



**Ganaraska Region  
Conservation Authority**

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MEMBER OF  
CONSERVATION ONTARIO

June 23, 2021

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

Dear Ms. Mikel:

Re: **Conservation Ontario's Comments on "Regulatory proposals (Phase 1) under the Conservation Authorities Act" (ERO# 019-2986)**

Thank you for providing the opportunity to comment on the above ERO posting. The following comments are submitted on behalf of the Board of Directors of the Ganaraska Region Conservation Authority (GRCA) as discussed at the June 17, 2021 meeting.

**Risk of Natural Hazards**

With regards to natural hazards, GRCA is pleased with the recognition of land use planning input, Section 28 permitting, floodplain mapping and the components to carry out the flood forecasting and warning program of the conservation authority. GRCA strongly support the implementation 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 in the strategy are to have the province update standards for flood mapping, update existing technical guidelines and provide the necessary tools and resources to maintain wetlands and pervious surfaces.

GRCA notes that stewardship has not been included in the list of mandatory programs and services. Stewardship is recognized as a program which develops and implements nature-based solutions to reduce the risks of flooding, erosion, and drought. An example of such a solution is increased tree cover provided by a tree planting program which can

play an important role in reducing flood and draught conditions and therefore should be included in the list of mandatory programs and services.

It should be noted that an ongoing concern is the province's decrease in funding over the last few years for these important programs. GRCA encourages the province to restore the Section 39 funding to 2018 levels.

### **Conservation and Management of Lands owned or controlled by a Conservation Authority**

The Ganaraska Region Conservation Authority strongly believes that passive recreational opportunities, such as walking trails that are provided free of charge to the public should be eligible as a mandatory activity on conservation authority lands. Conservation areas within the GRCA's watershed are comprised of a small gravel parking lot with a few pathways or trails through them. These areas have become very popular during the times of COVID-19 when outdoor activities have been sought out by local residents. Without adequate funding, managing risks (i.e. hazard trees, safe trail conditions, etc.) on these lands may not be possible with the resources available. If GRCA were forced to close conservation areas and the parking lots associated with these lands, the Province would see unauthorized access to these areas and an increase in people parking at the side of the road which then becomes a matter of public safety and illegal use of property.

As well, it is important that conservation authorities have adequate time after the finalization of municipal agreements and 2023 budgets to prepare strategies, policies and management plans now required for all conservation authority lands as the outcome of municipal agreements may shape the content of these documents. It is preferable that conservation authority Boards of Directors establish reasonable timelines for completion, however, should the province set timelines, it is suggested that completion be phased in like requirements under the AODA where smaller conservation authorities are given more time to complete the new requirements.

### **Source Protection Authority under the *Clean Water Act, 2006***

With regards to source protection authority under the *Clean Water Act, 2006*, 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 a source protection authority and implement mandatory programs and services related to those responsibilities. Municipalities do not have the capacity to absorb these program costs.

### **Core Watershed-Based Resource Management Strategy**

Conservation authorities strongly support the inclusion of core watershed-based resource management strategies as a mandatory program and service because it provides a framework for conservation authorities and their member municipalities to identify and prioritize the programs and services most needed in each watershed to protect people and property from natural hazards, monitor watershed health, and conserve natural resources.

It is important that conservation authorities have adequate time after the finalization of municipal agreements and 2023 budgets to prepare resource management strategies as the outcome of municipal agreements may shape these strategies. It is preferable that conservation authority Boards of Directors establish reasonable timelines for completion, however, should the province set timelines, it is suggested that completion be phased in like requirements under the AODA where smaller conservation authorities are given more time to complete the new requirements.

### **Provincial Water Quality and Quantity Monitoring**

Water quality and quantity monitoring programs have been carried out by GRCA staff on a voluntary basis given the significant value/benefit of the data provided. The staff costs for these programs have been covered by the benefitting municipal levies as well as general levy (lab costs are covered by the Province). If these programs do not continue as mandatory, then the programs may not be undertaken in the future. This would have a serious impact on the GRCA's ability to monitor the changes in watershed conditions and acquire and manage the data that is openly shared with partners, residents and the research community. This is particularly perplexing given that monitoring is a fundamental cornerstone to understanding the impact of climate change on watershed conditions and the impacts to watershed residents (flooding, drought, etc.) and local ecosystems. Our community relies on the data and it is strongly recommended that this program be included in mandatory programs and services.

