

ATTACHMENT 1: Mandatory Programs and Services Delivered by CAs

Part One: Programs and Services Delivered By Conservation Authorities

A: Mandatory Programs and Services Related to the Risk of Natural Hazards

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the risk of natural hazards.

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
Administration of permits issued under section 28.1 of the <i>Conservation Authorities Act</i> , including associated enforcement activities (sections 28.1 and 28.1.2 once proclaimed). Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities' role in commenting on <i>Environmental Assessment Act</i> , <i>Drainage Act</i> , <i>Aggregate Resources Act</i> , <i>Niagara Escarpment Planning and Development Act</i> proposals.)	Conservation Ontario is pleased to see that the S. 28 permitting process is being recognized as an overall important component of Ontario's natural hazard management. Conservation Ontario is also pleased to see the acknowledgement of the interrelationship between CA comments provided on proposals made under other applicable law and the CA permitting process. It is noted that not all involvement in other review or approval applicable law processes culminates in the issuance of a permit under the <i>Conservation Authorities Act</i> (for example, applications made under the <i>Aggregate Resources Act</i>). There is a need to further clarify the phrase "where appropriate" or perhaps replace it with "where applicable".
Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the <i>Planning Act</i> (excluding policies associated with wildland fires) in accordance with Provincial One Window Planning Service protocols, including, when appropriate, <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.	<u>Conservation Ontario recommends the following edits to this paragraph:</u> Land-use plan review and input in accordance with the <i>Planning Act</i> and on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the <i>Planning Act</i> (excluding policies associated with wildland fires). As requested by the Ministry of Municipal Affairs and Housing , in accordance with Provincial One Window Planning Service protocols, including, participate participate when appropriate, in <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies. CAs will provide input into review of applications for new or amended Special Policy Areas. Conservation authority administration of the planning program may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities' role in commenting on <i>Environmental Assessment Act</i>,

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	<p><i>Aggregate Resources Act, and Niagara Escarpment Planning and Development Act proposals).</i></p> <p>Conservation Ontario appreciates the province’s continued recognition of the important role that CAs play in protecting life and property through their delegated role in plan input and review from MNRF. Conservation authorities would be pleased to participate as part of the provincial One Window Service Protocol. In order to fulfill that requirement CAs will require access to the Protocol as well as training regarding its implementation from the province. It is expected that CAs will retain the ability to independently appeal decisions related to natural hazards through the Local Planning Appeal Tribunal representing the provincial interest. The above edits better reflect this expectation. As part of the provincial One Window Service Protocol it is expected that CAs could also participate in an appeal led by the province via the MMAH.</p> <p>It is recommended that the regulation remove reference to the date of the PPS to avoid the regulation becoming stale-dated. Conservation Ontario has identified a need to update the Special Policy Areas guidelines to reflect current practice and realities. This should be considered (along with an update to the Technical Guides) as part of implementation support materials for this regulation.</p>
<p>Flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards.</p>	<p><u>Conservation Ontario recommends the following edits to this paragraph:</u></p> <p>Monitoring, and flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards. It is recognized that the Provincial Flood Forecasting and Warning Guidelines are currently under review and Conservation Ontario looks forward to their release. Monitoring should be included as part of this program to capture monitoring programs associated with flood forecasting and warning.</p> <p>It is noted that a component of the Flood Forecasting and Warning Guidelines include development of flood preparedness maps</p>

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	<p>identifying five zones of flooding for emergency preparedness purposes. While it is recognized that emergency response plans and associated mapping are the responsibility of the municipality, conservation authorities should be tasked with identifying the different limits of flood extent for this mandatory component of the program. To reflect this differentiation, it is recommended that the title of the non-mandatory “Emergency Management Services (EMS) Mapping” in the table on page 20 of this consultation guide be revised to “Emergency Management Response Plans for Flood”.</p>
<p>Operation and maintenance of:</p> <ul style="list-style-type: none"> ● any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation; ● any erosion control infrastructure owned or controlled by the conservation authority; ● the completion of operational and asset management plans; and ● infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated necessary technical or engineering studies, including dam safety studies and emergency preparedness plans. 	<p>Conservation Ontario recommends that this description include mitigation or new actions taken to reduce flood and other hazards, including drought. This description appears to exclude the CA role related to the implementation of the <i>CO Class EA for Remedial Flood and Erosion Control Projects</i> which should be added in. While it is recognized that some new remedial flood or erosion control projects would fall under capital expenses or reservoirs to alleviate drought would fall under capital expenses, a greater emphasis on mitigation actions is required in this paragraph.</p> <p>Outcomes of operational and asset management planning may suggest that maintaining some grey infrastructure is too expensive and conversion to green infrastructure should be considered. In the last bullet, decommissioning should be included in addition to rehabilitation/repair.</p>
<p>Ice management services (preventative or remedial) as appropriate and as supported by an authority approved ice management plan, including:</p> <ul style="list-style-type: none"> ● development and updating of plans; ● control of ice, including potential standby equipment (e.g. icebreaker put in place in advance of ice season to prevent ice formation); and 	<p>Conservation Ontario is pleased to see the development of plans included in this list. It is recommended that this list also include the cost of hiring, leasing, purchasing and/or maintaining of equipment and personnel to undertake this work.</p>

