



Special Board of Directors Meeting

A G E N D A

March 28, 2024

2:00 p.m.

1. First Nations Acknowledgement
2. Call to Order – Roll Call
3. Adoption of Agenda
4. Disclosure of Conflicts of Interest
5. Approval of Previous Meeting Minutes
 - 5.1) Board of Directors Meeting Minutes – February 22, 2024..... 3
6. Business Arising from the Minutes
7. Business for Approval
 - a) 2023 Audit and 2024 Budget / Presentation
 - 7.1) Audited Financial Statements..... 11
 - 7.2) 2024 Budget..... 12
 - b) Requirements to come into conformity with O. Reg. 41/24 and CA Act changes / Presentations on Legislative Requirements and Chatham-Kent Shoreline Policies
 - 7.3) Policies and Procedures to Support C.A. Act Planning and Permitting..... 14
 - 7.4) Online Mapping Requirements..... 19
 - 7.5) Delegation of Powers under Section 28 of the Conservation Authorities Act..... 23
 - 7.6) Designation of Provincial Offences Officers 26
 - 7.7) Fee Policies and Schedules..... 27
 - c) Approval of RFP: Architectural & Engineering Services - Longwoods Road Resource Centre - LULA Elevator [*to be walked in to meeting*]
8. Correspondence
 - 8.1) Designation, Ontario Ministry of Natural Resources and Forestry..... 28
 - 8.2) LTVCA Correspondence out to Members: Legislative and Regulatory Changes Affecting Conservation Authority Development Permitting (Effective April 1, 2024) 30
9. Other Business
10. Adjournment

1. First Nations Acknowledgement

We will begin by acknowledging that the land on which we gather is the traditional territory of First Nations people who have longstanding relationships to the land, water and region of southwestern Ontario. We also acknowledge the local lower Thames River watershed communities of this area which include Chippewas of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation, Delaware Nation, and Caldwell First Nation. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original peoples of Turtle Island (North America). We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

5. Approval of Previous Meeting Minutes

5.1) Board of Directors Meeting Minutes – February 22, 2024



DRAFT

Board of Directors Meeting *MINUTES*

The Annual General Meeting of the Lower Thames Valley Conservation Authority's Board of Directors was held at Willson Hall at the University of Guelph Ridgetown Campus at 2:40 P.M. on Thursday, February 22, 2024. The following directors were in attendance: S. Emons, A. Finn, T. Thompson, K. Loveland, L. Vogler, H. Aerts and S. Hipple. P. Tiessen, R. Leatham, M. Vink, P. Van Meerbergen, and M. Bondy sent their regrets.

1. First Nations Acknowledgement
M. Peacock read the First Nations Acknowledgement.
2. Call to Order
3. Adoption of Agenda

Motion: AGM-2024-01

1. S. Hipple – H. Aerts

Moved that the agenda be adopted as amended.

CARRIED

4. Disclosures of Conflicts of Interest
None Declared.
5. Chair's Remarks

The Chair, Sarah Emons, welcomed the Board of Directors, staff and guests to the Conservation Authority's 2024 Annual General Meeting.

In attendance:

Sarah Emons, Township of Southwold
Trevor Thompson, Municipality of Chatham-Kent
Amy Finn, Municipality of Chatham-Kent
Ken Loveland, Municipality of Dutton Dunwich
Larissa Vogler, Municipality of Lakeshore
Hugh Aerts, Municipality of Middlesex Centre
Sandi Hipple, Municipality of Strathroy-Caradoc

Regrets sent:

Paul Tiessen, Municipality of Leamington
Richard Leatham, Municipality of West Elgin
Martin Vink, Municipality of Southwest Middlesex
Paul Van Meerbergen, City of London
Mike Bondy, Municipality of Chatham-Kent

6. Approval of Previous Meeting Minutes

Motion: AGM-2024-02

2. T. Thompson – L. Vogler

Moved that the Board of Directors minutes for the December 14, 2023 meeting be approved as presented.

CARRIED

7. Business Arising from the Minutes

None Declared.

8. Presentations

8.1) 2023 Annual Report

Amanda Blain provided a Power Point Presentation on the 2023 Annual Report for the LTVCA programs, services and events to the Board of Directors and guests.

9. Business for Approval

9.1) 2023 Annual Report

Motion: AGM-2024-03

3. K. Loveland – S. Hipple

Moved that the LTVCA's 2023 Annual Report be approved as presented.

CARRIED

9.2) Election of Officers and Appointments to Committees

Motion: AGM-2024-04

4. T. Thompson – L. Vogler

Moved that Mark Peacock chair the LTVCA's 2024 elections.

CARRIED

Mr. Mark Peacock assumed the chair for the elections, declared all elected offices, positions and appointments vacant, and outlined the voting procedures to the Board of Directors.

a) Chair

Mr. Peacock called for nominations for Chair of the LTVCA for 2024.

S. Hipple nominated S. Emons. S. Emons accepted the nomination.

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-05

5. T. Thompson – K. Loveland

Moved that nominations for Chair be closed.

CARRIED

S. Emons was declared to be elected as Chair.

b) Vice-Chairs

Mr. Peacock called for nominations for 1st Vice-Chair of the LTVCA for 2024.

H. Aerts nominated T. Thompson. T. Thompson accepted the nomination.

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-06

6. S. Hipple – S. Emons

Moved that nominations for 1st Vice-Chair be closed.

CARRIED

Mr. Peacock called for nominations for 2nd Vice-Chair of the LTVCA for 2024.

T. Thompson nominated P. Tiessen. P. Tiessen accepted the nomination (written acceptance of nomination received by CAO prior to meeting if nominated).

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-07

7. L. Vogler – S. Hipple

Moved that nominations for 2nd Vice-Chair be closed.

CARRIED

T. Thompson was declared to be elected as 1st Vice-Chair and P. Tiessen was declared to be elected as 2nd Vice-Chair.

c) Executive Committee (2 members to be elected)

Mr. Peacock called for nominations to the LTVCA's Executive Committee for 2024.

L. Vogler nominated H. Aerts. H. Aerts accepted the nomination.

K. Loveland nominated R. Leatham. R. Leatham accepted the nomination (written acceptance of nomination received by CAO prior to meeting if nominated).

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-08

8. K. Loveland – T. Thompson

Moved that nominations for the Executive Committee be closed.

CARRIED

H. Aerts and R. Leatham were declared members of the Executive Committee.

d) Ska-Nah-Doht Village Advisory Committee (3 members to be elected)

Mr. Peacock called for nominations to the Ska-Nah-Doht Village Advisory Committee for 2024.

S. Emons nominated S. Hipple. S. Hipple accepted the nomination.

L. Vogler nominated K. Loveland. K. Loveland accepted the nomination.

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-09

9. L. Vogler – S. Emons

Moved that nominations for the Ska-Nah-Doht Advisory Committee be closed.

CARRIED

S. Hipple and K. Loveland were declared members of the Ska-Nah-Doht Village Advisory Committee.

e) CM Wilson Learning Centre Advisory Committee (2 members to be elected)

Mr. Peacock called for nominations to the CM Wilson Learning Centre Advisory Committee for 2024.

S. Hipple nominated L. Vogler. L. Vogler accepted the nomination.

S. Emons nominated A. Finn. A. Finn accepted the nomination.

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-10

10. T. Thompson – H. Aerts

Moved that nominations for the CM Wilson Learning Centre Advisory Committee be closed.

