



**Focusing Conservation Authority Development
Permits on the Protection of People and Property**

May 21, 2019

Background

The City of Brampton supports the consolidation and harmonization of the existing 36 individual conservation authority-approved regulations into one Minister of Natural Resources and Forestry approved regulation. This will help to ensure consistency in requirements across all Conservation Authorities, while still allowing for local flexibility based on differences in risks posed by flooding and other natural hazards.

Brampton's local Conservation Authorities are excellent partners in protecting and restoring the city's valleys. They have also been valuable partners in engaging the City and neighbourhoods in sustainable actions. The conservation authorities plant over 10,000 trees annually, and engage hundreds of staff and residents in projects to clean, protect, and restore Brampton's eco park.

The proposed changes to the Conservation Authority Act aims to provide efficiency, foster economic and social development while protecting, restoring the province's natural hazards and natural resources.

Detailed Comments

For the purposes of this regulation, the Ministry is also proposing the following:

- **Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”**

In the City’s view, the Provincial *Made in Ontario Environment Plan* goals and objectives should frame any proposed revisions to these three terms. In particular, the revised definitions should help achieve the Plan’s goals of:

- Protection our Air, Lakes and Rivers,
- Reducing Litter and Water in our Communities and Keeping our Land and Soil Clean, and
- Conserving Land and Greenspace.

Wetland – currently defined as:

- a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

The current definition of “wetland” is similar to the definition found in Ontario’s Provincial Policy Statement and Natural Heritage Reference Manual. It is important for any proposed revision to the definition take into account the ecological, social and economic value of wetlands and Ontario’s historic loss of wetland habitat (over 75% loss).

Watercourse – currently defined as:

“an identifiable depression in the ground in which a flow of water regularly or continuously occurs”

Any revisions to the term watercourse must be careful to acknowledge the importance of protecting headwater areas to natural hazard planning. The spatial extent of HDFs can account for 70-80% of the total catchment area within a

watershed and 90% of a river's flow. In addition, headwater systems are considered important sources of food, sediment, water, nutrients, and organic matter for downstream reaches. Protecting headwater features contributes to maintaining healthy watersheds.

Pollution – currently defined as:

“any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies”

Any revisions to the term pollution must be careful to acknowledge the importance of protecting the health of watercourses.

- **Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation;**

The City of Brampton encourages greater clarity on the meaning of these terms to ensure the intent of the Conservation Authority Act is being implemented.

At the same time these definitions must be based on current science in landscape ecology, natural resource and natural hazards management, and monitoring data, and must also support the protection, enhancement or restoration of the quality and quantity of water within a watershed.

Any definition must strive to achieve the Made-in-Ontario Environment Plan's goal of “Conserving Land and Greenspace”.

- **Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;**

The City has no concerns with reducing regulatory restriction to between 30 metres and 120 metre.

- **Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the Drainage Act provided they are undertaken in accordance with the Drainage Act and Conservation Authorities Act Protocol;**

The City agrees with the proposal; however, these exemptions need to be developed in conjunction with the development of best practices manual to guide how to identify and categorize low risk activities.

- **Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;**

The City of Brampton agrees with this proposal.

- **Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;**

The City agrees with this suggested direction towards more municipal, stakeholder and public transparency and stakeholder engagement in the development of conservation authority guiding policies.

- **Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries; and**

The City agrees with this suggested direction towards more public transparency, which should go a long way towards making conservation authority decisions transparent, consistent and timely.

- **Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions.**

The City of Brampton agrees with this suggested direction towards more public transparency and should go a long way towards making CA decisions transparent, consistent and timely.

The City recommends revising review time lines to correspond with the timelines established in the Planning Act.