

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

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DATE 26 November 1996

TO/DEST. Coordinator
 Planning and Environment Committee

FROM/EXP. Environment and Transportation Commissioner
 Planning and Development Approvals Commissioner

SUBJECT/OBJET **CONSERVATION AUTHORITY CORE SERVICES REVIEW**

DEPARTMENTAL RECOMMENDATIONS

That the Planning and Environment Committee recommend Council:

- 1. Receive this report on the Conservation Authority summary of services listed in Table 1 and described in the document entitled Regional Conservation Authorities 1997 Conservation Action Plan for the Regional Municipality of Ottawa-Carleton and approve:**
 - a) that the “Basic Services” continue to be funded through the general levy with opportunities for streamlining to be pursued as outlined in the Action Plan, and;**
 - b) that for the “Discretionary Services” as described in Table 2, the Conservation Authorities continue to seek out alternative funding sources and delivery mechanisms to minimize the levy requirements in the future;**
- 2. Request that as part of the 1998 Budget process, the Conservation Authorities provide a status of efforts to secure alternative funding sources and delivery mechanisms for discretionary services;**
- 3. Approve the “Principles” described in this report to guide future agreements regarding further realignment and re-evaluation of water resource roles and responsibilities;**

4. Authorize the Regional Municipality of Ottawa-Carleton to enter into purchase service agreements with the Conservation Authorities, as necessary, to provide plan review functions.

PURPOSE

The purpose of this report is to outline services performed by the Region's Conservation Authorities, namely the Mississippi Valley Conservation Authority, Rideau Valley Conservation Authority and South Nation River Conservation Authority, categorize basic and discretionary services and outline future funding trends. This report deals with the potential areas for improved service integration of Regional Municipality of Ottawa-Carleton (RMOC) and Conservation Authority (CA) water resource service functions including the clarification of roles and responsibilities. Recommendations will also be made in regards to the RMOC's provision of services recently delegated through the Province's "Transfer of Plan Review" initiative.

BACKGROUND

Management and protection of water resources within Ottawa-Carleton is key to a sustainable environment for future generations. The public's increased awareness and knowledge in environmental matters coupled with decreasing support from traditional funding sources has and continues to put pressures on the delivery of environmental programs. The Region recognizes the need to work closely with our partners to ensure water protection and management programs are delivered at the least cost to taxpayers of the Region. Environmental protection and management efforts are more effective when a watershed approach is used. Conservation Authorities, given their mandate and watershed jurisdiction have and will continue to be a key player in watershed planning to ensure the protection of water resources in Ottawa-Carleton. Clear accountable delineation of responsibilities between the provincial agencies, our municipal partners and the Conservation Authorities is required to ensure effective service at the least cost to the taxpayer.

Recognizing this, over the past year there have been a variety of task forces and working groups initiated to investigate potential streamlining opportunities in the area of water resource services. These include initiatives from the RMOC's Water Quality Committee, Regional Core Service Reviews, the Province's Transfer of Plan Review and inter-municipal discussions related to works of Regional significance. In addition, the three Conservation Authorities operating within Ottawa- Carleton have produced a document entitled the "Regional Conservation Authorities 1997 Conservation Action Plan for the Regional Municipality of Ottawa-Carleton" which outlines the services to be provided by the CAs in 1997. This report has combined and integrated the various initiatives related to CA functions including a series of principles which have been developed through detailed discussions between the CAs and the RMOC to assist in continuous efforts to improve accountability and achieve efficiencies.

This report summarizes the progress made to date in clarifying the CA's and RMOC's roles with respect to water resource services, however, opportunities for further efficiencies remain and will be explored.

Conservation Authority Legal Framework

The CAs are autonomous, corporate bodies established on a watershed basis under the *Conservation Authorities Act, R.S.O. 1990 c.C.27*. The Act defines their objective as follows:

“The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a programme designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.”

The legislative mandate of the CAs and their watershed jurisdiction allow participating municipalities to collaborate on addressing resource management issues on a watershed basis.

The councils of any two or more municipalities which are situated wholly or in part within a watershed may request the Ministry of Natural Resources to initiate the process for the establishment of a CA. The number of members which any municipality may appoint is dependant on the population of the municipality.

