



Board of Directors
Meeting No. BOD-05-24
Friday, May 24, 2024
9:00 a.m.

Agenda

Meeting Location:

120 Bayview Parkway, Newmarket
Minutes and agendas are available at www.LSRCA.on.ca

Upcoming Events

Board of Directors' Meeting

Friday, June 21, 2024
120 Bayview Parkway, Newmarket

Lake Simcoe Conservation Foundation

35th Annual Conservation Dinner

Wednesday June 12, 2024
The Manor at Carrying Place

5th Annual Invitational Golf Tournament

Monday, August 26, 2024
King Valley Golf Club

A full listing of events can be found at www.LSRCA.on.ca

I. Acknowledgement of Indigenous Territory

II. Declarations of Pecuniary Interest and Conflicts of Interest

III. Approval of Agenda

Pages 1 - 5

Recommended: That the content of the Agenda for the May 24, 2024 meeting of the Board of Directors be approved as presented.

IV. Adoption of Minutes

a) Board of Directors

Pages 6 - 11

Included in the agenda is a copy of the draft minutes of the Board of Directors' Meeting, No. BOD-04-24, held on Friday, April 26, 2024.

Recommended: That the minutes of the Board of Directors' Meeting, No. BOD-04-24, held on Friday, April 26, 2024 be approved as circulated.

V. Announcements

VI. Presentations

a) 2025 Budget Assumptions

Pages 12 - 17

General Manager, Corporate and Financial Services/CFO, Mark Critch, will present proposed 2025 Budget Assumptions for the Board's consideration. This presentation will be provided at the meeting and will be available on the Conservation Authority's website following the meeting.

Recommended: That the presentation by General Manager, Corporate and Financial Services/CFO, Mark Critch, regarding the proposed 2025 Budget Assumptions be received for information.

Staff Report No. 29-24-BOD regarding the proposed 2025 Budget Assumptions is included in the agenda.

Recommended: That Staff Report No. 29-24-BOD regarding the proposed 2025 Budget Assumptions be approved.

b) Regulated Areas Mapping Update

Pages 18 - 30

Director, Development Services, Ashlea Brown, together with GIS Coordinator, Darren Campbell, will provide an overview of the updated Regulation Mapping, along with a demonstration of the Conservation Authority's mapping tool. This presentation will be provided at the meeting and will be available on the Conservation Authority's website following the meeting.

Recommended: That the presentation by Director, Development Services, Ashlea Brown, and GIS Coordinator, Darren Campbell, regarding updated Regulation Mapping and the Conservation Authority's mapping tool be received for information.

Staff Report No. 30-24-BOD regarding an overview of the updated Regulation Mapping and proposed protocol dealing with regular updates is included in the agenda.

Recommended: That Staff Report No. 30-24-BOD regarding the changes to Regulated Area Mapping in accordance with Ontario Regulation 41/24 and proposed protocol for mapping updates be received; and

Further That the updates to the Regulation mapping for screening purposes, both internal and external including public viewing on the Conservation Authority's website be approved; and

Further That the regulated mapping protocol as outlined in this staff report be approved.

VII. Hearings

There are no Hearings scheduled for this meeting.

VIII. Deputations

There are no Deputations scheduled for this meeting.

IX. Determination of Items Requiring Separate Discussion

(Reference Pages 4 and 5 of the agenda)

X. Adoption of Items Not Requiring Separate Discussion

XI. Consideration of Items Requiring Separate Discussion

XII. Closed Session

The Board will move to Closed Session to deal with a confidential legal matter.

Recommended: That the Board move to Closed Session to deal with a confidential legal matter; and

Further that the Chief Administrative Officer and members of the Executive Leadership Team remain in the meeting for the discussion.

The Board will rise from Closed Session and report findings.

Recommended: That the Board rise from Closed Session and report findings.

a) Confidential Legal Matter

Recommended: That the verbal update regarding a confidential legal matter be received for information.

XIII. Other Business

Next Meeting

The next meeting of the Board of Directors will be held on Friday, June 21, 2024. This meeting will be held in person at the Conservation Authority's Newmarket offices located at 120 Bayview Parkway, Newmarket.

XIV. Adjournment

Agenda Items

1. Correspondence

Recommended: That the no items of Correspondence be received.

2. Offsetting Program Results – Reconciliation to December 31, 2023

Pages 31 - 36

Recommended: That Staff Report No. 31-24-BOD regarding a reconciliation of the Conservation Authority's Offsetting Cash in Lieu funds and Key Performance Indicators be received for information.

3. Proposed Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act

Pages 37 - 46

Recommended: That Staff Report No. 32-24-BOD regarding the proposed Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act (Environmental Registry of Ontario Posting No. 019-8320) be received for information.

4. Stop Order under Section 30.4 of the *Conservation Authorities Act*

Pages 47 - 57

Recommended: That Staff Report No. 33-24-BOD regarding Stop Order under Section 30.4 of the *Conservation Authorities Act* be received; and

Further That the Stop Order procedures outlined within this staff report be approved for implementation effective immediately.

Lake Simcoe Region Conservation Authority

Board of Directors' Meeting

Board of Directors' Meeting No. BOD-04-24

Friday, April 26, 2024

120 Bayview Parkway, Newmarket

Meeting Minutes

Members Present

Councillor C. Riepma (Chair), Mayor R. Greenlaw (Vice Chair), Councillor F. Drodge, Councillor A. Eek, Regional Chairman W. Emmerson, Councillor P. Ferragine, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Councillor D. Le Roy, Mayor I. Lovatt, Councillor C. Pettingill, Mayor M. Quirk, Councillor M. Thompson

Members Absent

Councillor S. Bell, Councillor A. Courser, Regional Councillor B. Garrod, Deputy Mayor and Regional Councillor T. Vegh, Councillor E. Yeo

Staff Present

R. Baldwin, T. Barnett, A. Brown, M. Critch, P. Davies, D. Goodyear, G. MacMillan, G. Peat, C. Taylor, F. Toghian, K. Yemm

Guests Present

A. Delle Cese, E. Strength, J. Durnford

I. Land Acknowledgement

Chair Riepma acknowledged the Lake Simcoe watershed as traditional Indigenous territory and thanked all generations of Indigenous peoples for their enduring and unwavering care for this land and water.

II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: S. Harrison-McIntyre

Seconded by: F. Drodge

BOD-058-24 **Resolved That** the content of the Agenda for the April 26, 2024 meeting of the Board of Directors be approved as presented. **Carried**

IV. Adoption of Minutes

a) Board of Directors' Meeting

Moved by: R. Greenlaw

Seconded by: W. Emmerson

BOD-059-24 **Resolved That** the minutes of the Board of Directors' Meeting, No. BOD-03-24, held on Friday, March 22, 2024 be approved as circulated. **Carried**

V. Announcements

- a) CAO Rob Baldwin provided an update on a meeting with the City of Orillia, noting topics of discussion included an overview of Bill 229 and Conservation Authorities Act changes affecting Orillia. He noted it was a productive meeting and that the conversation is ongoing through a follow-up email from City staff with additional questions.
- b) CAO Rob Baldwin updated on Conservation Ontario's Annual meeting and results of the yearly election, noting the Chair is Chris White, Grand River Conservation Authority; Vice Chairs are Jonathan Scott, Nottawasaga Valley Conservation Authority and Pat Warren, Kawartha Conservation; and Directors are Brad McNevin of Quinte Conservation Authority, Chandra Sharma of Niagara Peninsula Conservation Authority, and Rob Baldwin.
- c) CAO Rob Baldwin was pleased to advise he attended a meeting between conservation authorities and Minister Graydon Smith, noting it was a great opportunity to meet and engage with the Minister. The meeting focused mainly on the new hazard regulation, and participants were able to provide feedback. Other areas for opportunity were also discussed. CAO Baldwin looks forward to continued dialogue with the Minister and his staff.
- d) CAO Rob Baldwin reminded Board members that nominations for this year's conservation awards open May 1st and close June 5th. He urged everyone to get their nominations in.

VI. Presentations

a) 2023 Draft Audited Financial Statements

BDO Canada LLP Partner, Adam Delle Cese, provided an overview of the audit of the Conservation Authority's 2023 draft financial statements for the period ending December 31, 2023. He noted that in BDO's opinion, the financial statements represent fairly the financial position of the Conservation Authority. He advised a clean audit was held and a standard audit report provided.

He reviewed the responsibilities of management and the auditors, as well as the financial statements, year-over-year changes in financial assets, and statements of cashflows.

Moved by: C. Pettingill

Seconded by: W. Emmerson

BOD-060-24 **Resolved That** the presentation by BDO Canada LLP Partner, Adam Delle Cese, regarding the audit of the Conservation Authority's 2023 draft financial statements for the period ending December 31, 2023 be received for information.

Carried

Included in the agenda was Staff Report No. 24-24-BOD regarding the Conservation Authority's 2023 Draft Audited Financial Statements.

Moved by: S. Harrison-McIntyre

Seconded by: F. Drodge

BOD-061-24 **Resolved That** Staff Report No. 24-24-BOD regarding the Conservation Authority's 2023 Draft Audited Financial Statements be received; and

Further that the 2023 Draft Audited Financial Statements be approved; and

Further that the Appropriations to and from Reserves as outlined in Schedule 8 – Statement of Continuity of Reserves of the 2023 Draft Audited Financial Statements be approved; and

Further that the pending 2023 Audited Financial Statements be distributed to the Minister of Natural Resources and Forestry, the Conservation Authority's banker, and be made available on the Conservation Authority's website. **Carried**

b) 2023 Restoration Program Accomplishments

Manager, Restoration Services, Christa Sharp, shared a presentation on the Restoration Program's 2023 accomplishments, noting that 108 projects were completed across the watershed, including stormwater retrofits, low impact development features, community action, wetland habitat creation and agricultural projects, all making critical, on-the-ground improvements to the watershed. These projects accomplished over 35 hectares of land being restored, over 3,400 metres of streambank being planted/stabilized, and 65 increases in biodiversity and enhanced pollinator habitat. Over 85 projects for 2024 are well underway, and the Beaverton low impact development project in the Township of Brock and the Vivian Creek wetland and drainage improvements project in the Town of East Gwillimbury for part of her presentation. To view this presentation, please click this link: [2023 Restoration Program Accomplishments](#)

Moved by: A Eek

Seconded by: C. Pettingill

BOD-062-24 **Resolved That** the presentation by Manager, Restoration Services, Christa Sharp, regarding the Restoration Program's 2023 accomplishments and 2024 projects be received for information. **Carried**

Included in the agenda was Staff Report No. 25-24-BOD regarding an update on the Conservation Authority's Restoration Program and projects.

Moved by: V. Hackson

Seconded by: M. Quirk

BOD-063-24 **Resolved That** Staff Report No. 25-24-BOD regarding an update on the Conservation Authority's Restoration Program and projects be received for information.

