

## NATURAL RESOURCES CONSERVATION BOARD

The Mandate and Roles Document (MRD) for the Natural Resources Conservation Board (NRCB) has been developed collaboratively by the Ministers of Environment and Protected Areas (EPA), Agriculture and Irrigation (AGI) and the NRCB to reflect mutual understanding of their respective roles and responsibilities.

Nothing in this MRD is intended to or shall interfere with the proper exercise of any statutory powers of decision. Although the NRCB is part of EPA for administrative purposes, the NRCB is an arms-length, independent decision-making body.

This MRD builds upon on the May 2006 Memorandum of Understanding (MOU) between the NRCB, and the Ministers of EPA and AGI, and supersedes the 2006 MOU and the 2009 MRD.

### NRCB MANDATE

The NRCB is an adjudicative body created by the *Natural Resources Conservation Board Act* (NRCBA). The NRCB's governing board (Board) conducts hearings and issues public interest decisions on non-energy projects (as specified in the NRCBA) that require an environmental impact assessment, or other projects referred to the NRCB by Order in Council.

The Government of Alberta (GoA) has given the NRCB the responsibility for delivery of the *Agricultural Operation Practices Act* (AOPA) Part 2. To accomplish the responsibilities under the AOPA, the NRCB separates roles and responsibilities between two distinct functions:

- Operations issues permits, and delivers compliance and enforcement functions under AOPA; and
- The Board hears appeals relating to permitting and compliance action taken under the AOPA.

### Applicable Legislation and Regulations

The NRCB has responsibilities under, and is subject to, several statutes and regulations including:

- *Administrative Procedures and Jurisdiction Act*
- *Agricultural Operation Practices Act*
- *Alberta Public Agencies Governance Act*
- *Conflicts of Interest Act*
- *Financial Administration Act*
- *Freedom of Information and Protection of Privacy Act*
- *Government Organization Act*
- *Natural Resources Conservation Board Act*
- *Public Interest Disclosure (Whistleblower Protection) Act*
- *Public Sector Compensation Transparency Act*
- *Public Sector Employers Act*
- *Public Service Act*

The NRCBA is the responsibility of EPA and the AOPA is the responsibility of AGI.

The purpose of the AOPA is to ensure the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner.

## INTERACTION BETWEEN THE NRCB AND GOVERNMENT

The NRCB is an arms-length public agency and makes independent decisions. It maintains regular contact with EPA on matters relating to the review of non-energy project proposals pursuant to the NRCBA. In addition, the Chair and Chief Executive Officer (CEO) provide briefings and updates to the Minister and Deputy Minister (DM) of EPA about specific projects, as required.

Since the Minister of AGI is responsible for the AOPA, the NRCB provides recommendations for AOPA amendments and updates on AOPA issues to AGI, on a regular basis. The NRCB also communicates regularly with AGI about the development of operational policy.

This MRD also implements the governance approach recommended in the December 22, 2005, report, *Effective Delivery of the Agricultural Operation Practices Act (AOPA)*, and more recent GoA direction for the governance structure of regulatory boards. The aim is to ensure the proper separation of the quasi-judicial review process from the other operations of the NRCB by maintaining the distinction between the:

- Board acting in its corporate governance role and the NRCB performing its quasi-judicial functions; and
- quasi-judicial matters under AOPA and the delivery processes for AOPA permitting and compliance, the latter under the general authority of the CEO.

EPA, AGI and the NRCB recognize the need to clearly express the separation of:

- responsibilities delegated to the CEO, including development of policy governing the permitting and compliance determinations by NRCB approval officers and inspectors, and their implementation; and
- the responsibilities that remain with the Board, including the consideration of reviewable projects under the NRCBA and reviews under the AOPA.

By clarifying the separation of functions between the Chair and the CEO, emphasizing use of written and published policies, ongoing accountability mechanisms and the inclusion of advisory groups and stakeholder participation, the MRD is intended to promote and ensure:

- development of trust and confidence with stakeholders;
- open, integrated and transparent delivery of NRCB's mandates under AOPA and NRCBA;
- clarity and consistency of policy;
- a framework to gather input on the effectiveness of AOPA's regulation;
- standards based on science, level of environmental risk and cost effectiveness;
- independence of Board review (appeals) processes;
- efficient and effective issue resolution, including use of certified mediation;
- fair and impartial processes and decisions;
- timely decisions; and
- communication and stakeholder participation.

## DUTIES AND RESPONSIBILITIES

The GoA is responsible for the legislative, regulatory and policy framework in which the NRCB operates.

EPA
<b>Minister</b>
<p>The EPA Minister is accountable for the NRCB, reports to the Legislature on its affairs, and answers questions about the NRCB. The EPA Minister is responsible for:</p> <ul style="list-style-type: none"> <li>• Approving recruitment and appointments to NRCB Chair and Board Member positions and participating in interviews, if appropriate.</li> <li>• Recommending to Cabinet, proposed appointees to Chair and Board Member positions based on assessment that they have the appropriate knowledge, skills, experience and values to assist the NRCB in achieving its objectives and performing its functions.</li> <li>• Informing the NRCB of government policies and direction affecting the work of the NRCB.</li> <li>• Conducting comprehensive reviews, at least every seven years of the NRCB's mandate and purpose to determine if the work of the NRCB is still relevant to the needs of Albertans, if it is aligned with government priorities, and if the operations and functions are being carried out in a manner that can achieve government objectives. The AGI Minister will be consulted regarding the review of the NRCB's AOPA activities.</li> <li>• Recommending the annual budget for the NRCB to Treasury Board and Finance.</li> </ul>
<b>DM</b>
<p>The DM, who supports and acts under the general direction of the Minister of EPA, is the principal contact for the Chair and the CEO with respect to general government policies and information, including financial, legislative, and administrative matters, and NRCB contributions to annual reports and business plans. The DM is responsible for the following activities:</p> <ul style="list-style-type: none"> <li>• Communicating with the Chair and the CEO concerning government policy.</li> <li>• Ensuring that accountability opportunities (along with the AGI DM) occur routinely to ensure effective performance of the NRCB.</li> <li>• Participating in the recruitment of the NRCB Board Chair and Board Members.</li> <li>• Regularly reviewing, in consultation with the AGI DM, the NRCB's mandate and purpose with the Chair and the CEO.</li> <li>• Monitoring the operations and performance of the NRCB to ensure that it is fulfilling its mandate in compliance with government policies, while respecting the NRCB's independence in conducting its adjudicative function.</li> <li>• Conducting an annual evaluation of the Chair's performance.</li> </ul>
<b>Department</b>
<p>In order to meet the responsibilities delegated to the NRCB, the GoA, through EPA, is responsible for supporting the NRCB by providing:</p> <ul style="list-style-type: none"> <li>• financial resources in the form of an annual operating budget; and</li> <li>• freedom of information and protection of privacy services, if a request for information is sought from the public.</li> </ul>

AGI
<p><b>Minister</b></p> <p>The AGI Minister is responsible and accountable for the broad AOPA policy, legislation and regulations. The AGI Minister is responsible for:</p> <ul style="list-style-type: none"> <li>• Advising the EPA Minister of AGI's expectations for the delivery of the AOPA.</li> <li>• Working with the EPA Minister to ensure accountability and review of the NRCB's AOPA activities are conducted routinely, and work with the EPA Minister on any noteworthy accountability issues.</li> <li>• Providing input to the EPA Minister about appointments of Board Members, including the Chair.</li> </ul>
<p><b>DM</b></p> <p>The AGI DM, who supports and acts under the general direction of the AGI Minister, is responsible for the following activities:</p> <ul style="list-style-type: none"> <li>• Ensuring that accountability opportunities (in consultation with EPA DM) occur routinely to ensure effective performance of the NRCB.</li> <li>• Assessing the progress in achieving the purpose and objectives of the AOPA.</li> <li>• Reviewing the AOPA to ensure it is aligned with the objectives of the GoA and achieving its purpose, as required.</li> <li>• Ensuring AGI staff work with NRCB staff to align operational policies and practices with broad policy objectives.</li> </ul>
<p><b>Department</b></p> <p>In order to meet the responsibilities delegated to the NRCB, the GoA, through AGI, is responsible for supporting the NRCB in the following areas:</p> <ul style="list-style-type: none"> <li>• The AGI ADM responsible for the administration of the AOPA will co-chair the Policy Advisory Group (PAG) with the NRCB CEO.</li> <li>• The ADM responsible for the administration of the AOPA is the ex-officio chair of the Technical Advisory Group (TAG). Department staff co-lead the TAG along with a delegated NRCB member. TAG provides technical guidance to support the AOPA.</li> <li>• The ADM holds the TAG responsible for timely delivery of technical guidelines and standards.</li> <li>• Ensuring the NRCB receives advice about technical aspects of delivering AOPA policies and practices.</li> <li>• Providing extension and technical expertise in support of the AOPA to NRCB and stakeholders.</li> <li>• Receiving direction from the AGI Minister for legislative and regulatory changes to increase the efficiency and effectiveness of the delivery of the AOPA.</li> </ul>

