



December 21, 2022

Public Input Coordinator  
MNRF – PD – Resources Planning and Development Policy Branch  
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Re: **ERO Posting No. 019-2927**

Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

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The Long Point Region Conservation Authority (LPRCA) supports the government's commitment to streamlining processes and reducing unnecessary barriers to development. However, we are concerned that some of the proposed changes to the regulations made under Section 28 of the *Conservation Authorities Act* may have unintentional, negative consequences. Rather than creating conditions for efficient housing development, these proposed changes may jeopardize the Province's stated goals by increasing risks to life and property for Ontario residents.

**1. In consolidating the existing 36 individual conservation authority regulations into one regulation, the Minister's previous directions with respect to individual CA's Regulatory Flood Standards should be recognized and maintained.**

LPRCA generally supports the proposal to consolidate and harmonize the existing 36 individual conservation authority regulations into one Minister of Natural Resources and Forestry approved regulation.

With respect to regulatory flood event standards, the proposal states that the applicable flood event standards are not currently proposed to change from the standards outlined in current CA regulations. However, LPRCA is concerned that, with one Minister's regulation, the LPRCA's regulatory flood standard could be inadvertently changed through the way that the regulatory flood standards are presented in the Minister's new regulation.

The LPRCA regulatory flood standard was changed from the Regional Storm (Hurricane Hazel) to the 100-year Flood by direction of the Minister of Natural Resources in 1987. LPRCA needs clarification that the Minister's previous directions with respect to regulatory flood standards will be recognized and maintained. If LPRCA's regulatory flood standard reverts to the Regional Storm in the new regulation, the regulated area in the LPRCA watershed will expand significantly.

**2. “Conservation of land” and “pollution” should remain as tests for permitting, with the definitions tied to natural hazards mitigation.**

LPRCA recommends that, instead of removing pollution and conservation of land from the permitting tests, that “pollution” and “conservation of land” be defined in the updated Section 28 regulation and tied, for clarity, to the mitigation of natural hazards, for example, to address sediment and erosion controls, thereby reducing downstream erosion and flood peaks.

LPRCA supports the proposal to add the terms “unstable soils and bedrock” to the permitting tests, as it clarifies the CA role in addressing hazards associated with development on karst topography and organic soils.

**3. LPRCA recommends that the definition of a “wetland” be amended to be consistent with the definition of wetland found within the Provincial Policy Statement, 2020.**

LPRCA is concerned in particular that the current wetland definition that applies to CA permitting excludes wetlands that do not have a direct “connection with a surface watercourse”. These excluded wetlands are important to the hydrological function of a watershed and the mitigation of flood and drought hazards.

An isolated wetland, i.e. a wetland that is not connected to a watercourse, captures all of surface runoff from its drainage area and releases the water slowly by evapotranspiration or recharge. It thereby prevents that runoff from reaching a watercourse during a flood event. Given the recognized importance of isolated wetlands for flood mitigation and the maintenance of water supplies, the definition of wetlands that applies to CA permitting should include isolated wetlands. The history and reason for this limitation are outdated. LPRCA recommends that the definition of a “wetland” be amended to be consistent with the definition of wetland found within the Provincial Policy Statement, 2020.

LPRCA supports the proposed “watercourse” and “hazardous land” definitions.

**4. Development subject to *Planning Act* authorizations should not be exempt from requiring Conservation Authority permits.**

LPRCA supports the proposal to exempt or streamline approvals for the 12 activities that are listed in the proposal, and for certain other types of low-risk development and hazards that may be identified in consultation with conservation authorities. However, it is unclear whether the proposed exemptions will be limited to certain types of low-risk development and hazards, or whether the purpose is to transfer Conservation Authority responsibilities to municipalities on a broader scale.

The municipal planning process on its own is insufficient to ensure natural hazard concerns are addressed through design and construction. CA permits deal with matters such as building

location relative to hazards and floodproofing design elements that are not included in the *Building Code Act*.

LPRCA is concerned that the enabling changes to the *Conservation Authorities Act* may signal future delegation of CA permitting roles to municipalities that have neither the capacity nor the expertise in water resource engineering to ensure that people and property are protected from natural hazards. This will result in longer response times and increased costs, and impede both of the government's goals for public safety and more affordable housing development.

We recommend that the Multi-stakeholder Conservation Authorities Working Group be re-established to provide advice on development activities that may be suitable for exemption from permit requirements using existing clauses within Section 28(3) and (4) of the *Conservation Authorities Act*. This approach avoids unintended risk to public safety, properties, or natural hazards.

#### **5. Coordination between Conservation Authorities Act regulations and municipal planning approvals can be improved through other means.**

LPRCA works with its partner municipalities in a number of ways to coordinate between the municipal planning approvals and the *Conservation Authorities Act* regulations. For example:

- Pre-consultation meetings are frequently joint and deal with both *Planning Act* matters and CA regulatory matters. Pre-consultation meeting summaries include LPRCA permitting requirements in addition to the municipal requirements (depending on the stage of plans);
- LPRCA comments on circulated municipal planning applications include details of the CA permitting requirements;
- LPRCA consistently meets the comment due dates provided by the municipal staff to facilitate the municipal timelines and process;
- LPRCA permit fees are discounted if the applicant has paid plan review fees.

Thank you again for the opportunity to provide comments. We appreciate your consideration of the proposed changes in this submission to identify solutions that will increase Ontario's housing supply without jeopardizing public safety.

Sincerely,

Judy Maxwell  
General Manager



Long Point Region Conservation Authority