30 LEWIS STREET
WASAGA BEACH, ONTARIO
CANADA L9Z 1A1
www.wasagabeach.com

June 18, 2021

TO: All Municipalities within the Nottawasaga Valley Conservation Authority Watershed

RE: Ministry of Environment, Conservation and Parks - Public Consultation - Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities.

Please be advised that the Council of the Town of Wasaga Beach, during their June 17, 2021 Committee of the Whole meeting adopted the following resolution:

> "THAT Committee of the Whole receive the report dated June 17, 2021 regarding the Ministry of Environment, Conservation and Parks – Public Consultation – *"Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities";*
>
> AND THAT Committee of the Whole authorize the Chief Administrative Officer to submit this report to the Environmental Registry of Ontario as the Town's comments on the Regulatory Proposal Consultation Guide by the submission deadline of June 27, 2021;
>
> AND THAT the Chief Administrative Officer be authorized to circulate the Town's comments to municipalities within the NVCA watershed and the County of Simcoe requesting their support of Town's position."

Council is asking that the municipalities within the NVCA watershed consider supporting the Town's submission on the Ministry of Environment, Conservation and Parks CA Regulatory Proposals. This is a great opportunity to provide input on the future role of Conservation Authorities in Ontario. A copy of the report and comments from a consultant engaged by the Town are attached. Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at cao@wasagabeach.com or (705) 429-3844 Ext. 2222.

Sincerely,

George Vadeboncoeur
Chief Administrative Officer

Enclosure

STAFF REPORT

TO: **Committee of the Whole**

FROM: **George Vadeboncoeur, CAO**

SUBJECT: **Ministry of Environment, Conservation and Parks – Public Consultation – Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities.**

DATE: **June 17, 2021**

RECOMMENDATION

THAT Committee of the Whole receive the report dated June 17, 2021 regarding the Ministry of Environment, Conservation and Parks – Public Consultation – *"Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities";*

AND THAT Committee of the Whole authorize the Chief Administrative Officer to submit this report to the Environmental Registry of Ontario as the Town's comments on the Regulatory Proposal Consultation Guide by the submission deadline of June 27, 2021;

AND THAT the Chief Administrative Officer be authorized to circulate the Town's comments to municipalities within the NVCA watershed and the County of Simcoe requesting their support of Town's position.

BACKGROUND

The Ministry of Environment, Conservation and Parks (MECP) is undertaking a review of the mandate of Conservation Authorities in Ontario. A Working Group was established to provide input to MECP on the review. Recently the MECP posted on the Environmental Registry of Ontario (ERO) for public comment the *"Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities"* (Consultation Guide). The deadline for comment is June 27, 2021. The Consultation Guide is attached. This represents Phase 1 of the consultation process. Phase 2 will involve the review of the draft Regulations.

A small working group consisting of the Mayor, Councillor Watson (Council Representative on the Nottawasaga Valley Conservation Authority Board of Directors), Director of Public Works and the Director of Planning and Economic Initiatives and the

writer met recently to review matters pertaining to the Nottawasaga Valley Conservation Authority (NVCA). One of the subjects was the Consultation Guide.

It was determined that due to workload, the writer would reach out to Paul Neals of Orion Environmental Solutions to see if he could review the document and provide comments to the Town for submission to the ERO.

Mr. Neals is a Professional Agrologist, Senior Environmental Planner with over 35 of experience working in the NVCA watershed conducting environmental impact assessments for the previous company he helped found, Azimuth Environmental and recently his newly formed company Orion Environmental Solutions. Through his work he has developed an excellent understanding of the mandate of CA's and worked on resolving issues in an honest, fair and practical manner while being respectful of the intent of planning policies. He is also very familiar with the Town of Wasaga Beach, having completed numerous projects on behalf of development clients.

DISCUSSION

Mr. Neale agreed to take on the assignment and provided the attached letter dated June 10, 2021, which summarizes his review comments. He also made comments in the body of the Consultation Guide that are highlighted in bold for ease of reference. The summary of the comments from his letter are as follows:

1. It is recommended that the Province provide a consultation period for the public and municipalities to review the actual Regulations once drafted and prior to their enactment.
2. It is recommended that Province consider mandating through Regulation that the fees charged during the plan review function will match the service provided and will be capped in a reasonable manner.
3. It is recommended that the Province consider mandating in any new Regulation the need to "cap" the monies received by a conservation authority when using the cash-in-lieu option for the loss of natural heritage features. Further, that the Province establish by Regulation appropriate accountability measures to ensure that the monies collected for the loss of natural heritage features will be directed towards watershed management projects and not administrative or operational costs.
4. It is recommended that the Province provide the necessary funding to help CAs implement their core mandate, such as flood plain mapping and management in order to help prevent loss of life, property damage and social disruption.
5. It is recommended that the Province establish timeline guidelines as part of any Regulation for the associated non-mandatory programs and services related to the CA plan review function.
6. It is recommended that the Province clearly stipulate by Regulation the role of the Community Advisory Board in decision making and the means to ensure that there is proper representation reflecting the needs of the communities in the watershed.

Staff along with the writer have reviewed the comments and find them to be reasonable. It is recommended that they be submitted to the ERO as the Town's comments.

Mr. Neals will complete this assignment with a review of the new draft Regulations when they are released. This is the second phase of the review. The Regulations will address mandatory and non-mandatory programs and services, the establishment of Community Advisory Boards and matters related to conservation areas owned by Conservation Authorities.

CONCLUSION

The Town of Wasaga Beach welcomed the MECP's review of the mandate of Conservation Authorities. The Ministry is interested in determining how best to position Conservation Authorities so that they can focus on their core mandate and has asked for input on their Consultation Guide. This is the first phase of stakeholder engagement and staff are of the view that Town should provide input by the June 27, 2021 deadline.

To ensure that meaningful comments are provided, staff engaged Paul Neals of Orion Environmental Solutions to review the Consultation Guide. He has provided comments and staff are of the view that they are reasonable and should be submitted to the Environmental Registry of Ontario as the Town's comments. As well, the comments should be copied to other municipalities in the NVCA watershed and the County of Simcoe for their review and endorsement.

This first phase of input will be followed by consultation on the new draft Regulations. Staff will prepare a further report at that time.

Respectfully Submitted,

George Vadeboncoeur
Chief Administrative Officer

Enclosure

ORION Environmental Solutions

June 10, 2021 OEC 21-020

Town of Wasaga Beach
30 Lewis Street
Wasaga Beach, ON
L9Z 1A1

Attention: George Vadeboncoeur
Chief Administrative Officer

RE: Regulatory Proposal under the *Conservation Authorities Act*
Environmental Registry of Ontario Number: 019 – 2986

Dear Mr. Vadeboncoeur:

This letter summarizes our review and comments on the Regulatory Proposal (Phase 1) posted on the Environmental Registry of Ontario (ERO). The Proposal was posted on the ERO by the Ministry of Environment, Conservation, and Parks (MECP) on May 13 of this year with a 45-day consultation period ending on June 27th. These comments have been prepared for the Town in the context of your municipal interests as it relates to the current service relationship with the Nottawasaga Valley Conservation Authority (NVCA). It is recognized that the Town currently provides municipal levy to the NVCA for various services and has ratified a Memorandum of Understanding (MOU) related to land use matters and planning.

General Comments

The MECP prepared a Consultation Guide to help inform the public with regard to the proposed changes and definition of the role of conservation authorities (CA) in Ontario. This Guide provides a general overview of the potential contents of the Regulations that have yet to be prepared and released for comment. In general, the Regulations will address mandatory and non-mandatory programs and services, the establishment of Community Advisory Boards, and matters related to conservation areas owned by authorities. This represents Phase 1 of the consultation with Phase 2 addressing Regulations for certain municipal levies and standards or requirements for non-mandatory programs and services.

1930 George Johnston Rd., Minesing, ON L9X 1C1 – 705.794.7107 paul@orionenvironmentalsolutions.com

Overall, the Consultation Guide provides sufficient background in the preparation of the necessary Regulations. However, the details of the Regulations will need to be reviewed in order to understand the full breadth of their impact. It is also unclear if the Regulations once prepared will be posted on the ERO for comment. As a result, it is recommended that:

1. The Province provides a consultation period for the public and municipalities to review the actual Regulations once drafted and prior to their enactment.

The Guide refers to self-generated user fees in several places in the document. It is presumed that this would include the fees charged for the plan review function as a commenting agency under the *Planning Act*. While the Town believes and advocates that any plan review function should be solely paid through development fees as opposed to municipal levy, the user fees charged and collected by conservation authorities should be commensurate with the level of service provided. In some cases, the fees charged are in excess of the costs to undertake the studies prepared in support of a development application. On this basis and in an effort to reduce increasing housing affordability, it is recommended that:

2. The Province considers mandating through Regulation that the fees charged during the plan review function will match the service provided and will be capped in a reasonable manner.

