

REPORT TO: Conservation Halton Board of Directors

REPORT NO: # CHBD 08 21 09

FROM: Barbara J. Veale, Director, Planning and Watershed Management

DATE: November 25, 2021

SUBJECT: Conservation Halton Mapping Proposed Transition and Implementation Protocol

Recommendation

THAT the Conservation Halton Board of Directors **endorses the Conservation Halton Proposed Mapping Transition and Implementation Protocol.**

Executive Summary

Conservation Halton (CH) has embarked on a major review and update CH's regulatory mapping, which will result in refinements to our Approximate Regulation Limit (ARL) mapping. There is currently no Provincial guidance for conservation authorities related to the transition or implementation of draft hazard or regulatory mapping. To provide greater clarity and transparency to CH's stakeholders and the public, staff recommends that the Board of Directors endorses the proposed Mapping Transition and Implementation Protocol (Appendix H) This proposed protocol establishes the key stages in the mapping update / study process, what data will be used at each stage, how the data will be presented online, when the data can be used for administering Ontario Regulation 162/06, and when development is contemplated in hazardous/regulated areas, and when public and stakeholder notification/engagement will occur.

Report

Background & Rationale

Over the past few years, Conservation Halton (CH) has embarked on a major review and update to CH's regulatory mapping (e.g., flood hazard mapping, wetland mapping, watercourse mapping). Updates to technical studies and modelling, using new tools and technologies, help us to better understand the nature and extent of existing hazards and/or wetlands. As mapping reviews and updates progress, refinements to CH's Approximate Regulation Limit (ARL) mapping will be necessary, as additional hazard or regulated areas may be identified and some may be removed.

When hazards (i.e., flooding or erosion hazards) or wetlands are identified and mapped through technical studies, they are incorporated into CH's ARL mapping, following the public consultation process outlined in Conservation Ontario's, "*Procedures for Updating Section 28 Mapping: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations*" and, for major mapping updates, following Board approval. CH's ARL mapping is a screening tool to determine if a site contains natural hazards and is regulated by CH. This tool is

available on CH's website and is used by conservation authority (CA) staff, municipal staff, consultants, real estate agents, and the public.

Mapping is a dynamic, iterative process and evolves. Updated modelling or new information obtained via a technical study, or a site visit can result in refinements to CH's regulatory mapping. CH staff consistently applies "best available information" for: 1) understanding the magnitude and extent of the hazard, 2) assessing potential risk to life and property or interference with a wetland or watercourse, and 3) decision making and administering Ontario Regulation 162/06, when works or activities are contemplated within CH regulated areas. It is important to note that regardless of whether a hazard or wetland is mapped or not, the text providing the legal description of the areas regulated (Ontario Regulation 162/06, section 2(3)) prevails over the mapping.

To provide greater clarity and transparency to the public and stakeholders regarding revisions to mapping on their property, staff developed an Approximate Regulation Mapping (ARL) Maintenance Protocol, endorsed by the Board in November 2019 (CHBD 11 19 11). This protocol applies to minor mapping refinements determined through site visits or site-specific assessments or studies associated with environmental assessments and planning and permit applications. Through this protocol, minor changes made throughout the year are consolidated and the revised ARL mapping posted to the CH website on, at minimum, an annual basis.

The renewal of CH's major floodplain mapping program in 2018 offered another opportunity for CH to provide more information to the public and stakeholders about how regulated areas are delineated and refined and when new technical information generated from studies would be used by CH staff in reviewing permits. Before CH's mapping is released publicly, numerous iterations of draft mapping may be produced throughout the technical review and/or study process. Draft mapping may identify existing hazards and regulated areas that were not previously mapped and, although public consultation may not be completed or Board approval received, this mapping may be the "best available information".

While CH follows the consultation and notice processes outlined in the CO Guidelines for Updating Section 28 Mapping, there is currently no CO or provincial guidance for CAs related to the transition or implementation of draft hazard or regulatory mapping. Accordingly, staff recommended that a formal protocol for mapping transition and implementation be developed for CH. This approach was endorsed by the CH Board of Directors (CHBD 04 21 06). The protocol was to outline how CH would deal with draft regulation limit mapping, including public and stakeholder engagement, during the mapping review and update process. CH's Board of Directors approved a high-level work plan on April 22, 2021. The purpose of this report is to present staff's recommendation for a CH Mapping Transition and Implementation Protocol.

