



**CATARAQUI REGION  
CONSERVATION AUTHORITY**

**DATE: MAY 22, 2019**

**REPORT # IR-037-19**

**TO: FULL AUTHORITY BOARD**

**FROM: ROB MCRAE, MCIP, RPP  
ACTING GENERAL MANAGER AND  
MANAGER, CORPORATE SERVICES**

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**1.0 TYPE OF REPORT**

**CONSENT ITEM**



**ITEM FOR BOARD CONSIDERATION**



**2.0 TOPIC**

**CATARAQUI REGION CONSERVATION AUTHORITY COMMENTS ON  
ENVIRONMENTAL REGISTRY POSTINGS 013-4992 AND 013-5018**

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**3.0 RECOMMENDATION**

**THAT** Report IR-037-19, Cataraqui Region Conservation Authority Comments on Environmental Registry Postings 013-4992 and 013-5018, BE RECEIVED;

**THAT** the Cataraqui Region Conservation Authority comments to the Ontario Ministry of Natural Resources and Forestry on Environmental Registry Posting 013-4992: Focusing Conservation Authority Development Permits on the Protection of People and Property, dated May 17, 2019, BE ENDORSED;

**THAT** the Cataraqui Region Conservation Authority comments to the Ontario Ministry of the Environment, Conservation and Parks on Environmental Registry Posting 013-5018: Modernizing Conservation Authority Operations – Conservation Authorities Act, dated May 17, 2019, BE ENDORSED; and,

**THAT** copies of the letters be provided to municipalities in the Cataraqui Region.

#### 4.0 PURPOSE

To recommend that the Board of the Cataraqui Region Conservation Authority (CRCA) endorse comment letters that were submitted by CRCA staff to the Government of Ontario on May 17, 2019 regarding two Government proposals.

#### 5.0 BACKGROUND

The Government of Ontario posted two proposals on the Environmental Registry on April 5, 2019 that relate directly to conservation authority operations. Comments were invited by May 21, 2019. Each proposal is summarized below.

##### Environmental Registry Posting 013-4992: Focusing Conservation Authority Development Permits on the Protection of People and Property

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 Government 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.

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Environmental Registry Posting 013-5018: Modernizing Conservation Authority Operations – Conservation Authorities Act

The Ontario government seeks to amend the *Conservation Authorities Act* to: (1) define mandatory programs for conservation authorities; (2) refine how CAs receive funding from participating municipalities for mandatory and non-mandatory programs; (3) enable the Minister to commission reviews of conservation authority operations; and, (4) clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.

Proposed amendments to the *Conservation Authorities Act* are outlined in Schedule '2' to Bill 108, which received 1<sup>st</sup> Reading in the Legislative Assembly of Ontario on May 2, 2019. The text of Bill 108 is available for review on the Legislative Assembly of Ontario website: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>.

## 6.0 STRATEGIC PLAN

This report supports Goal 'F' in the Strategic Plan, Cataraqui to 2020:

*To operate an efficient and financially sound organization that provides excellent service to the community; promotes best environmental practices; and that offers a healthy, positive and nurturing workplace environment for staff, members and volunteers.*

- Maintain a positive image in the community.
- Make customer service a top priority in all work areas.
- Maximize the efficient use of time and resources to avoid waste.
- Demonstrate leadership in environmental design as well as energy and materials conservation.
- Maintain up-to-date corporate policies.

## 7.0 INPUT FROM OTHER SOURCES

Staff from all Conservation Authority departments contributed to the CRCA comments. Staff also considered the draft comments that were compiled from all 36 conservation authorities by Conservation Ontario, as well as the Conservation Ontario submission on posting 013-5018 (May 10, 2019). The Manager, Corporate Services attended a Conservation Ontario meeting on May 13, 2019 where the subject proposals were discussed by the conservation authority general managers.

Draft CRCA comment letters were circulated to the Board for review on May 14, 2019. Board Members expressed their general support for the draft CRCA comments and offered suggestions to clarify and augment the text. Changes were made to the comment letters to reflect this feedback.