In addition, many conservation authorities have adopted "compensation" policies as it relates to the loss of natural heritage features such as woodlands and wetlands. Generally, the developer has the option of replacing a natural feature to be lost or exercise the cash-in-lieu option. The Town of Wasaga Beach supports the principle of "no net loss" as a means to achieve sustainable development within the municipality. However, the implementation of the cash-in-lieu option in some instances has resulted in a significant cost to the developer which is typically passed along to the home buyer or consumer. It is also seen as a means to fund CA programs as opposed to constructing new natural features or remediating existing ones. Based on this and in order to help reduce the cost of the development process, it is recommended that:

3. The Province considers mandating in any new Regulation the need to "cap" the monies received by a conservation authority when using the cash-in-lieu option for the loss of natural heritage features.

The Province establishes by Regulation appropriate accountability measures to ensure that the monies collected for the loss of natural heritage features will be directed towards watershed management projects and not administrative or operational costs.

The Town supports the Province in the establishment of mandated core programs for CA especially as it relates to flood plain management. This is particularly important for

the Town of Wasaga Beach given the Nottawasaga River flows through the municipality into Georgian Bay. The Town believes, however, that the NVCA in this case should have the necessary resources to update existing data including flood plain mapping. As a result, it is recommended that:

4. The Province provides the necessary funding to help CA implement their core mandate such as flood plain mapping and management in order to help prevent loss of life, property damage, and social disruption.

It is the Town's understanding that the permitting process as administered by CA is subject to timing procedures similar to those for municipal building permit applications. The Town supports the CA guidelines that help ensure that permit applications can be issued in a timely manner. The Town believes, however, that similar guidelines should exist for the plan review function provided by conservation authorities. An elongated development review process increases the cost to developers and ultimately the homebuyer. For these reasons, it is recommended that:

5. The Province establishes timeline guidelines as part of any new Regulation for the associated non-mandatory programs and services related to the CA plan review function.

The Consultation Guide illustrates that a Community Advisory Board shall be established by Regulation. The Town of Wasaga Beach supports any regulatory changes that would allow for a diverse membership and the means for obtaining input and recommendations on watershed matters. We believe, however, that the role of the Community Advisory Board has to be purposeful and meaningful in order to create any positive change. On this basis, it is recommended that:

6. The Province clearly stipulates by Regulation the role of the Community Advisory Board in decision-making and the means to ensure that there is proper representation reflecting the needs of the community.

Specific Comments

We have provided more detailed comments throughout the Consultation Guideline for your information and reference. The comments are shown in bold in the copy of Regulatory Proposal Consultation Guide attached to this letter.

Memorandum of Understanding

We have reviewed the current Memorandum of Understanding (MOU) as part of this review. It appears from the proposed regulatory changes there will be the opportunity to review the MOU with NVCA as part of the Transition Plan. Based on our initial review we would recommend the Town seek to amend the existing MOU as it relates to plan review at the appropriate time. Our initial thoughts are a new or amended MOU should deal with:

1. timeliness of comments through the application of a defined response time;
2. roles and responsibilities of each party;
3. ability to use private peer review consultants for non-mandatory planning services;
4. a reduced cancellation period from1 year to 30 days.

We would suggest the Town provide the NVCA with their concerns prior to the development on MOU during the transition period to help facilitate discussion.

It is my understanding these draft comments will be reviewed by the Committee in developing the Town's formal response to the Province on the proposed changes. I will make myself available to discuss their comments and questions at their convenience.

If you have any questions, please contact me.

Yours truly,

ORION ENVIRONMENTAL SOLUTIONS, INC.

Paul Neals, B.Sc. Agr., P.Ag. Principal

MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

REGULATORY PROPOSAL CONSULTATION GUIDE:
Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities

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PURPOSE

The Ministry of the Environment, Conservation and Parks (the "ministry") is consulting on proposed regulations that would be made under the *Conservation Authorities Act* to ensure that conservation authorities focus and deliver on their core mandate of helping protect people and property from the risk of natural hazards, the conservation and management of conservation authority-owned lands, and their roles in drinking water source protection and to improve governance and oversight in conservation authority operations.

The purpose of this consultation guide is to provide a description of the proposed regulations in order to obtain feedback on the ministry's regulatory postings on the Environmental Registry of Ontario and Ontario's Regulatory Registry. Comments on the regulatory proposals may be submitted through either registry before the date indicated or can be emailed directly to the ministry at ca.office@ontario.ca. The comments received from the posting will be considered by the ministry when developing the proposed regulations.

INTRODUCTION

In 2018, the government made a commitment in its "Made-in-Ontario Environment Plan" to collaborate with municipalities and other stakeholders to ensure that conservation authorities focus and deliver on their core mandate.

As part of that commitment, the government passed the *More Homes, More Choice Act, 2019* which received Royal Assent on June 6, 2019 and made amendments to the *Conservation Authorities Act.*

Beginning in late 2019, the ministry undertook extensive consultations with municipalities, the public, landowners, development, agricultural, environmental and conservation organizations as well as conservation authorities, about the core role of conservation authorities. The government takes consultation seriously, which is why the ministry also posted an online survey in January 2020 to gather feedback from the general public and anyone who was unable to attend the in-person sessions.

The extensive and valuable feedback received informed legislative amendments to the *Conservation Authorities Act* that were made through Bill 229, *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* which passed on December 8, 2020. These changes will help ensure conservation authorities are best serving the needs of their communities and allow them to focus and deliver on their core mandate, as committed to in the Made-in-Ontario Environment Plan.

The government is proposing to proclaim un-proclaimed provisions in the *Conservation Authorities Act* (stemming from amendments made in 2017, 2019, and 2020) through a staged process. This will enable accommodation of a staggered rollout of regulations (in two phases) and policies that are to be consulted on and developed in the future.

The first of these proclamations occurred on February 2, 2021 and included provisions related to conservation authority governance as well as items related to housekeeping amendments, government requirements and the Minister's powers. This Consultation Guide supports consultations on the first phase of proposed regulations to be developed.

REGULATORY PROPOSAL CONSULTATION GUIDE

The proposed regulations for consultation are focused on:

- the mandatory programs and services to be delivered by conservation authorities,
- the proposed agreements that may be required with participating municipalities to fund non-mandatory programs and services through a municipal levy,
- the transition period to establish those agreements,
- the requirement to establish 'community' advisory boards, and
- the Minister's section 29 regulation relating to conservation authority operation and management of lands owned by the authority.

<u>Mandatory Programs and Services</u>

- Mandatory Conservation Authority Programs and Services Regulation

<u>Non-mandatory Programs and Services</u>

- Minister's Regulation for Municipal Agreements and Transition Period

<u>Governance and Oversight of Conservation Authorities</u>

- Regulation to require 'Community' Advisory Boards
- Regulation to enable conservation authority by-laws (under s.19.1 of the *Conservation Authorities Act*) to be able to address the advisory boards prescribed by the proposed 'Community Advisory Board' regulation.

<u>Other Regulatory Matters</u>

- Section 29 Minister's Regulation of 'Conservation Areas'

PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES

Conservation authorities were established by the Province through municipal resolutions to address cross municipal boundary interests in resource management principally related to water and natural hazard management. The *Conservation Authorities Act,* sets out the "objects" or goals of a conservation authority to deliver on the prescribed and core mandatory programs and services (which are noted in this section of the Guide) to ensure that conservation authorities are in the best position possible to deliver on their mandate. These objects also provide conservation authorities with the authority to deliver non-mandatory programs and services that their participating municipalities ask them to deliver on a municipality's behalf, or which the conservation authority determines are advisable and has funding including from participating municipalities under agreement. As a result, conservation authorities, with their watershed-based jurisdictions, are able to provide a fuller resource perspective to their municipalities and the Province that supports managing inter-municipal as well as provincial natural resource issues like flooding, drought, erosion, sedimentation and water quality. Especially as Ontario continues to deal with the worsening impacts of climate change, this is supportive of conservation authorities' role to help ensure that the people of Ontario and their properties are protected from events like flooding, drought, and erosion.

Under the *Conservation Authorities Act*, programs and services delivered by conservation authorities can be:

- Mandated by the Province (mandatory) and may be funded by provincial grants and/or conservation authority self-generated revenue (e.g. user fees). Where such revenue sources cannot finance the entire costs of those programs, the costs must be raised through the municipal levy.

- Non-mandatory programs and services that may be provided by a conservation authority at the request of and on behalf of one or more participating municipalities under the *Conservation Authorities Act*, if a memorandum of understanding (MOU) or other agreement has been entered into between the parties to have the program or service be funded by municipal levy or by other funding mechanisms that may be set out in the MOU or service contract.

- Municipal requests of authorities to provide non-mandatory programs and services on behalf of the municipality from 'specified' municipalities; municipalities that are designated in an authority for the purposes of the *Clean Water Act, 2006* or the *Lake Simcoe Protection Act, 2008*, would also require a MOU or other agreement to be entered into between the parties to have the non-mandatory program or service funded by municipal levy or by other funding mechanisms that may be set out in the MOU or the other agreement.