CARRIED

L. Vogler and A. Finn were declared members of the CM Wilson Learning Centre Advisory Committee.

f) Ice Management Committee (2 members to be appointed from the Municipality of Chatham-Kent, plus the member from the Town of Lakeshore). Chair ex-officio.

Mr. Peacock called for nominations for the Ice Management Committee of the LTVCA for 2024.

T. Thompson nominated L. Vogler. L. Vogler accepted the nomination.

L. Vogler nominated T. Thompson. T. Thompson accepted the nomination.

T. Thompson nominated A. Finn. A. Finn accepted the nomination.

Mr. Peacock called twice more for nominations. There being no further nominations,

Motion: AGM-2024-11

11. S. Emons – S. Hipple

Moved that nominations for the Ice Management Committee be closed.

CARRIED

L. Vogler, T. Thompson and A. Finn were declared members of the Ice Management Committee.

Mr. Peacock congratulated those elected and turned the chair over to Sarah Emons, the Chair for 2024, to continue with the rest of the meeting.

9.3) 2024 Levy

Motion: AGM-2024-12

11. K. Loveland – T. Thompson

Moved that to provide conformity with legislation (Bill 23) and regulations (Ont. Reg 401/22 and 402/22) governing approval of municipal apportionments the LTVCA has followed and will follow the following process:

1. The proposed Year 2024 Municipal Apportionment was posted to LTVCA's web site shortly after its approval on October 26, 2023, and circulated directly to municipalities on January 19, 2024 in order to provide a minimum 30-day notice to approval on February 22, 2024. There is an overall increase of \$79,098 over the 2023 apportionment.
2. The LTVCA has signed memoranda of understanding with all 10 municipalities confirming that LTVCA can continue to levy for all categories of services defined in regulation.
3. A recorded vote will be taken, with each member responding either "For" or "Against" the motion. The motion carries or is lost, according to the total of weighted votes assigned to each board member. This weighted vote is based upon the Modified Current Value Assessment apportioned to that portion of each municipality within the jurisdiction of the LTVCA watershed.
4. The 2024 Municipal Apportionment approved by the Board will be circulated to participating municipalities on February 23, 2024, who if not satisfied with the approval process may appeal to the Ontario Lands Tribunal in 30 days of receiving the notice. Thereafter, no appeals are allowed and the 2024 Municipal Apportionment will be final.

CARRIED

A recorded weighted vote followed with all members voting in favour of the motion.

Motion: AGM-2024-13

12. L. Vogler – H. Aerts

Moved that the 2024 Municipal Apportionment be approved;

And that the participating municipalities be assessed for payment of \$1,866,053 which is comprised of Category 1 expenses of \$1,525,260; Category 3 expenses of \$135,793 and Special Levy of \$205,000 (Category 1 & 2, Chatham-Kent);

And that each participating municipality's share of the 2024 Total municipal apportionment be calculated using "Modified Current Value Assessment" as shown in the table appended to this motion.

CARRIED

9.4) Appointment of Auditor

Motion: AGM-2024-14

13. K. Loveland – L. Vogler

Moved that the Board of Directors direct staff to undertake a competitive bidding process to obtain Auditing services for the 2024 fiscal year and provide results of the bids to the Board for its decision at a subsequent Board meeting.

CARRIED

9.5) Appointment of Bank

Motion: AGM-2024-15

14. S. Hipple – H. Aerts

Moved that the Canadian Imperial Bank of Commerce be appointed as the Lower Thames Valley Conservation Authority's bank until the next Annual Meeting in February 2025.

CARRIED

9.6) Appointment of Solicitor

Motion: AGM-2024-16

15. K. Loveland – L. Vogler

Moved that the firm of M. Gordnerlaw Professional Corporation be appointed the Lower Thames Valley Conservation Authority's solicitor until the next Annual Meeting in February 2025.

CARRIED

9.7) Authorization to Borrow

Motion: AGM-2024-17

16. T. Thompson – S. Hipple

Moved that the Authority Chair or Vice-Chair(s) and the CAO/Secretary Treasurer be authorized to borrow from the Canadian Imperial Bank of Commerce a sum not to exceed \$300,000 for the Lower Thames Valley Conservation Authority and to be repaid from grants received from the Province of Ontario, Government of Canada, levies assessed the member municipalities and self-generated revenues.

CARRIED

9.8) Appointment to Conservation Ontario

Motion: AGM-2024-18

17. K. Loveland – L. Vogler

Moved that the Chair be appointed as Voting Representative; and the CAO as 1st Alternative.

CARRIED

9.9) 2024 Board of Directors Meeting Schedule

Mark Peacock noted that due to the recent release of O. Reg. 41/24 that an additional Board of Directors meeting date will need to be held in March in order to enact the generic CA wide Regulation as our new O. Reg., replacing our LTVCA specific O. Reg. 152/06.

Thursday, March 28, 2024 – 2:00-4:00 pm
Thursday, April 18, 2024 – 2:00-4:00 pm
Thursday, June 20, 2024 – 2:00-4:00 pm
Thursday, August 22, 2024 – 2:00-4:00 pm
Thursday, October 17, 2024 – 2:00-4:00 pm
Thursday, December 19, 2024 – 2:00-4:00 pm
Thursday, February 20, 2025 – 2:00-4:00 pm

Motion: AGM-2024-19

18. K. Loveland – S. Hipple

Moved that the meeting schedule for 2024, with an amendment for the addition of a Board meeting in March, and the Annual General Meeting for 2025 be endorsed.

CARRIED

10. Business for Information

- 10.1) CAO's Report
- 10.2) Categories of Programs and Services Agreement and Planning MOU's
- 10.3) Water Management
- 10.4) Planning and Regulations
- 10.5) Conservation Area Lands
- 10.6) Conservation Services
- 10.7) Communications, Outreach and Education
- 10.8) Wheatley Two Creeks Association Minutes – December 7, 2023

Motion: AGM-2024-20

19. T. Thompson – L. Vogler

Moved that the Board of Directors receive the above reports, 11.1 through to 11.8, for information; and further,

THAT the Lower Thames Valley Conservation Authority continue to meet the obligations under the Conservation Authorities Act; and further,

THAT Administration continue to evaluate anticipated financial implications in 2023 and in preparation of the 2024 budget and advise the Board as additional regulation and legislative impacts become known.

CARRIED

12. Correspondence

None noted.

13. Other Business

None noted.

14. Adjournment

Motion: AGM-2024-21

21. K. Loveland – H. Aerts

Moved that the meeting be adjourned.

CARRIED

Sarah Emons
Chair

Mark Peacock, P.Eng.
CAO/Secretary-Treasurer

7. Business for Approval

a) 2023 Audited and 2024 Budget / Presentation

7.1) 2023 Audited Financial Statements

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Todd Casier, CPA, CA, Manager, Corporate Services
Subject: **2023 Audited Financial Statements**

Attached for the Board of Directors information and approval is the Audited Financial Statements for the 2023 year ending.

Note: The 2023 Audited Financial Statements is attached as a separate document. **Refer to Appendix A.**

RECOMMENDATION: That the LTVCA's 2023 Audited Financial Statements be approved as presented.

