

# Conservation Authorities Core Service Review

## Development Services

APPENDIX " B "

to

REPORT PLAN 2018-055

FILE NO. C 11

### Core Service Review



# Overview

- Background on CA's
- Legislation
- CA Act review
- Roles and responsibilities
- Local CA's
- Programs and services
- CA revenue sources
- What is it costing us?
- Summary of key points
- Next steps

# Background on CA's

- The Conservation Authority movement in 1930's in response to poor land, water and forestry practices that resulted in extensive drought, soil loss, deforestation and flooding.
- Hurricane Hazel in 1954
  - the provincial government amended the *Conservation Authorities Act* to enable CA's to acquire lands for recreation and conservation purposes, and to regulate that land for the safety of the community
- Today, 36 CA's play an important role in addressing environmental and resource management challenges, especially in light of the growing impacts of climate changes and rapid urbanization

# Legislation

- The *Conservation Authorities Act*, 1946
  - authorizes Conservation Authorities (CA's) to deliver local resource management programs at a watershed scale for both provincial and municipal interests
- CA mandate s. 20(1) of the Act
  - To provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals

# CA Act review

- July 2015, the Ministry of Natural Resources and Forestry initiated a review of the *Conservation Authorities Act*
  - The purpose was to review CA governance, funding mechanisms, and roles and responsibilities
- December 12, 2017, Bill 139 Building Better Communities and Conserving Watersheds received royal assent
- A number of changes have been made and some are pending proclamation



# CA Act review – What has changed?

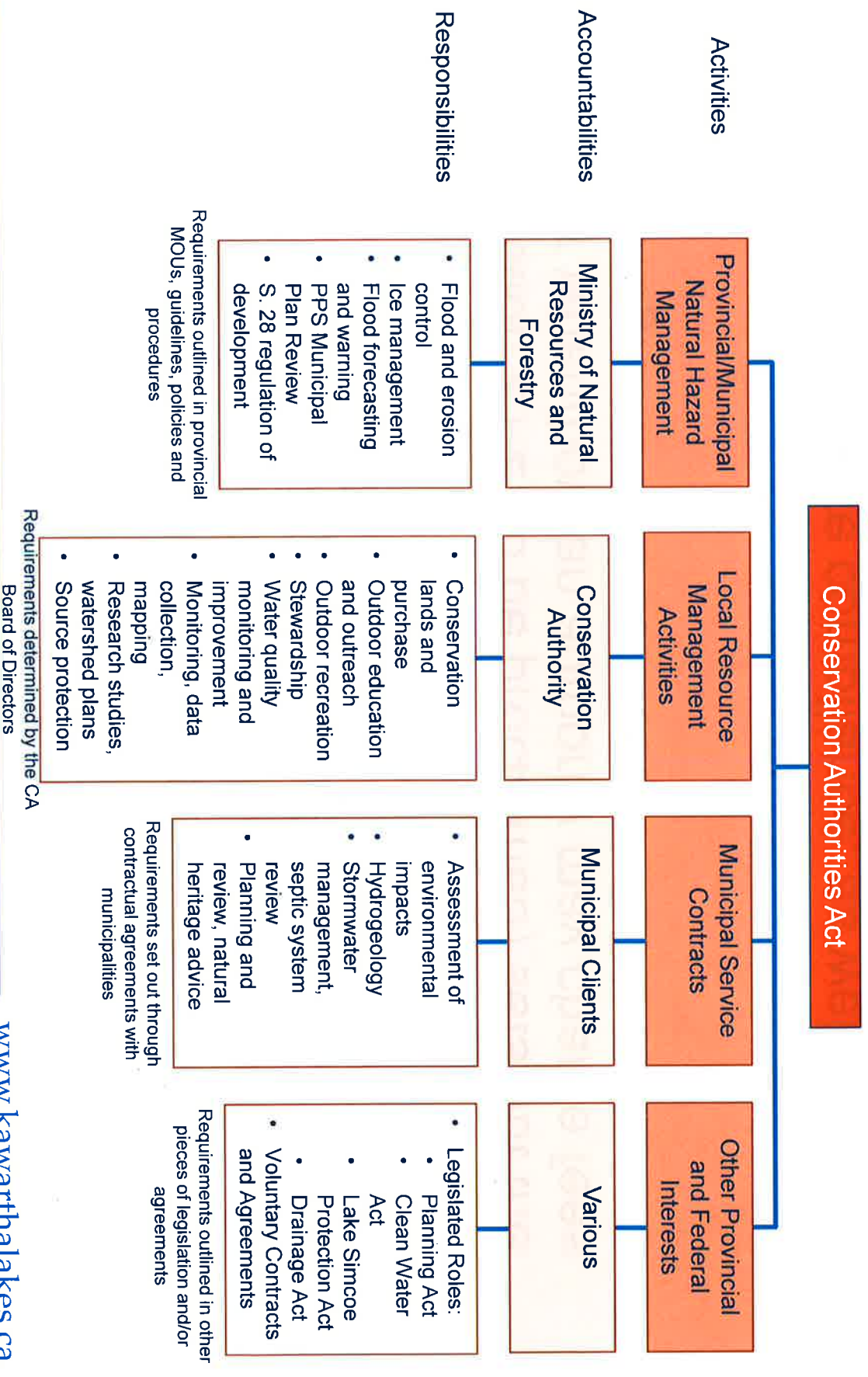
- Section 21 of the *Conservation Authorities Act* grants power to determine programs and services to conserve, restore, develop and manage the natural resources of the watershed
- New section 21.1 (in force) clarifies the three types of programs and services that a CA is required or permitted to provide:

