

**Board of Directors**  
**Meeting No. BOD-06-21**

**Friday, May 28, 2021**

**9:00 a.m.**

**Agenda**

**Meeting Location:**

To be held virtually by Zoom

Minutes and agendas are available at [www.LSRCA.on.ca](http://www.LSRCA.on.ca)

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**Upcoming Events**

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**Board of Directors' Meeting**

Friday, June 25 at 9:00 a.m.

To be held virtually by Zoom

A full listing of events can be found at [www.LSRCA.on.ca](http://www.LSRCA.on.ca)

## I. Acknowledgement of Indigenous Territory

## II. Declarations of Pecuniary Interest and Conflicts of Interest

## III. Approval of Agenda

Pages 1 - 5

**Recommended: That** the content of the Agenda for the May 28, 2021 meeting of the Board of Directors be approved as presented.

## IV. Adoption of Minutes

### a) Board of Directors' Meeting

Pages 6 - 11

Included in the agenda is a copy of the draft minutes of the Board of Directors' Meeting, No. BOD-05-21, held on Friday, April 23, 2021.

**Recommended: That** the minutes of the Board of Directors' Meeting, No. BOD-05-21, held on Friday, April 23, 2021 be approved as circulated.

## V. Announcements

## VI. Presentations

### a) Stormwater Management, Inspection and Maintenance

Pages 12 - 14

Coordinator, Stormwater Management, Steve Auger, will provide an overview of the stormwater management, inspection and maintenance program. This presentation will be provided at the meeting and will be available on our website following the meeting.

**Recommended: That** the presentation by Coordinator, Stormwater Management, Steve Auger, regarding an overview of the stormwater management, inspection and maintenance program be received for information.

Included in the agenda is Staff Report No. 22-21-BOD regarding the stormwater management, inspection and maintenance program update.

**Recommended: That** Staff Report No. 22-21-BOD regarding the Lake Simcoe Region Conservation Authority's efforts supporting improvement of municipal stormwater management inspection and maintenance be received for information.

**b) The Passive House Design**

Authority Board member and Town of Innisfil Councillor Alex Waters will provide an overview of a sustainable housing project. This presentation will be provided at the meeting and will be available on our website following the meeting.

**Recommended: That** the presentation by Authority Board member and Town of Innisfil Councillor Alex Waters will provide an overview of the Passive House Design be received for information.

**VII. Hearings**

There are no Hearings scheduled for this meeting.

**VIII. Deputations**

There are no Deputations scheduled for this meeting.

**IX. Determination of Items Requiring Separate Discussion**

(Reference Pages 4 and 5 of the agenda)

**X. Adoption of Items Not Requiring Separate Discussion**

**XI. Consideration of Items Requiring Separate Discussion**

**XII. Closed Session**

The Board will move to Closed Session to deal with a confidential land matter.

**Recommended: That** the Board move to Closed Session to deal with a confidential land matter; and

Further that the Chief Administrative Officer, members of the Executive Management Team, the Land Securement Officer, and the Coordinator BOD/CAO remain in the meeting for the discussion.

The Board will rise from Closed Session and report findings.

**Recommended: That** the Board rise from Closed Session and report findings.

**a) Confidential Land Matter**

**Recommended: That** Confidential Staff Report No. 28-21-BOD regarding a confidential land matter in the Town of Georgina be received; and

**Further That** the recommendations contained within the report be approved.

## XIII. Other Business

### Next Meeting

The next meeting of the Board of Directors will be held at @ 9:00 a.m. on Friday, June 25, 2021. This meeting will be held via Zoom, access details to be provided prior to the meeting.

## XIV. Adjournment

### Agenda Items

#### 1. Correspondence

Pages 15 - 20

- a) Copy of a letter from Conservation Ontario dated April 22, 2021 to the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks regarding Conservation Ontario's Governance Accountability and Transparency Initiative.
- b) Copy of a letter from the Honourable John Yakabuski, Minister of Natural Resources and Forestry dated May 20, 2021, regarding Subsection 20.0.1 of the *Conservation Authorities Act* and his intent to review conditions on the Authority's Permit No. OP.2021.027 for the development known as Oro Station.

**Recommended: That** Correspondence listed as Items 1a) and b) be received for information.

#### 2. Mabel Davis Administrative Centre Safety Renovations

Pages 21 - 24

**Recommended: That** Staff Report No. 23-21-BOD regarding safety renovations at the Authority's Mabel Davis Administrative Centre be received; and

**Further That** an additional draw of approximately \$70,000 from reserve to support implementation of these safety renovations be approved.

### 3. Mabel Davis Administrative Centre Lighting Retrofits

Pages 25 - 27

**Recommended: That** Staff Report No. 24-21-BOD regarding lighting retrofits at the Authority's Mabel Davis Administrative Centre be received; and

**Further That** a potential draw from reserve of less than \$3,000 to support implementation of these lighting retrofits be approved.

### 4. Offsetting Policies – Reconciliation to December 31, 2020

Pages 28 - 33

**Recommended: That** Staff Report No. 25-21-BOD regarding an update on the Authority's Offsetting Cash in Lieu funds received, expended and Key Performance Indicators be received for information.

### 5. 2021 Conservation Awards Program

Pages 34 - 36

**Recommended: That** Staff Report No. 26-21-BOD regarding recommendations for a virtual 2021 Conservation Awards be approved.

### 6. Conservation Authorities Act - Phase 1 Consultation Guide

Pages 37 - 73

**Recommended: That** Staff Report No. 27-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and

**Further that** staff be directed to circulate a copy of this staff report to watershed municipalities for their information and consideration; and

**Further that** staff be directed to prepare a comments letter for the Board's consideration at their June 25, 2021 meeting to be submitted on behalf of the Authority in response to the Environmental Registry of Ontario prior to the June 27, 2021 deadline.

## Board of Directors' Meeting

Board of Directors' Meeting No. BOD-05-21

Friday, April 23, 2021

Held virtually via Zoom

### Meeting Minutes

#### LSRCA Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine (Vice Chair), Mayor D. Barton, Mayor B. Drew, Councillor A. Eek, Councillor K. Ferdinands, Councillor W. Gaertner, Councillor R. Greenlaw, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Councillor C. Pettingill, Mayor M. Quirk, Councillor C. Riepma, Regional Councillor T. Vegh, Councillor A. Waters

#### LSRCA Board Members Absent

Councillor K. Aylwin, Councillor E. Yeo and the Township of Ramara

#### LSRCA Staff Present

R. Baldwin, T. Barnett, M. Bessey, A. Brown, K. Christensen, M. Critch, P. Davies, J. Doyley, N. Hamley, S. Jagminas, B. Kemp, N. Knight, B. Longstaff, G. MacMillan, N. O'Dell, G. Peat, M. Rosato, C. Sharp, K. Toffan, K. Yemm, K. Zeppieri

#### Guests in Attendance

A. DelleCese, BDO Canada LLP

### I. Land Acknowledgement

### II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

### III. Approval of Agenda

Moved by: T. Vegh

Seconded by: A. Eek

BOD-064-21 **Resolved That** the content of the Agenda for the April 23, 2021 meeting of the Board of Directors be approved as presented. **Carried**

### IV. Adoption of Minutes

#### a) Board of Directors' Special Board Hearing Meeting

Moved by: S. Harrison-McIntyre

Seconded by: A. Waters

BOD-065-21 **Resolved That** the minutes of the Board of Directors' Special Board Hearing Meeting, No. BOD-03-21, held on Friday, March 26, 2021 be approved as circulated. **Carried**

**b) Board of Directors' Meeting**

Moved by: S. Harrison-McIntyre

Seconded by: A. Waters

BOD-066-21 **Resolved That** the minutes of the Board of Directors' Meeting, No. BOD-04-21, held on Friday, March 26, 2021 be approved as circulated. **Carried**

**V. Announcements**

- a) Chair Emmerson advised that at Conservation Ontario's Annual General Meeting held on April 14<sup>th</sup>, Andy Mitchell, the Mayor of Selwyn Township and Chair of Otonabee Conservation, was elected as Conservation Ontario Chair.

**VI. Presentations**

**a) 2020 Draft Audited Financial Statements**

Mr. Adam DelleCese, the Authority's Auditor from BDO Canada LLP, provided an overview of the Authority's 2020 Audited Financial Statements, as well as the audit process and findings. He advised that BDO Canada LLP, an independent auditor audited the Authority's financial statements as at December 31, 2020 and found that they present fairly in all material respect the financial position of the Authority, in accordance with auditing standards. He advised it was a clean audit with no internal control issues identified and he reviewed the financial statements.

He advised that the Auditor's report was essentially complete, no internal control deficiencies found, and no adjusted differences. During the audit, he was not made aware of any fraud and asked the Board if they were aware of any fraud.

Findings included two significant risk areas: management override of controls but no issues were found; and grant revenue recognition and pressure to maintain funding. These are standard risk areas for most organization, and the audit focused on these areas, and no significant items noted in testing these areas of control.

Moved by: P. Ferragine

Seconded by: V. Hackson

BOD-067-21 **Resolved That** the overview of the Authority's 2020 audit process and findings as provided by Mr. Adam DelleCese of BDO Canada LLP be received for information. **Carried**

Staff Report No. 19-21-BOD regarding the Authority's 2020 Draft Audited Financial Statements was included in the agenda.

Moved by: P. Ferragine

Seconded by: V. Hackson

BOD-068-21 **Resolved That** Staff Report No. 19-21-BOD regarding the Authority's 2020 Draft Audited Financial Statements be received; and

**Further that** the 2020 Draft Audited Financial Statements be approved; and

**Further that** the Appropriations to and from Reserves as outlined in Schedule 8 – Statement of Continuity of Reserves, of the 2020 Draft Audited Financial Statements be approved; and

**Further that** the pending 2020 Audited Financial Statements be distributed to the Minister of the Environment, Conservation and Parks and the Authority's banker, and be made available on the Authority's website. **Carried**

#### **b) The Chief Administrative Officer's Vision – 2021 and Beyond**

Chief Administrative Officer, Rob Baldwin, provided an overview of his vision for the Authority for the remainder of 2021 and beyond. Some highlights included:

- Continued response to Covid-19 and keeping staff safe, planned office renovations for the return to physical office space, as well as taking what we've learned and creating an emergency preparedness plan;
- Details of Bill 229 and its changes to the *Conservation Authorities Act* are rolling out and defining core and non-core programs. This will continue to evolve for the next 18 months and will also have impacts on budgeting and Administrative Bylaws. Non-core programs will require memorandums of understanding with our municipal partners;
- The Lake Simcoe Protection Plan – 10-year review is underway and separates the Authority from the other conservation authorities when determining core and non-core activities;
- Timing of the Authority's new Strategic Plan is lining up nicely with new Bill 229 requirements, and he was pleased to report that the strategic plan development is



being led internally by Communications department and will be a plan built by staff for staff. He noted it's also the right time for rebranding, time for change and an updated, shorter name with new logo;

- Another initiative is better watershed awareness, which includes: implementing metrics and indicators to report the full value of watershed restoration projects; modernizing subwatershed planning; developing focused subwatershed targets and key performance indicators; exploring innovative approaches for engagement and information exchange; as well as focused issues management;
- Significant flood relief opportunities exist with an increase in climate change considerations, as well as lots of opportunities for public-private partnerships on infrastructure improvements and stormwater optimization;
- Another area for expanding partnerships is having dedicated sediment and erosion control inspectors for all development covering the entire watershed, with an opportunity for cost sharing across the municipalities. This initiative will help to reduce the burden on bylaw inspectors and enforcement officers. Stormwater inspection and maintenance, using our expertise to assist in environmental compliance approvals, again reducing costs to municipalities, maximizing stormwater facility performance, and reducing liability and flood risk;
- Accelerating restoration and among other things looking to increase the focus on private lands in urban areas and evaluating opportunities ahead of municipal infrastructure projects;
- Bill 229 clarifies land management, focusing on managing the right lands and efficient disposition of lands not meeting core responsibilities, addressing municipal needs and reducing the Authority's corporate liability;
- An area that continues to evolve and something that the Authority looks at in all activities is climate change adaptation and mitigation. A lot has already been done in reducing the Authority's carbon footprint, and we will continue to walk the talk to mitigate the effects of climate change and exploring opportunities for carbon offsetting;
- Development and regulations excellence and increasing reporting and transparency, as well as additional transitions to digital e-transmissions and e-commerce is also something being worked on and improving;
- Outdoor education programs have continuously evolved throughout the pandemic and they remain critical to this and every watershed, and teaching the next generation must continue;

- Fiscal stability and growth, and building strong reserves, an asset management plan, more detailed short- and long-term financial plans, comprehensive fee review focusing on cost recovery are all initiatives and improvements the Authority continues to work on;
- Great governance and some changes as a result of Bill 229 will ensure full transparency, refined hearing procedures, increased opportunities for Board education sessions and mandatory watershed advisory board.

In summary, CAO Baldwin noted that some challenges lie ahead but so do lots of many opportunities for this Authority to remain a leader among conservation authorities.

To view this presentation, please click this link: [Looking to the Future](#)

Moved by: A. Eek

Seconded by: D. Barton

BOD-069-21 **Resolved That** the presentation by Chief Administrative Officer, Rob Baldwin, regarding an overview of his vision for the Authority for the remainder of 2021 and beyond be received for information. **Carried**

## VII. Hearings

There were no hearings at this meeting.

## VIII. Deputations

There were no deputations at this meeting.

## IX. Determination of Items Requiring Separate Discussion

No items were identified as items requiring separate discussion.

## X. Adoption of Items not Requiring Separate Discussion

All items were identified under items not requiring separate discussion.

Moved by: C. Pettingill

Seconded by: S. Harrison-McIntyre

BOD-070-21 **Resolved That** the following recommendations respecting the matters listed as “Items Not Requiring Separate Discussion” be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

### 1. Correspondence

BOD-071-21 **Resolved That** correspondence listed in the agenda as Items 1a) be received for information. **Carried**

### 2. Summary of 2021 Provincial Funding Agreements – Lake Simcoe Protection Plan

BOD-072-21 **Resolved That** Staff Report No. 20-21-BOD regarding recently secured Provincial funding in support of the Lake Simcoe Protection Plan be received for information. **Carried**

### 3. Purchasing Policy – Stormwater Management Optimization Blueprint Preparation

BOD-073-21 **Resolved That** Staff Report No. 21-21-BOD regarding the Stormwater Management Optimization project procurement; and

Further That an agreement be established with Freeman Associates Ltd. for delivery of services in accordance with a recently approved Lake Simcoe Protection Plan funding agreement with the Authority. **Carried**

## XI. Consideration of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

## XII. Closed Session

There were no Closed Session items for this meeting.

