

04-22-AAC

Nottawasaga Valley Conservation Authority

Dec 1, 2022 at 10:00 AM EST to Dec 1, 2022 at 12:00 PM EST

Agenda

1. Call to Order

2. Motion to Adopt the Agenda

Recommendation:

RESOLVED THAT: the agenda for the Agricultural Advisory Committee 04-22-AAC dated December 1, 2022 be approved.

3. Declaration of Pecuniary and Conflict of Interest

4. Approved Minutes

Approved by Consent

(Board of directors approved the minutes during the 09-22-BOD meeting)

5. Bill 23

NVCA staff to discuss Bill 23

6. Other Business

7. Adjourn

Recommendation:

RESOLVED THAT: this meeting adjourn at_____.



03-22-AAC Minutes
Nottawasaga Valley Conservation Authority
June 30, 2022 at 10:00 AM EDT

Attendance

Members Present:

Cllr. Gail Little, NVCA Member (Dufferin County FA Representative)
Cllr. Dane Nielsen, NVCA Member
Chair, Colin Elliott, North Simcoe Soil and Crop Assoc.
Dave Ritchie, President, SCFA
Vice-Chair, Hugh Simpson, Grey County FA
Ted Woods, President, Christian Farmers Assoc.
Dave Spring, Spring Valley Farms Inc.
Andy Vanniekerk

Members Absent:

Cllr. Donna Jebb, NVCA Member

NVCA Staff:

Doug Hevenor, Chief Administrative Officer
Chris Hibberd, Director, Watershed Management Services
Byron Wesson, Director, Conservation Services
Kerry Jenkins, Administrative Assistant/Recorder (*absent*)
Shannon Stephens, Healthy Waters Program Coordinator
Maria Leung, Communications Coordinator/Recorder

1. CALL TO ORDER

Chair, Colin Elliott called the meeting to order at 10:09am.

2. MOTION TO ADOPT THE AGENDA

Recommendation:

RES: 06-22

Moved by: Dave Spring

Seconded by: Dave Ritchie

RESOLVED THAT: the agenda for the Agricultural Advisory Committee 03-22-AAC dated September 29, 2022 be approved.

Carried;

3. DECLARATION OF PECUNIARY AND CONFLICT OF INTEREST

None declared.

4. REVIEW OF MINUTES

The minutes were approved by the Board of Directors on August 26, 2022.

5. NATIVE GRASSLAND PRESENTATION FROM SHANNON STEPHENS, HEALTHY WATERS PROGRAM COORDINATOR

Healthy Waters Program Coordinator, Shannon Stephens will conducted a presentation on Native Grasslands.

6. NEW PROJECT IDEAS FOR HEALTHY WATERS

Healthy Waters Program Coordinator, Shannon Stephens entertained ideas and questions regarding new projects.

Discussion Ensued

7. OTHER BUSINESS

A discussion was brought up about remapping the agricultural land for the Simcoe County MCR.

More quesitons and concerns were raised regarding NVCA's permit process and wait times. The NVCA staff addressed these questions and concerns.

8. ADJOURN

Recommendation:

RES:07-22

Moved by: Hugh Simpson

Seconded by: Dave Ritchie

RESOLVED THAT: this meeting adjourn at 11:59am and to meet again on December 1, 2022 or at the call of the Chair.

Carried;



Staff Report: 46-09-22-BOD

Date: 11/25/2022

To: Chair and Members of the Board of Directors

From: Chris Hibberd
Director, Watershed Management Services

SUBJECT: Bill 23 (More Homes Built Faster Act, 2022) and Related ERO Postings

Recommendation

RESOLVED THAT: the Board of Directors receive Staff Report No. 46-09-22-BOD regarding Bill 23 (More Homes Built Faster Act, 2022) and Related ERO Postings.

Purpose of the Staff Report

The purpose of this staff report is to provide an overview of Bill 23 (More Homes Built Faster Act, 2022) as well as related ERO postings 019-2927, 019-6141, 019-6160 and 019-6161.

Background

On October 25, 2022, the Ontario government introduced the *More Homes Built Faster Act, 2022* to support More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23. As part of the province's Housing Supply Action Plan, the government is proposing to streamline approvals under the *Conservation Authorities Act* to focus on natural hazards.

Under the *Environmental Bill of Rights*, the government has put these proposals on the Environmental Registry of Ontario (ERO) for public review and comment.

Issues/Analysis

In general, all stakeholders in Ontario should continue discussions regarding these proposed changes. For example, engagement with the existing multi-stakeholder Conservation Authorities Working Group would ensure there is a streamlined, consistent and scoped process for conservation authorities to help the province achieve its housing goals while ensuring low cost, efficient processes and that Ontario taxpayers are protected.

Below is a summary of the ERO postings that are relevant to NVCA, and staff's comments for each posting.

ERO Posting: 019-2927 – Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

The Ministry of Natural Resources and Forestry (MNRF) is proposing one regulation to consolidate the various *Conservation Authorities Act* regulations including NVCA's 172/06. These include several proposed new administrative regulations such as program service delivery standards and notification requirements for mapping changes. The province has developed a consultation guide that includes additional descriptions for the following proposed changes:

- updating the definition of "watercourse" from an identifiable depression to a defined channel having a bed, and banks or sides.
- updating the "other areas" in which the prohibitions on development apply to within 30 metres of all wetlands.
- streamlining approvals for low-risk activities, which may include exempting some activities from requiring a permit if certain requirements or conditions are met (i.e. requiring that an activity be registered with an authority before it can proceed).
- requiring conservation authorities to request any information or studies needed prior to the confirmation of a complete application.
- limiting the site-specific conditions for permits related to natural hazards or public safety
- providing increased flexibility for conservation authorities to issue permits up to its maximum length of validity, and issue extensions as necessary

NVCA comments:

While processes for conservation authorities across Ontario could be streamlined, there should be flexibility to identify local watershed conditions, such as different regulatory flood standards.