## NRCB

### Board

The Board is responsible for overseeing the management of the NRCB's business and affairs. The Board guides the NRCB's strategic direction, approves and monitors the NRCB's business plan and financial results and is ultimately accountable to the EPA Minister.

Board Members must act honestly and in good faith, leaving aside personal interests to advance the public interest and the mandate of the NRCB. The Board is comprised of the Chair, Board Members, Board counsel, staff responsible for board reviews, and the Board Secretary.

The Board is responsible for directing the affairs of the corporation; and conducting the NRCB's quasi-judicial functions, namely hearing reviews of AOPA matters; and considering reviewable projects and preparing recommendations to the Lieutenant Governor in Council pursuant to the NRCBA.

With regards to directing the affairs of the corporation the Board is responsible for:

- Monitoring the financial performance of the NRCB, ensuring that, with the advice of the Office of the Auditor General (OAG), the financial results are reported on a timely and regular basis and in accordance with Generally Accepted Accounting Principles (GAAP).
- Approving all relevant corporate policies (e.g., human resources, financial, communications), procedures and standards by which the NRCB operates, and ensuring that the NRCB always operates in compliance with all applicable laws and regulations and to the highest ethical standards.
- Approving all matters which require the Board's approval as prescribed by applicable legislation and regulations. The Board ensures that such matters are brought to the attention of the EPA Minister, if necessary.
- Ensuring that the Board, through a process led by the Chair (or delegated committee), conducts an annual evaluation and review of the performance of the Board. The Board reviews the results of the evaluations and discusses opportunities to improve the Board's effectiveness.
- Preparing and providing to the EPA and AGI Ministers, an annual business plan and annual report at a time acceptable to the Ministers.
- Addressing how the NRCB interacts with the public and establishing policies that clearly identify roles and responsibilities between the Board and operations in the area of public communications.
- Developing mechanisms to communicate with the EPA and AGI DMs and the departments about items of mutual concern.
- Engaging in a strategic planning process that includes the consideration of the principal risks associated with the NRCB's business. The management of these risks is assigned to the CEO, who periodically reviews them with the Board.

### **Board Chair**

The Chair represents the Board and its interests, as well as the interests of the NRCB, in dealing with the EPA and AGI Ministers, the departments, the CEO, stakeholders and the community. The Chair is responsible for providing leadership to and facilitating the work of the Board and for governance of the NRCB.

The Chair is responsible for:

- Leading the overall performance of the NRCB in delivering its mandate and purpose.
- In conjunction with the Board and management, providing strategic direction for the development of the NRCB business plan, to accomplish the objectives of the NRCBA and the delivery of the AOPA.
- In consultation with the Board, the Chair delegates certain authorities to the CEO. This delegation is attached in Appendix A.
- The Chair provides leadership to the Board in the organization and operation of the AOPA review (appeals) process and reviewable projects under the NRCBA.
- In collaboration with the CEO, providing EPA's and AGI's DMs and Ministers with regular updates about the NRCB's operations and informing the EPA and AGI Ministers regarding emergent issues.
- Monitoring the financial performance of the NRCB, ensuring that, with the advice of the OAG, the financial results are reported on a timely and regular basis in accordance with any legislated requirements and GAAP.
- Planning and managing Board meetings.
- Conducting an annual evaluation of the Board Members' and CEO's performance. Board Member evaluations are used to identify opportunities to improve competency and to inform the reappointment process.
- Develop competencies for Board Member and Chair recruitment for approval by the EPA Minister.
- Hiring the CEO in consultation with the EPA and AGI DMs.
- Ensuring that adequate plans are in place for CEO development and succession and conducting an annual review of such plans.
- Providing all new Board Members with an orientation to NRCB governance practices and policies, and provide, as appropriate, ongoing training.
- Providing corporate direction to achieve effective collaboration with AGI and the NRCB with respect to policies in relation to the delivery of the AOPA.
- Holding the CEO accountable for delivery on the business plan consistent with the directions of the GoA.
- Supporting the CEO in the CEO's delivery of the permitting and compliance processes, to promote the overall effectiveness and efficiency of the NRCB in achieving the purpose of the AOPA.
- Delivering the following documents with the CEO to the EPA and AGI Ministers: business plans, budgets, quarterly forecasts, year-end financial statements, and an annual report.
- Hiring staff which reports directly to the Chair.

