



**North Bay-Mattawa Conservation Authority
Members Meeting for January 25, 2023
at 3:00 pm IN PERSON
NBMCA's Natural Classroom, 15 Janey Avenue, North Bay, Ontario
AGENDA**

Procedural Matters

1. Acknowledgement of Indigenous Traditional and Treaty Lands
2. Welcome & Introductions
3. Approval of the Agenda
4. Delegations
Laurentian Ski Hill and Snowboarding Club -Strategic Plan Overview
5. Declaration of Pecuniary Interest
6. Appointment of CAO, Secretary Treasurer as Chair
Election of Officers:
 - Chair of the Board
 - Vice Chair of the Board
 - Executive Committee
7. Adoption of Previous Minutes from December 14, 2022
8. Appointment of Auditor
9. Appointment of Solicitor
10. 2023 Banking & Borrowing Resolutions
11. Correspondence

Business Reports

12. Planning & Development Report (**Report #1**)
13. Bill 23 and Conservation Authorities Act (**Report #2**)
14. Section 28 Approvals Report (**Report #3**)
15. Preliminary Budget 2023 (**Report #4**)

Other Business

16. New Business
17. Adjournment

Contact: Rebecca Morrow, Executive Assistant
North Bay-Mattawa Conservation Authority
Email: rebecca.morrow@nbmca.ca

**NORTH BAY-MATTAWA CONSERVATION AUTHORITY
MINUTES
of the**

FIRST meeting of the North Bay-Mattawa Conservation Authority held at 3:00 p.m. on January 25, 2023 in the NBMCA’s Natural Classroom, 15 Janey Avenue, North Bay Ontario.

MEMBERS PRESENT:

Bonfield, Township of	-	Steve Featherstone
Callander, Municipality of	-	Irene Smit
Calvin, Township of	-	Bill Moreton
Mattawan, Municipality of	-	Michelle Lahaye
North Bay, City of	-	Peter Chirico
North Bay, City of	-	Chris Mayne
North Bay, City of	-	Lana Mitchell
Papineau –Cameron, Township of	-	Shelley Belanger
Powassan, Municipality of	-	Dave Britton

MEMBER(S) ABSENT:

Chisholm, Township of	-	Nunzio Scarfone
East Ferris, Municipality of	-	Steve Trahan
Mattawa, Town of	-	Laura Ross

ALSO PRESENT:

Brianna Dumas, OSS Planning & Development Technician
Chitra Gowda, CAO, Secretary-Treasurer
David Ellingwood, Manager, Source Water Protection
Ella Bird, Sr. Inspector, On-Site Sewage Systems
Helen Cunningham, Manager, Finance & Human Resources
Karen Jones, Laurentian Ski Hill and Snowboarding Club
Paula Loranger, Community Relations Coordinator
Paula Scott, Director, Planning & Development/Deputy CAO
Robin Allen, Manager, On-Site Sewage Systems
Rebecca Morrow, Administrative Assistant
Sasha Fredette, Area Supervisor, On-Site Sewage Systems
Shawn Kozmick, GIS Specialist
Sue Buckle, Manager, Communications and Outreach
Troy Storms, Manager, Lands & Stewardship
Valerie Murphy, Regulations Officer

1. Acknowledgement of Indigenous Traditional and Treaty Lands

Lana Mitchell read a statement acknowledging Indigenous and Treaty Lands.

2. Welcome

The Chair welcomed Chris Mayne back to the Board of Directors and welcomed everyone in attendance. Afterwards the Chair invited everyone present to introduce themselves.

3. Approval of the Agenda

After discussion the following resolution was presented:

Resolution No. 01-23, Lahaye-Belanger

THAT the agenda be approved as presented.

Carried Unanimously

4. Delegations

The Chair welcomed Karen Jones of Laurentian Ski Hill and snowboarding Club to present an overview of their strategic plan. After Karen's presentation, the members thanked her for the presentation.

5. Declaration of Pecuniary Interest

None declared.

6. Appointment of the CAO, Secretary Treasurer as Chair

After Discussion, the following resolutions were presented:

Resolution No. 02-23, Chirico-Moreton

THAT the Chief Administrative Officer be appointed as Chair for the purpose of conducting the election of Conservation Authority Officers and Executive Committee.

Carried Unanimously

Resolution No. 03-23, Chirico-Mitchell

THAT Helen Cunningham and Rebecca Morrow be appointed as scrutineers for the election of Officers and Executive Committee.

Carried Unanimously

Election of Officers

The Acting Chair reviewed the election procedures with the members. After discussion, the members were invited to proceed with a call for nominations for the position of Chair.

Michelle Lahaye nominated Dave Britton.

Peter Chirico nominated Chris Mayne.

After a second and third call for nominations with no response the acting Chair asked the nominated candidates if they were willing to accept the nomination. Both accepted. The acting Chair then asked each nominee to address the members. Each nominee was given three minutes and Dave Britton was the first to address the members followed by Chris Mayne. The scrutineers then distributed voting ballots to the members and collected the votes and delivered the results to the acting Chair. The acting Chair declared Dave Britton as the winner and asked Dave Britton if he was willing to accept his respective nomination. Dave accepted the position of Chair, and the following resolution was presented:

Resolution No. 04-23, Chirico-Mayne

THAT nominations for the position of Chair are closed.

Carried Unanimously

The Acting Chair then called for nominations for the position of Vice Chair.

Bill Moreton nominated Chris Mayne.

Dave Britton nominated Shelley Belanger.

After a second and third call for nominations with no response the acting Chair asked Chris Mayne and Shelley Belanger if they were willing to accept their respective nominations. They both accepted. The Chair invited both Chris and Shelley to address the Board. They both addressed the Board. The scrutineers then distributed voting ballots to the members and collected the votes and delivered the results to the acting Chair. The acting Chair declared Shelley Belanger as the winner and asked Shelley if she was willing to accept her respective nomination. Shelley accepted the position, and the following resolution was presented:

Resolution No. 05-23, Chirico-Moreton

THAT nominations for the position of Vice-Chair are closed.

Carried Unanimously

The Acting Chair then called for nominations for the Executive Committee. She reminded members that the Chair and Vice Chair are automatically appointed as members to the Executive Committee, and that four more members were required.

Dave Britton nominated Michelle Lahaye.
Shelley Belanger nominated Chris Mayne.
Chris Mayne nominated Lana Mitchell.
Dave Britton nominated Irene Smit.

After a call for members, the Chair asked all members nominated if they were willing to accept their nominations. All accepted. The following resolutions was then presented:

Resolution No. 06-23, Champagne-Smit

THAT nominations for the Executive Committee are closed.

Carried Unanimously

Resolution No. 07-23, Featherstone-Mitchell

THAT

Michelle Lahaye
Chris Mayne
Lana Mitchell
Irene Smit

Are appointed to the Executive Committee for the year 2023 or until the next AGM.

Carried Unanimously

At this point in the meeting the Chief Administrative Officer turned the meeting over to the newly elected Chair. The Chair congratulated everyone on their new appointments. After discussion, the following resolution was presented:

Resolution No. 08-23, Smit-Lahaye

THAT all electronic ballots and voting records pertaining to elections be destroyed.

Carried Unanimously

7. Adoption of Previous Minutes of December 14, 2022

After discussion the following resolution was presented:

Resolution No. 09-23, Smit-Moreton

THAT the minutes of the meeting held December 14, 2022 are adopted as written.