The province has proposed to remove the "pollution" test and the "conservation of land" test from the *Conservation Authorities Act*. These tests are fundamental to the protection of regulated areas and help to mitigate impacts of natural hazards to

life and property. NVCA staff suggests that the province keep the “pollution” test in the *Conservation Authorities Act* to help prevent pollution during development. Pollution is defined in the *Conservation Authorities Act* as any deleterious substance (e.g. sedimentation) or other contaminant that has potential to be generated by development activity. This provision helps to prevent unwanted substances from entering into waterbodies and wetlands. Removing this test may have serious environmental implications.

In regards to removing the “conservation of land” test, NVCA staff suggests that the province retain the test and provide a definition of “conservation of land” in the new regulation.

ERO Posting: 019-6141 – Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

Proposed changes to the *Conservation Authorities Act* under this posting include:

- Exempting development under the *Planning Act* from requiring a permit from the *Conservation Authorities Act* in specific municipalities to be mentioned in a future regulation.
- Conservation Authorities may only review and comment on development applications, and mandatory land use planning policies under prescribed Acts identified in Ontario Regulation 686/21.
- Limiting the ability for conservation authorities to enter into MOUs with municipal partners for non-mandatory review and commenting services.
- Allowing the Minister to freeze conservation authority fees.
- Instead of the 120-day time frame, applicants can appeal to the Ontario Land Tribunal if the conservation authority fails to issue a permit within 90 days.
- Removing the terms “conservation of land” and “pollution” and adding the terms “unstable soils and bedrock”.
- Updating the definition of “watercourse” from an identifiable depression to a defined channel having a bed, and banks or sides.
- Requiring the conservation authorities to review land inventory to identify conservation authority owned or controlled lands that could support housing development.

In addition to above, Ministry of Municipal Affairs and Housing is proposing changes to the *Planning Act* to limit conservation authority appeals to natural hazards policies in provincial policy statements. Conservation authorities will no longer have the ability to appeal decisions that adversely affect natural heritage features such as wetlands.

NVCA comments:

It is unclear if this exemption would be limited to certain types of low-risk development and hazards, or if the purpose is to transfer conservation authority

responsibilities to municipalities on a much broader scale. While the government wants conservation authorities to focus on their core mandate, this proposed sweeping exemption indicates the opposite.

By only allowing conservation authorities to review and comment on development applications, and mandatory land use planning policies, NVCA staff anticipate that it will take municipalities much longer to review and approvals applications. Most municipalities in the Nottawasaga Watershed rely on NVCA's expertise as they lack experience in water resources engineering, environmental planning and regulatory compliance.

The inability of conservation authorities to enter into MOUs with municipalities and other agency partners will result in delays as municipalities have to hire consultants or more technical staff. It may also result in increased costs to municipalities as conservation authorities are able to provide this crucial service to all municipalities on a cost-effective, watershed scale.

NVCA staff recommends that municipalities should be allowed to retain the option to enter into MOUs with conservation authorities for plan review services, with clearly defined terms, timelines, and performance measures.

We appreciate the province's desire to focus conservation authorities to their core mandate, however, it is unclear if this change will limit the ability of conservation authorities to appeal *Planning Act* decisions where wetlands are impacted. As indicated in Ontario Regulation 686/21 (Mandatory Programs and Services), this is an important mandate for conservation authorities. We encourage the province to clarify this in the proposed changes.

ERO Posting 019-6160 – Proposed Updates to the Ontario Wetland Evaluation Systems (OWES)

Under Ontario's current policy framework, an evaluated wetland is a wetland that has been assessed according to the OWES.

The OWES is a science-based system that outlines a process, and a set of criteria to define, identify, and assess the functions and values of wetlands in Ontario. Conservation authorities rely on this proven scientific methodology to help implement regulations under the *Conservation Authorities Act*.

This information is used for making decisions to protect public safety, prevent and manage natural hazards, regulate wetlands for flood attenuation and natural storage capacities as well as preventing shoreline erosion.

MNRF is proposing the following changes to content in the OWES manuals:

- Adding new guidance for the re-evaluation of wetlands and the mapping of evaluated wetland boundaries.

- Making changes to identify the professional opinion of wetland evaluators and the role of local decision makers (e.g. municipalities).
- Other housekeeping edits to ensure consistency with the above changes throughout the manual.

NVCA comments

The proposed changes to the OWES indicate a dramatic shift away from the historic protection of wetlands in the Province of Ontario.

Wetlands are important natural infrastructure for flood control, water filtering, groundwater recharge and discharge. When there is a lot of rain or snowmelt, wetlands absorb and slow floodwaters, helping to alleviate property damage and can even save lives. In the face of climate change, these wetlands are ever more important as we experience more extreme storm events.

