

## **“HEADS-UP”**

### **O.P.E.R.A. INFORMATION BULLETIN**

We recently commented on the appointment and membership of a special MNR/ConOnt committee evidently organized in March 2007 to address concerns of GTA contractors and land developers regarding land use statutes enacted by the Ontario government.

Thanks to an OPERA member associated with the building industry, we have obtained a copy of a procedural Memorandum of Understanding (MoU) between Conservation Authorities, the Ministry of Natural Resources and the Ministry of Municipal Affairs. This document, produced by the 17-member Conservation Authority Liaison Committee (in which rural landowners were not invited to participate) appears to limit CA enforcement of the Planning Act to identification of and protection from "natural hazards" only. If that interpretation is correct and applies across all of Ontario, we congratulate GTA builders and developers for prompting Queen's Park to reaffirm the original mandate of Ontario's 36 Conservation Authorities under the Planning Act.

But wait! Also in current circulation is a proposed new chapter in the Conservation Authorities Act, which we understand, will shortly appear on the Environmental Bill of Rights (EBR) Registry, the so-called "public consultation" venue familiar to only those rural landowners equipped with an Internet connection and enough time and expertise to sift through a numbing torrent of government web pages. Pending detailed analysis, this new insertion confirms not only the above-noted Memorandum of Understanding but also CA enforcement of the federal Fisheries Act and the provincial Clean Water Act. In our view, both those statutes are outside the "natural hazards" definition in the Memorandum of Understanding and both can impact use and value of privately owned rural land as well as municipal (read local taxpayer) costs arising from their enforcement by district CAs.

We note policing the newly minted provincial Species at Risk Act is not included in the proposed addition to the CA Act. Still, given the above-noted examples of empowering CAs to manage more than "natural hazards", later addition of SAR enforcement by district CAs is a looming possibility. In any case, in view of these proposed changes in the Conservation Authorities Act, already "adjusted" in 2006, we believe public information meetings as provided in the legislation must precede municipal contracts for local CA services.

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