

Grand River Conservation Authority

Report number: GM-10-21-75

Date: October 22, 2021

To: General Membership of the Grand River Conservation Authority

Subject: Conservation Authorities Act Amendments - Phase 1 Regulations and Timelines

Recommendation:

THAT Report Number GM-10-21-75 – Conservation Authorities Act Amendments – Phase 1 Regulations and Timelines be received as information.

Summary:

N/A

Report:

On October 4, 2021 the Ministry of Environment, Conservation and Parks (MECP) released the Phase 1 regulations to implement amendments to the *Conservation Authorities Act* made in 2019/2020. These regulations include:

1. Ontario Regulation 686/21: Mandatory Programs and Services.

This regulation prescribes the mandatory programs and services conservation authorities are required to provide; risk to natural hazards, conservation and management of land, elements of source water protection and core watershed-based resource management strategies.

2. Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act.

This regulation requires each authority to have a 'transition plan' that outlines the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund non-mandatory programs and services through a municipal levy, among other things. It also establishes the transition period to enter into those agreements.

3. Ontario Regulation 688/21: Rules of Conduct in Conservation Areas.

This regulation consolidates the current individual conservation authority 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation that regulates the activities on authority owned land.

The MECP received 444 submissions from municipalities, conservation authorities, Indigenous communities and organizations, environmental non-government organizations, community groups, industry, agricultural sector, and individuals through its posting on the Environmental Registry of Ontario. The Ministry also held three webinars with ministry staff in which over 500 people attended. In January 2021, the Province established the Provincial Working Group (made up of several stakeholders within the province) that has met bi-weekly to provide continuous feedback to the Ministry on the first phase of regulations.

Based on the feedback received from the Phase 1 regulations public consultation, the following changes were made that are of significance to the Grand River Conservation Authority (GRCA):

- Removal of the requirement for conservation authorities to establish a community advisory board to provide advice to the Authority
- Extension of the timeline for conservations authorities to complete the transition period for the new levy funding framework to January 1, 2024 (2024 budget)
- Inclusion of low-maintenance passive recreation (trails, bird watching, etc.) as part of the mandatory programs and services under Conservation and Lands management
- Extension of timelines related to mandatory program and services deliverables to December 31, 2024. These deliverables includes; Watershed-based Resource Management Strategy, Conservation Area Strategy, Lands Inventory, Ice Management Plan, Operational Management Plan(s) and Asset Management Plan for Natural Hazard Management Infrastructure.

The provincial working group is currently meeting bi-weekly on the Phase 2 regulations which will focus on the municipal levy regulations and fee policy.

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) will be updating and issuing a public consultation guide regarding proposed updates and changes to the Regulation under section 28 of the *Conservation Authorities Act*. At this time, it is not known when this consultation guide will be released for comment. A separate Environmental Registry posting will be uploaded and a report with proposed comments will be coming to the Board.

Next Steps

Under Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services, the GRCA is required to develop and submit a transition plan to the MECP by December 31, 2021. This transition plan will outline the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund municipally driven programs and services through a municipal levy.

The GRCA is required to submit quarterly reports to the MECP during the transition period identifying components of the plan that have been achieved to date. The first quarterly report is due February 28, 2022 and this submission is to include the program and services inventory.

The programs and services inventory must include the following information:

- A list of current GRCA programs and services and, which of the three categories the program/service fits into:
 1. mandatory programs and services where municipal levy could be used without any agreement;
 2. programs and services at the request of a municipality with municipal funding through a MOU;
 3. other programs and services an Authority determines are advisable, and how they are funded (e.g., provincial, federal, municipal funding, municipal levy, and self-generated revenue)
- Costing information (e.g. average annual costs based on the last 5 years) to deliver each program and service in all three categories
- Details on the circulation process of the inventory with participating municipalities and any other municipalities the Authority intends to enter into agreements with
- A list of any new mandatory programs and services the Authority will need to provide to meet the requirements of the mandatory program and services regulation

The regulation does recognize that this is a dynamic process and there are opportunities to adjust and modify the plan and inventory as needed through the transition period. These adjustments and modifications must be identified in the quarterly reports along with justifications for the changes. There is also a clause in the regulation to request an extension to the transition period should it be required.

Staff will consult with the Ad-Hoc Conservation Authorities Act Committee on the development of the transition plan and programs and services inventory prior to requesting Board approval for the documents.

Financial Implications:

N/A

Other Department Considerations:

N/A

Submitted by:

Samantha Lawson
Chief Administrative Officer