CONSERVING OUR FUTURE
A Modernized Conservation Authorities Act
TABLE OF CONTENTS

MINISTER’S MESSAGE 1

INTRODUCTION 2

OVERVIEW OF CONSERVATION AUTHORITIES AND THE CONSERVATION AUTHORITIES ACT REVIEW 4

SUMMARY OF ACTIONS BEING PROPOSED TO MODERNIZE THE CONSERVATION AUTHORITIES ACT FRAMEWORK 6

1 STRENGTHENING OVERSIGHT AND ACCOUNTABILITY 7

2 INCREASING CLARITY AND CONSISTENCY IN PROGRAMS AND SERVICES 12

3 INCREASING CLARITY AND CONSISTENCY IN REGULATORY REQUIREMENTS 19

4 ENHANCING COLLABORATION AND ENGAGEMENT 23

5 MODERNIZING FUNDING MECHANISMS 28

ADDITIONAL HOUSEKEEPING CHANGES 32

IMPLEMENTATION 33

HOW TO STAY INVOLVED 34
Minister’s Message

Conservation authorities have played a vital role in supporting the conservation, restoration, development and management of Ontario’s natural resources for over seventy years.

The continued growth of Ontario’s communities and the challenges we face from the increased frequency and severity of weather events as a result of climate change will only further underscore the importance of the role Conservation Authorities play in our communities.

In the areas and communities they serve, the work of conservation authorities extends far beyond the management of natural hazards. Conservation authorities provide a wide variety of science-based watershed management programs and services, delivered in partnership with municipalities, local landowners, environmental agencies, and all levels of government. Conservation authorities and their dedicated staff, partners and volunteers make outstanding contributions to the health and sustainability of Ontario’s streams, rivers and waterways.

Over some time, members of the public, stakeholders, conservation authorities, municipalities and Indigenous communities have highlighted the challenges, issues and potential for improvements – both in the governance and operations of conservation authorities as well as the overall management and conservation of natural resources in Ontario to which they contribute.

Over the past two years, my ministry has been engaging people across Ontario in a review of the Conservation Authorities Act and has identified opportunities to improve the legislative, regulatory and policy framework which currently governs conservation authorities and their operations. This document goes over the approach our Ministry has developed in response to our review, one that will improve conservation authorities and ensure they continue to deliver quality service the people of Ontario rely on.

Together, this suite of changes will strengthen the ability of the Province, municipalities and others to continue to work with conservation authorities in the conservation, restoration, and management of our watersheds and position conservation authorities to continue evolving and potentially take on additional areas of natural resource management and environmental protection in the future.

I sincerely thank everyone who participated in the review and contributed to the development of this plan for the future. Together, we can build up the Conservation Authorities Act framework and ensure it continues to meet the needs of Ontarians in a modern context.

Kathryn McGarry,
Minister of Natural Resources and Forestry
Introduction

The Ministry of Natural Resources and Forestry (MNRF) is proposing amendments that would, if passed, modernize the Conservation Authorities Act to further the conservation, restoration, development and management of natural resources in Ontario.

The conditions for resource conservation and management in Ontario have changed significantly since the establishment of the Conservation Authorities Act. Resource conservation and management has become increasingly complex due to increases in Ontario’s population numbers and density. With increasing pressures of Climate Change on the environment, it is imperative that the Province ensure that the Conservation Authorities Act is meeting the needs of Ontarians in a modern context.

A modernized Conservation Authorities Act policy framework should be built upon the principles of clarity, accountability, and fiscal sustainability.

Clarity in the roles and responsibilities associated with the conservation, restoration, development and management of Ontario’s natural resources.

Accountability for the fulfillment of these roles and responsibilities and ensuring that decisions are made in accordance with modern expectations for participation and transparency in decision-making.

And sustainability in funding for the programs and services put in place to ensure Ontario’s natural resources are managed in a responsible manner.

A modernized policy framework needs to enable the Province to be responsive to the resource management challenges of today and tomorrow. Conservation authorities will have an increasingly important role to play in protecting and conserving natural resources in Ontario in the face of climate change.
This document sets out a comprehensive suite of actions being proposed to modernize the Conservation Authorities Act and the policy framework that would:

1. Strengthen oversight and accountability in conservation authority decision-making;
2. Increase clarity and consistency in conservation authority roles and responsibilities;
3. Improve collaboration and engagement among all parties involved in resource conservation;
4. Modernize funding mechanisms that support conservation authority operations;
5. Enhance flexibility to update the Conservation Authorities Act framework in the future.

The actions being proposed to modernize the Conservation Authorities Act legislative, regulatory and policy framework were informed by the expertise, insights and experience of those involved with, or who have an interest in the work of conservation authorities in a variety of capacities and circumstances. These actions will be advanced over the next several years and will be subject to further consultation as appropriate.

Throughout this document, the type of action being proposed to modernize the existing framework will be visually represented through different icons and colours as noted below:
Overview of conservation authorities and the Conservation Authorities Act Review

Conservation authorities are local public sector organizations similar to public health units, hospitals, libraries or school boards – they are not agencies, boards, or commissions of the Province and there are no Provincial appointees on the authority boards.

Conservation authorities have played a significant role in Ontario’s natural resource management landscape for 70 years, establishing a successful legacy of resource stewardship and an impressive record of protecting people, property, and communities from water-related natural hazards (e.g. flooding, drought, erosion etc.).

The Ministry of Natural Resources and Forestry (MNRF) initiated a review of the Conservation Authorities Act in 2015. The objective of this review was to identify opportunities to improve the legislative, regulatory and policy framework governing the creation, operation and activities of conservation authorities.

In July 2015, the ministry posted a discussion paper to the Environmental Registry (Environmental Bill of Rights Registry Number 012-4509) for public consultation and held over twenty stakeholder and Indigenous engagement sessions along with targeted meetings across the Province to gain feedback on conservation authority governance, funding and roles and responsibilities. In response to this Environmental Registry posting, the MNRF received over 250 comments from Indigenous peoples, municipalities, conservation authorities, stakeholders, and members of the public. The feedback from this first phase of the review was summarized in a series of engagement reports and made available to review participants and the public.

Feedback received in response to the 2015 discussion paper recognized the valuable role conservation authorities play in education, stewardship, recreation and hazard management and revealed a number of areas where there was broad agreement from all sectors on the need for improvement: Provincial policy direction and oversight, and accountability mechanisms; Provincial funding levels and clarity in the development and use of municipal levies and fees; and clarity and consistency in conservation authorities’ mandate and regulatory requirements.

In May of 2016, the ministry posted a priorities paper to the Environmental Registry (Environmental Bill of Rights Registry Number 012-7583) for public consultation and held five regional, multi-sector engagement sessions seeking feedback on proposed priority areas for improvement and supporting actions being considered by the ministry to improve them.
Feedback received in response to the 2016 priorities paper helped to confirm the priority areas for improvement and provided input on a range of potential legislative, regulatory and policy and program changes that could be pursued by the ministry to improve priority areas. Increasing clarity and consistency in roles and responsibilities and regulatory requirements emerged as a top priority area for improvement across conservation authority, municipal, development and agricultural sectors. All sectors also expressed general support for taking actions to strengthen oversight and accountability in decision-making as well as continued multi-sector support for increasing Provincial funding levels to promote greater consistency in conservation authority programs and services. Certain sectors, including members of the public and environmental non-governmental organizations, were very supportive of improving collaboration and engagement while other sectors, including conservation authorities, municipalities and development sector representatives, were concerned with the potential costs and timelines associated with establishing prescribed consultation requirements (e.g. requirements for consultation on conservation authority policies).

