

Subject: Conservation Authority Programs and Services Agreements

File Number: ACS2023-PRE-EDP-0045

Report to Agriculture and Rural Affairs Committee on 5 October 2023

and Council on 11 October 2023

Submitted on September 22, 2023 by David Wise, Director, Economic Development and Long Range Planning, Planning, Real Estate and Economic Development Department

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Ward: Citywide

Objet: Ententes concernant les programmes et les services des offices de protection de la nature

Dossier : ACS2023-PRE-EDP-0045

Rapport au Comité de l'agriculture et des affaires rurales

le 5 octobre 2023

et au Conseil le 11 octobre 2023

Soumis le 22 septembre 2023 par David Wise, Directeur, Développement économique et planification à long terme, Services de la planification, des biens immobiliers et du développement économique

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the Agriculture and Rural Affairs Committee recommend Council authorize and direct the General Manager, Planning, Real Estate and Economic Development, to enter into written agreements with the Mississippi Valley Conservation Authority, the Rideau Valley Conservation Authority, and South Nation Conservation by January 1, 2024, as required by provincial legislation, so that they can continue to use municipal levy funds to deliver programs and services to Ottawa residents.

RECOMMANDATION(S) DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'autoriser et de demander au directeur général, Direction générale de la planification, de l'immobilier et du développement économique, de conclure des ententes par écrit avec l'Office de protection de la nature de la vallée de la rivière Mississippi, l'Office de protection de la nature de la vallée Rideau et la Conservation de la Nation-Sud d'ici le 1^{er} janvier 2024, comme l'exige la législation provinciale, afin que ces offices puissent continuer d'utiliser les fonds provenant de l'imposition municipale pour offrir des programmes et des services aux résidents d'Ottawa.

BACKGROUND

Provincial changes to the *Conservation Authorities Act* via [Bill 108 \(the More Homes, More Choice Act, 2019\)](#) now require conservation authorities to enter into written agreements with their member municipalities to continue using municipal levy funds to deliver certain mutually desired programs and services. These agreements must be in place by January 1, 2024.

With Council's approval, the General Manager, Planning, Real Estate and Economic Development, will undertake to enter into the necessary agreements with each of our three local conservation authorities so that they can continue to provide these valued services to residents.

DISCUSSION

For more than half a century, Ottawa's three local Conservation Authorities (Mississippi Valley Conservation Authority, Rideau Valley Conservation Authority, and South Nation Conservation, collectively referred to as our Conservation Partners) have been delivering effective programs and services that improve and protect the local environment, complementing and supporting the efforts of the City and our residents.

Their work has been integral to many of the City's own planning studies and review processes, and they have been our active partners in environmental monitoring, habitat restoration, stewardship and outreach. They continue to support and contribute to key initiatives such as the [Climate Resiliency Strategy](#).

Provincial changes to the *Conservation Authorities Act* via [Bill 108 \(the More Homes, More Choice Act, 2019\)](#) now require conservation authorities to enter into written agreements with their member municipalities to continue using municipal levy funds to deliver some of these services. Over the past year, conservation authorities across Ontario have been engaged in a transition process, classifying their programs and services into three categories as outlined in the legislation:

- **Category 1: Mandatory Programs and Services**

These are programs undertaken by all conservation authorities and supported with municipal levy and other sources of revenue. They do not require an agreement under the new legislation. They include programs related to:

- The risk of natural hazards (e.g., flooding, erosion, unstable soils or bedrock, drought)
- The conservation and management of lands owned or controlled by the conservation authority
- The authority's duties, functions and responsibilities under the *Clean Water Act*
- Other authority duties, functions and responsibilities prescribed by regulation

- **Category 2: Municipal Programs and Services**

These are programs provided at the request of a municipality and are usually funded through program revenue or municipal funding through an agreement with the municipality. They may be unique to that municipality, or may be built upon more general watershed-based programs and services (see Category 3 below) with enhanced levels of service to the municipality's residents. Local examples include the Green Acres tree planting program, the Ottawa Septic System Office, and the majority of Ottawa's surface water quality monitoring program.

