

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
PART ONE: Programs and Services Delivered by the Conservation Authorities			
1. Mandatory Conservation Authority Programs and Services Regulation			
A. Mandatory Programs and Services Related to the Risk of Natural Hazards			
4	“As a result, conservation authorities, with their watershed-based jurisdictions, are able to provide a fuller resource perspective to their municipalities and the Province that supports managing inter-municipal as well as provincial natural resource issues like flooding, drought, erosion, sedimentation and water quality.”	Agreed. CAs need to evaluate these issues on a Watershed scale and can set high level objectives at a Master Planning, SWS/EA level (at most). Generally, CAs should move local reviews at the site plan and subdivision level to municipalities of a certain scale who have qualified professional staff to review impacts to the SWS.	None. Municipalities recognize the importance of conservation authorities within the policy context to deliver subwatershed-based programming.
4	“Mandated by the Province (mandatory) and may be funded by provincial grants and/or conservation authority self-generated revenue (e.g. user fees). Where such revenue sources cannot finance the entire costs of those programs, the costs must be raised through the municipal levy. ”	There is currently limited funding source from Province, hence mandatory services will fall to municipal levy in majority of cases.	Funding from the province should be considered for new mandatory programs required under the CAA changes.
5	1. Mandatory CA Programs and Service Regulation General	The Act should allow for municipalities to audit the mandatory services versus non-mandatory services.	Add language regarding municipal audits.
5	Categories of programs and services listed A-F.	“A. Risk of Natural Hazards” requires clarification. B-F are appropriate.	Add to A. "at a subwatershed or Master Planning scale or where provincial interests lie."
5/6	“This program shall be designed to: • identify natural hazards;	This language is ambiguous. Better to remove and start with the detailed sections that follow.	Please remove text.

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
	<ul style="list-style-type: none"> • assess risks associated with natural hazards including impacts of climate change; • manage risks associated with natural hazards; and • promote public awareness of natural hazards.“ 		
6	<u>Mandatory Programs and Services related to the Risk of Natural Hazards include:</u>		
	1. “Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities’ role in commenting on Environmental Assessment Act, Drainage Act, Aggregate Resources Act, Niagara Escarpment Planning and Development Act proposals.)”	Starts with “Where appropriate,” which implies the service non-mandatory. Should this read “where applicable?”	Please clarify or move this text to non-mandatory.
	2. “Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the <i>Planning Act</i> (excluding policies associated with wildland fires) in accordance with Provincial One Window Planning Service protocols, including, when appropriate, <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.”	Starts with “When appropriate,” which implies the service non-mandatory. Should this read “when applicable?”	Please clarify or move this text to non-mandatory.
	7. “Collection, provision, and management of information as needed to support the conservation authorities to: <ul style="list-style-type: none"> • delineate and map hazard areas; 	Please clarify to which natural hazards this applies. Our understanding is that hazard areas include flooding, erosion and natural	Please clarify the definition of hazard areas as it relates to this bullet in the mandatory section. Add

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
		heritage. The Provincial document “Protecting People and Property: Ontario’s Flooding Strategy” (March 9, 2020) states floodplain updates are the role and responsibility of the municipality and that the municipality may choose to request the CA to complete this work. Floodplain updates may apply at the subwatershed scale, but municipalities should be permitted to address local updates.	floodplain updates within city limits to non-mandatory.
	<ul style="list-style-type: none"> develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority’s jurisdiction, including shorelines and rivers; 	No comment.	
	<ul style="list-style-type: none"> study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard); study stream morphology; 	Clarify if these studies are at a provincial/SWS level. Local monitoring of urban creeks should be conducted by the municipality or as a non-mandatory CA service.	Please add this to non-mandatory for urban environments.
	<ul style="list-style-type: none"> study the potential impact of changing climatic conditions on natural hazards; and study design to mitigate natural hazards.” 	This may be appropriate at a subwatershed wide scale; however, municipalities will undertake this work within the city limits as they are responsible for the budget associated with infrastructure upgrades.	Please clarify or move this service to non-mandatory.
F. Mandatory Programs and Services Prescribed in Regulations			
16	<p>“Introduction: The <i>Conservation Authorities Act</i> also allows for the prescribing of ‘other’ programs and services not listed in</p>	It may be challenging for CAs and municipalities to agree to terms in this short	

