



3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504
F 613-692-0831 | www.rvca.ca

Board of Directors Meeting

Thursday, May 27, 2021

6:30 pm

Meeting Will be Held Electronically due to COVID-19.

Please contact Michelle Paton at michelle.paton@rvca.ca or 1-800-267-3504 ext 1177 in advance of the meeting if you wish to receive instructions to join.

AGENDA

Meeting 4/21	Page
1.0 Agenda Review	
2.0 Adoption of Agenda	
3.0 Declaration of Interest	
4.0 Approval of Minutes from April 22, 2021	
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**Proudly working in partnership
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

10.0 Meetings

- a) Summer Student Orientation: May 3, 2021
- b) Policy Working Group Kick-Off Meeting: May 11, 2021
- c) Montague Council Annual Report Presentation: May 18, 2021
- d) Conservation Ontario Chairs Session: May 19, 2021

Upcoming

- e) MECP Webinars on Phase 1 Consultation Guide: May 27 and June 1, 2021
- f) RVCF AGM and Board of Directors Meeting: June 9, 2021
- g) Rideau Lakes Council Annual Report Presentation: June 14, 2021
- h) RVCA Board of Directors Meeting: June 24, 2021

11.0 Member Inquiries

12.0 New Business

13.0 Adjournment



**6.0 Weather Stations
Report #: 01-210527**

To: RVCA Board of Directors
From: Brian Stratton, P.Eng.
Manager, Engineering Services
Date: May 20, 2021

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<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachment – pages

Recommendation:

That the Board of Directors of the Rideau Valley Conservation Authority ratify their approval to spend up to \$168,750 from the RVCA’s working fund reserve to purchase equipment from Hoskins and FTS to construct and install 10 weather stations.

Purpose

To ratify approval from the Board of Directors to spend up to \$168,750 from the working fund reserve to purchase and install 10 weather stations across the Rideau watershed.

Background

In October 2020, staff sought Board approval to submit one or more funding applications to the NDMP program for 2021/22. The RVCA submitted an application to develop a new network of weather stations across the Rideau watershed to support multiple program areas including RVCA’s flood forecasting and warning program. The project had a total cost of \$361,500 (\$297,500 for weather stations and \$64,000 in staff time) and if approved, the NDMP program would have provided 50% funding.

While awaiting a decision from NDMP, the RVCA’s Board of Directors passed the following motion at their March 25, 2021 Board meeting to enable the installation of weather stations as soon as possible:

That the Board of Directors of the Rideau Valley Conservation Authority approve up to \$148,750 from the RVCA’s working fund reserve plus a contingency of \$20,000 to purchase equipment from Hoskins and FTS to construct and install 18 weather stations subject to NDMP funding.

While a response was expected from NDMP by March 31, 2021, the RVCA did not learn until May 3, 2021 that our application was not approved for funding. We understand that the program was oversubscribed and only projects in categories 1 and 2 were considered for funding, not categories 3 and 4 which is where our weather station project fit.

While the RVCA did not receive funding, this project remains of critical importance as the weather stations are needed to improve flood forecasting and warning, complete additional floodplain mapping studies and undertake local climate change monitoring. As such, staff wanted to propose that the RVCA use the \$168,750 allocated from the working fund reserve to purchase 10 weather stations fully funded by RVCA. The locations of these 10 weather stations are the most critical to improve and advance RVCA's flood forecasting and warning capability and complete additional floodplain mapping studies. RVCA could then pursue funding for the remaining 8 weather stations which are needed to undertake local climate change monitoring.

Analysis

Ordinarily, staff would return to the Board to seek an amendment to a motion regarding a project where costs or circumstances have changed, however because of the delay in a response from NDMP we missed this opportunity in April. Since our price quote of \$16,000 per weather station was only valid until May 7, 2021 the Chair permitted staff to seek approval from the Board through an email poll. If staff had waited until our May Board meeting, it is expected that the average cost per weather station would have increased to \$20,000 as our original quote was based on a discount of \$3,000 to \$4,000 per station. There may have also been an additional increase in price due to pandemic-related supplier operating expenses.

An email was sent to all Board members on May 5, 2021 (see attached). Members were asked to use the "reply all" function to indicate their support for option A or option B by 5 pm on May 7, 2021. The options were as follows:

- **Option A:** That the Board of Directors of the Rideau Valley Conservation Authority direct staff to use the \$168,750 approved from the working fund reserve to purchase and install 10 weather stations instead of the original 18 stations, without external funding.
- **Option B:** That the Board of Directors of the Rideau Valley Conservation Authority defer this item to RVCA's May 27, 2021 Board of Directors meeting

By 5 pm on May 7, 2021 a total of 18 replies had been received, all in favour of Option A. Responses were received from the following members:

- | | | |
|-------------------|---------------------|------------------|
| • Pat Barr | Gerry Boyce | Carolyn Bresse |
| • Judy Brown | Kristin Strackerjan | Jamie Crawford |
| • George Darouze | Brian Dowdall | Julie Graveline |
| • Victor Heese | Andy Jozefowicz | Pieter Leenhouts |
| • Dale McLenaghan | Scott Moffatt | Shawn Pankow |
| • Anne Robinson | Rob Rothgeb | George Sachs |

Based on the results of this poll, staff submitted an order on the evening of May 7, 2021 to purchase 10 weather stations.

Input from Other Sources

N/A

Financial Considerations

The cost of this purchase will be funded from RVCA's working fund reserve which had a closing balance of \$1,103,104 at December 31, 2020.

Legal Considerations

N/A

Adherence to RVCA Policy

While used infrequently, Section C 18 of RVCA's Administrative Bylaw does allow polls to be used under the following extenuating circumstances:

Polls of Members may be undertaken with permission from the Chair for items of business considered to be urgent or an emergency and where it is considered impractical to convene a special meeting. Such polls may be conducted via conferencing methods (e.g. teleconference) or individual notices (e.g. electronic survey methods).

Link to Strategic Plan

This project supports many key priorities outlined in RVCA's strategic plan including:

- Enhance flood forecasting and warning capability in the upper watershed.
- Focus new or updated regulatory mapping in areas where there is development pressure.
- Develop climate change adaptation strategies for our organization and the watershed.

Attachment

- Email Poll sent to Board Members, dated May 5, 2021

Email Vote Required - Revision to Proposed Weather Station Network

Sommer Casgrain-Robertson <sommer.casgrain-robertson@rvca.ca>

Thu 2021-05-20 3:12 PM

To: Sommer Casgrain-Robertson <sommer.casgrain-robertson@rvca.ca>

From: Sommer Casgrain-Robertson

Sent: May 5, 2021 11:37 PM

To:

Cc: Michelle Paton <michelle.paton@rvca.ca>; Brian Stratton <brian.stratton@mrsourcewater.ca>; Justin Robert <justin.robert@rvca.ca>; Terry Davidson <terry.davidson@rvca.ca>

Subject: Email Vote Required - Revision to Proposed Weather Station Network

Good evening Board Members,

We have a time sensitive situation that we need Board direction on, so we are respectfully asking that all Board members consider participating in a poll. While this type of situation does not happen often, Section C 18 of our Administrative Bylaw does allow polls:

18. Polls

Polls of Members may be undertaken with permission from the Chair for items of business considered to be urgent or an emergency and where it is considered impractical to convene a special meeting. Such polls may be conducted via conferencing methods (e.g. teleconference) or individual notices (e.g. electronic survey methods).