## XIII. Other Business

No other business was discussed.

## XIV. Adjournment

Moved by: K. Ferdinands

Seconded by: M. Quirk

BOD-074-21 **Resolved That** the meeting be adjourned at 10:56 a.m. **Carried**

Original to be signed by:

Original to be signed by:

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Regional Chairman Wayne Emmerson  
Chair

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Rob Baldwin  
Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Steve Auger, Coordinator, Stormwater Management

Date: May 17, 2021

### **Subject:**

Project update: Supporting Improvement of Municipal Stormwater Management Inspection and Maintenance in the Lake Simcoe Watershed

### **Recommendation:**

**That** Staff Report No. 22-21-BOD regarding the Lake Simcoe Region Conservation Authority's efforts supporting improvement of municipal stormwater management inspection and maintenance be received for information.

### **Purpose of this Staff Report:**

The purpose of this Staff Report No. 22-21-BOD is to provide an update on the Authority's continued efforts supporting municipalities improvement of their stormwater management inspection and maintenance programs. As these efforts take effect, they will help improve the health of the waterways, as well as provide many operational, financial and compliance benefits to municipalities.

### **Background:**

Urban stormwater runoff represents an estimated 28% of the phosphorus entering Lake Simcoe. As such, urban stormwater management is an important component of controlling water quality in the Lake Simcoe watershed. To date, urban drainage areas have typically relied on ponds for quantity and quality control to meet objectives such as peak flow along with Total Suspended Solids and Total Phosphorous removal. Routine inspection and maintenance of stormwater ponds is an essential, but typically under resourced aspect of stormwater management.

With the proliferation of Low Impact Development through several recent planning, guideline, and policy updates it is essential that these features are also routinely inspected and maintained. The drivers for the uptake of Low Impact Development in the watershed include: Comprehensive Stormwater Management Master Plans in accordance with the Lake Simcoe Protection Plan; the Authority's Stormwater Management Guidelines updated in 2016; and the Lake Simcoe Phosphorus Offsetting Policy, operational since 2018.

Due to diversity of Low Impact Development types and complexities (i.e., bioretention to permeable pavement to exfiltration systems), the skills and associated responsibilities for inspection and maintenance are varied and require a shift in internal municipal processes. The Authority is already seeing issues arising with Low Impact Development maintenance, and it is therefore essential that these issues are addressed, especially since it is still early in the transition.

The Authority has been working with funding support from the Ontario Ministry of Environment, Conservation, and Parks to address the known barriers and resource gaps municipalities have faced for many decades now to effectively maintain stormwater management features. Resources and tools developed during these efforts include the early development and implementation of an asset inventory database to support municipal inspection and maintenance programs, training for pond inspection and maintenance prioritization, and continued monitoring assessments to inform better design and maintenance practice.

In 2020, a Low Impact Development Municipal Inspection and Maintenance Working group was also established to support improvements with municipal programs. The working group includes operations managers from six municipalities (Aurora, Barrie, Bradford West-Gwillimbury, Georgina, Innisfil, and Newmarket). Outcomes of these latest efforts include a budgeting tool and Standard Operating Principles for incorporating information within the municipal stormwater management database.

### **Issues:**

Poor stormwater management inspection and maintenance practices expose municipalities to a range of issues such as increased liability, non-compliance of approvals, and reduced asset life. Furthermore, poor maintenance practices exacerbate the impact of urban stormwater on the local waterways, including additional phosphorus loads. Continued improvements of inspection and maintenance practices, with support from the Authority, will help resolve these issues, with benefits such as extending the life of the features, improving municipal asset inventory management, compliance with new Provincial linear infrastructure permissions regulation, and addressing insurance risk including more demand on infrastructure associated with climate change.

### **Relevance to Authority Policy:**

Initiatives to improved Stormwater management inspection and maintenance support numerous Authority policies and guidelines requiring use of Low Impact Development. These include: Lake Simcoe Phosphorus Offsetting Policy, Water Budget Offset Policy, and Stormwater

Management Guidelines. The outcomes of improved inspection and maintenance will help ensure the features retain the phosphorus reductions and water balance they are designed and funded to achieve. In addition, lessons learned on performance and functionality could also inform future design and policy decisions.

### **Impact on Authority Finances:**

Inspection and maintenance support is funded by Provincial grant funding agreements and municipal fee for services. In the 2021-22 fiscal year, the Province provided \$123,000 through a Lake Simcoe Protection Plan Transfer Payment Agreement (Staff Report No. 20-21-BOD, April 2021). In 2020, the Authority established a two-year, \$327,000 agreement with the Town of Aurora to undertake inspection and prioritization of their stormwater control measure. Continued support of this work is being explored through new service agreements and grants.

### **Summary and Recommendations:**

Routine inspection and maintenance of stormwater management facilities is essential to ensuring maximum performance and lifespan. Historical lack of investment in pond inspection and maintenance, coupled with the recent transition to Low Impact Development techniques, has further necessitated the importance of robust inspection and maintenance programs. In collaboration with the province and watershed municipalities, the Authority has undertaken several initiatives that are resulting in improved practices. It is therefore recommended that Staff Report No. 22-21-BOD regarding the Lake Simcoe Region Conservation Authority's efforts supporting improvement of municipal stormwater management inspection and maintenance be received for information.

### **Pre-Submission Review:**

This Staff Report has been reviewed by the General Manager, Integrated Watershed Management and the Chief Administrative Officer.

Signed by:

Ben Longstaff  
General Manager,  
Integrated Watershed Management

Signed by:

Rob Baldwin  
Chief Administrative Officer



April 22, 2021

The Honourable Jeff Yurek  
Minister of the Environment, Conservation and Parks  
College Park 5<sup>th</sup> Floor  
777 Bay Street  
Toronto, ON  
M7A 2J3

**Re: Conservation Ontario's Governance Accountability and Transparency Initiative**

Dear Minister Yurek:

At our Annual General Meeting on April 12<sup>th</sup>, 2021, in addition to electing me as their new Chair, Conservation Ontario Council passed the following resolution:

***WHEREAS the provincial government has passed legislative amendments related to the governance of Conservation Authorities;***

***AND WHEREAS the Conservation Authorities remain committed to fulfilling accountable and transparent governance;***

***THEREFORE BE IT RESOLVED THAT Conservation Ontario Council endorse the Governance Accountability and Transparency Initiative and that the resolution be sent to the Minister of Environment, Conservation and Parks;***

***AND THAT Conservation Ontario Council request that all Conservation Authorities endorse a commitment to pursue governance accountability and transparency measures.***

The recently endorsed Governance Accountability and Transparency Initiative will be led by a Steering Committee of conservation authority CAOs / GMs to deliver upon three actions to demonstrate conservation authorities' continuing commitment to governance, accountability and transparency.

These commitments include:

1. Updating CA Administrative By-Laws in fulfillment of legislative amendments to the *Conservation Authorities Act* being proclaimed over the course of 2021,
2. Proactively reporting on governance accountability and transparency priorities (as initially identified as those governance-related clauses in the *CA Act* proclaimed on February 2, 2021), and

3. Demonstrating results and ensuring governance material is easily accessible to the public on CA websites.

More detailed information on the specific activities to be taken to achieve these actions can be found in the attachment to this letter.

Conservation Ontario and the 36 conservation authorities share the Provincial government's commitment to governance accountability and transparency. As the Province works toward proclamation of further sections of the *Conservation Authorities Act* and the development of regulations under the Act, Conservation Ontario and CAs will continue to demonstrate their high-level of governance accountability and transparency to the Province, partner municipalities and the public.

As Chair of Conservation Ontario, I look forward to working with you and your team and would welcome an opportunity to meet to discuss the Governance Accountability and Transparency Initiative and any other issues that impact the Ministry and Conservation Ontario.

Should there be any questions or the need for additional information, please contact Kim Gavine, General Manager of Conservation Ontario, at 905-251-3268 or [kgavine@conservationontario.ca](mailto:kgavine@conservationontario.ca).

Sincerely,



Andy Mitchell  
Chair, Conservation Ontario

c.c. All CA General Managers / Chief Administrative Officers  
Chloe Stuart, Assistant Deputy Minister, Ministry of Environment, Conservation and Parks

Attachment: Conservation Ontario's Governance Accountability and Transparency Initiative





## **Conservation Ontario Governance Accountability and Transparency Initiative**

Conservation Authorities are committed to Governance Accountability and Transparency and will demonstrate that they have fulfilled requirements recently established in legislative amendments to the *Conservation Authorities Act* including a number of governance-related sections which were proclaimed on February 2, 2021.

### **CO Governance Accountability and Transparency Initiative**

Working with Conservation Ontario, conservation authorities have identified 3 key actions that demonstrate their commitment to governance accountability and transparency including:

#### **1. Updates to CA Administrative By-Laws**

Ensure CA Administrative By-Laws are updated in fulfillment of legislative amendments to the *Conservation Authorities Act* being proclaimed over the course of 2021. This will be accomplished through the following activities:

- i) Notwithstanding that some CAs have already updated their bylaws further to the Feb 2<sup>nd</sup> proclamations; ASAP review understanding with MECP staff regarding sections to be proclaimed, scheduling, and the need for updates to CA administrative bylaws; and obtain any other confirmations as required.
- ii) Subject to i), undertake a comprehensive update of the *Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model* (Conservation Ontario, April 2018 as amended), obtain legal review of amendments as necessary, and provide training to CAOs as necessary
- iii) Track all 36 CAs re: status of updated administrative bylaws
- iv) Provide ability for CAs to share sample policies in support of the new clauses.

#### **2. Proactive Reporting on Governance Accountability and Transparency Priorities**

Ensure proactive reporting on GAT priorities as initially identified as those governance-related clauses in the CAA that were proclaimed on February 2, 2021. This will be accomplished through the following activities:

- i) Identification and communication of Required Actions and BMP Actions for each of the newly proclaimed governance-related clauses.
- ii) Implementation of a tracking system to enable easy reporting on the status of the Actions and for collection of information that will enable the analysis of CA issues/impacts raised in relation to implementation of the clauses.

- iii) Bi-annual reports to Conservation Ontario Council on the status of priority Actions.

### **3. Promotion/Demonstration of Results**

Evidence of governance accountability and transparency results will be promoted and demonstrated through communication materials and websites. This will be accomplished through the following activities:

- i) Promote the initiative and prepare analyses of results and appropriate communication materials, as necessary
- ii) Develop QA/QC checklist of governance material that should be available on CA websites to permit ease of public access. The checklist is proposed to include:
  - a. Members (individuals and Member agreements)
  - b. Administrative by-laws
  - c. Annual Meeting Schedule with information on how to participate
  - d. Agendas – full package
  - e. Minutes (to be posted within 30 days of meeting)
  - f. Audited financial statement
  - g. Annual Fee schedule
  - h. Other corporate documentation as available including Strategic Plans, Annual Reports, Watershed Report Cards
- iii) CO to track implementation of the QA/QC checklist and create CO webpage promoting Initiative and that this information can be found on CA webpages

**Ministry of Natural  
Resources and Forestry**

Office of the Minister

Room 6630, Whitney Block  
99 Wellesley Street West  
Toronto ON M7A 1W3  
Tel: 416-314-2301

**Ministère des Richesses  
naturelles et des Forêts**

Bureau du ministre

Édifice Whitney, bureau 6630  
99, rue Wellesley Ouest  
Toronto (Ontario) M7A 1W3  
Tél.: 416-314-2301



May 20, 2021

Mr. Rob Baldwin  
Chief Administrative Officer  
Lake Simcoe Region Conservation Authority  
[R.Baldwin@lsrca.on.ca](mailto:R.Baldwin@lsrca.on.ca)

Dear Mr. Baldwin:

**Re: Request for review of permit conditions under Subsection 28.0.1(9) of the  
Conservation Authorities Act: Lake Simcoe Region Conservation Authority  
– Permit No. OP.2021.027**

Please accept this letter as notice under subsection 28.0.1(10) of the *Conservation Authorities Act* of my intent to undertake a review of the conditions on the permit No. OP.2021.027 issued on March 26, 2021 by the Lake Simcoe Region Conservation Authority (LSRCA) for the development known as Oro Station.

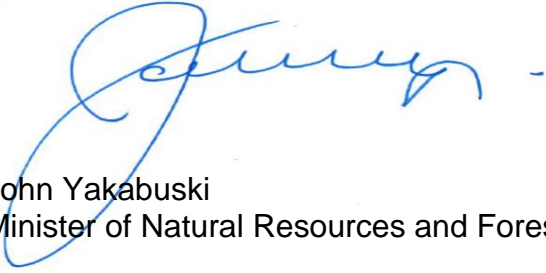
In response to the request dated April 20, 2021 from OroStation/2639025 Ontario Inc. for a Minister's review of permit conditions issued by LSRCA, I have assessed the information provided by OroStation and through their lawyers at Cassels Brock & Blackwell dated May 5, 2021, which included supportive letters from the County of Simcoe, the Township of Oro-Medonte and consultants for the Lake Simcoe Regional Airport. I have also taken the reasons provided by LSRCA in their Notice of Decision dated April 6, 2021 into consideration.

This decision to undertake the review is also being communicated to OroStation and requires a notice of the intention to review LSRCA's decision be posted on the Environmental Registry within 30 days of this notice. Further, the Ministry of Natural Resources and Forestry is continuing to consider the potential for adverse impacts on asserted and established Aboriginal and treaty rights and whether Indigenous consultation will be required with respect to the review.

I will require further information to assist in this review, and ministry staff will be following up shortly with a more detailed request for such information. In addition, staff may follow up further to discuss certain aspects of the permit conditions with you directly during the review process, and potentially to request additional information if needed.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Yakabuski", with a horizontal line extending to the right.

John Yakabuski  
Minister of Natural Resources and Forestry

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks  
Geoffrey Campbell, Managing Partner, OroStation/2639025 Ontario Inc.

## Staff Report

To: Board of Directors

From: Brian Kemp, General Manager, Conservation Lands and Mark Critch, General Manager, Corporate and Financial Services/CFO

Date: May 11, 2021

### Subject:

Mabel Davis Administrative Centre Safety Renovations

### Recommendation

**That** Staff Report No. 23-21-BOD regarding safety renovations at the Authority's Mabel Davis Administrative Centre be received; and

**Further That** an additional draw of approximately \$70,000 from reserve to support implementation of these safety renovations be approved.