Below are the key NVCA staff comments regarding the proposed changes to the OWES:

- **Scoring:** The proposed changes indicate intent to alter the status of protected wetlands by re-evaluating wetland evaluations under a new system.
- **Complexing:** MNRF is proposing to remove the concept of “complexing” wetlands. Wetlands that are 750 meters apart are often connected through natural linkages for wildlife. Ungrouping the wetlands ignores the inherent function of wetlands as habitat for plants and wildlife. In the Nottawasaga Watershed, 32 of the 33 Provincially Significant Wetlands (PSWs) are complexes. Should these wetlands lose their provincially significant status, new developments may experience natural hazards such as flooding and erosion.
- **Species at Risk:** The proposed draft document removes Endangered/Threatened species habitat scoring metrics. The proposed changes to the OWES do not recognize the values of these life cycle contributions. Instead, it only considers scoring for presence/absence of Provincially Significant Species.
- **Data Availability:** The proposal includes shifting the OWES approval from MNRF to the evaluator and the municipality. Given that MNRF is no longer an available data source, it is unclear who will determine or approve level of significance from an objective lens.
- **OWES Evaluators:** The role of the OWES Evaluator should be clarified in the revised OWES manual, since the proposed changes alter the role significantly. NVCA staff recommends that the province consider a mechanism to ensure that the approval authority for OWES evaluations can make un-biased, science-based decisions on the designation of Significant Wetland features.
- **Cost Burden for Municipal Partners:** It appears that evaluation of many metrics is determined through review of Significant Wildlife Habitat (SWH) mapping/review of data/criteria associated with SWH Schedules. None of the NVCA municipalities currently have SWH mapping.

ERO Posting: 019-6161 – Conserving Ontario’s Natural Heritage

The MNRF has posted a discussion paper entitled “Conserving Ontario’s Natural Heritage”. This paper is seeking feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat. MNRF is considering developing an offset policy that would require a net positive impact on these features and help reverse the decades-long trend of natural heritage loss in Ontario.

NVCA comments

Wetlands play a critical role in mitigating floods and provide valuable ecosystem services. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The province must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and conservation authorities. Any provincial-wide use of offsetting for wetlands should only be allowed in the case of non-PSWs (based on the current OWES scoring criteria), where the protection hierarchy has established that there is no option for avoidance, and there is an ecological net gain to the watershed natural system.

Impact on Authority Finances

The financial implication of the legislative changes is unknown at this point time. NVCA is currently carrying out a more in-depth review of the planning and permit fees with Watson and Associates Ltd. Once this review is completed, we will further engage the Board through a future staff report later in 2023.

Submitted by:

Original Signed by

Chris Hibberd, MCIP, RPP

Director, Watershed Management Services

Approved for submission by:

Original Signed by

Doug Hevenor

Chief Administrative Officer

Attachments

1. NVCA official statement and OWES release
2. Conservation Ontario and TRCA media releases
3. Conservation Halton letter
4. Niagara Peninsula Conservation Authority letter



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Protecting the Natural
Environment from
Lake to Escarpment

The Honourable Doug Ford
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The Honourable Steve Clark
Minister of Municipal Affairs and Housing
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steve.clark@pc.ola.org

The Honourable Graydon Smith
Minister of Natural Resources and Forestry
Whitney Block, 99 Wellesley St W,
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The Honourable David Piccini
Minister of the Environment, Conservation and Parks
College Park 5th Floor, 777 Bay St,
Toronto, ON M7A 2J3
david.piccinico@pc.ola.org

October 31st, 2022

Dear Premier Ford, Minister Clark, Minister Smith and Minister Piccini,

We are writing to you in response to Bill 23, the *More Homes Built Faster Act*, which was announced on Tuesday, October 25th, 2022, specifically regarding Schedule 2.

We agree that there is a housing supply and affordability issue in Ontario that needs to be pragmatically addressed. We support the government's commitment to reducing unnecessary barriers to development and streamlining processes. We share this commitment and publicly report on the standards of service delivery to illustrate our goal of providing the best customer service to the municipalities, communities, residents and developers we serve.

We will do our part to help the Province meet its goal of building 1.5 million homes in Ontario over the next ten years. We think your stated outcomes are important but are concerned that your proposed legislative changes may have unintentional, negative consequences. Rather than creating the conditions for efficient housing development, these changes may jeopardize the Province's stated goals by increasing risks to life and property for Ontario residents.

1. Potential sweeping exemptions to transfer CA regulatory responsibilities to municipalities

Conservation Halton would like to understand the government's intentions with this proposed exemption. It is unclear whether it will be limited to certain types of low-risk development and hazards, or if the purpose is to transfer Conservation Authorities (CA) responsibilities to municipalities on a much broader scale. While the government wants to focus CAs on their core mandate, this proposed sweeping exemption signals the exact opposite. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, rendering them ineffective. This will negatively

impact our ability to protect people and property from natural hazards, which seem to be more and more prevalent with extreme weather events.

Without limitations or further scoping, these proposed changes signal the likelihood of future delegation of CA permitting roles to municipalities that have neither capacity nor expertise in water resources engineering, environmental planning and regulatory compliance. This will result in longer response times and increased costs and impede the government's goal of making life more affordable.

Municipalities will also assume sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities, which is a significant and new responsibility that they have never had to manage.

Key Recommendations:

- Address this risk expressly – keep all hazard-related responsibilities with CAs.
- Engage with the existing multi-stakeholder Conservation Authorities Working Group (CAWG) to ensure there is a streamlined, consistent and scoped process for CAs to help the Province achieve its housing goals while ensuring costs are low, the process is fast and Ontario taxpayers are protected.

2. Proposed change that would prohibit CAs from entering into MOUs with municipalities for other services (e.g., natural heritage reviews, select aspects of stormwater management reviews, etc.)

