

INFORMATION ITEMS

Week Ending September 4, 2015

REPORTS

1. Sidewalk Discontinuity Marking Pilot Results
2. Silver Creek Skatepark

CORRESPONDENCE

1. Kingston City Council Motion re: Hydro One
2. Ontario Energy Board Notice to Union Gas Customers re: gas commodity, storage and transportation rates
3. GRCA re: Conservation Authorities Act Review

BOARDS & COMMITTEES

1. Tourism Advisory Committee Meeting Minutes – July 20, 2015

ITEMS AVAILABLE IN THE CLERK'S OFFICE

1. None

INFORMATION REPORT



TO City Council

SERVICE AREA Public Services – Operations

DATE September 3, 2015

SUBJECT Sidewalk Discontinuity Marking Pilot Results

REPORT NUMBER PS-15-46

EXECUTIVE SUMMARY

SUMMARY OF REPORT

This report provides Council with results of the pilot to identify sidewalk marking materials. This addresses direction resulting from the September 10, 2013 Operations, Transit, and Emergency Services (OTES) Committee meeting, *"That staff consider alternate method to marking sidewalk discontinuities that meets regulatory compliance and reduces visual impact."*

KEY FINDINGS

The traffic marking paint has the greatest durability and lowest cost both for material and labour required to apply. The Accessibility Committee and Community Engagement feedback identified the yellow painted strip as the best solution. The pilot made the community aware of new legislation for sidewalk inspections and provided Risk Management with a defense to the suitability of a painted yellow strip's ability to alert users to a hazard.

FINANCIAL IMPLICATIONS

There is no financial impact to the 2015 budget. An expansion package will be presented for consideration in the 2016 Operating Budget process. The package will include costing for the repair of sidewalk discontinuities.

BACKGROUND

In 2010, Minimum Maintenance Standards, O.Reg. 239/02 (MMS) of the Municipal Act were amended to include the requirement for yearly inspection of sidewalks to identify and treat trip hazards, also referred to as discontinuities. The available 2014 budget allows for the repair of 49% of the discontinuities. The balance was marked with a strip of orange spray paint, which was considered unsightly. At the September 10, 2013 OTES Committee meeting, the following resolution was passed:

"That staff consider alternate method to marking sidewalk discontinuities that meets regulatory compliance and reduces visual impact."

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REPORT

In order to address Committee's resolution, staff investigated other marking alternatives and determined there is not a proven product currently on the market. As a result staff undertook a Sidewalk Discontinuity Marking Pilot for the evaluation of possible marking alternatives.






Pilot Assessment Criteria:

Each option had ten samples placed in locations of high, year-round pedestrian traffic and winter maintenance activity both downtown and around the University. The following criteria were used to assess the markings tested on this pilot:

1. Durability through monthly inspections (ease of use evaluated by sidewalk inspector by timing the initial placement of the sample)
2. Cost of material and labour to install
3. Community Engagement feedback through an online Mindmixer survey and a tour in the Fall of 2014 and Spring of 2015.
4. Accessibility as assessed by the Accessibility Advisory Committee.
5. Meets the criteria of Minimum Maintenance Standards O.Reg. 239 as assessed by Deputy City Solicitor.

Durability, Ease of Use and Cost Results:

Using the assessment criteria the following table shows the results for durability, ease of use and cost per discontinuity.

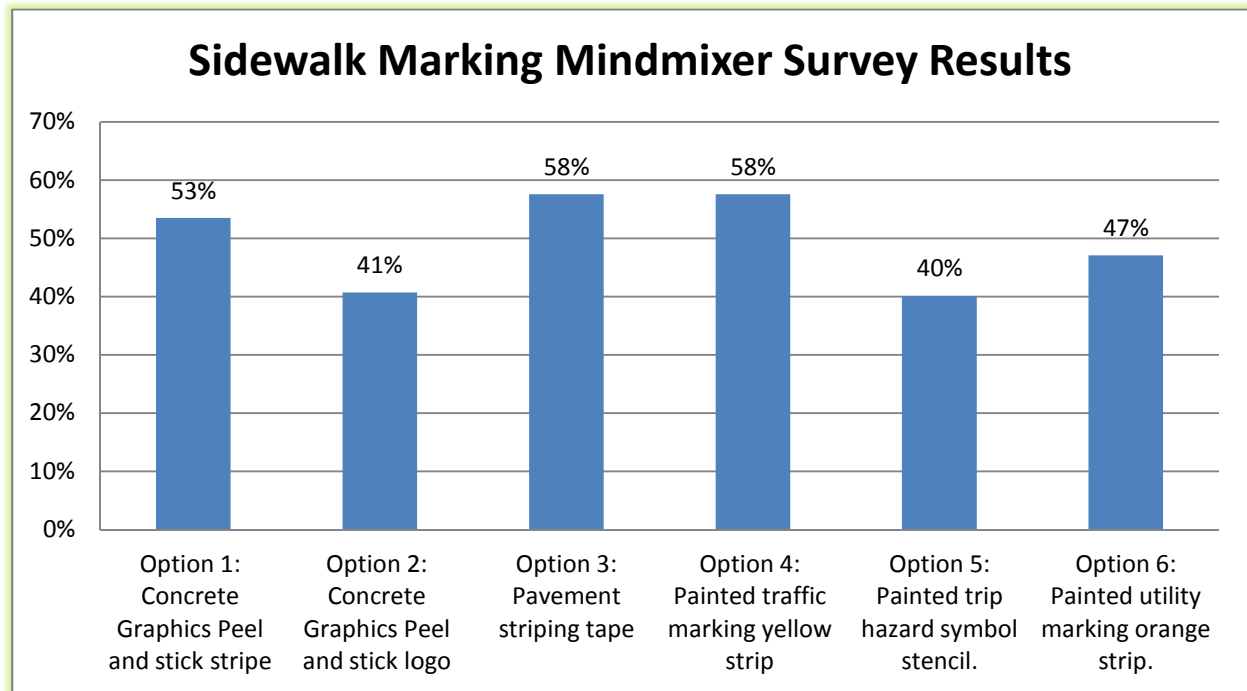
Sidewalk Marking Pilot Results				Durability	Ease of Use	Cost
Option	Description	Material	Layout	Time to Failure	Average time to place(sec)	Material + Labour
1	Peel and stick stripe of 1" x 3'	Concrete Graphics		6 months	52 seconds	\$13.77
2	Peel and stick logo	Concrete Graphics		5 months	53 seconds	\$7.83
3	Pavement striping tape in 2" x 3' stripe along discontinuity.	Flex-O-Line		6 months	87 seconds	\$2.28
4	Painted yellow strip along discontinuity	Long-term traffic marking paint		No Failure	18 seconds	\$0.32
5	Trip hazard symbol stencil.	Long-term traffic marking paint		Immediate	40 seconds	\$0.65

The yellow traffic marking paint (option 4) is the most advantageous regarding durability, ease of use and cost.

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Community Engagement and Accessibility Committee Results:

The online Mindmixer consisted of four questions, and 43 surveys were submitted. The questions related to the effectiveness of the markings to alert the respondent as well as their visual appeal.



The Spring Tour was a walking tour where the community had the chance to voice their opinion in the company of City staff. The single participant identified the yellow traffic marking paint (Option 4) as the most effective at alerting the user to a discontinuity. She noted with mobility challenges, her primary concern is that the marking alerts her to a potential trip hazard. Direction from the Accessibility Advisory Committee reiterated this need.

Feedback was solicited from those residents of Guelph with mobility or visual challenges, and who the sidewalk is their primary transportation route whether it leads to their end destination or to a transit stop. Any hazard along their route needs to be clear and visible at any given time of day or year. The unanimous choice was the yellow traffic marking paint strip.

The Pilot results show that the yellow traffic marking paint is the preferred option for marking sidewalk discontinuities in accordance with section 16.1(3) of O.Reg 239/02, the MMS. That section states that “treating” a discontinuity can mean alerting users’ attention to the discontinuity.

The community engagement process has determined that the vast majority of users surveyed picked the yellow paint as the clearest indicator to alert users. Given this,

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the statement from the Deputy City Solicitor is "I would therefore be able to defend this process and the City's decision to use the yellow paint as being in compliance with the MMS." Staff recommends that the Sidewalk Inspection Program implement the use of yellow traffic marking paint as a strip for treating discontinuities greater than 2cm.

CORPORATE STRATEGIC PLAN

Organizational Excellence

- 1.1 Engage employees through excellence in leadership
- 1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions

Innovation in Local Government

- 2.1 Build an adaptive environment, for government innovation to ensure fiscal and service sustainability
- 2.2 Deliver Public Service better

DEPARTMENTAL CONSULTATION

Community Engagement
Accessibility Services
Legal Services
Operations

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

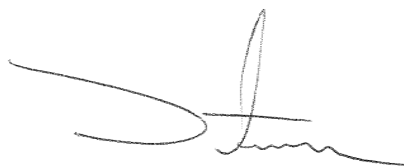
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INFORMATION REPORT



TO City Council

SERVICE AREA Public Services – Parks and Recreation Department

DATE September 3, 2015

SUBJECT Silvercreek Skatepark

REPORT NUMBER PS-15-45

EXECUTIVE SUMMARY

SUMMARY OF REPORT

To provide an update on the Silvercreek Skatepark Project.

KEY FINDINGS

Tender documents posted on the City's website, closed June 17, 2015, which included a mandatory site meeting for all interested parties, held on May 28, 2015. Two valid bids were received on June 17, 2015, and the tender was awarded to Gateman Milloy Incorporated. Construction will begin this fall, and is expected to take 10 – 12 weeks to complete.

FINANCIAL IMPLICATIONS

The tendered price of the project came in at \$905,510.89, excluding taxes, which is above the identified budget for the project. In order to proceed, additional funding has been made available from the following capital budget approved accounts:

PK0048 – Citywide Skatepark Facility	(\$848,451.14)
RD0276 – Pavement	(\$23,122.05) budget reprioritization
GG0219 – Wilson Farm Park	(\$29,214.82) surplus project funds
RP0460 – Guelph Youth Music Centre	(\$4,722.88) surplus project funds

BACKGROUND

The contract work entails the construction of a concrete, plaza style skateboard facility within Silvercreek Park, fronting Wellington Street West, as approved by Council in 2013. The work includes the placement of a concrete pad, metal railings, Low Impact Development (LID) system, grading, remediation plantings and

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measures to protect the adjacent vegetated buffer and waterway during construction.

REPORT

The City completed a Scoped Environmental Impact Statement (EIS) in January, 2015 and received support for the skateboard park project by the River Systems Advisory Committee (RSAC) on February 18, 2015. The City also received a Grand River Conservation Authority (GRCA) Permit to Construct. The City tendered the project under 15-087 'Silvercreek Skatepark' in May, 2015 and received two valid bids on June 17, 2015 from the following firms:

Business Name	Tender Price (including 13% HST)
Gateman Milloy Inc.	\$1,136,924.69
Drexler Construction Limited	\$1,418,045.08

Staff analysed the bids and awarded the contract to the lowest bidder. An Award Memo was approved and a Purchase Order issued to Gateman Milloy Inc. for a total amount of **\$905,510.89**, excluding taxes.

