

**NIAGARA PENINSULA CONSERVATION AUTHORITY  
FULL AUTHORITY**

**WELLAND**

**AGENDA**

**NOVEMBER 21, 2007 – 7:00 p.m.**

**ROLL CALL**

**DECLARATION OF CONFLICT OF INTEREST**

**BUSINESS:**

**(1) MINUTES - FULL AUTHORITY MEETING – OCTOBER 17, 2007**

Attached are the Minutes of the Full Authority meeting held October 17, 2007.

**(2) BUSINESS ARISING FROM MINUTES**

**(3) DELEGATIONS**

- (a) Mr. Jack Johnson has requested the opportunity to address the Board on his proposal to extend a development into the regulated valleylands of 12 Mile Creek in the City of St. Catharines.
- (b) Mr. & Mrs. Balasiuk have requested the opportunity to address the Board on behalf of Mr. Sergei Bucalov regarding his proposal to construct an addition to an existing dwelling in the floodplain of 8 Mile Creek in the Town of Niagara-on-the-Lake.
- (c) Mrs. Grace Malinowski has requested the opportunity to address the Board on the impending designation of her property located in the Township of Wainfleet from agricultural land to wetland.
- (d) Mr. Rick Brady has requested the opportunity to address the Board on behalf of the Niagara Home Builders Association in regards to the proposed Conservation Authority Polices, Procedures & Guidelines for Regulation 155/06 and the land use planning policies.
- (e) Mayor Doug Martin and Mr. Ron Tripp, Director of Infrastructure Services for the Town of Fort Erie have requested the opportunity to address the Board on behalf of the Town of Fort Erie in regards to the proposed Conservation Authority Polices, Procedures & Guidelines for Regulation 155/06 and the land use planning policies.
- (f) Mr. Brett Ruck, Drainage Superintendent for the Town of Fort Erie and Mr. Rene Landry, Drainage Superintendent for the City of Port Colborne have requested the opportunity to address the Board on behalf of Chapter 5 of the Drainage Superintendents Association of Ontario in regards to the proposed Conservation Authority Polices, Procedures & Guidelines for Regulation 155/06 and the land use planning policies.

(4) **CHAIRMAN'S REMARKS**

(5) **GENERAL MANAGER'S REPORT**

(6) **ACCOUNTS – OCTOBER 2007 – REPORT NO. 85-07**

Attached is Staff Report No. 85-07 outlining the list of accounts for October, 2007.

(7) **POLICIES, PROCEDURES AND GUIDELINES FOR ADMINISTRATION OF ONTARIO REG. 155/06 AND LAND USE PLANNING POLICY DOCUMENT - REPORT NO. 86-07**

Attached is Staff Report No. 86-07 together with copies of the policy document.

(8) **REQUEST FROM TOWN OF NIAGARA-ON-THE-LAKE ON PERMIT FEES- REPORT NO. 87-07**

Attached is Staff Report No.87-07 regarding this matter.

(9) **CONSERVATION LAND ACQUISITION STRATEGY- REPORT NO. 88-07**

Attached is Staff Report No.88-07 with respect to this matter.

(10) **ONTARIO MUNICIPAL BOARD HEARING – REEB QUARRY – REPORT NO. 89-07**

Attached is Report No. 89-07 regarding this matter.

(11) **BALL'S FALLS CENTRE FOR CONSERVATION – UPDATE – REPORT NO. 90-07**

Attached is Report No. 90-07 providing an update on the Ball's Falls Centre.

(12) **PROJECT STATUS REPORT – REPORT NO. 91-07**

Attached is Staff Report No. 91-07 outlining the status of Authority projects.

(13) **OTHER BUSINESS**

(14) **IN-CAMERA SECTION 28 REGULATIONS STATUS REPORT – REPORT NO. CR-10-07**

Attached is confidential Report No. CR-10-07 regarding this matter.

**ADJOURNMENT**

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

**WELLAND**

**OCTOBER 17, 2007**

**7:00 p.m.**

**MINUTES**

**MEMBERS PRESENT**

D. Ransom, (Chairman)  
B. Baty (Vice-Chairman)  
B. Bentley  
T. Dalimonte  
C. D'Angelo  
D. DiFruscio  
A. Fevez  
D. Goulbourne  
B. Greenwood  
B. Heit  
B. Henderson  
N. Johnson  
B. Steckley

**MEMBERS ABSENT:**

G. Burroughs (with regrets)  
B. Butters (with regrets)

**STAFF PRESENT:**

A.L. Burt, General Manager  
L. Sawatzky, Recording Secretary  
T. McDougall, Executive Director Conservation Foundation  
M. Stack, Director Communications  
T. D'Amario, Director, Water Management  
D. Baker, Director, Land Management

**OTHERS PRESENT:**

Mark Neufeld, Chair, Source Protection Committee  
Len & Lida Greenaway  
Linda Johnston

**BUSINESS:**

The Chairman called the meeting to order at 7:03 p.m. He welcomed everyone in attendance and introduced Mr. Bob Steckley who had been appointed to replace Doug Martin on the Board. Bob thanked the Chair and noted that as a member of Fort Erie Council and a founding member of the Friends of Fort Erie Creeks he was looking forward to serving on the Conservation Authority. The Chairman then requested that if anyone had a conflict of interest to declare it and Brian Heit declared a conflict with any items that included Telus or Talk Wireless.

**MINUTES - FULL AUTHORITY MEETING - SEPTEMBER 19, 2007**

There were no errors or omissions. The following resolution was presented.

**FA-126-07**

**MOVED BY:** T. Dalimonte

**SECONDED BY:** B. Baty

**THAT:** the Minutes of the Full Authority meeting held September 19, 2007, be received and approved as printed.

**"CARRIED"**

**(2) BUSINESS ARISING FROM MINUTES**

There was no business arising from the Minutes.

**(3) DELEGATION**

The Chairman advised that Mr. & Mrs. Greenaway were in attendance to speak to the Board about access to the Gord Harry Memorial Trail to have water delivered to their property. They provided the Board members with an 8 page letter outlining their concerns and reasons why this access was necessary. The Board discussed this matter in great detail and provided Mr. & Mrs. Greenaway with several options they could look into. The Chairman thanked the Greenaways for their presentation.

**(4) CHAIRMAN'S REMARKS**

The Chairman began by thanking the staff of both the Authority and the Foundation for their assistance at the Thanksgiving Festival. He also thanked those members who attended to help as well. He noted that although the weather was not great on Saturday and Sunday, Monday was very busy.

The Chairman reminded the members of the Elimination Dinner and Draw being held on November 2<sup>nd</sup> at the Welland Lions Hall. He encouraged members to get together a group for a chance at \$1,000.00 as well as good food and drink.

**(5) GENERAL MANAGER'S REPORT**

The General Manager echoed the remarks of the Chairman with respect to the Thanksgiving Festival noting that numbers were down approximately 30% from 2006 which was attributed to the wet weather.

