



## Stage II Engagement Sessions Summary Report

Prepared by Lura Consulting and Planning Solutions Inc. for:  
The Ministry of Natural Resources and Forestry  
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This report was prepared by Lura Consulting and Planning Solutions Inc., the independent facilitators and consultation specialists for the Conservation Authorities Act Review Stage II engagement sessions conducted in June 2016. If you have any questions or comments regarding this report, please contact:

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Appendix A – Workshop Summary Reports

## 1. Introduction

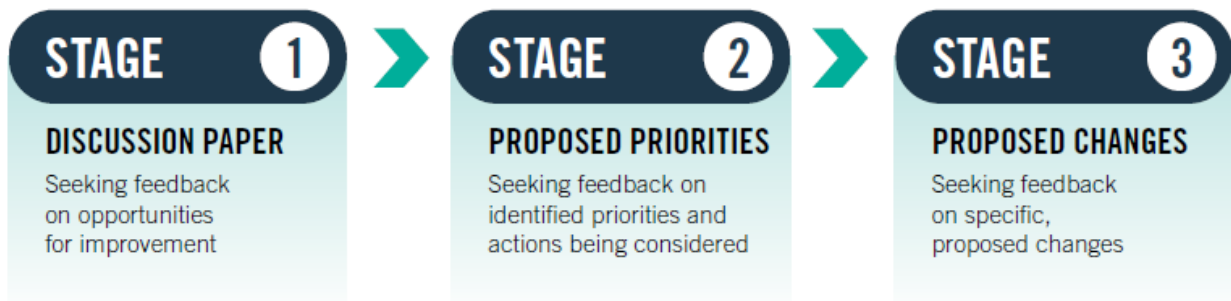
### *Background*

The *Conservation Authorities Act*, enacted in 1946, allows municipalities in a common watershed to establish a conservation authority in conjunction with the province to deliver a local resource management program at the watershed scale for both provincial and municipal interests.

In November 2014, the Parliamentary Assistant to the Minister of Natural Resources and Forestry (MNRF) was given a mandate to engage with ministries, municipalities, Indigenous Peoples and stakeholders to initiate a review of the *Conservation Authorities Act*. The review was launched the following summer, with the objective to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities, including addressing roles and responsibilities, governance and funding of conservation authorities in resource management and environmental protection.

### *Overall Conservation Authorities Act Review Process*

#### THE CONSERVATION AUTHORITIES ACT REVIEW PROCESS



There are several stages in the *Conservation Authorities (CA) Act* Review process, with opportunities for public input at each stage. The first stage began in July 2015 and sought feedback on opportunities to improve the *CA Act*. A discussion paper was posted on the Environmental Registry (EBR Registry Number 012-4509) for a 91-day public review and comment period. Stage2 began in May 2016 and focused on seeking feedback on proposed priorities identified from feedback during the first stage, as well as the development of specific actions for implementation over the short, medium and long term. A consultation document outlining proposed priorities for updating the Act was posted on the Environmental Registry (EBR Registry Number 012-7583) for a 120 day public review and comment period. During the third stage specific changes to the *CA Act* will be proposed and further consulted on.

### *Overview of Stage I*

Stage I consultations included over 20 stakeholder and Indigenous engagement sessions in addition to targeted meetings across the province to obtain feedback on three areas:

- **Governance:** The processes, structures, and accountability frameworks within the Act which direct conservation authority decision-making and operations;
- **Funding mechanisms:** The mechanisms put in place by the Act to fund conservation authorities; and
- **Roles and responsibilities:** The roles and associated responsibilities that the Act enables conservation authorities to undertake.

The Stage I review process resulted in extensive feedback. Over 270 submissions were provided to the Ministry during the public commenting period from individuals and groups representing 10 different sectors. Analysis of this feedback helped to identify a number of priority areas for improvement.

### *Objectives for Stage II*

In response to feedback obtained through the initial stage of the Ministry's review, the government established five priorities for updating the Act's legislative, regulatory and policy framework:

1. Strengthening oversight and accountability in decision-making.
2. Increasing clarity and consistency in roles and responsibilities, processes and requirements.
3. Improving collaboration and engagement among all parties involved in resource management.
4. Modernizing funding mechanisms to support conservation authority operations.
5. Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

These priority areas as well as a series of potential actions were outlined in the discussion paper – *Conserving Our Future: Proposed Priorities for Renewal*. In May and June 2016, MNRF led a second round of public and stakeholder consultations through 5 regional multi-stakeholder engagement sessions. The sessions provided an opportunity for participants to learn about and provide input to the five priority areas. Lura Consulting and Planning Solutions Inc. were retained to facilitate the engagement sessions and report on the feedback provided by participants.

This report provides a summary of the consultation program and key consultation activities undertaken as part of the regional multi-stakeholder engagement sessions, as well as the feedback received through those sessions. It does not include feedback submitted to the Environmental Registry, or input from Indigenous engagement sessions which took place and will be reported on separately.

Feedback obtained through Stage II consultations will be used by MNRF staff to develop specific changes to *the Conservation Authorities Act* and associated policy and regulatory framework. Any specific

proposed changes will be subject to further public consultation as appropriate, for example through subsequent Environmental Registry postings.

## 2. Methodology for Stage II Multi-Stakeholder Consultation Program

Throughout June 2016, MNRF hosted full-day workshops in five locations across Ontario as part of the Stage II consultation program. The dates, locations and number of participants at each workshop are listed in the table below. The purpose of the workshops was to provide an overview of and receive feedback on the five priority areas for improving the *CA Act*. The workshops consisted of an overview plenary presentation with time for questions of clarification, followed by facilitated discussion. The facilitated discussions were designed to encourage dialogue and obtain feedback on the five priority areas for improving the *CA Act*. A discussion guide was provided to participants during the workshops as well as form to rank the proposed actions.

Date	Location	Number of Participants
June 3, 2016	Ottawa	23
June 7, 2016	Thunder Bay	7
June 9, 2016	London	57
June 13, 2016	Newmarket	59
June 15, 2016	Sudbury	12
<b>Total</b>		<b>158</b>

A summary of the comments and suggestions provided by participants during the workshops is presented in the next section.

## 3. Summary of Participant Feedback

This section presents the overarching key themes that emerged from the feedback obtained at the regional sessions, and is followed by a summary of participant feedback organized according to the five priority areas: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. Each section contains highlights and common themes that emerged throughout the sessions. Sector-specific perspectives are also noted. Individual workshop summary reports are provided in Appendix A.

### *Overarching Key Themes*

The following points highlight the recurring comments, concerns and/or advice which emerged from the five sessions.

- Include integrated watershed management (IWM) in the Act as the overarching approach to conservation.
- Recognize that each CA is inherently unique. Local conditions and circumstances influence programs and services (particularly in Northern and rural communities); legislative changes must recognize the need for continued local autonomy (i.e., flexibility).
- Reinstate the provincial/municipal partnership as the collaborative model that was envisioned for CAs.
- Establish a multi-ministerial body to promote dialogue and collaborative decision-making regarding CA roles and responsibilities.
- Increase and diversify provincial funding to CAs to support the implementation of conservation programs and services.
- Ensure that any new or additional programs and services are delegated with adequate resources (particularly funding).
- Update provincial policies and technical guidelines to ensure they reflect the current suite of issues facing CAs.
- Ensure the interests of all stakeholders (e.g., OFAH members, agricultural sector, landowners, Indigenous Peoples) are considered during decision-making processes.
- Establish a provincial “one-window” to streamline planning processes and approvals, with clear expectations for provincial, municipal and CA roles and responsibilities.
- Concerns, as expressed by CAs, that the potential actions do not reflect the fundamental issues affecting CAs (e.g., reinstating the pre-1995 relationship between the province and CAs, provincial support in terms of funding, etc.).
- Concerns, as expressed by CAs, that the review focuses on CA Act processes and procedures instead of protecting and enhancing the natural environment through the CA Act.

### ***Priority #1: Strengthening Oversight and Accountability***

#### **A. Updating the Act to reflect modern legislative structures and accountabilities**

Participants consistently expressed support for including a purpose statement in the CA Act that includes integrated watershed management (IWM) as the overarching approach to conservation. There was also support from participants at the Newmarket session for including a vision, mission, and values for CAs that can be updated on a regular basis.

There was consistent feedback that the province needs to ensure there is flexibility within the legislation as priorities vary across different watersheds and will change over time (e.g., climate change considerations). Local autonomy is very important to CAs.

Feedback from participants at the Ottawa, Thunder Bay, and London sessions indicated support for defining the roles and responsibilities of various parties involved in providing oversight. It was noted that there is a misunderstanding among the public, municipalities, and other ministries about what CA responsibilities entail.

It was suggested by participants at the London session that the CA Act be modernized so that it is easier to update in the future (i.e., include certain aspects as regulation and policy rather than legislation so they can be updated more frequently). There was also support from participants at the Thunder Bay and Newmarket sessions to update provincial policies and technical guidelines to ensure they reflect the current suite of issues facing CAs.

Feedback from participants at the Ottawa, Thunder Bay, London, and Newmarket sessions suggested that updates to the CA Act should include an improved appeal process for planning and permitting.

### **B. Adopting and/or aligning with governance best management practices**

Feedback from the Newmarket session indicated that the existing governance model is working well; it was also noted that many CAs comply with codes of conduct and/or currently provide board member orientation. On the other hand, participants from the Ottawa, Thunder Bay and London sessions indicated a need for more training and guidance to improve consistency in governance. It was also noted that there is a need to clarify how conflicts of interest among board members should be addressed.

It was suggested that the MNRF should provide some minimum guidance for governance best management practices which CAs can then adapt at the local level. Some participants (London) suggested that operational audits of CAs should be reinstated.

Feedback from participants at the Ottawa, Thunder Bay and London sessions suggested following the governance model used by Public Health Units as an example of best practices, particularly with respect to determining an avenue for appeals regarding codes of conduct or conflict of interest.

### **C. Enhancing provincial oversight**

Participants from all the sessions raised the concern that if the province is going to delegate additional CA programs and services, or increase direction and oversight of programs, additional funding should be provided to CAs. Participants also cautioned that local flexibility for CAs should not be reduced through increased provincial oversight.

Feedback from the Newmarket session suggested establishing a third-party process or mechanism to address public concerns and ensure CAs are accountable to their legislated roles and responsibilities (e.g., Ontario Municipal Board, appeal mechanism, penalties); while there is currently a process for CA permit applicants to appeal permit decisions to the Mining and Lands Commissioner, there are no formal mechanisms to appeal other matters (e.g., disclosure of information).

Feedback from the Ottawa session suggested establishing meaningful key performance indicators to measure the impact of CA programs and services for larger, strategic and regional initiatives. Examples of key performance indicators suggested by participants focused on ecological services provided



through CA, regional and provincial initiatives, and climate change and carbon sequestration results associated with CA programs and initiatives. Participants from the Thunder Bay and Sudbury sessions highlighted the need to achieve a balance of provincial and municipal oversight to allow local flexibility based on watershed needs.

#### **D. Enhancing municipal oversight**

Participants from the Ottawa and Thunder Bay sessions expressed support to enhance municipal oversight, but indicated there is a need to clearly articulate what the enhancement entails. Participants from the Ottawa and Sudbury sessions noted that there is already accountability and oversight at the municipal level through the CA board.

Feedback from the Sudbury session indicated concern that enhancing municipal oversight may impact the ability of CAs to make critical decisions objectively (e.g., review permits, perform advisory function). It was suggested that the roles and responsibilities of municipalities in relation to CAs should be clarified, including fiduciary duties.

There was a suggestion from participants at the Newmarket session that mandatory review periods for municipality/CA Memoranda of Understanding (MOUs) and Service Level Agreements be considered (e.g., every five years); this would ensure that MOUs and service agreements remain current.

#### **E. Developing or updating criteria for establishing, enlarging, amalgamating or dissolving a CA**

Participants expressed support for developing criteria for establishing, enlarging, amalgamating or dissolving a CA. It was noted by participants from the Thunder Bay session that regional differences should be reflected in the criteria (e.g., if the CA were to be enlarged in Northern Ontario there is no mechanism to levy unorganized townships).

Participants from the London session suggested implementing a process to achieve minor CA boundary adjustments as some municipalities are located in two or more CAs.

Several participants raised concerns about municipalities within a watershed having the opportunity to opt out of a CA as there needs to be holistic management of natural resources on a watershed scale.

### ***Priority #2: Increasing Clarity and Consistency***

#### **A. Clearly delineating between mandatory and optional programs and services**

Participants generally expressed support for this potential action, specifically as a means to enhance the clarity and consistency of CA regulatory roles and responsibilities. Participant feedback from the Newmarket session cautioned that there are trade-offs to delineating between mandatory and optional programs and services, including the concern that doing so will reduce CA flexibility and autonomy.

Feedback from the Ottawa session also highlighted the need to consider different watershed needs across the province and the ability of different CAs to deliver mandated programs and services (i.e., different capabilities in terms of resources). There was some feedback from the London session which suggested that programs and services pertaining to flood and hazard management, in particular, should be mandatory, however IWM was iterated as the preferred approach to conservation at all the sessions (and as a means to provide flexibility).

It was also repeatedly noted that appropriate tools (e.g., sustainable funding from the province, provincial guidance/collaboration) are needed to ensure the delivery of CA programs and services.

### **B. Establishing a Provincial Policy Directive**

Participant feedback consistently voiced support to establish a Provincial Policy Directive. The benefits associated with this potential action include:

- Clarifying CA roles and responsibilities;
- Developing an integrated policy framework (that aligns with other provincial legislation and identifies the hierarchy between them); and
- Establishing a policy framework that has a purpose and is tied to outcomes.

Participants from the Ottawa session iterated the concern that specifying CA roles and responsibilities will limit CA flexibility and autonomy, as the Act is currently written to allow CAs to adapt to the needs of their watershed. Feedback from the Newmarket and London sessions echoed the need to retain flexibility, but noted that enough direction should be provided to facilitate compliance. IWM was suggested by CAs as the basis of the policy directive as it recognizes the multiples roles and responsibilities CAs undertake.

### **C. Providing clarity and consistency in CA's regulatory roles and responsibilities**

Participant feedback indicated broad support for this potential action and its intended outcomes. It was noted that consolidating and codifying regulatory requirements will help reduce the potential for misinterpretation, and associated legal disputes. Several key terms were also identified that are used inconsistently and need to be clarified: conservation land, wetland, watercourse, natural heritage, natural resources and integrated watershed management.

It was suggested at the Sudbury session that clarifying key terms can be addressed through the Act or supporting regulations, while most of the objectives of this potential action could be implemented through responsive policies or enabling provisions. Feedback from participants in Ottawa suggested the use of legislative mechanisms, such as the statute's preamble, to clarify CA roles and responsibilities.

Concerns were raised at the Newmarket session, particularly by landowners, regarding the inconsistent delivery of CA programs and services. It was noted by CA staff that this is a separate issue from clarifying CA roles and responsibilities, and is primarily due to resource constraints facing CAs (e.g., qualified staff, mapping tools, funding, etc.); the need for more funding, as well as coordinating and sharing resources between provincial, municipal and CA partners were suggested to help address this issue. A few participants also advised that promoting consistency in the delivery of CA programs and services is well defined in the Conservation Authority Liaison Committee (CALC) Report.

Participant feedback also highlighted the following considerations with regard to this potential action:

- Recognize the multiple roles and responsibilities CAs currently undertake in the Act (e.g., hazard management, watershed management, commenting on environmental assessments, service provider, regulator, and land owner).
- Update policy and procedure documents to clarify areas of jurisdiction, roles and responsibilities.
- Note that communication and public education are important “soft tools” that can help improve clarity, consistency and transparency (in terms of CA roles and responsibilities).

The need to ensure a balance between clarifying CA roles and responsibilities while retaining flexibility to respond to individual watershed needs, as well as using IWM as an overarching framework for CAs was also iterated in the feedback to this potential action.

#### **D. Enhancing compliance and enforcement of regulatory requirements**

Support for this potential action varied among participants. Feedback from the Ottawa, Newmarket, and London consultations expressed support to update regulatory compliance tools and mechanisms (e.g., stop work orders, increasing fines, etc.), while feedback from Thunder Bay participants expressed concerns about the cost of implementing this action, and suggested that it should be less of a priority. There was no feedback specific to this potential action from the Sudbury session.

Participant feedback from the Ottawa, Newmarket, London and Thunder Bay consultations all indicated that current regulatory compliance tools are insufficient, and that legal proceedings are costly and time consuming, negatively impacting limited CA resources. More provincial support for legal proceedings (e.g., funding, guidance, creating a mechanism to recover costs from appeals and fines) was suggested.

Feedback from landowners at the Newmarket session identified the need for a process to address conflicts of interests to ensure CAs (and their boards) are accountable and transparent. Feedback from both the Newmarket and London sessions suggested that education and collaboration should be promoted to improve CA’s relationships with landowners regarding the enforcement of regulations.

## **E. Streamlining planning and permitting requirements and processes**

Feedback obtained from all the regional sessions consistently expressed support for this potential action. It was noted that it is important to make planning and permitting processes more user-friendly as this will result in more buy-in and positive relationships between CAs and their watershed communities.

Several suggestions to streamline planning and permitting requirements and processes were raised by participants, including but not limited to: pre-consultation meetings and/or checklists; establishing universal review timelines; updating guidance documents; using different classes of approvals (e.g., Class Environmental Assessment (EA) approach), establishing a “one-window” permit approval approach, updating administrative processes and procedures; and increasing collaboration and partnerships between the province, municipalities and CAs, with input from stakeholders and the public.

### ***Priority #3: Improving Collaboration and Engagement***

#### **A. Establishing a provincial “one-window”**

Participants generally expressed support for the establishment of a provincial “one-window” to act as a single point of contact for CAs at the Ministry level. This approach would be beneficial to enhance communication and exchange information between the province and CAs, and provide support/advice to CAs. It was noted by participants at the Thunder Bay session that this approach could also provide efficiencies for CAs with respect to gaining access to funding opportunities.

Participants at the Newmarket session suggested that MOUs should be required to ensure the “one-window” approach is clear to all parties involved and that a provincial “one-window” should also address challenges facing the development community regarding permitting issues.

#### **B. Establishing a business relationship with Conservation Ontario**

Regarding the role of Conservation Ontario (CO) and its relationship with CAs, participants from the Ottawa and London sessions suggested that MNRF should consider the model used by the Association of Municipalities of Ontario (AMO) as a best practice.

There was concern expressed by CAs at most of the sessions that CO should not take on a governing or oversight role. It was noted that CO’s current role is working well. With dedicated provincial funding, CO could provide strategic guidance and coordinate resources (e.g., training, best practices, templates) more consistently. There was also support for CO’s ongoing role in public education, communication and advocacy for CAs.

### **C. Enhancing Indigenous Peoples' participation**

Participants consistently noted that enhancing Indigenous Peoples' participation in CA processes is important; however resources and guidance are needed as there are many challenges in conducting meaningful engagement. CAs would like to see the province provide templates and best practices for engaging with Indigenous Peoples.

It was also noted by participants at the London session that Indigenous Peoples' participation should be at a watershed and strategic planning level rather a project by project level; however there is a need for more support in achieving this. In some areas, First Nations advisory committees are working well.

It was suggested that the Federal government should also provide funding to CAs for facilitating Indigenous Peoples' participation.

### **D. Enhancing public and stakeholder participation**

There was general support for enhancing public and stakeholder participation in CA processes to ensure a broad range of interests are considered (e.g. landowners, farmers) and increase transparency. From the perspective of some landowners, stakeholder engagement is not occurring consistently across CAs. A guidance document for CAs could help improve consistency.

It was noted that some CAs have more capacity and experience than others in engaging the public and stakeholders. Additional staff and financial resources are needed by smaller CAs to manage stakeholder engagement.

Feedback from the Ottawa, London and Sudbury sessions noted that advisory or ad hoc committees have worked well to enhance stakeholder participation.

Some participants feel that there is a lack of understanding amongst community members regarding the mandate and role of CAs. Enhancing education and awareness of the various roles of CAs, municipalities and the province would be beneficial. Similarly, it is important to employ a culture of collaboration with landowners. There needs to be more transparency, two-way communication and sharing of information between CAs and landowners.

### **E. Supporting CAs in sharing and coordinating resources**

There was support for encouraging CAs to share data, science and information as well as achieve administrative efficiencies; however this should not be prescribed in the CA Act. It was noted that sharing and coordinating resources and best practices between CAs is already happening at the local level.

Concerns were expressed that it may be challenging to share information and resources in an equitable manner. The province should provide resources to CAs. Questions were raised regarding who would be financially responsible for coordinating resources.