## 8.0 ANALYSIS

CRCA staff submitted a comment letter via the Environmental Registry regarding Posting 013-4992 (Focusing Conservation Authority Development Permits on the Protection of People and Property) on May 17, 2019 ([Attachment 1](#)).

Staff concurrently submitted a comment letter regarding Posting 013-5018 (Modernizing Conservation Authority Operations – Conservation Authorities Act) ([Attachment 2](#)); that letter indicates support for the comments submitted by Conservation Ontario on May 10, 2019 ([Attachment 3](#)).

The comments submitted by CRCA staff are in-keeping with those prepared by Conservation Ontario and reflect our current understanding of the Ministry proposals. Staff anticipate that there will be opportunities for CRCA to review and comment on draft regulations.

## 9.0 FINANCIAL IMPLICATIONS

There are no immediate financial implications arising from the subject proposals. As discussed below, there may be financial implications for CRCA in 2020 and thereafter if the proposals are approved.

Posting 013-4992 contemplates a new regulation for development activities. CRCA may receive less revenue for processing development permits if low-risk activities are exempted from permit requirements under the new regulation.

Revenue could also be affected by the proposals outlined in Posting 013-5018 and Bill 108. Notably:

- Proposed amendments to the *Conservation Authorities Act* would require that CRCA obtain the agreement of each municipality before levying for ‘non-mandatory’ programs. Concerns about this proposal are identified in the comment letter and in the submission by Conservation Ontario.
- The drinking water source protection program has been fully funded by the Province since its inception in 2005. If source protection is categorized as a mandatory program under Section 21.1 of the *Conservation Authorities Act*, as proposed in Bill 108, then CAs could also levy their participating municipalities for related costs. The Ministry of the Environment, Conservation and Parks has not indicated how this program will be funded beyond the 2019/20 program year.

## 10.0 CONCLUSION

The Government of Ontario has invited comments on two proposals for changes to conservation authority operations. Comments on each proposal were prepared by CRCA staff in consultation with the Board, and submitted to the Environmental Registry on May 17, 2019. Staff are recommending that the submitted comments be endorsed by the Board.

Respectfully submitted,

*(Original signed by)*

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

### Attachments:

- (1) CRCA Comments to the Ontario Ministry of Natural Resources and Forestry on Environmental Registry Posting 013-4992 (Focusing Conservation Authority Development Permits on the Protection of People and Property) (May 17, 2019)
- (2) CRCA Comments to the Ontario Ministry of the Environment, Conservation and Parks on Environmental Registry Posting 013-5018 (Modernizing Conservation Authority Operations – Conservation Authorities Act) (May 17, 2019)
- (3) Conservation Ontario: Key Recommendations for Modernization of Conservation Authority Operations and Schedule 2 of Bill 108 (ERO 013-5018) (Submitted May 10, 2019)



**CATARAQUI REGION CONSERVATION AUTHORITY**

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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



**CATARAQUI REGION CONSERVATION AUTHORITY**

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May 17, 2019

Ms. Carolyn O'Neill  
Great Lakes and Inland Waters Branch  
Ontario Ministry of the Environment, Conservation and Parks  
40 St Clair Avenue West, Floor 10  
Toronto, ON M4V 1M2

Dear Ms. O'Neill,

**RE: CATARAQUI REGION CONSERVATION AUTHORITY COMMENTS ON ENVIRONMENTAL REGISTRY POSTING 013-5018: MODERNIZING CONSERVATION AUTHORITY OPERATIONS – CONSERVATION AUTHORITIES ACT**

Cataraqui Region Conservation Authority (CRCA) staff are writing to provide comments on the above-noted Environmental Registry posting, along with Schedule '2' to Bill 108, for consideration by the Ontario Ministry of the Environment, Conservation and Parks. These comments have been prepared in consultation with the CRCA Board.

Summary of Posting

The Ontario government seeks to amend the *Conservation Authorities Act* to: (1) define mandatory programs for conservation authorities (CAs); (2) refine how CAs receive funding from participating municipalities for mandatory and non-mandatory programs; (3) enable the Minister to commission reviews of conservation authority operations; and, (4) clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.

Proposed amendments to the *Conservation Authorities Act* are outlined in Schedule '2' to Bill 108, which received 1<sup>st</sup> Reading in the Legislative Assembly of Ontario on May 2, 2019.