- Non-mandatory programs and services that the authority determines are advisable to meet the purpose of the *Conservation Authorities Act* in their jurisdiction and that

require municipal funding through an agreement with the authority's participating municipalities. These non-mandatory programs and services would be determined at the local CA level and would be beyond those that the province has set out as being required, or that a municipality has indicated it would like the CA to deliver on its behalf. Other funding sources such as self-generated revenue (e.g. user fees), project funding from other government agencies or other organizations may also fund (in whole or in part) conservation authority determined non-mandatory programs and services.

Does the Province intend to provide direction on the content of and MOU or will it be the responsibility of the individual municipality and CA.

The Town wants the ability to utilize other consulting services than the CA's for non-mandatory programs and services. CA's do not always have the required expertise to provide the required program or service. It is more cost effective to utilize consulting services with the required expertise rather than the CA's acquiring staff to undertake the work.

Conservation Authorities are currently using self-generated revenue sources such as ecological offsetting policies that have cash-in-lieu charges for the removal of wetland, forest, phosphorus loading and ground water recharge deficits resulting from development. CA's will accept these impacts from development if they are paid compensation in the $100,000's to $1,000,000's. There is concern these monies are being directed to support the operation of the CA's and not into works to mitigate the impacts of development in the watershed. These excessive CA costs are being passed on to the home buyer. If these types of policies are approved by the Province for CA self generated funds under the principle of no net ecological loss from development, measures must be in place to ensure the funds are not redirected to support unrelated CA operations or administration costs.

1. MANDATORY CONSERVATION AUTHORITY PROGRAMS AND SERVICES REGULATION

In June 2019, the *More Homes, More Choice Act, 2019* amended the *Conservation Authorities Act* to identify the categories of mandatory programs and services which conservation authorities are required to provide where applicable in their specific jurisdictions. The *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* re-enacted this provision.

These categories of programs and services are related to:

A. Risk of natural hazards.
B. Conservation and management of lands owned or controlled by a conservation authority, including any interests in land registered on title.

C. Conservation authority duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006.*
D. Lake Simcoe Region Conservation Authority duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008.*
E. Conservation authority duties, functions and responsibilities under other legislation prescribed by regulation. Proposed to be:
   - On-site sewage systems approvals by North Bay-Mattawa Conservation Authority as prescribed under the *Building Code Act, 1992.*
F. Other programs or services prescribed by the regulation within a year of the end of the transition period. Proposed to be:
   - Core Watershed-based Resource Management Strategy
   - Provincial Water Quality and Quantity Monitoring

A. MANDATORY PROGRAMS AND SERVICES RELATED TO THE RISK OF NATURAL HAZARDS

Introduction:

It is proposed by the Ministry of Natural Resources and Forestry that each conservation authority would be required to implement a program or service to help manage the risk posed by the natural hazards within their jurisdiction, including: flooding, erosion, dynamic beaches, hazardous sites as defined in the Provincial Policy Statement, 2020 (PPS, 2020) and low water/drought as part of Ontario's Low Water response. This program shall be designed to:

- identify natural hazards;
- assess risks associated with natural hazards including impacts of climate change;
- manage risks associated with natural hazards; and
- promote public awareness of natural hazards.

Managing risks associated with natural hazards may include prevention, protection, mitigation, preparedness and response.

<u>Mandatory Programs and Services related to the Risk of Natural Hazards include:</u>

1. Administration of permits issued under section 28.1 of the *Conservation Authorities Act*, including associated enforcement activities (sections 28.1 and 28.1.2 once proclaimed). Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities' role in commenting on *Environmental Assessment Act*, *Drainage Act*, *Aggregate Resources Act*, *Niagara Escarpment Planning and Development Act* proposals.)

2. Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the *Planning Act* (excluding policies associated with wildland fires) in accordance with Provincial One

Window Planning Service protocols, including, when appropriate, *Planning Act* appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.

3. Flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards.

4. Operation and maintenance of:
   - any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation;
   - any erosion control infrastructure owned or controlled by the conservation authority;
   - the completion of operational and asset management plans; and
   - infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated necessary technical or engineering studies, including dam safety studies and emergency preparedness plans.

   It is unclear if infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated necessary technical or engineering studies, including dam safety studies and emergency preparedness plans applies to only to those owned or controlled by the CA. These works require specific expertise which some CA's may not have. If municipal funding is to be used the opportunity should be available to utilize consulting services with the required expertise.

5. Ice management services (preventative or remedial) as appropriate and as supported by an authority approved ice management plan, including:
   - development and updating of plans;
   - control of ice, including potential standby equipment (e.g. icebreaker put in place in advance of ice season to prevent ice formation); and
   - addressing ice-related erosion.

6. Low water monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.

7. Collection, provision, and management of information as needed to support the conservation authorities to:
   - delineate and map hazard areas;
   - develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority's jurisdiction, including shorelines and rivers;
   - study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard);
   - study stream morphology;

- study the potential impact of changing climatic conditions on natural hazards; and
- study design to mitigate natural hazards.

Conservation Authorities regularly respond to the public for proposed development in regulated floodplains. We have been informed that the NVCA flood elevation data has an error factor of +/- 1.5m. The Authority puts the onus on correcting the data on proponents which can require engineering studies for thousands of dollars to assess the floodplain which encompasses lands beyond those owned by the applicant. CA's need to ensure the flood level data is accurate and where it is not, work in partnership with landowners so flood elevations are accurate when applying the permitting process.

The study of climate change and the impact on natural hazards should be done at a regional or provincial scale given the scale of climatic changes. Funding for this study should be provided by the Province and coordinated by Provincial project team using CA watershed data and not done by individual CA's.

8. Communications, public awareness and education regarding the risk of natural hazards present within the jurisdiction of the authority to public safety, and to consult on program components as required.

B. MANDATORY PROGRAMS AND SERVICES RELATED TO THE MANAGEMENT OF CONSERVATION AUTHORITY LAND

Introduction:

Conservation authority owned land has been acquired under the *Conservation Authorities Act,* mainly through cost shared purchases by the province and municipalities, but also through other means, such as donations. In a number of cases, this land was acquired as it is considered to be hazardous for development. This would include any land that had been previously expropriated by the authority. The power of a conservation authority to expropriate land has been removed by the amendments to the Act made by the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020.* Public benefits of these properties reflect the provincial/municipal mandate for conservation authorities in land ownership and include, for example, public safety (i.e. flood control, flood forecasting and warning) and protection of natural heritage.

Some of these lands contain buildings (offices, outbuildings and interpretive centres), other structures or amenities (marinas and picnic areas) or works such as flood and erosion control structures. Authority owned land may generate revenue for the authority (e.g. fees for access, permit fees or by leasing land to a tenant) to self finance the land management programs and services or to be applied to other conservation authority programs and services (thereby reducing reliance on municipal levy).

Conservation authority land is considered private land and as such is subject to the *Planning Act*, municipal official plans, zoning and by-laws as well as to property taxes.

The mandatory programs and services related to the conservation and management of lands owned or controlled by a conservation authority, including any interests in land registered on title, relate to conservation authority as the owner of its land but also to land owned by others where the conservation authority has an 'interest' or right related to that other person's property, as granted by the property owner.

For example, property owners may grant easements registered on their title to conservation authorities; i.e. 'conservation easements' that may protect a natural heritage feature or 'access easements' that may enable a conservation authority to develop trails that cross another landowner's property.

Conservation Authorities are forcing landowners to grant Conservation Easements on their lands in order to obtain approval for development. It is inappropriate to review Environmental Impact Studies and permit development on natural heritage lands and then demand payment or compensating lands if it is agreed the ecological significance of the affected feature does not warrant its retention. In specific situations CA's have required active prime agricultural land to be placed under a Conservation Easement and the lands have been planted in trees. CA's are not working with the development industry to find other lands within the watershed with low quality natural heritage features that can be enhanced to provide a net

gain to the watershed. Land use planning policy compliance is a dominant factor in development approvals, yet the CA's ignore the municipal and provincial planning policies that protect agricultural lands.

Each conservation authority will be required to implement the following mandatory programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title, within their jurisdiction.

Mandatory Programs and Services related to the Management of Land Owned by Conservation Authorities include:

1. Administration of the section 29 Minister's regulation of 'Conservation Areas' or land owned by conservation authorities including the setting out of fees, permits and enforcement activities.

2. A conservation authority shall have a strategy for all conservation authority owned or controlled lands which could include:
   - Guiding principles, objectives, including for an authority's land acquisition and disposition strategy, land use categories on conservation authority owned land, recommended management principles for different land categories, etc.
   - A broader jurisdictional assessment using existing information (for example natural hazard information from an existing watershed plan or study, or other existing sources for natural heritage systems, wildlife corridors, connecting conservation land through trails, linking with others' land and trails, etc.)
   - Public participation in the planning process when developing or updating the 'overarching' conservation authority land strategy.

