

June 22, 2021

Municipality of West Elgin
22413 Hoskins Line
Rodney, ON N0L 2C0

Attention: Magda Badura, CAO & Treasurer

Re: Lower Thames Valley Conservation Authority comments on Phase 1 REGULATORY PROPOSAL CONSULTATION GUIDE for the Conservation Authorities Act

During a special Board of Directors' meeting of June 2, 2021 the board passed the following resolution:

BD-2021-13 P. Tiessen – S. Emons

Moved that the Board of Directors receives the presentation entitled "Phase 1 REGULATORY PROPOSAL CONSULTATION GUIDE for the Conservation Authorities Act" and endorses the comments discussed,
and further, the Board of Directors directs staff to prepare a letter with these comments to be provided to Conservation Ontario and the Province of Ontario.

CARRIED

The comments referred to in this resolution and further review of this matter at a Board of Directors meeting held on June 17 are noted below:

Issues with Definition of Mandatory and Non-Mandatory Programs

1. A number of requirements under the mandatory programs as detailed are not within the current budget scope of the LTVCA, Will the province fund these? Some examples include:
 - a. Asset Management of Flood Control Structures – over last 3 years the LTVCA has been working to address this issue as current general levy will not cover all costs
 - b. Flood Plain mapping for all streams
 - c. Conservation Area Management Plans
2. Currently Mandatory Programs do not include: Stewardship
 - a. Stewardship is required as LTVCA is the main partner of this work in this watershed
 - b. At LTVCA stewardship pays its own way but we want municipalities to have funds committed to this work
 - c. Significant international commitments (COA, LEAP etc.) are based on LTVCA's stewardship work. Is this work not as important as the work addressing commitments under the Lake Simcoe Protection Act?

- d. Even though stewardship has significant impacts in reducing hazards described in the Natural Hazards program, the stewardship program should be considered as a separate mandatory program
- e. The province should consider putting this into a regulation to be developed in the one year following the transition period.

3. Mandatory Programs currently do not include:

- i. Recreation in Conservation Areas
- ii. Education Programming

Additionally this potentially includes assets associated with these programs – significant assets in some Conservation Areas. This will impact small Conservation Authorities that do not make money on their Conservation Areas in recreation and education programming. This will not affect the big programs e.g. Black Creek Pioneer Village but will affect LTVCA's Longwoods Rd CA programs. This will create big city urban haves and rural have-nots.

At a minimum, the assets associated with the Recreational and Education Programs of a Conservation Authority should be included in the Mandatory Conservation Areas Program. Without this, there is potential that significant assets could be allowed to deteriorate.

- 4. The issue of Climate Change has not been adequately addressed in the Discussion Paper when dealing with mandatory programs.

Issues with Transition Period

The LTVCA supports the change in the Transition Period to January 1, 2023; however, a number of factors will challenge both municipalities and conservation authorities in completing the significant number of tasks associated with the upcoming regulations. These are:

- 1. Municipalities are dealing with COVID-19 fallout and reopening challenges and may not be interested in developing Memorandum of Understanding (MOUs) with CAs
- 2. Timing is still short due to the fact that the municipal elections will be held in 2022. All work probably needs to be done by June 30, 2022 due to councils entering lame duck periods prior to election.
- 3. The cost of doing this work will be significant – review of programs and finances, and preparation of plans – Is the provincial government going to fund this extra work?

Issues with Watershed-Based Resources Management Strategy

It is felt that the Watershed-Based Resource Management Strategy could and should act as an LTVCA Strategic Plan update. The strategy would provide an organizing framework for categorizing the mandatory and non-mandatory programs and services for consultation with municipalities and for the establishment of a single comprehensive MOU/agreement. The board is concerned about doing this work after the MOUs have been signed, as the MOUs should be based on a strategic plan that encompasses the period of the MOUs. With this in mind, the following comments are provided:

1. The way the discussion paper is written, these strategies are only to include mandatory programs. It appears that they can include non-mandatory programs but need to make a connection between them and mandatory programs – e.g. stewardship work will support dampening of flood events. We believe all proposed programs (mandatory and non-mandatory) should be included to make this a complete strategy for the LTVCA.
2. Cost of completing this strategy is significant and provincial funding is requested.
3. LTVCA needs to complete this strategy but should do it in one year so it can be part of MOU discussions. This will be very difficult both due to timing and due to capacity.
4. Additionally, public consultation will be an important part of this strategy and this needs time.

Issues / Questions with Community Advisory Boards

Conservation Authorities used to have numerous advisory boards but past committees were disbanded due to issues with accountability and cost. A number of questions arise:

1. What is their decision making power, as they are not part of levy discussions? Giving residents a powerless role will frustrate well-intentioned people.
2. Will we have enough people interested?
3. Will those who are interested slant Advisory Boards?
4. Who is paying the cost of running this Board? Will the province provide funding?
5. Will First Nations be interested in being a member of this Advisory Board? Our experience with the First Nations within the area we call the lower Thames valley is that the Nations consider themselves equal in co-management of the Thames River, within a shared waters approach. The Nations may not be interested in being a member of an advisory board. Have First Nations been approached with this idea?

Section 29 – Creation of Minister’s Regulation

We believe there is a commitment to maintain the substance of existing s.29 Conservation Areas Regulations, but this will be consolidated into one Minister’s Regulation. The current regulations have enforcement/compliance issues; therefore, tools are needed. The LTVCA is encouraging review of the s.29 enforcement/compliance program area in the updating of the Regulation. However, we request flexibility to ensure large Conservation Authority resources are not expected from small CAs in the management of CA owned lands.

Minimum Levy

The LTVCA requests that administration and overhead for all programs, both mandatory and non-mandatory be included in the minimum levy. This will ensure maintenance of all CA owned assets.

Overall Concerns

The LTVCA expresses three major overall concerns with the discussion paper contents. These are:

1. COSTS: Who is responsible for paying for the extra work imposed on both municipalities and Conservation Authorities for what is being proposed? The costs are not simply one time as future MOUs will need to be renegotiated.
2. CAPACITY: Given existing resources, it is questionable whether CAs have the capacity to achieve all the proposed extra tasks associated with this discussion paper.
3. TIMING: Given the pandemic and elections in 2022, timing will be a huge issue when completing the tasks associated with this discussion paper.

Summary:

In summary, we wish to stress the following points:

1. The timelines are tight to develop / implement the Transition Plan
2. The Watershed Based Resource Management Strategy is a good new story
3. Request that the province designate private land stewardship as mandatory program and services in Natural Hazards
4. Request that the province designate passive recreational activities such as hiking in Conservation Areas as mandatory programs and services
5. Recommend that the proposed Advisory Boards be flexible and not duplicate the work of the Board of Directors
6. Request that the province include Conservation Area Assets in mandatory programs and services

On behalf of the Board of Directors,

Thank-you for this opportunity to provide input into this discussion paper.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark Peacock', with a stylized, flowing script.

Mark Peacock, P. Eng.
C.A.O. / Secretary-Treasurer

Cc: Municipal LTVCA Board Member