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<ul style="list-style-type: none"> ● addressing ice-related erosion. 	
<p>Low water monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.</p>	<p>It is noted that as climate change proceeds, drought becomes an equally important threat for our watersheds.</p>
<p>Collection, provision, and management of information as needed to support the conservation authorities to:</p> <ul style="list-style-type: none"> ● delineate and map hazard areas; ● develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority’s jurisdiction, including shorelines and rivers; ● study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard); ● study stream morphology; ● study the potential impact of changing climatic conditions on natural hazards; and ● study design to mitigate natural hazards. 	<p><u>Conservation Ontario recommends the following edits to this paragraph:</u> Collection, development, provision, consultation and management of information, models and strategies as needed to support the conservation authorities to:</p> <ul style="list-style-type: none"> ● delineate and map hazard areas; ● develop and implement a strategy to increase information on natural hazards within the conservation authority’s jurisdiction; ● develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority’s jurisdiction, including lakes, shorelines and rivers; ● study surface and ground water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard); ● study stream morphology; ● identify wetland areas; ● study the potential impact of changing climatic conditions on natural hazards; and ● study design to mitigate natural hazards. <p>These proposed edits would ensure clarity and transparency regarding the full breadth of the program area. For example, in some cases this information may not exist, so the CAs would need to develop a strategy to collect the data.</p>
<p>Communications, public awareness and education regarding the risk of natural hazards present within the jurisdiction of the authority to public safety, and to consult on program components as required.</p>	<p>Conservation Ontario supports this proposed paragraph.</p>
	<p><u>Conservation Ontario recommends the following new activity be included:</u></p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	<p>Provision of private land stewardship programs such as tree-planting and soil erosion control for mitigation of natural hazards.</p> <p>The issues that prompted the establishment of many Conservation Authorities were related to deforestation and its impact on water supply, drought, soil erosion and flooding. Early emphasis in some conservation authorities was on forest acquisition, reforestation and aiding landowners to reforest marginal land – basically water/hazard management through forest management. Over the years there has been a lot of research on the importance of nature based solutions such as protecting and restoring headwater areas, flood plains, river valleys, riparian areas, wetlands and shorelines in order to reduce the risk of flooding, erosion and drought. Nature based approaches are much cheaper to implement than grey infrastructure approaches. The Insurance Bureau of Canada (IBC) released a report in 2018 entitled “Combatting Canada’s Rising Flood Costs: Natural Infrastructure is an Underutilized Option” which speaks to the potential for nature based approaches to reduce the risk of flooding. The IBC recognizes that these approaches need to be undertaken on a watershed basis to be effective. It is requested 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, from time to time, other sources of funding available for the disbursement cost of these programs, funding for planning, outreach and delivery of these projects is not. Continuity, relationship building and a watershed approach to these programs are important in the mitigation of flood and erosion hazards. They also build resiliency into our watershed and coastal systems as we deal with the impacts of a changing climate.</p>

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	<p>The consultation guide is unclear as to whether the mandatory programs and services regulation will require that conservation authorities deliver all natural hazard mandatory programs and services or whether delivery will still be contingent on local capacity. Concerns have been raised by numerous conservation authorities that they would not be able to deliver all these mandatory programs and services without a significant increase in municipal levy or provincial funding. For example, funding limitations currently prevent some conservation authorities from:</p> <ul style="list-style-type: none"> • Delineating and mapping all hazard areas in their watershed • Developing asset management plans for water and erosion control infrastructure • Operating water control infrastructure • Providing ice management services • Providing low water monitoring and communication

B: Mandatory Programs and Services Related to the Management of Conservation Authority Land

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the management of conservation authority land.

