



May 16, 2019

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Land and Water Division
Ministry of Environment, Conservation, and Parks
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Ms. O'Neill:

RE: York Region Response – Modernizing the *Conservation Authorities Act* and Development Permitting – Joint Submission: ERO 013-5018 & ERO 013-4992

York Region thanks the Province for consulting with stakeholders on Modernizing Conservation Authority Operations – Conservation Authorities Act and Focusing Conservation Authority Development Permits on the Protection of People and Property. Due to the short review timeframe provided, it was not possible to bring this response to Regional Council for endorsement prior to submission, however should Council have any additional comments staff will forward them to the Province.

Province should meet funding commitment to conservation authorities to ensure they can effectively mitigate and prevent flooding

Aligning provincial funding with the mandate of conservation authorities has positive impacts on our communities supporting a number of commitments under the Made-In-Ontario Environment Plan and helping the Province meet its Great Lakes protection requirements. In previous consultations on the *Conservation Authorities Act*, Regional Council requested the Provincial government meet their 50-50 funding commitment, however this committed level of funding has not been provided.

Conservation authorities provide critical services that help reduce the root-causes and impacts of flooding, including mitigating impacts to critical infrastructure, which benefits residents and business as well as ensuring Ontario's economy can prosper. On May 10, 2019, the Minister of Natural Resources and Forestry announced creation of a Flood Mitigation Task Force to address flooding in Ontario. While the core purpose of establishing conservation authorities was to address flooding, conservation authorities were not included in the list of task force groups in the press release. Work performed

over many years by conservation authorities is likely a key reason why the impacts of flooding have been better mitigated in Ontario than in Quebec. York Region staff request the Province take steps to effectively fund and leverage the expertise available in these Provincial entities on the Flood Mitigation Task Force.

Municipalities bear nearly the full cost of conservation authorities' activities, including programs related to flood protection. This represents an imbalanced downloading of Provincial responsibility onto municipalities, who have far fewer revenue generation tools at their disposal. With revisions to the Act clearly defining the core mandate of conservation authorities, **it is strongly recommended that the Province fulfil their 50-50 funding commitment with municipalities for activities falling under conservation authorities' core mandate, which will help address flooding issues in Ontario.**

Growth-related costs for conservation authorities should be eligible for alternative funding

Currently, growth-related capital costs for Conservation Authorities are ineligible for development charges as they are neither a municipality nor a local board. If the growth-related capital costs of Conservation Authorities were eligible for development charges further pressures on the tax levy and/or user rates could be alleviated. **Staff recommend that the Province amend the *Development Charges Act, 1997* to permit municipalities to levy development charges, to recover the growth-related costs for conservation authorities.** Alternatively, **staff recommend that conservation authorities be an eligible service for recovery under the proposed *Community Benefits Charge Bylaw* under the *Planning Act, 1990* (under Schedule 12 to Bill 108).**

Define conservation authorities' mandate under the Act

York Region staff support the Province taking action to define the core mandate of conservation authorities under the *Conservation Authorities Act*. This will help better delineate roles and simplify funding negotiations between municipalities and conservation authorities. **It is recommended that conservation authorities be provided sufficient authority to effectively manage the watershed, including responsibilities related to: watershed management and enforcement, stormwater management, source water protection, mapping and managing flood risks, natural hazard lands, shoreline management, wetlands, assessing/monitoring natural heritage features, and establishing climate change adaptation guidelines.** This mandate can be achieved through amendments proposed to Section 28 of the *Conservation Authorities Act* under Bill 108.

Addressing climate change should be a key aspect of conservation authorities' mandate

Changes in the severity of weather patterns as a result of climate change require dynamic watershed-level strategies to adapt to these changing conditions. GTA

conservation authorities are uniquely positioned, with the appropriate technical expertise and information, to help adapt to these changes. Their watershed level focus allows them to take actions that cross jurisdictions and are in the best interest of the broader watershed. Centralizing this expertise within these conservation authorities reduces the need for the province and multiple municipalities to staff for similar work, providing planning and program delivery efficiencies. Climate change adaptation, especially related to natural hazard management lands and mitigation should be a core responsibility for conservation authorities. **It is recommended that the Province proclaim revisions to section 40(2) of the *Conservation Authorities Act* proposed under Bill 108 and amend proposed section 28 of the Act to incorporate climate change within the core mandate of conservation authorities.**

Stormwater Management should be a core mandate

Stormwater management is key to effectively managing flood risks, which is required to reduce potential impacts to homes, businesses, and infrastructure. **It is recommended that the Province consider having conservation authorities manage stormwater on a sub-watershed basis.** This centralized approach would benefit the health of the Great Lakes through phosphorus reduction and other benefits, as demonstrated by successes achieved with the *Lake Simcoe Protection Act*. Conservation authorities are well positioned for this role and should be given the authority to maintain, enhance and promote effective storm water management practices across the entire watershed in partnership with municipalities. This will help drive more consistent, practical solutions that consider cumulative impacts across watersheds to reduce risks to public safety and infrastructure. **Stormwater management is a key to effectively mitigate flooding, which should fall under the core mandate of conservation authorities. It is recommended that funding for this work and be shared between municipalities the Province following the 50-50 model outlined previously.**

Source water protection provided by conservation authorities is a key aspect of the multi-barrier approach to drinking water safety

Region staff are pleased to see drinking water source protection specifically identified within the proposed mandate of conservation authorities. Source protection is key to the multi-barrier approach implemented following the Walkerton tragedy to protect drinking water and the health of Ontarians. **Region staff strongly support continuation of source water protection powers for conservation authorities as an investment in the future health of Ontarians through protection of drinking water sources for generations to come.**

Transition timelines for agreements regarding discretionary services must be sufficient to prevent delays in bringing housing online

Region staff were pleased to see that Bill 108 proposes to allow discretionary programming to be continued, when agreements have been developed between municipalities and conservation authorities. Bill 108 also provides the Minister with authority to establish timelines for transitioning to a new formal agreement model for

discretionary services between municipalities and conservation authorities. **It is recommended that the Minister provide a minimum of 24-36 months for TRCA and LSRCA to transition to discretionary service agreements.** York Region relies on its conservation authorities to effectively and promptly deliver services required to unlock growth. These services will be considered discretionary based on changes proposed under Bill 108, requiring amendments to existing agreements and, in some cases, new agreements to be developed. It is critical that sufficient time be provided to ensure efficient and effective agreements for discretionary services can be negotiated including requirements for provision of all required documentation.

Increased transparency in levies and services provided can help ensure value to taxpayer is maximized

Defining the mandate of conservation authorities will help provide greater clarity for funding negotiations between conservation authorities and municipalities. **It is recommended that funding levies for mandatory programs be attributed based on the current value assessment for contributing municipalities.**

Bill 108 also provides the Minister with the authority to establish timelines for review of agreements for discretionary services between municipalities and conservation authorities. **It is recommended that the Minister provide autonomy to municipalities and conservation authorities to establish review/renegotiation timelines that fit the needs of both parties by setting a range of no less than 4 years and no more than 8 years.** This flexible timeframe will help provide conservation authorities with sufficient assurance on funding to ensure they can attract and retain high-quality staff. Flexible timeframes will also simplify negotiations for municipalities that undertake multi-year budget processes by allowing agreements to be aligned with budget timelines. It is also anticipated that this will help minimize administrative costs associated with renegotiation of these agreements.

Region staff thank the Province for consulting with municipalities on proposed changes to the *Conservation Authorities Act*. If you have questions regarding this response or would like to further discuss these recommendations, please contact Brent Marissen, Policy and Advocacy Senior Program Analyst at Brent.Marissen@york.ca.

Yours truly,

Erin Mahoney, M. Eng.
Commissioner
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The Regional Municipality of York

CC: Alex McLeod, Policy Officer, Natural Resources Conservation Policy Branch

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