



PLANNING, DEVELOPMENT
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May 17, 2019

Carolyn O'Neill
Great Lakes and Inland Waters Branch, Great Lakes Office,
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West,
Toronto ON M4V 1M2

And

Alex McLeod
Natural Resources Conservation Policy Branch
Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, ON K9J 8M5

RE: Modernizing Conservation Authority Operations - Conservation Authorities Act (ERO Registry Number 013-5018)
And Focusing conservation authority development permits on the protection of people and property (ERO Registry Number 013-4992)

Dear Ms. O'Neill and Mr. McLeod:

On April 5, 2019, the Province posted the documents titled "Modernizing conservation authority operations - Conservation Authorities Act" and "Focusing conservation authority development permits on the protection of people and property" to the Environmental Registry of Ontario for comment. The following are comments from Regional staff on the proposed changes to the Act and related. These comments will be included as part of a Council Report that will be submitted to the Province as comments on Bill 108, More Homes, More Choice Act, 2019.

Conservation Authority Mandate and Services

The core mandate in the current Conservation Authorities Act (2017) and as described in the Province's "Made in Ontario Environment Plan", is "to undertake watershed-based programs to protect people and property from flooding and other natural hazards, and to conserve natural resources for economic, social and environmental benefits", with two main objectives:

1. Develop and maintain programs that will protect life and property from natural hazards such as flooding and erosion; and

2. Develop and maintain programs that will conserve natural resources.

Staff have no objection to better defining Conservation Authorities' core mandates and services, but recommend that the conservation of natural heritage features related to surface and/or groundwater be included, along with 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 a core mandatory program and service.

The Region and partnering area municipalities, upstream and downstream, work closely with the Grand River Conservation Authority (GRCA) to provide programs and services related to natural hazard protection, natural heritage conservation, and source water protection. The GRCA's existing programs and services are all interconnected and are mutually beneficial.

Recommendation

The Province should add "the conservation of natural heritage features related to surface and/or groundwater" as one of the Conservation Authorities' core mandates and services, so that the direct and positive impacts of conservation programs and services can be supported consistently across municipalities.

Conservation Authority Boards

Municipal support for Conservation Authority programs and services are directly linked to the ongoing funding decisions made by the municipally representative GRCA Board of Directors, which oversees the operation of the GRCA and approves policies, programs and budgets. As a result, the Province should provide a strong and supportive framework to clarify the duty of Conservation Authority boards, and to continue enabling watershed based collaboration and leadership on natural hazard protection, source water protection, and natural heritage conservation.

Recommendation

The Province should provide a strong and supportive framework to clarify the duty of Conservation Authority boards, and to continue enabling watershed based collaboration and leadership on natural hazard protection, source water protection, and natural heritage conservation.

Service Delivery Agreement

The Province is proposing to increase transparency in how Conservation Authorities levy municipalities, and establish a transition period and process for Conservation Authorities and municipalities to enter into agreements for non-core services. The Region has an existing Memorandum of Understanding (MOU) with the GRCA that focuses on planning review services. The current MOU with the Region is working well, and could be expanded to address additional core and non-core services. Having the

Region, an upper-tier municipality, enter into the agreement on behalf of the area municipalities provides for simplicity, accountability and increased transparency.

Although staff generally support amending the Conservation Authorities Act to help improve service delivery, any such changes to the Act regarding service delivery agreement processes should be made in consultation with Conservation Authorities and municipalities, with the intent of developing a practical, non-prescriptive approach that covers core programs and services, and gives local decision makers the flexibility to determine the scale and scope of any additional programs and services.

The Region and its area municipalities rely heavily on the technical capabilities of Conservation Authority staff; as a commenting agency on behalf of the Province with regard to natural hazards; as a regulator with respect to development and interference with wetlands and alteration to shorelines and watercourses; as a reviewer of development applications; and as a supporter of watershed planning. As result, any changes to the Conservation Authorities Act should continue to acknowledge and support the critically important role that Conservation Authorities fill in long-term community planning, wise use and management of resources, and community health and safety.

Recommendations

- a) The Province should ensure that any changes to the Conservation Authorities Act regarding service delivery agreement processes be made in consultation with Conservation Authorities and municipalities, with the intent of developing a practical, non-prescriptive approach that covers core programs and services, and gives local decision makers the flexibility to determine the scale and scope of any additional programs and services.
- b) The Province should ensure that the Conservation Authorities Act continues to acknowledge and support the critically important role that Conservation Authorities fill in long-term community planning, wise use and management of resources, and community health and safety.

Source Water Protection

The Region, the GRCA and the area municipalities work together on source water protection, and rely on Provincial funding through the Ministry of Environment, Conservation and Parks (MECP). The Region recommends that although drinking water source protection is recognized as a core mandatory program for Conservation Authorities, responsibility for funding and oversight should remain with the MECP.

Recommendation

The Province should ensure that the responsibility for funding and oversight for source water protection remain with the Ministry of Environment, Conservation and Parks.

Regulation Consolidation for Conservation Authorities

The Province has also posted a proposal for “Focusing Conservation Authority development permits on the protection of people and property”. This proposal would create one new regulation for all Conservation Authorities and will replace 36 existing individual Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

Staff support this proposed change to create a more consistent set of regulations and approaches for Conservation Authority permits. These changes would support faster approvals while ensuring there are no impacts on natural hazards and public safety. The proposed changes also include exemptions for some low risk activities and other initiatives. These changes would result in less costly approvals and allow Conservation Authority staff to focus on more complex applications to provide faster approvals.

The Region has had a positive experience working with the GRCA in the planning review process. It is importance to include the Conservation Authority’s expertise as part of long-range planning, as well as their input early during development review, so that there is a logical progression for applications through the permitting stage.

Recommendation

The Province should consult with municipalities and Conservation Authorities during the development of any future regulations associated with the amended Conservation Authorities Act.

Thank you for the opportunity to comment on the proposed changes to the Ontario Conservation Authorities Act and related regulations. Please contact Kate Hagerman, Manager of Environmental Planning and Sustainability at khagerman@regionofwaterloo.ca should you have any questions.

Sincerely,



Rod Regier
Commissioner, Planning, Development & Legislative Services

cc: Nancy Davy, Director of Resource Management
Grand River Conservation Authority

Joe Farwell, CAO, Grand River Conservation Authority