

May 21, 2019

Mr. Alex McLeod, Policy Officer
Natural Resources Conservation Policy Branch
300 Water Street
Peterborough, ON K9J 8M5

Re: Lower Thames Valley Conservation Authorities' Comments on "Modernizing Conservation Authority Operations" (ERO# 013-5018)

Dear Mr. McLeod:

Thank you for the opportunity to provide comments on "Modernizing Conservation Authority Operations". These comments are not intended to limit in any way comments submitted by other conservation authorities or Conservation Ontario on this proposal.

The Lower Thames Valley Conservation Authority (LTVCA) supports the provinces move to update Conservation Authority operations. The LTVCA does not support moving away from the important Conservation Authority objective of integrated watershed management. Elements of natural hazard management can only be successful with all contributing watershed factors being considered. Additionally, it is important that this update is done in consultation with our local communities. As details develop regarding specific changes, it is requested that time be permitted for Conservation Authorities to consult with local communities and municipalities and provide input to the province on their concerns. LTVCA comments are included in the table below:

Thank-you for this opportunity to comment on this important initiative.

Sincerely,



Mark Peacock, P. Eng.
C.A.O. / Secretary-Treasurer
Lower Thames Valley Conservation Authority

EBR Posting 013-5018 – Modernization of Conservation Authority Operations and to Schedule 2 Bill 108 – LTVCA Comments

| Change | Details of Change | LTVCA Comments |
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| <p>Non-mandatory programs</p> | <p>Municipality can choose which non-mandatory programs to opt into</p> | <p>The potential fragmentation of the core watershed principles that Conservation Authorities are based on, which as proposed, will lead to inconsistent and inefficient program delivery across the watershed. LTVCA strongly objects to changing the core purpose of a CA from that of a watershed manager to that of a flood manager. Issues such as flooding can only be addressed through proactive watershed management. Reactive actions such as building flood defences are costly and ultimately ineffective. The goal of a healthy watershed with healthy communities can only be achieved with consistent natural hazard, natural heritage and watershed conservation programs.</p> <p>This legislation if passed would transfer components of budget decision making to municipal councils from the CA Board of Directors. The LTVCA encourages a review of current training for CA Boards and municipalities with an emphasis on member roles, powers and responsibilities, as a reminder that program and budget control is already fully within municipal power. The existing governance structure was designed for this level of control; it seems more efficient to maximize the effectiveness of the existing governance structure through training than to create a new administrative tool that will greatly</p> |

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| | | <p>complicate the process, as well as create an additional administrative burden. It is unclear why a government that wants to reduce red tape and improve efficiencies is creating such a complicated and time consuming process for watershed management programs and services CA Boards deem necessary to provide.</p> |
| | <p>Phosphorus reduction program Source Water Protection</p> | <p>The reduction of phosphorus in the Thames River and Lake Erie tributaries is as important as the protection of the Lake Simcoe watershed and must be considered a core program of the Lake Erie Conservation Authorities. Federal and Provincial commitments regarding this reduction can only be met with many of the non-core or non-mandatory (e.g. restoration and water quality programs) currently being offered by the Lower Thames Valley Conservation Authority.</p> |
| | | <p>Other programs and services delivered by conservation authorities in support of Provincial priorities and commitments (e.g. focused surface water quality testing and groundwater monitoring) are critical to their success and must be considered core programs of Conservation Authorities</p> |
| <p>Clearly defined core mandatory programs</p> | | <p>LTVCA supports clearly defined mandatory programs but this must include integrated watershed management programs.</p> |
| <p>Increase transparency</p> | <p>Municipal levies for mandatory and non-mandatory programs and services</p> | <p>Core mandatory programs and supporting programs levies should be developed through the CA board through a transparent process which can be revised but maintenance of</p> |

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| | | watershed scale programs must not be jeopardized in the process. |
| Transition period (18 to 24 months) for agreement development for non-mandatory programs and services | | <p>The transition period should extend to the end of the current municipal election cycle. This would provide additional time that will be required to draft, and develop agreements with municipalities, and allow for consideration of how these new agreements may be implemented within the context of current levy approvals and apportionment processes, provide for consideration of capital/operational cost and associated apportionments.</p> <p>The LTVCA suggests development of a single municipal agreement with all member municipalities within the watershed to ensure that program delivery, budgeting and fee schedules, and program development is developed and delivered at the intended watershed scale.</p> <p>An 'opt in' or 'opt out' scenario would create less efficient programs, which is not in keeping with the intents of the Made-in-Ontario Environment Plan or the Government's goal of simplifying review processes and adding clarity to review processes.</p> |
| Enable the Minister to appoint an investigator | investigate or undertake an audit and report on a conservation authority | Should provincial investigations lead to a recommendation of an audit, the Board of Directors of the Authority should be given the opportunity to address concerns prior to a costly audit being undertaken. |
| duty of conservation authority board members | act in the best interest of the conservation authority, similar to not-for profit organizations | The LTVCA supports this recommendation. The LTVCA questions whether the Act may have to change to allow this to occur. |

General Comments:

1. The timeline for this Bill is very short, leaving CA's with a very tight window to properly consult and implement with watershed communities and municipalities. Will need to consult with all of our member municipalities to understand how proposed changes will impact them and eventually to establish MOU's, and/or consistent MOU's for all 10 of our members.
2. CAs are watershed and natural resource management agencies. Watershed management has been the foundation for all CA programs and services since the inception of conservation authorities in the 1940s. The Conservation Authorities Act established in 1946 was predicated on responding to local issues on a watershed scale. CAs can assist the Province and local municipalities in addressing climate change and natural resource related issues at the watershed scale and with the buy-in of local communities. This approach is the best and most cost efficient solution for these issues.
3. Of critical importance will be the development of standards and requirements for each of the core mandatory program areas and what constitutes eligible activities within each of the mandated areas. The core mandatory programs and services are supported and should include the following key elements:
 1. **Natural hazards (management)** - Natural Hazard Information and Management Actions; Flood Forecast and Warning; Ice Management; Water Control Infrastructure; Section 28 Regulation under the Conservation Authorities Act; Plan Review and EA Review for Natural Hazards; Low Water Response; and, Flood and Erosion Control and Low Flow Augmentation Infrastructure. All these elements must be brought together in proactive and integrated watershed management and planning.
 2. **Conservation and management of conservation authority lands** - Conservation Land Information and Management Planning; Section 29 Regulation under the Conservation Authorities Act; and, Recreation Water Control Infrastructure
 3. **Drinking water source protection** - Administering Source Protection Committees (SPCs); Assisting the SPC in the latter's powers and duties to be carried out under the Clean Water Act; Assisting partner SP Authorities in the source protection region (SPR); Updating Source Protection Plans; Delivering annual progress reports; and, Policy implementation and integration
 4. **Protection of the Lake Simcoe watershed** - that which is identified by the Lake Simcoe Region Conservation Authority. (n/a)