



June 22, 2021

Liz Mikel
Ministry of Environment, Conservation, and Parks
Conservation and Source Protection Branch
40 St. Clair Avenue West, 14th Floor
Toronto, ON
M4V 1M2

Re: Conservation Ontario's Comments on "Regulatory proposals (Phase 1) under the Conservation Authorities Act" (ERO# 019-2986)

Dear Ms. Mikel,

Thank you for the opportunity to provide comments on the "Regulatory proposals (Phase 1) under the Conservation Authorities Act". Conservation Ontario (CO) is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit in any way comments submitted by conservation authorities on this proposal.

Conservation Ontario staff have appreciated the opportunity to participate in the Conservation Authorities Working Group formed by the Ministry of Environment, Conservation and Parks (MECP) to provide input and feedback on the development of regulations under the *Conservation Authorities Act*. The public consultation process initiated by the ERO posting enabled Conservation Ontario as a network to provide additional perspective and these comments were endorsed at our June 21, 2021 CO Council meeting.

Conservation Ontario offers the following general comments on the sections of the consultation guide for the Ministry's consideration. Additional detailed comments have been provided in the attachments to this letter.

Part One: Programs and Services Delivered by Conservation Authorities

Mandatory Conservation Authority Programs and Services Regulation

Using the Mandatory programs and services regulation framework, conservation authorities can review the current scope of their programs and services and make adjustments to align with regulated standards and requirements. In general, these standards and requirements will need a degree of flexibility to accommodate for the fact that many conservation authorities will require time and new money to put them in place.

The inclusion of core watershed-based resource management strategies as a mandatory program and service is supported because it provides a framework for conservation authorities and their member

municipalities to identify and prioritize the programs and services needed in each watershed to protect people and property from natural hazards and conserve natural resources. As well it can provide an organizing framework for categorizing the mandatory and non-mandatory programs and services for consultation with municipalities and for the establishment of an agreement with multiple schedules. Conservation Ontario will work with the conservation authorities on development of a template in this regard that would also serve for standardizing the language used with municipalities in the inventory of CA mandatory and non-mandatory programs and services required for their local Transition Plans. It is noted that flexibility is appropriate with regard to the details of how/when these are to be prepared and their scope to allow for regional variations and to assist in limiting implementation costs. Conservation Ontario strongly supports inclusion of a mandatory Core Watershed-based Resource Management Strategy as it will enable and encourage the integration of all other mandatory programs and identify non-mandatory programs.

In general, the Natural Hazard Mandatory program is consistent with the long-standing funding partnership with the Ministry of Natural Resources and Forestry (MNRF) for delivery. The recent 50% cut to MNRF funding for the natural hazards program makes ongoing effective implementation challenging and it is our understanding from *Ontario's Flooding Strategy* that MNRF will continue to provide funding in support of these mandatory programs. Ongoing flexibility in delivery, based upon local capacity and geography, will be required to avoid significant cost increases for numerous conservation authorities. Additionally it has been noted that one major omission from the list of mandatory programs and services is the development and implementation of nature-based solutions to reduce the risks of flooding, erosion, and drought. Many CAs' early mandates were focused on developing and implementing these nature-based solutions. It is requested that these private land stewardship activities be recognized and included in the list of mandatory programs and services.

With regard to the mandatory program and services related to the management of conservation authority land, there are new mandatory requirements proposed (e.g., strategy, management plans). Flexibility is appropriate with regard to the details of how/when these are to be prepared and their scope to allow for regional variations and to assist in limiting implementation costs. Additionally, "passive recreational opportunities" like walking trails that are provided to the public should be included as part of the mandatory program related to the management of CA land. Conservation Areas provide safe and enjoyable recreational experiences in areas where Ontarians need them most. In many cases there is no revenue generated by the use of passive recreational lands. Being required to close these properties due to a lack of funding will have a negative impact. Conservation Ontario recommends that recreational opportunities (e.g., walking trails, boat launches) be considered mandatory programs and services. Additionally, it is noted that municipalities and others have helped conservation authorities build comfort stations, interpretive centres and other infrastructure such as visitor parking lots within many conservation areas. It is recommended that the infrastructure associated with CA recreation and education programs be included in the mandatory conservation lands programs and services so that these valuable assets are maintained and continue to be used by Ontario residents.

It is appropriate that the Mandatory programs and services for conservation authorities related to Source Protection Authority Responsibilities under the *Clean Water Act* remain intact. It is essential that the province continue to fully fund the Drinking Water Source Protection program as long as conservation authorities are required to exercise and perform the powers and duties of a drinking water source protection authority; and implement programs and services related to those responsibilities. Municipalities do not have the capacity to absorb these program costs.

Both the provincial water quality [i.e., Provincial Water Quality Monitoring Network (PWQMN), Ontario Benthic Biomonitoring Network (OBBN)] & water quantity (i.e., Provincial Groundwater Monitoring Network (i.e., PGMN) monitoring programs are examples of successful cost sharing programs between MECP and conservation authorities. These long standing programs provide important trend data in support of effective water management.

Attachment 1 provides specific detailed comments on some of the Mandatory programs and services (A to F) that would further improve clarity of the regulatory proposal and upcoming regulations.

Conservation Authority Costs Not Related to Delivery of Programs and Services

It is critical that this proposal be finalized as soon as possible. As conservation authorities consult with participating municipalities on the inventory of programs and services and pursue MOUs/agreements with their member municipalities, all concerned will want to understand the full budget implications of comprehensive (i.e., mandatory and non-mandatory) CA program and service delivery including these ongoing operating expenses. Placement of this section in the Mandatory program and services section seems to imply that application would be limited to overhead of mandatory program delivery which would be inconsistent with the legislative framework [Section 27 (1), (1.1) and (1.2)] that provides for delivery of programs and services that are mandatory, municipal and, for “other” (i.e., those that the CA considers advisable) only where there is a municipal agreement in place. The inclusion of on-going organizational costs under mandatory programs and services is strongly supported in that these costs are necessary to deliver all other programs and services and should therefore be apportioned to municipalities as part of the conservation authority’s municipal levy. Similarly, the core administrative staff (full FTE) are necessary to support the organization as a whole and the costs associated with the development and management of Community Advisory Boards as well. Finally, it is most appropriate that organizational costs be apportioned to member municipalities following the modified CVA formula as part of the conservation authority’s municipal levy.