VII. Hearings

There were no Hearings at this meeting.

VIII. Deputations

There were no Deputations at this meeting.

IX. Determination of Items Requiring Separate Discussion

X. Adoption of Items not Requiring Separate Discussion

Items No. 1 and 3 were identified under items not requiring separate discussion.

Moved by: I. Lovatt

Seconded by: P. Ferragine

BOD-064-24 **Resolved That** the following recommendations respecting the matters listed as "Items Not Requiring Separate Discussion" be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

1. Correspondence

BOD-065-24 **Resolved That** no items of Correspondence be received. **Carried**

3. 2024 Budget Companion Document

BOD-066-24 **Resolved That** Staff Report No. 27-24-BOD regarding the 2024 Budget Companion Document be received for information. **Carried**

XI. Consideration of Items Requiring Separate Discussion

Item No. 2 was identified under items requiring separate discussion.

2. Summary of 2024 Provincial and Municipal Funding Agreements

In response to questions from Councillor Eek regarding the funding for the Improved Phosphorus Loading Estimates project in the Holland Marsh, General Manager, Integrated Watershed Management, Don Goodyear explained that an autosampler installed at the Art Janse pumping station collects water moving from the inner canal to the river and provides improved phosphorus concentration information. This project will help inform treatment options for the phosphorus recycling facility, but not its location. He noted there are dozens of monitoring stations around the watershed also supported by this funding that are used in water balance and phosphorus loading calculations.

Moved by: R. Greenlaw

Seconded by: A. Eek

BOD-067-24 **Resolved That** Staff Report No. 26-24-BOD regarding recently secured Provincial and municipal funding be received for information. **Carried**

XII. Closed Session

The Board moved to Closed Session to deal with a confidential land matter.

Moved by: W. Emmerson

Seconded by: P. Ferragine

BOD-068-24 **Resolved That** the Board move to Closed Session to deal with a confidential land matter; and

Further that the Chief Administrative Officer, members of the Executive Leadership Team and the Director, Conservation Lands remain in the meeting for the discussion.

Carried

The Board rose from Closed Session to report findings.

Moved by: W. Emmerson

Seconded by: R. Greenlaw

BOD-069-24 **Resolved That** the Board rise from Closed Session and report findings.

Carried

a) **Confidential Land Matter**

Moved by: I. Lovatt

Seconded by: M. Thompson

BOD-070-24 **Resolved That** the presentation regarding a Confidential land matter be received for information. **Carried**

Moved by: R. Greenlaw

Seconded by: W. Emmerson

BOD-071-24 **Resolved That** Confidential Staff Report No. 28-24-BOD regarding a confidential land matter be received; and

Further that the recommendations contained within the staff report be approved.
Carried

XIII. Other Business

- a) Chair Riepma advised that the next meeting will be held on Friday, May 24, 2024 at 9:00 a.m. in the Conservation Authority's Administrative Offices.

XIV. Adjournment

Moved by: P. Ferragine

Seconded by: V. Hackson

BOD-072-24 **Resolved That** the meeting be adjourned at 11:02a.m. **Carried**

Original to be signed by:

Original to be signed by:

Councillor Clare Riepma
Chair

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Mark Critch, General Manager, Corporate and Financial Services/CFO

Date: May 13, 2024

Subject:

2025 Budget Assumptions

Recommendation

That Staff Report No. 29-24-BOD regarding the Conservation Authority's recommended budget assumptions for the 2025 fiscal year be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 29-24-BOD is to provide context and seek approval on the financial recommendations for the Conservation Authority's 2025 budget assumptions for the operating and capital budget development process.

Background:

The levy increase being requested from the Conservation Authority's to its municipal funding partners includes salary increases due to Cost-of-Living Adjustments (COLA) and step, inflation, investment in strategic initiatives and funding for asset management.

a) COLA and Step

Staff reached out to various municipalities and conservation authorities to gather information on projected COLAs for use in 2025. Please see the attached comparators for the current and historical details. The Region of York, City of Barrie and Region of Durham are the largest municipal partners in the watershed and thus are used as comparators. Each has a Canadian Union of Public Employees (CUPE) agreement with their workers, and the COLAs from those agreements are typically used as comparators. CUPE 905 agreement with York Region has agreed to a 2.00% COLA (expiring contract on April 2025), CUPE 2380 with City of Barrie also has agreed to a 2.00% COLA for 2025, and CUPE 1764 has not entered into an agreement with Region of Durham beyond April 2024.

Neighbouring conservation authorities, Toronto and Region Conservation Authority and Nottawasaga Valley Conservation Authority, are also used for the purposes of comparison. Toronto and Region Conservation Authority has shared their assumption of up to 3.00% for

COLA in 2025. Nottawasaga Valley Conservation Authority usually uses the Consumer Price Index (CPI) for Ontario which is currently around 3.00%. Please note that these assumptions are early in the budget development process and subject to change based on the direction of their respective Board of Directors.

Municipalities	2025 CUPE agreement	2024 CUPE agreement	2023 CUPE agreement
Region of York, CUPE 905	2.00%	2.00%	2.00%
City of Barrie, CUPE 2380	2.00%	2.00%	2.00%
Region of Durham, CUPE 1764	N/A	1.50%	1.50%
Conservation Authorities	2025 COLA	2024 COLA	2023 COLA
Toronto and Region Conservation Authority	Up to 3.00%	2.00%	1.99%
Nottawasaga Valley Conservation Authority, CPI for Ontario	3.00%	N/A	5.30%
Lake Simcoe Region Conservation Authority	TBD	2.00%	2.00%

b) Inflation

Staff are recommending a 2.5% inflation rate for 2025. The Bank of Canada’s 2025 Inflation target is 2.0-3.0% and Statistics Canada is forecasting a 2025 inflation rate of 2.9%. The Conservation Authority’s inflation rate of 2.0% for 2024 was notably lower than the actual inflation rate 2.7% for Ontario (Stats Canada). Consistently underestimating the inflation assumption applies pressure on in-year spending, particularly on contracts and capital projects.

c) Strategic Initiatives

Staff recognized the funding challenges for the Conservation Authority’s municipal partners in previous years and have found ways of addressing new investments earmarked for the Strategic Plan (Transformation 2022-2024) with existing funding. As the Strategic Plan continues into 2025, staff are recommending a 1.50% increase on the Category 1 levy to support additional work required as part of the updated Strategic Plan.

d) Asset Management

Staff are utilizing a small placeholder of 0.50% of capital, \$41.6K in the 2025 budget assumptions for asset management costs. More details on the long-term funding strategy will be coming to the Board of Directors in Q2.

Lessons Learned from the 2024 Forecast

As staff begin the 2024 in-year forecasting process, all program adjustments, savings and efficiencies will be incorporated into the 2025 budget. This includes a review of the funding categories introduced in the 2024 Budget to ensure that all expenditures are being attributed

to the correct funding bucket. Minor adjustments may be required in 2025, impacting the specific levy increase for each municipality.

Issues:

a) Board of Directors' Direction Required

Staff will develop the budget to meet the Conservation Authority's Annual Priorities (Priorities) and legislative responsibilities. Staff will look for efficiencies, additional revenue and program reductions to mitigate any budget increases. Following that, staff will use the Board approved budget assumptions to build the operating and capital budgets and determine the amount of municipal investment required.

Finance staff continue to work with local finance counterparts at each of the funding municipalities to understand their fiscal pressures, gather recommended funding envelopes and look for partnership opportunities that will keep tax levy increases in line with inflation. Recognizing that there is one taxpayer, the goal is to stay within preliminary targets of up to 2.0% for the 2025 Budget.

The development of the 2025 Budget will be done with no new FTE being added with municipal levies. The only consideration for additional FTEs would be those related to 100% funding from non-levy sources (i.e. Fees, external grants or Category 2 funding).

With that in mind, staff are recommending an upper limit of 3.0% for the COLA and suggest a maximum cap of 2% for all municipal levies allowing flexibility for Conservation Authority staff to continue to work within changing municipal guidelines.

In summary, staff recommend:

1. Inflation: up to 2.50% used only for applicable expenditures (2024: 2.00%)
2. COLA: up to 3.00% (2024: 2.00%) plus applicable step increases
3. Infrastructure levy increase for Asset Management: up to 0.50% increase on Category 1 levy (2024: 0.50% capital levy only)
4. Investment in Strategic Priorities: 1.50% (2024: 0.00%)
5. No additional new FTEs in 2025, unless fully funded from grants and/or fees
6. Levy(all categories) : Up to 2.00% (2024: 2.00%).

b) Staff May Require Flexibility to Meet Future Municipal Targets

2025 Recommended Levy % Increase and Amounts	Increase	Amount
Category 1 Mandatory Levy	2.00%	116.2K
Category 1 Lake Simcoe Protection Plan Levy (Mandatory)	2.00%	50.2K
Category 2 Funding	2.00%	13.4K
Category 3 Funding	2.00%	7.0K
Total Municipal Funding Increase	2.00%	186.8K
2025 Budget Assumptions - Expenditure Groupings	Increase	Amount
COLA (including STEP)	up to 3.00%	228.6K
Inflation	up to 2.50%	31.6K
Strategic Initiative	up to 1.50%	124.8K
Asset Management	up to 0.50%	41.6K
Efficiencies/Additional Revenue /Program Adjustments		(239.8K)
Total New Investment for 2025		186.8K

c) Conservation Authority Staff continue to work with Municipal Funding Partners

Staff have initiated conversations with its municipal partners and will remain engaged throughout the budget cycle. The Conservation Authority has already received preliminary guidelines from a couple of municipal funders, and the targets are no more than 2.0% for 2025. A virtual meeting is being planned for the fall with all municipal funding partners to engage with finance staff to discuss general budget challenges, provide an update on the Conservation Authority’s financial position, review guidelines and discuss any issues arising with the development of the 2025 budget.

Relevance to Conservation Authority Policy:

The Conservation Authority is required to prepare annual budgets as part of the fiscal control and responsibilities of the organization. These budgets are also used in the audit process for evaluation by the external auditing firm. Annual audits are a requirement under Section 38 of the *Conservation Authorities Act*.