### **Conservation Authority costs not related to delivery of programs and services**

The Ganaraska Region Conservation Authority strongly support the inclusion of on-going organizational costs under mandatory programs and services as these costs are necessary to deliver all other programs and services and should therefore be apportioned to municipalities as part of the conservation authority's municipal levy. It is most appropriate that organizational costs be apportioned to member municipalities following the modified current value assessment formula as part of the conservation authority's municipal levy. It is understood that this proposal will be reviewed in phase 2 of the ministry's regulatory development.

### **b) Proposed MOU's/Agreements that may be required with participating municipalities to fund the non-mandatory programs and services**

Conservation authorities strongly support allowing flexible agreement arrangements with municipalities (e.g. 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 member municipalities.

GRCA would recommend that the MOU's are in place for a time frame such that renewal does not coincide with municipal elections. The Board suggests a minimum five (5) year term, which could be flexible, for the MOU's, to avoid a newly elected municipal council having to review the MOU within the first few months after the election.

**c) Transition period to establish the agreements**

It is noted that the transition period to establish the agreements coincides with the next municipal election. This may not be in the best interest of the municipalities if the agreements cannot be established in the months prior to the election. The GRCA strongly supports 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.

**d) The requirement to establish “Community Advisory Boards”**

If conservation authorities are required to form a community advisory board, it is important that it augment and not duplicate the work of the conservation authority’s Board of Directors. The GRCA therefore supports the requirement that Boards of Directors develop and approve a Terms of Reference that outlines the composition, activities, functions, duties, and procedures of the community advisory board for the conservation authority. As well, the GRCA 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.

It is important that conservation authorities be able to use an existing committee(s) to fulfill their community advisory board, so long as it meets the minimum requirements. The Ganaraska Forest is an important and significant component of the Ganaraska Region Conservation Authority. The history of the 11,000 acre Ganaraska Forest dates back to the inception of the Conservation movement. The GRCA recognized the importance to have stakeholders’ participation into the operations of such a jewel as part of the GRCA. As such, an advisory committee was formed which provides important input and advice into the operations of the Ganaraska Forest. This component of this committee would be reviewed as to it fulfilling this advisory board role. It is also recommended that the maximum authority representation on community advisory boards be increased from 15% to 20% if the province intends for one member be a conservation authority member (minimum number of members is 5).

Conservation authorities’ Administrative Bylaws already enable and govern the establishment of advisory boards and committees so there should be no need to prescribe separate procedures and processes for community advisory boards in regulation. Bylaws can be updated as needed to adequately address procedures such as formation, meetings, code of conduct, conflict of interest, attendance, reporting and removal.

**e) The Minister's Section 29 Regulation relating to CA Operation and Management of CA Owned Lands**

All public green space (conservation areas, municipal parks, provincial parks) experienced a significant increase in use during the pandemic. This increase in usage, which is expected to continue post-pandemic, has resulted in conservation authority staff and municipal bylaw officers requiring more time and resources directed to these outdoor spaces. It is recommended that a working group be formed comprised of enforcement staff from conservation authorities, municipalities and the province to ensure all parties

and levels of government have the tools and resources 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*.

The Ganaraska Region Conservation Authority would like to, again, thank you for the opportunity to comment on the first phase of the proposed regulations. GRCA respectfully requests the above comments will be considered when drafting the phase 1 regulations. GRCA looks forward to providing further comments on the phase 2 regulations.

Yours truly

A handwritten signature in black ink, appearing to read "Jeff Lees". The signature is written in a cursive, slightly slanted style.

Jeff Lees, Chair  
Ganaraska Region Conservation Authority

cc. Honourable David Piccini, Minister of the Environment, Conservation and Parks  
Watershed Municipalities