Conservation Halton has demonstrated that we can deliver these services efficiently without lengthening the approvals process. There is no evidence that municipalities can do this faster or cheaper. Bill 23 as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. They will have to coordinate with neighbouring municipalities and the Province on a watershed basis, rather than taking advantage of expertise already available within many CAs.

Key Recommendations:

- Municipalities should retain the option to enter into MOUs with CAs, with clearly defined terms, timelines and performance measures, as allowed under Section 21.1.1 (1) of the CA Act.
- Work with the CAWG to develop guidance for commenting and exploring the option of limiting CAs from commenting beyond natural hazards risks except where a CA has entered into an agreement or MOU.

3. Proposed change to freeze CA fees

This proposal has no guidelines on the timing or permanence of the fee freeze. Conservation Halton has already undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure our fees do not exceed the cost to deliver the service. We meet regularly with developer groups and municipalities to ensure our fees, processes and service standards are transparent, consistent and fair. We hope that you will be guided by your already approved fee policy that Conservation Halton supports, otherwise this change will impose additional costs on municipalities.

Key Recommendation:

- Require CAs to demonstrate to the Province that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100% cost recovery.

4. Wetland Offsetting

Wetlands play a critical role in mitigating floods. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The

government must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and CAs.

Conservation Halton is disciplined and focused on providing mandatory programs and services related to natural hazards. We have a transparent and proven track record of providing regulatory services that are streamlined, accountable and centred on rigorous service delivery standards. Our commitment focuses on stakeholder engagement, from meeting homeowners on-site to engaging with the development community to better understand perceived barriers. This approach helps us find innovative solutions for continued and safe growth in the municipalities we serve.

To ensure the most effective implementation of this Bill, we believe it is critical that the government presses pause on the proposed changes we have highlighted and meet with us to clarify and consider more effective alternatives. It is our hope that we can work with you again to safeguard the best possible outcomes for the people of Ontario.

You had such great success through the multi-stakeholder CA Working Group, which your Progressive Conservative government created and which Hassaan Basit, President and CEO of Conservation Halton, chaired. We strongly suggest continuing this engagement and we stand ready to help.

Sincerely,

Gerry Smallegange



Chair
Conservation Halton Board of Directors

Mayor Gordon Krantz



Town of Milton
Conservation Halton Board member

Mayor Rob Burton, BA, MS



Town of Oakville
Conservation Halton Board member

Mayor Marianne Meed Ward



City of Burlington
Conservation Halton Board member

cc:

MPP Ted Arnott
MPP Parm Gill
MPP Stephen Crawford
MPP Effie Triantafilopoulos
MPP Natalie Pierre
MPP Donna Skelly
MPP Deepak Anand
MPP Peter Tabuns



November 4, 2022

Honourable Laurie Scott, MPP
Chair, Standing Committee on Heritage, Infrastructure and Cultural Policy
College Park 5th Floor
777 Bay Street
Toronto, ON M7A 2J3

RE: Niagara Peninsula Conservation Authority (NPCA) Comments – Environmental Registry of Ontario Postings: 019-6160, 019-2927, 019-6141 and 019-6161

Dear Ms. Scott,

Thank you for the opportunity to provide comments on the above noted Environmental Registry of Ontario Postings (ERO) postings. I am writing to you on behalf of the NPCA in response to Bill 23, the *More Homes Built Faster Act, 2022* specifically regarding Schedule 2, which was announced on Tuesday, October 25th, 2022. The following are key areas of concerns for the NPCA.

ERO Posting 019-6160 Proposed Updates to the Ontario Wetland Evaluation Systems (OWES)

The OWES is a science-based system that outlines a process, and a set of criteria to define, identify, and assess the functions and values of wetlands in Ontario. Conservation Authorities (CAs) rely on this proven scientific methodology as an aid in implementing regulations under the Conservation Authorities Act. This information is used for making decisions for the purposes of public safety, natural hazard prevention and management, regulate wetlands for flood attenuation, natural storage capacities and for preventing shoreline erosion. The NPCA is particularly concerned about the implications of the proposed changes to the OWES. Our concerns are focused on four key areas:

1. Wetland Complexing has been entirely removed from OWES. Upon re-evaluation, each wetland unit must qualify as significant individually.
2. Reproductive Habitat and Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species sections and scoring has been entirely removed. Scoring was weighted to protect habitat. No consideration or scoring weight adjustment added for this section. The weighted scoring matrix no longer evaluates all criteria against the list of all weighted factors.
3. It is unclear who the 'decision-maker' is and who will ensure evaluations are done by qualified professionals following OWES protocols.
4. It is unclear from the posting who will maintain an appropriate mapping inventory of wetland classifications, particularly non-Provincially Significant Wetlands (PSWs). CAs have been maintaining data inventories of wetlands for many years and would be well-suited to takeover this role with respect to OWES evaluated wetland mapping. This information is vital for municipal decision-making and is well-suited to a CA's resource management agency role.

Requests to re-evaluate a complexed PSW will no longer consider the greater function of that wetland and rather will evaluate it as an isolated wetland unit. The removal of complexing along with the other proposed changes to the OWES would result in the eventual chipping away of our wetland complexes in Niagara. In the NPCA's jurisdiction, there are over 170 wetlands that have been evaluated, with more than 135 evaluated as wetland complexes. With the above changes this means that almost 80% of the NPCA's wetlands that are currently evaluated as complexes could be negatively impacted.

