

CENTRAL LAKE ONTARIO CONSERVATION FUND

MINUTES NO. 3

Tuesday, October 17, 2023

MEETING LOCATION: HYBRID – Virtual through Zoom and/or in person at 100 Whiting Avenue, Oshawa

Members Present:	Elizabeth Roy – Chair	Staff Present:	C. Darling, Chief Administrative Officer
	Bob Chapman – Vice Chair		A. Cuning Financial Services Coordinator
	Bruce Garrod		B. Boardman, Executive/Accounting Administrator
	Ron Hooper		R. Catulli, Director, Corporate Services
	Rick Kerr		J. Davidson, Director, Watershed Planning & Natural Heritage
	Chris Leahy		L. Hastings, Communications Specialist
	Tito-Dante Marimpietri		D. Hope, Conservation Lands & Education Manager
	Ian McDougall		L. Hastings, Communications Specialist
	Rhonda Mulcahy		C. Jones, Director, Planning & Regulation
	John Neal		P. Sisson, Director, Engineering & Field Operations & Education
	David Pickles		L.Vaja, Executive Assistant/Health & Safety Administrator/ Recording Secretary
	Corinna Traill		R. Wilmot, Information Management & Technology Manager
	Steve Yamada		
Absent:	Marilyn Crawford	Others:	
	Sami Elhajjeh		

The Chair called the meeting to order at 5:04 p.m.

LAND ACKNOWLEDGEMENT STATEMENT

Chair Roy recited the Land Acknowledgement Statement.

DECLARATIONS of interest by members on any matters herein contained - *None*

ADOPTION OF MINUTES of May 16, 2023 (Agenda pg. F1)

Res. #F6 Moved by R. Hooper
 Seconded by B. Chapman

THAT the Central Lake Ontario Conservation Fund minutes of May 16, 2023 be adopted as circulated.
CARRIED

AUDITED FINANCIAL STATEMENTS - *None*

CORRESPONDENCE

(1) Correspondence from The City of Oshawa (Agenda pg. F3)
Re: Request to Investigate a Durham (Oshawa) Natural Heritage Review Solution

Res. #F7 Moved by R. Kerr
 Seconded by S. Yamada

THAT the above correspondence item be received for information.
CARRIED

- (2) Correspondence from The Township of Scugog (Agenda pg. F5)
Re: Changes to the Conservation Authority Act related to Natural Heritage Review

Res. #F8 Moved by R. Kerr
Seconded by S. Yamada

***THAT the above correspondence item be received for information.
CARRIED***

- (3) Correspondence from The Town of Whitby (Agenda pg. F7)
Re: Review of Natural Heritage Matters Related to Planning Applications

Res. #F9 Moved by R. Kerr
Seconded by S. Yamada

***THAT the above correspondence item be received for information.
CARRIED***

- (4) Correspondence from The Corporation of the Municipality of Clarington (Agenda pg. F9)
Re: Review of Natural Heritage Matters Related to Planning Applications

Res. #F10 Moved by R. Kerr
Seconded by S. Yamada

***THAT the above correspondence item be received for information.
CARRIED***

- (5) Correspondence from The Town of Ajax (Agenda pg. F10)
Re: Review of Natural Heritage Matters Related to Planning Applications

Res. #F11 Moved by R. Kerr
Seconded by S. Yamada

***THAT the above correspondence item be received for information.
CARRIED***

DIRECTOR, PLANNING & REGULATION

- (1) C. Jones gave a staff presentation on Natural Heritage Review – Implementing Bill 23. (staff presentation attached)

D. Pickles joined virtually at 5:08 p.m.

C. Leahy arrived in person 5:13 p.m. (Previously dialed into meeting)

S. Yamada arrived in person 5:17 p.m. (Previously dialed into meeting)

- (2) Staff Report # F003-23 (Agenda pg. F11)
Re: Endorsement of the concept of a Not-For-Profit Corporation to Provide Natural Heritage Planning Advice to Partner Municipalities

Councillor Leahy mentioned that setting up a new municipally led corporation was the best way to address the conservation authorities' natural heritage planning advice prohibitions. C. Darling advised that this approach is cost effective, expedites approvals and is relatively seamless to the process in place prior to Bill 23. C. Jones supplemented that the best option would be if the Province revoked Bill 23.

Councillor Leahy inquired about clarity on the funding on this new corporation. C. Darling clarified that the Municipalities can recover costs through application fees. Councillor Leahy advised that this is a great approach and fully support this initiative.

Councillor Kerr mentioned that our mandate is to preserve, protect and enhance where possible for our future generation. Only concern would be in doing this approach, would this become a disincentive to revoke Bill 23 Legislation. C. Jones advised there should be a continued Conservation Authority ask to have the Province change course and this item stay on as an Agenda Item.

