



June 27, 2021

Liz Mikel
Ministry of Environment, Conservation, and Parks
Conservation and Source Protection Branch
40 St. Clair Avenue West, 14th Floor
Toronto, ON
M4V 1M2

Re: Saugeen Valley Conservation Authorities Comments on “Regulatory proposals (Phase 1) under the *Conservation Authorities Act*” (ERO# 019-2986)

Dear Ms. Mikel:

Saugeen Valley Conservation Authority (SVCA) wishes to acknowledge and thank the province for the opportunity to provide comments on the “Regulatory proposals (Phase 1) under the *Conservation Authorities Act*” prior to their finalization. SVCA appreciated that the consultation period was 45 days in length, as this allowed our authority to review the regulatory documents internally and prepare appropriately for discussion with our Board of Directors. We encourage the Ministry to maintain at least a consultation period of 45 days in future Environmental Registry of Ontario (ERO) postings related to the *Conservation Authorities Act*.

Following our review of the Consultation Guide: Regulatory proposals (Phase 1) under the *Conservation Authorities Act*, we wish to make the following suggestions for the Ministry’s consideration. The Saugeen Valley Conservation Authority comments regarding the regulations proposed are organized into four sections which correspond to their layout in the Consultation Guide. The four sections are as follows:

- 1. Mandatory Conservation Authority Programs and Services Regulation**
- 2. Regulation for Municipal Agreements and Transition Period**
- 3. Regulation to Require ‘Community’ Advisory Boards**
- 4. Section 29 Minister’s Regulation**

1. Mandatory Conservation Authority Programs and Services Regulation

a) Mandatory Programs and Services Related to the Risk of Natural Hazards

- The proposed list of programs to address the risk of natural hazards is generally robust and complete. However, the list does not recognize the important role that stewardship projects and a fulsome stewardship program including such activities as tree planting and wetland restoration, play in mitigating flood and drought conditions by reducing runoff, increasing infiltration, and providing storage of water. In southwestern Ontario, particularly with our vast agricultural land, it is not possible to think of natural hazard mitigation without considering the importance of stewardship projects.
- SVCA recommends that the section 39 funding be restored to that which was allocated to conservation authorities in 2018. The 50% reduction in 2019 was unexpected for a rural conservation authority with an already lean budget for the size of jurisdiction we cover.
- We propose an increase in provincial funding to support the Water and Erosion Control Infrastructure Program. With decreasing funding from the provincial government over the past 25 years, many structures are coming to the age when considerable structural repairs are going to be necessary to ensure the safety of people and property.
- It is our understanding that the Provincial Flood Forecasting and Warning Guidelines are currently under review. SVCA recommends that these guidelines be released so that the content, recommendations, and best management practices can be integrated into conservation authority natural hazard strategies.
- SVCA proposes that the priorities in Ontario's Flooding Strategy be implemented as soon as possible, particularly those related to updating standards for flood mapping, updating existing technical guidelines, and providing the necessary tools and resources to maintain wetlands and pervious surfaces. Given the current state of floodplain mapping at SVCA, we are looking at ways to make this mapping more up to date. Having this provincial direction for consistency would be ideal.
- SVCA supports the inclusion of ice management in the natural hazard strategy. Frazil ice continues to be an issue we need to monitor and manage continuously on the Saugeen River.
- We fully support the inclusion of communications, public awareness and education regarding the risk of natural hazards.

b) Mandatory Programs and Services Related to the Management of Conservation Authority Land

- SVCA is pleased to see the inclusion of programs and services related to the management of conservation authority lands included as a mandatory program. However, the explicit exclusion of recreational uses from the mandatory programs and services causes great

concern. The passive uses (i.e., hiking) of our green spaces are highly sought after as all have been witness to during the Novel Coronavirus (COVID-19) pandemic. Regardless of our choosing to manage these properties for passive use, visitors will continue to come. This behaviour was evident when our conservation authorities were not open at the beginning of the pandemic. Failure to manage these properties for visitation will not stop visitation and will dramatically increase risk to the public and liability for the Authority. Recreational uses on conservation authority lands should be included as a mandatory program and service.