## CEO

The CEO has three primary functions:

- leading and directing corporate operations;
- delivering the AOPA regulatory functions; and
- providing support to the Chair and Board for NRCBA matters.

The CEO is responsible for leading management staff, developing recommendations for and implementing the organization's strategy and reporting to the Board. The CEO is an employee of the NRCB and is accountable to the Chair. However, with respect to the AOPA, there are matters that require the Chair to respect the independence of action of the CEO. Both the Chair and CEO recognize the need to ensure that issues are identified and addressed in a timely manner, while at the same time recognizing that the relationship must always respect the independence of each as a decision maker.

In establishing a clear separation between the Chair and CEO, it becomes necessary to delegate certain powers and authority. The delegated powers and authority are set forth in a Delegation and Confirmation of Authority executed by the Chair and the CEO, a copy of which is attached hereto as Appendix "A".

The CEO is responsible for:

- Leading and directing corporate operations, including hiring of operations staff.
- Operating within the mandate, policies, standards and budget approved by the Board and the GoA.
- Establishing and operating an overall framework for financial, administrative and operational controls according to the *Financial Accountability Act* and directions of the GoA through EPA.
- Preparing strategic business plans and budgets consistent with the GoA's strategic plan and business planning directions. This also involves presentation of business plans and budgets to the Board for approval.
- Representing the NRCB and its interests in dealing with the EPA and AGI Ministers, the departments, stakeholders and the community in accordance with the strategic direction set by the Board.
- Achieving appropriate regulatory alignment with the broad EPEA, *Water Act* (WA), *Public Lands Act* (PLA) and *Emissions Management and Climate Resilience Act* (EMRCA) and associated policies set by the EPA Minister.
- Ensuring NRCB staff work with EPA staff to align operational policies and practices with broad EPEA, WA, PLA and EMCRA policy objectives.
- Ensuring clear operational policies are in place to guide approvals and compliance staff so they can deliver their responsibilities in a clear, consistent, efficient and fair manner.
- Ensuring the proper management of the NRCB's risk by providing services and care of the organization's assets.
- Maintaining effective communications with the Chair, the EPA and AGI DMs, senior staff in EPA and AGI, other ministries, stakeholders and other business partners, as required.
- Ensuring the Board is well-supported by the NRCB's corporate services and science capacity, to carry out its authorities under the AOPA and NRCBA.

- Co-chairing the PAG with the AGI ADM responsible for the administration of the AOPA, to consult with stakeholders in the development and delivery of operational policies.
- Receiving advice on the AOPA's intent and technical aspects of delivering AOPA policies and practices.
- Achieving appropriate regulatory alignment with the broad AOPA policy set by the AGI Minister.
- Ensuring NRCB staff work with AGI staff to align operational policies and practices with broad AOPA policy objectives.
- Provide recommendations to the AGI department for legislative and regulatory changes to increase the efficiency and effectiveness of the delivery of the AOPA.

### **Public Service Commission (PSC)**

While not signatory to this document, the PSC plays an integral role in the recruitment process for Board Member and Chair positions across GoA's agencies.

The PSC is responsible for:

- developing GoA agency recruitment practices and policies;
- delivering a competency-based recruitment process, and
- managing the recruitment process for open, public recruitment activities.