Items	Tender Price
Base Bid	\$1,006,128.04
Delete Part "F" Miscellaneous Item No. 5 – Coloured Concrete	-\$16,042.75
Delete Part "F" Miscellaneous Item No. 6 – Large Shade Structure	-\$19,844.60
Delete Part "F" Miscellaneous Item No. 7 – Small Shade Structures (2)	-\$64,729.80
TOTAL	\$905,510.89

The tendered price of the project came in over budget for a number of reasons, including current market conditions related to manufacturing costs and associated costs for shipping and fuel. To proceed with the project, provisional items such as coloured concrete and a shade structure were removed from the project scope. The shade structure will be identified in the 2016 capital budget for Council consideration.

CORPORATE STRATEGIC PLAN

Organizational Excellence

- 1.1 Engage employees through excellence in leadership
- 1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions

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Innovation in Local Government

- 2.1 Build an adaptive environment, for government innovation to ensure fiscal and service sustainability
- 2.2 Deliver Public Service better
- 2.3 Ensure accountability, transparency and engagement

City Building

- 3.1 Ensure a well-designed, safe, inclusive, appealing and sustainable City
- 3.3 Strengthen citizen and stakeholder engagement and communications

DEPARTMENTAL CONSULTATION

Corporate Services – Finance Department

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

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Office of the City Clerk

September 3, 2015

Via email to: premier@ontario.ca

The Honourable Kathleen Wynne, Premier
Main Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Premier Wynne:

RE: Kingston City Council Meeting – September 1, 2015 – Deferred Motion

I would confirm that Kingston City Council at its regular meeting held on September, 2015, approved the following resolution, being a Deferred Motion from the August 11, 2015 City Council Meeting:

Whereas Hydro One is a public asset, owned and paid for by generations of residents, ratepayers, and taxpayers in Ontario; and

Whereas a public utility's surpluses stay in the province and have contributed to our common wealth; and

Whereas as a public service it has helped our province become the industrial heartland of Canada, contributing to generations of economic growth; and

Whereas as a public asset, our provincially elected legislature has been able to appropriately and accountably set electricity policy over time, such as green energy initiatives and the stewardship of nuclear energy;

Therefore Be It Resolved That the City of Kingston states that it supports the continued operation of Hydro One as a publicly owned asset, and furthermore, that the sale of any Hydro One assets be limited solely to the sale to other public bodies, such as Ontario municipally owned utilities; and

That this motion be shared with Kingston and the Islands MPP Sophie Kiwala; MP Ted Hsu; Ontario Premier Kathleen Wynne; and Opposition Leaders; Patrick Brown and Andrea Horwath, as well as Association of Municipalities of Ontario, the Electricity Distributors Association, and all municipalities in Ontario with populations over 30,000.

The Corporation of the City of Kingston

216 Ontario Street, Kingston ON K7L 2Z3

Phone: (613) 546-4291 ext. 1247

Fax: (613) 546-5232

jbolognone@cityofkingston.ca

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,



Kevin Arjoon
Acting City Clerk

/s

cc: The Honourable Sophie Kiwala, MPP, Kingston & The Islands
(via email to: skiwala.mpp.co@liberal.ola.org)
The Honourable Ted Hsu, MP, Kingston and The Islands
(via email to: ted.hsu@parl.gc.ca)
The Honourable Patrick Brown, MPP, Leader, Official Opposition
(via email to: Patrick.Brown@parl.gc.ca)
The Honourable Andrea Horwath, MPP, Leader, New Democratic Party
(via email to: ahorwath-co@ndp.on.ca)
Association of Municipalities of Ontario (AMO) (via fax to: 416 971 6191)
Electricity Distributors Association (via email to: email@eda-on.ca)
All Municipalities in Ontario with populations over 30,000

ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF UNION GAS LIMITED

Union Gas Limited has applied for approval to change its gas commodity, storage and transportation rates effective January 1, 2016.

Learn more. Have your say.

Union Gas Limited has applied to change its rates to better reflect how it supplies natural gas to its customers. The proposed changes include the following:

- A change in the reference price used to set rates on a quarterly basis for a majority of its customers; and
- A change to how it allocates costs to the different types of customers that it serves.

An average residential customer would see the following annual bill impact, but these impacts would only start in 2018:

Residential Customer – Service Area	Approximate Bill Impact
Southern Ontario (Windsor to Hamilton)	Decrease of \$20
Northern Delivery Area (North Bay to Kapuskasing)	Increase of \$26
All Other Delivery Areas	Decrease of \$1.50 – \$51.50

Other customers in Union Gas Limited's service area, including businesses, will also be affected.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by Union Gas.

We will question Union Gas on the case. We will also hear arguments from individuals and from groups that represent the customers of Union Gas. At the end of this hearing, the OEB will decide whether to approve the changes that Union Gas has requested in this application.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Union Gas on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). Apply by **August 25, 2015** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

LEARN MORE

Our file number for this case is **EB-2015-0181**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please select the file number **EB-2015-0181** from the list on the OEB website: www.ontarioenergyboard.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. The OEB will determine at a later date whether to proceed by way of a written or oral hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **August 25, 2015**.

PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and e-mail address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This hearing will be held under section 36 of the Ontario Energy Board Act, 1998, S.O. 1998 c.15 (Schedule B).





400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

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SEP -8 2015

CITY CLERK'S OFFICE

August 28, 2015

Stephen O'Brien, Clerk
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Mr. O'Brien:

Re: Conservation Authorities Act Review

The Province of Ontario is conducting a review of the *Conservation Authorities Act*. On August 28, 2015 the members of Grand River Conservation Authority (GRCA) received the attached report. GRCA will be forwarding the report to the province as a formal response to the review.

In addition to the comments set out in the report, the Members of GRCA provided the following comments:

- GRCA is prepared to work with watershed municipalities and the Province to ensure that there is no duplication of effort among those organizations.
- GRCA will be submitting an application under the Feed-in Tariff Program for a hydro production project. The Members would encourage the Province to support this type of revenue generation opportunity for Conservation Authorities.
- GRCA Members would like the Province to recognize the importance of Conservation Authorities' lands and outdoor recreation facilities.
- The enclosed report identifies the need for funding support and GRCA members would like to strongly emphasize this point.
- If the Province elects to appoint representatives to the Board of a Conservation Authority, GRCA Members would prefer that such representatives be staff with experience in water and natural resource management.

The Provincial Discussion Paper is also enclosed for your consideration. We are encouraging Grand River watershed municipalities to provide comments directly to the province.

If you would like further information please contact Joe Farwell or Keith Murch at (519) 621-2761.

Yours truly,

A handwritten signature in cursive script that reads "Jane Mitchell".

Jane Mitchell
Chair
Grand River Conservation Authority

c.c. Bob Bell and Mike Salisbury, GRCA Members (cover letter only)

Grand River Conservation Authority

Report number: GM-08-15-82

Date: August 28, 2015

To: Members of the Grand River Conservation Authority

Subject: Grand River Conservation Authority response to the *Conservation Authorities Act* Review

Recommendation:

That Report GM-08-15-83 - *Conservation Authorities Act* Review be received as information,
AND THAT the report be forwarded to watershed Municipalities for consideration.

Report:

The Province of Ontario (Ontario) is carrying out a review of the *Conservation Authorities Act (CA Act)*. A discussion paper is posted on the Environmental Registry, and it poses a series of questions. The comment period for the posting runs through to October 19, 2015. A link to the discussion paper is found at http://apps.mnr.gov.on.ca/public/files/er/Discussion_Paper_2015.pdf. The review is focused on governance, funding mechanisms, and the roles and responsibilities of Conservation Authorities (CAs).

Conservation Ontario has formed a working group to prepare a response to the discussion paper. The response will be considered by Conservation Ontario Council at its September 28, 2015 meeting. The working group has identified four key messages that will be conveyed to the province:

1. CA activities around Ontario's natural resources have changed significantly over the years in response to increasing challenges to water and land resources. Stresses such as climate change, rapid growth, and changing land uses significantly challenge the ability of natural ecosystems to support economic growth, a sustainable environment, and the lifestyles and health of residents.
2. CAs are recognized for watershed management, science-based expertise and for being able to adapt to changing conditions. Sustainable provincial funding would ensure greater consistency and continuation of programs.
3. CA programs contribute significantly to addressing key provincial priorities including: climate change, Great Lakes, urbanization and growth, healthy people and a strong economy.
4. A more streamlined approach to environmental management is needed in Ontario and this will be achieved through a more integrated working relationship between CAs and Ontario.

From the perspective of CAs the goal for the review is that through any changes to the *Conservation Authorities Act*, Ontario will fully recognize and support the significant integrated watershed management role that CAs play in keeping Ontarians safe and keeping communities healthy.

CAs are recommending four areas for discussion:

1. Confirm the current CA mandate as outlined in the *CA Act* which is to undertake watershed-based programs for the conservation, restoration, development and management of natural resources;
2. Formalize and expand the CA working relationships across Ontario Provincial Ministries in order to capitalize on the important contributions of CA programs and services, and to more widely leverage and support CA efforts in local watersheds;
3. Discuss the governance model in relation to the funding model;
4. Sustainable provincial funding formula that captures and reflects the actual range of CA programs and services that support multiple provincial objectives.

In addition to providing the Province with the overview comments noted above, there is an opportunity to respond to specific questions from the discussion paper. Questions fall under the general headings of Governance, Funding Mechanisms, and Roles and Responsibilities. A brief description of the current status of the three matters under consideration and a proposed Grand River Conservation Authority (GRCA) response to each question follows.

Governance

The Province, through the *CA Act*, defines the objectives to be pursued by CAs and the power granted to achieve these objectives. The activities undertaken by a CA are directed by a municipally appointed board of directors. The Province has established legislative, regulatory and policy requirements. In the past, the Province played a more direct role in overseeing CAs by approving budgets and programs, appointing provincial representatives to CA boards, and selecting the Chair of the board. While oversight of CAs is still shared between the Province and the municipalities, changes to the *CA Act*, policy and general practice over time have resulted in less direct provincial oversight.

QUESTION #1: In your view, how well is the current governance model as provided in the *CA Act* working?

- a. What aspects of the current governance model are working well?

Members of the board of directors are appointed by the watershed municipalities. This is an effective method for assuring local accountability. It also allows the CA to tailor programs to meet local needs. The *CA Act* allows for a range of partnerships with the Province to address watershed management issues like water quantity and quality, and managing natural resources. CAs implement local programs to address provincial and federal priorities like great lakes quality, and natural hazard management.

- b. What aspects of the current governance model are in need of improvement?

CAs provide an integrated watershed management approach. They deliver local programs, while meeting provincial science, policy, and legislative objectives. It is an efficient service delivery model. Closer collaboration between CAs, watershed municipalities and provincial ministries would assist in efficient delivery on provincial objectives.

CAs assist several provincial ministries to achieve their objectives. The attached document titled "Adding Value – How Conservation Authorities support provincial priorities" provides a summary of the programs that have a direct link to provincial priorities. These Ministries include Natural Resources and Forestry (MNRF), Environment and Climate Change (MOECC), Municipal Affairs and Housing (MMAH),

and Agriculture, Food and Rural Affairs (OMAFRA). There is a need for increased coordination of effort and communication between the Province, Municipalities and CAs.

c. In terms of governance, what should be expected of:

i. The board and its members?

The role of the members is described in the GRCA by-laws. Consistent with this role, the board meets current best practices of and requirements for any not-for-profit corporation board. Voting should be done in accordance with the best interest of the watershed. The board adheres to Municipal Conflict of Interest legislation, policies, and protocols.

ii. The General Manager (GM) or Chief Administrative Officer (CAO)?

The role of the CAO is outlined in the GRCA by-laws. The principle role of the CAO is to ensure operational delivery is consistent with applicable legislation and contractual commitments and board approved policies, and to direct CA staff accordingly.

iii. Municipalities?

