

May 17, 2019

Carolyn O'Neill
Ministry of the Environment, Conservation and Parks
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Alex McLeod
Ministry of Natural Resources and Forestry
Natural Resources Conservation Policy Branch
300 Water Street
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Dear Ms. O'Neill and Mr. McLeod,

Re: Modernizing Conservation Authority Operations – Conservation Authorities Act (ERO #013-5018) and Focusing Conservation Development Permits on the Protection of People and Property (ERO #013-4992)

Thank you for the opportunity to review and comment on the above noted Environmental Registry of Ontario postings. The following comments are provided by Region of Peel staff as input to the Ministry to consider regarding proposed changes to the *Conservation Authorities Act* and the proposed regulation to focus conservation development permits on the protection of people and property.

It is anticipated that a Report including these comments will be brought before Regional Council as part of a report on Bill 108 for endorsement in June. A copy of the Report and Council resolution will be forwarded to Ministry staff for further consideration at that time. Our comments here should be viewed as subject to Regional Council's endorsement.

Regional staff continues to support the Ministry's efforts to update the *Conservation Authorities Act* to refocus the core mandate of Conservation Authorities, increase transparency and consistency and improve governance.

Staff agree in principal with clearly identifying the core mandate of programs and services provided by conservation authorities and generally agree with the programs and services currently included as follows:

- natural hazard protection and management;
- conservation and management of conservation authority lands;
- drinking water protection; and,
- protection of the Lake Simcoe watershed.

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It is also acknowledged that proposed Section 21.1 (1) 4 enables further programs and services related to the authority's duties, functions and responsibilities under the Act to be prescribed by regulation.

Staff also support the proposed changes to the *Conservation Authorities Act* to permit conservation authorities to provide non-mandatory programs to municipalities through Sections 21.1.1 and 21.1.2 of the Act subject to a memorandum of understanding or agreement entered into with the municipality. Staff wish to reiterate the importance of maintaining these provisions and the flexibility to fund a broader range of programs and services than prescribed in the list of mandatory programs and services. Staff also support the provisions regarding transparency in how conservation authorities levy municipalities for mandated and non-mandated programs and services.

We also support in principal the clarification in the legislation to define capital and operating costs and the provisions apportioning those costs for participating municipalities.

We have no concerns with the proposal to harmonize the generic regulations and individual conservation authority regulations into one Minister of Natural Resources and Forestry approved regulation.

While generally supporting the overall objectives of the proposed changes, staff have identified areas where further clarification would be beneficial as follows:

Core Mandatory and Non-Mandatory Programs and Services

Although in principal a more scoped definition of core mandatory programs and services is supported, staff request that the Province continue to engage conservation authorities and municipalities in the interpretation and implementation of these provisions to ensure that operating and capital costs for activities and programs that require equitable sharing of funding contributions by participating municipalities are included.

For example, integrated watershed planning can span multiple upper and lower tier municipalities and is only effective if undertaken and cost shared equitably on a watershed wide basis. Watershed planning is a core function in many conservation authorities and typically includes the scientific capacity to inventory, characterize, evaluate, monitor and report on watershed conditions and recommendations for their long-term management and protection. Therefore, it is recommended that consideration be given to including integrated watershed planning within the core mandated program category with the costs equitably shared.

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It would also be beneficial if clear definitions were included in either implementing regulations or guidance to assist in determining if a project falls within the mandatory or non-mandatory category, as well as the inclusion of a mechanism for resolving differences in interpretations between municipalities and conservation authorities should any arise during implementation of the provisions.

Staff also recommend that provisions be included that provide municipalities with the ability to determine the frequency that non-mandatory levies are reviewed.

Lastly, with respect to provisions related to finance, staff recommend that the Province and conservation authorities continue discussions to resolve issues related to the calculation of capital and operating cost apportionment for mandatory programs and services that result from differing budget targets by participating municipalities to ensure costs are apportioned equitably.

Transition Period for Agreements

The requirement that conservation authorities enter into agreements with municipalities for the delivery of non-mandatory programs is consistent with the current service level agreements and memorandums of understanding that the Region currently has with each of the conservation authorities with jurisdiction in Peel. These agreements will need to be reviewed and new agreements may be required once changes to the *Conservation Authorities Act* are finalized and there is clarity on non-mandatory programs.

Staff support the inclusion of a transition period for entering into agreements between conservation authorities and municipalities for non-mandatory programs and suggest that the transition period be extended to a minimum of 36 months.

Fees

While supporting that Section 21.2 be proclaimed, we recommend that further consultation be undertaken on the number and types of prescribed fees that conservation authorities may recover for programs and services. Conservation authorities should be afforded reasonable mechanisms to recover costs for the provision of services and programs provided and have reasonable flexibility to set fees corresponding to the costs of providing those programs and services in their jurisdictions. The cost to deliver programs and services and the level of service provision provided can vary across jurisdictions. Predetermining set fees in regulation at a level that is insufficient to recover reasonable costs may impact the ability of conservation authorities to provide services and programs effectively or shift the burden to recover costs onto participating municipalities.

We trust that these comments are of assistance to the Province. Regional staff would be pleased to discuss any clarifications or further comments.

Sincerely,



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