

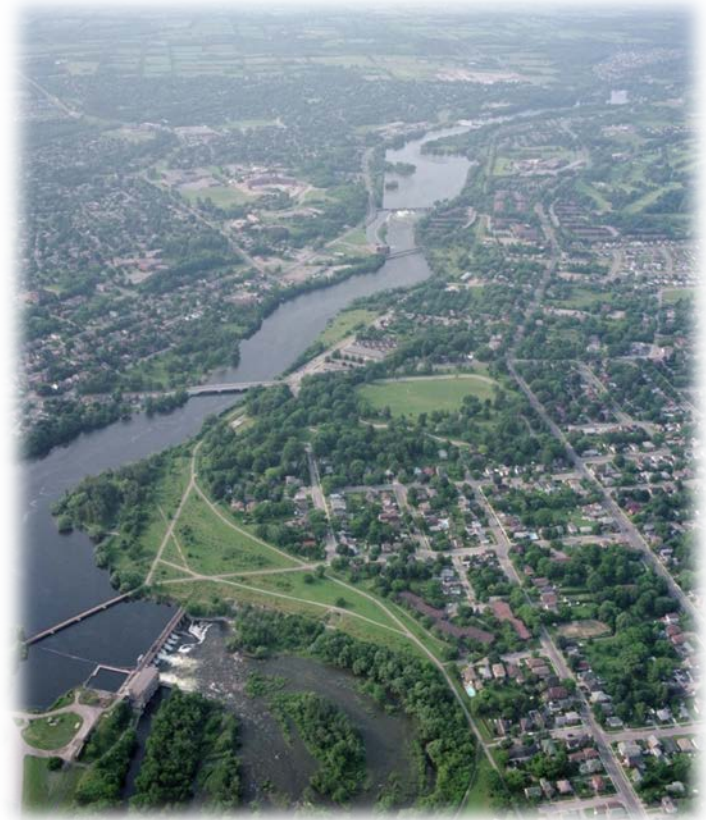


A Modernized Conservation Authorities Act and Flood Management in Ontario: Building on Successes

Water Resources Section
Natural Resources Conservation Policy Branch
Policy Division
March 6, 2018

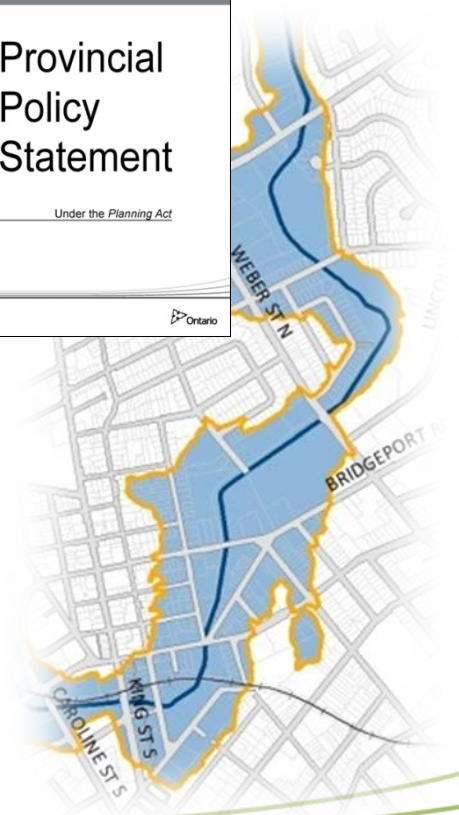
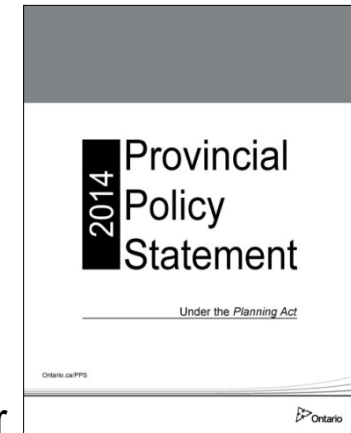
Overview

- Background
 - Provincial Policy Framework
 - New Conservation Authorities Act
 - Provincial Role and Mandate
 - Origins of Floodplain Management
 - Municipal Role
 - Conservation Authority Role
- MNRF Technical Guidelines
- Updating Policy and Technical Guidance – Government Realities



