



June 17th, 2021

David Clazie, Chief Administrative Officer
City of Quinte West

Via Email:

RE: Ministry of the Environment, Conservation and Parks (MECP) Consultation Guide and the Environmental Registry of Ontario (ERO) comments

On May 13, 2021 the MECP posted a Consultation Guide on the ERO for public consultation. The purpose of the guide is to describe what the MECP is proposing to include in their first phase of regulations and solicit public input and comments. Comments received on the guide will be considered by the ministry when developing the proposed regulations expected later this year.

The Consultation Guide has been posted for a 45 day consultation period which ends on June 27, 2021. At the June 17th, 2021 regular meeting of the Quinte Conservation Executive Committee, ERO comments were discussed. These comments are provided in hopes that our municipal partners will use them as part of their own submission to the ERO posting. The comments are itemized below:

1. NATURAL HAZARDS:

- Conservation authorities look forward to the release of updated Provincial Flood Forecasting and Warning Guidelines which we understand are currently under review.
- Conservation authorities also 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.
- Conservation authorities also encourage the province to restore Section 39 funding to 2018 levels. In 2019, provincial funding provided to conservation authorities to deliver their natural hazards program was cut by 50%. This reduction in funding makes it difficult for many conservation authorities to deliver mandatory natural hazard programs across the province.

2. CONSERVATION LANDS

- Conservation authorities strongly support the ability to cover multiple conservation authority lands under one management plan where the properties are similar in nature. This flexible and practical approach supports the efficient use of taxpayer dollars.
- Conservation authorities believe 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. These green spaces provide sought after outdoor recreation that is highly valued by local residents and no more so than during the pandemic when visitors to conservation areas jumped 50% or more across the province. Some conservation authorities have also found that having passive recreation on properties can help reduce encroachment and other illegal activities.

- 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.

3. DRINKING WATER SOURCE PROTECTION

- 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.
- It is difficult to manage the program without (a) guaranteed funding, (b) year to year funding, and (c) timing of transfer payment agreements. This difficulty will be of increased concern if our general CA funding is decreased. In the last 7 years we have only twice negotiated prior to the commencement of the fiscal year. The remaining 70% of our negotiations have occurred months into the new fiscal. It is challenging for smaller CAs to be expected to continue working on the program for months at a time with no guarantee of funding. If this continues we are likely to see smaller CAs further struggle to cover those costs and as a result knowledge and expertise can be lost if staff are let go/move to more stable programs. Therefore, it is recommended that funding agreements be negotiated prior to the commencement of the fiscal. It is also recommended that these agreements be negotiated for multi-year periods to alleviate the financial strain on smaller CAs and to reduce both CA staff and Ministry staff administrative time spent negotiating these agreements annually.

4. 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 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.

5. PROVINCIAL WATER QUALITY AND QUANTITY MONITORING

- The PGMN and PWQMN are being proposed as mandatory. These programs in the past have been funded without assistance from the province even though they are “Provincial” programs. In most

cases, we do a majority of the work. This point has been brought up many times at the PGMN meetings.

- Quinte Conservation values the information that is provided from this program. It is important to continue but suggest that financial support be provided to deliver this program for the province.

6. ORGANIZATIONAL COST

- Conservation authorities 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.
- The cost associated with mandatory programs and services is to be paid in part by the municipal levy. The costs associated with "back office functions" to support these programs are apparently being dealt with through an un-proclaimed provision that will say a specific minimal amount associated with these costs is to be paid by the municipality.

7. TRANSITION PLANS AND MUNICIPAL AGREEMENTS

- 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.
- Conservation authorities also strongly support 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.
- The proposed regulation that will essentially dictate what goes into the non-mandatory MOUs could be a big burden. If the Regulation is too prescriptive, it will hinder the successful negotiation of these agreements. It is suggested that the Ministry keep this regulation broad enough that these agreements can be tailored by the parties involved to best suit their needs.
- The MOU's/Agreements with municipalities could be challenging considering the timing and current municipal election cycle. Anything high profile or items that may impact municipal budgets may get delayed/pushed until after elections which will make implementation on the Ministry timeframe, very difficult.

8. COMMUNITY ADVISORY BOARDS

- If conservation authorities are required to form a community advisory board, it is important that it augment not duplicate the work of the conservation authority's Board of Directors. Conservation authorities therefore support 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 their authority.

- Conservation authorities encourage 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.
- There is concern that there are already two 'boards' related to source water at Quinte Conservation (Source Water Protection Committee and Source Protection Authority). Presenting and creating reports for two boards already demands a lot of staff time and adding another board/committee is more red tape. Further, the duties outlined as a minimum in the consultation document seems very similar to that of the SPC regulation so it could be argued the committee already does those tasks.
- Quinte Conservation suggests that the Ministry becomes responsible for paying all per diem and expenses associated with the Community Advisory Board. This cost quickly adds up, even at a bi-monthly occurrence.
- 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.
- Conservation authorities request 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.
- Conservation authorities recommend changing the maximum authority representation on community advisory boards from 15% to 20% if the province intends for one member be a conservation authority member (minimum number of members is 5).
- Conservation authorities recommend that the minimum number of members be changed from 5 to "5 or 3 where a conservation authority has fewer than 10 municipally-appointed members on its Board of Directors".
- Conservation authorities may also require time following the completion of transition plans, municipal agreements and 2023 budgets to prepare a Terms of Reference, advertise and appoint a community advisory board. It is requested that conservation authority Boards of Directors be permitted to defer the establishment of community advisory boards until 2023.
 - OPTION B: Conservation authorities request that it not be mandatory for conservation authorities to form a community advisory committee or that the Minister be able to grant an exception from this requirement where an authority, with the support of one or more municipalities, submits a written request. In some watersheds, it could be challenging to recruit interested members of the public to sit on the committee and for smaller conservation authorities providing administrative support to the committee could stretch already limited capacity.

9. SECTION 29 MINISTER'S REGULATION

- All public green space (conservation areas, municipal parks, provincial parks) experienced a significant increase in use during the pandemic. This increase, which is expected to continue post-pandemic, challenged conservation authority staff, municipal bylaw officers and provincial park wardens. It is recommended 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*.
- The consolidation of the S29 regulation makes sense. It's the same across the province, the ticket books and fees are the same, just associated with different municipalities so it makes sense to have one regulation instead of 36 that all describe the same thing.

To aid in Council's consideration of submitting comments to the ERO, we respectfully request that Council consider submitting the comments included with this letter.

On behalf of the Quinte Conservation Executive Committee, thank you for considering this matter.

Sincerely and respectfully,



Brad McNevin CAO
Quinte Conservation