



Report of the Commissioner of Public Works and the Chief Planner
**Approval of Memoranda of Understanding between York Region and
Conservation Authorities**

1. Recommendation

1. Council authorize the Commissioner of Public Works to execute Memoranda of Understanding between York Region and Toronto and Region Conservation Authority and York Region and the Lake Simcoe Region Conservation Authority and any future amendments to the Memoranda of Understanding.
2. The Regional Clerk circulate this report to the Minister of Natural Resources and Forestry, Minister of Municipal Affairs and Housing, the local municipalities, Toronto and Region Conservation Authority, and Lake Simcoe Region Conservation Authority.

2. Purpose

This report is an update to the [June 2022 Council report](#) regarding changes to the [Conservation Authorities Act](#). This report informs Council of new regulatory requirements under the Act, and how York Region is implementing its regulatory obligations through execution of Memoranda of Understanding (agreements) with conservation authorities with jurisdiction in York Region.

Key Points:

- The watersheds within York Region are managed by two conservation authorities, Lake Simcoe Region Conservation Authority (LSRCA) and Toronto and Region Conservation Authority (TRCA), that deliver services through legislation, an existing budget process, as well as through existing memoranda of understanding and service level agreements
- Amendments to the *Conservations Authorities Act* have introduced a new framework for the delivery of mandatory and non-mandatory services that could be provided by conservation authorities, as well as prohibited services
- The Province requires that non-mandatory programs must fall under an agreement between a conservation authority and participating municipality, by January 1, 2024 as per Ontario Regulation 687/21

- Agreements between York Region and the conservation authorities will fulfill Provincial requirements for provision of non-mandatory services. These non-mandatory services will be reviewed annually through the budget process
- Each agreement will be in effect for four years with the opportunity to renew for an additional four years or terminate
- Ontario Regulation 596/22 prohibits conservation authorities from providing non-mandatory review on proposals, applications and other matters under legislation like the *Planning Act* and the *Environmental Assessment Act*

3. Background

Province requires York Region to enter into agreements with Conservation Authorities for delivery of non-mandatory services

Amendments to the *Conservations Authorities Act* have introduced a new framework for the provision of mandatory and non-mandatory services that could be provided by conservation authorities. Ontario Regulation 687/21 requires conservation authorities to enter into agreements with municipalities for non-mandatory services by January 1, 2024 and publicly post agreements on their website.

Table 1 outlines examples of mandatory (Category 1) and non-mandatory services provided by conservation authorities under this new framework. Non-mandatory services include municipally requested services (Category 2) and other services identified by conservation authorities (Category 3) as providing a watershed benefit. Services in each category are being refined in collaboration with conservation authorities, as set out by the Province. This work is important to inform the non-mandatory services agreement.

Table 1
Examples of Conservation Authority Services Under Three Categories

Category 1 (Mandatory Services)	Category 2 (Non-mandatory Services)	Category 3 (Non-mandatory services)
Natural hazard management, flooding, low-water response	Natural area restoration	Fee for service work

Category 1 (Mandatory Services)	Category 2 (Non-mandatory Services)	Category 3 (Non-mandatory services)
Development/site alteration (Section 28.1) permitting	Capital project support	Certain educational programs
Source water protection and watershed resource management strategy	Erosion control (outside natural hazard areas)	

York Region is engaged in discussions with Toronto and Region Conservation Authority, Lake Simcoe Region Conservation Authority, and other funding municipalities

York Region established a conservation authorities task force to support compliance with the new regulatory requirements by the January 1, 2024 deadline. The task force includes staff from Planning and Economic Development, Public Works, Finance and Legal Services.

Regional staff met with staff from other funding municipalities, including The Regional Municipalities of Durham, and Peel and City of Toronto, to drive consistency among services and agreements.

4. Analysis

New agreements will provide flexibility for specific services

Proposed agreements with TRCA and LSRCA will outline mandatory and non-mandatory programs and services provided by each conservation authority through their annual budgets. York Region is required to fund all mandatory services. Through the annual budget approval process, the Region will have an opportunity to confirm the relevance and value of non-mandatory services to the Region.