- Given the multiple properties owned by a conservation authority, SVCA recommends that the province afford the flexibility to allow one management plan to cover several properties where there are obvious similarities between them. This flexible and practical approach supports the efficient use of taxpayer dollars.
- SVCA notes that the framing of land management activities appears solely around the protection of natural heritage systems, features, and values. Forest management activities conducted on conservation authority lands is conducted in a manner that is consistent with provincial guidelines, and in many cases is provided at a higher standard than local by-laws. SVCA has Forest Management Plans for its properties that are implemented to ensure that infected or diseased trees are removed, invasive species are identified, and species at risk and their habitats are protected with the intent of improving the overall health of the forest. It will be important that conservation authorities be given the flexibility to choose how we manage our properties (i.e., responsible forest management) with the goal to enhance the natural heritage features present. Therefore, it is SVCA's recommendation that forestry operations be considered a mandatory program or service.
- SVCA is pleased to see that the province is including the preparation of a land management strategy as part of the suite of mandatory programs and services. However, we have concerns around the potential timelines, proposed or required content, as well as the cost and capacity to undertake such a strategy. SVCA suggests that the regulations provide flexibility to conservation authorities, both in terms of content and in timing to complete these strategies.
- SVCA proposes that the province consider a phased in schedule for the preparation of a lands strategy, acquisition and disposition policy and property management plans. The first of these documents should not be due before the end of 2023, as the finalization of municipal agreements in 2022 may shape the content of these documents. It is also suggested that completion be phased in like requirements under the *Accessibility of Ontarians with Disabilities Act (AODA)*, so smaller conservation authorities have more time to complete these new requirements.

c) Mandatory Programs and Services Related to Source Protection Authority Responsibilities Under the *Clean Water Act, 2006*

- SVCA, as the watershed containing the Township of Brockton and the Town of Walkerton, wishes to reiterate the importance of the province continuing to fully fund the Drinking Water Source Protection program if conservation authorities are required to exercise and perform

the powers and duties of a source protection authority and implement mandatory programs and services related to those responsibilities. This partnership was agreed to sixteen years ago and the province has always maintained that it will uphold its responsibilities as a funding partner. It would be inappropriate for the province to step away from this partnership now, particularly since municipalities do not have the capacity to absorb these program costs through their levy.

d) Mandatory Programs and Services Related to Lake Simcoe Region Conservation Authority Responsibilities Under the *Lake Simcoe Protection Act*

Not applicable to Saugeen Valley Conservation Authority.

e) Mandatory Programs and Services Related to a Conservation Authority's Responsibilities Under An Act Prescribed By Regulation

Not applicable to Saugeen Valley Conservation Authority.

f) Mandatory Programs and Services Prescribed in Regulation

i) Core Watershed Based Resources Management Strategy

- SVCA strongly supports the inclusion of a core watershed-based resource management strategy as a mandatory program and activity. This strategy can provide a framework for SVCA and its member municipalities to identify and prioritize the programs and services most needed in our watershed while continuing to protect people and property from natural hazards and conserve natural resources.
- It is important that there be sufficient flexibility incorporated into the Regulation to allow each conservation authority the opportunity to customize their watershed-based resource management strategy over an appropriate length of time with the content that is deemed appropriate locally.
- SVCA recommends that the Regulation allow each Board of Directors to determine reasonable timelines for its completion, while taking into consideration the appropriate content. If the province needs to set timelines, strategies should not be due before the end of 2024 as municipal agreements and other regulatory changes may shape their content. Further, the province might want to consider a phased in approach allowing those conservation authorities with a smaller budget and staff compliment to complete this new requirement later than other conservation authorities who might already have existing strategies to build on.

ii) Provincial Water Quality and Quantity Monitoring

- SVCA supports the inclusion of the Provincial Water Quality Monitoring Network and the Provincial Groundwater Monitoring Network as mandatory programs.

- SVCA proposes the inclusion of the Ontario Benthos Biomonitoring Network as a mandatory monitoring program, as it too, is a long established, partnership program that benefits both municipalities, the Province, and conservation authorities.
- SVCA proposed that conservation authorities be permitted to expand water quality monitoring networks locally, as a mandatory program or service, particularly to fill gaps in the provincial networks to inform local knowledge identified as necessary through the watershed based resources management strategy or to further inform the Drinking Water Source Protection Program.
- SVCA proposes the creation of a monitoring program intended to measure the effectiveness of the watershed-based resource management strategy.
- With the development of these local watershed-based resource management strategies being created across the province, the opportunity exists to determine where necessary improvements are possible to the provincial monitoring networks to make them more effective in delivering informed results. SVCA encourages the province to take advantage of these opportunities.

