

June 24, 2021

Honourable David Piccini, MPP
Minister of the Environmental, Conservation and Parks
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Re: Regulatory Proposals (Phase 1) Under the Conservation Authorities Act
ERO Number: 019-2986

Grey Sauble Conservation Authority (GSCA) has reviewed and considered the Regulatory Proposal Consultation Guide released by the Province of Ontario. We thank the Province for the opportunity to provide comment on these proposed regulations. Based on our review of this Guide, the GSCA would like to present the following concerns and/or items requiring clarification. These have been categorized into:

1. Mandatory and Non-Mandatory Programs and Services.
2. Transition Plans and MOU's.
3. Community Advisory Boards.
4. Section 29 Regulations.
5. Phase 2 Levy Regulations

Mandatory and Non-Mandatory Programs and Services:

1. Recent changes to the Conservation Authorities Act have listed programs and services related to the risk of natural hazards are provincially mandatory. The current Regulatory Proposal Consultation Guide (the "Guide") further defines these programs and services. GSCA is pleased to see the inclusion of this work in the list of mandatory programs and services.

However, based on the information provided in the Guide, it appears that additional work may be required by conservation authorities to meet the program standards. It is strongly recommended that if program standards and requirements are going to be prescribed by the Province, that this information be released as soon as possible as this will need to be factored into the Transition Plans and Agreements. We note that the Province recently

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs,
Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

reduced investment into these programs by approximately fifty percent. If the Province intends to apply standards and requirements to these programs, we respectfully recommend that the Province re-invest in these programs in a substantial way to ensure their effective implementation and to reduce the financial impacts on rural municipalities.

2. GSCA recommends that the new Section 28 regulations be released for consultation as soon as possible to assist conservation authorities and municipalities in determining the ongoing costs associated with offering this program. It is also recommended that the regulations afford the ability for conservation authorities to recoup a portion of the court costs associated with engaging in enforcement and compliance activities. It is recommended that a portion of any fines levied with a conviction be recoverable by conservation authorities.
3. GSCA 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 us great concern.

GSCA owns and manages over 28,000 acres of natural area for the benefit of not only the local population, but also for the benefit of the Province. In addition to the millions of dollars in ecosystem services that these properties provide annually, they also provide valuable greenspace for both the local population, as well as people from all over the province and beyond. GSCA's properties contain over 170 kilometers of trails and many of these properties also contain necessary related infrastructure in the form of parking areas and washrooms. These properties receive 100's of 1000's of visitors annually and must be managed accordingly. Ceasing to manage these properties for passive recreation is not optional and the programs and services undertaken to manage these properties should not be placed in a position where it is seen as optional. Failure to manage these properties for visitation will not stop visitation and will dramatically increase risk to the public and liability for the Authority.

GSCA collects parking revenues at some of these properties. This parking revenue assists in offsetting, not replacing, the municipal levy dollars that provide the underlying support for the management of these properties.

We respectfully request that the Province remove the explicit exclusion of these uses from the mandatory management of these properties, and further that the Province explicitly include this management.

4. As noted above, we are pleased that the Province has included management of conservation authority lands as a mandatory program. However, the framing of those land management activities solely around protecting natural heritage systems/features/values and protection and conservation of provincially significant conservation lands and natural heritage features could be interpreted as not supportive of forest management operations.

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.

Management conducted within artificially created forests (plantations), is being done to ensure the long-term health of the forest. Many of these plantations were established to restore tree cover to areas with highly erodible soils and reduce the erosion potential. The long-term goal of these plantations is to have them be a healthy, productive mixed forest that provides numerous benefits to the local environment (forest cover, habitat, etc...). The manner they were establish (spacing of planted trees/density, species planted) was with the intent to have forest management activities conducted. Many areas were planted at either a density of 2,200 trees per ha (907 trees/ac) or 1,500 trees/ha (600 trees/ac). At these densities if the trees are left to grow naturally over their lifespan, the trees would begin to die off due to overstocking. The intrinsic and environmental values of these plantations would be lost. Through operations, approximately one-third of the trees are removed at any one time. The intended purpose of these operations is to remove disease/dying trees, to create growing space for the remaining trees, and to establish suitable microsite conditions for hardwood species to become established and regenerate.