## **RECRUITMENT OF CHAIR, BOARD MEMBERS, AND ACTING BOARD MEMBERS**

The Chair and Board Members are appointed by Order in Council and constitute part of the Board.

### **Competency Based Recruitment**

- The Board will identify a competency matrix for the NRCB as a whole and the values and competencies required for individual Board Members. Values will include respect, integrity, excellence and accountability.
- Competencies will include strong adjudicative skills, knowledge of administrative law, knowledge of environmental regulatory frameworks, strong listening and communication skills, skills in developing consensus and an understanding of wise stewardship of resources.
- Recruitment will be based on the competencies approved by either the EPA DM or Minister.

### **Recruitment and Appointment Process**

- The PSC, in consultation with the EPA and AGI DMs and the NRCB Chair, will lead the recruitment process.
- At the EPA Minister's discretion, the recruitment of a new Chair may or may not involve the current Chair or another representative from the NRCB.



- When a vacancy occurs, the Board will identify the competencies that need to be replaced and will provide that profile to the team within EPA responsible for supporting the recruitment process.
- The recruitment posting and position profile will be posted on the GoA's current public agency board opportunities website, where applicants are encouraged to apply online.
- The PSC, the EPA DM or designate, and the NRCB Chair or another representative from the NRCB, when appropriate, will review applications.
- The interview panel may consist of representatives from the NRCB, EPA, and AGI.
- Candidates will be assessed based on the applicable competencies and values identified by the NRCB and approved by EPA.
- Conflict-of-interest and other screening shall be completed before a list of suitable candidates is prepared for submission to the EPA Minister.
- A list of suitable candidates for the vacancy will be provided to the EPA Minister.
- The EPA Minister may recommend to Cabinet an individual from the list provided or may identify an individual for direct appointment.
- The EPA department will coordinate the appointment process by Order in Council.
- The list of appointees will be posted publicly on the GoA website.
- Appointment is for a fixed term of up to five years, with the potential for reappointment, based on satisfactory performance, to a maximum of 12 years of continuous service.

### Roles and Responsibilities for Recruitment Process

#### NRCB

- Identifies the vacancy and notifies the EPA department about the position that must be filled, including rationale for filling this vacancy.
- Identifies the competency matrix for the Board as a whole and the values and competencies required for individual Board Members. Values will include respect, integrity, excellence and accountability. Competencies will include strong listening and communication skills, skills in developing consensus and an understanding of wise stewardship of resources.
- Submits the competencies to the team within EPA supporting the recruitment for consideration.
- For recruitments to the Chair position, the current Chair or another representative from the NRCB may review applications and/or may be on the interview panel, at the discretion of the EPA Minister. Candidates will be assessed based on the applicable competencies and values identified by the NRCB and approved by either the EPA DM or Minister.
- For recruitments to a Board Member position, the current Chair or another representative from the NRCB may review applications and/or may be on the interview panel. Candidates will be assessed based on the applicable competencies and values identified by the NRCB and approved by either the EPA DM or Minister.