I have discussed this matter with Pieter, and he has authorized the use of a poll to seek Board direction on this issue. Therefore, we request that you:

- Read the following email carefully
- Use "reply all" to **vote in favour of Option A or Option B**
- And provide your **vote no later than 5pm on Friday, May 7**

Below are Options A and B, followed by background information about the time sensitive issue you are being asked to consider.

- **Option A**
 - That the Board of Directors of the Rideau Valley Conservation Authority direct staff to use the \$168,750 approved from the working fund reserve to purchase and install 10 weather stations instead of the original 18 stations, without external funding.
- **Option B**
 - That the Board of Directors of the Rideau Valley Conservation Authority defer this item to RVCA's May 27, 2021 Board of Directors meeting

Proposed Weather Stations - Background Information

At our March Board meeting, the Board approved the use of \$168,750 from RVCA's working fund reserve to purchase and install 18 weather stations across the watershed subject to matching funding from the federal government. This capital project was identified as a priority in our 2021 workplan and budget. Regrettably, we just learned that RVCA's proposal was not approved for federal funding (the program was oversubscribed so only projects in categories 1 and 2 were considered for funding, not categories 3 and 4 which is where our project fit).

- Attached is the original staff report from our March 25, 2021 Board meeting

- Below is the motion that was approved by the Board:
 - *That the Board of Directors of the Rideau Valley Conservation Authority approve up to \$148,750 from the RVCA's working fund reserve plus a contingency of \$20,000 to purchase equipment from Hoskins and FTS to construct and install 18 weather stations subject to NDMP funding.*

This project remains of critical importance as the weather stations are needed to improve flood forecasting and warning, complete additional floodplain mapping studies and undertake local climate change monitoring. As such, staff are proposing that:

- RVCA use the \$168,750 allocated from the working fund reserve to purchase 10 weather stations fully funded by RVCA
 - Attached is a map showing the proposed location of these 10 weather stations
 - These weather station locations are the most critical to improve and advance RVCA's flood forecasting and warning capability and complete additional floodplain mapping studies.
- RVCA will continue to pursue funding for the remaining 8 weather stations which are needed to undertake local climate change monitoring

Attached is a proposal outlining more detailed information about the purchase of the 10 most critical weather stations.

- The total cost of equipment and installation for these 10 weather stations is approximately \$157,000 + tax.
- And the reason we needed to poll the Board this week rather than simply bringing this revised proposal to our May Board meeting is because our current quote of \$16,000 per weather station is only valid until the end of this week. If an updated quote is required, it is expected that the average cost per weather station will increase to \$20,000 as our current quote is based on a discount of \$3,000 to \$4,000 per station. This estimate also does not account for an anticipated increase in price due to pandemic-related supplier operating expenses

We apologize for the tight timeline and having to undertake a poll of the Board to seek direction on this issue, but we didn't want to wait until the May Board meeting as the RVCA may incur an additional \$30,000 to \$40,000 in expense after May 7 should the Board wish to move forward with the purchase of 10 weather stations.

If you have any questions whatsoever about the process or the weather station proposal, **please do not hesitate to contact me at 613-219-5069** on Thursday (day or evening) or Friday (before 5 pm).

Thank you so much for your attention to this matter.

Sommer

Sommer Casgrain-Robertson
General Manager / Secretary-Treasurer
613-692-3571 or 1-800-267-3504 ext. 1214
sommer.casgrain-robertson@rvca.ca



3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504 F 613-692-0831 | www.rvca.ca

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Revised Weather Station Proposal

May 5, 2021



Proposal

To purchase 10 weather stations from the previously approved reserve funds in partial fulfillment of the original RVCA Weather station expansion proposal.

Overview

In October 2020, staff sought Board approval to submit one or more funding applications to the NDMP program for 2021/22. RVCA submitted two applications, including one to develop a new network of weather stations across the Rideau watershed to support multiple program areas including RVCA's flood forecasting and warning program.

In support of this weather station expansion, staff sought Board approval to spend up to \$168,750 from the working fund reserve to purchase and install 18 weather stations across the Rideau watershed (March 2021). This funding represented approximately half of the overall project value, as the NDMP grant was intended to cover the additional costs. On March 25, 2021, the board approved the use of the aforementioned reserve funds for the purchase of these weather stations.

Unfortunately, the proposed weather station expansion was not approved by the NDMP. The original 18 (17 sites + 1 extra) sites were selected on the basis of even spatial distribution across the watershed. A priority list was also prepared which focused on sites of greater hydrologic importance, as it was anticipated that there might be equipment supply shortages which could have affected the timing and roll out of the project. Namely, many of the sites located in the Ottawa River East subwatershed were complimentary to the model development and have a lesser influence on the primary target reaches/flood vulnerable regions.

This priority list includes 10 sites located primarily in the Lower Rideau, Middle Rideau, Jock River, Tay River, Kemptville Creek and the Rideau Lakes subwatersheds (see Figure 1). RVCA staff have already completed the majority of site inspections and have confirmed the suitability of these sites. They include:

1. Manning-MacPherson Property (RVCA Owned)
2. Snowdons Corners (Owned by the County of Leeds and Grenville; Municipal Forest)
3. McEwen Property (RVCA Owned; Existing gauge upgrade)
4. Foley Mountain (RVCA Owned)
5. Marlborough Forest (Rideau Trail; RVCA Owned)
6. Glen Tay (OMYA property; Existing gauge upgrade)
7. Motts Mills (RVCA Owned)
8. Curtis Property (RVCA Owned)
9. Hornung Property (RVCA Owned)
10. Mansfield Property (Private Ownership)

This list is a subset of the original proposal but emphasizes those sites of greatest hydrologic impact. It is representative of the minimum network requirements for suitable model development.

A tentative budget has been included below for the above listed site deployment. Of note, the quoted prices include significant volume and manufacturers discounts. Unfortunately, RVCA staff have received notice that this quote is due to expire and has only been extended briefly as we determine our options. It is also anticipated that the costs may increase significantly due to increased supplier operating expenses. This deployment option is therefore conducive upon the discounted pricing offer.

MAP-ID	Site	Equipment Cost
1	Manning-MacPherson	\$16,524.00
2	Snowdons Corners	\$16,524.00
3	McEwen	\$15,699.00
4	Foley Mountain	\$15,699.00
5	Marlborough	\$16,524.00
6	Glen Tay	\$6,551.00
7	Motts Mills	\$16,524.00
8	Curtis	\$15,699.00
9	Hornung	\$15,699.00
10	Mansfield	\$16,524.00

SUB-TOTAL	\$151,967.00
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The quoted cost per station represents the cost of equipment from the approved suppliers, plus an additional \$500 per station for misc. hardware to be purchased locally. Additional shipping costs have been estimated at approximately (\$500/station build) which brings the total cost of the build to **\$156,967.00 + tax.**

Based on the current quote, the average cost per station is approximately \$16,000. If an updated quote is required, it is anticipated that the average cost per station may increase to approximately \$20,000 as the value of the current discounts amounts to \$3000-\$4000 per station. Furthermore, this estimate does not account for the anticipated increases due to pandemic-related supplier operating expenses.

In Review

RVCA's current weather station network consists of ten automated rain gauges. This approach presents some limitations because:

- The gauges only measure precipitation.
- The gauges do not operate well during the winter months limiting our ability to predict flood response related to snow accumulation / melt.
- The gauges transmit data through the 3G cell network which is expected to be phased out by 2025.

The new weather station network being proposed would replace much of our existing network and ensure continuous operation long term. Specifically, the project involves:

- The purchase and installation of 10 weather stations within select priority regions
- All weather data would be published in near real-time for municipal, stakeholder and public use on RVCA's website in graphical and tabular formats.