### CRCA Comments

- CRCA staff support the comments that were submitted by Conservation Ontario regarding this posting on May 10, 2019.
  
- Regarding the proposed list of mandatory programs:
  - Bill 108 indicates that CA mandatory programs would be defined at Section 21.1 of the *Conservation Authorities Act* as those related to: (1) natural hazards; (2) conservation lands; (3) drinking water source protection; and, (4) other legislation (as prescribed by regulation).
  
  - With respect to natural hazards, CRCA staff request that CAs be afforded opportunities to contribute to the new task force that will consider the risk of flooding hazards in Ontario. A successful and longstanding partnership between the Province of Ontario, conservation authorities and municipalities has helped communities in CA watersheds to avoid or mitigate flood damages and the high costs of flood response and rebuilding.
  
  - CRCA staff request that “Conserving Natural Resources” be listed as an additional mandatory program.
    - Conserving natural resources is acknowledged in the Made-in-Ontario Environment Plan (2018) as part of the core mandate of conservation authorities. As described in the comments submitted by Conservation Ontario (May 10, 2019), the 36 CAs offer a range of programs and services, suited to their watersheds and communities, to achieve natural resource conservation and support efforts by community partners.
  
    - CAs undertake environmental monitoring to understand the present and evolving condition of natural resources on a watershed basis. This foundational knowledge is reported to local communities and partner organizations. It supports decision-making and successful outcomes in the other proposed mandatory programs, contributes to the conservation of natural heritage and water resources, and supports climate change adaptation.

- CAs also work to improve environmental conditions through stewardship initiatives, and share practical knowledge via education programs for people of all ages.
- It is essential that CAs continue to be enabled to deliver programs that conserve natural resources on a consistent, watershed-wide basis.
- The implementing regulations should be prepared in consultation with CAs, municipalities and other stakeholders.
  - There is a need to appropriately define the scope of each mandatory program area in the implementing regulations, while continuing to allow for variations between the CAs that reflect local watershed needs.
  - The effective delivery of the mandatory programs relies upon administrative and corporate services support (e.g. Board, management, accounting, communications, information technology). The scope of the programs should be defined accordingly.
- Regarding funding for conservation authority programs:
  - CRCA staff interpret Bill 108 to mean that CAs could continue to levy municipalities for mandatory programs (Section 21.1) but would need to enter into agreements with municipalities to collect revenues from them for non-mandatory programs (Sections 21.1.1 and 21.1.2).
    - CRCA staff concur with the concerns raised by Conservation Ontario (May 10, 2019) regarding: (1) the administrative burden of the proposed approach; (2) the potential for the inconsistent delivery of non-mandatory programs within CA watershed jurisdictions; and, (3) the loss of financial economies of scale.

- CRCA staff request that the Ontario government continue to provide funding and technical support for CA natural hazard programs.
  - CAs have worked with the Province, municipalities and others to successfully mitigate the impacts of flooding for more than 70 years.
  - The Made-in-Ontario Environment Plan (2018) identifies the increasing risk posed by flooding from extreme weather events. In this context, Provincial funding support and updated technical guidance for tools such as floodplain mapping, flood forecasting and warning, and water control structures will be necessary to protect life and property from harm.
  
- The proposed amendments to the *Conservation Authorities Act* would enable CAs to levy municipalities for drinking water source protection program costs. However, sole reliance on municipal funding for this Provincially-mandated program would result in uneven funding across Ontario. Further, if municipalities are compelled to cover the full cost of drinking water source protection, then they may not have funds available for other important but non-mandatory CA programs. CRCA staff request that the Ministry continue to provide funding support for drinking water source protection.
  
- Regarding a transition period:
  - The Environmental Registry posting indicates that there would be a transition period for CAs and municipalities to enter into agreements regarding non-mandatory programs.
    - CRCA staff request that any transition period extend to at least December 2022 to coincide with the current term of municipal councils and allow enough time for related dialogue.