<b>PSC</b>
<ul style="list-style-type: none"> <li>• Leads the recruitment process in consultation with the EPA and AGI DMs and the NRCB Chair.</li> <li>• Posts the recruitment posting and position profile on the GoA's current public agency board opportunities website, where applicants are encouraged to apply online.</li> <li>• Reviews applications and conducts interviews. Candidates will be assessed based on the applicable competencies and values identified by the NRCB and approved by either the EPA DM or Minister.</li> <li>• Completes conflict of interest and other screening before a list of suitable candidates is prepared for submission to the EPA Minister.</li> <li>• Provides a list of suitable candidates for each vacancy to the EPA Minister.</li> <li>• Posts the list of appointees publicly on the GoA website.</li> </ul>
<b>EPA Minister</b>
<ul style="list-style-type: none"> <li>• Provides the PSC with approval to recruit to a vacancy.</li> <li>• Minister or DM approves the competencies and values identified by the NRCB.</li> <li>• Determines whether the recruitment of a new Chair involves the current Chair, another NRCB representative, or no NRCB representation.</li> <li>• Reviews applications and may participate on the interview panel personally or through a designate. Candidates will be assessed based on the applicable competencies and values identified by the NRCB and approved by either the EPA DM or Minister.</li> <li>• Selects an individual from the candidate list provided by the PSC or identifies an individual for direct appointment.</li> <li>• Notifies the EPA department of the individual that should be recommended to Cabinet for appointment.</li> <li>• Consults with AGI Minister to ensure appropriate AGI participation in recruitment.</li> </ul>
<b>EPA DM</b>
<ul style="list-style-type: none"> <li>• Minister or DM approves the competencies and values identified by the NRCB.</li> <li>• DM or their designate may review applications and may participate on the interview panel. Candidates will be assessed based on the applicable competencies and values identified by the NRCB and approved by either the EPA DM or Minister.</li> </ul>
<b>AGI Minister</b>
<ul style="list-style-type: none"> <li>• The Minister, or their designate, may review applications and may participate on the interview panel, when appropriate, as determined in consultation with the EPA Minister.</li> <li>• The AGI Minister may provide input to the EPA Minister when candidates are being selected for appointment.</li> </ul>
<b>EPA Department</b>
<ul style="list-style-type: none"> <li>• EPA coordinates the: <ul style="list-style-type: none"> <li>– EPA Minister's approval of the NRCB's request to fill a vacancy.</li> <li>– EPA DM's or Minister's approval of the competencies provided by the NRCB.</li> <li>– Appointment of the individual identified by the EPA Minister, by creating a Cabinet package that includes a Recommendation for Order in Council.</li> </ul> </li> </ul>

<b>Cabinet</b>
<ul style="list-style-type: none"><li>• Approves the Minister of EPA's recommendation by appointing to the Chair or Board Member position as either a full- or part-time equivalent.</li><li>• Appointment is by Order in Council for a fixed term of up to five years, with the potential for re-appointment, based on satisfactory performance, to a maximum of twelve years of continuous service.</li></ul>



## CODE OF CONDUCT

The Code Administrator as defined in that Code shall administer the NRCB Code of Conduct.

The Code Administrator receives all complaints involving a breach of the Code of Conduct. Upon receipt of a complaint, the Code Administrator will initiate an investigation and determine whether a review by the NRCB Ethics Committee is required.

The Ethics Committee hears evidence, makes findings, and issues decisions on whether there have been any breaches of the Code of Conduct. Appeals are heard by the appropriate adjudicator for that complaint in accordance with the policies and timelines set out in the NRCB Code of Conduct.

The Code Administrator and Ethics Committee reviews the Code of Conduct when needed, and if amendments are needed, submits the request to the Office of the Ethics Commissioner for review and, if appropriate, approval. The amendments are made by the Ethics Committee, submitted back to the Office of the Ethics Commissioner, and if approved, signed off by the Chair and submitted to the EPA Minister. The Code of Conduct is posted on the GoA website.

## ADMINISTRATION

### Review of the MRD

The 2006 MOU between AGI, EPA and NRCB and the 2009 MRD have been superseded by this MRD.

The MRD shall be in effect for not more than three years. It must be renewed or revised by the Chair and the responsible Minister within three years of the date of signing of this MRD or upon the appointment of a new Chair or new Minister, whichever comes first.

The MRD may be amended at any time; any amendment must be signed by the Chair and by the EPA and AGI Ministers.

The MRD should also be reviewed and confirmed when there is a change in either the Chair or the EPA or AGI Ministers, even if this is prior to the three-year limit.

The Delegation and Confirmation of Authority, attached to the MRD as Appendix A for reference only, may be reviewed and updated as required by the Chair and the CEO, separate from the MRD amendment process.

### **Transparency**

Copies of the MRD will be filed with the EPA and AGI Ministers, the NRCB and the PSC. In support of the principle of transparency, this document will also be easily available to the public on the NRCB's website ([www.NRCB.ca](http://www.NRCB.ca)).

### **Agency Review**

The responsible Minister must, at least every seven years, review the mandate and operations of every public agency subject to the APAGA. The next review for the NRCB is scheduled for 2027.

## **ACCOUNTABILITY**

The NRCB Chair and CEO will deliver to the EPA Minister the following documents according to the dates and in the format specified or agreed to by the EPA Minister:

- business plans, budgets and quarterly forecasts; and
- year-end financial statements and the NRCB's portion of the EPA annual report; and other information, specific documents or reports as requested.