The role of the municipalities is to appoint members and establish a process for them to report back; to work with the CA in the budget development and approval process; to engage and collaborate with CAs in the developing and implementing strategic initiatives like climate adaptation strategies, subwatershed planning and water management strategies. Municipalities play a further role in continuing to fund programs like the Rural Water Quality Program (RWQP), which support local environmental sustainability.

iv. The Ministry of Natural Resources and Forestry (MNRF)?

The role of the MNRF is to lead the update of the provincial policy, science and standards that guide the natural hazards program and water management programs in Ontario. In addition, the MNRF should address the shortfall in transfer payments for this delegated program responsibility.

v. Other provincial ministries?

Other provincial ministries with an interest in managing natural resources should participate on a cross-ministry and municipal committee, to ensure coordinated delivery of provincial science, policy, and legislative objectives, and to proactively fund programs supporting provincial environmental sustainability.

vi. Others?

Various watershed stakeholders could continue to participate in the developing and implementing local projects. Examples in the Grand River watershed include the RWQP and Fisheries Management Plan Implementation Committee.

d. How should the responsibility for oversight of CAs be shared between the Province and municipalities?

Oversight of CAs should rest with the CA Act. Municipalities are critical partners; they decide on the formation of a CA, appoint representatives to the board, and provide funding support for CAs. The Province should establish a committee that includes CAs, municipalities, and Provincial Ministries with an interest in water and resource management. This committee would assist with coordinated delivery

of provincial science, policy, and legislative objectives. The Province should return to a more equitable cost sharing partnership between the province and municipalities.

- e. Are there other governance practices or tools that could be used to enhance the existing governance model?

Improvements from the proposed *Ontario Not for Profit Corporations Act* and other legislation that institutes best practices could be integrated into the *CA Act*.

Funding Mechanisms

The *CA Act* establishes a number of mechanisms which CAs use to fund programs. The *CA Act* allows the MNRF to provide CAs with funding to support Ministry approved programs. A CA may also apply for funding from the Province to deliver programs on its behalf. Local resource management programs and services are funded through Municipal levies. CAs can generate revenue through service and user fees, resource development and fundraising. CA funding needs vary depending on watershed size, population levels, watershed characteristics (such as the amount of hazard land and the potential for flood, drought, etc.). The number of water and erosion control structures owned or operated by a CA has a significant impact on its budget requirements.

QUESTION #2: In your view, how are the programs and services delivered by CAs best financed?

- a. How well are the existing funding mechanisms outlined within the *CA Act* working?

The funding partnership between the Province and Municipalities has undergone many changes over time. It has moved from a 50/50 partnership to a point where, today, CAs derive a large portion of their budgets from local Municipalities through the levy. Funding for CAs is derived from a variety of sources, but on the average 48% is provided through Municipal levies; 40% comes from self-generated revenues; 10% comes from the Province for flood management and source water protection programs; 2% is provided by Federal grants or contracts (2013 Conservation Ontario Survey). GRCA's revenue sources include 36% from Municipal levy, 47% self-generated, 10% from provincial grants and 7% from reserves and from other Municipal grants like the RWQP.

As many of the benefits are local, it is fitting that funding of watershed-based programs is derived from the local tax base (the Municipal levy). However, many of the benefits are in the broader public interest and require financial support from the Province. It is appropriate that a portion of the funding to be derived from the Provincial tax base.

Since the mid-1990s, MNRF has only approved provincial funding for the water related natural hazard management role of CAs. This includes flood and erosion control. Funding for this program was cut in the mid-1990's, and again 2012 for GRCA. At the GRCA aging infrastructure and climate change are placing increased demand on the water management infrastructure. Increasing population and the accompanying development causes increased service demand in the areas of plan review and natural hazard regulation. In addition, the growing population places increased demand on natural areas acquired by the GRCA for protection, but without a revenue source for managing the lands. Provincial funding support is required for these program areas which provide a broader public benefit.

In 2015, Conservation Ontario requested an additional \$5.9 million to enable CAs to improve floodplain mapping, conduct strategic asset management planning, and improve delivery of cost

effective flood warning and prevention programs. This funding would have complemented current provincial annual funding shared between 36 CAs: Water and Erosion Control Infrastructure (\$5 million) and Provincial transfer payment of \$7.4 million towards flood operations. In the delivery of the natural hazards and flood control program other provincial partners are involved. Ministries with responsibility for infrastructure management, land use planning policies to prevent development in hazard lands, flood emergency management and, low impact development approaches to stormwater management work together with CAs to achieve provincial objectives. This reinforces the need for the transfer payment for this program area to be more than just an MNRF responsibility.

- b. What changes to existing funding mechanisms would you like to see if any?

It is recommended that the Province establish an Inter-Ministry approach to transfer payments in support of the water related natural hazard prevention and management. To achieve the greatest environmental and economic benefit for the residents of Ontario, the Province should develop a sustainable Multi-Ministry funding formula for basic operational activities of CAs that support multiple Provincial objectives. Without this investment, there will continue to be limited capacity to deliver on existing and any additional Provincial priorities.

- c. Which funding mechanisms, or combination of funding mechanisms, are best able to support the long term sustainability of CAs?

There should be continued Municipal and Provincial funding to support the core operating capacity of CAs. Carbon pricing revenues could be used as a potential new source of Provincial revenue that could be used to support growth planning and climate change mitigation and adaptation activities of CAs.

- d. Are there other revenue generation tools that should be considered?

Other sources of revenue that could be facilitated through legislative amendment or policy for CA eligibility include: *Development Charges Act*, stormwater fees or rates, Trillium Foundation, Infrastructure funding for recreational or outdoor education facilities.

Roles and Responsibilities

The *CA Act* enables CAs to undertake a wide range of activities on behalf of Provincial, Municipal and other interests. CAs are the only resource management agencies in Ontario that are organized on a watershed basis. The *CA Act* provides CAs with the power to develop their own programs and services tailored to the local needs and interests they serve. This flexibility allows CAs, and the Municipalities that fund them, to focus their resources on areas of greatest need to the local population. It also results in variability in the scale and range of programs and services delivered by any individual CA. Recent years have seen an increased interest in reviewing CA roles in resource management in Ontario. The *Commission on the Reform of Ontario's Public Service* called on the Province to undertake a review of the programs and services delivered by both the MNRF and CAs to clarify responsibilities and eliminate any duplication. In 2007 the Provincial government created a CAs Liaison Committee with representatives from the building industry, Province, Municipalities, CAs, Conservation Ontario and environmental organizations. MNRF approved the 2010 '*Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*' developed by the committee that clarifies the role of CAs in the Municipal planning process, and in issuing CA permits.

QUESTION #3: In your view, what should be the role of CAs in Ontario?

- a. What resource management programs and activities may be best delivered at the watershed scale?

From a science perspective the watershed is at a right scale for the managing of water. The watershed is the most natural unit for modeling responses to various land use and climate change scenarios. Ontarians are interested in the quality and quantity of water and natural areas where they live, locate their businesses and enjoy recreation. CAs provide science-based advice to deliver services within their watersheds including: watershed planning, water quality and quantity monitoring and modeling, natural hazards management and regulation, natural heritage and forestry, source protection, watershed stewardship and restoration, technical input and review for Municipal land use planning and development. Under the *CA Act*, the watershed boundary was chosen for CA jurisdictions as an important ecosystem boundary to manage water and other natural resources.

- b. Are current roles and responsibilities authorized by the *CA Act* appropriate? Why or why not? What changes, if any, would you like to see?

The current CA mandate, as outlined in sections 20 and 21 of the *CA Act*, remains relevant today. It enables integrated watershed management. The legislation provides a broad mandate and empowers CAs to set local programs and priorities in collaboration with member Municipalities, Government Ministries and partners. Section 21 of the *CA Act* outlines the 'Powers of Authorities' including the ability to establish watershed-based resource management programs as well as other 'powers' necessary for effective program delivery. It allows conservation authorities to charge fees for services approved by the MNRF and to enter into agreements with other implementers. The legislation allows for partnerships to develop solutions to current issues like flood management, drinking water and Great Lakes water quality, climate change, rapid urbanization/growth. CAs would like to have a stronger relationship the Province which is sufficiently funded to maximize use of CAs as an efficient, local service delivery model.

- c. How may the impacts of climate change affect the programs and activities delivered by CAs? Are CAs equipped to deal with these effects?

Impacts of climate change, including rising temperatures and changing precipitation patterns in Ontario, have already changed river flows, warmed surface waters and impacted wetlands. These impacts will likely continue. Other threats to environmental, public health and our economy are expected. Threats include increased flooding and reduced quantity and quality of drinking water, disruption to businesses, and damage to infrastructure.

CAs cannot deal with these effects alone. They need the Province to take a leadership role in providing policies/technical guidelines and the best available science to facilitate mitigation and adaptation. These initiatives should be pursued together and be supported by Provincial funding.

The large flood control system in the Grand River watershed was built in partnership between the Province and watershed Municipalities. Climate change will put additional stress on the dams and dikes. As the infrastructure ages, Provincial funding support is key to ensuring it can be operated to provide protection to watershed communities.

- d. Is the variability in CAs' capacity and resourcing to offer a range of programs and services a concern? Should there be a standard program for all CAs to deliver? Why or why not?

Provincial priorities (e.g. climate change, Great Lakes protection, source water protection, natural hazards management, growth, economy) that are best delivered at the watershed scale should be funded by the province, with standard program design for all CAs. The existing flexibility should be retained for CA board approved programs that support local watershed needs.

- e. What are some of the challenges facing CAs in balancing their various roles and responsibilities? Are there tools or other changes that would help with this?

The Provincial funding shortfall is a major challenge in delivery of the natural hazards management program. There is a need for the MNRF and partner Ministries to provide leadership and support in modernizing the Provincial technical guidelines. The lack of sustainable funding that recognizes the multi-ministry benefits of the CA watershed management program is another major challenge.

- f. Are there opportunities to improve consistency in service standards, timelines and fee structures? What are the means by which consistency can be improved? What are some of the challenges in achieving greater consistency in these areas?

To improve consistency, the Province should provide regular training sessions for the Municipal and development sectors with CAs to discuss Provincial expectations of CAs, their role and service delivery. As well, MNRF could undertake a CA audit/review where complaints about service levels are most prevalent.

6.4. Other Areas of Interest

Broad input is critically important to ensure that a range of perspectives, opinions and ideas are collected. While we encourage respondents to focus on the discussion questions provided above we welcome feedback on additional areas.

QUESTION #4: Are there any other areas, questions or concerns regarding the CA Act or CAs in general that you feel should be considered as part of the review?

GRCA plays a significant role in the watershed it serves. Flood forecasting and warning is important to the safety of watershed communities. The operation of large dams provides flood protection and supplies water to the rivers during the summer low flow periods. With 19,400 hectares of land GRCA is able to protect natural spaces and provide outdoor recreation opportunities for Ontario residents. There are programs to teach children about the importance of protecting the natural environment. Resource planning and natural hazards management programs help to minimize future risk from development in floodplains, wetlands, and erosion prone areas. The Province, watershed Municipalities and GRCA should continue to work together to deliver effective resource management in the watershed.

Prepared by:

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Discussion Paper

Conservation Authorities Act

A review of the roles, responsibilities, funding and governance of conservation authorities under the Conservation Authorities Act.