Provincial Policy Framework

- MNRF has the provincial policy lead for overland flooding
- Provincial policy objective:
 - Reducing the potential for loss of life and property damage associated with flooding
- Policy objective achieved by:
 - Directing development away from floodplains (and other hazardous areas); &
 - Preventing the creation of new, or aggravation of existing, flood hazards
- Provincial policy implemented through:
 - *Provincial Policy Statements* issued under the *Planning Act*; and
 - Regulations developed under the *Conservation Authorities Act*

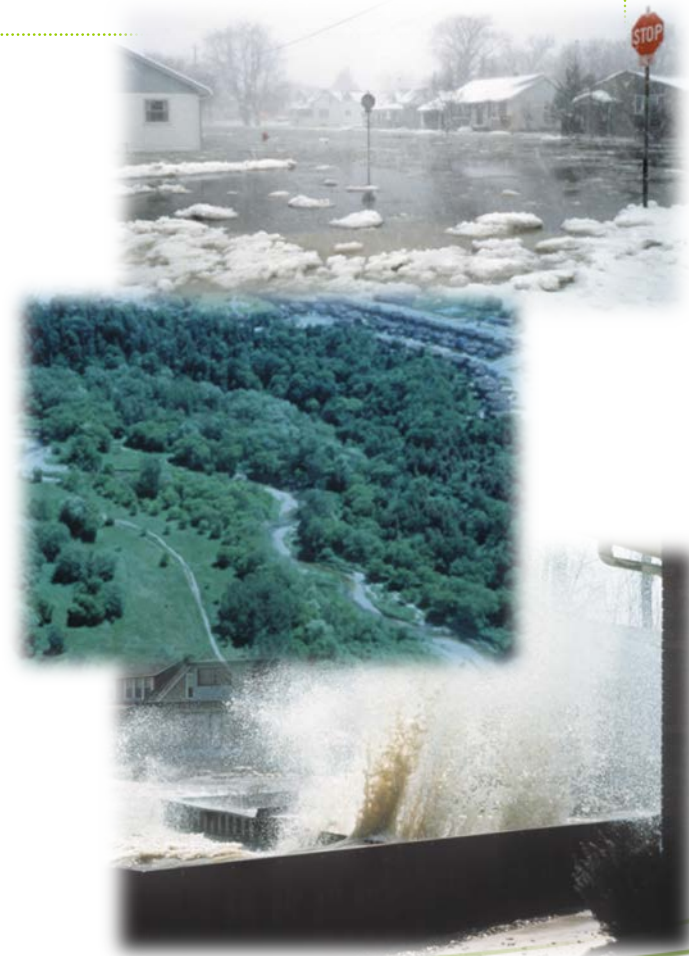


New Conservation Authorities Act

- MNRF undertook a review of the Act between 2015 and 2017
- High-degree of support for increasing clarity and consistency in CA roles and responsibilities
- Amendments made to the Act to give the province authority to define CA roles and responsibilities in regulation
- MNRF has committed to using this new authority to:
 - Creating a new regulation outlining the roles and responsibilities of CAs in managing water-related natural hazards and reviewing planning documents for consistency with the *Provincial Policy Statement*; and
 - Updating regulations governing development in areas associated with water-related natural hazards, and interfering with watercourse and wetlands (i.e. S.28 Regulations)
- New regulations provide new tools for embedding CA roles and responsibilities within the broader provincial policy framework

Ministry of Natural Resources and Forestry Flood Mandate

- The Emergency Management and Civil Protection Act (EMCPA) provides the provincial legal basis and framework for protecting the health, safety and welfare of Ontario's people in times of emergency.
- Since 1975 and reaffirmed by Order-in-Council 1157/2009 of the EMCPA, MNRF is the provincial lead for seven hazards including floods.
- The flood program is built on the 5 pillars of Emergency Management



Origins of Ontario's Floodplain Management



- Severe damage and loss of life caused by Hurricane Hazel (1954) provided main impetus for Ontario's floodplain management efforts
- Origins can be found in the Canada/Ontario Flood Damage Reduction Program (FDRP) - Initiated in 1975
- Purpose of provincial/federal FDRP cost shared program:
 - Discourage future flood vulnerable development
 - Curtail escalating disaster assistance payments in known flood risk areas
 - Reduce reliance on costly structural measures
- FDRP concluded in the early 1990s, however the direction and intent of Ontario's current provincial floodplain management policies and guidelines are founded on the principles of the FDRP and the use of floodplain mapping.