The EPA Minister shall assess the overall performance of the NRCB annually, in consultation with the AGI Minister.

### **Signatures**

The NRCB MRD is accepted and agreed to by:

EPA Minister



Honourable Rebecca Schulz, Minister

June 20, 2025

Date

AGI Minister



Honourable RJ Sigurdson, Minister

July 13<sup>th</sup>, 2025

Date

NRCB Chair



Sandi Roberts, Chair

May 1, 2025

Date

cc: Stephanie Clark  
Deputy Minister, EPA

Jason Hale  
Deputy Minister, AGI

## Appendix A

### DELEGATION AND CONFIRMATION OF AUTHORITY

WHEREAS the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act* impose duties and responsibilities, and authorize powers and responsibilities, upon the Natural Resources Conservation Board (“NRCB”);


AND WHEREAS it is necessary and convenient for the Board of the NRCB to delegate some of those duties, powers and responsibilities to the Chief Executive Officer of the NRCB whose position does not appear in either the *Natural Resources Conservation Board Act* (“NRCB Act”) or the *Agricultural Operation Practices Act* (“AOPA”);

AND WHEREAS this Delegation and Confirmation of Authority replaces the previous signed delegation dated October 17, 2023;

On behalf of the Board members of the Natural Resources Conservation Board, the Chair of the Board delegates the following responsibilities and powers to the Chief Executive Officer of the NRCB (“CEO”), and confirms the authority of the CEO, as follows:

1. In this document, “Operations Functions” includes (but is not limited to)
  - a. functions related to supporting the NRCB in its corporate functions (e.g. finances and accounting, risk management, IT, human resources);
  - b. functions related to the NRCB as a regulator and first-level decision maker (approval officers, inspectors) under AOPA; and
  - c. functions related to supporting the Board and the Chair of the Board in discharging the duties, responsibilities and powers under the NRCB Act.
2. In this document, “Board Functions” includes (but is not limited to)
  - a. functions as the corporate board of directors of the NRCB;
  - b. functions related to the NRCB as a decision maker under AOPA, including requests for review and second-level review proceedings, and including referrals of matters to the Minister of Agriculture and Irrigation for a practice review committee;
  - c. functions related to the NRCB as a public interest reviewing body under the NRCB Act; and
  - d. functions related to making regulations under the NRCB Act and AOPA.
3. The Board delegates to the CEO the administration of the regulatory system imposed on the NRCB by the *Agricultural Operation Practices Act* (AOPA), but not including functions that are Board Functions.
4. The Board delegates to the CEO the authority to engage and manage employees the CEO considers necessary for the proper and convenient transaction of the business of Operations Functions, and the authority to prescribe the duties, conditions of employment and remuneration of persons employed by the NRCB for Operations Functions.

5. For clarity, the CEO will oversee the hiring of approval officers and inspectors. Upon advice from the CEO, the Board may appoint individuals to those positions under AOPA. Sections 10 and 11 of AOPA establish such appointments as a Board function.
6. Managers of the Applications Division, Compliance and Enforcement Division, the Science and Technology Division, and the Corporate Services Division report to the CEO. The Chief Legal Officer – Operations and the Senior Communication Specialist also report to the CEO. During NRCBA reviews, the CEO and Chair assume a joint management function for the manager of Science and Technology and the Senior Communication Specialist.
7. The CEO is responsible for the daily management and direction of the affairs and operations of the portion of the NRCB mandate that relates to AOPA.
8. The CEO is responsible for the management of the NRCB budget relating to Operations Functions under AOPA.
9. The CEO is responsible for providing necessary staff resources and budget to the Board to support the Board Functions under the NRCB Act.
10. The CEO is responsible for establishing operating and performance policies and standards for Operations Functions under AOPA.
11. The CEO has authority, after consulting with the Board, to identify and advance proposed amendments to AOPA or its regulations, to the Lieutenant Governor in Council, and the Minister of AGI.
12. For clarity, the CEO does not have authority to hold a review under AOPA, or to hold a project review under the NRCB Act.



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Chair of the Board on behalf of the NRCB Board



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Acknowledged by the CEO of the NRCB

February 25, 2025

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Date