Non-Mandatory Conservation Authority Programs and Services

Conservation authorities will work hard to meet the challenging timelines however their success will depend on the Government enacting Phase one and two regulations in a timely manner; a substantial delay in their finalization may make these timelines unachievable.

Allowing flexible agreement arrangements (agreements with multiple municipalities, agreements covering multiple programs and services) is strongly supported as this practical approach will ensure the most efficient use of taxpayer money and will be the least administratively burdensome for member municipalities. Further clarity is required with regard to municipal agreements and confirmation that they are required with the municipalities that negotiate the CA’s budget and appoint representatives (i.e., Regions and Counties in some cases). This clarity is also necessary to ensure that the appropriate municipalities are consulted on the Transition Plan.

As previously stated, Conservation Ontario will work with the conservation authorities on development of a Transition Plan template to facilitate timely completion. The submission of the Transition Plan by December 2021 to the government, our municipal partners and sharing it with the public demonstrates our commitment to transparency and accountability. The quarterly reporting to the government and the public on the progress of obtaining these agreements is positive for transparency and accountability and, given the pressures to meet these timelines, it needs to be kept simple. Conservation Ontario can work with the CAs on development of a standard reporting template. It is noted that the timing of CA/municipal budget processes for the 2023 budget year will necessitate that the agreements be

drafted well before December 31, 2022 but this date provides maximum flexibility for their finalization. CAs support that the agreements be available to the public online. For those exceptional circumstances that delay implementation, it is appreciated that a safety net is provided in the form of the ability for the Minister to grant an extension to the Transition Period where an authority, with the support of one or more municipalities, submits a written request. It is noted that CAs do not fully control timing in respect of implementation as they are subject to municipal participation, timelines and agreement. The fiscal fall-out and recovery from COVID and the upcoming municipal election could make it difficult for some municipalities to execute agreements with their conservation authorities in 2022.

Part Two: Governance and Oversight of Conservation Authorities

Regulation to Require 'Community' Advisory Boards

CAs rely upon and support engagement of the public and stakeholders and Indigenous communities in their watershed management work. CAs have long embraced the concept of advisory boards/committees and numerous CAs utilize such vehicles. Currently, conservation authorities have the ability to establish Advisory Boards and committees in their Administrative By-laws as enabled through *Section 19.1 (1) An authority may make by-laws,*

...

(e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;... .

Conservation Authorities were legally required to approve Administrative By-laws (which govern the procedure of the Authority) in compliance with Section 19.1 by December 2018. For the Ministry's reference, Attachment 2A provides relevant excerpts from "Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model" (CO, April 2018) and it is respectfully submitted that an additional regulation to address Community Advisory Boards in Conservation Authority (CA) By-Laws is unnecessary in this regard. Enabling the use of the CA Administrative By-laws for defining the details of meeting procedures avoids confusion of differing requirements/ procedures and consolidates it all into one resource for the public and CA. The relatively new rules governing CA General Membership (see Attachment 2A) should be considered sufficient for the Advisory Boards with no need to prescribe separate procedures and processes for community advisory boards in regulation. Bylaws can be updated as needed to adequately address procedures such as formation, meetings, code of conduct, conflict of interest, attendance, reporting and removal.

It is requested that the regulation not restrict or complicate the ability to convert existing Advisory Boards or Committees to meet the minimum requirements of Community Advisory Boards and/or to demonstrate that a CA has an equivalent and effective means of seeking public input (i.e., the advice of their watershed community). Some conservation authorities have requested the ability to call their community advisory board by a different name (e.g., advisory committee) and propose that their Administrative By-law and/or Terms of Reference could stipulate that this committee fulfills the regulatory requirements of the community advisory board.

If CAs are required to establish a Community Advisory Board, it is important that it augment not duplicate the work of the CA General Membership. Conservation authorities therefore support the requirement that Boards 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. Structuring community advisory boards with minimal prescribed requirements that may be

scoped within the terms of reference will enable local flexibility and effectiveness. As indicated in our comments above on “Conservation Authority Costs Not Related To Delivery Of Programs And Services”, and in the absence of provincial funding, it is our expectation that the costs associated with the development and ongoing management of Community Advisory Boards would be eligible for municipal levy. This further emphasizes the need to enable scoping of the Terms of Reference of the Community Advisory Board to enable affordability although it is noted that administrative support alone for these types of committees/advisory boards can be extensive and stretch the already limited capacity of smaller CAs.

The proposed timing for establishment of Community Advisory Boards is unclear. Community Advisory Board creation and implementation should coincide with the implementation of new municipal agreements in January 2023 and reflect the input of new councils taking office in November 2022 and appointing their representatives to the Conservation Authority (CA) General Membership. This would enable the current CA General Membership and staff to focus their attention on the Transition Period requirements. Making creation of the Community Advisory Boards the responsibility of the 2023 CA General Membership, would enable them to clearly finalize a relevant terms of reference consistent with, for example, the strategic priorities resulting from decisions made/agreements reached during the Transition Period. This has the additional benefit of putting the Community Advisory Board on a similar cycle as the CA General Membership which it is intended to advise. Sufficient time will be required to prepare a Terms of Reference, advertise and appoint a community advisory board. As a final note in support of deferral, setting up and managing Community Advisory Boards will require staff and CA General Membership resources which will be significantly challenged, in many conservation authorities, by the Transition Period requirements and timelines.

Attachments 2A and 2B provide specific details on the CA Administrative By-Law Model (2A) and specific detailed comments on what is proposed to be prescribed (2B).

Part Three: Other Regulatory Matters

Section 29 Minister’s Regulation

Conservation Ontario is pleased to see the province’s commitment to maintaining this regulatory program. The consolidation of the individual Conservation Areas regulations into one Minister’s regulation will assist the public in understanding the CAs’ regulatory authority under Section 29. The regulation, however, requires updates. All public green space (conservation areas, municipal parks, provincial parks) experienced a significant increase in use during the pandemic. This increase, which is expected to continue post-pandemic, challenged conservation authority staff, municipal bylaw officers and provincial park wardens. It is recommended that a working group be formed of enforcement staff from conservation authorities, municipalities and the province to ensure all parties and levels of government have the tools they need to ensure the orderly use of their properties and to ensure public and staff safety and security. This may require a redesign of the Section 29 regulation and CA regulatory powers to better align with bylaws made under the *Municipal Act* as well as the *Provincial Parks and Conservation Reserves Act*. The basis for additional updates to the regulation is provided in Attachment 3.