The General Manager advised that on Monday, October 15<sup>th</sup> he and Earl Sibbald of the Wainfleet Lions Club as well as Mary Stack attended the Ontario Trillium Foundation's 2007 Great Grant Awards reception in Niagara Falls. He noted that the Authority and the Wainfleet Lion's Club received the OTF's 2007 Environment Award for the joint restoration project at Morgan's Point Conservation Area.

The General Manager noted that a meeting had been held with representatives of the Niagara North and Niagara South Federation of Agriculture to discuss the transfer of the tree conservation by-law to the Authority and other areas of interest. He noted that the discussions were very positive and it was agreed that regular meetings would be beneficial for everyone. The next meeting has been scheduled for February, 2008.

Brian Baty thanked the General Manager for dealing with this matter and keeping the lines of communication open, which he felt was important.

**ACCOUNTS – SEPTEMBER, 2007 – REPORT NO. 79-07**

The General Manager responded to questions. The following resolution was presented.

**FA-127-07**

**MOVED BY:** B. Greenwood

**SECONDED BY:** T. Dalimonte

**THAT:** The list of accounts for the month of September, 2007, in the amount of \$1,237,546.69 be received and approved.

**"CARRIED"**

**BINBROOK DAM EMERGENCY SPILLWAY TENDER AWARD - REPORT NO. 80-07**

The Director, Water Management outlined the results of the tenders received and responded to questions. The following resolution was presented.

**FA-128-07**

**MOVED BY:** M. DiFruscio

**SECONDED BY:** T. Dalimonte

**THAT:** Report No. 80-07 regarding the Binbrook Dam Emergency Spillway Tender Award be received; and

That the contract be awarded to CRL Campbell Construction and Drainage Limited, for the tendered price of \$873,809.68 including GST; and

That Philips Engineering be retained to provide site supervision for the project at an upset cost of \$30,000.

**"CARRIED"**

**(8) WATER QUALITY MONITORING FOR METALS - REPORT NO. 81-07**

The Director, Water Management provided a detailed outline of this report and responded to questions. The following resolution was presented.

**FA-129-07**

**MOVED BY:** B. Bentley

**SECONDED BY:** B. Baty

**THAT:** Report No. 81-07 regarding the Water Quality Monitoring for Metals be received for information.

**"CARRIED"**

(9) **REQUEST FOR EASEMENT – PENINSULA WEST UTILITIES – REPORT NO. 82-07**

The Director, Land Management outlined the staff report. The following resolution was presented.

**FA-130-07**

**MOVED BY:** C. D'Angelo

**SECONDED BY:** T. Dalimonte

**THAT:** No. 82-07 regarding a Request for Easement – Peninsula West Utilities be received; and

That the requested easement be granted in accordance with the Authority's Policy on Easements Across Conservation Authority Lands.

**"CARRIED"**

**PROJECT STATUS REPORT – REPORT NO. 83-07**

Brian Baty suggested that in order for the Board members to be more familiar with the Authority's conservation areas and projects, perhaps a tour could be arranged in the spring. The following resolution was presented.

**FA-131-07**

**MOVED BY:** A. Fevez

**SECONDED BY:** M. DiFruscio

**THAT:** Report No. 83-07, outlining the status of Authority projects be received for information.

**"CARRIED"**

(11) **OTHER BUSINESS**

(a) **2007 CONSERVATION ACHIEVEMENT AWARDS – REPORT NO. 84-07**

The Director, Communications outlined the report and responded to questions. Several members provided nominations for the group award and agreed that staff should meet to discuss and decide on one for the award. Brian Heit nominated Gord Harry for the individual award noting that although he was a member of the Conservation Authority Board, his conservation efforts extended beyond his association with the Authority. The following resolutions were presented.

**FA-132-07**

**MOVED BY:** N. Johnson

**SECONDED BY:** B. Steckley

**THAT:** Report No. 84-07 regarding the Conservation Achievement Awards of Merit be received for information purposes.

**"CARRIED"**

**FA-133-07**

**MOVED BY:** B. Heit

**SECONDED BY:** B. Henderson

**THAT:** Gord Harry be awarded the Individual Conservation Achievement Award of Merit posthumously.

**“CARRIED”**

**(b) CHILDREN’S WATER FESTIVAL**

Bob Bentley, the Mayor of Grimsby advised that he received a letter of thanks from Grade 4 students who attended the Water Festival.

**(c) GORD HARRY MEMORIAL TRAIL**

Barb Henderson advised that there have been incidences on the Trail where persons have been shooting guns and empty cartridges have been found on the trail. She indicated it was the area close to the golf course. Staff advised this would be looked into.

**(d) MISCELLANEOUS**

The General Manager advised that with respect to Mr. & Mrs. Greenaway, he would speak to them further on this matter in hopes that it can be resolved amicably.

**(12) IN-CAMERA - VIOLATION AND COMPLAINT STATUS REPORT – REPORT NO. CR-09-07**

In accordance with Authority policy, the following resolutions were presented.

**FA-134-07**

**MOVED BY:** N. Johnson

**SECONDED BY:** B. Steckley

**THAT:** this meeting do now move in-camera.

**Received at 8:35 p.m.**

**“CARRIED”**

**FA-135-07**

**MOVED BY:** B. Bentley

**SECONDED BY:** M. DiFruscio

**THAT:** this meeting do now move back into open session.

**Received at 8:35 p.m.**

**“CARRIED”**





**ADJOURNMENT**

There being no further business, the following resolution was presented.

**FA-136-07**

**MOVED BY:** B. Steckley

**SECONDED BY:** A. Fevez

**THAT:** this meeting do now adjourn.

**Received at 8:55 p.m.**

**“CARRIED”**

**"L. Sawatzky, Recording Secretary**

**D. Ransom, Chairman"**



250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
E-mail: [npca@conservation-niagara.on.ca](mailto:npca@conservation-niagara.on.ca)

Tel (905) 788-3135  
Fax (905) 788-1121

**TO: Chairman and Members of the Authority**

**DATE: January 2, 2008**

**RE: Accounts October 2007 - Report No. 85-07**

Attached is the list of accounts for the month of October 2007 in the amount of \$971,549.90.

**Recommendation:**

**The list of accounts for the month of October, 2007, in the amount of \$971,549.90 be received and approved.**

Respectfully Submitted by: \_\_\_\_\_  
Andrew L. Burt, General Manager/Secretary-Treasurer

**TO:** Chairman and Members of the Authority

**DATE:** January 2, 2008

**RE:** Policies, Procedures and Guidelines for Administration of Ontario Reg. 155/06 and Land Use Planning Policy Document - Report No. 86-07

## Background

The process to update NPCA's policies was initiated as a result of:

- The need to update the NPCA's outdated Municipal Plan Review Guidelines dated July 1993 (revised January 2005); and
- The implementation of a new Generic Regulation 155/06 created a need to update the NPCA's Policy and Procedural Manual dated June 1981 (revised August 1996).