Purpose of Protocol

The purpose of the proposed Mapping Transition Implementation Protocol is to establish:

- key stages in the mapping update/study process,
- what data will be used at each stage of the process,
- how the data will be presented on CH's online mapping,
- when the data can be used for administering Ontario Regulation 162/06, and
- when public and stakeholder notification/engagement will occur.

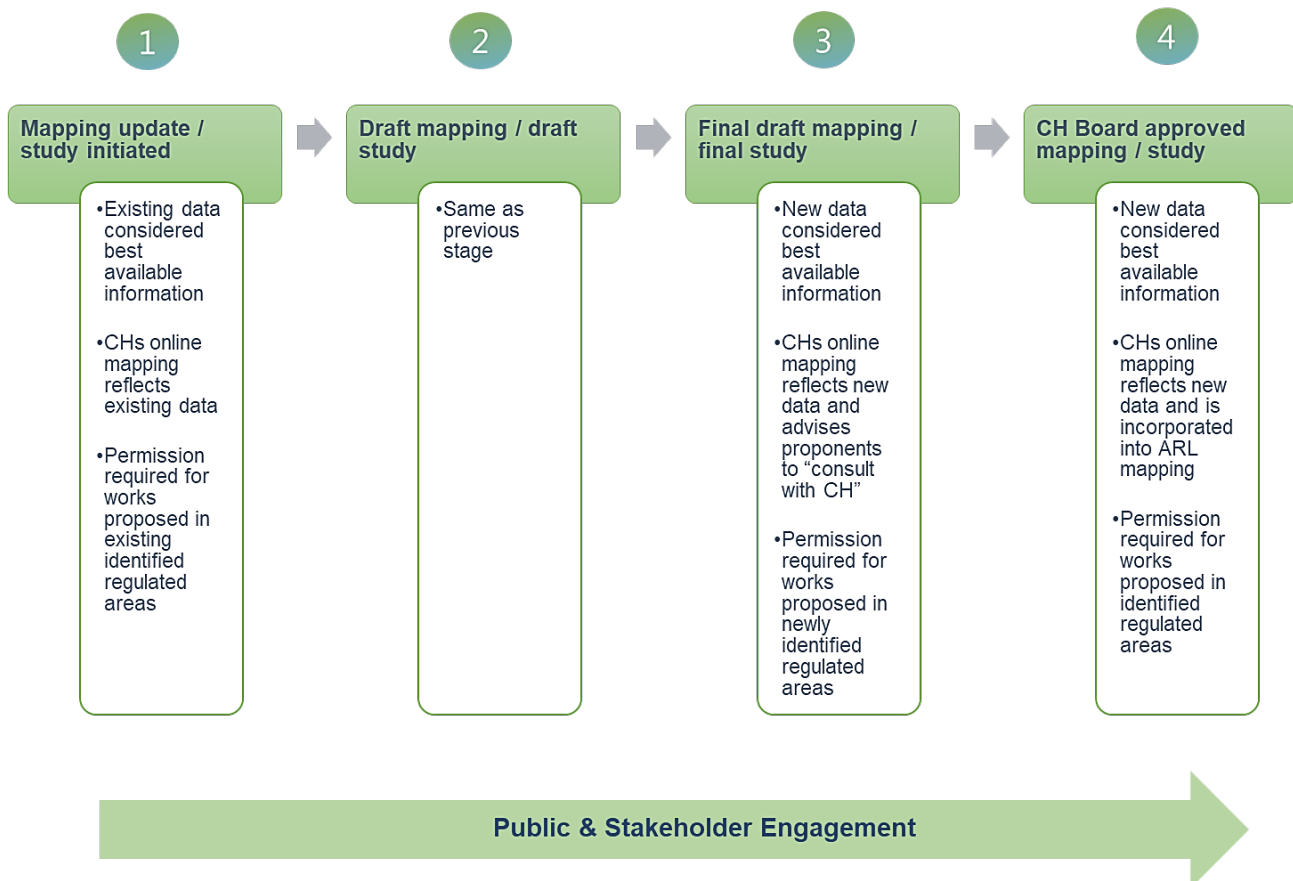
The protocol will help to ensure that CH’s use of draft and new mapping is transparent, consistent, and defensible. It will also help CH’s stakeholders and the public to better understand the dynamic nature of hazard/wetland mapping and to make better informed decisions, based on potential risks and CH’s regulatory requirements. CH decisions related to flood forecasting or advisory and municipal decisions around risk management or emergency response may also benefit from this protocol. The protocol will help guide staff and enable more efficient and effective application of draft mapping.

