



June 24, 2021

Liz Mikel
Conservation and Source Protection Branch
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Canada

**RE: County of Simcoe Comments on Regulatory proposals (Phase 1) under the
Conservation Authorities Act
ERO No. 019-2986**

Thank you for the opportunity to provide comment on Phase One of the Regulatory proposals under the *Conservation Authorities Act*. We understand that the Province intends to proclaim previously un-proclaimed amendments made through Bills 108 and 229 and issue associated regulations to implement these amendments. Among other things, the regulations propose what programs and services that CAs in Ontario offer are Mandatory and Non-Mandatory. Mandatory services must be delivered and can be funded through mandatory municipal levies. Municipalities would have the option of whether to fund any programs/services over and above those that are categorized as Mandatory. The proposed regulations include a deadline of January 2023 for CAs and respective municipalities to have agreements in place for any Non-Mandatory programs and/or services.

In response to ERO Posting 019-2986, the County of Simcoe would like to offer the following comments:

There are four Conservation Authority (CA) regulated watersheds located within Simcoe County. The Township of Oro-Medonte, Township of Ramara, Township of Springwater, Town of Innisfil, Town of Bradford West-Gwillimbury and Town of New Tecumseth all have lands within the Lake Simcoe watershed.

The Nottawasaga Valley Conservation Authority's (NVCA) watershed is within the boundaries of all lower-tier municipalities in Simcoe County with the exception of the Townships of Ramara, Severn, Tay and Tiny, Town of Midland and Town of Penetanguishene.

The Lake Ontario watershed, which is governed by the Toronto and Region Conservation Authority, extends into the southern portion of the Township of Adjala-Tosorontio. The Grey Sauble Conservation Authority's watershed and regulated area also extends into a small area within Clearview and Collingwood, with waters draining to Nottawasaga Bay.

The LSRCA and NVCA have existing MOUs with the County as well as most of the lower-tier municipalities that are within their watersheds. These MOUs outline the programs and services that are provided and how they are to be funded. The County does not currently provide the CAs any funding for the programs and services that the CA delivers to the County that are covered by the MOU. These MOUs already contain provisions for the delivery of Mandatory (under the previous version of the *Conservation Authorities Act*) and Non-Mandatory programs and services. For example, under the previous legislative

and regulatory framework, land use planning commentary and input on natural heritage protection was already a Non-Mandatory service that the CAs delivered based on the various MOUs.

The proposed regulatory changes associated with Bill 108 and 229 have potential impacts for the municipalities in the County that are within a CA watershed.

Potential Challenges/Unknowns

Through the mandated Transition Plan, the CAs would now be required to consult with the impacted municipalities to determine what services each municipality wants the CAs to deliver on their behalf. This consultation will also include services that the CAs deem are necessary to deliver and whether each municipality is willing to fund and enter into an agreement as required. This may result in little change in some existing MOUs and possibly major changes to others, depending on the position of each individual municipality in Simcoe County. It is also unclear what the implications may be if the majority of impacted municipalities choose to fund a Non-Mandatory program/service that the CA deems is necessary that would result in benefits that do not necessarily stop at the municipal borders (i.e. "Ecological Monitoring Outside of Conservation Authority Owned Land").

The existing MOUs with the CAs benefit the County and impacted lower-tier municipalities as they provide access to a wide range of environmental and technical experts, data and support that wouldn't be available otherwise. CAs are typically involved in all stages of the development review process. This approach provides efficiencies by allowing applicants and municipalities to be aware of any environmental and technical concerns at the outset of the process.

Given that *Planning Act* applications (as well as other applications under different Acts, such as Environmental Assessments for example) and associated environmental reports and studies will continue to need review and approval, the alternative to this structure would be to hire the applicable technical staff and/or outsource the work to a third party. This model could result in a duplication of efforts, as well as the need for support from the CAs for technical information and/or data that only they have.

The CAs also operate on a cost recovery basis. Outsourcing the same work and review to an outside private firm would result in a "for profit" payment structure. It is unclear what the financial implications of choosing an out-sourcing model would have for those municipalities that may choose to amend their MOUs/agreements with their respective CAs to remove their services. It is possible however that costs associated with planning applications to pay for outsourcing of services, when necessary, will rise, and this may either affect the municipality, applicant, or potentially both.

Potential Opportunities

It appears that some of the proposed regulatory changes would provide municipalities greater control and choice and increase transparency in the use of municipal taxpayer funds to pay for CA-initiated programs and services.

There also appears to be flexibility embedded in the requirements of the MOU and agreements which is important for Simcoe County specifically given the diversity of the municipalities that are within the applicable watersheds.

The proposed timelines to finalize new/updated MOUs and Service Agreements, as well as associated deadlines to reach milestones along the way, also appear to offer a reasonable amount of time for meaningful consultation and thoughtful decision making for all impacted municipalities, including the County.

Summary

The County would encourage further review and consultation of the proposed regulations to provide clarity and/or confirmation of the County's understanding of the issues addressed above.

If you have any questions or require further information with respect to this correspondence, please do not hesitate to contact the undersigned at 705-726-9300 Ext.1004 or david.parks@simcoe.ca.

Sincerely,

The Corporation of the County of Simcoe

A handwritten signature in blue ink, appearing to read "David Parks".

David Parks, MCIP RPP
Director of Planning, Economic Development, Transit and Airport Services

cc: Rob Elliott, General Manager, Engineering, Planning and Environment – County of Simcoe