



CA Act Review

Summary of Conservation Ontario Comments

Conserving Our Future: Proposed Priorities for Renewal

Background for Conservation Authorities

July 29, 2016

Background

- In 2015 the Province initiated a review of the *Conservation Authorities Act (CA Act)* which governs Ontario's 36 Conservation Authorities. They developed an initial Conservation Authorities [Discussion Paper](#) (Fall 2015) to provide an overview of Conservation Authorities, their funding and governance.
- In Spring 2016, MNRF posted a second discussion paper which identified priorities for moving forward with the CA Act review: [Conserving Our Future: Proposed Priorities for Renewal](#). This was followed up by multi-stakeholder engagement sessions throughout June.
- The general public and agencies are invited to submit feedback to this report on the Environmental Bill of Rights (EBR) Registry. **The deadline is September 9, 2016.** This will determine the future priorities and improvements to the CA Act and its implementation.
- Working with the Conservation Authorities, Conservation Ontario has developed a collective position which will be submitted to the EBR posting.

Summary of Conservation Ontario's Collective Position

Conservation Ontario's collective position provides suggestions for both legislative and shared workplan priorities. It focuses on five themes:

1. Confirm an integrated watershed management approach and the current broad mandate of Conservation Authorities as watershed management agencies. A new Purpose Statement and Preamble are recommended to be included in the CA Act for clarity.

2. Establish a formalized provincial multi-ministry body to clarify a broader integrated watershed management approach with Conservation Authorities through an eventual Integrated Watershed Management Provincial Policy.

3. Modernize governance and accountability provisions within the CA Act in order to ensure more consistency across Conservation Authorities while strengthening oversight and accountability.

4. Establish a cost shared, multi-ministry sustainable funding model for any provincially mandated programs best delivered with an integrated watershed management approach on a watershed basis.

Investing in Conservation Authority programs and services which protect water, build ecosystem resilience and provides green spaces, prevents costly expenditures for flood damages, business disruptions and healthcare.

5. Establish a multi-stakeholder table to regularly address client service issues; and, update and develop provincial process and technical policies and guidelines to facilitate consistency. Conservation

Authorities will streamline and improve client service delivery standards for planning and permitting practices within current capacity; additional provincial support will facilitate that ability.

What is an integrated watershed management approach?

Water and land resources and their functions ensure clean drinking water and food security. They support Ontario's economy and contribute towards healthy people, mentally and physically.

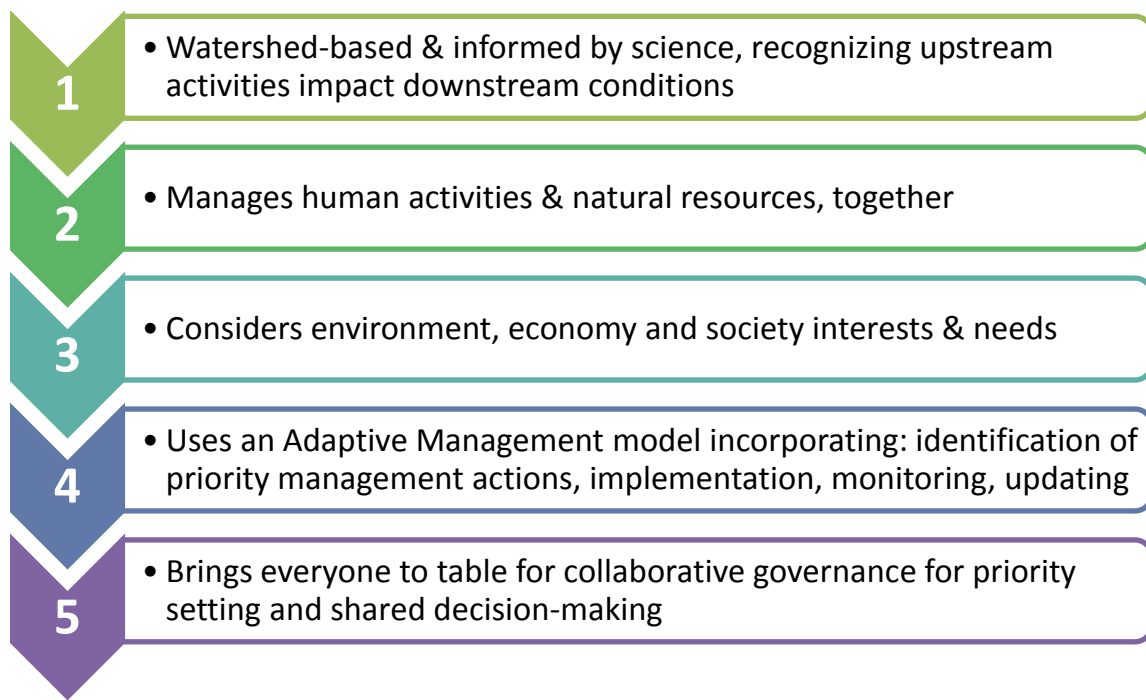
Conservation Authority programs and services protect water, provide green spaces and build watershed resilience. This investment helps us to avoid future costs around challenges such as flood damages, business disruptions and public health issues.

