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Via email: glo@ontario.ca

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**RE: Response to ERO #013-5018: Modernizing conservation authority operations -
Conservation Authorities Act and
ERO #013-4992: Focusing conservation authority development permits on the
protection of people and property**

Thank you for providing the City of Vaughan the opportunity to comment on the proposed changes to the *Conservation Authorities Act (CA Act)*. The City of Vaughan (City) recognizes the importance of the Toronto and Region Conservation Authority's (TRCA) role in the conservation and management of our watersheds and informing land use planning decisions. The City is supportive of streamlining roles and responsibilities, but not supportive of reducing watershed planning as one of TRCA's core mandatory programs.

It should also be acknowledged, in accordance with Provincial priorities to address climate mitigation and climate adaption, that programs such as green infrastructure, ecological restoration, environmental education and source water protection are needed to support core mandatory programs and to create an environmentally sustainable City.

Holistic Approach to Natural Hazards and Natural Heritage

The City contains a robust Natural Heritage Network, identified in the Vaughan Official Plan 2010, containing portions of the Humber River and Don River watersheds. Under the Provincial Policy Statement (PPS) 2014, municipalities are mandated as the approval authority to ensure that natural heritage systems are maintained, restored, or where possible, improved. Under the mandate of the *CA Act*, Conservation Authorities (CAs) "provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario". TRCA plays an important role in implementing the policies in the PPS. They provide municipalities with regulatory approvals for areas at risk of erosion or flood hazards under Ontario Regulation 166/06 within their core function. They also provide municipalities with services that support the management of natural resources in watersheds such as water quality monitoring, green infrastructure, stormwater management, expertise in conservation ecology and habitat restoration and source water protection. As TRCA has been delegated as technical advisors and a public commenting body by the Province and the Regional Municipality of York (York Region) on



these matters, they provide important subject matter expertise to manage and mitigate risks to the City's Natural Heritage Network.

The City has conducted a review of TRCA's roles and responsibilities under the *Planning Act*, *CA Act*, and *Environmental Assessment Act* with attention to identifying regulatory obligations and delegated authority, as well as the TRCA roles as a commenting body, service provider and landowner. A staff report to the Committee of the Whole meeting of December 6, 2016 titled, "Review of Toronto and Region Conservation Authority – Roles and Responsibilities", recommends that a Memorandum of Understanding (MOU) or service agreement can establish clear and transparent roles and responsibilities for TRCA in the development review process. As such, the City supports the proposed changes in the *CA Act* to enable an MOU between municipalities and the CAs in order to improve operational efficiencies to support the development review process.

Climate Change

The expertise of CAs in integrated watershed planning make them a welcome partner to improve the climate resiliency of urban and natural areas. Projects such as green infrastructure, stormwater management, ecological restoration services and emergency preparedness require more effort under the banner of a climate adaptation framework for the City. TRCA has significant expertise in these areas, for example, and their partnership and collaboration are important to City building priorities and managing our growth in an environmentally sustainable manner in implementing the City's Official Plan policies and City plans.

ERO #013-5018 - Proposed change to define core mandatory programs and services

The Province proposes to amend the *CA Act* to clearly define the core mandatory programs and services provided by conservation authorities to be:

- Natural hazard protection and management;
- Conservation and management of conservation authority lands;
- Drinking water source protection (as prescribed under the Clean Water Act); and
- Protection of the Lake Simcoe watershed (as prescribed under the Lake Simcoe Protection Act).

Schedule 2 of Bill 108 implements the proposed change by replacing section 21.1 of the *CA Act*.

City of Vaughan Response

A watershed approach is necessary to protect people and property from flooding and other natural hazards. Areas prone to flooding and erosion hazards are impacted by: changes in land use across the entire watershed, the design and construction standards of built form, and the placement and design of infrastructure. CAs have developed expertise in the areas of

integrated watershed planning and natural resource management precisely to fulfill this core mandate.

The Made-In-Ontario Environment Plan affirms the important role of CAs in the land use planning and environmental protection process in providing the following direction:

“Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources”.

A consequence of not including integrated watershed planning and natural resource management as core mandatory programs of CAs could require that municipalities provide these resources to support land use planning and infrastructure planning in accordance with the *Planning Act* and *Environmental Assessment Act*. This becomes a potential additional cost to the municipality either by building the required resources in-house or through an MOU with the CA.

The City of Vaughan recommends that:

The core mandatory programs of CAs be consistent with the purpose of the CA Act and to include reference to integrated watershed planning and the management and conservation of natural resources.

ERO #013-4992 – Consolidating Regulations and Harmonizing Definitions

The Province proposes to consolidate the existing 36 individual conservation authority-approved regulations into a single Minister of Natural Resources and Forestry-approved regulation. The Province is also proposing to:

- Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”;
- Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation;
- Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;
- 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;
- Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;

- Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;
- Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries; and
- 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.

City of Vaughan Response

The City generally supports the provincial government's efforts to improve efficiencies and consistency for regulating development and to harmonize terms.

The City of Vaughan recommends that:

The definition of a wetland in the CA Act be replaced with the Provincial Policy Statement definition.

An updated definition of watercourse in the CA Act be based on the extensive field-tested guidance and associated implementation guidance documents of the TRCA.

The establishment of definitions for undefined terms to address not only the role of CAs in protecting life and property from natural hazards, but also in protecting natural features and their functions (e.g. wetlands, valleylands) to ensure resilience on the landscape to the effects of climate and land use change. The regulation and/or its definitions should recognize the inextricable link between natural hazard management and natural resources management (natural heritage and water resources).

Integrated watershed planning is a necessary component of responsible city building. A narrow focus in defining the core mandatory programs of CAs may assist in finding efficiencies for the development review process but will short-change city building efforts and result in higher costs to retrofit neighbourhoods and restore natural areas.

Should you have any questions related to this submission, please contact Ms. Ruth Rendon, Senior Environmental Planner at ruth.rendon@vaughan.ca or via telephone at 905-832-8585 ext. 8104.



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