Agreements will be in effect for an initial four-year period with automatic renewal for subsequent four-year terms, unless either the Region or the conservation authority provides notice to terminate the agreement. The agreement between York Region and the LSRCA will also include activities that relate to the *Lake Simcoe Protection Act*, which are considered mandatory services.

York Region's existing agreements with the conservation authorities will be reviewed, and revised as needed, to comply with the new regulatory requirements.

Provincial regulations stipulate what services conservation authorities are required or prohibited to provide to municipalities

On November 28, 2022, Bill 23 received Royal Assent, which allowed the Province to prescribe certain services that a conservation authority cannot provide to a municipality, even under an agreement. The Province implemented these changes through Ontario Regulation 596/22, which came into effect on January 1, 2023.

Conservation authorities are prohibited from providing non-mandatory review and comment for development applications, including assessment of natural heritage to ensure policy conformity on *Planning Act* and *Environmental Assessment Act* applications. Municipalities will be required to lead the following reviews, which are now deemed outside the mandate of conservation authorities:

- Natural heritage conformity (significant wildlife habitat, threatened/endangered species, significant woodlots and valley lands, wetlands, fish habitat, Minimum Vegetation Protection Zones, feature based water balance outside of natural hazards)
- Environmental Compliance Approval, including stormwater component (review support provided by conservation authorities now being supported by the Region in the interim)

TRCA and LSRCA are permitted and will continue to comment on development applications with respect to natural hazard matters.

York Region and local municipalities are exploring options to review development applications and environmental assessments to improve service levels and sustain subject matter expertise

The Region and local municipalities do not currently have the resources or expertise to review and comment on natural heritage aspects of planning applications and environmental assessment studies. On an interim basis, local municipalities are hiring ecologist consultants to review environmental impact studies submitted with development applications and environmental impact assessment studies. Some local municipal planning staff are interested in the Region exploring options to provide natural heritage comments for local decision making to control costs and ensure development proposals are reviewed expeditiously. This would require further reporting and consideration by Council.

5. Financial Considerations

York Region is required to fund mandatory conservation authority services

As a funding municipality, York Region continues to be required to fund all mandatory services, as outlined in Table 1. Mandatory programs and services will be provided as required under the Act and will be funded through the annual budget and apportionment process.

Non-mandatory services are delivered and funded at the request of a municipality. Non-mandatory services will be reviewed annually as part of York Region's budget process, which provides Council the ability to determine if each non-mandatory service continues to provide a benefit to the Region and watershed.

6. Local Impact

York Region continues to be required by Province to fund conservation authorities' operations

York Region is required to fund conservation authorities based on current value assessment of the participating municipalities within the watershed. Local municipalities receive direct benefits from Regional funding, including conservation authority expertise that protects people and property from natural hazards such as flood and erosion risks, along with watershed planning and stormwater management. York Region has provided updates to local municipalities on the development of agreements between York Region and the conservation authorities through regularly scheduled liaison meetings.

Local municipalities entering into agreements for continued support of special projects focused on their individual municipality

Although the Region provides funding for overall conservation authorities mandatory programs and services, there are cases where local municipalities partner with conservation authorities on services directly benefitting their municipality that go beyond the scope of normal conservation authority programs or services funded by the Region. TRCA and LSRCA have developed agreements with local municipalities to continue to provide support for these local municipal priorities. All local municipal agreements are expected to be in place by the end of 2023.

7. Conclusion and Next Steps

Agreements between York Region, Toronto and Region Conservation Authority and Lake Simcoe Region Conservation Authority are required by the *Conservation Authorities Act* to continue delivery of municipally requested programs and services. As required by the Province, non-mandatory services must fall under an agreement between conservation authorities and the Region by January 1, 2024.

Through the annual budget approval process, Council will have the opportunity to confirm relevance and value of non-mandatory services to watersheds in the Region.

For more information on this report, please contact David Szeptycki, Director of Sustainability, Communication & Innovation, or Karen Whitney, Director of Development Services. Accessible formats or communication supports are available upon request.

Recommended by:



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Approved for Submission: **Bruce Macgregor**
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