Conservation Ontario looks forward to working closely with the Province on regulatory and policy priorities as the Province proceeds with implementation of the Phase 1 Regulatory proposals, as well as

other regulatory proposals to be included in Phase 2 to implement the amendments to the *Conservation Authorities Act*. Should you have any questions about this letter, please contact me at extension 231.

Sincerely,



Kim Gavine
General Manager

3 Attachments

c.c. All CA CAOs/GMs

ATTACHMENT 1: Mandatory Programs and Services Delivered by CAs

Part One: Programs and Services Delivered By Conservation Authorities

A: Mandatory Programs and Services Related to the Risk of Natural Hazards

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the risk of natural hazards.

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
Administration of permits issued under section 28.1 of the <i>Conservation Authorities Act</i> , including associated enforcement activities (sections 28.1 and 28.1.2 once proclaimed). Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities’ role in commenting on <i>Environmental Assessment Act</i> , <i>Drainage Act</i> , <i>Aggregate Resources Act</i> , <i>Niagara Escarpment Planning and Development Act</i> proposals.)	Conservation Ontario is pleased to see that the S. 28 permitting process is being recognized as an overall important component of Ontario’s natural hazard management. Conservation Ontario is also pleased to see the acknowledgement of the interrelationship between CA comments provided on proposals made under other applicable law and the CA permitting process. It is noted that not all involvement in other review or approval applicable law processes culminates in the issuance of a permit under the <i>Conservation Authorities Act</i> (for example, applications made under the <i>Aggregate Resources Act</i>). There is a need to further clarify the phrase “where appropriate” or perhaps replace it with “where applicable”.
Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the <i>Planning Act</i> (excluding policies associated with wildland fires) in accordance with Provincial One Window Planning Service protocols, including, when appropriate, <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.	<u>Conservation Ontario recommends the following edits to this paragraph:</u> Land-use plan review and input in accordance with the <i>Planning Act</i> and on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the <i>Planning Act</i> (excluding policies associated with wildland fires). As requested by the Ministry of Municipal Affairs and Housing , in accordance with Provincial One Window Planning Service protocols, including, participate participate when appropriate, in <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies. CAs will provide input into review of applications for new or amended Special Policy Areas. Conservation authority administration of the planning program may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities’ role in commenting on <i>Environmental Assessment Act</i>,

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	<p data-bbox="789 264 1419 338"><i>Aggregate Resources Act, and Niagara Escarpment Planning and Development Act proposals</i>).</p> <p data-bbox="789 373 1419 974">Conservation Ontario appreciates the province’s continued recognition of the important role that CAs play in protecting life and property through their delegated role in plan input and review from MNRF. Conservation authorities would be pleased to participate as part of the provincial One Window Service Protocol. In order to fulfill that requirement CAs will require access to the Protocol as well as training regarding its implementation from the province. It is expected that CAs will retain the ability to independently appeal decisions related to natural hazards through the Local Planning Appeal Tribunal representing the provincial interest. The above edits better reflect this expectation. As part of the provincial One Window Service Protocol it is expected that CAs could also participate in an appeal led by the province via the MMAH.</p> <p data-bbox="789 1014 1419 1331">It is recommended that the regulation remove reference to the date of the PPS to avoid the regulation becoming stale-dated. Conservation Ontario has identified a need to update the Special Policy Areas guidelines to reflect current practice and realities. This should be considered (along with an update to the Technical Guides) as part of implementation support materials for this regulation.</p>
<p data-bbox="204 1367 747 1472">Flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards.</p>	<p data-bbox="789 1367 1419 1440"><u>Conservation Ontario recommends the following edits to this paragraph:</u></p> <p data-bbox="789 1444 1419 1759">Monitoring, and flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards. It is recognized that the Provincial Flood Forecasting and Warning Guidelines are currently under review and Conservation Ontario looks forward to their release. Monitoring should be included as part of this program to capture monitoring programs associated with flood forecasting and warning.</p> <p data-bbox="789 1799 1419 1902">It is noted that a component of the Flood Forecasting and Warning Guidelines include development of flood preparedness maps</p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	<p>identifying five zones of flooding for emergency preparedness purposes. While it is recognized that emergency response plans and associated mapping are the responsibility of the municipality, conservation authorities should be tasked with identifying the different limits of flood extent for this mandatory component of the program. To reflect this differentiation, it is recommended that the title of the non-mandatory “Emergency Management Services (EMS) Mapping” in the table on page 20 of this consultation guide be revised to “Emergency Management Response Plans for Flood”.</p>
<p>Operation and maintenance of:</p> <ul style="list-style-type: none"> ● any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation; ● any erosion control infrastructure owned or controlled by the conservation authority; ● the completion of operational and asset management plans; and ● infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated necessary technical or engineering studies, including dam safety studies and emergency preparedness plans. 	<p>Conservation Ontario recommends that this description include mitigation or new actions taken to reduce flood and other hazards, including drought. This description appears to exclude the CA role related to the implementation of the <i>CO Class EA for Remedial Flood and Erosion Control Projects</i> which should be added in. While it is recognized that some new remedial flood or erosion control projects would fall under capital expenses or reservoirs to alleviate drought would fall under capital expenses, a greater emphasis on mitigation actions is required in this paragraph.</p> <p>Outcomes of operational and asset management planning may suggest that maintaining some grey infrastructure is too expensive and conversion to green infrastructure should be considered. In the last bullet, decommissioning should be included in addition to rehabilitation/repair.</p>
<p>Ice management services (preventative or remedial) as appropriate and as supported by an authority approved ice management plan, including:</p> <ul style="list-style-type: none"> ● development and updating of plans; ● control of ice, including potential standby equipment (e.g. icebreaker put in place in advance of ice season to prevent ice formation); and 	<p>Conservation Ontario is pleased to see the development of plans included in this list. It is recommended that this list also include the cost of hiring, leasing, purchasing and/or maintaining of equipment and personnel to undertake this work.</p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
<ul style="list-style-type: none"> ● addressing ice-related erosion. 	
<p>Low water monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.</p>	<p>It is noted that as climate change proceeds, drought becomes an equally important threat for our watersheds.</p>
<p>Collection, provision, and management of information as needed to support the conservation authorities to:</p> <ul style="list-style-type: none"> ● delineate and map hazard areas; ● develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority’s jurisdiction, 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. 	<p><u>Conservation Ontario recommends the following edits to this paragraph:</u> Collection, development, provision, consultation and management of information, models and strategies as needed to support the conservation authorities to:</p> <ul style="list-style-type: none"> ● delineate and map hazard areas; ● develop and implement a strategy to increase information on natural hazards within the conservation authority’s jurisdiction; ● develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority’s jurisdiction, including lakes, shorelines and rivers; ● study surface and ground water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard); ● study stream morphology; ● identify wetland areas; ● study the potential impact of changing climatic conditions on natural hazards; and ● study design to mitigate natural hazards. <p>These proposed edits would ensure clarity and transparency regarding the full breadth of the program area. For example, in some cases this information may not exist, so the CAs would need to develop a strategy to collect the data.</p>
<p>Communications, public awareness and education regarding the risk of natural hazards present within the jurisdiction of the authority to public safety, and to consult on program components as required.</p>	<p>Conservation Ontario supports this proposed paragraph.</p>
	<p><u>Conservation Ontario recommends the following new activity be included:</u></p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	<p>Provision of private land stewardship programs such as tree-planting and soil erosion control for mitigation of natural hazards.</p> <p>The issues that prompted the establishment of many Conservation Authorities were related to deforestation and its impact on water supply, drought, soil erosion and flooding. Early emphasis in some conservation authorities was on forest acquisition, reforestation and aiding landowners to reforest marginal land – basically water/hazard management through forest management. Over the years there has been a lot of research on the importance of nature based solutions such as protecting and restoring headwater areas, flood plains, river valleys, riparian areas, wetlands and shorelines in order to reduce the risk of flooding, erosion and drought. Nature based approaches are much cheaper to implement than grey infrastructure approaches. The Insurance Bureau of Canada (IBC) released a report in 2018 entitled “Combatting Canada’s Rising Flood Costs: Natural Infrastructure is an Underutilized Option” which speaks to the potential for nature based approaches to reduce the risk of flooding. The IBC recognizes that these approaches need to be undertaken on a watershed basis to be effective. It is requested that the long understood value of forests, wetlands and riparian buffers in the watershed-based prevention and mitigation of flood and erosion hazards be acknowledged and that provision of private land stewardship programs such as tree-planting and soil erosion control be included in the mandatory programs and services related to the Risk of Natural Hazards. While there may be, from time to time, other sources of funding available for the disbursement cost of these programs, funding for planning, outreach and delivery of these projects is not. Continuity, relationship building and a watershed approach to these programs are important in the mitigation of flood and erosion hazards. They also build resiliency into our watershed and coastal systems as we deal with the impacts of a changing climate.</p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	<p>The consultation guide is unclear as to whether the mandatory programs and services regulation will require that conservation authorities deliver all natural hazard mandatory programs and services or whether delivery will still be contingent on local capacity. Concerns have been raised by numerous conservation authorities that they would not be able to deliver all these mandatory programs and services without a significant increase in municipal levy or provincial funding. For example, funding limitations currently prevent some conservation authorities from:</p> <ul style="list-style-type: none"> • Delineating and mapping all hazard areas in their watershed • Developing asset management plans for water and erosion control infrastructure • Operating water control infrastructure • Providing ice management services • Providing low water monitoring and communication