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The purpose of the Policy Manual is to provide local NPCA watershed policies which will guide development and site alteration while protecting, preserving and enhancing the natural environment. The policies are based on the interrelationship between environmental, physical and social factors that impact land use planning and development in the watershed.

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NPCA staff will utilize this document in its Watershed Planning Services program however it also provides information on the NPCA policies for use by the watershed municipalities, land development industry and the public.

Earlier versions of the document were presented to the Authority Board in past meetings on September 2006, May, 2007 and August, 2007 (Lots of Record Policy only in August, 2007) and were subsequently forwarded to area municipalities and other interested parties. The attached final draft document was prepared as a result input from the various stakeholders, municipalities and the general public since September 2006.

Also attached for information are copies of all written correspondence received as well as a summary chart summarizing some of the key areas of issue and concern.

## General Areas of Change

- Updated background information about the Planning Act, Conservation Authorities Act; Federal Fisheries Act, The Greenbelt Plan, Places to Grow Act and the Building Code Act;
- Updated and consolidated land use policies for Natural Hazards (reflecting the Provincial Policy Statement 2005);
- New section on watershed planning; and
- New policies in response to the implementation of the new Generic Regulation 155/06 regarding development and site alteration in and adjacent to wetlands, the Great Lakes Shoreline, valleylands and municipal drains.

## **Specific Revisions as a Result of Input Received**

**Wetlands** – The regulation of development and site alteration in and adjacent to wetlands is a new responsibility for the NPCA under Regulation 155/06. Policies regarding wetlands can be found in Section 3.32 of the document. These policies will be used for the implementation of the Regulation and commenting on Planning Act applications. In summary, any new development or site alteration will not be permitted within 30 metres of any wetland unless it can be demonstrated that the development activities will not have an adverse impact on the hydrological or ecological function of the wetland. Any replacement structures or additions or modifications to existing structures within 30 metres of a wetland may be permitted with conditions. Provisions have been included to permit public infrastructure within a wetland and the development of new private access roads and the placement of minor volumes of fill or soil for landscape purposes. In addition, where no reasonable alternative exists to locate a proposed development, site alteration or other activity outside of the wetland or adjacent lands, a provision is included that would allow an area of wetland be created that is equivalent to the area of wetland and adjacent lands disturbed, subject to a number of conditions outlined in 3.24.1 in the document.

### **Existing Lots of Record - Wetlands**

Since the implementation of the Conservation Authority's new Regulations (O. Reg. 155/06) in May of 2006, staff has been dealing with several issues relating to the "wetlands" section of the legislation. In particular, there have been several instances involving "existing lots" located entirely within a wetland feature where building permits have been applied for by the property owner. These lots meet the current local zoning standards for construction, but development in the wetland feature is not permitted under the Authority's current Regulation, and building permits have consequently not been issued.

Staff recognize that various legislation (including our previous floodplain regulations) have often contained "grandfathering" provisions or other similar relief for existing situations that preceded the enactment of the law. In this light, and in an effort to alleviate undue hardship for the property owner in these specific situations, staff have considered several options to provide limited development opportunity within a regulated wetland with minimal impact to the wetland feature itself. A special policy section has been drafted which staff feel achieve this objective while still maintaining the spirit of wetland protection. This policy change was previously brought forth to the Board for their consideration and was referred back for further review including requesting input from member municipalities.

All municipalities were circulated and in all cases the input received did not object to this provision. The Conservation Authority undertook to estimate the number of lots affected by this policy utilizing land use and GIS maps and determined approximately 400 lots of record are located entirely in the wetland within the NPCA jurisdictional area. Nothing in this policy shall allow for the increase in the number of applicable existing lots of record and as such, this policy will become redundant once these lots of record are either developed in accordance with this section or merged with other lands such that this section no longer applies.

With certain conditions as specified in Section 3.24.2, the area allowed to be developed can be the greater of the minimum required to develop as per the approved municipal zoning requirement and/or the Ontario Building Code OR 10% of the total area of wetland located on the property. In all cases, the area allowed to be developed shall not exceed 1.0ac/0.4ha.

Given the limited applicability of this section and the conditions set forth, staff believe the overall wetland objectives of the NPCA regulation would not be compromised.

**Valleylands** - The regulation of development and site alteration in and adjacent to the Valleylands is a new responsibility for the NPCA under Regulation 155/06. Up until the new regulation came in to effect in May 2006, the NPCA has commented on planning policies and applications in accordance with our delegated authority from MNR to comment on Natural Hazard matters under the Provincial Policy Statement. Regulation 155/06 provides the Authority to ability review development and site alteration whether there is a Planning Act or Building Permit application or not. Many of the NPCA's existing planning policies for valleylands have been incorporated into the Regulation policies. A recommended new policy requires that rear lot lines be 7.5 metres from the stable top of bank. The current policies only require a 7.5 metre structural setback from a stable top of bank. Staff have found that in many new developments adjacent to valleylands, the shallow lots leave little room for backyard amenity features (e.g. decks, pools, hot tubs, garden sheds, gazebos etc). As a result, many homeowners build the backyard amenity features without getting the proper approvals for development that should not have taken place within the 7.5 metre structural setback. Municipal staff are struggling with enforcing their zoning bylaws that prohibited the development in the first place. It also creates an increased enforcement workload for the NPCA staff. The City of St. Catharines, in particular requested revisions to recognize flexibility for infilling.

In order to recognize situations where infilling proposals can not strictly adhere to the policies, the following policy was added. "For newly created lots through plan of subdivision which are being developed in greenfield or brownfield situations, the rear lot lines or side lot lines (as the case may be) shall be set back 7.5m from the Authority approved top of slope". The NPCA will consult with the local municipality in "infilling" situations to discuss site specific constraints to this policy."

### **Municipal Drains**

Significant input was received from municipalities and agencies with respect to the Drainage Act and in particular the inconsistencies between the Drainage Act and the NPCA regulation. The correspondence included in this report illustrates a varied difference of opinion on whether the NPCA regulation is applicable where works are undertaken under the Drainage Act. An additional concern was with respect to the need for various studies including who pays the cost for Environmental Impact Reports that may be required. The Drainage Act specifies the Conservation Authority must pay for an EIS if it requests it, while inherent in the CA regulation is the need for the proponent to pay. The Ministry of Natural Resources has advised Conservation Authorities that the new regulation under Section 28 of the Conservation Authorities Act does apply to Municipal Drains and that there are no specific exemptions in Section 28 for Municipal Drains. Also in this regard, NPCA staff requested and received input from Michael Kyne, Director Legal Services, Niagara Region. Briefly stated, Michael had the following legal opinion.

