

# UPPER THAMES RIVER

CONSERVATION AUTHORITY



*Thames*  
Canadian Heritage River

*"Inspiring a Healthy Environment"*

June 25, 2021

Honourable David Piccinni  
Minister of the Environment, Conservation and Parks  
College Park, 5th Floor  
777 Bay Street  
Toronto, ON M7A 2J3

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

Dear Minister Piccinni,

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 Upper Thames River Conservation Authority (UTRCA) would like to thank the Ministry for involving Conservation Ontario and conservation authority (CA) representatives on the Provincial Working Group of stakeholders to provide guidance in developing the proposed regulations.

The UTRCA appreciates the recognition of CAs' critical role in addressing integrated watershed management and climate change through the provision of a "Core Watershed-based Resource Management Strategy" (CWRMS). The CWRMS reconfirms the role of CAs in protecting Ontario's watersheds, provides a longer-term perspective, and offers a consistent ecosystem based framework for categorizing the mandatory and non-mandatory programs and services for consultation with municipalities. The UTRCA will continue to work with the Province through Conservation Ontario and the Provincial Working Group to ensure that the regulations being developed can be effectively implemented and contribute to our mandate to protect Ontario's watersheds.

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

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

#### **Transition Timelines:**

The UTRCA appreciates the proposed January 1, 2023 overall transition period by which all agreements for the use of municipal levy must be in place. The proposed transition timeline would bring the new proposed financial structure for CAs into practice for the CA and municipal fiscal year of 2023. It also requires that CAs develop a transition plan by December 31, 2021

including an overall work plan and timeline to develop and enter into agreements with municipalities; an inventory of the CA's programs and services; and any other matters as prescribed in regulation.

The proposed timeframes for the transition period should provide sufficient time for the transition plans to be developed in consultation with municipalities and coordinated with the new municipal levy regulation proposed for Phase 2. The challenging timelines can only be met if the actual regulations (both Phase 1 and Phase 2) are enacted expeditiously.

### **Funding for Mandatory Programs:**

The mandatory programs that a conservation authority is to provide includes natural hazards, source water protection, managing CA owned properties, and other services specific to certain CAs. The government is also proposing additional services prescribed by regulation, including a CWRMS and Provincial Water Quality and Quantity Monitoring. The UTRCA is encouraged to see the inclusion of these additional services, particularly the CWRMS. We will work with Conservation Ontario on a consistent approach to the CWRMS across Ontario watersheds. While education and communication are specifically mentioned under the natural hazard program, it should be clarified that education and communication are components related to the provision of **all** mandatory programs and service activities.

### **Natural Hazards Programs:**

Given our municipal partners' limited resources and other critical priorities, we request that the Province consider continuing to provide funding support of critical mandated programs. Additionally, supporting private landowners with restoration and stewardship services is crucial for overall watershed health and natural hazard management. A majority of land within the Upper Thames River watershed is under private ownership and stewardship must be supported in order to address future challenges, such as climate change, through nature based solutions.

Concerns have been raised about future provincial funding for hazard management programs due to recent 50% cuts to the MNRF funding for their natural hazards program. It is estimated that the MNRF transfer payment covers less than 10% of the actual cost to deliver the hazard management program in the UTRCA watershed. Infrastructure funding support through the Water and Erosion Control Infrastructure program is essential for continued maintenance and repairs to our water management infrastructure. The current transfer payment to UTRCA is completely inadequate for its purpose and should revert to former levels at a minimum, or ideally increased to reflect the importance to the Province of the hazard management function.

### **Nature Based Solutions for Natural Hazard Management & Climate Resilience:**

The provision of private land stewardship programs, such as tree-planting and soil erosion control, for mitigation of natural hazards should be included as a new mandatory activity. The issues that prompted the establishment of many CAs were related to deforestation and its impact on water supply, drought, soil erosion, and flooding. Early emphasis in some CAs was on forest acquisition, reforestation, and assisting landowners in reforesting marginal land – essentially, water/ hazard management through forest management.

Research has demonstrated the importance of nature based solutions such as protecting and restoring headwater areas, flood plains, river valleys, riparian areas, and wetlands, in order to

reduce the risk of flooding, erosion, and drought on a watershed basis. Nature based approaches are much cheaper to implement than grey infrastructure approaches. The Insurance Bureau of Canada (IBC) 2018 report, “Combatting Canada’s Rising Flood Costs: Natural Infrastructure is an Underutilized Option,” speaks to the potential for nature based approaches to reduce the risk of flooding. The IBC recognizes that these approaches must be undertaken on a watershed basis to be effective.

The UTRCA requests that the long understood value of forests, wetlands, and riparian buffers in the watershed based prevention and mitigation of flood and erosion hazards be acknowledged, and that provision of 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 other sources of funding available for the disbursement cost of these programs from time to time, funding for planning, outreach, and delivery of these projects is not. Mitigating flood and erosion hazards requires continuity, relationship building, and a watershed approach to these programs. Nature based solutions also build resiliency into our watershed systems as we deal with the impacts of a changing climate.