Weather data is a key data set and will be used in multiple applications including:

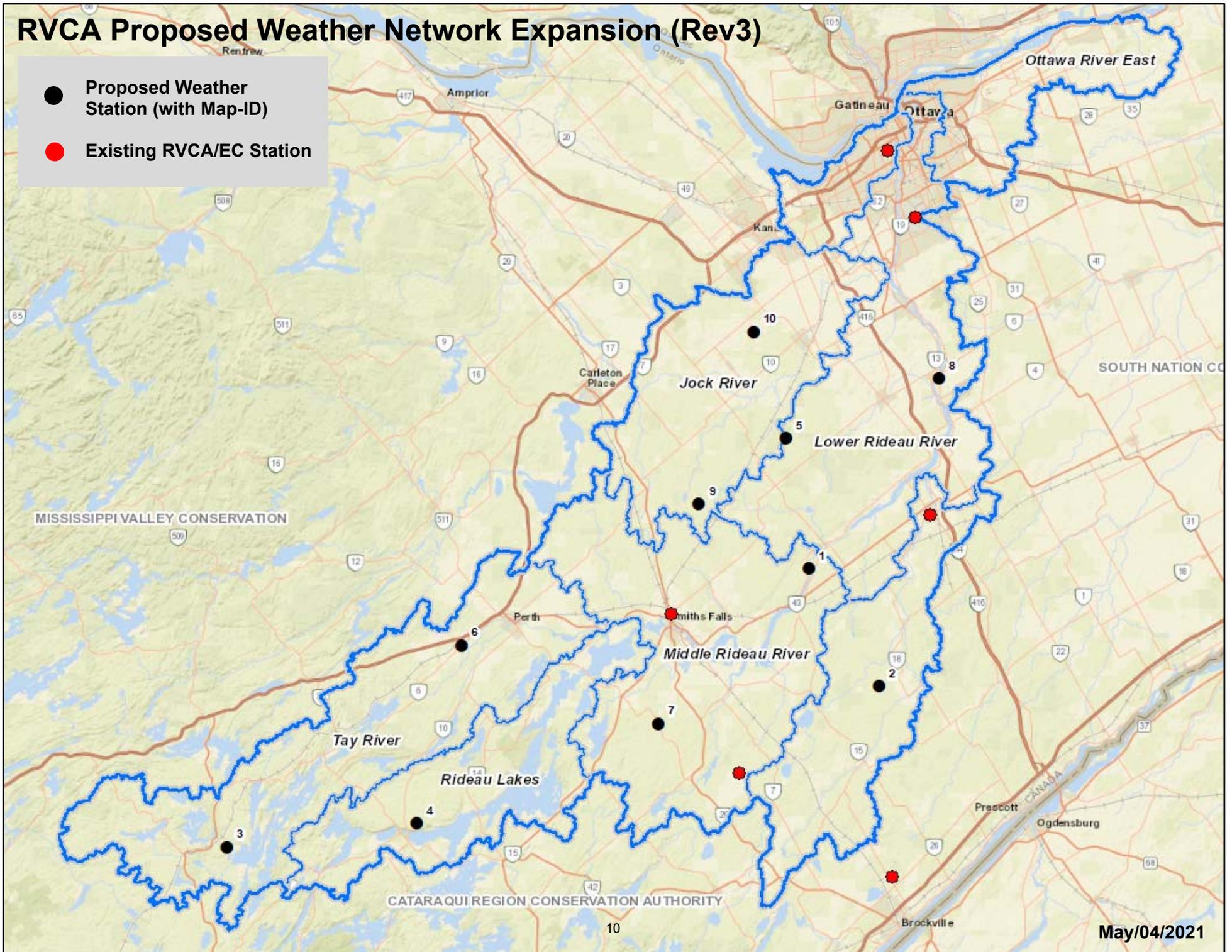
- By RVCA in all future floodplain mapping studies.
- By RVCA in modeling to enhance flood forecasting and warning.
- By RVCA and other partners to understand and study climate change locally.
- By meteorologists at Environment and Climate Change Canada to improve local weather forecasts.

The parameters that will be measured or calculated at each weather station at hourly intervals (or more frequent) includes:

- Precipitation (mm)
- Precipitation Rate (mm/hr)
- Air Temperature (°C)
- Solar Radiation (W/m²)
 - Sensor complies with ISO 9060 & WMO guidelines
- Sunshine Hours (Hrs)
- Relative Humidity (%)
- Wet Bulb Temp (°C)
- Absolute Humidity (g/m³)
- Air Density (kg/m³)
- Wind Speed & Direction (calibrated to GPS & Compass)
 - To calculate wind averages and gust as per WMO standards
- Wind Chill (°C)
- Soil Moisture

RVCA Proposed Weather Network Expansion (Rev3)

- Proposed Weather Station (with Map-ID)
- Existing RVCA/EC Station



May/04/2021



**7.0 Flood Risk Assessment and LiDAR Elevation Data
Report #: 2-210527**

To: RVCA Board of Directors
From: Brian Stratton, P.Eng.
Manager, Engineering Services
Date: May 20, 2021

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Recommendation:

That the Board of Directors of the Rideau Valley Conservation Authority approve the spending of up to \$40,000 plus HST from RVCA’s Topographical Data reserve to acquire 2,866 km² of LiDAR elevation data; and

That the Board of Directors of the Rideau Valley Conservation Authority approve the spending of up to \$57,321 plus HST to complete a flood risk assessment of the watershed with \$45,000 coming from RVCA’s Topographical Data reserve and \$12,321 coming from RVCA’s general Working Fund reserve.

Purpose

To seek Board approval to spend up to \$40,000 to acquire 2,866 km² of LiDAR elevation data and \$57,321 to undertake a flood risk assessment with all funding coming from reserves.

Background

In October 2020, staff sought Board approval to submit one or more funding applications to the NDMP program for 2021/22. RVCA partnered with South Nation Conservation, Mississippi Valley Conservation Authority and our member municipalities and submitted a joint funding application to undertake a flood risk assessment and acquire LiDAR (light detection and ranging) elevation data for each watershed.

The purpose of the project is to assess flood risk across all three watersheds and acquire valuable elevation data that will be used by conservation authorities and municipalities in a variety of ways including to better understand, prepare for and address flooding.

Analysis

Flood Risk Assessment

This component of the project will assess the flood risk of lakes, rivers and streams across all three watersheds in both urban and rural environments. The risk assessment will be undertaken by consultants and used to produce a 10-year work plan identifying the highest risk locations and communities and prioritizing them for future floodplain mapping studies based on risk rankings. Having a risk assessment will enable the RVCA to:

- Effectively prioritize its workplan and resources each year; and
- Apply for future funding to help complete floodplain mapping studies.

This component of our joint NDMP funding application was approved, providing 50% funding towards the completion of a risk assessment. The total cost to undertake a flood risk assessment of the Rideau watershed is \$114,642 with \$57,321 coming from NDMP and \$57,321 needing to come from the RVCA.

LiDAR Acquisition

The second component of the project is to obtain high-resolution elevation data across all three watersheds where LiDAR data does not already exist. LiDAR has become a cost-effective alternative to traditional surveying techniques and has a vertical accuracy of approximately 10 cm for flatter surfaces (pavement, cropland) and 20 cm for forested areas. It is collected by plane (figure 1) and produces a digital elevation model (figure 2). Once received, LiDAR is uploaded to GIS systems as a data layer that can be accessed by municipal and conservation authority staff from their computers.