Carried Unanimously

8. Appointment of Auditor

After discussion the following resolution was presented:

Resolution No. 10-23, Mayne-Chirico

THAT BDO be appointed as auditors for the Conservation Authority for the year 2023 (per resolution # 37-20 "*That BDO Canada, North Bay is selected to provide Financial Auditing Services for the NBMCA from 2020 through to the end of 2023*").

Carried Unanimously

9. Appointment of Solicitor

After discussion the following resolution was presented:

Resolution No. 11-23, Chirico-Belanger

THAT Russell Christie LLP is appointed as solicitor for the Conservation Authority for the year 2023.

Carried Unanimously

10. 2023 Banking and Borrowing Resolution

After discussion the following resolution was presented:

Resolution No. 12-23, Lahaye-Smit

THAT TD Bank be appointed to provide banking services for the Conservation Authority for the year 2023 and,

THAT staff are authorized to borrow from TD Bank up to \$300,000.00 for the year 2023 for cash flow purposes.

Carried Unanimously

11. Correspondence

Chitra Gowda presented the correspondence received since the last meeting. After discussion, the members thanked Chitra for presenting the information and the following resolution was presented:

Resolution No. 13-23, Smit-Lahaye

THAT the following correspondence items be received and appended to the minutes of this meeting:

- Ministry of Natural Resources and Forestry Re: Legislative and regulation changes affecting conservation authorities
- Ministry of Natural Resources and Forestry Re: Minister's direction for conservation authorities regarding fee changes associated with planning, development and permitting fees
- Ministry of Natural Resources and Forestry re: Policy: Ministers list of classes of programs and services in respect of which conservation authorities may charge a fee.

Carried Unanimously

12. Planning and Development Report

Chitra Gowda invited Paula Scott to present her planning and Development report. After discussion, the members thanked Paula for her presentation and the following resolution was presented:

Resolution No. 14-23, Moreton-Lahaye

THAT the Board of Directors accept the Planning and Development report dated January 25, 2023 and thanks staff for their dedication to NBMCA;

AND THAT the report be received and appended to the minutes of this meeting.

Carried Unanimously

13. Bill 23 and Conservation Authorities Act

Chitra Gowda and Paula Scott presented the Bill 23 and Conservation Authorities Act report. After discussion, the members thanked Chitra and Paula for their presentation and the following resolution was presented:

Resolution No. 15-23, Lahaye-Belanger

THAT the members receive and accept the Bill 23 and Conservation Authorities Act Update and Ministers Direction member's report dated January 25, 2023 and that it be appended to the minutes of this meeting.

Carried Unanimously

14. Section 28 Approvals Report

Valerie Murphy presented her report to the Members. After discussion, the Members thanked Valerie and the following resolution was presented:

Resolution No. 16-23, Moreton-Mitchell

THAT the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses members report is received and appended to the minutes of this meeting.

Carried Unanimously

15. Preliminary Budget 2023

Chitra Gowda presented a power point presentation on the Preliminary Budget 2023. After discussion, the Members thanked Chitra and the following resolutions were presented:

Resolution No. 17-23, Belanger-Chirico

THAT the members receive and accept the member's Report and that it be appended to the minutes

of the meetings;

AND THAT staff prepare a draft 2023 Budget for consideration by the Executive Committee and Board of Directors guided by the discussions outlined.

16. New Business

Dave Britton asked members about the timing of the next meeting and the concept of hybrid meetings allowing for members to attend electronically via Microsoft Teams as a trial going forward. After discussion it was decided that the next meeting be held at 4:00pm and that a Microsoft Teams option be made available to members to attend electronically. Discussion about available parking was also discussed. Staff was asked to look into the situation for future meetings.

16. Adjournment (4:46 p.m.)

As there was no new business, the following resolution was presented:

Resolution No. 18-23, Smit-Moreton

THAT the meeting be adjourned, and the next meeting be held at 4:00 pm Wednesday February 22, 2023 or at the call of the Chair.

Carried Unanimously



Dave Britton, Chair



Chitra Gowda, Chief Administrative Officer,
Secretary Treasurer



**Correspondence received
NBMCA Members meeting
01-25-2023**

Ministry of Natural Resources and Forestry

Ministère des Richesses naturelles et des Forêts

Resources Planning and Development
Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

Direction des politiques de planification et d'exploitation des ressources
Division de l'élaboration des politiques
300, rue Water
Peterborough (Ontario) K9J 3C7

To: Conservation authorities and participating municipalities, Conservation Ontario and the Association of Municipalities of Ontario

From: Jennifer Keyes, Director

Date: December 28, 2022

Subject: Legislative and regulation changes affecting conservation authorities

Good afternoon,

I am writing to provide you with information on amendments to the *Conservation Authorities Act* made as part of the *More Homes Built Faster Act, 2022*, as well as two regulations that have been approved by the province in support of Ontario's Housing Supply Action Plan, both of which will come into effect on January 1, 2023. In addition, the Minister of Natural Resources and Forestry has issued a direction regarding fees that will be distributed separately from this letter. A notice will be posted to the Environmental Registry of Ontario (ERO) in the coming weeks regarding these decisions.

Legislative Amendments

As you are likely aware, the *More Homes Built Faster Act, 2022* was passed this Fall, receiving Royal Assent on November 28, 2022. Several changes were made to the *Conservation Authorities Act* that are intended to further focus conservation authorities on their core mandate, support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

Notably, one part of the *More Home Built Faster Act, 2022* which came into effect upon Royal Assent were changes to Section 28.0.1 of the *Conservation Authorities Act*, which include provisions to require a conservation authority to issue a permission or permit where a Minister's Zoning Order has been made under section 47 of the *Planning Act*. This section was amended to also apply to orders made under section 34.1 of the *Planning Act*, otherwise known as the "community infrastructure and housing accelerator" tool, in addition to some other minor changes.

Other changes, which will come into effect on January 1, 2023, include:

- Updates to Section 21 of the Act so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria.
- Sections 21.1.1 and 21.1.2 of the Act which provide that authorities may not provide a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts.
- A new section 21.3 that enables the Minister to issue temporary direction to a conservation authority preventing the authority from changing the amount of a fee it charges under subsection 21.2 (10) of the Act.

Remaining legislative changes regarding conservation authority development regulations will not come into effect until proclaimed, following the creation of a new Minister's regulation with supporting regulatory details. This regulation is currently being consulted on until December 30th on the ERO, #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.](#)

New Regulatory Requirements

Following the passing of these legislative amendments, the government has proceeded with making two regulations, both of which will come into effect on January 1, 2023.

Amendments were made to [Ontario Regulation 686/21: Mandatory Programs and Services](#) to require conservation authorities to identify conservation authority lands suitable for housing. This requirement is part of the preparation of the land inventory required to be completed by conservation authorities by December 31, 2024, and certain considerations for identifying whether or not lands are suitable for housing are listed.

A new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act) was also made to focus conservation authorities' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning. Under this regulation, conservation authorities are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

- *The Aggregate Resources Act*
- *The Condominium Act, 1998*
- *The Drainage Act*
- *The Endangered Species Act, 2007*
- *The Environmental Assessment Act*
- *The Environmental Protection Act*
- *The Niagara Escarpment Planning and Development Act*
- *The Ontario Heritage Act*
- *The Ontario Water Resources Act*
- *The Planning Act*

This regulation does not affect conservation authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter made under those Acts.