- Regarding Provincial reviews of conservation authority operations:
  - Bill 108 includes proposed additions to Section 23.1 of the *Act* whereby the Minister could appoint an investigator to review the operations of a CA and may require the CA to pay all or part of the related costs.
    - CRCA staff anticipate that such reviews would be uncommon, and that most issues can be resolved through dialogue and information sharing between the Ministry and CA Boards.
    - CRCA staff recommend that the terms “investigator” and “investigation” in Bill 108 be replaced with “auditor” and “audit” (or “review”) to communicate that such reviews would be undertaken in a cooperative manner.

Regarding the duty of Board members:

- Bill 108 proposes to add section 14.1 to the *Act* to require that: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority.”
  - CRCA passed an Administration By-Law in 2018, pursuant to Section 19.1 of the *Act*, that includes a Code of Conduct for CRCA Board members. The language and intent of the Code of Conduct is consistent with the proposed legislative amendment.

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 horizontal line and the year '2014'.

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



## Key Recommendations for Modernization of Conservation Authority Operations and Schedule 2 of Bill 108

(ERO 013-5018)

Submitted May 10, 2019

*The following are recommendations submitted by Conservation Ontario to Environmental Registry Posting 013-5018, **Modernization of Conservation Authority Operations** and to **Schedule 2 Bill 108**.*

**Recommendation #1: THAT Schedule 2 *Conservation Authorities Act (CAA)* of Bill 108 be deferred from enactment to provide CAs with an adequate opportunity to consult with their member municipalities**

The ERO 45 day comment period and the introduction of amendments to the CAA as part of the Housing Supply Action Plan is not conducive to the conservation authorities' (CAs) abilities to explain or seek comment back from Boards of Directors or adequately communicate with member municipalities in a meaningful way. Especially not during operational pressures of the flood season and with the additional pressure of an in-year provincial funding cut of 50% to the flood management program. The conservation authorities are still trying to adapt to the loss of funding (and the ripple effects of other reductions such as the 50 million tree program) and how that will impact the member municipalities. Additionally, CAs have not had the opportunity to discuss the posting and proposed legislation as a collective (i.e. Conservation Ontario Council).

**Recommendation #2: THAT the mandatory programs and services [proposed Section 21.1 (1)], to be prescribed in regulation, be supported and include the addition of: Conserving natural resources**

Conservation authorities are concerned about defining and limiting a CA's core mandatory program to the items listed in the ERO and Bill 108 (i.e. natural hazards, conservation-owned lands, source water protection, Lake Simcoe watershed). While these are supported as core mandatory programs and services, they fail to recognize the critical role that CAs play as a watershed and natural resource management agencies. As outlined in the *Conservation Authorities Act (CAA)*, the objects of an authority are to "provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources..." (Sec. 20(1)). Further, for the purposes of accomplishing its objects, an authority has the power to "study and investigate the watershed and to determine programs and services whereby the natural resources of the watershed may be conserved, restored, developed and managed" (Sec. 21(1)(a)). Watershed management has been the foundation for all CA programs and services since the inception of conservation authorities.

Residents of all watersheds rely on clean and sustainable drinking water, breathable air, green spaces and healthy rivers and streams for recreation, healthy soils, forests and wetlands that provide habitat for wildlife, as well as public health and many other benefits. Being in nature restores people and helps



them to stay active and healthy. The *Conservation Authorities Act* established in 1946 was predicated on responding to local issues on a watershed basis.

Including “conserving natural resources” as a mandatory program and eligible for municipal levy would recognize the important role that CAs play in protecting the function and resilience of natural resources at the watershed level. This would be consistent with the “Made-in-Ontario Environment Plan”, which states that conserving natural resources is part of a CA’s core mandate. CAs can assist the Province and local municipalities in addressing climate change and natural resource related issues at the watershed scale which is most cost efficient.

This role of CAs in undertaking programs on a watershed scale would be covered by mandatory programs and services under “conserving natural resources”. It would basically include the key elements of watershed management such as water quality and water quantity and vegetative cover monitoring and modelling on a watershed basis to support multiple objectives that are relevant to the watershed jurisdiction, including improvements to Great Lakes water quality, watershed resilience to climate change (e.g. flooding, biodiversity) and land use change (e.g. urbanization, agricultural intensification). In addition to education programs and community engagement, and land acquisition considerations, it would also include other watershed scale programs such as rural and urban stewardship with local landowners and agencies that improves and protects water quality and quantity and watershed biodiversity through restoration, rehabilitation and green infrastructure.