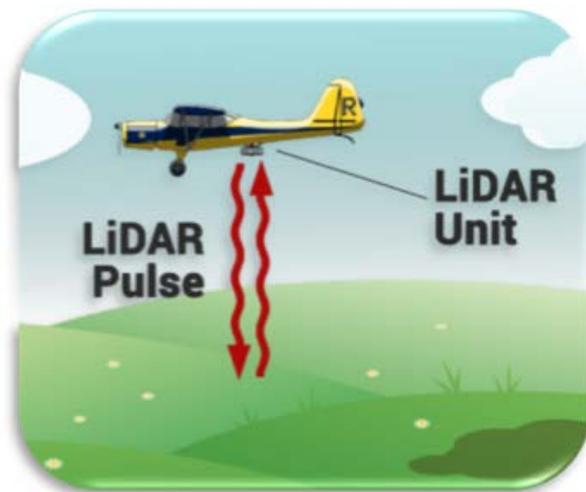


Figure 1

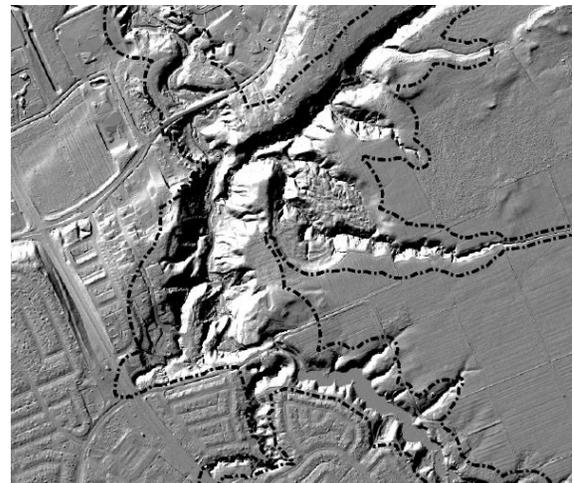


Figure 2

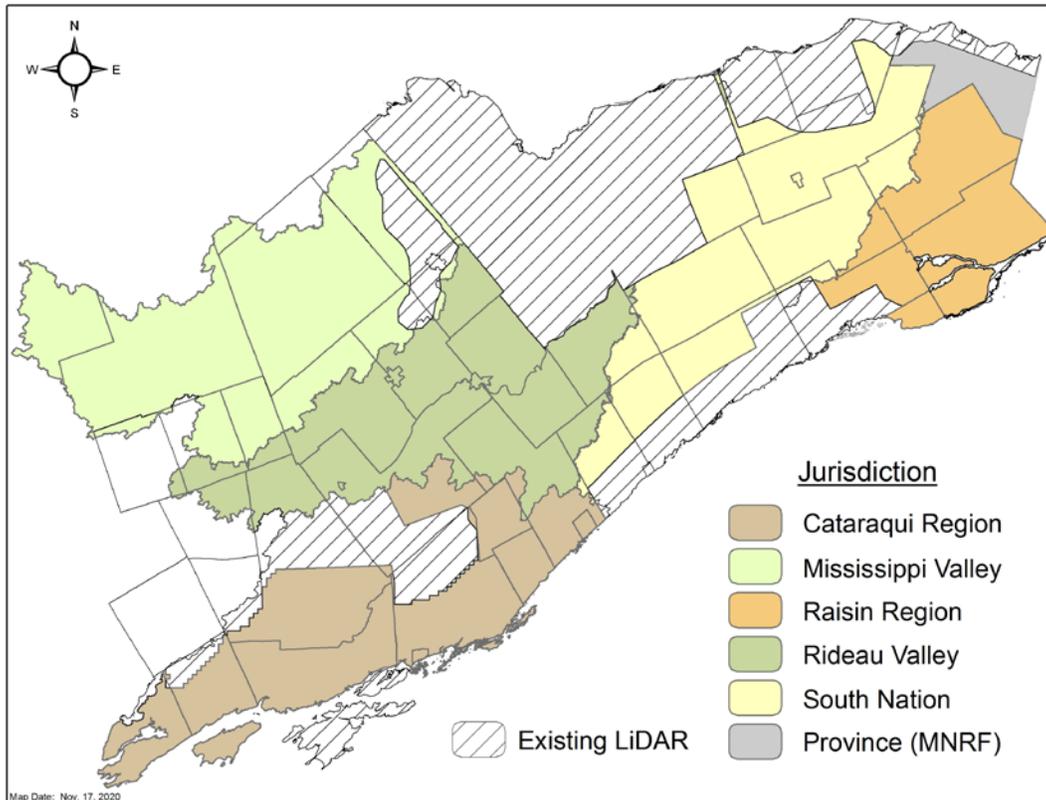
Use of LiDAR Data

LiDAR has become a critical data set for all levels of government including conservation authorities and municipalities. Having an accurate and consistent elevation data set across Eastern Ontario will enable municipalities and conservation authorities (or their consultants) to use LiDAR for the following purposes:

- **Flood Forecasting and Warning** – LiDAR is needed to more accurately forecast flood risk and provide better advance-notice to municipalities and residents of potential flooding during the spring freshet and extreme weather events.
- **Floodplain and Hazard Mapping** – LiDAR is needed to delineate floodplains in areas of the watershed not yet mapped and update mapping in other areas. LiDAR can also be used to identify and delineate other natural hazards such as unstable slopes. Municipalities and conservation authorities rely on this mapping for planning, community design and development review.
- **Inundation Mapping** – LiDAR can be used to produce additional mapping products identifying properties, buildings and infrastructure that are vulnerable to flooding during other storm events (e.g. 1:20 year, 1:50 year).
- **Climate Change** – LiDAR is needed to better understand and assess what impact climate change will have on local watersheds (hydrology of lakes, rivers and streams) and what affect that may have on local flood and drought conditions.
- **Development Review** – LiDAR can streamline the development review process as it can be used by proponents during the application process and by municipal and conservation authority staff during the review process.
- **Infrastructure** – LiDAR can be used by municipalities and conservation authorities when locating and designing infrastructure projects such as dams, weirs, roads, buildings and municipal drains.
- **Tourism and Recreation** – LiDAR can also be used when designing parks and locating and designing amenities such as play structures and trails.
- **Conservation Restoration** – LiDAR can also be used to locate and design stewardship projects such as wetland restoration and fish habitat enhancement.

Acquisition Area

The map below shows the area where LiDAR data needs to be acquired. In the Rideau watershed, LiDAR data is needed across the watershed except for the City of Ottawa where LiDAR is already available. While only South Nation Conservation, Mississippi Valley Conservation Authority and RVCA partnered on the NDMP funding application, the Cataraqui Region Conservation Authority, Raisin Region Conservation Authority and Ministry of Natural Resources and Forestry joined in on the tender to bulk purchase LiDAR. It is expected that LiDAR elevation data outside the City of Ottawa will not need to be flown again for another 10 to 20 years.



Unfortunately, this component of our joint NDMP application was not approved for funding, however, by acquiring LiDAR data over such a large area it reduced the cost by over 70%. Acquiring LiDAR as a single conservation authority or municipality can cost as much as \$175/km², through this Eastern Ontario partnership the cost has dropped to \$51/km².

This cost is lower than what was budgeted for in our NDMP application which means the project can still be completed within the budget provided to all project partners last fall. The cost to acquire LiDAR elevation data across 2,866 km² of the Rideau watershed is \$146,215 plus tax.

- United Counties of Leeds Grenville committed \$50,736 to acquire 1,369 km²
- Lanark County committed \$40,952 to acquire 1,105 km²
- Frontenac County has committed \$14,528 to acquire 392 km²

This leaves the RVCA to contribute \$40,000 from our Topographical Data reserve.

