



AMO's Response to the Subwatershed Planning Guidance (ERO posting 019-4978)

Submission to the Ministry of the Environment, Conservation and Parks

March 16, 2022

On behalf of the Association of Municipalities of Ontario (AMO), we are pleased to provide our perspectives on the Subwatershed Planning Guidance (ERO #019-4978).

AMO appreciates the Ministry for updating its 1993 provincial guidance as it will assist municipal governments and, where they exist, conservation authorities (CAs), in fulfilling their roles and responsibilities under the *Planning Act* and other provincial legislation.

To that end, we respectfully submit areas for improvement for the Ministry's consideration:

1. The Guideline's purpose, terms, and roles and responsibilities for both municipal governments and conservation authorities (CAs), where they exist, should be clearer.

For example, the Guideline should reflect that subwatershed planning is important for more than informing land use and infrastructure planning under the *Planning Act*. The Guideline should focus solely on subwatershed planning and provide context and information about watershed planning in an appendix to focus the document. That will ensure the Guideline focuses on best practices for subwatershed planning.

It should also be clear that municipal governments and, where they exist CAs, have requirements that are informed by subwatershed planning. More clarity is needed around the roles and responsibilities of CAs and their possible involvement in subwatershed studies. Coordination at the outset is necessary to avoid duplication, unnecessary costs, and delays.

2. The Guideline should focus on best practices and be easily accessible for potential users, given the varied staff capacity and expertise levels around subwatershed planning.

For example, the Guideline should press the importance of setting priorities, baseline monitoring, and the need to "set the stage" early in the planning process. The Guideline could also promote more streamlining among agencies and use simplified graphics to be more accessible for potential users.

The Ministry should also consider how this Guideline will be used. There is a critical need to modernize and digitize the technical criteria, best practices, and policy guidance that the Guideline refers to but is now out of date.

The Ministry should also consider providing education on this Guideline, particularly about the efforts made to encourage the incorporation of the cumulative effects of climate change into subwatershed planning.

3. The Guideline should better differentiate the municipal role in Indigenous engagement and the Crown's responsibility for Duty to Consult and Accommodate.

AMO understands that Indigenous communities across Ontario have important interests in the management of water resources and must be engaged throughout the planning process. Municipal governments should engage relevant Indigenous communities as they develop subwatershed plans and infrastructure facilities or other management work.

However, AMO maintains that the Duty to Consult and Accommodate rests with the Crown in Right of Ontario. While municipal governments can engage and seek the input of Indigenous communities, the responsibility for consultation and accommodation cannot be removed from the province.

Therefore, we recommend that the Guideline emphasize that it is important that municipal governments engage with Indigenous communities, and that the Ministry of Indigenous Affairs provide appropriate resources and expertise around engagement in an Appendix.

To help municipal governments engage Indigenous communities, resources need to be committed and materials be made available by the province to help municipalities consistently apply the engagement process without transferring the Crown's Duty to Consult to municipalities.

A centralized office in the province with standardized resources and processes modelled on the Alberta Consultation Office could be helpful to line ministries, municipal governments, and other project proponents to fulfill the Crown's responsibilities.

Thank you for the opportunity to provide comments. We appreciate your consideration of this matter.