The report aligns with the following objectives of the LTVCA's Strategic Plan:

4. Improve Transparency and Understanding of Financial Statements

Respectfully Submitted
Todd Casier, CPA, CA
Manager, Corporate Services

Mark Peacock, P. Eng.
CAO/Secretary-Treasurer

7.2) 2024 Budget

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Todd Casier, CPA, CA, Manager, Corporate Services
Subject: **2024 Budget and Levy**

Background

The LTVCA Board adopted the Preliminary 2024 Budget and Levy at its meeting on October 26, 2023, in accordance with the following resolution:

“That the 2024 preliminary budget totalling \$4,356,094 be approved and that the member municipalities be advised of the budget and their share of the proposed levy as calculated; it being noted that the Authority is required to provide 30 days’ notice of its intention to adopt a final budget and levy.

And that the final 2024 Budget be brought to the Annual Meeting of the Authority in 2024 for approval.”

Current Situation

As per legal requirements the Preliminary Budget was circulated to all member municipalities on January 19, 2024 with an invitation to meet with each municipalities Executive Management Team or Council. This preliminary budget was also posted to the LTVCA web site shortly after its approval on October 26, 2023. No issues have been raised by either the member municipalities or the general public.

Several minor adjustments have since been incorporated into the 2024 Budget since its preliminary approval in October 2023. With these changes, there has been no additional impact on municipal levy. The Municipal levy was approved at the Annual General Meeting of the LTVCA on February 22, 2024.

Discussion

The 2024 Final Draft Budget of \$4,356,094 represents an increase of \$155,610 or 3.7% in overall spending in comparison to the 2023 approved budget of \$4,200,484. The greatest variances from 2023 to 2024 include:

- An increase in Conservation Education due to the opening of the Learning Centre at CM Wilson;
- An increase in Stewardship and Species at Risk programs;
- An increase in Administration expenses;
- And off-set by decreases in Technical Studies, Planning and Regs and Watershed monitoring.

The following recommendation will be brought forward:

RECOMMENDATION: That the 2024 proposed budget totalling \$4,356,094 be approved as presented in the accompanying budget tables.
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The report aligns with the following objectives of the LTVCA’s Strategic Plan:

4. Improve Transparency and Understanding of Financial Statements

Respectfully Submitted
Todd Casier, CPA, CA
Manager, Corporate Services

Mark Peacock, P. Eng.
CAO/Secretary-Treasurer

Lower Thames Valley Conservation Authority
2024 DRAFT FINAL BUDGET

Object	COMBINED		CATEGORY 1			CATEGORY 2		CATEGORY 3	
	2023 Budget	2024 Budget	2023 Budget	2024 Budget	2023 Budget	2024 Budget	2023 Budget	2024 Budget	
Expenditures									
FLOOD CONTROL STRUCTURES	164,093	173,809	164,093	173,809	-	-	-	-	
EROSION CONTROL STRUCTURES	8	10	8	10	-	-	-	-	
FLOOD FORECASTING AND WARNING	115,987	106,545	115,987	106,545	-	-	-	-	
TECHNICAL STUDIES	157,574	102,687	157,574	102,687	-	-	-	-	
PLANNING & REGULATIONS	425,625	386,983	425,625	386,983	-	-	-	-	
WATERSHED MONITORING	180,027	123,621	175,019	118,571	-	-	5,008	5,050	
SOURCE PROTECTION	26,760	23,882	26,760	23,882	-	-	-	-	
THAMES MOUTH DEBRIS REMOVAL	-	-	-	-	-	-	-	-	
CONSERVATION AREAS	624,957	674,081	485,693	510,591	-	-	139,264	163,490	
COMMUNITY RELATIONS	162,608	142,735	162,608	142,735	-	-	-	-	
CONSERVATION EDUCATION	29,760	113,297	-	-	-	-	29,760	113,297	
SKA-NAH-DOHT VILLAGE	127,858	124,702	-	-	-	-	127,858	124,702	
CONSERVATION SERVICES (FORESTRY)	153,002	172,398	-	-	-	-	153,002	172,398	
CHATHAM-KENT GREENING PROJECT	458,003	517,898	-	-	80,000	80,000	378,003	437,898	
PHOSPHORUS REDUCTION	945,217	923,336	-	-	-	-	945,217	923,336	
SPECIES AT RISK	111,658	171,028	-	-	-	-	111,658	171,028	
ADMINISTRATION	517,347	599,082	517,347	599,082	-	-	-	-	
ASSET MANAGEMENT	-	-	-	-	-	-	-	-	
Other Expenses	-	-	-	-	-	-	-	-	
Recovered Expenses	-	-	-	-	-	-	-	-	
Total Expenditures	4,200,484	4,356,094	2,230,714	2,164,895	80,000	80,000	1,889,770	2,111,199	
Revenues									
Other Taxation	-	-	-	-	-	-	-	-	
Government Grants & Subsidies	(1,665,079)	(1,468,581)	(329,467)	(217,485)	-	-	(1,335,612)	(1,251,096)	
User Fees	(748,450)	(1,021,460)	(309,400)	(297,150)	-	-	(439,050)	(724,310)	
Other Municipal Revenues	(205,000)	(205,000)	(125,000)	(125,000)	(80,000)	(80,000)	-	-	
Total Revenues	(2,618,529)	(2,695,041)	(763,867)	(639,635)	(80,000)	(80,000)	(1,774,662)	(1,975,406)	
Total Net Budget	1,581,955	1,661,053	1,466,847	1,525,260	-	-	115,108	135,793	
Net Inc. / (Dec.) \$	0	79,098							
Net Inc. / (Dec.) %	0	5.0%							

b) Requirements to come into conformity with O. Reg. 41/24 and CA Act changes / Presentation

7.3) Policies and Procedures to Support C.A. Act Planning and Permitting

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Jason Wintermute, Manager, Watershed and Information Services
Subject: **Policies and Procedures to Support C.A. Act Planning and Permitting**

Purpose of this Staff Report

The purpose of this Staff Report is to describe how the LTVCA has been approaching the transition in planning and permitting activities to the revised version of the Conservation Authorities Act (C.A. Act) and the new O. Reg. 41/24 which come into effect April 1st, 2024, and to provide a draft version of the *Policies and Procedures to Support Administration of the Conservation Authorities Act Part VI and Ontario Regulation 41/24* to be posted for municipal and public input.

Background

On April 1, 2024, O. Reg. 41/24 (Prohibited Activities, Exemptions and Permits) and revisions to Part VI of the C.A. Act come into effect. These changes replace the LTVCA's previous "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation, O. Reg. 152/06, and modify how permits are issued by the Conservation Authorities (C.A.)

The new legislative and regulatory framework necessitates updates to existing LTVCA guidelines, policies and procedures, including:

- 1) *Lower Thames Valley Conservation Authority Guidelines to Support Administration of the LTVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 152/06);*
- 2) *Lower Thames Valley Conservation Authority LTVCA Dock Policy; and*
- 3) *Lower Thames Valley Conservation Authority Lake Erie Shoreline Development Policy within the Municipality of Chatham-Kent.*

Key Changes

Key changes from the processes in the existing guidelines, policies and procedures include, but are not limited to:

- 1) Assessing permit applications made under Section 28.1 of the C.A. Act to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, and unstable soil or bedrock. Unstable soil and bedrock replace the previous tests of pollution and conservation of land.
- 2) Assessing applications to determine whether the proposed activity would create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.
- 3) Attaching conditions to a permit only if the conditions (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard.