An administrative update to the "Determination of Amounts Owing Under Subsection 27.2 (2) of the Act" regulation (O. Reg. 401/22) was also made to update the methods of determining amounts owed by specified municipalities for operating expenses and capital costs related to mandatory the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008* programs and services to enable use of a benefit-based apportionment method.

I appreciate that with these most recent amendments, along with changes made over the last number of years, this is a time of significant transition for conservation authorities and their member municipalities. Throughout this time, conservation authorities have continued to deliver on their important roles in protecting people and property from natural hazards, conserving and managing lands, and drinking water source protection.

The ongoing efforts of conservation authorities to implement these changes is acknowledged, including initiatives led by conservation authorities and Conservation Ontario that have contributed to the Government's objectives of improving accountability and transparency and supporting timely development approvals to help address Ontario's housing supply crisis.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca.office@ontario.ca. I look forward to working with you in the coming year.

Sincerely,



Jennifer Keyes

Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry

**Ministry of Natural
Resources and Forestry**

Office of the Minister

99 Wellesley Street West
Room 6630, Whitney Block
Toronto, ON M7A 1W3
Tel.: 416-314-2301

**Ministère des Richesses
naturelles et des Forêts**

Bureau du ministre

99, rue Wellesley Ouest
Bureau 6630, Édifice Whitney
Toronto ON M7A 1W3
Tél.: 416 314-2301



December 28, 2022

TO: Conservation authorities as listed in the Attachment A “Minister’s Direction to Not Change Fees”

SUBJECT: Minister’s direction for conservation authorities regarding fee changes associated with planning, development and permitting fees

In support of Ontario’s Housing Supply Action Plan: 2022-2023, the province made a series of legislative changes through the *More Homes Built Faster Act, 2022* (Bill 23) to help achieve the goal of building 1.5 million homes over the next 10 years. These changes accelerate housing development approvals while continuing to protect Ontario families, communities, and critical resources. A number of these changes affect conservation authorities and are intended to support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

To this end, pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, which is in effect January 1, 2023, I am issuing a Minister’s Direction (“Direction”), attached to this letter as Attachment “A”. Subsection 21.3 (1) provides that the “Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.”

The purpose of this Direction, which is effective from January 1, 2023 to December 31, 2023, is to require a conservation authority not to change the amount of the fee it charges or the manner in which it determines the fee for any program or service that may be provided by the conservation authority. This relates to reviewing and commenting on planning and development related proposals or land use planning policies, or for permits issued by conservation authorities. For greater certainty, the “Prescribed Acts – subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act” regulation (O. Reg. 596/22), effective January 1, 2023, prohibits a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter

made under prescribed Acts. This regulation therefore precludes the charging of a fee by a conservation authority for these specific programs or services provided under subsections 21.1.1 (1) or 21.1.2 (1.1) of the *Conservation Authorities Act*.

The conservation authorities listed in Appendix A of the Direction are encouraged to make the Direction publicly available on the Governance section of their websites.

Pursuant to subsection 21.2 (3) of the Act, I am also re-distributing the Minister's list of classes and programs and services in respect of which conservation authorities may charge a fee along with this Direction, with editorial changes to reflect the recent legislative and regulatory changes.

If you have any questions, please contact Jennifer Keyes, Director, Resources Planning and Development Policy Branch, at Jennifer.Keyes@ontario.ca or 705-761-4831.

If it is in the public interest to do so, I will provide further direction or clarification at a later date related to the matters set out in this Direction.

Sincerely,



The Honourable Graydon Smith
Minister of Natural Resources and Forestry

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable David Piccini, Minister of the Environment, Conservation and Parks

**Minister’s Direction Issued Pursuant to Section 21.3 of the *Conservation Authorities Act*
(this “Direction”)**

WHEREAS section 21.2 of the *Conservation Authorities Act*, in effect on January 1, 2023, permits a Conservation Authority to charge a fee for a program or service if the program or service is included in the Minister’s list of classes of programs and services in respect of which a Conservation Authority may charge a fee;

AND WHEREAS subsections 21.2 (6) and 21.2 (7) of the *Conservation Authorities Act* provide that a Conservation Authority shall adopt a written fee policy that includes a fee schedule listing the programs and services that it provides in respect of which it charges a fee, and the amount of the fee charged for each program or service or the manner in which the fee is determined (a “**Fee Schedule**”);

AND WHEREAS subsection 21.2 (10) of the *Conservation Authorities Act* provides that a Conservation Authority may make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, provided the authority shall give notice of the proposed change to the public in a manner it considers appropriate;

AND WHEREAS section 21.3 of the *Conservation Authorities Act* provides the Minister with the authority to give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction;

NOW THEREFORE pursuant to the authority of the Minister of Natural Resources and Forestry under section 21.3, the Conservation Authorities set out under Appendix “A” of this Direction (the “**Conservation Authorities**” or each, a “**Conservation Authority**”) are hereby directed as follows:

Fee Changes Prohibition

1. Commencing on the Effective Date and for the duration of the Term of this Direction, a Conservation Authority is prohibited from making a change under subsection 21.2 (10) of the *Conservation Authorities Act* to the amount of any fee or the manner in which a fee is determined in its fee schedule if such a change would have the effect of changing the fee amount for the programs and services described in paragraphs 2 and 3 of this Direction.

Program and Service Fees Impacted

2. This Direction applies to any fee set out in the Fee Schedule of a Conservation Authority, including without limitation fees for any mandatory program or service (Category 1), municipal program or service (Category 2), or Conservation Authority recommended program or service (Category 3) related to reviewing and commenting on

planning and development related proposals, applications, or land use planning policies, or for Conservation Authority permitting.

3. For greater certainty, this Direction applies to any fees in respect of the following programs or services provided under the Mandatory Programs and Services regulation ([O. Reg. 686/21](#)):
 - a. Section 6: programs and services related to reviewing applications and proposals under the *Aggregate Resources Act*, *Drainage Act*, *Environmental Assessment Act*, and the *Niagara Escarpment Planning and Development Act*, for the purpose of commenting on the risks related to natural hazards arising from the proposal,
 - b. Section 7: programs and services related to ensuring that decisions under the *Planning Act* are consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act* and are in conformance with any natural hazard policies included in a provincial plan as defined in section 1 of that Act,
 - c. Section 8: programs and services related to Conservation Authority duties, functions, and responsibilities to administer and enforce section 28 and its regulations, section 28.0.1, and section 30.1 of the *Conservation Authorities Act*,
 - d. Paragraph 4 of subsection 13 (3): programs and services related to reviewing and commenting on any proposal made under another Act for the purpose of determining whether the proposal relates to a significant drinking water threat or may impact any drinking water sources protected by a source protection plan, and
 - e. Subparagraph 4 iv of section 15: programs and services related to reviewing and commenting on proposals made under other Acts for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.

Application

4. This Direction, applies to all Conservation Authorities in Ontario, listed in Appendix "A" to this Direction.
5. For greater certainty, this Direction also applies to the Conservation Authorities listed in Appendix "A" to this Direction when such Conservation Authorities are meeting as a source protection authority under the *Clean Water Act, 2006*.

Effective Date and Term

6. This Direction is effective from January 1, 2023 (the "**Effective Date**").
7. The term of this Direction is the period from the Effective Date to December 31, 2023 (the "**Term**").