The proposed changes remove language around Locally Important Wetlands (LSWs). These wetlands could be evaluated, partially evaluated or unevaluated. Sometimes they are known as non-PSWs, LSWs, or other wetlands. If these wetlands have been evaluated as non-PSWs, once a re-evaluation of these wetlands occurs, there is no mechanism to identify or preserve it, resulting in negative impacts to evaluated non-PSWs.

Key Recommendations:

- Instead of eliminating the OWES complexing and scoring criteria, work with conservation experts such as Conservation Authorities to amend the OWES criteria for complexing and scoring using a scientific approach.
- Should the Province remove MNR as the decision-maker, clearly identify who is responsible for determining if an OWES evaluation has been conducted properly. In the absence of MNR, we recommend that CAs should be identified as the decision-maker to ensure that a consistent standard for OWES evaluations is maintained.
- CAs should be tasked with maintaining the mapping of OWES evaluated wetlands for decision-makers.

ERO Posting: 019-2927 Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

The Province is proposing one Regulation to consolidate the various Regulations across all CAs. We recognize this may help provide a more consistent approach across all CAs towards regulating natural hazards, however, there should be flexibility to identify local watershed conditions, e.g. different regulatory flood standards. Several proposed inclusions to the new Regulation are administrative in nature (program service delivery standards, notification requirements for mapping changes, etc.). The NPCA (and many other CAs) already follow such service delivery standards as set out in several Conservation Ontario guidelines.

Key Recommendation:

- The consolidated Regulation should also include flexibility to identify local watershed conditions, e.g. different regulatory flood standards.

We are very concerned about the removal of the "pollution test" and the "conservation of land" test from the Conservation Authorities Act and the proposed Regulation. These tests are fundamental to the protection of regulated areas and mitigate impacts of natural hazards to life and property.

Key Recommendations:

- In lieu of removing the "conservation of land" test, provide a definition of "conservation of land" in the new Regulation. Conservation Ontario has established a definition for conservation of land that is used by CAs that relates to protection, management, and restoration of lands to maintain and enhance hydrologic and ecological functions.

- Maintain the “pollution” test as the CA Permit is an important first line of defence in pollution prevention during development. Pollution is defined in the Conservation Authorities Act as any deleterious substance or other contaminant that has potential to be generated by development activity. This provision helps to prevent unwanted substances entering into waterbodies and wetlands. Removing this test may have serious environmental implications.

ERO Posting: 019-6141 Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

The proposed changes include exemptions from CA Permits in prescribed municipalities where a Planning Act approval has been granted. It is unclear if this exemption would be limited to certain types of low-risk development and hazards, or if the purpose is to transfer CA responsibilities to municipalities on a much broader scale. While the government wants to focus CAs on their core mandate, this proposed sweeping exemption signals the exact opposite. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, rendering them ineffective. This will negatively impact our ability to protect people and property from natural hazards, which seem to be more and more prevalent with extreme weather events.

Key Recommendation:

- Maintain CA core mandate responsibilities for delivery of natural hazard management through Plan Review. The NPCA would welcome the opportunity to work with the Province to make further process improvements.

The proposed changes to a CA’s review and commenting role outside of natural hazards may lead to longer review and approval times by municipalities. Many lower-tier and upper-tier municipalities rely on CAs for their expertise in areas such as natural heritage and stormwater management as smaller municipalities may lack this expertise on their staff compliment. The inability of CAs to enter into MOUs with municipalities and other agency partners will result in delays as municipalities have to hire consultants or more technical staff. This may also result in insufficient reviews of natural heritage and stormwater management. It may also result in increased costs to municipalities as CAs are able to provide this necessary service in a more cost-effective manner than private consultants.

Key Recommendations:

- Municipalities should retain the option to enter into MOUs with CAs for plan review services, with clearly defined terms, timelines, and performance measures, as allowed under Section 21.1.1 (1) of the Conservation Authorities Act.
- Work with the Conservation Authorities Working Group (CAWG) to develop guidance for commenting and exploring the option of limiting CAs from commenting beyond natural hazards risks except where a CA has entered into an agreement or MOU.

Proposed changes to the Planning Act will limit appeals on Planning Act matters by CAs to natural hazards only. We appreciate the desire by the province to focus CAs to their core mandate, however, it is unclear if this change will limit the ability of CAs to appeal Planning Act decisions where wetlands are impacted. This is a key component of a CA’s mandate as indicated recently through the Ontario Regulation 686/21 – Mandatory Programs and Services. Given that all Provincial Plans and the Provincial Policy Statement do not explicitly include wetlands as a natural hazard, we encourage the Province to clarify this in the proposed changes.

Key Recommendation:

- Clarify that CAs may appeal Planning Act decisions related to wetlands.

The proposed amendment to the Conservation Authorities Act to allow the Minister to freeze CA fees will not help in the provision of affordable housing. There are no guidelines on the timing or permanence of the fee freeze. The NPCA has recently undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure our fees do not exceed the cost to deliver the service. Should CAs not be able to ensure their fees continue to cover the cost of providing our programs and services, we would be forced to make up any shortfalls from the municipal levy. This would result in the general taxpayer subsidizing the cost of development and seems to go against this government's "User-Pay Principle" outlined in the Minister's April 11, 2022 Fee Policy.

Key Recommendation:

- Require CAs to demonstrate to the Province that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100% cost recovery.