- 4) Reducing the regulated area surrounding provincially significant wetlands from 120 m to 30 m, while for all other wetlands this remain at 30 m as well.
- 5) Exceptions from C.A. permits for specific activities outlined in section 5 of O. Reg. 41/24, when carried out in accordance with the regulation.
- 6) Updated complete application requirements (as outlined in section 7 of O. Reg. 41/24), including requirements for site drainage plans, landowner authorization and payment of applicable fee.
- 7) A new process for applicants to request an administrative review of an application (circumstances outlined in section 8 of O. Reg. 41/24).
- 8) Updated definition of watercourse to a “defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs”.
- 9) New requirement (as outlined in subsection 7(2) O. Reg. 41/24) to notify the applicant of whether an application is complete within 21 days and provide the applicant notice of a decision within 90 days following confirmation of a complete application (as outlined in 28.1(22) of the C.A. Act).
- 10) A new process for pre-submission consultation (circumstances outlined in section 6 of O. Reg. 41/24).
- 11) Enforcement procedures, appeals and hearing processes described in Parts VI and VII of the C.A. Act.

Current Status of Policies

For nearly 8 years now, the LTVCA has been working to update its *Guideline to Support Administration of the LTVCA’s “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”* into a more comprehensive policies and procedures document. A draft document was created in 2016 which underwent both municipal and public consultation at that time. For numerous reasons, that draft was never approved. The delays were all due to what seemed good reasons at the time, such as the *Gilmor vs NVCA* court proceedings, commencement of Chatham-Kent’s Lake Erie Shoreline Study, changes and proposed changes to the Provincial Policy Statement, and changes and proposed changes to the C.A. Act and its regulations. However, the imminent (April 1st) changes to the C.A. Act and its regulations require immediate changes to the LTVCA’s policies and procedures.

That draft 2016 document has formed the basis of a draft policies and procedures document which LTVCA staff proposes to use for the implementation of Part VI of the C.A. Act (i.e. Section 28) and O. Reg. 41/24. Since the announcement of these changes, LTVCA staff have been working hard to revise this document so that it now conforms to the requirements of the revised C.A. Act and O. Reg. 41/24. This single document will replace the 3 other documents listed above.

LTVCA staff have completed revisions to both the procedures and policies portions of that document, which describes both how the LTVCA administers the processing of permit applications, as well the types of development activities for which the LTVCA can and will issue permits. It also includes procedures for appeals and other associated administrative procedures. Content from the *LTVCA Dock Policy* will be included in this document. LTVCA staff feel that the document, now entitled *Policies and Procedures to Support Administration of the Conservation Authorities Act Part VI and Ontario Regulation 41/24*, is in conformity with the new C.A. Act revisions and O. Reg. 41/24 and is able to be used in its draft form while the LTVCA seeks further input from its member municipalities and the public.

The *Lower Thames Valley Conservation Authority Lake Erie Shoreline Development Policy within the Municipality of Chatham-Kent* was originally only intended to be an interim policy until such time as revised erosion rates, policies and mapping proposed in the *Chatham-Kent Lake Erie Shoreline Study* could be consulted on through Chatham-Kent’s Official Plan process. However, provisions in O. Reg. 41/24 no longer seem to allow for such a delay. As a result, LTVCA staff feel they need to move forward with the new erosion rates determined in the *Chatham-Kent Lake Erie Shoreline*

Study. Therefore, the development policies used along the shoreline within Chatham-Kent will once again be aligned with those used in Elgin County and will be implemented out of the main policy document. A separate shoreline policy document for Chatham-Kent will no longer exist.

In the interim, since the announce on February 16th, 2024, of these changes to the C.A. Act and its regulations, the LTVCA has had to manage the potential that activities previously regulated will no longer be regulated come April 1st, 2024. Since that time, the LTVCA has been using *Transitional Procedures and Guidelines for the LTVCA*. This document was a slightly modified version of document provided by Conservation Ontario, which conforms with how the LTVCA has been dealing with this transition since February 16th. Given that there will be no working days between this Board of Directors meeting and the April 1st implementation, this document is provided only for information.

Note: The *Policies and Procedures to Support Administration of the Conservation Authorities Act Part VI and Ontario Regulation 41/24* is attached as a separate document. **Refer to Appendix B.**

RECOMMENDATION: **That** the LTVCA begin using the erosion rates for the Lake Erie shoreline in Chatham-Kent as noted in the *Chatham-Kent Lake Erie Shoreline Study* (Zuzek, 2020) beginning April 1st, 2024; and

Further That effective April 1, 2024, the following 3 documents no longer be used for administering the Conservation Authorities Act and its Regulations: 1) *Lower Thames Valley Conservation Authority Guidelines to Support Administration of the LTVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 152/06)*; 2) *Lower Thames Valley Conservation Authority LTVCA Dock Policy (October 2022)*; and 3) *Lower Thames Valley Conservation Authority Lake Erie Shoreline Development Policy within the Municipality of Chatham-Kent (August 2022)*; and

Further That effective April 1, 2024, that the LTVCA use the document entitled *Policies and Procedures to Support Administration of the Conservation Authorities Act Part VI and Ontario Regulation 41/24* for administering Part VI of the Conservation Authorities Act and O. Reg. 41/24; and

Further That the LTVCA begin consultation with its members municipalities regarding the document entitled *Policies and Procedures to Support Administration of the Conservation Authorities Act Part VI and Ontario Regulation 41/24*, the LTVCA will post the document online for public input, and

Further That staff will provide any feedback received with proposed changes to the document and any associated resources at the June 2024 Board of Directors meeting.

The report aligns with the following objectives of the LTVCA's Strategic Plan:

Customer/Stakeholder Objectives

1) Strengthen and Increase Collaboration with Community Stakeholders

Internal Processes Objectives

9) Improve Internal Understanding of Roles & Responsibilities

Capacity Building Objectives

12) Strengthen Program Review Policy(s)

Respectfully Submitted:

Jason Wintermute

Manager, Watershed and Information Services

Reviewed By:

Mark Peacock, P. Eng.

C.A.O. / Secretary Treasurer

Transitional Procedures and Guidelines for the LTVCA

(Transitioning from the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation to the NEW Ontario Regulation 41/24)

As of April 1, 2024, the Lower Thames Valley Conservation Authority will review and make decisions on applications for permits in accordance with Part VI of the Conservation Authorities Act and Ontario Regulation 41/24. A comprehensive document describing procedures for implementing the permitting process will be forthcoming to reflect this new framework. Per section 12 of O. Reg. 41/24, the Lower Thames Valley Conservation Authority will consult with stakeholders and the public during the review and update process as the authority considers advisable. Where discrepancies exist between the text of the legislation or regulation and the information provided within these Interim Policy Guidelines, the text of the legislation and regulation will prevail.

Background

Ontario Regulation 152/06 provides the LTVCA with the power to regulate development and activities in or adjacent to river or stream valleys, shorelines of the Great Lakes-St. Lawrence River system and inland lakes, watercourses, hazardous lands (e.g., unstable soil, bedrock, and slopes), wetlands and other areas around wetlands. Development taking place on these lands requires permission from the CA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected.