### Purpose of this Staff Report:

The purpose of this Staff Report No. 23-21-BOD is to provide the Board of Directors with an overview of renovations planned for the Authority's Mabel Davis Administrative Centre (Administrative Centre) in Newmarket to enhance safety conditions for employees and visitors, in response to pandemic infection control requirements and recommendations set out in the Physical Security Plan (2018).

### Background:

In 2017, the Authority retained the services of Write Right Risk Inc. to undertake an assessment of the realistic threats and vulnerabilities at three of the Authority's properties, including the Administrative Centre, and to offer reasonable and justified risk mitigation recommendations to address them. In 2020, staff undertook an assessment of the Administrative Centre to identify areas for improvement in response to pandemic safety protocols, including the installation of physical barriers and systems to protect employees and visitors. Five locations were identified for renovations that would provide both physical and pandemic safety protections. They include:

- Main building entrance
- Reception counter
- Planning counter
- West and North Wing entrance corridors
- North Wing exterior doorway

Following a competitive bid process, the Authority retained the services of RJL Management Services to prepare architectural design drawings and a tender package for circulation to prospective contractors. The architectural drawings were reviewed extensively by Authority staff and revisions were made to ensure that the renovations will support effective and efficient service delivery and maintain a professional appearance. The designs incorporate accessibility requirements such as push-button door operators and multiple counter heights, glass partitions between staff and visitors at service counters, lockable passageway doors, and improved sightlines at the North wing emergency exit. These renovations will allow the Authority to control access to and within the building and establish structural barriers to provide separations for both physical and pandemic safety.

A formal Request for Quotation (Request) was issued on April 19, 2021 and circulated online through Biddingo.com. The Request process occurred electronically with acknowledgement forms and bids received through a Microsoft One Drive portal. The Request closed on May 3, 2021. A total of 33 companies downloaded all or part of the Request documents from Biddingo and two Request acknowledgements were received. One formal quote submission was received from WS Morgan Construction Ltd. While only one quote was received, RJL Management had previously prepared a cost estimate for the work proposed. An outline of both can be found below:

<b>Projects</b>	<b>WS Morgan Tendered Amount</b>	<b>RJL Management Estimate</b>
Project 1 - Entry Vestibule	\$13,700	\$17,150
Project 2 - Reception	21,700	26,650
Project 3 - Planning Counter	12,900	11,700
Project 4 - West and North Wing Corridors	18,600	17,300
Project 5 - North Wing Exterior	19,900	11,550
<b>Lump Sum</b>	<b>\$86,800</b>	<b>\$81,350</b>

WS Morgan was the general contractor responsible for renovation of the Scanlon Creek Operations Centre (2018-2020). Through that work they demonstrated themselves to be a professionally operated, customer service focused business that provided effective and dynamic solutions, while maintaining a safe site before and during the pandemic. WS Morgan has been selected to undertake the Administrative Centre renovations in 2021. It is anticipated that project construction will commence in July and be complete before the Administrative Centre is reopened to staff, currently anticipated in September.

## Issues:

The 2021 Budget was developed in the summer/fall of 2020, featuring a draw from reserve of \$20,000 to fund necessary renovations to reception and the planning counters that enable a safe return to the office for staff. Capital improvements related to security at the Administrative Centre were tentatively scheduled for 2022. With staff working remotely, there is opportunity to complete all work required to address all infection control and security priorities at the same time, with less disruptions and a lower overall cost. Due to the refined estimate and updated scope of work, the quote of \$86,800 was received and would require an additional draw from the capital reserve to fund. All work is expected to be completed before staff return to the office.

## Relevance to Authority Policy:

The procurement award to WS Morgan fully complies with the purchasing policy. Due to the change in scope and the corresponding increase in costs, staff are looking for the Board of Directors' endorsement to make an increased draw from reserves to fund the renovations at the Administrative Centre.

## Impact on Authority Finances:

The 2021 Budget contained a projected draw from reserve to complete minor capital improvements that would allow staff to return to the office safely in 2021. With staff working remotely through September, there is an opportunity to complete the pandemic-related infection control capital improvements and move ahead with previously required security upgrades to the Administrative Centre at the same time. This plan will ensure fewer disruptions for staff and clients, as well as a lower total cost of the renovations.

To fund the infection control and enhanced security project, staff are recommending an additional draw of \$70,000 from reserves in 2021. This would bring the total reserve draw for the Administrative Centre renovations to \$90,000. Finance staff confirm that this will leave the Capital Reserve with an estimated balance of \$400,000 through the end of 2021.

## Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 23-21-BOD regarding safety renovations at the Authority's Mabel Davis Administrative Centre be received; and **Further That** an additional draw of approximately \$70,000 from reserve to support implementation of these safety renovations be approved.

**Pre-Submission Review:**

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Brian R. Kemp  
General Manager, Conservation Lands

Signed by:

Mark Critch  
General Manager, Corporate and Financial  
Services/CFO

Signed by:

Rob Baldwin  
Chief Administrative Officer



## Staff Report

To: Board of Directors

From: Brian Kemp, General Manager, Conservation Lands and Mark Critch, General Manager, Corporate and Financial Services, CFO

Date: May 11, 2021

### Subject:

Mabel Davis Administrative Centre Lighting Retrofits

### Recommendation

**That** Staff Report No. 24-21-BOD regarding lighting retrofits at the Authority's Mabel Davis Administrative Centre be received; and

**Further That** a potential draw from reserve of less than \$3,000 to support implementation of these lighting retrofits be approved.

### Purpose of this Staff Report:

The purpose of this Staff Report No. 24-21-BOD is to provide the Board of Directors with an overview of the lighting retrofits planned for the Mabel Davis Administrative Centre (Administrative Centre) in Newmarket to improve energy efficiency, reduce operating costs and address asset management objectives.

### Background:

Greenspace Services staff continually seek to identify opportunities to implement improvements to address the Authority's carbon reduction strategy and energy efficiency objectives. This includes installing energy efficient solutions and technologies to replace infrastructure that is at end of its life. Other objectives include providing a safe and comfortable working environment, reducing business operating costs, addressing asset management objectives, and demonstrating green solutions to the watershed community through proactive leadership.

A recent inspection of exterior flood lights at the Administrative Centre led Facilities staff to coordinate a complete analysis of the internal and external lighting systems. A free assessment was undertaken by GreenLink Energy (GreenLink) who provided a summary of the existing lighting system, energy uses and costs, and proposed solutions to improve each. GreenLink recommended replacement of all existing fluorescent and incandescent bulbs and fixtures with more energy efficient light emitting diode bulbs and fixtures. GreenLink assisted the Authority with the development and submission of an application to the Independent Electricity System

Operators’ Save on Energy Retrofit Rebate Program. The application was approved, and the Authority was awarded an estimated rebate based on prescriptive per fixture rates.

Implementation costs and return on investment are as follows:

Item	Totals
<b>Fixtures</b>	
Fixtures and bulbs replaced	515
<b>Energy Use</b>	
Total Current Energy Use	23.56 kW
Proposed Energy Use	11.47 kW
Energy Savings	<b>12.09 kW</b>
<b>Materials</b>	
Bulbs and Fixtures	\$8,823
Environmental Disposal Fees	\$563
Save on Energy Rebate	\$4,046
Estimated Net Cost	<b>\$5,340</b>
<b>Savings</b>	
Estimated Annual Hydro Savings	\$6,653
Estimated Annual Maintenance Savings	\$900
Estimated Total Annual Savings	<b>\$7,553</b>
Payback Period	<b>0.71 years</b>
Return on Investment	<b>141%</b>

Implementation of the proposed retrofit will result in a transformation of the lighting system throughout the Administrative Centre, establishing a system with modern, energy efficient technologies. The retrofit will be undertaken during the current office closure to allow completion of the work with minimal disruption to employees and business operations.

**Issues:**

Authority staff continue to look for ways to operate more efficiently and at the same time, reduce the carbon footprint. This unique opportunity to utilize the available energy subsidy is time sensitive and was not included in the 2021 Budget.

**Relevance to Authority Policy:**

There is no direct link to any impacts on Authority policy, but this reduction in electricity consumption will support the Authority’s Carbon Reduction Strategy to achieve a 40% reduction of the corporate carbon imprint by 2026.

### Impact on Authority Finances:

The Authority was not aware of this opportunity until recently and therefore the transition costs identified in this report are not included in the 2021 Budget. The cost to transition the lighting at the Administrative Centre will exceed anticipated savings in 2021 and may require a minor draw from reserve to fund the project. While the full savings will not be realized until staff physically return to work in the office, this project will return the initial investment by 2022. Payback periods of one year or less are quite rare and coupled with the reduction in carbon, make this project quite favourable. Ongoing savings from this project will be identified in future budget years and will be used to offset expected increases in our other utilities.

### Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. No. 24-21-BOD regarding lighting retrofits at the Authority's Mabel Davis Administrative Centre be received; and **Further That** a potential draw from reserve of less than \$3,000 to support implementation of these lighting retrofits be approved.

### Pre-Submission Review:

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Brian R. Kemp  
General Manager, Conservation Lands

Signed by:

Mark Critch  
General Manager, Corporate and Financial  
Services/CFO

Signed by:

Rob Baldwin  
Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Glenn MacMillan, General Manager, Planning, Development, and Watershed Restoration

Date: May 20, 2021

### Subject:

Offsetting Policies - Reconciliation to December 31, 2020

### Recommendation:

**That** Staff Report No. 25-21-BOD regarding an update on the Authority's Offsetting Cash in Lieu funds received, expended and Key Performance Indicators be received for information.

### Purpose of this Staff Report:

The purpose of this Staff Report No. 25-21-BOD is to update the Board of Directors on the Authority's Offsetting Cash in Lieu funds received, expended and Key Performance Indicators. This update provides an overview since the onset of this program up to December 31, 2020.

### Background:

The Authority's offsetting policies address loss of natural heritage features (ecological offsetting), groundwater recharge deficit (Water Balance Offsetting) and post development phosphorus loads (phosphorus offsetting) which are the result of development within the watershed. These policies are implemented by Planning and Development staff through review of applications made under the *Planning Act*.

The Authority's Ecological Offsetting Policy was approved by the Board of Directors in 2017 and was put in place to address the loss of natural heritage features and their associated vegetation protection zones.

Since 2017, the Lake Simcoe Phosphorus Offsetting Policy has been improving and protecting the quality of water in Lake Simcoe and its streams and rivers. Lake Simcoe Phosphorus Offsetting Policy requires that all new development must control 100% of the phosphorus from leaving the development site.

To ensure that adequate groundwater recharge is maintained throughout the entire Lake Simcoe watershed, and to mirror the policies of the Source Protection Plan, the Authority developed the Water Balance Recharge Policy in 2018 to accompany Lake Simcoe Protection

Plan policies 6.40-DP and 4.8-DP, which are to be applied to all applications for major development outside of the WHPA Q2 area. This policy, as well as the WHPA Q2 policies of the Source Protection Plan (July 2015), address the deficit of groundwater recharge resulting from development.

The offsetting policies are tiered plans; avoid, minimize, mitigate and compensate. The collection and allocation of funds received and Key Performance Indicators through Ecological Offsetting, Phosphorus offsetting and Water Balance are outlined in the attached Tables 1, 2, and 3.

The primary key performance indicators for ecological offsetting projects are total natural heritage restored, wetland and woodland area restored, and area acquired/protected. Through the restoration and protection of wetlands, woodlands and other natural heritage features, the program has allocated \$787,348 which accomplished 10.07 hectares of natural heritage restoration and protection. Other achievable co-benefits include but are not limited to additional grassland area, installation of habitat structures, increase in biodiversity, flood reduction, groundwater recharge, carbon mitigation, protection of infrastructure, thermal mitigation, urban heat reduction and social/community impacts.

Through the implementation of stormwater retrofits and low impact development projects, the water balance recharge and phosphorus offsetting projects achieve phosphorus reduction and infiltration as the main key performance indicators. The WHPA Q2 and Water Balance program has allocated \$111,057 to achieve 1364 m<sup>3</sup>/year of infiltration and 1.2 kg/year reduction in phosphorus. The phosphorus offsetting program has allocated \$43,058 to achieve .5 Kg/year phosphorus reduction and 343 m<sup>3</sup>/year of infiltration. Other achievable co-benefits include but are not limited to water quality, peak flow reduction, increase in biodiversity, flood reduction, groundwater recharge in significant recharge areas, carbon mitigation, protection of infrastructure, thermal mitigation, urban heat reduction, improvements to the natural heritage system, and social/community impacts.

### **Issues:**

There are no issues associated with this report.

### **Relevance to Authority Policy:**

One of the goals of the Authority's Strategic Plan, *Vision to Action, Action to Results*, is to support a safer, healthier and livable watershed through exceptional integrated watershed management. The development and implementation of the offsetting policies assist in achieving this goal by providing a consistent approach to enhancement and restoration throughout the watershed.

### **Impact on Authority Finances:**

This update will not impact Authority finances. As provided in previous reports to the Board of Directors, a record of the collection and allocation of funds will be made available to watershed municipalities, Building Industry and Land Development Association and other interested stakeholders, on an annual basis, through a report to the Board of Directors.

### **Summary and Recommendations:**

It is therefore recommended that Staff Report No. 25-21-BOD regarding an update on the Authority's Offsetting Cash in Lieu funds received, expended and Key Performance Indicators be received for information.

### **Pre-Submission Review:**

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO and the Chief Administrative Officer.