Under the CA Act, the RMOC is authorized to appoint members to the three area Authorities. It has been the practice of the RMOC to request area municipalities in the Region within the watershed of the CA to nominate one representative to serve on the Authority. In the case of the RMOC, the following breaks down the area municipal nominees:

- Mississippi Valley Conservation Authority (3 of the 6 Regional appointments are nominated by the municipalities of Kanata, West Carleton, Goulbourn)
- Rideau Valley Conservation authority (10 of the 21 Regional appointments are nominated by the municipalities of Rideau, Gloucester, Osgoode, Ottawa, Rockcliffe Park, Goulbourn, Kanata, Vanier, Nepean and Cumberland)
- South Nation River Conservation Authority (3 of the 6 Regional appointments are nominated by the municipalities of Cumberland, Osgoode and Gloucester)

The Province of Ontario in 1996 also amended legislation relating to the CA responsibilities as part of the *Savings and Restructuring Act, 1996, S.O. 1996 c.1*. The changes in legislation relate specifically to the dissolution of an authority, the disposition of property, flood control and the apportionment of an authority's cost. In particular, the Act was amended to allow a CA the power to charge fees for services approved by the Minister. In addition, in order to accomplish the CAs' objectives, a wide range of powers have been expanded to allow for the purchase, lease or expropriation of lands and to erect flood control works and structures. Regarding flood control, new provisions broadened the Minister's power to require flood control activities to be undertaken by the CA.

PRINCIPLES

In reviewing the services provided by the CA, a series of principles have been established based on present legislated responsibilities. They are as follows:

- The RMOC agrees with/supports watershed planning philosophy.
- The RMOC agrees that responsibility for developing watershed plans should rest with the Conservation Authorities.
- The RMOC assumes the responsibility of coordinating and when necessary, developing sub-watershed plans.
- The expertise residing in the RMOC and other agencies will be recognized and sought out towards the achievement of objectives in water resource management. Under partnership arrangements, that may be established from time to time, this expertise will be made available to other agencies on a purchased service basis. The CA and the RMOC will continue to move towards maximizing programme delivery through continued coordination and integration.
- The RMOC's Water Quality Committee be the primary forum for coordination of programmes and projects in water resources with a view towards maximizing inter-agency cooperation, efficiency and effectiveness.

ROLES AND RESPONSIBILITIES

The need to reconsider roles and responsibilities is determined by the changing role of the Province, the need to address the fragmented nature of water resource management and the need to deliver services more efficiently. In keeping with the above principles, the RMOC's Water Quality Committee members are in support of the direction outlined in the RMOC's "Water Resource Services in the Regional Municipality of Ottawa-Carleton", 1996. This document serves as the framework from which future realignment and redefinition of responsibilities can occur. The "Points of Agreement" developed within the document are as follows:

- In consultation with the area municipalities, and the CAs, the RMOC shall establish and maintain a list of watershed planning priorities within RMOC known as the "Watershed Planning Strategy".
- Similarly, the RMOC shall establish and maintain, complementary to the Watershed Planning Strategy, sub-watershed planning priorities within the RMOC consistent with the needs of the Regional Official Plan.
- CAs are responsible for ensuring the completion of plans at the watershed level in accordance with the Watershed Planning Strategy.
- Responsibility for sub-watershed planning rests with the RMOC, recognizing that the study's proponent(s) may vary and are dependent on the nature of the sub-watersheds.

- The RMOC will integrate the recommendations of watershed plans into the Regional Official Plan if appropriate.
- The CA will continue to be responsible for land stewardship programmes for private lands. (CA and RMOC have also initiated discussions on the management of public lands. The results will be addressed in a report to be issued later.)
- The RMOC will continue to monitor the Region's surface waters and will coordinate the surface water monitoring efforts of the CAs and others for maximum efficiency.
- The RMOC when necessary will undertake to establish area specific objectives for surface waters in conjunction with its water quality partners.
- The RMOC shall develop and establish an Aquifer and Well-head Protection Management Plan cooperatively and in consultation with the CAs and other interested agencies.
- The RMOC will establish standards for design, construction, operation and monitoring of stormwater practices (including facilities).
- The RMOC and Area Municipalities will develop methodologies for optimizing the management of stormwater works.
- The RMOC, CAs and Area Municipalities will continue to deliver coordinated public education and awareness programmes.

