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RE: Cataraqi Conservation Comments on Environmental Registry Posting 019-2986 Regulatory Proposals (Phase 1) under the Conservation Authorities Act

Dear Ms. Mikel,

Cataraqi Region Conservation Authority (Cataraqi Conservation) staff are writing in response to the Ministry of Environment, Conservation and Park's Phase 1 of 2 consultations regarding the above-noted Environmental Registry posting. These comments have been prepared in consultation with Cataraqi Conservation's Board of Directors and Conservation Authority partners.

Summary of Posting

The Province of Ontario is in the process of developing and amending regulations to support the implementation of unproclaimed amendments within the Conservation Authorities Act. On May 13, 2021, a Regulatory Proposal Consultation Guide was released outlining mandatory and non-mandatory programs and services, proposed agreements that may be required from member municipalities, criteria for Transition Plans and Community Advisory Boards, and the Minister's Section 29 regulation regarding management of own lands, after much discussion with the Conservation Authorities Working Group.

Cataraqi Conservation Comments

Cataraqi Conservation supports the general comments provided by Conservation Ontario regarding the posting.



Below are Cataraqi Conservation's comments, interpretation, and points of clarification to ensure successful implementation regarding the core mandate, governance, and accountability requirements for Conservation Authorities.

- Natural Hazards

- Clarification is required regarding whether conservation authorities are expected to deliver all mandatory programs and services within a given timeframe based on local capacity. Funding limitations are a significant barrier to completing requirements such as (1) delineating and mapping all hazard areas in their watershed, (2) operating, decommissioning, and maintaining water control infrastructure, and (3) providing ice management services. For example, Cataraqi Conservation completed a Floodplain Mapping Strategy for the jurisdiction. Based on the hundreds of lakes and watercourses within our region, the consultant report recommended a minimum of \$5 million over the next 10-years was recommended to effectively complete all the required modelling and mapping. This is unrealistic for our area and staff are reviewing alternatives and partnership strategies to achieve the required information, as internal capacity cannot achieve this mandatory requirement due to funding pressures.
- It is recommended that the study of "surface water flows" and "surface / groundwater interactions" include lakes. Within our region, understanding lake dynamics, sensitivities, and characteristics is fundamental to understanding the health of the watershed. As an example, the 2017 flooding elevated significant water levels within our inland lake communities impacting water control structure management and protection of people and property through regulating development activities along shorelines. The province is encouraged to include lakes in the definition.
- Cataraqi Conservation looks forward to the release of the updated Provincial Flood Forecasting and Warning Guidelines currently under review and is strongly in support of Ontario's Flooding Strategy which recognizes "the most cost-effective and sustainable way of reducing risks is to keep people and property out of high-risk areas". The most critical priorities are provincial updates to floodplain mapping standards, existing technical guidelines, and the necessary tools to maintain wetlands and previous surfaces.



- Cataraqi Conservation encourages the province to restore previously cut Section 39 funding, include low water response as an eligible activity, and provide rationale on the framework for funding apportionment across the various conservation authorities. In 2019, the funding was cut by 50% which results in staffing changes and reduced capacity to carry out these needed programs. Prior to 2019, there was no change in the funding model for over two decades. To successfully perform this mandatory program, municipalities need to understand how the funds are apportioned.

- Conservation Lands
 - Clarification is required regarding whether providing recreational opportunities on properties still allows for mandatory land management and maintenance costs on the property to reduce potential liability and ensure safety of staff and users (e.g., hazard tree management).
 - Cataraqi Conservation strongly supports the ability to cover multiple lands under one management plan where applicable. This approach supports the efficient use of municipal levy. To complete the development of policies and management strategies for properties, Cataraqi Conservation encourages the province to maintain flexibility on deadlines for achieving these mandatory requirements. It is recommended that the Board of Directors establish reasonable timelines for completion or should the province wish to set deadlines that a phased-in approach similar to Accessibility for Ontarians with Disabilities Act (AODA) requirements be implemented.
 - Cataraqi Conservation strongly encourages that free passive recreational opportunities (e.g., walking or wilderness trails in rural communities) should be eligible as a mandatory activity on Conservation Authority lands. As seen in recent months, these properties provide sought after outdoor recreation for mental and physical health and are highly valued by the local watershed community. In some areas, recreational usage on properties jumped to 50% more than in previous years and in some cases having these amenities open support the Conservation Authority in reducing encroachment and illegal activities.
 - The model for cost-recovery on these properties is challenging for many of the rural communities and municipalities within our jurisdiction. It is important to consider the watershed-based approach to natural resource



management and support all vulnerable populations in accessing natural spaces.

- Drinking Water Source Protection
 - o It is essential that the province continue to fully fund the Drinking Water Source Protection program as long as Conservation Authorities are required to exercise and perform the powers and duties of the Source Protection Authority and implement the eligible activities within those responsibilities. Municipalities have expressed they do not have the capacity to absorb these costs.
 - o Cataraqui Conservation encourages the province to review reporting responsibility for this program. As many of the local Source Protection Plans are progressing well in terms of implementation and are under updates, bi-annual (every other year) reporting would significantly assist staff in providing meaningful comments and engaging partners. Municipalities struggle to provide valuable feedback on a yearly basis.

