

December 18, 2025

Ontario Ministry of Environment, Conservation and Parks
MECP Conservation and Source Protection Branch,
Public Input Coordinator
300 Water Street North tower, 5th floor
Peterborough, ON K9J 3C7

Delivered via E-mail & Regular mail

**Re: ERO 025-1257 Proposed Boundaries for Regional Consolidation of Ontario's
Conservation Authorities**

CELA writes to provide comments in respect of the above noted ERO posting. Canadian Environmental Law Association (CELA) is a legal aid clinic dedicated to environmental equity, justice, and health.

Founded in 1970, CELA is one of the oldest advocates for environmental protection in the country. With funding from [Legal Aid Ontario](#) (LAO), CELA provides free legal services relating to environmental justice in Ontario, including representing low-income and vulnerable or disadvantaged communities in litigation. CELA also works on environmental legal education and reform initiatives.

CELA has reviewed the above noted proposal. We provide the following comments for your consideration in respect of the proposal for regional consolidation of Ontario's Conservation Authority Boundaries.

Introduction

ERO 025-1257 seeks comments on the proposed regional consolidation of Ontario's 36 Conservation Authorities (CA) into 7 regional conservation authorities. No legislation is yet proposed, and Ontario seeks input as to the boundaries, governance, and other matters.

In CELA's view, the Province has not presented any persuasive environmental justification for the proposed CA amalgamation. The proposal appears to take no account of the public interest purpose, functions, and responsibilities of Conservation Authorities at the current watershed scale. Ontario's CAs have a six decade plus track record of excellent watershed-based work at

the local level to protect the environment, conserve resources, and safeguard public health and safety.

1. Conservation Authority Boundaries' Watershed Scale

CELA is concerned about the proposal to put the current tertiary river-scale watershed-based conservation authorities into new boundaries that are based on Great Lakes watershed scales. Tertiary rivers and their watersheds are the appropriate scale for Conservation Authority watershed boundaries as delineated at present. If anything, further conservation authorities should be established for missing areas of eastern and northern Ontario. For example, major communities like Renfrew, Pembroke, and others are not found within current watershed boundaries, even though they are within important secondary and tertiary watersheds of the Ottawa, Madawaska, Muskrat and Bonnechere Rivers.

Conservation Authorities' work is on the landscape in relation to those watersheds and is integrally connected to the hydrological and hydrogeological flows in relation to those primary rivers. Their work in relation to water quality including and beyond their work with Source Protection Committees is a major area of importance and results in better protection of the public and ecosystem health as a result. This includes monitoring within rivers and tributaries, and the science and mapping that accompanies the assessment of flows for both water quantity and water quality reasons.

Conservation Authorities' work in relation to hazards is also integrally associated with tertiary river scales. Many of the areas that require careful assessment, protection and hazard management from the perspective of erosion, landfalls, failing slopes and other geophysical hazards are due to the paths and history of the associated rivers. Similarly, their important flood mapping, prediction, advice, and assessments work is linked to the flows, historical and present, as well as potential future flows, of these same rivers and tributaries. The risks that arise from future climate events are also often due to their potential interaction with those rivers, their physiology, their connection to built environment and other land uses, and their response to many of these same actions and changes on the landscape. Those same uses including housing, agriculture, commercial activity and much else, is also what is at risk from hazards that are not well understood, assessed or managed at that scale.

2. Governance Scale

While the consultation posting indicates that much of the above-noted work is expected to continue, CELA queries how a governance structure that becomes so removed from these significant river watersheds by way of a Great lakes scale boundary can continue to accomplish this high calibre and essential work over time.

CELA is also concerned about the governance structure resulting in so many municipalities within each proposed watershed boundary. The concerns and necessary considerations arising in respect of each major river watershed within the Great Lakes watershed boundaries proposed will be divergent. Over time, the responsiveness to those issues will diminish. There will not be "one size fits all" solutions that apply appropriately across such a large Great Lakes based

watershed boundary. While the water quality and quantity of each Great Lake is important and is influenced by the primary rivers and their watersheds, there is currently a strong ability to coordinate across the conservation authorities at present on these issues, as does happen for example in Western Lake Ontario.