- i) Drainage Act applications that trigger the NPCA's responsibilities under Reg 155/06 are subject to the requirements of that regulation.
- ii) Whenever a Drainage Act application meets the definition of a "development" in the sensitive areas within the jurisdiction of the NPCA or constitutes a change to a watercourse or wetland, the NPCA is obliged to review in accordance with the conditions outlined in Reg 155/06. If a Drainage Act application triggers the NPCA's responsibilities under Reg 155/06, the NPCA must provide written permission for the development or change under s.3(1) and s.6(1) respectively;

- iii) Sections 4 and 7 of Reg. 155/06 give the NPCA authority to require that certain documents be filed by the applicant. It's implicit, but not explicit, that those documents be provided at the applicant's cost. However, those sections do not refer to environmental studies or engineering reports. Therefore, the NPCA's authority to demand that those reports be provided at the applicant's cost, while perhaps logical, is not obvious;
- iv) The Conservation Act definition does not distinguish between old and new watercourses. The NPCA responsibility remains the same--if the watercourse, as defined by the Conservation Act is to be altered or changed, the NPCA has the authority to review and approve;
- v) Again, whether drain is old or new, if it qualifies as a "watercourse" under the Conservation Act, and the NPCA has the authority to review and approve the proposed alteration. However, while an engineer's report is not one of the documents required by Reg 155/06, if it required under the Drainage Act, it follows that a new and current report should support the proposed change or alteration

It is clear that that the differing opinions with respect to the Drainage Act and the Conservation Authorities Act will continue and that the NPCA policy document will not resolve this issue. In an effort to resolve as many issues as possible however, and maintain the intent of NPCA regulations, the following revisions were made to Section 3.23 of the Policy Document.

- i) Existing Drains - No permit will be required from the NPCA for normal maintenance activities, such as brushing of side slopes, bottom cleanouts, debris cleanouts and the installation of erosion control works, on existing municipal drains that have been identified as Class A, B, C or F drains (as defined in the Class Authorization System for Agricultural Municipal Drains) provided the listed mitigation measures are followed. The mitigation measures are similar to those required under the Fisheries Act. A similar section with specific requirements are set out for Class E drains.
- ii) New Municipal Drain Works – Including new sections of existing drains – A permit will not required under Regulation 155/06 unless the proposed works;
  - a. channelize, modify or otherwise serve to alter the ecological function of an existing watercourse,
  - b. negatively impact a regulatory floodplain,
  - c. may drain, alter or interfere with a wetland,
  - d. are entirely or partially located on the shoreline of Lake Ontario or Lake Erie, or
  - e. are contained within a valley.
- iii) When a Permit is Required - Where proposals to maintain, repair, improve, modify, or create a municipal drain do not meet the exemption criteria and therefore require a permit under regulation 155/06, appropriate studies and analysis will be required to be submitted with the application and their extent will depend on the nature of anticipated impacts of the works. The applicant shall bear the cost of all required studies and reports. The applicant should pre-consult with Authority staff in this regard.

These Municipal Drain policies are not intended to limit the ability of a municipality to provide drainage to affected landowners, however these policies and Regulation 155/06 will be implemented to ensure that municipal drains are maintained in an environmentally responsible manner.

In general, NPCA staff believe the final draft policy document provides sufficient flexibility that allows maximum ability of drainage and land use while maintaining the environmental responsibility of the NPCA.

**RECOMMENDATION:**

**That Report No. 86-07 regarding the Policies, Procedures and Guidelines for Administration of Ontario Reg. 155/06 and Land Use Planning Policy Document be received,**

**That the Policy Document dated November 7, 2007 be approved and adopted, and,**

**That the Policy Document be forwarded to all stakeholder, municipalities and interested parties.**

Prepared by: Tony D'Amario, P. Eng., Director, Water Management

Respectfully Submitted by: \_\_\_\_\_  
Andrew L. Burt, General Manager/Secretary-Treasurer



250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Tel (905) 788-3135  
Fax (905) 788-1121  
E-mail: npca@conservation-niagara.on.ca

**TO: Chairman and Members of the Authority**

**DATE: January 2, 2008**

**RE: Request From Town Of Niagara-on-the-Lake on Permit Fees - Report No. 87-07**

The attached correspondence recently received from Niagara-on-the-Lake includes a Council resolution requesting the NPCA to review its permit fee schedule under Ontario Regulation 155/06 and consider a non habitable building/structure (fee of \$1,600) as an "accessory structure" (fee of \$250). The resolution was adopted following a presentation to council from a landowner who believes the permit fees for a 26' X 32' storage building are excessive and disproportionate compared to other agency fees. The net result of this request would be a reduction of \$1,350 in the permit fee.

The current fee structure for permits is based on a 100% recovery of costs as directed by the Board in their meeting of January, 2007. The attached fee schedule developed by staff recovers all costs associated with permit applications on an average basis. That is to say that fees charges are based on average review, processing and follow-up times for similar types of applications. An individual application may involve more or less time than the average. Variances in each category of the fee structure depend on the type of application and their complexity and/or potential impacts relative to matters pertaining to the NPCA (floodplain, wetlands, valleylands, shorelines, watercourses). In cases where larger buildings are involved, the habitability of a structure does not alter the potential impacts to these concerns and accordingly does not reduce the review, processing and follow-up efforts by Authority staff.

While the NPCA permit fees may appear to be disproportionately higher than those of many municipalities, it is important to recognize that the fee schedules of many municipalities are based on significantly less than a 100% recovery of costs.

Requests for interpretation of the fee schedule that allow increased number of applications to be categorized in lower fee column would result in the need to increase fees for other application categories if the Authority is to maintain its 100% recovery target.

Prior to recommending any changes to the fee schedule or altering the interpretation of any of the fee categories, staff believe it appropriate to receive the Board's direction in this matter.

**RECOMMENDATION:**

**That Report No. 87-07 regarding the request from the Town of Niagara-on-the-Lake on Permit Fees be received.**

Prepared by: Tony D'Amario, P. Eng. Director, Water Management

Respectfully Submitted by: \_\_\_\_\_  
Andrew L. Burt, General Manager/Secretary-Treasurer





**Conservation Land Acquisition Strategy  
for the  
Watershed of the Niagara Peninsula  
Conservation Authority**

**November 2007**

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## **1.0 Executive Summary**

Over the past 48 years, the Niagara Peninsula Conservation Authority has worked with a number of groups, organizations and foundations to secure more than 2,830 hectares (7,000 acres) of natural landscapes throughout the watershed. These lands include a variety of habitats, representing 1.1% of the total area of the jurisdictional watershed of the Conservation Authority.

Current growth trends suggest that over the next 25-years, an additional 56,000 households will be required to accommodate population growth in the Region of Niagara. Although the Official Plans and growth strategies for the Region of Niagara, the City of Hamilton and Haldimand County will focus urban development around existing centres, these new residents will be placing additional demands on existing greenspace and natural areas.