Management conducted within hardwood forests is also being conducted in a manner to ensure the long-term health of the forest. Once again, operations are removing lower quality (diseased, defective, dying) trees, while maintaining a minimum density (20 m²/ha of basal area) and wildlife features (cavities, mast trees, etc...). Again, these activities meet and/or exceeding provincial guidelines and local bylaws.

For many of the properties, conservation authorities are completing forest management to remove infected or diseased trees, with the intent of improving the overall health of the forest.

These activities extend back to the inception of GSCA and are included in our 1959 Conservation Report, suggesting that these are core conservation authority activities.

With the way that the mandatory programs are listed in the Guide, conflicts are going to arise associated with forest management operations, even though the current healthy, diverse state of the forest can be attributed to past forest management operations.

Southern Ontario forest management is being conducted within the same principles as that of northern Ontario, however the natural processes are different. Instead of clear-cutting areas to mimic forest fires, Southern Ontario conservation authorities remove individual trees to mimic single tree mortality from lightning or old age.

By having staff out in the forest, conservation authorities are identifying invasive species, species at risk, and sensitive habitats. If forest management is not considered mandatory, or at very least, not in conflict with the mandatory program under the regulations, these staff could be lost.

In the preamble to the Land Management section of the Guide, the Guide states, that “*Conservation authority land is considered private land and as such is subject to the Planning Act, municipal official plans, zoning and by-laws as well as to property taxes*”. As a private landowner, conservation authorities should have the right to choose how we manage our properties, similar to other private landowners. Especially when conservation authorities have a long track record of responsible forest management that is adaptive and cautious and works to enhance the natural heritage features present.

5. We are pleased to see that that the Province is including land management strategies as part of the suite of mandatory programs and services. However, we have concerns around the potential timelines, proposed/required content, as well as the cost and capacity to undertake such a strategy.

We recommend that the regulations provide flexibility to conservation authorities, both in terms of content and in terms of timing to complete these strategies.

Further, we recommend that the Province acknowledge and accept, through the regulations, that recreational uses and resource management activities may be included in the overarching land use strategies.

6. We are pleased to see that that the Province is including property management plans as part of the suite of mandatory programs and services. However, we have concerns around the potential timelines, proposed/required content, as well as the cost and capacity to undertake such a strategy.

We recommend that the regulations provide flexibility to conservation authorities, both in terms of content and in terms of timing to complete these management plans.

Further, we recommend that the Province acknowledge and accept, through the regulations, that recreational uses and resource management activities may be included as components of these management plans.

7. GSCA is very concerned about the potential costs and staff resource stain that will be associated with the implementation of a Core Watershed-Based Resource Management Strategy.

Due to ongoing funding restrictions and the more recent reduction in Provincial Section 39 transfer payments, GSCA and other conservation authorities operate on a very lean budget. Ongoing increases in general operating costs is placing further strain on conservation authority budget.

We recommend that the regulations provide flexibility to conservation authorities, both in terms of content and in terms of timing to complete these Watershed-Based Resource Management Strategies.

8. We respectfully recommend that the Province clarify that the programs and services listed in the tables included on pages 18, 19, and 20 of the Guide are examples of mandatory, non-mandatory municipal and non-mandatory other programs and services and not prescribed. For instance, GSCA offers tree planting as a private, fully self-funded program, not as a municipal service.
9. We respectfully request that the Province ensures that the regulations offer flexibility for individual conservation authorities to decide which non-mandatory programs that they will offer. This should not be limited by a municipality if the conservation authority can fund these programs and services without municipal levy. In fact, the ability to have these self-funded programs allows conservation authorities to maintain FTE's that are shared with municipally funded programs, thereby offering stronger skill sets and a better return on investment.
10. It is noted that one major omission from the list of mandatory programs and services is the development and implementation of nature-based solutions to reduce the risks of flooding, erosion, and drought. Many conservation authorities' early mandates were focused on developing and implementing these nature-based solutions.

It is requested that these private land stewardship activities including re-forestation and afforestation be recognized and included in the list of mandatory programs and services. These programs reduce flooding, mitigate against drought, improve water quality, provide innumerable ecosystem services, and help to facilitate on-farm best management practices.