B: Mandatory Programs and Services Related to the Management of Conservation Authority Land

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the management of conservation authority land.

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>1.Administration of the section 29 Minister’s regulation of ‘Conservation Areas’ or land owned by conservation authorities including the setting out of fees, permits and enforcement activities.</p>	<p>Conservation Ontario would like to work with the government on a review and update of this program area to ensure that the regulations are meeting the needs of today’s park users and the CAs. Detailed comments have been provided in our response to Part Three of this consultation guide.</p>
<p>2.A conservation authority shall have a strategy for all conservation authority owned or controlled lands which could include:</p> <ul style="list-style-type: none"> • 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 	<p>Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of these land management strategies. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of this strategy. Additional financial resources will be required.</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>categories, etc.</p> <ul style="list-style-type: none"> ● 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. 	
<p>3.A conservation authority shall have a policy regarding the securement/acquisition and disposition of land owned or controlled by the authority. This policy shall be approved by the authority by resolution.</p> <ul style="list-style-type: none"> ● Land acquisition or securement policy shall be in accordance with current legislation and provincial policy for conservation authority land securement / acquisition. ● Much conservation authority owned land was purchased using provincial grants issued under the <i>Conservation Authorities Act</i> and the purchase cost shared by municipal levy. For the disposition of lands purchased in this manner, a conservation authority requires Minister’s approval to dispose of that conservation authority owned land. ● The government is proposing that the requirements for a Minister’s approval on the disposition of conservation authority property 	<p>Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of the policies regarding the securement/acquisition and disposition of land. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of this policy.</p> <p>Conservation Ontario requests that the province review and update the current provincial policy regarding disposition of conservation authority property in conjunction with conservation authorities. For example, it is recommended that the province not limit CA disposition of natural heritage lands where another appropriate steward can be identified (e.g. a land trust). Another identified issue is consideration of allowing the use of the <i>Planning Act</i> to permit partial land takings if the Authority has secured grants, self-funded monies or municipal funding for the acquisition (e.g. leased lands containing cottages, surplus rental houses within agricultural areas etc.).</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>(land/fixed assets) (should not involve the disposition of conservation authority property that relate to hazardous lands) will continue as set out in current provincial policy.</p> <ul style="list-style-type: none"> • Generally, current ministry policy would not support the approval of dispositions of conservation authority property that relate to hazardous lands, provincially significant conservation land, natural heritage features or areas (including environmentally/ecologically sensitive land) or for managed/agreement forest lands 	
<p>4. A conservation authority shall have a management plan for each property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.</p> <ul style="list-style-type: none"> • The 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 that the authority decides may be applicable. • The management plans may involve, as appropriate, a resource inventory. • An authority shall update/approve the management plans when the authority deems necessary. 	<p><u>Conservation Ontario recommends the following edits to this paragraph for clarity purposes:</u></p> <p>A conservation authority shall have a management plan for each property or type of property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.</p> <p>The ability to cover multiple conservation authority lands under one management plan where the properties are similar in nature is supported; this flexible and practical approach supports the efficient use of taxpayer dollars. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of these plans. Should the province set timelines, it is suggested that completion timelines be phased in following a similar schedule to the requirements under the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> where smaller conservation authorities are given more time to complete the new requirements. Additional financial resources will be required.</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>5. Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:</p> <ul style="list-style-type: none"> ● 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. 	<p>Conservation Ontario recommends that risk reduction not be limited to illegal activities. It is part of ongoing maintenance and repair to ensure public and CA staff safety on the property.</p>
	<p><u>Conservation Ontario recommends the following additional bullet:</u> Communications, public awareness and education regarding the conservation authority owned or</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
	<p>controlled lands, and to consult on program components as required.</p> <p>For clarity and in support of transparency and accountability the above activities should be included as part of this mandatory program and service.</p>
<p>Note that other land uses, such as the provision of recreational opportunities or environmental education, on conservation authority owned land are not mandatory programs or services (including management and maintenance of lands for these purposes).</p>	<p>Conservation Ontario recommends that recreational opportunities (e.g. walking trails, boat launches) provided on conservation lands be considered mandatory programs and services. These green spaces provide sought after outdoor recreation that is highly valued by local residents and no more so than during the pandemic when visitors to conservation areas jumped 50% or more across the province. Some conservation authorities have also found that having passive recreation on properties can help reduce encroachment and other illegal activities. Conservation Ontario would be pleased to examine a more robust classification of properties, perhaps based upon the Ontario Parks classification system of protected areas. At a minimum, it is recommended that the assets associated with the recreation and education programs of a CA be included in the Mandatory Conservation Areas program. Without this, there is a potential that significant assets (e.g. comfort stations, parking lots) could be allowed to deteriorate.</p> <p>Should this exclusion proceed, it should be clarified that all non-recreation and non-education management and maintenance costs for that property fall under mandatory programs and services. For example, property security, public and CA staff safety and natural heritage management are required for all conservation lands.</p>