1. the mandatory programs and services that are required by regulation
2. the municipal programs and services that CA provides on behalf of municipalities under an MOU
3. other programs and services that the City and CA's determine to be common environmental policy objectives

# CA Act review – What has changed?

- New section 19.1 (in force) sets out the power of a CA to make by-laws in relation to its governance, including its meetings, employees, officers and its executive committee
- New section 21.2 (to be proclaimed) sets out the rules for when/how an authority may charge fees for the programs and services
- Enforcement powers (to be proclaimed) are expanded to ensure compliance, as well as offences are subject to higher fines

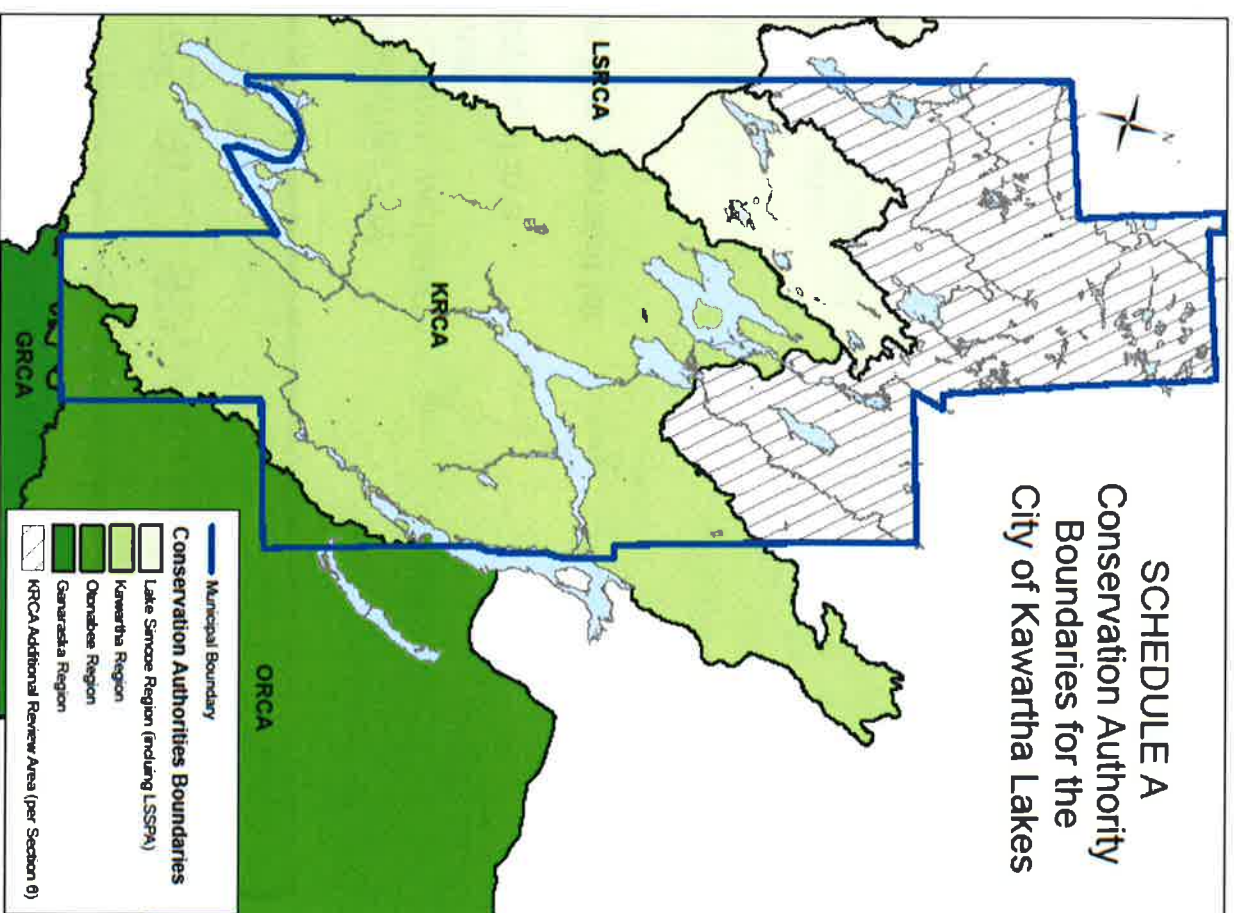
# Roles and Responsibilities





# Local CA's

- The City of Kawartha Lakes receives its environmental planning services from four Conservation Authorities covering the City:
  - Kawartha Region Conservation Authority
  - Otonabee Region Conservation Authority
  - Ganaraska Region Conservation Authority
  - Lake Simcoe Region Conservation Authority
- Environmental planning services are formalized through the Environmental Planning Services Memorandum of Understanding (MOU)
- Last MOU authorized by Council on September 11, 2012 (Report DEV2012-010) for a 5 year period



# Programs and services

## 1. The mandatory programs and services that are required by regulation

- Section 28 of the *Conservation Authorities Act* gives power to regulate flooding, erosion, wetlands, alteration to waterways and shorelines
  - Example 1: a permit to allow development in a floodplain (green hatched area)
  - Example 2: a Standard Compliance Requirement for culvert replacement
- Requirements outlined in provincial MOUs, guidelines, policies and procedures
  - Examples: flood forecasting and warning, and commenting on provincial interests in the Provincial Policy Statement relative to natural hazards
- Funded by provincial grants and municipal levies



