



Randy Hillier, MPP
Lanark-Frontenac-Kingston

Hon. Rod Phillips
Minister of Environment, Conservation and Parks
11th Floor, Ferguson Block
77 Wellesley Street St. West
Toronto, ON M7A 2T5

November 9, 2018

Dear Minister;

I am writing you today regarding growing concerns I have with the activities of the Rideau Valley Conservation Authority (RVCA) and the Mississippi Valley Conservation Authority (MVCA). Unfortunately, I have to question the viability retaining these Conservation Authorities in their current form.

I believe it is prudent and indeed in the best interest of our taxpayers and the environment that the following section of the *Conservation Authority Act* be repealed.

As part of our mandate and ongoing initiative to find efficiencies and reduction of red tape, a general principle is applicable: *Government entities ought to be constructed and empowered to serve the taxpayer*. Many government agencies and departments have remodeled themselves to serve other government agencies and entities; if a government department or agency only serves another government agency or or department it has no utility and ought to be disbanded.

Memorandum of understanding with municipalities

(3) An authority may enter into a memorandum of understanding with a municipality situated in whole or in part within its area of jurisdiction in respect of programs and services that the authority will provide on behalf of the municipality. 2017, c. 23, Sched. 4, s. 20 (1).

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Over the last number of years, I have come to learn of the many shortcomings of Conservation Authorities in my electoral district including significant delays in service, false technical advice, and misinterpretations of statutory authority. These significant failings are both unacceptable and compounded by the fact that CA's have expanded their mandate beyond their statutory obligations, with many Memorandums of Understanding with municipalities, and have increased their focus on expanding consulting services while neglecting their core responsibilities.

In addition to these shortcomings, I continue to receive many complaints to my office about dams in disrepair, mismanagement of water levels, and failure to maintain other MVCA assets. As a recent example, when concerns about much needed repairs to the K&P Trail were brought to my attention, my staff was advised by the MVCA that there was no money to do the necessary repairs because the budget had been spent litigating a claim against the MVCA. If the MVCA is unable to maintain or repair basic assets, which are a statutory responsibility, they should cease to acquire them.

Although all Conservation Authorities have a legislated responsibility to oversee development in flood plains and in proximity to provincially significant wetlands, recently the Conservation authorities expanded their authority to include the management of "insignificant wetlands", which has created an unnecessary duplication to the planning process for development in their jurisdiction. The imposition of classifications such as "unevaluated wetlands" leave developers in a lurch and engineers and planners scratching their heads. Again, as many CA's fail to meet its statutory requirements they are expanding their scope of services and broadening their jurisdiction.

The contradictions with the Conservation Authorities are clear; they fail to meet their obligations: dam repairs, access road maintenance and culvert replacements, and water control are put aside while they seek out new jurisdictions and operate a professional consulting firm to our municipalities. In Lanark County both the RCVA & MVCA have an MOU with the upper tier municipality and a number of lower tier municipalities.

It is in this capacity as a professional consulting firm providing technical review services that these Conservations Authorities demonstrate both a conflict in interest and a degree of incompetence that borders on negligence.

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Constituency Offices:

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Some recent examples that I have been involved with and made aware of include:

1. A three lot severance in which the CA in its review capacity referenced wrong standards, recommended septic system conditions that exceeded both the building code requirements and pre-empted the Health Units approval process
2. A subdivision stormwater plan that was approved and all the work completed at great cost, only to find that it was later rejected and determined non-compliant by the same CA that issued the approval
3. A seniors subdivision that was held up for over three years with multiple requests for additional Hydro geological surveys and assessments that were neither lawfully required nor relevant to the project and that eventually were determined not to be required after the significant expense to complete.

In each of these cases, the conservation authority added thousands of dollars in costs and in some hundreds of thousands of dollars, while also lengthening the approval process by many years. This was all undertaken while the CA never actually engaged in any meaningful assessment or engineering activities, rather they were strictly reviewing another professional engineer's work.

It is important to note that I have never received a complaint of this nature from Beckwith Township, which is the one lower tier municipality in Lanark that opted out of the Conservation Authority MOU. Beckwith Township does however use a private professional engineering firm to provide technical reviews.

The examples of the CA's failings are compounded by the conflict of interest between their stated purpose of both conservation and development of and on our natural resources, coupled with a conflated and indeed distorted as being both an "authority and a review agency"

The responsibilities of the CA's are articulated under the *Conservation Authority Act*

Purpose

0.1 The purpose of this Act is to provide for the organization and delivery of programs and services that **further the conservation, restoration, development** and management of natural resources in watersheds in Ontario. 2017, c. 23, Sched. 4, s. 1.

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I believe it would be wise to implement in specific language within the governing statutes of government agencies that their mandate is to service the taxpayer, not other levels of government.

I look forward to an opportunity to discuss a review of the Conservation Authority Act as well as the mandate of Ontario's Conservation Authorities in order to ensure the public is getting value for the dollar.

Sincerely,

A handwritten signature in blue ink that reads "Randy Hillier".

Randy Hillier

Copies:
Municipal councils in the RVCA/MVCA's jurisdiction

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