Impact on Conservation Authority Finances:

The total municipal funding will be capped at \$9,536K for 2025, which is an overall 2.00% increase of \$186.8K. Staff continue to look for other increases in revenue areas such as external grants, provincial/federal funding and full cost recovery on fees.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 29-24-BOD regarding the recommended budget assumptions for the 2025 fiscal year be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Signed by:

Mark Critch
General Manager, Corporate and Financial
Services/CFO

Rob Baldwin
Chief Administrative Officer

Attachments

- i) Comparators for 2025 Budget Assumptions

Comparators for 2025 Budget Assumptions						
Municipalities	2025 CUPE agreement	2024 CUPE agreement	2023 CUPE agreement	2022 CUPE agreement	2021 CUPE agreement	2020 CUPE agreement
Region of York, CUPE 905	2.00%	2.00%	2.00%	2.80%	1.25%	1.74%
City of Barrie, CUPE 2380	2.00%	2.00%	2.00%	1.80%	1.00%	1.80%
Region of Durham, CUPE 1764	N/A	1.50%	1.50%	1.75%	1.75%	1.75%
Conservation Authorities	2025 COLA	2024 COLA	2023 COLA	2022 COLA	2021 COLA	2020 COLA
TRCA	Up to 3.00%	2.00%	1.99%	1.77%	1.77%	1.98%
NVCA, CPI for Ontario	Projecting 3%	5.90%	5.30%	1.30%	1.80%	1.90%
Statistics Canada (All-items)	Latest Inflation	April 2023 to April 2024	April 2022 to April 2023	April 2021 to April 2022	April 2020 to April 2021	March 2019 to March 2020
	2.90%	2.9% (2.7% in Ontario)	4.40%	6.80%	3.40%	0.90%
Trading Economics (Forecast)	Forecast 2025	April 2024 Actual	2023 April Actual	2022 April Actual	2021 April Actual	2020 March Actual
	2.80%	2.50%	4.40%		3.40%	0.90%
Bank of Canada	2025 Inflation Target	2024 Inflation target	2023 Actual	2022 Q1 Actual	2021 Q4 Actual	2020 Q4 Actual
	2.0-3.0%	2.00%	5.20%	5.80%	4.70%	0.07%
Focus Economics	2025 Forecast	2024 Forecast	2023 April Actual	2022 March Actual	2021 May Actual	2020 May Actual
	2.50%	2.75%	4.40%	6.80%	2.20%	1.60%

Staff Report

To: Board of Directors

From: Ashlea Brown, Director Development Services

Date: May 24, 2024

Subject:

Regulated Areas Mapping Update

Recommendation:

That Staff Report No. 30-24-BOD regarding the changes to Regulated Area Mapping in accordance with Ontario Regulation 41/24 and proposed protocol for mapping updates be received; and

Further That the updates to the Regulation mapping for screening purposes, both internal and external including public viewing on the Conservation Authority's website be approved; and

Further That the regulated mapping protocol as outlined in this staff report be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 30-24-BOD is to provide an overview of the updated Regulation Mapping and proposed protocol dealing with regular updates to the Regulated area mapping as required by Ontario Regulation 41/24.

Background:

On February 16, 2024, the Province released Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits. This Regulation came into effect April 1, 2024, replacing the Lake Simcoe Region Conservation Authority's existing Ontario Regulation 179/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses under the *Conservation Authorities Act (Act)*.

Staff Report No. 18-24-BOD (March 2024) provided an overview of the changes in the newly proclaimed section of the *Conservation Authorities Act*, including Part VI- 'Regulation of Areas Under Which Authorities Have Jurisdiction' and Regulation 41/24. These changes included a reduction in the area the Conservation Authority regulates around wetlands, a change in the definition of watercourse and changes to the setback distances from slope erosion hazards. The Conservation Authority continues to regulate areas where development could be subject to

flooding, erosion, unstable soils or bedrock. The Act also prohibits in the absence of a permit, interference with wetlands and alterations to watercourses.

While the regulated areas are described in law through the text of the Regulation, conservation authorities represent the areas visually through mapping.

Issues:

Mapping Procedures:

The Regulation mapping is a tool that conceptually shows the area of land within the Conservation Authority's jurisdiction that is subject to the Regulation. The Regulation limit boundary is based on the best technical information available to the Conservation Authority at map preparation time. The mapping represents spatial information for each of the regulated features and areas, which is integrated to form one conceptual boundary of the Regulation limit. The Lake Simcoe Region Conservation Authority's Reference Manual – Determination of Regulation Limits provides the standards and criteria used for the mapping of these features and areas. This reference manual will be updated to reflect the requirements of O. Reg. 41/24.

Appendix A is a Guidance document on "Meeting the Requirements of: Maps of Regulated Areas Under Section 4 of Ontario Regulation 41/24". This document outlines the process and procedures for mapping updates where the Reference Manual provided the technical details for delineating regulated features. As outlined in this Guidance Document and Section 4 of the Regulation, the following actions will be completed on an annual basis:

- Production of regulatory maps to be filed digitally at the head office of the Conservation Authority;
- Posting of regulatory maps on the Conservation Authority's website;
- Reviewing of maps at least once annually and update if required. Target date of April 1st annually for updates;
- Notifying stakeholders, municipalities and the public of any significant updates to the regulated areas, including posting relevant information on the Conservation Authority's website a minimum of 30 days prior to the Conservation Authority's Board of Directors' meeting, at which the proposed changes will be on their agenda; and
- Significant changes noted above shall be promptly updated to the maps.

2024 Regulation Mapping updates:

The current update is comprised of the following:

- Revised limits associated with new and updated wetland mapping by Ministry of Natural Resources and Forestry.

- Revised limits of the regulated area surrounding all wetlands including a 30-metre setback.
- Adjustments to the Shoreline Hazard Limits (flooding and erosion) resulting from W.F. Baird & Associates Coastal Engineers Ltd. study received by the Conservation Authority on April 4, 2024. Please follow this link for the final report: [Lake Simcoe Shoreline Hazard Mapping Final Report by W.F. Baird & Associates](#)

The total Regulated area in the Lake Simcoe watershed has decreased by 7,559.81 hectares due to this update. A comprehensive look of the total change by municipality and feature is included in Attachment B. Please note there is overlap in Regulated features, so while some regulated features such as wetland have decreased significantly, the overall regulated area is less reduced due to no change to the other features.

Wetlands:

For updates to the wetland boundaries, the Conservation Authority utilized Ministry of Natural Resources and Forestry wetland mapping and applied a 30-metre setback to all wetlands consistent with the Regulation. The total decrease in regulated area resulting from the wetland update is 10,160.32 hectares. For reference that is almost 19, 000 football fields.

Lake Simcoe Shoreline:

The Lake Simcoe Region Conservation Authority retained the coastal engineering services of W.F. Baird & Associates Coastal Engineers Ltd. “Baird”, following Board Resolution No. BOD-177-21 (December 17, 2021) to complete shoreline hazard mapping for flooding and erosion hazards along the shorelines of Lake Simcoe. Baird’s Lake Simcoe Shoreline Hazard Mapping Final Report was received on April 4, 2024 (Attachment C). The following approach was utilized by the consultant for the shoreline hazard update:

- Baird collected and compiled background data including elevation data, satellite derived lake bathymetry, historical data, aerial imagery, etc.
- This data was assessed, and any assumptions and conclusions were documented in the report.
- Baird undertook digital coastal engineering modelling to simulate the shoreline hazards on Lake Simcoe.
- The flood hazard was mapped by Baird based on the surge level, plus an inland offset distance of between 5 and 10 metres to capture and represent the wave runup level.
- The erosion hazard was mapped by Baird based on a 1-100 year erosion allowance of 15 metres. The long-term stable slope is based on an assumed stable slope gradient of 3 horizontal metres for each 1 vertical metre of elevation change. The estimated normal early summer water level of 219.0 metres was subtracted from the elevation at the 15 metres to

determine the vertical elevation change. This elevation change was multiplied by 3 and horizontally offset inland to represent the stable slope.

The total change in the regulated area based on the shoreline hazard update is an increase in regulated area of 1,417.81 hectares.

There has been no change in the limits of Floodplain or Erosion (meanderbelt and valleylands) hazards at this time. Any updates to these regulated features will occur consistent with the outlined procedures.

Consultation:

The Lake Simcoe Region Conservation Authority has provided public consultation on the updated changes to our Regulatory mapping via our website. Given this was a Provincial-led process with previous consultation through the Environmental Registry Ontario (ERO), the Conservation Authority did not undertake any additional consultation beyond the 30-day posting on our webpage.

Throughout this process, you can undertake individual property searches and see the existing vs updated Regulation limits in relation to a specific property. Inquiries and comments could be made through email at regulationupdates@lsrca.on.ca. We received no responses or inquiries from the public on the updated mapping.

Notice was also sent to Municipal Building, Planning and By-law departments for information. Comments received included a question from the Township of Ramara requesting clarification on why there was still no hazard mapping for the smaller Geoff and Strawberry Islands. These Islands are regulated based on the text of the Regulation, however, were not included in the shoreline hazard model, so pre-consultation would have to occur to delineate the extent of the hazard in these scenarios. A question was also received on updated mapping of watercourses and their potential impacts to the septic re-inspection program as a result. In response, if a watercourse is removed as a result of the new definition, any properties which would be subject to re-inspection due to its proximity to the watercourse would no longer be applicable to this standard. At this time, no watercourses have been removed; however, site specific requests may require future updates to the watercourse layer.

Relevance to Conservation Authority Policy:

The updated mapping changes are in response to Provincial Legislation and are consistent with Conservation Authority policy. The updated protocols and Terms of Reference will provide greater consistency and transparency in the preparation and updating of regulatory mapping.

Impact on Conservation Authority Finances:

All costs associated with the updated Regulation mapping have been included in the Board approved 2024 Budget.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 30-24-BOD regarding the changes to Regulated Area Mapping in accordance with Ontario Regulation 41/24 and proposed protocol for mapping updates be received; and **Further That** the updates to the Regulation mapping for screening purposes, both internal and external including public viewing on the Conservation Authority's website be approved; and **Further That** the regulated mapping protocol as outlined in this staff report be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Development, Engineering and Restoration, and the Chief Administrative Officer.

Signed by:

Glenn MacMillan
General Manager, Development,
Engineering and Restoration

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

- a) Meeting the Requirements of: Maps of Regulated Areas Under Section 4 of Ontario Regulation 41/24
- b) Regulations Summary area by Municipality

**Guidance on Meeting the Requirements of:
“Maps of Regulated Areas”
Under Section 4 of Ontario Regulation 41/24**

DATE

Note: This guidance provides best advice based on available materials and current understanding of the legislation and regulations.

Contents

Executive Summary	3
Mapping Requirements	3
Minor Mapping Changes	3
Major Mapping Changes	4
Development of Maps Depicting Regulated Areas	4
Watercourses	5
Wetlands and Other Areas	5
Floodplains	5
Shoreline.....	5
Lake Simcoe Hazards	5
Erosion Hazards	6
Riverine.....	6
Record of Mapping Updates.....	7

Executive Summary

On April 1, 2024, the *Conservation Authorities Act* (CAA) was amended, enacting Part VI – Regulation of Areas Under Which Authorities Have Jurisdiction (“Section 28 Regulation”) as well as related clauses found within the Act. As part of the new Regulation (O. Reg. 41/24: Prohibited Activities, Exemptions and Permits), Conservation Authorities were required to develop / update maps of regulated areas within the CA’s area of jurisdiction where development activities are regulated.