#### ***Priority #4: Modernizing Funding Mechanisms***

There was consensus across the regional sessions that long-term sustainable funding must be prioritized for CAs to be able to deliver programs and services effectively. A multi-ministry approach to funding was emphasized because CAs deliver locally on priorities for many ministries (e.g., MOECC).

##### **A. Enhancing clarity, consistency and accountability around municipal levies**

Participant feedback consistently indicated that there is a need to simplify and clarify the funding formula for municipal levies and clarify the intent of the levy.

There was concern raised by participants at the Ottawa, Thunder Bay, London and Newmarket sessions that smaller municipalities do not have the capacity (e.g., tax base) to support CAs. It was suggested that a funding formula should be considered to equalize funding between CAs (based on population, programming, species at risk, watershed characteristics, etc.) paid by the province.

Participants at the Newmarket and Sudbury sessions expressed concerns that the present funding model creates a conflict of interest between CAs and municipalities and limits CA autonomy from municipalities.

There was a suggestion from participants at the Newmarket and London sessions for municipal levies for CA programs and services to be included as a separate line item on municipal tax bills (e.g., comparable to water rates) to increase public awareness.

##### **B. Promoting clarity, consistency and accountability around fees and generated revenue**

Participants noted that clarity around fees and how they can be used by a CA would be beneficial. It was suggested that MNRF should provide clear guidance on acceptable revenue streams. Similarly, there was support from participants at the Ottawa session for establishing a framework to calculate fees to improve transparency as it is undertaken differently by all CAs.

Participants suggested that other mechanisms to generate revenue be included in the CA Act (e.g., development charges). There was support from participants at the Newmarket session for establishing a mechanism for CAs to capture funds from compliance and enforcement activities (e.g., penalties, legal processes). It was also suggested that the opportunity for CAs to release conservation land with marginal natural heritage benefits for other uses be considered; the resources spent to maintain these lands could be re-deployed elsewhere. Participants from the Thunder Bay session were also supportive

of innovative opportunities for municipal funding arrangements (e.g., new tax classification for CA owned hazard-related lands, tax rates reflective of the land use and benefit provided).

Participants at the Ottawa and London sessions noted that some CAs need support to justify user fees as the public does not understand how they are established. Participants at the Newmarket session also suggested encouraging regular communication and collaboration on fees (e.g., liaison committee, bi-annual meetings with stakeholders).

Participants from the Newmarket and Thunder Bay session stated that there is also a need to establish a mechanism to mediate disputes regarding fees (e.g., appeal to a third-party such as the OMB).

### **C. Improving fiscal oversight and transparency**

Many participants expressed that municipal oversight and transparency is already strong.

Participants from the Ottawa and Sudbury sessions expressed the need to ensure board members understand the fiduciary responsibility of their role to the CA and watershed (e.g., provide training).

Feedback from the Ottawa, London, and Sudbury sessions indicated that there is a desire for standardized and consistent budgeting practices; however, participants from the Newmarket session expressed that standardizing budget templates may add complexity and an administrative burden. It was noted that some municipalities currently ask for compliance with their own budget formats.

### **D. Improving clarity in the use of provincial funding processes**

Participants at all the session continually indicated that more provincial funding and resourcing is needed and that this should be a prioritized action. Diversifying the funding mechanisms available to CAs was broadly supported (e.g., development charges, utility fees, external funding).

There was concern raised by participants at the Newmarket session about the requirement to reapply for certain grants annually as it is an administrative burden for many CAs. Feedback from the Thunder Bay and London sessions indicated that CAs should be able to apply directly for Trillium funding to streamline the process.

Participants at the London session noted that the timing of the release of transfer payments creates challenges for CAs (i.e. fiscal years are not aligned). A multi-year funding model would create greater efficiencies in administering programs. It was also noted that the transfer payment should be indexed to the rate of inflation. Municipalities are currently making up the difference for inflation increases.

***Priority #5: Enhancing Flexibility for the Province***

**A. Giving the Minister the authority to use the Act to develop additional natural resource conservation and management programs and services in the future**

Participant feedback expressed general support regarding this potential action if the purpose is to enable the Minister to be more responsive to contemporary issues (e.g., climate change), and recognize the multiple roles and responsibilities CAs currently undertake. It was suggested by participants at the Newmarket session that more information about this potential action is needed to clarify its intent (and what types of programs and services could be delegated), as it could be misinterpreted as a movement toward a more “command and control” approach by the province.

There was some concern raised that specifying too many details in the Act will reduce flexibility for CAs and municipalities, and that other mechanisms or tools should be considered to delegate responsibilities (e.g., MOUs, Ministerial Mandates, Provincial Policy Statement, regulations).

Feedback from most of the regional sessions also stressed that if new or additional programs and services are delegated, they should be accompanied by appropriate tools and resources, particularly funding, to ensure they are implemented.

**B. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future**

Participant feedback regarding this potential action was similar to that received for the preceding action; as such, participants from the Sudbury session suggested combining the first two potential actions under this priority area.

Feedback iterated the need to clarify the intent of the potential action and provide examples of what may be delegated to provide CAs with more certainty. Comments also emphasized that the province should provide appropriate tools and resources, especially funding, with any new delegated programs and services.

Participant feedback from the Newmarket session also suggested establishing a multi-ministerial body to delegate additional programs and services through a collaborative decision-making process, while feedback from the London session indicated that there is a general feeling that this kind of delegation already can and does take place.



**C. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries**

Participant feedback regarding this potential action varied. On one hand, feedback from the Newmarket and London sessions expressed support for this potential action, as it would potentially increase or free CA capacity for other programs and services. There was some support to delegate education and outreach activities to other bodies, but not regulatory CA functions.

On the other hand, feedback from the Ottawa session raised a broad range of concerns that this potential action: will lead to the privatization of programs and services, delegate responsibilities away from CAs; impact the ability of CAs to negotiate funding; and that CA programs and services will be duplicated by other organizations leading to inefficiency and increased confusion regarding CA roles. Participants at the London session also conveyed concerns that focused on the need to consider CAs before external partners, and ensuring appropriate oversight and accountability of external partners if programs and services are delegated to them.

Feedback also iterated the idea that it may be more appropriate for a multi-ministerial body to delegate programs and services to other organizations, and that the province should provide appropriate tools and resources, especially funding, with any new delegated programs and services.

**D. Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province**

Participant response to this potential action varied by region. Participants at the Sudbury session expressed support for this potential action as it would enable the consistent delivery of CA programs and services outside CA boundaries by MNR or another organization. They suggested delegating programs and services to other bodies through other legislation. Feedback from Thunder Bay participants highlighted the need to communicate and consult on any proposed changes to the regulations of the Act. Feedback from the remaining sessions is consistent with the comments reported for the preceding potential action.

***Other Actions Being Considered***

**A. Reducing administrative burdens associated with appointing and replacing board members and obtaining approval of board per diems**

Participant feedback indicated support for this potential action. Comments regarding per diems revealed a range of concerns that need to be addressed, including reducing the administrative burden associated with obtaining approval of board per diems, particularly if they are appealed to the Ontario Municipal Board (OMB). Participants from London and Ottawa suggested the need to explore existing best practices for approving per diems to avoid OMB approval, or letting the CA board decide. There is

also some concern that per diems are not equitable across CAs, and that some municipalities permit them while others do not.

Feedback also highlighted the need to clarify the process to appoint and remove CA board members. Concerns were expressed at the Newmarket session that some CA boards are not reflective of watershed stakeholders (e.g., farmers, landowners, etc.) and that there is a need to balance CA board composition to reduce political influence. Participants highlighted the need for more provincial guidance and collaboration with CAs, and suggested establishing an accreditation process to appoint members (e.g., university accreditation panels) or a code of conduct to address these concerns.

### **B. Aligning board terms with the municipal elections cycle**

Participants at the London, Newmarket and Ottawa sessions generally support aligning board terms with the municipal elections cycle. They also highlighted: the need to maintain flexibility for CAs; consider term limits for board members (e.g., 8 years), and consider appointing members as outlined in the Municipal Act (i.e., eliminate the three-year maximum term). There were no comments specific to this potential action from participants at the Thunder Bay and Sudbury sessions.

### **C. Developing and orientation and training program for board members**

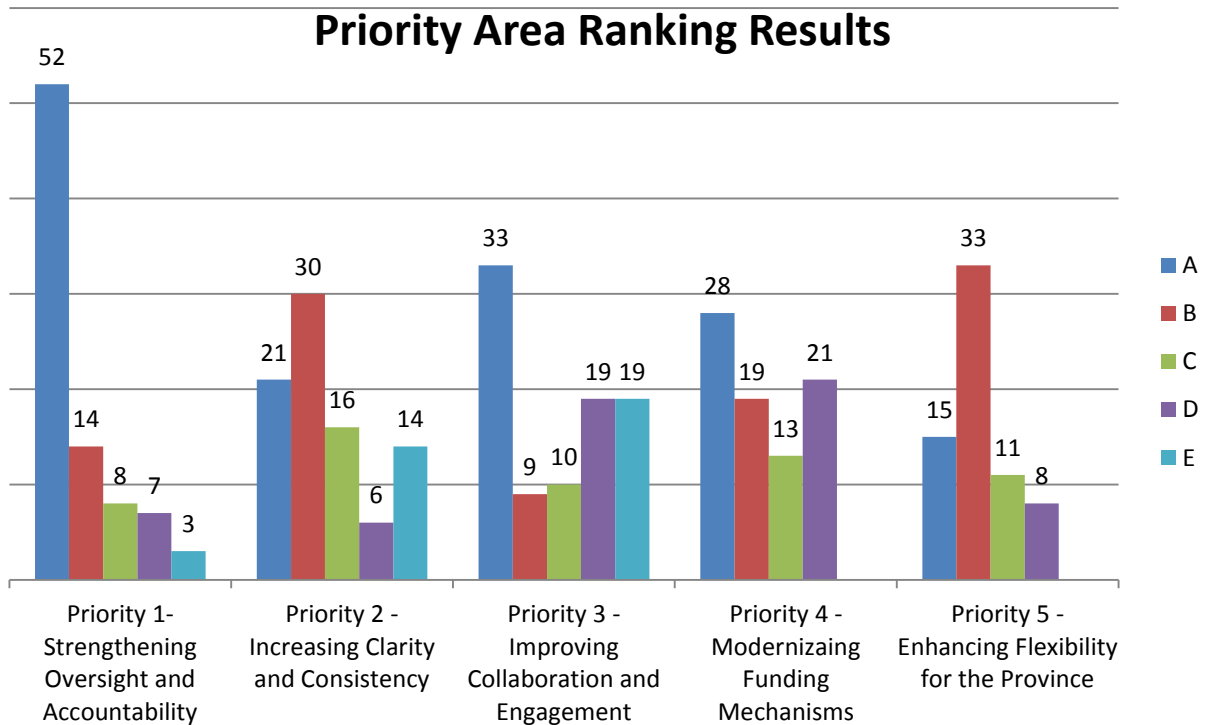
There was agreement among participants regarding the need to develop a provincially mandated orientation and training program for board members to ensure that they are informed of their role and function, particularly their fiduciary obligations. Feedback indicated that many CAs already provide training for board members; it was suggested that training tools and best practices should be shared via CO. Some participants also feel that the provision of board member training should be led by CO, with provincial support.

### **D. Developing a coordinated communications plan outlining any changes to conservation authority operations, programs and services resulting from the review in partnership with municipalities and conservation authorities**

Feedback in response to this potential action varied. Participants in London expressed support for a coordinated communications plan, while participants in Newmarket suggested that the province should provide more guidance on communications related to specific issues (e.g., outreach, consultation and managing controversial matters). It was noted in Ottawa that some CAs already coordinate communications, however there is support to align them with CO communications. Participant feedback in Thunder Bay acknowledged the importance of consultation and communication between CAs and the MNRF regarding changes to the regulations of the *CA Act*, and iterated the need to maintain flexibility for CAs. Comments specific to this potential action were not conveyed in Sudbury.

#### 4. Action Ranking Exercise

At the end of each of the engagement sessions, participants were asked to choose the most important potential action under each priority area. The combined results of this optional exercise are presented in the graph below. Note that some attendees did not participate in the ranking because they felt the potential actions do not reflect the fundamental issues affecting CAs. The results in the graph represent the number of attendees that chose to respond and do not represent a statistically significant sample. A total of 90 completed forms were received. The potential actions under each priority area are represented by the letters A to E in the graph below.



## **Appendix A – Workshop Summary Reports**

*This summary of participant feedback has been prepared by Lura Consulting and Planning Solutions Inc. to provide the Ministry of Natural Resources and Forestry with the recurring themes and priorities raised by participants during the Ottawa session of the Conservation Authorities Act Review, Phase II. The feedback from each individual session will be used to compile a final engagement session report.*

## Introduction

The Ministry of Natural Resources and Forestry (MNRF) is undertaking a phased review of the Conservation Authorities Act. The intent of the review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities (CAs). In Phase I of the review, completed in 2015, MNRF led an extensive consultation process to engage stakeholders in a discussion about opportunities to improve the Conservation Authorities Act, which resulted in extensive feedback.

Based on the input received in Phase I of the review, MNRF has released the document, *Conserving Our Future: Proposed Priorities for Renewal*, that outlines a series of actions that could be taken under five proposed priority areas for improvement: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. In June 2016, MNRF led a second round of consultations with a diversity of stakeholders to obtain input on the potential actions outlined within the five priority areas.

On June 3, 2016, the MNRF hosted a full-day workshop in Ottawa, at the Holiday Inn Express Hotel & Suites Ottawa West - Napean as part of the Phase II consultation program. The purpose of the workshop was to provide an overview of the five priority areas for improving the Conservation Authorities Act. The workshop consisted of an overview plenary presentation with time for questions of clarification, followed by three rounds of facilitated small group discussions. The facilitated discussions were designed to encourage dialogue and obtain feedback on the five (5) priority areas for improving the Conservation Authorities Act.

A total of 23 individuals participated in the workshop, including participants from the following organizations:

- Cataraqui Region CA
- City of Ottawa
- Greenspace Alliance of Canada's Capital
- Minto Communities
- Mississippi Valley CA
- Ontario Federation of Agriculture
- Ontario Federation of Anglers and Hunters
- Rideau Valley CA
- Robinson Consultants / DSAO
- South Nation River CA

- Township of Leeds and the Thousand Islands
- Township of Montague

This report presents a summary of the comments and suggestions provided by participants during the workshop.

## Summary of Participant Feedback

The summary of participant feedback is organized according to the five priority areas: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms and (5) Enhancing Flexibility for the Province. Each priority area contains a synopsis of the overall key themes and issues as well as specific feedback received through plenary discussions (see Appendix A) and completed discussion guides relating to each discussion question.

The following points highlight the recurring comments, concerns and/or advice which emerged from the Ottawa session.

- Ensure additional programs and services are delegated with adequate resources (particularly funding).
- Ensure CAs have the resources (e.g., funding, skilled staff, etc.) and tools (e.g., updated mapping) to deliver the variety of mandated programs and services they are responsible for, including tools to enforce regulatory compliance (e.g., stop work orders).
- Consider legislative (e.g., an appeal mechanism) and non-legislative mechanisms (e.g., add a purpose statement to the act, update the policies and procedures manual, identify key performance indicators, develop a communications strategy, etc.) to update the act.
- Ensure the proposed changes maintain flexibility and local autonomy (for municipalities and CAs).
- Move forward with the establishment of a provincial “one-window” approach and ensure it is adequately resourced.
- Establish a multi-ministry body to coordinate CA programs and services.
- Prioritize efforts to enhance First Nations, public and stakeholder engagement; suggested mechanisms include (e.g., ad hoc committees, advisory committees, staffing policies).
- Establish a strategy to improve the sharing and coordination of resources among CAs (e.g., who, what, where, how, etc.).
- Diversify the funding mechanisms available to CAs (e.g., development charges, utility fees, external funding).
- Ensure fees are established in a transparent manner and correspond to the services provided by CAs.

- Ensure funding mechanisms are flexible to meet the diverse needs of CAs across the province (i.e., flexible fee structure).
- Provide board members with training to ensure they understand their fiduciary responsibilities to the authority and watershed (e.g., budgeting, reporting, etc.).
- Consider other mechanisms or tools to delegate programs and services to other bodies or organizations (e.g., MOUs, Ministerial Mandates, Provincial Policy Statement, regulations, other statutes, etc.)

### Priority #1: Strengthening Oversight and Accountability

#### Overall key themes/issues:

- Consider legislative (e.g., add a purpose statement to the act, add an appeal mechanism) and non-legislative opportunities (e.g., update the policies and procedures manual, identify key performance indicators, develop a communications strategy, etc.) to strengthen oversight and accountability.
- Ensure delegated programs and services are accompanied by adequate resources (particularly funding).
- Clarify the intent of enhancing provincial and municipal oversight and how it will be applied in practice; there were comments both in support of and against increasing oversight.

#### *A. Updating the Act to reflect modern legislative structures and accountabilities*

Participant feedback expressed support to:

- Update the Act to reflect modern legislative structures and accountabilities (e.g., purpose statement).
- Clarify the roles of parties that provide oversight (e.g., municipalities, CA board).

Participant feedback highlighted the following considerations:

- Ensure there is an opportunity for stakeholders (e.g., the province, municipalities and CAs) to comment and agree on the purpose statement before it is added to the Act and regulations.
- Clarify the process to appoint CA board members.
- Consider appointing non-municipal representatives to CA boards to ensure broad representation of stakeholder perspectives (e.g. agricultural representatives).
- Update the policies and procedures manual (which has not been undertaken since 1985).

#### *B. Adopting and/or aligning with governance best management practices*

Participant feedback expressed support to:

- Update best management practices to enhance governance (and transparency); integrated watershed management was noted as the most important approach.

Participants highlighted the need to consider the model used by health units (as an example of a governance best practice).

### *C. Enhancing provincial oversight*

Participants expressed support to enhance provincial oversight (as long as resources are sufficient to implement delegated programs and services).

Participant feedback raised the following concerns and/or issues:

- Concerns about enhancing provincial oversight – clarify how enhanced oversight will operate in practice;
- Concerns about introducing new acts or regulations that would “limit” decision-making by municipalities – ensure flexibility at the local level;
- Concern that there is no simple or streamlined alternative dispute resolution process for CA decisions (e.g., bottleneck of issues pending before the mining commissioner); and
- Clarify the role of CAs in terms of provincial oversight (i.e., what are CAs providing?).

Participant feedback highlighted the following considerations:

- Ensure new programs or services are delegated to CAs with appropriate resources and support (particularly funding);
- Establish meaningful key performance indicators to measure the impact of CA programs and services (for larger, strategic and regional initiatives);
- Consider an appeal mechanism/alternative dispute resolution process for CA decisions – look to other agencies for models or best practices of appeal mechanisms.
- Consider the need for a communications strategy that can be used by all CAs to increase awareness of the purpose of CAs; promote accountability and transparency, etc.

### *D. Enhancing municipal oversight*

Participants expressed support to enhance municipal oversight, but indicated there is a need to clearly articulate what the enhancement would be.

The CA board (which is comprised of municipal representatives) already provides municipal oversight.

### *E. Developing or updating criteria for establishing, amalgamating or dissolving a CA*

Participant feedback highlighted the following considerations:

- Consider opportunities for CAs to share administrative roles and responsibilities (e.g., two boards, one administration in Quinte).
- Consider the model used to provide additional resources for prescribed tasks to implement Source Water Protection (SWP) initiatives.
- Consider amalgamating some CAs to overcome issues related to limited resources.



## Priority #2: Increasing Clarity and Consistency

### Overall key themes/issues:

- Ensure delegated programs and services are accompanied by adequate resources (particularly funding).
- Ensure the potential actions maintain flexibility and local autonomy (for municipalities and conservation authorities).
- Move forward with the development of an integrated legislative and policy framework.
- Ensure conservation authorities have the tools needed to deliver the variety of programs and services delegated to them, including tools to enforce compliance with regulatory requirements.
- Consider a suite of mechanisms to increase clarity and consistency (e.g., a preamble, Provincial Policy Statement).

### A. *Clearly delineating between mandatory and optional programs and services*

Participant feedback raised the following concerns and/or issues:

- Concern about changing processes abruptly; there needs to be a transition plan.
- Concern about reducing local autonomy (both municipal and CA).

Participant feedback highlighted the following considerations:

- Ensure mandated programs and services are accompanied by supporting tools (e.g., funding, provincial guidance/assistance).
- Clarify what will be *mandatory* and what will be *optional*, if the terms are retained.
- Consider the ability of different CAs to deliver mandated programs and services (i.e., different capabilities in terms of resources) and different watershed needs.

### B. *Establishing a Provincial Policy Directive*

Participant feedback expressed support to:

- Address the overlap and/or misalignment between different statutes that delegate programs and services to CAs; this may require updating other legislation.
- Develop an integrated policy framework.
- Specify CA roles and responsibilities through a Provincial Policy Directive (e.g., Provincial Policy Statement)

Participants raised the concern that specifying CA roles and responsibilities will limit flexibility; the Act is currently written to allow CAs to adapt to the needs of their watershed.