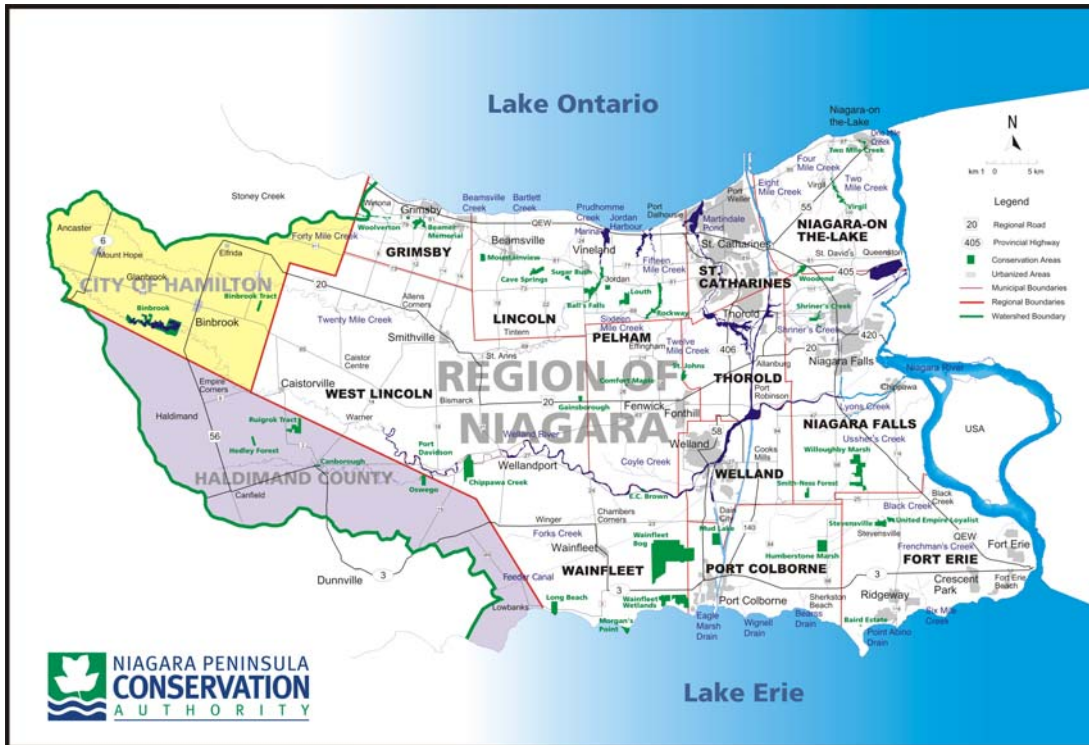
Significant natural areas and corridors must be protected to ensure the long term sustainability of fragile ecosystems. In early 2006, the Conservation Authority began a project to map sensitive natural areas, at risk of being lost. Using current information, the Niagara Peninsula Conservation Authority conducted an exercise to target candidate lands for protection. The analysis identified natural features along with associated corridors and critical buffers.

Overall, 804 parcels have been targeted in 15 municipalities across the watershed. In total, 7,410 ha (18,310 acres) are recommended for protection. This represents approximately 4% of the total watershed, much lower than the 12% recommended by the International Union for Conservation of Nature and Natural Resources (IUCN).

Properties have been weighted and ranked, based on proximity to future development, habitat type, and potential to link core natural areas. Lands were then prioritized so that the strategy could be phased over a multi-year timeframe. The estimated cost for fee simple acquisition of all these properties is estimated at \$42 million (2007 dollars). It is anticipated that the project cost will be significantly reduced through alternative acquisition methods such as land gifting, bequests, conservation easements, land trading and donations. These savings will also reduce the time required to achieve the protection targets.

This strategy is intended to be an open and flexible document. Although the most current information was used for this analysis, the NPCA recognizes that our knowledge of the natural features in the watershed is rapidly expanding. The NPCA is currently working with partners on a Natural Heritage Inventory for the Region of Niagara. When completed in 2008, this inventory will add to the data and most likely result in modifications to this acquisition strategy. In order to maintain effectiveness, the action plan for this document includes recommendations for an annual summary with a major review every 5 years.

## 2.0 Background



### Watershed Context

The watershed area of jurisdiction of the NPCA is 2,424 sq. km., covering the whole of the Region of Niagara, 21% of the City of Hamilton and 24% of Haldimand County. The watershed is drained primarily by the Welland River, Twelve Mile Creek, Twenty Mile Creek and Forty Mile Creek with a number of smaller watercourses draining into Lake Ontario and Lake Erie. The NPCA's jurisdiction also encompasses 117 km. of Great Lakes shoreline, with 67 km. on Lake Erie and 50 km. on Lake Ontario

The Niagara Peninsula Conservation Authority owns or manages 37 properties totalling 2850 hectares. These lands are spread over the 2,424 km<sup>2</sup> jurisdictional watershed, representing approximately 1.1% percent of the total area. These properties protect such diverse habitats as rugged Escarpment features, wetlands, valley systems, alvars, forested tracts, bogs, prairie/grass land and Great Lakes shoreline.

Approximately 1720 additional hectares are protected by public agencies such as the Niagara Parks Commission, and Parks Ontario. There are also volunteer organizations like the Bruce Trail, and the Hamilton Naturalists' Club, who manage lands as nature reserves throughout the watershed. The watershed also has many municipal parks, however most of these are programmed for recreational activities, rather than maintained as natural habitat.

Although these lands are protected, the ecosystems contained within rely on the health and wellbeing of adjacent lands that lie outside the boundaries of the public green space. Many conservation areas are on the leading edge of development, expanding out from urban centres. The physical features and corridors that support public green space are in danger of being disrupted by future growth and changes in land use. This strategy will help to identify key natural areas that should be targeted for protection over a multi-year timeframe.

### **Why is green space so important?**

There are many studies linking green space to the health of communities. Not only does the physical environment benefit from proximity to natural environments, the social and mental wellbeing of residents benefits from contact with green space.

The Region of Niagara and the City of Hamilton identify the benefits of access to connected, healthy green space and have incorporated measures within their planning documents to aid the long term protection of these resources.

The preservation of farm land and natural areas is one of the ten principles of the Smarter Niagara Initiative and the Niagara Regional Council Business Plan. In September of 2006, The City of Hamilton completed a New Rural Hamilton Official Plan with policies aimed at protecting significant natural areas across rural sections in the amalgamated City of Hamilton.

Although planning documents help to protect natural areas, the long term preservation of such properties can only be guaranteed through a comprehensive strategy to secure core ecosystems.

In early 2006, the NPCA began a review of natural heritage data and developed an exercise to target properties and natural systems for long term protection through acquisition and stewardship.

The key objectives of the exercise were:

- 1) To identify areas in the NPCA watershed for acquisition that meet biodiversity requirements for significant natural features
- 2) To prioritize these areas based on a weighted system
- 3) To protect biodiversity and ensure representation of all the ecosystem types in protected NPCA land holdings

### **3.0 Project Methodology**

The NPCA Geographical Information System (GIS) provides a platform to run complex analyses of spatial data. This exercise involved layering data sets over the watershed map, then running an analysis to determine those properties that best met pre-determined criteria. This included the review of the habitats represented and protected in existing CA holdings, as well as those types of ecological areas/ecosystems/ Species At Risk (SAR) habitats in need of protection. The GIS exercise provided a consistent analysis across the entire watershed, quickly highlighting priority areas for acquisition.

