

MEMORANDUM OF COOPERATION (MOC)
(April 17, 2018)

BETWEEN:

CONSERVATION ONTARIO (“CO”)

AND

**HER MAJESTY THE QUEEN AS REPRESENTED BY THE
MINISTER OF NATURAL RESOURCES AND FORESTRY FOR ONTARIO
(“the Province”)**

(together referred to as “the Parties”)

WHEREAS Conservation authorities (CAs) have played a significant role in Ontario’s natural resource management landscape for over 70 years, establishing a successful legacy of resource stewardship and an impressive record of protecting people, property, and communities from water-related natural hazards.

CAs hold a wealth of expertise and local information regarding the conservation, restoration, development and management of natural resources that is important in the implementation of shared priorities with the Ministry of Natural Resources and Forestry (MNRF) and play a key role in supporting the conservation, restoration and responsible management of natural resources on a watershed basis.

Given CAs deliver a number of programs and services on behalf of various provincial ministries, it is critical that the various ministries that work directly with CAs are also working with each other to explore and better define expectations for provincially-delegated roles and responsibilities to ensure that they are being assigned to CAs in a coordinated matter.

MNRF administers the *Conservation Authorities Act* which sets out the legislative framework for the establishment and operation of CAs in Ontario.

Since 1980, CO has represented all of Ontario’s 36 CAs and has proven to be the partner of choice to promote and continually strengthen watershed-based conservation in Ontario.

The 2012 Commission on the Reform of Ontario’s Public Service’s Report (i.e., the Drummond Report) made various recommendations to ensure effective and efficient resource and environmental management delivery, and in particular noted overlap between CAs, municipalities, and the Province.

In 2017, 'Conserving Our Future: A Modernized Conservation Authorities Act' was released as part of the *Conservation Authorities Act* Review and outlines establishing an MOC to increase coordination between CAs and the Province.

The Province and CO have shared aspirations of promoting a watershed approach to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources.

CAs play an important role in delivering programs and services on behalf of the Province and their participating municipalities. The *Conservation Authorities Act* provides CAs with the ability to develop their own suite of programs and services tailored to their own individual authority and its local needs. This diversity and flexibility is important while still working to promote consistency, where possible.

Science based, watershed-based programs and services that CAs provide will be increasingly required in the face of climate change and the resulting vulnerabilities to biodiversity and natural resources in Ontario.

Issues in natural resource conservation and management within Ontario's watershed is complex and involves many organizations and levels of governments. In responding to these issues, ensuring coordination and alignment of responses by both parties is important.

As such, the Parties wish to continue to work together in a relationship of respect, ongoing consultation and cooperation on matters of mutual interest through this MOC. These parties desire to exchange input on broad policy and program matters of common interest, and to identify potential implications that could arise from proposed changes in legislation, regulations, Conservation Ontario resolutions, policies, and programs.

NOW THEREFORE the Parties agree as follows:

1. PURPOSE

The Province and CO share a common interest in maintaining a strong relationship that enables the Parties to work in a collaborative and coordinated fashion. The purpose of this MOC is to:

- a. Establish a framework to guide the Province and CO in consultation, and collaboration;
- b. support and promote a seamlessly productive working relationship between the Province and CO, and
- c. foster a long-term relationship between the Parties that results in effective resource management on a watershed basis.

2. PRINCIPLES

The Province and CAs are best served when the Province and CO observe the following principles:

- a. Respect for each other's mandate and authority and acknowledgement of each other's interests
- b. Responsiveness, collaboration and collective support on shared policy matters and/or other matters of mutual interest
- c. Shared commitment to consult with one another on matters described in this MOC, and in particular, with regard to potential financial implications to CAs
- d. An effort to sustain trust and a commitment to achieve success to further strengthen the relationship between the Province and CO

3. RESPONSIBILITIES

The Province acknowledges that CO should be consulted in a timely and transparent manner when considering new, or changes to, legislation, regulations, policies or programs that may affect CA programs and services.

The Province will consult CO early in the development process on:

- a. Any proposal (e.g., regulatory, policy, program) that in the Province's opinion may impact (e.g., financial, policy) on a CA.
- b. Broad policy matters where in the opinion of the Province, the Province and CO may have mutual interests.
- c. Initiatives that the Province may be involved with other governments, and/or with stakeholders, where the Province deems it appropriate.

CO acknowledges that the Province should be consulted in a timely and transparent manner respecting changes to or issues arising from the manner in which CAs deliver provincially-mandated programs on behalf of the Province.