This document should be read alongside Conservation Ontario’s (CO’s) guidance; [Procedure for Updating Maps of Regulated Areas \(Conservation Ontario, 2024\)](#),

Mapping Requirements

As per Section 4 of O. Reg. 41/24 Lake Simcoe Region Conservation Authority shall develop maps which depict the regulated areas within the Authority’s area of jurisdiction.

LSRCA will complete the following on an annual basis in accordance with O. Reg 41/24:

- Produce regulatory maps, file them digitally at the head office of the Authority,
- Have regulatory maps on our website,
- Review maps at least once **annually** and update if required. Target date of April 1st annually for updates,
- Notify stakeholders, municipalities and the public of any significant updates to the regulated areas, including making relevant information available online a minimum of 30 days prior to the Authority’s meeting during which the proposed changes are on the agenda; and,
- Significant changes noted above shall be promptly updated to the maps.

In the event of a conflict between the mapping and the regulated features, the description of the areas where the development activity is prohibited prevails.

Section 4 of the Regulation requires that CAs develop regulatory maps, continue to file the mapping at the head office of the CA, and place the regulatory mapping on the Authority’s website.

Minor Mapping Changes

Often the information in the various data layers is refined based on site-specific field investigation by CA staff or other qualified professionals. These are typically minor modifications. Examples might include wetland boundary modifications, confirmation of stable top-of bank obtained through site-specific geotechnical studies, surveyed floodlines, and updates to the location of a watercourse. These modifications constitute “minor mapping changes” and generally relate to individual properties (although the regulation limit may impact several properties) and are made as a result of the permit or plan review process.

The LSRCA will make these changes as applicable and update our online maps accordingly. Any affected landowners would be notified through the review of a Permit or Planning Act application.

Information about the change will be stored in the metadata and available internally through our mapping or GIS department. Refer to ‘Record of Mapping Updates’ section.

Major Mapping Changes

More significant mapping changes, made at the watershed, subwatershed, watercourse or shoreline reach, or multi-property scale are considered significant.

Examples of these changes might include a major floodplain study, updated erosion hazard study or comprehensive wetland mapping. Changes to modelling standards and availability of higher resolution data may result in a more accurate representation of the hazards. This usually requires large scale changes and includes enlargements or reductions to such regulated areas.

When Major mapping changes occur, the Authority will adhere to the following process:

1. Mapping update/study initiated. Notification of study will be posted on our website, (mapping section) and advisory letters sent to Municipal partners and Director of the Resources Planning and Development Policy Branch and the Manager of the Conservation Authorities and Natural Hazards Section at Ministry of Natural Resources and Forestry.
1. Commenting process is initiated online/via email using regulationupdate@lsrca.on.ca.
2. Upon completion of the study/update internal maps are updated accordingly.
3. Approve final study/mapping update (approval staff include, Director Engineering, Director Development Services, General Manager, Engineering, Development and Restoration, and CAO)
4. Post updated maps on LSRCA's website at least 30 day prior to Board Meeting.
5. Depending on the scope of the study/changes in Regulation limit the LSRCA may initiate public consultation through a public engagement session or other means. This may also occur after step 2 and best practices as outlines in the document 'CO Procedure for updating mapping' will be utilized for public consultation and notification.
6. LSRCA Board approval of maps/update.
7. Updated mapping is made available to Municipal partners and a summary of changes, public consultation and notification will be provided to the Director of the Resources Planning and Development Policy Branch and the Manager or the Conservation Authorities and Natural Hazards Section at Ministry of Natural Resources and Forestry.

Development of Maps Depicting Regulated Areas

CAs may make the regulatory mapping available by any other means that the CA considers advisable, such as through an online interactive application. The Lake Simcoe Region Conservation Authority will maintain and update our online mapping application. The following outlines the process/procedures for updating the Regulation limit for specific regulated features:

Watercourses

Generally, water courses are mapped utilizing topographic information along with orthoimagery and then field verified. For watercourse updates, LSRCA staff maintain a database which outlines watercourse changes. This information can be captured using GPS enabled mobile field applications, detailed topographic data and orthoimagery, and provided annually to GIS for amendment. Additionally, consultants or applicants may, through a survey or study, demonstrate that a watercourse does not exist in a specific location. This information will be added to our database for update.

Wetlands and Other Areas

Lake Simcoe Region Conservation Authority utilizes the Ministry of Natural Resources and Forestry wetland dataset from the Ontario GeoHub for current mapping. Individual studies or staking's that update the boundary will be provided to the Authority and updated as a minor update as received or saved in our database for annual updates. A 30-meter other area's layer will be added to the boundary of the wetlands.

Floodplains

The Flood Hazard Limit (or Regulatory Flood), is based on the greater of the Regional Storm (Hurricane Hazel storm event) or the one in 100-year return period storm. The maximum extent of the Regional Storm flood plain is calculated using precipitation data from Hurricane Hazel (1954), while the maximum extent of the one in 100-year flood plain is based on a storm that statistically has a one-percent chance of occurring in any one year.

Within the Lake Simcoe Region Conservation Authority the Regional Storm typically produces the greater floodline and has been used to determine the flood plain limits. Only some of the watersheds within the LSRCA jurisdiction have been mapped through standard methodologies for the determination of flood risk areas. In order to determine the riverine flooding hazard limit for those watersheds that have not been flood line mapped it was necessary to estimate the floodline by using a 'semi-engineered' approach.

LSRCA will review changes to the floodplain limits should a flood study be completed by LSRCA technical staff or a third party. Floodlines can also be updated should a municipality undertake a Stormwater Management Master Plan, replace/upgrade municipal infrastructure, or other projects under the Drainage Act. A 15m setback will be added to all floodlines to comprise the regulated area.

Shoreline

Potential hazards associated with the Lake Simcoe shoreline include flooding (with allowances for wave uprush and other water related hazards), and erosion hazards. The following outlines the methods that have been implemented to establish the boundaries of these hazardous lands along the Lake Simcoe shoreline.

Changes to the shoreline erosion hazard limit will occur once an erosion study has been completed and confirmed by LSRCA technical staff. Site-specific studies on individual properties will not be updated in the regulation mapping; however, a copy of the study will be kept on file for reference.

Lake Simcoe Hazards

Lake flood and Erosion hazards are derived from the 'Lake Simcoe Shoreline Hazard Mapping, Final Report' prepared by Baird Engineering (April 4, 2024).

Erosion Hazards Riverine

The Erosion Hazard Limit for a riverine system consists of the valley *top of bank*, *toe erosion allowance*, and the *stable slope allowance* for a confined riverine system and a meander belt for an unconfined riverine system. A confined system is identified by a clearly visible valley (notable break in slope).

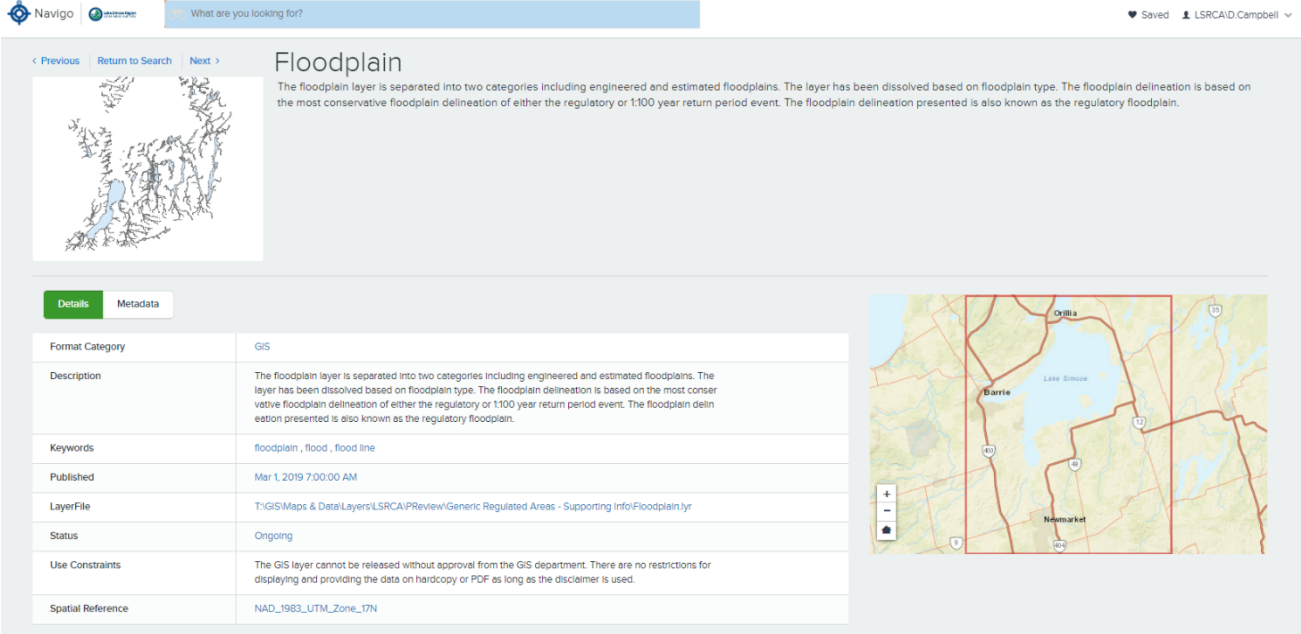
Updates to slope erosion hazard/apparent valley will occur on a site-specific basis unless through a change in legislation or large-scale study. For individual/minor changes, the change in regulated area will be added to our internal tracking database of changes and studies and reports will be kept on file for reference. The regulation mapping will be updated annually referencing the independent study. Currently, riverine erosion hazards are determined using Ministry of Natural Resources Technical Guide (River & Stream Systems: Erosion Hazard Limit).

Regulated Component	Minor Updates	Significant Updates
Floodplain	Changes to floodplain based on site specific studies for one or two adjacent properties.	Significant changes as a result of a new comprehensive analysis such as a Shoreline Hazard Study, Municipal Master Plans, Municipal infrastructure projects.
Wetland	Wetland delineation for one or two adjacent properties.	Change in Regulation 41/24 text pertaining to wetlands.
Watercourse	Site specific study or field verified.	Change in Regulation 41/24 text pertaining to Meanderbelt/ Watercourses. Significant watershed updates to the watercourse layer as a result of new information (i.e. LiDAR)
Apparent Valley/Slope Erosion	Site specific study or field verification.	Change in Regulation 41/24 text pertaining to Apparent Valley.
Shoreline Erosion	Site specific study.	Widespread changes as a result of a new comprehensive analysis such as a Shoreline Hazard Study. Change in Regulation 41/24 text pertaining to Shoreline Erosion.