### **Provincial Water Quality and Water Quantity Program:**

The Provincial Water Quality (PWQMN) and Water Quantity (PGMN) Monitoring Programs are both examples of successful cost sharing programs between the MECP and CAs. These longstanding programs provide important trend data in support of effective water management. However, the coverage of the existing Provincial Water Quality and Quantity Monitoring Programs is incomplete and CAs have expanded these networks by implementing additional monitoring outside of the provincial networks, to provide more comprehensive coverage.

The UTRCA asks the Province to consider these expanded water quality and quantity monitoring programs as eligible for inclusion into the mandatory program. Please clarify that the MECP will continue to be a funding partner for the proposed mandatory Provincial Water Quality and Quantity Monitoring program.

### **Drinking Water Source Protection Program:**

The UTRCA requests that funding support remain intact for mandatory programs and services for CAs related to Source Protection Authority responsibilities under the *Clean Water Act*. It is our understanding that the MECP will continue to provide funding if CAs 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.

### **Inclusion of Passive Recreation and Nature Awareness/Education:**

The management and maintenance of CA owned lands is included as a mandatory service. However, this does not include the significant components of passive recreation, awareness, and education, which are critical to community well-being and are important services provided by CA lands. Most UTRCA properties have a component of passive recreation and/or nature education. In many cases, trails are integrated into the property such that it would be problematic to separate the mandatory/non-mandatory components for budgeting purposes. This has the potential to create additional operational costs in tracking the separate funding streams and performing maintenance.

The UTRCA recommends that the Province include infrastructure that is intended to safely support public access opportunities, such as walking trails, and that is provided free of charge to the public, as an eligible mandatory activity on CA lands. Public access to CA owned lands is a cost-effective means of reducing encroachment and other illegal activities and promotes equitable access to green infrastructure.

### **Memorandums of Understanding:**

Non-mandatory programs and services will require CAs to enter into memorandums of understanding (MOU) with funding partners. Clarity on the MOU timing/ transition requirements is needed to complete the required transition plans. The timeline proposed is very tight given the regulations, and subsequent phases of regulations including for the levy and fees have yet to be released. Additional factors that will influence finalizing MOU agreements include: time required for 2023 budget preparations, municipal elections and resulting limitations on approvals for MOUs and agreements.

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

Public Advisory Committee: It is recommended that the language should be amended to: “In accordance with Section 18(2) of the Act, the Authority *may* establish such advisory boards as required by regulation or committees as it considers appropriate to study and report on specific matters”.

Recognizing that this proposed change is unlikely, it is important that it support rather than duplicate the work of the CA General Membership. It is important that the CA’s Board of Directors develops and approves a Terms of Reference that outlines the composition, activities, functions, duties, and procedures of the Community Advisory Board (CAB) for their particular CA. Structuring CABs with minimal prescribed requirements that may be scoped within the terms of reference will enable local flexibility and effectiveness. In this regard, the UTRCA cautions that there will be additional administrative burden on the levy to support the CAB, assuming that these boards will require per diems and staff support in terms of meeting logistics, agendas, minutes and reports, as supported by the current administrative functions. The proposed timing of the CAB creation and implementation should coincide with the implementation of new municipal agreements in January 2023 and reflect the input of new municipal councils taking office in November 2022 and appointing their representatives to the Conservation Authority General Membership.

### **PART THREE: OTHER REGULATORY MATTERS - Section 29 Minister’s Regulation**

The UTRCA supports the consolidation of the various individual CA regulations under Section 29 of the Act regarding public use of a CA’s property. However, we believe that our Section 29 regulation can benefit from a comprehensive update. It is proposed that the Section 29 regulation be redesigned to better align with by-laws made under the *Municipal Act* related to the use of municipal property including parks, and the *Provincial Parks and Conservation Reserves Act* (2006) and its associated regulations, including O. Reg. 347/07: *Provincial Parks: General Provisions*.

The UTRCA suggests that the Province defer the approval of a new Section 29 regulation until such time as a fulsome review and update of the regulation can be undertaken. It is important

that CAs have the right tools to take us into the future where our conservation areas are heavily used by tourists and locals alike.

Finally, many of the proposed changes require substantial work to implement with new reporting requirements that will entail both additional one-time and ongoing costs that will need to be addressed. We appreciate the opportunity to comment on this proposal and hope these comments are helpful. Any questions regarding this matter may be directed to the undersigned via email [annett@thamesriver.on.ca](mailto:annett@thamesriver.on.ca).

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

A handwritten signature in blue ink, appearing to read "Tracy Annett", with a long horizontal flourish extending to the right.

Tracy Annett

General Manager / Secretary Treasurer

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