

Report To: Board of Directors

**Subject: Conservation Authorities Act –
Update on Inventory of Programs/Services**

Report No: FA-03-22

Date: February 18, 2022

Recommendation:

1. **THAT** Report No. FA-03-22 RE: Conservation Authorities Act – Update on Inventory of Programs/Services **BE RECEIVED** for information.
2. **THAT** the Inventory of Programs and Services **BE SUBMITTED** to the Ministry of Environment Conservation and Parks (MECP) as required under Ontario Regulation 687/21 and CIRCULATED to participating municipalities;
3. **THAT** the Inventory of Programs and Services **BE SHARED** with NPCA jurisdiction municipalities, as appropriate, throughout 2022-2023 to inform discussions related to NPCA services;
4. **AND FURTHER THAT** the Final Programs and Services Inventory **BE SUBMITTED** to MECP at the end of the *Conservation Authorities Act* Transition period along with a copy of Municipal Agreements.

Purpose:

To seek NPCA Board approval of Draft Inventory of Programs and Services to be submitted to the Province by the deadline of February 28, 2022, as per the *Conservation Authority Act* transition requirement.

Background:

On October 4, 2021, the MECP released the Phase 1 regulations to implement amendments to the *Conservation Authorities Act*, including:

- Ontario Regulation 686/21: Mandatory Programs and Services
- Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services
- Ontario Regulation 688/21: Rules of Conduct in Conservation Areas.

Under Ontario Regulation 687/21, each conservation authority must create a Transition Plan that outlines the steps to develop an inventory of programs and services (categories 1-3) and the process to enter into agreements with participating municipalities to fund category 2: Municipal programs and

services. The NPCA Transition Plan has been provided to MECP and circulated to participating municipalities.

The next item required under the regulation is to develop an inventory of NPCA's programs and services. The Inventory includes all the programs and services that the NPCA provides as of February 28, 2022, and those it intends to provide after that date. The Inventory also includes information about the sources of funding categorized based on the following:

Category 1: Mandatory programs and services as identified in Ontario Regulation 686/21. These programs will be funded through a municipal levy.

Category 2: Municipal programs and services provided at the municipality's request. These programs can be funded through government and other agency grants and/or municipal funding under a memorandum of understanding (MOU) or agreement with the municipality.

Category 3: Other programs and services that an Authority (Board) determines are advisable. These programs can be funded through self-generated revenue, user fees, government and other agency grants, donations, etc. Any use of municipal funding will require an agreement and would be subject to cost apportioning.

The regulation requires that the Inventory be submitted to the MECP, circulated to all participating municipalities, and posted on the NPCA website by February 28, 2022.

NPCA Programs and Service Inventory:

NPCA's Inventory of Programs and Services as required under Ontario Regulations 687/21 is provided in Appendix 1. Programs and Services categories follow Conservation Ontario standard template modified to accommodate NPCA's local program needs. Also provided, in a separate table of this Inventory, is the cost distribution by program categories and funding sources.

The overarching framework established by staff was based on the following principles:

- Ensure there is minimal impact to the well-established municipal funding and current budget process
- Align NPCA's existing programs with the Regulatory program categories for clarity and consistency
- Ensure Board-approved new 10-year Strategic priorities are addressed and aligned
- Respect 2022 approved budget and municipal levy

First, staff generated an initial list of existing programs and services under the strategic plan framework. This list was then augmented with new programs required under the legislation currently not funded as part of NPCA budgets and any critical gaps identified through the Strategic Plan. Next, staff assigned a CA (Conservation Authority) Act category, costs, and funding sources to this list of programs and services based on key assumptions. Details are provided below:

Key Considerations and Assumptions:

- Over the past few years, NPCA programs and services have been through significant changes. As such, staff determined that 5-year averages may not be accurate to justify program costs, and the current level of funding (2022) was used to determine most program costs.
- Where appropriate, such as some areas of enabling corporate services, staff used five-year averages.