3. A conservation authority shall have a policy regarding the securement/acquisition and disposition of land owned or controlled by the authority. This policy shall be approved by the authority by resolution.

   - Land acquisition or securement policy shall be in accordance with current legislation and provincial policy for conservation authority land securement / acquisition.

   Conservation Policy cannot require landowners or the development industry to given the CA's land or place Conservation Easements on title in order to grant approval. Approvals should be based on the significance of the ecological impacts, decisions made by municipalities on developable areas through a secondary plan process or comparable municipal review. Many municipalities go through natural heritage planning processes in consultation with the CA's but it is the decision of the municipality on the developable lands. CA's must respect these planning decisions of the municipality and work cooperatively to facilitate development on non hazardous lands.

   - Much conservation authority owned land was purchased using provincial grants

issued under the *Conservation Authorities Act* and the purchase cost shared by municipal levy. For the disposition of lands purchased in this manner, a conservation authority requires Minister's approval to dispose of that conservation authority owned land.

- The government is proposing that the requirements for a Minister's approval on the disposition of conservation authority property (land/fixed assets) (should not involve the disposition of conservation authority property that relate to hazardous lands) will continue as set out in current provincial policy.
    - Generally, current ministry policy would not support the approval of dispositions of conservation authority property that relate to hazardous lands, provincially significant conservation land, natural heritage features or areas (including environmentally/ecologically sensitive land) or for managed/agreement forest lands.

The delineation of provincially significant conservation land, natural heritage features or areas (including environmentally/ecologically sensitive land) must be done thorough an independent ecological assessment to confirm its significance. Opportunities exist where lands in proximity to or within settlement areas could be developed and still protect the ecological integrity of the adjacent lands.

4. A conservation authority shall have a management plan for each property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.
    - The management plans may consider specific objectives, including: the purpose for the original acquisition, function, features, special features/sensitive areas for protection, use, infrastructure, public input; or other considerations that the authority decides may be applicable.
    - The management plans may involve, as appropriate, a resource inventory.
    - An authority shall update/approve the management plans when the authority deems necessary.

5. Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:

Clarification is needed for the term "controlled lands". Does this include regulated lands? If yes, the management plan development and implementation require landowner agreement.

- Land management and stewardship activities related to protecting natural heritage systems/features/values to ensure the property is maintained in accordance with the authority approved management plan for natural heritage management.

- Employing best management practices to protect and conserve provincially significant conservation lands and natural heritage features as appropriate including environmentally or ecologically sensitive lands (for habitat restoration/rehabilitation, invasive species control, fish and wildlife monitoring).
- Monitoring and enforcement actions to ensure the maintenance of the property boundaries and also the land title from encroachments as well as to ensure the ecological integrity of conservation authority owned properties, to address illegal activity, with a goal also of reduction of liability and risk associated with the use of the properties.
- Identification, mapping and assessments as appropriate to determine maintenance and repair needs as well as whether changes are required to any management plan.

Note that other land uses, such as the provision of recreational opportunities or environmental education, on conservation authority owned land are not mandatory programs or services (including management and maintenance of lands for these purposes).

C. MANDATORY PROGRAMS AND SERVICES RELATED TO SOURCE PROTECTION AUTHORITY RESPONSIBILITIES UNDER THE *CLEAN WATER ACT, 2006*

Introduction:

The Province's *Clean Water Act, 2006* is part of a multi-barrier approach to ensure safe and sustainable drinking water for Ontarians. We continue to ensure that our drinking water sources are among the best protected in the world through requiring collaborative, watershed-based source protection plans that are locally driven and based in science and focused on prevention. Source protection plans contain a series of locally developed policies that reduce, eliminate or manage the risks of various activities to sources of drinking water.

Under the *Clean Water Act, 2006* conservation authorities are required to exercise and perform the powers and duties of a drinking water source protection authority. Each conservation authority therefore would be required to implement programs and services related to those responsibilities as source protection authorities under the *Clean Water Act, 2006.*

Mandatory Programs and Services for Conservation Authorities related to Source Protection Authority Responsibilities under the Clean Water Act, 2006 are as follows:

1. Administration of the prescribed composition of the source protection committee and administrative support to source protection committees (Subsections 4(2) or 6(2) and section 7 of the *Clean Water Act, 2006* and O. Reg. 288/07: Source Protection Committees)

- Maintaining source protection committees by filling vacancies as required by the

Clean Water Act, 2006 and O. Reg. 288/07: Source Protection Committees;
- Assisting the source protection committee in exercising and performing the committee's powers and duties under the *Clean Water Act, 2006*;
- Providing scientific, technical and administrative support and resources to the source protection committee; and
- Where there is a source protection region, the lead conservation authority undertakes the above in addition to leading work in the region for assessment reports and source protection plan amendments, consultation, progress reports, and for coordinating with other source protection authorities as required and set out in agreements between source protection authorities in the region.

2. Preparing amendments to assessment reports and source protection plans (Sections 34, 35 and 36 of the *Clean Water Act, 2006*).

   - Updating the text and mapping in an assessment report and source protection plan to include new drinking water systems and associated vulnerable areas or amend vulnerable areas and risk assessments where drinking water systems change, as provided by drinking water system owners.
     - As part of this, source protection authorities are required to issue a Notice to drinking water system owners.
   - Complying with orders under sections 35 and 36 of the *Clean Water Act, 2006.*
   - Developing or revising policies that address risks to sources of drinking water.
   - Incorporating new scientific information about sources of drinking water, changes in infrastructure or land use.
   - Completing related land use mapping necessary (e.g. managed lands, impervious surfaces) to determine the risk posed by various prescribed drinking water threats, new local or provincially-identified threats, and to address changes to the *Clean Water Act, 2006*, O. Reg. 287/07: General Regulation or Director's Technical Rules made by the Province.
   - Receiving information from municipalities regarding a proposal to create or modify transport pathways in wellhead protection areas and intake protection zones, or from municipalities or risk management officials as a result of field-verified knowledge of existing transport pathways, to determine if assessment reports or plans should be amended.
   - Clarifying requirements for amendments to assessment reports and plans, vulnerable area delineations, risk assessments, and transport pathways with municipalities or drinking water system owners and their consultants.
   - Consulting with municipalities and other bodies responsible for implementing plan policies (such as provincial ministries and agencies such as the Technical Standards and Safety Authority and Niagara Escarpment Commission), other persons or bodies as may be required by the *Clean Water Act, 2006*, as well as neighbouring source protection authorities where required.
   - Consulting with the ministry's staff involved with the source protection program on proposed amendments, including during the early development phase.
   - Ensuring publication and notice of the proposed amendments (to the assessment reports and source protection plans) are completed in accordance with the *Clean Water Act, 2006*, regulations and orders.

3. Implementing source protection plan policies (Sections 38 and 45 of the *Clean Water Act, 2006,* and section 33 of O. Reg. 287/07).
   - Complying with obligations imposed by significant threat policies that rely on Part III of the *Clean Water Act, 2006,* and by other strategic action policies directed to the source protection authority.
   - Conducting monitoring directed to the source protection authority in accordance with monitoring policies set out in the source protection plan.
   - Clarifying *Clean Water Act, 2006,* regulations and source protection plan requirements and implementation responsibilities as necessary to municipalities, landowners or other persons impacted by source protection policies, including interpreting technical (scientific) work and plan policies.
   - Responding to requests to review proposals in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water where required (such as under the *Planning Act*, *Environmental Assessment Act* or associated applications under the *Environmental Protection Act* and *Ontario Water Resources Act*).

4. Tracking and reporting on the progress of source protection plan implementation (Section 46 of the *Clean Water Act, 2006*).
   - Liaising with public bodies responsible for implementing plan policies including municipalities, provincial ministries and agencies to collect information that tracks the progress of source protection plan implementation and issues that arise.
   - Fulfilling reporting obligations set out in the *Clean Water Act, 2006* and O. Reg. 287/07 General Regulation.

5. Maintaining and providing access to source protection data and information (Sections 20, 32, 46 of the *Clean Water Act, 2006* and section 12, 21, subsections 52(5) and 52(6) of O. Reg. 287/07).
   - Ensuring the assessment report, source protection plan and any amendments and updates, as well as public progress reports, are available on the Internet.
   - Providing updated maps and data to the Province for assessment report and source protection plan amendments.
   - Providing progress report information and supporting data to the Province.

Not all Conservation Authorities have the technical staff or financial resources to undertake the proposed source water protection duties. To ensure consistency and technical accuracy the Province will need to fund this activity.

D. MANDATORY PROGRAMS AND SERVICES RELATED TO LAKE SIMCOE REGION CONSERVATION AUTHORITY RESPONSIBILITIES UNDER THE *LAKE SIMCOE PROTECTION ACT, 2008.*

Introduction:

Our government is committed to the ongoing protection and restoration of the ecological health of the Lake Simcoe Watershed as outlined in the *Lake Simcoe Protection Act, 2008*. The Act is delivered through the Lake Simcoe Protection Plan, which addresses long term environmental issues in Lake Simcoe and its watershed by building on science and monitoring programs that inform the adaptive management approach used to address threats to the ecosystem, such as degraded water quality, unsustainable land uses and pressures of human activity.