Record of Mapping Updates

The Authority will track changes/updates to our mapping in a GIS database, the associated metadata will contain additional information about the update with the digital mapping product will provide det. All digital map layers of the regulation limit and associated regulated features will be archived and retained for each set of changes.

The following is an example of the application that allows user to view the metadata. The details tab provides a brief overview the dataset and the metadata tab provides all the additional specific information



The screenshot shows a web-based GIS application interface. At the top, there is a search bar with the text "What are you looking for?" and a "Saved" indicator for "LSRCA/D.Campbell". Below the search bar, there are navigation links: "< Previous", "Return to Search", and "Next >". The main heading is "Floodplain". Below the heading, there is a descriptive paragraph: "The floodplain layer is separated into two categories including engineered and estimated floodplains. The layer has been dissolved based on floodplain type. The floodplain delineation is based on the most conservative floodplain delineation of either the regulatory or 1/100 year return period event. The floodplain delineation presented is also known as the regulatory floodplain." To the left of this text is a small map thumbnail showing a network of lines representing floodplains. Below the description, there are two tabs: "Details" (selected) and "Metadata". Under the "Details" tab, there is a table with the following data:

Format Category	GIS
Description	The floodplain layer is separated into two categories including engineered and estimated floodplains. The layer has been dissolved based on floodplain type. The floodplain delineation is based on the most conservative floodplain delineation of either the regulatory or 1/100 year return period event. The floodplain delineation presented is also known as the regulatory floodplain.
Keywords	floodplain , flood , flood line
Published	Mar 1, 2019 7:00:00 AM
LayerFile	T:\GIS\Maps & Data\Layers\LSRCA\Preview\Generic Regulated Areas - Supporting Info\Floodplain.lyr
Status	Ongoing
Use Constraints	The GIS layer cannot be released without approval from the GIS department. There are no restrictions for displaying and providing the data on hardcopy or PDF as long as the disclaimer is used.
Spatial Reference	NAD_1983_UTM_Zone_17N

To the right of the table is a larger map showing a geographical area with roads and water bodies. The map includes labels for "Orilla", "Barrie", "Lake Simcoe", and "Newmarket". The map also shows a network of red lines representing the floodplain layer.

At minimum the metadata will include information regarding the accuracy of the mapping, sources of information used to create the mapping, the year of the update and reference.

Regulations Summary Information by Municipality

Municipality	Total Regulated Hectares 2019	Total Regulated Hectares 2024	Difference in Total Regulated Hectares from 2019 to 2024
City of Barrie	1,510.38	1,323.90	186.48
City of Kawartha Lakes	4,351.14	4,323.40	27.74
Town of Aurora	1,149.95	1,066.61	83.34
Town of Bradford-West Gwillimbury	5,168.14	5,115.51	52.63
Town of Caledon	90.93	76.94	13.99
Town of East Gwillimbury	10,554.54	9,856.66	697.88
Town of Georgina	14,669.43	12,696.10	1,973.33
Town of Innisfil	5,125.82	4,464.17	661.65
Town of New Tecumseth	509.36	509.36	-
Town of Newmarket	700.47	735.11	-34.64
Town of Whitchurch-Stouffville	3,467.77	3,072.43	395.34
Township of Brock	14,658.91	14,048.01	610.90
Township of King	8,310.08	8,423.60	-113.52
Township of Oro-Medonte	5,468.35	4,586.00	882.35
Township of Ramara	8,043.96	7,634.59	409.37
Township of Scugog	2,307.66	2,107.92	199.74
Township of Uxbridge	12,189.26	10,676.03	1,513.23
Total	98,276.15	90,716.34	7,559.81

Staff Report

To: Board of Directors

From: Christa Sharp, Manager, Restoration Services

Date: May 24, 2024

Subject

Offsetting Program Results – Reconciliation to December 31, 2023

Recommendation

That Staff Report No. 31-24-BOD regarding a reconciliation of the Conservation Authority's Offsetting Cash in Lieu funds and Key Performance Indicators be received for information.

Purpose of this Staff Report

The purpose of this Staff Report No. 31-24-BOD is to provide an update on the Conservation Authority's Cash in Lieu funds and Key Performance Indicators. This update provides an overview from the onset of this program up to December 31, 2023.

Background

The Conservation Authority's offsetting policies address loss of natural heritage features (ecological offsetting), groundwater recharge deficit (water recharge offsetting) and post development phosphorus loads (phosphorus offsetting), which are the result of development within the watershed. These policies are implemented by Planning and Development staff through review of development applications submitted through the Development review process.

The Conservation Authority's Ecological Offsetting Policy was approved by the Board of Directors in 2017 and was put in place to address the loss of natural heritage features and their associated vegetation protection zones.

Since 2017, the Lake Simcoe Phosphorus Offsetting Policy has been improving and protecting the water quality in Lake Simcoe and its streams and rivers. This policy requires that all new development must control phosphorus leaving the development site to predevelopment levels.

To ensure that adequate groundwater recharge is maintained throughout the entire Lake Simcoe watershed, and to mirror the policies of the Source Protection Plan, the Conservation Authority developed the Water Recharge Policy in 2018 to accompany Lake Simcoe Protection Plan policies 6.40-DP and 4.8-DP, which are to be applied to all applications for major development outside of the WHPA Q2 area. This policy, as well as the WHPA Q2 policies of the

Source Protection Plan (July 2015), address the deficit of groundwater recharge resulting from development.

The offsetting policies are tiered plans set to avoid, minimize, mitigate and compensate. The collection and allocation of funds received and Key Performance Indicators through Ecological Offsetting, Phosphorus Offsetting and Water Recharge are outlined in the attached Tables 1, 2, and 3.

The primary key performance indicators for ecological offsetting projects are total natural heritage restored, wetland and woodland area restored, and area acquired/protected. Through the restoration and protection of wetlands, woodlands and other natural heritage features, the program has provided funding of \$1,568,658, which has accomplished 18.019 hectares of natural heritage restoration and protection. Other achievable co-benefits include but are not limited to additional grassland area, installation of habitat structures, increase in biodiversity, flood reduction, groundwater recharge, carbon mitigation, protection of infrastructure, thermal mitigation, urban heat reduction and social/community impacts. This program has also allocated an additional \$1,446,057. These projects will be implemented in 2024 and 2025 and will include improving the natural heritage restoration and protection and project monitoring.

Through the implementation of stormwater retrofits and low impact development projects, the water recharge and phosphorus offsetting projects achieve phosphorus reduction and infiltration as the main key performance indicators. The WHPA Q2 and Water Recharge program has provided funding of \$439,052 and the phosphorus offsetting program has provided funding of \$1,510,228 to achieve 18,950 m³/year of infiltration and 70.97 Kg/year phosphorus reduction. Other achievable co-benefits include but are not limited to water quality, peak flow reduction, increase in biodiversity, flood reduction, groundwater recharge in significant recharge areas, carbon mitigation, protection of infrastructure, thermal mitigation, urban heat reduction, improvements to the natural heritage system, and social/community impacts. These programs have also allocated \$1,256,384. These projects will be implemented in 2024 and 2025 and will work towards improving phosphorus reduction and project monitoring.

Issues

With the implementation of Bill 23 in early 2023, the Conservation Authority's ability to comment and provide advice to municipal partners on natural heritage issues through plan review was restricted to areas outside the Oak Ridges Moraine, the Greenbelt plan area and settlement areas established after June 2009. This also impacted the Conservation Authority's ability to collect ecological offsetting in those areas through Planning Act applications.

The implementation of Bill 23 required modification to the way in which phosphorus offsetting was calculated, no longer requiring zero phosphorus leaving a site, rather, proponents are

required to ensure post-development phosphorus loads do not exceed pre-development loads in accordance with the Lake Simcoe Protection Plan.

Relevance to Conservation Authority Policy

One of the goals of the Conservation Authority's Strategic Plan, a resilient watershed, is achieved through nature-based restoration solutions and an increase in protected areas on rural, urban and agricultural lands. The development and implementation of the offsetting policies assist in achieving this goal by providing a consistent approach to enhancement and restoration throughout the watershed.

Impact on Conservation Authority Finances

This update does not impact Conservation Authority finances. As provided in previous reports, a record of the collection and allocation of funds will be made available to watershed municipalities, Building Industry and Land Development Association and other interested stakeholders, on an annual basis, through a report to the Board of Directors. Staff continue to monitor inflation rates and will consider rate changes to the three policies as necessary.

Summary and Recommendations

It is therefore **Recommended That** Staff Report No. 31-24-BOD regarding an update on the Conservation Authorities Offsetting Cash in Lieu funds and Key Performance Indicators be received for information.

Pre-Submission Review

This Staff Report has been reviewed by the General Manager, Development, Engineering and Restoration and the Chief Administrative Officer.

Signed by:

Signed by:

Glenn MacMillan
Development, Engineering and Restoration

Rob Baldwin
Chief Administrative Officer

Attachments

1. Ecological Offsetting Policy Collection, Allocation of Funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2017 to 2023
2. WHPA Q2 and Water Recharge Policy Collection, Allocation of funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2015 to 2023
3. Lake Simcoe Phosphorus Offsetting Policy Collection, Allocation of funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2016 to 2023

Table 1

Ecological Offsetting Policy Collection, Allocation of Funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2017 to 2023

Subwatershed	Project Funds Collected (net of admin) (\$)	Funds Spent on Projects 2017 to 2023 (\$)	Ending Balance Available December 31, 2023 (\$)	Wetland Loss (ha)	Woodland Loss (ha)	Total Natural Heritage Restored (ha)	Wetland Restored and/or Protected (ha)	Woodland Restored and/or Protected (ha)	Acquisition (ha)
Barrie Creeks	176,693	390	176,303	0.6	2.31	0	0	0	
Beaver River	153,160	0	153,160	0	2.22	0	0	0	
East Holland	1,565,373	794,587	770,786	5.11	13.4	6.422	1.2	3.822	
Hewitts Creek	991,353	0	991,353	20.97	3.03	0	0	0	
Innisfil Creeks	1,801,377	573,273	1,228,104	30.7	66.62	9.8	2.2	4.3	0.57
Oro Creeks South	341,114	47,420	293,694	8.01	10.88	.55	0	.55	
Whites Creek	286,860	57,509	229,351	0.37	1.71	5.03	0	4.84	
Uxbridge Brook	160,671	0	160,671	0	1.97	0	0	0	
West Holland	337,263	6,209	331,054	2.16	4.08	1.25	0	1.25	
Lover's Creek	706,013	0	706,013	2.63	6.51	0	0	0	
Black River	509,654	74,628	435,026	1.3	0.35	0	0	0	
Hawkstone Creeks	610,847	0	610,847	7.51	8.26	0	0	0	
General Pool - Interest Earned	522,213	32,642	489,571	0	0	0	0	0	
Grand Total	8,162,591	1,586,658	6,575,933	79.36	121.34	18.019	3.4	14.762	0.57