Councillor Chapman added that by us moving along with this approach, this might prompt the Province to revoke the prohibition, as we have many smaller conservation authorities and municipalities that are struggling with the conservation authority natural heritage planning advice prohibition. If we continue discussions with the support of Conservation Ontario and AMO, this may help prompt the Province to revoke the applicable provisions in the Regulation under Bill 23.

R. Hooper advised that he in support of this new approach and inquired about the funds for this approach. C. Jones advised that more details on the service and funds would come out through more negotiations with Municipalities. Our Board will be notified about the process going forward.

Councillor McDougall asked clarity on whether we will be looking at areas outside of the CLOCA Watershed. C. Jones clarified that only if the Township would like this, but this will need to go to Township Council for review and approval.

C. Jones clarified that key legal requirement is that your Municipalities will need to be in control of this approach through this proposal.

Res. #F12 Moved by D. Pickles
 Seconded by S. Yamada

WHEREAS Natural Heritage is essential for its intrinsic environmental value and for its value to society and must be carefully managed for present and future generations as a legacy of the natural landscapes of our community;

WHEREAS The Passage of Bill 23 and Ontario Regulation 596/22 has necessitated an alternative approach to Natural Heritage Plan Review and Protection in Central Durham;

WHEREAS Several Local Municipalities have indicated a desire to explore an alternative service delivery model that would be cooperative, cost-effective, efficient and would preserve public-interest natural heritage review and protection;

THEREFORE BE IT RESOLVED THAT the Central Lake Ontario Conservation Fund Board of Directors hereby Endorses the Concept of a Not-for-Profit Central Durham Municipal Natural Heritage Collaborative Corporation and directs staff to take steps to negotiate draft service agreements and participating council endorsement for further consideration by this Board.

CARRIED

OTHER BUSINESS - None

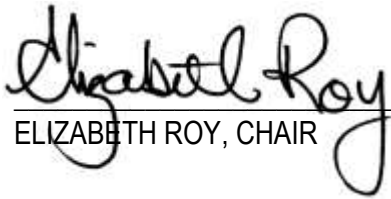
R. Hooper commented that Friends of Second Marsh visited the Clarington Community for funding opportunities. Within this presentation, they provided a report with a survey about how many have been to Second Marsh. The information collected was half of the people have been to Second March, which is interesting.

ADJOURNMENT

Res. #F13 Moved by R. Kerr
 Seconded by R. Hooper

THAT the meeting adjourn.
CARRIED

The meeting adjourned at 5:26 p.m.


ELIZABETH ROY, CHAIR


CHRIS DARLING, CHIEF ADMINISTRATIVE OFFICER



Natural Heritage Protection

A Locally-Made Solution

Implementing Bill 23

October 17, 2023

What is “Natural Heritage”?



Lynde Shores Conservation Area Panorama, by Kyle Taylor via Google Maps

It is Our Wetlands...



Oshawa Second Marsh Panorama, by Alex Drozwick via Google Maps

It is Our Woodlands...



A Woodland in the CLOCA Watershed

It is Our Valleylands...



Oshawa Creek valleylands in South Oshawa

It is Our Wildlife Habitat...



Monarch Butterfly Habitat and Signage via spectrumnews1.com/oh/columbus/news/2021/08/09/blue-ash-golf-course-joins-monarchs-in-the-rough-campaign

It is Our Fish Habitat...



Bowmanville Fish Ladder via <https://fishingandhuntingheaven.com/fishing/tips/rainbow-trout-jumping-up-bowmanville-creek-ladder>

... which are important for their environmental and social values as a legacy of the natural landscapes of our community.



Bill 23 and Ontario Regulation 596/22



Prohibits CA's from:

“reviewing and commenting on a proposal, application or other matter made under” the *Planning Act* and other Acts



Our Natural Heritage protection (i.e. conservation) work in planning process now illegal as of January 1, 2023



New Delivery Model Not defined →
New Approach Needed

ONTARIO REGULATION 596/22

made under the

CONSERVATION AUTHORITIES ACT

Made: December 22, 2022

Filed: December 28, 2022

Published on e-Laws: December 28, 2022

Printed in *The Ontario Gazette*: January 14, 2023

PRESCRIBED ACTS - SUBSECTIONS 21.1.1 (1.1) AND 21.1.2 (1.1) OF THE ACT

Prescribed Acts

1. The following Acts are prescribed for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act:

1. The *Aggregate Resources Act*.
2. The *Condominium Act, 1998*.
3. The *Drainage Act*.
4. The *Endangered Species Act, 2007*.
5. The *Environmental Assessment Act*.
6. The *Environmental Protection Act*.
7. The *Niagara Escarpment Planning and Development Act*.
8. The *Ontario Heritage Act*.
9. The *Ontario Water Resources Act*.
10. The *Planning Act*.