Amendments

8. This Direction may be amended in writing from time to time at the sole discretion of the Minister.

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the
Minister of Natural Resources and Forestry**



The Honourable Graydon Smith
Minister of Natural Resources and Forestry
December 28, 2022

APPENDIX A

LIST OF CONSERVATION AUTHORITIES TO WHICH THE DIRECTION APPLIES

Ausable Bayfield CA

R.R. #3
71108 Morrison Line
Exeter ON N0M 1S5
Brian Horner
bhorner@abca.on.ca

Cataraqui Region CA

Box 160
1641 Perth Road
Glenburnie ON K0H 1S0
Katrina Furlanetto
kfurlanetto@crca.ca

Catfish Creek CA

R.R. #5
8079 Springwater Road
Aylmer ON N5H 2R4
Dusty Underhill
generalmanager@catfishcreek.ca

Central Lake Ontario CA

100 Whiting Avenue
Oshawa ON L1H 3T3
Chris Darling
cdarling@cloca.com

Credit Valley CA

1255 Old Derry Rd
Mississauga ON L5N 6R4
Quentin Hanchard
quentin.hancard@cvc.ca

Crowe Valley CA

Box 416
70 Hughes Lane
Marmora ON K0K 2M0
Tim Pidduck
tim.pidduck@crowevalley.com

Essex Region CA

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360 Fairview Ave West
Essex ON N8M 1Y6

Tim Byrne
tbyrne@erca.org

Ganaraska Region CA

Box 328
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Port Hope ON L1A 3V8
Linda Laliberte
llaliberte@grca.on.ca

Grand River CA

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Cambridge ON N1R 5W6
Samantha Lawson
slawson@grandriver.ca

Grey Sauble CA

R.R. #4
237897 Inglis Falls Road
Owen Sound ON N4K 5N6
Tim Lanthier
t.lanthier@greysauble.on.ca

Halton Region CA

2596 Britannia Road West
Burlington ON L7P 0G3
Hassaan Basit
hbasit@hrca.on.ca

Hamilton Region CA

P.O. Box 81067
838 Mineral Springs Road
Ancaster ON L9G 4X1
Lisa Burnside
lisa.burnside@conservationhamilton.ca

Kawartha Region CA

277 Kenrei (Park) Road
Lindsay ON K9V 4R1
Mark Majchrowski
mmajchrowski@kawarthaconservation.com

Kettle Creek CA

R.R. #8
44015 Ferguson Line
St. Thomas ON N5P 3T3
Elizabeth VanHooren
elizabeth@kettlecreekconservation.on.ca

Lake Simcoe Region CA

Box 282
120 Bayview Parkway
Newmarket ON L3Y 3W3
Rob Baldwin
r.baldwin@lsrca.on.ca

Lakehead Region CA

Box 10427
130 Conservation Road
Thunder Bay ON P7B 6T8
Tammy Cook
tammy@lakeheadca.com

Long Point Region CA

4 Elm Street
Tillsonburg ON N4G 0C4
Judy Maxwell
jmaxwell@lprca.on.ca

Lower Thames Valley CA

100 Thames Street
Chatham ON N7L 2Y8
Mark Peacock
mark.peacock@ltvca.ca

Lower Trent Region CA

R.R. #1
714 Murray Street
Trenton ON K8V 5P4
Rhonda Bateman
rhonda.bateman@ltc.on.ca

Maitland Valley CA

Box 127

1093 Marietta Street
Wroxeter ON N0G 2X0
Phil Beard
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Mattagami Region CA
100 Lakeshore Road
Timmins ON P4N 8R5
David Vallier
david.vallier@timmins.ca

Mississippi Valley CA
10970 Highway 7
Carleton Place ON K7C 3P1
Sally McIntyre
smcintyre@mvc.on.ca

Niagara Peninsula CA
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Welland ON L3C 3W2
Chandra Sharma
csharma@npca.ca

Nickel District CA
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Sudbury ON P3E 5P9
Carl Jorgensen
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North Bay-Mattawa CA
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Chitra Gowda
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Nottawasaga Valley CA
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Utopia ON L0M 1T0
Doug Hevenor
dhevenor@nvca.on.ca

Otonabee Region CA

250 Milroy Drive
Peterborough ON K9H 7M9
Janette Loveys Smith
jsmith@otonabeeconservation.com

Quinte CA

R.R. #2
2061 Old Highway #2
Belleville ON K8N 4Z2
Brad McNevin
bmcnevin@quinteconservation.ca

Raisin Region CA

PO Box 429
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Richard Pilon
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Rideau Valley CA

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3889 Rideau Valley Dr.
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Sommer Casgrain-Robertson
sommer.casgrain-robertson@rvca.ca

Saugeen Valley CA

R.R. #1
1078 Bruce Road #12, Box #150
Formosa ON N0G 1W0
Jennifer Stephens
j.stephens@svca.on.ca

Sault Ste. Marie Region CA

1100 Fifth Line East
Sault Ste. Marie ON P6A 6J8
Corrina Barrett
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South Nation River CA

38 Victoria Street
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Finch ON K0C 1K0
Angela Coleman
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St. Clair Region CA

205 Mill Pond Crescent

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Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee

December 28, 2022

Preamble

A conservation authority is permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services in respect of which a conservation authority may charge a fee. The Minister's published list of classes of programs and services in respect of which a conservation authority may charge a fee ("Minister's Fee Classes Policy") is provided as per the provisions set out in section 21.2 of the *Conservation Authorities Act*. From time to time, the Minister may make changes to the list and will promptly update this document and distribute it to each conservation authority.

Categories of conservation authority programs and services

The *Conservation Authorities Act* establishes three categories of programs and services that a conservation authority may provide:

- Category 1: Mandatory programs and services, which are those that a conservation authority is required to provide under section 21.1 of the Act, and that are described in the "Mandatory Programs and Services" regulation (O. Reg. 686/21).
- Category 2: Municipal programs and services, which are those that a municipality, situated in whole or in part within a conservation authority's area of jurisdiction, requests a conservation authority to provide on behalf of the municipality pursuant to s. 21.1.1 of the Act under a memorandum of understanding or other agreement.
- Category 3: Other programs and services that the conservation authority determines are advisable to provide, pursuant to section 21.1.2 of the Act, to further the purposes of the Act.

Fees that a conservation authority may charge under the *Conservation Authorities Act*

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the

authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of Natural Resources and Forestry.

Reconsideration of fee charged

A conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee. After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

Fees that a conservation authority may charge as prescribed by other legislation

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service. For example, where an authority administers an on-site sewage system program under the *Building Code Act, 1992*, the authority has the power to charge fees for that program. Similarly, under Part IV of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

Prescribed Acts

Pursuant to subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the *Conservation Authorities Act*, the Minister may make regulations to prohibit a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under a prescribed Act. This precludes the charging of a fee by a conservation authority for any such program or service under an Act that has been prescribed for the purposes of subsections 21.1.1 (1.1) or 21.1.2 (1.1).

User-Pay Principle

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a

person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

For the purposes of this Minister’s Fee Classes Policy, a fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority (“User-Pay Principle”) (note: other restrictions may apply; see Table 1 below).

Enabling authorities to charge a fee for programs and services where the User-Pay Principle is considered appropriate increases opportunities for an authority to generate revenue. This may reduce an authority’s reliance on the municipal levy (now called an “apportionment”) to finance the programs and services it provides. However, it is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy. Beginning with the 2024 calendar year budgets, if an authority considered opportunities to raise and use self-generated revenue such as fees to finance its operations, the authority will be required to include in its budget a description of what the authority considered.