Lake Simcoe Region Conservation Authority is a key public body that works in collaboration with provincial ministry leads, including the Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry and Ministry of Agriculture, Food and Rural Affairs as well as municipalities, Indigenous communities and others to support the delivery of many Lake Simcoe Protection Plan policies.

The Lake Simcoe Protection Plan and its policies are given legal effect in two distinct ways.

a) *Protect, restore and enhance ecosystem health*: "Designated Policies" and "Have Regard Policies" have legal effect when implemented through decision making under six prescribed instruments (i.e., legislation).

   The Lake Simcoe Region Conservation Authority's s.28 permit under the *Conservation Authorities Act* is a prescribed instrument under the *Lake Simcoe Protection Act* that is used to implement specific policies of the Lake Simcoe Protection Plan.

   Under the *Lake Simcoe Protection Act*, the Lake Simcoe Region Conservation Authority is under an obligation to ensure that its *Conservation Authorities Act* s.28 permit decisions conform to the applicable designated policies in the Lake Simcoe Protection Plan and have regard to other certain specified policies. The appendix to the Lake Simcoe Protection Plan sets out which policies are implemented through Lake Simcoe Region Conservation Authority's s.28 permit.

b) *Adaptive management informed by science and monitoring*: "Strategic Actions and Monitoring Policies" are implemented through a multi-agency partnership approach. Lake Simcoe Protection Plan Monitoring Policies have legal effect obligating the Lake Simcoe Region Conservation Authority to collaborate in the delivery of monitoring programs led by the Ministry of Natural Resources and Forestry and/or the Ministry of the Environment, Conservation and Parks. Strategic Action Policies are not legal obligations; however, the Lake Simcoe Region Conservation Authority has committed to leading and/or supporting their

implementation.

Mandatory Programs and Services related to the Lake Simcoe Region Conservation Authority's duties, functions and responsibilities under the Lake Simcoe Protection Plan are:

- the monitoring policies and strategic action policies in the Lake Simcoe Protection Plan where the policy names the Lake Simcoe Region Conservation Authority as the lead body or collaborating body with other public bodies (see table of relevant Lake Simcoe Protection Plan policies below).

Table of Relevant Lake Simcoe Protection Plan Policies

Policy	Description	Listed Policy Lead	Description of LSRCA role in Policy
Chapter 3 Aquatic Life			
3.4 SA	Develop baseline mapping of aquatic habitat in lake and tributaries	Ministry of Natural Resources and Forestry (MNRF)	Collaborating body
3.5 SA	Undertake research projects on the aquatic communities in lake and tributaries	MNRF	Collaborating body
3.6 M	Aquatic Community Monitoring Program	MNRF	Collaborating body
Chapter 4 Water Quality			
4.5 SA	Prepare and implement stormwater management master plans	Municipalities	Collaborating body
4.22 M	Enhanced water quality monitoring program	Ministry of the Environment, Conservation and Parks (MECP)	Collaborating body
4.23 SA	Promote, conduct and support scientific water quality research	MECP/ MNRF/Ministry of Agriculture, Food and Rural Affairs	Collaborating body
4.24 SA	Develop phosphorus reduction strategy	MECP	Collaborating body
Chapter 5 Water Quantity			
5.1 SA	Develop in-stream flow targets	MECP / MNRF	Collaborating body
5.2 SA	Tier 2 Water Budgets	Lake Simcoe Region Conservation Authority (LSRCA)	Lead
Chapter 6 Shorelines, Natural Heritage			
6.12 SA	Shoreline Management Strategy	MNRF	Collaborating body
6.30 SA	Define key natural heritage & hydrologic features	MNRF	Collaborating body

6.31 SA	Map natural areas abutting Lake Simcoe	MNRF / MECP	Collaborating body
6.37 SA	Develop guidelines for significant groundwater recharge areas	MECP / MNRF	Collaborating body
6.46 SA	Development of a template for municipal site alteration and tree cutting bylaws	MNRF / MECP	Collaborating body
6.47 SA	Delineate riparian areas for restoration	MNRF / LSRCA	Lead
6.48 SA	Map areas of high-quality cover	MNRF	Collaborating body
6.49 SA	Identify stressed sub-watersheds or portions from a natural heritage perspective	MNRF / MECP/ LSRCA	Lead
6.50 M	Develop a monitoring program, targets, indicators for natural heritage and hydrologic features	MNRF /MECP/ LSRCA	Lead
Chapter 7 Other Threats and Activities			
7.1 SA	Outreach on invasive species	MNRF	Collaborating body
7.2 SA	Community based social marketing to improve knowledge of control of invasive species	MNRF	Collaborating body
7.7 SA	Evaluate and report on the risk related to ponds contributing to invasive species	MNRF	Collaborating body
7.10 M	Develop terrestrial invasive species monitoring program and annually implement	MNRF	Collaborating body
7.11 SA	Develop climate adaption strategy for Lake Simcoe	MECP	Collaborating body
Chapter 8 Implementation			
8.1 SA	Develop guidelines to provide direction on identified sub watershed areas	LSRCA /MECP	Lead
8.2 SA	Undertake sub-watershed evaluations that build on and integrate source protection plans	LSRCA / MECP	Lead
8.3 SA	Develop and complete sub-watershed evaluations for priority sub-watersheds	LSRCA	Lead

E. MANDATORY PROGRAMS AND SERVICES RELATED TO A CONSERVATION AUTHORITY'S RESPONSIBILITIES UNDER AN ACT PRESCRIBED BY REGULATION.

Introduction:

This category of mandatory programs and services refers to responsibilities that may be assigned to conservation authorities through other legislation (other than the *Conservation Authorities Act, Clean Water Act, 2006* or *Lake Simcoe Protection Act, 2008*) and which are proposed to be prescribed in regulation under the *Conservation Authorities Act:*

Mandatory Programs and Services under other legislation:

a) On-site sewage systems (septic systems) approvals by North Bay-Mattawa Conservation Authority as prescribed under the *Building Code Act, 1992.*

Ontario Building Code/Septic Inspections

Municipalities are generally responsible for the enforcement of the *Building Code Act, 1992*, including issuing septic system approvals, and can choose to delegate this responsibility to others (such as public health units or conservation authorities) by agreement. Others may also be prescribed in regulation as responsible for certain aspects of enforcement.

When a conservation authority is prescribed under the *Building Code Act, 1992* for septic system approvals and enforcement, the responsibilities would become a mandatory program and service proposed to be prescribed in regulation under the *Conservation Authorities Act.*

- North Bay-Mattawa Conservation Authority is currently the only conservation authority prescribed in regulation to enforce provisions related to sewage systems under the *Building Code Act,1992* (e.g., approve permits for on-site sewage systems).

Other conservation authorities may have already or could enter into agreements to approve on-site sewage systems on behalf of municipalities under the *Building Code Act,1992*, but this would not be considered a mandatory program or service under the *Conservation Authorities Act.*

F. MANDATORY PROGRAMS AND SERVICES PRESCRIBED IN REGULATION (Within the Year after the Transition Period for Municipal Funding Agreements for Non-Mandatory Programs and Services).

Introduction:

The *Conservation Authorities Act* also allows for the prescribing of 'other' programs and

services not listed in previous mandatory categories. These 'other' programs and services must be prescribed within a year after the end of the transition period. Within this year municipalities and conservation authorities are to create an inventory of their programs and services and enter into agreements for municipal funding of non-mandatory programs and services through a municipal levy, where applicable.

Mandatory Programs and Services to be prescribed:

1. **Core Watershed-based Resource Management Strategy:**

A watershed-based resource management strategy can provide a means to develop an improved integrated planning process with a longer-term perspective for the delivery of the mandatory programs and services that all conservation authorities must deliver. The results may inform an adaptive management approach to address the issues or threats that these mandatory programs and services may be addressing such as mitigating the risk from the impacts of natural hazards. A successful strategy should also help ensure effective and efficient use of funding, especially of the municipal levy.

To capture the value of the broader watershed and resource management perspective that conservation authorities have, the ministry is proposing that each conservation authority be required to develop a core watershed-based resource management strategy that documents the current state of the relevant resources (principally water resources) within their jurisdictions in the context of the mandatory programs and services described in this section of the Guide.

The benefit to having a watershed-based resource management strategy is that it can potentially:

- Identify changes over time, causal relationships, issues, and stressors for input into a plan of action;
- Identify the best, most cost-effective management approach to mitigate the risk or issue;
- Propose key or strategic management activities;
- Monitor the authority's performance in meeting any key management activities; and
- Monitor outcomes of proposed key or strategic management activities.