- Core Watershed-based Resource Management Strategy
 - o Cataraqui Conservation strongly supports the inclusion of integrated watershed management through the mandatory development of a Watershed-based Resource Management Strategy. This provides a framework for Conservation Authorities and our member municipalities to identify and prioritize the programs and services most needed in each watershed to protect people and property from natural hazards and conserve natural resources.
 - o Clarification is requested to ensure that municipal agreements are listed as a potential funding mechanism for this initiative, as this option is unclear within the table noted on page 20 within the Consultation Guide.
 - o It is recommended that the Board of Directors establish reasonable timelines for completion and scope of implementing this strategy as an outcome of 2023 budget development once all agreements are in place. Should the province wish to set deadlines, than a phased-in approach similar to AODA requirements is recommended for implementation.



- Provincial Water Quality and Quantity Monitoring
 - o In addition to the PQWMN and PGMN programs, Cataraqi Conservation participates in Ontario Benthos Biomonitoring Network, Lake Partner Program, and hydrometric modelling to support the Provincial Watershed Report Card and support a better understanding of the state of the watershed for land acquisition strategies and valuable restoration initiatives. Clarification is requested regarding whether these initiatives are considered mandatory under these programs to support the monitoring of water quality and quantity.

- Organizational Costs
 - o Cataraqi Conservation strongly supports the inclusion of ongoing organizational costs under mandatory programs and services, as these are necessary line items to deliver all the programs and services and should therefore be apportioned to municipalities as part of levy discussions. It is unclear whether administrative costs will need to be split between mandatory and non-mandatory programs (e.g., General Manager's Office, information technology, finance, communications, etc.). Cataraqi Conservation strongly recommends that these costs remain whole to support the organization and staff capacity for implementing all programs and services at a high-quality service level. Being a smaller organization, staff take on many roles across different departments and projects and breaking this model will be very costly to the taxpayer. In addition, apportioning organizational costs based on a percentage minimum also proves to be a challenging model for smaller organizations. It is recommended that these costs be apportioned to member municipalities following the modified CVA formula as is currently implemented.

- Transition Plans and Municipal Agreement
 - o Cataraqi Conservation strongly supports the flexibility of creating agreement arrangements, as this supports efficiency and reduced administration, and the ability of the Minister to grant extensions for



completing agreements with the support of one or more municipalities. There is a concern that the timing of establishing agreements will coincide with election season. Previous years' arrangements have indicated agreements are often postponed until the new Councils are initiated. It is also recommended that multi-year agreements be part of the flexibility to reduce annual administrative overhead.

- It will be difficult to finalize a Transition Plan and municipal agreements over the next year and a half without the final regulations (including Phase 2) in place and a substantial delay may make these timelines unachievable.

- Community Advisory Boards

- As written, the intent of Community Advisory Boards can be interpreted to duplicate the work of the Board of Directors and limits the capacity of administrative staff. If Conservation Authorities are required to form a Community Advisory Board, Cataraqui Conservation recommends that the Terms of Reference as determined by the Board of Directors clearly outlines the scope of work so to not duplicate efforts. To do this effectively, it is recommended that few requirements are prescribed to enable local flexibility and effectiveness based on watersheds needs and capacity.
- Cataraqui Conservation intends to use existing community-based committees to fulfill the intent of the Advisory Board function so long as the current Terms of Reference meets any of the criteria laid out within regulation. The Administrative By-law and/or Terms of Reference will stipulate that this committee or working group fulfills the requirements of the regulation. Cataraqui Conservation's current Administrative By-Law already enables the governance and established of Community Advisory Boards, therefore, no separate regulation is needed understanding periodic updates may occur to outline the details to meet the intent of the Province.
- It is recommended that the maximum authority representation on Community Advisory Boards is increased to 20% if the province intends for at least one member of the Conservation Authority to be involved and that the minimum number of members be changed from 5 to 3 should there be less than 10 municipally appointed members on the Board of Directors.



- Section 29 Minister's Regulation

- o All public green space (conservation areas, municipal parks, provincial parks) experienced a significant increase in use during the pandemic. This increase, which is expected to continue post-pandemic, challenged Conservation Authority staff, Municipal Bylaw Officers and Provincial Park Wardens. It is recommended that a working group be formed of enforcement staff from Conservation Authorities, municipalities and the province to ensure all parties and levels of government have the tools they need to ensure the orderly use of their properties and to ensure public and staff safety and security. This may require a redesign of the Section 29 regulation to better align with the *Municipal Act* and the *Provincial Parks and Conservation Reserves Act*. Cataraqi Conservation therefore recommends a comprehensive review of the Section 29 regulation as part of the consolidation process and encourages consulting regional Conservation Authorities to gain a perspective on the challenges with enforcement, limited powers, and the significant management requirements on Conservation Authority land.

Thank you for your consideration of these comments. If you have any related questions, please contact the undersigned at kfurlanetto@crca.ca or 613-328-4324.

With kind regards,

Katrina Furlanetto, M.Env.Sc
General Manager

Alan Revill
Chair, Cataraqi Conservation
Councillor, South Frontenac

cc: Member Municipalities
Cataraqi Conservation Board Members