3. Impact on Source Water Protection

Although there is a statement in MECP's presentation materials that source water protection under the *Clean Water Act* will not be changed, we have also noted commentary from some CA's that they have been advised of the possible need to dissolve existing Source Protection Authorities and somehow reconstitute them at a regional level. In CELA's view, this creates ongoing uncertainty about the future of the source protection planning process, which is supposed to be locally - not regionally - driven. Source protection planning certainly was not intended to be subject to binding directives from a new centralized agency not focused on source water protection for Ontario communities' drinking water. There is already more than enough direction of the Source Protection Planning process in a top-down manner by the province of Ontario rather than the locally directed process that Justice O'Connor recommended, and which was envisaged in the multi-sectoral processes leading to the introduction of that legislation. This is also contrary to the intention of the legislature in adoption of the *Clean Water Act*. It is essential that source protection planning for drinking water be conducted on a tertiary river watershed basis due to the close connections between land uses and activities in those watersheds, and the consequent impacts on sources of drinking water. Any potential reduction of local accountability is contrary to the *Clean Water Act* and contrary to public safety since local appreciation of, input into, and adoption of the measures necessary to protect drinking water is an integral part of that safety system.

4. Financial Accountability

Related to this issue of disconnection from the appropriate watershed scale in terms of governance, is that it is expected that municipalities will continue to finance conservation authorities, as they do now. However, with fewer municipalities actually involved in the governance of each CA, their residents will have access to less accountability and less connection to their conservation authority. Furthermore, according to the consultation, it is expected that the conservation authorities themselves will have levies imposed by the new Provincial Conservation Agency meaning that municipal ratepayers will be financing an Ontario Crown Agency over which they have no governance or accountability mechanism. This is an unprecedented structure and raises many concerns of "taxation without representation". Bill 68 was passed with no opportunity for public input or suggestions for amendments to that schedule of Bill 68 that established the new Agency. CELA strongly recommends that sections 5 and 7 of Schedule 3 Bill 68 should not be proclaimed. These sections providing for cost recovery by the Provincial Conservation Agency from Conservation Authorities are to take effect upon proclamation by LGIC. CELA recommends that these sections should remain disused. These financial sections in question (so far un-proclaimed) as contained in Bill 68, Schedule 3 are excerpted below:

"5 The Act is amended by adding the following section:

Cost recovery

35.26 (1) *For the purpose of recovering the costs and expenses the Agency incurs, the Agency may, in accordance with any regulations,*

(a) determine the amounts of the costs and expenses that the authorities collectively owe to the Agency; and

(b) apportion those amounts to the authorities.

Notice to authority

(2) After apportioning amounts to an authority under clause (1) (b), the Agency may issue a notice to the authority, in accordance with any regulations, setting out the amount the authority shall pay to the Agency.

Payment

(3) Upon receipt of the notice, the authority shall pay the amount specified in the notice in accordance with any directions set out in the notice.

Debt due

(4) The amount set out in the notice issued to the authority is a debt due by the authority to the Agency and may be enforced by the Agency as such.”

“7 ...

(2) Subsection 40 (1) of the Act is amended by adding the following clause:

(m.9) governing the recovery of costs and expenses by the Agency under section 35.26, including,

(i) the types of costs and expenses that may recovered by the Agency,

(ii) the method of determining the amounts of the costs and expenses that the authorities collectively owe to the Agency,

(iii) the method of apportioning amounts, and

(iv) requirements respecting notices, including the contents of the notice and the process for issuing them;”

The proposition that there will be sufficient “efficiencies” from the new proposed boundaries so that conservation authorities can forward these savings to the new Agency begs the efficacy of the argument that the alleged “efficiencies” will be directed to improved service standards and digital resources within those conservation authorities.