We rely on clean and sustainable water, breathable air, green spaces, healthy soils, forests, wetlands and a rich mix of wildlife, birds and fish for drinking water, food, fuel, industry, public health and many other uses. Being in nature restores people and helps them to stay active and healthy.

In order to find solutions for challenges such as climate change, pollution and land use changes, we need to rely on an integrated watershed management (IWM) approach. Applying an IWM lens to environmental issues reveals that it requires a multi sector approach to solutions because of the connection between our activities and their impacts on natural resources. It is not just an environmental problem.

Integrated watershed management is an approach which manages human activities and natural resources, together, on a watershed basis, in order to ensure the sustainable and resilient ecological and socio-economic well-being of Ontario.

Principles for an integrated watershed management approach



More Details About Conservation Ontario's Collective Position

1. Confirm an integrated watershed management (IWM) approach and the current broad mandate of Conservation Authorities as watershed management agencies in the CA Act

- Conservation Authorities are well known for their flood management programs but they do not have a 'core' mandate focused solely on natural hazards management. Their work aligns with the current mandate within the *Conservation Authorities Act* which is focused on 'conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals'. The Conservation Authorities are provided with the ability to establish watershed-based resource management programs as well as other powers necessary for effective delivery of IWM
- As currently written, Conservation Authorities feel that the Act mandates them to manage our natural resources and human activities together on a watershed basis using an integrated watershed management approach.
- Given the wide-ranging opinions amongst the Ontario public and others with regard to the mandate of Conservation Authorities, however, greater clarity is being sought.
- Conservation Ontario recommends the addition of a Purpose Statement and Preamble to confirm that the principles of the IWM approach are more fully incorporated into the *Conservation Authorities Act*. This would provide a contextual framework for future development of an **Integrated Watershed Management Provincial Policy**
- The proposed Purpose Statement and Preamble reinforce Ontario's various legislative decisions that Conservation Authorities, as watershed managers, are an effective delivery mechanism to address the uncertain and escalating environmental conditions which impact important water and land resources.

2. Establish a formalized provincial multi-ministry body to implement a broader integrated watershed management approach to protecting natural resources, on a watershed basis, taking into consideration the economic, social and environmental connections, needs and interests reflected in other provincial policy and ministry areas.

- Establishing a multi-ministry body would ensure an approach that delivers both local program needs and provincial cross –ministry science, policy and legislative objectives.
- Conservation Authorities' programs support the mandates of many provincial ministries. There could be greater efficiencies and a clarification of mandates and responsibilities through a coordinated multi-ministry engagement approach.
- As such, **Conservation Authorities provide the Province with a practical, cost effective and efficient opportunity to build upon a trusted and experienced watershed management model** to deliver cross-ministry science, monitoring, policy and legislative objectives.
- Conservation Authorities' integrated watershed management activities help to achieve multiple outcomes that strongly support achievement of current and emerging provincial priorities, particularly around the Great Lakes and climate change
- Conservation Authorities have demonstrated their strengths in implementing integrated watershed management at the local scale by involving municipalities, businesses, environmental non-government organizations and other stakeholders in shared decision making about management plans and actions to be undertaken in the watershed. They leverage limited resources through established partnerships.

