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November 26, 2018

To: Municipal Councils in the MVCA and RVCA Watersheds

Re: Letter from MPP Hillier to the Minister of MECP Regarding
Conservation Authorities Delivering Services for Municipal Partners Under MOUs

Dear Members of Council,

We were recently advised that Mr. Randy Hillier, MPP for Lanark-Frontenac-Kingston sent a letter to the Minister of Environment, Conservation and Parks regarding the Mississippi Valley and Rideau Valley Conservation Authorities. His letter requests that the *Conservation Authorities Act* be amended to prevent conservation authorities from entering into memorandums of understanding with their municipal partners to provide programs and services on their behalf. We also understand that Mr. Hillier shared this letter with local municipalities seeking motions of support from council.

In his letter to Minister Phillips, Mr. Hillier makes several assertions which we would be pleased to respond to, however, we wanted to ensure that municipal Councils were aware of the conservation authority services to which he refers and the value they provide. Therefore, we have prepared the following information for your consideration which we hope you find helpful. We are also available to answer questions and we would welcome an opportunity to appear before council should you have any concerns.

The Conservation Authorities Act

All conservation authorities are governed by the *Conservation Authorities Act* which was recently updated in December 2017 following a three-year review. This review of the Act was undertaken by the Ministry of Natural Resources and Forestry and included multiple consultation sessions with the public and key stakeholders, including municipalities and the development industry, as well as multiple postings on the Environmental Registry.

Under the Act, the purpose of a conservation authority is to deliver programs and services that further the conservation, restoration, development and management of natural resources within a watershed. Conservation authorities do this by:

- Fulfilling responsibilities delegated to them by the Province;
- Delivering programs and services on behalf of municipalities; and
- Providing other such programs and services that further their mandate.

Below we expand on delegated responsibilities and municipal services that pertain to planning and development as these are the services discussed in Mr. Hillier's letter.

Protecting People, Property and the Environment

Conservation authorities are involved in planning and development to:

- Protect people and property from natural hazards (flooding, erosion); and
- Protect natural features (watercourses, shorelines, wetlands) from loss or degradation.

Conservation authorities achieve these objectives through provincially delegated responsibilities as well as services they provide on behalf of municipalities.

Provincially Delegated Responsibilities

Under Section 28 of the *Conservation Authorities Act*, conservation authorities are responsible for regulating development in or around floodplains, steep slopes, unstable soils, wetlands, shorelines and waterways. Development in these areas requires a permit from the conservation authority because the area is environmentally sensitive or prone to natural hazards like flooding and erosion. Requiring approval under the conservation authority's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* ensures that development is protected from natural hazards and natural features are not negatively affected by development.

Since conservation authorities regulate development in areas affected by natural hazards, the Province also made them responsible for commenting on planning files with respect to natural hazards. Under the *Planning Act*, municipalities must circulate official plans, comprehensive zoning bylaws and site-specific planning applications to conservation authorities who then provide comments on behalf of the province relating to Section 3.1 of the Provincial Policy Statement (natural hazards). As directed by the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry, conservation authorities provide comments with respect to flooding, riverine erosion and unstable slopes, soils and bedrock.

Services Delivered on Behalf of Municipalities

Since land use decisions play a critical role in the long-term health and sustainability of watershed resources, most conservation authorities provide other services to local municipalities whereby the natural resources of the watershed are conserved, restored, developed and managed as directed by the *Conservation Authorities Act*.

When reviewing planning files, most conservation authorities offer to share their broader watershed knowledge and expertise with municipalities by providing advice on matters relating to Sections 2.1 and 2.2 of the Provincial Policy Statement (natural heritage and water). The conservation authorities' role in this capacity is strictly advisory and involves providing advice to municipalities related to natural heritage (wetlands, woodlands and valley lands), hydrogeology (potable water and surface and groundwater quality and quantity), stormwater management (flood and erosion control and water quality with respect to aquatic health) and in some cases, sewage systems. The MVCA and RVCA have MOUs with the City of Ottawa (since the 1990s), Lanark County (since 2009) and the County of Leeds and Grenville (since 1999) to provide advice to municipalities on these matters when reviewing planning applications.

Some conservation authorities also offer to administer Part 8 of the *Ontario Building Code* on behalf of municipalities to ensure sewage disposal systems function properly to prevent untreated effluent from contaminating surface and groundwater resources which can negatively impact human health, property and the environment. The conservation authorities' role in this capacity is regulatory and involves reviewing and issuing permits for construction, enlargement and/or alteration of sewage disposal systems. The MVCA and RVCA have MOUs with the City of Ottawa (since 1995) and Tay Valley Township (since 2004) to provide this service. Some conservation authorities also provide septic re-inspection services to ensure existing sewage disposal systems continue to function properly, especially around lakes. This involves inspecting the system and providing property owners with recommendations or requirements to improve, repair or replace the system. The MVCA and RVCA have MOUs (some since 2005) with Tay Valley Township, Township of Rideau Lakes, Municipality of North Frontenac, Municipality of Central Frontenac and the Municipality of Drummond / North Elmsley to provide this service.

The Value of Providing Services for Municipalities

Providing services for municipalities is an important way in which conservation authorities fulfill their mandate of conserving, restoring, developing and managing natural resources within their watershed. Enabling municipalities to leverage the expertise of their local conservation authority and have them deliver services on their behalf through MOUs also provides value to municipalities and applicants.

- Through MOUs, municipalities can ask conservation authorities to deliver services they do not have the capacity or expertise to provide, or services they feel the conservation authority is better suited to deliver. This allows municipalities to make use of specialized staff, knowledge and skill sets within their conservation authority which is cost-effective. If conservation authorities can no longer provide services to municipalities, those responsibilities will default back to municipalities.
- Conservation authorities have local watershed knowledge and expertise that should be applied to planning and development applications because it provides a broader watershed perspective and a consistent approach to protecting natural resources across the watershed. Commenting on Sections 2.1 and 2.2 of the Provincial Policy Statement and providing septic approval and reinspection programs are practical and effective ways of incorporating this knowledge and perspective.
- Being involved early in the planning process also allows conservation authorities to make applicants and municipalities aware of any regulatory requirements that may be encountered later on in the process under Section 28 of the *Conservation Authorities Act* or Part 8 of the *Building Code*. This allows for the coordination of applications and the early identification of any constraints to avoid unnecessary delays or costs and any duplication of effort.
- It should also be noted that providing additional services to municipalities with respect to planning and development does not take significant resources away from other conservation authority priorities as fees are collected from applicants to cover or offset the cost of these services.

We hope that the information we have provided is of use and that it shows the value and need for conservation authorities to be able to enter into MOUs with municipal partners to deliver services on their behalf. Across Ontario, municipalities should be empowered to work with their local conservation authority in any way that best conserves, restores, develops or manages natural resources, including having conservation authorities deliver services for them. This gives municipal Councils options and flexibility to make decisions locally about how best to deliver programs and services to their residents. Having conservation authorities deliver certain programs for municipalities can lead to cost-efficiencies, streamlined delivery and better service for applicants and the environment. For over 50 years, municipalities in the Mississippi and Rideau watersheds have been doing just that.

We appreciate your consideration of the information we have provided and we remain available to answer questions or attend council meetings as you wish.

Sincerely,



Paul Lehman
General Manager, MVCA



Sommer Casgrain-Robertson
General Manager, RVCA

CC:

The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Rod Phillips, Minister of Environment, Conservation and Parks
The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Mr. Randy Hiller, MPP Lanark-Frontenac-Kingston