### *C. Providing clarity and consistency in conservation authorities' regulatory roles and responsibilities*

Participant feedback expressed support to:

- Consolidate CA roles and responsibilities outlined in other statutes.
- Define undefined terms.
- Align terminology used in different statutes (e.g., wetland).

Participants raised the concern that policies and regulations are not applied consistently by CAs.

Participant feedback highlighted the following considerations:

- Clarify the purpose of the act, its objectives and the tools available to implement them.
- Recognize the multiple roles and responsibilities CAs currently undertake in the Act (e.g., hazard management, watershed management, commenting on environmental assessments, service provider, regulator, and land owner).
- Consider the unintended consequences of clarifying CA roles and responsibilities (e.g., limiting the scope of CA activities).
- Consider legislative mechanisms to clarify roles and responsibilities (e.g., the statute's preamble).

### *D. Enhancing compliance and enforcement of regulatory requirements*

Participants expressed support to update regulatory compliance tools and mechanisms. Some participants noted that the Ontario Building Code could be used as a model for implementing stop work orders.

Participant feedback raised the following concerns and/or issues:

- Concern that regulatory compliance tools are insufficient.
- Concern that legal proceedings are costly and time consuming, negatively impacting limited CA resources.

### *E. Streamlining planning and permitting requirements and processes*

Participant feedback expressed support to:

- Streamline planning and permitting requirements and processes (e.g., simplify the process).
- Ensure the right tools are available to streamline planning and permitting processes.
- Adopt a risk-based approach to approvals; it was noted that more information is need to articulate how this will be applied in practice.

Participants raised concerns about a one-window approach as the “big picture” impact of iterative decisions is not clear.

Participants highlighted the need to define the value of watersheds/natural resources in the act.

### Priority #3: Improving Collaboration and Engagement

#### Overall key themes/issues:

- Move forward with the establishment of a provincial “one-window” approach and ensure it is adequately resourced.
- Establish a multi-ministry body to coordinate CA programs and services.
- Prioritize efforts to enhance First Nations, public and stakeholder engagement, suggested mechanisms include (e.g., ad hoc committees, advisory committees, staffing policies).
- Establish a strategy to improve the sharing and coordination of resources among CAs (e.g., who, what, where, how, etc.).

#### *A. Establishing a provincial “one-window” approach*

Participants were supportive of prioritizing the establishment of a provincial “one-window” approach; it was noted that this potential action is closely linked to sharing and coordinating resources among CAs.

Participant feedback highlighted the following considerations:

- Establish a “one-window” approach to streamline the approval process for site plan assessments; CAs could serve as the primary point of contact.
- Ensure the “one-window” approach is appropriately resourced.
- Establish a multi-ministry body (instead of promoting multi-ministry coordination) to coordinate CA programs and services.

#### *B. Establishing a business relationship with Conservation Ontario*

Participant feedback raised the following concerns and/or issues:

- Recognize that Conservation Ontario is already undertaking this potential action.
- Concern about Conservation Ontario being a governing body.

Participants suggested that MNRF consider the model used by the Association of Municipalities of Ontario (AMO) as a best practice.

#### *C. Enhancing Indigenous People’s participation*

Participant feedback expressed support to:

- Enhance the capacity of First Nations to participate in CA processes.
- Provide resources to enhance First Nation participation in CA processes.

#### *D. Enhancing public and stakeholder participation*

Participant feedback expressed support to:

- Enhance public and stakeholder participation to ensure a broad range of interests is considered; this should be prioritized. It was noted that some CAs have more capacity and experience engaging the public and stakeholders than others.

Participant feedback highlighted the following considerations:

- Consider the use of advisory committees or ad hoc committees to enhance stakeholder participation;
- Ensure a broad representation of stakeholder interests on CA boards (e.g., farmers);
- Consider the need for a communications strategy that can be used by all CAs to broaden awareness and engage stakeholders and the public; and
- Consider developing a CA staffing policy to employ more First Nations and/or newcomers.

#### *E. Supporting conservation authorities in sharing and coordinating resources*

Participant feedback expressed support to:

- Promote sharing and coordinating resources among CAs (e.g., GIS, data, etc.); it was noted that this is already happening between some CAs (e.g., program level staff sharing data, issuing joint publications; meetings involving CA board members).

Participant feedback raised the following concerns and/or issues:

- Concern that current efforts to share and coordinate resources are ineffective; it was suggested that the province should establish a strategy to improve data sharing.
- Clarify who will be financially responsible for coordinating resources.
- Consider other mechanisms to encourage collaboration between CAs (e.g., Source Water Protection model).

Participant feedback highlighted the following considerations:

- Consider cost-sharing or equalization payments across CAs.
- Consider the need for mechanisms to enable collaboration between CAs and CAs and their government partners.

## Priority #4: Modernizing Funding Mechanisms

### Overall key themes/issues:

- Prioritize the need for additional funding to implement the delivery of CA programs and services.
- Diversify the funding mechanisms available to conservation authorities (e.g., development charges, utility fees, external funding).
- Ensure fees are established in a transparent manner and correspond to the services provided by conservation authorities.
- Ensure funding mechanisms are flexible to meet the diverse needs of conservation authorities across the province (i.e., flexible fee structure).
- Provide board members with training to ensure they understand their fiduciary responsibilities to the board and watershed (e.g., budgeting, reporting, etc.).

### *A. Enhancing clarity, consistency and accountability around municipal levies*

Participant feedback raised the following concerns and/or issues:

- Recognize that the apportionment process is fair, but too complicated.
- Concern about changing the process by which CAs work with participating municipalities; the current process works well.
- Concern that smaller municipalities do not have the capacity (e.g., tax base) to support CAs; some of the financial responsibility should be “uploaded” to the province.

Participant feedback highlighted the following considerations:

- Consider simplifying the funding process (instead of clarifying it).
- Clarify the process regarding municipal levies for the public.
- Consider a minimum value for levies (e.g., \$10,000 to \$15,000).
- Ensure proper representation and/or transparency in the process to determine levies; it should reflect the ability of municipalities to pay.
- Consider a charge on the water rate as a mechanism to generate revenue.
- Eliminate geo-referencing – maintaining the current system is not equitable.
- Ensure efforts to standardize processes are also flexible to recognize the needs/diversity of CAs.
- Advocate for more provincial funding; there is a need to diversify funding sources.

### *B. Promoting clarity, consistency and accountability around fees and generated revenue*

Participants raised the concern that more transparency is needed in how fees are established; consistency is an issue across the province, but may not be practical/achievable.

Participant feedback highlighted the following considerations:

- Include the purpose of fees and what they include in the act.

- Consider a fee structure that recognizes the variation of CA needs and resources across the province.
- Establish a framework to calculate fees (that will improve transparency as it is undertaken differently by all CAs).
- Recognize that provincial direction should focus on cost recovery.
- Consider an appeal mechanism instead of a fee structure.
- Consider the model used in the Municipal Act.
- Consult stakeholders and the public about the fee structure, if one is proposed.
- Consider the need for fees to correlate to the service provided.
- Ensure fees are relevant for farmers (it could be too costly for some/not relevant).
- Include other mechanism to generate revenue in the Act (e.g., development charges).
- Clarify the status of CAs (e.g., non-profit vs. government agency) as this impedes access to funding.
- Need to invest in water protection and define mechanisms to fund water protection (not infrastructure) and plan for natural asset management, ecological goods and services).

### *C. Improving fiscal oversight and transparency*

Participant feedback highlighted the following considerations:

- Look at governance in a collective way (e.g., working relationship between the board and municipalities should be governance-based).
- Ensure board members understand the fiduciary responsibility of their role to the authority and watershed (e.g., provide training).
- Provide guidance in terms of a standard budgeting process for operations (e.g., group budgeting items such as land management, water management, etc.).
- Consider requiring the Chair of CAs to report to councils.
- Consider the need for consistency in terms of reporting to municipalities how funding is spent.
- Make information regarding fees and revenue generated accessible to the public.
- Consider opportunities to strengthen reporting to Councils.

### *D. Improving clarity in the use of provincial funding processes*

Participants raised the following concerns and/or issues:

- Recognize that some CAs are limited in their ability to raise funds.
- Recognize that CAs cannot apply for external funding (e.g., Ontario Trillium grants).

Participant feedback highlighted the following considerations:

- Consider the need for more provincial funding; this should be a prioritized action.
- Ensure the information required to meet eligibility criteria is useful to both the province and municipalities (i.e., avoid creating an administrative burden).
- Recognize that third-party audits already ensure accountability.
- Clarify the eligibility criteria for all groups, not just CAs.

## Priority #5: Enhancing Flexibility for the Province

### Overall key themes/issues:

- Ensure delegated programs and services receive the appropriate resources (particularly funding) to facilitate implementation.
- Clarify the intent of the potential actions to ensure they are interpreted consistently and correctly.
- Consider other mechanisms or tools to delegate programs and services to other bodies or organizations (e.g., MOUs, Ministerial Directives, Provincial Policy Statement, regulations, other statutes, etc.)

### *A. Giving the Minister the authority to use the Act to develop additional natural resource conservation and management programs and services in the future*

Participants were supportive of this potential action in principle if the intent is to consolidate roles and responsibilities from different statutes, not “download” more responsibilities without resources (e.g., funding).

Participant feedback raised the following concerns and/or issues:

- Concerns that specifying too many details in the Act will reduce flexibility for CAs and municipalities.
- Concern that CAs will be required to undertake the delivery of more programs and services without the required funding.

Participant feedback highlighted the following considerations:

- Clarify the purpose of the Conservation Authorities Act (operations vs. programming).
- Consider other mechanisms or tools to delegate responsibilities (e.g., MOUs, Ministerial Mandates, Provincial Policy Statement, regulations).
- Ensure collaboration between CAs to encourage consistency in the delivery of programming and services.
- Recognize the unique capabilities and needs of each CA and the need for flexibility.

### *B. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future*

Participant feedback expressed support to:

- Support this potential action if the intent is to consolidate roles and responsibilities from different statutes, not “download” more responsibilities.

Participant feedback raised the following concerns and/or issues:

- Concern about the “heavy handed” approach and language of the potential actions; the concern is that the province is moving toward a “command and control” approach.
- Concern about the capacity of different CAs to implement additional programs and services (particularly without additional funding).
- Clarify what will be delegated to provide more certainty.
- Concern that municipalities will be financially responsible for the additional programs and services if funding is not provided.

Participant feedback highlighted the following considerations:

- Clarify the intent of the potential actions to ensure they are interpreted consistently and correctly.
- Clarify the types of programs and services that could be delegated.

***C. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries***

Participant feedback raised the following concerns and/or issues:

- Concern that delegating programs and services to other bodies will lead to the privatization of these programs and services (i.e., flexibility without accountability).
- Concern that this potential action will delegate responsibilities away from CAs.
- Concern about losing the ability to negotiate funding if programs and services are delegated to other bodies or organizations.
- Concern about the delivery of programs and services through other organizations or bodies given the retrenchment of MNRF resources.
- Concern that delegating programs and services to other bodies or organizations will duplicate the services and programs provided by CAs.

***D. Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province***

Participant feedback highlighted the following considerations:

- Note that in some cases, there is already wording in the Act that addresses the intent of this potential action (e.g., where there is no CA).



## Other Actions to Consider

### Overall key themes/issues:

- Continue exploring opportunities to improve the role and function of board members (e.g., fiduciary duties, decision-making authority, compensation, terms, etc.).
- Build on existing communication efforts utilized by conservation authorities.

### *A. Reducing administrative burdens associated with appointing and replacing board members and obtaining approval of board per diems.*

Participant feedback raised the following concerns and/or issues:

- Concern regarding the approval of per diems as they are appealed to the Ontario Municipal Board (OMB); it was suggested that the CA board should decide, not the OMB.
- Concern that compensation is not equitable across CAs.

Participant noted that appointing and replacing board members is not a problem for all CAs.

### *B. Aligning board terms with the municipal elections cycle.*

Participants support the action to align board terms with the municipal elections cycle.

Participants suggested the need to consider term limits for board members (e.g., 8 years).

### *C. Developing and orientation and training program for board members.*

Participants were supportive of developing a training program for board members; specifically fiduciary training (functional responsibility for reporting to municipalities and responsibility of municipality to select board members).

### *D. Developing a coordinated communications plan outlining any changes to conservation authority operations, programs and services resulting from the review in partnership with municipalities and conservation authorities*

Participant feedback highlighted the following considerations:

- Note that some CAs already coordinate communications.
- Align CA communications with communications at Conservation Ontario.
- Foster effective exchange of programs needed to support collaboration.

## Additional Comments

Additional comments provided by participants include:

- Ensure the interests of all stakeholders (e.g., OFAH members, agricultural sector) are considered during decision-making processes; this can be achieved in part through more outreach and education.
- Suggest that CAs fill the gap in forest management and protection in Southern Ontario; forests play an important role in the hydrological cycle. Conservation authorities may be better positioned to undertake on the ground initiatives that MNRF does not have capacity for.
- Consider monitoring landscape management at multiple scales (e.g., provincial, watershed, etc.).

## Appendix A – Questions of Clarification

The following topics and themes were discussed after the overview presentation:

### **Presentation**

- Ensure the presentation includes a balanced summary of the feedback received during the first phase of consultations (e.g., positive feedback, opportunities for improvement, feedback by sector, etc.).
- Highlight the range of comments received regarding the CAs' Mandate (presented as an area of general disagreement).
- Concern that a focus on a “core hazards role” will limit the scope of CA roles and responsibilities; there is a need to recognize the diversity of programs and services CAs provide.
- Clarify whether the amalgamation of CAs is being considered by the province.

### **Priority Areas**

- Ensure the potential actions proposed to improve the coordination of CA services (e.g., one-window approach) are carefully considered and will be adequately resourced.
- Note that the potential actions do not reflect the fundamental issues affecting CAs (i.e., they miss the mark).
- Include integrated watershed management as an overarching approach in the Act.
- Recognize the multiple roles and responsibilities CAs currently undertake under the Act.
- Recognize that each CA is different; while consistency is an important objective it may lead to structural issues.
  - Each CA provides services that reflect the needs of its respective watershed.
  - Some CAs do not have the capacity (e.g., staff, financial resources, tools, etc.) to undertake integrated watershed management.
- Explain the rationale to include policies formally requiring CAs to undertake “other duties as assigned” given that they do not have the ability to say “no”.
  - Concern was expressed that municipalities will be financially responsible for “other duties as assigned” if funding is not provided with the assigned duties.
  - Concern was expressed that this potential action is a “command and control” approach and that other mechanisms could be used to delineate roles and responsibilities (e.g., MOUs, Ministerial Mandates).
- Include the six primary roles and responsibilities CAs currently undertake in the Act (e.g., hazard management, watershed management, commenting on environmental assessments, service provider, regulator, and land owner).
  - Conservation authorities can coordinate processes requiring collaboration among multiple stakeholders (e.g., integrated watershed management).
  - Ensure watershed management is integrated (i.e., someone need to be the “stick”).

- Consider the unintended consequences of clarifying CA roles and responsibilities (e.g., limiting the scope of CA activities).
- Consider clarifying certain issues (e.g., roles and responsibilities, climate change) in the statute's preamble.

***Participation and Feedback during Consultations***

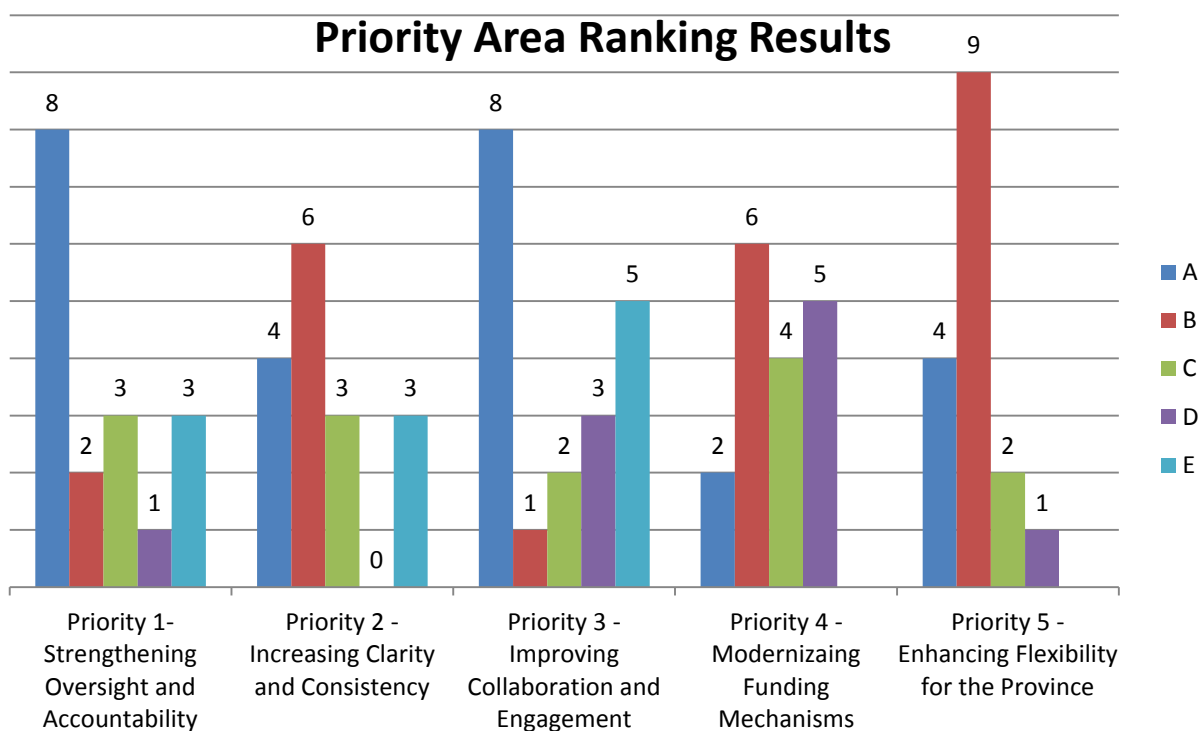
- Ensure stakeholders who participated in the first phase of consultations receive notification of consultation sessions going forward.

***Other***

- Recognize that there is no CA that oversees the Ottawa River.

## Appendix B – Ranking Results

At the end of the session participants were asked to choose the most important potential action under each priority area. The results of this optional exercise are presented in the graph below. Note that some attendees did not participate in the ranking because they felt the potential actions do not reflect the fundamental issues affecting CAs. The results represent the number of attendees that chose to respond and do not represent a statistically significant sample. Eighteen (18) completed forms were received. The potential actions under each priority area are represented by the letters A to E in the graph below.



### Additional comments

- Reduce red tape! Streamline permit application process.
- Clarify the intent of the potential actions under Priority #5.
- Develop opportunities to distribute funds across regions/province more effectively (e.g., cost sharing).
- Align the Conservation Authorities Act with other provincial legislation (e.g., Drainage Act, Ontario Water Resources Act).
- Make as many changes by updating the policies and procedures manual instead of revising the act.
- Include integrated watershed management in the purpose statement of the act.

- Concern about the need for the potential actions under Priority #5 in the act.
- Align board member appointments with the municipal election cycle.
- Concern about the need for Ontario Municipal Board (OMB) approval for board per diems.
- “Upload” funding of CAs to the province.

*This summary of participant feedback has been prepared by Lura Consulting and Planning Solutions Inc. to provide the Ministry of Natural Resources and Forestry with the recurring themes and priorities raised by participants during the Thunder Bay session of the Conservation Authorities Act Review, Phase II. The feedback from each individual session will be used to compile a final engagement session report.*

## Introduction

The Ministry of Natural Resources and Forestry (MNRF) is undertaking a phased review of the Conservation Authorities Act. The intent of the review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities. In Phase I of the review, completed in 2015, MNRF led an extensive consultation process to engage stakeholders in a discussion about opportunities to improve the Conservation Authorities Act, which resulted in extensive feedback.

Based on the input received in Phase I of the review, MNRF has released the document, *Conserving Our Future: Proposed Priorities for Renewal*, that outlines a series of actions that could be taken under five proposed priority areas for improvement: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. In June 2015, MNRF led a second round of consultations with a diversity of stakeholders to obtain input on the potential actions outlined within the five priority areas.

On June 7, 2016, the MNRF hosted a full-day workshop in Thunder Bay at the West Thunder Community Centre as part of the Phase II consultation program. The purpose of the workshop was to provide an overview of the five priority areas for improving the Conservation Authorities Act. The workshop consisted of an overview plenary presentation with time for questions of clarification, followed by three rounds of facilitated small group discussions. The facilitated discussions were designed to encourage dialogue and obtain feedback on the five (5) priority areas for improving the Conservation Authorities Act.