- Inter-ministerial body could work on a provincial policy for integrated watershed management
- A provincial policy should support actions to address unique and local natural resource issues, as well as emerging and unforeseen natural resource challenges. Discussions at this table would identify and confirm priority programs that would be supported by a sustainable funding formula.
- Through the use of integrated watershed plans, strategies and watershed management programs and services, Conservation Authorities have demonstrated their strengths in implementing IWM at the local scale involving all levels of government, businesses, environmental non-government organizations and many other stakeholders
- Conservation Authorities facilitate broad stakeholder involvement in shared decision-making about management plans and actions to be undertaken in the watershed

3. Modernize governance and accountability provisions within the CA Act in order to ensure more consistency across Conservation Authorities while strengthening oversight and accountability.

- Provincial direction and expectations with regard to governance and accountability could be clarified through update to Section 30 of the Act and the 1985 Minister's Regulation
- The current governance structure of CA Boards of Directors is supported. Conservation Authority Board members are appointed by municipalities. They may be either municipal councillors or citizens.
- Conservation Authorities are committed to providing additional opportunities for a wider variety of stakeholders to participate in setting priorities, sharing in decision-making and monitoring project progress. This currently takes place through various advisory committees and working groups which are complementary to CA Boards (e.g. Source Protection Committees, Watershed Advisory Councils, project working groups, etc.)
- Amend the CA Act to remove administrative burdens associated with OMB approval of Board per diems
- Amend the CA Act to enable Counties (or Districts), as upper tier municipalities, to participate on Conservation Authority Boards upon agreement by the local municipalities
- Amend the CA Act to support that all municipal appointments must be confirmed by a new Municipal Council and leave the Term to be set by the municipalities at the time of appointment; maintain existing representative until new appointment is made
- Establish a 'Levy Task Force' consisting of provincial, municipal, and Conservation Authority representatives to clarify the variances in interpretation between the CA Act and the Levy Regulation (O.R.670/00) with immediate priority on determining whether legislative amendment is required
- Amend the CA Act to modernize references to 'costs' that could be included in levies and confirm apportionment
- Additional clarification and communication of financial accountability mechanisms currently provided to municipalities and the province is supported and would correct perception of a lack of accountability
- Conservation Ontario will work with the Province about how to engage Indigenous Peoples around Conservation Authority Board involvement
- Conservation Ontario and the Conservation Authorities are committed to improving information sharing, networking, and corporate effectiveness through the use of public sector best management practices, training, templates and guidelines

4. Establish a cost shared, multi-ministry sustainable funding model for any provincially mandated programs best delivered with an integrated watershed management approach on a watershed basis.

- Delegation to the Conservation Authorities of new administrative responsibilities around provincially mandated programs and/or priorities needs to be accompanied by the financial resources to do so
- Priority provincial programs would be supported by a sustainable funding formula and enable greater consistency across the province as well as support current and emerging environmental imperatives and priorities
- Sustainable funding model would result in consistent standards, training and stakeholder communication and would include accountability mechanisms
- Could explore opportunities for CAs to act as 'one-window' service delivery agent
- Establish a cost sharing formula between levels of government including up to 50% for the provincial government, taking into account inflation, local ability to pay and investments by the federal government
- Need to develop a more equitable means of allocating provincial funding to CAs based on an analysis of CA revenue, area, population and ability to locally fund programs and services Would include looking at efficiency opportunities including shared services and CA restructuring
- Create a new business relationship with Conservation Ontario, Conservation Authorities, and the Province. Conservation Ontario is well positioned to provide leadership in strengthening and facilitating relationships, and helping to improve collaboration, coordination and service standards
- Conservation Authority programs and services protect water, provide green spaces and build watershed resilience. This investment helps us to avoid future costs around challenges such as flood damages, business disruptions and public health issues.