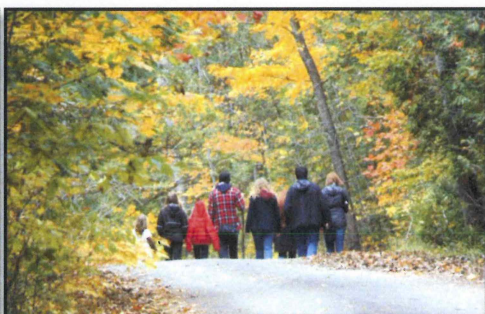
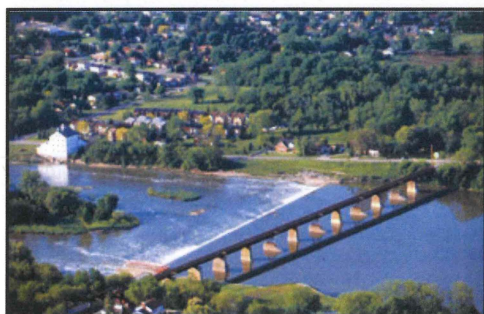


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Cover photos (left to right): Grand River Conservation Authority (Caledonia Dam); Otonabee Region Conservation Authority; Otonabee Region Conservation Authority

Page 6: Conservation Halton

Page 21: Niagara Peninsula Conservation Authority

Page 27: E. Hartlen; Long Point Region Conservation Authority

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1. Introduction

The *Conservation Authorities Act*, administered by the Ministry of Natural Resources and Forestry (MNRF), enables two or more municipalities in a common watershed to establish a conservation authority in conjunction with the province. The purpose of a conservation authority is to deliver a local resource management program at the watershed scale for both provincial and municipal interests.

Conservation authorities have played a significant role in Ontario's natural resource management landscape for nearly 70 years, establishing a successful legacy of resource stewardship and an impressive record of protecting people, property, and communities from water-related natural hazards (e.g. flooding, drought, erosion etc.). With the increasing pressures of Climate Change on the environment, it is imperative that conservation authorities have the proper tools to successfully build upon this legacy.

Conservation authorities are unique organizations, established on watershed rather than political boundaries in order to better serve local needs and allow for resource management from a science-based perspective. Using the tools provided within the *Conservation Authorities Act*, and with support from participating municipalities and the province, conservation authorities protect people from water-related natural hazards, provide recreational and educational opportunities, support science and research, and conserve and protect the natural environment. Collectively, conservation authorities are the second-largest landowner in the province after the Crown.

The framework and conditions for natural resource management in Ontario have changed significantly since the Act's creation, and the way conservation authorities operate within that framework has changed along with it. Resource management has become increasingly complex due to increases in population numbers and density, the expansion of agencies from all levels of government involved in resource management and environmental activities and new challenges such as addressing climate change further complicating resource management decisions. In addition, conservation authorities have been evolving as organizations, growing their funding sources and influence and accepting and being assigned additional roles that extend their responsibilities into additional areas of natural resource management and environmental protection. At the same time, the disparity among conservation authorities in resourcing and capacity has and continues to increase.

Ontario's Conservation Authorities

Ontario has 36 conservation authorities – the vast majority of which are located in southern Ontario.

Over 12 million people, or 90% of the province's population, live within a conservation authority's jurisdiction.

As a result of these and for other reasons the MNRF is seeking to engage ministries, municipalities, Aboriginal communities, conservation authorities, stakeholders and the public in a review of the *Conservation Authorities Act* to ensure that the Act is meeting the needs of Ontarians in a modern context.

Interest in a review of the *Conservation Authorities Act* has been building over the last several years. The Commission on the Reform of Ontario's Public Service recommended that the MNRF undertake a review of the programs and services delivered by the MNRF and conservation authorities to clarify responsibilities and eliminate any overlap in roles and responsibilities for resource management and environmental protection that are currently shared across levels of government. In addition, municipalities, developers, and conservation authorities have all identified their interest in and support for a formal government review.

The objective of this review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities that may be required in the face of a constantly changing environment. The purpose of this discussion paper is to seek feedback on the following three areas:

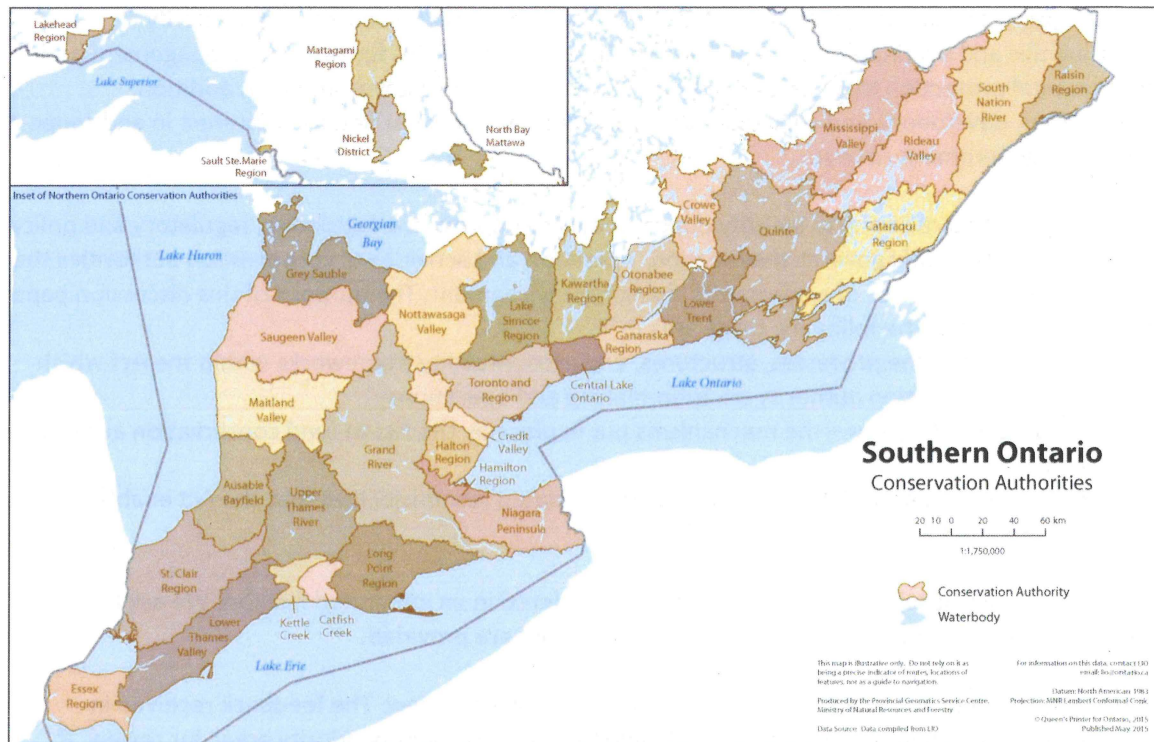
1. *Governance* – the processes, structures, and accountability frameworks within the Act which direct conservation authority decision-making and operations;
2. *Funding Mechanisms* – the mechanisms put in place by the Act to fund conservation authorities; and
3. *Roles and Responsibilities* – the roles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

These areas are all closely linked and need to be considered in an integrated fashion. We ask that you read this discussion paper and focus on the questions that are provided.

This discussion paper represents the first step in the Ministry's review. The feedback received in response to the questions outlined below will help the Ministry identify priority areas for review. If specific changes to the existing legislative, regulatory or policy framework are considered in the future, further public consultation will occur as appropriate, for example through subsequent Environmental Bill of Rights Registry postings.

Your opinions and insights are important to us. This discussion paper outlines a number of ways to engage in the review and we encourage everyone to participate. The review of site-specific permit applications and permitting decisions or other local decisions made by conservation authorities are not within the scope of the Ministry's review.

Figure 1 – Map of conservation authority jurisdictions¹



¹ This map has been produced by the MNRF for illustrative purposes only and should not be relied upon as a precise indicator of conservation authority boundaries

2. Conservation Authorities Act - Overview

The *Conservation Authorities Act* was passed in 1946 in response to extensive flooding, erosion, deforestation and soil loss resulting from poor land, water and forestry management practices in prior decades. The Act outlines the process to establish, fund, dissolve, amalgamate and operate a conservation authority.

The creation of the Act and associated conservation authority model was guided by the following principles:

1. Local initiative – The process to form a conservation authority must be initiated and supported by municipalities within a common watershed, and that programs be locally driven and supported.
2. Cost sharing – The costs of the projects should be shared by the municipalities in the authority and the provincial government.
3. Watershed jurisdiction – Conservation authority jurisdictions would, where possible, follow watershed boundaries.

Conservation authority jurisdictions can be loosely characterized in various ways: rural or urban; south-eastern, south-central, or south-western; north or south; or according to revenue or geographic scale. Some conservation authority jurisdictions are less than a full watershed while other conservation authority jurisdictions include multiple watersheds. It is difficult to generalize or to speak about a generic conservation authority as the Act enables a great diversity of organizations in scale and operations, with significant variance in resourcing strategies, board structures, relationships, and local programs and activities.

Incorporation under the Act establishes conservation authorities as a distinct legal entity with a degree of autonomy from the individual municipalities and the province that establish it. Conservation authorities are local public sector organizations similar to hospitals, libraries or school boards – they are not agencies, boards, or commissions of the province.

Section 20 of the *Conservation Authorities Act* sets out the purpose (i.e. objects) of a conservation authority:

The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.

The objects of an authority define the potential scope of programs and services which may be delivered by a conservation authority within its area of jurisdiction. The scope of potential programs is intentionally broad, providing each individual conservation authority with flexibility to develop local resource management programs which are tailored to suit local geography, needs and priorities.

The powers granted to a conservation authority to accomplish its objects are outlined within Section 21 of the Act and include, among other things, the power to study the watershed, acquire lands, enter into agreements, erect works and other structures, and charge fees for services.

Amendments to the Act in 1996 and 1998 scoped MNRF approval of conservation authority projects to those completed with MNRF funding and removed provincial appointees from authority boards. These changes gave conservation authorities and participating municipalities greater flexibility to decide local fiscal and program priorities, develop partnerships, and to charge fees for approved services on a cost recovery basis. The province also introduced provisions for conservation authority amalgamation and dissolution and standardized the authority of conservation authorities to regulate development and other activities.

The Act is supported by regulations that direct conservation authorities in the application of levies, the management of conservation areas, and in regulating development and other activities for purposes of public safety and natural hazard management. The province may also make regulations defining any undefined term appearing in the Act. An overview of regulations established under the *Conservation Authorities Act* has been provided in the Appendix.



3. Governance

Conservation authorities are local public sector organizations similar to public health units, hospitals, libraries or school boards – they are not agencies, boards, or commissions of the province as there are no provincial appointees on the authority boards. Under the Act, every authority is established as a corporation governed by a municipally-appointed board of directors. Incorporation under the Act establishes conservation authorities as a distinct legal entity with a degree of autonomy from the individual municipalities and the province that establish it. Under the Act, the board of directors is the conservation authority.

Governance² of conservation authorities has always been shared between the province and participating municipalities. The province has the primary responsibility for establishing a conservation authority (at the request of two or more municipalities), defining the powers of a conservation authority and directing and monitoring provincially approved programs. Municipalities, through municipally appointed boards of directors, have the primary responsibility for directing and overseeing conservation authority operations. The board is responsible for setting strategic and operational policies, and directing and providing oversight of the Authority's senior management. Oversight of day-to-day operations is typically delegated to a general manager or chief administrative officer who is responsible for directing authority staff.