Signed by:

Glenn MacMillan  
General Manager, Planning, Development,  
and Watershed Restoration

Signed by:

Rob Baldwin  
Chief Administrative Officer

### **Attachments**

Table 1: Ecological Offsetting results

Table 2: WHPA Q2 and Water Balance results

Table 3: Lake Simcoe Phosphorus Offsetting results

**Table 1**

Ecological Offsetting Policy Collection, Allocation of Funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2017 to 2020

<b>Subwatershed</b>	<b>Project Funds Collected (net of admin) (\$)</b>	<b>Funds Spent on Projects 2017 to 2020 (\$)</b>	<b>Ending Balance Available December 31, 2020 (\$)</b>	<b>Wetland Loss (ha)</b>	<b>Woodland Loss (ha)</b>	<b>Total Natural Heritage Restored (ha)</b>	<b>Wetland Restored and/or Protected (ha)</b>	<b>Woodland Restored and/or Protected (ha)</b>	<b>Acquisition (ha)</b>
Barrie Creeks	9,322		\$9,322	0	2.17				
East Holland	1,161,468	\$594,072	567,396	4.43	10.88	5.1	1.2	2.5	0
Hewitts Creek	906,812		906,812	20.07	2.61				
Innisfil Creeks	664,254	193,276	470,978	11.37	64.88	4.97	1.66	1.6	.57
Oro Creeks South	177,480		177,480	.5	1.3				
Whites Creek	215,758		215,758	.37	1.11				
Uxbridge Brook	1,107		1,107	0	.2				
West Holland	337,263		337,263	2.16	4.08				
Lover's Creek	160,050		160,050	.94	2.5				
General Pool - Interest Earned	78,742		78,742	0	0				
<b>Grand Total</b>	<b>\$3,712,257</b>	<b>\$787,348</b>	<b>\$2,924,909</b>	<b>39.84</b>	<b>89.73</b>	<b>10.07</b>	<b>2.86</b>	<b>4.1</b>	<b>.57</b>

**Table 2:**

WHPA Q2 and Water Balance Recharge Policy Collection, Allocation of funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2015 to 2020

<b>Subwatershed</b>	<b>Project Funds Collected (net of Admin) (\$)</b>	<b>Spent on Projects 2015 to 2020 (\$)</b>	<b>Ending Balance Available at December 31, 2020 (\$)</b>	<b>Infiltration Deficit (m<sup>3</sup>/year)</b>	<b>Phosphorus Reduction Achieved (kg/year)</b>	<b>Infiltration Achieved (m<sup>3</sup>/year)</b>
East Holland	1,936,327	111,057	1,825,270	37482	1.2	1364
West Holland	1,350,801		1,350,801	28234		
Black River	86,275		86,275	41040		
Lover's Creek	228,052		228,052	4655		
Oro Creeks North	39,248		39,248	892		
Innisfil Creeks	312,576		312,576	18688		
General Pool	31,963		31,963	0		
<b>Grand Total</b>	<b>2,135,030</b>	<b>111,057</b>	<b>2,023,973</b>	<b>130,991</b>	<b>1.2</b>	<b>1364</b>



**Table 3:**

Lake Simcoe Phosphorus Offsetting Policy Collection, Allocation of funds and Key Performance Indicators of Restoration Projects by Subwatershed - 2016 to 2020

<b>Subwatershed</b>	<b>Project Funds Collected (net of Admin) (\$)</b>	<b>Spent on Projects 2016 to 2020 (\$)</b>	<b>Ending Balance Available at December 31, 2020 (\$)</b>	<b>Phosphorus Loss (Kg/year)</b>	<b>Phosphorus Reduction Achieved (kg/year)</b>	<b>Infiltration Achieved (m<sup>3</sup>/year)</b>
West Holland	241,413		241,413	2.40		
Maskinonge River	20,125		20,125	0.20		
Lovers Creek	382,987		382,987	3.81		
Innisfil Creeks	10,325		10,325	0.10		
Georgina Creeks	17,850		17,850	0.18		
East Holland	495,248		495,248	4.92		
Black River	10,500		10,500	0.10		
Barrie Creeks	63,433	43,058	20,375	0.23	.5	343
General Pool - Interest Earned	14,378		14,378	0.14		
<b>Grand Total</b>	<b>1,256,259</b>	<b>43,058</b>	<b>1,213,201</b>	<b>12.08</b>	<b>.5</b>	<b>343</b>

## Staff Report

To: Board of Directors

From: Kristen Yemm, Director, Communications and Community Engagement

Date: May 20, 2021

### Subject

2021 Conservation Awards Program

### Recommendation

**That** Staff Report No. 26-21-BOD regarding recommendations for a virtual 2021 Conservation Awards be approved.

### Purpose of this Staff Report:

The purpose of Staff Report No. 26-21-BOD is to obtain Board of Directors approval of the recommended changes to the Conservation Awards program.

### Background:

The Authority's Conservation Awards Program has been celebrating environmental success stories throughout the Lake Simcoe watershed for nearly 40 years. Our program recognizes and celebrates the efforts of individuals and groups who are actively working to improve our watershed environment.

Physical and social distancing, as well as provincially mandated closures resulting from the COVID-19 pandemic have transformed how we conduct many aspects of our business, including the Conservation Awards program. Because we are unable to gather in large numbers to recognize award recipients in person, we have an opportunity to celebrate environmental success stories throughout the watershed virtually through our digital platforms.

This year, the Authority seeks nominations for award recipients for the following award categories:

- **Healthy Water:** The Healthy Water Award is presented to individuals and groups who have completed a project that improves, supports, or protects water quality in the Lake Simcoe watershed. Projects may include stormwater management, water conservation, streambank and shoreline restoration or stabilization, low impact development techniques and source water protection.
- **Healthy Land:** This award celebrates improvement projects that help to support and protect natural heritage features including woodlands, wetlands and their functions, wildlife habitat, biodiversity and ecological restoration, soil erosion, and trail development.

- **Healthy Community:** The Healthy Community Award celebrates individuals or groups in our watershed who have completed a project that increases community connections and engagement through events, fairs, and festivals; tree plantings; clean-ups and community programs. It also acknowledges significant traditional media or social media coverage, delivery of innovative environmental programs or services, as well as sharing knowledge and information through campaigns.
- **Ernie Crossland Young Conservationist Award:** This award is presented to individuals 30 years of age or younger, or a group with participants who are 30 years or under, who are involved in a significant leadership role in a conservation project or with a conservation-based group or organization.
- **George R. Richardson Award of Honour:** The Authority's most coveted award is presented to one recipient only, to honour and recognize lifetime or significant environmental achievement.
- **Distinguished Achievement Award:** The Distinguished Achievement Award is presented to individuals or groups for noteworthy achievements in innovation and/or leadership in the field of conservation (example: significant partnerships, industry transformation, and new technology). This award does not have a specific category, nor is it advertised or promoted. It is reserved for a nomination which the review committee have deemed as an extraordinary achievement, going above and beyond the criteria of one or more of the other award categories. This award nomination will be recommended to the Board of Directors for discussion and approval. This award may not be presented annually.

#### **Timeline for 2021 Conservation Awards Virtual Recognition:**

Recipients of the Healthy Water, Healthy Land, Healthy Community Awards will be recognized with a digital release (on web/social media) beginning in early November.

The Ernie Crossland Young Conservationist Award recipient and the George R. Richardson Award of Honour recipient will be invited to the Friday, November 26, 2021 Board of Director's Meeting to virtually celebrate and be recognized for their achievements. This date provides staff with the necessary time to plan and implement a successful digital Conservation Awards Program, in relation to the following timeline:

- May 20, 2021 – [Nominations Open Online](#)
- June 25, 2021 – Nominations Close
- July 5, 2021 – Staff Review Committee meets to review nominations
- July 23, 2021 – Board of Directors Meeting
  - Board of Directors select George R. Richardson Award of Honour recipient
  - Board of Directors receive Staff Review Committee selections for recipients in all other award categories

- Early November: Digital release of Healthy Water, Healthy Land, Healthy Community award recipients
- November 26, 2021 – Board of Directors Meeting
  - Recipient to be virtually presented with Ernie Crossland Young Conservationist Award (Video presentation)
  - Recipient to be virtually presented with George R. Richardson Award of Honour Award (Video presentation)

### **Relevance to Authority Policy:**

The Conservation Awards Program supports the Authority’s mission to work with our community to protect and restore the Lake Simcoe watershed by leading research, policy and action. The awards program celebrates effort and inspires and motivates others to get involved and support our work. It strengthens our community connections and relationships and promotes opportunities to improve the health of our watershed.

### **Impact on Authority Finances:**

The Conservation Awards Program and ceremony is an annual budget item within Corporate Communications. Forecasted expenditures for 2021 have been maintained at the 2019 levels. A portion of the budget will be spent on facilitating videography for the Ernie Crossland and George R. Richardson Awards.

### **Summary and Recommendations:**

It is therefore **Recommended That** That Staff Report No. 26-21-BOD regarding recommendations for a virtual 2021 Conservation Awards be approved.

### **Pre-Submission Review:**

Prepared by: Katarina Zeppieri, Event and Marketing Specialist

This Staff Report has been reviewed by the Director, Communications and Community Engagement and the Chief Administrative Officer.

Signed by:

Kristen Yemm

Director, Communications and Community  
Engagement

Signed by:

Rob Baldwin

Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: May 18, 2021

## Subject

Bill 229 Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities

## Recommendation

**That** Staff Report No. 27-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and

**Further that** staff be directed to circulate a copy of this staff report to watershed municipalities for their information and consideration; and

**Further that** staff be directed to prepare a comments letter for the Board's consideration at their June 25, 2021 meeting to be submitted on behalf of the Authority in response to the Environmental Registry of Ontario prior to the June 27, 2021 deadline.

## Purpose of this Staff Report:

The purpose of this Staff Report No. 27-21-BOD is to inform the Board of the recently released Bill 229 Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities (Guide). The Guide has been posted on the Environmental Registry of Ontario (Registry) for a public input period of 45 days ending on June 27<sup>th</sup>.

## Background:

On December 8, 2020, the Province approved by royal assent Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 which includes Schedule 6. This approval has already brought forth a slew of amendments and requirements under the *Conservation Authorities Act* (Act) including changes to governance and issuing permits for projects subject to a Minister's Zoning Order. Several Board reports have addressed these matters over the past five months.

A further series of amendments and requirements were established through legislation in Schedule 6 of Bill 229 but require the creation, consolidation and/or amendment through regulations under the Act.

To facilitate the development of these regulations, a Minister's Working Group was established led by Minister Yurek, Ministry of Environment, Conservation and Parks (Environment). The Working Group was comprised of Environment staff, Ministry of Natural Resources and Forestry (Natural Resources) staff, several representatives from various conservation authorities, Conservation Ontario, BILD, Association of Municipalities of Ontario, municipal and agricultural sectors. The Working Group is chaired by Hassaan Basit, CEO of Conservation Halton. The Authority's Chief Administrative Officer was fortunate to be asked to be a member of this working group and has participated since inception.

The Working Group began working in early January 2021 and meets approximately every two weeks to discuss and review various topics and proposed regulatory additions, consolidations and/or amendments. The culmination of the work to date is the attached Guide released by Minister Yurek and the core focus areas are listed below:

Consultation Guide Focus Areas:

- Further defining Core (Mandatory) and Non-core (Non-mandatory) programs delivered by conservation authorities;
- Development of Minister's Regulation for municipal agreements and transition period;
- Clarifying the construct and composition of a Community Advisory Board;
- Creation of a consolidated S.29 Regulation regarding land management.

A brief synopsis of these focus areas can be found in the following sections.

## **Issues:**

### **Mandatory Conservation Authority Programs and Services**

#### **Mandatory Programs and Services Related to Natural Hazards**

There has not been significant change in this category. A clear definition and description of this Core area has been included. Key highlights are as follows:

- The issuance of S.28 permits remains a mandatory program. Further amendments and clarification under S.28 will be forthcoming from Natural Resources in the near future to provide clarity and reduce regulatory burden.
- Continue to provide input into plan review regarding natural hazards in accordance with the Provincial Policy Statement.
- Flood forecasting and warning continue as is.
- Only dams or control structures that are operated for the purposes of flood, low flow augmentation and/or erosion protection are eligible as mandatory. This includes asset management planning, operations, and associated aspects.

- Low water response monitoring and communication remain as is.
- Monitoring, collection and management of information to delineate hazard areas, flood forecasting, development of plans and policies related to hazard protection and management and studying impacts of climate change are mandatory programs.

#### Mandatory Programs and Services Related to Land Management on Authority Owned Lands

Broadly speaking there has not been significant change regarding land management other than the consolidation of Authority specific S.29 regulations into one blanket S.29 Regulation and one key area related to recreation. Key highlights are as follows:

- A conservation authority shall have a strategy for all authority owned or controlled lands.
- A conservation authority shall have a policy for the securement, acquisition and/or disposition of land owned or controlled by the authority.
- A conservation authority shall have a management plan for each property owned by the authority. This could be for several properties together. Multiple parcels of land can be consolidated under one management plan (eg. Beaver River).
- Management and maintenance of authority lands is limited to the protection and maintenance of natural heritage features, monitoring of those features, and other related aspects.
- Recreation related activities (including trails, pavilions, education, etc.) are not considered mandatory programs and therefore non-core.

#### Mandatory Programs and Services Related to Source Protection

There is almost no change to the existing responsibilities occurring to date and they are expected to continue as is at this time.

#### Mandatory Programs and Services Related to LSRCA activities and services under the Lake Simcoe Protection Plan (Plan)

The Authority is a key public body that assists in the implementation of the Plan in collaboration with various Provincial ministries, municipalities and watershed communities. This mandatory program is unique to this Authority and expands which activities are mandatory activities. The Province has recognized the key role in several areas in ensuring the effective implementation of the Plan. This is done through the following mechanisms:

- The issuance of S.28 permits is a prescribed instrument of the Plan and therefore must be issued in accordance and compliance with the “Designated Policies” of the Plan.
- The Authority is a key body in ensuring “Strategic Actions” are informed through science and monitoring.

- The Guide lists an extensive list of activities that are deemed mandatory (core) to ensure the ongoing implementation of the Plan.

#### Mandatory Programs and Services to be Prescribed by Regulation for Core Watershed Based Management Strategy

The most basic tenet that conservation authorities were founded on is that they are based on the watershed boundary and not a political boundary. The Working Group had extensive discussions regarding the significance of operating on a watershed context and how all the previously mentioned core programs are implemented driven from that context. This critical program area was not included in the initial announcement of what was to be considered Mandatory Programs.

Conservation authority members as well as others are very pleased and encouraged by the recognition of the need for core watershed-based management strategies in the Guide. These strategies can be developed at a scale that is applicable to the respective conservation authority, landscape and general issues and population being addressed.

This section of the Guide identifies the key components of a watershed-based management strategy that would be considered as mandatory and those which be non-mandatory. Simply put, the identified mandatory components establish the “floor” with the “ceiling” being established by the respective conservation authority and their municipal partners.

#### Mandatory Programs and Services to be Prescribed by Regulation for Provincial Water Quality and Quantity Program

The Environment is proposing that the implementation of the Provincial stream and groundwater monitoring programs be included as a mandatory program. All 36 conservation authorities participate in these programs at varying scales and are critical in the collection of key environmental data related to surface and ground water across Ontario. The inclusion of this program as mandatory will ensure the long-term viability of this program and also recognizes the significant role the information collected plays in the implementation of the previously mentioned mandatory programs.