**NOTE: In the absence of implementing the above mandatory program and service** then it is imperative that the watershed management activities that advise or reinforce the ability to deliver on the mandatory programs (i.e. natural hazards, source water protection (including Great Lakes) and management of CA conservation areas/lands), be included in the prescribed regulations. These are further described in Recommendation #3 re: Standards and Requirements. In effect, as currently proposed, this would mean that watershed management programs and services related to biodiversity (e.g. management of fish and wildlife habitat, studies and advice on natural heritage, invasive species and endangered species management) and associated education programming would not be eligible for watershed-wide municipal levy support without the agreement of each individual municipality.

**Recommendation #3: THAT the scope of standards and requirements to be prescribed in regulations capture all key elements of the mandatory program and service area, as well as, foundational watershed management and climate change adaptation activities required to support a CA’s ability to deliver on the mandatory program and service while respecting the fact that all eligible activities may not be relevant for every watershed**

**AND THAT these be developed in consultation with conservation authorities, municipalities, and other stakeholders.**

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; 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
2. Conservation and management of conservation authority lands - Conservation Land Information and Management Plans; 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.

The standards and requirements need to be framed to allow the specifics of each CA's jurisdiction to dictate the relevance/applicability of each. For example, each CA has different natural hazards with different levels of risk based upon the specific geography of their jurisdiction and, as a further example, some CAs do not have flood and erosion control infrastructure (e.g. dams) to maintain or operate.

If "conserving natural resources" (see Recommendation 2) is not identified as a core program area to reflect the strong watershed management perspective of CAs, then foundational watershed management activities should be identified in the implementation regulations as key components required to carry out the proposed core program areas. As well, the activities described in regulation for each of these core mandatory programs and services should enable our ability to support climate change adaptation as per Ontario's Environment Plan. It is critical that the Ministry consult with conservation authorities, municipalities, and other stakeholders on the development of the regulations outlining the requirements for all mandatory program areas (listed above).

The following paragraphs summarize the relevance of the foundational watershed management activities to the proposed mandatory programs and services:

Watershed management provides the necessary understanding and knowledge of watershed natural resources to effectively make informed decisions and carry out natural hazard protection and management, conservation and management of conservation authority lands and source water protection. Watershed management involves examining the environment and human activities within a watershed area and assesses the relationships between these activities to determine how the natural hazards, conservation areas and water resources of the watershed should be managed to ensure the health and safety of people and the protection of property, that conservation lands retain and enhance their ecological integrity and source water is protected.

Natural Hazards - By applying a holistic approach to watershed management, a range of factors are taken into consideration such as water quality/quantity, significant water features, precipitation, climate water balance, water budgets and the hydraulic cycle. This work provides the foundation upon which natural hazards (e.g. flood and erosion) can be evaluated. Watershed management provides the necessary understanding of the overall system and subsequently guides management actions needed to reduce the risks of natural hazards.

Conservation and management of conservation authority lands - Conservation authority lands often include a watershed's most ecologically sensitive and robust areas. These areas support flood resiliency, filter air and water contaminants, and protect drinking water resources. Watershed management provides the necessary understanding of the overall health of the watershed and subsequently guides conservation and management actions needed to ensure the health of conservation areas.

Source Water Protection - The scientific work, modelling and data collection that is conducted through watershed management supports the science of source water protection. The water budgets, continued monitoring of water quality and water quantity as well as the modelling of surface water, groundwater and climate factors all provide the data and detail necessary to identify threats, risks and opportunities with respect to our drinking water resources. This information, consolidated with land use information, climate modelling and watershed stressors can identify potential future risks and threats to our drinking water resources and guides management actions needed to reduce the risks.