Floodplain Management: Municipal Role

- Since 1988, part of MNR's flood management program has been delivered through the Planning Act, Provincial Policy Statement (PPS) natural hazard policies.
- "Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards." (s. 3.1 PPS)
- Municipalities are delegated the responsibility of identifying areas subject to natural hazards and to develop management plans (i.e. flood contingency plans) to limit exposure to public health and safety risks.
 - This includes identifying floodplains in municipal plans and incorporating policies to address new development consistent with the PPS policy.
 - It is up to the municipality to determine how to best to achieve this requirement; the use of floodplain mapping is one tool available to demonstrate hazard areas.
 - Municipalities can choose to rely on the services of CAs to undertake floodplain mapping, but are not required to do so.



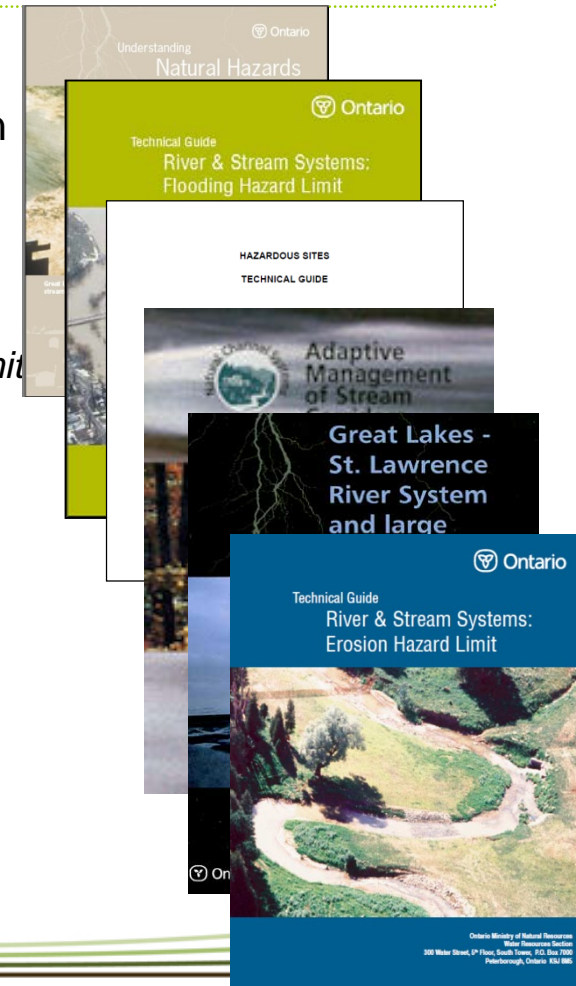
Floodplain Management: CA Role

- Through a delegation from MNRF, CAs have the responsibility for representing the "Provincial Interest" for the natural hazard policies in the PPS (Section 3.1 PPS):
 - Requires CAs to review and provide comments on municipal planning documents and site plan applications submitted under the Planning Act as part of the Provincial One-Window
 - Ensure consistency with the PPS natural hazards policies
- Where CAs have not been established by municipalities, MNRF remains responsible for the review and commenting role.
- Through regulations made under s.28, CAs, through a permitting process, regulate development in hazard prone areas set out in regulation and may include developing 'regulatory limit mapping' including 'flood risk areas, susceptible to flooding.
- CAs review development applications for impacts to the control of flooding from the technical viewpoint of flood susceptibility, upstream and downstream implications and flood control.
- CAs also regulate activities that may interfere with a watercourse or a wetland.



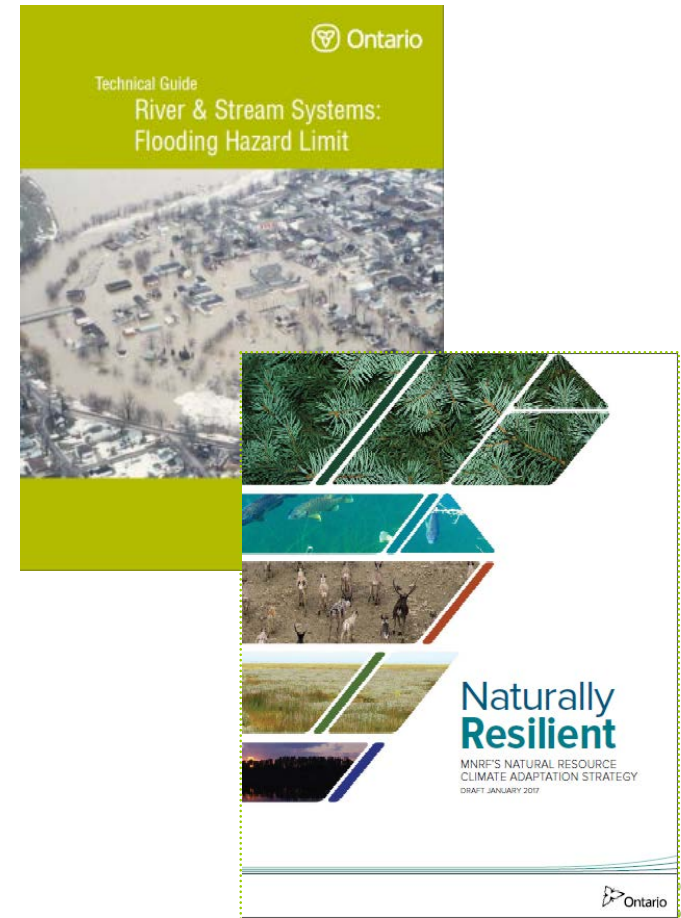
MNRF Technical Guidelines - Flooding Hazards