11. 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 drinking water source protection authority; and implement programs and services related to those responsibilities. Municipalities do not have the capacity to absorb these program costs.
12. We note that the section on "Natural Hazards" includes a section explicitly identifying communication and education activities as they relate to messaging for natural hazards related programming. It is essential that communication and education activities related to all mandatory programs be maintained as part of those mandatory programs, such that conservation authorities can explain, consult and effectively communicate the various aspects of all of these programs.

Transition Plans and MOU's

1. It is currently mid-June 2021, and the Province has yet to release the Phase 1 regulations and to consult, review and release the Phase 2 and Section 28 regulations. The time allotted between now and December 31, 2021 to complete Transition Plans is quickly waning.

It is recommended that the timeline for the completion of transition plans be extended by six (6) months until June 30, 2022 to allow adequate time for conservation authorities to fully review both the Phase 1, Phase 2 and Section 28 regulations to enable a review of programs and services and to consult with our member municipalities on these programs and anticipated costs.

2. The currently proposed timeline for execution of MOU's between conservation authorities and municipalities is January 1, 2023. However, due to budget preparation activities and municipal elections, the effective completion date for these agreements is June/July 2022.

It is recommended that the timeline for the execution of these MOU's be extended by six (6) months until June 30, 2023 to allow adequate time for conservation authorities to fully review both the Phase 1, Phase 2 and Section 28 regulations, to develop an effective transition plan, to work with our member municipalities and associated legal counsel, to avoid "lame duck" situations, and to properly plan for the next upcoming budget year (January 1, 2024).

3. Although the Regulatory Proposal Consultation Guide provides a lot of information that was previously unavailable, it is not the actual regulation. We respectfully request that the Province release the draft regulations for review, comment and consultation as soon as possible.
4. Conservation authorities will not be able to develop transition plans until we are able to review the detailed regulations proposed for both Phase 2 and Section 28. We respectfully request that the Province release these regulations for review and comment as soon as possible.

Community Advisory Boards

GSCA generally supports the idea of a community advisory board to provide a conduit from the public to the General Membership. We recommend the following items be considered:

1. That enough flexibility is afforded that the Boards do not duplicate existing efforts.
2. That community advisory board costs, including administrative costs, be considered mandatory for levy purposes.

3. That the Province provide some base funding for these boards or explain to the municipalities why there is an additional levy cost that should not be borne at the cost of other levy funded programs and how this aligns with the Province's goal of saving municipalities money.
4. That the timeline for implementing the community advisory boards be stayed until after the completion of the municipal MOU's.
5. There is a distinct possibility that an authority may be unable to effectively strike a community advisory board or maintain quorum due to lack of public interest. The regulation needs to consider this possibility and account for it.

Section 29 Regulations

We request that the following items be considered as part of this regulation:

1. Include "peace officer" in the definition of conservation authority officer.
2. Require the public to identify themselves to a Provincial Offences Officer.
3. Create the ability for a Provincial Offences Officer to seize an object which is part of an offence
4. Include a new prohibition with regard to the unauthorized use of any remotely controlled device including boats, aircraft including droves, vehicles, etc. the conservation authorities' group insurance provider does not cover damages or losses associated with these devices.
5. Clarify that permissions can be issued by the Authority for activities currently prohibited in 4(1)(c) and (d) of the regulation. This includes (c) cut, remove, injure or destroy a plant, tree, shrub, flower or other growing thing and (d) remove or destroy any soil or rock.

Phase 2 Levy Regulations

1. We recommend that all overhead costs be eligible for the minimum levy and ensure that these overhead costs include HR and GIS/Mapping.
2. We recommend that conservation authorities not be required to tease out mandatory from non-mandatory overhead costs as many departments in a smaller conservation authority consist of one person, and those departments (ie: finance) are required to operate the corporation, regardless of the number of mandatory or non-mandatory programs.

Should you have any questions, please contact the undersigned.

Sincerely,



Tim Lanthier
Chief Administrative Officer

Cc via email: GSCA Board of Directors
 All GSCA Member Municipalities
 County of Grey
 County of Bruce
 Conservation Ontario
 MPP Bill Walker
 MPP Jim Wilson