Input from Other Sources

We are grateful to South Nation Conservation who is acting as the project lead. They submitted our NDMP funding application, they issued project RFPs and tenders and they will undertake our reporting requirements. An agreement will be prepared between SNC and the other partner conservation authorities outlining the terms of the

partnership. Agreements will also be prepared between the conservation authorities and those municipalities contributing funding.

We are also grateful to the Ministry of Natural Resources and Forestry who is contributing \$80,000 of in-kind support to develop the LiDAR specifications that we need and review and verify the LiDAR data product from the vendor once it is received.

Financial Considerations

The RVCA has a Topographical Data reserve with a balance of \$85,000. This reserve was established to set aside resources to acquire LiDAR elevation data for the balance of the watershed. The reserve is sufficient to cover \$40,000 towards the acquisition of LiDAR as well as \$45,000 towards the flood risk assessment. The balance needed to complete the flood risk assessment (\$12,321) can come from RVCA's general Working Fund reserve.

Legal Considerations

N/A

Adherence to RVCA Policy

Tendering for this project will follow South Nation Conservation's purchasing policy as they are managing the project on behalf of all the partners. Approval of RVCA's contributions adheres to RVCA's purchasing policy.

Link to Strategic Plan

This project supports many key priorities outlined in RVCA's strategic plan including:

- Enhance flood forecasting and warning capability in the upper watershed.
- Focus new or updated regulatory mapping in areas where there is development pressure.
- Develop climate change adaptation strategies for our organization and the watershed.

This project also supports a number of priorities outlined in Ontario's Flooding Strategy.

Attachments

N/A



**8.0 Implementation of Changes to the *Conservation Authorities Act*
Report #: 3-210527**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager / Secretary-Treasurer
Date: May 20, 2021

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Recommendation:

WHEREAS the provincial government has passed legislative amendments related to the governance of Conservation Authorities;

AND WHEREAS Conservation Authorities remain committed to fulfilling accountable and transparent governance;

THEREFORE BE IT RESOLVED THAT the Rideau Valley Conservation Authority endorse the three key actions developed by the Conservation Ontario Steering Committee to update Conservation Authority Administrative By-laws, to report proactively on priorities and to promote/demonstrate results;

AND THAT staff be directed to work with Conservation Ontario to implement these actions and to identify additional improvements and best management practices.

Purpose

To provide the Board with a progress report on RVCA's implementation of amendments to the *Conservation Authorities Act* and seek endorsement of Conservation Ontario's governance accountability and transparency initiative.

Background

On December 5, 2020 the *Conservation Authorities Act* was amended through Bill 229. While some amendments came into effect immediately, others were proclaimed on February 2, 2021. The MECP has indicated that additional amendments will be proclaimed later in 2021, some through updated or new regulations.

A summary of key amendments was presented to the RVCA Board at their meeting on February 25, 2021 (Staff Report #1-210225) and Agenda Item 9.0 in this agenda package provides more detail about the proclamation of future amendments.

Analysis

Attached is a chart summarizing the sections of the *Conservation Authorities Act* that have been changed and a progress report on the RVCA's implementation of these amendments. The chart indicates the status of each amendment (currently in effect or to be proclaimed in the future) and what action has been taken, or may need to be taken, by the RVCA to comply with the amendment. This chart will be updated throughout 2021 and 2022 as new sections of the Act are proclaimed and as implementation details and timelines become more clear.

Conservation authorities have long supported and been guided by accountability and transparency, especially as it relates to governance. For this reason, there is a commitment amongst conservation authorities to work together to ensure all legislative amendments are implemented appropriately. To ensure Conservation Ontario is in the best position to be able to demonstrate this commitment to the province, a governance accountability and transparency initiative has been initiated that entails the following:

- CO to request that all conservation authorities endorse the resolution that has been recommended in this staff report.
- CO to ensure all conservation authorities update their Administrative By-Laws in 2021 to reflect amendments to the *Conservation Authorities Act* (prepare updated by-law templates and request that conservation authorities confirm completion).
- CO to ensure all conservation authorities comply with all other amendments to the *Conservation Authorities Act* in 2021 and 2022 (share resources, templates and best practices and request that conservation authorities report progress and completion).
- CO to proactively report on conservation authority implementation to MECP, other stakeholders and the public.

Input from Other Sources

Conservation authorities are working closely with one another and Conservation Ontario to review amendments to the Act and develop strategies and tools to assist with implementation.

Financial Considerations

It is unknown at this time what financial implications these legislative changes will have.

Legal Considerations

RVCA will have to comply with amendments to the *Conservation Authorities Act* and new or updated regulations as they are proclaimed.

Adherence to RVCA Policy

N/A

Link to Strategic Plan

This initiative supports the following strategic priority:

- *Prepare an implementation strategy to address any changes made to the Conservation Authorities Act that may result from the legislative review currently underway.*

Attachments

- Chart: *Required Actions to Comply with Changes to the Conservation Authorities Act* (May 20, 2021)

Required Actions to Comply with Changes to the *Conservation Authorities Act*
(May 20, 2021)

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Planning Act	1 (4.1) 1 (4.2)	Conservation Authorities were removed as a public body in the <i>Planning Act</i> for the purposes of appealing or being party to certain matters before LPAT unless the appeal relates to a “prescribed natural hazard” or the conservation authority is the applicant for a consent.	TBD	Required Action <ul style="list-style-type: none"> Update Planning Policies when amendment is enacted 	Pending
Municipal Appointments	14(1.1) & 14(1.2)	At least 70% of a municipality’s appointees must be municipal councillors (current members can complete their appointment, requirement takes effect for any new appointments). Municipality can apply to Minister to have percentage reduced; the decision is at the Minister’s direction (including adding any conditions or restrictions).	February 2, 2021	Recommended Actions <ul style="list-style-type: none"> Send letter to municipalities notifying them of the new requirement and exception process (indicate that current appointments expire in late 2022) Update Administrative Bylaw 	Spring 2022 Fall 2021
Municipal Agreements	14(2.2) 14(2.3)	Must provide the Minister with a copy of any agreement amongst participating municipalities affecting the number of members. Agreements must be available to the public (website)	February 2, 2021	Recommended Action <ul style="list-style-type: none"> Send letter to the Minister by April 3, 2021 confirming that the RVCA does not have any agreements because the number of RVCA members is determined by the population formula in the <i>Conservation Authorities Act</i> 	Completed
Agricultural Appointee	14(4) 14(4.0.1) 14(4.1)	The Minister has the authority to appoint an additional member to a conservation authority to represent the agricultural sector. The member cannot vote on a decision to enlarge, amalgamate or dissolve an authority or on budgetary matters. Term up to 4 years, as determined by Minister	February 2, 2021	Recommended Action <ul style="list-style-type: none"> Update Administrative Bylaw 	Fall 2021
Agenda & Minutes	15(2.1) 15(2.2)	Authority and executive committee meeting agendas must be available to the public before a meeting takes place. Authority and executive committee meeting minutes must be available to the public within 30 days following a meeting.	February 2, 2021	Required Action <ul style="list-style-type: none"> Post agendas on the website in advance of meetings Post minutes on the website within 30 days of a meeting Update Administrative Bylaw 	Completed Completed Fall 2021