A total of 7 individuals participated in the workshop, including participants from the following organizations:

- Lakehead Region Conservation Authority (LRCA)
- Ministry of Environment and Climate Change
- Township of Gillies

This report presents a summary of the comments and suggestions provided by participants during the workshop.

## Summary of Participant Feedback

The summary of participant feedback is organized according to the five priority areas: (i) Overview Summary (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms and (5) Enhancing Flexibility for the Province. Each priority area contains a synopsis of the overall key themes and issues as well as specific feedback received through plenary discussions (see Appendix A) and completed discussion guides relating to each discussion question.

The following points highlight the recurring comments, concerns and/or advice which emerged from the Thunder Bay session.

- Northern Ontario in general and northwestern Ontario specifically exhibits a number of unique conditions, circumstances and challenges, not the least of which include unorganized territory, a large geography/spatial extent and frequently, an inaccessible land base.
- Local autonomy is critical; flexibility is essential to long term success.
- Education is imperative to improved understanding and awareness of the role and responsibilities of conservation authorities (CAs).
- Collaboration and cooperation are important fundamental principles. There are many examples where fees are set collaboratively and instances where CAs advance win/win solutions that promote mutually beneficial results. This latitude and flexibility is necessary and CAs must be given the opportunity to continue to develop workable solutions on a project-specific basis.
- Recognize that legislative changes need to be supported by long term sustainable funding. A long term financial commitment is essential.
- There are a number of legislative changes that should be considered as priorities by the province including:
  - Defining a clear purpose and meaning in the Act regarding the role and mandate of CAs;
  - Coordination and collection of scientific data and information – potential role for Conservation Ontario;
  - The need to enhancing the dialogue with First Nations but also with other stakeholders.
- There are a number of supporting actions that can realize significant change including training for CA Board Members, and province-wide initiatives led by Conservation Ontario to improve communication, education and awareness of the role of CAs.
- Need to ensure that municipalities are not handicapped by new statutory provisions.
- Recognize that these actions are not mutually exclusive and that some may be associated with increased funding requirements.
- Any ministerial changes to the regulation must be done in consultation with CAs.
- Legislative changes need to reflect the diversity that exists in conditions, circumstances and situations across the province (e.g. use of, access to and management strategies associated with conservation areas – very different in northern Ontario than in southern Ontario.)
- Keep it flexible. “Max flex” needs to be the operative principle moving forward regarding legislative change. Stay true to the role and mandate of CAs. Be realistic and be innovative.



## Priority #1: Strengthening Oversight and Accountability

### Overall key themes/issues:

- Maintaining local autonomy for CAs and flexibility in the CA Act is important for long term success.
- Enhancing communication and dialogue is important for improving understanding and awareness of a CAs role and mandate.
- The unique set of circumstances and challenges in northern Ontario should be considered in changes to the Act.

### *A. Updating the act to reflect modern legislative structures and accountabilities*

Participant feedback expressed support to modernize the Act to define a clear statement of purpose and the roles and responsibilities of various parties in providing oversight. It was noted that there is a misunderstanding among the public, municipalities, and other ministries about what a CA is responsible for.

Participants highlighted that communication between CA board members and with participating municipalities across a CA is important to establish a clear understanding of which programs are managed by CAs and why.

### *B. Adopting and/or aligning with governance best management practices*

Participant feedback highlighted the following considerations:

- CAs should already be following governance best management practices and this is less of a priority than other actions.
- The MNRF should provide some minimum guidance for best management practices which CAs can then adapt at the local level.
- The model followed by Health Units should be examined when determining an avenue for appeals regarding codes of conduct or conflict of interest.

### *C. Enhancing provincial oversight*

Participants raised the concern that CAs may lose local flexibility through actions that increase provincial oversight.

### *D. Enhancing municipal oversight*

Participant feedback expressed support to:

- Enhance municipal oversight regarding the scope and focus of CA programs and services.
- Achieve a balance of provincial and municipal oversight to allow local flexibility.

### *E. Developing or updating criteria for establishing, amalgamating or dissolving a CA*

Participant feedback highlighted the following considerations:

- Regional differences should be reflected in the criteria for establishing, enlarging, amalgamating or dissolving a CA.
- Enlargement of CAs in northern Ontario to follow the scientific watershed would require additional provincial funding. There is no mechanism to levy unorganized townships and there would be a large financial burden on member municipalities of the LRCA.

## **Priority #2: Increasing Clarity and Consistency**

### **Overall key themes/issues:**

- There is support for providing clarity and consistency in a CAs regulatory roles and responsibilities. Consolidating and codifying regulations would reduce the potential for misinterpretation of the regulations.
- There are challenges in negotiating with landowners and enforcing regulatory requirements. Education and enhancement of the CAs relationship with landowners is important to address this.

### *A. Clearly delineating between mandatory and optional programs and services*

Participant feedback expressed support to:

- Clearly delineate between mandatory and optional programs and services.
- Provide clarity and consistency in a CAs regulatory roles and responsibilities.

### *B. Establishing a Provincial Policy Directive*

No specific feedback on this topic.

### *C. Providing clarity and consistency in conservation authorities' regulatory roles and responsibilities*

Participants were supportive of providing clarity and consistency in a CAs regulatory roles and responsibilities. Participants noted that consolidating and codifying regulations would reduce the potential for misinterpretation of the regulations and the associated legal disputes. Defining undefined terms in the Act was also supported.

### *D. Enhancing compliance and enforcement of regulatory requirements*

Participant feedback highlighted the following considerations:

- Enhancing compliance and enforcement of regulatory requirements was identified as an expensive action and therefore less important.

- There are challenges in negotiating with landowners and enforcing regulatory requirements. The appeal process is expensive for CAs.
- CAs want to be viewed as an approachable body that works with landowners rather than an enforcement authority. Education is important to enhance this relationship.
- Technical guidelines need to be updated (e.g., guidelines with respect to bedrock) to improve enforcement of regulations. It is easier for staff to administer regulations when they are provided with clear definitions.

#### *E. Streamlining planning and permitting requirements and processes*

Participant feedback highlighted the following considerations:

- CAs will get more buy in from the community when they have positive relationships through planning and permitting processes.
- It is important to make planning and permitting processes user-friendly to the public.

### **Priority #3: Improving Collaboration and Engagement**

#### **Overall key themes/issues:**

- The establishment of a provincial “one-window” should be prioritized.
- There is support for Conservation Ontario to remain an advocate of CAs rather than provide specific direction on CA programs.
- Actions relating to enhancing Indigenous Peoples’, public, and stakeholder participation would require additional financial and staff resources for CAs to manage.
- Enhancing education and awareness in the community of the various roles of CAs, municipalities and the province would be beneficial.

#### *A. Establishing a provincial “one-window” approach*

Participants expressed support to prioritize the establishment of a provincial “one-window”. It was noted that this approach could also provide efficiencies with respect to gaining access to funding opportunities.

Participants expressed that coordinating the collection and sharing of science and information should be done by one body for cost and operational efficiencies as opposed to coordinated by both Conservation Ontario and a provincial “one-window”.

#### *B. Establishing a business relationship with Conservation Ontario*

Participants raised the following concerns and/or issues:

- There was a preference for Conservation Ontario to remain an advocate of CAs rather than a body that directs how programs should be run or what programs should be delivered.

- Providing education and raising awareness on the role of CAs was a suggested role for Conservation Ontario.

### *C. Enhancing Indigenous People's participation*

Participants raised the following concerns and/or issues:

- There are challenges with engaging Indigenous Peoples'. It requires a more fulsome consultation process.
- It was suggested that the federal government should provide funding for Indigenous People's participation in CAs. Given the ability for the province to effect change in this area, it is less of a priority action.

### *D. Enhancing public and stakeholder participation*

Participants raised the following concerns and/or issues:

- Actions relating to enhancing Indigenous Peoples', public, and stakeholder participation are important; however they would require additional financial and staff resources for CAs to manage.
- A lot of resources are required to engage the public with a small amount of feedback received in return. Education may be more effective in terms of use of CA resources.

Participants highlighted that there is a lack of understanding amongst the community regarding a CAs mandate and role. Enhancing education and awareness of the various roles of CAs, municipalities and the province would be beneficial.

### *E. Supporting conservation authorities in sharing and coordinating resources*

Participants noted that supporting CAs in sharing and coordinating resources is less of a priority. Sharing of resources is already happening at the local level where it makes sense.

## **Priority #4: Modernizing Funding Mechanisms**

### **Overall key themes/issues:**

- Sustainable long term funding is required to deliver CA programs and services and support provincial direction. A multi-ministry approach to funding should be considered.
- Regional differences should be taken into account when determining funding levels (e.g., lower population base and greater distances in northern Ontario).
- Consider innovative opportunities for municipal funding arrangements, e.g., new tax classification for CA owned hazard-related lands, tax rates reflective of the land use and benefit provided.

#### ***A. Enhancing clarity, consistency and accountability around municipal levies***

Participant feedback highlighted the following considerations:

- It is important to avoid downloading provincial costs to municipalities through CA levies.
- Regional differences should be taken into account when determining funding levels (e.g., lower population base, greater distances in northern Ontario). It was noted that population data being used is inaccurate; Stats Canada data is preferred.

#### ***B. Promoting clarity, consistency and accountability around fees and generated revenue***

Participant feedback highlighted the following considerations:

- CAs in northern Ontario experience challenges in generating funds through the operation of conservation areas. Member municipalities must be levied for the maintenance of conservation lands.
- Delivering consistent permitting fees across northern Ontario is a challenge when travel distances vary greatly.

#### ***C. Improving fiscal oversight and transparency***

Participant feedback highlighted the following considerations:

- Improving fiscal oversight and transparency was indicated as less important. There is a sense that municipal oversight and transparency is already strong.
- Standardizing budgeting requirements may not be suitable for all CAs. Adjusting existing processes will require additional resources.
- A clarification was made that municipalities have a role in CA budget approval as opposed to oversight.

#### ***D. Improving clarity in the use of provincial funding processes***

Participants highlighted that if a CA could apply directly for Trillium funding the process would be more streamlined.

#### ***E. Other Feedback on Priority #4***

Additional participant feedback on priority #4 included:

- Sustainable long term funding is required to deliver CA programs and services and support provincial direction.
- CAs provide a range of environmental and health benefits. A multi-ministry approach to funding should be explored, e.g., funding from the Ministry of Health.
- Consider innovative opportunities for municipal funding arrangements, e.g., new tax classification for CA owned hazard-related lands, tax rates reflective of the land use and benefit provided.

## Priority #5: Enhancing Flexibility for the Province

### Overall key themes/issues:

- It was emphasized that the CA Act should be written broadly to allow for flexibility and consideration of future emerging issues.
- There is a preference for consultation and communication between CAs and the MNRF regarding changes to the regulations of the CA Act.

*A. Giving the Minister the authority to use the act to develop additional natural resource conservation and management programs and services in the future*

*B. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future*

*C. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries*

*D. Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province*

Participant feedback highlighted the following considerations related to Priority #5:

- Consultation and communication between CAs and the MNRF is important regarding changes to the regulations of the CA Act.
- Ensuring flexibility is maintained in the CA Act is important to allow for consideration of future emerging issues such as climate change impacts.

## Other Actions to Consider

### Overall key themes/issues:

- All potential actions should be considered in conjunction with fiscal realities.
- A low cost form of alternative dispute resolution for permitting appeals should be made mandatory prior to matters being handled through the court system.
- There is concern that judges do not have the same knowledge as the Ontario Mining and Lands Commissioner. Education should be provided to the judiciary on conservation so that informed decisions can be made.
- The CA Act should be written broadly to allow for flexibility. Control is better applied through directives and regulations.
- Actions should reflect the diversity of conditions and circumstances of the CAs across the province.

### ***A. Additional actions for the Ministry to take***

Participant feedback highlighted the following actions for the Ministry to take:

- A regular review of the regulations and directives of the CA Act should be undertaken; however the legislation itself does not need to be reviewed as frequently.
- Regarding the enforcement of regulations, it was suggested that all appeals should go to the Ontario Mining and Lands Commissioner (OMLC) or another form of dispute resolution where the costs are lower before going through the court system.
  - There was concern that judges do not have the same knowledge as the OMLC. Education should be provided to the judiciary on the role of conservation and the CA Act to allow them to make informed decisions.

### ***B. Considerations when developing any additional actions***

Participants highlighted the following considerations when developing additional actions:

- It was emphasized that the CA Act should be written broadly to allow for flexibility. Control is better applied through directives and regulations.
- Northern Ontario faces unique challenges with an expansive geography and an absence of infrastructure and transportation modes. There should also be recognition that there is a large geographical area outside of CA jurisdiction in northern Ontario and what happens within the greater watershed affects other CA municipalities.

### ***C. Feedback on additional potential actions proposed by the Ministry***

Participants highlighted that reducing the administrative burden associated with appointing or replacing board members is less of a priority. With respect to aligning board terms with the municipal election cycle, there is a preference for ensuring some continuity and knowledge transfer of board members between terms.

## Appendix A – Questions of Clarification

The following topics and themes were discussed after the overview presentation:

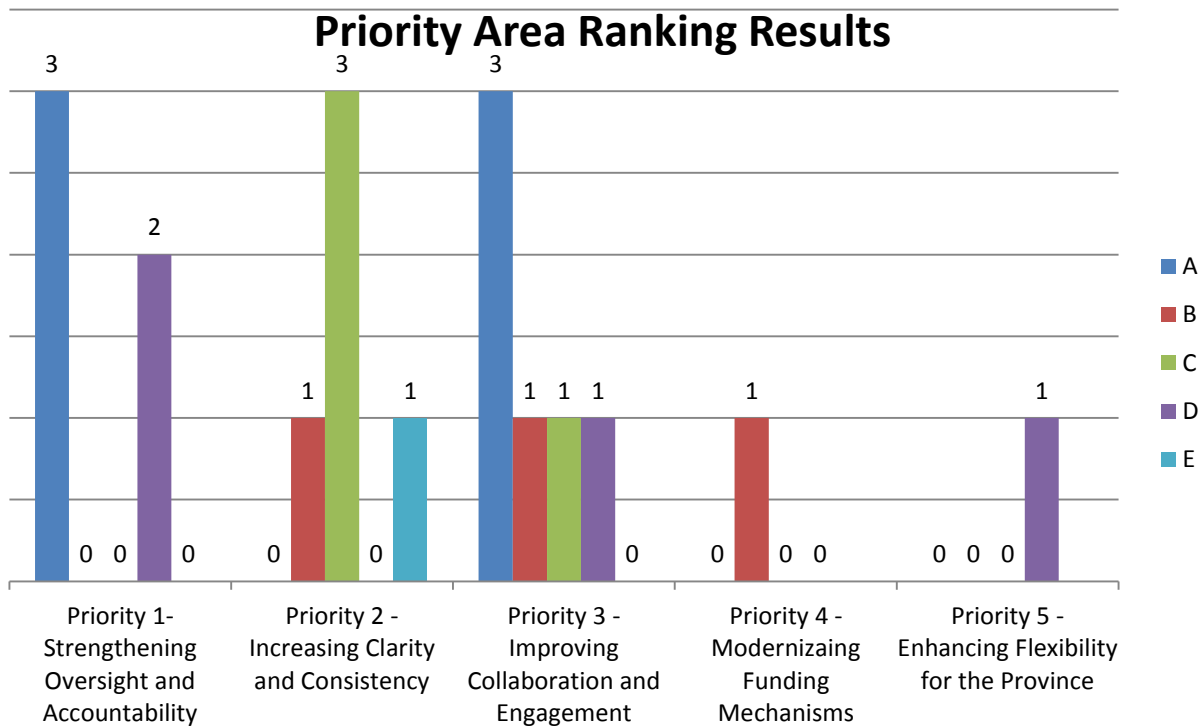
**Q. Prior to 1995 there was a formal CA branch within MNR. Is there any consideration for reinstating that branch? LRCA is the only CA in northwestern Ontario and we are delivering the mandated programs. How does MNRF engage with those other municipalities about things like flood plain mapping? We also have unorganized townships adjacent to us where people are building without permits in the flood plain. Where could those municipalities go? The CA branch concept may still have some validity. Lots of northern Ontario is not covered by a CA.**

**A.** We have heard from other stakeholders that the MNRF needs to be right-sized to reflect the CA program. With respect to your point about unorganized townships, outside of CA territory the natural hazard program is delivered by the MNRF.



## Appendix B – Ranking Results

At the end of the session participants were asked to choose the most important potential action under each priority area. The results of this optional exercise are presented in the graph below. Note that some attendees did not participate in the ranking because they felt the potential actions do not reflect the fundamental issues affecting CAs. The results represent the number of attendees that chose to respond and do not represent a statistically significant sample. Five (5) completed forms were received. The potential actions under each priority area are represented by the letters A to E in the graph below. At the end of the session, participants were asked to choose the most important potential action under each priority area. The results of this exercise are presented below.



*This summary of participant feedback has been prepared by Lura Consulting and Planning Solutions Inc. to provide the Ministry of Natural Resources and Forestry with the recurring themes and priorities raised by participants during the London session of the Conservation Authorities Act Review, Phase II. The feedback from each individual session will be used to compile a final engagement session report.*

## Introduction

The Ministry of Natural Resources and Forestry (MNRF) is undertaking a phased review of the Conservation Authorities Act. The intent of the review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities. In Phase I of the review, completed in 2015, MNRF led an extensive consultation process to engage stakeholders in a discussion about opportunities to improve the Conservation Authorities Act, which resulted in extensive feedback.

Based on the input received in Phase I of the review, MNRF has released the document, *Conserving Our Future: Proposed Priorities for Renewal*, that outlines a series of actions that could be taken under five proposed priority areas for improvement: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. In June 2016, MNRF led a second round of consultations with a diversity of stakeholders to obtain input on the potential actions outlined within the five priority areas.

On June 9, 2016, the MNRF hosted a full-day workshop in London at the Double Tree by Hilton as part of the Phase II consultation program. The purpose of the workshop was to provide an overview of the five priority areas for improving the Conservation Authorities Act. The workshop consisted of an overview plenary presentation with time for questions of clarification, followed by three rounds of facilitated small group discussions. The facilitated discussions were designed to encourage dialogue and obtain feedback on the five (5) priority areas for improving the Conservation Authorities Act.

A total of 57 individuals participated in the workshop, including participants from the following organizations:

- Ausable Bayfield Conservation Authority
- Bruce County Federation of Agriculture
- Canadian Environmental Law Association
- Catfish Creek Conservation Authority
- Chippewas of the Thames First Nation
- City of Cambridge
- City of Hamilton
- Conservation Ontario
- County of Oxford
- Ducks Unlimited
- EnPointe Development
- Essex Region Conservation Authority
- Grand River Conservation Authority
- Halton Region Conservation Authority

- Hamilton Region Conservation Authority
- Kettle Creek Conservation Authority
- Lake Erie North Shore Landowners Association
- London Development Institute
- Long Point Region Conservation Authority
- Lower Thames Valley Conservation Authority
- Maitland Valley Conservation Authority
- Municipality of Brockton
- Niagara Peninsula Conservation Authority
- Niagara Region
- Ontario Farm Environment Coalition
- Ontario Federation of Agriculture
- Saugeen Conservation Authority
- Six Nations Lands and Resources
- St. Clair Region Conservation Authority
- Stantec
- Town of Hanover
- Upper Thames River CA
- Watterworth Farms

This report presents a summary of the comments and suggestions provided by participants during the workshop.

### Summary of Participant Feedback

The summary of participant feedback is organized according to the five priority areas: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms and (5) Enhancing Flexibility for the Province. Each priority area contains a synopsis of the overall key themes and issues as well as specific feedback received through plenary discussions (see Appendix A) and completed discussion guides relating to each discussion question.

The following points highlight the recurring comments, concerns and/or advice which emerged from the London session.

- There is support for updating the CA Act to reflect modern legislative structures, specifically by adding a clear purpose statement and principles/objectives that the legislation is trying to achieve.
- The core mandate of CAs can fluctuate so it must be flexible with a focus on Integrated Watershed Management (IWM).
- There needs to be more training across all CAs to improve consistency in governance.
- Establishing a provincial “one-window” approach is a top priority.
- CAs need more provincial assistance to undertake precise mapping; it is challenging to make good decisions with inaccurate and inconsistent data.
- Indigenous Peoples’ participation should be at a watershed and strategic planning level rather than a project by project level, however there is not a clear path to achieve this.

