

November 23, 2022

Ministry of Natural Resources and Forestry
Resources Planning and Development Policy Branch
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Peterborough, Ontario K9J 8M5
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Attention: Public Input Coordinator
Response to (ERO 019-2927) *Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario*

Dear Public Input Coordinator

Please accept these comments in response to “Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario”, as outlined in **ERO 019-2927**.

J.F. Sabourin and Associates Inc. is a specialized consulting firm that has been providing services in water resources engineering, environmental management and land planning to private and government clients in Ontario, Quebec, and further abroad for almost 30 years. Our team specializes in advanced hydrologic and hydraulic modelling and software, policy interpretation relating to natural hazards, and interdisciplinary environmental project collaboration. Our expertise has enabled us to remain at the forefront of our field, in addition to undertaking research projects, providing third party reviews and advising on guidelines and policy relating to our areas of expertise. Our staff includes an experienced former Conservation Authority Planner to liaise and coordinate projects through the Conservation Authorities Act regulatory and development review processes. This gives us unique and significant insight into the operation and scope of Conservation Authority review and advisory activities.

In general, we support the work of Ontario Conservation Authorities as the provincial representatives and technical experts on matters relating to flooding. They need a clear mandate and appropriate support to do this work well. Our comments on the above-mentioned posting are consistent with this position and our experiences with the Conservation Authorities Act as it is currently written.

Definitions

- **ERO Proposal:** Defining wetlands and hazardous lands and development activity as per the existing definitions in the *Conservation Authorities Act*
- **Recommendation:** Wetland definition should be more specific and clearly identifiable to all stakeholders. Recommend PSW and any wetlands identified in the local Official Plans.
- **Why:** The current definition is too subjective and unpredictable. No specific trigger for implementation of regulation or publicly established boundaries. Conservation Authority staff need certainty to implement regulations consistently. Landowners need predictability and clarity.

Conditions

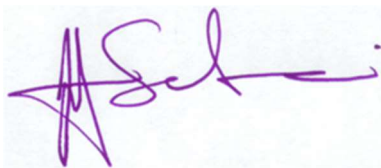
- **ERO Proposal:** Limiting the site-specific conditions a conservation authority may attach to a permit to matters dealing with natural hazards and public safety
- **Recommendation:** Remove option to require Conservation Easement condition on private properties.
- **Why:** Regulations already allow CA's to control grades and floodproofing measures on lands within the regulatory boundary. Easements create additional costs to landowners and administrative burden on CA's.

Tests under S. 28 (1)

- **ERO Proposal:** Focus permitting decisions on matters related to the control of flooding and other natural hazards, and the protection of people and property.
- **Recommendation:** Confirm appropriate tests in Conservation Authorities Act, R.S.O. 1990, c. C.27, Section 28.1 (1) to be intent based and non-subjective.
28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,
(a) the activity is not likely to affect the control of flooding, erosion ...
(b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;
Why: Previous test; *"if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development"* is subjective and does not address the harm reduction intent of the hazard lands regulation.

It is our position that the above changes to the Conservation Authorities Act with support housing creation and strengthen the operation and purpose of Conservation Authorities across the province.

Sincerely yours,



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