
May 21, 2019

PROJECT NUMBER 00001

Submitted to: Ministry of the Environment, Conservation and Parks and Ministry of Natural Resources and Forestry

**Re: Ontario Conservation Authority Act
Modernization of the Conservation Authorities Act**

Thank you for providing the opportunity to provide our input into both the Ministry of the Environment, Conservation and Parks (MECP) and the Ministry of Natural Resources and Forestry (MNR) with our recommendations responding to the Modernizing Conservation Authority operations - Conservation Authorities Act (013-5018) and the Focusing Conservation Authority development permits on the protection of people and property (013-4992) consultations.

It is our hope that the changes to the Act will create consistency across the Conservation Authorities in delivery of their core mandate of protecting people and property from flooding and other natural hazards. The criteria that defines features on the landscape such as, watercourse, floodplains and wetlands should be scrutinized, along with the studies required subsequently. A more consistent and clearer regulatory environment will facilitate approval processes for the development community and will reduce the overall cost.

On the theme of delivering their core mandate, current practices vary across the Conservation Authorities and we would be supportive of changes to the Act that would provide greater consistency in policy development and implementation.

- A review and clarification of the CA mandate is necessary as currently there are many areas of overlap with Municipal or Regional review in particular with regards to public infrastructure location and design. The design and sizing of road crossings is an area where the CA involvement and review criteria can often conflict with the Municipal, Regional or Provincial standards. Processes vary across CAs, and currently the approval process for sizing a road crossing is a negotiation and does not always consider the CA criteria or mandate. Aspirational goals for providing wildlife passage and spanning the meander belt do not consider the necessity, capital, maintenance or replacement cost of the crossing size.
- A review and clarification of the definitions and methods to identify, characterize and protect features such as watercourses, floodplains and wetlands is needed as practices vary widely across the different CAs. The criteria for establishing a floodplain should be scrutinized for appropriateness: in recent years the policies for wide shallow floodplains have changed and the floodplain threshold drainage area has changed from 125ha to 50ha or less. Current definitions for wetland features and buffers are too broad and result in the maintenance of isolated features that sometimes creates inefficiencies and increase the costs for public infrastructure.
- We are concerned that some CAs provide comments on planning matters outside their scope of review because of the lack of understanding in their roles and responsibilities.
- Clear delineation is needed in terms of defining the CA roles for Regulation matters versus their commenting role under the Planning Act. Currently it is not clear, and we believe that there should not be delays in an application due to advisory comments from the CA.

On the theme of consistency across the CAs, current requirements vary when it comes to the studies, modeling, and monitoring requirements needed to characterize and maintain a watercourse, woodlot or wetland feature.

- Currently there are multiple agencies who have responsibility for identifying and protecting wetlands and the requisite studies vary depending on the location of the wetland. It is our hope that one agency will ultimately be responsible for the identification and preservation of wetlands, and that on-line or riparian wetlands are recognized as having greater outside influences from upstream, than that of small or isolated features. In some locations feature based water balance and three years' worth of monitoring data is needed to characterize a feature's hydroperiod and for on-line features, we believe that feature based water balances is not an appropriate requirement, as upstream drainage is more often the predominant influence over the hydroperiod, and not the tablelands immediately adjacent.

On the theme of streamlining the process for the development community the focus should be on ensuring that the appropriate agency is responsible for reviewing and approving technical information as currently there is often duplication and/or conflicting positions.

- It is our belief that the CA does not have a role to play in designing or approval of Municipal Infrastructure, and that it is the Municipality or Region, the ultimate owners of the infrastructure who should be charged with this responsibility.
- Conservation Authorities do not have the same "Corporate Memory" of a Municipality or a Region and often an element of study creep, or lengthy repetitive reporting occurs due to lack of consistency in staff understanding of technical issues.
- Pre-consultation meetings to understand the scope of work are a prerequisite for a development application, however, CA staff often add items for additional study and reporting, after the pre-consultation meeting, not respecting the original agreed upon scope.
- It is our hope that changes to the CA Act will revisit the roles and responsibilities for developing Erosion Sediment control plans for a development site. Currently the system is burdensome as an engineer must stamp and sign the ESC Plan before a permit is issued for the project by the CA. Once implemented in the field, the contractors on site have the flexibility to change and adjust the plans, rendering the stamp and signed plans irrelevant. It is our belief that the ESC plan development, implementation and monitoring should be the responsibility of the contractor and not the design engineer.

We appreciate this opportunity to provide our feedback and recommendations on the changing roles and modernization of the MECP and MNRF and believe it is important that clarification be brought to the roles and responsibilities of the CAs.

Sincerely,

THE MUNICIPAL INFRASTRUCTURE GROUP LTD.



David Ashfield, P. Eng
Founding Partner
dashfield@tmig.ca