The NPCA appreciates the changes to the Planning Act to facilitate a more streamlined process for the disposition of CA-owned lands. This reduces unnecessary process and will allow CAs to dispose of CA-owned lands that were acquired using money under Section 39 grants. However, we have concerns about the intention of the Province's requirement for CAs to identify CA-owned or controlled lands that could support housing development. Nearly all of the NPCA's land contains significant natural heritage features or is hazardous lands and would not be appropriate for development. This typically holds true for all other CAs across the Province. It is unclear if the Province intends for such CA-owned lands to be made available for development (e.g. through powers under Sections 34.1 or 47 of the Planning Act). This would not be an appropriate method to solve Ontario's housing affordability issue.

ERO Posting: 019-6161 Conserving Ontario's Natural Heritage

Wetlands play a critical role in mitigating floods and provide valuable ecosystem services. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The Province must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and CAs. Any provincial-wide use of offsetting for wetlands should only be allowed in the case of non-PSWs (based on the current OWES scoring criteria), where the protection hierarchy has established that there is no option for avoidance, and there is an ecological net gain to the watershed natural system. Offsetting should also not be used for complete removal of a feature to facilitate development but instead for minor rounding of feature boundaries.

Key Recommendation:

- Offsetting should be limited to non-PSWs where the protection hierarchy has clearly established there is no option for avoidance and an ecological net gain to the watershed natural system can be achieved.

We support the Province's goal of increasing the housing supply. However, the proposed changes affecting CAs and our mandate will have minimal effect in increasing the housing supply and could lead to unintended future consequences associated with the loss of critical natural heritage features such as wetlands. The diminished role of CAs could also lead to more development being

located in natural hazards, higher costs in property damage, increased burden on municipal partners, and absolute erosion of the ecosystem approach applied through the established integrated watershed management lens.

The Province has had such great success through the multi-stakeholder CA Working Group. The NPCA encourages the continued dialog with CAs through this group to help address the lack of housing supply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Foster', with a long horizontal stroke extending to the right.

Robert Foster,
Chair,
Niagara Peninsula Conservation Authority

cc: Ministers MMAH, MNRF, MECP
Honourable Doug Ford, Premier of Ontario
NPCA's lower-tier municipalities (Clerks)
Niagara Region (Clerk)
City of Hamilton (Clerk)
Haldimand County (Clerk)
Conservation Ontario
Local MPs and MPPs
Association of Municipalities of Ontario
Ontario Provincial Planners Institute



NVCA's statement in response to Bill 23, the *More Homes Built Faster Act*

In response to Bill 23, the *More Homes Built Faster Act*, which was announced on Tuesday, October 25th, 2022, specifically regarding Schedule 2, NVCA offers the following:

NVCA agrees that there is a housing and affordability issue in the Nottawasaga Watershed and across the province, and the Board of Directors are fully supportive of the Ontario government to build 1.5 million homes. NVCA is prepared to do our part along with the province, upper tier governments and watershed municipalities to ensure that these homes are safe from natural hazards.

However, the proposed legislation may jeopardize the Province's goals to protect lives and properties from natural hazards, result in longer response times and increased costs to homes.

For over 70 years, conservation authorities have been responsible for directing development outside of natural hazards, such as floodplains and areas prone to erosion. These watershed-based organizations also ensure development does not impact sensitive environmental areas, such as wetlands, shorelines and watercourses.

Conservation Authorities are recognized internationally to be a cost-effective solution to help solve challenging local issues on a watershed basis. When planning developments, we need to consider how development in one municipality impacts the ones adjacent or downstream of them.

In review of the proposed legislation, there appears to be inconsistency regarding protecting lives and properties from natural hazards. While conservation authorities will be able to comment on natural hazards for new developments under the *Planning Act*, there is a proposal to exempt developments that have historic *Planning Act* approvals from natural hazard permits.

In addition, conservation authorities will also be prohibited from entering into agreements with municipalities to comment on natural heritage, and select aspects of stormwater management reviews.

In the Nottawasaga Watershed, one important component of natural heritage is wetlands. They are important for flood control, water filtering, groundwater recharge and discharge and provide important fish and wildlife habitat.

Wetlands absorb excess rainwater and snowmelt, slow floodwaters helping to alleviate property damage and can even save lives. In the face of climate change, wetlands are ever more important as we experience more extreme storm events.

In addition to mitigating flooding, wetlands are intrinsically connected to larger natural heritage systems which includes other habitats like streams, rivers and forests. As

biodiversity hotspots, wetlands are home to species at risk, and provincially and regionally rare species, as well as a number of other fish, wildlife and vegetation.

The degradation of wetlands has cumulative impacts on the watershed – green infrastructure will be weakened, native plants and animals will be displaced, migration and breeding grounds will be disrupted, climate change resiliency in the watershed will be reduced.

Wetlands are currently evaluated under the Ontario Wetlands Evaluations System. In the Nottawasaga Watershed, there are 33 provincially significant wetlands (PSW), 34 important but non-provincially significant wetlands as well as approximately 80 wetlands and wetland complexes in the Nottawasaga watershed that are unevaluated, but would likely become provincially significant if they were evaluated.

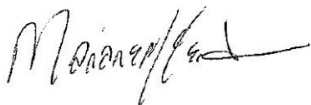
The Ontario government is proposing to change the evaluation system and redefine what PSWs are. If the new legislation is approved, the Ministry of Natural Resources and Forestry is no longer involved in evaluating wetlands. If conservation authorities also are taken out of the picture, who will oversee development around wetlands with an objective lens?