- Evaluation of self-generated funding was based on industry-accepted full cost accounting analysis completed by professional consultants through a Fee review initiated by NPCA in 2021 (Planning and Park Fee review). Park Fee review has been completed, and the Planning Fee review is currently ongoing, with a completion date of 2022. Costs will be adjusted upon completion of this work in 2022.
- Classification for support services ensured no duplication or double-dipping (e.g., FTEs, depreciation, IT/GIS).
- Where programs covered more than one category (e.g., category 1, 2, or 3), costs were segregated based on activities and allocated to each category. If a new program activity was proposed, no costs were assigned to the activity (outside the current budget).
- The NPCA deployed an Asset Management Program in 2021. As a result, depreciation costs have been derived based on the lifecycle replacement of assets. The Asset category also includes capital projects identified in the 2022 budget for flood management and park infrastructure. Capital Asset Planning for Flood Management Infrastructure is ongoing to determine future costs for transition requirements.
- The NPCA watershed is anticipated to experience major growth in the coming years. As a result, adjustments to service levels will need to be made in the future to accommodate additional pressures.
- The cost for new programs required under the CA Act has not been included in the totals. Staff will find internal efficiencies to initiate these programs in 2022. Future discussions with municipal partners are also needed to address these gaps.
- Land acquisitions will continue to be funded through the existing reserves until further discussions and agreements with municipal partners.

Costing:

Demonstrated in Appendix 2 is the preliminary cost analysis of existing programs with an explanation of funding sources by each category. The staff has ensured that current programs and services can be delivered with the approved municipal levy model and 2022 approved budgets. In addition, the staff is investigating internal efficiencies to help offset some of the transition-related costs and new program costs.

Over the next year, NPCA will engage in discussions with its municipal partners on the long-term needs for required service levels and program funding gaps. As a result, estimated percentages for Municipal agreements may change as negotiations with municipalities are completed. Similarly, costs identified will be refined over time and subject to change by 2024. Surplus revenues from specific Category 3 programs and services will help support board-directed Category 3 programs and services.

The Niagara Peninsula Conservation Foundation receives administrative support included under enabling services. A small investment in the Foundation is anticipated to generate a significant return on investment to match municipal levies for all categories of programs and services.

Based on the initial cost analysis, approximately 71% of current NPCA programs and services fall within Category 1, about 28% in category 3, and less than 2% under Category 2. This analysis is consistent with the 2022 actuals.

New Programs Gap:

The cost for new activities identified in the Inventory is in the process of being developed. These costs will be based on Ministry Direction in O. Reg 687/21. However, some general estimates have been developed by staff to help identify internal resources where possible.

New Programs/Activities include:

- a) Ice Management Plan
- b) Operations Plan -Natural Hazard Infrastructure
- c) Asset Management Plan for Natural Hazard Infrastructure (to be included as part of current Asset Management Plan development process)
- d) Conservation Area Strategy (including an inventory of conservation lands)
- e) Watershed-based Resource Management Strategy
- f) Climate Change Resilience

Municipal Consultations and Agreements:

The Inventory of programs and services must be circulated to all participating municipalities in the authority's area of jurisdiction and be published on the conservation authority's website or made available to the public by other means by February 28, 2022.

At present, the NPCA has two negotiated MOUs with partner municipalities related to planning services under Category 2 (City of Hamilton and Haldimand County) and a protocol for plan review services with Niagara Region under Category 1. The protocol with Niagara Region establishes the framework within which the NPCA provides specified plan review services to the Region related to natural hazards. A review and updates are required for all participating municipalities and lower-tier municipalities, as these agreements do not contain all the requirements identified in Regulation.

Following submission of this Inventory, NPCA will initiate discussions with its municipal partners about the level of Category 1 and 2 current programs and services, funding apportionment agreements for Category 3 services, and needs for unfunded new provincial mandated program requirements. During the consultation period, municipalities may offer feedback and seek any clarification resulting in refinements to the Inventory during the balance of the transition phase from February 28, 2022, to the deadline of December 31, 2023. Any ongoing changes and improvements will be reported to the Province through required progress reports and posted on the NPCA website.