- It is important to foster a culture of CAs working together with landowners with regard to planning and permitting. There needs to be more transparency, communication and sharing of information between CAs and landowners to enhance this relationship and achieve solutions.
- Increasing access to funding should be a top priority; funding should be aligned with a CAs mandate. A multi-ministry approach to funding should be undertaken.
- There is support for clarifying municipal levies. Apportionment of levies and the funding formula need to be enhanced, better defined and made consistent.
- Clarity around fees and how they can be used by a CA would be beneficial. It was suggested that the Ministry should provide clear guidance on acceptable revenue streams.
- There is a desire for standardized and consistent budgeting practices; however, standardizing budget templates may add complexity and an administrative burden.
- There is support from some participants for the Minister to have authority and flexibility to expand natural resource conservation and management programs and services.
- Appropriate support and funding is required for any additional programs or services delegated to CAs.

### Priority #1: Strengthening Oversight and Accountability

#### Overall key themes/issues:

- There is support for updating the CA Act to reflect modern legislative structures, specifically by adding a clear purpose statement and principles/objectives that the legislation is trying to achieve.
- When adding a purpose statement to the CA Act, it is important to find a balance and provide enough flexibility to accommodate the context-specific circumstances of each CA.
- There needs to be more training across all CAs to improve consistency in governance.
- If the province is going to direct additional CA programs and services, the necessary funding should be provided.
- Municipalities should not be able to remove themselves from a CA as this would have a large financial impact on a CA.
- Developing or updating criteria for establishing, amalgamating or dissolving a CA is necessary, however it might not have a place within the CA Act.

#### A. *Updating the Act to reflect modern legislative structures and accountabilities*

Participant feedback expressed support to:

- Update the CA Act to reflect modern legislative structures, specifically by adding a clear purpose statement and principles/objectives that the legislation is trying to achieve.
- Clearly define and communicate to the public the purpose of CAs.
- Define the roles and responsibilities of various parties.

Participant feedback highlighted the following considerations:

- It is important to find a balance and provide enough flexibility to accommodate the context-specific circumstances of each CA.
- Focus on articulating desired outcomes, rather than how to achieve them. This will provide guidance while also allowing some flexibility.
- Look to the model of Public Health Units for structuring the CA Act and regulations.
- Changes to the CA Act should be aligned with the Municipal Act.
- Modernize the CA Act so it is easier to update in the future (i.e., include certain aspects as regulation and policy rather than legislation so they can be adapted more frequently).
- Updates to the CA Act should include an improved appeal process for planning and permitting.

#### ***B. Adopting and/or aligning with governance best management practices***

Participants expressed that there needs to be more training across all CAs to improve consistency in governance. It was noted that there needs to be clarity on how conflicts of interest among board members are addressed. Participants suggested that operational audits should be reinstated.

#### ***C. Enhancing provincial oversight***

Participants expressed support to enhance provincial oversight if it results in more standardized operating practices for all CAs.

Participants raised the concern that if the province is going to direct additional CA programs and services, the necessary funding should be provided.

#### ***D. Enhancing municipal oversight***

Participants emphasized that municipalities do not want to be the regulatory body for flooding and hazards; the CA model is best for this.

#### ***E. Developing or updating criteria for establishing, amalgamating or dissolving a CA***

Participants expressed concern that municipalities should not be able to remove themselves from a CA as this would have a large financial impact on a CA and its ability to fulfill its roles. If a municipality were to be removed it would continue to receive benefits provided by a CA without having to provide funding.

Participant feedback highlighted the following considerations:

- Developing or updating criteria for establishing, amalgamating or dissolving a CA is less important. Having criteria is necessary, but this might not have a place within the CA Act.
- Consider a process to achieve minor CA boundary adjustments as some municipalities are located in two or more CAs.

## Priority #2: Increasing Clarity and Consistency

### Overall key themes/issues:

- There is support for clearly delineating between required programs and services (with appropriate funding sources) and those that are discretionary.
- Appropriate funding mechanisms are needed to support the required CA programs and services.
- The core mandate of CAs can fluctuate so it must be flexible with a focus on IWM.
- Clarify the hierarchy of various legislation, regulations, policies, and plans.
- It is important to update regulatory requirements and keep them current rather than create additional requirements.
- A solutions-based approach rather than a fine-based approach should be established to address compliance and enforcement issues.
- More collaborative decision-making should be implemented to improve the relationship with landowners regarding enforcement of regulations.
- There is support for establishing and encouraging streamlined and consistent planning and permitting processes among the different CAs.

### A. *Clearly delineating between mandatory and optional programs and services*

Participants expressed support for clearly delineating between required programs and services (with appropriate funding sources) and those that are discretionary.

Participants raised the concern that appropriate funding mechanisms are needed to support the required programs and services.

Participant feedback highlighted the following considerations:

- Flood and hazard issues should be mandatory and everything else should be discretionary.
- Stronger collaboration needs to happen to support integrated watershed planning.

### B. *Establishing a Provincial Policy Directive*

Participant feedback expressed support for providing some level of provincial policy direction.

Participant feedback raised the following concerns and/or issues:

- The position of the policy directive needs to be clear in terms of how it falls in the hierarchy of other provincial policy directives.

Participant feedback highlighted the following considerations:

- Consider developing agreements between CAs and the provincial government (similar to agreements with universities) to outline roles and responsibilities specific to each CA.

- The core mandate of CAs can fluctuate so it must be flexible with a focus on IWM.
- Policy directives should be outcome-based rather than prescriptive.

### *C. Providing clarity and consistency in conservation authorities' regulatory roles and responsibilities*

Participant feedback expressed support to:

- Clarify the hierarchy of various legislation, regulations, policies, and plans.
- Clarify the roles and responsibilities of the various provincial ministries and stakeholders (e.g. municipalities, agencies, etc.).

Participant feedback raised the following concerns and/or issues:

- There is a need for watershed plans to have a formal status/authority and fit within the hierarchy of policy documents and link to municipal plans.
- Public perceptions of a CA's role are often unclear; CAs are seen as regulators more than conservation champions.

Participant feedback highlighted the following considerations:

- It is important to update regulatory requirements and keep them current rather than create additional requirements.
- Many CAs are not aware of the provincial resources and guidance tools available to them.
- Policy and procedure documents should be updated to clarify areas of jurisdiction, roles and responsibilities.
- There is support for creating consistency across CAs but if this cannot be achieved the rationale for inconsistency should be communicated.
- There is a need for greater clarity on who is responsible for the regulation of wetlands and natural heritage among municipalities, provincial agencies and CAs.

### *D. Enhancing compliance and enforcement of regulatory requirements*

Participant feedback expressed support to:

- Modernize the regulatory compliance and enforcement approach.
- Increase clarity and transparency in compliance and enforcement processes.
- Provide CAs with the ability to issue stop work orders.

Participant feedback raised the following concerns and/or issues:

- CAs do not have the same abilities as municipalities to issue stop work orders.
- Fines are not high enough to deter some landowners from noncompliance with regulations.
- The cost of legal action against landowners is prohibitively expensive for CAs.
- Money collected from fines does not go directly back to CAs.

- There are sometimes perceived conflicts of interest between CA board members and landowners.
- There is a need to provide clarity on where the authority lies for planning and permitting.

Participant feedback highlighted the following considerations:

- Enforcement is currently complaint-based; there is a need for more proactive enforcement of regulations.
- A solution-based approach rather than a fine-based approach should be established to address compliance and enforcement issues.
- More collaborative decision-making should be implemented to improve the relationship with landowners regarding enforcement of regulations.
- Establish a mechanism for CAs to receive the money collected from fines.

#### *E. Streamlining planning and permitting requirements and processes*

Participant feedback expressed support to:

- Establish and encourage streamlined and consistent planning and permitting processes among the different CAs.
- Expedite the permitting process and reduce duplication in the review of applications.

Participant feedback highlighted the following considerations:

- Explore the use of different classes of approvals to expedite the permitting process (similar to the Class Environmental Assessment (EA) approach).
- Use collaborative multi-departmental/agency committees to review permits (similar to some drainage committees) rather than a linear process.
- Landowners see five levels of government regulation for their land (federal, provincial, regional, municipal and CA). There needs to be coordinated and streamlined “one-window” permit approval approach.
- The permitting process is currently set up for “getting to no”; it needs to be rethought as a process for “getting to yes”.
- Liaison committees should be considered as an effective tool for sharing knowledge with the public on completing permit applications.



### Priority #3: Improving Collaboration and Engagement

#### Overall key themes/issues:

- Establishing a provincial “one-window” approach should be a top priority.
- CAs need more provincial assistance to undertake precise mapping; it is challenging to make good decisions with inaccurate and inconsistent data.
- Some CAs do not want Conservation Ontario to be an oversight body or have an oversight role. Conservation Ontario’s current role is working well.
- Indigenous Peoples’ participation should be at a watershed and strategic planning level rather than a project by project level, however there is not a clear path to achieve this.
- Develop a guidance document on public and stakeholder participation. Engagement should be considered as a guideline, rather than a regulation.
- It is important to employ a culture of collaboration with landowners. There needs to be more transparency, communication and sharing of information between CAs and landowners. In some areas landowners are not sure who to contact when they have questions/concerns.

#### A. *Establishing a provincial “one-window” approach*

Participant feedback expressed support to:

- Establish a provincial “one-window” approach as a top priority.
- Develop a single point of contact at the ministry level to exchange information and provide support/advice.
- Develop a “multi-ministry body” where inquiries are filtered through a group rather than one person. The committee should have representation from different ministries and CAs.

Participant feedback highlighted the following considerations:

- CAs need more provincial assistance to undertake precise mapping; it is challenging to make good decisions with inaccurate and inconsistent data.
- A “one-window” approach will facilitate more interaction between CAs and ministries.

#### B. *Establishing a business relationship with Conservation Ontario*

Participant feedback raised the following concerns and/or issues:

- Some CAs do not want Conservation Ontario to be an oversight body or have an oversight role. Conservation Ontario’s current role is working well.
- No regulation role for Conservation Ontario is required.

Participant feedback highlighted the following considerations:

- Define ‘business relationship’ and consult with CAs on this.
- Look at the Association of Municipalities of Ontario (AMO) model for ideas on enhancing the relationship between CAs and Conservation Ontario.

### *C. Enhancing Indigenous Peoples' participation*

Participant feedback raised the following concerns and/or issues:

- Indigenous Peoples' participation should be at a watershed and strategic planning level rather than a project by project level, however there is not a clear path to achieve this.

Participant feedback highlighted the following considerations:

- Indigenous Peoples' participation requires more discussion and direction from the province.
- CAs would like to see the province provide templates/best practices for agreements for engaging with Indigenous Peoples.

### *D. Enhancing public and stakeholder participation*

Participant feedback expressed support to:

- Develop a guidance document on public and stakeholder participation. Engagement should be considered as a guideline, rather than a regulation.

Participant feedback highlighted the following considerations:

- Some CAs are already incorporating multiple opportunities for public and stakeholder participation, however funding and resources are limited.
- It is important to employ a culture of collaboration with landowners. There needs to be more transparency, communication and sharing of information between CAs and landowners. In some areas landowners are not sure who to contact when they have questions/concerns.
- There needs to be a standardized process in place that CAs must follow when entering a landowners' property including providing adequate notification.
- Ad hoc and advisory committees for CAs have been successful for enhancing stakeholder engagement.
- The Planning Act outlines mandatory public consultation policies, but they do not foster authentic and genuine engagement opportunities. This should not be repeated in the CA Act. The aim should be on leading genuine engagement that is reflective of modern engagement and communication mechanisms.

### *E. Supporting conservation authorities in sharing and coordinating resources*

Participant feedback expressed support to:

- Encourage CAs to share data, science, and information.
- Explore the opportunity for certain CAs to be 'centers of excellence' for specific topic areas to reduce duplication of resources.
- Encourage CAs to work together to achieve administrative efficiencies, but do not prescribe it.

Participant feedback raised the following concerns and/or issues:

- Supporting CAs in sharing and coordinating resources is important, but language and liability need to be considered (e.g., risk management on sharing information).
- Each CA has a different way of sharing information (e.g., they don't all have an open-data policy).
- It will be challenging to share information and resources in an equitable manner. Perhaps the provincial and federal government should be providing resources to CAs.

Participant feedback highlighted the following considerations:

- There is a need to draw provincial and federal governments back into Great Lakes shoreline protection. Everyone needs to be involved.
- Consider shared target setting for CA Key Performance Indicators (KPIs) across larger eco-zones rather than a single CA.

#### Priority #4: Modernizing Funding Mechanisms

##### Overall key themes/issues:

- Increasing access to funding should be a top priority. Funding should be aligned with CAs' mandate.
- There is support for clarifying municipal levies. Apportionment of levies and the funding formula need to be enhanced, better defined and made consistent.
- Clarity around fees and how they can be used by a CA would be beneficial. It was suggested that the Ministry should provide clear guidance on acceptable revenue streams.
- There is a desire for standardized and consistent budgeting practices; however, standardizing budget templates may add complexity and an administrative burden.
- The timing of the release of transfer payments creates challenges for CAs (i.e. fiscal years are misaligned). A multi-year funding model would create greater efficiencies in administering programs.
- Multi-ministerial funding opportunities should be explored as well as federal funding opportunities to address the sustainable funding needs of CAs.

##### *A. Enhancing clarity, consistency and accountability around municipal levies*

Participants expressed support for clarifying municipal levies. It was noted that apportionment of levies and the funding formula need to be enhanced, better defined and made consistent.

Participant feedback raised the following concerns and/or issues:

- There is some discrepancy between the CA Act and Ontario Regulation 139/96 (Municipal Levies). The language needs to be clarified. This would help avoid lengthy appeal processes.

- Some member municipalities feel they don't have enough influence on the CA budget and that there is an imbalance of representation of municipalities on CA boards.
- The intent of the municipal levy has to be made clear. There is confusion regarding whether the levy is a tax or a collection of charges for the CA. If it is not a tax, municipalities should have more of a say with respect to its uses.

Participants emphasized that there is a desire for fairness and impartiality among small and large CAs; one size does not fit all. Population density and different sizes of CAs mean that a standard formula is likely not effective. There needs to be an equalization mechanism for municipal levies.

### ***B. Promoting clarity, consistency and accountability around fees and generated revenue***

Participants expressed that clarity around fees and how they can be used by a CA would be beneficial. It was suggested that the Ministry should provide clear guidance on acceptable revenue streams.

Participant feedback highlighted the following considerations:

- Ensure changes to the CA Act do not limit a CAs ability to raise funds.
- Some CAs need support in justifying user fees as the public does not usually understand how they are derived.

### ***C. Improving fiscal oversight and transparency***

Participants expressed that there are no major issues with fiscal oversight and transparency.

Participant feedback highlighted the following considerations:

- There is a desire for standardized and consistent budgeting practices; however, standardizing budget templates may add complexity and an administrative burden. Some municipalities currently ask for compliance with their own budget formats.
- There is concern that municipalities may ask to have too much involvement in budgeting by increasing municipal oversight through changes to the CA Act.

### ***D. Improving clarity in the use of provincial funding processes***

Participants raised the following concerns and/or issues:

- The timing of the release of transfer payments creates challenges for CAs (i.e. fiscal years are misaligned). A multi-year funding model would create greater efficiencies in administering programs.
- The transfer payment should be indexed to the rate of inflation. Municipalities are currently making up the difference for inflation increases.
- CAs should be eligible for Trillium funds and development charges.

Participant feedback highlighted the following considerations:

- Increasing access to funding should be a top priority. Funding should be aligned with a CA's mandate.
- Multi-ministerial funding opportunities should be explored as well as federal funding opportunities to address the sustainable funding needs of CAs.
- Without secure and stable funding there is an inability to plan for the future.
- New legislation that impacts CAs (e.g., Accessibility for Ontarians with Disabilities Act, Health and Safety legislation) is increasing costs for CAs but budgets are not increasing to reflect this.

### Priority #5: Enhancing Flexibility for the Province

#### Overall key themes/issues:

- There is support from some participants for the Minister to have authority and flexibility to expand resource conservation and management programs and services.
- Appropriate support and funding is required for any additional programs or services delegated to CAs.
- External partners need to have the right expertise and capacity to deliver natural resource conservation and management programs and services. Appropriate oversight and transparency is required for any external partner activities.

#### *A. Giving the Minister the authority to use the Act to develop additional natural resource conservation and management programs and services in the future*

Participant feedback expressed support for giving authority to the Minister to develop additional natural resource conservation and management programs and services. It was noted that duplication of efforts should be avoided.

#### *B. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future*

Participants emphasized that additional programs and services delegated to CAs must be accompanied by appropriate funding. There was a general feeling that delegation is already happening but there is a need to better define the scope of what/when/how delegation can occur.

#### *C. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries*

Participants expressed support for enhancing natural resource conservation and management in areas not currently within the jurisdiction of a CA.

Participant feedback highlighted the following considerations:

- External partners need to have the right expertise and capacity to deliver natural resource conservation and management programs and services.
- Appropriate support and oversight of external partners is needed if they are delegated to deliver programs and services.
- Appropriate accountability and transparency measures must be in place.
- CAs should be considered before external partners in the delivery of additional programs and services since the framework is already in place.

***D. Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province***

Participants noted the importance of avoiding any duplication of services or programs already in place.

## Other Actions to Consider

### Overall key themes/issues:

- It is important to reduce the administrative burden associated with obtaining approval of board per diems. Existing best practices should be applied as an alternative to requiring OMB approval for per diems.
- There is support for aligning board terms with the municipal elections cycle, while still maintaining flexibility for individual CAs.
- Orientation and training should be developed for board members with acknowledgement of local differences in each CA.
- CAs should be encouraged to share code of conduct documents and tools to support board member training.

***A. Reducing administrative burdens associated with appointing and replacing board members and obtaining approval of board per diems.***

Participants expressed that it is important to reduce the administrative burden associated with obtaining approval of board per diems. It was suggested that existing best practices be applied as an alternative to requiring OMB approval for per diems.

***B. Aligning board terms with the municipal elections cycle.***

Participants expressed support for aligning board terms with the municipal elections cycle, while still maintaining flexibility for individual CAs to determine term length.

***C. Developing an orientation and training program for board members.***

Participants expressed support for developing an orientation and training program for board members. Many CAs already undertake new board member training. It was suggested that CAs share code of conduct documents and tools to increase the level of board member competence. It was noted that training should also acknowledge the local differences in each CA.

***D. Developing a coordinated communications plan outlining any changes to conservation authority operations, programs and services resulting from the review in partnership with municipalities and conservation authorities***

Participants expressed support for a coordinated communications plan; however questions were raised regarding who would be responsible for this and whether it is a potential role for Conservation Ontario.

### **Additional Comments**

Additional comments provided by participants include:

- A multi-stakeholder CA commission that reports to the Minister should be established. It could act as a review and guidance body and ongoing communication channel between CAs and the MNRF.
- Education and training should be provided to the courts/legal system to provide a stronger foundation of knowledge when addressing appeals to planning and permitting in the CA Act.
- Regarding composition of the CA board, it was suggested that it is unfair to grant additional seats to double-tier municipalities. There is a need for more consistency among all CAs. It was also noted that the ideal board composition is a mixture of individuals engaged in governance (e.g., municipal councillors) and those who are experts in the field (e.g., engineers, environmental groups, etc.).
- It was suggested that an agriculture expert be employed by the CA so landowners can reach out to discuss agriculture-related questions/concerns.
- Participants discussed the idea of listing CA levies separately on property tax bills to draw the connection that it is a levy on the homeowner.
- There was support for maintaining biophysical boundaries for CAs rather than municipal/political boundaries.

## Appendix A – Questions of Clarification

The following topics and themes were discussed after the overview presentation:

**Q. What is the timeline for amending the CA Act?**

**A.** That is up to the government. Our plan is to report back on the feedback that we receive from these sessions and the Environmental Registry to the Minister and Cabinet in the fall 2016. Based on what they hear, they will make decisions about whether legislative changes will move forward and where it will fit on the legislative agenda.

**Q. Should we try to involve our MPP in the proposed changes?**

**A.** If you have concerns locally that you feel that your MPP should be made aware of, you can copy them on you correspondence with us. Your MPP would welcome talking to you about it.

**Q. With the introduction of the provincial Climate Change Action Plan, will this slow down the process to update the CA Act? How does that plan fit in?**

**A.** There are so many different pieces that are ongoing and that fit together. There is work being done on the four land use plans, the Aggregate Resources Act, and climate change. The government has a broad and aggressive agenda. Because of that, we are having a lot of inter-ministerial discussion about the various reviews that are ongoing and how we can coordinate.

