

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 "Focusing conservation authority development permits on the protection of people and property" (ERO# 013-4992)

Dear Mr. McLeod:

Thank you for the opportunity to provide comments on "Focusing conservation authority development permits on the protection of people and property". 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 support the provinces move to update the Section 28 (S.28) regulation made under the *Conservation Authorities Act*. It is important that regulation of hazard lands is done in consultation with our local communities. As details develop regarding changes to regulation 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

ERO Posting 013-4992 – Amendment to Conservation Authorities Regulations for Development Permits – LTVCA Comments

Change	Details of Change	LTVCA Response
<p>one new regulation for all conservation authorities; replace 36 existing individual Conservation Authority regulations under Section 28 of the Conservation Authorities Act</p>	<p>Focusing conservation authority development permits on the protection of people and property</p>	<p>LTVCA supports a renewed focus on natural hazards that has been included in the Made-in-Ontario Environment Plan. A consistent regulation and approaches for conservation authority permits may support faster approvals while ensuring there are no impacts on natural hazards and public safety. Local hazard conditions must be accounted for in this regulation.</p> <p>Additional technical guidelines should be developed or similar materials made available, to ensure clarity and consistency regulations to address adapting to a changing climate, as contemplated in the Made-In-Ontario Environment Plan; Updated definitions and technical guidelines may be useful to provide further clarity</p>
<p>Proposed Amendment to Conservation Authorities Regulations for Development Permits</p>		
<p>1. Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”;</p>		<p>Conservation Authorities through Conservation Ontario have encouraged the province to define these terms in relation to natural hazards to provide clarity and minimize variation across the province.</p>
<p>2. Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation;</p>	<p>“S28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority, ... (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.”</p>	<p>Conservation Authorities play an important role in strengthening Ontario’s resilience to extreme weather events, and recommend that these definitions additionally consider climate change.</p> <p>Factors related to health and safety of persons should include:</p> <ul style="list-style-type: none"> - safe ingress and egress of people and vehicles during a flood event

		<ul style="list-style-type: none"> - health and safety of emergency responders entering flood waters - flood proofing requirements - damage to structures on the site or to other landowners (offsite impacts) - future costs to protect property or manage risk to people and property due to climate change
<p>3. Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;</p>		<p>LTVCA supports this approach for low risk activities that would not impact the hydrologic function or public safety, larger development proposals should still have the 30m to 120m applied.</p>
<p>4. Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the Drainage Act provided they are undertaken in accordance with the Drainage Act and Conservation Authorities Act Protocol;</p>		<p>LTVCA supports this approach provided development is undertaken in accordance with the Drainage Act and Conservation Authorities Act (DART) Protocol.</p> <p>CAs will still require some form of notification to ensure the potential to impact flooding does not occur.</p>
<p>5. Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;</p>		<p>The conservation authority would need to develop possible exemption policies based on the hazards and development pressures found within their watershed where there is current technical information and mapping. If there is no technical information or mapping, exemptions may not be possible without the proponent undertaking technical studies. Proponents will require regulation maps that are current and regularly maintained. Provincial investment in this process is crucial e.g. floodplain and wetland mapping.</p>
<p>6. Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;</p>		<p>LTVCA supports this and it is currently the practice.</p>

<p>7. Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries; and</p>		<p>Regulations are 'text based', and not 'map based'. Maps are useful in illustrating regulated areas, it should be noted that the text of the regulation prevails. Guidance on acceptable public notification processes would be helpful to outline options available to conservation authorities. The guidelines should consider factors such as the scale and scope of changes, alternative public notification opportunities to avoid duplication of effort. (e.g. mapping could be part of a municipal initiative that the CA is partnering in).</p>
<p>8. Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions.</p>	<p>Conservation Ontario "Client Service and Streamlining Initiative" which has the goals of 1) improving client service and accountability; 2) increasing the speed of approvals and 3) reducing red tape and regulatory burden, while not jeopardizing public health and safety or the environment in the process.</p>	<p>This is already undertaken through LTVCA municipal reporting and CO annual survey, as well as bi-monthly reporting to the Board of Directors as well as posting on our website. Clear and simple reporting requirements are needed to limit confusion, staff time and expense.</p>

All components of the above require that the Province supports the CA's in providing clear, updated technical guidelines, definitions and updated mapping, taking into account Climate Change as a factor of consideration.

As part of the update to the S. 28 regulation, it is recommended that the Province include specific elements to address extreme weather events, including:

- Updating the technical guidelines to provide provincial direction on how to include climate change considerations. These guidelines should support CA decision-making for both planning and permitting functions;
- Standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including increasing resiliency;
- Ensuring that the definition of "conservation of land" ties to the CA role in mitigating and adapting to climate change impacts.