C: Mandatory Programs and Services Related to Source Protection Authority Responsibilities under the Clean Water Act, 2006

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the Source Protection Authority responsibilities

Text from the Regulatory Proposal Consultation Guide – Source water protection, CWA, 2006	Conservation Ontario Comments
<p>2.... Completing related land use mapping necessary (e.g. managed lands, impervious surfaces) to determine the risk posed by various prescribed drinking water threats, new local or provincially-identified threats, and to address changes to the <i>Clean Water Act, 2006</i>, O. Reg. 287/07: General Regulation or Director’s Technical Rules made by the Province.</p>	<p>Conservation Ontario recommends that this item be included as an eligible activity, for funding from the Province, in the 2022/23 DWSP Transfer Payment Application (TPA) Guide. There is an anticipated workload with the approval of the proposed Phase II Director’s Technical Rules. This item was not an eligible activity in the 2021/22 DWSP TPA Application Guide. Some municipalities will take the lead on land use mapping assessments and local flexibility should be considered.</p>
<p>3.... Responding to requests to review proposals in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water where required (such as under the <i>Planning Act, Environmental Assessment Act</i> or associated applications under the <i>Environmental Protection Act</i> and <i>Ontario Water Resources Act</i>).</p>	<p>This activity will vary from SPA to SPA depending on the business processes of the local municipality. <u>Conservation Ontario recommends the following text replacement:</u></p> <p>Responding to Provision of support to municipalities on the review of local applications / planning proposals / decisions, if necessary, in wellhead protection areas and intake protection zones to identify the source protection policies that apply and note potential effect(s) of the project on source water, where required (such as under the <i>Planning Act, Environmental Assessment Act</i> or associated applications under the <i>Environmental Protection Act</i> and <i>Ontario Water Resources Act</i>).</p>
	<p><u>Conservation Ontario recommends the following additional bullet:</u></p> <p>Communications, public awareness and education regarding source protection authority responsibilities under the <i>Clean Water Act</i> and to consult on program components as required.</p>

	For clarity and in support of transparency and accountability the above activities should be included as part of this mandatory program and service.
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F: Mandatory Programs and Services Prescribed in Regulation: Core Watershed-based Resource Management Strategy

CO offers the following detailed comments related to the mandatory programs and services (prescribed in regulation) related to the Core Watershed-based Resource Management Strategy

Text from the Regulatory Proposal Consultation Guide – Watershed-based Strategy	Conservation Ontario Comments
<p>Page 18, Table <i>Mandatory Programs and Services that would be incorporated in the strategy</i></p> <p>Page 19, Table <i>Non-Mandatory Programs and Services on Behalf of a Municipality</i></p> <p>Page 20, Table <i>Non-Mandatory Programs and Services an Authority Determines Are Advisable</i></p>	<p>It is noted that the table (p18) of Mandatory Programs and Services that would be incorporated into the Core Watershed-based Resource Management Strategy, is not comprehensive as, for example, the mandatory Drinking Water Source Protection Program is missing. Clarification that the tables are for example purposes only and not intended to be limiting would be helpful for future discussions with municipal partners.</p> <p>The Table “Non-Mandatory Programs and Services an Authority Determines Are Advisable” appears to unintentionally exclude municipal agreements as a potential funding mechanism for programs/activities on CA owned land for purposes of resource development, recreation, and, education, training and cultural purposes (last three rows). So as not to be seen as limiting, this column would more accurately be titled “Examples of Potential Funding Mechanisms”.</p> <p>In the same table, it is noted that municipalities are listed as the sole funding mechanism for the mandatory programs, PWQMN & PGMN. It is recommended that MECP should be listed here as well, given the recognition in the guide of their program management, technical leadership, lab analysis and training for this program area.</p> <p>Corrections could be made to all three tables (pp. 18,19,20) such that they should all indicate that</p>

	these are “ Examples of Potential Funding Mechanisms ”.
	It is recommended that a requirement to deliver a monitoring program to measure the effectiveness of watershed-based resource management strategies be added.
	It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of these watershed-based resource management strategies. Should the province set timelines, it is suggested that completion timelines be phased in following a similar schedule to the requirements under the Accessibility for Ontarians with Disabilities Act (AODA) where smaller conservation authorities are given more time to complete the new requirements.