Commencement

2. This Regulation comes into force on the later of the day section 3 of Schedule 2 to the *More Homes Built Faster Act, 2022* comes into force and the day this Regulation is filed.

Made by:

GRAYDON SMITH
Minister of Natural Resources and Forestry

Date made: December 22, 2022



Before Bill 23:

CLOCA and the 4 other Durham Region Conservation Authorities provided Natural Heritage Plan Review Services for all watershed municipalities pursuant to:

Durham-CA Partnership Memorandum for Planning Services

Durham Partnership Memorandum 1996 to Bill 23



Technical Integration: **Both Natural Hazards and Natural Heritage Addressed**

“Safety of persons and property from natural hazards and the protection, restoration and enhancement of natural environment”



C.A. Roles in Plan Review Identified

“Recognizes the expertise provided by [CAs] in watershed management, natural heritage and natural hazard planning.”



Key Goals Articulated

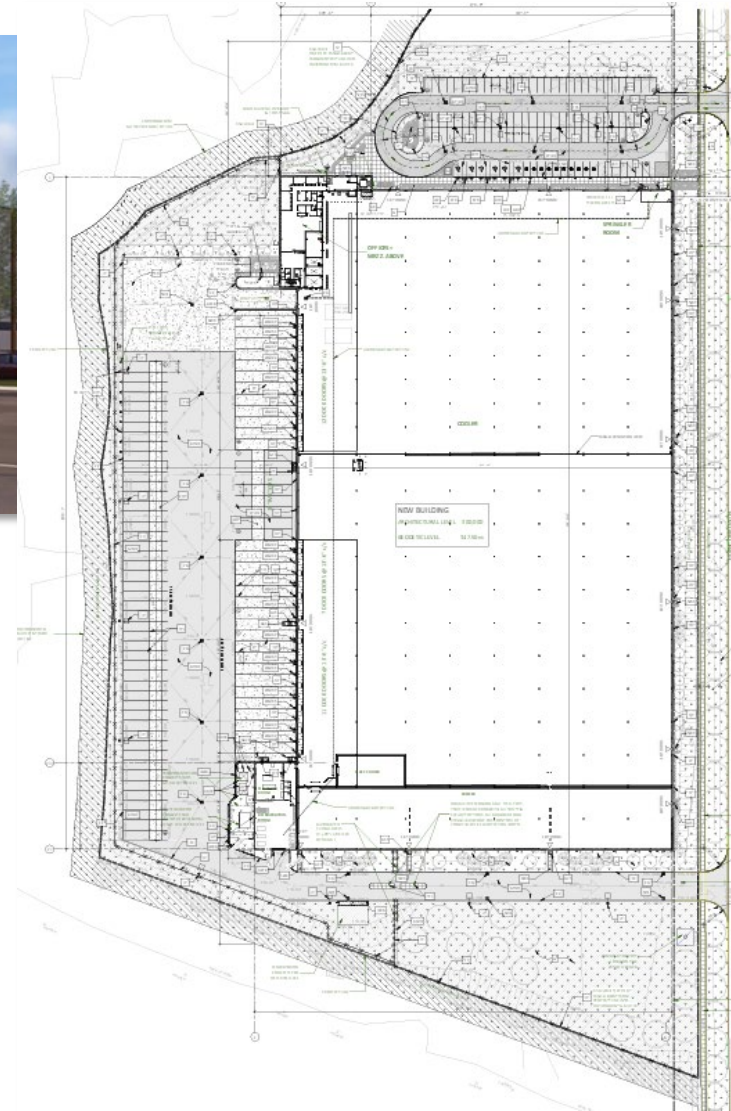
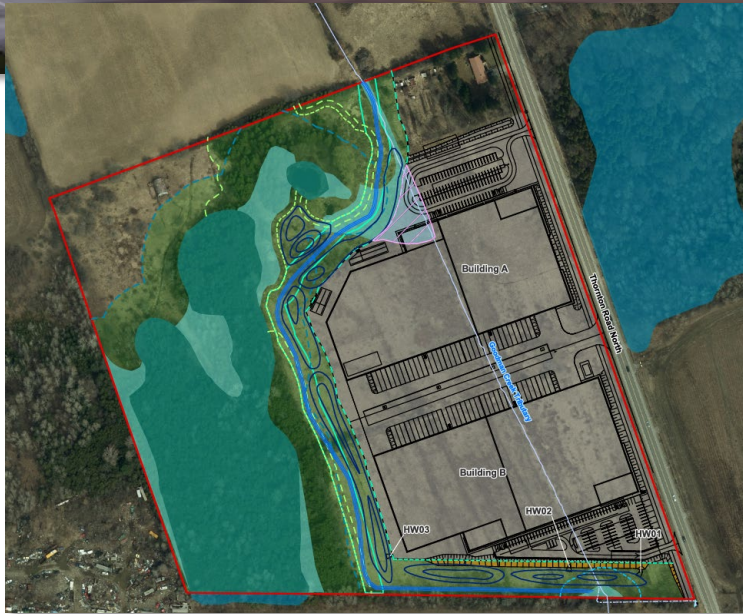
- *Effectively address provincial natural hazard and natural heritage policy*
- *Ensure implementation of Regional and Area Municipal Official Plan policy*
- *Information sharing and adding value and expediting decision-making*

