



Planning and Development Services
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May 21, 2019

Mr. Alex McLeod
Natural Resources Conservation Policy Branch
300 Water Street
Peterborough, ON
K9J 8M5
Canada

Dear Mr. McLeod,

Re: ERO Registry Number 013-4992

Thank you for the opportunity to provide input on regulation changes to the *Conservation Authorities Act, R.S.O.1990* as posted by the Ministry of Natural Resources and Forestry. The following are Niagara Region staff comments on the proposed changes.

Niagara Region staff are generally supportive of the updates being made to update definitions, consolidating the existing regulations into one, exempting low-risk developments from permitting requirements, and reporting on service delivery. Niagara Region staff are cautious of reducing regulatory restrictions between a wetland and where a hydrological connection has been severed, as there have been increases of flooding due to climate change impacting communities across Ontario over the past several years.

Staff are also aware of the opportunity to comment on the proposal to modernize the *Conservation Authorities Act, R.S.O.1990* and will be providing comments to the Ministry of the Environment, Conservation and Parks on this matter under a separate cover.

If you have any questions please don't hesitate to contact me at (erik.acs@niagararegion.ca) or 905-980-6000 ext.3610.

Respectfully submitted,

Erik Acs
Manager of Community Planning



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Focusing conservation authority development permits on the protection of people and property

ERO number: 013-4992

Draft Document Proposed Changes	Niagara Region Staff Comments
<p>Prohibited activities set out in Section 28 of the <i>Conservation Authorities Act</i> as amended by Schedule 4 of the <i>Building Better Communities and Conserving Watersheds Act</i>, 2017 include:</p> <ul style="list-style-type: none"> • Development in areas related to natural hazards such as floodplains, shorelines, wetlands and hazardous lands (i.e. lands that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock); and • Interference with or alterations to a watercourse or wetland. <p>The Ministry is proposing to create a regulation further defining the ability of a conservation authority to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards.</p> <p>This regulation would replace <i>Ontario Regulation 97/04</i>, which governs the content of conservation authority regulations under the Section 28(1) of the Act, as well as existing conservation authority regulations (<i>O.Reg. 42/06</i>, <i>O.Reg. 146-148</i>, <i>O.Reg. 150-153</i>, <i>O.Reg. 155-172</i>, <i>O.Reg. 174-182</i>, and <i>O.Reg. 319/09</i>) to ensure consistency in requirements across all conservation authorities.</p>	<p>Niagara Region staff supports this approach, and would agree that a singular regulation for the 36 conservation authorities across the province would be appropriate to ensure consistency.</p> <p>Further information on how local flexibility will be accounted for needs to be addressed by the Province, as each watershed across the Province is unique.</p>
<p>Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”</p>	<p>Niagara Region staff supports the update of key regulatory terms and suggests that where applicable existing PPS definitions be used to help ensure consistency between projects under the <i>Planning Act</i> and projects under the <i>Conservation Authorities Act</i>.</p>

<p>Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation</p>	<p>Niagara Region staff supports this suggestion and suggests the following definitions be considered:</p> <p>Conservation of Land - The protection, management or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and ecological functions and hydrological functions, within the watershed. (Conservation Ontario, 2008) Conservation of land includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them (611428 Ontario Ltd. vs. Metropolitan Toronto and Region Conservation Authority).</p> <p>Interference - Any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse. (Conservation Ontario, 2008)</p>
<p>Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed</p>	<p>With increased risk of flooding due to climate change, the importance of wetland protection is crucial. Reducing the regulatory restrictions for development near a wetland will increase risks for new structures and therefore should remain as they are.</p>
<p>Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the <i>Drainage Act</i> provided they are undertaken in accordance with the <i>Drainage Act</i> and <i>Conservation Authorities Act Protocol</i></p>	<p>Niagara Region staff supports this proposal and would further suggest that additional agricultural activities, including agricultural buildings be exempted from these permitting requirements.</p>
<p>Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies</p>	<p>Niagara Region staff supports this suggestion (see above).</p>
<p>Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions</p>	<p>Niagara Region staff supports this suggestion. In order to be transparent to the public, making publicly available the policies that guide permitting decisions is important.</p>

	<p>However, rather than using “periodically” with respect to timelines associated with reviewing these policies, they should be reviewed every 10 years.</p>
<p>Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions</p>	<p>Niagara Region staff supports this suggestion, and finds that reporting on service delivery, in addition to transparency, also assists with tracking and projecting growth. Timelines for complete applications and permit decisions should be made publically available.</p>