



**CATARAQUI REGION CONSERVATION AUTHORITY**

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0  
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA  
Fax: (613) 547-6474 E-mail: [info@crca.ca](mailto:info@crca.ca)  
Websites: [www.crca.ca](http://www.crca.ca) & [www.cleanwatercataraqui.ca](http://www.cleanwatercataraqui.ca)



May 17, 2019

Mr. Alex McLeod  
Natural Resources Conservation Policy Branch  
Ontario Ministry of Natural Resources and Forestry  
300 Water Street  
Peterborough, ON K9J 8M5  
[mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca)

Dear Mr. McLeod,

**RE: CATARAQUI REGION CONSERVATION AUTHORITY COMMENTS ON ENVIRONMENTAL REGISTRY POSTING 013-4992: FOCUSING CONSERVATION AUTHORITY DEVELOPMENT PERMITS ON THE PROTECTION OF PEOPLE AND PROPERTY**

Cataraqui Region Conservation Authority (CRCA) staff are writing to provide comments on the above-noted Environmental Registry posting for consideration by the Ontario Ministry of Natural Resources and Forestry (MNR). These comments have been prepared in consultation with the CRCA Board.

Summary of Posting

The Ontario government seeks to introduce a new regulation under Section 28 of the *Conservation Authorities Act* to indicate how conservation authorities (CAs) may regulate development activities in areas subject to natural hazards such as flooding and erosion. CRCA staff understand that the new regulation would: (1) replace the existing development regulations that are specific to individual CAs; (2) focus the CA development permitting process on natural hazards management (rather than ecological health or water quality), (3) enable CAs to exempt low-risk activities from approvals, and (4) direct CAs to implement the regulation in accordance with publicly-reviewed policies, mapping and service delivery standards.

The Ministry has also indicated that relevant sections of the *Conservation Authorities Act* that were introduced in 2017 but remain un-proclaimed will be brought into effect.

### CRCA Comments

– General comments:

- CRCA staff support in-principle the proposal to consolidate and harmonize the existing 36 individual conservation authority regulations under Section 28 of the *Conservation Authorities Act* into one regulation approved by the Minister of Natural Resources and Forestry.
  - The regulation should be prepared with consideration for Ontario’s diverse geography (i.e. headwaters, rivers, inland lakes, Great Lakes, wetlands) and geology (e.g. Karst topography). A strength of conservation authorities is their ability to tailor programs to the specific natural hazards of a local area, in a manner that addresses the needs of local communities. The new regulation should support this approach and not diminish it.
- The posting indicates that definitions for key terms such as “conservation of land” and “wetland” would be added or updated via the new regulation. CRCA staff request that the Ministry confer with Conservation Ontario when preparing draft definitions for the regulation and refer to the relevant experience of CAs and case law.
- The scope and purpose of the Ministry proposal to “Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed” is unclear. CRCA staff request that the Ministry provide additional information about this proposal when consulting on the draft regulation.
- CRCA staff understand that the Ministry intends to focus CA regulatory efforts under Section 28 of the *Conservation Authorities Act* on natural hazards management. However, there is a need to ensure that an appropriate regulatory framework is in place in Ontario to conserve natural features and functions that fall outside of this scope.

- For example, there is a need to consider wetlands from a broader perspective that acknowledges their ecological and climate change benefits and ensures their conservation. The Wetland Conservation Strategy for Ontario 2017–2030 (MNRF 2017) indicates that the Ministry should “Review provincial laws, regulations and policies, with the goal of strengthening Ontario’s wetland policies.”
- CRCA staff support the proposed enactment of the “Part VII – Enforcement and Offences” section of the *Conservation Authorities Act*.
- Regarding the extent of regulated areas:
  - CRCA staff request an opportunity to provide input to the Ministry about the section or schedule of the new regulation that would define the extent of regulated areas in the Cataraqui Region.
  - The extent of the regulated area should be defined primarily via text, and supported by mapping of flooding and erosion hazards where it has been prepared.
  - Additional mapping of flooding and erosion hazards should be prepared, and existing maps should be updated to reflect changing environmental conditions. The costs to prepare and update this information are more than CAs and their participating municipalities can reasonably sustain on their own. Provincial funding support will be required for tools such as floodplain mapping.
  - CAs regulate areas along the shorelines of the Great Lakes and refer to 1 in 100-year water levels for the Lakes when defining the extent of the flooding hazard. Those water levels were identified by the Ministry over 30 years ago (Great Lakes System Flood Levels and Water Related Hazards, 1989). The record-breaking water levels experienced on the Great Lakes in 2017 and 2019 suggest that a comprehensive review of the 1 in 100-year water levels is warranted.

Regarding exemptions for low-risk activities:

- There are some development activities that by their nature will have minimal impact on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Therefore, CRCA approves some minor works (e.g. marine railways, agricultural tile drainage outlets) through a streamlined 'letter of permission' process. The Conservation Authority also exempts certain activities from the approval process (e.g. floating docks, maintenance of roadside ditches).
- CRCA's use of letters of permission and exemptions resulted from a comprehensive review of its implementation guidelines in 2017. There may be further opportunities for CRCA to streamline how it addresses low-risk activities in regulated areas, provided that natural hazards are not aggravated by the subject activities, that life and property are not placed at risk, and that climate change impacts are assessed.

Regarding policies, mapping and service delivery standards:

- CRCA staff support these aspects of the proposed regulation, which are in-keeping with existing best practices for conservation authorities.
- Consistent with the proposed regulation, CRCA staff follow Board-approved guidelines (2017) when implementing the development regulation for the Cataraqui Region (Ontario Regulation 148/06). Staff also refer to data and maps that are prepared via public processes, follow service delivery procedures (2018) and enforcement procedures (2018), and provide regular reports to the Board on service performance.

Thank you for your consideration of these comments. If you have any related questions, please contact the undersigned via [rmcrae@crca.ca](mailto:rmcrae@crca.ca) or 613-546-4228 ext. 224.

Yours truly,

A handwritten signature in blue ink, appearing to read 'RM' followed by a flourish and the year '2019'.

Rob McRae, MCIP, RPP  
Acting General Manager and Manager, Corporate Services