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
	previous mandatory categories. These ‘other’ programs and services must be prescribed within a year after the end of the transition period. Within this year municipalities and conservation authorities are to create an inventory of their programs and services and enter into agreements for municipal funding of non-mandatory programs and services through a municipal levy, where applicable.”	time period. Is there a mediation process offered by the province to resolve conflicts?	
16/17	1. Core Watershed-based Resource Management Strategy: “The results may inform an adaptive management approach to address the issues or threats that these mandatory programs and services may be addressing such as mitigating the risk from the impacts of natural hazards . A successful strategy should also help ensure effective and efficient use of funding, especially of the municipal levy.”	Mitigating risk is often a municipal responsibility to fund and execute through infrastructure improvements or implementation of planning policy.	This should be non-mandatory.
17	“To capture the value of the broader watershed and resource management perspective that conservation authorities have, the ministry is proposing that each conservation authority be required to develop a core watershed-based resource management strategy that documents the current state of the relevant resources (principally water resources) within their jurisdictions in the context of the mandatory programs and services described in this section of the Guide.”	This may be suitable at the appropriate scope and scale and at a subwatershed level; however, there is currently no funding in place to develop this strategy.	Provincial funding should be made available to fund this initiative.
17	“For example, the mandatory programs and service for the risk of natural hazards requires conservation authorities to undertake watershed-based collection, provision, and management of information as needed, including to study: • surface water flows and levels (e.g. low/peak flow, water budget, surface / groundwater interactions, flood hazard);	Municipality should take lead in city centres to provide information to CAs.	Please clarify in the text.

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
	<ul style="list-style-type: none"> • stream morphology; and • the potential impact of changing climatic conditions on natural hazards.” 		
17	“The resource management strategy could also be informed by the development of the mandatory authority land acquisition and disposition strategy or policy detailed above.”	Are the CAs to acquire natural heritage lands to connect CA owned lands? It is possible that a conflict of interest could arise.	Please remove this statement.
18	<p>“The Ministry is proposing that the core watershed-based resource management strategy could include the following components:</p> <ul style="list-style-type: none"> • guiding principles and objectives; • characterization of the current state and management of the natural resources related to the mandatory programs and services, in specific watersheds (if appropriate) or at the authority’s jurisdictional scale; • scope of the strategy; • details of existing technical studies, monitoring frameworks, relevant provincial policy and direction; • analysis and plan of potential actions for more effectively implementing the mandatory programs and services on an integrated basis; and • annual reporting on the accomplishments, outcomes, impacts of the strategy.” 	<p>Unsure if CAs have the appropriate staff or expertise to lead studies of this scope and scale. There is currently no budget available to undertake this work.</p> <p>Municipalities should lead urban studies and not be levied for subwatershed based studies for which we may have no control.</p>	<p>Provincial funding should be made available to fund this initiative.</p> <p>Clarify text to identify that the study relates to higher level provincial policy initiatives.</p>
18	<p>Mandatory Programs and Services that be incorporated in the strategy (Table):</p> <p>Flood and Erosion Control Infrastructure Operation</p>	“CA Lead” should only apply to CA Owned infrastructure. There should be an MOU for non-CA owned.	Move to non-mandatory programs.

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
	Currently: CA Lead		
18	Natural Hazard (Floodplain) Mapping for Land Use Planning Currently: Municipality Leads, CA Delivers	Clarify “CA Delivers at the request of the Municipality”	Move to non-mandatory programs.
18	Water Quantity and Quality Monitoring Currently lists: MECP lead, CAs monitoring/data	Provincial network = Yes. However, there is also local monitoring conducted by Municipality in accordance with Environmental Compliance Approvals (ECA) or otherwise. In these cases, CA may deliver upon request. CAs currently do not have resources to undertake this modelling.	Move to non-mandatory for municipal monitoring programs. Provincial funding would be beneficial for subwatershed-wide monitoring.
18	Please Add: Nutrient Management Strategy CA Lead, Municipalities/private landowners deliver	Please add Nutrient Management Strategy to the Other Mandatory Programs. CAs are well-placed to be involved in developing strategies to manage nutrients across the subwatershed that are contributing to algae blooms in Lake Erie (i.e., phosphorus/nitrates). This particularly applies to agricultural mitigation programs as well as urban contributions from WWTPs and SWM facilities.	Include in Other Mandatory Programs and Services
19	Non-Mandatory Programs and Services on Behalf of a Municipality (Table)		
	Subwatershed Planning Stormwater Management Development Services	Municipality should be able to engage its CA or private consultants to undertake this work.	Clarify: for all of these items, it should be “Municipal Lead, CA