Aspects of watershed-based resource management are already embedded in the proposed mandatory programs and services listed in the above sections of this Guide. Conservation authorities currently undertake much of this work, generally related to natural hazard management, with extensive current monitoring, data collection, management and modelling used to track conditions and with existing technical studies.

For example, the mandatory programs and service for the risk of natural hazards requires conservation authorities to undertake watershed-based collection, provision, and management of information as needed, including to study:

- surface water flows and levels (e.g. low/peak flow, water budget, surface / groundwater interactions, flood hazard);

- stream morphology; and
- the potential impact of changing climatic conditions on natural hazards.

The resource management strategy could also be informed by the development of the mandatory authority land acquisition and disposition strategy or policy detailed above. As part of this, an authority may, for example, review information from an existing watershed plan or study for acquiring natural hazard land, or assess municipal plans that delineate natural heritage systems for acquiring heritage features or review Ministry of Natural Resources and Forestry information on wildlife corridors to connect authority owned land with other lands.

Another example that may contribute to the strategy are "watershed characterizations" completed for source protection plans under the *Clean Water Act, 2006*.

The Ministry is proposing that the core watershed-based resource management strategy could include the following components:

- guiding principles and objectives;
- characterization of the current state and management of the natural resources related to the mandatory programs and services, in specific watersheds (if appropriate) or at the authority's jurisdictional scale;
- scope of the strategy;
- details of existing technical studies, monitoring frameworks, relevant provincial policy and direction;
- analysis and plan of potential actions for more effectively implementing the mandatory programs and services on an integrated basis; and
- annual reporting on the accomplishments, outcomes, impacts of the strategy.

The strategy would include provisions for review and periodic updating to support the design and implementation of the mandatory programs and services the strategy is intended to support.

The development of a core watershed-based resource management strategy requires consultation with and approval by the affected municipalities to ensure the strategy has regard for long range planning and development. In our experience the CA's do not always have a balanced approach to natural heritage protection and the economic growth required to sustain municipalities. If this is to be funded by a municipal levy consultation with the affected municipalities to obtain consensus on the approach must be a requirement.

Mandatory Programs and Services that would be incorporated in the strategy:

PROGRAM AND/OR ACTIVITY	CONSERVATION AUTHORITY (CA) ROLE	POTENTIAL FUNDING MECHANISMS
RELATED TO THE RISK OF NATURAL HAZARDS		
Provincial Flood Forecasting and Warning Program	Ministry of Natural Resources and Forestry (MNRF) lead, CA delivers	MNRF Grant, Municipal Levy
Flood and Erosion Control Infrastructure Operation	CA Lead	MNRF Grant, Municipal Levy
Natural Hazard (floodplain) Mapping For Land Use Planning	Municipal lead, CA delivers	MNRF Grant, Municipal Levy
S.28 Permitting	CA Lead	Municipal Levy, Permit Fees
Studies Supporting Natural Hazard Program	CA lead	MNRF Grant, Municipal Levy
RELATED TO THE CONSERVATION/MANAGEMENT OF AUTHORITY OWNED LANDS		
Land Acquisition Strategy or Policy	CA lead	Municipal Levy, Self-generated revenue
Land Management for the Protection of Natural Heritage	CA Lead	Municipal Levy, Self-generated revenue
"OTHER" MANDATORY PROGRAMS AND SERVICES		
Water Quantity and Quality Monitoring	Ministry of the Environment, Conservation and Parks lead, CAs monitoring/data	Municipal Levy

Self-generated revenue needs to be controlled with regard for the ability of the individual CA's to implement Board approved policies requiring payments by landowners for approvals. Our municipality is currently reviewing a draft policy for ecological offsetting from the NVCA that proposed to take these payments from the development industry to operate the Authority which appears contrary to the no net loss ecological principle being promoted for the justification of the policy.

Potential Non-Mandatory Extension of the Strategy's Scope

The ministry further recognizes that there is significant variation in the circumstances of individual conservation authorities and the programs and services they offer. Depending on the circumstances of a conservation authority, such a resource management strategy could be extended to cover a broader range of natural resource areas than the core mandate of mandatory programs and services set out in this Guide.

Additional non-mandatory resource management components could be included in the strategy and be based in a similar process of resource assessment, technical studies and/or monitoring including using existing information (for example in municipal plans or leveraged from the natural hazard or other mandatory programs), and thus expand the benefit of the strategy's integrated perspective.

As noted above, if municipal funding is required to finance (in whole or in part) the development of such additional components, such as non-mandatory resource management components there are two mechanisms: if the non-mandatory program is one being delivered by the authority on behalf of a participating municipality through a MOU, the MOU could be amended accordingly. Similarly, where the component of the strategy is to support a non-mandatory program or service the authority has determined is advisable to further the purposes of the Act, the authority's agreement with participating municipalities can ensure the necessary funding for the strategy to play that role.

Funding from others (such as other provincial grant programs, federal government programs, foundations or funding from conservation organizations etc.) could also support the development of non-mandatory resource management monitoring/studies to add into an authority's watershed-based resource management strategy.

Funding partners may want to consider whether as part of paying for a non-mandatory program and service the authority would need to include it in the strategy, so as to provide the integrated perspective to the design and implementation of that non-mandatory program or service.

Non-Mandatory Programs and Services on Behalf of a Municipality

PROGRAM AND/OR ACTIVITIES	CONSERVATION AUTHORITY ROLE	POTENTIAL FUNDING MECHANISMS
RELATED TO PRIVATE LAND STEWARDSHIP EXTENSION SERVICES		
Restoration and Stewardship (Urban, Rural, Agriculture)	CA lead/delivery	Municipal Agreement/MOU Other, (OMAFRA Grants)
Tree Planting and Forest Management	CA lead/delivery	Agreement/ MOU
Wetland Enhancement and Restoration	CA lead/delivery	Agreement/ MOU
Invasive Species Management	CA lead/delivery	Agreement/ MOU, Other
ON BEHALF OF A MUNICIPALITY RELATED TO PLANNING, LAND USE		
Sub-watershed planning	Municipal lead, CA delivery	Municipal MOU

Stormwater Management	Municipal lead, CA delivery	Municipal MOU
Development Services (to municipalities)	Municipal lead, CA delivery	Municipal MOU
Natural Heritage Mapping	Municipal lead, CA delivery	Municipal MOU
Emergency Management Services (EMS) Mapping	Municipal lead, CA delivery	Municipal MOU

Non-Mandatory Programs and Services an Authority Determines Are Advisable

PROGRAM AND/OR ACTIVITIES	CONSERVATION AUTHORITY ROLE	POTENTIAL FUNDING MECHANISMS
AS AN AUTHORITY DETERMINES IS ADVISABLE		
Non-Mandatory Research	CA Lead	Municipal Agreement, Other
Development Services to Landowners and Others	CA Lead	Municipal Agreement, Fees
Ecological Monitoring Outside of Conservation Authority Owned Land	CA Lead	Municipal Agreement, Other
"May do' Roles Under other Provincial Acts (e.g. commenting roles)	CA input Other Ministry mandates	Municipal Agreement, Other – Grants
ON CONSERVATION AUTHORITY OWNED LAND		
Purchase of Land for a CA	CA Lead	Municipal Agreement, Self-generated revenue, Other
Resource Development on CA Owned land (Forest Management, Hydro Generation)	CA Lead	CA Self-generated revenue, Other (Managed Forest Tax Incentive Program)
Land Management on CA Owned Land for Recreation Purposes	CA Lead	CA Self-generated revenue, Other
Land management on CA Owned Land for Education, Training and Cultural Purposes.	CA Lead	CA Self-generated revenue, Other

2. **Provincial Water Quality and Quantity Monitoring,** including:
   a. Provincial stream monitoring program
   b. Provincial groundwater monitoring program

At this time, the ministry is proposing mandatory programs and services for conservation authorities related to water quality and groundwater quantity monitoring to be prescribed in this category with the possibility of additional programs and services prescribed later within the timeframe enabled by the *Conservation Authorities Act*.

The ministry is responsible for long term monitoring of water quality of both groundwater and surface water and groundwater levels across the province to understand the state of the environment, to track changes over time, and to have the information available to support work to investigate environmental issues as they arise. The data obtained and analyzed provides scientific support for policy creation and amendment and for environmental assessments and permissions (Environmental Compliance Approvals

and Permits to Take Water).

All 36 conservation authorities currently participate in the ministry's programs related to monitoring water quality and groundwater quantity on a voluntary basis: with the Provincial Water Quality Monitoring Network (stream water quality) for over 50 years and in the Provincial Groundwater Monitoring Network (groundwater levels and chemistry) for over 20 years.

The ministry manages the water monitoring programs by providing technical leadership, coordination, guidance, data administration, laboratory analysis, instrumentation and training to support the conservation authority role in this work. Conservation authorities install and maintain equipment, collect samples/data, and send samples to the ministry laboratory for chemical analysis.