2. Regulation for Municipal Agreements and Transition Period

- SVCA strongly supports allowing flexible agreement arrangements with municipalities (agreements with multiple municipalities, agreements covering multiple programs and services), as this practical approach will ensure the most efficient use of taxpayer money and be the least administratively burdensome for municipalities and conservation authorities.
- SVCA endorses the Minister being able to grant an extension for completing municipal agreements where an authority, with the support of one or more municipalities, submits a written request.

3. Regulation to Require 'Community' Advisory Boards

- It is important that the role of a community advisory board augment, not duplicate, the work of the SVCA Board of Directors. Therefore, SVCA strongly supports the requirement that its Board of Directors develop and approve a Terms of Reference that outlines the composition, activities, functions, duties, and procedures of its community advisory board.
- The SVCA strongly encourages the province to prescribe as few requirements as possible for community advisory boards to enable local flexibility and effectiveness based on watershed needs and capacity.
- The SVCA urges the province to allow conservation authorities to use existing committees to fulfill their requirement to have a community advisory board, provided the existing committees meet any regulatory requirements.

- The SVCA requests that indigenous representatives be exempt from the requirement that members reside in the authority's jurisdiction, as indigenous communities with an interest in a conservation authority's watershed may have representatives who live outside the jurisdiction.
- Since SVCA's Administrative Bylaws already enable and govern the establishment of advisory boards and committees, the SVCA suggests that separate procedures and processes not be prescribed for community advisory boards in regulation. Existing bylaws can simply be updated to adequately address procedures related to community advisory boards such as formation, meetings, code of conduct, conflict of interest, attendance, reporting and removal.
- The SVCA recommends that the maximum authority representation on community advisory boards be changed from 15% to 20% if the province intends for one member to represent the Board of Directors (minimum number of members is 5; so 20% would enable one SVCA Director).
- The SVCA recommends that conservation authorities be given until the end of 2023 to establish community advisory boards. This will allow conservation authorities to complete transition plans and municipal agreements and then work with their new Board of Directors in 2023 to prepare Terms of Reference, advertise and appoint a community advisory board. With the municipal election taking place in Fall 2022, there is the potential for significant turnover in the Board of Directors governing SVCA. Allowing a year to establish a community advisory board will give the new Board the opportunity to learn about SVCA and its Administrative By-Laws, prior to making informed decisions regarding the Terms of Reference for the community advisory board.

4. Section 29 Minister's Regulation

- SVCA is supportive of the consolidation of all Section 29 regulations into one Minister's regulation, provided the new regulation applies to all lands owned or controlled by a conservation authority.
- SVCA proposes 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*. This review is important because all public green space (conservation areas, municipal parks, provincial parks) experienced a significant increase in use during the pandemic. Increased usage, which is expected to continue post-pandemic, challenged conservation authority staff, municipal bylaw officers and provincial park wardens to adequately protect properties and visitors.

- SVCA recommends expanding the Class Designation for conservation authority staff enforcing Section 29 under the *Conservation Authorities Act* to include: *Highway Traffic Act*, *Liquor License Act*, *Motorized Snow Vehicles Act*, and the *Off-Road Vehicles Act*. This would be consistent with the status given a Provincial Park Warden (i.e., Park Superintendent/Assistant Superintendent) Class Designation.
- SVCA proposes the inclusion of “Peace Officer” in the definition of Conservation Authority Officer. This inclusion will provide the applicable staff with the protection afforded to similar officers under the Criminal Code of Canada and will give Saugeen Valley Conservation Authority staff the appropriate standing should they need to testify in court.
- SVCA suggests that the province also consider in the new Regulation that the Public are required to identify themselves to a Provincial Offences Officer. This limitation significantly affects SVCA’s ability to enforce the Section 29 regulation, when necessary, as well as unnecessarily complicates the process.

Thank you for the opportunity to comment on the Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities. We hope your Ministry will consider our comments when drafting the Phase 1 Regulations. Further, we encourage the Ministry to take an enabling rather than prescriptive approach when completing these Phase 1 Regulations, as this will give conservation authorities and their member municipalities the much-needed flexibility to implement changes in the most practical, efficient, and effective manner which may vary from one region to another.

We look forward to providing further comments on the Phase 2 Regulations.

Sincerely,



Jennifer Stephens
General Manager / Secretary-Treasurer

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cc: SVCA Board of Directors
Conservation Ontario
CAOs/Clerks – Watershed Municipalities
Hon. Lisa Thompson, MPP, Huron-Bruce
Bill Walker, MPP, Bruce – Grey – Owen Sound