#### **a) Analysis**

Ecosystems represented in existing NPCA land holdings were calculated and weights were assigned for ecological systems of regional, provincial, national and global importance. Those

habitats presently under-represented and in need of protection/representation on CA lands were assigned higher weights as follows:

<b>Weight</b>	<b>Habitat</b>
4	alvars, cliffs (globally under represented ecosystems, such as Niagara Escarpment)
3	interior forest (200 metres or greater from forest edge)
3	dynamic dunes (under represented)
2	Lake Erie shore (access and wildlife habitat)
2	Life Science Provincially Significant ANSI (higher quality habitat & ecological functions)
2	Fen wetlands (under represented regionally)
2	Interior forest (100 metres from forest edge) under represented, increasing loss provincially/nationally/globally
1	forests
1	groundwater recharge areas
1	marsh and swamp wetlands
1	headwater areas
1	regional Life Science ANSIs

Using the above weights, all lands with a total score of 8 or greater were selected. The total area for these lands was determined to be a “reasonable” amount of land, eligible for protection. Each parcel was then reviewed using digital air photos. Candidate areas were then identified using the furthest ecosystem boundary.

Lands adjacent to existing Conservation Areas were also investigated for their potential to further site management goals/needs and to protect ecological linkages with other Conservation Areas or core ecological features.

A valley land layer was added across the watershed, however, the information was not in a format that allowed for easy computer analysis. As a result, the valley land lines were overlaid on the candidate sites generated by the computer, and priorities were manually reviewed and calculated. Since most valleylands were already identified within existing acquisition areas, the exercise did not generate any new parcels.

The analysis also included lands in adjacent Conservation Authorities, where green land strategies were in place. Existing CA holdings were reviewed manually and natural heritage linkage corridors identified to ensure contiguity in the natural landscape across watershed boundaries.

## **b) Data Sets**

The GIS analysis involved all existing natural inventories, studies, known species at risk, and unique wildlife habitat needs. Ecological assessments and land use commitments outlined in official plan documents were also considered. Appendix 1 contains a list of the data layers used in this analysis.

There are a number of current studies that do not yet have data available. One example is the NPCA Natural Heritage Inventory (NHI), which will not be completed until early 2009. These results will include updated information on plants, animal species and habitats throughout the NPCA administrative area. Any updated information from this inventory or other resource

studies will be used in future updates and re-evaluations of the priority areas identified in this strategy.

#### **4.0 Results**

The GIS analysis identified 804 candidate parcels, in 15 municipalities, totalling 7,410 hectares of land. A map showing these areas can be found in Appendix 2.

This is a significant amount of property to protect, and it will take some time to complete. The most recent per hectare cost of natural areas acquired range from \$3,500 to \$7,410 depending on the geographical location within the watershed. Support costs to cover legal and survey expenses, have been calculated at \$2,000 per parcel. The total estimated cost of these properties is \$40,500,000. Taking into account support costs for acquisition (legal, survey) the cost of acquiring all of the property identified in this strategy is estimated to be \$42,000,000.

#### **5.0 Making it Happen**

There are several methods available to secure sensitive green lands:

- fee simple acquisition
- conservation easements
- leases or land use agreements

Although all of these approaches have merit, the preferred option for this strategy is fee simple acquisition on a willing-seller basis. When acquisition is not a viable option, other methods will be considered.

Successful implementation of this strategy will rely on dedicated funding from several sources. In the past, the NPCA has received assistance from foundations, the Province of Ontario, the Nature Conservancy of Canada, the Regional Municipality of Niagara and local Municipalities. These contributions are generally program or property specific, and can take some time to arrange. Properties are often lost because funding can not be arranged in time. This strategy proposes a specific land acquisition budget that would allow the NPCA to react quickly to listings of targeted properties.

Acquisition costs can be reduced through donations or bequests. The NPCA works closely with the Niagara Peninsula Conservation Foundation and Environment Canada, to help promote planned giving of natural heritage resources. Programs such as the Environment Canada's Ecological Gifts Program (EcoGift) have resulted in the protection of more than 46 hectares over the past 4 years. The EcoGift program provides tax incentives to owners of ecologically sensitive lands, wishing to donate them to an eligible recipient. With greater promotion of this and similar programs, the amount of donated land could increase, thereby reducing the cost of acquisition.

#### **6.0 Partnerships**

The successful implementation of this strategy will rely on partnerships with organizations such as the Niagara Peninsula Conservation Foundation, the Hamilton Naturalists' Club, the Bruce Trail Association and the Ontario Heritage Trust. Close coordination is also required with other agencies involved in the protection of greenlands throughout the watershed. There are currently four land trusts operating in the jurisdictional watershed of the NPCA. Some of the properties identified in this strategy may be targeted by other agencies. In some situations

another organization may be better positioned to protect a property. Close communication is required among all of the partners to ensure that landowners do not receive multiple approaches for land.

The strategy is intended to be a dynamic document that will be modified over time. Current studies, such as the Natural Heritage Inventory and source water protection mapping, will expand and build upon our existing understanding of the natural systems in the watershed. Rather than wait for existing studies to be completed, it is important to begin the process of identifying significant natural features requiring protection. Once the strategy is being implemented, it will become easy to add layers of information and further refine candidate sites for protection.

## **7.0 The First Five Years**

This strategy recommends acquisition of 7,410 hectares of land. Rather than targeting all 804 properties at the same time, efforts should be focused on those greenlands with the highest value. Properties with a value of 12 or higher will be targeted for acquisition in the first five years of the program. Appendix 3 provides a breakdown of the priority areas.

The acquisition program must have clear objectives, aimed at securing priority sites. It must also have enough flexibility to respond when candidate sites with lower priorities become available. In either case, each acquisition will be brought to the Full Authority Membership for review and consideration.

Acquisition will only be approached on a willing seller basis. One of the first issues landowners must consider is the value of their natural area. Although land values vary throughout the watershed, they are fairly consistent from year to year. In order to streamline the negotiating process, it is proposed that the NPCA will commission a blanket appraisal for natural areas across the watershed. This will provide guidance for staff as they approach landowners who are considering a sale. Land values will be determined for a variety of landscapes: hazard lands, valley lands, wetlands, forests. This information will be used in the negotiations for lands, recognizing that some properties have unique situations where more detailed appraisals are required, such as donations through the EcoGift Program. The blanket appraisal should be updated every two years, to ensure pricing keeps pace with market value.

During the first 5 years of implementation, it is recommended that an annual budget of \$500,000 be dedicated to the greenlands acquisition program. These funds would provide the resources necessary to contact property owners, establish land values, survey boundaries and purchase the property. Any unspent funds would be carried forward into the next budget year.

At the end of the 5 years, the strategy will be reviewed. This will provide an opportunity to track accomplishments and integrate new information layers into the GIS analysis.