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>1.Administration of the section 29 Minister’s regulation of ‘Conservation Areas’ or land owned by conservation authorities including the setting out of fees, permits and enforcement activities.</p>	<p>Conservation Ontario would like to work with the government on a review and update of this program area to ensure that the regulations are meeting the needs of today’s park users and the CAs. Detailed comments have been provided in our response to Part Three of this consultation guide.</p>
<p>2.A conservation authority shall have a strategy for all conservation authority owned or controlled lands which could include:</p> <ul style="list-style-type: none"> • Guiding principles, objectives, including for an authority’s land acquisition and disposition strategy, land use categories on conservation authority owned land, recommended management principles for different land 	<p>Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of these land management strategies. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of this strategy. Additional financial resources will be required.</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>categories, etc.</p> <ul style="list-style-type: none"> ● A broader jurisdictional assessment using existing information (for example natural hazard information from an existing watershed plan or study, or other existing sources for natural heritage systems, wildlife corridors, connecting conservation land through trails, linking with others’ land and trails, etc.) ● Public participation in the planning process when developing or updating the ‘overarching’ conservation authority land strategy. 	
<p>3.A conservation authority shall have a policy regarding the securement/acquisition and disposition of land owned or controlled by the authority. This policy shall be approved by the authority by resolution.</p> <ul style="list-style-type: none"> ● Land acquisition or securement policy shall be in accordance with current legislation and provincial policy for conservation authority land securement / acquisition. ● Much conservation authority owned land was purchased using provincial grants issued under the <i>Conservation Authorities Act</i> and the purchase cost shared by municipal levy. For the disposition of lands purchased in this manner, a conservation authority requires Minister’s approval to dispose of that conservation authority owned land. ● The government is proposing that the requirements for a Minister’s approval on the disposition of conservation authority property 	<p>Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of the policies regarding the securement/acquisition and disposition of land. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of this policy.</p> <p>Conservation Ontario requests that the province review and update the current provincial policy regarding disposition of conservation authority property in conjunction with conservation authorities. For example, it is recommended that the province not limit CA disposition of natural heritage lands where another appropriate steward can be identified (e.g. a land trust). Another identified issue is consideration of allowing the use of the <i>Planning Act</i> to permit partial land takings if the Authority has secured grants, self-funded monies or municipal funding for the acquisition (e.g. leased lands containing cottages, surplus rental houses within agricultural areas etc.).</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>(land/fixed assets) (should not involve the disposition of conservation authority property that relate to hazardous lands) will continue as set out in current provincial policy.</p> <ul style="list-style-type: none"> • Generally, current ministry policy would not support the approval of dispositions of conservation authority property that relate to hazardous lands, provincially significant conservation land, natural heritage features or areas (including environmentally/ecologically sensitive land) or for managed/agreement forest lands 	
<p>4. A conservation authority shall have a management plan for each property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.</p> <ul style="list-style-type: none"> • The management plans may consider specific objectives, including: the purpose for the original acquisition, function, features, special features/sensitive areas for protection, use, infrastructure, public input; or other considerations that the authority decides may be applicable. • The management plans may involve, as appropriate, a resource inventory. • An authority shall update/approve the management plans when the authority deems necessary. 	<p><u>Conservation Ontario recommends the following edits to this paragraph for clarity purposes:</u></p> <p>A conservation authority shall have a management plan for each property or type of property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.</p> <p>The ability to cover multiple conservation authority lands under one management plan where the properties are similar in nature is supported; this flexible and practical approach supports the efficient use of taxpayer dollars. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of these plans. Should the province set timelines, it is suggested that completion timelines be phased in following a similar schedule to the requirements under the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> where smaller conservation authorities are given more time to complete the new requirements. Additional financial resources will be required.</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>5. Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:</p> <ul style="list-style-type: none"> ● Land management and stewardship activities related to protecting natural heritage systems/features/values to ensure the property is maintained in accordance with the authority approved management plan for natural heritage management. ● Employing best management practices to protect and conserve provincially significant conservation lands and natural heritage features as appropriate including environmentally or ecologically sensitive lands (for habitat restoration/rehabilitation, invasive species control, fish and wildlife monitoring). ● Monitoring and enforcement actions to ensure the maintenance of the property boundaries and also the land title from encroachments as well as to ensure the ecological integrity of conservation authority owned properties, to address illegal activity, with a goal also of reduction of liability and risk associated with the use of the properties. ● Identification, mapping and assessments as appropriate to determine maintenance and repair needs as well as whether changes are required to any management plan. 	<p>Conservation Ontario recommends that risk reduction not be limited to illegal activities. It is part of ongoing maintenance and repair to ensure public and CA staff safety on the property.</p>
	<p><u>Conservation Ontario recommends the following additional bullet:</u> Communications, public awareness and education regarding the conservation authority owned or</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
	<p>controlled lands, and to consult on program components as required.</p> <p>For clarity and in support of transparency and accountability the above activities should be included as part of this mandatory program and service.</p>
<p>Note that other land uses, such as the provision of recreational opportunities or environmental education, on conservation authority owned land are not mandatory programs or services (including management and maintenance of lands for these purposes).</p>	<p>Conservation Ontario recommends that recreational opportunities (e.g. walking trails, boat launches) provided on conservation lands be considered mandatory programs and services. These green spaces provide sought after outdoor recreation that is highly valued by local residents and no more so than during the pandemic when visitors to conservation areas jumped 50% or more across the province. Some conservation authorities have also found that having passive recreation on properties can help reduce encroachment and other illegal activities. Conservation Ontario would be pleased to examine a more robust classification of properties, perhaps based upon the Ontario Parks classification system of protected areas. At a minimum, it is recommended that the assets associated with the recreation and education programs of a CA be included in the Mandatory Conservation Areas program. Without this, there is a potential that significant assets (e.g. comfort stations, parking lots) could be allowed to deteriorate.</p> <p>Should this exclusion proceed, it should be clarified that all non-recreation and non-education management and maintenance costs for that property fall under mandatory programs and services. For example, property security, public and CA staff safety and natural heritage management are required for all conservation lands.</p>