3.1. Conservation Authority Boards

Each conservation authority is governed by a board of directors whose members are appointed by participating municipalities. Board members decide on the programs and policies of the authority, including strategic direction, operational decisions, procurement, staffing and budgets.

The Act lays out the composition of the conservation authority board and some general operational rules, and requires that each conservation authority have administrative policies in place to guide board operations. The Act does not establish a minimum or maximum number of board members however a meeting of the board must have at least three members in order to achieve quorum.

² Governance of public sector organizations involves a set of relationships among an organization's stakeholders, interest groups, citizens, boards, management and the government. These relationships are framed by laws, rules, and requirements, and provide the structure through which the objectives of the organization are defined, operating plans are prepared, performance is monitored, and information is communicated among parties (Institute of Internal Auditors, 2014).

As shown in Figure 2, the number of representatives that each municipality can appoint is based on the population of that municipality within the conservation authority's jurisdiction.³ Alternatively, the total number of board members of the authority and the number of members that each participating authority may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities.⁴

There is significant variability in the size of conservation authority boards with some authority boards having as few as five board members while others have as many as 28.⁵ Board members must reside in a participating municipality and may be appointed for no more than three years at a time.⁶

3.2. Relationship with Municipalities

The creation of a conservation authority must be initiated by two or more municipalities located within a common watershed.⁷ Municipalities who want to establish a conservation authority must petition the province to establish the authority in accordance with the requirements of the *Conservation Authorities Act*. Once an authority is created, it can amalgamate with other authorities and more municipalities can join without the involvement of the province.⁸

Participating municipalities determine who to appoint to the board as their representative(s).⁹ Board members are usually elected municipal councillors; however, any individual may be appointed to the conservation authority board.¹⁰ Municipally-appointed representatives have the authority to vote and generally act on behalf of their municipalities.¹¹

Because decisions are made collectively by all the participating municipalities in an authority through the conservation authority board, the amount of control each municipality has over conservation authority decisions varies. For most matters, each representative on the board gets one vote, so that municipalities with a larger number of board representatives (as a result of having larger populations)

Figure 2: Municipal Representation on Conservation Authority Boards

The number of representatives that each municipality can appoint is based on the population of that municipality within the watershed:

Population	Number of representatives
10,000 or less	1
10,000-50,000	2
50,000-100,000	3
100,000-250,000	4
250,000-500,000	5
500,000-1,000,000	6
More than 1,000,000	7

³ *Conservation Authorities Act* Section 2.(2).

⁴ *Conservation Authorities Act* Section 14.(2.1)

⁵ As reported by conservation authorities in 2012

⁶ *Conservation Authorities Act* Section 14.(3) and Section 14.(4)

⁷ *Conservation Authorities Act* Section 3.(1)

⁸ *Conservation Authorities Act* Section 10 and Section 11

⁹ *Conservation Authorities Act* Section 14

¹⁰ In 2012, over 80% of board members were municipally-elected officials

¹¹ *Conservation Authorities Act* Section 2.(3)

have a larger share in decision-making. For votes on the budget, votes are weighted so that each municipality has the same proportion of the vote as the proportion of the budget it pays.

The number of participating municipalities within each conservation authority is very diverse – some conservation authorities have more than twenty participating municipalities, while others have only two. In some conservation authorities, one or two municipalities may have the majority of the votes on the board.

3.3. Relationship with the Ministry of Natural Resources and Forestry

The process to create, operate and fund a conservation authority is established under the *Conservation Authorities Act* and administered by the MNRF. The province approves the creation and dissolution of a conservation authority, the dissolution requiring input from the Minister of Natural Resources and Forestry and the Minister of the Environment and Climate Change. The province designates the participating municipalities in the authority, and the authority's area of jurisdiction. The Act establishes the powers of the board and requires the authority to establish operational and administrative procedures. The MNRF provides a minimum standard for operational and administrative procedures which each board can further update or build on.¹²

While the Minister of Natural Resources and Forestry is responsible for overseeing the administration of the Act, he or she has limited authority under the Act to intervene in most regular day-to-day conservation authority activities and decisions. Minister's approval is required for projects partially or fully funded by MNRF through provincial grants, for the sale or lease of lands purchased with provincial funding and for the expropriation of land. The Minister cannot intervene in most local resource management or operational decisions.

Prior to Act amendments in the 1990's, the province played a more direct role in overseeing conservation authorities. The province directed conservation authorities by approving their budgets and all projects, appointing provincial representatives to authority boards, selecting the chair of the board, appointing provincial staff to authority advisory committees, and, when requested by the authority, appointing provincial field officers to direct and coordinate the authority's work. While oversight of conservation authorities is still shared between the province and the municipalities that form the authority, over time, the province has given conservation authorities greater autonomy to direct their own operations providing municipal representatives with a greater role in overseeing conservation authority activities.

3.4. Relationship with Other Provincial Ministries

With an investment of nearly 70 years of public funding in infrastructure, capacity, staffing, skills, resources, local knowledge, and land, in addition to local understandings and connections, conservation authorities have become attractive vehicles for delivery of other provincial initiatives at a local level.

¹² Section 30 of the Act requires each conservation authority to develop regulations on board administration. These regulations are approved by the Minister of Natural Resources and Forestry.

Recent years have seen an increased role for conservation authorities, individually and collectively, in the delivery of other provincial priorities on behalf of, or in partnership with, other provincial ministries – including, but not limited to – the Ministries of Environment and Climate Change, Agriculture, Food, and Rural Affairs, Municipal Affairs and Housing, Northern Development and Mines, Infrastructure, Education, and Tourism, Culture and Sport.

Conservation authority program relationships with other provincial ministries have grown over time and may be administered directly by individual ministries through various means (e.g. legislation, contracts, memorandums of understanding, etc.). A conservation authority's relationship with other provincial ministries is largely dependent on common interests and capacity, and on the scope of programs and services delivered by each individual conservation authority.

3.5. Relationships with Tribunals

Certain conservation authority decisions may be appealed to the Ontario Mining and Lands Commissioner (OMLC) or the Ontario Municipal Board (OMB). The OMLC and OMB are independent adjudicative tribunals that conduct hearings and make decisions on matters appealed under specific pieces of provincial legislation. In general, these tribunals are designed to resolve disputes in an informal, less costly and more timely manner than in the courts. In many instances, these tribunals seek to mediate issues first and practice alternative dispute resolution measures to expedite the resolution of matters thereby avoiding the need for a full hearing.

Decisions that have a provincial interest associated with them are referred to the OMLC. Decisions related more closely to municipal interests are referred to the OMB.

Ontario Mining and Lands Commissioner (OMLC)

Municipalities may appeal general levy apportionments to the OMLC. To date there have been only a few instances of municipalities appealing their municipal levies or levy apportionments the OMLC. Many of these appeals are resolved without proceeding to a hearing.

A person who has been refused a permit or who objects to conditions imposed on a permit by a conservation authority may appeal permit decisions and conditions to the Minister of Natural Resources and Forestry. The Minister has assigned the responsibility for hearing these appeals to the Ontario Mining & Lands Commissioner under the authority of the Ministry of Natural Resources Act.¹³

In 2013 the OMLC received seven applications under the *Conservation Authorities Act* with only one matter heard.¹⁴ The majority of cases (including permit appeals) received during 2013 were resolved in less than three months. There is no cost to filing an appeal.

¹³ Ministry of Natural Resources Act Section 6.(4)

¹⁴ Office of the Mining and Lands Commissioner, 2013

Ontario Municipal Board (OMB)

The OMB hears appeals by municipalities of municipal levies for special projects. Under the Act, the OMB also approves salary, expenses or allowances made to the members of the authority board of directors.

3.6. Relationship with Conservation Ontario

Conservation Ontario, formally the Association of Conservation Authorities of Ontario, is a non-profit, non-governmental organization that represents Ontario's 36 conservation authorities. On behalf of its members, Conservation Ontario builds strategic partnerships, develops programs and champions collective issues/concerns. Conservation Ontario is overseen by a General Manager and directed by a Council made up of two appointed representatives from each conservation authority that elects a six member Board of Directors from among the council members to oversee the association.

Conservation Ontario seeks to influence policy that affects conservation authorities and to provide collective services to the authorities including corporate communications, policy and program development, government relations, partnership development, research and information, evaluation and reporting, education and training, and the provision of insurance and benefits for conservation authority employees.

Conservation Ontario is funded by dues from each conservation authority supplemented by project funding and contract work.

Conservation Ontario is not established through the Conservation Authorities Act, nor is it governed by the Act. The structure, roles and responsibilities and funding of Conservation Ontario are not part of this review.

3.7. Other Accountabilities

Conservation authorities are also governed by other legislative requirements that apply to municipalities, such as the *Municipal Conflict of Interest Act* and parts of the *Municipal Act*, and laws that apply to corporations and employers. Conservation authorities follow accounting standards for the public sector established by the Public Sector Accounting Board (PSAB). When reviewing permit appeals, the board of an authority reassembles as a Hearing Board under the *Statutory Powers Procedure Act*. Most conservation authorities are also registered charities under federal law and must follow rules for charitable organizations.

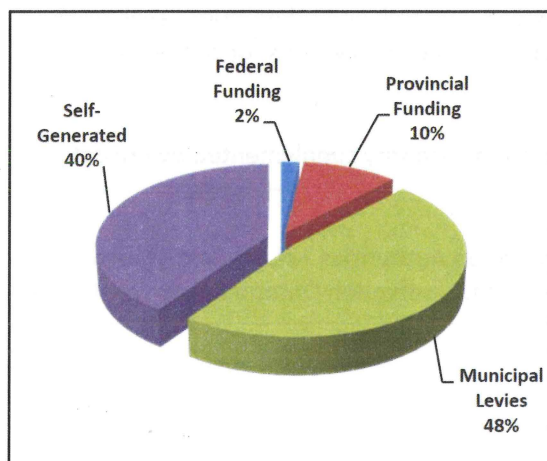
When undertaking infrastructure projects, conservation authorities are also subject to *Environmental Assessment Act* requirements. Conservation Ontario has developed a Class Environmental Assessment for Remedial Flood and Erosion Control Projects which has been approved by MOECC for conservation authorities to follow when planning remedial flood and erosion control projects.

4. Funding Mechanisms

Conservation authority revenue comes from various sources including provincial funding, municipal levies, and self-generated revenue. The total approximate annual revenue of all 36 conservation authorities in 2013 was \$305 million.¹⁵

As shown in Figure 3, in 2013, municipal levies accounted for roughly 48% of all conservation authority revenue, while self-generated revenue represented 40%, provincial funding represented 10% and federal funding represented 2%.¹⁶ Of the provincial funding provided, roughly 3% was provided by MNRF for natural hazards management, while 4% was provided for Ministry of the Environment and Climate Change's source water protection program and 3% was provided for various other special projects.¹⁷

Figure 3: Total Conservation Authority Revenue Sources (2013)



The revenue sources for individual conservation authorities are highly diverse and of variable combinations. For example, in 2013 provincial funding accounted for as much as 58% of one conservation authority's annual revenue and as little as 4% for another. In the same year, self-generated revenue accounted for as much as 71% of one authority's revenue and as little as 10% for another.

Table 1 below shows the variability in conservation authority revenue, area and population. This variability means that each conservation authority has a different capacity and ability to offer a different range of programs and services.

In addition to area and population, conservation authority funding needs vary depending on watershed characteristics such as the amount of hazard land and the potential for flooding, drought, etc. and the number and purpose of water and erosion control structures owned and or operated by the authority.