# Programs and services

## 2. Municipal programs and services that CA provides on behalf of municipalities under an MOU

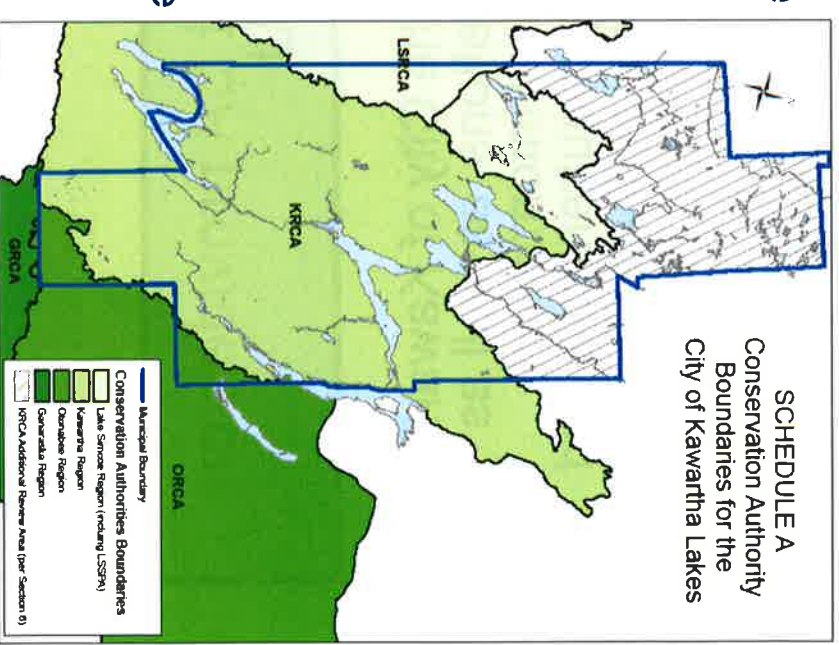
- Section 5 of the 2012 MOU, requires that the City of Kawartha Lakes consult CA's on development applications, as well as requires that CA's advise the City of technical information required for a complete application, identify requirements and adequacy of studies, and assist the City through their Plan Review comments
- Section 5.e) sets out that CA Plan Review comments will be in the context of:
  - the *Conservation Authorities Act*, *Planning Act*, the *Provincial Policy Statement*, the *Environmental Assessment Act*, the *Oak Ridges Moraine Conservation Act*, the *Oak Ridges Moraine Conservation Plan*, the *Clean Water Act*, the *Fisheries Act*, the *Lake Simcoe Protection Act*, the *Lake Simcoe Protection Plan* and other applicable legislation as may be enacted from time to time



# Programs and services

## 2. Municipal programs and services that CA provides on behalf of municipalities under an MOU

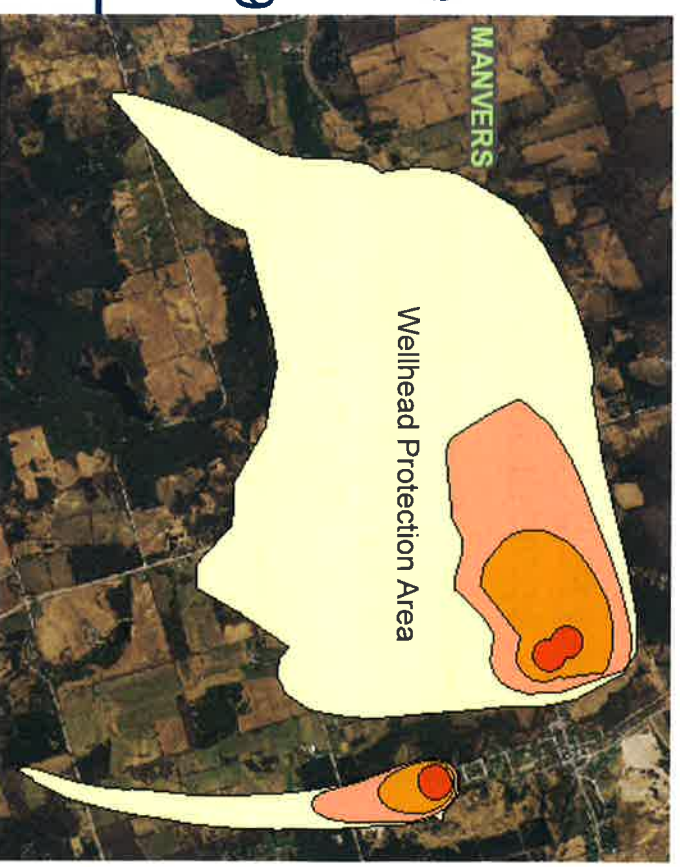
- CA's to provide comments as it relates to available information and analysis on the identification, function and significance of natural heritage and hydrologic features and systems in proximity to a proposed development site or within a study area
  - Example: provide expertise on unevaluated wetlands
- Northern portion of the City of Kawartha Lakes is outside of CA jurisdiction (hatched area)
  - KRCA provides plan review and technical clearance expertise outside of their jurisdiction (as per section 6 of the MOU)



