

October 2021

Changes to Conservation Authorities: Mandatory Programs and Services (Category 1)

Context:

Conservation Authorities (CAs) have delivered programs and services because legislation and other agreements with the province directed them to. Many of these programs and services are jointly funded by municipalities, the Province, and in some cases, through funding self-generated by the CAs. Until now, the list of programs and services that are provided has been up to individual CAs and the municipality(ies) within their jurisdiction(s).

The new regulation (O.Reg 686/21) sets out the Category 1 programs and services that are mandatory for a CA to provide. While a service agreement/Memoranda of Understanding is not required for Category 1 programs and services, the inventory needs to include these programs and services, and the required funding needs to be integrated into the 2024 municipal budget.

For the most part, the vast majority these programs and services are not new and municipal levy has already been sharing the costs. In short, the Regulation increases consistency and transparency to what all CAs must provide.

Category 1 (Mandatory) Programs and Services:

CAs must provide programs and services that meet the descriptions laid out in Section 21.1 (1) and (2) of the *Conservation Authorities Act*, and that have been prescribed in O.Reg 686/21.

1. Risks of Natural Hazards (Sections 1-8 of O. Reg 686/21)

CAs are required to deliver programs and services that help manage the following hazards: i) dynamic beaches; ii) erosion; iii) flooding; iv) hazardous lands; v) hazardous sites; and vi) low water or drought conditions. All of these have the same meaning as in the Provincial Policy Statement, 2020 issued under section 3 of the *Planning Act*.

The objectives of these programs and services are to identify natural hazard areas, undertake risk assessments (including the impacts of climate change, risk mitigation and prevention activities), and promote public awareness.

Section 1.3 of O.Reg 686/21 outlines what components the CA can consider in delivering programs or services around hazard risk. For example, CAs could collect, provide and manage information that would enable them to:

- a. delineate and map hazard areas;
- b. study surface water flows and levels (e.g., low/peak flow, water budget, surface/groundwater interactions, flood hazard);
- c. study stream morphology;

- d. study the potential impact of changing climatic conditions on natural hazards; and
- e. study the management of natural hazards.

CAs could also develop and consult on plans and policies, and deliver public awareness, education and outreach on the risk of natural hazards within their jurisdiction.

For further clarity, Sections 2-8 of O.Reg 686/21 outlines the specific programs to meet the requirements. We encourage municipalities to review these carefully in detail:

- **Flood forecasting and warning** in accordance with and, at a minimum, to the extent described by approved provincial standards.
- **Drought or low water response**, including monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.
- **Ice management** services (preventative or remedial) as appropriate, and as supported by an authority approved ice management plan.
- **Infrastructure** related to the operation and maintenance of water control and erosion control under CA control, including operational and asset management plans and reports/activities regarding maintenance and repair (e.g., dam safety and emergency preparedness).
- **Comments on applications and proposals** related to Natural Hazards policies arising from proposals under the *Aggregate Resources Act*, *Drainage Act*, *Environmental Assessment Act*, and the *Niagara Escarpment Planning and Development Act*.
- **Provide input on land-use planning** to ensure that decisions are consistent with the natural hazard policies of policy documents (including the PPS, 2020) issued under the *Planning Act*. When requested, provide support and input on behalf of the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Ministry of Municipal Affairs and Housing.
- **Administer and enforce the *Conservation Authorities Act***, including administering permits issued under section 28 and associated enforcement activities.

Municipal Councils are encouraged to review these carefully in detail, as a number of these programs and services are to be completed on or before December 31, 2024 (e.g. ice management, operational and asset management plans).

2. Conservation and management of lands owned or controlled by a CA, including any interests in land registered on title (Sections 9-12 of O. Reg 686/21)

CAs are required to provide programs and services that relate to the conservation and management of lands under subparagraph 1 ii of subsection 21.1 (1) of the Act. This includes developing a conservation area strategy (Section 10) and land inventory (Section 11) on or before December 31, 2024. Additionally, CAs need to administer regulations made under Section 29 of the Act including the setting out of fees, permits and enforcement activities.

Many CAs already have such management plans and policies, but they have been discretionary until now. Updates may be required to meet new provincial requirements.

Conservation lands that provide trails or recreation that does not require direct support/staffing was added to the list of mandatory items. However, it should not lead to any net new costs given that this service is already in place.

3. Other Programs or Services (Section 12 of O. Reg 686/21)

Additional required programs and services include:

- Provincial Water Quality and Groundwater Quantity Monitoring (previously delivered through an agreement with the Ministry of the Environment, Conservation and Parks) to be delivered no later than January 1, 2024; and
- Core Watershed-based Resource Management Strategy to be delivered no later than December 31, 2024

The Provincial Water Quality and Quantity Monitoring programs are highly prescribed, and have been in place for some years. These programs also link to Drinking Water Source Protection.

The Watershed-based Resource Management Strategy broadly covers the entire watershed, which is intended to integrate the various programs and services in a manner that serves the area for the long term. The strategy is to include identifying and analyzing issues and risk that limit the effectiveness of the delivery of these programs and services, and the actions to address the issues and mitigate the risks. A cost estimate for the implementation of those actions is also to be provided.

Again, some CAs have these types of strategies already in place. To accomplish these and other mandatory activities, CAs rely on documents such as a watershed characterization, a watershed report card, sub-watershed studies, and any of the reports required.

In addition, a watershed-based resource management strategy may include work done under the non-mandatory Category 2 (municipal) and Category 3 (other) programs and services provided there is a signed agreement. Examples include stewardship programs, tree planting and forestry, invasive species management, wetland restoration, sub-watershed plans, stormwater management, and natural heritage mapping.

4. Source Protection Authority under the *Clean Water Act, 2006* (Section 13 of O. Reg 686/12).

The responsibilities under the *Clean Water Act* have been articulated in detail over the past number of years and the requirements are generally well known to municipal governments.

Note that in some cases 'specified municipalities' take part in these programs and services although they are not 'participating municipalities'.

5. CA duties, functions and responsibilities under legislation prescribed by regulation (i.e. *Building Code Act, 1992*) (Section 14 of O. Reg 686/12)

North Bay-Mattawa CA has been prescribed responsibility under the Building Code for the enforcement of provisions of the Act (i.e. on-site sewage systems approvals by under the *Building Code Act, 1992*). Therefore, this CA is explicitly required to provide duties, functions and responsibilities to enforce provisions as well as the Building Code in the geographic areas prescribed in the Building Code for that authority.

6. Lake Simcoe Region CA duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*

This is applicable to the Lake Simcoe Region CA only. The responsibilities under the *Lake Simcoe Protection Act* have been articulated in detail over the past number of years and the requirements are generally well known to municipal governments.

Note that in some cases 'specified municipalities' take part in these programs and services although they are not 'participating municipalities'.

Conclusion

Most of the activities described above are already in place, and have been jointly funded by municipalities, the Province, and in some cases, the CAs themselves. What has changed, however, is the fact there will be greater clarity around the standards to be met, and that the relative share of funding to support these activities are to be integrated into the 2024 municipal budget.

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