



The Honorable Rod Philips, M.P.P.  
Minister of the Environment, Conservation and Parks  
Ferguson Block 11<sup>th</sup> Floor, 77 Wesley Street W  
Toronto, ON M7A 2T5

May 10, 2019

**Re: Trout Unlimited Canada's Letter of Concern for Proposed Changes to Ontario's Conservation Authorities Act (ERO No. 013-4992 and 013-5018)**

Dear Minister,

Trout Unlimited Canada (TUC) is aware that the Provincial Government is accepting comments on the proposed changes to the Conservation Authorities Act as detailed in ERO No. 013-4992 and 013-5018 and we appreciate the opportunity to comment. We commend the government for restating the importance of Conservation Authorities (CAs) and their critical core mandate of protecting communities and property from flooding and other natural hazards, however, TUC has a number of outstanding concerns regarding the significant limitations of the language in these proposed changes.

Trout Unlimited Canada (TUC) is a national water conservation charity that is science-based and volunteer-driven. Partners and volunteers are paramount to the numerous successful river restoration projects we implement every year. Our work protects and enhances water quality, water flow, aquatic life and community health, creating additional benefits of a healthier living environment for people as well as the natural environment. TUC is proud of the critical role our organization has played in the protection of Canada's aquatic environments for over 40 years and the value of this work to the lives of Canadians.

As a result of the work that TUC does involving the rehabilitation of watersheds and their watercourses across the country and province, we have had the privilege to partner with many CAs over the years on a wide variety of projects and have experienced first-hand the value of their guidance and expertise. In response to the proposed recommendations made to "modernize CA operations", TUC highlights the following concerns as found within documents ERO No. 013-4992 and 013-5018:

1. The absence of reference to the critical importance of protecting and rehabilitating natural infrastructure alongside built infrastructure;
2. The proposed constraints and changes to the role of CAs in permitting and municipal plan review and the limitations of their overall mandate; and
3. The absence of watershed management planning and investment in watershed science and the collection of data.



**Concern 1:** The absence of reference to the critical importance of protecting and rehabilitating natural infrastructure alongside built infrastructure

Having reviewed and commented on a series of changes to environmental legislation proposed by the Provincial Government, TUC is disappointed to see a continued sole emphasis on improving the built infrastructure of the Province without the careful consideration of Ontario's greatest resources – its natural infrastructure of land and waters, wetlands, forests and floodplains. This was especially noticeable within EO No. 013-4992 where it is stated "As more extreme weather events occur that threaten our homes, businesses and infrastructure..." By targeting the health and resiliency of the Province's natural infrastructure to better manage water, sediments and nutrients as an equally important priority, this approach lessens the pressure and reduces potential damage on built infrastructure. This approach should be rigorously reviewed given that degraded natural infrastructure resulting in massive sedimentation, erosion and catastrophic flooding can lead to damage of built infrastructure.

**Concern 2:** The proposed constraints and changes to the role of CAs in permitting and municipal plan review and the limitations of their overall mandate

According to EO No. 013-4992, the Province is seeking to streamline and concentrate CA development permitting and their role in municipal plan review. Alterations to the regulation include:

- "Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains..."; and
- "Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies".

TUC requests that the Provincial Government explicitly defines the term "low-risk development" in order to ensure these thresholds are understood in greater detail, and to better understand the potential consequences of this request. Multiple, small-scale, "low-risk" developments have cumulatively led to major impacts on water volumes, water quality and degraded habitat. One of the greatest strengths of Conservation Authorities is their role in regulating development and floodplains so people are safe and costly damages are avoided from all activities in and near floodplains and wetlands.

**Concern 3:** The absence of watershed management planning and investment in watershed science and the collection of data.

Throughout both of the reviewed documents, the term "watershed" was worryingly absent whether intentionally or not. It is a fact that we cannot manage the quality and quantity of our aquatic resources if we are not considering the entire watershed as a whole. Watersheds are the fundamental units of management and this has been demonstrated by the most rigorous science



available. This contextual management of water resources provides the best pathway in managing balance between public good and private interest: a key role of government.

Monitoring of water flow, groundwater recharge and other factors are critical for ensuring sound, factual and rational management of water resources. Ongoing watershed streamflow and water monitoring before, during and after an event provides the necessary information needed to model and understand the watershed's response to events and where the flood and erosion risks have formed. Additionally, watershed technical studies provide valuable input to municipal landuse plans, future infrastructure design, regulation of development in and near floodplains, support for emergency response, and floodline maps. Without up to date, to the CAs they will no longer be able to "deliver on their core mandate of protecting people and property from flooding and other natural hazards" in the face of a rapidly changing climate. Experts are already recognizing that our regional and 100-year flood frequencies are changing with enormous implications on protecting people and property, as witnessed in the recent Muskoka floods. The benefits of these long-sighted programs are often overlooked as it is only when these regulations are ignored do people comprehend the importance of these modern approaches to development and the value of the proactive work and services of Conservation Authorities.

It was demonstrated in the 1990s and early 2000s during the previous activities in watershed planning that Conservation Authorities are perfectly situated to expedite and coordinate these studies since they are linked both to their local watershed municipalities and to Provincial interests. We believe that this is still the case given that Provincial agencies are no longer in the business of active management of the environment or natural resources.

In its submission to the 2001 O'Connor Inquiry into the Walkerton contaminated water tragedy, Conservation Ontario made the argument that,

"Watershed management is not so much about managing natural resources, but about managing human activity as it affects those resources. The drainage area of the river provides the natural boundary for managing and mitigating human and environmental interactions. Because human activity includes actions by governments, municipalities, industries and landowners, watershed management must be a cooperative effort. Effective watershed management can prevent community water shortages, poor water quality, flooding and erosion. The expense of undertaking watershed management is far less than the cost of future remediation."

The words of Benjamin Franklin, "an ounce of prevention is worth a pound of cure" have never rung truer.

TUC is hopeful that the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry will seize the opportunity to lead by example and take steps to rebuild natural resiliency in partnership with Conservation Authorities and other responsible



partners like the Federal Government and consider TUC's recommendations when drafting the proposed changes under EO No. 013-4992 and 013-5018.

Thank you for the opportunity to provide input at this stage of the process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Meeker', is placed above the typed name.

Alex Meeker  
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cc: John Yakabuski, Minister of MNRF  
Mike Schreiner, MPP, Guelph  
Stefanie Ferraro, Supervisor, Guelph District Office, MECP  
Bonnie Fox, Conservation Ontario