¹⁵ As reported by conservation authorities through annual statistics collected by Conservation Ontario

¹⁶ As reported by conservation authorities through annual statistics collected by Conservation Ontario

¹⁷ source protection funding will be shifting to a steady state

Table 1: Diversity of Conservation Authorities' Revenue, Area and Population¹⁸



Under the Act, conservation authorities are required to have an annual financial audit with the auditor's report provided to participating municipalities and the MNRF. In terms of expenditures, conservation authorities report spending, in total, roughly 43% on water management, 42% of revenue on land management, 12% on administration and 3% on communications.¹⁹ However, expenditures from one conservation authority to another may vary significantly.

4.1. Municipal Levies

The Conservation Authorities Act enables conservation authorities to levy the cost of board-approved programs and services against their participating municipalities. In 2013, participating municipalities provided over \$140 million to conservation authorities through municipal levies.

The levy process is complex. First, a conservation authority budget is established and approved by the board. A portion of the budget is paid for with provincial, federal or self-generated revenue, and the rest

¹⁸ Revenues shown in Millions of Dollars, Area shown in Hectares, Population shown in Millions

¹⁹ As reported by conservation authorities through annual statistics collected by Conservation Ontario

is paid by participating municipalities through municipal levies. The total municipal levy amount is divided up among the participating municipalities according to the benefit each one receives from the authority's services, which is determined in different ways for different types of levies. Levies can be categorized as being for maintenance and administration costs, or for capital and project costs.

For most conservation authorities, the majority of the municipal levy amount is for maintenance and administration costs. These costs represent the administrative and operational funding provided to conservation authorities and is divided among all the municipalities according to a formula set out in regulation.²⁰ This formula is based on the total value of property within each municipality within an authority's jurisdiction so that municipalities with high land values pay more than those with low land values. The total land value is also modified according to the type of property, so that urban property types such as commercial, industrial and multi-residential are worth more than rural property types like residential, forest or farmland. Conservation authorities and municipalities can also agree on a different method of dividing these costs as an alternative to using the land value formula.²¹ How costs are divided (the 'apportionment') can be appealed by a participating municipality to the Ontario Mining and Lands Commissioner.

Capital and project costs may be levied only against certain municipalities who will benefit from the project. The conservation authority determines how these costs are divided. This apportionment can be appealed by municipalities to the Ontario Municipal Board.

Additional rules under Ontario Regulation 139/96 (Municipal Levies) also apply to any levies for costs that are not shared with the Province. These additional rules include weighted voting: each municipality gets the same percentage of the vote on the levy as the percentage of the total municipal levy that it pays.

4.2. Self-Generated Revenue

Conservation authorities can also generate their own revenue through various means including:

- earned revenues on a 'cost recovery' basis (contracts, fees for service, permits (campsites, entrance fees) related to conservation areas);
- earned income on a 'for profit' basis (rentals, sales, sales of land, resource development such as logging, hydroelectric production);
- commercial/industrial sector partnerships including businesses (gift shops) and joint contracts for resource development (generating hydro-electric power etc.); and
- private sector funding from individuals, corporations and foundations (fundraising, gifts, donations, sponsorships etc.).

In most cases, self-generated revenue may be used at the discretion of the authority board for any board-approved conservation authority program.²² Additional rules apply to the use of revenue generated through the disposition of conservation authority property.²³ In 2013, self-generated revenue accounted for over \$120 million in conservation authority revenue.

²⁰ As set out in Ontario Regulation 670/00 (Conservation Authority Levies)

²¹ Ontario Regulation 670/00 Section 2.(1)(a)

²² Policies and Procedures for the Treatment of Conservation Authority Generated Revenue

²³ Policies and Procedures for the Disposition of Conservation Authority Property

Fees for Service

Subsection 21(m.1) of the Act gives conservation authorities the power to charge fees for services. The Minister of Natural Resources and Forestry determines which services conservation authorities may charge fees for. The Minister has given conservation authorities approval to charge fees for permitting services, plan reviews, extension services (e.g. technical advice/ implementation of erosion control measures, technical studies etc.), education services (e.g., tours, presentations, workshops etc.), and any service under other legislation authorized under agreement with the lead ministry.²⁴

The MNRF's policies and procedures require each conservation authority to have a fees policy in place which includes a fee schedule, a process for public notification about the establishment of or any proposed changes to fee schedules, a clearly defined review and revision process, and a process for appeals for fees that are proposed or in place.²⁵

For planning, and compliance-oriented activities such as regulatory or permitting services, the fee structures should be designed to recover but not exceed the costs associated with administering and delivering the services on a program basis.²⁶

While the Minister of Natural Resources and Forestry approves the services which conservation authorities may charge fees for, fee amounts are set by individual conservation authorities. Costs vary from authority to authority for the provision of certain services so therefore the fee structures of conservation authorities may vary from one conservation authority to another. Through MNRF policy, conservation authorities are encouraged to review neighbouring conservation authorities' fee structures when developing or updating their own structure.²⁷

Fundraising

Most conservation authorities also receive funding from individuals, corporations and foundations through fundraising, gifts, donations and sponsorship. Additionally, conservation authorities provide many opportunities for in-kind donations to the organization such as volunteer services.

4.3. Provincial Funding

Conservation authorities receive and may apply for funding from the province to support provincially-mandated activities and local projects.

The province provides conservation authorities with funding for provincially mandated programs – including the hazards management program funded by MNRF and the source water protection program funded by MOECC.

The MNRF's hazard management program is funded through two separate transfer payments.

²⁴ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) – Section 5.1*

²⁵ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) Section 5.2*

²⁶ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) Section 5.3*

²⁷ *Policies and Procedures for the Charging of Conservation Authority Fees (1997) Section 5.5*

Since 2000, MNRF has provided over \$7 million in Section 39 transfer payments annually to conservation authorities to support the approved programs in natural hazard management and public safety. The provincial funds support flood and erosion control operations and maintenance, flood forecasting and warning, ice management, and the authorities' review of Official Plans and Plan Amendments for consistency with natural hazard policies of the Provincial Policy Statement (2014), natural hazards technical studies and administration.

The amount each conservation authority receives from MNRF is a fixed amount based on an average of 1990's operational costs and must be matched by municipal contributions through municipal levies. The MNRF amount provided to each conservation authority was reduced from \$7.6 million annually to \$7.4 million annually in 2011.

Additional funding for natural hazard management is also provided to conservation authorities through MNRF's Water and Erosion Control Infrastructure (WECI) transfer payment program. Since 2003, MNRF has provided conservation authorities with \$5 million annually in capital funding (with a temporary two year reduction to \$2.5M from 2012-14) to invest in major repairs and studies of existing conservation authority-owned or operated water and erosion control infrastructure. This project funding supports conservation authorities in ensuring the safe operation and maintenance of their dams and water control infrastructure. These funds are matched by participating municipalities involved, for an annual investment in water and erosion control infrastructure of \$10 million. The WECI funding program is an application-based program that funds the highest priority projects each year.

Conservations authorities may also receive funding from other federal departments and provincial agencies through transfer payments to implement programs or projects related to other government priorities established under other pieces of legislation.

For example, the Province (through MNRF and MOECC) has provided over \$220 million since 2004 in funding to conservation authorities to fulfill their duties as Source Protection Authorities under the *Clean Water Act*. Funding was used for capacity building, technical studies, and water budgets, and supported source protection committees and authorities in developing the province's first science-based source protection plans for local watersheds. Future levels of funding are expected to move to a steady state once current source protection plans are approved.

Additional funding may be provided to conservations authorities in support of special projects on a project by project or application basis. For example, conservation authorities may receive funding for projects from both the provincial and federal government under the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health funding program.

5. Roles and Responsibilities

The objects of a conservation authority, under the *Conservation Authorities Act*, are to establish and undertake a program to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. The Act defines the potential scope of programs and services which may be delivered by a conservation authority within its area of jurisdiction. The scope of potential programs is intentionally broad, providing each individual conservation authority with flexibility to develop local resource management programs which are tailored to meet local geography, needs and priorities.

Current roles and responsibilities for conservation authorities fall under the five broad headings outlined below.

5.1. Local Resource Management Agency

The *Conservation Authorities Act* provides conservation authorities with the authority to develop local resource management programs or projects that suit local needs and geography. The scope afforded to projects in the Act under S. 20 is broad – anything to “further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.” The scale of the authority projects and programs is determined at the local level, decided on by the board.

Conservation Area Statistics

73,645 hectares of conservation areas

including

2,491 kilometers of trails

and

8,442 campsites

accessed by

6,898,229 annual visitors

including

430,764 students

**As reported by conservation authorities*

Collectively through their local programs, conservation authorities play an important role in resource management and environmental protection through stewardship, conservation land acquisition and management, recreation, education, and science and research. These programs may include tree planting, habitat rehabilitation and restoration, water quality improvement and water supply management, ground water monitoring, education and outreach, heritage conservation, management of conservation areas, information management, data collection and mapping, monitoring and the development of technical studies, watershed plans and the development of natural heritage strategies. Every conservation authority board-approved local resource management program is unique, offering a different suite of programs designed to reflect local needs and priorities. Conservation authority local programs are often supported by community volunteers. In 2012 over 37,000 people volunteered to support more than

700 local conservation authority projects.²⁸

Conservation authorities also have a role in local resource management as land owners. Conservation authorities have accumulated large land holdings within their jurisdictions through property acquisition, eco-gifting and land conveyances. Conservation authority owned land is considered private land under the *Planning Act*. Some of these lands are operated by the authorities for educational and recreational purposes, for conservation or protection reasons and also for income generation. Conservation authorities may develop their lands to support local programs, or may maintain lands in a natural state in order to protect them and provide ecological and natural hazard management benefits to the public. Conservation authorities may also act as interested parties on development applications near their landholdings. In addition, because of their proximity to watercourses, conservation authorities own or control lands that have a high concentration of cultural heritage resources.

Board-approved local resource management programs may be funded by municipal levies, self-generated revenue, or through a contract with another organization. In areas of the province where conservation authorities have not been established, local resource management programs may be developed and administered directly by municipalities.

5.2. MNRF Approved Projects under the Act

Section 24 of the Act requires conservation authorities to obtain MNRF approval for projects that are funded by MNRF through the Act. The project that the Minister currently approves under the Act for all conservation authorities is related to public safety and natural hazard management. The increased frequency and severity of extreme weather events associated with climate change has further underscored the importance of this role in protecting persons and property from water-related natural hazards including flooding and drought.

All conservation authorities implement a shared provincial/ municipal program in public safety and natural hazard management. As part of their role in implementing the shared provincial/ municipal program in public safety and natural hazard management, conservation authorities own and or operate over 900 flood control structures including 256 dams, and numerous engineered channels, dykes and erosion control works. Under this shared provincial/ municipal program, conservation authorities also undertake flood forecasting and warning and ice management. To support these and other programs (e.g. hazard input into municipal planning), conservation authorities may also collect and prepare technical data related to natural hazards in their jurisdiction.