Table 2:

WHPA Q2 and Water Recharge Policy Collection, Allocation of funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2015 to 2023

Subwatershed	Project Funds Collected (net of Admin) (\$)	Spent on Projects 2015 to 2023 (\$)	Ending Balance Available at December 31, 2023 (\$)	Infiltration Deficit (m³/year)	Phosphorus Reduction Achieved (kg/year)	Infiltration Achieved (m³/year)
East Holland	1,843,958	151,100	1,692,858	49,786	1.29	1,818
West Holland	1,114,624	0	1,114,624	40,368		
Barrie Creeks	158,220	0	158,220	15,519		
Beaver River	53,604	0	53,604	1192		
Black River	149,819	0	149,819	42,894		
Lover's Creek	816,904	228,052	588,852	4,655		16,789
Oro Creeks North	58,848	0	58,848	1.088		
Oro Creeks South	17,028	0	17,028	387		
Innisfil Creeks	1,076,612	1,165	1,075,447	25061		
Hewitts Creek	8,454	0	8,454	188		
Uxbridge Brook	27,791	0	27,791	618		
General Pool	343,866	31,964	311,902	0		
Grand Total	5,669,728	412,281	5,257,447	181,756	1.29	18,607

Table 3:

Lake Simcoe Phosphorus Offsetting Policy Collection, Allocation of funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2016 to 2023

Subwatershed	Project Funds Collected (net of Admin) (\$)	Spent on Projects 2016 to 2023 (\$)	Ending Balance Available at December 31, 2023 (\$)	Phosphorus Loss (Kg/year)	Phosphorus Reduction Achieved (kg/year)	Infiltration Achieved (m ³ /year)
West Holland	1,416,280	198,917	1,217,363	15.58		
Maskinonge River	178,444	0	178,444	0.87		
Lovers Creek	1,342,251	943,103	399,148	14.59	10.43	
Innisfil Creeks	389,655	0	389,655	4.42		
Georgina Creeks	39,725	0	39,725	0.43		
Hewitts Creek	11,625	0	11,625	.13		
East Holland	3,276,772	113,547	3,163,225	36.1	1.39	
Black River	317,632	0	317,632	12.38		
Barrie Creeks	315,289	240,284	75,005	7.6	57.86	343
Whites Creek	63,123	0	63,123	0.07		
Uxbridge Brook	355,699	0	355,699	5.04		
General Pool - Interest Earned	468,009	14,378	453,631	0		
Grand Total	8,174,504	1,510,229	6,664,275	97.47	69.68	343

Staff Report

To: Board of Directors

From: Ashlea Brown, Director, Development Services

Date: May 16, 2024

Subject:

Proposed Regulation detailing new Minister's Permit and Review powers under the *Conservation Authorities Act*

Recommendation:

That Staff Report No. 32-24-BOD regarding the proposed Regulation detailing new Minister's Permit and Review powers under the *Conservation Authorities Act* (Environmental Registry of Ontario Posting No. 019-8320) be received for information.

Purpose of this Staff Report

The purpose of this Staff Report No. 32-24-BOD is to provide the Board with an overview of the proposal for a regulation which would set out the circumstances under which permits could be issued by a Minister's Order. This proposal is currently posted on the Environmental Registry of Ontario (ERO No. 019-8320).

Background:

On April 1, 2024, previously un-proclaimed provisions to the *Conservation Authorities Act* came into effect. Section 28.1.1 'permits issued by Ministers order' which included powers for the Minister to:

- (a) direct an authority not to issue a permit to a person who wishes to engage in a specified activity that, without the permit, would be prohibited under section 28 in the area of jurisdiction of the authority; or
- (b) direct the authorities that are specified in the order not to issue permits to persons who may wish to engage in a type or class of activity described in the order that, without the permit, would be prohibited under section 28 and to continue to refrain from doing so for such period as may be specified in the order.

On April 5, 2024, the Province posted a proposal on the Environmental Registry of Ontario for a regulation which specifies the circumstances where the Ministerial Powers outlined in Section 28.1, and 28.1.1 would be used. The posting, ERO 019-8320, was open for 31 days and closed on May 6, 2024.

Issues:

Section 28.1.1 of the newly proclaimed Act includes requirements for permits issued by the Minister including that:

- The Minister may issue an order directing a conservation authority not to issue a permit to a specific individual to engage in a specified activity, or to persons who may wish to engage in a certain type or class of activity, that would be prohibited under Section 28 without a permit.
- The Minister's decision to issue an order is discretionary, and an order may be issued either before or after an application for a permit has been submitted to the relevant conservation authority.
- Notice of any order must be provided to affected conservation authorities, any person who applied for the permit in question prior to the order and be posted on the Environmental Registry of Ontario within 30-days.
- If an order is made, the Minister has the power to issue a permit in place of the conservation authority. When making a permitting decision, the Minister is required to satisfy the same criteria concerning natural hazards and public safety that are considered by conservation authorities.
- The Minister may refuse the permit or issue a permit subject to such conditions as the Minister determines are appropriate.

The proposed Regulation would outline additional requirements including:

- The Minister may make an order to prevent a conservation authority from making a permitting decision and take over the permitting process only if the development activity or type or class of permits pertains to or supports a specified provincial interest, including:
 - Housing (community, affordable and market-based)
 - Community services (health, long-term care, education, recreation socio-cultural, security and safety, environment)
 - Transportation infrastructure
 - Buildings that facilitate economic development or employment
 - Mixed use developments
- If a proponent wishes to petition the Minister to issue an order, the proponent must submit a request to the Minister that would include information on:
 - The proposed development.

- Why the Minister's involvement is requested (e.g., development of provincial interest, timing/urgency; permitting process to date if applicable; other barriers) and preferable to the standard process in the *Conservation Authorities Act*.
- Indication of whether the local municipality has endorsed the project and the request for Minister's involvement (e.g., by municipal letter or resolution).
- d. Status of other required project approvals including the extent of any engagement with the conservation authority in the permitting process that the applicant has had to date.

In addition to the above, new requirements would also be included in the Regulation allowing the Minister to conduct a review of a conservation authority permit decision only if the development activity pertains to or supports a development of specified provincial interest, including:

- Housing (community, affordable and market-based)
- Community services (health, long-term care, education, recreation socio-cultural, security and safety, environment)
- Transportation infrastructure
- Buildings that facilitate economic development or employment
- Mixed use developments

A set of criteria related to the request for review is also included in the proposal and is similar to requirements for a request for the Minister to issue a permit. The full posting can be viewed on the Registry here [Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act. | Environmental Registry of Ontario](#).

While many of the legislative and regulatory changes recently released are positive, Conservation Authority staff believe the proposed regulation associated with the Environmental Registry of Ontario Posting No. 19-8320 could result in unintended consequences. Specifically, the proposed process in which the Minister may issue an order to prevent the Conservation Authority from issuing a decision and decide in place of the Conservation Authority.

The Lake Simcoe Region Conservation Authority, along with multiple other conservation authorities, have provided comments and feedback on the posting through Conservation Ontario.

Key concerns for this proposal include the following:

1. Liability with permits issued by the Minister. When a Minister's permit is issued, the liability of these decisions should remain with the issuing body.

2. Enforcement and compliance of permits issued by the Minister. Similar to liability with the permit, the Conservation Authority would have liability as well as additional cost associated with undertaking compliance and enforcement on a permit issued by the Minister. In certain scenarios, a Minister's permit may not comply with Conservation Authority guidelines, making it difficult for the Conservation Authority to be the enforcement agency. Additionally, the Conservation Authority operates on a cost recovery basis. Undertaking compliance on permits not issued by the Conservation Authority where there are no associated fees, as well as potentially requiring additional staff resources for compliance and enforcement associated with these approvals, could impact cost recovery in these scenarios.
3. Clarity on the intake criteria for requests to the Minister. Appropriate scoping of how the Minister will consider requests and definitions around terms for making a request (such as affordable housing, etc.) should be provided. This will ensure the process remains transparent.
4. That the process remains unbiased/apolitical. In addition to meeting the intake criteria, decisions made by the Minister should consider local planning processes and decisions.
5. That consideration for other applicable legislation (Lake Simcoe Protection Plan policies) are included in the decision-making process and permit conditions for any approvals issued by the Minister.
6. Conservation Authorities are the technical experts as it relates to the Watershed and Natural Hazard features within their jurisdictions. To make sound permit decisions associated with proposed development within hazardous lands, review of floodplain mapping and studies, erosion analysis and multiple other studies (completed by the Conservation Authority) is required by specialized experts. Staff are concerned that decisions may be made without considering upstream or downstream impacts if there is a lack of technical understanding or information. Questions staff have include: will conservation authorities be required to provide the background studies and information associated with these permits: and how will that impact a conservation authority's resources as it relates to issuing its own approvals and reviews.

To avoid potential implications as outlined above, staff have recommended that the Province pause advancing the resolution and engage with Conservation Authorities to identify modifications to the proposal to ensure a streamlined and transparent decision-making process.

Lake Simcoe Region Conservation Authority continues to support the provincial housing goals while continuing to minimize and mitigate risks of Natural Hazards. However, staff believe the

current proposal could result in unintended consequences including an increased risk to life and property and additional time delays on development approvals.

Relevance to Conservation Authority Policy:

There is no direct bearing on the Conservation Authority policy at this time as this is a proposed Regulation. Should the Regulation be enacted, internal Conservation Authority procedural documents will be amended accordingly.

Impact on Conservation Authority Finances:

There is no financial impact as a result of this report.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 32-24-BOD regarding the proposed Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act (Environmental Registry of Ontario Posting No. 019-8320) be received for information.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Development, Engineering and Restoration, and the Chief Administrative Officer.

Signed by:

Glenn MacMillan
General Manager, Development,
Engineering and Restoration

Signed by:

Rob Baldwin
Chief Administrative Office

Attachments:

1. Conservation Ontario's submission to Environmental Registry of Ontario Posting No. 019-8320



MNRF – Resources Planning and Development Policy Branch
Conservation Authorities and Natural Hazards Section
300 Water Street, 2nd Floor, South Tower
Peterborough, ON
K9J 3C7

May 6th, 2024

Re: Conservation Ontario's comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO # 019-8320)

Thank you for the opportunity to comment on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act". Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit comments submitted by CAs on this proposal.

