

Modernizing Conservation Authority Operations

Overview

- Background – Division of Responsibility for the Conservation Authorities Act
- Context for Change – Key Government Priorities
- Overview of amendments to the *Conservation Authorities Act* by Bill 108 the *More Homes, More Choice Act*
- Ministry of Natural Resources and Forestry regulatory proposals

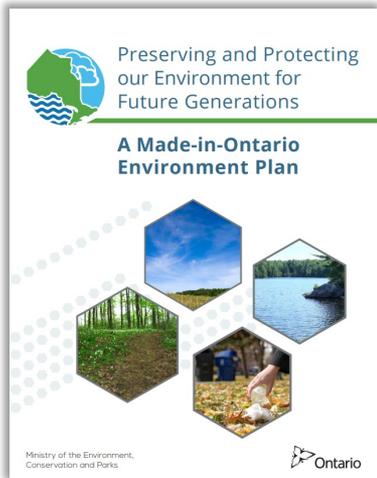
Background - Division of Responsibility for the *Conservation Authorities Act*

Overall responsibility for the *Act* rests with MECP; MNRF responsible for certain aspects of the *Act*

- Primary responsibility for administration of the *Conservation Authorities Act* shifted to the Ministry of the Environment, Conservation and Parks (MECP) in October 2018, including for matters related to:
 - Creation and changes to conservation authorities (i.e., amalgamation, dissolution and enlargement)
 - CA governance and operations, including matters related to programs and services carried out by CAs, by-laws, fees, and municipal levies
 - Regulations that apply to CA land
- MNRF retains authority for certain aspects of the *Act* related to its mandate in natural hazard management and crown land, including:
 - Regulations for areas that are prone to hazards

Context– Key Government Priorities

A Made-In Ontario Environment Plan



“ Conserving Land and Greenspace

The natural spaces across Ontario, such as forests, wetlands and parks purify our air and water, protect biodiversity and natural heritage, provide recreational opportunities and support Indigenous traditional practices [...] we know that climate change poses a serious threat to Ontario’s natural areas and that conservation of these areas can play an important role in mitigating and adapting to”

Ontario’s Housing Supply Action Plan



“ Protecting What Matters

Ontario’s natural and historic resources are protected in legislation – in some cases, different and overlapping laws, enforced by multiple agencies. We will maintain important protections, while reducing duplication and making it easier for people to understand what the law means.”

Commitments related to Conservation Authorities

- “Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards, and conserving natural resources.”
- “Clearly define conservation authorities’ core programs and services [...] Give municipalities more say over non-core programs and services [...]”
- “Streamline and standardize conservation authorities’ role in municipal planning to reduce overlap, making approvals faster and less expensive.”

Bill 108, *More Homes, More Choice Act*, 2019

- Bill 108 Received Royal Assent on June 6, 2019.
- Among other changes, Bill 108 amended the *Conservation Authorities Act* in order to:
 - Clearly define conservation authorities' core programs and services
 - Increase transparency in how CAs levy municipalities for mandatory and non-mandatory programs and services.
 - Improve CAs' governance and accountability.
- *Conservation Authorities Act* changes come into effect upon proclamation.

Bill 108, *More Homes, More Choice Act**

Programs & Services

The *Conservation Authorities Act* was amended to clearly identify mandatory and non-mandatory programs and services that municipalities shall pay costs for.

Mandatory programs and services related to:

- Risk of natural hazards.
- Conservation and management of lands owned or controlled by CA
- CA's functions and responsibilities as a source protection authority under the *Clean Water Act*.
- Lake Simcoe Region Conservation Authority's functions and responsibilities under the *Lake Simcoe Protection Act*.
- Programs and services related to an authorities duties under another Act prescribed by the regulations; any program or service that has been prescribed by the regulations within a limited period of time

Non-mandatory (other) programs and services :

If the CA determines other programs and services are advisable to further its objectives, the CA must enter into time limited agreements with participating municipalities.

Transition Period

Amendments to the *Act* establish a transition period to allow CAs to continue to levy municipalities for non-mandatory programs and services while the CA and municipality develop agreements.

Requires CAs to develop and implement transition plans, in accordance with regulation.

Bill 108, *More Homes, More Choice Act**

Governance & Accountability

Investigator

Authorize the Minister to appoint an investigator to conduct an investigation of an authority's operations, including the programs and services it provides.

Powers of investigator:

- Inquire into any or all of a CA's affairs, financial and otherwise.
- Require the production of any records that may relate to the CA's affairs.
- Inspect, examine, audit and copy anything required to be produced.
- Conduct a financial audit of authority's operations, including programs and services.
- Require any member of CA and any other person to appear before the investigator and give evidence

Investigator shall provide written report to Minister, who shall promptly transmit a copy to the CA.

Duty of CA Board Members

Require that each member of the authority shall act honestly and in good faith with a view to furthering the objects of the authority.

Moving Forward

- Changes to the *Conservation Authorities Act* do not take effect until proclaimed.
- Development of supporting regulations and policy is required and would undergo further consultation with municipalities, stakeholders and the public.
- Ministry of Natural Resources and Forestry regulations:
 - Focusing conservation authority development permits on the protection of people and property
 - Defining mandatory programs and services related to the risk of natural hazards

Defining mandatory programs and services related to the risk of natural hazards

Bill 108 amended to the *Conservation Authorities Act* to require CAs to provide the mandatory programs and services listed in legislation, with further details to be outlined in regulation.

- MNRF will lead development of a regulation providing further detail on conservation authority programs related to risk of natural hazards.
- Such programs and services delivered by authorities currently include:
 - Administering permit applications and approvals
 - Commenting on behalf of MNRF as part of the Provincial One-Window for planning for impacts to the control of natural hazards
 - Flood forecasting and warning
 - Operation and maintenance of flood and erosion control infrastructure
 - Ice management
 - Low water monitoring
 - Flood plain mapping and technical studies
 - Public education and outreach

Focusing conservation authority development permits on the protection of people and property

The Ministry of Natural Resource and Forestry also undertook a 46 day Environmental and Regulatory Registry posting (ERO# 013-4992; April 5-May 21, 2019) which outlined Ontario's intent to streamline conservation authority permitting.

Proposals to focus the scope of regulations:

- Focus regulatory requirements on managing natural hazards – removing consideration for broader environmental impacts;
- Reduce regulatory restrictions around wetlands;
- Provide exemptions for low-risk activities;

Proposals to enhance transparency and service standards:

- Consolidate 36 individual CA regulations into an individual regulation;
- Require conservation authorities to develop, consult on, make publicly available and periodically review internal permitting policies;
- Require conservation authorities to notify the public of changes to regulated areas such as floodplains or wetland boundaries; and
- Require conservation authorities to establish, monitor and report on service delivery timelines for issuing permit decisions.

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