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HCA's preliminary response to the Province's proposed changes to the Conservation Authorities Act

On November 5, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill of the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operation, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall.

Hamilton Conservation Authority (HCA) staff have reviewed the proposed changes and support enhanced conservation transparency and accountability which is already undertaken by making key documents publicly available; including meeting agendas, meeting minutes, and annual audits. We are encouraged that the Province has reconfirmed our purpose to provide for conservation, restoration source water protection and natural resources management.

However, while we wait for updated regulations to better understand how the changes are to be implemented, we are concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation on our Board.

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits in place of the conservation authority. An appeal process already exists to applicants directly to the HCA Board. Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.

The Province also proposes an amendment to the Planning Act, which if passed, would not allow conservation authorities to appeal a municipal planning decision to the LPAT to represent our interests, unless requested through an agreement with the municipality or the Province. To date, this has not been an issue with the Hamilton Conservation Authority but is an important tool to have. This could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years



A Healthy Watershed for Everyone

Conservation authorities have long requested for the ability to issue stop work orders to protect environmentally sensitive areas. The updated Act removes un-proclaimed provisions for this enhanced enforcement and only retains the current tools such as fines and possible prosecution and these existing tools do not provide the ability to effectively stop any significant threats and impacts.

If passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. These members provide expertise in varied fields and provide input on HCA programs and services from a citizen's point of view. The proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality and not the conservation authority and its watershed. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces, and that protection, is for our community. We will continue promoting our vision of a healthy watershed for everyone. HCA staff will also continue to work collaboratively with all parties to better understand and determine what these changes will mean for conservation authorities in general and for the protection of our watersheds.

Public consultation is not required on these proposals as it has been incorporated as part of the budget. We encourage our watershed residents, municipal partners and supporters to reach out to the Premier, the Minister of Environment, Conservation and Parks and the Minister of Natural Resources and Forestry as well as their local MPP's to ask them to address the concerns outlined above, before the Bill is enacted.

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