#### Non-Mandatory Conservation Authority Programs and Services

Conservation authorities across Ontario deliver a broad suite of programs that have been or will now be considered non-mandatory but are critical in effective watershed management and serving the needs of our key municipal partners and communities. These can include restoration and stewardship, education, tree planting, research and innovation, recreation, operating a foundation, and much more.



## Municipal Agreements

Programs and activities undertaken by a conservation authority which are funded by a member municipality require that an agreement be in place. The agreements must include financial details, termination dates, provisions for early termination or addressing breaches of the agreement, and transparency aspects. These agreements are intended to allow for flexibility and can include multiple municipalities, multiple programs, or services. The Environment Minister is proposing a prescribed date of January 1, 2023 for all municipal agreements to be in place.

## Transition Plans

The proposed regulation will require conservation authorities to develop a detailed transition plan by December 31, 2021 to be provided to the Environment Minister. The transition plan will include a detailed inventory for both mandatory and non-mandatory programs and services provided, identification of what programs and services require a municipal agreement, and consultation with municipalities.

## Community Advisory Boards

Each conservation authority is required to establish a Community Advisory Board (Advisory Board). This is a mandatory requirement. Each conservation authority can develop a Terms of Reference for their Advisory Board reflective of the specific watershed aspects, issues, and circumstances. The government proposes to prescribe the following aspects into the regulation:

- Minimum of 5 members
- Members must reside in the watershed jurisdiction
- Permits members from the general public and should reflect general watershed geography
- Ensuring to recruit youth and indigenous members
- Ensuring a public notification and application process
- Minimum of one authority Board member and one alternate be included
- Administrative support is provided by the authority

The government is prescribing that at a minimum the functions and activities of the Advisory Board in the Terms of Reference will include:

- Provide advice on Authority strategic plans, and associated policies, programs and services
- Discuss opportunities to co-ordinate with other environmental initiatives
- Identify opportunities for community engagement and suggest outreach opportunities
- Carry out other functions as describe in the Terms of Reference

### **S.29 Minster's Regulation**

A Minister's regulation is proposed to consolidate the 36 existing individual conservation authority S.29 regulations into one regulation for the management of authority owned lands. The regulation sets out what are permitted and prohibited activities on authority owned lands and allows for enforcement as required.

#### **Relevance to Authority Policy:**

The changes to the Act and subsequent regulations will require that the Authority's Administrative By-Laws be amended to ensure consistency and compliance. A review and edit of the by-laws will occur and updated by-laws will be brought to the Board at a future date for consideration.

#### **Impact on Authority Finances:**

There are no direct immediate impacts to Authority finances anticipated based on these recent proposed changes and requirements. There may be some minor legal expenses if there is a need for substantial changes to the Administrative By-laws.

The future impact or benefit to Authority finances will take time to be identified and understood following implementation of regulations when approved. There is no impact to Authority finances predicted for 2020 as it will be considered a "business as usual" budget. The potential for change both positive and negative will be determined in the budget for fiscal 2023. Detailed financial and levy discussions are just beginning with the Working Group now through end of June 2021.

#### **Summary and Recommendations:**

It is therefore recommended that Staff Report No. 27-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and Further that staff be directed to circulate a copy of this staff report to watershed municipalities for their information and consideration; and Further that staff be directed to prepare a comments letter for the Board's consideration at their June 25, 2021 meeting to be submitted on behalf of the Authority in response to the Environmental Registry of Ontario prior to the June 27, 2021 deadline.

Signed by:

Rob Baldwin  
Chief Administrative Officer

#### **Attachments:**

MECP Document: Bill 229 Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND  
PARKS**

**REGULATORY PROPOSAL CONSULTATION GUIDE:  
Regulations Defining Core Mandate and Improving Governance,  
Oversight and Accountability of Conservation Authorities**

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## PURPOSE

The Ministry of the Environment, Conservation and Parks (the “ministry”) is consulting on proposed regulations that would be made under the *Conservation Authorities Act* to ensure that conservation authorities focus and deliver on their core mandate of helping protect people and property from the risk of natural hazards, the conservation and management of conservation authority-owned lands, and their roles in drinking water source protection and to improve governance and oversight in conservation authority operations.

The purpose of this consultation guide is to provide a description of the proposed regulations in order to obtain feedback on the ministry’s regulatory postings on the Environmental Registry of Ontario and Ontario’s Regulatory Registry. Comments on the regulatory proposals may be submitted through either registry before the date indicated or can be emailed directly to the ministry at [ca.office@ontario.ca](mailto:ca.office@ontario.ca). The comments received from the posting will be considered by the ministry when developing the proposed regulations.

## INTRODUCTION

In 2018, the government made a commitment in its “Made-in-Ontario Environment Plan” to collaborate with municipalities and other stakeholders to ensure that conservation authorities focus and deliver on their core mandate.

As part of that commitment, the government passed the *More Homes, More Choice Act, 2019* which received Royal Assent on June 6, 2019 and made amendments to the *Conservation Authorities Act*.

Beginning in late 2019, the ministry undertook extensive consultations with municipalities, the public, landowners, development, agricultural, environmental and conservation organizations as well as conservation authorities, about the core role of conservation authorities. The government takes consultation seriously, which is why the ministry also posted an online survey in January 2020 to gather feedback from the general public and anyone who was unable to attend the in-person sessions.

The extensive and valuable feedback received informed legislative amendments to the *Conservation Authorities Act* that were made through Bill 229, *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* which passed on December 8, 2020. These changes will help ensure conservation authorities are best serving the needs of their communities and allow them to focus and deliver on their core mandate, as committed to in the Made-in-Ontario Environment Plan.

The government is proposing to proclaim un-proclaimed provisions in the *Conservation Authorities Act* (stemming from amendments made in 2017, 2019, and 2020) through a staged process. This will enable accommodation of a staggered rollout of regulations (in two phases) and policies that are to be consulted on and developed in the future.

The first of these proclamations occurred on February 2, 2021 and included provisions related to conservation authority governance as well as items related to housekeeping amendments, government requirements and the Minister's powers. This Consultation Guide supports consultations on the first phase of proposed regulations to be developed.

## **REGULATORY PROPOSAL CONSULTATION GUIDE**

The proposed regulations for consultation are focused on:

- the mandatory programs and services to be delivered by conservation authorities,
- the proposed agreements that may be required with participating municipalities to fund non-mandatory programs and services through a municipal levy,
- the transition period to establish those agreements,
- the requirement to establish 'community' advisory boards, and
- the Minister's section 29 regulation relating to conservation authority operation and management of lands owned by the authority.

### Mandatory Programs and Services

- Mandatory Conservation Authority Programs and Services Regulation

### Non-mandatory Programs and Services

- Minister's Regulation for Municipal Agreements and Transition Period

### Governance and Oversight of Conservation Authorities

- Regulation to require 'Community' Advisory Boards
- Regulation to enable conservation authority by-laws (under s.19.1 of the *Conservation Authorities Act*) to be able to address the advisory boards prescribed by the proposed 'Community Advisory Board' regulation.

### Other Regulatory Matters

- Section 29 Minister's Regulation of 'Conservation Areas'

## PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES

Conservation authorities were established by the Province through municipal resolutions to address cross municipal boundary interests in resource management principally related to water and natural hazard management. The *Conservation Authorities Act*, sets out the “objects” or goals of a conservation authority to deliver on the prescribed and core mandatory programs and services (which are noted in this section of the Guide) to ensure that conservation authorities are in the best position possible to deliver on their mandate. These objects also provide conservation authorities with the authority to deliver non-mandatory programs and services that their participating municipalities ask them to deliver on a municipality’s behalf, or which the conservation authority determines are advisable and has funding including from participating municipalities under agreement. As a result, conservation authorities, with their watershed-based jurisdictions, are able to provide a fuller resource perspective to their municipalities and the Province that supports managing inter-municipal as well as provincial natural resource issues like flooding, drought, erosion, sedimentation and water quality. Especially as Ontario continues to deal with the worsening impacts of climate change, this is supportive of conservation authorities’ role to help ensure that the people of Ontario and their properties are protected from events like flooding, drought, and erosion.

Under the *Conservation Authorities Act*, programs and services delivered by conservation authorities can be:

- Mandated by the Province (mandatory) and may be funded by provincial grants and/or conservation authority self-generated revenue (e.g. user fees). Where such revenue sources cannot finance the entire costs of those programs, the costs must be raised through the municipal levy.
- Non-mandatory programs and services that may be provided by a conservation authority at the request of and on behalf of one or more participating municipalities under the *Conservation Authorities Act*, if a memorandum of understanding (MOU) or other agreement has been entered into between the parties to have the program or service be funded by municipal levy or by other funding mechanisms that may be set out in the MOU or service contract.
- Municipal requests of authorities to provide non-mandatory programs and services on behalf of the municipality from ‘specified’ municipalities; municipalities that are designated in an authority for the purposes of the *Clean Water Act, 2006* or the *Lake Simcoe Protection Act, 2008*, would also require a MOU or other agreement to be entered into between the parties to have the non-mandatory program or service funded by municipal levy or by other funding mechanisms that may be set out in the MOU or the other agreement.
- Non-mandatory programs and services that the authority determines are advisable to meet the purpose of the *Conservation Authorities Act* in their jurisdiction and that

require municipal funding through an agreement with the authority's participating municipalities. These non-mandatory programs and services would be determined at the local CA level and would be beyond those that the province has set out as being required, or that a municipality has indicated it would like the CA to deliver on its behalf. Other funding sources such as self-generated revenue (e.g. user fees), project funding from other government agencies or other organizations may also fund (in whole or in part) conservation authority determined non-mandatory programs and services.

## **1. MANDATORY CONSERVATION AUTHORITY PROGRAMS AND SERVICES REGULATION**

In June 2019, the *More Homes, More Choice Act, 2019* amended the *Conservation Authorities Act* to identify the categories of mandatory programs and services which conservation authorities are required to provide where applicable in their specific jurisdictions. The *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* re-enacted this provision.

These categories of programs and services are related to:

- A. Risk of natural hazards.
- B. Conservation and management of lands owned or controlled by a conservation authority, including any interests in land registered on title.
- C. Conservation authority duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
- D. Lake Simcoe Region Conservation Authority duties, functions and responsibilities under the *Lake Simcoe Protection Act, 2008*.
- E. Conservation authority duties, functions and responsibilities under other legislation prescribed by regulation. Proposed to be:
  - On-site sewage systems approvals by North Bay-Mattawa Conservation Authority as prescribed under the *Building Code Act, 1992*.
- F. Other programs or services prescribed by the regulation within a year of the end of the transition period. Proposed to be:
  - Core Watershed-based Resource Management Strategy
  - Provincial Water Quality and Quantity Monitoring

### **A. MANDATORY PROGRAMS AND SERVICES RELATED TO THE RISK OF NATURAL HAZARDS**

#### **Introduction:**

It is proposed by the Ministry of Natural Resources and Forestry that each conservation authority would be required to implement a program or service to help manage the risk posed by the natural hazards within their jurisdiction, including: flooding, erosion, dynamic beaches, hazardous sites as defined in the Provincial Policy Statement, 2020



(PPS, 2020) and low water/drought as part of Ontario's Low Water response. This program shall be designed to:

- identify natural hazards;
- assess risks associated with natural hazards including impacts of climate change;
- manage risks associated with natural hazards; and
- promote public awareness of natural hazards.

Managing risks associated with natural hazards may include prevention, protection, mitigation, preparedness and response.

Mandatory Programs and Services related to the Risk of Natural Hazards include:

1. Administration of permits issued under section 28.1 of the *Conservation Authorities Act*, including associated enforcement activities (sections 28.1 and 28.1.2 once proclaimed). Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities' role in commenting on *Environmental Assessment Act*, *Drainage Act*, *Aggregate Resources Act*, *Niagara Escarpment Planning and Development Act* proposals.)
2. Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the *Planning Act* (excluding policies associated with wildland fires) in accordance with Provincial One Window Planning Service protocols, including, when appropriate, *Planning Act* appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.
3. Flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards.
4. Operation and maintenance of:
  - any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation;
  - any erosion control infrastructure owned or controlled by the conservation authority;
  - the completion of operational and asset management plans; and
  - infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated necessary technical or engineering studies, including dam safety studies and emergency preparedness plans.
5. Ice management services (preventative or remedial) as appropriate and as supported by an authority approved ice management plan, including:
  - development and updating of plans;

- control of ice, including potential standby equipment (e.g. icebreaker put in place in advance of ice season to prevent ice formation); and
  - addressing ice-related erosion.
6. Low water monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.
  7. Collection, provision, and management of information as needed to support the conservation authorities to:
    - delineate and map hazard areas;
    - develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority's jurisdiction, including shorelines and rivers;
    - study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard);
    - study stream morphology;
    - study the potential impact of changing climatic conditions on natural hazards; and
    - study design to mitigate natural hazards.
  8. Communications, public awareness and education regarding the risk of natural hazards present within the jurisdiction of the authority to public safety, and to consult on program components as required.

## **B. MANDATORY PROGRAMS AND SERVICES RELATED TO THE MANAGEMENT OF CONSERVATION AUTHORITY LAND**

### **Introduction:**

Conservation authority owned land has been acquired under the *Conservation Authorities Act*, mainly through cost shared purchases by the province and municipalities, but also through other means, such as donations. In a number of cases, this land was acquired as it is considered to be hazardous for development. This would include any land that had been previously expropriated by the authority. The power of a conservation authority to expropriate land has been removed by the amendments to the Act made by the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*. Public benefits of these properties reflect the provincial/municipal mandate for conservation authorities in land ownership and include, for example, public safety (i.e. flood control, flood forecasting and warning) and protection of natural heritage.

Some of these lands contain buildings (offices, outbuildings and interpretive centres), other structures or amenities (marinas and picnic areas) or works such as flood and erosion control structures. Authority owned land may generate revenue for the authority (e.g. fees for access, permit fees or by leasing land to a tenant) to self finance the land management programs and services or to be applied to other conservation authority programs and services (thereby reducing reliance on municipal levy).

Conservation authority land is considered private land and as such is subject to the *Planning Act*, municipal official plans, zoning and by-laws as well as to property taxes.

