

Addendum to Report PDR-PCD-36-15

To: Chair McQueen and Members of the Planning and Community Development Committee
From: Randy Scherzer
Meeting Date: August 11, 2016
Subject: **Conservation Authority Act Review – Second Phase**
Status: Recommendation adopted by Committee as presented per Resolution PCD98-16; Endorsed by County Council September 6, 2016 per Resolution CC111-16;

Recommendation(s)

WHEREAS the Ministry of Natural Resources and Forestry initiated a review in the Fall of 2015 regarding the Conservation Authorities Act, including addressing roles, responsibilities, funding and governance of conservation authorities;

AND WHEREAS the County provided initial comments on a discussion paper released by the Ministry seeking early feedback on the review of the Conservation Authorities Act;

AND WHEREAS the Ministry has released a further consultation document entitled ‘Conserving our Future – Proposed Priorities for Renewal’ and is asking for further comments on this document;

NOW THEREFORE BE IT RESOLVED that the Addendum to Report PDR-PCD-36-15 be received;

AND THAT this report be forwarded onto the Ministry of Natural Resources and Forestry as the County of Grey’s comments on the second phase of the Conservation Authority Act Review;

AND THAT this report be forwarded onto member municipalities and conservation authorities within Grey for information.

Background

The Ministry of Natural Resources and Forestry initiated a review of the Conservation Authorities Act (Act) in the Fall of 2015 which includes addressing roles, responsibilities, funding and governance of conservation authorities in resource management and environmental protection. The County provided initial comments on a [discussion paper](#) released by the Ministry seeking early feedback on the review of the Act. A link to the previous staff report providing initial comments to the Ministry can be found in the Attachments section of this report.

The Ministry has released a further consultation document entitled '[Conserving Our Future – Proposed Priorities for Renewal](#)' which is based on the comments received in response to the discussion paper. The Ministry is asking that further comments on this latest document be submitted by September 9th, 2016. This document represents the second phase of a three phase consultation process. The third phase will be seeking comments on the actual proposed changes to the Conservation Authority Act and other recommendations which will be based on the feedback they receive as part of the second phase.

The Ministry noted that during the first phase of consultation, the feedback they received indicated general agreement that the overall conservation authority model and principles upon which it is based remain relevant. Most respondents agreed that the watershed continues to serve as an ecologically appropriate scale for many resource management activities. The Ministry also noted that all stakeholder sectors 'recognized the value and public benefit of conservation authority roles in providing environmental education, landowner and broader stewardship programs, and the provision of access to natural areas and recreational opportunities provided through conservation areas'.

Based on the feedback received through the initial phase of the review, the Ministry has established five priorities for updating the Conservation Authorities Act legislative, regulatory and policy framework. The following are the five priority areas and a summary of the proposed priorities outlined in the latest consultation document:

1. Strengthening Oversight and Accountability

- Updating the Act to reflect modern legislative structures and accountabilities including adding a purpose statement, defining roles and responsibilities of all parties involved in overseeing and ensuring the accountability of conservation authorities
- Ensuring governance and accountability mechanisms are contained within the Act and align with best practices and requirements for public sector organizations (e.g. establishing codes of conduct, addressing potential conflicts of interests, ensuring meetings are open to the public, and the proactive disclosure of information).

- Enhancing the authority of the Minister to ensure conservation authority operations, programs and services are consistent with provincial policy direction and legislative requirements
- Clarifying the role of municipalities and the conservation authority board in determining such things as funding, and directing and overseeing programs and services undertaken by conservation authorities to address local concerns and priorities
- Developing and updating processes and requirements for the establishment, amalgamation, enlargement and dissolution of a conservation authority.

2. Increasing Clarity and Consistency

- Clearly delineating between the provincially mandatory programs and services that all conservation authorities are expected to deliver and any optional programs and services which may be carried out on behalf of the board in consultation with and under the approval of participating municipalities
- Establishing a Provincial Policy Direction that provides clear policy direction on the roles and responsibilities of conservation authorities, define the roles and responsibilities of provincial ministries in the development, delivery and oversight of these roles and responsibilities
- Providing clarity and consistency in the application of the conservation authority regulations for all parties, by consolidating and codifying regulatory requirements, defining undefined terms and enhancing the authority of the Minister to establish, monitor and ensure compliance with provincial policy direction and legislative requirements.
- Ensuring sufficient tools are in place to ensure compliance with conservation authority regulations by providing conservation authorities with modern compliance tools and mechanisms and ensuring penalties for contravention of the Act are adequate.
- Streamlining planning and permitting requirements and associated processes by exploring opportunities to improve application, review and approval processes through the reduction of burdens, improved service standards, enhanced flexibility in approval requirements and the adoption of a risk-based approach to the issuance of approvals.