**Q. Once the legislative changes are proposed, do you anticipate it going to Committee?**

**A.** That is a decision that is made by the government and Cabinet.

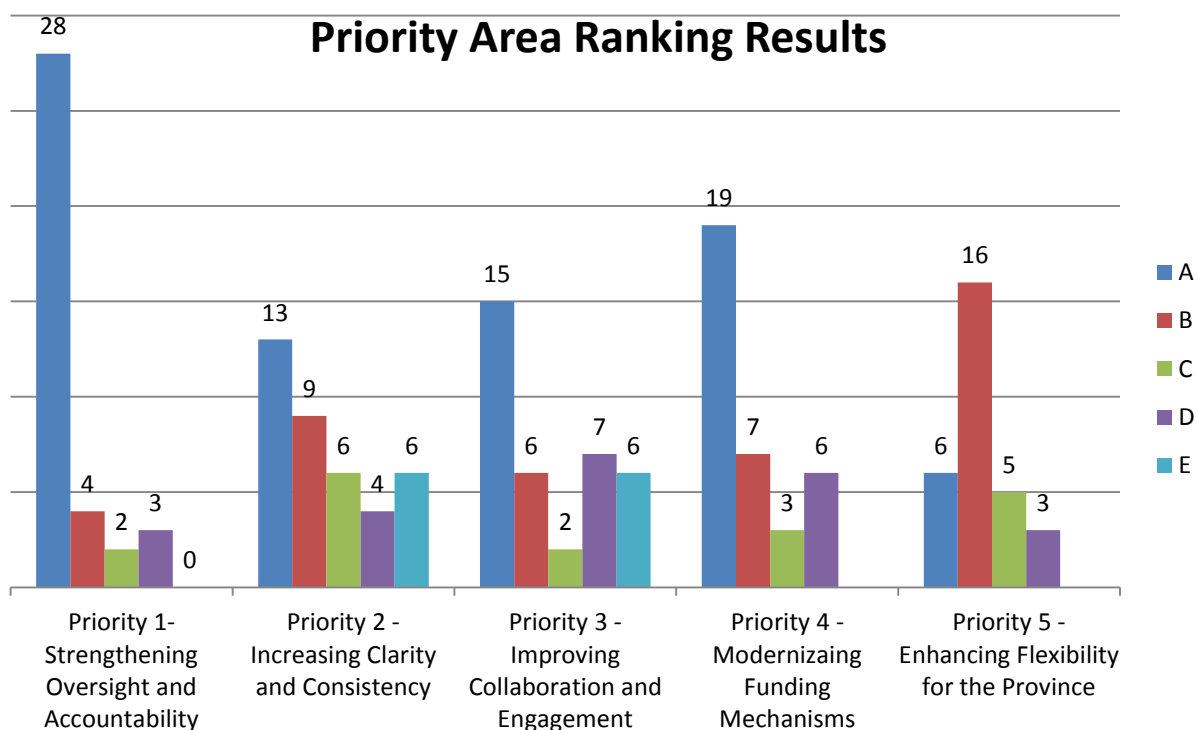
**Q. Every ministry or group has a Provincial Policy Statement on what the province wants them to do and a lot of them are conflicting. Which one has as higher priority? As a private landowner, how do we know what takes precedent? It is not clear.**

**A.** That is common feedback we have heard. The Drummond Report released a few years ago highlighted this overlap and confusion between provincial/municipal/CA roles and responsibilities in permitting. We will talk about that today. We would like your thoughts on how to streamline it and where those issues exist. We also encourage you to submit your comments to the Environmental Registry so it can be received formally in writing.



## Appendix B – Ranking Results

At the end of the session participants were asked to choose the most important potential action under each priority area. The results of this optional exercise are presented in the graph below. Note that some attendees did not participate in the ranking because they felt the potential actions do not reflect the fundamental issues affecting CAs. The results represent the number of attendees that chose to respond and do not represent a statistically significant sample. Thirty-seven (37) completed forms were received. The potential actions under each priority area are represented by the letters A to E in the graph below.



### Additional comments

- Collaborate with other ministries to prevent overlap and accelerate the process to update the CA Act.
- Provide clear direction on IWM as the prime focus for CAs.
- Add a separate CA levy line on property tax bills.
- Developing an inter-ministerial committee should be a priority.
- Any of the actions to enhance flexibility for the province should come with financial support if mandated.

- Focus should be on clearly identifying roles and providing appropriate funding levels.
- Any delegation of new responsibility requires funding resources.
- Prioritize a “one-window” approach for direction on legislation/regulation at the CA level (e.g., Department of Fisheries and Oceans Agreements) to reduce duplication and maintain a strong local watershed perspective.
- Clarify the role of board members as representing the watershed, not the municipality.
- Promote/incent/encourage CA partnerships where capacity is needed.
- Reduce administrative burdens experienced by CAs in the delivery of programs and services.
- Move CA oversight to the Ministry of Environment and Climate Change.
- Remove planning and permitting from CA programs. Improve the appeal process if planning is to remain under CA jurisdiction and make it consistent with the Planning Act.

*This summary of participant feedback has been prepared by Lura Consulting and Planning Solutions Inc. to provide the Ministry of Natural Resources and Forestry with the recurring themes and priorities raised by participants during the Newmarket session of the Conservation Authorities Act Review, Phase II. The feedback from each individual session will be used to compile a final engagement session report.*

## Introduction

The Ministry of Natural Resources and Forestry (MNRF) is undertaking a phased review of the Conservation Authorities Act. The intent of the review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities (CAs). In Phase I of the review, completed in 2015, MNRF led an extensive consultation process to engage stakeholders in a discussion about opportunities to improve the Conservation Authorities Act, which resulted in extensive feedback.

Based on the input received in Phase I of the review, MNRF has released the document, *Conserving Our Future: Proposed Priorities for Renewal*, that outlines a series of actions that could be taken under five proposed priority areas for improvement: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. In June 2015, MNRF led a second round of consultations with a diversity of stakeholders to obtain input on the potential actions outlined within the five priority areas.

On June 13, 2016, the MNRF hosted a full-day workshop in Newmarket, Holiday Inn Express & Suites Newmarket as part of the Phase II consultation program. The purpose of the workshop was to provide an overview of the five priority areas for improving the Conservation Authorities Act. The workshop consisted of an overview plenary presentation with time for questions of clarification, followed by three rounds of facilitated small group discussions. The facilitated discussions were designed to encourage dialogue and obtain feedback on the five (5) priority areas for improving the Conservation Authorities Act.

A total of 59 individuals participated in the workshop, including participants from the following organizations:

- AWARE Simcoe
- Blue Mountain Watershed Trust
- Building Industry and Land Development Association
- Central Lake Ontario CA
- Christian Farmers Federation of Ontario
- Conservation Ontario
- County of Simcoe
- Credit Valley CA
- Dillon Consulting Limited
- Ducks Unlimited Canada
- Friends of the Rouge Watershed

- Ganaraska Region CA
- Green Durham Association
- Halton Region CA
- Kawartha Region CA
- Lake Erie North Shore Landowners Association
- Lake Simcoe Region CA
- Mattamy Corporation
- Member of the Public
- Midhurst Ratepayers Association
- MMM Group Limited
- Niagara Peninsula CA
- Nottawasaga Valley CA
- Ontario Federation of Agriculture
- Ontario Federation of Anglers and Hunters
- Ontario Home Builders Association
- Ontario Stone, Sand and Gravel Association
- Peterborough County
- Region of Peel
- Regional Municipality of Durham
- Simcoe County Federation of Agriculture
- Toronto and Region CA
- Town of Bradford West Gwillimbury
- Town of Springwater
- Waterfront Toronto

This report presents a summary of the comments and suggestions provided by participants during the workshop, and received during the two-week comment period after the session.

### Summary of Participant Feedback

The summary of participant feedback is organized according to the five priority areas: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms and (5) Enhancing Flexibility for the Province. Each priority area contains a synopsis of the overall key themes and issues as well as specific feedback received through plenary discussions (see Appendix A) and completed discussion guides relating to each discussion question.

The following points highlight the recurring comments, concerns and/or advice which emerged from the Newmarket session.

- Concern that the potential actions do not reflect the fundamental issues affecting CAs.
- Concern that the review focuses on processes and procedures instead of protecting and enhancing the natural environment.
- Increase and diversify provincial funding to CAs to support the implementation of conservation programs and services (e.g., access to funds generated through the provincial cap and trade system).
- Reinstate the provincial partnership; this is a critical component that is missing from the collaborative model that was envisioned for CAs.

- Establish a multi-ministerial body to promote dialogue and collaborative decision-making regarding CA roles and responsibilities.
- Consider an evolving provincial role that could see Provincial Resource Managers (under the leadership of MNRF) act as information coordinators and process conveners.
- Add a purpose statement to the Act that includes Integrated Watershed Management (IWM) as this is the tool and the basis for collaboration, partnership and engagement of all stakeholder and government interest.
- Consider legislative changes that focus on positive approaches (e.g., relationship building, collaboration, IWM) to improve conservation efforts instead of increasing oversight.
- Recognize that CAs are inherently unique. Local conditions and circumstances influence programs and services; legislative changes must recognize the need for continued local autonomy (i.e., flexibility).
- Establish a third-party process or mechanism to resolve disputes with CAs (e.g., Ontario Municipal Board, appeal mechanism, penalties).
- Update and expand the tools available to support compliance and enforcement of regulatory requirements (e.g., stop work orders).
- Provide provincial support to navigate legal proceedings (e.g., funding, guidance).
- Establish a mechanism for CAs to capture funds from compliance and enforcement activities (e.g., penalties, legal processes).
- Consider non-legislative approaches to streamline planning and permitting requirements and processes (e.g., pre-consultation meetings and/or checklists, collaborating with municipalities, updating guidance documents).
- Establish a provincial “one-window”, with clear expectations for provincial, municipal and CA roles and responsibilities.
- Increase funding to Conservation Ontario (CO) to enhance capacity, consistency and transparency through leadership.
- Consider the provision of orientation and training by CO, with assistances from CAs.
- Promote two-way dialogue with a broad spectrum of stakeholders, particularly landowners and farmers, through a variety of mechanisms (e.g., committees, online participation).
- Build on existing communication and public education strategies to increase clarity, consistency and transparency.
- Consider mandatory requirements for public meetings (comparable to provisions under the Planning Act).
- Consider a funding formula to equalize funding between CAs (based on population, programming, species at risk, watershed characteristics, etc.) paid by the province.
- Promote the establishment of fees through a collaborative process to ensure they are clear and predictable.
- Address gaps in the potential actions identified by participants (e.g., actions to enhance land securement).

- Learn from other reviews that have been completed in the past and have been carried out across other jurisdictions (e.g., Coordinated Review).

### Priority #1: Strengthening Oversight and Accountability

#### Overall key themes/issues:

- Concern that the potential actions do not reflect the fundamental issues affecting CAs; the review should focus on collaboration and partnership and advancing a healthy watershed.
- Add a purpose statement to the Act that includes integrated watershed management as the overall approach to conservation.
- Establish a multi-ministerial body to promote dialogue and collaborative decision-making.
- Consider legislative changes that focus on positive approaches (e.g., relationship building, collaboration, integrated watershed management) to improve conservation efforts (instead of increasing oversight).
- Find a balance between prescriptive policies and maintaining flexibility for CAs.
- Establish a third-party process or mechanism to resolve disputes with CAs (e.g., Ontario Municipal Board, appeal mechanism, penalties).
- Reinstate MNRF representation on CA Boards.
- Consider mandatory review periods for municipality/CA MOUs and Service Level Agreements (e.g., every five years).

#### A. *Updating the Act to reflect modern legislative structures and accountabilities*

Participants expressed support to update the vision of the Act.

Participant feedback raised the following concerns and/or issues:

- Concern that consultations on potential policy changes are not being undertaken consistently by the Ministry of Natural Resources and Forestry (MNRF).
- Concern that there are no clear objectives or outcomes that the review is trying to address (e.g., a healthy watershed).

Participant feedback highlighted the following considerations:

- Define the purpose and mandate of the Act in the legislation (i.e., form follows function).
- Add a purpose statement to the Act that:
  - Includes integrated watershed management (IWM) as the overall approach to conservation;
  - Includes a vision, mission, and values for CAs that can be updated on a regular basis.
- Include a purpose statement in the legislation or in the Provincial Policy Statement (PPS); the PPS must indicate that it is mandatory for CAs to develop watershed and subwatershed plans.

- Focus legislative changes on positive approaches (e.g., relationship building) rather than oversight.
- Ensure flexibility within the legislation as priorities vary across the region and will change over time (e.g., climate change considerations).
- Ensure policies are prescriptive (to improve clarity) and flexible to address the diverse qualities and circumstances of CAs throughout the province.
- Find a balance between prescriptive policies and maintaining flexibility for CAs; avoid creating or exacerbating inconsistencies.
- Consider including best practices from other statutes (e.g., Not-For-Profit Corporations Act) in the legislation to increase transparency.
- Update provincial policies and technical guidelines to ensure they reflect the current suite of issues facing CAs.
- Update and revise legislative requirements for watershed and subwatershed planning, using the approach that was in place when CAs submitted watershed plans to the province for review and approval (and funding).
- Reinstate compulsory integrated watershed planning and subwatershed planning; the model worked and was highly effective.

### ***B. Adopting and/or aligning with governance best management practices***

Participant feedback highlighted the following considerations:

- Note that the existing governance model is working well; many CAs comply with codes of conduct or provide board member orientation.
- Establish an inter-ministerial body to promote dialogue and collaborative decision-making; funding should be tied to the provincial mandate; the Fish and Wildlife Commission was offered as a suggestion.
- Enhance CA collaboration and governance; there is a need to improve relationship building rather than changing the governance structure.
- Note that CA boards are following best management practices; this does not need to be included in the legislation.
- Consider formal agreements with sectoral groups (e.g., MOUs with agricultural community; MOUs with development community, etc.) to formalize the approach on a watershed basis and ensure that those working with CAs promote the collaborative partnership model. This should be an enabling provision and not a prescriptive provision to allow for local flexibility.

### ***C. Enhancing provincial oversight***

Participants expressed support to enhance provincial oversight; however it was noted that CA autonomy is also important.

Participant feedback raised the following concerns and/or issues:

- Concern that CAs are not accountable to any organization/the public.
- Concern that more programs and services will be delegated to CAs without funding through increased provincial oversight.
- Concern that CAs have lost a partner at the provincial level.

Participant feedback highlighted the following considerations:

- Note that there is already accountability and oversight at the provincial level.
- Broaden the provincial oversight model to a multi-ministerial approach with dedicated funding.
- Establish a third-party process or mechanism to address public concerns and ensure CAs are accountable to their legislated roles and responsibilities (e.g., Ontario Municipal Board, appeal mechanism, penalties); while there is currently an appeal process of a CA decision/lack of decision to the Mining and Lands Commissioner, there are no formal mechanisms to appeal any matter that is unrelated to a board decision (e.g., disclosure of information).
- Consider retaining a third-party consultant to review each CA to identify what is working well and where there is room for improvement.
- Consider an “accreditation” process to assess CA operations and provide advice on an annual basis, serving a peer-review, assistance-based function.
- Enhance provincial coordination of CA programs and services to enhance consistency (leadership rather than oversight).
- Reinstate MNRF representation on CA boards to improve consistency in governance.
- Focus on relationship building between CAs, municipal and provincial partners and watershed stakeholders.
- Move away from organizational silos.
- Strengthen the research efforts at MNRF to provide CAs with better policy direction.
- Consider a role for MNRF to serve as a resource manager at the province, playing a stronger liaison role with other ministries and agencies.
- Ensure CA partners (e.g., non-profit organizations) are given the opportunity to comment on any proposed changes related to this potential action that would affect their operations (e.g., CA approvals).

#### *D. Enhancing municipal oversight*

Participants expressed support to enhance local decision-making; accountability should be at the local level.

Participant feedback highlighted the following considerations:

- Note that there is already accountability and oversight at the municipal level.
- Consider mandatory review periods for municipality/CA MOUs and Service Level Agreements (e.g., every five years); this would ensure that MOUs and Service Level Agreements remain current.



### *E. Developing or updating criteria for establishing, enlarging, amalgamating or dissolving a CA*

Participants raised concerns about municipalities within a watershed opting out of a CA; there needs to be holistic management of natural resources on a watershed scale.

## **Priority #2: Increasing Clarity and Consistency**

### **Overall key themes/issues:**

- Add IWM to the Act to help increase clarity and consistency.
- Clarify CA roles and responsibilities (including non-regulatory expectations).
- Ensure CAs have access to the tools and resources (e.g., funding, maps, and communication materials) required to implement the consistent delivery of programs and services.
- Clarify the roles of various ministries (e.g., Ministry of Natural Resources and Forestry, Ministry of Environment and Climate Change).
- Build on communication and public education strategies to increase clarity, consistency and transparency.
- Update and expand the tools available to support compliance and enforcement of regulatory requirements (e.g., stop work orders).
- Provide provincial support for legal proceedings (e.g., funding, guidance).
- Consider non-legislative approaches to streamline planning and permitting requirements and processes (e.g., pre-consultation meetings and/or checklists, collaborating with municipalities, updating guidance documents).

### *A. Clearly delineating between mandatory and optional programs and services*

Participant feedback highlighted the following considerations:

- Provide sustainable funding for mandated programs and services.
- Provide provincial direction for funding (instead of delineating between mandatory and optional programs and services).

Participants noted that there are trade-offs to clearly delineating between mandatory and optional programs and services (e.g., increasing clarity/reducing flexibility).

### *B. Establishing a Provincial Policy Directive*

Participant feedback expressed support to:

- Establish a provincial policy directive to identify and define CA roles and responsibilities that is current and up to date.
- Establish a provincial policy directive that has a purpose and is tied to outcomes.
- Establish a harmonized policy framework (that aligns with other provincial legislation).

Participant feedback highlighted the following considerations:

- Use integrated watershed management (IWM) as an approach to recognize the multiples roles and responsibilities CAs undertake.
- Develop a policy “roadmap” to delineate which policies CAs must adhere to (e.g., what’s in/what’s out).
- Retain flexibility, but provide enough direction in the provincial policy directive to facilitate compliance.

### *C. Providing clarity and consistency in CA’s regulatory roles and responsibilities*

Participant feedback expressed support to:

- Enhance the clarity and consistency of CA roles and responsibilities (this is beneficial from a staffing/resourcing perspective).
- Provide clarification of key terms (e.g. conservation of land, wetland).
- Ensure nomenclature is aligned across different statutes (e.g. natural heritage, natural resources, etc.).

Participant feedback raised the following concerns and/or issues:

- Concern that some CAs do not have staff with the requisite skills (e.g., engineers) to review permit applications.
- Recognize that some CAs do not have the capacity (e.g., resources such as qualified staff, mapping tools, funding, etc.) to deliver programs and services consistently; more funding is needed to address this issue.
- Concern that CAs address landowner concerns inconsistently.
- Concern that CA Act regulations are implemented inconsistently by CA boards (e.g., s. 28 regulations pertaining to certain categories of wetlands).

Participant feedback highlighted the following considerations:

- Add IWM to the legislation to help increase clarity and consistency (and identify linkages to other legislation with corresponding policies).
- Emphasize that the core focus of CAs should be watershed planning.
- Note that clarity and consistency are two different issues:
  - There is a need to clarify CA roles and responsibilities (including non-regulatory expectations); and
  - There is a need to ensure the consistent delivery of programs and services across the CA landscape; this is well defined in the Conservation Authority Liaison Committee (CALC) Report.
- Ensure CAs staff have access to the tools and resources (e.g., funding, maps, and communication materials) required to implement policy objectives consistently; it was noted that municipal staff also need clarity and tools to support CAs.

- Establish rules/procedures to ensure programs and services are delivered consistently in areas where there is no CA (i.e., by MNRF or another body).
- Clarify the roles of various ministries (e.g., Ministry of Natural Resources and Forestry, Ministry of Environment and Climate Change) as they relate to supporting CAs regulatory roles and responsibilities.
- Suggest sharing and coordinating resources between MNRF and CAs to overcome resource limitations.
- Note that communication and public education are important “soft tools” that can help improve clarity, consistency and transparency (in terms of CA roles and responsibilities).
- Provide training for CA staff.
- Note that the programs and services delivered by CAs are based on the needs of their respective watersheds.
- Consider the need to increase transparency; freedom to access MOUs was suggested as an option.
- Recognize that CAs are the conduit to the province, municipality and landowners.
- Provide provincial leadership and funding.
- Learn from the original establishment of the Conservation Authorities Act developed for planning at the watershed level.

#### *D. Enhancing compliance and enforcement*

Participants expressed support to enhance compliance and enforcement.

Participant feedback raised the following concerns and/or issues:

- Concern that there is no process to address conflicts of interest (i.e., ensure CAs are accountable and transparent).
- Concern that legal proceedings are costly and time consuming, negatively impacting limited CA resources.
- Concern that too much flexibility makes compliance and enforcement a challenge.
- Concern about inconsistent CA board decisions.