The proposed changes are signaling that municipalities will play a large role in protecting people and property from natural hazards and the evaluation of wetlands. Municipalities have neither capacity nor expertise in water resources engineering, environmental planning and regulatory compliance.

Conservation authorities have been strong partners with upper tier municipalities, who provide input and guidance on planning, including development growth, natural heritage, waste management, roads and servicing. NVCA has publicly reported that we can deliver these services efficiently without lengthening the approvals process, and have delivered them under accountable and rigorous service delivery standards.

As noted above NVCA is here to work with key stakeholders to address housing issues in the Nottawasaga Watershed. The Executive Members of NVCA's Board of Directors recommend municipalities retain the option to enter into agreements with conservation authorities, and that the Ontario Government pause Bill 23 and continue to work with conservation authorities through the multi-stakeholder CA Working Group established in 2021.

Sincerely,



Mariane McLeod
NVCA Chair



Gail Little
NVCA Vice Chair

Proposed changes to the Ontario Wetland Evaluation System a dramatic shift away from historic wetland protection

By Doug Hevenor, with advice from NVCA ecologists

In Ontario, wetlands are very important for flood control, water filtering, groundwater recharge and discharge. When there is a lot of rain or snowmelt, wetlands absorb and slow floodwaters, helping to alleviate property damage and can even save lives. In the face of climate change, these wetlands are ever more important as we experience more extreme storm events.

Wetlands are diverse and delicate ecosystems that provide important habitats for plants and animals. These include many familiar species, such as great blue herons, turtles, muskrats and beaver.

Currently, Ontario's wetlands are scored for importance through the Ontario Wetland Evaluation System. Wetlands that receive a higher score are considered provincially significant wetlands and are heavily protected. In the Nottawasaga Watershed, these include the Minesing Wetlands, Osprey Wetlands, Wasaga Beach Wetland Complex, Midhurst Wetland Complex and Silver Creek Wetlands and Copeland-Craighurst-Guthrie Complex.

On October 25, 2022, the Ontario government proposed changes to the Ontario Wetland Evaluation System in support of Bill 23, *the More Homes Built Faster Act*.

In the proposed changes, some scoring criteria have been removed from the Ontario Wetland Evaluation System, yet wetlands must still meet the same score to be considered provincially significant. This makes it much harder for wetlands to reach provincially significant wetland status, meaning that many of the wetlands have the potential to be slated for development.

Many wetlands in Ontario are grouped together in complexes – this includes wetlands big and small that are less than 750 metres apart. This is important for fish and wildlife that live in wetlands, as the entire complex makes up their habitat.

The proposed legislation changes will no longer allow wetlands to be grouped together, treating each wetland as its own entity. Smaller wetlands will most likely not meet the criteria to be provincially significant, and may be open for development.

It is important for wetland evaluations to be reviewed by arm's length agencies with an objective view. The proposed legislation is not allowing the Ministry of Natural Resources and Forestry or conservation authorities to review wetland evaluations, leaving this responsibility to municipalities.

If municipalities are responsible for development, as well as preserving natural heritage like wetlands, where do they find the balance? Many wetlands cross

municipal boundaries. How will the different municipalities determine the level of importance for the wetland?

Ontario has legislated habitat protection laws for good reason. Since the 1970s, waterfowl populations have bounced back thanks to wetland protection. Species that did not enjoy the same habitat protection, such as grassland birds, have seen a significant decline within this same time period.

Most turtles in Ontario are endangered or species of special concern, mainly due to habitat loss. Turtles rely on wetlands for food, breeding, and hibernation. By protecting wetlands, they will have continue to insects, fish and vegetation to eat, sand to lay their eggs in, and deep pools for hibernation.

Ontario's wetlands are not only important for local animals – they support migrating birds from the entire Western Hemisphere. Many of our wetlands are resting stops for migrating birds travelling north. By allowing development in our wetlands, migrating birds will have fewer resting stops and more competition for food which will make these long migrations even more challenging than they already are.

It takes generations for wetlands to become viable, sustainable and ecological communities. The removal or damage to wetlands is not easily reversible, and many species may not be able to recover from this loss.

Please join NVCA and other conservation authorities voicing our concerns by commenting on the [Environmental Registry of Ontario](#) by November 24, 2022.

TRCA RESPONDS TO THE *MORE HOMES BUILT FASTER ACT* AND ASSOCIATED POSTINGS AND PROPOSED CHANGES TO HOUSING AND LAND USE POLICIES

10/28/2022

[HOME\(HTTPS://TRCA.CA/\)](https://trca.ca/) » [NEWS\(HTTPS://TRCA.CA/NEWS/\)](https://trca.ca/news/) » TRCA RESPONDS TO THE MORE HOMES BUILT FASTER ACT AND ASSOCIATED POSTINGS AND PROPOSED CHANGES TO HOUSING AND LAND USE POLICIES

October 28, 2022, Toronto, Ontario – Earlier this year, the province unveiled a Housing Affordability Task Force report which introduced 55 recommendations to increase the supply of market housing in Ontario. Conservation authorities were unnamed in the report, as Toronto and Region Conservation Authority (TRCA) works proactively with the development industry and all levels of government to ensure that well planned development can happen safely while maintaining nature’s beauty and diversity.

The housing legislation that the province introduced this week, outlining the next phase of Ontario’s plan to build more homes faster, is concerning as it includes changes to the *Planning Act* and *Conservation Authorities Act* that will diminish TRCA’s well-established role in protecting our communities from flooding and supporting our municipalities in protecting the natural environment. Today, in response to the proposed changes, TRCA’s Board of Directors passed a unanimous resolution requesting the removal of certain clauses from the legislation that would limit or reduce our existing responsibilities.

