



October 19, 2015

Ms. Julia Holder
Policy Analyst, Wildlife Section
Species Conservation Policy Branch
Ministry of Natural Resources and Forestry
300 Water Street, 5th Floor North
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RE: OSSGA Comments on the Review of the Conservation Authorities Act

The Ontario Stone, Sand & Gravel Association (OSSGA) is a not-for-profit association representing over 280 sand, gravel and crushed stone producers and suppliers of valuable industry products and services. Collectively, our members supply the substantial majority of the 164 million tonnes of aggregate consumed, on average, annually in the province to build and maintain Ontario's infrastructure needs. OSSGA works in partnership with government and the public to promote a safe and competitive aggregate industry contributing to the creation of strong communities in the province.

OSSGA appreciates the opportunity to provide comments on the *Conservation Authorities Act (CAA)*. The review is a positive step forward in clarifying the role of conservation authorities in relation to aggregate operations and licences.

Conservation authorities (CA) play an important role in reviewing aggregate licence applications throughout the province. As such, it is vital that the CAA reflect the scope of the work done by conservation authorities and provide specific instruction on the roles and responsibilities of CAs in relation to the aggregate licensing process.

OSSGA will provide answers to the questions in the discussion paper relevant to the aggregate industry.

QUESTION #1: In your view, how well is the current governance model as provided in the Conservation Authorities Act working?

- a. What aspects of the current governance model are working well?*
- b. What aspects of the current governance model are in need of improvement?*
- c. In terms of governance, what should be expected of:*
 - a. The board and its members?*
 - b. The general manager or chief administrative officer?*
 - c. Municipalities?*
 - d. The Ministry of Natural Resources and Forestry?*

- e. Other provincial ministries?*
- f. Others?*
- d. How should the responsibility for oversight of conservation authorities be shared between the province and municipalities?*
- e. Are there other governance practices or tools that could be used to enhance the existing governance model?*

OSSGA is concerned that the governance and the administration of CAs' duties in relation to aggregate applications is not clear and often results in duplication of process. It is vital to OSSGA that the review of the CAA clarify the roles and responsibilities of CAs in relation to the application review. Often municipal and CA responsibilities conflict when reviewing aggregate applications, thereby leading to confusion for the applicant and the public.

As an example, an OSSGA member had a licence application where hydrogeological and natural environment issues were of concern. During the application process, the OSSGA member paid fees to the CA and the region to review hydrogeology and the natural environment issues. This review was directed by a steering committee formed by the region and CA. The hydrogeological issues were also reviewed by the Ministry of Natural Resources and Forestry and the Ministry of the Environment and Climate Change. Thus, this applicant paid the CA and the region to peer review the application, which was then reviewed by two more agencies. This duplication of fees and responsibilities between agencies is complex and unnecessary and should be simplified.

In addition, this duplication of responsibilities often results in delays for the project. This is often as a result of:

- Different levels of resources and expertise;
- Inconsistencies in comments which can lead to the requirement for additional reviews/discussion;
- Additional time requirements by the primary review agency to coordinate all comments/considerations; and,
- A change requested by one reviewer which may require review by another and may have implications beyond the initial reviewer interests.

As such, this duplication of work and fees also adds unnecessarily significant financial costs to the proponent. These costs could be very substantial depending upon the nature of the work required and the amount of duplication and delays.

The review of the CAA must disentangle the responsibilities of the CA in relation to other agencies, and make it clear what specifically the CA is responsible for in the aggregate application process.

In addition, there is a concern with the structure of CA boards. In particular, municipal councilors who serve on a CA board often make decisions based on their own ward or area of representation and not on best practices for the whole CA area. It is important that the structure of CA boards is adjusted so that the best decision for the CA area as a whole is reached.

QUESTION #2:

In your view, how are the programs and services delivered by conservation authorities best financed?

- a. How well are the existing funding mechanisms outlined within the Act working?*
- b. What changes to existing funding mechanisms would you like to see if any?*
- c. Which funding mechanisms, or combination of funding mechanisms, are best able to support the long term sustainability of conservation authorities?*
- d. Are there other revenue generation tools that should be considered?*

OSSGA believes that fees related to the review of aggregate licence applications by conservation authorities are an issue that needs to be addressed in the review. In general terms, OSSGA believes that the fees charged for the review of applications are not in line with the amount of work completed, and as such the fees charged tend to be arbitrary.

While OSSGA understands that fees need be charged to recover costs at conservation authorities to complete reviews of applications, we believe that the fees charged should be based on estimates of work time and need to be accountable to the applicant. Fees received for the review of an application should not be subsidizing other work done at the CA. Instead CAs should derive more funding from provincial sources in order to offset the recovery of costs from review fees.

It is vital that customer service is provided by the CAs as part of fees paid. There needs to be greater accountability and adherence to agreed upon timelines to complete reviews and increased transparency related to work done by the CA.

OSSGA is asking that the CAA include provisions for fair and accountable fee structures that ensure the work being done on an application be charged to the proponent accordingly. The complexity of aggregate applications vary, and fee structures should be amended to ensure that an appropriate amount is being charged for the specific application. Most importantly, the fee structure in the new CAA should be based on an accurate tracking of work time from the CAs.

QUESTION #3:

In your view, what should be the role of conservation authorities in Ontario?

- a. What resource management programs and activities may be best delivered at the watershed scale?*
- b. Are current roles and responsibilities authorized by the Conservation Authorities Act appropriate? Why or why not? What changes, if any, would you like to see?*
- c. How may the impacts of climate change affect the programs and activities delivered by conservation authorities? Are conservation authorities equipped to deal with these effects?*
- d. Is the variability in conservation authorities' capacity and resourcing to offer a range of programs and services a concern? Should there be a standard program for all authorities to deliver? Why or why not?*



e. What are some of the challenges facing conservation authorities in balancing their various roles and responsibilities? Are there tools or other changes that would help with this?

f. Are there opportunities to improve consistency in service standards, timelines and fee structures? What are the means by which consistency can be improved? What are some of the challenges in achieving greater consistency in these areas?

One major area of concern for OSSGA is the relationship between municipalities and CAs as related to the duplication of process and fees. As stated earlier, the review of the CAA needs to make clear the roles and responsibilities of both the CAs and the municipalities related to the review of aggregate applications. Often aggregate applications face a duplication of review from both the municipality and the CA, as well, they face a duplication of fees from the CA and municipal peer reviewers. The review of the CAA must clarify what role the CAs play in the review of aggregate applications.

In addition, the timing of CA comments and reviews are of concern to OSSGA. Aggregate applications are reviewed through a strict timeline based on *Planning Act* and *Aggregate Resource Act* regulations. One of the major concerns from aggregate producers is that a CA's review of applications does not conform to these timeline, thus causing delays and uncertainty for the applicant.

Conclusion

OSSGA appreciates the work done by conservation authorities in the province, however we believe that the CAA does not provide the certainty needed to satisfy the current licensing regime in the province. The CAA needs to provide more transparency related to fees charged by CA's, as well as a clear establishment of the roles and responsibilities of CA's when reviewing aggregate licence applications.

Thank you again for the consideration of our comments. Should you have any questions or concerns please do not hesitate to contact me at twigdor@ossiga.com or 905-507-0711.

Sincerely,

ONTARIO STONE, SAND & GRAVEL ASSOCIATION

A handwritten signature in black ink that reads "Ted Wigdor". The signature is written in a cursive, flowing style.

Ted Wigdor
Chief Executive Officer