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Term of Chair & Vice Chair	17(1.1)	A chair or vice-chair shall hold office for a term of one year and shall serve for no more than two consecutive terms.	February 2, 2021	Required Actions <ul style="list-style-type: none"> Seek exception from Minister to allow the current Chair and Vice-Chair to serve up to two additional consecutive terms (2021 & 2022) Update Administrative By-law 	Completed Fall 2021
	17(1.2)	Appointments must rotate amongst participating municipalities, a member from a specific municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed by the same municipality.			
	17(1.3)	The Minister may grant permission to appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive years or waive the rotating provision			
Objects of the Authority	20(1)	Objects of an authority are now to provide: <ul style="list-style-type: none"> Mandatory programs Municipal programs and services Any other programs or services that may be provided under Section 21.1.2. This replaces “to provide, in an area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources, other than gas, oil, coal and minerals”	TBD	No Action	
Powers of Authorities	21(1)(a)	Research deleted and combined with: (a) to research , study and investigate the watershed and to support the development and implementation of programs and services intended to further the purposes of the Act.	February 2, 2021	Required Action: <ul style="list-style-type: none"> Update Administrative By-law 	Fall 2021
	21(1)(b)	Consent of the occupant or owner required as follows: (b) For any purpose necessary to any project under consideration or undertaken by the authority to enter into and upon any land, with consent of the occupant or owner and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary.	February 2, 2021	Required Action: <ul style="list-style-type: none"> RVCA already requires consent in such a circumstance, reinforce through staff training Update Administrative By-law 	Completed Fall 2021
	21(1)(c)	Removed ability to expropriate land.	February 2, 2021	Required Action: <ul style="list-style-type: none"> Update Administrative By-law 	Fall 2021

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Mandatory Programs	21.1 (1)	Deliver programs and services in the following categories that have been prescribed by regulations: <ul style="list-style-type: none"> I. related to the risk of natural hazards II. related to the conservation and management of lands owned or controlled by the authority III. duties and functions related to Source Protection Authority IV. duties, function and responsibilities under an Act prescribed by the Regulations V. Other programs and services that have been prescribed in regulations within a year of proclamation. 	TBD – Phase 1	Required Action: <ul style="list-style-type: none"> • Review current programs and services • Make any required adjustments 	2021 2022
	21.1 (2)	Regulation may prescribe mandatory programs and services.			
	40(1)(b)	Regulation may prescribe standards and requirements applicable to programs and services			
Municipal Programs	21.1.1 (1)	Establish MOUs with municipalities for any program provided on behalf of a municipality.	TBD – Phase 1	Required Action: <ul style="list-style-type: none"> • Review current programs and MOUs • Prepare additional MOUs if required • Post MOUs on website • Review MOUs as required 	2021 2022 2022 2026+
	21.1.1 (2)	Make MOU available to the public			
	21.1.1 (3)	Review MOU at regular intervals			
	21.1.1 (4)	Regulation may prescribe standards and requirements			
Other Programs	21.1.2 (1),	CA, within its area of jurisdiction, can deliver any other programs and services that it determines are advisable to further the purposes of the Act.	TBD – Phase 1	Required Action: <ul style="list-style-type: none"> • Review current programs and services • Establish MOUs where levy supported • Post MOUs on website • Review MOUs as required 	2021 2022 2022 2026+
	21.1.2 (2),	Shall be provided in accordance with such standards and requirements as may be prescribed			
	21.1.2 (2), (3), (4)	If municipal levy is required to deliver the program or service, an Agreement is required			

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Program Consultation	21.1.3	Authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and in the manner specified by regulation.	TBD – Phase 1	Required Action: <ul style="list-style-type: none"> Undertake consultation 	2021
Transition Plan	21.1.4 (1), 21.1.4 (2)	Must develop and implement a transition plan for the purpose of ensuring that it will be in compliance by a date to be prescribed in regulation. Contents of the Transition plan are to include: <ul style="list-style-type: none"> Inventory of authority’s programs and services Consultation with member municipalities on the inventory If municipal levy required for any programs, step to be taken to enter into Agreements Such other matters as prescribed in regulation 	TBD – Phase 1	Required Action: <ul style="list-style-type: none"> Develop and implement a transition plan 	2021
Fees for Programs and Services	21.2 (1)-(9)	The Minister may determine classes of programs and services and what fees may be charged. <ul style="list-style-type: none"> Can only charge a fee for a program or service if it is set out in the list of classes of programs and services. Fee shall be the amount prescribed in regulation or an amount determined by the authority. Each CA must prepare and maintain a fee schedule. Must adopt a written Fee Policy, including fee schedule, frequency of review, process for review, notice of review procedures, how to notify of changes, how person can request reconsideration of fee and procedures for reconsideration. Policy must be made available to the public. Must notify public of changes. Upon reconsideration of a fee can order person to pay fee, vary the amount or order no fee. If a permit fee reconsideration, must make decision within 30 days, or person can appeal to LPAT. If after reconsideration, person can pay the fee, indicating it is under protest and within 30 days appeal to LPAT. LPAT can dismiss appeal; vary the amount or order no fee. LPAT can order a refund as they determine. 	TBD – Phase 2	Required Action: <ul style="list-style-type: none"> Review current fee schedules Adjust fee schedules if required Document fee policy Develop a fee reconsideration process 	Pending

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Minister Zoning Order	28.0.1	CA must issue permit if MZO issued. <ul style="list-style-type: none"> • CA can not refuse the permit. • Can apply conditions, including conditions to mitigate flooding, erosion, dynamic beaches, pollution or conservation of land, or might jeopardize the health or safety of persons or result in the damage or destruction of property, or any other matter to be prescribed by regulation. • Can only attach conditions if application is given opportunity for a Hearing. The conditions cannot conflict with the zoning order. • Applicant within 15 days can appeal to Minister to review proposed conditions. Minister must reply in 30 days if they intend on conducting the review. • Minister can remove conditions or add additional conditions. Minister must consider same tests as CA. • Alternatively, the applicant within 90 days can appeal conditions to LPAT • Requires the CA (and possibly a municipality) to enter into an agreement with developer to compensate for ecological impacts and any other impacts that may result from development of the project • Minister may make regulations prescribing requirements (i.e. timelines for CA to issue permits, content of agreements, “respecting anything that is necessary or advisable for the effective implementation or enforcement of this section”). 	December 8, 2020	Recommended Actions: <ul style="list-style-type: none"> • Establish process to provide comments to municipalities on MZO applications • Update section 28 policies • Update Hearing Guidelines • Updated fee schedule • Adopt compensation guidelines 	May 2021 2021 2021 2021 2021
Appeal to Minister	28(8-26)	Applicants can appeal to the Minister within 15 days if refused a permit or oppose conditions. <ul style="list-style-type: none"> • Minister must post on Environmental Registry of plan to review decision of Authority. • No hearing required. • Minister decision is final. 	TBD	Recommended Actions: <ul style="list-style-type: none"> • Update Section 28 policies • Update Hearing Guidelines 	Pending

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Appeal to LPAT	28(8-26)	Applicants can appeal to LPAT within 90 days if refused permit, oppose conditions or no decision by Authority (after 120 days). Applicant cannot apply to both appeal streams unless Minister has failed to reply within 30 days.	TBD	Recommended Actions: <ul style="list-style-type: none"> Update Section 28 policies Update Hearing Guidelines 	Pending
Permit issued by Minister	28.1.1	Minister can direct an Authority to not issue a permit and then has the power to issue the permit themselves. Decision is final.	TBD	No Action	
Public Use of Authority Lands	29	Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests registered on title are now mandatory programs and services.	TBD – Phase 1	Required Actions: <ul style="list-style-type: none"> Review land management practices Make adjustments if required Update regulatory compliance guidelines 	2021 2022 2022
Entry without warrant, permit application	30.2(1)	An officer appointed by the Authority may enter land without a warrant and without the consent of the owner or occupier if: <ul style="list-style-type: none"> Permit application submitted Entry is for the purpose of determining whether or not to issue a permit. Officer has given reasonable notice of the entry to the owner or occupier of the property. 	TBD	Required Action: <ul style="list-style-type: none"> Update policies Undertake staff training 	Pending
Entry without a warrant, compliance	30.2(1.1)	An officer appointed by the Authority may enter land without a warrant and without the consent of the owner or occupier if: <ul style="list-style-type: none"> For the purpose of ensuring compliance with Act/regulations or with the condition of an issued permit; Officer has reasonable grounds to believe that a contravention is occurring and is causing or likely to cause significant damage and; <ul style="list-style-type: none"> The damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land, or The event of a natural hazard, the damage will or is likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property, and The officer has reasonable grounds to believe the entry is required to prevent or reduce the effects or risks 	TBD	Required Action: <ul style="list-style-type: none"> Update policies Undertake staff training 	Pending

