**Comments Re: Conservation Authorities Act Revisions required by May 21 2019**

 I would like to take this opportunity to discuss shortcomings in the current Conservation Authorities Act as well as the proposed revisions. I would like to provide my brief background before getting into my suggestions. I have had years of experience working at the federal level working with and studying Acts and regulations within EMR, CRA and OSFI. The underlying premise is the legislation should be clear, enforced fairly and consistently and have an appropriate independent appeal process. I have one comment to this in that none of the underlying premises apply to the CAA. I have also been a small business owner and hope to retire soon. In my situation, I own or am a CEO of privately held companies that have 9 properties with a combined MPAC value worth a few million. The current sale values would be considerably less as no one wants wetland restrictions on their properties. So either the MPAC should reduce assessments/taxes collected or we remove the Conservation Authority control. Only one of these properties exist in a more remote area (25mins) outside a major city and was used for recreation. When I acquired these properties, none of these properties were regulated by the Conservation Authorities. Now 8 of 9 (including in a subdivision) are regulated. This happened by either having unevaluated wetland boundaries placed on them recently, a 120 M distance from a PSW requiring permits or recent satellite mapping (never having boots on the ground) creating more PSW’s. If a neighbor wants his property deemed a PSW even though it may not be a PSW, I still have to obtain a fill permit, a building permit, a tree cutting permit, a septic permit, a well permit etc. Initially to get a fill permit I need to provide an elevation survey at a cost of $5800 and a Hydrological Study (no idea on cost) even though I have a ditch between my property and the PSW next door. There is not hydrological connection other than a man- made ditch dug in 2000 which I am not interfering. In short the Conservation Authorities just stymie any growth or business in this province.

The Conservation Authorities should only have authority on public property. They were originally created to control flooding as stated in the Act 23(1) and 28 (c). I am of the opinion they are in fact partly responsible for the flooding. They have input into the regulation of the water levels on major rivers and have input on how much water can be discharged at major and secondary dams at any given time. Some of the others involved are Ministry of Natural Resources, Ministry of Environment, Dept. of Fisheries, Ministry of Municipal Affairs, Parks Canada, OPG, Ottawa River Regulation Planning Board along with the 30 plus Conservation Authorities. Based on the record flooding in the lower Ottawa River (Constance Bay) and water levels too low to put a canoe in at Deux Riveres, it is obvious that all the players can’t manage water levels properly. I suggest you appoint one agency to regulate this properly. Since it’s in the CA mandate let’s see if they can do this right. This way only one agency will be responsible and those impacted will know who to contact when issues occur. It would be a very important mandate for them and would eliminate duplication in the many following areas to be discussed. As a side issue they won’t even let the city maintain ditches and clean out beaver dams on municipal drains. This nonsense has to stop.

I suggest you take away all CA’s authority when issuing permits and regulating hazardous lands and wetlands. MNRF are responsible for designating and regulating PSWs. Authority to regulate around PSW’s should be 10m to 30 m and stop at the property line (whichever is closer), when affecting a neighbor’s property if they don’t have wetland in the vicinity. Under current practices if there was a wetland next door it is automatically a PSW due to complexing. Complexing across two watersheds should not be allowed under any circumstances. Complexing within 750 m is far too liberal. That should be changed to 250M. When a 100 acre property is a long hundred, (it is 300M wide) Complexing currently allows for PWS to be connected when they are over two 100 acre farms (landowners) away. Pockets of unevaluated wetland (if not a PSW) should not be regulated. The Municipality is responsible for development and building permits as detailed in the Provincial Policy Statement of 2014. Everything property related should go through an Official Plan Amendment. That way there is an appeal process. Currently wetlands are established without any notification. We don’t need more red tape to hold back development which in some cases delays development for years or maybe never. CA’s should only regulate public lands or their own lands including major lakes and rivers owned by the Crown.

 If CA’s regulate the dams properly there shouldn’t be any flooding from major rivers and lakes. They should not be allowed to re-map 100 yr. flood plains based on 2017 and 2019 flooding because this was man made due to improper dam water level management on the Ottawa River. You will notice that there was no flooding on the Rideau River (not like 2013) because it was better managed this year from previous lessons learned.

Conservation Authorities should have less power than the police. Currently they can enter private property without a warrant at any time. As a bare minimum they should require a search warrant. In my view they should only be allowed on private property with owners written permission.

The definition of a wetland should include - that the land has to be seasonally flooded and the water table is at or near the surface. Without the “and” the conservation authorities come along after a few wet days, see some water puddles laying in a field, take pictures and then say that is a wetland because there is water laying on the field. Either seasonally has to be for the whole season in its entirety or the water table for the year has to be at the surface. Either can be verified by an engineer.

The existing penalties of any count of $10,000 was more than onerous. We certainly don’t need a penalty of $50,000 or $1million per count. Landowners don’t need prison time. The problem is that this relates to wetlands as well as Provincial Significant wetlands. I spoke with a biologist years ago and he said all lands can be considered a wetland as he only uses OWES to evaluate wetlands. He didn’t use the CAA definition of a wetland to define a wetland. So actually we have many properties in Ontario defined as wetlands that really aren’t wetlands. This costs the land owner many thousands of dollars to fight these designations and in the end you might not have any success.

Conclusion

Reduce the budget for the Conservation Authorities from the Municipalities.

Focus the CA’s to concentrate on public lands, rivers, lakes and dams to eliminate unnecessary by better river and dam management for the whole yr. not just April and May.

Responsibility for PSW’s and Hazardous Lands stays with MNRF.

Wetlands, PSW’s and Hazardous Lands are no longer regulated by CA’s.

All private land related development is regulated by the Municipality though the OPA.

Set up an independent appeal process before going to the courts.

Reduce the length of time to lay a charge under the CAA back to 6 months (which it used to formerly be) from the current 24 months.

No revision to flood plain mapping for 10 yrs. until the responsible authorities get their plan together. People who have lost their homes don’t need unnecessary CA interference when the CA’s did nothing to prevent the flooding.

I am told that it takes yrs. for wetlands to be formed and years for them to change yet in my case The City removed wetland designations on my property in 2017 after boots on the ground by biologists and in 2018 the CA’s want to walk my property to re-designate it. There should be a clear and concise long term process. CA should not be involved in evaluating private property.