On February 16, 2024 the Prohibited Activities, Exemptions and Permits under Conservation Authorities Act Regulation (Ontario Regulation 41/24) was approved by the Province under subsection 28(1) of the Conservation Authorities Act. The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the Conservation Authorities Act and as stipulated in O. Reg. 686/21: Mandatory Programs and Services. Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

These transitional policies and procedures are important in the implementation of the new regulations which will become effective as of April 1, 2024.

Permit Applications

Applications Submitted Before April 1, 2024

Applications for permission to develop in a regulated area or interfere with a wetland or watercourse received prior to April 1, 2024, will be subject to the provisions of Ontario Regulation 152/06.

If the subject application for the proposed works is not within an area or is not an activity regulated under the new regulation (O. Reg. 41/24), then the applicant will be advised in writing that a permit is not required for the proposed works. If a permit would not be required after April 1, 2024, should the applicants request a permit, the LTVCA will issue a permit for the work but will not charge a fee.

Applications Submitted After April 1, 2024

All applications received on or after April 1, 2024, will be subject to the provisions of O. Reg. 41/24.

Extension of Permissions Issued under the Current Regulation

Permits issued prior to April 1, 2024, and have expiry dates beyond April 1, 2024 will remain valid for the duration identified on the permission. Inspections and conditions enforced under O. Reg. 152/06 will continue until the permission expires.

A request for extension of a permit issued before April 1, 2024, that is received prior to April 1, 2024, will be considered in accordance with O. Reg. 152/06.

A request for extension of a permit issued before April 1, 2024, that is received after April 1, 2024, will be considered in accordance with O. Reg. 41/24. An applicant requesting an extension will be notified in writing that an extension is not required if the permit is for a development activity or interference/alteration not within a regulated area established under O. Reg. 41/24 or is otherwise subject to an exception under the same.

Requests for an extension of the existing permit must be received by the Authority prior to the date of expiry shown on the permission. Requests for extension received after the date of expiry will need to be resubmitted as a new application.

Review of Planning Applications

Planning Applications Submitted Before April 1, 2024

All plan review will be conducted in accordance with O. Reg. 686/21: Mandatory Programs and Services, O. Reg. 596/22: Prescribed Acts – Subsections 21.1.1 (1.1); and

Planning Applications Submitted After April 1, 2024

All plan input and review will be conducted in accordance with O. Reg. 686/21: Mandatory Programs and Services, O. Reg. 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act, as well as based on the provisions of O. Reg. 41/24: Prohibited Activities, Exemptions and Permits Regulation.

Violation Notices and Legal Actions Commenced Before April 1, 2024

Violation Notices issued prior to April 1, 2024 will be addressed and remedied by LTVCA Provincial Offences Officers in accordance with O. Reg. 152/06.

Violation Notices issued prior to April 1, 2024, for works in an area or an activity no longer regulated under the new O. Reg. 41/24, upon satisfactory resolution of the matter, the proponent will be issued a letter advising that the works occurring in violation of O. Reg. 152/06 have been remedied/rectified and the violation notice is revoked.

Violation notices issued and prosecutions commenced on or after April 1, 2024, will confirm with Parts VI and VII of the Act and O. Reg. 41/24.

Legal actions that commenced prior to April 1, 2024, may proceed where appropriate under consultation with legal counsel.

Other Agency Approvals

Issuance of a permit does not relieve the applicant from the responsibility of acquiring approval from other agencies or relieve the applicant from compliance with any conditions that other agencies may impose on the work.

7.4) Online Mapping Requirements

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Jason Wintermute, Manager, Watershed and Information Services
Subject: **Online Mapping Requirements**

Under Ontario Regulation 41/24, new requirements have been put in place regarding the availability and updating of mapping products showing the Conservation Authorities' Regulated Areas.

4. (1) An authority shall develop maps depicting the areas within the authority's area of jurisdiction where development activities are prohibited under paragraph 2 of subsection 28

(1) of the Act which shall be filed at the head office of the authority and made available to the public on the authority's website, and by any other means that the authority considers advisable.

(2) At least once annually, the authority shall,

(a) review the maps referred to in subsection (1) and determine if updates to the maps are required;

(b) make and file such updates to the maps at its head office if required; and

(c) make the updated maps available to the public on its website and by any other means it considers advisable.

(3) Where new information or analysis becomes available that may result in significant updates to the areas where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act, including enlargements or reductions to such areas, the authority shall ensure that stakeholders, municipalities and the public are notified of the proposed changes in any manner that the authority considers advisable, including making any relevant information or studies available online at least 30 days prior to an authority meeting during which the proposed changes are on the agenda.

(4) Where significant changes to the areas where development activities are prohibited have been made in accordance with subsection (3), the authority shall promptly update the maps described in subsection (1).

(5) For greater certainty, in case of a conflict regarding the boundaries of the areas where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act, the description of those areas in that paragraph and in section 2 of this Regulation prevail over the depiction of the areas in the maps referred to in subsection (1) of this section.

Some aspects of this new regulation were transferred over from the previous regulation. Under the previous regulation 152/06, the Authorities were required to have maps of the regulated areas filed at the head office (now in O. Reg. 41/24 4(1)). The previous regulation also had provisions that should there be a conflict between the written description of the regulated area and the mapped area, that the written description should prevail (now in O. Reg. 41/24 4(5)).

However, there were no requirements to have these maps reviewed annually 4(2)(a), annually make updates to the maps 4(2)(b), or to post the mapping on the website 4(2)(c). Nor were there requirements to "promptly update the maps" if "significant changes to the areas" are made 4(4).

At face value, these new requirements for online mapping and prompt mapping updates are excellent ideas. However, they do make some assumptions about the accuracy and status of existing mapping and the capabilities of C.A.s (and their member municipalities) to update the mapping.

There are a variety of concerns around the accuracy and status of the LTVCA's current mapping. Some mapping is out of date, some mapping wasn't created with the accuracy to be used in an online mapping tool, some mapping has known errors that haven't been corrected, and some areas that should be regulated have never been mapped. For example, engineered regulatory floodplain mapping has not been conducted for any tributary in the LTVCA's jurisdiction. While engineering studies have been done on the Thames River, the LTVCA does not have that model nor any associated high-resolution mapping. Another example is the rapidly eroding Lake Erie shoreline. Aerial photography is only collected every 5 years. There have recently been situations where over 10 m of shorelands have fallen into the lake over very short periods of time. However, the LTVCA wouldn't have the ability to update the mapping until the next aerial photography flight. In the interim, shore erosion continues, and the mapping is outdated. LTVCA staff have also had challenges estimating the regulation limit for valley lands with unstable slopes in the time required.

Further related to the Lake Erie Shoreline mapping, Chatham-Kent and Lakeshore have recently completed Shoreline Studies in 2020 and 2022 respectively. It had been the intention to update the shoreline erosion rates used by the LTVCA in conjunction with Official Plan updates. However, the wording of the new regulation appears to indicate that CAs are expected to complete regulatory policy updates and/or mapping updates, on a separate annual schedule not necessarily tied to the municipal planning cycle. New online mapping will use the erosion rates determined in those shoreline studies.

When the mapping wasn't online, obtaining the mapping required speaking with a LTVCA staff member who could then bring such mapping deficiencies to the attention of the project proponents, and direct the proponent to acquire the required information. With the mapping now on-line there will be an expectation that the mapping is correct, and LTVCA staff will likely not be involved in a project proponent's decision regarding whether their project is in a regulated area.

