

REPORT FA 21 / 2019: To The Full Authority

FROM: Christopher Wilkinson, General Manager / Secretary-Treasurer

SUBJECT: Proposed Changes to the *Conservation Authorities Act*.

DATE: April 23, 2019

Purpose:

Provide an overview of the proposed changes to the Conservation Authorities Act and the proposed Catfish Creek Conservation Authority (CCCA) response.

Discussion:

Focusing conservation authority development permits on the protection of people and property (ERO #013-4992)

The Ministry of Environment, Conservation and Parks is proposing to make amendments to the *Conservation Authorities Act*, an Act introduced in 1946 that would, if passed:

- clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the *Clean Water Act*), and protection of the Lake Simcoe watershed (as prescribed under the *Lake Simcoe Protection Act*)

Comments:

- The Hamlet of Port Bruce has 200 residences in the floodplain at the mouth of the Catfish Creek and is almost annually subjected to incredible ice jams and flooding. Thanks to an incredible relationship between municipal partners and CCCA, there is an excellent public safety record in the CCCA watershed and in particular in Port Bruce. Continued recognition of the conservation authority (e.g. flood forecasting role, water flow expertise) will result in continued safety and security of our rural watershed residents during flooding events.
- CCCAs conservation of natural resources programs (stewardship, restoration and tree planting) are designed to mitigate the effects of flooding and erosion. As a result, we suggest keeping the scope of the proposed core mandatory programs as wide as possible to ensure our supporting programs based on our watershed knowledge and expertise can be still be financially leveraged to mitigate the effects of flooding.
- Page 48 of the Made-in-Ontario Environmental Plan describes the “mandate of conserving natural resources”. This is a critical component, and as a result conserving natural resources should be added to the core mandatory programs to:
 1. ensure consistency with the Made-in-Ontario Environmental Plan; and,
 2. ensure support for our supporting programs/services that mitigate the effects of flooding and erosion; and,
 3. ensure we can continue to provide cost effective integrated services to our municipal partners.

- increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services. Update the *Conservation Authorities Act*, an Act introduced in 1946 to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g., 4 to 8 years)

Comments:

- S.39 provincial grant or municipal levy money has never historically been applied to non mandated programs/services. As a result, this proposal will widen CCCA's program/services potentially funded by municipalities such as our outdoor education programs in which we provide outdoor and healthy life experiences for thousands of people annually.
 - Longer term levies of 4-8 years would tie in nicely with strategic and business planning cycles. As a result, CCCA is supportive of this proposed time frame.
- establish a transition period (e.g. 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards

Comments:

- Administratively, agreements could be discussed as part of the next annual O.Reg 139/96 municipal levy notice process. The proposed transition period is appropriate even if the agreement is not included in 2020 municipal budgets which begin consultation in August 2019.
- enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority
 - clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for-profit organizations.

Comments:

- no comments - supportive

The Ministry of Environment, Conservation and Parks is also proposing to proclaim un-proclaimed provisions of the *Conservation Authorities Act* related to:

- fees for programs and services
- transparency and accountability
- approval of projects with provincial grants
- recovery of capital costs and operating expenses from municipalities (municipal levies)
- regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting)
- enforcement and offences
- additional regulations.

Comments:

- no comments - supportive

Staff have addressed some of the above proposals in the attached is the draft response for submission to the Ministry of Environment, Conservation and Parks.

Recommendations:

THAT the members receive REPORT FA 21 / 2019 for information; and further,

THAT REPORT FA 21 / 2019 be submitted to the appropriate Environmental Registry consultations.

Christopher Wilkinson,
General Manager / Secretary-Treasurer