

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

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**E-MAILED**  
09/08/16

Mr. Alex McLeod, Policy Officer  
Ministry of Natural Resources and Forestry  
Policy Division  
Natural Resources Conservation Policy Branch  
Water Resources Section  
300 Water Street  
Peterborough Ontario  
K9J 8M5

Dear Mr. McLeod:

Subject: EBR Registry #012-7583: Conservation Authorities Act Review Consultation Document  
- Conserving Our Future: Proposed Priorities for Renewal

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), its 100,000 members, subscribers and supporters, and 735 member clubs, we have reviewed the Conservation Authorities Act Review Consultation Document - Conserving Our Future: Proposed Priorities for Renewal (hereafter referred to as the Consultation Document), and we have the following questions, concerns, and comments.

## **General Comments**

We recognize the valuable work of conservation authorities, and the OFAH has had many successful partnerships as a result. We support the objective of the Conservation Authorities Act review, which is to identify opportunities to improve the legislation, regulatory and policy framework that currently governs conservation authorities and the programs and services they deliver. This stage of the review process identifies five priority areas for updating the Conservation Authorities Act: Strengthening Oversight and Accountability; Increasing Clarity and Consistency; Improving Collaboration and Engagement; Modernizing Funding Mechanisms; and Enhancing Flexibility for the Province.

## **Priority #1: Strengthening Oversight and Accountability**

Since their inception, conservation authorities have constantly been evolving entities, and have changed significantly from their originally intended purpose through the inclusion of other legislation from multiple ministries, and the creation of programs entirely outside of any act. Therefore, there is a need to clearly define what aspects of conservation authority operations are within the scope of the Conservation Authorities Act and other pieces of legislation, and consider whether any current conservation authority operations should be included under the Conservation Authorities Act. For those activities carried out under the Conservation Authority Act, how is the Ministry of Natural Resources and Forestry (MNR) involved, and what existing mechanisms are in place to hold conservation authorities accountable?

There is general support for many of the proposed actions to strengthen oversight and accountability. We strongly agree there is a need for updating the Act to reflect modern legislative structures and accountabilities, and better define the roles and responsibilities of "all parties" involved in overseeing and ensuring the accountability of conservation authority operations, programs, and services.

Mr. Alex McLeod  
September 8, 2016  
Page Two

The OFAH supports enhancing the accountability mechanisms in the Act, in particular, increasing the transparency and oversight of conservation authority decision-making. We also appreciate the proposed actions that seek to enhance the authority of the minister to ensure conservation authority operations, programs, and services are consistent with provincial policy direction and legislative requirements, including new powers to require conservation authorities to collect and disclose information related to the efficiency and effectiveness of conservation authorities' operations, programs, and services.

An enhanced relationship between the MNRF and the conservation authorities is essential to ensure there is better coordination (and delivery) of provincial policies and objectives in conservation authority programs and activities. Where conservation authorities have a role in implementing provincial responsibilities, there is a need for the relevant provincial agency to maintain oversight through a comprehensive compliance and accountability strategy. An enhanced relationship should not create further capacity issues, but help uphold all conservation authorities to a standard program at a minimum.

Several current issues related to oversight and accountability within a conservation authority may also be mitigated through adjustments to local governance/board representation. In some cases, the members of a board may not provide the most accurate representation of the surrounding population and watershed needs. This may be addressed through the use of a different model(s) for determining representatives (e.g. geographic areas/wards, key interests, etc.).

Ideally, we would like to see provincial representatives (e.g. MNRF) again on all conservation authority boards to provide a mechanism for better information transfer and consistency between all conservation authorities and conservation authority boards, while allowing for the continued autonomy of conservation authorities as their own entities, not agencies of the province. This would allow for a clearer understanding of roles and responsibilities between the MNRF/other ministries, conservation authorities, and municipalities, especially in municipalities split by multiple conservation authorities or only partially covered by a conservation authority.

Conservation authority operations are largely funded through the public using municipal levies and provincial investments. Therefore, there is a vested public interest in conservation authority operations and management decisions, particularly decision-making related to the public use of conservation authority lands. The Conservation Authority Act must require conservation authority land management decisions to be transparent, allow for enhanced public engagement and be equitable across a broad range of public interests. A representative board that reflects the interests of the land base would be the best way to alleviate concerns from the public, including residents and stakeholders; however, the current system may benefit from an objective third-party review, audit, and/or appeal process to ensure accountability.

