

Summary of MECP Regulatory Proposal Consultation Guide (May 20, 2021)

Mandatory Programs and Services

MECP is proposing that conservation authorities would be required to provide the following programs and services and that they can levy municipalities to do so.

- Natural Hazards
 - Administration of permits issued under section 28 of the *Conservation Authorities Act*, including associated enforcement activities
 - Land-use planning input on behalf of MNRF related to natural hazards
 - Flood forecasting and warning
 - Operation and maintenance of water control infrastructure that mitigates risk to life and property from flooding or supports low flow augmentation
 - Operation and maintenance of erosion control infrastructure
 - Ice management services
 - Low water monitoring and communications
 - Collection, provision, and management of information as needed to:
 - delineate and map hazard areas;
 - develop plans and policies to guide appropriate management and use of hazard lands, including shorelines and rivers;
 - study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard);
 - study stream morphology;
 - study the potential impact of changing climatic conditions on natural hazards; and
 - study design to mitigate natural hazards.
 - Communications, public awareness and education regarding the risk of natural hazards.
- Conservation Lands
 - Administration of Section 29 regulation, including the setting of fees, permits and enforcement activities.
 - Develop a strategy for all conservation authority owned or controlled lands which could include:
 - Guiding principles, objectives, including for an authority's land acquisition and disposition strategy, land use categories on conservation authority owned land, recommended management principles for different land categories, etc.

- A broader jurisdictional assessment using existing information (for example natural hazard information from an existing watershed plan or study, or other existing sources for natural heritage systems, wildlife corridors, connecting conservation land through trails, linking with others' land and trails, etc.)
 - Public participation in the planning process when developing or updating the 'overarching' conservation authority land strategy.
- Develop a policy regarding the securement / acquisition and disposition of land owned or controlled by the authority.
- Develop a management plan for each property owned or controlled by the authority (smaller properties similar in nature can be covered by one plan).
 - Management plans may consider specific objectives, including the purpose for the original acquisition, function, features, special features/sensitive areas for protection, use, infrastructure, public input or other considerations the authority feels are applicable.
 - Management plans may involve a resource inventory.
- Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:
 - Land management and stewardship activities related to protecting natural heritage systems/features/values to ensure the property is maintained in accordance with the authority approved management plan for natural heritage management.
 - Employing best management practices to protect and conserve provincially significant conservation lands and natural heritage features as appropriate including environmentally or ecologically sensitive lands (for habitat restoration/rehabilitation, invasive species control, fish and wildlife monitoring).
 - Monitoring and enforcement actions to ensure the maintenance of the property boundaries and also the land title from encroachments as well as to ensure the ecological integrity of conservation authority owned properties, to address illegal activity, with a goal also of reduction of liability and risk associated with the use of the properties.
 - Identification, mapping and assessments as appropriate to determine maintenance and repair needs as well as whether changes are required to any management plan.

Note: Management and maintenance of lands for the purposes of providing recreational opportunities or environmental education, are not mandatory programs.

- Drinking Water Source Protection
 - Maintain and provide scientific, technical and administrative support to the source protection committee
 - Prepare amendments to assessment reports and source protection plans
 - Implement source protection plan policies
 - Track and report on the progress of source protection plan implementation
 - Maintain and provide access to source protection data and information

- Core Watershed-based Resource Management Strategy
 - Develop a core watershed-based resource management strategy that documents the current state of the relevant resources (principally water resources) within the conservation authority's jurisdiction in the context of the mandatory programs and services. The strategy could include the following components:
 - guiding principles and objectives
 - characterization of the current state and management of the natural resources related to the mandatory programs and services, in specific watersheds or at the authority's jurisdictional scale
 - scope of the strategy
 - details of existing technical studies, monitoring frameworks, relevant provincial policy and direction
 - analysis and plan of potential actions for more effectively implementing the mandatory programs and services on an integrated basis
 - annual reporting on the accomplishments, outcomes, impacts of the strategy
 - Non-mandatory resource management components could also be included in the strategy and follow a similar process of resource assessment, technical studies and/or monitoring.

- Provincial Water Quality and Quantity Monitoring
 - Continue to support the provincial stream monitoring program
 - Continue to support the provincial groundwater monitoring program

- Organizational Costs
 - Conservation authorities would be able to levy municipalities for on-going organizational costs (e.g. administrative, operating and capital costs) which are not directly related to the delivery of any specific program or service, but are the overhead and support costs of a conservation authority

Non-Mandatory Programs and Services

MECP is proposing that conservation authorities will be required to have agreements with municipalities to fund non-mandatory programs and services with municipal levy.