Fee amounts

A conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority’s fee schedule. Some fee amounts cannot exceed the authority’s costs for administering and delivering a program or service. For example, fees for planning services should be developed in conjunction with the appropriate planning authorities and set to recover but not exceed the costs associated with administering and delivering the services on a program basis. Similarly, fees for permitting services should be developed to recover but not exceed the costs associated with administering and delivering the services on a program basis. Other fees set by the authority for a program or service are not subject to this restriction, such as fees for selling products or fees for rentals. Fees that are not subject to this restriction can provide the authority with a source of revenue to help offset costs for other programs and services offered by the authority.

Minister’s direction re fee changes

Pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, the Minister may give a written direction to a conservation authority directing it not to change the amount of any fee it charges, or the manner in which a fee is determined, in respect of a program or

service that is set out in this Minister’s list of classes of programs and services in respect of which a conservation authority may charge a fee. Any conservation authority that receives a direction is required to comply within the time specified in the direction.

Minister’s fee classes

The following is the list of classes of programs and services in respect of which an authority may charge a fee.

Table 1. Classes of programs and services for which conservation authorities may charge a fee

Classes of programs and services	Criteria
Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>) and programs and services provided in accordance with the Mandatory Programs and Services Regulation (O. Reg. 686/21)	Category 1 programs and services where the following requirement is met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.
Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement or other agreement (section 21.1.1 of the <i>Conservation Authorities Act</i>)	Category 2 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, and where the following requirements are met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service.
Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or after January 1, 2024 will require a cost apportioning agreement	Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are financed in whole or in part by the municipal levy, and where the following requirements are met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost

	<p>apportionment agreement relates to any of the following Category 3 programs and services:</p> <ul style="list-style-type: none"> i) Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events. ii) Community relations to help establish, maintain, or improve relationships between the authority and community members. iii) Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario. iv) The provision of information to the public. v) The sale of products by the authority.
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are not financed in whole or in part by the municipal levy</p>	<p>Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are not financed in whole or in part by the municipal levy, and where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.

Disclaimer

This Minister’s Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act and regulations may apply to the charging of fees by a conservation authority for programs or services should refer to the Act and regulations. The Act and associated regulations take precedence in the event of any inconsistency with this policy.

TO: The Chairperson and Members
of the Board of Directors,
North Bay-Mattawa Conservation Authority

**Report #1
01-25-2023**

ORIGIN: Paula Scott, Director, Planning & Development/Deputy CAO

DATE: January 25, 2023

SUBJECT: Planning & Development 2022 - A Year in Review

Background:

2022 was a year of constant flux with the proposed changes to the Conservation Authorities Act. There were, however, no significant changes in the way we did our business in planning and development programs in 2022. Permit and planning activity carried on as usual. As reported to the Board previously, 2021 saw record-breaking number of applications in all sectors of the Planning and Development program. Overall, permit numbers decreased slightly from the previous record year but remain well above the long-term average. The following report offers highlights, interesting facts regarding permit numbers, long-term trends, as well as 2022 permit activity for each municipality.

Municipal Plan Review

The NBMCA Municipal Plan Review program in 2022 consolidated all of our expertise in planning, hazard lands, engineering, GIS and septic systems to provide a comprehensive set of comments to our member municipalities on Planning Act Applications. Comments were based on a review of applications with respect to:

- Our delegated responsibility:
 - from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020);
 - Our regulatory authority under Ontario Regulation 177/06 Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA); and
 - Our regulatory authority under Part 8 (Sewage Systems) of the Ontario Building Code (OBC).
- The advice we provide:
 - as per our Plan Review Agreements with Municipalities and the East Nipissing Planning Board, regarding Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS) 2020.

Planning staff coordinated with and provided comments to our member municipalities on 166 planning applications in 2022. In addition to this, staff has seen an increase in the request for comments in our sewage system area of jurisdiction. Staff provided 80 comments on consent applications in surrounding Townships, strictly related to on-site sewage systems.

Municipal Plan Review Comments		
# of Comments 2022	166	-35.41%
# of Comments 2021	257	
Average # of Comments /yr (1996-2022)	149	
Highest # of Comments/yr (1996-2022)	257 (2021)	

OSS Planning Comments		
# of Comments 2022	80	-2.44%
# of Comments 2021	82	
Average # of Comments /yr (1998-2022)	49	
Highest # of Comments/yr (1998-2022)	87(2005)	

NBMCA On-site Sewage Systems (OSS)

NBMCA is responsible for enforcement of provisions of the Building Code Act and the building code related to sewage systems. Proposed changes to the Conservation Authorities Act do not affect this program.

Following a record year for OSS permits in 2021, 2022 presented both challenges and opportunities. Permit numbers in 2022, at 910, were down slightly from the record-breaking previous year but are still well above the long-term average. In addition to the high volume, staff noted an increase in the size and complexity of projects. The OSS program had significant staff changes in 2022, due to retirement, vacancies, and the addition of new positions. During a busy season, staff training remained a priority. Huge kudos to staff for maintaining efficient and timely customer service during this challenging season.

NBMCA Sewage System Permits		
# of Permits 2022	910	-18.68%
# Permits 2021	1119	
Average # of Permits/yr (1996-2022)	760	
Highest # of Permits/yr (1996-2022)	1119 (2021)	

Section 28 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (DIA)

Once again, 2022 was a busy permit year for the Section 28 program. Section 28 not only deals with issuing permits for working around water but also the technical data that supports decisions made by staff.

Staff issued 120 permits, slightly higher than the long-term annual average of 101 permits. A review of our permits this year indicate that:

- Development on Other Lakes (e.g. lakes other than Nipissing) is the most common activity. These development activities include new construction, reconstruction, and landscaping.
- North Bay, East Ferris and Callander continue to be the most “active” municipalities for the Section 28 program.
- 70% of applications are received from individual property owners while 30% are received from contractors on behalf of the property owner.

Once again, staff made a commitment to provide a thorough and expeditious review of permit applications to meet processing timelines. From the date of written confirmation of a complete application, decisions on all permits are made within 14 days. This timeline exceeds the recommended Conservation Ontario (CO) timelines which range from 28-14 days. 97% of permits were issued within the NBMCA’s 14-day timeline; 2% were issued 1 day past the timeline, the remaining application was issued outside of the specified timelines due to the scale and scope of the project which required additional time for review and Board approval.

The addition of a OSS Planning and Regulations Technician, late in 2022, assisted staff with the high volume of DIA permits and planning comments. This position will be crossed trained to alleviate the work volume of staff and to assist with the anticipated Conservation Authority Act changes coming in 2023.

Section 28 Development Permits		
# of Permits 2022	120	-8.40%
# of Permits 2021	131	
Average # of Permits/yr (1998-2022)	100	
Highest # of Permits/yr (1998-2022)	142 (2004)	

2022 Permit Activity by Municipality

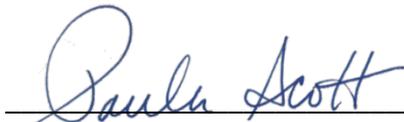
Municipality	Plan Review Comments	DIA Permits Issued	Sewage System Permits Issued
Bonfield	14 ↓	9 ↑	31 ↑
Callander	23 ↓	14 ↑	12 ↓
Calvin	8 ↑	0 ↓	9 ↑
Chisholm	21 ↓	6 ↑	20 ↑
East Ferris	31 ↓	20 ↑	74 ↑
Mattawa	0 ↓	2 ↓	0
Mattawan	2 ↑	1 ↑	6 ↑
North Bay	58 ↓	64 ↑	29 ↑
Papineau-Cameron	19 ↑	4	11 ↓
Powassan	0	0	16 ↓

↓ Decrease from 2021

↑ Increase from 2021

Recommendation:

That the Board of Directors accepts this report as presented and thanks staff for their dedication to NBMCA.