The actions being proposed to modernize the Conservation Authorities Act legislative, regulatory, and policy framework and additional program changes outlined within this document are intended to address the range of views and opinions expressed during the review process, with recognition that a wide variety of ideas were put forward and that not all parties engaged in the review agreed on a preferred approach. The Government of Ontario has benefitted greatly from the valuable input provided by all parties during the review process and this input will continue to be used by the Province in advancing the actions outlined within this document.
SUMMARY OF ACTIONS BEING PROPOSED TO MODERNIZE THE CONSERVATION AUTHORITIES ACT FRAMEWORK

1. ACTIONS FOR STRENGTHENING OVERSIGHT AND ACCOUNTABILITY
   a. Updating appointment processes and requirements;
   b. Updating conservation authority governance practices;
   c. Enabling the MNRF to conduct program and operational reviews;
   d. Updating guidance on the use of dispute-resolution mechanisms;
   e. Confirming expectations for conservation authority restructuring decisions.

2. ACTIONS FOR INCREASING CLARITY AND CONSISTENCY IN PROGRAMS AND SERVICES:
   a. Clarifying the role of conservation authorities;
   b. Clarifying expectations for Provincially-mandated programs and services;
   c. Clarifying expectations for municipally-assigned programs and services;
   d. Clarifying expectations for watershed-specific programs and services.

3. ACTIONS FOR INCREASING CLARITY AND CONSISTENCY IN REGULATORY REQUIREMENTS:
   a. Clarifying the scope of activities subject to conservation authority approval;
   b. Clarifying the scope of a conservation authority’s review;
   c. Updating compliance mechanisms and enforcement tools;
   d. Enabling the Province to regulate other activities within the conservation authority’s area of jurisdiction in the future.

4. ACTIONS FOR IMPROVING COLLABORATION AND ENGAGEMENT:
   a. Increasing Indigenous, public and stakeholder outreach and engagement;
   b. Increasing Indigenous community participation in conservation authorities;
   c. Increasing coordination between Provincial ministries;
   d. Increasing collaboration between conservation authorities and the Province;
   e. Increasing collaboration and engagement on service delivery standards.

5. ACTIONS FOR MODERNIZING FUNDING MECHANISMS:
   a. Updating how costs are apportioned among participating municipalities;
   b. Increasing clarity and consistency in the development and use of fees;
   c. Exploring options for updating Provincial funding levels.
1 STRENGTHENING OVERSIGHT AND ACCOUNTABILITY

a. Updating appointment processes and requirements;
b. Updating conservation authority governance practices;
c. Enabling the MNRF to conduct program and operational reviews;
d. Updating guidance on the use of dispute-resolution mechanisms;
e. Confirming expectations for conservation authority restructuring decisions.

Proposals are being made to modernize the Conservation Authorities Act to strengthen oversight and accountability in decision-making and to ensure that decisions regarding the conservation, restoration, development and management of Ontario’s natural resources are made in accordance with modern expectations for participation and transparency in decision-making.

Conservation authorities are local public sector organizations similar to public health units, hospitals, libraries or school boards – they are not agencies, boards, or commissions of the Province and the Province does not appoint authority members.

The Province has a key role in establishing a conservation authority at the request of two or more municipalities, defining the powers of a conservation authority and directing and monitoring provincially approved programs. Municipalities petition the Province to form an authority, appoint the members of an authority, and through these members, have the primary responsibility for directing and overseeing conservation authority operations. The representatives appointed to the authority by participating municipalities set strategic and operational policies and direct the authority’s general manager or chief administrative officer who is responsible for providing oversight of day-to-day operations and managing authority staff.

Feedback provided during the course of the review indicated a high-degree of multi-sector support for updating or enhancing governance and accountability mechanisms outlined within the act, including support for increasing transparency and oversight of conservation authority decision-making and updating the act to reflect modern best management practices for board operations.
Actions being proposed to strengthen oversight and accountability within the *Conservation Authorities Act* legislative, regulatory and policy and program framework are outlined below.

**A. UPDATING APPOINTMENT PROCESSES AND REQUIREMENTS**

Conservation authorities are a partnership of the municipalities that establish them. Once established each municipality within the collective is entitled to appoint individuals to the conservation authority to vote and generally act on behalf of the municipalities that appoint them.

While it is appropriate for municipalities to appoint representatives to the conservation authorities they create, there are a number of areas where changes can be made to modernize the rules and requirements associated with the appointment process.

Actions proposed to modernize appointment processes and requirements include:

- Enabling municipalities to set the term of a member’s appointment and replace members as appropriate;
- Developing best management practices for the recruitment and selection of authority members including best practices for the appointment of non-elected individuals;
- Allowing authorities to appoint a chair or vice chair at a meeting other than the first meeting of an authority held in each year;
- Clarifying that the authority for regional municipalities to act in place of local municipalities only applies to regional municipalities as defined by the *Municipal Act*;
- Enabling the Lieutenant Governor in Council (LGIC) to make regulations governing the appointment of authority members.

**CONSERVATION AUTHORITY BOARD APPOINTMENT**

Some basic requirements for can be found in the act, however some conservation authorities such as the Nottawasaga Valley Conservation Authority have developed specific guidelines that their board members adhere to. The specific guidelines can be found here.

Board appointments, i.e. the City of Toronto to the Toronto and Region Conservation Authority board, can vary. The City appoints nine municipal councillors and five public representatives who are interviewed and must meet criteria outlined in this report to be appointed.
These changes will help clarify the authority of municipalities to appoint representatives to the authority, promote the various ways in which various municipalities recruit and select authority members and enable the LGIC to establish minimum standards for the appointment of authority members in the future if required in response to changing expectations for the way in which appointments to public sector organizations should be carried out.

B. UPDATING CONSERVATION AUTHORITY GOVERNANCE PRACTICES

CONSERVATION AUTHORITY ADMINISTRATIVE BY-LAWS

Several conservation authorities have already begun the work of updating their administrative by-laws in accordance with modern standards. This experience can be drawn upon in the development of best practices.

The Kawartha Region Conservation Authority (KRCA) recently developed an administrative by-law that contains governance and administrative policies and sets out the mandate, roles, responsibilities and duties of board members and the Chief Administrative Officer, outlines the election of officers, and establishes various administrative policies for KRCA. It further outlines the duties of other authority officers and provides guidance around levies, per diems and committees.

Currently, all conservation authorities are required to establish administrative by-laws to guide the operation of the authority. Proposed updates would expand on the scope of these by-laws, and strengthen and modernize the governance structure of conservation authorities.

Proposed updates to conservation governance structure include:

- Requiring conservation authorities to establish administrative by-laws and broadening the scope of those by-laws to include codes of conduct and conflict of interest guidelines for authority members;
- Requiring administrative by-laws to be made available to the public in a manner determined by the authority and participating municipalities;
- Requiring conservation authorities to establish a period for reviewing their administrative by-laws;
- Requiring authority meetings to be open to the public, subject to any exceptions outlined within an authority's by-laws;
- Developing best management practices to be used by conservation authorities when updating their administrative by-laws;
- Enabling the Minister to direct a conservation authority to make changes to their by-laws in accordance with any direction provided by the Minister;
Enabling the Minister to make regulations prescribing additional requirements for administrative by-laws;

Removing requirements for conservation authorities to obtain Minister’s approval of administrative by-laws developed in accordance with the act and any rules regarding by-laws established by the Minister.

These actions will help to ensure that conservation authority governance practices are consistent, and align with expectations for good governance currently in place for public sector organizations and ensure that these requirements can be updated in the future as appropriate.

C. ENABLING THE MNRF TO CONDUCT PROGRAM AND OPERATIONAL REVIEWS

Conservation authorities provide a wide range of programs and services for the Province – including administering regulatory approvals. While oversight of conservation authority programs and operations are overseen by the board, there may be circumstances where the Province deems it necessary to review conservation authority programs, services and operations.

Actions proposed to update the authority of the MNRF to review conservation authority programs, services and operations include:

- Enabling the Minister to require an authority to disclose information regarding authority programs, services or operations;
- Enabling the Minister to require an authority to publish information regarding authority programs, services or operations.

D. UPDATING GUIDANCE ON THE USE OF DISPUTE-RESOLUTION MECHANISMS

Conservation authorities do great work. However, given that conservation authorities make regulatory decisions that directly impact individuals and businesses, as well as a range of other resource management decisions that local communities are interested in, there is the potential for disagreement with a decision or conflict between conservation authorities and others.

These actions would help enable the MNRF to provide effective oversight of conservation authority programs, services and operations and, where appropriate, shed light on perceived issues or concerns associated conservation authority decisions and ensure that Ontarians can access the information they require to understand the decisions of their local conservation authority and how they are made.

CONSERVATION AUTHORITY PUBLIC DISCLOSURE OF INFORMATION

The Hamilton Region Conservation Authority (HRCA) proactively discloses information regarding the programs and services they offer, board meeting agendas/minutes and year-end financial statements. The HRCA has released a Strategic Plan that defines the actions of how they will safeguard and enhance their water, natural environment and recreational facilities for the benefit of the municipalities’ long-term environmental, social and economic prosperity. Further information can be found on HRCA’s website that supports public requests such as agricultural guides to conservation authority regulations and a regulated area mapping tool.
The ministry’s review of the *Conservation Authorities Act* identified a number of existing dispute-resolution mechanisms that could be utilized to help address conflicts between conservation authorities and others when they arise.

Actions to promote the use of existing dispute resolution mechanisms to address conflicts between conservation authorities and others include:

1. **Developing policies and procedures on existing dispute-resolution mechanisms (e.g. hearing boards and tribunals) that can be accessed by conservation authorities, municipalities, stakeholders and members of the public to resolve disputes.**

   The goal of developing these policies and procedures is to improve awareness of existing dispute-resolution mechanisms, how they can be accessed, and the scope of their authority.

2. **E. CONFIRMING EXPECTATIONS FOR CONSERVATION AUTHORITY Restructuring Decisions**

Decisions regarding the creation, enlargement, amalgamation and dissolution of a conservation authority are some of the most fundamental decisions made under the authority of the *Conservation Authorities Act*.

The review has provided the ministry with an opportunity to review and propose updates to the requirements associated with conservation authority restructuring decisions that would provide additional rigour within the process to ensure that these decisions are adequately considered. The public and stakeholders expect a significant amount of engagement in such decisions.

Proposals to update conservation authority restructuring decisions include:

- **Requiring municipalities to consult with the public when considering amalgamating conservation authorities;**
- **Allowing public notice of meetings to discuss amalgamation and dissolution decisions to be provided online;**
- **Requiring conservation authorities to obtain ministry approval of amalgamation decisions;**
- **Requiring conservation authorities to notify the Minister when there has been an enlargement of an authority;**
- **Aligning quorum and voting requirements associated with enlargement and amalgamation decisions;**
- **Removing outdated references to the ability of Lieutenant Governor in Council appointments to vote on restricting decisions as the province no longer appoints members to conservation authorities.**

These proposals, if passed, would ensure that local residents are provided with a meaningful opportunity to participate in amalgamation decisions understand the reasons for considering amalgamation and to ensure that amalgamation decisions are conducted in an appropriate way.
INCREASING CLARITY AND CONSISTENCY IN PROGRAMS AND SERVICES

a. Clarifying the role of conservation authorities;
b. Clarifying expectations for Provincially-mandated programs and services;
c. Clarifying expectations for municipally-assigned programs and services;
d. Clarifying expectations for watershed-specific programs and services.

The MNRF is proposing amendments to modernize the Conservation Authorities Act to increase clarity and consistency in the various roles and responsibilities undertaken by conservation authorities to further the conservation, restoration, development and management of natural resources.

The Conservation Authorities Act provides conservation authorities with the ability to develop their own suite of programs and services tailored to the interests, capacity and expertise of each individual authority and the local needs they serve. This flexibility allows conservation authorities, and the municipalities that collectively direct them, to focus their efforts on areas of greatest need within their watersheds. The Act also allows conservation authorities to deliver programs and services as mandated by the province through various mechanisms, or in accordance with any agreements or partnerships they have entered into with governments or organizations. As a result, there is considerable variability in the scale and range of programs and services delivered by any individual conservation authority.

Some conservation authorities offer a basic program primarily focused on natural hazards management, stewardship, conservation land acquisition and management, and drinking water source protection. Other conservation authorities may offer a wider range of programs and services that can include, for example, recreation, education, monitoring, science and research, the implementation of Remedial Action Plans in Great Lakes Areas of Concern, the conservation of cultural heritage resources, the development of natural heritage strategies, and extensive watershed and water management planning initiatives. Some conservation authorities also invest in resource development initiatives such as hydroelectric power generation and logging, the operation of historic and cultural facilities, and income generating projects such as marina operations, facility rentals and product sales.
Feedback provided during the course of the review indicated a high-degree of multi-sector support for clarifying and confirming conservation authorities’ mandate, and a desire to see greater consistency in programs and services offered by conservation authorities while maintaining the flexibility given to conservation authorities to tailor programs and services to reflect local needs and priorities.

**CONSERVATION AUTHORITY ROLE IN NATURAL HAZARD PROGRAMMING**

Conservation authorities deliver a wide range of watershed-based programming on behalf of the province and member municipalities including water related natural hazard programming. The Grand River Conservation Authority provides leading programming within their jurisdiction focused on water related natural hazards. Their flood management programming has a clear approach indicating how the will mitigate a flood that can be found here. Best practices like these should be shared to allow other agencies the ability to gain a stronger understanding of what is required to manage these hazards and improve their programs.

Actions proposed to increase clarity in the programs and services provided by conservation authorities are outlined below.

**A. CLARIFYING THE ROLE OF CONSERVATION AUTHORITIES**

The *Conservation Authorities Act* enables conservation authorities to provide a wide range of programs and services designed to further the conservation, restoration, development and management of natural resources.

Feedback provided during the *Conservation Authorities Act* review demonstrated a lack of common understanding of the role of conservation authorities in managing natural resources, or the accountabilities for the various work they undertake. The role of conservation authorities is to provide programs and services designed to the further the conservation, restoration, development and management of those resources at the watershed scale. The science-based, watershed management programs and services that conservation authorities provide will be increasingly required in the face of climate change and the resulting vulnerabilities to biodiversity and natural resources in the province. These programs and services include those mandated by the Province, assigned by municipalities and developed by conservation authorities in response to local needs and priorities.

Proposals to clarify that the role of conservation authorities in the management of Ontario’s natural resources include:

- Clarifying that the purpose of the Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario;
- Clarifying that the objects of a conservation authority are to provide programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals;
- Clarifying that conservation authorities are required to provide programs and services mandated by regulation;
- Clarifying that conservation authorities are permitted to provide additional programs and services on behalf of participating municipalities;
Clarifying that conservation authorities are permitted to provide additional programs and services determined by the authority as being advisable to further their objects.

**CONSERVATION AUTHORITY PROGRAMS AND SERVICES**

Conservation authorities provide a range of programs and services that support provincial, municipal and watershed interests. Current regular programming includes:

- Natural Hazard Management
- Flood and Erosion Management
- Stewardship and Conservation
- Planning and Permitting
- Research and Monitoring
- Drought/Low Water Program
- Education, Recreation and Outreach
- Technical and Advisory Services
- Watershed Plans and Reporting
- Drinking Water Source Protection

The North Bay-Mattawa Conservation Authority (NBMCA) provides additional programs and services to those listed above including sewage system programming, working with stakeholders to restore fish habitat, plant trees and ensure full compliance of hunting programs. This allows the NBMCA to effectively deliver their mandate while meeting the needs of those within their jurisdiction. More information can be found [here](#).

These changes are intended to help clarify that the role of conservation authorities is to provide programs and services designed to further the conservation, restoration, development and management of natural resources in watersheds in Ontario as assigned by the Province, municipalities, or developed through local-initiative.

**B. CLARIFYING EXPECTATIONS FOR PROVINCIALY-MANDATED PROGRAMS AND SERVICES**

Feedback provided during the Conservation Authorities Act review demonstrated significant interest in improving clarity and consistency in conservation authority programs and services. While conservation authorities will continue to provide a varying range of additional programs and services beyond those mandated by the Province, clarity in the programs and services being mandated by the Province and Provincial expectations for the delivery of these programs should be expected.

Proposals to clarify the role of conservation authorities in managing natural resources include:

- **Enabling the LGIC to make regulations outlining the programs and services conservation authorities are required to provide and requiring conservation authorities to provide such provincially-mandated programs and services in accordance with any standards or requirements outlined in the regulation;**

  If passed, the MNRF intends to use the LGIC regulation-making authority to propose regulations to outline the roles and responsibilities of conservation authorities, and provide greater certainty, including:

  - Creating a new regulation outlining the roles and responsibilities of conservation authorities in managing water-related natural hazards – including programs and services associated with flood forecasting and warning, flood and erosion control and ice management;
Creating a new regulation outlining the roles and responsibilities of conservation authorities in reviewing planning documents for consistency with the Provincial Policy Statement (PPS), including policies related to natural hazard policies and land use and development patterns that promote climate change adaptation and mitigation;

Creating a new regulation outlining the roles and responsibilities of conservation authorities in supporting Ontario’s proposed Wetland Conservation Strategy and Provincial commitments to stopping the net loss of wetlands in Ontario;

Working with the Ministry of Environment and Climate Change to create a regulation for conservation authorities’ programs and services that includes standards and requirements to mitigate climate change and provide for adaptation to a changing climate, including through increasing resiliency;

Working with a multi-ministry working group to identify additional areas where mandated programs and services could be developed to support other areas of Provincial interest – such as programs and services associated with natural heritage identification, assessment and reporting, land and cultural heritage conservation, biodiversity conservation and watershed planning and management;

Enhancing technical guidance related to the surveying and mapping of flood hazards and the consideration of climate change – including potential options for integrating climate change considerations into floodplain management and mapping in Ontario.

Outlining the scope of Provincially-mandated roles and responsibilities in regulation would serve to embed Provincial expectations for the delivery of these programs and services into the Conservation Authorities Act legislative framework and help promote clarity, consistency and transparency in the delivery of these programs and services.

If the proposed amendments are passed, regulations outlining requirements for the delivery of Provincially-mandated programs and services would be developed in consultation with other ministries, municipalities, Indigenous communities, conservation authorities, stakeholders and the public.

THE ROLE OF CONSERVATION AUTHORITIES IN WETLAND CONSERVATION

The MNRF is proposing to make a new regulation outlining new provincially-mandated roles and responsibilities of conservation authorities in wetland conservation in Ontario.

While the specifics of this regulation would be determined in consultation with municipalities, conservation authorities, Indigenous communities and other interested parties, the regulation would seek to establish a prescribed role for conservation authorities in supporting Ontario’s proposed Wetland Conservation Strategy and goals related to improved awareness, knowledge, partnerships, and policies. The specific scope of roles and responsibilities assigned to conservation authorities in the implementation of the proposed Wetland Conservation Strategy could be consistent across all authorities or could differ from authority to authority depending on a range of considerations such as the capacity of an authority to deliver additional programs or the rate of wetland loss in a conservation authority’s jurisdiction. This role could also recognize the importance of wetland conservation to maintain or enhance the resilience of watersheds to a changing climate.
### C. CLARIFYING EXPECTATIONS FOR MUNICIPALLY-ASSIGNED PROGRAMS AND SERVICES

In addition to providing programs and services on behalf of the Province, some conservation authorities also provide technical services to municipalities through service agreements on a case-by-case basis. These services can include but are not limited to: data collection and scientific expertise related to natural resource management; floodplain mapping; stormwater management; identifying natural heritage features and systems; and/or reviewing natural heritage evaluations in support of municipal assessment of *Planning Act* applications. Under an agreement with a municipality, an authority may also assume additional responsibilities such as administering municipal tree cutting by-laws or issuing septic system approvals. Conservation authorities are anticipated to play an increasingly important role in assisting municipalities in delivering climate change mitigation and adaptation initiatives.

Feedback provided during the review indicated that it is not always clear when conservation authorities are fulfilling these roles and responsibilities on behalf of municipalities and that this lack of clarity can serve to perpetuate the view that conservation authorities are exceeding their mandate or creeping into the mandate of others. For example, it may be unclear if comments provided by an authority on a planning matter are advisory in nature through their role a local public commenting body, if they are issued on behalf of a municipality as part of a service agreement and must be addressed, or some combination of the two.

In addition, during the review some parties indicated that information regarding roles and responsibilities being carried out by conservation authorities on behalf of participating municipalities should be made clearly and readily available to assist with understanding the differing service agreements that can exist in neighboring authorities or municipalities.

### CONSERVATION AUTHORITY MUNICIPAL RELATIONSHIP

The City of Ottawa has a Memorandum of Agreement between itself, the Rideau Valley Conservation Authority, the South Nation River Conservation Authority and the Mississippi Valley Conservation Authority. The agreement focuses on obtaining conservation authority review of certain *Planning Act* applications submitted to the City and any associated technical studies, in order to provide the City with the expertise needed to make decisions in accordance with Official Plan and Provincial Policy Statement policies. The City’s planning staff meet with authority staff on a regular basis allowing the groups to stay up to date on all prospective issues within their shared jurisdictions.

Proposals to clarify municipally-assigned programs and services include:

- **Developing policies and procedures outlining standard expectations for the scope, content, use and review of MOUs between conservation authorities and participating municipalities;**

- **Clarifying that programs and services being provided by conservation authorities on behalf of municipalities should be outlined within a Memorandum of Understanding (MOU) between the authority and the municipality;**

- **Requiring MOUs between conservation authorities and municipalities to be made publicly available in a manner as may be determined by the authority and the municipality;**

- **Requiring MOUs between conservation authorities and municipalities to be periodically reviewed.**
Many conservation authorities have already developed MOUs with municipalities to outline the extent of programs and services to be provided to the municipality by the conservation authority – with some MOUs delineating broad areas of responsibility and others including detailed information about specific roles and responsibilities. Formalizing the use of these MOUs will help to provide additional clarity regarding “who does what” between conservation authorities and municipalities – including outlining municipal expectations for standards associated with the provision of municipally-mandated programs and services. The specific scope of municipally-mandated programs and services for any given conservation authority will be determined by municipalities and their conservation authorities.

D. CLARIFYING EXPECTATIONS FOR WATERSHED-SPECIFIC PROGRAMS AND SERVICES

In addition to providing programs and services on behalf of the Province and municipalities, conservation authorities provide additional programs and services designed to support the achievement of local resource management goals and objectives. As stated above, the Conservation Authorities Act has always provided conservation authorities with the ability to develop their own suite of programs and services tailored to the interests, capacity and expertise of each individual authority and the local needs they serve. This flexibility allows conservation authorities, and the municipalities that collectively direct them, to focus their efforts on areas of greatest need to the local population. It will also enable conservation authorities to adapt their programs and services in response to changing conditions in their watersheds. A changing climate with shifting patterns of warmer, wetter, and drier conditions will affect the natural environment and biodiversity differently across the province. As a result, there is considerable variability in the scale and range of programs and services delivered by any individual conservation authority.

Some participants in the Conservation Authorities Act review communicated a perception that the conservation authorities delivering programs and services beyond those explicitly mandated by the Province were “exceeding their mandate”. While some conservation authorities may choose to largely focus the programs and services that they offer on those programs and services mandated by the Province, conservation authorities that choose to offer additional programs and services beyond those mandated by the Province and municipalities should not be considered to be “exceeding their mandate”.
Actions to clarify the expectations for locally-developed programs and services include:

- Clarifying that conservation authorities are permitted to provide programs and services beyond those mandated by the Province and assigned by municipalities;

- Clarifying that the authority is responsible for determining what additional programs and services may be advisable to further the conservation, restoration, development and management of natural resources within their jurisdiction;

- Clarifying that a conservation authority’s powers include the power to study and investigate the watershed to determine what programs and services may be advisable to further the conservation, restoration, development and management of natural resources within their jurisdiction;

- Clarifying that a conservation authority’s broad powers to collaborate and enter into agreements includes the ability to enter into agreements with individuals.

The intent of these proposals is to reconfirm the ability of conservation authorities to develop and deliver a broad range of programs and services tailored to specific resource management needs and priorities within the watershed and that the extent of these programs is to be determined by the members of the authority appointed by participating municipalities, including programs undertaken in partnership with provincial ministries, etc.
INCREASING CLARITY AND CONSISTENCY IN REGULATORY REQUIREMENTS

a. Clarifying the scope of activities subject to conservation authority approval;
b. Clarifying the scope of a conservation authority’s review;
c. Updating compliance mechanisms and enforcement tools;
d. Enabling the Province to regulate other activities within the conservation authority’s area of jurisdiction in the future.

The MNRF is proposing amendments to modernize the Conservation Authorities Act to increase clarity and consistency in regulatory requirements established by the Province under the authority of the act.

Currently, each conservation authority has a Provincially-approved ‘Development, Interference with Wetlands and Alterations to Shorelines and Watercourses’ regulation developed under Section 28 of the Conservation Authorities Act. Through these regulations, conservation authorities are responsible for regulating development and other activities through a permitting process for purposes of natural hazard management. Regulated activities are:

> Development in areas related to water-related natural hazards such as floodplains, shorelines, wetlands and hazardous lands. Under the act and regulations, conservation authorities must consider development applications based on potential impacts to the control of water-related natural hazards which includes flooding, erosion, dynamic beaches, pollution or the conservation of land;

> Interference with, or alterations to, a watercourse or wetland.

Feedback provided during the course of the review indicated a high-degree of multi-sector support for increasing clarity in consistency in regulatory requirements across Ontario’s 36 conservation authorities – including increasing clarity and consistency in the type of activities subject to regulation and the information and approval requirements that needed to be met in order to obtain permission from an authority to proceed with regulated activities.
Actions proposed to increase clarity and consistency in regulatory requirements established under the *Conservation Authorities Act* are outlined below.

**A. CLARIFYING THE SCOPE OF ACTIVITIES SUBJECT TO CONSERVATION AUTHORITY APPROVAL**

Regulations made under the *Conservation Authorities Act* prohibit certain activities from occurring within the jurisdiction of a conservation authority without their approval. As outlined above, prohibited activities currently include: interfering with or making alterations to a watercourse or wetland; and undertaking development activities within areas affected by water-related natural hazards, such as hazardous lands.

Feedback provided during the course of the review indicated a high-degree of support for providing additional clarity in the types of activities that are subject to conservation authority approval.

Proposals to provide additional clarity and consistency in the types of activities that are subject to conservation authority approval include:

- Clarifying and confirming the activities currently subject to conservation authority approval;
- Transferring the authority to make regulations concerning development and interference with watercourses or wetlands from individual conservation authorities to the Minister;
- Transferring the prohibitions and corresponding requirements to obtain conservation authority approval for certain development activities and interference with watercourses or wetlands from individual regulations to the Act;
- Enabling the Minister to make regulations, in collaboration with other ministries, defining “development activity”, “hazardous land”, “pollution”, “watercourse” and “wetland”;
- Enabling the Minister to make regulations that would establish exemptions for activities carried out in accordance with rules in regulation;
- Enabling the Minister to establish exemptions for activities carried out within specific areas within an authority’s jurisdiction provided that they are carried out in accordance with rules in regulation.
These actions will help to clarify the scope of activities that are currently subject to conservation authority approval and enable the Minister to establish exemptions for low-risk activities provided that they are undertaken in accordance with regulations made by the ministry.

Any changes to existing regulatory requirements will be developed in consultation with other ministries, municipalities, Indigenous communities, conservation authorities, stakeholders and the public.

B. CLARIFYING THE SCOPE OF A CONSERVATION AUTHORITY’S REVIEW

In addition to clarifying the scope of activities that are subject to conservation authority approval, proposals are being made to clarify the scope of a conservation authority’s review of permit applications.

Proposals to clarify the scope of a conservation authority’s review include:

- Clarifying that an authority may refuse to issue a permit, or attach conditions to a permit, if the activity is likely to jeopardize public safety or result in the damage or destruction of property;
- Confirming that an authority may refuse to issue a permit, or attach conditions to a permit, if the activity is likely to affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land;
- Enabling the Minister to establish additional criteria for refusing or attaching conditions to a permit in regulation;
- Enabling the Minister to outline the information to be provided to a conservation authority when requesting a permit;
- Enabling regulations made under the Act to adopt documents by reference.

These proposals would help to clarify the scope of a conservation authority’s review of permit applications while providing the Minister with the authority to update the scope of an authority’s review in the future.

Any changes to existing regulatory requirements would be developed in consultation with other ministries, municipalities, Indigenous communities, conservation authorities, stakeholders and the public.

C. UPDATING COMPLIANCE AND ENFORCEMENT TOOLS

Feedback provided to the ministry during the review indicated a need for updating the compliance mechanisms contained within the Conservation Authorities Act to align with modern compliance tools and mechanisms found within other comparable pieces of legislation.

Proposals to update compliance and enforcement tools include:

- Modernizing entry powers to enable an officer appointed under the act to enter upon private property for the purpose of determining whether an individual has engaged in a prohibited activity or has failed to comply with the conditions of a permit;
- Enabling officers appointed under the act to issue stop work orders and enabling individuals who receive a stop work order to appeal the order to the authority, and if not satisfied, to the Minister of Natural Resources and Forestry;
- Increasing the maximum fines that can be imposed by a court upon convicting an individual for undertaking a prohibited activity or failing to comply with the conditions of a permit;
- Establishing higher maximum fines for corporations convicted for undertaking a prohibited activity or failing to comply with the conditions of a permit;
Enabling courts to increase fine amounts equal to any monetary benefit acquired as a result of commissioning an offence;

Allowing courts, upon conviction, to order the repair or rehabilitation of any damage that results from the commission of an offence.

The purpose of updating compliance tools and mechanisms to reflect modern enforcement practices is to ensure that penalties contained within the Act provide a sufficient deterrent against contravention, allow for timely enforcement action, and ensure appropriate rehabilitation for activities which could impact the control of water-related natural hazards and put persons and property at risk.

D. ENABLING THE PROVINCE TO REGULATE OTHER ACTIVITIES WITHIN THE AREA OF A CONSERVATION AUTHORITY IN THE FUTURE

Feedback provided to the ministry during the review recognized the changing nature of resource conservation and management in Ontario and the need for the Conservation Authorities Act to be responsive to both current and future pressures. Climate change is having a profound impact on Ontario, causing extreme weather that damages property, infrastructure, and our environment. Ontario’s Climate Change Action Plan outlines how we will fight climate change, and conservation authorities need to continue to have a key role in climate change mitigation and adaptation.

To help respond to both current and future resource management pressures, the regulation of other activities within the conservation authority’s area of jurisdiction may be needed in the future – for example, new regulatory roles to support provincially mandated programs as described above.

Proposals to enable the regulation of other activities within the jurisdiction of a conservation authority in the future include:

Enabling the LGIC to make regulations governing other activities which may impact the conservation, restoration, development or management of natural resources within the area of jurisdiction of an authority.

Including this authority within the Conservation Authorities Act would allow the regulation of other activities that may impact the conservation, restoration, development or management of natural resources within the area of a conservation authority in the future. These proposed changes to the act would be enabling only and have an effect only if the LGIC made a new regulation governing these activities in the future. These regulations could be administered by all authorities, or by only some authorities based on factors such as capacity or geographic specific issues.

Any new regulatory roles and responsibilities assigned to conservation authorities will be developed in consultation with other ministries, municipalities, Indigenous communities, conservation authorities, stakeholders and the public.
ENHANCING COLLABORATION AND ENGAGEMENT

4

- Increasing Indigenous, public and stakeholder outreach and engagement;
- Increasing Indigenous community participation in conservation authorities;
- Increasing coordination between Provincial ministries;
- Increasing collaboration between conservation authorities and the Province;
- Increasing collaboration and engagement on service delivery standards.

The MNRF is proposing updates to modernize the Conservation Authorities Act framework to improve collaboration and engagement among all parties interested or involved in the programs and services provided by conservation authorities to further the conservation, restoration, development and management of natural resources in Ontario.

Feedback provided in response to the ministry’s discussion paper indicated a high degree of support for improving coordination among all parties involved in establishing, directing and overseeing conservation authority programs and services and strengthening relationships between conservation authorities and local residents and stakeholder groups through increased engagement around conservation authority operations, programs and services.

Greater collaboration and sharing of expertise among conservation authorities was also identified by several sectors as being critical to improving the consistency, efficiency and effectiveness of conservation authority programs and services, reducing the potential for conflict between conservation authorities and local stakeholder groups, and reducing the perceived duplication of effort between conservation authorities and other agencies.
Proposals to improve collaboration and engagement are outlined below.

**A. INCREASING INDIGENOUS, PUBLIC AND STAKEHOLDER OUTREACH AND ENGAGEMENT**

Ontarians expect open and meaningful engagement on the public policy issues that affect them. This expectation applies equally to all levels of government and other public sector organizations including conservation authorities.

**CONSERVATION AUTHORITY PUBLIC AND STAKEHOLDER ENGAGEMENT**

The Credit Valley Conservation Authority (CVCA) consults regularly with the public and stakeholders on the work they do. An example of the consultation practices they employ can be found in their Planning and Development Administrative Procedural Manual. The CVCA also has a Strategic Plan that outlines their desire to build and expand partnerships which could lead to greater consultation with stakeholders and the public, found here. The CVCA also engages with the public and stakeholders when they host educational sessions or programs or offer volunteer opportunities.

One of the greatest strengths of conservation authorities is their ability to engage local stakeholder groups, members of the public, and Indigenous communities in initiatives to promote the conservation, restoration, development and management of resources within their jurisdiction.

Proposals to improve public and stakeholder engagement include:

- Developing best management practices for Indigenous, public and stakeholder engagement – including guidance on when to undertake engagement, and the use of advisory committees as a tool for integrating broader participation into the development and delivery of conservation authority programs and services;
- Enabling the Minister to make regulations establishing minimum standards for consultation with the public, local communities and stakeholders;
- Enabling the LGIC to make regulations that could require authorities to establish advisory boards – including the ability to prescribe their composition, functions, powers and duties.

**CONSERVATION AUTHORITY STAKEHOLDER ADVISORY COMMITTEES**

Various conservation authorities have formed advisory committees who they consult when forming decisions related to authority business. The Upper Thames River Conservation Authority (UTRCA) created the Trout Creek Technical Advisory Committee that collects existing water and land use data about Trout Creek. This information helps guide the UTRCA programming provided in that area. UTRCA is also connected to several ‘Friends of…’ groups including the Friends of Medway Creek who collaborate with stakeholders to identify potential restoration activities or sites and engage the community in best management practices; more information here.
These actions are intended to support conservation authorities in further integrating public and Indigenous outreach into their programs, services and operational decisions and to ensure that outreach and engagement activities undertaken by conservation authorities are in line with expectations for outreach and engagement established for other public sector organizations in the future.

**B. INCREASING INDIGENOUS COMMUNITY PARTICIPATION IN CONSERVATION AUTHORITIES**

While the Act currently allows for Indigenous communities to join or establish a conservation authority as a participating member, no Indigenous community has formally joined or established a conservation authority to date. As heard during engagement with communities, this may be due to a number of reasons including barriers related to funding. However, there are examples of where Indigenous communities are involved in conservation authority programs across the Province.

The MNRF is proposing to work with the Ministry of Indigenous Relations and Reconciliation, Indigenous communities and conservation authorities to develop a framework for increasing Indigenous community participation in conservation authority programs and services by:

- **Increasing opportunities for Indigenous community involvement and input into conservation authority programs, and for the inclusion of Indigenous perspectives and incorporation of Traditional Ecological Knowledge where available and appropriate;**

- **Promoting existing partnerships between conservation authorities and Indigenous communities and their successes and lessons learned;**

- **Identifying additional opportunities for conservation authorities and Indigenous communities to partner in the development and delivery of programs and services to further the conservation, restoration, development and management of natural resources;**
Engaging with Indigenous communities that express interest in joining an existing conservation authority or establishing a new conservation authority in the future;

Identifying barriers (e.g. funding) that may be limiting the ability of Indigenous communities from joining or establishing a conservation authority and ways in which these barriers could be reduced or eliminated.

These actions are intended to support conservation authorities in incorporating the knowledge and perspectives of Indigenous communities into the programs and services they deliver and building lasting partnerships between conservation authorities and Indigenous communities that support the conservation, restoration, development and management of natural resources in Ontario.

**CONSERVATION AUTHORITY RELATIONSHIPS WITH INDIGENOUS COMMUNITIES**

The Lake Simcoe Region Conservation Authority (LSRCA) and the Chippewas of Georgina Island First Nation partnered to undertake sub watershed planning that would support the protection and restoration of the local environment and ecosystem health. Although it was not a requirement, the First Nation requested that the Georgina, Fox and Snake Island sub watershed plan be completed as part of efforts under the Lake Simcoe Protection Plan (LSPP). This work and the relationships established can help to provide a foundation for collaboration between the LSCA and the Chippewa of Georgina Island First Nation into the future.

**C. INCREASING COORDINATION BETWEEN PROVINCIAL MINISTRIES**

Conservation authorities deliver a number of programs and services on behalf of various Provincial ministries in addition to a wide range of programs and services delivered by conservation authorities on their own initiative that relate to or otherwise support the achievement of Provincial policy objectives.

Given this, it is critical that the various ministries that work directly with conservation authorities are also working with each other to explore and better define expectations for Provincially-delegated roles and responsibilities and ensure that these roles and responsibilities are being assigned to conservation authorities in a coordinated manner.

Actions to increase coordination between Provincial ministries include:

- **Establishing a multi-ministry working group to advise the ministry on the development and implementation of the regulatory, policy and program changes outlined within this document, and other items as they arise.**

  The role of this multi-ministry working group would include supporting the implementation of review findings including determining what prescribed programs and services and regulatory roles and responsibilities the province may want to assign to conservation authorities and how those programs should be funded. While participation in this multi-ministry working group may vary over time, ministries that have identified an interest in participating in such a working group through the review include the Ministries of Agriculture, Food and Rural Affairs, Environment and Climate Change, Municipal Affairs, and Tourism, Culture and Sport.

  The intent of this action is to ensure that the development and implementation of the proposed regulatory, policy and program changes outlined within this document are developed in a coordinated fashion that supports the achievement of a wide range of Provincial policy priorities and objectives.
D. INCREASING COLLABORATION BETWEEN CONSERVATION AUTHORITIES AND THE PROVINCE

Conservation authorities hold a wealth of expertise and local information regarding the conservation, restoration, development and management of natural resources. Given this, it is critical that the MNRF, and other Provincial ministries, continue to work directly with conservation authorities, individually and as a collective, to support the development and implementation of the actions outlined within this document in a coordinated manner and support future collaboration moving forward.

Actions to increase coordination between conservation authorities and the Province include:

- Exploring the establishment of a memorandum of understanding between the MNRF and Conservation Ontario.

This memorandum of understanding would seek to outline shared commitments for prior consultation on the development of policies, guidelines and program initiatives; the development of best management practices and other training and educational aides and initiatives and the development of common communication and outreach materials.

The intent of developing this memorandum of understanding would be to support and promote a productive working relationship between the Province, Conservation Ontario, and its members.

E. INCREASING COLLABORATION AND ENGAGEMENT ON SERVICE DELIVERY STANDARDS

Conservation authorities and the stakeholders they work have the on-the-ground experience in the establishment, tracking and reporting on service delivery standards related to conservation authority programs and services. Given this, it is critical that the MNRF continue to work with conservation authorities, municipalities and other stakeholder groups to establish, track, and report on the achievement of service delivery standards associated with the programs and services provided by conservation authorities on behalf of the Province and participating municipalities.

Actions to increase coordination and engagement on service delivery standards include:

- Establishing a multi-stakeholder Service Delivery Review Committee tasked with advising the ministry on ways to improve the establishment, tracking and achievement of service delivery standards, and other roles as assigned.

This committee would serve to replace the former Conservation Authorities Liaison Committee previously established by the ministry to support the development and implementation of the ministry’s Policies and Procedures for Plan Review and Permitting Activities.
a. Updating how costs are apportioned among participating municipalities;

b. Increasing clarity and consistency in the development and use of fees;

c. Exploring options for updating Provincial funding levels.

The MNRF is proposing amendments to modernize the Conservation Authorities Act framework to update the funding mechanisms used by conservation authorities to support their programs, services and operations.

The Conservation Authorities Act establishes a number of mechanisms which conservation authorities use to fund their activities. The act allows the Province to provide conservation authorities with funding, which in turn supports government approved programs. As a corporate body, conservation authorities may also receive or apply for other sources of funding (e.g. grants) from the Province. Local resource management programs and services can be funded through municipal levies or by service contracts and conservation authorities can self-generate revenue through service and user fees, resource development and fundraising.

The ministry is proposing to update the rules and requirements for the use of funding mechanisms contained within the Conservation Authorities Act to promote additional clarity and consistency in how these mechanisms are used to fund conservation authorities’ programs, services and operations.
Proposals to modernize the use of funding mechanisms contained within the Conservation Authorities Act are outlined below.

**A. UPDATING HOW COSTS ARE APPORTIONED AMONG PARTICIPATING MUNICIPALITIES**

The Conservation Authorities Act enables conservation authorities to levy the cost of board-approved programs and services against their participating municipalities. In 2015, participating municipalities provided over $140 million to conservation authorities through municipal levies.

The existing levy process is complex. First, a conservation authority budget is established and approved by the board. A portion of the budget is paid for with Provincial, federal or self-generated revenue, and the rest is paid by participating municipalities. The total amount to be paid by municipal levy is divided up among the participating municipalities according to the benefit each one receives from the programs and services provided by the authority. The way in which these costs are divided among participating municipalities (i.e. how these costs are “apportioned”) is determined in different ways for different types of costs or expenses.

Feedback provided during the review indicated support for updating and providing additional clarity and consistency in how costs associated with the operation of a conservation authority and the programs and services they provide, are apportioned among participating municipalities, including updates to reflect modern public sector accounting practices.

Proposals to update how costs are apportioned among participating municipalities include:

- Modernizing the language referencing the kinds of costs to be apportioned among participating municipalities as “capital costs” and “operating expenses”;  
- Enabling the Province to make regulations governing how capital costs and operating expensing (e.g. associated with conservation authority programs, services and operations) are apportioned by conservation authorities;  
- Enabling regulations to be made regarding appeals from municipalities on the apportionment of costs, to be heard by an appeal body prescribed in the regulations;  
- Working with municipalities and conservation authorities to update the way in which costs are apportioned to participating municipalities – including determining the appropriate body for hearing appeals of apportionment decisions.

These proposals would enable the Province to continue to work with municipalities and conservation authorities to clarify the way in which costs associated with the operation of a conservation authority and the programs and services they provide are apportioned among participating municipalities. Existing rules regarding the apportionment of costs and their appeal would continue to apply until such time that new regulations are proposed.
B. INCREASING CLARITY AND CONSISTENCY IN THE DEVELOPMENT AND USE OF FEES

The act also gives conservation authorities the power to charge fees for services. The Minister of Natural Resources and Forestry determines which services conservation authorities may charge fees for and has given conservation authorities approval to charge fees for permitting services, review of Planning Act applications (e.g. technical advice/implementation of erosion control measures, technical studies etc.), education services (e.g. tours, presentations, workshops etc.), and any service under other legislation authorized under the agreement with the lead Provincial ministry.

While there may also be variation between the fees charged by individual conservation authorities, there should be minimum standards guiding the way in which conservation authorities determine fee amounts should be consistent among conservation authorities and transparent to the businesses, organizations and individuals paying the fee.

Proposals to help increase clarity and consistency in the development and use of fees to fund conservation authority programs, services and operations include:

- **Updating the ministry’s Policies and Procedures for the Charging of Conservation Authority Fees** to provide conservation authorities with additional guidance on the development of fee schedules;

- **Requiring conservation authorities to develop a fee administration policy** that includes a fee schedule, a process for public notification about the establishment of or any proposed changes to fee schedules, a clearly defined review and revision process, and a process for appeals for fees that are proposed or in place;

- **Requiring fee administration policies to include a timeframe for undertaking a review of the fee administration policy at a frequency to be determined by the authority and participating municipalities**;

- **Requiring fee administration policies to be made publically available in a manner to be determined by the authority and participating municipalities**;

- **Enabling the Minister to make regulations respecting the amounts of fees that may be charged, including the manner in which fees are calculated**.

The intent of these proposals is to help to ensure fees charged by conservation authorities for the programs and services they provide are developed in a clear, consistent and transparent manner and to, where appropriate, enable the Minister to set requirements on amounts that may be charged.
C. EXPLORING OPTIONS FOR UPDATING PROVINCIAL FUNDING LEVELS

While several sectors requested increased provincial funding for conservation authority operations, programs and services, others acknowledged that current fiscal realities make this a challenge and that governments must evaluate the programs and services that conservation authorities deliver to ensure their sustainability.

Prior to considering any changes to current funding levels the Province needs to ensure that existing funding mechanisms are as effective and efficient as possible and that conservation authorities are operating at appropriate economies of scale. However, it can be noted that outlining Provincial expectations for the programs and services to be provided by conservation authorities, an action proposed in an earlier section, will provide the Province with an opportunity to review existing funding levels against these expectations and ensure that appropriate funding levels are in place to ensure the sustainability of these programs and services.

Actions to be taken to explore options for updating Provincial funding levels include:

- Assessing the adequacy of funding currently being provided to conservation authorities in support of delivering existing Provincially-mandated programs and services;
- Assessing the funding required to support the delivery of any new programs and services that may be prescribed by the Province in regulation;
- Assessing ways in which Provincial funding levels could be reallocated to help address disparities in resources and capabilities between conservation authorities with large and small population bases;
- Identifying opportunities to better leverage existing funding envelopes to help finance conservation authority programs and services;
- Identifying opportunities to access new funding envelopes to help finance conservation authority programs and services.

The intent of this action is to identify and assess the various ways in which the Province could better support conservation authority programs, services and operations through the redistribution and potential increase of Provincial funding levels.
Additional Housekeeping Changes

The MNRF is proposing amendments to modernize the *Conservation Authorities Act* through a series of additional administrative and housekeeping amendments including:

- Removing references to procedural rules for adjourning meetings in the absence of quorum;
- Removing requirements for conservation authorities to obtain Ontario Municipal Board approval for board per diems;
- Removing requirements for conservation authorities to obtain Minister’s approval of interest rates to be paid by an authority if borrowing money until funds from Provincial grants or municipal levies are received;
- Removing references to authority projects ‘approved’ under the act as not being subject to the *Lakes and Rivers Improvement Act*;
- Consolidating regulations regarding lands owned by conservation authorities into a single Minister’s regulation.
Implementation

The MNRF is proposing a comprehensive suite of legislative, regulatory and policy and program changes in response to feedback provided in response to the ministry’s review. These proposals would be phased-in over the next four years to provide the ministry, conservation authorities, participating municipalities, Indigenous communities and other interested parties the opportunity to participate in their development. A phased approach is also being used in consideration of the time and resources that it may take to operationalize some of the proposed changes.

Proposed changes will commence with the introduction of proposed legislative amendments. Many of the proposed legislative amendments are enabling only – meaning that, if passed, they would not come into force until a later date. Introducing these amendments now will provide the province with additional time to develop supporting regulatory, policy and program changes prior to bringing these changes into force.

In addition to introducing proposed legislative amendments, some of the first actions to be taken by the ministry to support the implementation of the proposed changes outlined within this document will be the establishment of a multi-ministry working group and multi-stakeholder Service Delivery Review Committee. The multi-ministry working group will be tasked with the development of proposed regulatory changes and options for increasing Provincial funding levels while the Service Delivery Review Committee will be tasked with supporting the ministry in the development of proposed policies and procedures.

As outlined in the section below, proposed regulatory and policy changes outlined within this document will be subject to additional public and stakeholder consultation as appropriate. The ministry invites everyone who has shown interest in the review to date to stay involved in the ongoing development and implementation of proposed changes.
How to Stay Involved

Thank you to all the stakeholders and individuals who have provided their comments during their review of the Conservation Authorities Act. The feedback received to date has supported the development of the proposed changes outlined above.

The posting of the this document; Conserving our Future – A Modernized Conservation Authorities Act, to the Environmental Bill of Rights Registry marks the completion of the ministry’s review.

This development and implementation of the changes in this document will be a phased process. During this time, notifications of any regulatory or policy proposals would continue be sent to all stakeholders, Indigenous communities and individuals on the distribution list who have participated in the review to date. To be added to this distribution list, please send an email requesting to be added to mnrwaterpolicy@ontario.ca. You can also register at www.ontario.ca/EBR to receive alerts regarding future Conservation Authorities Act proposals that are posted to the Environmental Bill of Rights registry for consultation. Your feedback is important to the ministry and we encourage you to provide it.

All Ontarians are encouraged to learn more about Ontario’s conservation authorities and the important role they play in resource management the protection of persons and property.

To find out more about conservation authorities and the programs and services they provide, please visit: https://www.ontario.ca/environment-and-energy/conservation-authorities

To locate your local conservation authority please visit: http://www.conservation-ontario.on.ca/about-us/conservation-authorities/ca-contact-list