

Sent Via Email to CAO/Clerks of:

Municipality of Callander
Township of Bonfield
Township of Calvin
Township of Chisholm
Township of East Ferris

Town of Mattawa
Township of Mattawan
City of North Bay
Township of Papineau-Cameron
Municipality of Powassan

Re: Conservation Authority Act Regulations

November 5, 2021

Dear CAO/Clerks:

In June 2019, the Government of Ontario introduced changes to the *Conservation Authorities Act* through the *More Homes, More Choice Act, 2019* (Bill 108). On December 8, 2020, Bill 229 *Protect, Support and Recover from COVID-19 Act* received Royal Assent and included further legislative changes to the *Conservation Authorities Act*.

These changes define the four areas of “core mandatory” programs and services that the province requires Conservation Authorities to deliver. The Act also allows for Conservation Authorities to deliver other programs and services outside of the four core areas to meet local watershed needs either by way of an agreement with Municipalities or at the CA board members’ discretion. The legislation also clarified the municipal membership appointments, as well as specifying the terms of the chair and vice chair, and lays out the requirement for Conservation Authorities to develop a transition plan by December 31, 2021 for implementing the changes.

Note: The regulations now give Conservation Authorities until January 1, 2024, to complete a new budgetary framework with their member municipalities. There will be no change in the CA/Municipal levy process considered until the 2024 budget cycle.

This letter, as well as the attached information and presentation, will provide you with additional information about the changes. If you have any questions, please feel free to contact our CAO, Brian Tayler.



Dave Mendicino, Chair
North Bay-Mattawa Conservation Authority

cc. NBMCA Members
B.Tayler, CAO

CA Act Regulations Finalized by the Province

To implement the province's proposed legislative changes, the province is planning a series of regulations, delivered in 3 phases. Phase 1 was released in October and includes the following three regulations:

- **Ontario Regulation 686/21: Mandatory Programs and Services.** This regulation prescribes the mandatory programs and services CAs would be required to provide, including core watershed-based resource management strategies. This regulation will come into effect on January 1, 2022. A program inventory (identifying Category 1: Mandatory Programs and Services, Category 2: Municipally Negotiated Programs and Services, and Category 3: Other Programs and Services) must be completed by NBMCA by February 28, 2022.
- **Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act.** This regulation requires each CA to have a 'transition plan' that would outline the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund Category 2 and 3 programs and services through a municipal levy. It also establishes the transition period to enter into those agreements. This regulation came into effect on October 1, 2021. The transition plan must be completed by December 31, 2021 and will be shared with the municipalities in January 2022.
- **Ontario Regulation 688/21: Rules of Conduct in Conservation Areas.** This regulation consolidates the current individual CA 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation that regulates the public use of CA owned land. This regulation will come into effect when the unproclaimed provisions of Part VI and VII of the *Conservation Authorities Act* that deal with development permissions come into effect.
The regulations were finalized with assistance from the provincially appointed multi-stakeholder Conservation Authorities Working Group, which includes Conservation Ontario and a number of conservation authorities (CAs) as well as representatives from the municipal, agricultural, and development sectors.

The Working Group has been meeting regularly with the Province since early this year to identify ways to effectively implement the proposed regulations. NBMCA CAO Brian Tayler participated in this process at the invitation of the Minister.

This timeline provides sufficient time for NBMCA to prepare a transition plan, finalize an inventory of programs and services, and enter into Memorandums of Understanding and/or Agreements with participating municipalities.

The province will release additional regulations in the coming months which will address, among other things, the Municipal Levy as well as Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (DIA) regulations - pursuant to Section 28 of the Conservation Authorities Act.

Timeline for Implementation of Phase 1 Regulations



Figure 1. Key Components and deadlines for Transition Plan and Agreements Regulation (O.Reg. 687/21). There are four key elements that will need to be addressed during/for the transition period.

1. Transition Plan. To be completed by December 31, 2021. The transition plan includes a timeline/workplan to meet the requirements for the first and second phases of the transition period. A copy of the transition plan must be sent to each participating municipality, to the Ministry of Environment, Conservation and Parks and be published onto NBMCA's website or made available to the public by other means.