**Recommendation 4: THAT the government remove the requirements for individual Municipal Council budget agreement for watershed-based programs called "other programs and services"/ non-mandatory**

**AND THAT updates to the municipal levy regulation and training be developed in collaboration with conservation authorities and municipalities**

The ERO posting and Bill 108 propose to fundamentally change the CA/municipal funding relationship. As a general comment, it is agreed that CAs should be transparent in how they levy municipalities for both mandatory and non-mandatory programs and services. It is further agreed that CA budgets should be presented to their municipalities on an annual basis and distinguish levy funded programs from those that are not. Modern transparency standards for levy review and service agreements/memorandum of understandings for programs and services that the CA is undertaking on behalf of an individual municipality are supported.

The creation of conservation authorities recognized that water does not stop flowing at political boundaries and that there are economies of scale through cost sharing. Members of the Board of Directors are appointed by all involved municipalities, and this watershed management governance provides an essential multi-municipality perspective on which program investments will most benefit a watershed and should be supported by a municipal levy. The provincial proposal limits use of municipal levy to "mandatory programs and services" (standards and requirements to be prescribed in regulation) related to Natural Hazards, Conservation-owned Lands, Drinking Water Protection, and to Lake Simcoe

watershed protection. “Other programs and services”/non-mandatory identified by a CA Board for their watershed would need individual Municipal Council agreement on budget for them (21.1.2(2)) and accounting with each municipality that participates in order for a municipal levy to be applied. The proposal will consume resources and may unintentionally lead to financial inefficiencies and poor management of watershed resources. In effect it undermines the mandate, premise and value of the multi-municipality/watershed governance of conservation authorities.

The provision of a transition period and the ability to request an extension that has been provided in the proposed legislation is appreciated; however, this new administrative instrument appears cumbersome at best and prone to definitional challenges. It transfers components of budget decision making to municipal councils rather than with the Board of Directors. Instead we encourage 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 their 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 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.

NOTE: If Recommendation 2 is adopted then the administrative burden is reduced and this section could be retained to capture the rare circumstances when municipal levy is proposed to be used for “other programs and services”.

**Recommendation 5: THAT the Province continue to invest in the core mandatory programs and services to be delivered by conservation authorities and support CA eligibility for other provincial funding programs**

There are currently provincial transfer payments to all CAs for natural hazards (Ministry of Natural Resources and Forestry) and source water protection (Ministry of Environment, Conservation and Parks). The Province’s ‘Made-in-Ontario Environment Plan’ recognizes how issues such as climate change can impact and threaten Ontario’s economic prosperity and the well-being of its people; and states that addressing these challenges is a shared responsibility. However, the 2019 Ontario budget cut 50% of the natural hazards program funding to conservation authorities. This seems to be a contradiction to the Environment Plan commitments and is a concerning signal that the Province is on a path to reducing the remainder of its natural hazards financial support responsibilities to municipalities who, themselves, have also seen a reduction in their own provincial transfer payments as well as cuts to public health and other shared cross sector programs. This is unfair and the province is encouraged to continue its investment in these core mandatory programs and services.

Additionally, individual CAs are important on-the-ground delivery agents for numerous provincial programs through special contracts for example and it should be ensured that the eligibility of CAs for

these other provincial funding opportunities is not negatively affected and in fact, is improved. This would include provincial funding programs such as the Trillium Fund and the Canada-Ontario Agreement for Great Lakes Water Quality.

**Recommendation 6: THAT core mandatory programs may be applied to municipal levy or could utilize other sources of revenue.**

Given the instability of provincial transfer payments and additional pressures on municipal budgets from provincial cuts, the CA/municipal budget relationship should retain the CA Board's ability to charge and use fee revenues. It is our request that these core mandatory programs may be applied to municipal levy or could utilize other sources of revenue. For example, CAs want the option of using self-generated revenue to support conservation (owned) land management, in addition to, or rather than, municipal levy.

**Other Proposals – Appointment of an Investigator (proposed Section 23.1 (4 – 8)); Duty of Members (proposed Section 14.1)**

These proposals are supported. With regard to investigations, it is assumed that given the costs of an investigation are to be borne by the Authority that some measures would be established to determine the reasons why an investigation may be initiated and whether or not concerns can be first addressed through a Board process.

Any questions regarding this submission can be directed to Bonnie Fox (Manager of Policy and Planning) at [bfox@conservationontario.ca](mailto:bfox@conservationontario.ca) or 905-895-0716 ext 223.