# Programs and services

## 2. Municipal programs and services that CA provides on behalf of municipalities under an MOU

- In 2013, the City appointed KRCA as the risk management official to issue Section 59 Notice under the *Clean Water Act*
- KRCA provides expertise for the entire City
- This service is funded by the City
- Example: Construction or change of use of a building in the wellhead protection area in Bethany would require Section 59 Notice





# Programs and services

3. Other programs and services that the City and CA's determine to be common environmental policy objectives
  - The types of programs that CA's typically administer include watershed monitoring, flood management, conservation of lands, watershed stewardship and environmental education
  - This body of work provides a basis for environmental policies in the Official Plan and helps to implement development applications and building construction
  - Examples of ongoing programs in KRCA:
    - Lake Management Plans
    - Lake Management Implementation
    - Blue Canoe Program
    - Floodplain Mapping Study

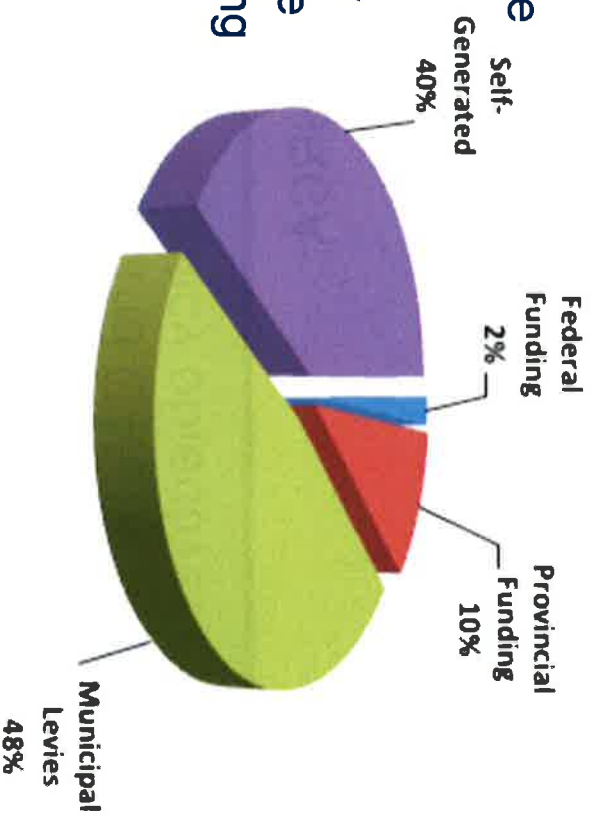
# Programs and services

## 3. Other programs and services that the City and CA's determine to be common environmental policy objectives

- Examples of 2015-2017 programs in LSRCAs:
  - Basin wide initiatives: advancing LID and stormwater management, wetland carbon sequestration study and erosion and sediment control study
  - Other projects: well decommissioning, clean water diversions, tree planting projects, restricting livestock from watercourses, storing and handling fuel and fertilizer upgrades, and septic upgrades
  - Open lake monitoring: data is used to inform lake management decisions. There is no legislative requirement, but a provincial grant matches municipal funding.

