



**Conservation Authorities Act & Regulations
DART Protocol Training**

Ontario Ministry of Natural Resources
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Presentation Outline

- What is the Conservation Authorities Act?
- Regulating Development & Activities under S. 28 of the Conservation Authorities Act
 - Regulating development & activities related to watercourses
 - Regulating development & activities related to wetlands
- Policies & Procedures for Conservation Authority Plan Review & Permitting Activities
- Summary of Conservation Authority Roles in Municipal Plan & Site Application Review



What is the Conservation Authorities Act?

- Conservation Authorities Act created in 1946 in response to poor land, water & forestry practices of the 1930s & 40s led to drought, soil loss, deforestation, flooding, called for integrated approach to resource management using watershed boundaries.
- Provides a statutory framework for creating, funding & the operations of conservation authorities (CAs) for the purpose of establishing & undertaking a 'program' in the CA jurisdiction to meet both provincial & municipal natural resource management needs.

PRIMARY PURPOSES:

- Enables the creation of a specific purpose public sector organization
- Enables the development of watershed-based resource management programs

What is the Conservation Authorities Act?

- CAs are created as corporate bodies with boards of directors; composition of the boards are determined by the Act according to population of participating municipalities; board members are appointed by municipalities to represent the municipalities' interests; ~80%* of members are generally elected municipal councillors. (*2011 Conservation Ontario statistics)
- MNR administers a shared program with municipalities approved by the Minister through the CA Act in public safety, natural hazard prevention & management related to MNR's OICs under the *Emergency Management & Civil Protection Act* includes:
 - Flood & Erosion Control Operations
 - Flood Forecasting & Warning
 - Ice management
 - Hazard information derived from studies for Municipal Plan Input
- Each CA has a S. 28 *Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation* (2006) approved by the Minister, conforming to the LGIC 'content' regulation (O. Reg. 97/04).

Regulating Development & Activities under S. 28 of the Conservation Authorities Act

- Conservation authorities regulate development and other activities through a permitting process for purposes of natural hazard management and prevention.
 - Development in areas related to water-based natural hazards, such as floodplains or shorelines. Under the Act, conservation authorities must consider development applications based on potential impacts to the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.
 - Interference with or alterations to a watercourse or wetland.
- Permit decisions are based on the text of the Act & regulation: in MNR Natural Hazard Technical Guides, Guidelines for Developing Schedules of Regulated Areas. CA Board approved policy or practice apply if within the intent of the Act & regulation.
- “Development” means,
 - (a) construction, reconstruction, erection or placing of a building or structure of any kind,
 - (b) any change to a building/structure that alters the use or potential use or increases size or number of dwelling units,
 - (c) site grading, or
 - (d) temporary or permanent placing, dumping, removal of any material, originating on site or elsewhere

Regulating Development & Activities under S. 28 of the Conservation Authorities Act

Regulating development & activities related to watercourses

“Watercourse” means:

- an identifiable depression in the ground in which a flow of water regularly or continuously occurs.
 - Municipal drains usually qualify!
1. Regulate straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse;
 - “*alterations prohibited*” - No person shall change or interfere in any way with the existing channel of a watercourse
 - “*permission to alter*” - CA may grant permission to change or interfere with the existing channel of a watercourse
 2. Regulates development in hazard prone areas to ensure no impact to the control of flooding, erosion, pollution or the ‘conservation of land’;
 - Some terms that are not defined in the Act subject to local interpretation, e.g. ‘conservation of land’, ‘Interference in any way’

Regulating Development & Activities under S. 28 of the Conservation Authorities Act

Regulating development & activities in wetlands

“Wetland means:

- a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
 - b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
 - c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
 - d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,
- but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause c) or d).

1. Regulate activities for changing or interfering in any way with a wetland; some CAs regulate based on ‘hydrologic function’; some for ‘hydrologic & ecological functions’;
 - “*alterations prohibited*” - No person shall change or interfere in any way with a wetland
 - “*permission to alter*” - CA may grant permission to change or interfere with a wetland

Regulating Development & Activities under S. 28 of the Conservation Authorities Act

Regulating development & activities in wetlands (cont.)

2. Regulate development in wetlands to ensure no impact to the control of flooding, erosion, pollution or the 'conservation of land';
3. Regulate development adjacent to a wetland for control of flooding, erosion, pollution or 'conservation of land'.
 - Wetlands provide natural water storage & flood attenuation characteristics; support preventing shoreline erosion.
 - Development in wetlands could be at risk due to unstable conditions; organic soil, high water table
 - Filling, dredging wetlands can result in reduced capacity to retain water resulting in higher flows in watercourses with increased flooding & erosion
 - Key criteria for considering the permit are not defined in the Act, CA boards interpret through policy or practice: 'conservation of land', 'Interference in any way'

Policies & Procedures for Conservation Authority Plan Review & Permitting Activities

- Clarifies CA roles & responsibilities under the Planning Act (multiple commenting roles including MNR delegated role) and permitting role under the CA Act
 - Provides clear description of other legislative authority & CA roles in provincial & municipal interests
- CAs should:
- When reviewing planning documents & applications identify:
 - Legislative authority for role performing
 - Role comments are being provided
 - When issuing a permit:
 - Identify role as a regulatory agency & authority under s. 28 of the *CA Act*
- Provides improvements to the permitting process by outlining objectives for:
 - communication, i.e. pre-consultation
 - complete application information requirements
 - prescribed timelines for permit decision-making
 - appeal processes for fees charged & timelines
 - public consultation on board policies affecting permitting or plan review
 - CAs have or should be developing service delivery policies to guide implementation of the regulation
 - Policy can be found at:
http://www.web2.mnr.gov.on.ca/mnr/water_erb/CALC_Chapter_Final_Apr23_Final.pdf

Conservation Authorities Act and Regulations

Conservation Authorities Act and related regulations are available online through e-Laws.

Questions or Comments?

Thank You!