ATTACHMENT 2A: Community Advisory Boards & Related Excerpts from the CA BMP and Administrative By-Law Model Demonstrating that a Regulation in this regard would be Unnecessary

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>Section B. Governance, 1. Members c) Powers of the General Membership, p.11 “Subject to the Act and other applicable legislation, the General Membership is empowered without restriction to exercise all of the powers prescribed to the Authority under the Act. In addition to the powers of an authority under s.21 of the Act for the purposes of accomplishing its objects, as referenced in the introduction of this By-law model, the powers of the General Membership include but are not limited to:</p> <p>i. Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards;</p>	<p>p. 27 MECP is proposing to proclaim an un-proclaimed provision of the CA Act to enable the creation of an LGIC regulation to require conservation authorities to establish community advisory boards that can include members of the public, to provide advice to the authority.</p> <p>The government is also proposing to make a Minister’s regulation to provide greater clarity that conservation authority by-laws are applicable to the community advisory boards.</p>

Section B. Governance, 15. Advisory Boards and Other Committees, p.15

“In accordance with Section 18(2) of the Act, the Authority shall establish such advisory boards as required by regulation and may establish such other advisory boards or committees as it considers appropriate to study and report on specific matters.

The General Membership shall approve the terms of reference for all such advisory boards and committees, which shall include the role, the frequency of meetings and the number of members required.

p. 27

MECP is proposing to proclaim an un-proclaimed provision of the CA Act to enable the creation of an LGIC regulation to require conservation authorities to establish community advisory boards that can include members of the public, to provide advice to the authority.

p. 28

The government would defer other specific details related to the composition, activities, functions, duties, and procedures of the community advisory board to a Terms of Reference document, which would be developed and approved by each authority and reiterated in the authority’s by-laws (as enabled by a proposed new regulation to provide greater clarity that conservation authority by-laws may speak to the community advisory boards as prescribed).

p. 29

The government intends to require that the Terms of Reference also outline specific functions and activities of the community advisory board scoped to the authority’s needs, and at a minimum 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
- Carry out any other functions as identified in the Terms of Reference.

p. 29

The government intends to prescribe the following matters related to accountabilities of the community advisory board:

- Requiring that all meeting minutes, **and the current Terms of Reference, be posted on the internet**

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>Resolutions and policies governing the operation of the Authority shall be observed in all advisory board and committee meetings.</p> <p>Each advisory board or committee shall report to the General Membership, presenting any recommendations made by the advisory board or committee.</p> <p>The dates of all advisory board and committee meetings shall be made available to all Members of the Authority.</p> <p>[CA SPECIFIC: a list of standing advisory boards and committees that must be appointed, could be included here or as an Appendix, which may be amended from time to time.]”</p>	<p>p. 29 The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under <i>Conservation Authorities Act</i> s.19.1 administrative by-laws <p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Stipulating reporting mechanisms and accountability of the community advisory board to the authority
<p>Section B. Governance, 16. Remuneration of Members, p.16 [CA SPECIFIC, suggested wording only:] “The Authority shall establish a per-diem rate from time to time to be paid to Members for attendance at General Meetings and Advisory Board or Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Secretary-Treasurer. In addition, an honorarium may be approved by the Authority for the Chair and Vice-chair(s) as compensation for their additional responsibilities. A single</p>	

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>per-diem will be paid for attendance at more than one meeting if they occur consecutively on the same day.”</p>	
<p>Section C. Meeting Procedures. Introductory Paragraph, p.18 [Note: The Meeting Procedures included in this sample By-law are representative of those in use by a number of CAs. They are intended as a guideline and may be modified as required by an individual CA, as long as the CA’s adopted procedures comply with the requirements outlined in Section 19.1 of the <i>Conservation Authorities Act</i>.] “The Meeting Procedures below governing the procedure of the Authority shall be observed in Executive Committee and Advisory Board meetings, as far as they are applicable, and the words Executive Committee or Advisory Board may be substituted for the word Authority as applicable.”</p> <p>Section C. Meeting Procedures, 2. Notice of Meeting, p.19 “The Chair or the Secretary-Treasurer may, by notice in writing or email, deliver to the members so as to be received by them at least [CA SPECIFIC: typically 12 -24 hours] hours before the hour appointed for the meeting, postpone or cancel any meeting of an Advisory Board or other committee until the next scheduled date for the specific Advisory Board or committee affected.”</p> <p>Section C. Meeting Procedures, 5. Quorum, p.19 “At any meeting of the General Membership, a quorum consists of one-half of the Members appointed by the Participating Municipalities, except where there are fewer than six such Members, in which case three such Members constitute a quorum. At any Executive Committee (if applicable), advisory board or committee meeting, a quorum consists of one-half of the Members of the Executive Committee (if applicable), advisory board or committee. ... If during an Authority or Advisory Board or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or</p>	<p>p. 28 The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under <i>Conservation Authorities Act</i> s.19.1 administrative by-laws

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this by- law. [CA SPECIFIC: Some CAs include the following provision: “Agenda items including delegations present may be covered and presented and issues discussed, but no formal decisions may be taken by the remaining Members which do not constitute a quorum.”] “</p> <p>Section C. Meeting Procedures, 13. Meetings with Closed “In Camera” Sessions, p. 22</p> <p>“Every meeting of the General Membership, Executive Committee and Advisory Boards, if applicable, shall be open to the public as per Section 15(3) of the Act, subject to the exceptions set out below.</p> <p>.....</p> <p>A meeting of the Authority, executive committee, advisory board or other committee may also be closed to the public if:</p> <ul style="list-style-type: none"> a) the meeting is held for the purpose of educating or training the Members, and b) at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the authority, the executive committee, advisory board or other committee. <p>Section C. Meeting Procedures, 15. Notice of Motion, p.23</p> <p>“Written notice of motion to be made at an Authority, executive committee, advisory board or committee meeting may be given to the Secretary-Treasurer by any Member of the Authority not less than [CA SPECIFIC: typically seven business days] prior to the date and time of the meeting and shall be forthwith placed on the agenda of the next meeting. The Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.</p>	<p>p. 28</p> <p>The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that meetings of the community advisory board be open to the public, with limited exceptions