C: Mandatory Programs and Services Related to Source Protection Authority Responsibilities under the Clean Water Act, 2006

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the Source Protection Authority responsibilities

Text from the Regulatory Proposal Consultation Guide – Source water protection, CWA, 2006	Conservation Ontario Comments
<p>2.... Completing related land use mapping necessary (e.g. managed lands, impervious surfaces) to determine the risk posed by various prescribed drinking water threats, new local or provincially-identified threats, and to address changes to the <i>Clean Water Act, 2006</i>, O. Reg. 287/07: General Regulation or Director’s Technical Rules made by the Province.</p>	<p>Conservation Ontario recommends that this item be included as an eligible activity, for funding from the Province, in the 2022/23 DWSP Transfer Payment Application (TPA) Guide. There is an anticipated workload with the approval of the proposed Phase II Director’s Technical Rules. This item was not an eligible activity in the 2021/22 DWSP TPA Application Guide. Some municipalities will take the lead on land use mapping assessments and local flexibility should be considered.</p>
<p>3.... Responding to requests to review proposals in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water where required (such as under the <i>Planning Act</i>, <i>Environmental Assessment Act</i> or associated applications under the <i>Environmental Protection Act</i> and <i>Ontario Water Resources Act</i>).</p>	<p>This activity will vary from SPA to SPA depending on the business processes of the local municipality. <u>Conservation Ontario recommends the following text replacement:</u></p> <p>Responding to Provision of support to municipalities on the review of local applications / planning proposals / decisions, if necessary, in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water, where required (such as under the <i>Planning Act</i>, <i>Environmental Assessment Act</i> or associated applications under the <i>Environmental Protection Act</i> and <i>Ontario Water Resources Act</i>).</p>
	<p><u>Conservation Ontario recommends the following additional bullet:</u></p> <p>Communications, public awareness and education regarding source protection authority responsibilities under the <i>Clean Water Act</i> and to consult on program components as required.</p>

	For clarity and in support of transparency and accountability the above activities should be included as part of this mandatory program and service.
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F: Mandatory Programs and Services Prescribed in Regulation: Core Watershed-based Resource Management Strategy

CO offers the following detailed comments related to the mandatory programs and services (prescribed in regulation) related to the Core Watershed-based Resource Management Strategy

Text from the Regulatory Proposal Consultation Guide – Watershed-based Strategy	Conservation Ontario Comments
<p>Page 18, Table <i>Mandatory Programs and Services that would be incorporated in the strategy</i></p> <p>Page 19, Table <i>Non-Mandatory Programs and Services on Behalf of a Municipality</i></p> <p>Page 20, Table <i>Non-Mandatory Programs and Services an Authority Determines Are Advisable</i></p>	<p>It is noted that the table (p18) of Mandatory Programs and Services that would be incorporated into the Core Watershed-based Resource Management Strategy, is not comprehensive as, for example, the mandatory Drinking Water Source Protection Program is missing. Clarification that the tables are for example purposes only and not intended to be limiting would be helpful for future discussions with municipal partners.</p> <p>The Table “Non-Mandatory Programs and Services an Authority Determines Are Advisable” appears to unintentionally exclude municipal agreements as a potential funding mechanism for programs/activities on CA owned land for purposes of resource development, recreation, and, education, training and cultural purposes (last three rows). So as not to be seen as limiting, this column would more accurately be titled “Examples of Potential Funding Mechanisms”.</p> <p>In the same table, it is noted that municipalities are listed as the sole funding mechanism for the mandatory programs, PWQMN & PGMN. It is recommended that MECP should be listed here as well, given the recognition in the guide of their program management, technical leadership, lab analysis and training for this program area.</p> <p>Corrections could be made to all three tables (pp. 18,19,20) such that they should all indicate that</p>

	these are “ Examples of Potential Funding Mechanisms ”.
	It is recommended that a requirement to deliver a monitoring program to measure the effectiveness of watershed-based resource management strategies be added.
	It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of these watershed-based resource management strategies. Should the province set timelines, it is suggested that completion timelines be phased in following a similar schedule to the requirements under the Accessibility for Ontarians with Disabilities Act (AODA) where smaller conservation authorities are given more time to complete the new requirements.