Such issues are not unique to the LTVCA. To some extent they are shared by all CAs, and our member municipalities as well. The mapping provided online will never be perfectly accurate. The best that the LTVCA can do is attempt to make it as complete and accurate as possible, with the goal of making the mapping an adequate screening tool to direct project proponents to the LTVCA when permits are likely required.

Given the required April 1st, 2024 timeline to implement the new Regulation, LTVCA staff have created an online mapping tool with draft regulated areas mapping. There are known deficiencies in the mapping, however, something needs to be posted online to be available to the public on April 1st. Mapping updates will continue after April 1st. The mapping will be included with the "package" of regulatory updates going out for municipal and public input.

In an attempt to limit the liability of the LTVCA with regards to this mapping, the following Disclaimer and Terms of Use will be included in the mapping application.

LTVCA Web Map Disclaimer

The Lower Thames Valley Conservation Authority (LTVCA) regulates river, streams, ditches and other watercourses, including their floodplains, valley slopes, and some adjacent lands. Wetlands, some of their adjacent lands, and the shorelines of both Lake Erie and Lake St. Clair are also regulated. This online mapping tool, will help you learn where these regulated areas can be found.

In some cases, not all of the regulated area may be mapped. The boundaries of those areas that are mapped should also only be considered approximate and may not reflect the current boundaries. It is important to know that the regulation still applies, whether the area is mapped or not. Ontario Regulation 41/24 states that the word description in that regulation is to be used when it describes areas differently than the mapping shows. The LTVCA may need to determine the actual regulated area on a site-by-site basis.

If the map shows an area regulated by the LTVCA and you want to do any construction work or development activities on it, you will need a LTVCA permit. This is in addition to a building permit or other approvals from your municipality

and other agencies. As the mapped boundaries are approximate, if you are looking to do work near the regulated areas shown, you should confirm with the LTVCA.

This mapping is made available online as a requirement of Ontario Regulation 41/24.

LTVCA Terms of Use

The following website content includes a web-based mapping application that allow you to view and search data, and generate maps (such data and maps are collectively the "Licensed Products"). These are licensed to you ("Licensee") on a non-exclusive, non-transferable and revocable basis by The Lower Thames Valley Conservation Authority (LTVCA) on the terms set out herein.

Information made available on this website is not intended to constitute advice nor replace that of a qualified professional. You should not act, or refrain from acting, based upon information in this website without independently verifying the information and, as necessary, obtaining professional advice regarding your particular facts and circumstances. The information made available on this site is not intended to be used and should not be used for navigational purposes.

The LTVCA and its suppliers make the Licensed Products available "AS IS", "AS AVAILABLE", and "WITH ALL FAULTS" without representations or warranties of any kind, either express or implied, as to the accuracy, completeness, reliability, currency, merchantability, fitness for purpose, title or otherwise. The entire risk as to the results and performance of the Licensed Products is assumed by the Licensee. The Licensee shall indemnify and save harmless the LTVCA, its directors and officers, its representatives and employees, suppliers and third parties (collectively, the "Indemnitee") from and against any and all liabilities, damages, costs or expenses awarded against or incurred or suffered by the Indemnitee arising out of any action or proceeding commenced or maintained by any entity in respect of the Licensee's use of the Licensed Products. The maximum aggregate liability of Indemnitee to the Licensee or any other party for any cause whatsoever related to the Licensed Products shall not exceed \$1.

The mapping application includes data supplied under license from various third party sources. The LTVCA and its suppliers own and retain all right, title and interest in the intellectual property ("IP") of the Licensed Products. Rights conferred upon LTVCA by a third party over the use of data which is not LTVCA's IP is marked accordingly. The Licensee acknowledges that Licensed Products from the website are copyrighted and must not be altered in any way. The Licensee may not use the Licensed Products to create any derivative products, in whole or part, without express or written consent from the LTVCA. The LTVCA does not assume any liability with respect to the contents and accuracy thereof of any derivative products.

Neither the LTVCA nor its suppliers assume any obligation or liability to provide updates or corrections to, or support for, the Licensed Products, or the provision of notices thereof, to the Licensee. Content on this website is subject to change without notice.

This license will terminate immediately without notice from the LTVCA if the Licensee fails to comply with any provision of the License Agreement. Upon termination, the Licensee shall cease all use of Licensed Products and IP and destroy any and all copies of the Licensed Products obtained.

This is a legal agreement between the Licensee and the LTVCA. By accessing the Licensed Products you agree to be bound by these terms and conditions. This Agreement shall be governed by the laws of the Province of Ontario and the federal laws of Canada applicable therein.

Use of LTVCA's mapping applications constitutes your acknowledgement of and agreement to be bound by the terms outlined above.

Note: Rights conferred upon the LTVCA by a third party over the use of their data is marked accordingly. When generating hardcopy maps using the mapping application, it is your responsibility to ensure the appropriate citations

accompany the map. Mapping applications provided on the LTVCA Web site include data under license from various sources.

RECOMMENDATION: That LTVCA staff be directed to seek input from member municipalities regarding the on-line mapping tool and to promote the tool on its website for public input.

The report aligns with the following objectives of the LTVCA's Strategic Plan:

Customer/Stakeholder Objectives

1) Strengthen and Increase Collaboration with Community Stakeholders

Internal Processes Objectives

9) Improve Internal Understanding of Roles & Responsibilities

Capacity Building Objectives

12) Strengthen Program Review Policy(s)

Respectfully Submitted:

Jason Wintermute

Manager, Watershed and Information Services

Reviewed By:

Mark Peacock, P. Eng.

C.A.O. / Secretary Treasurer

7.5) Delegation of Powers under Section 28 of the Conservation Authorities Act

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Mark Peacock, P. Eng., CAO/Secretary-Treasurer
Subject: **Delegation of Powers under Section 28 of the Conservation Authorities Act**

Overview

On April 1, 2024, amendments to the *Conservation Authorities Act* will come into effect, including those to Part VI (*Regulation of Areas Over Which Authorities Have Jurisdiction*). Included is the enactment of Section 28.4 (*Delegation of Power*). Through this subsection, an Authority may delegate any of its powers related to the issuance or cancellation of permits under the Act or the regulations, or to the holding of hearings in relation to the permits, to the Authority's Executive Committee or to any other person or body, subject to any limitations or requirements that may be prescribed by regulation. Prior to April 1, 2024, Subsection 28(2) of the Act (to be repealed) provided that a Conservation Authority regulation could "delegate any of the Authority's powers or duties under the regulation to the Authority's Executive Committee or any other person or body, subject to regulatory limitations and requirements.

Executive Committee as Hearing Board

In the past the Lower Thames Valley Conservation Authority delegated powers to the Executive Committee related to more complicated permissions. Current Authority delegation of powers to the Executive Committee will need to be updated further to the enactment of Part VI of the Act.

Issuing of Permit for Activities that comply with current LTVCA Policies

In the past the Lower Thames Valley Conservation Authority delegated powers to LTVCA staff to issue and extend permissions for those applications for development or interference within wetlands and watercourses, which complied with LTVCA Board-approved policies. Current Authority delegation of this power to the staff will need to be updated further to the enactment of Part VI of the Act.