2. Inventory of Programs and Services. To be completed by February 28, 2022. The inventory should list all the programs and services that the authority is providing as of February 28, 2022. The inventory should include information about the sources of funding for the program or service and should categorize it based on the following: 1 – mandatory programs and services; 2 – municipally negotiated programs and services; and 3 – other programs and services.

3. Consultation on Programs and Cost Apportioning Agreements/Memoranda of Understanding. To be completed by January 1, 2024. This is the second phase of the transition period. The conservation authorities will consult with participating municipalities on the inventory of programs and services.

4. Progress Reports and Final Report. Six Quarterly Progress Reports from NBMCA to MECP due July 1, 2022, October 1, 2022, January 1, 2023, April 1, 2023, July 1, 2023 and October 1, 2023. The progress reports will include any comments received/changes to the inventory, an update on the progress of negotiations of cost apportioning agreements, and any difficulties that the authority is experiencing with concluding the requirements prior to the end of the Transition Period. A final report is to be submitted to MECP and each participating municipality by January 31, 2024 including the final version of the Inventory of Programs and Services and confirmation that the authority has entered into all necessary cost apportioning agreements.

Attached you will find a Presentation which provides further detail and information on the regulations and the process that NBMCA will undertake to implement the transition.

NBMCA will provide municipalities with the Transition Plan in January 2022 which will describe in more detail how we will proceed with implementing the changes. NBMCA will be updating Municipalities further as the transition unfolds.

Again, be assured, there will be no change in the CA/Municipal levy process until the 2024 budget cycle.



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Overview

Conservation Authorities Act

Phase 1 Regulations and Next Steps

**October 27, 2021
NBMCA Members' Meeting**

Phase 1 Regulations Include:

- i) Mandatory Programs and Services Regulation (O.Reg. 686/21)***
- ii) Transition Plan and Agreements Regulation (O.Reg. 687/21)***
- iii) Rules of Conduct in Conservation Areas Regulation (O.Reg. 688/21)***

Phase 1 Regulations **did not** include:



~~i) **Community Advisory Board Regulation**~~

MECP Decision Posting:

- many CAs across Ontario already have a diverse range of advisory boards*
- CAs can continue to include additional members, including from Indigenous communities*
- where there is not an existing advisory board, CAs will continue to have the ability to establish one*

i) Mandatory Programs and Services Regulation

- Mandatory Programs and Services under each of these categories:
 - Natural Hazards,
 - Conservation Lands (**including passive recreation!**),
 - Source Protection,
 - Lake Simcoe,
 - Other Legislation – NBMCA and the Ontario Building Code Act
 - Prescribed in Regulation – **Core Watershed-based Resource Management Strategy**, Provincial Water Quality and Quantity Monitoring

i) Mandatory Programs and Services Regulation

- Six mandatory deliverables are to be completed **by December 31, 2024** to enable more time, where necessary, to complete them, including:
 - ice management plans(s)* Section 4,
 - natural hazard infrastructure operational management plan(s),
 - natural hazard infrastructure asset management plan(s),
 - a conservation area strategy* Section 10,
 - a conservation land inventory* Section 11, and,
 - a watershed-based resource management strategy* Section 12(4)-(9).

*Some prescribed details

- All other mandatory programs and services are expected to be in place by January 1, 2024.