5. Streamlining and improving service delivery standards for Conservation Authorities' client services for plan review and permitting.

- Conservation Ontario and the Conservation Authorities have a shared commitment to improve client services and implement best management practices in the MNRF 2010 *Policies & Procedures for CA Plan Review and Permitting Activities*
- Establish a multi-stakeholder table, such as a Service Delivery Review Committee to regularly address streamlining and other issues such as fees, posting of municipal service agreements and clarification of a 'complete' application
- Clarity in provincial policy and guidelines would increase efficiency and consistency in decision-making for permits and therefore would be very beneficial to improving customer service
- Clarify definitions, provide new policy guidelines to support implementation of the regulations, update technical guidelines in order to address contemporary issues and provincial priorities including climate change, green infrastructure, hazard management and wetland conversion (e.g. update Natural Hazard Technical guidelines, develop new guidelines for conserving wetlands)
- Need a more consistent and relevant policy/guideline framework prior to the consideration of a broader risk-based approach to the issuance of permit approvals as suggested by the Province
- Provide appropriate financial support to Conservation Authorities for compliance with and defense of regulations
- Amend the *CA Act* to modernize enforcement provisions to reflect current environmental

regulations and tools. Conservation Authorities seek basic regulatory compliance tools common in other environmental regulatory legislation including stop work orders, orders to comply, and increasing penalties upon conviction for contraventions of the *Act*

- Amend the *CA Act* to establish a conservation fund which returns fines imposed by the courts to conservation projects in the watershed
- Amend the *CA Act* to clarify the language to enable effective use of the existing legislation for efficient program delivery (e.g. remove legal ambiguities around alterations to shorelines; align decisions of the Mining and Lands Commissioner and the courts).

Conservation Ontario's Proposed NEW Purpose Statement & Preamble

| Purpose Statement | Rationale |
|---|---|
| The purpose of this Act is for the Government of Ontario to provide for the conservation, restoration, development and management of natural resources by supporting participating municipalities to collaborate on a watershed basis through Conservation Authorities' programs and services, working with government bodies and other stakeholders. | This statement is to confirm the mandate of the Conservation Authorities in order to specifically address stakeholder confusion about this. This statement reiterates the Objects and Powers of Authority under the Act, and is aligned with an integrated watershed management approach by reiterating the importance of managing natural resources and human activities together on a watershed basis. It acknowledges the role of member municipalities while speaking to the overall collaborative partnership approach. It supports our ability to address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges. |

| Preamble Sections | Rationale |
|--|--|
| 1. WHEREAS the demands on Ontario's natural resources are increasing rapidly; AND THAT more knowledge is needed of the nature, extent and distribution of those resources, and the present and future demands on a watershed basis; AND THAT actions must be taken to ensure that those demands are sustainably met; | <p>Sustainability</p> <p>This section recognizes the demands on natural resources due to ongoing pressures including land use changes and growth. This section reiterates that these pressures should be examined and better understood on a watershed basis in order to determine a sustainable means to meet the demands. This is consistent with Ontario's acknowledgement of CAs as public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario's proposed requirement for watershed plans in the Provincial Plan Review.</p> |
| 2. AND WHEREAS the impact of climate change on natural resources of Ontario is a significant threat to the health, well-being and prosperity of the people of Ontario; AND THAT more knowledge is needed of the impact of climate change on those | <p>Climate Change</p> <p>This section acknowledges that climate change is impacting natural resources, our health, and the economy crossing political and other boundaries. This section highlights the need to study climate change in order to identify and implement appropriate mitigation and adaptation measures to protect human life and build resilient communities and resources. This is consistent with the Ontario's related legislative amendments and proposals noted above. As well, this is consistent with</p> |