Administrative Reviews:

Currently, the CAO of the LTVCA conducts administrative reviews of issues when an applicant questions the process or cost of permit issuance. This role is detailed in the new act as follows:

Under Ontario Regulation 41/24, Section 8. (1) An applicant may request a review by the authority if,

- (a) the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);
- (b) the applicant disagrees with the authority's determination that the application for a permit is incomplete; or
- (c) the applicant is of the view that a request by the authority for other information, studies or plans under clause 7 (1) (i) is not reasonable.

Recommendations of Delegated Roles:

It is proposed that the Executive Committee will act as a Hearing Board for decision making in the following situations, staff will continue to issue and extend permits, and the CAO will conduct Administrative Reviews (**Note: this follows current procedures**):

Activity	Recommended Delegation	Rationale
Issuance & Extension of Permits	CAO, Senior Staff / Staff (<i>Issuance and Extension</i>)	<ul style="list-style-type: none">• Delegation of powers to staff for issuing and extending permit decisions is

(up to the maximum period of validity)		<p>currently in place and is consistent with provincial direction*</p> <ul style="list-style-type: none"> • Expediency to review and issue permits within legislated and regulated timeframes (new requirement)
Permit Refusal	Executive Committee / Members (Board) (Hearings)	<ul style="list-style-type: none"> • Hearings further to an Authority's notice of intent to refuse an extension request would be subject to the Statutory Powers and Procedure Act
Cancellation of Permits	<p>CAO / Senior Staff (<i>Notice of Intent to Cancel</i>)</p> <p>Executive Committee / Members (Board) (<i>Hearings</i>)</p>	<ul style="list-style-type: none"> • Cancellation of permits involves opportunity for a hearing before the Authority or its delegate If Hearing requested then cancellation goes to the Hearing Board • Hearings would be subject to the <i>Statutory Powers Procedure Act</i> • Decisions from the hearing process are subject to appeal to the Ontario Land Tribunal
<p>Hearings</p> <p>i. 28.1 (Permits)</p> <p>ii. 28.1.2 (Mandatory permits, zoning orders)**</p> <p>iii. 30.4 (Stop Order)</p>	Executive Committee / Members (Board)	<ul style="list-style-type: none"> • Hearings prior to April 1, 2024 were held before the Board or Executive Committee (process is understood and practiced) • Hearings would be subject to the <i>Statutory Powers Procedure Act</i> • Decisions are subject to appeal via a request for Minister's review or to the Ontario Land Tribunal
Administrative Reviews (Requests for Review)	CAO	<ul style="list-style-type: none"> • Limited timeframe (30-days) to complete a review • Reviewer should have knowledge of CA application process and familiarity with CA development policies/guidelines • Decision is related to confirmation of complete application /administrative processes <u>only</u> and not a decision about whether the permit should be issued • The review process is not subject to the <i>Statutory Powers Procedure Act</i> • No mechanism within the <i>CA Act</i> for appeal • Delegation is consistent with provincial direction

*Based on recommendations from the Conservation Authority Liaison Committee as well as from the [Policies and Procedures for Conservation Authority Plan Review and Permitting Activities](#) (2010)

**Hearing purpose is to consider inclusion of permit conditions only

RECOMMENDATION: That the Board of Directors approves the delegation to the Executive Committee of the power to sit as the LTVCA's Hearing Board regarding permits issued under Section 28 of the Conservation Authorities Act. This delegation of powers is to be effective as of April 1, 2024; and

Further That the Board of Directors approves the delegation to LTVCA staff of the power to issue, extend and cancel permits issued under Section 28 of the Conservation Authorities Act. This delegation of powers is to be effective as of April 1, 2024; and

Further That the Board of Directors approves the delegation to the LTVCA's CAO / Secretary-Treasurer of the power to undertake Administrative Reviews of permits issued under Section 28 of the Conservation Authorities Act. This delegation of powers is to be effective as of April 1, 2024

The report aligns with the following objectives of the LTVCA's Strategic Plan:

Customer/Stakeholder Objectives

- 1) Strengthen and Increase Collaboration with Community Stakeholders
Capacity Building Objectives
- 12) Strengthen Program Review Policy(s)

Respectfully Submitted:

Mark Peacock, P. Eng.

C.A.O. / Secretary Treasurer

7.6) Designation of Provincial Offences Officers

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Valerie Towsley, Watershed Resource Planner
Subject: **Designation of Provincial Offences Officers**

As a result of the pending enactment of the new Section 28 Ontario Regulation 41/24 on April 1, 2024 and the new forthcoming Section 29 Regulation, Conservation Authorities will need to re-appoint all existing Provincial Offence Officers under the new regulations. Current staff that undertook the Provincial Officer Training were appointed by the Lower Thames Valley Conservation Authority's Board of Directors under our prior Section 28 and 29 Regulations. There are currently four staff members working for the LTVCA that have active status under the Provincial Offences Act designation.

Badge Number	Last Name	First Name	Date of Training	Board Endorsement	Status	Section
01	Wintermute	Jason	March 2, 2012	November 27, 2014	active	28
03	Towsley	Valerie	March 31, 2016	April 21, 2016	active	28
04	Homewood	Jason	March 31, 2016	April 21, 2016	active	28
07	Gibb	Adam	2011-2020 (yearly through MNRF)	June 25, 2020	active	29

The above four staff will need to be designated under Section 30.1 of the Act to be considered to be in conformity with the pending new regulation.

Note: On March 21, 2024 the LTVCA received from CO, updated Class Designation from MNRF (refer to Correspondence Item 8.1) that ensures that the LTVCA officers can continue to be designated as "provincial offences officers" for the purposes of enforcing the CA Act and Trespass to Property Act.

RECOMMENDATION: That the Board of Directors re-designate the following staff members as Provincial Offences Officers (P.O.O.), on behalf of the Lower Thames Valley Conservation Authority, under the Conservation Authorities Act and associated relevant Regulations. Jason Wintermute, Valerie Towsley, and Jason Homewood are designated as P.O.O. for enforcement of Section 28, and Adam Gibbs is designated as a P.O.O. for enforcement of Section 29 of the Conservation Authorities Act.

The report aligns with the following objectives of the LTVCA's Strategic Plan:

Capacity Building Objectives

12) Strengthen Program Review Policy(s)

Respectfully Submitted:

Valerie Towsley

Watershed Resource Planner

Reviewed By:

Mark Peacock, P. Eng.

C.A.O. / Secretary Treasurer

7.7) Fee Policies and Schedules

Date: March 28, 2024
Memo to: LTVCA Board of Directors
From: Valerie Towsley, Watershed Resource Planner
Subject: **LTVCA Fee Policy and Schedules**

Due to the pending enactment of the new CA Act and Ontario Regulation 41/24 on April 1, 2024, a review of the Fee Policies flagged changes that would be required to be in keeping with the new Regulation. Changes within the policy deal with removal of wording around 'pending CA Act' changes, removal of references to the prior O. Reg. 152/06, reorganizing the permit fee table to separate associated fees from actual permit fees, and some clarification related wording. Previously approved Fee Schedules for all other programs (e.g. Education, Tree Species List, etc.) have also been included as the fee schedule is provided as one document to the public.

Please note, no changes to the actual Planning and Regulation fees has taken place as a result of this update.

Note: The Fee Policy and Schedules is attached as a separate document. **Refer to Appendix B.**

RECOMMENDATION: **That** the Board of Directors approve the LTVCA Fee Policy and Schedules, **and that** the Fee Policy and Schedules be placed on the LTVCA's website under Public Consultation for 30 days, sent out to our member municipalities for feed back, and a memo about the update of the Policy to our various web-based platforms for public consultation and feedback.

