

POLICIES AND PROCEDURES FOR THE CHANGING OF CONSERVATION AUTHORITY FEES

1.0. BACKGROUND

Conservation Authorities have become more business like in the delivery of their programs and services to achieve greater program self-sufficiency. Prior to 1996, the Conservation Authorities Act addressed the charging of fees for the use of Conservation Authority owned land and facilities. Fees for services, however, were not recognized in the legislation. In January, 1996, a provincial Omnibus Bill was passed which amended the Conservation Authorities Act to empower Conservation Authorities to collect fees for services approved by the Minister. This document addresses the policies and procedures under this new provision.

2.0. LEGISLATION

- 2.1. Section 20 of the Conservation Authorities Act describes the objects of a Conservation Authority, which are to establish and undertake, in an area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources.

Section 21 of the Conservation Authorities Act lists the powers which Conservation Authorities have for the purpose of accomplishing their objects.

Subsection 21(m.1) gives Conservation Authorities the power to charge fees for services approved by the Minister.

3.0. DEFINITIONS

- 3.1. Minister – Minister of Natural Resources
- 3.2. Charging of Conservation Authority Fees - Charging of user fees for services rendered by a Conservation Authority. This does not include the generation of revenue through undertaking of activities on Conservation Authority owned land, as supported by Section 29 of the Conservation Authorities Act.

4.0. POLICY PRINCIPLES

- 4.1. Conservation Authorities are entitled to set rates, charge and collect fees for services rendered.
- 4.2. Conservation Authorities are encouraged to make programs and services more self-sufficient by applying the user-pay principle.

5.0. POLICY

5.1. Pursuant to Section 21(m.1) of the Conservation Authorities Act, Conservation Authorities may charge fees for the following services:

- Section 28 permit fees
- Plan review
- Response to legal, real estate and public enquiries
- Extension services (e.g., technical advice/implementation of erosion control measures, forest management/tree planting, wildlife/fisheries habitat management, management of forests/recreational land owned by others, technical studies)
- Community relations/information/education services (e.g., tours, presentations, workshops, demonstrations, special events)
- Sale of products (e.g. reports, maps, photographs)
- Any services under other legislation (e.g., EPA, LRIA, PLA) authorized under agreement with the lead ministry

This is provided the service is not supported through provincial grant funding

5.2. Each Conservation Authority must develop written policy or add to its Administrative Resolutions, a fees administration guideline which includes:

- A fees schedule
- A process for public notification about the establishment of or any proposed changes to any fees schedule
- A clearly defined review and revision process
- A process for appeals for fee structures proposed or in place

5.3. For planning, and compliance-oriented activities such as regulatory or permitting services, the Conservation Authority fee structures should be designed to recover but not exceed the costs associated with administering and delivering the services on a program basis.

Fees for planning services should be designed and administered in conjunction with the appropriate planning authorities, in accordance with Section 69 of the Planning Act.

5.4. Conservation Authority fees should be determined in such a manner as to not deter applicants from receiving due process.

5.5. When developing fee schedules, Conservation Authorities should consider:

- The fees of neighbouring Conservation Authorities to promote consistency
- The nature and level of fees charged by local municipalities, and other agencies and ministries for related services to prevent duplicative fee structures and to promote consistency in fee schedules
- Setting fees dependent on the complexity

6.0. REVENUES

Revenues generated through charging of fees as applicable under this policy, are subject to the provisions of the MNR Policies and Procedures for the Treatment of Conservation Authority Generated Revenue.

7.0. PROCEDURES

MNR reserves the right to audit Conservation Authorities for adherence to this policy.