| Preamble Sections | Rationale |
|---|---|
| resources; AND THAT actions must be taken to mitigate and adapt to those impacts to ensure the protection of human life and infrastructure and the resilience of natural resources; | Ontario's 2014 Provincial Policy Statement amendment to Section 3.1 'Natural Hazards' for which Conservation Authorities have provincially delegated responsibility to represent provincial interests, which states "Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards". Natural resource management on a watershed-basis helps protect municipal and private infrastructure from natural hazards and climate change impacts. This general statement includes, but is not limited to, the \$2.7 billion in water and erosion control infrastructure which is managed by Conservation Authorities and the important role of green infrastructure in water management. |
| 3. AND WHEREAS the pollution of natural resources of Ontario is also a threat to the health, well-being and prosperity of the people of Ontario; AND THAT as a result, actions must be taken to prevent and mitigate pollution; | <p>Pollution</p> <p>This section brings to attention the contamination of natural resources which impacts public health and the environment, and the need to address this issue through measures such as Section 28 permits under the <i>Conservation Authorities Act</i> which prevent sedimentation and the import of contaminated fill, amongst other measures. This is consistent with Ontario's acknowledgement of CAs as source protection authorities under the <i>Clean Water Act</i>, public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario's proposed requirement for watershed plans in the Provincial Plan Review.</p> |
| 4. AND WHEREAS the conservation, restoration, development and management of natural resources on a watershed basis is an effective approach to ensure healthy and sustainable Great Lakes, surface water and groundwater including drinking water sources, and associated ecosystems, soil, and air resources which in turn support prosperous and resilient communities. | <p>Watershed Management</p> <p>This section provides the logic in watershed-based natural resource management; therefore supporting the work of watershed-based CAs. It is noted that this approach provides a locally relevant boundary that supports bringing together stakeholders crossing political boundaries and consideration of broader natural resource issues that cross watershed boundaries (e.g. groundwater, ecosystems, natural heritage systems, and air).</p> |
| 5. AND WHEREAS the Province of Ontario desires that Conservation Authorities deliver programs utilizing an adaptive management framework that is watershed-based and informed by science, to result in actions that address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges. | <p>Local Issues, Science and Adaptive Framework</p> <p>This section reiterates the Objects in Section 20 and Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach based on watershed science and a continuous improvement cycle of implementing measures and monitoring their performance. This watershed-based adaptive framework approach lends itself to addressing local, unique and unexpected natural resources issues including climate change impacts, resource depletion and pollution.</p> |

| Preamble Sections | Rationale |
|--|---|
| <p>6. AND WHEREAS the Province of Ontario desires that, Conservation Authorities collaborate with participating municipalities, indigenous peoples, government bodies and others, bringing together all stakeholders on a watershed basis to manage natural resources and human activities together for the health, social and economic well-being of Ontarians.</p> | <p>Integrated Watershed Management Approach</p> <p>This section also reiterates the Objects in Section 20 and Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach supporting shared decision making about management actions. Conservation Authorities bring together multiple stakeholders crossing political and other boundaries to efficiently and sustainably address common natural resource issues while considering the connected interests of ecology, economy and society.</p> |
| <p>7. AND WHEREAS the Province of Ontario recognizes the substantial public land holdings of the Conservation Authorities and the value and importance of these for conservation, connecting people to nature through recreation and education, and for the overall health of people and watersheds.</p> | <p>Connecting People and Nature</p> <p>This section also reiterates the Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i> and makes the linkage between conservation programs that link to human activities and needs in the watershed. This is consistent with the Province's various initiatives emphasizing tourism, cultural heritage, health, and environmental education which they have relied upon partnerships with CAs for delivery. This relationship most recently aligned through the Great Lakes Protection Act and associated multi-ministry Strategy.</p> |

Full comments are available on Conservation Ontario's website: www.conservationontario.ca or by contacting:

Kim Gavine, General Manager
 (TEL) 905.895.0716 ext 231
 Email: kgavine@conservationontario.ca

Bonnie Fox, Manager Policy and Planning
 (TEL) 905.895.0716 ext 223
 Email: bfox@conservationontario.ca