# CA revenue sources

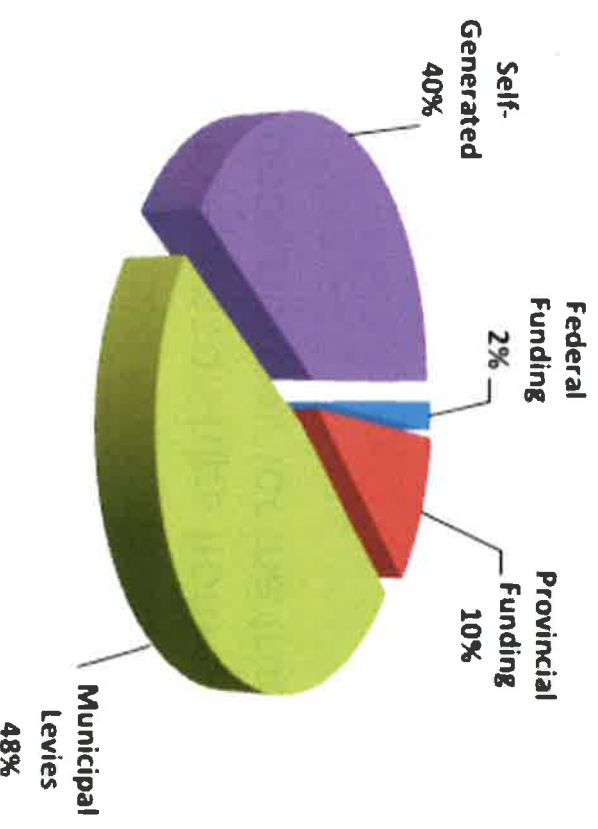
- On average, in 2013, municipal levies represented about 48% of the total CA revenue sources
  - For example, KRCA levies about 60%
- The operating municipal levy is shared by the municipal partners based on an apportionment percentage provided by the MNRF
- General benefiting projects are shared by the municipal partners based on the same apportionment percentage as the operating levy
- Special benefiting projects are funded by the benefiting municipality/municipalities



Source: Discussion Paper on the Conservation Authorities Act, 2015

# CA revenue sources

- The province provides CA's with funding for provincially mandated programs (on average 10% of their total budget) – including the hazards management program funded by MNRF and the source water protection program funded by MOECC
  - For example, KRCA receives about 3%
- Additional provincial funding may be provided to support special projects on a project by project or application basis
- Provincial funding usually must be matched by municipal levies
- About 40% of CA revenue sources are self-generated through earned revenues for services, rentals, sales, donations, sponsorships, etc.
  - For example, KRCA generates about 34%



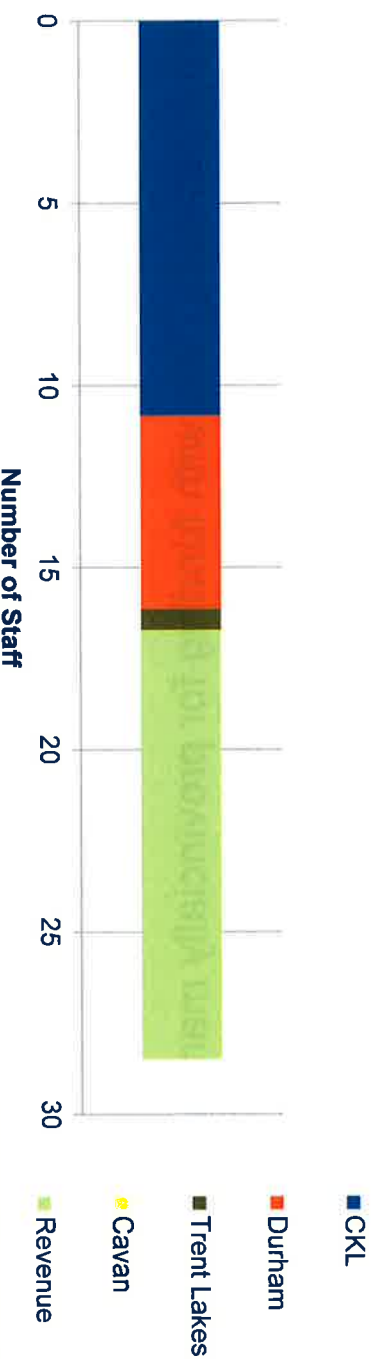
Source: Discussion Paper on the Conservation Authorities Act, 2015

# CA revenue sources

- Cost sharing between municipalities, self-generated revenue, as well as CA's access to grants, donations and sponsorships from a wide range of funders means that the City does not pay for the true cost of services

- The chart by KRCA demonstrates how many staff each municipality, pays for versus how many experts municipalities have access to as a result of cost sharing