CO will consult the Province early in the development process on:

- a. Any proposal (e.g., policy, program) that in CO's opinion, may have an impact (e.g., financial, policy) on the Province.
- b. Broad policy matters where, in the opinion of CO, the Province and CO may have mutual interests.
- c. Initiatives that CO may be involved in with other governments or with its members, where CO deems it appropriate.

4. INFORMATION SHARING

The Parties shall cooperate in the development and distribution of information required for effective implementation of this MOC. Confidentiality of information will be respected, as described in Section 11 of this MOC.

5. IMPLEMENTATION

- a. Each Party will determine the most appropriate method of consultation with the other depending on the nature of the subject matter.
- b. The Parties will work together to identify any appropriate mechanisms as may be required to implement this MOC.
- c. Where necessary or desirable, the Parties may arrange separate agreements to carry out specific activities or responsibilities under this agreement.
- d. The Province will endeavour to arrange for representatives of ministries other than the MNRF to participate in relevant discussions or consultations as appropriate.
- e. CO will endeavour to arrange for representatives of CAs to participate in relevant discussions or consultations, as appropriate.
- f. Each Party acknowledges that any activities (e.g., meetings and travel expenses) engaged in under this MOC will be done so at its own expense.

For greater clarity, nothing in this MOC precludes the Province from conducting other consultations directly with CAs or CO from working with other Ontario government ministries or other levels of government.

6. ADMINISTRATION OF THE MOC

The lead contacts for administering this Memorandum:

For the Province:

Director, Natural Resources Conservation Policy Branch at MNRF as the designate of the MNRF; and

For CO:

General Manager of CO

or such other contacts as may be identified in writing by the respective Party

7. MEETINGS

Meetings can be requested by either Party at the convenience of the other Party. Participants at the meeting may include senior representatives from each Party.

The scheduling of the meetings, including their frequency, location, timing and identity of participants, is to be mutually agreed to by the Parties, along with prior approval of the meeting agenda. In developing a meeting agenda, CO may suggest specific priority issues, proposed policy, and legislative initiatives for discussion.

In advance of any meeting, the Province can request inclusion of CA representatives beyond the membership of CO staff. CO can request inclusion of provincial representatives in addition to staff of MNRF which both Parties shall endeavour to accommodate.

8. ANNUAL STATEMENT

Over the term of the Memorandum, the Parties will provide a joint annual communication statement regarding the MOC. The content and format of the communication statement must be agreed upon by both Parties. The Statement must be provided to the Minister of Natural Resources and Forestry and the Chair of Conservation Ontario

9. FAILURE TO COMPLY

Failure of the Parties to comply with this MOC does not affect the validity of any action taken by the Parties or give rise to any rights or remedies by the Parties.

10. CONFIDENTIALITY

For the purposes of this section, "confidential information" means all information or material of the Province and CO that is of a proprietary or confidential nature, regardless whether it is identified as proprietary or confidential or not.

The Parties shall treat as confidential and safeguard, either during or after the term of this MOC, any confidential information acquired by or produced through the performance of this MOC and shall not use or disclose to any person, either directly or indirectly, any such information without first obtaining the written permission of the other party, unless otherwise required by law.

CO understands and agrees that this MOC and any materials or information provided to the Province under this MOC are governed by the *Freedom of Information and Protection of Privacy Act* (R.S.O. 1990, c.F.31) and may be subject to disclosure under that Act.

For greater clarity, nothing in this MOC affects the application or operation of the *Freedom of Information and Protection of Privacy Act*.

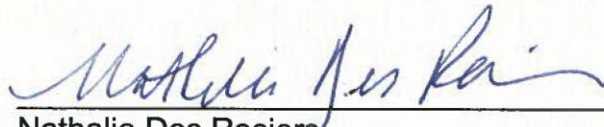
11. DURATION AND RENEWAL

- a. This MOC comes into effect on the date it is signed by the Parties.
- b. This MOC will be reviewed by the Parties one year after adoption, or at any other time mutually agreed upon by the Parties.
- c. This MOC may be amended from time to time by written agreement of the Parties.
- d. The term of this MOC is three (3) years from the effective date. At the end of the term, the MOC may be renewed upon written agreement of each Party.
- e. Either party may terminate this agreement with at least 21 days notice given to the other Party.

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF
ONTARIO as represented by the Minister of
Natural Resources and Forestry**

April 17th, 2018
Date


Nathalie Des Rosiers
Minister of Natural Resources and Forestry

Conservation Ontario

April 17/2018
Date


Don MacIver
Chair, Conservation Ontario