5. Response to Provincial Rationale for Boundary Changes

CELA also submits that the proposal is risking the destruction of an extremely effective system of watershed-based management at the current scale based on spurious arguments. One of these arguments is that there are some municipalities whose city boundaries cross multiple watersheds. First, CELA has long argued that watershed boundaries should be taken into account when establishing municipal boundaries. But secondly, the fact that a very large municipality whose boundaries were in turn expanded in prior decades based on government policy happens to cross multiple watersheds is no argument for changing the watershed management boundaries. Rather

that municipality has the natural assets of multiple watersheds, and must, of necessity, take these diverse watersheds into account in its municipal decision making. The fact that the conservation authorities are based on watershed boundaries is the very point of the system.

Thirdly, the province and newly appointed Chief Conservation Executive argue that there are differences among conservation authorities in how they manage data and analysis. This in itself is not a problem, *per se*. A watershed located in a more rural area with different land uses and different contexts does not have to manage the same pressures as rapidly urbanizing watersheds. It does not need the same tools necessarily. Again, one size does not fit all and using that as a reason to change the system to a Great lakes watershed is nonsensical. Fourthly, arguments that there can be further efficiencies in permitting and consistency of the applicable regulations can surely be managed by appropriate policy amendments, rather than these untoward boundary changes.

CELA also submits that the proposal for regional amalgamation of the Conservation Authorities into such a small number of very large CAs is inconsistent with Policy 4.2 of the PPS 2024, which calls for protective management of water quality/quantity by "using the **watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.**" (emphasis added)

6. Public Connection to Conservation Authority Watersheds and Natural Heritage

CELA is also concerned about the removal of the local governance in relation to river boundary scale conservation authorities. These are the scales at which the public connects with their local environment and natural heritage. Many properties have been donated to conservation authorities to protect these values because of longstanding, deeply felt, and ecologically important connections of people to their watershed. Conservation authorities have also often acquired such properties based on the will of their governing bodies through their constituent municipalities, based on assessments of the value of those lands to natural heritage protection and water protection. CELA is concerned that policy direction from the scale of Great Lake watersheds in the proposed regional boundaries, or even worse, from the scale of the new Conservation Agency will risk the further protection of these high value lands and ecosystem functions since no region wide or provincial scale policy can take account of these values and functions at the local scale.

Given that the proposal was introduced along with accompanying messaging by the province that this proposal and the introduction of amendments to the governing legislation in the Fall 2025 budget bill was part of the province's housing strategy (by way of "streamlining permitting"), CELA is further concerned that lands that should be protected into perpetuity could be sacrificed for development and lost forever in terms of those natural heritage functions. For many Ontarians, conservation authority lands are their entire exposure to nature, to recreational natural systems, to local wetlands, forests, rivers and inland lakes, and are located for the most part close to the surrounding communities. While housing is very important, there are many lands already available as stated by the Province's *Ontario Affordability Task Force, 2022*. There is no need for provincial policy direction that puts the continued protections of existing conservation authority lands at risk. The statement in the policy proposal that conservation authorities will

continue their current roles in management of recreational lands and trails is no comfort, given that Bill 68 has established that binding directions may be given to the Conservation Authorities by the Agency, or in turn by the province through the Agency and the Chief Conservation Executive.

Conclusion

In summary, CELA is of the view that the concerns expressed by the province in this policy posting are not related to the alleged “solution” proposed and that the risks are far too great to proceed with this proposal. CELA strongly recommends that the province stand down this proposal, desist from proposing legislation next year, or anytime in the future, to obliterate the current river-based watershed conservation authority system, and instead focus on working with the existing Conservation Authorities and their municipal representatives on the issues that are collaboratively identified as worthy of new standards or resources.

All of which is submitted.

Yours very truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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cc. Environmental Commissioner, Office of the Auditor General Tyler Schultz
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Minister of Environment, Conservation and Parks, Hon. Todd J. McCarthy
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