

January 25, 2017

Mayor Ron Higgins,  
Township of North Frontenac

Dear Mayor Higgins,

Thank you for your comments regarding MVCA's proposed Wetland Policies.

As a point of clarification, the proposed policies were not initiated in response to, or based on, the provincial draft Wetland Conservation Strategy for Ontario which was released in 2016. As I had mentioned in my response to Mr. Hillier's comments, in 2004 the provincial government required all Conservation Authority Regulations established under Section 28 of the Conservation Authorities Act to conform to a common standard as defined by the Province. Prior to this, MVCA's Regulation commonly referred to as the *"Fill, Construction and Alteration to Waterways Regulation,"* did not apply to wetlands. As a result MVCA was required to amend its Regulation to include wetlands as regulated areas. These amendments were adopted by the MVCA Board of Directors and subsequently approved by the Minister of Natural Resources in 2006. The amended MVCA Regulation now referred to as the *"Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation"* specifically includes wetlands and does not distinguish between provincially significant or non-provincially significant wetlands. As a matter of policy, the MVCA Board of Directors at the time decided to apply the Regulation only to those wetlands which had been evaluated and designated as provincially significant due to the availability of mapping and uncertainty in the cost of administering the Regulation. We now have ten years of experience regulating wetlands and believe we can regulate all wetlands with available resources and screening map information.

Prior to the Ministry of Natural Resources and Forestry initiating its review of Ontario's wetland conservation framework, in 2012 the MVCA Board of Directors directed staff to investigate the feasibility of applying the Regulation across all wetlands in the watershed as the Regulation was written and originally intended. To date, MVCA has not applied the Regulation where non-provincially significant wetlands have been involved and the Board of Directors is now considering applying the Regulation to non-provincially significant wetlands as well. This is a decision which rests with the Board of Directors in exercising its legislated mandate considering current and future watershed conditions.

The proposed Wetland Policies are administrative policies of the MVCA to direct how applications for permission under the current Regulation will be administered. For this reason, the policies were circulated to member municipalities for review and comment prior to being considered for adoption by the Board of Directors. There have been some questions as to municipal requirements to incorporate the non-provincially significant wetlands, as identified on the MVCA draft screening maps, into municipal planning schedules. The Regulation is considered "text based" in that the text of the Regulation describes "wetlands" for the purpose of applying the Regulation. The screening maps are intended to assist municipalities in determining if the Regulation may apply and whether applicants should be referred to MVCA. MVCA did not recommend incorporating the screening maps into municipal planning schedules as there is no requirement to do so and while sufficient for MVCA's regulatory purposes these screening maps are subject to change as better information becomes available.

I understand that MNRF may be releasing a further update on the Wetland Conservation Strategy this coming summer which may be relevant to the Board's decision. Our initial response to the draft strategy was that while the proposed target of halting the net loss of wetlands was commendable, the target date of 2030 put wetlands at serious risk. It also appears the draft strategy will place continued reliance on existing regulatory and policy tools such as the Conservation Authority regulations and Provincial Policy Statement with which to achieve this target.

We value and depend on a collaborative working relationship with all our municipal partners for ensuring a healthy watershed which is resilient to future changes. Your comments and concerns will be brought to the Board of Directors for their consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Lehman', written in a cursive style.

Paul Lehman, P.Eng.,  
General Manager

c.c. All Mayors (MVCA member municipalities)  
MVCA Board of Directors  
M.P.P. Randy Hillier