As part of the MNRF natural hazard program, the MNRF has delegated to conservation authorities the responsibility for representing the "Provincial Interest" for natural hazard policies (s.3.1) of the Provincial Policy Statement (PPS) (2014) under the *Planning Act* through a Memorandum of Understanding between the MNRF, the Ministry of Municipal Affairs and Housing (MMAH) and Conservation Ontario. This delegation does not occur under the *Conservation Authorities Act*. Conservation authorities are to comment on municipal planning policy and site plan applications submitted as part of the [Provincial One-Window Plan Review Service](#) to ensure consistency with the natural hazard policies of the PPS (2014). Where MMAH is not the approval authority conservation authorities still perform this role under the Municipal Plan Review. Conservation authority comments

²⁸ As reported by conservation authorities through annual statistics collected by Conservation Ontario

are to be made based on MNRF's *Natural Hazard Technical Guides* (2002) which were developed to support the PPS policies. When undertaking this role conservation authorities are guided by *Planning Act* definitions (e.g. for development, hazardous sites, etc.) and not by definitions under the *Conservation Authorities Act*.

The natural hazard program is funded by the MNRF through provincial grants and transfer payments, and cost shared with municipalities. In areas of the province without conservation authorities natural hazards are managed by municipalities under the natural hazard policies of the PPS and flood forecasting and warning responsibilities are undertaken by MNRF.

5.3. Regulatory Authority

Each conservation authority has a provincially-approved 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation developed under section 28 of the *Conservation Authorities Act*. Conservation authorities are responsible for regulating development within the regulatory limits described within their respective regulations. In areas of the province without conservation authorities development in hazardous areas is managed by municipalities under the natural hazard policies of the PPS. Conservation authorities' regulatory role is primarily funded through the use of permitting fees and municipal levies.

Under these regulations, conservation authorities are responsible for regulating development and other activities through a permitting process for purposes of natural hazard management. Regulated activities are:

- Development in areas related to water-related natural hazards such as floodplains, shorelines, wetlands and hazardous lands.²⁹ Under the Act, conservation authorities must consider development applications based on potential impacts to the control of water-related natural hazards which includes flooding, erosion, dynamic beaches, pollution or the conservation of land; and,
- Interference with or alterations to a watercourse or wetland.

In order to implement the approved regulation, the authority board sets regulatory policies and practices.

The *Conservation Authorities Act* regulation authority was expanded through Act amendments in 1998, and enacted through the 'generic' regulation approved by the province in 2004 and updated individual regulations approved by the Minister in 2006. The updated regulations require conservation authorities to regulate additional water related hazards such as unstable soils and bedrock, erosion and dynamic beaches. MNRF technical support for the regulations is provided through the *Guidelines for Developing Schedules of Regulated Areas* (2005) and the MNRF *Natural Hazards Technical Guides* (2002) developed for the PPS natural hazard policies.

Under the Act, a person who has been refused a permit or who objects to conditions imposed on a permit by a conservation authority may appeal permit decisions and conditions to the Minister of

²⁹ Hazardous lands is defined in the *Conservation Authorities Act* under S.28 (25) as land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock

Natural Resources and Forestry. The Minister has assigned the responsibility for hearing these appeals to the Ontario Mining & Lands Commissioner.

In 2010, MNRF released the [Policies & Procedures for Conservation Authority Plan Review & Permitting Activities](#) - a new policy for conservation authorities to clarify and provide best practices for their roles under the *Planning Act* and in the municipal planning process and in their regulatory authority under the *Conservation Authorities Act*. This policy was developed with the assistance of a multi-ministry, multi-stakeholder committee (the Conservation Authorities Liaison Committee) co-chaired by the MNRF and the Ministry of Municipal Affairs and Housing and was made up of representatives from the building industry, municipalities, conservation authorities and environmental organizations.

5.4. Roles under Other Provincial Legislation

Conservation authorities may be assigned responsibilities under other pieces of provincial legislation. For example, under the *Clean Water Act*, conservation authorities were assigned the duties and responsibilities of source protection authorities. In addition, the *Lake Simcoe Protection Act* assigns the local conservation authority – the Lake Simcoe Region Conservation Authority – a key role in implementing the policies in the Lake Simcoe Protection Plan in collaboration with the province, municipalities and others.

In many of these other legislative roles, conservation authorities are a commenting agency and are required to receive notice of proposals made under other pieces of legislation including the *Planning Act*, the *Niagara Escarpment Planning and Development Act*, the *Environmental Assessment Act* and the *Aggregates Resources Act*. In these roles, conservation authorities base any comments on board-approved policies that the authority has developed as a local resource management agency. Under the *Planning Act* as a public body and local board, conservation authorities can comment on and appeal municipal planning documents on a range of other PPS policies as directed by conservation authority board-approved policy. This more general PPS policy commenting role is distinct from the MNRF delegated commenting role related specifically to the PPS natural hazards policies.

5.5. Service Providers

Under the Act, every authority is a corporation, and as such has the inherent capacity to undertake responsibilities requiring an incorporated organization to accomplish. With an investment of nearly 70 years of public funding in infrastructure, capacity, staffing, skills, resources, local knowledge, connections in resource manage, and common interests, these organizations are attractive vehicles for delivery of initiatives of others whether by agreement or through a contract.

Conservation authorities may enter into agreements with others as may be necessary to carry out a project. As a result conservation authorities may have service agreements or contracts with federal and provincial government agencies and partnering municipalities or others (e.g. school boards, public health units, etc.) to perform a variety of services or tasks.

Some conservation authorities may have roles and responsibilities related to joint federal/ provincial interests such as supporting Environment Canada in implementing the Canada-United States Great

Lakes Water Quality Agreement and working with federal and provincial agencies as well as local groups to restore community waterfronts and Great Lakes “Areas of Concern.” Some conservation authorities may be undertaking projects funded under the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health.

Some conservation authorities provide additional technical services to municipalities through service agreements. Types of services could include data collection and scientific expertise related to natural resource management, stormwater management, identifying natural heritage features and systems on behalf of their municipalities, and or reviewing natural heritage evaluations in support of municipal assessment of *Planning Act* applications or environmental assessments. Under an agreement with a municipality, an authority may assume a regulatory responsibility such as administering municipal tree cutting bylaws or septic system approvals or undertake technical reviews pursuant to the *Planning Act* [One Window Plan Review Service](#) on parts of planning policy or site plan applications.



6. Summary and Questions for Discussion

The following questions are intended to help focus the discussion. They are organized around the areas of review outlined in Section 1:

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

The questions are general in nature and intended to prompt discussion on a number of focused areas and are not intended to discourage readers from raising questions or providing comments in other areas. Where possible, please provide specific examples and/ or links to supporting information.

6.1. Governance

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

In the past, the province played a more direct role in overseeing conservation authorities. The province directed conservation authorities by approving their budgets and programs, appointing provincial representatives to authority boards, selecting the chair of the board and, when requested by the authority, by appointing provincial field officers to direct and coordinate the authority's work. The provincial government was involved in approving projects and activities, and monitoring and reviewing conservation authority programs. While oversight of conservation authorities is still shared between the province and the municipalities that form the authorities, changes to the Act, policy and general practice over time have resulted in less direct provincial oversight. These changes have provided conservation authorities with greater autonomy to direct their own operations and have given municipal representatives who comprise the authority board a greater role in deciding and overseeing authority activities. It has also afforded conservation authority staff greater freedom to make proposals for programming and research for the board's collective review. Because decisions are made collectively by all the participating municipalities in an authority through the board, the amount of control each municipality has over conservation authority decisions varies.

At the same time, conservation authorities are developing new, and enhancing existing, relationships with other provincial ministries and other partners. In some cases, these relationships are managed

through other legislative frameworks, such as through the *Clean Water Act* and the *Lake Simcoe Protection Act*. In other cases these relationships are managed on a project-by-project or authority-by-authority basis by a contract or MOU. There are no processes, standards or tools within the *Conservation Authorities Act* or supporting framework governing these relationships.

It is difficult to generalize or to speak about a generic conservation authority as the result of the Act has been to enable a great diversity of organizations in scale and operations and capacity, with variance in resourcing or funding and funding strategies, board structures and the level of direct accountability to and interest of municipalities varies.

QUESTION #1: *In your view, how well is the current governance model as provided in the Conservation Authorities Act working?*

- a. What aspects of the current governance model are working well?
- b. What aspects of the current governance model are in need of improvement?
- c. In terms of governance, what should be expected of:
 - a. The board and its members?
 - b. The general manager or chief administrative officer?
 - c. Municipalities?
 - d. The Ministry of Natural Resources and Forestry?
 - e. Other provincial ministries?
 - f. Others?
- d. How should the responsibility for oversight of conservation authorities be shared between the province and municipalities?
- e. Are there other governance practices or tools that could be used to enhance the existing governance model?

6.2. Funding Mechanisms

The *Conservation Authorities Act* establishes a number of mechanisms which conservation authorities can use to fund their activities. The Act allows the MNRF to provide conservation authorities with funding to support Ministry approved programs. As a corporate body, conservation authorities may also receive or apply for funding from the province to deliver programs on its behalf. Local resource management programs and services can be funded through municipal levies and conservation authorities can self-generate revenue through service and user fees, resource development and fundraising.

Conservation authority revenue across Ontario's 36 conservation authorities is as varied as the programs and services offered by each authority. While the province provides all conservation authorities with funding towards approved natural hazards activities, the ability of each conservation authority to deliver other programs and services largely depends on the ability of each authority to

locally fund programs and services. Conservation authorities with large populations within their jurisdictions generally have a greater tax base to draw from, as well as more opportunities for self-generated revenue, so they can offer more programs and services at a lower per capita cost.

In addition, conservation authority funding needs vary depending on the size of their respective jurisdictions, population levels, watershed characteristics (such as the amount of hazard land and the potential for flood, drought, etc.) and the number and purpose of water and erosion control structures owned and/ or operated by the conservation authority.

QUESTION #2: *In your view, how are the programs and services delivered by conservation authorities best financed?*

- a. How well are the existing funding mechanisms outlined within the Act working?
- b. What changes to existing funding mechanisms would you like to see if any?
- c. Which funding mechanisms, or combination of funding mechanisms, are best able to support the long term sustainability of conservation authorities?
- d. Are there other revenue generation tools that should be considered?

6.3. Roles and Responsibilities

The *Conservation Authorities Act* enables conservation authorities to undertake a wide range of activities on behalf of provincial, municipal and other interests through several roles. These roles have been enabled through the Act, and the responsibilities have followed. Conservation authorities are the only resource management agencies in Ontario that are organized on a watershed basis.

The Act provides conservation authorities with the power to develop their own suite of programs and services tailored to the capacity and expertise of each individual authority and the local needs and interests they serve. This flexibility allows conservation authorities, and the municipalities that fund them, to focus their resources on areas of greatest need to the local population. It also results in variability in the scale and range of programs and services delivered by any individual conservation authority. Some conservation authorities offer a basic program primarily focused on stewardship, conservation land acquisition and management, recreation, education, and science and research. Other conservation authorities may offer the same programming at a much broader scale and complexity in addition to a wider range of programs that can include, for example, promotion of green infrastructure, development of strategies such as natural heritage strategies, land acquisitions strategies, and extensive watershed and water management planning. Some conservation authorities invest in resource development initiatives such as hydroelectric generation, large scale waterfront developments in lake fills, and income generation projects such as marina operation, cottage rentals and ski hills.

Recent years have seen an increased interest in reviewing conservation authority roles in resource management in Ontario. The Commission on the Reform of Ontario's Public Service in particular called on the province to undertake a review of the programs and services delivered by both the MNRF and conservation authorities to clarify responsibilities and eliminate any duplication. Other concerns have been raised regarding the lack of clarity in the scope of conservation authority roles and responsibilities especially in relation to municipalities and the province. Specifically questions have been raised

regarding conservation authorities' regulatory role and the intention of the regulations, with some key regulatory terms undefined in legislation (e.g. conservation of land and interference with a wetland).