The mandatory programs and services related to the conservation and management of lands owned or controlled by a conservation authority, including any interests in land registered on title, relate to conservation authority as the owner of its land but also to land owned by others where the conservation authority has an 'interest' or right related to that other person's property, as granted by the property owner.

For example, property owners may grant easements registered on their title to conservation authorities; i.e. 'conservation easements' that may protect a natural heritage feature or 'access easements' that may enable a conservation authority to develop trails that cross another landowner's property.

Each conservation authority will be required to implement the following mandatory programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title, within their jurisdiction.

Mandatory Programs and Services related to the Management of Land Owned by Conservation Authorities include:

1. Administration of the section 29 Minister's regulation of 'Conservation Areas' or land owned by conservation authorities including the setting out of fees, permits and enforcement activities.
2. A conservation authority shall have a strategy for all conservation authority owned or controlled lands which could include:
  - Guiding principles, objectives, including for an authority's land acquisition and disposition strategy, land use categories on conservation authority owned land, recommended management principles for different land categories, etc.
  - A broader jurisdictional assessment using existing information (for example natural hazard information from an existing watershed plan or study, or other existing sources for natural heritage systems, wildlife corridors, connecting conservation land through trails, linking with others' land and trails, etc.)
  - Public participation in the planning process when developing or updating the 'overarching' conservation authority land strategy.
3. A conservation authority shall have a policy regarding the securement/acquisition and disposition of land owned or controlled by the authority. This policy shall be approved by the authority by resolution.
  - Land acquisition or securement policy shall be in accordance with current legislation and provincial policy for conservation authority land securement / acquisition.

- Much conservation authority owned land was purchased using provincial grants issued under the *Conservation Authorities Act* and the purchase cost shared by municipal levy. For the disposition of lands purchased in this manner, a conservation authority requires Minister's approval to dispose of that conservation authority owned land.
  - The government is proposing that the requirements for a Minister's approval on the disposition of conservation authority property (land/fixed assets) (should not involve the disposition of conservation authority property that relate to hazardous lands) will continue as set out in current provincial policy.
    - Generally, current ministry policy would not support the approval of dispositions of conservation authority property that relate to hazardous lands, provincially significant conservation land, natural heritage features or areas (including environmentally/ecologically sensitive land) or for managed/agreement forest lands.
4. A conservation authority shall have a management plan for each property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.
- The management plans may consider specific objectives, including: the purpose for the original acquisition, function, features, special features/sensitive areas for protection, use, infrastructure, public input; or other considerations that the authority decides may be applicable.
  - The management plans may involve, as appropriate, a resource inventory.
  - An authority shall update/approve the management plans when the authority deems necessary.
5. Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:
- Land management and stewardship activities related to protecting natural heritage systems/features/values to ensure the property is maintained in accordance with the authority approved management plan for natural heritage management.
  - Employing best management practices to protect and conserve provincially significant conservation lands and natural heritage features as appropriate including environmentally or ecologically sensitive lands (for habitat restoration/rehabilitation, invasive species control, fish and wildlife monitoring).
  - Monitoring and enforcement actions to ensure the maintenance of the property boundaries and also the land title from encroachments as well as to ensure the ecological integrity of conservation authority owned properties, to address illegal activity, with a goal also of reduction of liability and risk associated with the use of the properties.
  - Identification, mapping and assessments as appropriate to determine maintenance and repair needs as well as whether changes are required to any management plan.

Note that other land uses, such as the provision of recreational opportunities or environmental education, on conservation authority owned land are not mandatory programs or services (including management and maintenance of lands for these purposes).

### **C. MANDATORY PROGRAMS AND SERVICES RELATED TO SOURCE PROTECTION AUTHORITY RESPONSIBILITIES UNDER THE *CLEAN WATER ACT, 2006***

#### **Introduction:**

The Province's *Clean Water Act, 2006* is part of a multi-barrier approach to ensure safe and sustainable drinking water for Ontarians. We continue to ensure that our drinking water sources are among the best protected in the world through requiring collaborative, watershed-based source protection plans that are locally driven and based in science and focused on prevention. Source protection plans contain a series of locally developed policies that reduce, eliminate or manage the risks of various activities to sources of drinking water.

Under the *Clean Water Act, 2006* conservation authorities are required to exercise and perform the powers and duties of a drinking water source protection authority. Each conservation authority therefore would be required to implement programs and services related to those responsibilities as source protection authorities under the *Clean Water Act, 2006*.

#### Mandatory Programs and Services for Conservation Authorities related to Source Protection Authority Responsibilities under the *Clean Water Act, 2006* are as follows:

1. Administration of the prescribed composition of the source protection committee and administrative support to source protection committees (Subsections 4(2) or 6(2) and section 7 of the *Clean Water Act, 2006* and O. Reg. 288/07: Source Protection Committees)
  - Maintaining source protection committees by filling vacancies as required by the *Clean Water Act, 2006* and O. Reg. 288/07: Source Protection Committees;
  - Assisting the source protection committee in exercising and performing the committee's powers and duties under the *Clean Water Act, 2006*;
  - Providing scientific, technical and administrative support and resources to the source protection committee; and
  - Where there is a source protection region, the lead conservation authority undertakes the above in addition to leading work in the region for assessment reports and source protection plan amendments, consultation, progress reports, and for coordinating with other source protection authorities as required and set out in agreements between source protection authorities in the region.

2. Preparing amendments to assessment reports and source protection plans (Sections 34, 35 and 36 of the *Clean Water Act, 2006*).
  - Updating the text and mapping in an assessment report and source protection plan to include new drinking water systems and associated vulnerable areas or amend vulnerable areas and risk assessments where drinking water systems change, as provided by drinking water system owners.
    - As part of this, source protection authorities are required to issue a Notice to drinking water system owners.
  - Complying with orders under sections 35 and 36 of the *Clean Water Act, 2006*.
  - Developing or revising policies that address risks to sources of drinking water.
  - Incorporating new scientific information about sources of drinking water, changes in infrastructure or land use.
  - Completing related land use mapping necessary (e.g. managed lands, impervious surfaces) to determine the risk posed by various prescribed drinking water threats, new local or provincially-identified threats, and to address changes to the *Clean Water Act, 2006*, O. Reg. 287/07: General Regulation or Director's Technical Rules made by the Province.
  - Receiving information from municipalities regarding a proposal to create or modify transport pathways in wellhead protection areas and intake protection zones, or from municipalities or risk management officials as a result of field-verified knowledge of existing transport pathways, to determine if assessment reports or plans should be amended.
  - Clarifying requirements for amendments to assessment reports and plans, vulnerable area delineations, risk assessments, and transport pathways with municipalities or drinking water system owners and their consultants.
  - Consulting with municipalities and other bodies responsible for implementing plan policies (such as provincial ministries and agencies such as the Technical Standards and Safety Authority and Niagara Escarpment Commission), other persons or bodies as may be required by the *Clean Water Act, 2006*, as well as neighbouring source protection authorities where required.
  - Consulting with the ministry's staff involved with the source protection program on proposed amendments, including during the early development phase.
  - Ensuring publication and notice of the proposed amendments (to the assessment reports and source protection plans) are completed in accordance with the *Clean Water Act, 2006*, regulations and orders.
3. Implementing source protection plan policies (Sections 38 and 45 of the *Clean Water Act, 2006*, and section 33 of O. Reg. 287/07).
  - Complying with obligations imposed by significant threat policies that rely on Part III of the *Clean Water Act, 2006*, and by other strategic action policies directed to the source protection authority.
  - Conducting monitoring directed to the source protection authority in accordance with monitoring policies set out in the source protection plan.
  - Clarifying *Clean Water Act, 2006*, regulations and source protection plan requirements and implementation responsibilities as necessary to municipalities,

- landowners or other persons impacted by source protection policies, including interpreting technical (scientific) work and plan policies.
- Responding to requests to review proposals in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water where required (such as under the *Planning Act*, *Environmental Assessment Act* or associated applications under the *Environmental Protection Act* and *Ontario Water Resources Act*).
4. Tracking and reporting on the progress of source protection plan implementation (Section 46 of the *Clean Water Act, 2006*).
    - Liaising with public bodies responsible for implementing plan policies including municipalities, provincial ministries and agencies to collect information that tracks the progress of source protection plan implementation and issues that arise.
    - Fulfilling reporting obligations set out in the *Clean Water Act, 2006* and O. Reg. 287/07 General Regulation.
  5. Maintaining and providing access to source protection data and information (Sections 20, 32, 46 of the *Clean Water Act, 2006* and section 12, 21, subsections 52(5) and 52(6) of O. Reg. 287/07).
    - Ensuring the assessment report, source protection plan and any amendments and updates, as well as public progress reports, are available on the Internet.
    - Providing updated maps and data to the Province for assessment report and source protection plan amendments.
    - Providing progress report information and supporting data to the Province.

#### **D. MANDATORY PROGRAMS AND SERVICES RELATED TO LAKE SIMCOE REGION CONSERVATION AUTHORITY RESPONSIBILITIES UNDER THE LAKE SIMCOE PROTECTION ACT, 2008.**

##### **Introduction:**

Our government is committed to the ongoing protection and restoration of the ecological health of the Lake Simcoe Watershed as outlined in the *Lake Simcoe Protection Act, 2008*. The Act is delivered through the Lake Simcoe Protection Plan, which addresses long term environmental issues in Lake Simcoe and its watershed by building on science and monitoring programs that inform the adaptive management approach used to address threats to the ecosystem, such as degraded water quality, unsustainable land uses and pressures of human activity.

Lake Simcoe Region Conservation Authority is a key public body that works in collaboration with provincial ministry leads, including the Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry and Ministry of Agriculture, Food and Rural Affairs as well as municipalities, Indigenous communities and others to support the delivery of many Lake Simcoe Protection Plan policies.

The Lake Simcoe Protection Plan and its policies are given legal effect in two distinct ways.

- a) *Protect, restore and enhance ecosystem health*: “Designated Policies” and “Have Regard Policies” have legal effect when implemented through decision making under six prescribed instruments (i.e., legislation).

The Lake Simcoe Region Conservation Authority’s s.28 permit under the *Conservation Authorities Act* is a prescribed instrument under the *Lake Simcoe Protection Act* that is used to implement specific policies of the Lake Simcoe Protection Plan.

Under the *Lake Simcoe Protection Act*, the Lake Simcoe Region Conservation Authority is under an obligation to ensure that its *Conservation Authorities Act* s.28 permit decisions conform to the applicable designated policies in the Lake Simcoe Protection Plan and have regard to other certain specified policies. The appendix to the Lake Simcoe Protection Plan sets out which policies are implemented through Lake Simcoe Region Conservation Authority’s s.28 permit.

- b) *Adaptive management informed by science and monitoring*: “Strategic Actions and Monitoring Policies” are implemented through a multi-agency partnership approach. Lake Simcoe Protection Plan Monitoring Policies have legal effect obligating the Lake Simcoe Region Conservation Authority to collaborate in the delivery of monitoring programs led by the Ministry of Natural Resources and Forestry and/or the Ministry of the Environment, Conservation and Parks. Strategic Action Policies are not legal obligations; however, the Lake Simcoe Region Conservation Authority has committed to leading and/or supporting their implementation.

Mandatory Programs and Services related to the Lake Simcoe Region Conservation Authority’s duties, functions and responsibilities under the Lake Simcoe Protection Plan are:

- the monitoring policies and strategic action policies in the Lake Simcoe Protection Plan where the policy names the Lake Simcoe Region Conservation Authority as the lead body or collaborating body with other public bodies (see table of relevant Lake Simcoe Protection Plan policies below).

**Table of Relevant Lake Simcoe Protection Plan Policies**

Policy	Description	Listed Policy Lead	Description of LSRCA role in Policy
<b>Chapter 3 Aquatic Life</b>			
<b>3.4 SA</b>	Develop baseline mapping of aquatic habitat in lake and tributaries	Ministry of Natural Resources and Forestry (MNRF)	Collaborating body



<b>3.5 SA</b>	Undertake research projects on the aquatic communities in lake and tributaries	MNRF	Collaborating body
<b>3.6 M</b>	Aquatic Community Monitoring Program	MNRF	Collaborating body
<b>Chapter 4 Water Quality</b>			
<b>4.5 SA</b>	Prepare and implement stormwater management master plans	Municipalities	Collaborating body
<b>4.22 M</b>	Enhanced water quality monitoring program	Ministry of the Environment, Conservation and Parks (MECP)	Collaborating body
<b>4.23 SA</b>	Promote, conduct and support scientific water quality research	MECP/ MNRF/Ministry of Agriculture, Food and Rural Affairs	Collaborating body
<b>4.24 SA</b>	Develop phosphorus reduction strategy	MECP	Collaborating body
<b>Chapter 5 Water Quantity</b>			
<b>5.1 SA</b>	Develop in-stream flow targets	MECP / MNRF	Collaborating body
<b>5.2 SA</b>	Tier 2 Water Budgets	Lake Simcoe Region Conservation Authority (LSRCA)	Lead
<b>Chapter 6 Shorelines, Natural Heritage</b>			
<b>6.12 SA</b>	Shoreline Management Strategy	MNRF	Collaborating body
<b>6.30 SA</b>	Define key natural heritage & hydrologic features	MNRF	Collaborating body
<b>6.31 SA</b>	Map natural areas abutting Lake Simcoe	MNRF / MECP	Collaborating body
<b>6.37 SA</b>	Develop guidelines for significant groundwater recharge areas	MECP / MNRF	Collaborating body
<b>6.46 SA</b>	Development of a template for municipal site alteration and tree cutting bylaws	MNRF / MECP	Collaborating body
<b>6.47 SA</b>	Delineate riparian areas for restoration	MNRF / LSRCA	Lead
<b>6.48 SA</b>	Map areas of high-quality cover	MNRF	Collaborating body
<b>6.49 SA</b>	Identify stressed sub-watersheds or portions from a natural heritage perspective	MNRF / MECP/ LSRCA	Lead
<b>6.50 M</b>	Develop a monitoring program, targets, indicators for natural heritage and hydrologic features	MNRF /MECP/ LSRCA	Lead

<b>Chapter 7 Other Threats and Activities</b>			
<b>7.1 SA</b>	Outreach on invasive species	MNRF	Collaborating body
<b>7.2 SA</b>	Community based social marketing to improve knowledge of control of invasive species	MNRF	Collaborating body
<b>7.7 SA</b>	Evaluate and report on the risk related to ponds contributing to invasive species	MNRF	Collaborating body
<b>7.10 M</b>	Develop terrestrial invasive species monitoring program and annually implement	MNRF	Collaborating body
<b>7.11 SA</b>	Develop climate adaption strategy for Lake Simcoe	MECP	Collaborating body
<b>Chapter 8 Implementation</b>			
<b>8.1 SA</b>	Develop guidelines to provide direction on identified sub watershed areas	LSRCA /MECP	Lead
<b>8.2 SA</b>	Undertake sub-watershed evaluations that build on and integrate source protection plans	LSRCA / MECP	Lead
<b>8.3 SA</b>	Develop and complete sub-watershed evaluations for priority sub-watersheds	LSRCA	Lead

**E. MANDATORY PROGRAMS AND SERVICES RELATED TO A CONSERVATION AUTHORITY’S RESPONSIBILITIES UNDER AN ACT PRESCRIBED BY REGULATION.**

**Introduction:**

This category of mandatory programs and services refers to responsibilities that may be assigned to conservation authorities through other legislation (other than the *Conservation Authorities Act*, *Clean Water Act, 2006* or *Lake Simcoe Protection Act, 2008*) and which are proposed to be prescribed in regulation under the *Conservation Authorities Act*:

**Mandatory Programs and Services under other legislation:**

- a) On-site sewage systems (septic systems) approvals by North Bay-Mattawa Conservation Authority as prescribed under the *Building Code Act, 1992*.

