

**Region of Waterloo**  
**Planning, Development and Legislative Services**  
**Community Planning**

---

**To:** Committee of the Whole  
**Meeting Date:** June 22, 2021  
**Report Title:** Comments on Environmental Registry Ontario Posting #019-2986 – Regulatory proposals (Phase 1) under the Conservation Authorities Act

---

**1. Recommendation:**

That the Regional Municipality of Waterloo endorse the submission of Appendix A as the Regional Municipality of Waterloo’s response to Environmental Registry Ontario Posting #019-2986 – Regulatory proposals (Phase 1) under the Conservation Authorities Act, as set out in Report PDL-CPL-21-32, dated June 22, 2021.

**2. Purpose / Issue:**

This report provides Regional Staff’s response to the Province’s May 13, 2021 Environmental Registry posting on the Ministry of the Environment, Conservation and Parks proposed Phase 1 regulations under the Conservation Authorities Act.

**3. Strategic Plan:**

This report addresses the Region’s Corporate Strategic Plan 2019-2023, Focus Area 3: Environment and Climate Action, Strategic Objectives 3.2. to improve resilience to climate change and/or severe weather, 3.4 to protect our water resources (drinking water and wastewater treatment), and 3.5 to promote the efficient use of urban land, and protect and enhance agricultural and natural areas.

**4. Key Considerations:**

The Region has the following comments on the proposed Phase 1 regulations:

- The core mandate of Conservation authorities must be expanded. Water and natural heritage resources are provincial interests that are best managed at a watershed scale, with active leadership from Conservation Authorities.
- Mandatory programs and services can be more effectively and equitably implemented. Programs that support provincial interests, are watershed-based, provide benefits beyond individual property or municipal boundaries, and require

inter-municipal collaboration should be included in the Conservation Authority's core mandate. These include:

- Programs that focus on land stewardship, water quality and quantity, wetland conservation, and watershed ecological health; and
- Services including comprehensive watershed planning, local non-fee-based recreation and greenspace provision, monitoring, and conservation land securement.
- If these key programs and services are non-mandatory, the province needs to provide municipalities and/or Conservation Authorities with a mechanism to negotiate and secure appropriate inter-municipal participation and funding.
- The province needs to maintain or increase funding for the existing provincially mandated programs and services, and to consider funding additional proposed programs and services of provincial interest that go beyond municipal boundaries.

In addition, the Region recommends the following specific changes to the proposed regulations:

- Conservation Authorities should be required to provide input on, and review of, Official Plans and other relevant planning documents with respect to their mandated programs and services. This input should be provided early in the planning process and be done consistently across the watershed.
- If community advisory boards are provincially required, staff and administrative support for the committees should be recognized as a mandated service and be funded as such.
- The proposed transition period is unrealistic in a large and complex watershed with multiple municipalities, upcoming elections, and known budget cycles and deadlines.

The attached letter (Appendix A) will be submitted to the Province prior to the end of the comment period which will close on June 27, 2021.

## **5. Background:**

The province is proposing new regulations to focus conservation authorities on their core mandate. The first phase of regulations: prescribes mandatory programs and services Conservation Authorities must provide; gives municipalities greater control over what conservation authority programs and services they will fund; outlines the process to transition to the new model of mandatory/non-mandatory programs and services provision; consolidates "Conservation Areas" regulations; and requires community advisory boards.

A second phase of proposed regulations under the Conservation Authorities Act is

expected to include: municipal levies governing the apportionment of conservation authority capital and operating expenses for mandatory programs and services and for non-mandatory programs and services under municipal agreement; provisions pertaining to municipal appeals of conservation authority municipal levy apportionments; and standards and requirements for the delivery of non-mandatory programs and services.

Current programs and services provided by the Grand River Conservation Authority (GRCA) to the Region that would be mandatory include those related to: source water protection and natural hazard risks. Non-mandatory programs and services include: wastewater optimization; the Rural Water Quality Program; extended sub-watershed planning and planning review services; stewardship programs (tree planting, wetland enhancement, invasive species management, etc.); and public education.

#### **Area Municipality Communication and Public/Stakeholder Engagement:**

These comments have been shared with Area Municipal and GRCA staff.

#### **6. Financial Implications:**

Nil.

#### **7. Conclusion / Next Steps:**

Regional staff will monitor the Province's response to comments received and notify Council should there be any significant changes to the legislation.

#### **8. Attachments / Links:**

[Appendix A](#): Letter to Ministry of the Environment, Conservation and Parks, Conservation and Source Protection Branch, in response to ERO Posting #019-2986, dated June 22, 2021.