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Stop Work Orders	30.4(1)	<p>An officer makes an order requiring a person to stop engaging in or not to engage in an activity if an officer has reasonable grounds to believe that:</p> <ul style="list-style-type: none"> • Activity is or will contravene regulations or conditions of a permit. <ul style="list-style-type: none"> ○ Activity has caused, is causing or will cause significant damage, and the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or the pollution or the conservation of land, or ○ In the event of a natural hazard the damage will or likely to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property, and • the order will prevent or reduce the damage. <p>Order shall:</p> <ul style="list-style-type: none"> • Specify the provision that officer believes is being contravened. • Describe nature of contravention and its location. • State that a hearing on the order may be requested. • Be served personally or by registered mail. 	TBD	<p>Required Action:</p> <ul style="list-style-type: none"> • Update policies • Staff training 	Pending
Offences	30.5(1)	<p>New offences will be prescribed for contravening the Act, regulation or conditions of a permission. The penalties include:</p> <ul style="list-style-type: none"> • Individual: <\$50, 000 or a term of imprisonment of not more than 3 months, or both and an additional fine of <\$10, 000 per day • Corporation: <\$1, 000, 000 and an additional fine of <\$200, 000 per day 	TBD	<p>Required Action:</p> <ul style="list-style-type: none"> • Update policies 	Pending
Expropriation	31	Removal of expropriation ability from Act.	February 2, 2021	No Action	
Delegation of Power	36.1	Minister may delegate any of his or her powers under this Act to an employee in the Ministry specified in the delegation, other than the power to make a regulation under this Act.	February 2, 2021	No Action	

Item	Section	Change to the Act	Date in Force	Required or Recommended Action	Status
Annual Audit	38 (1), 38(4)	Annual audits are still required by a person licensed under the <i>Public Accounting Act</i> , it is additionally specified that it be prepared in accordance with generally accepted accounting principles for local governments recommended by the Public Section Accounting Board. Audit report must be made available to public on its website and any other means the authority considers appropriate within 60 days of receiving it.	February 2, 2021	Required Action: <ul style="list-style-type: none"> • Prepare audit report in accordance with PSAB principles • Post audit report on website within 60 days • Update Administrative By-law 	Completed Completed Fall 2021
Advisory Boards	18(2) 40(1)(a)	<ul style="list-style-type: none"> • An authority shall establish such advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate. • Regulations may govern advisory boards, including requiring an authority to establish one or more advisory boards and prescribing requirements with respect to composition, functions, powers, duties, activities and procedures of any advisory board that is established. 	TBD – Phase 1	Required Action: <ul style="list-style-type: none"> • Establish community advisory board 	Pending
Capital and Operating Levies	40(1)(c), (e)	Regulations may: <ul style="list-style-type: none"> • Govern the apportionment of an authority’s capital costs for projects • Govern the apportionment of any authority’s operating expenses, prescribing operating expenses, governing the amount that participating municipalities are required to pay, including fixed amounts, and restricting and prohibiting the apportionment of certain types of operating expenses. 	TBD – Phase 2	Required Action: <ul style="list-style-type: none"> • Review current processes and procedures • Revise if required 	2022 2023
Budget Process	40(1)(f)	Regulations may: <ul style="list-style-type: none"> • Stipulate the process authorities must follow when preparing a budget and the consultations that are required, • Provide rules and procedures governing meetings at which budgetary matters are discussed, including the quorum for such meetings and the rules respecting voting on budgetary matters. 	TBD	Required Action: <ul style="list-style-type: none"> • Review current processes and procedures • Revise if required 	Pending
Agreements	40(3)(c)	Minister may prescribe standards and requirements for Agreements for non-mandatory programs and services	TBD	Required Action: <ul style="list-style-type: none"> • Update agreements if required 	Pending



**9.0 MECP Regulatory Proposal Consultation Guide (Phase 1)
Report #: 4-210527**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager / Secretary-Treasurer
Date: May 20, 2021

<input checked="" type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachments – x pages

Recommendation:

That the Board of Directors of the Rideau Valley Conservation Authority receive this report for information.

Purpose

To provide the Board with an overview of MECP's *Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities* that was recently posted on the Environmental Registry of Ontario for public consultation.

Background

On December 5, 2020 the *Conservation Authorities Act* was amended through Bill 229. A summary of key amendments was presented to the RVCA Board at their meeting on February 25, 2021 (Staff Report #1-210225). While some changes to the Act can be proclaimed, others require updated or new regulations to be fully implemented.

Analysis

On May 13, 2021 the MECP posted a Consultation Guide on the Environmental Registry of Ontario for public consultation. The purpose of the guide is to describe what the MECP is proposing to include in their first phase of regulations and solicit public input and comments. Comments received on the guide will be considered by the ministry when developing the proposed regulations expected later this year.

The full Consultation Guide is attached for your review along with a high-level summary of key content (content in blue text will be recommended, while content in black text will be required).

The Consultation Guide has been posted for a 45 day consultation period which ends on June 27, 2021. Staff are currently reviewing the guide and working with neighbouring conservation authorities and Conservation Ontario to prepare draft comments to submit to the Environmental Registry. These draft comments will be presented to the RVCA Board of Directors at their June 24, 2021 meeting for consideration.

The MECP is also hosting two webinars with ministry staff during which participants can provide input on the regulatory proposals. Staff from the MNRF will also be present to discuss aspects of the proposal that relate to that ministry's natural hazard responsibilities. The webinars are open to conservation authorities (Board members and staff), municipalities and other stakeholders and are being held:

- May 27, 2021 (10:30am-12pm)
- June 1, 2021 (2:00-3:30pm)

RVCA will be reaching out to member municipalities to make them aware of the Consultation Guide and the upcoming consultation opportunities that they can participate in (webinars and submission of comments).

MNRF's Consultation Guide – Anticipated Shortly

The MNRF is also expected to post a Regulatory Proposal Consultation Guide on the Environmental Registry of Ontario shortly for public consultation. Their consultation guide will outline the province's intent regarding:

- How conservation authorities will regulate development and other activities to ensure public safety through natural hazard management

Phase 2 Regulations – Coming Later This Year

In the coming months, the MECP will also be consulting on a second phase of proposed regulations under the *Conservation Authorities Act*, including:

- Municipal levies governing the apportionment of conservation authority capital and operating expenses for mandatory programs and services and for non-mandatory programs and services under municipal agreement.
- Standards and requirements for the delivery of non-mandatory programs and services.

Input from Other Sources

In January 2021, Minister Yurek formed a Conservation Authority Working Group. Working group members were drawn from conservation authorities, municipalities and the development and agricultural sectors and part of their task is to look at proposed regulations under the *Conservation Authorities Act* and provide advice to the province. Sommer Casgrain-Robertson is a member of this working group and has been participating in bi-weekly working group meetings since January.