i) Mandatory Programs and Services Regulation – Key Considerations

- Category 1 programs and services are **required to be delivered** and are eligible for municipal levy
- Anything not included as a mandatory program and service could be delivered as **municipal** (category 2) or as **other** (category 3) programs & services
- Additional budget pressure where mandatory programs and services are not currently delivered
- Need for ongoing provincial funding (e.g. hazards, source protection)

ii) Transition Plan & Agreements Regulation

Prescribed Dates	Key Deliverables
December 31, 2021	Transition Plan
February 28, 2022	Inventory of Programs & Services
July 1, 2022 to October 1, 2023	Quarterly Progress Reports: status of inventory & agreement negotiations
October 1, 2023	Requests for Extension
January 1, 2024	Transition Date: All required MOUs/Agreements to be completed
January 31, 2024	Final Report: final inventory & stmt of compliance re: agreements

ii) Transition Plan & Agreements Regulation

Key Deliverables	Summary of Requirements; including Transparency & Accountability
<p>Transition Plan</p> <p>(by December 31, 2021)</p> <p>Sect. 3 & 4 for Plan details</p>	<p>A timeline/workplan to prepare an Inventory and to reach necessary Agreements</p> <p>A copy must be sent to each participating municipality, to MECP, and be published onto the authority's website or made available to the public by other means.</p>

ii) Transition Plan & Agreements Regulation

Key Deliverables	Summary of Requirements; including Transparency & Accountability
<p>Inventory of Programs & Services</p> <p>(by February 28, 2022)</p>	<p>A list of all Category 1 Mandatory, Category 2 Municipal , & Category 3 Other Programs & Services the authority is providing and intends to provide; including estimates of total annual cost for delivery & sources of funding & where agreements are necessary</p>
<p>Sect. 5 & 6 for Inventory details</p>	<p>Circulate the inventory to all participating municipalities and to MECP (including record of circulation to each municipality)</p>

ii) Transition Plan & Agreements Regulation

Key Deliverables	Summary of Requirements; including Transparency & Accountability
<p>Quarterly Progress Reports (starting July 1, 2022 to October 1, 2023*)</p> <p>Sect 7 for Progress Report Details</p>	<p>Quarterly reports on any comments received & any changes made to the Inventory, an update on the progress of negotiations of cost apportioning agreements, and any difficulties that the authority is experiencing with concluding the requirements prior to the end of the Transition Period</p> <p>Submit to MECP</p> <p><i>*Oct 1, 2023 could include an extension request</i></p>

ii) Transition Plan & Agreements Regulation

Key Deliverables	Summary of Requirements; including Transparency & Accountability
<p>Cost Apportioning Agreements (Category 3)</p> <p>(by January 1, 2024)</p> <p>Sect 8 for Agreement Details</p>	<p>Agreements required for Category 2 & 3 programs and services. Limited details are prescribed.</p> <p>Category 2 MOUs/Agreements available to public as determined in them [CAA S.21.1.1(2)]. Category 3 agreements to be posted on the authority's website or made available to the public by other means.</p>

ii) Transition Plan & Agreements Regulation

Key Deliverables	Summary of Requirements; including Transparency & Accountability
Final Report (by January 31, 2024)	To include the final version of the Inventory of Programs and Services and confirmation that the authority has entered into all necessary cost apportioning agreements (Category 3)
Sect 9 for Final Report details	Submitted to MECP and each participating municipality

ii) Transition Plan & Agreements

Regulation – Some Key Considerations

- local budget processes and timelines
- local municipal expectations and relationships
- coordination with neighbouring CAs (shared municipal partners)
- record keeping and website maintenance

iii) Rules of Conduct in Conservation Areas Regulation

- Creation of one consolidated Minister's regulation
- **Business as usual** with no significant updates (i.e. no modernization of compliance tools) and **not currently in effect**

Next Steps for Implementation

- General Managers (Oct 12) and Chairs Meetings (Oct 14 & 18) to discuss Phase 1 regulations
- Finalization & circulation ASAP of the CO Draft Guidance (July 2021) incorporating additional details further to the regulations
- CO General Managers' (and senior staff) Meetings
(TBC - Oct 18: Transition Plans, Nov 1: Inventory, Nov 15: Agreements)
- Regional CA meetings (ongoing)
- Sharing CA Samples ([CO Member pages @ Advocacy & Priorities/CAA/Implementation Resources](#))
- MECP webinars for CAs and other stakeholders (TBC) – Qs&As
- Continue to engage with Province on Phase 2 Regulations – levy regulations



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Questions?

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