Next Steps:

The NPCA's Inventory has been completed based on requirements outlined in Section 6 of Ontario Regulation 687/21. Following NPCA Board approval, NPCA's Inventory will be submitted to MECP and circulated to participating municipalities. A copy of the NPCA Board Report and Inventory will also be posted to the NPCA website by the regulatory timeline of February 28, 2022.

Discussions with NPCA participating and lower-tier municipal partners will be carried out during the remainder of 2022. Any changes resulting from these discussions will be reported to MECP through progress reports and integrated into an updated inventory. The costs of Programs and Services will also be further refined.

NPCA will submit the final Programs and Services Inventory and copies of Service Level Agreements and MOUs to MECP as per Regulation by January 1, 2024.

Financial Implications:

No additional costs have been incurred to complete this work. All required conservation authority/municipal MOUs/agreements must be in place by January 1, 2024. Municipal levy apportionment for the 2024 budget will be based on the updated Programs and Services Inventory.

Related Reports and Appendices:

1. Appendix 1 – Draft inventory of programs and services
2. Appendix 2 – Preliminary cost analysis of existing programs

Authored and Submitted by:

Original Signed by:

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Chief Administrative Officer/Secretary-Treasurer

Appendix 1 NPCA Inventory of Programs and Services

Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Natural Hazard Management	Protecting people and properties from flood, erosion, and other natural hazards.						
Flood forecasting and warning	<ul style="list-style-type: none"> • Delivery of accurate, real-time information for flood forecasting, warning, and messaging • Water quantity monitoring specific to flood forecasting and warning • Climate monitoring 	1	s.21.1(1)	\$137,900	Municipal levy - 73% Provincial - 27%	N/A	Goal 1.1 Goal 1.2 Goal 2.3 Goal 4.2
Flood and erosion management	<ul style="list-style-type: none"> • Management and monitoring of riverine erosion across the watershed jurisdiction • Ice management (new) • Floodplain mapping • Flood and erosion risk and mitigation studies (new; other than shoreline) • Operation and maintenance of NPCA flood and erosion control infrastructures 	1	s.21.1(1)	\$445,994	Municipal levy - 70% Provincial - 30% <u>Note:</u> Cost may vary; estimate does not capture ice management or flood and erosion mitigation projects. Current floodplain mapping is subsidized by self-generated revenues.	N/A	Goal 1.1 Goal 1.2 Goal 2.3 Goal 4.2
Shoreline hazard management	<ul style="list-style-type: none"> • Shoreline management plans update • Integration of natural hazard management with overall shoreline climate resiliency and natural heritage planning and management to respond to climate change risk and vulnerability (new) 	1	s.21.1(1)	\$196,178	Municipal levy - 100%	N/A	Goal 1.2 Goal 2.2

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Environmental planning review	<ul style="list-style-type: none"> Technical information and advice to municipalities on circulated municipal land use planning applications related to natural hazards Input to the review and approval processes under other applicable law (e.g., Environmental Assessment Act and Niagara Escarpment Plan) with comments related to s.28 and natural hazards 	1	s.21.1(1)	\$429,145	Municipal levy - 70% Provincial - 30%	<ul style="list-style-type: none"> Niagara Region Protocol for planning services (2018) – related to natural hazards 	Goal 1.2 Goal 2.1 Goal 5.3
Planning and permitting	<ul style="list-style-type: none"> Review and process s.28 permit applications Review and process associated technical reports Conduct site inspections Communication with applicants, agents, and consultants 	1	s.21.1(1)	\$622,759	Municipal levy - 30% Provincial - 10% Self-generated - 60%	N/A	Goal 1.2 Goal 2.1 Goal 5.3
Compliance and enforcement	<ul style="list-style-type: none"> Investigation and enforcement of regulatory compliance under s.28 	1	s.21.1(1)	\$643,375	Municipal levy - 40% Self-generated - 60%	N/A	Goal 1.2
Plan review not related to natural hazards	<ul style="list-style-type: none"> Services through MOUs with Hamilton and Haldimand Technical information and advice to municipalities on circulated municipal land use planning applications (e.g., Niagara Escarpment Commission, Official Plan, zoning by-law amendments, subdivisions, consents, and minor variances) on non-natural hazard matters such as natural heritage 	2	s.21.1.1	\$155,450	Municipal levy - 100% Current or new MOUs	<ul style="list-style-type: none"> City of Hamilton (2013) Haldimand County (2019) Review and updates are required for all participating municipalities and lower-tier municipalities 	Goal 2.1 Goal 4.1
Natural Hazard Management - Total				\$2,630,801			