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>Recommendations included in reports of advisory boards or committees that have been included in an agenda for a meeting of the General Membership or Executive Committee (if applicable), shall constitute notice of motion for that meeting.</p> <p>...</p> <p>Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate advisory board or committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of [CA SPECIFIC: either a majority or two-thirds] of the members of the Authority present.”</p> <p>Section C. Meeting Procedures, 19. Minutes of Meetings, p. 25 “The Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority, the Executive Committee and each advisory board or committee. The recording secretary shall make a record in the form of minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.</p>	<p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that all meeting minutes, and the current Terms of Reference, be posted on the internet
<p>Additional Excerpts without specific reference to Advisory Boards but addressing aspects proposed to be prescribed:</p>	
<p>Section C. Meeting Procedures, 9. Members’ Attendance, p. 20 The Authority shall provide a listing of Members’ attendance at scheduled meetings of the Authority to the Participating Municipalities at least annually.</p> <p>Upon a Member’s vacancy due to death, incapacity or resignation occurring in any office of the Authority, the Authority shall request the municipality that was represented by that Member appoint a Member replacement.</p> <p>[CA SPECIFIC: Some CA’s may wish to include a procedure for reporting excessive absences by a Member to their appointing municipality.</p>	<p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law) <p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Establishing processes for member removal

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>If a Member is unable to attend any meeting and wishes to bring any additional information or opinion pertaining to an agenda item to the General Membership, the Member shall address in writing or email to the Chair or Secretary-Treasurer such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Secretary-Treasurer without comment or explanations.</p>	
<p>Section B. Governance, 21. Enforcement of By-laws and Policies, p. 17 The Members shall respect and adhere to all applicable by-laws and policies (for example, the Code of Conduct and Conflict of Interest). The Authority may take reasonable measures to enforce its by-laws and policies, including the enforcement mechanisms under the <i>Municipal Conflict of Interest Act</i>. [CA SPECIFIC: The procedure for enforcement will vary among CA’s. As a minimum, the procedure should include:</p> <ul style="list-style-type: none"> - an investigation will be conducted regarding the alleged breach; - an opportunity will be provided to the affected member to respond to the allegation; - the findings of the investigation and the affected member’s response will be communicated to the General Membership in a closed meeting; - the appointing municipality shall be notified of the outcome of the investigation <p>NOTE: both the Conflict of Interest and Code of Conduct draft policies indicate: <i>Any breach, or alleged breach, ... shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority’s Administrative By-law.</i></p>	<p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law) <p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Establishing processes for member removal

ATTACHMENT 2B: Community Advisory Boards

Part Two: Governance and Oversight of Conservation Authorities: Regulation to Require 'Community' Advisory Boards

Text from the Regulatory Proposal Consultation Guide – Regulation to Require 'Community' Advisory Boards	Conservation Ontario Comments
<p>p. 28 The government intends to prescribe certain aspects in regulation related to the composition of the community advisory board, including:</p> <ul style="list-style-type: none"> • Requiring that members reside in the authority's jurisdiction • Permitting membership from members of the public • Setting a minimum number of members at 5 • Ensuring, where possible, members represent the geographic range of the authority's jurisdiction • Ensuring that a variety of members are sought, including youth and Indigenous representatives • Enabling the appointment process of members by public notification and application • Setting a minimum of one authority member (and an alternate) be appointed to the community advisory board and a maximum authority representation of 15% • Requiring that administrative support to community advisory boards be provided by the conservation authorities 	<p>Request that indigenous representatives be exempt from the requirement that members reside in the authority's jurisdiction as indigenous communities with an interest in a conservation authority's watershed may have representatives who live outside the jurisdiction</p> <hr/> <p>Recommend changing the maximum authority representation on community advisory boards to 20% instead of 15% as this would allow one of the 5 members to be a conservation authority member. It would not be desirable to increase the minimum number.</p>

ATTACHMENT 3: Section 29 Minister's Regulation

Part Three: Other Regulatory Matters

Section 29 Minister's Regulation

Conservation Ontario notes that the ministry is intending for the Minister's regulation to be broadly consistent with the provincial content that has been used in the past. Conservation Ontario recommends that the province defer the approval of a new Section 29 regulation until such time as a fulsome review and update of the regulation can be undertaken. To support this position, Conservation Ontario offers the following detailed comments related to the Section 29 Minister's Regulation.

Under the *Conservation Authorities Act*, conservation authorities are required to provide programs and services related to the conservation and management of lands owned or controlled by the authority. This includes a regulation made under Section 29 of the *Conservation Authorities Act* regarding public use of authority's property. It is proposed that the Section 29 regulation be redesigned to better align with by-laws made under the *Municipal Act* related to the use of municipal property including parks, and the [Provincial Parks and Conservation Reserves Act](#), 2006 and its associated regulations, including O. Reg. 347/07: [Provincial Parks: General Provisions](#).

Collectively, conservation authorities own and protect a total of 150, 000 hectares of land, including forests, wetlands, areas of natural and scientific interest, recreational lands as well as land for flood and erosion control. Among these lands are approximately 500 Conservation Areas, many of which are publicly accessible, representing 80 000 hectares of property. Throughout the pandemic and particularly in southern Ontario, conservation authorities have seen a huge increase in the number of people attending Conservation Areas. For example, Credit Valley Conservation received over 1 million visitors in 2020 alone even with the COVID-19 restrictions in place.

Conservation Areas differ significantly in terms of size and amenities. Many are local areas which are akin to municipal parkland. Others include a number of amenities including water parks, marinas, ski hills and education buildings. Conservation Areas include more than 8, 400 campsites, some accessible by public transit, which allows a greater number of Ontarians to experience camping. Given the wide array of uses and the potential for overnight visits, conservation authorities need the legislative tools to effectively protect their properties, provide opportunities for ecologically sustainable outdoor recreation opportunities, provide opportunities for Ontarians to increase their knowledge of Ontario's natural heritage and to facilitate scientific research and monitoring on the landscape.

There is a public expectation that conservation authorities will ensure the orderly use of their Conservation Areas to ensure public safety and security, cleanliness and to minimize impacts on other enforcement agencies, including municipal by-law officers and police departments.

All public green space (conservation areas, municipal parks, provincial parks) experienced a significant increase in use during the pandemic. This increase, which is expected to continue post-pandemic, challenged conservation authority staff, municipal bylaw officers and provincial park wardens. It is recommended that a working group be formed of enforcement staff from conservation authorities,

municipalities and the province, as well as staff from the Office of the Attorney General, to ensure all parties and levels of government have the tools they need to ensure the orderly use of their properties and to ensure public and staff safety and security. This may require a redesign of the Section 29 regulation and CA regulatory powers to better align with bylaws made under the *Municipal Act* as well as the *Provincial Parks and Conservation Reserves Act*.