On April 1st, 2024, previously unproclaimed provisions in the *Conservation Authorities Act (CA Act)* and associated regulations came into effect. Provisions under sections 28.1, 28.1.1 and 28.1.2 of the *Act* provide the Minister new powers to:

1. Make an order to prevent a CA from issuing a permit to an individual (or individuals) to engage in an activity (or class of activities), that would be prohibited under section 28 of the *Act*;
2. Where an order is made, assume the responsibility for the permitting process in the place of a CA, where the criteria under section 28.1 of the *Act* concerning natural hazards and public safety can be satisfied; and,
3. Review (and potentially alter) CA permit decisions at the request of the applicant (where the Authority has refused a permit or assigned conditions to the permit that the applicant objects to).

Through Ontario Regulation 686/21, CAs provide mandatory programs and services to manage risks related to natural hazards, including preventing or mitigating those risks. Under the *CA Act*, certain prohibited activities require permits from the CA where the activity takes place in or adjacent to specified hazardous landscapes and features. CAs work closely with partner municipalities, the development community, consultants and watershed residents to ensure the permitting process and decisions are transparent, apolitical, and technically sound to protect people and property from the impacts of

natural hazards. Permitting decisions made by CAs are consistent with the *CA Act* and regulations and CA board-approved policies. When making decisions, CAs apply an integrated watershed management perspective to consider local conditions, potential impacts to upstream and downstream communities, and future management challenges.

Conservation Authorities support the Province's objective to increase housing without jeopardizing public health and safety, or the environment. Appeals of CA permitting decisions were infrequent over the past five years; specifically, <0.5% of the approximately 11,500 permits issued annually by CAs are appealed. Existing appeal mechanisms are in place under the *CA Act* to provide applicants with process certainty and appropriate recourse. CAs are committed to positive client service when reviewing and issuing permits, demonstrated by issuing 95% of all permits within provincial timelines in 2023.

In 2019, Ontario's Special Advisor on Flooding strongly supported the coordinated, scientific, and hazard/risk-based approach integrated in the current CA permitting process. This process, above all, holds the protection of people and property in the highest regard. Conservation Ontario offers the following comments to ensure this approach is maintained and that use of the Minister's powers will not have unintended impacts and consequences to long-established working relationships and CA review and appeal processes.

Recommendation #1: THAT MNRF pause implementing the regulation and engage with Conservation Ontario and CAs to discuss proposed requirements, implementation details, and public guidance.

The proposed regulation currently scopes the Minister's ability to intervene in the CA permitting process where the development activity pertains to a "specified provincial interest". Conservation Ontario notes the list of provincial interests is extensive, and captures too broad a scope of development applications submitted to CAs.

To ensure appropriate and efficient use of these powers, Conservation Ontario recommends MNRF pause finalization of the regulation and meet with Conservation Ontario, CAs, and municipal representatives to discuss the circumstances for use of the new Minister's powers as well as implementation / procedural details (i.e., how the Minister will consider requests / petitions and make decisions). Appropriate scoping of these details will ensure the process remains transparent and procedurally fair, extinguishes requests / petitions made to circumvent locally established processes, and continues to apply a watershed lens to natural hazard management.

Conservation Ontario offers the following initial comments to refine the proposed regulatory requirements:

- Certain provincial interests (e.g., community services) are defined as "Institutional use" in the Provincial Policy Statement (PPS) and are not permitted in/on hazardous lands and sites. Permitting these types of development activities in hazard lands

must not be considered by the Minister, and due care applied to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property. Decisions by the Province must be consistent with the *CA Act*, Ontario Regulation 41/24, and policies in the PPS.

- Where a request for review or petition is made, proponents must indicate if the local municipality has endorsed the project and request for Minister's involvement. Development activities in one area of the watershed have the potential to impact upstream and downstream communities. Further, political resolutions are procedurally inappropriate where the CA Board (and Members) have hearing tribunal review responsibilities.
- It is proposed proponents be required to identify the status of other required project approvals. Proponents should be specifically required to indicate whether all approvals under the *Planning Act* are in place to demonstrate land use compatibility, appropriate zoning, etc. Permitting decisions made prior to having the appropriate planning approvals in place could put municipalities in a difficult position if they cannot support the works further to a Minister's permit.
- When a Minister's review is requested, the *CA Act* requires the Minister to notify the CA and applicant within 30 days of receiving a request. Further, when making an order under section 28.1.1, the Minister gives notice of an order to every applicable CA. In either scenario, notice should be provided to the applicable CA(s) at the time the request or petition is made. Confirmation on whether the proponent has made the CA(s) aware of initiating this process should be included in the regulatory requirements.

Recommendation #2: THAT MNRF establish a multi-disciplinary technical advisory committee to provide decision recommendations to the Minister.

The proposal does not address how the Minister will assess requests for review and petitions for orders and, if applicable, what information and criteria will be applied to make an order or a decision on a *CA Act* permitting matter. The *CA Act* requires the applicable CA to forward relevant documents and information relating to an application to the Minister, as well as provides the Minister with the ability to confer with any other person or body they consider may have an interest in the application. The *Act* and proposed regulatory requirements do not provide details on how this information will be considered.

Recent amendments to the *CA Act* and regulations require all CAs to develop permit application policy and procedure documents and make maps of regulated areas publicly available. CA permitting decisions are undertaken consistent with these board-approved policies, and informed by natural hazard mapping, modelling, and knowledge of local watershed conditions and ongoing/planned projects affecting the watershed. These tools, experience and expertise allow CAs to assess permit applications to determine if an activity may affect the control of flooding, erosion, etc., or jeopardize the health and safety of

persons or result in property damage. It is unclear how the Minister would review and make decisions on applications in the absence of these policies and tools.

An unclear process will add costs and time delays. The existing system includes professionals with a high degree of specialized expertise. For example, existing floodlines have been well justified and peer reviewed. To go down a path of competing submissions is better reserved for the Ontario Land Tribunal with the requisite experience to appropriately weight multiple technical expert submissions.

Alternatively, Conservation Ontario recommends MNRF establish a multi-disciplinary Minister's technical advisory committee to provide recommendations to the Minister when issuing permits or reviewing CA permitting decisions. The committee should bring together technical experts from CAs, Municipalities, the private sector, and applicable provincial ministries to prepare recommendations for the Minister on permit applications. A balance of expertise is essential to ensure bias is not introduced, allowing the Minister to make decisions based on the same criteria concerning natural hazards and public safety that are considered by CAs. Careful consideration of these applications is required to avoid unintended risk to public safety, properties, or natural hazards and avoid precedent setting decisions that may not align with CA board-approved policies.

Recommendation #3: THAT MNRF is fully responsible and accountable for losses or damages arising from Minister's decisions on permits.

When undertaking a review of a CA permitting decision or overtaking the CA permitting process further to an order, the Minister has the power to issue permits pursuant to the *CA Act*.

Where the Minister's decisions are inconsistent with CA Board-approved policies or CA natural hazard mapping and modelling, the liability for such decisions remains with the issuing body (the Minister of MNRF). CAs are not liable for decisions made under the *CA Act* by another body that may result in losses or damages. Liabilities and risks are one of the major drivers of exponentially increasing insurance costs/premiums, and CAs cannot be the insurers of last resort.

The amended *CA Act* and regulatory proposal purports to have CAs undertake compliance and enforcement activities with permits issued by the Minister. Without CA involvement in the review and approval process, it is difficult to anticipate enforcement and compliance staff resources necessary for permits issued by the Minister. Increases in enforcement and compliance activities may require additional time and staffing resources at the CA, that may increase costs associated with this program and service area. Due care must be applied when the Minister is reviewing and issuing permits to ensure appropriate conditions are assigned to the permit to minimize potential enforcement concerns.

Thank you for the opportunity to provide comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO#019-8320). The details regarding these new Minister's powers must be carefully developed to ensure Minister's decision making on permits remains technical, apolitical and integrates a watershed perspective to natural hazard management to continue protecting the public, properties and infrastructure. Conservation Ontario would be pleased to meet with Ministry staff to further discuss the regulatory requirements and implementation details.

Sincerely,



Chris White
Chair, Conservation Ontario

c.c. All CA CAOs/GMs

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
www.conservationontario.ca

Staff Report

To: Board of Directors

From: Ashlea Brown, Director, Development Services

Date: May 24, 2024

Subject:

Stop Order under Section 30.4 of the *Conservation Authorities Act*

Recommendation:

That Staff Report No. 33-24-BOD regarding Stop Order under Section 30.4 of the *Conservation Authorities Act* be received; and

Further That the Stop Order procedures outlined within this staff report be approved for implementation effective immediately.

Purpose of this Staff Report:

The purpose of this Staff Report No. 33-24-BOD is to obtain approval for the Stop Order Procedure, which provides officers with guidance on when and how to issue a stop order under Section 30.4 of the *Conservation Authorities Act* ("Act").

Background:

On April 1, 2024, Part VII 'Enforcement and Offences' replaced the previous enforcement provisions of the *Conservation Authorities Act*. Included as a new provision in the Act is Section 30.4, allowing Officers to issue Stop Orders in certain scenarios as specified in the legislation.

Officers appointed under section 30.1 are now able to make an order, requiring a person to stop engaging or not to engage in an activity if the officer has reasonable grounds to believe that,

- (a) the person has engaged in, is engaging in or is about to engage in the activity and, as a result, is contravening or will contravene,
 - i. subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or
 - ii. the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);
- (b) the activity has caused, is causing or is likely to cause significant damage and,
 - i. the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

- ii. in the event of a natural hazard, the damage will or is likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property; and

(c) the order will prevent or reduce the damage described in clause (b).

The Act further outlines the details of information to be included in the order, how to service an order, and the right to a hearing for anyone served an order.

Issues:

To provide guidance for officers and to ensure lawful stop work on private property through the issuance of a stop order, staff have created the stop work procedure (Attachment 1).

For officers to issue a stop order, it must determine and/or shown reasonable grounds that an offence has or is occurring in contravention of s. 28.1, 28.1.1 or 28.1.2. In addition, the following has to be demonstrated:

1. Significant Damage - the activity has caused, is causing or is likely to cause significant damage, and that the damage affects or is likely to affect the tests of the Act.
2. Prevent Damage - by issuing a Stop Order it will prevent or reduce the damage.
3. In the event of a natural hazard, the work that is being stopped could create conditions that could jeopardize the health and safety of persons or result in damage or destruction of property.

To determine significant damage, staff will utilize the existing Informed Judgement Matrix. Activities that are determined to have a response level 3 and 4 will be deemed to meet the significant damage threshold.

When an officer has determined reasonable grounds and demonstrated that the order will prevent significant damage, they will provide their rationale in a file briefing to the Director, Development Services. Along with the file briefing, the officer will provide a copy of the order to be issued (Stop Order template to be completed can be found in Attachment 1). The Director, Development Services and the General Manager, Development, Engineering and Restoration must both sign off on the issuance of the order for the order to be served. The Chief Administrative Officer may also authorize the use of a stop work order in the absence of one or both of the aforementioned staff members. Full details of what is to be included in the brief can be found in appendix A, section 3.0.