Mandatory Programs and Services for Provincial Water Quality and Quantity Monitoring for conservation authorities include:

a) Provincial stream monitoring program

- Collection of stream water samples and submission to the ministry for water chemistry analysis.
- Collection of in-situ water quality data using equipment provided by the ministry including deploying and calibrating equipment, liaising with the ministry on equipment maintenance and repair, and providing the ministry with the data collected.
- Collection of additional water samples in areas that participate in the current pesticide monitoring program or may participate in a future parameter specific initiative.
- Participation in annual program meetings, regional meetings and training sessions as required.

b) Provincial groundwater monitoring program

- Groundwater level, precipitation, barometric pressure and soil moisture data downloaded and provided to the ministry.
- Collection of groundwater samples and submission to the ministry for water chemistry analysis according to program protocols.
- Maintenance and participation in the repair of program wells and associated equipment.
- Confirmation that Landowner Agreements between conservation authorities and private landowners are in place for program wells that are on private lands.
- Maintenance of groundwater collection sites.
- Participation in program committee meetings, regional meetings and training sessions as required.
- Participation in the Protocol-for-Actions (Exceedance Protocol) when a program well reports an exceedance of an Ontario Drinking Water Quality Standard.
- Participation in the decommissioning or construction of monitoring wells that are part of the program.

The continued use of CA's for groundwater and stream monitoring is a positive action, however we need to keep any permitting and associated approvals with MECP. Currently there is a duplication on storm water approvals with MECP, municipalities and the CA's that is causing costly delays and unduly complicating the approval process.

CONSERVATION AUTHORITY COSTS NOT RELATED TO DELIVERY OF PROGRAMS AND SERVICES

The above sections of this Guide set out proposed detail regarding what the mandatory programs and services would be for conservation authorities to provide. Municipal levies may be required to fund the implementation of these mandatory programs and services.

However, in order to successfully deliver these mandatory programs and services, there are ongoing expenses that enable the conservation authority to function effectively as an organization in delivering public programs and services and ensuring they can best meet the needs of their local communities.

These on-going organizational costs include administrative, operating and capital costs which are not directly related to the delivery of any specific program or service, but are the overhead and support costs of a conservation authority.

- These expenses could include: staffing and expenses for the authority members (governance costs), general management, clerical, financial (e.g., accounting, payroll), general asset management planning, IT staff, senior management costs, legal costs (termed 'back office functions'), office equipment and supplies including IT, vehicles and machinery, workshop space, main office occupancy costs (e.g., heating, utilities, potentially rent), depreciation on owned buildings and equipment, main office maintenance, repair as well as insurance and property taxes.

The government is proposing to address these on-going organizational costs of conservation authorities that are not directly related to the delivery of any specific program or service through the un-proclaimed provision in the *Conservation Authorities Act* that enables an authority to establish a fixed minimal amount as the portion of the conservation authority's operating expenses that a participating municipality is required to pay each year. Such an amount would need to be carefully determined, so as to balance the needs of the conservation authority while respecting taxpayer dollars. This proposal will be consulted on in phase 2 of the ministry's regulatory development along with a proposed levy regulation.

If a municipality through the MOU process does not use the CA for the specific programs or services, how will this be factored into the determination of the fixed minimal amount.

2. NON-MANDATORY CONSERVATION AUTHORITY PROGRAMS AND SERVICES

Introduction:

We understand that non-mandatory programs and services many conservation authorities provide, such as for recreation or education, are valuable and important to local communities.

Un-proclaimed amendments to the *Conservation Authorities Act* in 2019 would, once proclaimed, require conservation authorities to have mutually agreed upon Memorandums of Understanding (MOUs) or other such agreements (service contracts) with their participating municipalities for the funding of non-mandatory programs and services to be delivered on behalf of a municipality at municipal request through a municipal levy. An example of a non-mandatory program and service that a municipality may request a conservation authority to provide on the municipality's behalf and that would require a MOU would be conservation authority input on municipal land use planning matters outside of natural hazard policies; such as natural heritage policies.

An MOU relating to CA input on planning matters should be able to include a specified time period for them to respond and define the policy matters they are to address to avoid duplication with other approval authorities.

Additionally, for the non-mandatory programs and services that the conservation authority determines are advisable to implement in its jurisdiction with funding by municipal levy, the conservation authority would be required to have agreements with each of the participating municipalities for the municipal funding. Municipalities would decide whether or not to fund these programs and services by entering into time limited agreements with the conservation authority. This would provide municipalities greater control and choice and increase transparency in the use of municipal taxpayer funds to pay for conservation authority-initiated programs and services.

Municipalities should be able to terminate an agreement with 30 days notice.

It is proposed that conservation authorities could continue to provide non-mandatory programs and services without any municipal agreement if the programs and services are funded by revenue that is not from a municipal levy. For example, this could include authority self-generated revenue such as from resource development, conservation area access fees, through contracts with others (government, environmental organizations, etc.) or through government grants.

Requiring fees for development approval beyond the review fees should not be permitted for self-generated revenue.

The proposed changes would not limit the Province from continuing to fund

conservation authorities for non-mandatory programs and services (e.g. area-specific initiatives) or assigning conservation authorities with additional non-mandatory programs and services in the future, subject to funding and compliance with the *Conservation Authorities Act.*

The ministry is proposing to proclaim sections 21.1.1, 21.1.2 and 21.1.4 of the *Conservation Authorities Act* and develop one Minister's regulation ("Municipal Agreements and Transition Period" Regulation) that would establish standards and requirements for entering into agreements for municipal funding of conservation authority initiated non-mandatory programs and services.

A. REGULATION FOR MUNICIPAL AGREEMENTS AND TRANSITION PERIOD

Regulatory authority for agreements for municipal funding of non-mandatory programs and services and the regulatory authority for a transition period/plan to develop the agreements is proposed to be combined into one Minister's regulation - Regulation for Municipal Agreements and Transition Period.

Municipal Agreements

The un-proclaimed amendments to the *Conservation Authorities Act* provide requirements for the agreements between conservation authorities and participating municipalities for the use of municipal levies to finance in whole or in part the non-mandatory programs and services that the authority has determined are advisable to further the purposes of the Act.

The proposed Agreements and Transition Period regulation could require that the agreements do the following:

- Include a provision that the participating municipality agrees to pay its apportioned levy (determined under sections 25 or 27 of the Act in accordance with the regulations) for the non-mandatory program or service.
- Set out the termination date of the agreement.
    - Certain time periods may also be specified for the purposes of reviewing and renewing any such agreements that are reached, such as review by the parties to the agreement at intervals to align with municipal elections and subsequent conservation authority appointments with some consideration to the authority and municipal budget cycles (e.g., 6 months after municipal election).
- Include provisions governing early termination and governing notice and resolution of breaches of the agreement.
- Include transparency provisions (e.g., that agreements are available to the public online).

The ministry is proposing that agreement arrangements between conservation authorities and municipalities could be flexible according to program or service circumstances (i.e. an agreement for a program or service could be with one or more

participating municipalities or could be separate agreements per participating municipality including all the conservation authority-determined programs or services that a municipality may agree to fund, etc.). The flexibility is intended to support efficiency, expedite the agreement(s) and be cost effective in any potential legal or accounting fees.

To ensure municipal funds are effectively applied by the CA there should be a provision for municipalities to undertake an independent review of the program or service.

Transition Plans

The regulation would also govern the matters to be addressed in each authority's transition plan.

Un-proclaimed provisions in the *Conservation Authorities Act* would, once proclaimed, also establish a requirement for a transition plan for conservation authority/municipal agreements to be in place, with the ability to prescribe other additional matters in regulation.

The proposed regulation would require each conservation authority to develop and implement a transition plan that includes:

- A workplan and timeline outlining the steps the conservation authority plans to take to develop and enter into agreements with its participating municipalities.
- The preparation of an inventory of all of the authority's programs and services, with clear indication for each program and service which of the three categories it fits into (mandatory programs and services where municipal levy could be used without any agreement; non-mandatory programs and services at the request of a municipality with municipal funding through a MOU; non-mandatory programs and services an authority determines are advisable), and how they are funded (e.g., provincial, federal, municipal funding, municipal levy, and self generated revenue).
- The consultation process with participating municipalities on the inventory.
- A list of any new mandatory programs and services the authority will need to provide to meet the requirements of the mandatory program and services regulation.
- A list of non-mandatory programs and services for which the authority will seek municipal agreement to fund via municipal levies, including estimated amounts requested/required from the participating municipalities to do so.
- A list of non-mandatory programs and services that do not require municipal agreements (if the programs and services are funded by revenue that is not from a municipal levy).
- Steps taken and/or to be taken to enter into these agreements.

Conservation authorities would be required to submit copies of their transition plan to

the Minister of the Environment, Conservation and Parks for information purposes (not approval) by a date to be set out in the proposed regulation, and to its participating municipalities and to make the plans available to the public online (e.g. on a conservation authority's website).

Who is the approval body for the transition plan? How are conflicts between CA's and municipalities to be resolved prior to implementation of the transition plan.

