



**Meeting Date:** January 12, 2022

**Submitted by:** M. Di Lullo, CAO

**Report No:** CAO-2-2022

**Subject:** Regulatory Proposals under the Conservation Authorities Act – Transition Plans

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**Recommendation:**

THAT Report CAO-2-2022, re: Regulatory Proposals under the Conservation Authorities Act – Transition Plans be received for information.

**Purpose:**

The purpose of this report is to update Council in regards to new provincial regulations that are now in effect for conservation authorities. These regulations focus conservation authorities on their core mandate by prescribing mandatory programs and services they must provide. This also affords municipalities greater control over what conservation authority (CA) programs and services they will fund, and consolidating “Conservation Areas” regulations.

The report outlines the transition plans that have been developed by the conservation authorities that have a watershed in Middlesex Centre and appended to this report is a detailed outline of each plan.

**Background:**

In 2021, Reports CAO-10-2021 and CAO-28-2021 were provided to Council that identified the proposed amendments to the Conservation Authorities Act.

In accordance with Bill 229, the Protect, Support and Recover from *COVID-19 Act* (Budget Measures), 2020, particular changes were made to the *Conservation Authorities Act* and the *Planning Act*.

## Analysis:

On December 8, 2020, Bill 229, the Protect, Support and Recover from *COVID-19 Act (Budget Measures), 2020*, which made changes to the *Conservation Authorities Act* and the *Planning Act*, received Royal Assent. To implement these changes, three new Regulations have been filed under the *Conservation Authorities Act* as part of the first phase regulations:

- *Ontario Regulation 686/21: Mandatory Programs and Services*. This Regulation prescribes the mandatory programs and services CAs would be required to provide, including core watershed-based resource management strategies.

This Regulation came into effect on January 1, 2022.

- *Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act*. This Regulation requires each CA to have a 'transition plan' that would outline the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund non-mandatory programs and services through a municipal levy. It also establishes the transition period to enter into those agreements.

This Regulation came into effect on October 1, 2021.

- *Ontario Regulation 688/21: Rules of Conduct in Conservation Areas*. This regulation consolidates the current individual CA 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation that regulates the public use of CA owned land. This regulation will come into effect when the un-proclaimed provisions of Part VI and VII of the *Conservation Authorities Act* that deal with development permissions come into effect.

### Transition Plans

Conservation Authorities are to finalize a transition plan by December 31, 2021 and provide a copy to the appropriate participating municipality and MECP. Each of the five conservation authorities have created a transition plan, which is completed under Ontario Regulation 687/21.

The purpose of the transition plan is to detail the process/timelines of the following requirements:

- Category 1
  - Changes to the budgeting and levy process based on mandatory programs and services provided by section 21.1 of the Act
- Category 2
  - Determine delivery of municipal programs and services provided under section 21.1.1 of the Act
- Category 3
  - Determine delivery of other programs and services outside the scope/mandate of the conservation authority provided under section 21.1.2 of the Act

The completion of the transition plan is a first step to help conservation authorities identify the appropriate delivery of programs and services. This regulation also enables municipalities and the conservation authorities time (January 1, 2024) to determine what programs and services are most appropriate for role-clarity and other reasons such as budgetary planning. Until then conservation authorities will continue with status quo program delivery and levy practices.

The first phase of the transition period takes effect on or before February 28, 2022 whereby an inventory of programs and services are to be completed which will form part of a Memorandum of Understanding in relation to program service/delivery. The agreements/MOUs are to be confirmed by January 1, 2024.

As dialogue continues with each of the CAs in Middlesex Centre in regards to identifying service delivery of programs as progress continues in accordance with the above noted regulations, more information will follow in this regard.

**Financial Implications:**

N/A

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Responsive Municipal Government

Middlesex Centre has five different Conservation Authorities within the geographic boundary, it is important to work with our community partners as indicated in Objective 5.4 of our Strategic Plan and provide input and assistance where possible.

**Attachments:**

Appendix 1 – Ausable Bayfield Conservation Authority

Appendix 2 – Kettle Creek Conservation Authority

Appendix 3 – Lower Thames Conservation Authority

Appendix 4 – St. Clair Conservation Authority

Appendix 5 – Upper Thames Conservation Authority