## **Ontario Building Code/Septic Inspections**

Municipalities are generally responsible for the enforcement of the *Building Code Act, 1992*, including issuing septic system approvals, and can choose to delegate this responsibility to others (such as public health units or conservation authorities) by agreement. Others may also be prescribed in regulation as responsible for certain aspects of enforcement.

When a conservation authority is prescribed under the *Building Code Act, 1992* for septic system approvals and enforcement, the responsibilities would become a mandatory program and service proposed to be prescribed in regulation under the *Conservation Authorities Act*.

- North Bay-Mattawa Conservation Authority is currently the only conservation authority prescribed in regulation to enforce provisions related to sewage systems under the *Building Code Act, 1992* (e.g., approve permits for on-site sewage systems).

Other conservation authorities may have already or could enter into agreements to approve on-site sewage systems on behalf of municipalities under the *Building Code Act, 1992*, but this would not be considered a mandatory program or service under the *Conservation Authorities Act*.

### **F. MANDATORY PROGRAMS AND SERVICES PRESCRIBED IN REGULATION (Within the Year after the Transition Period for Municipal Funding Agreements for Non-Mandatory Programs and Services).**

#### **Introduction:**

The *Conservation Authorities Act* also allows for the prescribing of 'other' programs and services not listed in previous mandatory categories. These 'other' programs and services must be prescribed within a year after the end of the transition period. Within this year municipalities and conservation authorities are to create an inventory of their programs and services and enter into agreements for municipal funding of non-mandatory programs and services through a municipal levy, where applicable.

#### **Mandatory Programs and Services to be prescribed:**

##### **1. Core Watershed-based Resource Management Strategy:**

A watershed-based resource management strategy can provide a means to develop an improved integrated planning process with a longer-term perspective for the delivery of the mandatory programs and services that all conservation authorities must deliver. The results may inform an adaptive management approach to address the issues or threats that these mandatory programs and services may be addressing such as mitigating the

risk from the impacts of natural hazards. A successful strategy should also help ensure effective and efficient use of funding, especially of the municipal levy.

To capture the value of the broader watershed and resource management perspective that conservation authorities have, the ministry is proposing that each conservation authority be required to develop a core watershed-based resource management strategy that documents the current state of the relevant resources (principally water resources) within their jurisdictions in the context of the mandatory programs and services described in this section of the Guide.

The benefit to having a watershed-based resource management strategy is that it can potentially:

- Identify changes over time, causal relationships, issues, and stressors for input into a plan of action;
- Identify the best, most cost-effective management approach to mitigate the risk or issue;
- Propose key or strategic management activities;
- Monitor the authority's performance in meeting any key management activities; and
- Monitor outcomes of proposed key or strategic management activities.

Aspects of watershed-based resource management are already embedded in the proposed mandatory programs and services listed in the above sections of this Guide. Conservation authorities currently undertake much of this work, generally related to natural hazard management, with extensive current monitoring, data collection, management and modelling used to track conditions and with existing technical studies.

For example, the mandatory programs and service for the risk of natural hazards requires conservation authorities to undertake watershed-based collection, provision, and management of information as needed, including to study:

- surface water flows and levels (e.g. low/peak flow, water budget, surface / groundwater interactions, flood hazard);
- stream morphology; and
- the potential impact of changing climatic conditions on natural hazards.

The resource management strategy could also be informed by the development of the mandatory authority land acquisition and disposition strategy or policy detailed above. As part of this, an authority may, for example, review information from an existing watershed plan or study for acquiring natural hazard land, or assess municipal plans that delineate natural heritage systems for acquiring heritage features or review Ministry of Natural Resources and Forestry information on wildlife corridors to connect authority owned land with other lands.

Another example that may contribute to the strategy are "watershed characterizations" completed for source protection plans under the *Clean Water Act, 2006*.

The Ministry is proposing that the core watershed-based resource management strategy could include the following components:

- guiding principles and objectives;
- characterization of the current state and management of the natural resources related to the mandatory programs and services, in specific watersheds (if appropriate) or at the authority’s jurisdictional scale;
- scope of the strategy;
- details of existing technical studies, monitoring frameworks, relevant provincial policy and direction;
- analysis and plan of potential actions for more effectively implementing the mandatory programs and services on an integrated basis; and
- annual reporting on the accomplishments, outcomes, impacts of the strategy.

The strategy would include provisions for review and periodic updating to support the design and implementation of the mandatory programs and services the strategy is intended to support.

**Mandatory Programs and Services that would be incorporated in the strategy:**

<b>PROGRAM AND/OR ACTIVITY</b>	<b>CONSERVATION AUTHORITY (CA) ROLE</b>	<b>POTENTIAL FUNDING MECHANISMS</b>
<b>RELATED TO THE RISK OF NATURAL HAZARDS</b>		
Provincial Flood Forecasting and Warning Program	Ministry of Natural Resources and Forestry (MNRF) lead, CA delivers	MNRF Grant, Municipal Levy
Flood and Erosion Control Infrastructure Operation	CA Lead	MNRF Grant, Municipal Levy
Natural Hazard (floodplain) Mapping For Land Use Planning	Municipal lead, CA delivers	MNRF Grant, Municipal Levy
S.28 Permitting	CA Lead	Municipal Levy, Permit Fees
Studies Supporting Natural Hazard Program	CA lead	MNRF Grant, Municipal Levy
<b>RELATED TO THE CONSERVATION/MANAGEMENT OF AUTHORITY OWNED LANDS</b>		
Land Acquisition Strategy or Policy	CA lead	Municipal Levy, Self-generated revenue
Land Management for the Protection of Natural Heritage	CA Lead	Municipal Levy, Self-generated revenue
<b>“OTHER” MANDATORY PROGRAMS AND SERVICES</b>		
Water Quantity and Quality Monitoring	Ministry of the Environment, Conservation and Parks lead, CAs monitoring/data	Municipal Levy

## Potential Non-Mandatory Extension of the Strategy's Scope

The ministry further recognizes that there is significant variation in the circumstances of individual conservation authorities and the programs and services they offer. Depending on the circumstances of a conservation authority, such a resource management strategy could be extended to cover a broader range of natural resource areas than the core mandate of mandatory programs and services set out in this Guide.

Additional non-mandatory resource management components could be included in the strategy and be based in a similar process of resource assessment, technical studies and/or monitoring including using existing information (for example in municipal plans or leveraged from the natural hazard or other mandatory programs), and thus expand the benefit of the strategy's integrated perspective.

As noted above, if municipal funding is required to finance (in whole or in part) the development of such additional components, such as non-mandatory resource management components there are two mechanisms: if the non-mandatory program is one being delivered by the authority on behalf of a participating municipality through a MOU, the MOU could be amended accordingly. Similarly, where the component of the strategy is to support a non-mandatory program or service the authority has determined is advisable to further the purposes of the Act, the authority's agreement with participating municipalities can ensure the necessary funding for the strategy to play that role.

Funding from others (such as other provincial grant programs, federal government programs, foundations or funding from conservation organizations etc.) could also support the development of non-mandatory resource management monitoring/studies to add into an authority's watershed-based resource management strategy.

Funding partners may want to consider whether as part of paying for a non-mandatory program and service the authority would need to include it in the strategy, so as to provide the integrated perspective to the design and implementation of that non-mandatory program or service.

### **Non-Mandatory Programs and Services on Behalf of a Municipality**

<b>PROGRAM AND/OR ACTIVITIES</b>	<b>CONSERVATION AUTHORITY ROLE</b>	<b>POTENTIAL FUNDING MECHANISMS</b>
<b>RELATED TO PRIVATE LAND STEWARDSHIP EXTENSION SERVICES</b>		
Restoration and Stewardship (Urban, Rural, Agriculture)	CA lead/delivery	Municipal Agreement/MOU Other, (OMAFRA Grants)
Tree Planting and Forest Management	CA lead/delivery	Agreement/ MOU
Wetland Enhancement and Restoration	CA lead/delivery	Agreement/ MOU
Invasive Species Management	CA lead/delivery	Agreement/ MOU, Other
<b>ON BEHALF OF A MUNICIPALITY RELATED TO PLANNING, LAND USE</b>		
Sub-watershed planning	Municipal lead, CA delivery	Municipal MOU

Stormwater Management	Municipal lead, CA delivery	Municipal MOU
Development Services (to municipalities)	Municipal lead, CA delivery	Municipal MOU
Natural Heritage Mapping	Municipal lead, CA delivery	Municipal MOU
Emergency Management Services (EMS) Mapping	Municipal lead, CA delivery	Municipal MOU

### Non-Mandatory Programs and Services an Authority Determines Are Advisable

PROGRAM AND/OR ACTIVITIES	CONSERVATION AUTHORITY ROLE	POTENTIAL FUNDING MECHANISMS
<b>AS AN AUTHORITY DETERMINES IS ADVISABLE</b>		
Non-Mandatory Research	CA Lead	Municipal Agreement, Other
Development Services to Landowners and Others	CA Lead	Municipal Agreement, Fees
Ecological Monitoring Outside of Conservation Authority Owned Land	CA Lead	Municipal Agreement, Other
"May do' Roles Under other Provincial Acts (e.g. commenting roles)	CA input Other Ministry mandates	Municipal Agreement, Other – Grants
<b>ON CONSERVATION AUTHORITY OWNED LAND</b>		
Purchase of Land for a CA	CA Lead	Municipal Agreement, Self-generated revenue, Other
Resource Development on CA Owned land (Forest Management, Hydro Generation)	CA Lead	CA Self-generated revenue, Other (Managed Forest Tax Incentive Program)
Land Management on CA Owned Land for Recreation Purposes	CA Lead	CA Self-generated revenue, Other
Land management on CA Owned Land for Education, Training and Cultural Purposes.	CA Lead	CA Self-generated revenue, Other

## 2. Provincial Water Quality and Quantity Monitoring, including:

- a. Provincial stream monitoring program
- b. Provincial groundwater monitoring program

At this time, the ministry is proposing mandatory programs and services for conservation authorities related to water quality and groundwater quantity monitoring to be prescribed in this category with the possibility of additional programs and services prescribed later within the timeframe enabled by the *Conservation Authorities Act*.

The ministry is responsible for long term monitoring of water quality of both groundwater and surface water and groundwater levels across the province to understand the state of the environment, to track changes over time, and to have the information available to support work to investigate environmental issues as they arise. The data obtained and analyzed provides scientific support for policy creation and amendment and for environmental assessments and permissions (Environmental Compliance Approvals and Permits to Take Water).

All 36 conservation authorities currently participate in the ministry's programs related to monitoring water quality and groundwater quantity on a voluntary basis: with the Provincial Water Quality Monitoring Network (stream water quality) for over 50 years and in the Provincial Groundwater Monitoring Network (groundwater levels and chemistry) for over 20 years.

The ministry manages the water monitoring programs by providing technical leadership, coordination, guidance, data administration, laboratory analysis, instrumentation and training to support the conservation authority role in this work. Conservation authorities install and maintain equipment, collect samples/data, and send samples to the ministry laboratory for chemical analysis.

Mandatory Programs and Services for Provincial Water Quality and Quantity Monitoring for conservation authorities include:

**a) Provincial stream monitoring program**

- Collection of stream water samples and submission to the ministry for water chemistry analysis.
- Collection of in-situ water quality data using equipment provided by the ministry including deploying and calibrating equipment, liaising with the ministry on equipment maintenance and repair, and providing the ministry with the data collected.
- Collection of additional water samples in areas that participate in the current pesticide monitoring program or may participate in a future parameter specific initiative.
- Participation in annual program meetings, regional meetings and training sessions as required.

**b) Provincial groundwater monitoring program**

- Groundwater level, precipitation, barometric pressure and soil moisture data downloaded and provided to the ministry.
- Collection of groundwater samples and submission to the ministry for water chemistry analysis according to program protocols.
- Maintenance and participation in the repair of program wells and associated equipment.
- Confirmation that Landowner Agreements between conservation authorities and private landowners are in place for program wells that are on private lands.
- Maintenance of groundwater collection sites.
- Participation in program committee meetings, regional meetings and training sessions as required.
- Participation in the Protocol-for-Actions (Exceedance Protocol) when a program well reports an exceedance of an Ontario Drinking Water Quality Standard.
- Participation in the decommissioning or construction of monitoring wells that are part of the program.



## **CONSERVATION AUTHORITY COSTS NOT RELATED TO DELIVERY OF PROGRAMS AND SERVICES**

The above sections of this Guide set out proposed detail regarding what the mandatory programs and services would be for conservation authorities to provide. Municipal levies may be required to fund the implementation of these mandatory programs and services.

However, in order to successfully deliver these mandatory programs and services, there are ongoing expenses that enable the conservation authority to function effectively as an organization in delivering public programs and services and ensuring they can best meet the needs of their local communities.

These on-going organizational costs include administrative, operating and capital costs which are not directly related to the delivery of any specific program or service, but are the overhead and support costs of a conservation authority.

- These expenses could include: staffing and expenses for the authority members (governance costs), general management, clerical, financial (e.g., accounting, payroll), general asset management planning, IT staff, senior management costs, legal costs (termed 'back office functions'), office equipment and supplies including IT, vehicles and machinery, workshop space, main office occupancy costs (e.g., heating, utilities, potentially rent), depreciation on owned buildings and equipment, main office maintenance, repair as well as insurance and property taxes.

