



## Long Point Region Conservation Authority

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4 Elm St., Tillsonburg, Ontario N4G 0C4  
519-842-4242 or 1-888-231-5408 · Fax 519-842-7123  
Email: [conservation@lprca.on.ca](mailto:conservation@lprca.on.ca) · [www.lprca.on.ca](http://www.lprca.on.ca)

June 23, 2021

Honourable David Piccini  
Minister of the Environment, Conservation and Parks  
College Park, 5<sup>th</sup> Floor  
777 Bay Street  
Toronto, ON M7A 2J3

**RE: Response to Environmental Registry of Ontario Posting 019-2986 –  
Conservation Authorities Act Phase 1 Regulatory Proposal Guide**

Dear Minister Piccini,

Thank you for the opportunity to provide input to the Ministry of the Environment, Conservation and Parks (MECP) Regulatory Proposal Consultation Guide on Phase 1 Regulations. The Long Point Region Conservation Authority (LPRCA) would like to thank the Ministry for involving Conservation Ontario and conservation authority (CA) representatives on the Provincial Working Group of stakeholders to provide assistance in developing the proposed regulations.

The LPRCA appreciates the recognition of the importance of the integrated, watershed-based approach to addressing natural resource management and climate change through the provision for the Core Watershed-based Resource Management Strategy. A watershed-based resource management strategy can provide an integrated, long-term perspective for the delivery of both mandatory and non-mandatory programs and services.

The LPRCA has reviewed the ERO posting and offers the following specific comments:

### **PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES**

#### **Mandatory Programs and Services related to the Risk of Natural Hazards**

##### Land Use Planning

**Comment: Land-use planning input and review related to natural hazards, wetlands and storm water management should be specifically identified as part of the mandatory land-use planning service.**

While Land Use Planning input is listed as a Mandatory program, municipal plan review is not referenced on either the mandatory or non-mandatory program list. We understand that municipal planning applications will still be circulated to CA's for comments under the Planning Act. Land use planning input and review related to natural hazards should be more clearly part of the mandatory land use planning service, to be continued as set out in



the 2001 MNRF/MMAH/CO Memorandum of Understanding on Procedures to Address Conservation Authority Delegation.

We understand that the regulation of wetlands will remain in the consolidated Section 28.1 regulation, however, clarification is required regarding CA's responsibilities during the land use planning process related to wetlands. A minimal advisory service related to wetlands is needed during the land use planning process, at least to ensure that the "principle of development" decision comes ahead of the CA Section 28.1 permit process.

Storm water management is explicitly listed on the sample non-mandatory service list. The evolution of storm water management in Ontario began with the need to mitigate the flood and erosion impacts of urbanization. Conservation authority review and technical advice on storm water management plans should be included as part of the mandatory land-use planning service, particularly for flood and erosion control which are not covered in the MECP Stormwater Management Guidelines or the requirements for a wastewater discharge certificate of approval.

#### Private Land Stewardship Programs for Natural Hazard Mitigation

**Comment: Private land stewardship programs such as tree-planting and soil erosion control are an integral part of natural hazard mitigation and should be recognized in the mandatory programs and services related to the Risk of Natural Hazards.**

The preamble to Part One: Programs and Services Delivered By Conservation Authorities states that "Conservation authorities were established by the Province through municipal resolutions to address cross municipal boundary interests in resource management principally related to water and natural hazard management. The description could be enhanced to reflect water/hazard management through forest management which has been a focus for LPRCA.

The issues that prompted the establishment of the Otter and Big Creek Conservation Authorities were related to deforestation and its impact on water supply, drought, soil erosion and flooding. The focus of LPRCA's early mandate was on forest acquisition, reforestation and aiding landowners to reforest marginal land – water/hazard management through forest management. LPRCA further requests that the long standing value of forests, wetlands and riparian buffers in the watershed-based prevention and mitigation of flood and erosion hazards be acknowledged and that private land stewardship programs such as tree-planting and soil erosion control be included in the mandatory programs and services related to the Risk of Natural Hazards. While there may be, from time to time, other sources of funding available for the disbursement cost of these programs, funding for planning, outreach and delivery of these projects is not. Continuity, relationship building and a watershed approach to these programs are important in the mitigation of flood and erosion hazards.

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

**Comment: Reasonable timelines are needed for the completion of the many strategies and management plans that are proposed to be mandatory for CA-owned lands.**

LPRCA owns 11,087 acres of land in 146 parcels in a range of categories including revenue generating campgrounds and managed forest tracts, and non-revenue generating water control reservoir lands, hazard lands, wetlands, and natural heritage features/areas. The regulation should recognize the need for reasonable timelines for the completion of management plans for CA-owned properties and the financial resources that will be required to complete the plans.

**Comment: Risk reduction related to the management and maintenance of CA-owned lands should not be limited to illegal activities but should also include activities to ensure public and CA staff safety on the property.**

Passive public use of non-revenue generating CA-owned land (hiking, walking, bird watching) is recreational. Much of the maintenance work done to allow for these passive uses, such as signage and trails, is done to protect the natural resource and mitigate the impacts of foot traffic. The management and maintenance of CA-owned lands related to passive, non-revenue generating, recreational use, now explicitly listed as non-mandatory, should be recognized as land security and natural heritage management activities.

