



May 17, 2019

Carolyn O'Neill
Ministry of the Environment, Conservation and Parks
Great Lakes and Inland Waters Branch
Great Lakes Office
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Toronto, M4V 1M2
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Dear Ms. O'Neil:

Re: Comments on ERO Posting # 013-5018: Modernizing Conservation Authority Operations –
Conservation Authorities Act

The City of Markham is in receipt of ERO Posting 013-5018 and wish to provide comments on this significant change to the mandate and operation of the conservation authorities in Ontario. We note that proposed amendments to the Conservation Authorities Act have been included in the omnibus Bill 108 More Homes, More Choices Act. Given the timeline provided by the Province these comments are prepared by staff and will be followed by a position of Markham Council at our earliest convenience. The Toronto and Region Conservation Authority is the CA with jurisdiction in the City of Markham.

The TRCA is one of the larger CA's in the province and has been a strong leader in conservation planning by ensuring the protection of valleylands and wetlands within their regulatory framework, providing accurate flood plain mapping products, being excellent stewards of their lands, providing guidance documents to help manage natural heritage and hydrological resources, leading the complicated files of source water protection and climate change mitigation and providing vision and leadership in the conservation and management of environmental lands and watershed management. Overall, Markham has benefited from the guidance provided by the TRCA. Staff supports the opportunity to review the role and function of CA's and wish to offer some insight and practical suggestions for consideration.

Transparency and Accountability is Supported

Staff support the rationalization of fees for services and greater accountability. In our experience, we have found that in some areas the TRCA fees required for certain services appear to be overly high. This could be in part due to the same fee applied to smaller or rural municipalities who do not employ environmental engineers or who may not have up to date technical guidelines or subwatershed plans that address current standards. We suggest that future fee structures be based on the level of service needed to address a technical requirement. We also suggest that the fee and approval structure should

recognize the larger municipalities who undertake appropriate technical studies such as Subwatershed Plan and Master Environmental Serving Plans to guide development.

A Comprehensive Approach to Natural Heritage and Hazard Land Protection is Supported

The provincial proposal recommends that the TRCA's broader role in conservation and resource management be eliminated with a focus only on hazard lands (floodplain and erosion) protection. While this is certainly a significant responsibility and its importance is not understated, the City has adopted a new Official Plan 2014 (partially approved on November 24, 2017 and further updated on April 9, 2018) which adopts a systems approach to natural heritage planning and intrinsically links feature based protection (woodlands, wetlands and valleylands which include flood plain hazard lands) in order to address multiple natural heritage requirements (eg. hazard lands protection, natural heritage protection, habitat and species protection). We implement our policies in partnership with the TRCA. This provides the City with the highest level of confidence that development approval decisions will not adversely impact the City's Greenway System. Removing TRCA from its ability to provide input and comments to municipalities on natural heritage planning will create a gap that will need to be addressed. As the City does not employ biologists, hydrogeologists, ecologists and other science-based professionals, this function will need to be addressed at a cost to Markham and other municipalities either through new non-mandatory agreements with TRCA or through the private sector. Municipalities should not be expected to carry the additional financial burden of natural heritage protection alone. Additional tools and resources should be provided by the Province to ensure natural heritage protection is not diminished as a result of the removal of the commenting function of the TRCA on valleyland systems.

Watershed Management and Restoration

Watershed planning and the preparation of watershed plans provide a science-based foundation for responsible decisions on land development. Watershed boundaries cross municipal boundaries and as such conservation authorities are the obvious lead for these planning activities. Combined with their in-house expertise of science based professionals, conservation authorities have been successfully leading watershed plans for decades. Many conservation authorities offer tree planting and restoration programs which are highly valued by residents and landowners. These programs directly support watershed management and the conservation of Ontario's natural resources – a goal of the 'Made-in-Ontario Environment Plan'. We support a continued role for the conservation authorities in these activities.

Conservation and Management of TRCA Owned Lands

The TRCA own and manage a significant portion of lands in Markham (some of which will be transferred to Parks Canada). Adequate funding should be available to ensure that these lands can be managed over the long term, including lifecycle expenditures such as repair of structures in particular heritage buildings and preparation of management plans to ensure their long term function and sustainability.

Non- Mandatory Programs

The City has many project and service agreements with TRCA. These range from tree funding partnerships, invasive species management, culvert works and rehabilitation, SNAP program, STEP

program, Mayor's Megawatt Challenge, Markham Museum Rain Garden, technical advice on Berczy, Bruce, Robinson, Eckardt, Robinson Creek Subwatershed Study and other important initiatives. We are also concerned that the non-mandatory programs will force municipalities to opt-in and opt-out of programs and services based on budget priorities resulting in a potential inconsistent approach between municipalities. We believe a fair and consistent approach towards the protection and management of natural resources is not only beneficial in the implementation of local, regional and provincial policy, it also benefits the development community. Markham supports a balanced approach to growth which allows us to meet our mandated provincial growth targets, while providing us with the tools to protect what is valuable to us.

In terms of local context, and important to Markham, are the challenges associated with protecting and enhancing our already low natural heritage cover (approximately 13.7%). When compared to other Greater Toronto Area municipalities, the historical agricultural land clearing practices and the pace of urbanization has resulted in Markham having the lowest natural heritage cover. Markham and TRCA share a vision for a sustainable and healthy local natural heritage system and work in partnership to address development pressures in a balanced and responsible manner. In this way, Markham can make small strides towards meeting published natural heritage, woodland and tree canopy targets prepared by all levels of governments and natural heritage agencies. Markham supports a role for conservation authorities in the conservation, restoration and management of natural resources within a watershed context.

Sincerely,



Arvin Prasad, RPP, MCIP
Commissioner of Development Services
City of Markham

C. Member of Council
Andy Taylor, CAO, Markham