

July 19, 2024

Honourable Graydon Smith  
Minister of Natural Resources  
5th Floor  
99 Wellesley Street  
Toronto, Ontario  
M7A 1W3

[Graydon.Smith@pc.ola.org](mailto:Graydon.Smith@pc.ola.org)

Dear Minister Smith,

**RE: Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits**

On behalf of the Ontario Federation of Agriculture (OFA), I am writing to raise our concerns with respect to Regulation 41/24, under the *Conservation Authorities Act*. Specifically, we would like to address the following issues that are creating significant worry in the agriculture sector:

- Wetland mapping in Eastern Ontario
- New regulatory powers for conservation authorities
- Restrictions on in-field erosion control structures
- Permitting offline ponds for irrigation
- Agricultural representation to Conservation Authority boards

**Wetland mapping in Eastern Ontario**

We greatly appreciate the time extension provided to the conservation authorities in Eastern Ontario to ensure that wetland mapping is done accurately. The agricultural community looks forward to being involved in the consultation and the process to ensure that what is done reflects the realities of the land scape and respects the interests of landowners. I know that you can appreciate the negative impact of incorrectly delineating wetlands and by extension, their related buffers.

It is essential that wetlands are delineated correctly using the full definition as it appears in the regulation. They need to be ground-truthed and verified by professionals, in partnership with farmers and landowners before any line is drawn on a map – the use of aerial photographs alone is not a sufficient verification process. The process for removing erroneous boundary lines is costly and time consuming for landowners, who face significant bills for legal and professional consultant fees during this lengthy legal process.

**New regulatory powers for conservation authorities**

OFA has significant concerns with aspects of the O. Reg. 41/24 – Prohibitions, Activities, Exemptions and Permits. The final version of these regulations is significantly different from the consultation document (ERO 019-2927: Proposed updates to the regulation of development for

the protection of people and property from natural hazards in Ontario). Additionally, consultations were not held to discuss these regulations, which we had highly recommended in our submitted comments.

Of greatest concern are the new powers that Conservation Authorities have been given over tile drainage, which prohibits or severely limits farmers' ability to carry on with a normal farming practice. OFA members have raised concerns regarding how regulating the installation of tile drains on private property falls within the mandate of a conservation authority.

Ontario farmers are dedicated to the protection of our land and water resources; our many decades of investment into on-farm environmental stewardship activities and our long-time commitment to continuous improvement are a testament to that. Therefore, we would appreciate the opportunity to discuss the challenges farmers face with you and your staff – and how these water sources can be appropriately protected without compromising the ability of Ontario's farmers to produce high quality, safe food, fibre and fuel for the world's growing population both here at home and around the world and meet the goals of the Grow Ontario Strategy.

### **Restrictions on in-field erosion control structures**

Another area of the regulation that we would like to bring to your attention is restrictions respecting agricultural in-field erosion control structures. They appear counter-intuitive and suggest that farmers are prohibited from enhancing stewardship activities, like minimizing and preventing soil erosion on their farms. Erosion control structures can be used alongside agronomic-based best practices to fully manage a cropland erosion issue. We feel there is a risk that this restriction contradicts the advice of the Ministry of Agriculture, Food and Agribusiness and Ministry of Rural Affairs, who provide knowledge transfer on best management practices for farmers to avoid and control soil erosion as well as provide guidance to contractors who build soil erosion control systems. The restrictions also appear contrary to the principles of Low Impact Development that are applied to non-agricultural properties.

### **Permitting offline ponds for irrigation**

Finally, while we are pleased to see offline ponds, which are ponds that is not directly connected to natural surface waterways, for watering of livestock permitted, we believe that offline ponds for irrigation purposes should also be permitted. OFA recognizes using offline ponds for irrigation provides other benefits to the water cycle and they are promoted as a beneficial agricultural practice. These ponds provide a reliable source of irrigation water for crops at times when watercourses may be experiencing lower volumes, while also reducing flooding potential and filtering sediments from water.

### **We're proud of our contributions to the environment and the economy**

Ontario's farmers are very proud of their role in environmental stewardship. It is a responsibility that we take very seriously. We proudly produce safe, high quality and reliable food, fibre, fuel and flowers to consumers at home and abroad.

We are also significant drivers of economic growth in the province – we contribute \$48 billion to the provincial economy annually and employ about 10% of Ontario's workforce - while maintaining our role as stewards of the land. With the support of government, we can ensure that farmers will

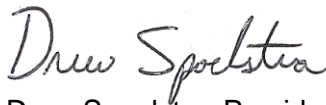
continue to be able to do their part in both economic and environmental stewardship contributions to Ontario, Canada and the world.

### **Agricultural representatives on Conservation Authority Boards**

Finally, OFA has long advocated for agricultural representatives on Conservation Authority Boards and we were very pleased at their inclusion in the changes to the *Conservation Authority Act*. As Conservation Authority Boards often make important decisions that impact local farmers, we would welcome the opportunity to work with you to ensure the appointments of the agricultural representatives to the Conservation Authority Boards will be completed with urgency. We believe a farm voice around Conservation Authority board tables will help us to avoid these types of situations in future.

We look forward to working with you and your staff to discuss alternative approaches to meeting the conservation authority mandate of protecting people and property from flooding and other natural hazards, while still ensuring our farmers can produce food without the threat of burdensome regulations or the accompanying lost productivity of our farmland.

Sincerely,



Drew Spoelstra, President

cc: Hon. Rob Flack - Ministry of Agriculture, Food and Agribusiness  
Hon. Lisa Thompson – Ministry of Rural Affairs  
Steve Clark – Government House Leader  
Her Worship Robin Jones - Rural Ontario Municipalities Association  
Mr. Colin Best - Association of Municipalities of Ontario  
Ontario Fruit & Vegetable Growers' Association  
OFA Board of Directors