**Prepared By: Kate Hagerman**, Manager, Environmental Planning and Sustainability

**Approved By: Rod Regier**, Commissioner, Planning, Development and Legislative Services

Appendix A: Letter to Ministry of the Environment, Conservation and Parks, Conservation and Source Protection Branch, in response to ERO Posting #019-2986, dated June 22, 2021.

Liz Mikel  
Conservation and Source Protection Branch  
40 St Clair Ave W  
14th Floor  
Toronto, ON  
M4V 1M2  
Canada

To date, the province has limited the core programs and services that should be provided by Conservation Authorities to those related to the risk of natural hazards, conservation on the lands they control, and source water protection, but is also proposing that other potential programs or services may be prescribed by the regulation including Core Watershed-based Resource Management Strategy and Provincial Water Quality and Quantity Monitoring.

The Region has the following comments on the proposed Phase 1 regulations included in the ERO Posting #019-2986, dated June 22, 2021:

- **The core mandate of Conservation authorities must be expanded.** Water and natural heritage resources are provincial interests that are best managed at a watershed scale, with active leadership from Conservation Authorities.
  - The Provincial Policy Statement (PPS) requires that planning authorities use the watershed as the ecologically meaningful scale for integrated and long-term planning to protect, improve or restore the quality and quantity of water (2.2.1).
  - Growth Plan and Greenbelt Plan policies also require watershed planning to be undertaken to inform the protection of water resource systems and decisions related to planning for growth. Growth Plan policy 4.2.1.1 identifies that municipalities may partner with conservation authorities, as appropriate, to undertake watershed planning, and policy 3.2.6.4 directs municipalities that share an inland water source or receiving water body to coordinate their planning for potable water, stormwater, and wastewater systems based on watershed planning.
  - The provincial Natural Heritage System and Agricultural System are an important part of watershed characterization. Natural heritage features and areas identified as part of the NHS and beyond are important for maintaining ecological health within a watershed, while agricultural activities may have impacts on the health of the watershed. Land use

- planning at the appropriate watershed scale can account for the influence of these broad land use designations.
- The province also requires municipalities to plan for and respond to a changing climate. Climate change has the potential to place increased stress on water resource systems and municipal infrastructure that can be mitigated through effective watershed-based planning and program implementation.
  - **Mandatory programs and services can be more effectively and equitably implemented.** Programs that support provincial interests, are watershed-based, provide benefits beyond individual property or municipal boundaries, and require inter-municipal collaboration should be included in the Conservation Authority's core mandate. These include:
    - Programs that focus on land stewardship, water quality and quantity, wetland conservation, and watershed ecological health; and
    - Services including comprehensive watershed planning, local non-fee-based recreation and greenspace provision, monitoring, and conservation land securement.
    - The Grand River Conservation Authority has established strong watershed-wide programs that enable municipalities to work together to meet targets, respond to spills, optimize water treatment, etc. This valuable watershed approach is at risk of being lost without the support and oversight of the province.
  - If these key programs and services are non-mandatory, the province needs to provide municipalities and/or Conservation Authorities with a mechanism to negotiate and secure appropriate inter-municipal participation and funding.
    - Under the proposed regulation, non-mandatory programs would need to be supported through separate service/funding agreements and funded through municipal levies. This program format makes these programs and services vulnerable to municipalities opting out, under/un-equitable funding, and reduced program benefits.
  - **The province needs to maintain or increase funding for the existing provincially mandated programs and services**, and to consider funding additional proposed programs and services of provincial interest that go beyond municipal boundaries.
    - Although not currently being suggested, the proposed regulation provides a legal framework for the province to download mandatory Conservation Authority programs and services, to be included in a Memorandum of Understanding with individual municipalities, to be covered all or in part by municipal levies.
    - The current provincial source water protection program is also vulnerable as it is funded through an annual grant program.

In addition, the Region recommends the following specific changes to the proposed regulations:

- Conservation Authorities should be required to provide input on and review of Official Plans and other relevant planning documents with respect to their mandated programs and services should. This input should be provided early in the planning process and be done consistently across the watershed.
  - Conservation Authorities have technical information and expertise that is critical to informing the land use planning processes
  - Early consultation and input can complement the existing requirement for review and approval through the provincial “one window” system
- If community advisory boards are provincially required, staff and administrative support for the committees should be recognized as a mandated service and be funded as such.
- The proposed transition period is unrealistic in a large and complex watershed with multiple municipalities, upcoming elections, and known budget cycles and deadlines.

Please feel free to contact Kate Hagerman, Manager of Environmental Planning at [khagerman@regionofwaterloo.ca](mailto:khagerman@regionofwaterloo.ca) or 519-501-8271 if you require any additional information or have any questions.

Regards,

Rod Regier  
Commissioner of Planning, Development and Legislative Services  
Region of Waterloo