### **Mandatory Programs to be Prescribed**

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

**Comment: LPRCA agrees that a watershed-based resource management strategy can provide a more integrated, long-term perspective for the delivery of both mandatory and non-mandatory programs and services.**

A watershed-based resource management strategy will play an important role in LPRCA's natural hazards mitigation programs and land securement/acquisition and management strategies.

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

**Comment: LPRCA agrees that the long standing, province-wide CA-MECP partnership for stream water quality monitoring and groundwater monitoring should continue on a watershed basis.**

#### **Conservation Authority Costs Not Related to Delivery of Programs and Services**

**Comment: LPRCA agrees that there are on-going organizational costs that enable the CA to function effectively as an organization but which are not directly related to the delivery of any specific program or service.**

### **Regulation for Municipal Agreements and Transition Period**

**Comment: The proposed timeframes for the transition period will be challenging even if the final regulations for Phase 1 are available by August 31, 2021. Phase 2 will outline additional regulations; those timelines are unknown and without both phases completed, the proposed timelines prescribed above are at risk.**

The proposed overall transition period to January 1, 2023 requires all agreements for the use of municipal levy to be in place. A new financial structure would be in place for the

2023 fiscal year, which would be required for the budget preparation in the fall of 2022. To develop the required transition plan by December 31<sup>st</sup>, 2021, including an inventory of the authority's programs and services and an overall work plan and timeline to develop and enter in agreements with municipalities, LPRCA requires both phases of regulation to be available and enacted promptly.

## **PART TWO: GOVERNANCE AND OVERSIGHT OF CONSERVATION AUTHORITIES**

### **CA Act Section 18 (2,3) Regulation to Require "Community" Advisory Board**

**Comment:** The LPRCA Board of Directors firmly opposes the imposition of an advisory board to the conservation authority board as an unnecessary and costly duplication of the CA board and we encourage the provincial government to instead allow authorities to direct the funds which would be spent on those advisory boards into necessary programming. This imposition of an advisory board does not support the government initiatives to eliminate duplication and remove layers of bureaucracy.

The administrative support for an effective community advisory committee is staff intensive, and can be comparable to that required for the General Membership. LPRCA is concerned that an on-going Community Advisory Board will be an unnecessary and costly duplication of the General Membership's role.

## **PART THREE: OTHER REGULATORY MATTERS – Section 29 Minister's Regulation**

### **CA Act Section 29(1) Conservation Areas**

**Comment:** LPRCA does not agree that the consolidation of individual CA Section 29 regulations into one Minister's regulation is beneficial if it leads to a mandatory universal standard for all CAs.

Conservation Authorities differ significantly in the implementation of their enforcement programs and have a wide range of abilities to support future additions to the Section 29 regulation that are needed by some conservation authorities. Having one regulation that applies to all CA conservation areas may, in the future, either push the staffing, equipment and skill requirements well beyond what many CA's can financially support, or limit the tools and authorities that some CAs need. An individual approach to the enforcement of Section 29 for each Conservation Authority will allow each CA to meet their enforcement needs without creating a standard that some CA's would not be able to achieve.

## **OVERALL FINANCIAL IMPLICATIONS**

**Comment:** Timeframes, if set for the delivery of all of the new mandatory initiatives, could require capacity that the CA does not currently have and thereby require additional municipal levy funding to meet the regulatory requirement.

The proposed Phase 1 regulations would require LPRCA to develop new policies, plans, committees and consultation processes:

- Create an inventory of programs and services by December 31, 2021
- Develop a transition plan submitted to the Province by December 31, 2021
- Send quarterly progress reports to the Ministry on implementation of the transition plan

- Enter into agreements with each municipality for non-mandatory programs and services that require municipal levy as a source of funding by Dec 31, 2022.
- Create an overall fee policy document.
- Create asset management and operating plans for the water control structures
- Develop a core watershed-based resource management strategy
- Develop an “overarching” strategy for CA-owned lands, with public participation in the planning process
- Develop a land securement/acquisition and disposition policy for CA-owned lands
- Develop a management plan for each property or group of properties
- Oversee the formation and operation of a “Community” Advisory Board to provide advice and recommendations to the authority on the authority’s strategic priorities and associated policies, programs and services.

The timeline is very aggressive considering additional resources (financial and human) will be required. The second factor is that the regulations for Phase 1 are not released and the regulations for Phase 2 have not been initiated. The timeline is unknown at this time.

Thank you for this opportunity to provide input to the Phase 1 Regulations under the *Conservation Authorities Act*.

Respectfully,



Michael Columbus,  
Chair,  
Long Point Region Conservation Authority

cc. Honourable Greg Rickford  
Minister of Northern Development, Mines, Natural Resources and Forestry

Thomas Thayer, CAO/Clerk, Municipality of Bayham

Heather Boyd, Director of Council Services, Clerk, County of Brant

Evelyn Eichenbaum, Manager, Citizen & Legislative Services, Municipal Clerk,  
Haldimand County

Diana Wilson, Acting Clerk, Township of Malahide

Teresa Olsen, County Clerk, Norfolk County

Kyle Kruger, CAO/Clerk, Township of Norwich

Chloe Senior, Clerk, Oxford County

Julie Forth, Clerk, Township of South West Oxford

Michelle Smibert, Director of Corporate Services/Clerk, Town of Tillsonburg

Kim Gavine, General Manager, Conservation Ontario