The report aligns with the following objectives of the LTVCA's Strategic Plan:

Customer/Stakeholder Objectives

1) Strengthen and Increase Collaboration with Community Stakeholders

Capacity Building Objectives

12) Strengthen Program Review Policy(s)

Respectfully Submitted:

Valerie Towsley

Watershed Resource Planner

Reviewed By:

Mark Peacock, P. Eng.

C.A.O. / Secretary Treasurer

8. Correspondence

8.1) Designation, Ontario Ministry of Natural Resources and Forestry



DESIGNATION

ONTARIO MINISTRY OF NATURAL RESOURCES AND FORESTRY

Under the authority of subsection 1(3) of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, I, GRAYDON SMITH, do hereby designate the class of persons in Column 1 of the attached Schedule as a provincial offences officer for the Acts and accompanying regulations, subject to any listed restrictions, described in Column 2 of the item.

This designation revokes Item 9 of the previous designation by the Minister of Natural Resources and Forestry, dated August 29, 2007, and comes into force on the later of April 1, 2024 and the day this designation is signed.

Dated at TORONTO this 20 day of March, 2024.

A handwritten signature in black ink, appearing to read "Graydon Smith".

Honourable Graydon Smith
Minister of Natural Resources and Forestry

SCHEDULE – DESIGNATION OF PROVINCIAL OFFENCES OFFICERS

Item	Column 1 Class of Persons	Column 2 Class of Offences
1.	Any officer appointed under section 30.1 of the <i>Conservation Authorities Act</i>	All offences under the following Acts and accompanying regulations when carrying out duties within their conservation authority: <i>Conservation Authorities Act</i> <i>Trespass to Property Act</i>

8.2) LTVCA Correspondence out to Members: Legislative and Regulatory Changes Affecting Conservation Authority Development Permitting (Effective April 1, 2024)



March 12, 2024

To: Municipality of Chatham-Kent, Municipality of Southwest Middlesex, Municipality of West Elgin, Municipality of Dutton-Dunwich and Township of Southwold

Cc: LTVCA Board Members

Re: Legislative and Regulatory Changes Affecting Conservation Authority Development Permitting (Effective April 1, 2024)

On February 16, 2024, a new Minister's regulation (Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits) under the *Conservation Authorities Act* was approved by the Province. This regulation will replace individual regulations held by each Conservation Authority. Moving forward, O. Reg. 41/24 will be used by all Conservation Authorities (CA). The regulation's effective date is April 01, 2024. The enactment of O. Reg. 41/24 will also coincide with the proclamation of associated sections within the *Conservation Authorities Act*.

While O. Reg. 41/24 represents a single regulation for all CAs, much of the CA regulatory process remains the same. The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the [Conservation Authorities Act](#) and as stipulated in [O. Reg. 686/21: Mandatory Programs and Services](#). Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

CAs will continue to require applications for a permit to undertake otherwise prohibited development, interference, and alteration activities in regulated areas as defined under the *Conservation Authorities Act* and in O. Reg. 41/24.

For those applications submitted prior to the enactment of O. Reg. 41/24, the current permitting process will be followed. New permit applications submitted on or after April 01, 2024 will follow the processes outlined in the updated Section 28 of the *Conservation Authorities Act* and O. Reg. 41/24. Conservation Authorities will be working closely with member municipalities to coordinate communication and update policies and procedures to ensure a smooth transition to April 01, 2024.

Key Changes:

While much of the CA regulatory process remains the same, key changes of interest for our municipal partners include:

- The definition of a "watercourse" has been amended from "*an identifiable depression in the ground in which a flow of water regularly or continuously occurs*" to "*a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs*".
- The regulated area around wetlands ("other areas") will be consistent at 30 m, including around provincially significant wetlands.
- Exceptions for certain low-risk activities (see Attachment 1 for further details).

These changes will require CAs to review and update their associated policies and procedures, and regulatory mapping (as appropriate) to reflect the new regulatory requirements. Municipalities are advised that CA

regulatory mapping will be posted on or before April 01, 2024 and will require updates and, in the interim, CA staff may need to undertake site visits to confirm regulated features and areas.

In addition, section 5 of O. Reg. 41/24 provides a list of activities or works where a CA permit is no longer required, where works are carried out in accordance with the regulation. Applicants are encouraged to confirm exceptions with the CA prior to carrying out the work. CAs will work to provide implementation support materials to municipalities and the public as this moves forward.

Of note to member municipalities is that section 5e) states that a permit is not required for the maintenance or repair of municipal drains if the works are conducted in accordance with mitigation requirements set out in the Drainage Act and Section 28 Regulations Team (DART) protocol. However, member municipalities/drainage superintendents are encouraged to continue to notify their local conservation authority of proposed drainage works. This will provide an opportunity for conservation authority staff to identify between works that follow the DART protocol and are exempt, and those works that will still require a conservation authority permit.

Plan Review Services:

There are no changes to CA planning services at this time. Conservation Authorities continue to provide mandatory or Category 1 programs or services related to reviewing and commenting on applications and other matters (e.g., planning document updates) under the *Planning Act*, and for proposals under Acts referred to in Section 6 (2) of Ontario Regulation 686/21: Mandatory Programs and Services. Municipalities must continue to circulate planning applications and other matters, including technical reports to CAs, so that we may review and comment on natural hazards and wetland matters per Ontario Regulation 686/21. Comments provided will reflect a watershed-based approach to the provision of mandatory programs and services.

We look forward to continuing our strong working relationship and providing you with exemplary services. We will continue to be in contact as we work to transition to this new legislative and regulatory framework.

In order to streamline communication, where multiple CAs share jurisdiction in one municipality, the CA with the largest jurisdiction in that municipality is taking the lead in communication and is sending this letter on behalf of all CAs in the municipality. Individual CAs will be updating their respective boards on the new regulation changes and passing motions on interim and transitional policies at board meetings throughout March. The Lower Thames Valley Conservation Authority (LTVCA) Board meeting to address this issue is scheduled for March 28, 2024.

Further communication with links to interim and transitional policies will follow. In the meantime, if you or your staff have any questions or concerns regarding the new regulation, please contact the undersigned or individual CA staff. If required, the LTVCA would be happy to coordinate information sessions for your staff and councils.

Sincerely,



Mark Peacock, P. Eng.
CAO/Secretary-Treasurer

Attachments:

1. S.5 O.Reg.41/24 - Exceptions

Attachment One

Excerpt from [O. Reg. 41/24: Prohibited Activities, Exemptions and Permits](#) as of April 01, 2024

Note: Applicants are encouraged to confirm exceptions with the CA prior to carrying out the work.

5. Paragraph 2 of subsection 28 (1) of the Act does not apply to,

- (a) the construction, reconstruction, erection or placement of,
 - i. a seasonal or floating dock that,
 - A. is 10 square metres or less,
 - B. does not require permanent support structures, and
 - C. can be removed in the event of flooding,
 - ii. a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - iii. agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - iv. a non-habitable accessory building or structure that,
 - A. is incidental or subordinate to the principal building or structure,
 - B. is 15 square metres or less, and
 - C. is not within a wetland or watercourse, or
 - v. an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
- (d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- (e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and,
- (f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

9. Other Business

10. Adjournment