## **Appendix 1**

### **List of Data Layers Used in GIS Analysis**

1. 'Conservation Blueprint' by NCC (identifying the most important areas for conserving native biodiversity in the Great Lake Region)
2. 'Big Picture' by MNR (identifying significant ecosystems for ecologically based protection of biodiversity, and least cost corridors for connecting core and meta natural areas)
3. Existing municipal green plans, municipal and regional Official Plans, municipal and regional Comprehensive By-Laws, and the Regional Niagara Natural Heritage Plan
4. 'Hydro/Land Care Heritage Plan' (identifying woodlot corridors to address woodlot habitat fragmentation in the Niagara Region)
5. Hamilton ELC areas (identifying significant ecological features)
6. NPCA 'Current Natural Community Vegetation' (identifying vegetative communities by soil types ie. bog, fen swamp, marsh, forest, wetland forest, forest-partially wet, and Open water)
7. NPCA 'Regulatory Dynamic Beach Extent' (for identifying the existing rare dune ecosystem along Lake Erie and Lake Ontario)
8. Province of Ontario (MNR) 'Areas of Natural and Scientific Interest'- both life science and earth science features. This included provincial and regional designation
9. Province of Ontario (MNR) 'Evaluated Wetlands' data
10. 'Property Boundaries' 2006 and 2007 Teranet Data for Regional Niagara, City of Hamilton and County of Haldimand. Most recent data used at each analysis stage
11. Province of Ontario (MNR) 'Lots and Concession' for Hamilton and county of Haldimand where Teranet Data was missing
12. Province of Ontario (MNR) 'Soils' and 'Bedrock Drift Thickness' layers for determining possible alvar areas (bedrock outcrop with <15cm soil)
13. NPCA 'Hydroshores'- (identifying Lake shoreline important for recreational access opportunity objectives)
14. Existing recently NPCA Board approved proposed acquisition areas for Binbrook Cons. Area and the Niagara Escarpment Acquisition Program. The same methodology for identifying the proposed land acquisition was used for these areas as well.
15. NPCA Forest layer for determining interior 100m and 200m forest areas.
16. Air photos for identifying existing land status and corridor area feasibility ie. no development or other limitations/barriers
17. 2002 air photos. Most recent air photos used during the analysis.
18. Ontario Greenland Strategy (area identified by the Province of Ontario to protect environmentally sensitive natural areas and agricultural land from destruction)
19. NPCA groundwater study (identifying key features areas for groundwater flow)

20. NPCA Valleylands (identifying the NPCA Generic Riverine/Erosion/ Hazard Valley Regulation Top of Bank Line where no development is permitted)
21. Conservation Areas of the adjacent Grand River and Hamilton Conservation Authorities. (identifying existing Conservation Authority holdings adjacent to the NPCA administrative area)

Paper documents:

22. NPCA Cons. Area Master Plans (identifying long term resource objectives)
23. Balls Falls Master Plan (identifying lands of proposed acquisition)
24. Known Species at Risk Information (location and habitat/recovery needs). NHIC data and NPCA Ecologist- OMNR, Vineland network



250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Tel (905) 788-3135  
Fax (905) 788-1121  
E-mail: [n pca@conservation-niagara.on.ca](mailto:n pca@conservation-niagara.on.ca)

**TO: The Chairman and Members of the Authority**

**DATE: November 15, 2007**

**SUBJECT: Conservation Land Acquisition Strategy – Report No. 88-07**

Over the past 48 years, the Niagara Peninsula Conservation Authority has worked with a number of groups, organizations and foundations to secure more than 2,830 hectares (7,000 acres) of natural landscapes throughout the watershed.

Current growth trends suggest that over the next 25-years, an additional 56,000 households will be required to accommodate population growth in the Region of Niagara. Although the Official Plans and growth strategies for the Region of Niagara, the City of Hamilton and Haldimand County will focus urban development around existing centres, these new residents will be placing additional demands on existing greenspace and natural areas.

Significant natural areas and corridors must be protected to ensure the long term sustainability of fragile ecosystems. In early 2006, the Conservation Authority began a project to map sensitive natural areas, at risk of being lost. Using current information, the Niagara Peninsula Conservation Authority conducted an exercise to target candidate lands for protection. The analysis identified natural features along with associated corridors and critical buffers. Overall, 804 parcels totaling approximately 7,400 hectares (18,300 acres) located across the Authority's watershed are recommended for protection.

The estimated cost for fee simple acquisition of all these properties is estimated at \$42 million (2007 dollars). It is emphasized that the proposed acquisition program is being recommended as a multi-year program to be implemented subject to annual budget limitations. It is anticipated that the project costs will be significantly reduced through alternative acquisition methods such as land gifting, bequests, conservation easements, land trading and donations. These savings will also reduce the time required to achieve the protection targets.

This strategy is intended to be an open and flexible document. In order to maintain effectiveness, the action plan for this document includes recommendations for an annual summary with a major review every 5 years.

**RECOMMENDATION:**

**That Report No. 88-07, regarding the Conservation Land Acquisition Strategy for the Watershed of the Niagara Peninsula Conservation Authority be received; and**

That the multi-year land acquisition program for the NPCA watershed be approved and implemented subject to annual budget limitations.

**Prepared by: Darcy B. Baker - Director, Land Management**

Respectfully Submitted By: \_\_\_\_\_  
Andrew L. Burt, General Manager/ Secretary-Treasurer



250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Tel (905) 788-3135  
Fax (905) 788-1121  
E-mail: [npca@conservation-niagara.on.ca](mailto:nzca@conservation-niagara.on.ca)

**TO: The Chairman and Members of the Authority**

**DATE: November 13, 2007**

**SUBJECT: Ontario Municipal Board Hearing – Reeb Quarry – Report No. 89-07**

The Niagara Peninsula Conservation Authority is an active participant in the Ontario Municipal Board hearing regarding an application by Mr. John Allan Reeb to establish a stone quarry on a property abutting the Wainfleet Wetlands Conservation Area. The hearing, which began on May 14, 2007, was not completed in the time allocated by the Board and went into recess on June 27th. As a result, additional time was scheduled in November to hear final evidence on hydrogeological issues.

Over the summer months, Authority staff and consultants met with the proponent and representatives from the Township of Wainfleet, the Region of Niagara and Hardrock Quarries. Outstanding issues relate to the management of the water that will be pumped from the proposed quarry during the mining. The original site plan involved pumping the water to Wainfleet Wetlands Conservation Area. When the NPCA objected to this option, the proposal was amended to a forcemain pipeline along Quarry Road to a discharge at Lake Erie. When the Township of Wainfleet objected to that option, the proposal was again changed to a discharge point at Eagle Marsh Drain. In the past five months, since the hearing began, the proponent has changed the quarry's water management plan six times.

The hearing is due to resume on November 20<sup>th</sup>, 2007. Authority staff have become very frustrated at the constant modification of the quarry proposal, which results in additional review by our legal and technical consultants. On November 8<sup>th</sup>, staff directed the legal counsel for the NPCA to request compensation for the costs incurred (\$49,000 to date) as a result of this prolonged hearing.