Monitoring

In the past, surface water monitoring has been an area of perceived duplication. This is due to a number of factors including the following:

- number of agencies monitoring;
- need for monitoring information for various activities (e.g. land use planning, infrastructure design, environmental impact studies, pollution control, state of the environment reporting);
- programmes developing in isolation.

In keeping with the desire to realize continued efficiencies, a sub-group was established to review present monitoring efforts and clarify responsibilities. The following points have been further agreed to:

- The RMOC's expertise and leadership role is recognized in the area of surface water monitoring. Future agency initiatives shall be coordinated with the RMOC to explore opportunities for streamlining.

- The RMOC Analytical Laboratory shall offer service to all monitoring programmes including the provision of analytical services through the RMOC's annual tender contract for private lab services.
- The RMOC and all of its water management partners have data and information management needs, which will as much as possible be met through the continued development of the RMOC information management systems, including their application beyond the RMOC's geographical boundaries. This approach will reduce the development costs of new systems and ensures the maximum use of all data collected.
- The RMOC has agreed to the monitoring of Provincial Water Quality sites on the Rideau River within the RMOC previously monitored by the RVCA (subject to agreement from the Ministry of the Environment and Energy).
- Groundwater monitoring programmes are to be addressed and subject to an Aquifer and Well-head Protection Management Plan to be coordinated by the RMOC.

In keeping with the "Principles", the above "Points of Agreement" support and are complementary to the direction of the delivery of water resource services in Ottawa Carleton. These points of agreement have established a common understanding and strategic approach by which a core service review can be undertaken.

TRANSFER OF PLAN REVIEW FUNCTIONS

The Province's "Transfer of Provincial Review Functions" initiative has provided the opportunity for Regional staff to inventory its capabilities and compare them against the array of new Regional plan review functions. The Region does not have all the technical capability in-house to assume and effectively implement the following former Provincial plan review functions. As a result, alternate service delivery models are being explored in order to implement the following functions:

- Hydrogeology and Terrain Analysis Studies
- Environmental Impact Statements involving issues related to wetlands, wildlife habitat, woodlots, Areas of Natural and Scientific Interest (ANSIs) and fish habitat
- Mineral Resource Studies
- Agricultural Assessment/Soil Capability Reports
- Organic Soils
- Aircraft Noise
- Stationary Noise
- Air Quality

Service Delivery Models

Delivery models for providing planning review functions include the use of internal resources and the use of external resources either through the use of consultants or through the use of expertise available through the CAs.

Since these functions are new for the Region, the strategy is to explore combinations of the three options over the next year to achieve a “best fit” that will provide to regional taxpayers and applicants the best service possible at the lowest cost.

For example, staff believe that at this time CAs are in the best position to review environmental impact studies given their existing expertise and reasonable fees for this service and consequently propose to enter into a purchase of service agreement with them for the provision of this service. Any costs incurred will be charged back to the developers.

In terms of the balance of the “Transfer of Provincial Review Functions”, given the uncertainty of the demands for these services, and the level of expertise available in the private sector, we are confident that these services will be cost effectively delivered as required. This will be the subject of future reports as required.

Staff are also looking at the option of consultant pre-qualification whereby the Region establishes a list of pre-qualified external resources who have the capability to undertake technical studies required to support development applications at the proponent’s cost.

Flexibility will be exercised in selecting the best fit service delivery models. To this end, Regional staff submits that service delivery models for particular plan review functions will be further selected based on the following guidelines:

- technical capability
- frequency of technical review
- consequence of error and liability exposure
- internal policy program delivery needs
- cost

Administration of Fees

As per Council’s direction, all services provided as part of “Transfer of Review” regardless of delivery model will be structured on a user pay basis.

CORE SERVICES REVIEW

The 1997 Action Plan presented by the Conservation Authorities outlines a series of services presently provided to the RMOC and its member municipalities including the funding mechanisms for those services. RMOC staff have categorized these services as “Basic Services” and “Discretionary Services”.

Basic services are considered to be those services that are critical to the achievement of the CA’s mandate. Discretionary services are considered to be complementary and ideal candidates for exploring opportunities for alternate funding or delivery mechanisms.

Table 1: Conservation Authority Services
<p>Basic Services</p> <ul style="list-style-type: none"> Fill, Construction and Alteration to Waterways Regulation Private Sewage Disposal Part VIII Flood Control Erosion Control Plan Input & Review (Flood & Erosion) Watershed Planning Monitoring Conservation Areas - Basic Services Administrative Services/Corporate Services
<p>Discretionary Services</p> <ul style="list-style-type: none"> Land Stewardship Conservation Area Development & Visitor Services

In keeping with the agreed principles, the RMOC recognizes the importance and value added of the continued support for the Conservation Authorities through the municipal levy and, in particular, those services identified as “Basic Services”. The Region, however, supports the ongoing efforts of the CAs to undertake a critical assessment of all program areas and make adjustments in terms of eliminating certain services or finding alternate sources of financing for those services deemed to be important locally. It is expected that the “Discretionary Services” will benefit significantly from these efforts. In particular the RMOC staff recommends in the case of conservation area development and visitor services, that a goal of full cost recovery be set. Table 2 illustrates the successes already planned for 1997, the first year of the migration of general levied dollars away from discretionary services in favour of alternative funding sources.

With regard to “Basic Services”, with the continued review of responsibilities and the incorporation of additional streamlining measures, the potential exists for future decreases to the general municipal levy. For instance, the CAs will be reviewing their land ownership in support of their mandate which will affect future levy requirements for Conservation Areas - Basic Services. It is also understood that the CAs will continue to pursue opportunities to share resources, eliminate duplication and secure alternative funding sources. It is expected that as part of the 1998 budget process, additional opportunities will be identified.

WATERSHED STRATEGY AND THE REGIONAL OFFICIAL PLAN

RMOC staff support the implementation of the Watershed Planning Guidelines prepared by the Ministry of the Environment and Energy and the Ministry of Natural Resources. The guidelines establish a hierarchy of water resource management strategies: watershed planning, sub-watershed planning and site management plans. Following this process is an effective way of defining local resource management objectives through consensus building, and then linking strategies for resource restoration and rehabilitation with strategic land use and development controls for resource protection and conservation.

The most effective way to reinforce this commitment is through policies in the Regional Official Plan (ROP). Currently, the ROP includes a section on Stormwater Management within the environmental protection chapter of the Plan. It is more appropriate to address stormwater in the larger context of water resource strategies within a natural environment section of the plan. This provides greater opportunity to ensure the links between natural processes are maintained.

Typically, the ROP addresses planning and the development review process while watershed and sub-watershed plans are relied upon to address protection, restoration and rehabilitation features. The RMOC provides the necessary link of the two separate processes through the integration of planning functions.

CAs, organized on a watershed basis, are able to be the lead agency for managing watershed studies. These studies will include:

- a delineation of the watershed boundary and component sub-watersheds;
- a broad level identification of water resource management goals, issues by sub-watershed and general management strategies;
- specific actions including goals, implementation and monitoring;
- outlining terms of reference for sub-watershed studies.

Identification of priority areas for watershed planning will be done through the RMOC's Water Quality Committee where all water resource interests are represented. It is expected that this work will focus on specific areas where development pressures exist, where there are perceived needs and benefits from remediation and restoration efforts and where decision related information gaps exist.

It should be understood that watershed boundaries can be defined as drainage basins requiring a particular level of study. The important distinction between watershed and sub-watershed plans is the level of study and detail, not geographical boundaries. In the ROP, the terminology "watershed" and "sub-watershed" will be used to identify the level of study and the study deliverables.

Public Land Management and Maintenance

The CAs currently own and manage more than 100 parcels of land totalling 5,800 hectares. In addition, CAs manage Long Island Park and Morris Island both of which are owned by RMOC.

Staff of the CAs and the Region will be exploring opportunities to have the CA assume responsibility for management and ongoing maintenance of other regional environmental lands. This will be done within the context of a broader review of all alternatives.

