the maps used by the local conservation authority. When planning to complete land-use work or filing a permit application, the applicant is likely unaware that the maps could be different and could unknowingly find themselves not in compliance with laws, regulations or bylaws enforced by the various levels of government or the conservation authority.

CFO respects the differing priorities and jurisdictions of each level of government and conservation authority, and we do not believe that a “one-map” approach is the most effective solution. However, current copies of each organization's maps should be kept in a central and easily accessible location, such as a website, so that farmers have access to the most recent information and data when they are making decisions and filing permit applications.

Conclusion

Balancing protection of the environment, with the economic and business needs is important to Ontario chicken farmers.

Chicken Farmers of Ontario recognize the role played by conservation authorities in Ontario. Farmers are naturalists by nature, and we fully support conservation of natural areas, flood prevention, erosion protection and forest and wildlife protection.

Yet, over the past 73 years, many conservation authorities have expanded their operations beyond their original and intended mandate, which has added layers of red tape to the business of operating a farm.

By advancing a **minimum effective regulation** approach, the Ontario government would have an opportunity to create an “open for Business” balance.