Recent Examples of Success:



Upperview Homes Grandview Project, Oshawa Compensation Wetland

Recent Examples of Success:



Implementing Bill 23

✘ No commentary on Natural Heritage unrelated to Hazards

✔ Need to:
Preserve Technical Capacity,
Local Expertise and Knowledge,
Public interest,
Enhance Service Level

📍 Transition Approach Not legislated:
Innovative, Cost-effective
Options Available



Objectives Based on Preliminary Discussion

I. Ensure continuity of public-interest natural heritage review

II. Create new structure that sustains current integrated expertise

III. Enhance Service Capacity and Timeliness

Requests to Fund Corporation Received:

Ajax

Scugog

Whitby

Oshawa

Clarington

Requests focused on:

- Transition from CLOCA, per Bill 23, to new local approach
- Provide consistent and needed expert commentary on natural heritage protection
- Contribute to reducing review timelines while retaining rigor and comprehensiveness

A New Partnership: **Central Durham Municipal Natural Heritage Collaborative**



- ✓ **Implements Bill 23 Requirements**
- ✓ **A New Corporate Entity Established Under *Not-For-Profit Corporations Act***
- ✓ **Membership: Participating Municipalities**
- ✓ **Board of Directors: Appointed by Member Municipalities**
- ✓ **Collaborative: delivers local, public-interest, cost-effective, timely Natural Heritage Review and Protection**

Technical Functions Affected

Natural Heritage Plan Review: Terrestrial and Aquatic Ecology Considerations

- *Ensure plan review provides a watershed and systems context*
- *Determine precise boundaries to development through feature limit staking*
- *Scope and define work needed in an individual Environmental Impact Statement Report (EIS)*
- *Review EIS for accuracy and completeness*
- *Assist in determining/negotiating development limits & ecological compensation*
- *Communicate/collaborate with consulting teams*
- *Build/protect natural heritage systems*
- *Determine presence of fish habitat/watercourses*
- *Ensure fish passage maintained/improved*
- *Coordinate and Provides Detailed Resource Datasets*
- *Technical Opinion Support at Ontario Land Tribunal Hearings*

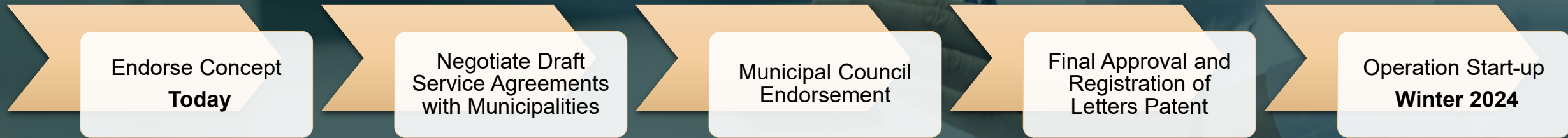
Example Finance: to be Determined Via Service Agreements and Municipal Budget Processes

\$330K <i>Total 2023 Budget Allocation</i>	5 <i>Participating Municipalities</i>	\$66K <i>Per municipality*</i>
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Effective, Efficient, Public-interest Natural Heritage Review

* Apportionment and Cost Recovery Approaches to be determined amongst other finance matters via Service Agreement Negotiations

Process and Next Steps:



A group of four people are seated around a table in a meeting. On the right, a man with a beard and a dark blue shirt is gesturing with his hands while speaking. The other three people, a woman with glasses on the left, a man in a plaid shirt, and a woman with curly hair in the center, are listening attentively. The background shows a window with a grid pattern. The entire image has a dark teal overlay.

Natural Heritage Protection

A Locally-Made Solution