Conservation authorities are now working closely with one another and Conservation Ontario to review MECP's consultation guide and prepare comments. There will also be close collaboration among CAs and their member municipalities to review and comment on draft consultation guides and regulations when they are posted by the Province.

Financial Considerations

It is unknown at this time what financial implications these legislative changes will have.

Legal Considerations

RVCA will have to comply with amendments to the *Conservation Authorities Act* and new or updated regulations as they are proclaimed.

Adherence to RVCA Policy

N/A

Link to Strategic Plan

This initiative supports the following strategic priority:

- *Prepare an implementation strategy to address any changes made to the Conservation Authorities Act that may result from the legislative review currently underway.*

Attachments

- Summary of MECP Regulatory Proposal Consultation Guide (May 20, 2021)
- MECP's *Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities* (posted May 13, 2021)

Summary of MECP Regulatory Proposal Consultation Guide (May 20, 2021)

Mandatory Programs and Services

MECP is proposing that conservation authorities would be required to provide the following programs and services and that they can levy municipalities to do so.

- Natural Hazards
 - Administration of permits issued under section 28 of the *Conservation Authorities Act*, including associated enforcement activities
 - Land-use planning input on behalf of MNRF related to natural hazards
 - Flood forecasting and warning
 - Operation and maintenance of water control infrastructure that mitigates risk to life and property from flooding or supports low flow augmentation
 - Operation and maintenance of erosion control infrastructure
 - Ice management services
 - Low water monitoring and communications
 - Collection, provision, and management of information as needed to:
 - delineate and map hazard areas;
 - develop plans and policies to guide appropriate management and use of hazard lands, 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.
 - Communications, public awareness and education regarding the risk of natural hazards.

- Conservation Lands
 - Administration of Section 29 regulation, including the setting of fees, permits and enforcement activities.
 - Develop 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.
- Develop a policy regarding the securement / acquisition and disposition of land owned or controlled by the authority.
- Develop a management plan for each property owned or controlled by the authority (smaller properties similar in nature can be covered by one plan).
 - 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 the authority feels are applicable.
 - Management plans may involve a resource inventory.
- Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:
 - 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: Management and maintenance of lands for the purposes of providing recreational opportunities or environmental education, are not mandatory programs.

- Drinking Water Source Protection
 - Maintain and provide scientific, technical and administrative support to the source protection committee
 - Prepare amendments to assessment reports and source protection plans
 - Implement source protection plan policies
 - Track and report on the progress of source protection plan implementation
 - Maintain and provide access to source protection data and information

- Core Watershed-based Resource Management Strategy
 - Develop a core watershed-based resource management strategy that documents the current state of the relevant resources (principally water resources) within the conservation authority's jurisdiction in the context of the mandatory programs and services. The 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 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
 - annual reporting on the accomplishments, outcomes, impacts of the strategy
 - Non-mandatory resource management components could also be included in the strategy and follow a similar process of resource assessment, technical studies and/or monitoring.

- Provincial Water Quality and Quantity Monitoring
 - Continue to support the provincial stream monitoring program
 - Continue to support the provincial groundwater monitoring program

- Organizational Costs
 - Conservation authorities would be able to levy municipalities for on-going organizational costs (e.g. 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

Non-Mandatory Programs and Services

MECP is proposing that conservation authorities will be required to have agreements with municipalities to fund non-mandatory programs and services with municipal levy.

- Municipal Agreements
 - Require conservation authorities to have agreements with participating municipalities:
 - To deliver non-mandatory programs and services on behalf of a municipality if supported by municipal levy.
 - To deliver non-mandatory programs and services that the conservation authority determines is advisable if supported by municipal levy
 - Allow flexible agreement arrangements (e.g. agreement with multiple municipalities or an agreement covering multiple programs and services).
 - Require all agreements to be in place by January 1, 2023
 - May specify a timeframe for the review and renewal of agreements (e.g. align with municipal elections).

- Transition Period
 - Require conservation authorities to prepare a transition plan to support the preparation of municipal agreements. The plan would include:
 - A workplan and timeline outlining steps to be taken to develop and enter into agreements with municipalities.
 - An inventory of all programs and services, the agreement category they fall into and how each is funded.
 - Consultation with municipalities on the inventory to ensure they agree with the classification of each program and service.
 - A list of any new mandatory programs and services the authority is required to provide.
 - A list of non-mandatory programs and services that require agreements, including estimated levy amounts.
 - A list of non-mandatory programs and services that do not require agreements.
 - Steps taken or to be taken to enter into these agreements.
 - Require transition plans to be completed by December 31, 2021.
 - Require transition plans to be submitted to the MECP for information
 - Require transition plans to be shared with municipalities and posted on conservation authority websites
 - Require conservation authorities to report quarterly to the government in 2022 on their progress of obtaining municipal agreements.

- Enable the Minister to grant an extension for completing municipal agreements where an authority, with the support of one or more municipalities, submits a written request at least 90 days in advance 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

Community Advisory Boards

MECP is proposing that each conservation authority be required to establish a community advisory board to provide advice to the conservation authority.

- Terms of Reference
 - Require conservation authorities to form a community advisory board
 - Require that each Board of Directors develop and approve a terms of reference that outlines the composition, activities, functions, duties, and procedures of the community advisory board for their authority
 - Require that the Terms of Reference 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
- Composition
 - Members must reside in the authority's jurisdiction
 - Minimum number of 5 members
 - Ensure, where possible, members represent the geographic range of the authority's jurisdiction
 - Ensure that a variety of members are sought, including youth and indigenous representatives
 - Enable the appointment process of members by public notification and application

- Require a minimum of one authority member (and an alternate) to be appointed, up to a maximum authority representation of 15%
- Operation
 - Require conservation authorities to provide administrative support
 - Ensure conservation authority Administrative By-laws apply to the community advisory board
 - Require that meeting procedures and relevant policies regarding community advisory board operation are outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures
 - Require that meetings be open to the public, with limited exceptions
- Accountability
 - Stipulate reporting mechanisms and accountability of the community advisory board to the authority
 - Require meeting minutes and the Terms of Reference be posted on the internet
 - Ensure consistent attendance, codes of conduct, etc.
 - Establish processes for member removal

Section 29 Regulation

MECP is proposing to create one consolidated Minister's regulation for Section 29 to pertain to the operation and management of lands owned by conservation authorities

- Conservation Lands
 - The province intends for the Minister's regulation to be broadly consistent with the current Section 29 regulations which:
 - Manage activities on all authority owned land including the prohibition of certain activities, setting fees for access and use of lands including recreational facilities, administering permits for certain land uses, and protecting against property damage and for public safety.
 - They set out prohibited activities (damaging property or vegetation, excessive noise), activities requiring permits (hunting, fundraising, public performance, public meetings, camping, day use, all-terrain vehicles, off-road vehicles, snowmobiles), locations for public access and use (swimming, boating, fires), time periods for public access, management of animals brought by the public, and motor vehicle use on conservation authority owned land.

**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.

Mandatory Programs and Services

- Mandatory Conservation Authority Programs and Services Regulation

Non-mandatory Programs and Services

- Minister's Regulation for Municipal Agreements and Transition Period

Governance and Oversight of Conservation Authorities

- 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.

Other Regulatory Matters

- 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.

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.

Mandatory Programs and Services related to the Risk of Natural Hazards include:

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.
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.
 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.

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.

- 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.
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:
- 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.

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.

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

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.

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.

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.

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.

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.

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.

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).

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.

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).

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; administering 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.