- **Category 3: Other Programs and Services**

These are programs that a conservation authority determines are advisable to

further the conservation, restoration, development and management of natural resources in its watershed. Examples include watershed monitoring and reporting, outdoor education, landowner stewardship and outreach programs. They are often funded through a variety of revenue sources, but any use of municipal levy now requires an agreement to be signed with municipalities.

Conservation authorities must enter into written agreements with municipalities by January 1, 2024, to continue using municipal levies to deliver Category 2 or Category 3 programs and services. Any extension to that deadline must be requested by October 1, 2023. While the City of Ottawa already has agreements in place with our Conservation Partners for most Category 2 programs and services, those in Category 3 are not currently covered. The City will therefore need to sign an agreement with each of its three conservation authorities to permit them to continue using levy funding to deliver the programs and services outlined below and presented in more detail in Document 1, Appendices A, B and C. Otherwise, these services will no longer be funded and may be discontinued.

This report is not related to the more recent changes imposed by [Bill 23 \(the More Homes Built Faster Act, 2022\)](#), which restricted the Conservation Authorities' role in reviewing *Planning Act* applications and other proposals under various legislative processes. Conservation Authorities will continue to provide review services relating to their core mandate. City staff have worked with our Conservation Partners throughout the recent changes to the City's development application review processes under both Bill 23 and [Bill 109 \(the More Homes for Everyone Act, 2022\)](#), to ensure that they can provide their mandated services within the legislated timeframes.

To meet the requirements established under Bill 108, our Conservation Partners are proposing to enter into agreements with Ottawa and their other member municipalities that:

- Set a maximum percentage of the Conservation Authorities' annual municipal levy that can be allocated to Category 3 watershed programs and services, as well as two Category 2 programs provided by Mississippi Valley CA.
- Have a five-year review period with a clause enabling municipalities to amend or cancel their agreement with 6 months' notice prior to July 31 in any given year.

Conservation Authorities will continue to apportion their general municipal levy amongst member municipalities based on modified current value assessment data provided by the province.

The following is a summary of the programs and services that would continue to be provided by the City's Conservation Partners, as outlined in Document 1, and the proportion of annual municipal levy that supports them

Conservation Authority	Percentage of General Municipal Levy supporting Category 3 Programs	Estimated Amount of General Municipal Levy to be apportioned to Ottawa in 2024 for Category 3 programs
Mississippi Valley CA	14 ¹	\$256,925 ²
Rideau Valley CA	20	\$1,148,484
South Nation CA	12	\$382,025

Mississippi Valley Conservation Authority is seeking approval to continue allocating up to 14 per cent of its annual municipal levy towards the delivery of the following programs and services:

- Landowner Stewardship (clean water and habitat grants, shoreline naturalization, restoration projects)
- Watershed Monitoring and Reporting (water quality, benthic invertebrates, stream conditions)
- Watershed and Lake Planning (not Planning Act functions)
- Visitor Services at Conservation Areas
- Nature Education Program

Mississippi Valley CA is also seeking approval to continue allocating an average of up to 2 per cent of its annual capital levy towards the asset renewal of structures at the Mill of Kintail Conservation Area, which in 2024 is estimated will be approximately \$34,400.

Rideau Valley Conservation Authority is seeking approval to continue allocating up to 20 per cent of its annual municipal levy towards the delivery of the following programs

¹ This percentage allows for continued delivery of the two Mississippi Valley CA watershed programs that are Category 2 services.

² Mississippi Valley CA divides the General Levy into Operating and Capital. This amount excludes the Capital Levy which in 2024 is forecasted to be approximately \$34,400.

and services:

- Surface Water Monitoring and Reporting (monitoring water quality indicators and stream conditions, producing data and reports showing changes and trends, completing stream and habitat restoration projects)
- Private Land Stewardship and Outreach (planting trees, naturalizing shorelines, implementing best management practices, restoration and enhancement projects that address water quality and climate change)

South Nation Conservation is seeking approval to continue allocating up to 12 per cent of its annual municipal levy towards the delivery of the following programs and services:

- Private Land Stewardship and Outreach (tree planting, implementation of best management practices for water quality improvement, habitat restoration, community environmental grants and youth education)
- Conservation Land Securement (purchase of ecologically significant lands and ancillary costs related to purchases and accepting land donations and EcoGifts)

The Conservation Partners have prepared supporting materials in Document 1 (Business Case). These materials have been approved by the Board of Directors for each conservation authority. Eleven City of Ottawa Councillors are members of these boards:

- Councillors Gower, Curry, Kelly and Hubley represent the City on MVCA's Board.
- Councillors Brockington, Brown, Lo and Kavanagh represent the City on RVCA's Board.
- Councillors Darouze, Kitts and Luloff represent the City on SNC's Board.

