



Committee Report

To: Warden Janice Jackson
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: June 17, 2021

Re: Proposed Regulations under the Conservation Authorities Act

Staff Recommendation:

That the Proposed Regulations under the Conservation Authorities Act report be forwarded to the Ministry of the Environment, Conservation and Parks as the County of Bruce's comments on the [Environmental Registry of Ontario posting #019-2986](#).

Background:

On December 8, 2020, Bill 229, the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, received Royal Assent. Bill 229 made changes to the Conservation Authorities Act and the Planning Act.

The Ministry of the Environment, Conservation and Parks (MECP) is now proposing to move forward with the first of two phases of regulatory changes. The changes would implement the legislative changes that were previously made to the Conservation Authorities Act and those recently made through Bill 229 noted above.

The County's previous comments on [Provincial Changes to the Conservation Authorities Legislation and Funding](#) through Bill 108, the More Homes, More Choice Act, were provided in May 2019.

According to the Environmental Registry of Ontario (ERO) website, the proposed regulations will improve the governance, oversight, and accountability of conservation authorities, while giving municipalities more control over the conservation authority programs and services they fund. Comments on the ERO posting are due June 27, 2021.

Proposed Regulations:

This first phase of the MECP's process is focused on proposed regulations related to:

- Mandatory programs and services that conservation authorities would be required to provide for:
 - Risk of natural hazards.
 - Conservation and management of lands owned or controlled by a conservation authority, including any interests in land registered on title (e.g., conservation easements).
 - Conservation authority duties, functions, and responsibilities as a source protection authority under the Clean Water Act.
 - Conservation authority duties, functions and responsibilities under the Lake Simcoe Protection Act, the Building Code Act, or other acts (not applicable in Bruce County).
 - Other programs or services prescribed by the regulation, including a Core Watershed-based Resource Management Strategy and Provincial Water Quality and Quantity Monitoring.

These programs and services 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.

- Agreements between conservation authorities and their participating municipalities for the use of municipal levies to fund non-mandatory programs and services an authority determines are advisable in its jurisdiction (e.g., a municipal service agreement to seek conservation authority input on municipal land use planning matters outside of natural hazard policies, such as natural heritage policies). Other funding mechanisms may also be used and would be set out in the agreements.
- Details of the transition plan conservation authorities must prepare, including an inventory of the authority's programs and services, the consultation process with participating municipalities on the inventory, and steps taken to enter into agreement(s) with participating municipalities for the use of municipal levies for non-mandatory programs and services the authority determines are advisable in its jurisdiction.
- The consolidation of each of the current individual conservation authority 'Conservation Areas' regulations made under Section 29 of the Conservation Authorities Act into one Minister's regulation.
- Requirements for each conservation authority to establish a community advisory board to include members of the public, and the by-laws that would govern the board.

Greater detail on the proposed regulations can be found in MECP's [Regulatory Proposal Consultation Guide](#), which is also attached to this report. The Guide does not include the draft regulations.

This is the first phase of the MECP's consultation process. The MECP will be consulting on a second phase of proposed regulations at a later date, which will include:

- 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.

Comments:

The following are the County's recommended comments to the MECP on the regulatory proposals:

1. Bruce County and its eight lower-tier municipalities rely upon a number of programs and services delivered by conservation authorities within the County to support an integrated approach to watershed management through a combination of levy-based funding, service agreements, memoranda of understanding and informal partnerships.

The MECP's [Regulatory Proposal Consultation Guide](#) is lengthy and often detailed. Additional time to facilitate local discussions on the implications of these regulatory proposals between the County, local municipalities and conservation authorities would have been appreciated and is recommended for the second phase of consultation.

2. The proposed regulations do recognize the important role that conservation authorities play in watershed management and the need for flexibility to deliver non-mandatory programs and services at the watershed level. It is important to continue to have this flexibility giving the varying needs and functions that conservation authorities already provide.
3. Bruce County is the approval authority for a range of applications under the Planning Act and provides land use planning services on behalf of its eight local municipalities. The County currently has a Memorandum of Agreement with Saugeen Valley Conservation Authority, Grey Sauble Conservation Authority and Maitland Valley Conservation Authority for expert advice to the County in the areas of environmental hazards and natural heritage on land use planning matters. The benefit of this agreement is the consistent delivery of expert advice County-wide. Consistent delivery of programs and services avoids a patch-work approach and ultimately benefits end users and the County as a whole.

However, if some municipalities opt out of certain programs and services (e.g., delivery of natural heritage advice), opportunities for consistency and coordination could be lost. This creates confusion for stakeholders which is contrary to the Province's objectives. It can also pose a risk to the programs and services offered if collective resourcing is not achieved (e.g., recreation and education programs).

4. The draft regulations were not included as part of the consultation package. Having the draft regulations would have assisted the County in the formulation of its comments and facilitated more specific feedback. The County looks forward to reviewing the regulations in greater detail when they are released and recommend that drafts be released for the first and second phases of the consultation process before they are in force and effect.
5. The Consultation Guide identifies that transition plans must be completed by December 31, 2021 with agreements in place for non-mandatory programs and services by January 1, 2023. This will require staff time and resourcing by both municipalities and conservation authorities.

This can be a challenge particularly for smaller and more rural organizations when multiple stakeholders are involved. For Bruce County, this includes the County, eight local municipalities and three conservation authorities. Bruce County also recognizes that its partner conservation authorities are not limited to municipal boundaries and that they will be required to consult with other upper and lower-tier municipalities elsewhere within their respective watersheds.

Between now and January 1, 2023, there are also municipal elections scheduled. Finalizing agreements with newly elected officials is not preferred.

For these reasons, it is recommended that the timelines be extended by a year (i.e., January 1, 2024) to allow municipalities and conservation authorities time to have meaningful discussions and to allow newly elected councils the opportunity to immerse themselves in these matters so that they can make informed decisions.

Financial/Staffing/Legal/IT Considerations:

Depending on the final wording of the regulations and forthcoming negotiations between the County, local municipalities and conservation authorities, there may be financial, staffing, and legal considerations associated with the preparation or review of future agreements with the conservation authorities.

Potential funding reductions for conservation authorities may lead to program impacts or additional costs needing to be covered by Bruce County, its local municipalities, or other stakeholders (e.g., applicants to the land development process).

The second phase of consultation may have additional financial and staffing implications for the County and local municipalities. Staff will report on this second phase once it is posted on the ERO website.

Interdepartmental Consultation:

The Office of the CAO and Transportation and Environmental Services were consulted on the proposed regulatory changes. Staff also consulted with Grey County and Conservation Authority staff to gather information for this report. The report will be shared with the local municipalities and conservation authorities for awareness.

Link to Strategic Goals and Elements:

Goal 5 - Eliminate our own red tape:

Element E - Focus on the internal and the external customer/client needs first.

Goal 6 - Explore alternate options to improve efficiency, service:

Element A - Explore alternate governance models (Keep It Simple).

Element C - Look for economies of scale or shared services among our departments and our communities.

Element D - Coordinate working with other agencies (e.g., Conservation Authorities).

Element E - Eliminate duplication of services.

Goal 7 - Stimulate and reward innovation and economic development:

Element A - Streamline and simplify our Planning Processes.

Goal 9 - Coordinated, concerted effort to advance our agenda:

Element B - Politicians and staff lobby associations and government in support of local policy needs.

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Approved for Submission:

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