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Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Watershed Resource Management and Climate Change	Programs and services to understand the current conditions, cumulative impacts, and risks to watersheds. Strategies and measures to protect, enhance, and restore watersheds toward creating healthy and climate-resilient watersheds.						
Watershed and sub-watershed resources planning	<ul style="list-style-type: none"> • Inform sub-watershed and quaternary planning for growth areas • Determine the cumulative watershed impacts from natural resource inventory and resource assessment studies • Develop and maintain recommendations and guidelines to assist in the management of natural heritage resources • Sub-watershed-level assessments and analyses (e.g., water budgets, catchment assessment, non-point source modelling, groundwater modelling, and systematic conservation monitoring) • Updates to NPCA watershed plans 	1, 2	s.21.1(1) s.21.1.1	\$219,760	Municipal levy - 100% New MOUs	New MOU/SLA required for municipalities	Goal 1.1 Goal 2.2 Goal 4.1
Water monitoring (surface and groundwater)	<ul style="list-style-type: none"> • Provincial water quality monitoring network • Local water quality monitoring program • Benthic macroinvertebrate monitoring program • Stream temperature monitoring program • Provincial groundwater monitoring network • Local groundwater monitoring network • Well water decommissioning program 	1, 3	s. 21.1(1) s.21.1.2	\$388,600	Municipal levy - 50% Self-generated - 50%	N/A	Goal 1.1 Goal 1.3 Goal 4.1 Goal 4.2

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Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Ecological monitoring	<ul style="list-style-type: none"> Flora, fauna, and wetlands monitoring in support of watershed resource management programs and policy development 	1	s. 21.1(1)	\$116,150	Municipal levy - 100%	N/A	Goal 1.1 Goal 1.4 Goal 2.2
Ecological restoration	<ul style="list-style-type: none"> Tree planting on NPCA-owned and managed lands Restoration services on public (municipal/ agency) lands as facilitated by MOUs Restoration on private lands Support urban and agricultural land stewardship Provide advice and design assistance for restoration services to property owners 	2, 3	s.21.1.1 s.21.1.2	\$438,270	Municipal levy - 75 % Self-generated - 25% MOUs required <u>Note:</u> Cost apportionment agreements.	New MOU/SLA required for municipalities	Goal 1.3 Goal 1.4 Goal 3.2 Goal 4.1 Goal 4.2
Community engagement and stewardship	<ul style="list-style-type: none"> Support community stewardship, outreach, and communications Outreach, engagement, and partnerships with community and ENGOS, including volunteer management 	3	s.21.1.2	\$168,905	Municipal levy - 75% Self-generated - 25%	New MOU/SLA required for municipalities	Goal 3.2 Goal 4.1 Goal 4.2
Technical studies	<ul style="list-style-type: none"> Technical studies to support NPCA hazard management functions Ecological land classification mapping S.28 regulation mapping (e.g., wetland, watercourses, and karst) Digital terrain elevation model 	1	s.21.1(1)	\$451,263	Municipal levy - 100%	N/A	Goal 1.1 Goal 1.2 Goal 1.3 Goal 2.2 Goal 5.2