Accountability and oversight may also be strengthened through the establishment of a non-government advisory entity outside of the existing conservation authority governance structure that could discuss and provide recommendations to the minister of Natural Resources and Forestry on conservation authority implementation of provincially-mandated responsibilities under the Act.

#### **Priority #2: Increasing Clarity and Consistency**

We acknowledge the significant role the conservation authorities play in conserving Ontario's natural resources through stewardship efforts and watershed management planning and practices; however, as noted throughout the review process, there is a need for clarifying and confirming conservation authority mandates to eliminate inefficiencies that may exist from overlap with other agencies, as well as identify and address any gaps that could be filled by conservation authorities. Programs should be developed with local stakeholder input and complement/align with provincial strategic direction, legislation, regulations, policies, and other guiding documents/principles. The Government of Ontario must maintain full oversight of any provincially-mandated responsibilities.

Mr. Alex McLeod  
September 8, 2016  
Page Three

As such, there is general support for establishing a Provincial Policy Directive that provides clear policy direction on the roles and responsibilities conservation authorities are expected to carry out on behalf of the Province. This should include guidelines for input on decision-making related to conservation authority property management to ensure that activities such as fishing, hunting, and trapping continue on these lands. Further, we support defining the roles and responsibilities of provincial ministries in their development, delivery, and oversight of these roles and responsibilities, to provide the basis for developing an integrated policy framework across the province. This will help conservation authorities, the public, industry, and other stakeholders to better understand who is responsible for what.

While some of the differences between conservation authorities' programs is likely due to a degree of autonomy that is allowed through the Act, the OFAH also understands that these differences have also been attributed to financial and resource disparity between conservation authorities. Although provincial involvement and guidance will help alleviate disparity, we also believe many differences could be addressed through a funding mechanism review (see comments under Priority #4).

The OFAH also supports providing clarity and consistency in the application of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulations for all parties, and having tools in place to ensure compliance. We believe that development, alterations, and disturbance on wetlands, and ecologically significant lands in general, should be consistently regulated in all areas of the province.

There is general support for streamlining planning and permitting requirements to improve the application review and approval processes through the reduction of burdens, improved service standards, enhanced flexibility in approval requirements, and the adoption of a risk-based approach to the issuance of approvals. Streamlining administrative processes should strengthen (not weaken) environmental protection.

We strongly believe that enhanced clarity around roles and responsibilities, as well as seeking consistency can benefit the overall efficiency and effectiveness of conservation authorities; however, we want to be clear that consistency should not be interpreted to mean that each conservation authority will be exactly the same. There are significant differences in the landscapes and land uses in each individual conservation authority, and there should be no expectation that conservation authorities will operate in exactly the same way (i.e. urban vs. rural, big vs. small, etc.). Conservation authority operational capacity must reflect conservation needs as it relates to the Act, and not be driven by population base.

**Priority #3: Improving Collaboration and Engagement**

There is general support for establishing a provincial one-window process, led by the MNR, for establishing, coordinating, and reviewing programs and services undertaken at the watershed planning scale by conservation authorities, and promoting multi-ministry coordination of provincially-delegated programs, as well as services and the collection and sharing of science and information among ministries, municipalities, conservation authorities, and others (e.g. stakeholders, public, etc.).

We strongly recommend actions that also seek to enhance public and stakeholder participation in the development and delivery of stewardship, science and knowledge, and educational initiatives. Furthermore, we fully support actions taken to ensure board decisions are well informed by an appropriate diversity of views and perspectives reflective of local interests, including local residents and stakeholder groups to participate in the identification of local needs and priorities and conservation authority decision-making processes. All conservation authority resource management decisions should be evidence-based.

Landowners, especially farmers, are significant stakeholders who need to be partners in conservation. Therefore, improving collaboration and engagement and promoting programs that can help foster partnerships between conservation authorities and landowners (e.g. ALUS Canada) is essential.

Mr. Alex McLeod  
September 8, 2016  
Page Four

Developing an enhanced business relationship between the MNRF and conservation authorities may improve communication and coordination in the implementation of conservation authority policies, programs and services, the collection and sharing of science and information, and the joint development of capacity-building projects and initiatives. However, this should not in any way result in the further downloading of provincial responsibilities (or added regulatory burden). While it is important to recognize conservation authorities as frontline organizations working on the ground that can assist in provincial mandate implementation, the MNRF is still responsible for the management and regulations of Ontario's fish and wildlife resources, and we are optimistic this will be better reflected in the renewal.

