

Full Authority
17 June 2021
Agenda Item: 14

CA Act - Consultation Guide Regulation

Background

On November 5, 2020, the Ontario government introduced a number of changes to the Conservation Authorities Act (the "Act") that will significantly impact the role of conservation authorities when it comes to issuing and appealing permits. These changes were introduced as Schedule 6 to the omnibus bill titled Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 ("Bill 229"), and has received Royal Assent on December 8, 2020 becoming law in Ontario.

Some of the most substantial changes include the ability of the Minister of Natural Resources and Forestry (the "Minister") to override the jurisdiction of a CA over a permit decision, the creation of a scheme whereby permits must be granted by the CAs if enumerated criteria are met, new routes of appeal, and changes to the composition of the CA's Board of Directors.

Details of these changes are to be included in regulations yet to be developed and given final approval. A provincial working group was established in January 2021 to ensure input was received from all sectors. Representatives included conservation authorities, Conservation Ontario, agriculture and business sectors and AMO.

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

The Province released the Regulatory Proposal Guide on the 13 of May 2021 which they are using to consult with stakeholders and the public on the first phase of a series of the proposed regulations.

A summary report developed by the Rideau Conservation Authority is attached for the Board members which is considerably easier to read and understand than the thirty page document from the Ministry of Environment Conservation and Parks. However, should any of the Board members wish to have a copy of the original document, staff would be pleased to forward at anytime.

Many of the larger conservation authorities consider the guide and its details a "win". While this is true in the sense the regulation does not severely impact or eliminate the

non-mandatory programs and services of virtually all conservation authorities, the requirements in the regulation place a significant burden on the capacity and resources of many authorities, especially the small rural CAs.

For example, the Guide requires the following:

Action Item	Deadline
Transition Plan	31 December 2021
Quarterly Reports for Transition Plan Implementation	2022
Conservation Area Plans for Each Area	To Be Determined
Develop a Policy for Acquisition and Disposition of Land	TBD
Develop Core Watershed Resource Management Plan	TBD
Create Municipal MOU's	1 January 2023
Form a Community Advisory Board	TBD
Create Terms of Reference for Community Advisory Board	TBD

In addition to the above chart, the Ministry of Environment and Conservation and Parks has recently announced they require five statistical surveys for conservation authorities be completed by September 2021. The five surveys are for General Information, Foundations, Landholdings, Financial, and Services/Programs Activities. Not only does the Ministry require the completion of these five surveys, they require the surveys for the past three years, hence 15 surveys in total.

The staff time and resources required to complete the above workload creates at least three general issues:

1. Simply stated, the capacity to deliver all of the above is extremely difficult at a small CA like the CVCA. The implementation of the Community Advisory Board (CAB) alone will add significantly to the administration of 5 new members. More meetings, minutes, agendas, member training reports and integrating the CAB with the current Board will be required.
2. The second issue is a consequence of the additional workload since these requirements will divert staff time from the normal workload and critical work will not be completed as per usual. Something will have to drop off the table.
3. Lastly, there will be the need to meet with and develop MOUs with municipalities. This will not only place additional workload on CVCA staff, but municipal staff as well. In addition, there will likely be additional expenses incurred to ensure the MOUs are vetted by legal counsel.

There is an opportunity to submit comments on this Consultation Guide Regulation. This can be done by submitting by 27 June 2021 through the Environmental Registry of

Ontario or it can be emailed directly to the Ministry of Environment, Conservation and Parks to ca.office@ontario.ca.

Staff Recommendation:

After discussion at the CVCA Board meeting, comments be submitted by staff on behalf of the Board.

Recommend Board members review the issue with their respective Councils and/or staff and submit comments to the Ministry supporting the CVCA's position.

Board Decision

TP