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Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Information management	<ul style="list-style-type: none"> • Management and integration of data for NPCA geographic information system (GIS) • Support open data portal and science • Mapping and GIS support for watershed resources planning and natural hazards management • Support development and implementation of watershed-based resource management strategy 	1	s.21.1(1)	\$171,500	Municipal levy - 100%	N/A	Goal 1.1 Goal 1.2 Goal 1.3 Goal 2.2 Goal 5.2
Watershed-based resource management strategy	<ul style="list-style-type: none"> • Development and implementation of the strategy, including compiling existing resources, management plans, watershed plans, studies, and data 	1	s.21.1(1)	NEW	Municipal levy - 100%	N/A	Goal 1.1 Goal 1.2 Goal 1.3 Goal 2.2 Goal 4.1 Goal 4.2
Climate change resilience	<ul style="list-style-type: none"> • Climate change impact assessment and mitigation strategies • Data support toward climate change forecasting and vulnerability and risk assessment • Research and implement sustainable technologies and low-impact development best practices for climate resilience and environmental sustainability 	1	s. 21.1(1)	NEW	Municipal Levy - 75% Self Generated - 25%	N/A	Goal 1.1 Goal 1.2 Goal 2.3
Watershed Resource Management and Climate Change - Total				\$1,954,448			

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Other Watershed-Related Programs							
Drinking source water protection	<ul style="list-style-type: none"> Source Protection Authority role as set out in the Clean Water Act, 2006 Provision of risk management services to municipalities throughout the Source Protection Region on a fee-for-service basis (currently not offered by NPCA – cost not included) Implementation of best management practices for private drinking systems (future pending provincial guidance) 	1	s.21.1.(1)	\$147,595	Agreements- 100%	N/A	Goal 1.1 Goal 4.1
Niagara River Remedial Action Plan	<ul style="list-style-type: none"> Coordination of the multi-stakeholder initiative to protect and restore the Niagara River through agreements with Canada and Ontario 	3	s.21.1.2	\$170,000	Agreements - 100%	N/A	Goal 1.3 Goal 4.1
Other	<ul style="list-style-type: none"> New projects/programs funded through external funding sources that benefit partners and the watershed 	3	s.21.1.2	\$50,000	Agreements - 100%	N/A	Goal 1.3 Goal 3.2 Goal 4.1
Other watershed-related programs - Total				\$367,595			

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Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Conservation Authority Lands and Conservation Areas	Manage 2,982 ha of lands, including 41 conservation areas essential to watershed management, environmental protection, cultural heritage, and recreation.						
Section 29 enforcement and compliance	<ul style="list-style-type: none"> Conservation areas regulations enforcement and compliance 	1	s. 21.1(1)	\$110,800	Municipal levy - 100%	N/A	Goal 1.4
Active recreation programs (conservation areas)	<ul style="list-style-type: none"> Day use for conservation areas Camping Other services (e.g., weddings, facility rentals, events, and retail) 	3	s.21.1.2	\$1,728,425	Self-generated - 100%	N/A	Goal 1.4 Goal 3.1 Goal 3.2 Goal 3.3 Goal 3.4 Goal 6.2
Education programs	<ul style="list-style-type: none"> Education programs and day camps Cultural heritage programs 	3	s.21.1.2	\$173,658	Self-generated - 100%	N/A	Goal 1.4 Goal 3.1 Goal 3.2 Goal 3.3 Goal 3.4 Goal 6.2
Land care program (conservation areas)	<ul style="list-style-type: none"> Management and maintenance of conservation areas (e.g., gates, fencing, signage, landscaping, pedestrian bridges, trails, parking lots, and roadways) Passive recreation Risk management Hazard tree management Maintenance of heritage buildings Forest management 	1	s. 21.1(1)	\$1,014,585	Municipal levy - 100%	N/A	Goal 1.4 Goal 3.1 Goal 3.3
Land acquisition and disposition	<ul style="list-style-type: none"> Completion of land securement strategy Strategic acquisition of properties Implementation of land securement strategy 	2, 3	s.21.1.1 s.21.1.2	Varies	Varies (<i>currently funded through reserves</i>) New MOUs	New MOU/SLA required for municipalities	Goal 1.4 Goal 3.1

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Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Land lease and agreement management	<ul style="list-style-type: none"> Management of current and future land leases and property agreements 	2, 3	s.21.1.1 s.21.1.2	\$51,633	Self-generated - 100%	New MOU/SLA required for municipalities	Goal 1.4
Strategy for Conservation Authority owned lands and management plans including inventory of conservation lands	<ul style="list-style-type: none"> Strategy to guide the management and use of NPCA owned or controlled properties, as directed by CA Act 	1	s. 21.1(1)	NEW	TBD	N/A	Goal 1.4
Conservation Authority Lands & Conservation Areas - Total				\$3,079,101			