Participant feedback highlighted the following considerations:

- Update and expand the tools available to support compliance and enforcement of regulatory requirements (e.g., stop work orders).
- Clarify which tools will be updated.
- Provide provincial support for legal proceedings (e.g., funding, guidance).
- Establish a mechanism to recover legal costs.
- Update fines to ensure they correspond to the environmental impact incurred.
- Ensure that municipalities comply with legislation designed to protect watersheds (e.g., Lake Simcoe Protection Act).

- Ensure individuals adjudicating legal proceedings understand the CA Act.
- Establish linkages between Acts that promote Integrated Watershed Management to enhance consistency and facilitate compliance.

### *E. Streamlining planning and permitting requirements and processes*

Participant feedback expressed support to:

- Streamline planning and permitting requirements and processes to increase clarity and predictability for end-users (e.g., landowners, developers, non-profit partner organizations).
- Increase consistency on rules of engagement, performance standards and timelines (aligned with the Planning Act).

Participant feedback highlighted the following considerations:

- Consider pre-consultation meetings and/or checklists; these have worked well in municipal planning processes.
- Collaborate with municipalities to identify what constitutes a complete application.
- Establish universal timelines for permit reviews with municipalities.
- Update guidance documents to help streamline processes (e.g., flood line mapping).
- Update administrative processes and procedures to improve CA efficiencies.
- Promote the management of natural resources on a watershed basis; this requires collaboration and partnerships between the province, municipalities and CAs with input from the public and stakeholders.
- Consider a triage approach for fast tracking urgent applications (e.g., emergency works).

### **Priority #3: Improving Collaboration and Engagement**

#### **Overall key themes/issues:**

- Concern that the potential actions in this priority area do not reflect the fundamental issues affecting CAs.
- Support to establish a “one-window”, with clear expectations for provincial, municipal and CA roles and responsibilities.
- Support Conservation Ontario’s efforts to provide more strategic and policy direction, with dedicated funding.
- Provide more guidance and resources (e.g., funding) to CAs to enhance First Nations engagement in CA processes.
- Include IWM in the Act to as an approach to promote partnerships and relationship building (i.e., consultation should be included in the development of integrated watershed plans).
- Promote two-way dialogue with a broad spectrum of stakeholders, particularly landowners and farmers, through a variety of mechanisms (e.g., committees, online participation).
- Provide funding to support collaboration and engagement.

### *A. Establishing a provincial “one-window”*

Participants expressed support to enhance communication and coordination with the province and CAs.

Participant feedback raised the following concerns and/or issues:

- Concern about the effectiveness of a “one-window” approach; there is a need to clarify roles and responsibilities at each legislative/planning layer to ensure the approach streamlines the current planning and approvals process.
- Concern about “silos” at the provincial level and the need for multi-ministry alignment and integration.

Participant feedback highlighted the following considerations:

- Bring provincial ministries together to address challenges facing the development community regarding permitting issues.
- Require MOUs to ensure the “one-window” approach is clear to all parties involved.

### *B. Establishing a business relationship with Conservation Ontario*

Participants expressed support for Conservation Ontario (CO), with dedicated provincial funding, to provide strategic direction and planning policy coordination. CO could provide a coordinated service on behalf of the province, tied to CA MOUs. CO could also provide more comprehensive training for conservation authorities.

Participants (some) raised concerns that there is no oversight of Conservation Ontario.

### *C. Enhancing Indigenous Peoples’ participation*

Participant feedback raised the following concerns and/or issues:

- Concern that there is a lack of funding provided to CAs to conduct engagement with Indigenous Peoples.
- Concern that there are challenges in engaging Indigenous Peoples (no examples were provided), requiring a more thoughtful process.
- Do not legislate the duty to consult with Indigenous Peoples to municipalities or CAs. There is a unique process and timeframe required; First Nations groups have different needs and preferences for participation.

Participant feedback highlighted the following considerations:

- Create opportunities for Indigenous Peoples to serve on CA boards; this is welcomed by CAs.
- Note that First Nations advisory committees are working well in some areas.
- Provide guidance on how to engage Indigenous Peoples.

#### *D. Enhancing public and stakeholder participation*

Participant feedback expressed support to:

- Increase stakeholder representation in CA decision-making processes (specifically the agricultural sector).
- Establish agriculture advisory committees for CAs.

Participant feedback raised the following concerns and/or issues:

- Concern that meaningful engagement with landowners is not taking place consistently across the province.
- Concern that there is a lack of appreciation of agricultural goods and services provided by farmers.
- Note that farmers are experiencing engagement fatigue.
- Concern that there is no mention of IWM; it is a critically important approach and tool to promote partnerships and relationship building.
- Enhance two-way dialogue with stakeholders (e.g., instead of education).

Participant feedback highlighted the following considerations:

- Include engagement activities in process improvements and guidelines, not in the Act.
- Ensure a broad spectrum of stakeholders (e.g., landowners, farmers) is represented/consulted in CA decision-making processes.
- Consider a mechanism to address complaints regarding CAs.
- Inform CA board decisions through proactive discussions with multiple stakeholders; this will improve transparency.
- Note that the development of integrated watershed plans should include consultation as part of the process to identify priorities.
- Consider mandatory requirements for public meetings if there are changes that impact landowners.
- Improve relationship building through ancillary means (e.g., engagement and information sharing can be made more effective by using technology to live-stream meetings, etc.)
- It is important that landowners are informed of significant natural features (e.g., wetlands) located on their properties.
- Consider a Conservation Authority Liaison Committee to improve harmonization.

#### *E. Supporting CAs in sharing and coordinating resources*

Participant feedback highlighted the following considerations:

- Consider the need for additional funding to support collaboration and engagement (e.g., staff, financial resources).

- Note that many CAs already share best management practices and resources; there is no need to set prescriptive guidance.
- Promote partnerships and relationship building between CAs, municipalities and the province.
- Promote service level agreements between CAs and municipalities to coordinate the sharing of resources.
- Strengthen partnerships with non-profit organizations.

#### Priority #4: Modernizing Funding Mechanisms

##### Overall key themes/issues:

- Increase and diversify provincial funding to CAs to support the implementation of conservation programs and services (e.g., provincial cap and trade system).
- Concern that the present funding model creates a conflict of interest between CAs and municipalities.
- Consider a funding formula to equalize funding between CAs (based on population, programming, species at risk, watershed characteristics, etc.) paid by the province.
- Include levies for CA programs and services as a separate line item on municipal tax bills.
- Promote the establishment of fees through a collaborative process to ensure they are clear and predictable.
- Establish a mechanism to mediate disputes regarding fees (e.g., appeal to a third-party such as the OMB).
- Establish a mechanism for CAs to capture funds from compliance and enforcement activities (e.g., penalties, legal processes).
- Increase funding to CO to enhance capacity, consistency and transparency.

##### *A. Enhancing clarity, consistency and accountability around municipal levies*

Participant feedback raised the following concerns and/or issues:

- Concern that the present funding model creates a conflict of interest between CAs and municipalities (and limits opportunities for CAs to disagree with municipalities); the province should provide funding.
- Concern about the varying ability of different municipalities, particularly smaller or rural municipalities, to provide funding and the impact to CA programs and services.
- Concern that the varying levels of financial resources available to CAs throughout the province contributes to inconsistent program delivery and implementation of CA Act regulations.

Participant feedback highlighted the following considerations:

- Note that some CAs have good relationships with the municipalities in their watersheds; there is no need to include prescriptive language regarding this potential action.
- Provide direction to encourage CA and municipal collaboration (where it is needed).

- Consider a funding formula to equalize funding between CAs (based on population, programming, species at risk, watershed characteristics, etc.) paid by the province.
- Include levies for CA programs and services as a separate line item on municipal tax bills (e.g., comparable to water rates).
- Do not define eligibility criteria for municipal levies within the Act.
- Establish a working group with the Association of Municipalities of Ontario (AMO) regarding funding; the current budgeting process is not adequate.
- Consider the other models for funding to address the disparity of CA resources (e.g., Ontario Municipal Partnership Fund).

### ***B. Promoting clarity, consistency and accountability around fees and generated revenue***

Participants expressed support to enhance accountability around fees and generated revenue (e.g., report on how/where funds used).

Participants raised concerns about the exclusion of other revenue generating mechanisms in the proposed actions; existing mechanisms to generate revenue (e.g., the delivery of recreational programs and services) should be maintained, and new ones considered.

Participant feedback highlighted the following considerations:

- Undertake an evidence-based review of fees (e.g., similar to the study completed on development charges).
- Consider the need to standardize fees; CO could facilitate this, but would require financial support from the province.
- Promote collaborative fee setting but recognize that there are many CAs who already do this.
- Encourage regular communication and collaboration on fees (e.g., liaison committee, bi-annual meetings with stakeholders).
- Ensure the fee structure is clear and predictable.
- Educate stakeholders to convey that fees vary for multiple reasons (e.g., reflect internal capacity and capabilities, complexity, etc.).
- Establish a minimum standard of service delivery for CAs; some flexibility is needed to recognize the capabilities of different CAs.
- Establish a mechanism to mediate disputes regarding fees (e.g., appeal to a third-party such as the OMB).
- Ensure the language regarding fees in the Act is defensible.
- Establish a mechanism for CAs to capture funds from compliance and enforcement activities (e.g., penalties, legal processes).
- Consider the opportunity for CAs to release conservation land with marginal natural heritage benefits for other uses; the resources spent to maintain these lands could be re-deployed elsewhere.



### *C. Improving fiscal oversight and transparency*

Participants are concerned that CA roles and responsibilities are expanding without a parallel increase in funding.

Participant feedback highlighted the following considerations:

- Ensure funding is tied to programs and services to enhance accountability.
- Provide funding through CO to enhance capacity, consistency and transparency.
- Provide support to publicly share financial statements.
- Note that CAs support the need to be fiscally accountable, however staff time should not be scrutinized.
- Consider increasing the percentage of funding allocated for administrative responsibilities (e.g., grant writing, financial reporting, etc.); a considerable amount of staff time is spent on these duties.

### *D. Improving clarity in the use of provincial funding processes*

Participant feedback raised the following concerns and/or issues:

- Concern about the historical decrease of provincial funding.
- Concern about the requirement to reapply for certain grants annually; this is an administrative burden for many CAs.

Participant feedback highlighted the following considerations:

- Increase and diversify provincial funding to CAs to support the implementation of conservation programs and services (e.g., provincial cap and trade system).
- Increase provincial funding to support CO policy development and leadership.
- Facilitate access to federal funding for water management (e.g., Building Canada Fund).
- Link the natural heritage system to green infrastructure to access new funding streams.
- Establish eligibility criteria for Ontario Trillium grants.
- Restrict CA access to Ontario Trillium grants; they are a critical source of funding for non-profit organizations.
- Note that municipalities do not fund CAs, they levy on behalf of the province.
- Partner with post-secondary institutions to explore alternative funding mechanisms.
- Consider a mechanism for CAs to negotiate natural heritage benefits through new development (e.g., new access roads, riparian improvements, etc.).

## Priority #5: Enhancing Flexibility for the Province

### Overall key themes/issues:

- Supportive of developing or delegating additional programs and services to CAs as long they are appropriately funded.
- Include IWM as an approach to conservation in the Act to provide ongoing flexibility.
- Establish a multi-ministerial body to delegate programs and services to CAs or other bodies through a collaborative decision-making process.

### *A. Giving the Minister the authority to use the Act to develop additional natural resource conservation and management programs and services in the future throughout the province*

Participants expressed support to give the Minister authority to use the Act to develop additional programs and services, recognizing that this enables the Minister to be more responsive to contemporary issues.

Participant feedback raised the following concerns and/or issues:

- Concern that this potential action will be misinterpreted as the province moves toward a “command and control” approach.

Participant feedback highlighted the following considerations:

- Clarify the intent of this potential action.
- Note that the Minister already has the flexibility to do this.

### *B. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future*

Participants support this potential action in principle as long as any additional programs and services are delegated with funding.

Participants suggested establishing a multi-ministerial body to delegate additional programs and services through a collaborative decision-making process.

***C. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries***

Participant feedback expressed support to delegate the delivery of programs and services to other bodies or organizations to eliminate duplication; this will increase capacity for other programs and services.

Participants raised concerns that regulated programs and services should not be delegated to other bodies; there was support to delegate education and outreach activities to other bodies.

Participant feedback highlighted the following considerations:

- Clarify the mandate of CAs; ensure stakeholders (e.g., landowners) have the opportunity to review the revised mandate.
- Note that it may be more appropriate for a multi-organizational body to delegate programs and services to other organizations.
- Provide funding to CAs to deliver programs and services.
- Delegate programs and services with funding to CAs first as there is a framework for delivery already in place.

***D. Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province***

Actions C and D were discussed together; comments regarding this action were captured under the preceding Action C.

## Other Actions to Consider

### Overall key themes/issues:

- Consider the provision of orientation and training by CO, with assistances from CAs.
- Reinstate provincial presence on CA boards (to enhance the relationship between MNRF and CAs).

***A. Reducing administrative burdens associated with appointing and replacing board members and obtaining approval of board per diems***

Participants expressed support for the potential actions in this priority area.

Participant feedback highlighted the following considerations:

- There is a need to balance CA board composition to reduce political influence.
- Ensure representation on CA boards is reflective of watershed stakeholders (e.g., farmers).
- Consider an accreditation process to appoint members (e.g., university accreditation panels).
- Provide provincial guidance to help resolve issues and ensure adherence to policies.

### ***B. Aligning board terms with the municipal elections cycle***

Participants expressed support to align board terms with council terms.

Participants suggested that appointing CA board members should be undertaken in the same way members are appointed to other committees under the Municipal Act (i.e., eliminate the three-year term).

### ***C. Developing an orientation and training program for board members***

Participants expressed support to educate CA board members to enhance governance.

Participants expressed concerns that some CA boards function as a regulatory body.

Participant feedback highlighted the following considerations:

- Include natural heritage as a topic for orientation and training.
- Consider the provision of board member orientation and training by CO, with assistances from CAs; however this should not be mandatory.
- Share best practices through CO (e.g., orientation manuals).
- Reinstate provincial presence on CA boards (to enhance the relationship between MNRF and CAs).
- Consider an oath of office requirement for CA board members.

### ***D. Developing a coordinated communications plan outlining any changes to conservation authority operations, programs and services from the review in partnership with municipalities and conservation authorities***

Participants suggested providing CAs with guidance and/or training on outreach, consultation and managing controversial issues.

## **Additional Comments**

- There is a strong need to align provincial policies (e.g., Drainage Act, Conservation Authorities Act), not just modify the Conservation Authorities Act, and address any inconsistencies in a holistic manner.

- Consider a land securement strategy for CAs.
- Recognize that government funding and support is aligned with the social service and health sector; there is a strong connection and alignment between environmental health and human health – this connection needs to be made as CA priorities are connected to environmental health and human health outcomes.
- Concern that the current view of the environment is too myopic – there is a tendency to focus on the environment from the lens of toxics and contaminants. There is a need to view the environment and the natural world as the foundation for healthy communities and healthy people. CAs already adopt this view. Organizationally particularly at the provincial level, the environment needs to be managed holistically.
- Recognize the need for planning based on the carrying capacity of a watershed.
- Concern that review of provincial legislation and supporting policies is being conducted on an ad hoc basis; there is a need for outcome specific directions and a general clean-up of provincial legislation overall.

## Appendix A – Questions of Clarification

The following topics and themes were discussed after the overview presentation:

### ***Conserving our Future (Document)***

- Concern that the potential actions do not reflect the fundamental issues affecting CAs
- Concern that too much weight was placed on negative issues raised during the first round of consultations.

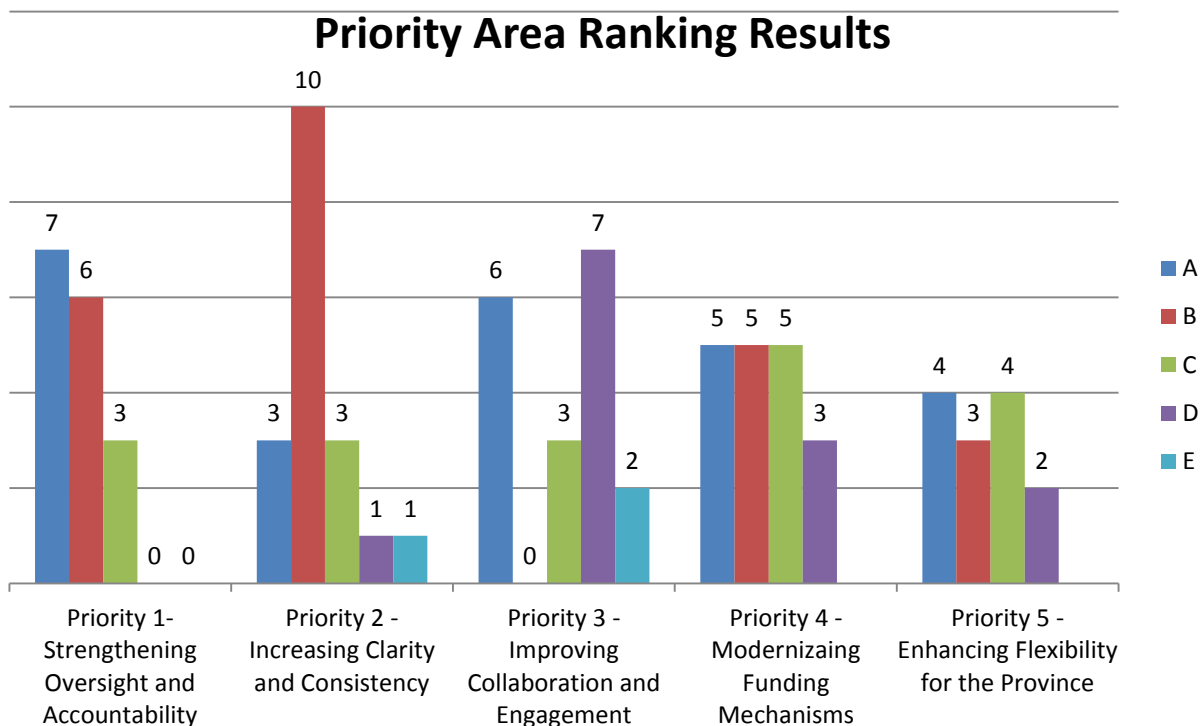
### ***Priority Areas***

- Clarify whether the potential actions include direction for a land securement strategy.
- Confirm the roles of elected board members.
- Establish a working group with the Association of Municipalities of Ontario (AMO) regarding funding; the current budgeting process is not adequate.
- Concern that feedback obtained during consultations will be influenced by the discussion questions; a bigger picture perspective is needed.
- Concern that the potential actions are a misguided attempt to reduce CA autonomy.
- Speak to the implications of the proposal to increase watershed planning presented during the current round of consultations on the Coordinated Review.
- Clarify who will lead the proposed one-window approach (e.g., province, CAs).
- Note that the Ministry of Natural Resources and Forestry and the Ministry of the Environment and Climate Change need to resume a leadership role (in terms of funding and resources).
- Review the opportunities and solutions that have emerged through academic research with respect to the role and function of CAs.
- Concern that the terms “natural heritage” and “natural resources” are defined and applied inconsistently.
- Consider a mechanism for municipalities to opt out of conservation programs.
- Consider the other provincial reviews that are currently underway (e.g., Coordinated Review, Aggregates Act Review); ensure that provincial legislation is aligned.
- Consider restoring the funding that was allocated to watershed and sub-watershed studies, which are being proposed in the Coordinated Review.
- Concern that the review focuses on processes and procedures instead of protecting and enhancing the natural environment; note that integrated watershed management (IWM) provides a comprehensive approach.
- Support the need for a clear purpose statement.
- Acknowledge that the ability of CAs to deliver programs and services varies based on available resources (e.g., funding, tools, staff, etc.), as demonstrated in the implementation of source water protection initiatives.
- Consider a mechanism for third party appeals.
- Consider a mechanism for landowners to ensure CAs are accountable.

- Support the priorities and potential actions proposed through this review.
- Ensure a broad spectrum of stakeholder interests (e.g., landowners) are considered in decision-making processes or the formation of a multi-body organization; there is a need for CAs to enhance current engagement and outreach efforts.
- Note that some CAs have a long history of working collaboratively with landowners; agree there is a need to resume the education and outreach that used to be done, and the funding to make it feasible.
- Ensure there is a clear delineation between Priorities 1 (Oversight and Accountability), 4 (Funding Mechanisms) and 5 (Flexibility); any delegated responsibilities must be funded.
- Consider how the potential actions work together to provide clarity and predictability for end-users (e.g., industry, landowners).
- Ensure the cost structure for permits is transparent (e.g., different prices for different applications).
- Concern about the priority areas and potential actions; the review should focus on how CAs can help realize provincial and municipal sustainability objectives.
- Note that the Conservation Authorities Act does provide direction for programming and is intended to be broad; do not introduce changes that would restrict the original vision of the act.
- Recognize that environmental outcomes are based in part on the attitudes and actions of landowners.
- Ensure CAs have the requisite tools and resources to translate policies into action.