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
	Natural Heritage Mapping Emergency Management Services Mapping Currently: Municipal Lead, CA Delivery		Delivers at the request of the Municipality”
20	Non-Mandatory Programs and Services an Authority Determines are Advisable (Table) Development Services to Landowners and Others Ecological monitoring	This table should be retitled to “Non-mandatory programs and services <u>as the Municipality determines are advisable.</u> ” The items mentioned may be appropriate for small municipalities without in-house expertise; however, larger municipalities would be able to provide these services.	The municipality should ultimately decide how it will meet and satisfy provincial policies.
20	2. Provincial Water Quality and Quantity Monitoring, including: a. Provincial stream monitoring program b. Provincial groundwater monitoring program	The City highly supports this initiative. Long-term provincial stream and groundwater monitoring programs have been a large data gap for evaluating trends in water resources management. This is a perfect fit for a CA lead.	We strongly support this excellent initiative.
21	Mandatory Programs and Services for Provincial Water Quality and Quantity Monitoring for conservation authorities include: a) Provincial stream monitoring program b) Provincial groundwater monitoring program	We support the scope of this monitoring for CAs to Lead.	We strongly support this excellent initiative.
22	CONSERVATION AUTHORITY COSTS NOT RELATED TO DELIVERY OF PROGRAMS AND SERVICES	The City will want to see the details of the “fixed minimal amount” to cover the CAs expenses as this amount will be directly paid for by local municipalities.	Cities to await further information.

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
	This proposal will be consulted on in phase 2 of the ministry's regulatory development along with a proposed levy regulation.		
2. Non-Mandatory Conservation Authority Programs and Services			
23	"It is proposed that conservation authorities could continue to provide non-mandatory programs and services without any municipal agreement if the programs and services are funded by revenue that is not from a municipal levy."	The services may not be desired by the municipality or considered a "value add."	Scope of all works delivered by the CA should be confirmed via MOU.
26	"the government proposes to require that the mandatory conservation authority transition plans be completed by the end of 2021. Extensions to the Transition Period The Ministry is proposing to authorize the granting of extensions to the prescribed date for completing municipal agreements where an authority, with the support of one or more participating municipality in the authority, submits a written request for the extension to the Ministry of the Environment, Conservation and Parks at least 90 days before the end date in the transition period regulation describing:"	The end of 2021 deadline is likely not realistic. However, the extension language should also be removed.	It would be preferred to make the deadlines for mandatory and non-mandatory services follow the same timeline and in advance of the upcoming provincial election. Therefore, the deadline could be to complete MOUs for mandatory and non-mandatory services by April or May 2022.
27	"The government is proposing to proclaim this un-proclaimed provision of the <i>Conservation Authorities Act</i> related to advisory boards and to develop a proposed LGIC regulation to require conservation authorities to establish community advisory boards, that can include members of the public, to provide advice to the authority."	The purpose and subject matter of the advisory boards is unclear. As a result, the value added is questionable.	Please clarify the subject matter or expected roles and responsibilities of advisory boards.
None	General - Definitions	Common definitions for Development, Wetland, Watercourse, Hazard Lands etc. would benefit the Planning Policy Statement	Please review CAA for consistent definitions.

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
 REGULATORY PROPOSAL CONSULTATION GUIDE:
 Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities**

City of London Comments submitted June 27, 2021

Page #	Reference/Text Excerpt	Comment	Proposed Change
		(PPS), Planning Act and Conservation Authorities Act. Currently, it can be confusing at times depending on the perspective taken and may need legal advice to interpret.	