QUESTION #3: *In your view, what should be the role of conservation authorities in Ontario?*

- a. What resource management programs and activities may be best delivered at the watershed scale?
- b. Are current roles and responsibilities authorized by the *Conservation Authorities Act* appropriate? Why or why not? What changes, if any, would you like to see?
- c. How may the impacts of climate change affect the programs and activities delivered by conservation authorities? Are conservation authorities equipped to deal with these effects?
- d. Is the variability in conservation authorities' capacity and resourcing to offer a range of programs and services a concern? Should there be a standard program for all authorities to deliver? Why or why not?
- e. What are some of the challenges facing conservation authorities in balancing their various roles and responsibilities? Are there tools or other changes that would help with this?
- f. Are there opportunities to improve consistency in service standards, timelines and fee structures? What are the means by which consistency can be improved? What are some of the challenges in achieving greater consistency in these areas?

6.4. Other Areas of Interest

Broad input is critically important to ensure that a range of perspectives, opinions and ideas are collected. While we encourage respondents to focus on the discussion questions provided above we welcome feedback on additional areas.

QUESTION #4: *Are there any other areas, questions or concerns regarding the Conservation Authorities Act or conservation authorities in general that you feel should be considered as part of the review?*

7. How to Provide Input

We want to hear from you. If you have comments or suggestions that should be considered in the review of the *Conservation Authorities Act*, please take advantage of this opportunity to provide us with your feedback. All comments received in response to this discussion paper will be read and considered in moving forward.

Send us your comments

We strongly encourage your participation in the discussion. Written comments can be provided by:

Responding to the Environmental Bill of Rights Registry posting by searching the EBR Registry number 012-4509 on the following website: www.ontario.ca/EBR

Or

Emailing us at:
mnrwaterpolicy@ontario.ca

Or

Submitting answers to the questions outlined in this paper through:
<https://www.surveymonkey.com/s/caactdiscussionpaper>

The deadline for providing comments is October 19th, 2015

Comments collected in response to this discussion paper will be used to inform decisions regarding whether or not to pursue changes to Ontario's existing legislative, regulatory and policy framework for conservation authorities. The review of individual conservation authorities, the specific programs and services they deliver, and site-specific permit applications and permitting decisions are not within scope of the Ministry's review.

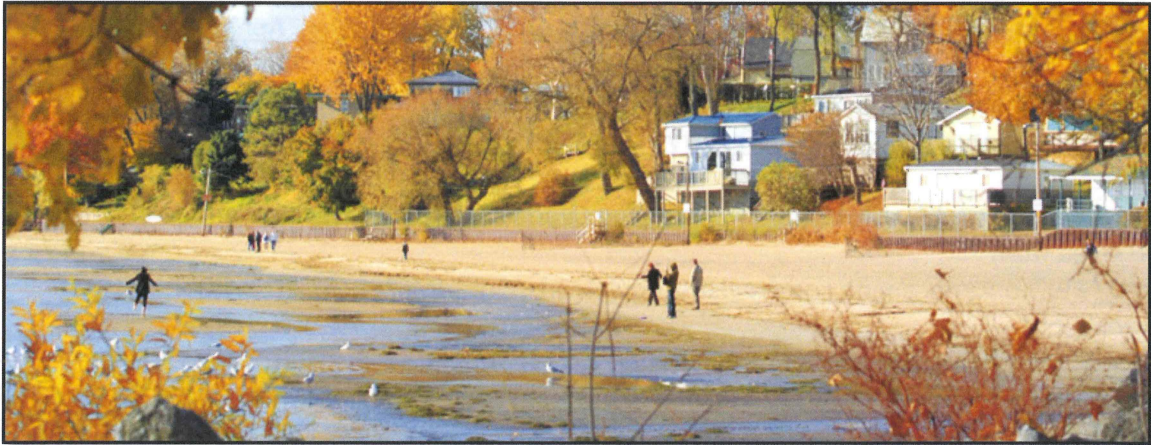
All Ontarians are encouraged to learn more about Ontario's conservation authorities and the important role that they play in resource management and environmental protection.

To find out more about conservation authorities and the programs and services they provide please visit:

<https://www.ontario.ca/environment-and-energy/conservation-authorities>

To locate your local conservation authority please visit:

<http://www.conservation-ontario.on.ca/about-us/conservation-authorities/ca-contact-list>



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Appendices

List of Conservation Authorities

Conservation Authority	Acronym*
Ausable Bayfield Conservation Authority	ABCA
Cataraqui Region Conservation Authority	CRCA
Catfish Creek Conservation Authority	CCCA
Central Lake Ontario Conservation Authority	CLOCA
Credit Valley Conservation Authority	CVC
Crowe Valley Conservation Authority	CVCA
Essex Region Conservation Authority	ERCA
Ganaraska Region Conservation Authority	GRCA
Grand River Conservation Authority	Grand RCA
Grey Sauble Conservation Authority	GSCA
Halton Region Conservation Authority	Halton RCA
Hamilton Region Conservation Authority	HRCA
Kawartha Region Conservation Authority	KRCA
Kettle Creek Conservation Authority	KCCA
Lake Simcoe Region Conservation Authority	LSRCA
Lakehead Region Conservation Authority	LRCA
Long Point Region Conservation Authority	LPRCA
Lower Thames Valley Conservation Authority	LTVCA
Lower Trent Region Conservation Authority	LTCA
Maitland Valley Conservation Authority	MVCA
Mattagami Region Conservation Authority	MRCA
Mississippi Valley Conservation Authority	MVC
Niagara Peninsula Conservation Authority	NPCA
Nickel District Conservation Authority	NDCA
North Bay-Mattawa Conservation Authority	NBMCA
Nottawasaga Valley Conservation Authority	NVCA
Otonabee Region Conservation Authority	ORCA
Quinte Conservation Authority	QCA
Raisin Region Conservation Authority	RRCA
Rideau Valley Conservation Authority	RVCA
Saugeen Valley Conservation Authority	SVCA
Sault Ste. Marie Region Conservation Authority	SSMRCA
South Nation River Conservation Authority	SNRCA
St. Clair Region Conservation Authority	SCRCA
Toronto and Region Conservation Authority	TRCA
Upper Thames River Conservation Authority	UTRCA

*As used within this Discussion Paper

List of Conservation Authority Regulations

Conservation authority activities are guided by a series of regulations established under the Act.

Section 27 (2) O. Reg. 670/00 Conservation Authority Levies Regulation. Outlines means for determining apportionment by the conservation authority of the levy payable by a participating municipality for maintenance costs on the basis of the benefit derived each municipality, either by agreement or using 'modified current value assessment' under the Assessment Act.

Section 27 (3) O. Reg. 139/96 Municipal Levies Regulation. LGIC regulation that outlines how 'non-matching' municipal levies are decided with a 'weighted' vote at a conservation authority board Meeting convened to do so.

Section 28 (6) O. Reg. 97/04 - Content of Conservation Authority Regulations under subsection 28 (1) of the Act Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Lieutenant Governor in Council regulation governing the content of regulations made by authorities including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by the authorities and approved by the Minister.

Section 28 O. Regs. 42/06, 146/06-182/06, 319/09, – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Regulation enables conservation authorities to regulate development in areas prone to water-based natural hazards (i.e. shorelines, floodplains, wetlands) for impacts to the control of the water-based hazards (i.e. flooding and erosion) or for changing or 'interfering' with a watercourse or wetland for purposes of public safety and natural hazard prevention and management.

Section 29 O. Regs. 98/90 -136/90 – Conservation Areas Regulation. Discretionary regulation applies to conservation areas owned & operated by the conservation authority, outlines prohibited activities or activities requiring a permit and rules of use (i.e. control of animals, vehicles, with provisions for enforcement).

Section 30 "Mandatory Regulations"- All conservation authorities were required to make regulations outlining administration functions of the board. Originally Minister approved, these regulations are now 'by-laws' which can be amended without Minister approval if amendments conform to the approved generic template provided to conservation authorities in 1985.

Section 40 Regulations. The province may make regulations defining any term that is used in the *Conservation Authorities Act* and that is not defined in the Act. This regulation making authority has not yet been used.



Conservation
ONTARIO
Natural Champions

ADDING VALUE

How Conservation Authorities support provincial priorities



Climate change

- Local adaptation strategies such as green infrastructure, urban and rural stormwater management, tree planting
- Flood management programs to address climate change
- Data collection, monitoring, modelling and research



Healthy Great Lakes

- Rural stewardship, urban and rural stormwater management, nutrient management, green infrastructure and other programs reduce nutrient impact on Great Lakes
- Great Lakes Guardian Fund projects
- Data collection, monitoring, modelling and research



Growth and urbanization

- Conservation Authorities Act Section 28 regulations control development in and near wetlands, floodplains, steep slopes and Great Lake shorelines
- Advice to municipalities to ensure development is compatible with a healthy and sustainable environment and consistent with the Provincial Policy Statement and provincial plans (e.g. Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Growth Plan for the Greater Golden Horseshoe)



Flood warning and protection

- \$2.7 billion worth of public infrastructure including more than 900 dams, dikes, channels and erosion control structures
- Floodplain mapping, flood monitoring and warning systems to protect lives and properties
- Flood damage reduced \$100 million annually

ADDING VALUE

How Conservation Authorities support provincial priorities



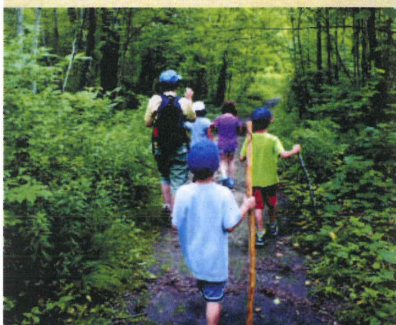
Natural heritage and biodiversity

- 146,000 hectares of natural land protected through CA ownership
- Tree planting, forest management, river habitat and wetland protection and improvements
- Support provincial efforts to protect Species at Risk and manage Invasive Species



Recreation, health and tourism

- 250 Conservation Areas attracting 6.8 million visitors annually
- 2,500 kilometres of trails connecting people to nature



Education

- Close to 50 outdoor education facilities serving more than 400,000 students annually at 3,800 schools in partnership with 50 of the province's 72 district school boards
- Partners in Water Festivals: fun, interactive way for kids to learn about water issues
- Partners in Specialist High Skills Major Program



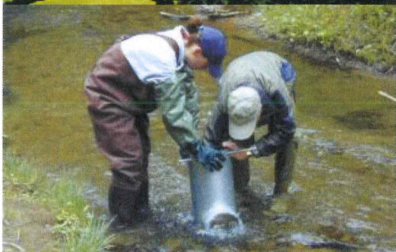
Water quality

- Implementing the Clean Water Act for drinking water source protection
- Stewardship programs protect water quality on farm and rural land



Water supplies

- Implement Low Water Response Program during dry conditions
- Water budgets and other research guide informed decisions on municipal water supplies
- Some CAs operate reservoirs used to maintain river flows in summer and fall



Monitoring and reporting

- Partner in Provincial Water Quality Monitoring Network and Provincial Groundwater Monitoring Network, Hydrometric Network and others
- CA Watershed Report Cards provide an overview of watershed health

Conservation Authorities are proud to work with these ministries:

Natural Resources & Forestry, Environment & Climate Change, Municipal Affairs & Housing, Agriculture, Food & Rural Affairs, Economic Development, Employment & Infrastructure, Health, Tourism Culture & Sport, Education, Northern Development & Mines