Paula Scott, Director, Planning & Development/Deputy CAO

TO: The Chairperson and Members
of the Board of Directors,
North Bay-Mattawa Conservation Authority

**Report #2
01-25-2023**

ORIGIN: Chitra Gowda, Chief Administrative Officer, Secretary Treasurer

DATE: January 25, 2023

SUBJECT: Bill 23 and Conservation Authorities Act Update and Minister's Direction

Background:

On November 28, 2022 the Province passed the omnibus Bill 23: "More Homes Built Faster Act, 2022" with the intent to support increasing housing supply, affordability, and improvements to process to facilitate timely approvals. On December 28, 2022 the Province introduced a fee freeze and a new Ontario Regulation 596/22 relevant to the Conservation Authorities Act (CA Act). This report highlights key changes and effects on NBMCA programs and services. Under the CA Act, there are three categories of programs and services:

- **Category 1:** Mandatory programs and services (including plan input and review, Section 28 permits, drinking water source protection)
- **Category 2:** Municipal programs and services (i.e. CA provides on behalf of the municipality)
- **Category 3:** Other programs and services.

Analysis:

The North Bay-Mattawa Conservation Authority (NBMCA) staff support the goal of increasing affordable housing supply. Our programs and services support safe development alongside watershed management and economic growth by taking a coordinated, collaborative and balanced approach. NBMCA will continue our positive working relationship with the province.

There are four key areas of relevant amendments as a result of Bill 23:

- Section 28 Permits
- CA Role in Plan Input and Review
- Freezing of CA Fees
- Conservation Lands.

The changes to the CA Act are in effect on:

- the day of Royal Assent of Bill 23, i.e. November 28, 2022; or
- January 1, 2023; or
- a day to be named by proclamation of the Lieutenant Governor.

On December 28, 2022, all conservation authorities and member municipalities received correspondence letters from the Ministry of Natural Resources and Forestry (MNRF). The first letter indicated that as of January 1, 2023, Conservation Authorities (CAs) can no longer provide

municipalities with programs and services related to reviewing and commenting on a proposal, application or other matter made under Acts (laws) prescribed in the new regulation 596/22, listed below:

- **The Planning Act**
- The Ontario Water Resources Act
- The Aggregate Resources Act
- The Condominium Act, 1998
- The Drainage Act
- The Endangered Species Act, 2007
- The Environmental Assessment Act
- The Environmental Protection Act
- The Niagara Escarpment Planning and Development Act
- The Ontario Heritage Act.

The second letter is a Minister's direction for a freeze in fees (i.e. no change can be made to the fees for CA programs and services) from January 1, 2023 to December 31, 2023.

a) NBMCA Role in Plan Review

Municipalities should continue to circulate applications to the NBMCA. We will continue to review and provide comment under the Mandatory Programs and Services regulation (686/21) of the Conservation Authorities Act which includes natural hazards, drinking water source protection and on-site sewage systems.

For applications/proposals received on or after January 1, 2023, NBMCA will not provide review or comment under the Provincial Policy Statement (PPS) sections noted below. This is in accordance with the changes to the CA Act. It means that municipalities can no longer use the NBMCA to undertake planning application review and commenting related to CA Act Category 2 & 3 programs and services, including:

- Wise Use and Management of Resources (PPS Section 2.0)
 - PPS Section 2.1 Natural Heritage, i.e. Species At Risk (SAR), fish habitat
 - PPS Section 2.2 Water, i.e. lakes at capacity, groundwater, sensitive surface water
 - PPS Section 2.3 Agriculture, i.e. Minimum Distance Separation (MDS)
 - PPS Section 2.4 Minerals and Petroleum
 - PPS Section 2.5 Mineral Aggregate Resources, MECP D-series guidelines (separation distances from industrial facilities)
 - PPS Section 2.6 Cultural Heritage and Archaeology.
- Hazardous forest types for wildland fires (PPS Section 3.1.8)
- Human-Made Hazards, i.e. mine hazards, mineral aggregate operations (PPS Section 3.2)

Note that municipalities, as the approval authority, are still required to provide this review. It is suggested that municipalities seek alternative means for this service.

The Provincial Policy Statement is available at: <https://www.ontario.ca/page/provincial-policy-statement-2020>

b) Fee Freeze per Minister's Direction

A fee freeze is in effect for the entirety of 2023, which means that NBMCA programs and services fees will not change during this year. Note that this does not impact fee schedule changes to the On-site Sewage Systems (OSS) program carried out by NBMCA under the Ontario Building Code Act – Part 8.

Note that staff have started to receive questions from Municipalities about the CA portion of the Municipal fee schedule. They would like to know if there will be a reduction in the CA portion of the fee due to the change in CA plan review role (due to Bill 23). The purpose of the Minister's Direction to not change fees which was issued December 28, 2022, is to require a conservation authority not to change the amount of fee it charges or the manner in which it determines the fee for any program or service that may be provided by the conservation authority.

c) Change Management Support

The following is a summary of NBMCA efforts in supporting change management. It includes analyzing and communicating about relevant proposals and legislative and regulatory changes in a timely manner, and supporting and working with the Board, member municipalities, conservation authority working group and partners as follows.

- Analyzed the Bill 23 proposal introduced late Oct. 2022; developed and emailed a slide deck containing key highlights to the NBMCA Board of Directors (Oct. 30, 2022)
- Participated in information webinars by Conservation Ontario and provincial government
- Updated the slide deck, hosted an online meeting with municipal planners to keep them informed of and discuss the proposed changes (Nov. 10, 2022)
- Developed and presented a report and slide deck to the Board of Directors (Dec. 14, 2022)
- Emailed letter to municipal planners, planning board, municipal CAOs/clerks clarifying current status of and anticipated changes to NBMCA's role in plan review (Dec. 20, 2022)
- Submitted comments through the public consultation process (Dec. 22, 2022)
- Analyzed MNRF correspondence received on Dec. 28 and emailed the Board of Directors the salient points the same day (Dec. 28, 2022)
- Updated and emailed the slide deck to notify the Board of Directors, municipal CAOs/clerks and municipal planners about the changes that came into effect on Jan. 1 (Jan. 3, 2023)
- Participation on a Conservation Ontario working group focussed on CA plan review role changes and change management (Dec.-Jan. 2023)
- Supporting councillors, municipal staff for reports/memos on Bill 23 to councils (Jan.-Feb. 2023)
- Presentations at municipal council meetings upon invitation (Jan.-Mar. 2023)
- Hosting three online meetings for municipal planners and municipal CAOs to discuss changes to NBMCA plan review related services (Jan. 20-26, 2023).

Further legislative and regulatory updates are anticipated in 2023 relevant to the Conservation Authorities Act – Section 28 permitting process and regulated area regulation. Staff will continue to keep the Board updated about any further changes to the Conservation Authorities Act and its regulations. Staff are committed to continuing open communication with municipalities to share

information with them, help address concerns and work closely with municipal staff on implementing changes and finding solutions.

Recommendation:

That the members receive the staff report including the attached correspondence dated December 28, 2022 from the Ministry of Natural Resources and Forestry.