The protection of the environment is a non-partisan issue as watersheds, precipitation, and gravity do not recognize geographical boundaries or political parties. TRCA as a science-based, technical agency collaborates tirelessly with our partner municipalities, the province, and the development industry to support responsible development in our watersheds while providing access to nature in urban areas.

The most practical approach to avoiding the impacts of flooding is prevention, for which TRCA plays a crucial role on behalf of our six upper-tier and fifteen lower-tier municipalities representing almost 5 million people. According to the legislation, conservation authorities will be prohibited from commenting on conservation and environmental matters, except for flooding and erosion – specifically TRCA will not be able to offer its expertise on ecology, natural heritage, wetlands and biodiversity for proposals under prescribed Acts including the: *Aggregate Resources Act, Condominium Act, Drainage Act, Endangered Species Act, Environmental Assessment Act, Environmental Protection Act, Niagara Escarpment Planning and Development Act, Ontario Heritage Act, Ontario Water Resources Act* and the *Planning Act*. This proposed approach is a direct departure from recent provincial amendments to the Act – allowing municipalities to choose whether to ask conservation authorities for technical advice based on their specific needs.

Across the Greater Toronto Area, our municipalities and government agencies rely on TRCA expertise to inform their environmental assessments and to provide input on official plans, studies, and development applications. TRCA also helps these parties to mitigate and adapt to the impacts of climate change. TRCA works with our municipal and provincial partners to facilitate development and support infrastructure that aligns with the province’s plans to build more homes while protecting natural features and ensuring communities are safe from flooding and erosion. This is in keeping with our long-standing role, as designated by the province, to represent the provincial interest on natural hazards.

For example, TRCA is working with industry and governmental partners to flood protect and enable redevelopment of mixed-use communities in flood vulnerable areas of the GTA including the Toronto Waterfront and Lower Don Lands and to set the stage for future redevelopment of Urban Growth Centers in Brampton, Vaughan, and Markham. Furthermore, TRCA leverages our watershed expertise and resources for cost effective partnerships with municipalities and industry to inform municipal official plans and deliver infrastructure projects. TRCA’s success is grounded in the relationships we hold with our partner municipalities, who actively choose to work with our organization given our history of consistently delivering value-added programs and services on-time and on-budget.

TRCA has been a valued member of the province’s multi-stakeholder, solutions-oriented Conservation Authority Working Group for the past two years which produced solutions and guidance to help streamline and create certainty for development. We are hopeful that the province will leverage the Conservation Authority Working Group prior to finalizing this legislation and any future regulations and policies.

In regards to the province’s request to find housing sites within our real estate portfolio, every potential TRCA property acquisition is evaluated according to our publicly available and provincially approved greenspace acquisition project which is informed by numerous factors including but not limited to: (i) the degree of flood and erosion risk, (ii) the significance of the lands to the greenspace system, (iii) the nature and immediacy of the threat to the greenspace, and (iv) the ability to conserve and maintain the greenspace in the future.

The conservation, enhancement, and integration of natural areas is of utmost importance given the impacts of urban development, intensification and the compounding effects of climate change, and there is little ability for TRCA to achieve new housing developments on our land portfolio. We do, however, continually review our real estate holdings, in conjunction with our partner municipalities, to determine whether any non environmentally sensitive lands could support housing, infrastructure or other community uses.

Conservation authorities are the first line of defence in preventing and reducing the impacts of flooding, which is the leading cause of public emergency in Ontario. The most practical approach to avoiding the impacts of flooding is prevention including informed land use and infrastructure planning that recognizes the interrelationship between natural hazards and broader environmental issues. Conserving natural resources and features is intrinsically linked to managing flooding and erosion. TRCA plays a critical role in working with our municipalities and the province to inform the planning and regulation of development to minimize flood risks within watersheds. The province's own Special Advisor on Flooding, Doug McNeil, in his 2019 report recommended that the province support municipalities and conservation authorities during land use planning due to their vital role in protecting Ontarians and reducing risks and disasters that are occurring in other parts of Canada where conservation authorities do not exist. In recent years, both Alberta (\$5 billion) and British Columbia (\$9 billion) have suffered catastrophic losses associated with flooding, costs which are only expected to continue to rise in the future as climate change events become more prominent, yet conservation authorities remain the fundamental reason why Ontario has not seen impacts to this extent.

About Toronto and Region Conservation Authority (TRCA)

Since 1957, Toronto and Region Conservation Authority (TRCA), as enabled through the provincial Conservation Authorities Act, has taken action to enhance our region's natural environment and protect our land, water, and communities from the impacts of flooding and increasingly extreme weather events – Ontario's leading cause of public emergencies.

As the region's first line of defence against natural hazards, TRCA maintains vital infrastructure and provides programs and services that promote public health and safety, protecting people and property.

TRCA mobilizes a science-based approach to provide sound policy advice, leveraging its position as a not-for-profit operating in the broader public sector to achieve collective impacts within our communities and across all levels of government.

TRCA's jurisdiction includes nine watersheds and their Lake Ontario shorelines, spanning six upper-tier and fifteen lower-tier municipalities and representing almost five million people, approximately 10% of Canada's population.

To learn more about TRCA, [visit trca.ca](https://trca.ca/)(<https://trca.ca/>).

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