Given that the services provided by our Conservation Partners have been proven to be valuable to residents and to the City as a whole, and that the three local conservation authority Boards support the continued delivery of these services using levy funding, staff recommend that Council direct the General Manager, Planning, Real Estate and Economic Development, to enter into the necessary agreements on behalf of the City.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report as these agreements are within the annual funding envelope provided by the City of Ottawa to

the Conservation Partners.

LEGAL IMPLICATIONS

There are no legal impediments associated with the implementation of the recommendation of this report.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Hubley is supportive of the report recommendations.

Councillor Gower is aware of the report recommendations.

Councillor Brockington is aware of the report recommendations.

Councillor Curry is aware of the report recommendations.

Councillor Kelly is aware of the report recommendations.

Councillor Lo is aware of the report recommendations.

Councillor Kitts is aware of the report recommendations.

Councillor Darouze provided the following comments:

“As Chair of the Agriculture and Rural Affairs Committee, I constantly witness the great work which the three conservation authorities do within the City of Ottawa. Conservation authorities bring a lot of value and insight to land use and modification within the City of Ottawa and their expertise is always appreciated. I am glad to continue to see a good working relationship between the City of Ottawa and its conservation authorities.”

CONSULTATION

Public consultation was not required as part of this provincially mandated change. Conservation authorities were required to work with their member municipalities and provide progress reports to the Province throughout the transition process.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with this report.

CLIMATE IMPLICATIONS

The services covered by the proposed agreements include watershed-based monitoring and stewardship programs that directly support the City's ongoing work in assessing and planning for the impacts of climate change, as well as fostering climate resiliency.

DELEGATION OF AUTHORITY IMPLICATIONS

Through this report, authority is requested for the General Manager, Planning, Real Estate and Economic Development, to enter into written agreements with the three local Conservation Authorities to enable their continued use of municipal levy funding to deliver certain programs and services.

This exercise of Delegated Authority will be reported out in the annual Planning, Real Estate and Economic Development Department Delegated Authority report, per Schedule I, Section 2 of Delegation of Authority (By-law No. 2023-67).

ENVIRONMENTAL IMPLICATIONS

The programs and services delivered by Ottawa's Conservation Partners contribute directly to the environmental health and resilience of our city's ecological systems, including our creeks, rivers, wetlands and forests. They provide valuable environmental data, landowner stewardship resources, public education and outreach, and outdoor recreation opportunities that help keep the city green and liveable. Entering into written agreements as recommended in this report would enable the City to continue receiving these programs and services, while ensuring our Conservation Partners remain in compliance with provincial legislation.

RISK MANAGEMENT IMPLICATIONS

Legal Services staff will review the draft agreements to ensure that any risks to the City are identified for management's consideration prior to execution. Should the agreements not be signed by the provincial deadline, there is a risk that some programs and services currently provided to Ottawa's residents by the Conservation Partners will be discontinued for lack of funding.

RURAL IMPLICATIONS

The programs and services that would continue to be delivered under the proposed agreements include many that benefit Ottawa's rural residents: delivery of landowner stewardship and related grant programs, watershed monitoring and reporting, and visitor services at rural conservation areas.

TERM OF COUNCIL PRIORITIES

The programs and services provided by Ottawa's Conservation Partners contribute directly to the city's environmental and climate resilience, and the health of our natural assets.

SUPPORTING DOCUMENTATION

Document 1 – A Business Case for Watershed Programs and Services: 2024 and Beyond (prepared by the Conservation Partners)

DISPOSITION

Staff in implicated departments (including Legal Services and Finance) to work with the Conservation Partners to review and adapt their proposed draft agreements as needed and produce final versions for the General Manager, Planning, Real Estate and Economic Development, to execute on behalf of the City.