Proposed Additions and Amendments

Given the similarities between the activities of municipal by-law officers and provincial park wardens, conservation authorities request the following amendments to the compliance program and associated regulations to ensure that they can continue to provide high quality recreational experiences to the public while providing a similar level of service as municipalities and the province.

Proposed Addition/Amendment	Description	Rationale
Include “peace officer” in the definition of conservation authority officer.	Currently municipal by-law officers and park wardens are included in the definition of “peace officer” for purposes of enforcing their regulation.	Many conservation authority staff are designated by their municipal partners as by-law officers to enforce municipal by-laws (e.g. Niagara Region’s Municipal Tree Cutting By-law). This amendment would make CA officers more comparable to municipal by-law officers and provincial park wardens. Designating CA staff as peace officers will provide them with the protections afforded to similar officers under the Criminal Code of Canada and will give CA staff the appropriate standing should they need to testify in front of the courts.
Require the public to identify themselves to a Provincial Offences Officer	Include a requirement that the public identifies themselves when asked by a Provincial Offences Officer. Conservation Authorities staff are currently afforded this tool by the Province in order to assist the Province with compliance with the <i>Emergency Management and Civil Protection Act</i> orders.	While conservation authorities have had the ability to issue certificates of offence (tickets) for many years, they lack the ability to require that an individual identify themselves to the Provincial Offences Officer. This significantly limits the CA’s ability to enforce the S. 29 regulation when necessary and/or unnecessarily complicates the process.

Proposed Addition/Amendment	Description	Rationale
Campsite permit holder responsibility	Enable the CA to cancel the camping permit of a person who is in contravention of the regulation or a provision of the <i>Liquor License Act</i> . Require that the campsite permit holder provide the permit for inspection by an officer.	Under the <i>Provincial Parks and Conservation Reserves Act, 2006</i> the registered permit holder has to produce the campsite permit upon request. Conservation areas which contain campsites should also have the same standards to create greater consistency across the province and to reinforce the responsibility of the registered permit holder.
Seizure of an object	Create the ability for a Provincial Offences Officer to seize an object which is part of an offence	Under the current S. 29 regulation there are a number of offences which are subject to Part I (tickets). For example, it is unlawful to ignite fireworks. A S. 29 officer may choose to issue a ticket to a person of legal age who is discharging the fireworks, but they have no ability to seize any remaining fireworks on site. This has led to additional problems in conservation areas in the past.
Update of Set Fines	Set fines are the amount of money that is associated with a ticket. Most conservation authorities do not issue tickets for infractions on their properties; however, it is one of the few compliance tools that CAs have available to them.	With the creation of a single regulation to be implemented by all conservation authorities new set fines will need to be established for routine offences. Prior to the establishment of new set fines, a review and update of the fines should be undertaken to ensure consistency with comparable pieces of legislation (e.g. municipal by-laws). The set fines for conservation areas were last updated in 2012.
Expand the Class Designation for CA Officers	Currently conservation authority staff are designated by the Minister of Natural Resources and Forestry to enforce the	Conservation authorities provide programs and services to the public which include

Proposed Addition/Amendment	Description	Rationale
	<p><i>Conservation Authorities Act</i> and the <i>Trespass to Property Act</i>. Conservation authorities would greatly benefit from an expansion in the Class Designation process to include: <i>Highway Traffic Act</i>, <i>Liquor Licence Act</i>, <i>Motorized Snow Vehicles Act</i>, and the <i>Off-Road Vehicles Act</i>. This would be consistent with the provincial park warden (superintendent/assistant superintendent) Class Designation.</p>	<p>trails and, in some cases, overnight camping. Due to the significant increase in use of these properties as a result of the pandemic, conservation authorities and municipalities have been struggling to control parking and access to these sites via various off-road vehicles. Including these designations would allow CAs to better manage their lands, decrease demand on municipal by-law officers to manage traffic and prevent destruction of conservation authority property. These designations would be consistent with 29 (1) (a)(b)(e) of the <i>Conservation Authorities Act</i>.</p>
<p>Include the ability to stop a vehicle that is in contravention of the regulations</p>	<p>Currently the S. 29 regulation includes prohibitions related to the <i>Highway Traffic Act</i>, including prohibiting the operation of a motor vehicle at a speed exceeding 20 km / hour.</p>	<p>The incorporation of key elements of the <i>Highway Traffic Act</i> is an important public safety consideration for conservation areas. Unfortunately, many of the current tools are ineffective as conservation authority staff are unable to stop drivers who are in contravention of the <i>Highway Traffic Act</i> in conservation areas. Allowing speeding drivers to be stopped will help to protect the most vulnerable users of conservation areas (small children/ people with limited mobility).</p>
<p>Improve the ability for CAs to integrate compliance work with municipalities</p>	<p>Expand the definition of officer to include other types of Provincial Offences Officers (for example, Municipal Law Enforcement Officers) and to remove limitations associated with having only one enforcement lead.</p>	<p>Many conservation authorities work closely with their municipal partners to address non-compliance issues in and around conservation areas. This has included the</p>

Proposed Addition/Amendment	Description	Rationale
		<p>designation of conservation authority staff as Municipal Law Enforcement Officers (MLEOs). These amendments are intended to maximize flexibility in approach and to share resources between municipalities and conservation authorities where there is agreement to do so.</p>
<p>Update the regulation to reflect modern technologies</p>	<p>Include a new prohibition with regard to the unauthorized use of any remotely controlled device including boats, aircraft including drones, vehicles, etc</p>	<p>The regulation should reflect the current challenges that conservation authorities face with maintaining the orderly use of their lands.</p>
<p>Clarify that permissions can be issued for certain prohibited activities</p>	<p>Clarify that permissions can be issued by the Authority for activities currently prohibited in 4(1)(c) and (d) of the regulation. This includes (c) cut, remove, injure or destroy a plant, tree, shrub, flower or other growing thing and (d) remove or destroy any soil or rock.</p>	<p>The current regulation allows a permit to be issued for any purpose (see 3(2)) by the Authority whereas 4(2) indicates that a permit can only be issued for certain activities. Many conservation authorities engage in sustainable forestry practices to maintain the health of their woodlots. Routine grading is associated with many conservation area infrastructure projects.</p>