- Municipal Agreements
 - Require conservation authorities to have agreements with participating municipalities:
 - To deliver non-mandatory programs and services on behalf of a municipality if supported by municipal levy.
 - To deliver non-mandatory programs and services that the conservation authority determines is advisable if supported by municipal levy
 - Allow flexible agreement arrangements (e.g. agreement with multiple municipalities or an agreement covering multiple programs and services).
 - Require all agreements to be in place by January 1, 2023
 - May specify a timeframe for the review and renewal of agreements (e.g. align with municipal elections).
- Transition Period
 - Require conservation authorities to prepare a transition plan to support the preparation of municipal agreements. The plan would include:
 - A workplan and timeline outlining steps to be taken to develop and enter into agreements with municipalities.
 - An inventory of all programs and services, the agreement category they fall into and how each is funded.
 - Consultation with municipalities on the inventory to ensure they agree with the classification of each program and service.
 - A list of any new mandatory programs and services the authority is required to provide.
 - A list of non-mandatory programs and services that require agreements, including estimated levy amounts.
 - A list of non-mandatory programs and services that do not require agreements.
 - Steps taken or to be taken to enter into these agreements.
 - Require transition plans to be completed by December 31, 2021.
 - Require transition plans to be submitted to the MECP for information
 - Require transition plans to be shared with municipalities and posted on conservation authority websites
 - Require conservation authorities to report quarterly to the government in 2022 on their progress of obtaining municipal agreements.

- Enable the Minister to grant an extension for completing municipal agreements where an authority, with the support of one or more municipalities, submits a written request at least 90 days in advance describing:
 - The length of extension requested.
 - The steps the conservation authority has taken to implement its transition plan and enter into agreements with municipalities.
 - Rationale for providing an extension.
- The regulation would set out broad circumstances when the Minister would be authorized to grant an extension in order to provide flexibility

Community Advisory Boards

MECP is proposing that each conservation authority be required to establish a community advisory board to provide advice to the conservation authority.

- Terms of Reference
 - Require conservation authorities to form a community advisory board
 - Require that each Board of Directors develop and approve a terms of reference that outlines the composition, activities, functions, duties, and procedures of the community advisory board for their authority
 - Require that the Terms of Reference enable community advisory board members to:
 - Provide advice and recommendations to the authority on the authority's strategic priorities and associated policies, programs and services
 - Discuss opportunities to co-ordinate with other environmental initiatives in the authority's jurisdiction (e.g. municipal)
 - Identify opportunities for community engagement
 - Suggest potential community outreach opportunities
- Composition
 - Members must reside in the authority's jurisdiction
 - Minimum number of 5 members
 - Ensure, where possible, members represent the geographic range of the authority's jurisdiction
 - Ensure that a variety of members are sought, including youth and indigenous representatives
 - Enable the appointment process of members by public notification and application

- Require a minimum of one authority member (and an alternate) to be appointed, up to a maximum authority representation of 15%
- Operation
 - Require conservation authorities to provide administrative support
 - Ensure conservation authority Administrative By-laws apply to the community advisory board
 - Require that meeting procedures and relevant policies regarding community advisory board operation are outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures
 - Require that meetings be open to the public, with limited exceptions
- Accountability
 - Stipulate reporting mechanisms and accountability of the community advisory board to the authority
 - Require meeting minutes and the Terms of Reference be posted on the internet
 - Ensure consistent attendance, codes of conduct, etc.
 - Establish processes for member removal

Section 29 Regulation

MECP is proposing to create one consolidated Minister's regulation for Section 29 to pertain to the operation and management of lands owned by conservation authorities

- Conservation Lands
 - The province intends for the Minister's regulation to be broadly consistent with the current Section 29 regulations which:
 - Manage activities on all authority owned land including the prohibition of certain activities, setting fees for access and use of lands including recreational facilities, administering permits for certain land uses, and protecting against property damage and for public safety.
 - They set out prohibited activities (damaging property or vegetation, excessive noise), activities requiring permits (hunting, fundraising, public performance, public meetings, camping, day use, all-terrain vehicles, off-road vehicles, snowmobiles), locations for public access and use (swimming, boating, fires), time periods for public access, management of animals brought by the public, and motor vehicle use on conservation authority owned land.