The Region owns approximately 9,000 hectares of lands that were acquired for environmental or recreational purposes. Table 3 summarizes the current arrangements for management and maintenance of these lands.

Table 3: RMO Land Management			
Location	Hectares Owned by the Region	Long Term Management Plan	Day-to-Day Maintenance
Marlborough Forest	7,620	MNR	MNR (incomplete)
Other Agreement Forest Lands	1,167	MNR	None
Petrie Island	160	None *	RMO
Long Island	14	None	RVCA
Morris Island	33	MVCA	MVCA

* These lands have not yet been developed for conservation/recreation purposes. An existing sand operation on the Island conflicts with public uses. Present lease expires in 1998 by which time, land management needs to be addressed.

Ottawa Carleton has entered into a Management Agreement with the Ministry of Natural Resources which applies mainly to lands in the Marlborough Forest. The Ministry has indicated that in the near future, all owners of Agreement Forests will be approached to re-negotiate the agreement. Regional staff will meet with a negotiating team over the winter to explore the options with respect to any management debt that has accrued on these lands, arrangements to address debt associated with provincial grants provided for some purchases, opportunities for other management arrangements and any associated matters.

A separate report will be prepared for Committee and Council after the options have been investigated with the CAs and more information is available.

CONSULTATION

In the preparation of this report extensive consultation has occurred directly with the CA's in addition to the RMO's Water Quality Committee, and it's various task forces and working groups. Council resolutions from the area municipalities have not been received, however, municipal staff concur with the intent of the "Principles" and "Points of Agreement" recited in this report.

FINANCIAL IMPLICATIONS

It is anticipated that there will be no increase to the Conservation Authorities general levy for 1997 nor the RMO's Operating Budget.

Approved by
M. J. E. Sheflin, P. Eng.

Approved by
N. Tunnacliffe, MCIP, RPP

TABLE 2 - FUNDING SUMMARY FOR THE 3 CONSERVATION AUTHORITIES SERVING RMOC

Program or Service	Municipal				Provincial Grants		Other				Total	
	General Levy		Special Levy		1996	1997	User Fees		Other Revenue		1996	1997
	1996	1997	1996	1997			1996	1997	1996	1997		
Watershed Planning	283,681	317,700			97,189				75,000	70,000	455,870	387,700
Plan Review	169,488	186,200			58,037			245,000	30,000		257,525	431,200
Section 28 Regulations	121,711	151,000			45,089		18,000	57,400		10,000	184,800	218,400
Part VIII Program					51,000	50,000	107,000	119,200			158,000	169,200
Monitoring	62,930	152,400			2,190			13,000	24,238	42,500	89,358	207,900
Flood Control	224,009	256,167	40,300	97,500	112,106	413,100			179,316	107,633	555,731	874,400
Erosion Control		24,500		105,000		2,500			25,000	41,000	25,000	173,000
Other Water Resources	10,000	17,900			50,000			40,000	11,400	34,100	71,400	92,000
Conservation Land Management	438,760	380,505	10,000	10,000	142,253	91,758	75,570	127,800	100,205	290,640	766,788	900,703
Stewardship Services	312,176	365,000			440,952		38,770	70,000	367,696	525,000	1,159,594	960,000
Corporate Services	779,381	550,764			436,344	49,134			152,678	282,799	1,368,403	882,697
Total	\$2,402,136	\$2,402,136	\$50,300	\$212,500	\$1,435,160	\$606,492	\$239,340	\$672,400	\$965,533	\$1,403,672	\$5,092,469	\$5,297,200

* \$10,000 is Long Island Park maintenance contract with RMOC.

Total RMOC Levy (1997) calculated as follows:	RMOC		RMOC Share	
	% of Levy	Total Levy	1996	1997
Mississippi Valley Conservation Authority	74.5%	404,994	305,000	301,721
Rideau Valley Conservation Authority	94.1%	1,312,275	1,234,000	1,234,419
South Nation River Conservation Authority	60.0%	684,867	411,000	410,920
		<u>2,402,136</u>	<u>1,950,000</u>	<u>1,947,060</u>