**Priority #4: Modernizing Funding Mechanisms**

We understand the conservation authority funding requirements vary depending on size and management requirements of a watershed, population levels, etc.; however, the variability in conservation authority capacity and resourcing to provide a range of programs and services is a concern. While provincial agency involvement and guidance will help with consistency, we support the province reviewing and updating funding mechanisms (e.g. the use levies, fees, and generated revenue) contained within the Act to enhance their efficiency and effectiveness.

There is also strong support for putting measures in place to improve fiscal oversight and transparency, specifically around requirements for reporting back on the use of provincial and public funds. Consistent and sufficient provincial support for conservation authorities is required to ensure they can effectively deliver on provincially-coordinated programs and activities. We recommend a minimum standard program for all conservation authorities to deliver, recognizing that small conservation authorities will require greater supplemental funding. There are some areas of the province with limited population, but significant conservation needs.

**Priority #5: Enhancing Flexibility for the Province**

We agree it is important for the province to be flexible when determining a mandate for conservation authorities or other organizations to perform activities under the Conservation Authorities Act or any other piece of legislation; however, this review should not result in further downloading of provincial responsibilities.

**Other Actions Being Considered**

In response to the MNRF's discussion paper, the OFAH identified a number of areas where we would like to see supporting actions taken to help improve the efficiency and effectiveness of conservation authority operations, programs and services. In particular, the conservation authority's role and responsibilities with respect to recognizing, promoting, and enhancing traditional heritage activities on conservation authority properties.

Fishing, hunting, and trapping are safe and compatible conservation activities in multi-use areas. Conservation authorities have an opportunity to recognize, celebrate, and benefit from these traditional heritage activities on conservation authority properties. Conservation authorities should look for ways to enhance fishing, hunting, and trapping opportunities to offer more diverse activities, better engage local residents, protect ecological integrity, and generate a multitude of socio-economic benefits. Where these opportunities have been lost, the province and conservation authorities should work together to restore traditional uses, specifically the use of unleashed dogs for hunting. We would also like to see opportunities for the training and trialing of versatile hunting dogs and retrievers, and where possible, beagles and large hounds.

The OFAH would suggest that regulation or policy under the Act increases environmental monitoring within individual watersheds and across watersheds to look at cumulative impacts. While small alterations may not show evidence of impacting a system, there is a potential for a "death by a thousand cuts" scenario.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Mr. Alex McLeod  
September 8, 2016  
Page Five

**Conclusion**

The purpose of this review should not be to download provincial responsibilities to any other groups. Where conservation authorities or Conservation Ontario are responsible for assisting with the implementation of provincially-mandated programs, the province must maintain appropriate funding and oversight to ensure the responsibilities can be performed to an acceptable standard. We encourage a review that will seek clarity around roles and responsibilities, as well as look for greater consistency in standardizing approaches towards implementing provincial programs. Funding should be more equitable and based on projects and land requirements, not based entirely on population within a conservation authority. We strongly believe that stewardship is essential for conservation, and believe that conservation authorities can help facilitate and support local stewardship efforts. Conservation authority lands provide important opportunities for fishing, hunting, and trapping activities in Ontario. Currently, many conservation authorities are not capitalizing on available opportunities to establish new or promote existing opportunities for these heritage activities on their lands. The Conservation Authority Act should explicitly recognize the importance of these activities, promote their positive role and function on conservation authority lands, and enshrine them as a standard activity on conservation authority lands under the direction of legislation such as the Fish and Wildlife Conservation Act.

The OFAH appreciates the opportunity to participate in the review and development of the Conservation Authorities Act and to help develop a sustainable, healthy Ontario now and for future generations. We have participated in the engagement sessions, commented on the Environmental Registry postings, and we look forward to working with the province through all future phases of this initiative.

Yours in Conservation,



Robert Cole  
Land Use Policy & Habitat Specialist

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cc: OFAH Board of Directors  
OFAH Land Use/Access/Trails Advisory Committee  
Angelo Lombardo, OFAH Executive Director  
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