Prescribed Date for Completing Municipal Agreements

Included in the proposed regulation would be a prescribed date after which a conservation authority can only use the municipal levy, in whole or in part, to fund non-mandatory programs and services that the authority determined were advisable for its jurisdiction with agreements in place with municipalities that agree to pay for these non-mandatory programs and services.

The Ministry of the Environment, Conservation and Parks is proposing January 1, 2023 as the prescribed date by which agreements must be in place for authorities to use or continue to use the levy powers under the *Conservation Authorities Act* for their participating municipalities to fund non-mandatory programs and services the authority determines are advisable. This prescribed date would bring the new proposed financial structure for conservation authorities into practice for the authority and municipal fiscal year of 2023.

Given the timelines and process required to achieve the funding transition, the government proposes to require that the mandatory conservation authority transition plans be completed by the end of 2021.

During the period of developing and finalizing the conservation authority/municipal agreements, the government is proposing that conservation authorities would be required to report quarterly to the government and public on the progress of obtaining these agreements. This approach would allow for clear determination on the status of progress in the transition to the new funding structure.

The schedule of timing of this process is proposed to be as follows:

1. By December 31, 2021:
   - Inventory of programs and services to be completed, including identifying which of the authority's non-mandatory programs and services will require agreements with participating municipalities to continue financing (in whole or in part) through the municipal levy.
   - Consultation with participating municipalities on the inventory undertaken to ensure they agree with the authority's classification of its programs and services.
   - List of steps set out by the authority to be taken to enter into any agreements

with participating municipalities for funding of authority determined programs and services.
- These transition materials required to be provided to the Minister.

2. Through the course of the municipal and conservation authority fiscal year 2022:
   - Quarterly reports by conservation authorities on the status of progress made in attaining agreements with municipalities, provided to the Minister and made public.
   - The Province could develop a reporting template for the authorities to follow for consistency and clarity.

3. By December 31, 2022:
   - All required conservation authority/municipal agreements would need to be in place, and the transition to the new funding model for conservation authorities and municipalities would be reflected in authority budgets for 2023.

What is the consultation process with municipalities on the new funding model?

Extensions to the Transition Period

The Ministry is proposing to authorize the granting of extensions to the prescribed date for completing municipal agreements where an authority, with the support of one or more participating municipality in the authority, submits a written request for the extension to the Ministry of the Environment, Conservation and Parks at least 90 days before the end date in the transition period regulation describing:

- The length of extension requested.
- The steps the conservation authority has taken to implement its transition plan and enter into agreements with municipalities.
- Rationale for providing an extension.

The regulation would set out broad circumstances when the Minister would be authorized to grant an extension in order to provide flexibility to authorities and municipalities in the transition to the new levy system.

PART TWO: GOVERNANCE AND OVERSIGHT OF CONSERVATION AUTHORITIES

1. REGULATION TO REQUIRE 'COMMUNITY' ADVISORY BOARDS

As public sector organizations established under the *Conservation Authorities Act*, conservation authorities are comprised of and governed by a membership of municipally appointed representatives, the collective membership being the authority. Authority

members decide on strategic direction and operations of their authority, including policy, programs, their staffing requirements and budgets. Most authority members are currently local elected officials appointed to ensure oversight and accountability for the authority and municipal interest in the authority budget and resource management. A recent amendment to the *Conservation Authorities Act* requires that at least 70% of the municipally appointed members be elected officials unless an exception is granted by the Minister, upon request of a participating municipality.

Under the *Conservation Authorities Act,* conservation authorities (the membership) can establish advisory boards as they consider necessary to provide advice to themselves. The composition of these advisory boards varies depending on their purpose; many are sector based (development, agriculture) and generally include conservation authority members, key stakeholders, subject matter experts, and members of the general public, and could include Indigenous members.

Un-proclaimed provisions in the *Conservation Authorities Act* enable a Lieutenant Governor in Council (LGIC) regulation governing the establishment of advisory boards, including the ability to require conservation authorities to establish one or more advisory boards and prescribing related requirements with respect to composition, functions, powers, duties, activities and procedures.

The government is proposing to proclaim this un-proclaimed provision of the *Conservation Authorities Act* related to advisory boards and to develop a proposed LGIC regulation to require conservation authorities to establish community advisory boards, that can include members of the public, to provide advice to the authority.

The government is also proposing to make a Minister's regulation to provide greater clarity that conservation authority by-laws are applicable to the community advisory boards. The by-laws could apply to any matter not addressed by the regulation, such as community advisory board meetings. The Minister's regulation would also clarify that the by-laws can speak to any other advisory boards an authority decides to establish.

In recognition of the variation in the circumstances of individual conservation authorities, the government is considering an approach to structure the conservation authority community advisory boards with minimal prescribed requirements applied to all the boards, while enabling local flexibility of some aspects of the community advisory board to reflect a conservation authority's circumstances and to accommodate a conservation authority's preferences for their use of the community advisory board. The government would defer other specific details related to the composition, activities, functions, duties, and procedures of the community advisory board to a Terms of Reference document, which would be developed and approved by each authority and reiterated in the authority's by-laws (as enabled by a proposed new regulation to provide greater clarity that conservation authority by-laws may speak to the community advisory boards as prescribed).

The Province needs to provide direction on composition, functions, powers, duties, activities and procedures so individual CA's cannot disregard or control

their input. Without this measure there is no assurance the CA's will enable advisory boards to provide positive community input to improve the services provided and ensure they reflect the sectors needs.

This Terms of Reference could be amended over time, to ensure the most relevant issues and solutions are considered by the community advisory board and that the membership of the board has the necessary skills to carry out those tasks.

The government intends to prescribe certain aspects in regulation related to the composition of the community advisory board, including:

- Requiring that members reside in the authority's jurisdiction
- Permitting membership from members of the public
- Setting a minimum number of members at 5
- Ensuring, where possible, members represent the geographic range of the authority's jurisdiction
- Ensuring that a variety of members are sought, including youth and indigenous representatives
- Enabling the appointment process of members by public notification and application
- Setting a minimum of one authority member (and an alternate) be appointed to the community advisory board and a maximum authority representation of 15%
- Requiring that administrative support to community advisory boards be provided by the conservation authorities

The government intends to prescribe the following aspects related to procedures of the community advisory board:

- Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under *Conservation Authorities Act* s.19.1 administrative by-laws
- Requiring that meetings of the community advisory board be open to the public, with limited exceptions

The government intends to require that the Terms of Reference also outline specific functions and activities of the community advisory board scoped to the authority's needs, and at a minimum enable community advisory board members to:

- Provide advice and recommendations to the authority on the authority's strategic priorities and associated policies, programs and services
- Discuss opportunities to co-ordinate with other environmental initiatives in the authority's jurisdiction (e.g. municipal)
- Identify opportunities for community engagement
- Suggest potential community outreach opportunities
- Carry out any other functions as identified in the Terms of Reference.

The government intends to prescribe the following matters related to accountabilities of the community advisory board:

- Stipulating reporting mechanisms and accountability of the community advisory

board to the authority
- Requiring that all meeting minutes, and the current Terms of Reference, be posted on the internet
- Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law)
- Establishing processes for member removal

The government does not intend to prescribe some aspects of the community advisory boards, leaving certain decisions to the authority membership (to be included in the ToR authorities develop for their Community Advisory Boards where applicable) such as:

- Total number of community advisory board members
- Precise composition or balance of the membership (i.e. the balance of citizens to technical skill sets or rural to urban members, etc.)
- When meetings are to occur
- Additional activities or functions for the community advisory board as determined by the authority membership
- Communication protocol of the community advisory board with the authority
- Term/duration of advisory board appointments

Conservation authorities would continue to be able to have other advisory boards, should they wish.

PART THREE: OTHER REGULATORY MATTERS

1. SECTION 29 MINISTER'S REGULATION

Once the new section 29 of the *Conservation Authorities Act* is proclaimed, a Minister's regulation is proposed to consolidate the current individual authority section 29 'Conservation Areas' regulations regarding activities on lands owned by conservation authorities into one regulation.

The current individual authority regulations were principally based on a provincially approved template. The ministry is intending for the Minister's regulation to be broadly consistent with the policy principles and provincial content that has been used in the past. The current regulations will continue until such a time that the new Minister's regulation replaces them.

Current section 29 regulations manage activities on all authority owned land including the use by the public of the lands and services available; the prohibition of certain activities; setting fees for access and use of lands including recreational facilities; administrating permits for certain land uses; and protecting against property damage and for public safety.

The regulations set out prohibited activities (i.e. damaging property or vegetation,

excessive noise), and activities requiring permits (e.g., hunting, fund raising, public performance, public meetings, camping permits, day use permits, permits for all-terrain vehicles, off-road vehicles and snowmobiles), the locations for public access and use (e.g., swimming, boating, fires), time periods for public access, management of animals brought by the public, and motor vehicle use on conservation authority owned land.