Recommended Resolution:

THAT the members receive and accept the member's Report and that it be appended to the minutes of the meeting.

Chitra Gowda.

Chitra Gowda

Chief Administrative Officer, Secretary Treasurer

Paula Scott

Paula Scott

Director, Planning and Development/Deputy CAO

TO: The Chairperson and Members
of the Board of Directors,
North Bay-Mattawa Conservation Authority

ORIGIN: Valerie Murphy, Regulations Officer

DATE: January 11, 2023

SUBJECT: Report on Development, Interference with Wetlands and Alterations to Shorelines
and Watercourses Permits

**Report #3
01-25-2023**

Background:

Section 28 of the *Conservation Authorities Act*, and subsequently Ontario Regulation 97/04 empowers each Conservation Authority to establish their own regulation to prevent the loss of life and property due to flooding and erosion, and to conserve and enhance natural resources. On May 4, 2006, the North Bay-Mattawa Conservation Authority (NBMCA) received its regulation entitled the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourse Regulation (Ontario Regulation 177/06). This regulation will continue to be used as the tool by which the NBMCA manages issues related to development in natural hazard areas including areas with floodplains, wetlands, and steep slopes. Within this regulation, a permit may be given by an Authority for development applications within the Authority's jurisdiction for:

28(1)(b) prohibiting, regulating or requiring permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

28(1)(c) prohibiting, regulating, or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development (Conservation Authorities Act, R.S.O. 1990, Chapter C.27).

On February 8, 2013, the amended Ontario Regulation 177/06 came into effect. These amendments were approved by the NBMCA Board of Directors on December 19, 2012. One of the amendments that was included, and which was approved by the NBMCA Board of Directors, included the delegation of approvals of permit applications to the following designated employees:

- Chief Administrative Officer, Secretary-Treasurer
- Director, Planning & Development

As such, this Board Report is being presented to the NBMCA Board of Directors for information purposes.

Analysis:

Three new permits have been issued by the Conservation Authority since the previously approved minutes as per the policies, procedures, and guidelines of the NBMCA under Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. A table summarizing the details of these permits is attached to this report.

Of the newly issued permits, one was issued for the site preparation for a new subdivision and one was issued for the construction of a swale in a drainage easement, and one was issued for industrial development.

Recommendation:

THAT the members receive and approve the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permits as presented.

Recommended Resolution:

THAT the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permits report is received and appended to the minutes of this meeting.

Valerie Murphy

Valerie Murphy, Regulations Officer

DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES

FOR NBMCA BOARD INFORMATION ON: January 10, 2023

PERMIT YEAR: 2022/2023

File No.	Name of Applicant	Municipality	Legal Description/ Address	Name of Regulated Feature	Nature of Work	Date Complete Application Received	Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
							Permit No./Date of Issuance
RNB-22-62	Frank Valenti	North Bay	Sherwood Forest Subdivision	Unevaluated wetland	Blasting, grading and site preparation for roads in phase 2 of subdivision.	December 5, 2022	#119-22 December 9, 2022
RNB-22-63	City of North Bay	North Bay	Ski Ridge Estates	Johnson Creek	To grade within drainage easement for swale leading to Johnson Creek	December 8, 2022	#120-22 December 9, 2022
2023 Permits							
RNB-23-01	Nordic Minesteel Technologies Inc.	North Bay	Vacant lot Legault St	Unevaluated wetland	To blast bedrock, grade site, prepare for construction and construct warehouse	January 10, 2022	#01-23 January 11, 2023

TO: The Chairperson and Members
of the Board of Directors,
North Bay-Mattawa Conservation Authority

**REPORT #4
01-25-2023**

ORIGIN: Chitra Gowda, Chief Administrative Officer, Secretary Treasurer and
Helen Cunningham, Manager, Finance and Human Resources

DATE: January 25, 2023

SUBJECT: Preliminary 2023 Budget Overview

Background:

Each year after the third quarter financial reporting is complete, the North Bay-Mattawa Conservation Authority (NBMCA) staff focus on firming up the next year's work programs and the costs associated with implementation. This effort includes looking for program efficiencies and improvements, and evaluates for potential sources of revenue. The result has been a fairly solid estimate of the year over year change in budget expenses for the Board of Directors and the member municipalities. Note that the significant rise in costs, approximately since the COVID-19 pandemic began, must be considered.

If approved by the Board Members, this estimate guides staff in preparing the draft budget for the Executive Committee to review. After review and comment, the Executive Committee will make a recommendation to the Board of Directors to consider at its February 2023 meeting.

This Report provides a preliminary overview of the operating budget. Note that the recent changes to the Conservation Authorities Act result in a categorization of programs and services into:

- **Category 1:** Mandatory programs and services (including plan input and review, Section 28 permits, drinking water source protection)
- **Category 2:** Municipal programs and services (i.e. CA provides on behalf of the municipality)
- **Category 3:** Other programs and services.

For the 2024 year, the development of the annual budget and apportionment will follow O. Reg. 402/22 (which comes into force on July 1, 2023) under the Conservation Authorities Act.

Analysis:

The annual budget provides funding support to complete day to day operations, capital projects and special projects such that NBMCA fulfills its mandate as a community-based watershed management organization. Please note the following important points to support discussions at the Executive Committee and Board, towards a final budget for 2023.

2022 Review:

- **Wage rate increase:** A pay equity and job rate review was undertaken in 2022 by an external consultant. The resulting increased wage rate (effective July 4, 2022) was approved by the NBMCA Board in June 2022.
- **Mortgage loan status:** The TD Bank mortgage loan on the North Bay administrative office came up for renewal in 2022. It was renegotiated in late June 2022 with an increased, fixed interest

rate of 4.65% per annum, expiring June 22, 2027. Interest payments are approximately \$500 per month higher than with the previous interest rate of 2.59%. The mortgage loan amount has decreased from \$572,994.02 (at the start of 2022) to \$553,741.23 (at the end of 2022).

- Other expenses: The actual insurance cost for 2022 came in at 10.2% higher than what was budgeted for. Vehicle gas, telephone, postage, copier expenses were also higher than budgeted for. This trend is expected to continue into 2023.
- Reductions in expenses: In October 2022, NBMCA Finance Manager was able to move NBMCA’s credit card payment processing services from Moneris to Elavon, resulting in a savings of approximately \$500 per month. Staff continue to look for and apply cost savings.

Reserve Accounts as of 2022 Year End (Unaudited)

Reserve Account	Amount
NBMCA Lands Capital - Acquisition Reserve	\$76,781
NBMCA Onsite Sewage System Reserve	\$464,461
NBMCA Reserves	\$541,242
Laurentian Snowboarding Club and Ski Hill Operating	\$64,592
Laurentian Snowboarding Club and Ski Hill Capital	\$90,875
Ski Hill Reserves	\$155,467

Deferred Revenue, 2022 Deficit & Surplus (Unaudited)

Type	Notes	Amount
Deferred Revenue	For ongoing, multi-year capital projects and operations	\$ 1,014,848
Deficit	Compared to 2022 revenue	\$29,272
Surplus	Priority uses: 2022 deficit (\$29,272) and the 2023 mortgage loan principle (\$19,025)	\$52,134
	Net Total for the 2023 budget	\$1,037,710

2023 View:

- Consumer Price Index: Per Statistics Canada, the Consumer Price Index (CPI) rose 6.8% on an annual average basis in 2022, a 40 year high!
- OMERS Pension Plan: Additional OMERS pension plan costs are included in the preliminary 2023 budget, for all staff as of January 1, 2023 as required by OMERS.
- Other costs: The significant rise in costs (gas, construction, services, transportation, materials, equipment, etc.) is anticipated to continue through 2023. Insurance costs are budgeted to be 10% higher than 2022 actuals.
- Revenue: Staff are exploring innovative ways to increase self generated revenue. Staff also continue to apply for funding opportunities such as: FedNor, NOHFC, ECO, Hydro One, TD Bank, Project Learning Tree, Canada Summer Jobs and Enbridge funds working with our partners including the North Bay Indigenous Friendship Centre and Clean Green Beautiful.

