Conservation Authorities Act

Headwater Streams Workshop
May 20, 2009

Laurie Nelson, MCIP, RPP
Toronto and Region Conservation Authority
Conservation Authorities Act

- Legislated in **1946** in response to concerns of soil erosion and flood damage

- Provided means for **provincial and municipal governments to join together** to form a conservation authority and undertake programs for natural resource management on a watershed basis

- Broad responsibilities for **watershed management, community based relationships and municipal partnerships**
Conservation Authorities Act

The powers of the Authority are described within Section 21(1), Conservation Authorities Act, R.S.O., 1990. In particular, for the purpose of accomplishing its objects, an Authority has power:

(a) To study and investigate the watershed and determine any program whereby the natural resources of the watershed may be conserved, restored, developed and managed;

(p) To cause research to be done.
Programs and Policies

- Watershed Plans and Strategies
- Planning and Regulatory Policies
- Fisheries Management Plans
- Terrestrial Natural Heritage Strategy
- Conservation Area Plans
- Habitat Improvement Plans
- Community Action Sites
- Sustainable Development
- Greenspace Acquisition Strategy
CA Role in Planning

- Delegated responsibility for Natural Hazards (One Window Planning)
  - MOU with CO, MNR and MMAH

- Municipal Memorandums of Understanding for *Planning Act* applications to provide technical review and advice
  - Natural Heritage, Aquatic, Groundwater, Stormwater Management, etc.

- Fisheries Act
  - Individual CA Agreement with DFO

- Environmental Assessment Act

- Conservation Authorities Act
Regulatory Role – CA Act

- **Section 28** of the CA Act was updated in **1998** to provide consistency among all conservation authority Regulations and complementary to provincial policies.

- “**Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation**” (i.e. Generic Regulation) approved by the Province in 1994 – Regulation content requirements.

- **May 2006**, individual Section 28(1) Regulations approved by the Minister of Natural Resources.
Development, Interference and Alterations Regulations

28(1) Subject to approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction:

b. prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

c. prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.
Regulated Areas

- Hazardous Land
- Stream Valley Systems
- Shoreline of the Great Lakes – St. Lawrence River System & Inland Lake
- Watercourses
- Wetlands
- Other Areas – although not specifically referenced in the Generic Regulation, the Act (Section 28(5(e))) allows the Minister to permit the regulation of “other areas”
Definition

**Watercourse:**

“An identifiable depression in the ground in which a flow of water regularly or continuously occurs”

Section 28 (5), CA Act
Interference in Any Way

- Not defined in CA Act
- **Interpreted** as:

  “any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse” (*March 2008)

*Draft Guidelines to Support Conservation Authority Administration of the “Development, Interference with Wetlands and Alteration to Shorelines and Watercourse Regulation”, MNR/CO, April 18, 2008*
Features and Functions

Features
• Channel morphology,
• Substrate
• Vegetation
• Hydrology

Functions
• Transport of Water and Sediment
• Habitat
• Sources of Water
Implementation Guidelines

Evaluation, Classification and Management of Headwater Drainage Features: Interim Guidelines
Legislation and Policies

CA Act (RSO 1990)

Ontario Regulations under Section 28 of the CA Act
  Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation

Conservation Authority Policies for Administering the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation