

# CONSERVING OUR FUTURE

## Proposed Priorities for Renewal

May 2016

# MINISTER'S MESSAGE

Last summer, my Parliamentary Assistant, MPP Eleanor McMahon, initiated a review of the *Conservation Authorities Act* seeking to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities. I am pleased to share with you the government's priorities for moving forward with the next phase of this review.

I would like to thank indigenous communities, municipalities, stakeholders, members of the public and conservation authorities themselves for taking the time to participate in the review and for providing us with their ideas. Feedback received represents an important contribution to the Ministry's review, and to the overall objective of ensuring the act meets the needs of Ontarians in a modern context.

This feedback confirmed the continued relevance of the *Conservation Authorities Act* model including the importance of managing natural resources at the watershed scale. In response to the feedback provided, the province has identified five priorities for updating the *Conservation Authorities Act's* legislative, regulatory and policy framework:

- 1 Strengthening oversight and accountability in decision-making.
- 2 Increasing clarity and consistency in roles and responsibilities, processes and requirements.
- 3 Improving collaboration and engagement among all parties involved in resource management.

- 4 Modernizing funding mechanisms to support conservation authority operations.
- 5 Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

The province recognizes and values the achievements of conservation authorities in delivering programs and services that protect and manage water and other natural resources in the province. Our government is committed to continuing to work with Ontarians to build upon the feedback they provided to develop specific actions in support of achieving these priorities.

Your opinions and insights are important to us. I look forward to building on the relationships we've created and moving forward with the development of legislative, regulatory and policy changes designed to address the feedback you have already provided.

Sincerely,

**Bill Mauro**  
Minister of Natural Resources and Forestry

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# 1

# INTRODUCTION

**The Parliamentary Assistant to the Minister of Natural Resources and Forestry was given a mandate in November of 2014 to engage with ministries, municipalities, Indigenous Peoples and stakeholders to initiate a review of the *Conservation Authorities Act*.**

The objective of the *Conservation Authorities Act* review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities, including addressing roles, responsibilities and governance of conservation authorities in resource management and environmental protection.

In July 2015, as a first step in support in the review, the Ministry of Natural Resources and Forestry (MNR) posted a discussion paper to the [Environmental Registry](#) (EBR 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 the following three areas:

1. **Governance:** The processes, structures, and accountability frameworks within the act which direct conservation authority decision-making and operations;
2. **Funding Mechanisms:** The mechanisms put in place by the act to fund conservation authorities; and
3. **Roles and Responsibilities:** The roles and associated responsibilities that the act enables conservation authorities to undertake.

The response to the Ministry's discussion paper was substantial. The Ministry received over 270 individual submissions identifying perspectives from ten different sectors, and more than 2,700 individual or distinct comments related to the review. Although comments were provided by a wide range of individuals and groups representing a wide range of perspectives, a number of common areas of agreement were identified.

Comments received in response to the Ministry's discussion paper and during engagement sessions expressed general agreement that the overall conservation authority model and principles upon which it is based remain as relevant today as they were when the act was first established. In addition, most respondents agreed that the watershed continues to serve as an ecologically appropriate scale for many resource management activities, particularly water management, and allows for a balance in developing and implementing locally appropriate solutions and working across larger scales and political boundaries.

All sectors providing input into the review recognized the value and public benefit of conservation authority roles in providing environmental education, landowner and broader stewardship programs, and the provision of access to natural areas and recreational opportunities provided through conservation areas – in addition to the critical role conservation authorities play in protecting people and property from water-related natural hazards.

While the value of conservation authority roles and responsibilities in the conservation, restoration, development and management of natural resources were clearly acknowledged, all sectors – including conservation authorities themselves – identified a number of opportunities for improvement.

Responses to questions concerning the governance of conservation authorities identified a need to update or enhance existing oversight and accountability mechanisms including formalizing the role of other ministries in providing provincial direction and oversight to conservation authorities. In addition, many sectors identified a need to increase coordination in the collection and sharing of information among the province, municipalities and conservation authorities and to provide indigenous communities, stakeholders and other interested parties with greater opportunities to participate in conservation authority decision-making.

Comments regarding the funding mechanisms contained within the act indicated multi-stakeholder support for addressing disparities in conservation authority resources and capabilities. They also highlighted the need for providing additional clarity, consistency and transparency in the development and use of municipal levies and fees.

Discussions concerning the roles and responsibilities of conservation authorities in Ontario identified a need to clarify and confirm conservation authorities' mandate. There is also the desire to see greater consistency in the programs and services offered by conservation authorities, and some degree of standardization in program and policy design and implementation – particularly among neighboring authorities.

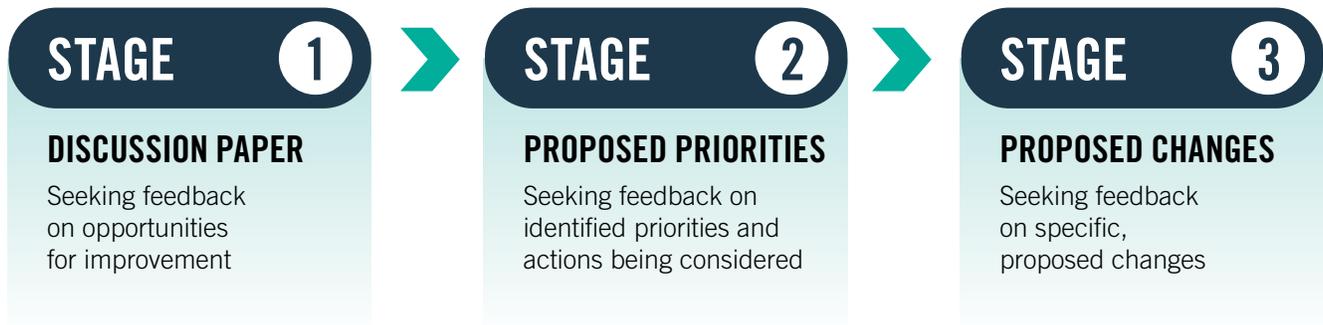
**In response to feedback obtained through the initial phase of the Ministry's review, the government has established five priorities for updating the *Conservation Authorities Act* legislative, regulatory and policy framework:**

- 1** Strengthening oversight and accountability in decision-making.
- 2** Increasing clarity and consistency in roles and responsibilities, processes and requirements.
- 3** Improving collaboration and engagement among all parties involved in resource management.
- 4** Modernizing funding mechanisms to support conservation authority operations.
- 5** Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

While support for taking action in these areas was strong, feedback provided in response to the Ministry's discussion paper did not indicate a need for drastic, wholesale changes. Feedback did however indicate a strong desire from all sectors, including from conservation authorities themselves, to update the existing legislative, regulatory and policy framework to match modern expectations for clarity, transparency and accountability in the operation of public sector organizations. In many instances conservation authorities have already taken steps to help meet these expectations by voluntarily incorporating best management practices into their operations and working together to share and coordinate resources and expertise. In fact several of the proposed actions contained within this consultation document are explicitly intended to formally integrate and build upon these best management practices.

This consultation document represents the next stage of the Ministry's review. It provides an overview of the Ministry's priorities for updating the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities, and introduces actions currently being considered by the Ministry in support of achieving these priorities.

## THE CONSERVATION AUTHORITIES ACT REVIEW PROCESS



The objective of this consultation document is to obtain feedback on the Ministry's priorities for updating the *Conservation Authorities Act* legislative, regulatory and policy framework and the actions being considered by the Ministry in support of these priorities. The feedback received in response to this document will be used to inform the development of proposed legislative, regulatory and policy changes. Any changes to the existing legislative, regulatory or policy framework proposed in the future will be subject to further consultation as appropriate, for example through subsequent Environmental Registry postings.

Your opinions and insights are important to us. This consultation document outlines a number of ways people can engage in the review, and we encourage all to participate.

Additional background on conservation authority roles, responsibilities, governance and funding can be found within the Ministry's [discussion paper](#).

# 2

## PRIORITIES FOR UPDATING THE *CONSERVATION AUTHORITIES ACT*

The subsections below provide an overview of the Ministry's priorities for updating the *Conservation Authorities Act* legislative, regulatory and policy framework and actions currently being considered by the Ministry in support of achieving these priorities.



**PRIORITY #1:**  
Strengthening Oversight and Accountability



**PRIORITY #2:**  
Increasing Clarity and Consistency



**PRIORITY #3:**  
Improving Collaboration and Engagement



**PRIORITY #4:**  
Modernizing Funding Mechanisms



**PRIORITY #5:**  
Enhancing Flexibility for the Province

## PRIORITY #1: Strengthening Oversight and Accountability

Conservation authorities are governed by the *Conservation Authorities Act* and by a board of directors appointed by the municipalities that form the local authority. The province, through the act, defines the objectives to be pursued by the authority and the powers granted to the authority to achieve these objectives. The activities undertaken by conservation authorities in the pursuit of these objectives are directed by a municipally appointed board of directors. Municipal representatives to conservation authority boards are directly accountable to the municipalities that appoint them and conservation authorities must abide by provincial legislative, regulatory and policy requirements.

Feedback provided in response to the Ministry's discussion paper indicated strong support for updating or enhancing accountability mechanisms in the act, including

support for increasing the transparency and oversight of conservation authority decision-making, and updating the act to reflect modern best management practices for board operations.

In many cases, conservation authorities themselves have voluntarily taken steps to align their operations with recognized best management practices for board operations including the development of strategic plans, and aligning conflict of interest provisions and meeting procedures with requirements set for municipalities. Strengthening oversight and accountability provisions within the *Conservation Authorities Act* is intended to formalize these practices across all conservation authorities and ensure that conservation authority programs and services are governed in a fair and transparent manner.

### **Actions taken by the Ministry to strengthen oversight and accountability, could include, but are not limited to:**

- Updating the act to reflect modern legislative structures and accountabilities including, adding a purpose statement to the act and regulations and defining the roles and responsibilities of all parties involved in overseeing and ensuring the accountability of conservation authority operations, programs and services.
- Ensuring governance and accountability mechanisms contained within the act align with recognized governance best practices and requirements for public sector organizations including, expectations for establishing and complying with codes of conduct, addressing potential conflicts of interests, ensuring meetings are open to the public, and the proactive disclosure of information.
- Enhancing the authority of the Minister to ensure conservation authority operations, programs and services are consistent with provincial policy direction and legislative requirements, including new powers to require conservation authorities to collect and disclose information related to the efficiency and effectiveness of conservation authorities' operations, programs and services.
- Clarifying the role of municipalities and the conservation authority board in determining, funding, directing, and overseeing programs and services undertaken by conservation authorities to address local concerns and priorities.
- Developing or updating processes and requirements for the establishment, amalgamation, enlargement and dissolution of a conservation authority, including ensuring that decisions to amalgamate or dissolve a conservation authority are based on sound social, economic and environmental considerations, are informed by public consultation, and are consistent with legislative requirements.



## PRIORITY #2: Increasing Clarity and Consistency



The *Conservation Authorities Act* provides conservation authorities with the power 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 direct them, to focus their efforts on areas of greatest need to the local population. It also results in 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, and conservation land acquisition and management. Other conservation authorities may offer a wider range of programs and services that can include, for example: recreation, education, monitoring, science and research, drinking water source protection planning under the *Clean Water Act*, the development 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, the operation of historical and cultural heritage sites, and income generating projects such as marina operations, facility rentals and product sales.

Feedback provided in response to the Ministry's discussion paper 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 including some degree of standardization in program and policy design and implementation – particularly among neighboring authorities.

While responses to the Ministry's discussion paper indicated a high-degree of support for increasing clarity and consistency, they also acknowledged the importance of maintaining the flexibility given to conservation authorities to tailor programs and services to reflect local needs and priorities.

Increasing clarity and consistency in roles and responsibilities is not intended to remove the flexibility given to conservation authorities to develop local, or regional-scale, programs and services designed to further the conservation, restoration, development and management of natural resources. Increasing clarity and consistency in roles and responsibilities is intended to provide all parties with greater certainty in the roles and responsibilities conservation authorities are expected to carry out on behalf of the province and partner municipalities and, where appropriate, promote greater consistency in the delivery of these programs and services.

**Actions taken by the Ministry to increase clarity and consistency in roles and responsibilities and associated processes and requirements could include, but are not limited to:**

- Clearly delineating between the provincially mandatory programs and services that all conservation authorities are expected to deliver on behalf of the province and local communities and any optional programs and services which may be carried out by conservation authorities on behalf of the board in consultation with and under the approval of their participating municipalities.
- Establishing a Provincial Policy Directive that provides clear policy direction on the roles and responsibilities conservation authorities are expected to carry out on behalf of the province, defines the roles and responsibilities of provincial ministries in the development, delivery and oversight of these roles and responsibilities, and provides the basis for developing an integrated policy framework across the province.
- Providing clarity and consistency in the application of the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulations for all parties, by consolidating and codifying regulatory requirements, defining undefined terms, and enhancing the authority of the Minister to establish, monitor and ensure compliance with provincial policy direction and legislative requirements.
- Ensuring sufficient tools are in place to ensure compliance with the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulations by providing conservation authorities with modern compliance tools and mechanisms and by ensuring penalties for contravention of the act provide sufficient deterrents against contravention and are aligned with penalties in place under similar pieces of legislation.
- Streamlining planning and permitting requirements and associated processes by exploring opportunities to improve application, review and approval processes through the reduction of burdens, improved service standards, enhanced flexibility in approval requirements and the adoption of a risk-based approach to the issuance of approvals.



## **PRIORITY #3:** Improving Collaboration and Engagement



Each conservation authority is an individual local public sector organization that operates under a common provincial legislative, regulatory and policy framework and is governed by a municipally-appointed board of directors. Conservation authority operations also involve a broader set of relationships and interactions with stakeholders and clients, interest groups and members of the public.

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.

As the complexity of resource conservation and management decisions increases so does the need to bring a wide range of perspectives and expertise to the table to help inform and implement decisions. In addition, there are many situations where the natural resource management issues being addressed by conservation authorities cross watershed and political boundaries.

By improving collaboration and engagement, the province aims to support conservation authorities in their efforts to coordinate programs and services among themselves and with the province and to, where appropriate, formalize best management practices for engaging with Indigenous Peoples, stakeholders and members of the public.

**Actions taken by the Ministry to improve collaboration and engagement could include, but are not limited to:**

- Establishing a provincial one-window, led by MNRF, for establishing, coordinating and reviewing programs and services undertaken at the watershed planning scale by conservation authorities and promoting multi-ministry coordination of provincially delegated programs and services and the collection and sharing of science and information among ministries, municipalities, conservation authorities and others.
- Developing an enhanced business relationship with Conservation Ontario and individual conservation authorities to promote greater communication and coordination in the development and implementation of policies, programs and services, the collection and sharing of science and information and the joint development of capacity-building projects and initiatives.
- Enhancing Indigenous Peoples' participation in the development and delivery of stewardship, science and knowledge, and educational initiatives, and by clarifying the process for Indigenous Peoples to join or establish a conservation authority.
- Ensuring board decisions are informed by an appropriate diversity of views and perspectives reflective of local interests, including providing Indigenous Peoples, local residents and stakeholder groups opportunities to participate in the identification of local needs and priorities and conservation authority decision-making processes.
- Supporting efforts currently being made by conservation authorities to promote efficiency and effectiveness in the delivery of programs and services through the development of common policies and procedures, service specializations, and sharing of operational, administrative and technical resources on a regional or landscape basis.



## PRIORITY #4: Modernizing Funding Mechanisms



The *Conservation Authorities Act* establishes a number of mechanisms which conservation authorities can use to fund their operations, programs and services. The act enables the Ministry to provide conservation authorities with funding to support Ministry-approved programs such as public safety and natural hazard management programs.

As a corporate body, conservation authorities may also receive or apply for funding from the province to deliver programs on the province's behalf. Local resource management programs and services can be funded through municipal levies or contracts and conservation authorities can self-generate revenue through service and user fees, resource development and fundraising.

Feedback provided in response to the Ministry's discussion paper indicated that some conservation authorities, particularly in rural areas with low population and fewer revenue generating opportunities may not have sufficient revenue to adequately support the programs and services that larger authorities are able to offer.

Respondents generally agreed that mechanisms should be in place to help address disparities in resources and capabilities among conservation authorities with large

and small population bases. In addition, several sectors requested that the province provide clarity on the use of municipal levies including the types of costs that can and cannot be included within the levy in addition to introducing new measures to improve transparency, consistency and accountability around fees.

While several sectors requested increased provincial funding for conservation authority operations, programs and services, others acknowledged that current fiscal realities make this a challenge. This government has made a firm commitment to holding the line on program spending, and is evaluating every program and service it delivers to ensure its 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. As a result, the province is proposing to update funding mechanisms contained within the act with a view to enhancing their efficiency and effectiveness and ensuring that appropriate measures are in place to ensure fiscal accountability.

**Actions to be taken by the Ministry to update funding mechanisms contained within the act could include, but are not limited to:**

- Enhancing clarity, consistency and accountability in the development and use of municipal levies by defining eligibility criteria, reviewing apportionment, and defining the process by which conservation authorities are to work with participating municipalities to monitor and report on the use of public funds.
- Promoting clarity, consistency and accountability in the development and use of fees and generated revenue with the aim of ensuring fees are established in an open and transparent manner, are consistent with provincial direction on the use of fees, and adequately support the effective delivery of conservation authority operations, programs and services.
- Improving fiscal oversight and transparency by clarifying the role of municipalities in overseeing conservation authority budget development and spending, and where appropriate, standardizing budget development, tracking and reporting processes, and ensuring information on revenue sources and expenditures is made publicly available.
- Improving clarity in the use of provincial funding processes by providing conservation authorities with greater clarity in eligibility criteria, reviewing the efficiency and effectiveness of provincial funding processes, and updating requirements for reporting back on the use of provincial funds.



## PRIORITY #5: Enhancing Flexibility for the Province



The framework and conditions for resource conservation and management in Ontario have changed significantly since the establishment of the *Conservation Authorities Act*, and the way conservation authorities operate within that framework has changed along with it. Resource conservation and management has become increasingly complex due to increases in Ontario's population numbers and density. There are also new challenges such as climate change, which further complicate resource management decisions. In addition, conservation authorities have been evolving as organizations. They are growing their funding sources, and accepting and being assigned additional roles that extend their responsibilities into additional areas.

Feedback provided in response to the Ministry's discussion paper recognized the changing nature of resource conservation and management in Ontario and the need for the Ministry to be responsive to both current and future pressures. Several sectors acknowledged that the role of conservation authorities in the delivery of provincial priorities could, and should, change over time in response to emerging issues and changing priorities, and that greater flexibility should be built into the act to periodically update the regulatory and policy framework to enable such changes. Others recognized there are gaps in the delivery of provincial programs in areas

outside of a conservation authority's jurisdiction and that other public sector bodies (including other provincial ministries and municipalities) may be best positioned to help fill these gaps.

The role of conservation authorities in resource conservation and management in Ontario will undoubtedly continue to change over time. Conservation authorities will continue to evolve as organizations, growing their expertise and networks and positioning themselves to take on additional roles in additional areas. At the same time, other public sector bodies, including provincial ministries, municipalities and other groups, will similarly grow in their own expertise and become increasingly attractive partners for the development and delivery of programs and services – particularly in areas outside of the jurisdiction of a conservation authority.

In order to better prepare for these changes in the future, the Ministry is proposing to build greater flexibility within the act to formally delegate the delivery of programs and services to conservation authorities, or other groups, in the future. By enabling greater flexibility for the future, the province will be in a better position to periodically provide additional clarity, consistency and accountability in the delivery of programs and services in the future.

**Actions taken by the Ministry to enable flexibility for the future could include, but are not limited to:**

- Giving the Minister the authority to use the act to develop additional natural resource conservation and management programs and services in the future, throughout the province.
- Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future.
- Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries.
- Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province.

# 3

## OTHER ACTIONS BEING CONSIDERED

Feedback provided in response to the Ministry's discussion paper also identified a number of areas where general 'housekeeping' amendments could be made, or supporting actions that could be taken, to help improve the efficiency and effectiveness of conservation authority operations, programs and services.

In response to the feedback provided, the province is considering:

- **Reducing administrative burdens** associated with appointing and replacing board members and obtaining approval of board per diems.
- **Aligning board terms** with the municipal elections cycle.
- **Developing an orientation and training program** for board members.
- **Developing a coordinated communications plan** outlining any changes to conservation authority operations, programs and services resulting from the review in partnership with municipalities and conservation authorities.

# 4

## FEEDBACK REQUESTED

The Ministry has established five priorities for updating the *Conservation Authorities Act* and the supporting regulatory and policy framework:

- 1 Strengthening oversight and accountability in decision-making.
- 2 Increasing clarity and consistency in roles and responsibilities, processes and requirements.
- 3 Improving collaboration and engagement among all parties involved in resource management.
- 4 Modernizing funding mechanisms to support conservation authority operations.
- 5 Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

The following questions are intended to help the Ministry obtain feedback on these five priorities and actions currently being considered by the Ministry in support of achieving these priorities. The questions below are general in nature and are not intended to discourage readers from raising their own questions or providing comments in other areas. Where possible, please provide specific examples and/or links to supporting information:

- **What do you think of these priorities? Which are the most important and/or least important to you? Are there other priorities that should be considered?**
- **What actions would you recommend the province take to help achieve these priorities?**
- **What do you see as some of the key challenges in achieving improvements under any or all of these priority areas?**

# 5

## HOW TO PROVIDE FEEDBACK

**We want to hear from you. If you have comments or suggestions that should be considered in updating the *Conservation Authorities Act* to achieve the priorities outlined within this consultation document please take advantage of this opportunity to provide them to us. All comments received in response to this consultation document will be read and considered in moving forward.**

Written comments can be provided by:

Responding to the Environmental Registry posting by searching the EBR Registry number 012-7583 on the following website: [www.ontario.ca/EBR](http://www.ontario.ca/EBR)

Or

Emailing us at:

[mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca)

**The deadline for providing comments is September 9, 2016.**

Comments collected in response to this consultation document will be used by the Ministry to inform the development of specific changes to the existing legislative, regulatory and policy framework. Any specific changes to the existing legislative, regulatory or policy framework proposed as a result of the review will be subject to further public consultation as appropriate, for example, through subsequent Environmental Registry postings.

The review of individual conservation authorities, the specific programs and services they deliver, and site-specific permit applications and permitting decisions are not within scope of the Ministry's review.