## Appendix B – Ranking Results

At the end of the session participants were asked to choose the most important potential action under each priority area. The results of this optional exercise are presented in the graph below. Note that some attendees did not participate in the ranking because they felt the potential actions do not reflect the fundamental issues affecting CAs. The results represent the number of attendees that chose to respond and do not represent a statistically significant sample. Twenty-Four (24) completed forms were received. The potential actions under each priority area are represented by the letters A to E in the graph below.



### Additional comments

- Acknowledge integrated watershed management (IWM) as CA focus.
- Align provincial funding with CAs core mandate.
- Establish the purpose of the CAs in order to develop and implement an IWM program within their watersheds. The function and accountability, consistency, engagement and funding will follow.
- Establish a vision for CAs then set priorities from there. Implement IWM at the local level with strong provincial (i.e., inter-ministerial) policy and guidance.



- Disband Conservation Ontario (CO).
- Concern that the priorities and actions are not in line with the issues facing CAs (the ranking exercise is not valuable).
- Consult with municipalities and CAs regarding the potential actions in Priority #5.
- Amalgamate small CAs.
- Ensure CAs have qualified staff.
- Mandate stakeholder/landowner positions on each CA Board of Directors.
- Consider the need for creative discussion about a broad suite of funding approaches and mechanisms.
- Set the value of CAs (and IWM) within complete communities and a sustainable future; this is the first priority.
- Concern that the potential actions are too obscure to rank; the detailed proposals will be more important.
- Create a provincial based commission or committee that is multi-stakeholder.
- Increase provincial funding and accountability to eliminate conflict of interest.
- Note that all the priorities go hand in hand.
- Support training for CA board members.
- Consider the need for an ombudsman.
- Consider the mandate should focus on conservation or sustainability.

*This summary of participant feedback has been prepared by Lura Consulting and Planning Solutions Inc. to provide the Ministry of Natural Resources and Forestry with the recurring themes and priorities raised by participants during the Sudbury session of the Conservation Authorities Act Review, Phase II. The feedback from each individual session will be used to compile a final engagement session report.*

## Introduction

The Ministry of Natural Resources and Forestry (MNRF) is undertaking a phased review of the Conservation Authorities Act. The intent of the review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities. In Phase I of the review, completed in 2015, MNRF led an extensive consultation process to engage stakeholders in a discussion about opportunities to improve the Conservation Authorities Act, which resulted in extensive feedback.

Based on the input received in Phase I of the review, MNRF has released the document, *Conserving Our Future: Proposed Priorities for Renewal*, that outlines a series of actions that could be taken under five proposed priority areas for improvement: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. In June 2015, MNRF led a second round of consultations with a diversity of stakeholders to obtain input on the potential actions outlined within the five priority areas.

On June 15, 2016, the MNRF hosted a full-day workshop in Sudbury, 117 Elm Street as part of the Phase II consultation program. The purpose of the workshop was to provide an overview of the five priority areas for improving the Conservation Authorities Act. The workshop consisted of an overview plenary presentation with time for questions of clarification, followed by three rounds of facilitated small group discussions. The facilitated discussions were designed to encourage dialogue and obtain feedback on the five (5) priority areas for improving the Conservation Authorities Act.

A total of 12 individuals participated in the workshop, including participants from the following organizations:

- Nickel District CA
- Sault Ste. Marie Region CA
- North Bay-Mattawa CA
- Conservation Ontario
- Ontario Rivers Alliance
- Junction Creek Stewardship Committee Inc.
- Mattagami Region CA
- Ontario Federation of Agriculture

This report presents a summary of the comments and suggestions provided by participants during the workshop.

## Summary of Participant Feedback

The summary of participant feedback is organized according to the five priority areas: (1) Strengthening Oversight and Accountability, (2) Increasing Clarity and Consistency, (3) Improving Collaboration and Engagement, (4) Modernizing Funding Mechanisms, and (5) Enhancing Flexibility for the Province. Each priority area contains a synopsis of the overall key themes and issues as well as specific feedback received through plenary discussions (see Appendix A) and completed discussion guides relating to each discussion question.

The following points highlight the recurring comments, concerns and/or advice which emerged from the Sudbury session.

- Include integrated watershed management (IWM) in the Act as the overarching approach to conservation.
- Recognize that the interface between CAs and municipalities is multifaceted.
- Recognize that CA roles and responsibilities have expanded beyond hazard management.
- Establish a multi-ministerial body to promote dialogue and collaborative decision-making regarding CA roles and responsibilities (i.e., enhance provincial partnership).
- Consider opportunities to effect positive change from a non-statutory lens (e.g., resource sharing).
- Find a balance between clarifying roles and responsibilities and ensuring CAs have the flexibility (and autonomy) to respond to the needs of their respective watersheds.
- Build on existing CA communication and education initiatives.
- Ensure a broad spectrum of stakeholder interests are represented and considered in CA processes.
- Increase and diversify funding sources to enable the delivery of CA programs and services.
- Ensure that new or additional programs and services are delegated with funding.
- Clarify the process to appoint (and remove) CA board members.
- Emphasize collaboration and partnership.

## Priority #1: Strengthening Oversight and Accountability

### Overall key themes/issues:

- Include integrated watershed management (IWM) in the Act as the overarching approach to conservation.
- Recognize that CA roles and responsibilities have expanded beyond hazard management.
- Concern that there is a conflict of interest between municipalities and CAs due to the current funding structure; the province should fund CAs.
- Clarify the role and responsibilities of municipalities in relation to CAs.
- Establish a multi-ministerial body to promote dialogue and collaborative decision-making regarding CA roles and responsibilities.

### *A. Updating the Act to reflect modern legislative structures and accountabilities*

Participants expressed support to add a purpose statement to the Act.

Participant feedback highlighted the following considerations:

- Include integrated watershed management (IWM) in the Act as the approach to conservation.
- Recognize the range of CA roles and responsibilities (i.e., the core focus has expanded beyond hazard management). There are multiple provincial acts and policies that rely on CAs to implement them.
- Support outreach and education initiatives to increase awareness and accountability of CA roles and responsibilities.

### *B. Adopting and/or aligning with governance best management practices*

Participants raised the need to establish a multi-ministerial body to oversee the multiples roles and responsibilities of CAs.

### *C. Enhancing provincial oversight*

Participant feedback highlighted the following considerations:

- Provide CAs with assistance to ensure programs and services are delivered consistently (e.g., best practices, resources, etc.).

### *D. Enhancing municipal oversight*

Participant feedback raised the following concerns and/or issues:

- Concern that enhancing municipal oversight will impact the ability of CAs to make critical decisions objectively (e.g., review permits, perform advisory function).

- Note that while many CAs carry out services per the Planning Act, they do not have planning agreements with municipalities.
- Remove this potential action; there should be no municipal oversight or direction of CAs.
- Concern that there is a conflict of interest between municipalities and CAs due to the current funding structure; the province should fund CAs.

Participant feedback highlighted the following considerations:

- Clarify the role and responsibilities of municipalities in relation to CAs, including fiduciary duties. Different municipal departments (e.g., planning, engineering, politicians) have different expectations of CAs which can be difficult to navigate.
- Note that CAs need to maintain a strong collaborative relationship with municipalities.
- Note that municipal oversight is important; CAs have to be accountable to municipalities as they provide funding through levies.
- Ensure municipal oversight allows flexibility of CA roles based on watershed needs.

#### *E. Developing or adopting criteria for establishing, enlarging, amalgamating or dissolving a CA*

Participant feedback highlighted the following considerations:

- Ensure the Ministry of Natural Resources and Forestry (MNRF) is properly resourced to follow through with any proposed actions to strengthen oversight and accountability.
- Concern that there is a disconnect between CAs (particularly smaller CAs) and MNRF (i.e., in terms of guidance and support).

## Priority #2: Increasing Clarity and Consistency

### Overall key themes/issues:

- Concern that CA roles and responsibilities are being expanded without the appropriate funding.
- Define IWM to establish an overarching framework for CAs.
- Find a balance between clarifying roles and responsibilities and ensuring CAs have the flexibility to respond to the needs of their respective watersheds.

#### *A. Clearly delineate between mandatory and optional programs and services*

Participants expressed support to delineate between mandatory and optional programs and services (to enhance consistency and certainty in their delivery).

#### *B. Establishing a Provincial Policy Directive*

Participants expressed the need to update provincial policies and guidelines to reflect contemporary issues facing CAs.

### *C. Providing clarity and consistency in CA's regulatory roles and responsibilities*

Participants are concerned that CA roles and responsibilities are being expanded without the appropriate funding.

Participant feedback highlighted the following considerations:

- Note that clarifying definitions and terminology can be addressed through the Act or supporting regulations, while most of the other potential actions can be implemented through responsive policies or enabling provisions.
- Clarify the following terms and definitions: watercourse, conservation land, wetlands.
- Note that all the potential actions under this priority are important.
- Support the provision of ongoing training (i.e., non-regulatory actions) to enhance consistency.
- Define IWM to establish an overarching framework for CAs.
- Find a balance between clarifying roles and responsibilities and ensuring CAs have the flexibility to respond to the needs of their respective watersheds.

### *D. Enhancing compliance and enforcement of regulatory requirements*

No comments specific to this potential action were received.

### *E. Streamlining planning and permitting requirements and processes*

Participants expressed support to establish a streamlined approach for planning and permitting requirements, as long it recognizes the need for flexibility (i.e., one size fits all is not appropriate).

Participant feedback raised the following concerns and/or issues:

- Concern that streamlining will eliminate safeguards that are currently in place. A risk-based approach should be based on a comprehensive approach to conservation.

Participant feedback highlighted the following considerations:

- Establish a risk-based approach that is common to all CAs, particularly staff who make decisions.
- Provide enabling tools to guide and define CA decision-making (e.g., communication tools, MNRF permit by regulation).
- Identify where known wetlands are to better communicate regulated areas during land transfer processes.
- Ensure information is readily accessible to the public and on the internet (i.e., a different business model based on openness and transparency that is resourced).

### Priority #3: Improving Collaboration and Engagement

#### Overall key themes/issues:

- Note that the five priority areas are not mutually exclusive.
- Establish a business relationship with Conservation Ontario.
- Provide funding to coordinate resource sharing (e.g., databases).
- Ensure a broad spectrum of stakeholder interests are represented and considered in CA processes.

#### *A. Establishing a provincial “one-window”*

Participants are concerned that changes in provincial or municipal support (i.e., staffing, funding, etc.) will impact the “one-window” approach.

#### *B. Establishing a business relationship with Conservation Ontario*

Participants expressed support to establish a business relationship with Conservation Ontario (CO), particularly to coordinate resources among CAs (e.g., training, best practices, templates). It was noted that this already takes place but is not applied consistently in practice as more funding is needed for implementation.

Participant feedback highlighted the following considerations:

- Strengthen collaboration between MNRF, CO and CAs.
- Provide funding to establish a central repository of CA resources.

#### *C. Enhancing Indigenous Peoples participation*

Participants expressed support to enhance indigenous participation.

#### *D. Enhancing public and stakeholder participation*

Participants are concerned that different stakeholder perspectives are not voiced often; different perspectives can enlighten the discussion and should not be confused with being non-compliant.

Participant feedback highlighted the following considerations:

- Ensure CA board members represent a diversity of interests.
- Provide funding for the educational programming that CAs provide; it is an essential component of collaboration and engagement.
- Note that some CAs are very good at engaging stakeholders and the public (e.g., committees, advisory groups, etc.).

### *E. Supporting CAs in sharing and coordinating resources*

Participant feedback highlighted the following considerations:

- Note that partnerships can increase capacity and flexibility for CAs, particularly from a community perspective (e.g., collect data, etc. with minimal funding).
- Provide funding to establish a resource database of studies, data, etc. that is available to the public.

## **Priority #4: Modernizing Funding Mechanisms**

### **Overall key themes/issues:**

- Provide CAs with the leverage to ask municipalities for more funding.
- Concern about the conflict of interest between municipalities and CAs due to the current funding structure; the province should fund CAs.

### *A. Enhancing clarity, consistency and accountability around municipal levies*

Participants expressed support for the need to define costs in municipal levies.

Participants noted that it is not clear whether reviewing apportionment is valuable as it will be difficult to do so.

Participant feedback highlighted the following considerations:

- Note that there is already significant consultation between some CAs and municipalities before the CA budget is voted on.
- Provide CAs with the leverage to ask municipalities for more funding.
- Enhance communication and education to realize the potential actions listed here.

### *B. Promoting clarity, consistency and accountability around fees and generated revenue*

Participants noted that fees vary by watershed to reflect local needs. Reconvening the CALC table should be considered as a non-regulatory change.

### *C. Improving fiscal oversight and transparency*

Participants expressed support to clarify the role of municipalities in overseeing CA budget processes if the intent is to educate (as opposed to a change in the budget process).

Some participants are concerned about the conflict of interest between municipalities and CAs due to the current funding structure; the province should fund CAs. It was noted that CAs exist at the request



of their municipalities, and while it is essential to ensure CAs can make decisions objectively there is an underlying relationship between municipalities and CAs that cannot be severed.

Participant feedback highlighted the following considerations:

- Consider the need to provide funding based on the value (for money) of CA programs and services.
- Build on existing communication and education efforts to broaden awareness of the benefits of CA programs and services.
- Create a reporting template for financial reporting.

***D. Improving clarity in the use of provincial funding processes***

One participant explained that municipal representatives sit on CA boards that can provide clarity regarding eligibility criteria. Increase awareness to ensure this is universally known.

### Priority #5: Enhancing Flexibility for the Province

**Overall key themes/issues:**

- Ensure that new or additional programs and services are delegated with funding.

***A. Giving the Minister the authority to use the Act to develop additional natural resource conservation and management programs and services in the future throughout the province***

***B. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future***

Participants suggested combining the first two potential actions under this priority area. They noted that new or additional programs and services should be delegated with funding.

Participants raised the need to ensure delegated programs and services are implemented (i.e., accountability mechanisms for reporting outcomes and auditing, MOUs).

***C. Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries***

***D. Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province***

Participants expressed support for this potential action as it would enable the consistent delivery of CA programs and services outside CA boundaries by MNRF or another organization.

Participants suggested delegating programs and services to other bodies through other legislation.

## Other Actions to Consider

### Overall key themes/issues:

- Clarify the process to appoint (and remove) CA board members.

#### *A. Reducing administrative burdens associated with appointing and replacing board members and obtaining approval of board per diems*

Participant feedback highlighted the following considerations:

- Clarify the process to appoint (and remove) CA board members; this could be included in a regulation.
- Consider a mechanism (at the municipal level) to remove CA board members.
- Clarify who is responsible for approving CA board per diems. Some municipalities permit them while others do not.
- Consider a code of conduct for CA board members (including non-politicians).

#### *B. Aligning board terms with the municipal elections cycle*

No comments specific to this potential action were received.

#### *C. Developing an orientation and training program for board members*

Participants noted that that board members need to be educated and informed (i.e., provide training where needed).

#### *D. Developing a coordinated communications plan outlining any changes to conservation authority operations, programs and services resulting from the review in partnership with municipalities and conservation authorities*

No comments specific to this potential action were received.

### Additional Comments

- Concern that the CA Act review is not focusing on what CAs are doing well. There are also other CA roles and responsibilities that need to be captured (e.g., low impact development, Great Lakes Initiative, etc.). The legislation should empower CAs help the province meet its objectives (i.e. enabling change).

## Appendix A – Questions of Clarification

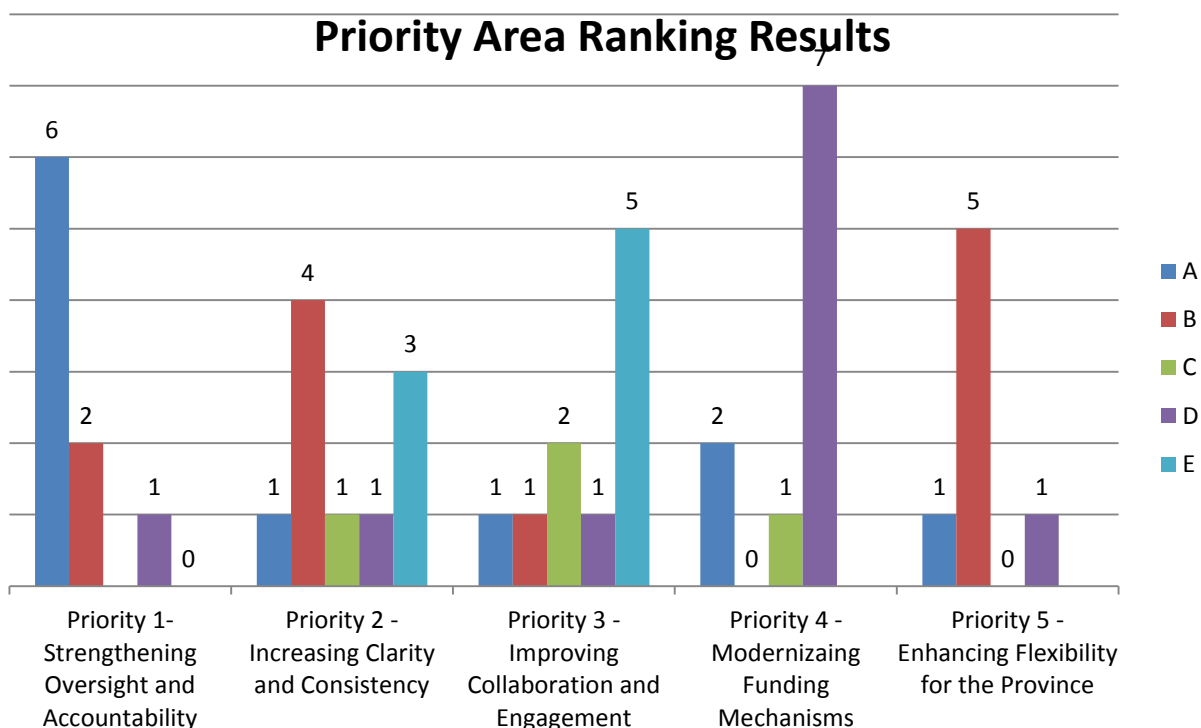
The following topics and themes were discussed after the overview presentation:

### **Priority Areas**

- Clarify the intent of the potential actions under Priority #5.
- Concern that the potential actions under Priority #5 could be used to reduce or expand CA roles and responsibilities unilaterally.
- Note that CAs can only legally operate within their watershed boundaries; some CAs have had to decline programs and services outside their watershed boundaries for this reason. This is an important opportunity to address this gap as it is more likely to occur in Northern Ontario.
- Concern that there is a conflict of interest between municipalities and CAs due to the current funding structure (i.e., CAs carrying out municipal interests, CAs treated as municipal department).
- Note that CAs require flexibility and autonomy (from municipalities) to deliver programs and services based on their watershed needs.
- Ensure CA Act legislation recognizes the different capabilities across CAs. There may be opportunities for some CAs to share resources, but the full spectrum of implications should be considered (i.e., CAs with large watersheds and small staff, instances where best practices are not transferrable as in Northern Ontario).
- Note that there are trade-offs in terms of CA autonomy and independence when it comes to sharing resources (e.g., office space) with municipalities.
- Consider the opportunities and gaps not captured in the priority areas and potential actions.
- Concern that an increase in CA autonomy will lead to the inconsistent application of provincial policies and regulations, particularly in Northern Ontario. CAs and municipalities should operate collaboratively (this would be beneficial from an agricultural perspective).

## Appendix B – Ranking Results

At the end of the session participants were asked to choose the most important potential action under each priority area. The results of this optional exercise are presented in the graph below. Note that some attendees did not participate in the ranking because they felt the potential actions do not reflect the fundamental issues affecting CAs. The results represent the number of attendees that chose to respond and do not represent a statistically significant sample. Ten (10) completed forms were received. The potential actions under each priority area are represented by the letters A to E in the graph below.



### Additional comments

- Increase provincial funding to meet the mandate requirements of the provincial government.
- Empower CAs with a motherhood statement as a precursor to the Act – as the leaders of integrated watershed management (IWM) and all the provincial goals that can be achieved (e.g., climate change, wetland policy, etc.).
- Prioritize funding to CAs.
- Address core issues before contemplating flexibility.
- Resource everything.
- Note that municipalities should not have more oversight or be allowed to provide more direction.

- Strengthen CA capacity to enforce compliance.
- Enhance data sharing and collaboration with relevant community partners.
- Recognize that funding for large CAs with a small tax base (e.g., Conservation Sudbury) is inadequate to support a broad/comprehensive range of programs.