**Cost Sharing Supporting Staff**





# What is it costing us?

- City of Kawartha Lakes levy
  - Information from CKL budget

CA	2015		2016		2017		2018	
	Approved Budget	Actual	Approved Budget	Actual	Approved Budget	Actual	Budget	Actual
KRCA	839,310	839,310	860,351	859,920	894,637	894,637	941,662	894,637
ORCA	7,033	7,217	7,103	7,493	7,245	7,793	8,055	8,055
GRCA	2,703	2,703	2,787	2,770	2,836	2,836	2,899	2,898
LSRCA	39,019	39,025	39,153	39,153	39,548	39,548	41,603	41,603

# What is it costing us?

- City of Kawartha Lakes levy
  - Information from CKL budget

CKL levy  
\$947,193

CA	2015		2016		2017		2018	
	Approved Budget	Actual	Approved Budget	Actual	Approved Budget	Actual	Budget	Actual
KRCA	839,310	839,310	860,351	859,920	894,637	894,637	941,662	894,637
				→ +2%		→ +4%		→ 0%
ORCA	7,033	7,217	7,103	7,493	7,245	7,793	8,055	8,055
				→ +4%		→ +4%		→ +3%
GRCA	2,703	2,703	2,787	2,770	2,836	2,836	2,899	2,898
				→ +2%		→ +2%		→ +2%
LSRCA	39,019	39,025	39,153	39,153	39,548	39,548	41,603	41,603
				→ 0%		→ +1%		→ +5%

# What is it costing us?

- Number of applications in CKL vs. CKL levy apportionment
  - Applications include *Planning Act* applications, Section 28 applications and legal inquiries (does not include: violation notices, site clearances, EA and other undertakings)

CA	2015	2016	2017	% of all applications (2015-2017)
KRCA	353	411	552	65% - 75%
ORCA	5	16	14	1% - 2%
GRCA	0	0	0	0%
LSRCA	8	17	13	<1%

How does it compare?



% of municipal levy apportionment
~ 60% (based on previous years)
0.55% (2018)
0.30% (2018)
1% (2017)

# What is it costing us?

- Risk management official services - KRCA
  - Responsibilities under the *Clean Water Act*

Activity	2015	2016	2017	2018
Section 59 Notice	4	13	30	-
Section 59 Letter	0	7	6	-
Risk Management Plan	3	3	13	-
Pre-Consultation	0	1	14	-
Cost to CKL (\$)	106,500	102,500	102,500	115,500 (proposed)

# What is it costing us?

- Additional costs:
  - KRCA special projects

Project	2015	2016	2017
Lake Management Planning	121,400	204,000	121,400
Lake Management Implementation	40,000	117,000	157,900
Blue Canoe Program	25,000	25,000	-
Flood Plain Mapping	213,000	207,000	127,800



# In summary

- Programs and services between individual CA's vary greatly due to CA's sizes, population pressures, available resources and specific needs of communities they serve
- CA's may offer additional programs and services beyond those mandated by the Province and municipalities, but they should not be considered to be "exceeding their mandate"



- In addition to CA's key role in keeping people, property and communities safe as well as protecting the environment, CA's have a number of benefits to the City. Some of the key benefits include:
  - Cost-sharing of staff and project costs benefits all municipalities (CKL has access to 28 staff for the cost of 11 in KRCA alone)
  - CA's have access to a range of funding sources (i.e. provincial grants, sponsorships, etc.)
  - CA's assume responsibilities and liabilities that municipal councils would be otherwise subject to (i.e. s. 59 of the *Clean Water Act* and s. 23(2) of the *Conservation Authorities Act*)
  - CA's provide scientific support through data collection, studies and mapping that contribute to informed decision making

## Next steps

- Look at opportunities to enhance levied services in the next MOU between the City and the CA's
- Develop an updated MOU
  - MOU to consider changes since 2012, such as:
    - MOU to consider changes to CA powers as a result of Bill 139
    - MOU to consider 2013 amendment to the *Canada Fisheries Act* that voided the partnership between CA's and the DFO
    - MOU to reflect KRCOA's role as Risk Management Official further to the *Clean Water Act*