Section 30.4 (6) of the *Conservation Authorities Act* outlines that any person who is served with an order under this section may request a hearing before the Conservation Authority within 30 days of being served the order, through the submission of a written request. Additionally,

anyone issued an order may further appeal to the Minister within 30 days of receiving reasons of a decision after a hearing.

An order will be lifted once the violation/issue is corrected (through the issuance and completion of the restorative permit approval) and confirmed through the re-inspection of the property.

Relevance to Conservation Authority Policy:

The Stop Orders are consistent with the *Conservation Authorities Act*.

Impact on Conservation Authority Finances:

This report has no direct financial impact. The ability to issue stop work orders may lead to reduced legal expenses as stop work injunctions may not be required, and there will be an increased onus on the proponent to resolve the matter subject to a stop work order, reducing potential legal expenses involved in prosecution.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 33-24-BOD regarding Stop Order under Section 30.4 of the *Conservation Authorities Act* be received; and **Further That** the Stop Order procedures outlined within this staff report be approved for implementation effective immediately.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Development, Engineering and Restoration, and the Chief Administrative Officer.

Signed by:

Glenn MacMillan
General Manager, Development,
Engineering and Restoration

Signed by:

Rob Baldwin
Chief Administrative Office

Attachments:

1. Stop Order Procedures



Lake Simcoe Region
conservation authority

Lake Simcoe Region Conservation Authority

Stop Order Procedure

Approved by the Board of Directors on _____



Table of Contents

Stop Order Procedure	1
1.0 General	1
1.1 Provisions of Act	1
2.0 Reasonable Ground to Issue Stop Order	2
2.1 Contravention of s. 28 and Regulation	2
2.2 Significant Damage	2
2.3 Prevent Damage	3
3.0 Procedures for Issuing Stop Order	3
4.0 Right to Hearing	4
5.0 Compliance of Order	5
6.0 Lifting of an Order	5
Appendix A – Stop Order Template	6

List of Tables

Table 1 – Conservation Authority Informed Judgement Matrix	2
--	---

Stop Order Procedure

1.0 General

The Lake Simcoe Region Conservation Authority (the Conservation Authority) is responsible for the administration of the Conservation Authorities Act including the administration of compliance and enforcement activities.

These procedures explain the Conservation Authority's approach to administering a Stop Order in accordance with s.30.4 of the Conservation Authorities Act. This procedure is written in support of the LSRCA's Compliance and Enforcement Procedural Manual.

The purpose of this policy is to provide guidance to staff to determine when and how to issue a Stop Order. There may be occasions where staff use their professional discretion while exercising their authority to administer legislation that varies from the contents in this document. To understand the scope of authority an officer has under our applicable legislation, please refer to the province's e-laws website at

<https://www.ontario.ca/laws/statute/90c27#BK50> and
<https://www.ontario.ca/laws/statute/08l23?search=lake+simcoe+protection+act>.

1.1 Provisions of Act

Enforcement Officers should be familiar with s. 30.4 of the Conservation Authorities Act. This section allows Officers to make an order requiring a person to stop engaging in or not to engage in an activity if the officer and the Conservation Authority has reasonable grounds to believe that:

- The person has, is or is about to engage in an activity that contravenes specified provisions of the Act, including those prescribed in subsection 28(1) regarding prohibited activities, or other sections including those regarding permit conditions.
- The activity has caused, is causing or is likely to cause significant damage and is likely to affect the control of natural hazards (prescribed regulation), and/or in the event of a natural hazard is likely to jeopardize the health or safety of persons or result in the damage or destruction of property.
- The order will prevent or reduce the damage occurring as a result of the development.

2.0 Reasonable Ground to Issue Stop Order

*These grounds should be properly documented in accordance with LSRCA Compliance and Enforcement procedures.

Prior to the issuance of a Stop Order, officers must prove reasonable grounds of the following:

2.1 Contravention of s. 28 and Regulation

Officers must determine and/or show reasonable grounds that an offence has or is occurring in contravention of s. 28(1) of the Conservation Authorities Act or that conditions of a permit made under s. 28.1, 28.1.1 or 28.1.2 have / or are being contravened.

2.2 Significant Damage

Officers must demonstrate that the activity has caused, is causing, or is likely to cause significant damage and that the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable bedrock; or in the event of a natural hazard, the damage will or is likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property.

Officers should use all resources available to them to determine effects of the activities. Officer notes should provide sufficient information for technical staff to assist in determining potential impacts such as:

- Engineering staff may be able to provide technical details of impact to the control of flooding should a floodplain be filled or altered in any way.
- Natural Heritage Ecologists may be used to determine impacts to the removal of wetland should the wetland not already be evaluated and documented by qualified persons.

Significant damage will be determined by referencing the Conservation Authority Informed Judgement Matrix. High and Extreme activity risks and hazard area risks should be considered for Stop Orders.

Table 1 – Conservation Authority Informed Judgement Matrix

Hazard Area Risk		Activity Risk			
		Low	Moderate	High	Extreme
		Meets guidelines could be approved	Low impacts or impacts can be mitigated, likelihood of compliance	Mitigation difficult does not meet guidelines high hazard area or major activity risk	Critical Impacts to people or property
Low	Response level I	Response level I	Response level II	Response level III	
Moderate	Response level I	Response level II	Response level III	Response level III	
High	Response level I	Response level II	Response level III	Response level III	
Extreme	Response level II	Response level III	Response level III	Response level III	

2.3 Prevent Damage

Officers must demonstrate that by issuing a Stop Order, it will prevent or reduce the damage. Consideration should be given to whether the development, interference and/or alteration is likely completed.

3.0 Procedures for Issuing Stop Order

All efforts should be made by the Officer and Conservation Authority staff to have the responsible person(s) stop the development and have them come into compliance with the Conservation Authorities Act and the Regulation. A Stop Order should only be considered if the person(s) has continued after all reasonable attempts have been made to stop them verbally or through other forms of communication. Once officers determine that all three tests outlined in Section 2.0 have been met. It will be deemed reasonable grounds for the issuance of a Stop Order, the Officer must document all findings with their reasonable grounds in a file briefing and create a Stop Order. The brief must include the following information:

1. Property: a brief description of property location, property use, and natural heritage and hazard features. This should include supporting maps showing location and all-natural hazard and heritage features.
2. History: a brief background of any previous LSRCA engagement with current or historic owners or applicants/agents for the property.

3. Chronology of Action taken by Officers with findings – the chronology should lay out all steps taken to determine contravention of the act has or is occurring. The will say should demonstrate that all efforts were made to stop the person(s) responsible and that all evidence or information collected was done in accordance with the LSRCA’s compliance and enforcement procedural manual and in accordance with all provisions under the POA.
4. Grounds to believe contravention of S. 28 and/or Regulation has occurred – summarize findings in Will Say demonstrating a contravention of the Act and or Regulation has or is occurring.
5. Grounds to believe that in the event of a natural hazard, the damage will or is likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property – provide statement of qualified person to support findings.
6. Grounds to believe significant damage has or will occur and stop order will prevent or reduce damage – provide statement of qualified person to support findings.
7. Relevant maps, GPS points, photos, or statements.

All sections of the Stop Order Template (Appendix A) should be filled out. The Stop Order template will include all provisions as listed in s. 30.4(2) of the Conservation Authorities Act. The Order must also provide the option of a hearing in accordance with s. 30.4(6) of the Conservation Authorities Act. The briefing and draft Order are to be approved and signed by the General Manager, Development, Engineering and Restoration and the Director, Development Services.

The Order must be served in person or by registered mail – the service of the Order should be documented in the Officer notebook.

If service of Order is by Registered Mail, the order will be deemed to have been served.

4.0 Right to Hearing

Should the person(s) who is served with the Order under Section 30.4 of the Conservation Authorities Act request a hearing before the Conservation Authority within 30 days of service, the Conservation Authority will provide a hearing in accordance with the LSRCA’s Hearing Guidelines and Procedures except where there may be differing requirements with the Conservation Authorities Act – in these cases, provisions of the Act shall prevail.

https://lsrca.on.ca/wp-content/uploads/2023/06/hearing_guidelines-1.pdf



5.0 Compliance of Order

The Officer issuing the Order should be prepared to routinely monitor the subject property following the issuance of the Stop Order to determine compliance with the Order.

6.0 Lifting of an Order

An Order will be lifted once the violation/issue is corrected and confirmed through a re-inspection of the property. In cases where a permit authorizing the development or activity is issued, the Stop Order must be removed and the person(s) subject to the order must be advised. Appendix B provides a template that the CA will send to relevant parties when lifting an Order.

Appendix A – Stop Order Template

STOP ORDER

Pursuant to s. 30.4 of the Conservation Authorities Act

YOU ARE HEREBY ORDERED TO STOP ENGAGING IN OR NOT TO ENGAGE IN ANY ACTIVITY THAT IS:

DEVELOPMENT ACTIVITIES IN AREAS THAT ARE WITHIN THE CONSERVATION AUTHORITY’S AREA OF JURISDICTION AND OR ACTIVITIES TO STRAIGHTEN, CHANGE, DIVERT OR INTERFERE IN ANY WAY WITH THE EXISTING CHANNEL OF A RIVER, CREEK, STREAM OR WATERCOURSE OR TO CHANGE OR INTERFERE IN ANY WAY WITH A WETLAND.

Legal Description of Property: <i>roll no.</i>			
Lot:	Concession:	Street Address:	Municipality:
<i>1</i>	<i>2</i>	<i>123 Smith Blvd</i>	<i>Barrie</i>
Owner and/or person responsible:			
<i>name</i>			
<i>mailing address/email</i>			
Provision that the officer believes is being or is about to be contravened:			
<i>State section(s) of CAA</i>			
Nature of the contravention and its location:			
<i>Briefly detail type of development/interference/alteration</i>			
Nature of the damage being cause or likely to be caused by the activity:			
<i>Detail damage affects (activity has caused, is causing, or is likely to cause significant damage and The damage affected or is likely to affect the control of flooding, erosion, dynamic beaches or unstable bedrock, or in the event of a natural hazard, the damage will or is likely to create conditions of circumstances that night jeopardize the health and safety of persons or result in damage or destruction of property).</i>			
Effective Order Date:	<i>date</i>		

Pursuant to s. 30.4 of the Conservation Authorities Act, a person who is served with an order under this section may request a hearing before the Conservation Authority, or if the Conservation Authority so directs, before the Conservation Authority’s executive committee, by mailing or delivering to the Conservation Authority, within 30 days after service of the order, a written request for a hearing that includes a statement of the reasons for requesting the hearing. Request for a hearing should be sent to tips@lsrca.on.ca.

Signature of Officer:

Signature of Director, Development Services:

Signature of GM, Development, Engineering, Restoration:

Served Personally or by Registered Mail on *date*: