

**Provincial Consultation on
Modernizing Conservation Authority Operations
(ERO 013-5018)
and
Focusing Conservation Authority Development
Permits on the Protection of People and Property
(ERO 013-4992)**

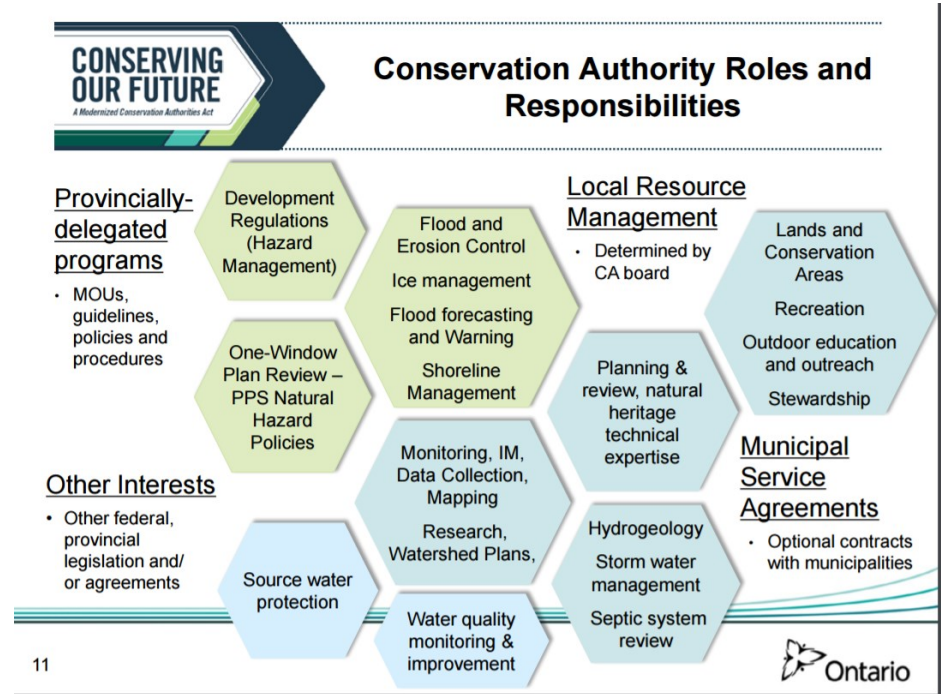
**Development Services Committee
May 13, 2019**

Purpose of Consultation

- The Province has released 2 proposals including an amendment to the Conservation Authorities (CA) Act and a new regulation on the management of hazardous lands and other development related activities
- The rationale for change is related to:
 - CA costs
 - perception of 'jurisdictional crowding' with the development industry and the public and,
 - the need for better board member accountability
- The proposals have been filed with the Environmental Registry of Ontario with a commenting deadline of May 20 and May 21, 2019
- The proposals will impact all municipalities including Markham

What is the TRCA?

- The Toronto and Region Conservation Authority (TRCA) has jurisdiction in Markham
- The Conservation Authorities Act was originally introduced in 1946 for the purpose of delivering floodplain management in Ontario
- Since 1946 the mandate of the CA's has evolved to reflect a wider scope of conservation matters
- In 1996 the Province downloaded most of the provincial funding for CA's to municipalities and self generating fees
- Current proposal will further reduce Provincial funding of CA's by about 50%



Proposed Changes to Conservation Authorities Act

Proposed changes would:

- Define core mandatory programs and services to include:
 - natural hazard protection and management
 - management of TRCA lands
 - Source Water Protection and,
 - protection of Lake Simcoe watershed (not applicable to Markham)
- Provide transparency on levies to municipalities for mandatory and non-mandatory programs and mandatory review of non-core programs
- Provide transition period of 18-24 months to reset municipal agreements for non-mandatory programs and services
- Add ability for the Province to investigate and audit CA's
- Clarify duty of CA board members to act in interest of CA and not beyond

Proposed Changes to Regulations

Proposed changes would:

- Consolidate and harmonize all CA regulations
- Update definitions and define current undefined terms
- Reduce regulatory restrictions between 30 and 120 metres from a wetland and where hydrological connections are severed
- Exempt low risk development activities from a permit including municipal drains and allow further exemptions for low risk development activities (low risk is not defined)
- Require CA's to publish internal policies that guide permitting decisions
- Require CA's to consult on changes to floodplains and wetland mapping
- Establish, monitor and report on service delivery standards

TRCA Activities in Markham today (1 of 3)

Development Review and Permitting

- Review development applications and provide comments on natural heritage planning, water resources, stormwater management and natural hazard management
- Review technical studies in support of development applications (e.g. natural heritage assessments, engineering reports, environmental assessments)
- Provide comments on city-initiated plans and technical studies (e.g. natural heritage planning, water resources, stormwater management and natural hazard management)
- Administer, permit and enforce Conservation Authorities Act
- Delineate and verify the boundaries of natural heritage features (e.g. valleylands, woodlands, wetlands)
- Negotiate natural heritage feature compensation where required
- Review development applications under Fisheries Act by agreement (currently inactive)
- Provide technical support for natural heritage studies (e.g. EIS guidelines, restoration framework for FUA)

TRCA Activities in Markham today (2 of 3)

Watershed Planning and Resource Management

- Protect, manage and steward conservation lands
- Management agreement with Markham for Milne Dam Conservation Park
- Prepare and implement watershed plans and watershed report cards for Markham's five watersheds (Don, Rouge, Petticoat, Highland and Duffins)
- Flood management activities (e.g. prepare floodplain studies, monitoring, manage dams and flood warning system)
- Provide support and/or implement restoration projects on City lands (e.g. Robinson Creek restoration at McCowan & Bur Oak; German Mills and Pomona Creeks)
- Provide support and/or implement restoration projects on private lands (e.g. private tree plantings)
- Policy and guideline development and review for source water protection plans
- Comment on and in some instances restore streams and valleyland erosion concerns
- Terrestrial and aquatic habitat monitoring

TRCA Activities in Markham today (3 of 3)

Sustainability, Research & Community Engagement

- Implement Sustainable Neighbourhood Action Plans (SNAP in Thornhill)
- Coordinate Mayor's Megawatt Challenge
- Community outreach and education (Markham Museum Rain Garden demonstration, Earth Day, Rouge Day events)
- Implement Sustainable Technologies Evaluation Program (STEP) – monitoring Markham Green Road pilot project
- Research and prepare guidance and best practices documents (natural heritage planning, natural features compensation, bridge crossing design, stormwater management, Low Impact Development (LID) measures)

Anticipated CORE TRCA activities (1 of 3)

Development Review and Permitting

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TRCA Expertise Currently Available and Utilized by Markham

- Terrestrial Ecologists
- Aquatic Ecologists
- Hydrogeologists
- Archaeologists
- Fluvial Geomorphologist
- Water Resource Engineers
- Natural Heritage Planners
- Foresters
- Environmental Interpreters (teachers)

Staff Comments to the Province

- Support increasing transparency and accountability of conservation authorities
- Ensure TRCA core service fees is proportional to project cost
- More clarity is needed on what constitutes a core mandated program and ensure core programs are adequately funded (e.g. wetlands)
- Ensure TRCA's mandate to protect its lands includes cultural as well as natural heritage resources
- Concern that Provincial responsibilities are now being downloaded to the municipal tax base which should not be expected to carry this financial burden alone
- Municipalities will be required to opt-in and opt-out of programs and services which could undermine good watershed management and lead to inconsistency between municipalities and jurisdictions
- Province should recognize and value the integrated watershed management approach adopted by CA's resulting in a decision making framework which balances protection, development and restoration
- CA's are best suited to continue to address watershed planning since these boundaries cross municipal jurisdictions and require comprehensive science-based expertise
- Ecological restoration (e.g. reforestation, wetland creation) should be considered a core service of conservation authorities
- Markham can work within the 18- 24 month transition timeframe for re-negotiated agreements

Suggested Recommendation

1. That the presentation entitled 'Provincial Consultation on Modernizing Conservation Authority Operation and Focusing Conservation Authority Development Permits on the Protection of People and Property' be received;
2. That the presentation entitled 'Provincial Consultation on Modernizing Conservation Authority Operation and Focusing Conservation Authority Development Permits on the Protection of People and Property' for the basis of comments to the Province in response to ERO-013-5018 and ERO 013-4992;
3. And that staff be authorized and directed do all things necessary to give effect to this resolution.