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Program or Service	Description	Funding Category (1, 2, 3)	CA Act Reference	Cost Estimate	Funding Mechanism % of cost	MOU Requirements	NPCA Strategic Plan
Enabling Services	Support for all CA departments, the Board of Directors, member municipalities and the general public enables NPCA to operate in an accountable, transparent, efficient and effective manner.						
Corporate services	<ul style="list-style-type: none"> • Administrative support • Human resources (including health and safety) • Property taxes and occupancy costs • Oversight of programs and policies • Operating costs not directly related to any specific program or service (e.g., overhead) • Record management • Foundation support 	1	s.21.1(1)	\$1,489,772	Municipal levy - 90% Self-generated - 10%	N/A	Goal 5.1 Goal 5.2 Goal 5.3 Goal 5.4 Goal 6.1 Goal 6.2
Financial services	<ul style="list-style-type: none"> • Annual budget • Accounts payable and receivable • Procurement • Payroll • Financial analytics and reporting • Audit • Administration of reserves and investment 	1	s.21.1(1)	\$360,418	Municipal levy - 100%	N/A	Goal 5.2 Goal 5.3 Goal 6.1 Goal 6.2
Information technology	<ul style="list-style-type: none"> • Digital technology, licensing fees, data/voice services • Records retention 	1	s.21.1(1)	\$373,424	Municipal levy - 100%	N/A	Goal 1.1 Goal 5.2 Goal 5.3
Governance and corporate administration	<ul style="list-style-type: none"> • Support to governance and corporate administration • Board governance • Public Advisory Committee • Strategic planning/reporting and CAO oversight 	1	s.21.1(1)	\$573,191	Municipal levy - 100%	N/A	Goal 5.2 Goal 5.3

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Communications and outreach	<ul style="list-style-type: none"> • Services to inform public of programs, services, and projects through various communication methods • Outreach and communications to inform the public about the risk of natural hazards • Website administration • Responding to inquiries from the public • Media relations • Crisis communications 	1	s.21.1(1)	\$401,904	Municipal levy - 100%	N/A	All
Vehicles and equipment	<ul style="list-style-type: none"> • Fleet required to support and maintain NPCA operations, including capital purchases, fuel, licences, repairs, and maintenance • Equipment required to support and maintain NPCA operations, including capital purchases, fuel, licences if required, repairs, and maintenance 	1	s.21.1(1)	\$259,400	Municipal levy - 100%	N/A	All
Asset management	<ul style="list-style-type: none"> • Asset management planning (including depreciation) • Asset management software and equipment • Capital costs for flood infrastructure • Capital costs for conservation land infrastructure 	1, 3	s.21.1(1) s.21.1.2	\$1,119,246	Municipal levy - 57% Self-generated - 40% Provincial - 3%	N/A	Goal 1.2 Goal 1.4 Goal 6.3
Enabling services - Total				\$4,577,355			
Grand Total				\$12,609,300			

Appendix 2 NPCA Preliminary Cost Analysis

Category	Mandatory programs and services descriptions	Municipal levy	Provincial funding	Self-generated funds	Total	% of Total
1	Mandatory programs and services as identified in Ontario Regulation 686/21	\$ 7,474,511	\$ 395,628	\$ 1,063,020	\$ 8,943,459	70.93%
2	Municipal programs and services provided at the municipality's request	\$ 155,450	\$ -	\$ -	\$ 155,450	1.23%
3	Other programs and services that an Authority (Board) determines are advisable	\$ 455,381	\$ -	\$ 3,065,310	\$ 3,510,391	27.84%
Total		\$ 8,085,342	\$ 395,628	\$ 4,128,330	\$ 12,609,300	100.00%

Note: The 2022 NPCA budget consists of Municipal general and special levy \$8,088,921; provincial funding \$391,978; and self generated funds \$4,128,323.