- In 2002 MNRF developed and approved a series of Natural Hazard Technical Guides to support municipal implementation of the natural hazard policies in the Provincial Policy Statement of the Planning Act.
 - *Understanding Natural Hazards (2001)*
 - *Technical Guide - River & Stream Systems: Flooding Hazard Limit (2002)*
 - Hazardous Sites – Technical Guide (1996)
 - *Great Lakes-St. Lawrence River Shorelines, Flooding, Erosion and Dynamic Beaches (2001)*
 - *Technical Guide for Large Inland Lakes Shorelines, Flooding, Erosion and Dynamic Beaches (1996)*
 - *Technical Guide - River and Stream Systems: Erosion Hazard Limit (2002)*



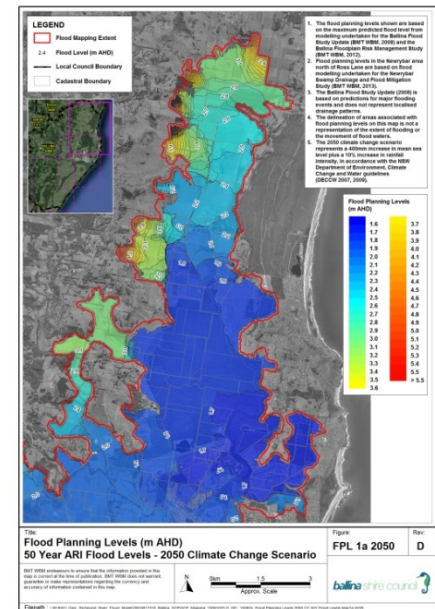
Recent Initiatives – Climate Change Considerations & Technical Guidance

- Preliminary evaluation of technical guidance for natural hazards
- Changes made to PPS (2014) include explicit reference to Climate Change:
 - *Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.*
- Science and technology have evolved since the guide was released in 2002
- MNRF is investigating opportunities to expand the guide to include information that supports adaptation of floodplain management and mapping in a changing climate

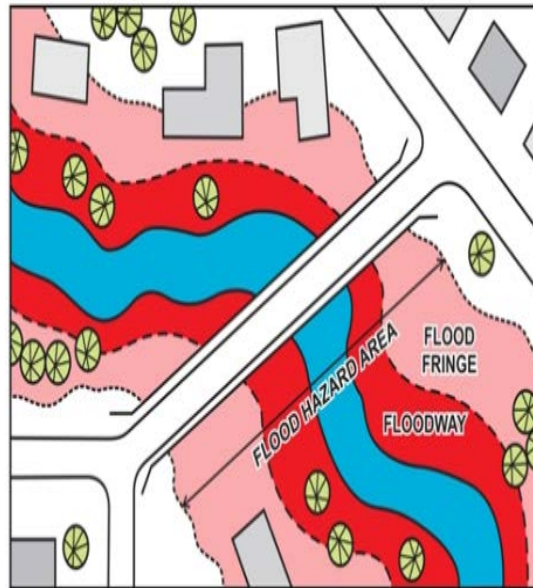


Realities & Constraints We Operate Within

- Flood management is a shared area of provincial and municipal responsibility
- Provincial policy and technical guidelines must be developed in partnership with municipalities
- Province depends on municipalities and CAs to implement policy direction
- Constant tension between intensification and hazard management
- Changes to policy and technical guidelines have significant societal implications
- Impacts of potential changes need to be assessed and disclosed to decision-makers – including an assessment of trade-offs being made



Questions?



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