For the draft 2023 budget, levy increase scenarios of 3% and 4% are being explored as outlined in the table below. To determine amounts from levy increases, the same method applied in 2022 was used

for the draft 2023 estimates. The fixed percent increase in the 2022 levy portion was applied to each program area. A special levy is a separate amount paid by a member municipality for a service that benefits that municipal jurisdiction.

NBMCA Program Area	APPROVED 2022 BUDGET		DRAFT 2023 BUDGET SCENARIOS – LEVY PORTION ONLY			
	General Levy	Special Levy	General Levy (3% increase)	Special Levy (3% increase)	General Levy (4% increase)	Special Levy (4% increase)
Administration	\$108,923		\$112,191		\$113,280	
Watershed Planning	\$55,095		\$56,748		\$57,299	
Flood Control	\$99,490		\$102,475		\$103,470	
Erosion Control	\$42,230		\$43,497		\$43,919	
Flood Forecasting	\$70,256		\$72,364		\$73,066	
Ice Management	\$6,349		\$6,539		\$6,603	
Source Water Protection						
On-site Sewage Systems Program						
Section 28 Regulations Operational						
Water Quality	\$4,851		\$4,997		\$5,045	
Interpretive Centre (North Bay main office)						
Lands and Property Operations	\$76,245		\$78,532	\$70,000	\$79,295	\$70,000
Outreach	\$13,014		\$13,404		\$13,535	
Lands and Property Capital	\$127,750	\$145,000	\$131,583	\$149,350	\$132,860	\$150,800
Water Erosion Control Infrastructure (WECl) Capital		\$170,000		\$175,100		\$176,800
Central Services Capital	\$57,250		\$58,968		\$59,540	
Section 28 Technical Capital	\$175,450		\$180,714		\$182,468	
Integrated Watershed Management (IWM) Capital	\$41,500	\$290,000	\$43,000	\$329,000	\$43,160	\$331,600
DRAFT Total (levy related)	\$878,403	\$605,000	\$905,011	\$723,450	\$913,539	\$729,200

The sum of the program areas' individual levies provides the total estimated levy amount; in the table above, it is shown separately for general and special levy totals. Thereafter, the Ministry of Natural Resources and Forestry (MNRF) current value assessment (CVA)-based levy apportionment for 2023 is applied to the total general levy amount. This determines the general levy by member municipality.

The table below shows the estimated municipal levy portion of revenue for 2023, upon applying the MNR CVA based apportionment.

Municipality	% in CA	CVA Based Apportionment Percentage	General Levy (3% increase total \$905,011 multiplied by CVA)	Special Levy (3% increase and NEW*)	General Levy (4% increase total \$913,539 multiplied by CVA)	Special Levy (4% increase and NEW*)
Bonfield	100	3.4402	\$31,135		\$31,428	
Calvin	100	1.2457	\$11,273		\$11,380	
Chisholm	94	1.4676	\$13,282		\$13,407	
East Ferris	83	6.2544	\$56,603		\$57,137	
Mattawa	71	0.9891	\$8,951		\$9,036	
Mattawan	19	0.0626	\$566		\$571	
North Bay	100	79.2088	\$716,849	\$693,450*	\$723,604	\$699,200*
Papineau-Cameron	35	0.8018	\$7,257		\$7,325	
Callander	100	6.4893	\$58,729	\$30,000*	\$59,282	\$30,000*
Powassan	1	0.0405	\$367		\$370	
		Total	\$905,011	\$723,450	\$913,539	\$729,200

*New: City of North Bay special levy includes \$70,000 to manage homeless encampments. Callander special levy of \$30,000 is for the Lansdowne Creek floodplain mapping project.

The draft 2023 budget for all revenue and expenses estimated is provided below. Revenue sources include: transfer payments from provincial and federal governments, municipal levy, self generated revenue (fees, donations, etc.).

NBMCA Program Area	DRAFT 2023 Budget: All Revenue (with 3% levy increase)	DRAFT 2023 Budget: All Revenue (with 4% levy increase)	DRAFT 2023 Budget: All Estimated Expenses
Administration	\$316,963	\$318,052	\$316,963
Watershed Planning	\$131,438	\$131,989	\$159,437
Flood Control	\$146,720	\$147,715	\$161,787
Erosion Control	\$60,647	\$61,069	\$67,703
Flood Forecasting	\$103,059	\$103,761	\$106,450
Ice Management	\$9,229	\$9,293	\$13,479
Drinking Water Source Protection (DWSP)	\$199,563	\$199,563	\$199,563
On-site Sewage Systems Program (OSS)*	\$1,223,780	\$1,223,780	\$1,223,780
Section 28 Regulations Operations	\$60,000	\$60,000	\$70,951
Water Quality	\$9,997	\$10,045	\$11,221
Interpretive Centre (North Bay main office)	\$198,632	\$198,632	\$229,209
Lands and Property Operations	\$183,932	\$184,695	\$213,889
Outreach	\$111,704	\$111,835	\$146,543
Lands and Property Capital**	\$280,933	\$283,660	\$542,934
Water Erosion Control Infrastructure (WECI) Capital***	\$175,100	\$176,800	\$496,711
Central Services Capital	\$58,968	\$59,540	\$77,891
Section 28 Technical Capital	\$278,214	\$279,968	\$307,929
Integrated Watershed Management (IWM) Capital	\$402,000	\$404,760	\$431,750
Total	\$3,950,878	\$3,965,156	\$4,778,192
Laurentian Ski Hill Capital Asset	\$65,000	\$65,000	\$65,000
Laurentian Ski Hill Operating Fund	\$60,000	\$60,000	\$60,000

*Revenue includes OSS program 2022 surplus and a portion of the reserve

**Expenses include major, critical infrastructure repairs to the North Bay main office

***Revenue does not include WECI provincial transfer payment (applications are submitted in February 2023)

Similar to 2022, the deferred revenue, surplus and reserve amounts (net: \$1,037,710) would need to be relied upon to help cover the estimated expenses for day to day operations and projects. In the long range, the use of these amounts are not a sustainable approach. Staff will further review expenses in discussion with the Executive Committee, while ensuring the continued compliance with legislated programs and services.

Recommendation:

It is recommended that staff prepare a draft 2023 Budget for consideration by the Executive Committee and Board of Directors guided generally by the discussions outlined in this staff report.

Recommended Resolution:

THAT the members receive and accept the member's Report and that it be appended to the minutes of the meeting;

AND THAT staff prepare a draft 2023 Budget for consideration by the Executive Committee and Board of Directors guided by the discussions outlined.

Chitra Gowda.

Chitra Gowda

Chief Administrative Officer, Secretary Treasurer

Helen Cunningham

Helen Cunningham

Manager, Finance and Human Resources