3. Improving Collaboration and Engagement

- Establishing a provincial one-window to be led by MNRF for establishing, coordinating and reviewing programs undertaken by conservation authorities and promoting multi-ministry coordination of provincially delegated programs and services and the collection and sharing of science and information among ministries, municipalities, conservation authorities and others.
- Developing an enhanced business relationship with Conservation Ontario and conservation authorities to promote greater communication and coordination of policies, programs and services

- Enhancing Indigenous Peoples participation in the development and delivery of stewardship, science and knowledge, and educational initiatives and by clarifying the process to join or establish a conservation authority.
- Ensuring board decisions are informed by a diversity of views and perspectives reflective of local interests including providing further opportunities to participate in decision-making processes.
- Supporting efforts being made by conservation authorities to promote efficiency and effectiveness in the delivery of programs and services through the development of common policies and procedures, service specializations, and sharing of operational, administrative and technical resources on a regional or landscape basis.

4. Modernizing Funding Mechanisms

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

5. Enhancing Flexibility for the Province

- Giving the Minister the authority to develop, delegate or deliver current or additional natural resource conservation and management programs and services to conservation authorities, other public bodies, not-for-profit organizations, municipalities or other Ministries.

The document also indicates that the province is also considering other actions, including:

- Reducing administrative burdens associated with appointing or replacing board members and obtaining approval of board per diems
- Aligning board terms with the municipal elections cycle
- Developing an orientation and training program for board members

- Developing a coordinated communications plan outlining any changes resulting from the review in partnership with municipalities and conservation authorities

The Ministry has put forward the following questions to help obtain feedback on the actions being considered to help achieve the five priority areas:

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

County staff comments:

One of the main goals of the Conservation Authority Act Review is 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. The proposed priority items identified in the Ministry's document will go a long way to address these matters. County staff support's the proposed priority action items as it will provide greater clarity for all parties involved in resource management and environmental protection and will provide a clear road map going forward. The action items identified under the priority sections entitled 'Increasing Clarity and Consistency' and 'Improving Collaboration and Engagement' are likely the most important from the County's standpoint as these priority areas align with the County's Strategic Plan and will also provide the greatest assistance with on-going and future discussions with conservation authorities

As noted in the previous report, staff had initial discussions with the Saugeen Valley Conservation Authority (SVCA) and Bruce County to explore entering into a memorandum of understanding to clearly identify roles and responsibilities and to address other matters such as exploring options for peer reviews, how fees are collected, etc. SVCA asked to put this matter on hold for now as they want to focus on internal processes and procedures first. Staff is hopeful that these discussions can continue in the future to work towards a memorandum of understanding that meets the needs of conservation authorities, the County, and municipalities throughout Grey County. Staff believes that the priority action items identified by the province will assist with these future discussions.

The proposed priority action items identified in the Ministry's consultation document appear to be on the right track. Once the actual proposed changes are released by the Ministry as part of the third phase of the review process, the County will be able to provide further comments and feedback to the province.

As noted in the previous report, County staff value the comments provided by the conservation authorities regarding both natural hazard matters and natural heritage matters. Conservation authority comments often result in recommended mitigation measures for a proposed development, or conditions to development approvals. Therefore County staff believe it is important to continue discussions with the conservation authorities regarding a memorandum of understanding to clarify roles and responsibilities associated with these matters.

Financial / Staffing / Legal / Information Technology

Considerations

At this stage there are no additional financial, staffing, legal, or information technology considerations arising out of this report. On-going discussions with SVCA have included staff time. Further discussions with the other CA's will include additional staff time but can be addressed through existing staff resources. Once a draft memorandum of understanding has been created, County Agreement staff and the County solicitor will need to review the agreement and therefore there could be legal fees as a result.

Link to Strategic Goals / Priorities

Action Item 5.3 of the Corporate Strategic Plan indicates that the County should explore innovative ways to more effectively and efficiently deliver services and programs, including consideration of partnerships. Based on discussions with the SVCA, as well as future discussions with the other conservation authorities, County staff believe that a memorandum of understanding will help clarify roles and responsibilities when it comes to such matters as natural hazard and natural heritage review which will hopefully result in a more defined and streamlined review process. The Conservation Authority Act Review will also help to clarify roles and responsibilities.

Attachments

[Conservation Authority Act Review - Discussion Paper](#)

[PDR-PCD-36-15 - Conservation Authority Act Review](#)

[Conserving Our Future – Proposed Priorities for Renewal](#)

Respectfully submitted by,

Randy Scherzer, MCIP, RPP
Director of Planning and Development