The government is proposing to address these on-going organizational costs of conservation authorities that are not directly related to the delivery of any specific program or service through the un-proclaimed provision in the *Conservation Authorities Act* that enables an authority to establish a fixed minimal amount as the portion of the conservation authority's operating expenses that a participating municipality is required to pay each year. Such an amount would need to be carefully determined, so as to balance the needs of the conservation authority while respecting taxpayer dollars. This proposal will be consulted on in phase 2 of the ministry's regulatory development along with a proposed levy regulation.

## **2. NON-MANDATORY CONSERVATION AUTHORITY PROGRAMS AND SERVICES**

### **Introduction:**

We understand that non-mandatory programs and services many conservation authorities provide, such as for recreation or education, are valuable and important to local communities.

Un-proclaimed amendments to the *Conservation Authorities Act* in 2019 would, once proclaimed, require conservation authorities to have mutually agreed upon Memorandums of Understanding (MOUs) or other such agreements (service contracts) with their participating municipalities for the funding of non-mandatory programs and services to be delivered on behalf of a municipality at municipal request through a municipal levy. An example of a non-mandatory program and service that a municipality may request a conservation authority to provide on the municipality's behalf and that would require a MOU would be conservation authority input on municipal land use planning matters outside of natural hazard policies; such as natural heritage policies.

Additionally, for the non-mandatory programs and services that the conservation authority determines are advisable to implement in its jurisdiction with funding by municipal levy, the conservation authority would be required to have agreements with each of the participating municipalities for the municipal funding. Municipalities would decide whether or not to fund these programs and services by entering into time limited agreements with the conservation authority. This would provide municipalities greater control and choice and increase transparency in the use of municipal taxpayer funds to pay for conservation authority-initiated programs and services.

It is proposed that conservation authorities could continue to provide non-mandatory programs and services without any municipal agreement if the programs and services are funded by revenue that is not from a municipal levy. For example, this could include authority self-generated revenue such as from resource development, conservation area access fees, through contracts with others (government, environmental organizations, etc.) or through government grants.

The proposed changes would not limit the Province from continuing to fund conservation authorities for non-mandatory programs and services (e.g. area-specific initiatives) or assigning conservation authorities with additional non-mandatory programs and services in the future, subject to funding and compliance with the *Conservation Authorities Act*.

The ministry is proposing to proclaim sections 21.1.1, 21.1.2 and 21.1.4 of the *Conservation Authorities Act* and develop one Minister's regulation ("Municipal Agreements and Transition Period" Regulation) that would establish standards and requirements for entering into agreements for municipal funding of conservation authority initiated non-mandatory programs and services.

#### **A. REGULATION FOR MUNICIPAL AGREEMENTS AND TRANSITION PERIOD**

Regulatory authority for agreements for municipal funding of non-mandatory programs and services and the regulatory authority for a transition period/plan to develop the agreements is proposed to be combined into one Minister's regulation - Regulation for Municipal Agreements and Transition Period.

## **Municipal Agreements**

The un-proclaimed amendments to the *Conservation Authorities Act* provide requirements for the agreements between conservation authorities and participating municipalities for the use of municipal levies to finance in whole or in part the non-mandatory programs and services that the authority has determined are advisable to further the purposes of the Act.

The proposed Agreements and Transition Period regulation could require that the agreements do the following:

- Include a provision that the participating municipality agrees to pay its apportioned levy (determined under sections 25 or 27 of the Act in accordance with the regulations) for the non-mandatory program or service.
- Set out the termination date of the agreement.
  - Certain time periods may also be specified for the purposes of reviewing and renewing any such agreements that are reached, such as review by the parties to the agreement at intervals to align with municipal elections and subsequent conservation authority appointments with some consideration to the authority and municipal budget cycles (e.g., 6 months after municipal election).
- Include provisions governing early termination and governing notice and resolution of breaches of the agreement.
- Include transparency provisions (e.g., that agreements are available to the public online).

The ministry is proposing that agreement arrangements between conservation authorities and municipalities could be flexible according to program or service circumstances (i.e. an agreement for a program or service could be with one or more participating municipalities or could be separate agreements per participating municipality including all the conservation authority-determined programs or services that a municipality may agree to fund, etc.). The flexibility is intended to support efficiency, expedite the agreement(s) and be cost effective in any potential legal or accounting fees.

## **Transition Plans**

The regulation would also govern the matters to be addressed in each authority's transition plan.

Un-proclaimed provisions in the *Conservation Authorities Act* would, once proclaimed, also establish a requirement for a transition plan for conservation authority/municipal agreements to be in place, with the ability to prescribe other additional matters in regulation.

The proposed regulation would require each conservation authority to develop and implement a transition plan that includes:

- A workplan and timeline outlining the steps the conservation authority plans to take to develop and enter into agreements with its participating municipalities.
- The preparation of an inventory of all of the authority's programs and services, with clear indication for each program and service which of the three categories it fits into (mandatory programs and services where municipal levy could be used without any agreement; non-mandatory programs and services at the request of a municipality with municipal funding through a MOU; non-mandatory programs and services an authority determines are advisable), and how they are funded (e.g., provincial, federal, municipal funding, municipal levy, and self generated revenue).
- The consultation process with participating municipalities on the inventory.
- A list of any new mandatory programs and services the authority will need to provide to meet the requirements of the mandatory program and services regulation.
- A list of non-mandatory programs and services for which the authority will seek municipal agreement to fund via municipal levies, including estimated amounts requested/required from the participating municipalities to do so.
- A list of non-mandatory programs and services that do not require municipal agreements (if the programs and services are funded by revenue that is not from a municipal levy).
- Steps taken and/or to be taken to enter into these agreements.

Conservation authorities would be required to submit copies of their transition plan to the Minister of the Environment, Conservation and Parks for information purposes (not approval) by a date to be set out in the proposed regulation, and to its participating municipalities and to make the plans available to the public online (e.g. on a conservation authority's website).

### **Prescribed Date for Completing Municipal Agreements**

Included in the proposed regulation would be a prescribed date after which a conservation authority can only use the municipal levy, in whole or in part, to fund non-mandatory programs and services that the authority determined were advisable for its jurisdiction with agreements in place with municipalities that agree to pay for these non-mandatory programs and services.

The Ministry of the Environment, Conservation and Parks is proposing January 1, 2023 as the prescribed date by which agreements must be in place for authorities to use or continue to use the levy powers under the *Conservation Authorities Act* for their participating municipalities to fund non-mandatory programs and services the authority determines are advisable. This prescribed date would bring the new proposed financial structure for conservation authorities into practice for the authority and municipal fiscal year of 2023.

Given the timelines and process required to achieve the funding transition, the government proposes to require that the mandatory conservation authority transition plans be completed by the end of 2021.

During the period of developing and finalizing the conservation authority/municipal agreements, the government is proposing that conservation authorities would be required to report quarterly to the government and public on the progress of obtaining these agreements. This approach would allow for clear determination on the status of progress in the transition to the new funding structure.

The schedule of timing of this process is proposed to be as follows:

1. By December 31, 2021:

- Inventory of programs and services to be completed, including identifying which of the authority's non-mandatory programs and services will require agreements with participating municipalities to continue financing (in whole or in part) through the municipal levy.
- Consultation with participating municipalities on the inventory undertaken to ensure they agree with the authority's classification of its programs and services.
- List of steps set out by the authority to be taken to enter into any agreements with participating municipalities for funding of authority determined programs and services.
- These transition materials required to be provided to the Minister.

2. Through the course of the municipal and conservation authority fiscal year 2022:

- Quarterly reports by conservation authorities on the status of progress made in attaining agreements with municipalities, provided to the Minister and made public.
- The Province could develop a reporting template for the authorities to follow for consistency and clarity.

3. By December 31, 2022:

- All required conservation authority/municipal agreements would need to be in place, and the transition to the new funding model for conservation authorities and municipalities would be reflected in authority budgets for 2023.

### **Extensions to the Transition Period**

The Ministry is proposing to authorize the granting of extensions to the prescribed date for completing municipal agreements where an authority, with the support of one or more participating municipality in the authority, submits a written request for the extension to the Ministry of the Environment, Conservation and Parks at least 90 days before the end date in the transition period regulation describing:

- The length of extension requested.

- The steps the conservation authority has taken to implement its transition plan and enter into agreements with municipalities.
- Rationale for providing an extension.

The regulation would set out broad circumstances when the Minister would be authorized to grant an extension in order to provide flexibility to authorities and municipalities in the transition to the new levy system.

## **PART TWO: GOVERNANCE AND OVERSIGHT OF CONSERVATION AUTHORITIES**

### **1. REGULATION TO REQUIRE ‘COMMUNITY’ ADVISORY BOARDS**

As public sector organizations established under the *Conservation Authorities Act*, conservation authorities are comprised of and governed by a membership of municipally appointed representatives, the collective membership being the authority. Authority members decide on strategic direction and operations of their authority, including policy, programs, their staffing requirements and budgets. Most authority members are currently local elected officials appointed to ensure oversight and accountability for the authority and municipal interest in the authority budget and resource management. A recent amendment to the *Conservation Authorities Act* requires that at least 70% of the municipally appointed members be elected officials unless an exception is granted by the Minister, upon request of a participating municipality.

Under the *Conservation Authorities Act*, conservation authorities (the membership) can establish advisory boards as they consider necessary to provide advice to themselves. The composition of these advisory boards varies depending on their purpose; many are sector based (development, agriculture) and generally include conservation authority members, key stakeholders, subject matter experts, and members of the general public, and could include Indigenous members.

Un-proclaimed provisions in the *Conservation Authorities Act* enable a Lieutenant Governor in Council (LGIC) regulation governing the establishment of advisory boards, including the ability to require conservation authorities to establish one or more advisory boards and prescribing related requirements with respect to composition, functions, powers, duties, activities and procedures.

The government is proposing to proclaim this un-proclaimed provision of the *Conservation Authorities Act* related to advisory boards and to develop a proposed LGIC regulation to require conservation authorities to establish community advisory boards, that can include members of the public, to provide advice to the authority.

The government is also proposing to make a Minister’s regulation to provide greater clarity that conservation authority by-laws are applicable to the community advisory boards. The by-laws could apply to any matter not addressed by the regulation, such as

community advisory board meetings. The Minister's regulation would also clarify that the by-laws can speak to any other advisory boards an authority decides to establish.

In recognition of the variation in the circumstances of individual conservation authorities, the government is considering an approach to structure the conservation authority community advisory boards with minimal prescribed requirements applied to all the boards, while enabling local flexibility of some aspects of the community advisory board to reflect a conservation authority's circumstances and to accommodate a conservation authority's preferences for their use of the community advisory board. The government would defer other specific details related to the composition, activities, functions, duties, and procedures of the community advisory board to a Terms of Reference document, which would be developed and approved by each authority and reiterated in the authority's by-laws (as enabled by a proposed new regulation to provide greater clarity that conservation authority by-laws may speak to the community advisory boards as prescribed).

This Terms of Reference could be amended over time, to ensure the most relevant issues and solutions are considered by the community advisory board and that the membership of the board has the necessary skills to carry out those tasks.

The government intends to prescribe certain aspects in regulation related to the composition of the community advisory board, including:

- Requiring that members reside in the authority's jurisdiction
- Permitting membership from members of the public
- Setting a minimum number of members at 5
- Ensuring, where possible, members represent the geographic range of the authority's jurisdiction
- Ensuring that a variety of members are sought, including youth and indigenous representatives
- Enabling the appointment process of members by public notification and application
- Setting a minimum of one authority member (and an alternate) be appointed to the community advisory board and a maximum authority representation of 15%
- Requiring that administrative support to community advisory boards be provided by the conservation authorities

The government intends to prescribe the following aspects related to procedures of the community advisory board:

- Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under *Conservation Authorities Act* s.19.1 administrative by-laws
- Requiring that meetings of the community advisory board be open to the public, with limited exceptions

The government intends to require that the Terms of Reference also outline specific functions and activities of the community advisory board scoped to the authority's needs, and at a minimum enable community advisory board members to:

- Provide advice and recommendations to the authority on the authority's strategic priorities and associated policies, programs and services
- Discuss opportunities to co-ordinate with other environmental initiatives in the authority's jurisdiction (e.g. municipal)
- Identify opportunities for community engagement
- Suggest potential community outreach opportunities
- Carry out any other functions as identified in the Terms of Reference.

The government intends to prescribe the following matters related to accountabilities of the community advisory board:

- Stipulating reporting mechanisms and accountability of the community advisory board to the authority
- Requiring that all meeting minutes, and the current Terms of Reference, be posted on the internet
- Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law)
- Establishing processes for member removal

The government does not intend to prescribe some aspects of the community advisory boards, leaving certain decisions to the authority membership (to be included in the ToR authorities develop for their Community Advisory Boards where applicable) such as:

- Total number of community advisory board members
- Precise composition or balance of the membership (i.e. the balance of citizens to technical skill sets or rural to urban members, etc.)
- When meetings are to occur
- Additional activities or functions for the community advisory board as determined by the authority membership
- Communication protocol of the community advisory board with the authority
- Term/duration of advisory board appointments

Conservation authorities would continue to be able to have other advisory boards, should they wish.

## **PART THREE: OTHER REGULATORY MATTERS**

### **1. SECTION 29 MINISTER'S REGULATION**

Once the new section 29 of the *Conservation Authorities Act* is proclaimed, a Minister's regulation is proposed to consolidate the current individual authority section 29 'Conservation Areas' regulations regarding activities on lands owned by conservation authorities into one regulation.



The current individual authority regulations were principally based on a provincially approved template. The ministry is intending for the Minister's regulation to be broadly consistent with the policy principles and provincial content that has been used in the past. The current regulations will continue until such a time that the new Minister's regulation replaces them.

Current section 29 regulations manage activities on all authority owned land including the use by the public of the lands and services available; the prohibition of certain activities; setting fees for access and use of lands including recreational facilities; administering permits for certain land uses; and protecting against property damage and for public safety.

The regulations set out prohibited activities (i.e. damaging property or vegetation, excessive noise), and activities requiring permits (e.g., hunting, fund raising, public performance, public meetings, camping permits, day use permits, permits for all-terrain vehicles, off-road vehicles and snowmobiles), the locations for public access and use (e.g., swimming, boating, fires), time periods for public access, management of animals brought by the public, and motor vehicle use on conservation authority owned land.