Protocol

As part of the development of a proposed Mapping Transition Implementation Protocol, staff investigated approaches to draft mapping transition and implementation in other Conservation Authority (CA) jurisdictions. While formal protocols or strategies are limited among neighbouring CAs; CH staff met with their staff to discuss general mapping review and update processes and invite feedback on our draft versions of the protocol. This input was valuable for refining and validating the final version.

CH’s proposed Mapping Transition Implementation Protocol is attached. A summary of the key stages in CH’s protocol is provided in Figure 1 and the overview below.

Figure 1: Summary of Key Stages in CH’s Mapping Transition Implementation Protocol



Stage 1 marks the initiation of the mapping update/study process. CH's stakeholders, development proponents, and the public are notified that CH has initiated a mapping update. A Technical Advisory Committee (TAC) is formed, and a Public Engagement session is hosted to provide 1) information about the mapping update/study process and how the public may provide input, and 2) general information about hazards and CH's roles and responsibilities. In stage 1, CH's existing data is considered the best available information for decision making and is the only data that can be shared with third parties. Permission is required from CH to develop in identified regulated areas, using existing data.

Stage 2 involves producing preliminary, draft mapping and study results. TAC meetings and public engagement sessions occur so that CH can obtain feedback on the preliminary results. CH's existing data is still considered the best available information for decision making, sharing with third parties, and administering Ontario Regulation 162/06.

The key deliverables in Stage 3 include final draft mapping and a final study, where applicable. Once CH's senior technical staff determines that the new data is technically sound and acceptable (and in the case of delineation of flood hazards, map sheets are signed and stamped by a Professional Engineer), the new data is considered "best available information" and will be used for decision making. Data will be shared with third parties and is also posted on CH's online mapping as a "Consult with CH" layer. Permission is required from CH to develop in identified regulated areas, using new data. A report is presented to CH's Board of Directors to obtain approval of the mapping and study.

Stage 4 is the final stage in the process, after the CH Board approves the mapping. CH's stakeholders, development proponents, and the public are notified that CH has completed its mapping update and the new data is officially incorporated into CH's ARL mapping. CH's new data is considered the best available information for decision making, sharing with third parties, and administering Ontario Regulation 162/06.

The timing on when the process moves from Stage 2 to Stage 3 may differ depending on the regulated feature, scale and scope of the technical review and study, and/or level of risk. Additional Public Engagement and TAC sessions may occur depending on the length of the study and there is also some flexibility when Public Engagement sessions occur throughout the mapping update process.

Conclusion

The proposed Mapping Transition and Implementation Protocol establishes when in the mapping update process draft data/mapping will be considered "best available information" for understanding the magnitude and extent of the hazard, assessing potential risk to life and property, identifying potential interference to a wetland, identifying areas requiring further analysis, decision making when development is contemplated in hazardous/regulated areas, and administering *Ontario Regulation 162/06*. The protocol will provide greater certainty, consistency, and transparency in the application and use of draft and new mapping, as well as public and stakeholder engagement opportunities in the mapping update process. Staff recommends that the Board of Directors endorse CH's proposed Mapping Transition and Implementation Protocol.

Impact on Strategic Priorities

This report supports the Momentum priority of Natural Hazards and Water.

Financial Impact

There is no financial impact to this report.

Signed & respectfully submitted:



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Approved for circulation:



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FOR QUESTIONS ON CONTENT:

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