At this point, the NPCA and their consultants will be involved in the hydrogeological evidence component of the hearing. This is expected to take 4-days, and should complete the hearing process. The Board will then make a decision whether or not to issue a permit under the Aggregate Resources Act.

**RECOMMENDATION:**

That Report No. 89-07 regarding the Ontario Municipal Board Hearing – Reeb Quarry be received for information purposes.

**Prepared by: Darcy B. Baker - Director, Land Management**

Respectfully Submitted By: \_\_\_\_\_  
Andrew L. Burt, General Manager/ Secretary-Treasurer



250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Tel (905) 788-3135  
Fax (905) 788-1121  
E-mail: npca@conservation-niagara.on.ca

**TO: The Chairman and Members of the Authority**

**DATE: November 13, 2007**

**SUBJECT: Ball's Falls Centre for Conservation – Update – Report No. 90-07**

The Ball's Falls Centre for Conservation construction project is nearing completion. The General Contractor is expecting to have the building envelope closed-in before the end of November. The interior of the building is taking shape, with all trades fully engaged. Permanent power is scheduled for connection on November 15<sup>th</sup>, which will allow contractors to begin operating the building's internal heating system. The building schedule is forecasting a completion date of December 14, however, staff believe problems with sub-contractor coordination may push the date into early January.

Landscaping is also progressing well, but remains very weather dependant. The central pond and bridge are taking shape. The rear patio and associated retaining walls will be installed over the next two weeks, and site grading will be taking place along the parking lot and landscape buffer areas. Entrance improvements and paving are being expedited to meet operating deadlines at the asphalt plant. The contractor is expecting the weather to close in, forcing a break in the final planting until next spring.

Staff are now coordinating the activities necessary to install exhibits, furnish the facility and make the necessary preparations for the public opening in early 2008. The original contract price for the building project was \$3,488,000, including an \$85,000 contingency. Change orders have resulted in contingency costs of \$172,000, bringing the current project cost to \$3,660,000. Authority staff have calculated a cash flow forecast, which will cover cost increases through reductions in other capital projects.

Approximately \$145,000 of these contingency costs are as a result of requirements by the Town of Lincoln, the Niagara Escarpment Commission and the Ministry of the Environment. Typical construction projects have contingency costs ranging between 3% and 5%. If we remove the costs associated with agency requests, the contingency on this project is currently at 0.8%.

**RECOMMENDATION:**

That Report No. 90-07 regarding the Ball's Falls Centre for Conservation – Update be received for information purposes.

**Prepared by: Darcy B. Baker - Director, Land Management**

Respectfully Submitted By: \_\_\_\_\_  
Andrew L. Burt, General Manager/ Secretary-Treasurer



250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
E-mail: [npca@conservation-niagara.on.ca](mailto:npca@conservation-niagara.on.ca)  
Tel (905) 788-3135  
Fax (905) 788-1121

**TO: Chairman and Members of the Authority**

**DATE: January 2, 2008**

**RE: PROJECT STATUS REPORT - REPORT NO. 91-07**

### **WATER MANAGEMENT**

#### **Binbrook Reservoir – City of Hamilton (Glanbrook)**

1) Reservoir Water Levels

The reservoir water levels for the last 30 days have generally fluctuated between 649.3 feet and 649.1 feet (for reference the dam holding level is 650.50 feet). NPCA staff continue to monitor the reservoir water levels daily.

#### **Shriner's Creek – City of Niagara Falls**

The 2003 Shriner's Creek Study had recommended that the existing NPCA owned stormwater detention facility (known as Dyke B) located west of Kalar Road on the Shriner's Creek W5-4 Tributary be modified in order to improve water quality, attenuate flows, and provide year round base flow to the Shriner's Creek system. The NPCA has retained the firm of Totten Sims Hubicki in order to redesign the stormwater facility. A preliminary design has been reviewed by the NPCA and has been sent back to TSH for revision. Final design drawings are expected in early December.

#### **100 Year Regulatory Floodplain Mapping**

1) Town of Fort Erie Floodplain Mapping

The NPCA has taken complete delivery (both digital and hard copy) of the finalized floodplain mapping from Philips Engineering in support of the Fort Erie Watershed Plan. Regulatory mapping of the 100 year floodplain has been generated for: Black Creek, Beaver Creek, Miller Creek, Kraft's Drain, Six Mile Creek, and Baker Creek.

4) Town of Niagara-on-the-Lake Floodplain Mapping

The NPCA has taken complete delivery (both digital and hard copy) of the finalized floodplain mapping from Aquafor Beech Limited in support of the Niagara-on-the-Lake Watershed Plan. Regulatory mapping of the 100 year floodplain has been generated for: Two Mile, Four Mile, Six Mile, and Eight Mile Creeks.

#### **NPCA 'Regulation of Development, Interference with Wetlands, and Alteration to**

### **Shorelines and Watercourses' Permits**

The NPCA regulates construction around watercourses, wetlands, valley lands, shorelines, and floodplains. The NPCA has currently approved 68 permit applications for the 2007 calendar year.

### **Drinking Water Source Protection (SP) Program under the Clean Water Act**

#### **SPC Formation**

The Authority's Ad-Hoc Committee met on October 30 to select nominees for the Source Protection Committee. See the SPA Board reports for details on the SPC selection recommendations. The SPC members must be appointed by the SPA board by November 21 to be in compliance with the Clean Water Act and regulations. The first SPC meeting is scheduled to take place on Monday December 10, 2007.

#### **Technical Reports Update**

The Tier 1 water budget work is progressing as planned. Source protection staff are currently soliciting proposals from consultants to complete some Tier 1 water budget HEC-HMS modeling tasks.

The NPCA source protection staff continue to assist the Niagara Region with the Intake Protection Zone (IPZ) Studies.

### **Fifteen-Sixteen-Eighteen Mile Creeks Watershed Plan**

The Steering Committee for the Fifteen-Sixteen-Eighteen Mile Creeks Watershed Plan met on Wednesday October 17, 2007 to review the Draft Fifteen-Sixteen-Eighteen Mile Creeks Watershed Plan. Recommended changes are under way and the plan will be presented to the public at an open house on November 29 at Lincoln Town Chambers.

### **South Niagara Falls Watershed Plan**

Research for Phase 2 of the South Niagara Falls Watershed Plan has been completed and a copy of the Draft South Niagara Falls Watershed Plan has been sent to each member of the Steering Committee for review. A Steering Committee meeting has been set for December 5<sup>th</sup> to review the Draft Watershed Plan. This watershed plan will be presented to the public early next year.

### **Lake Erie North Shore Watershed Plan**

Background research and writing has been temporarily put on hold to focus on finishing up 15-16-18 Mile Creeks Watershed Plan and South Niagara Falls Watershed Plan. Research and writing of Lake Erie North Shore Background and Characterization will recommence later this year.



## **Central Welland River Watershed Plan**

Background research and writing has been temporarily put on hold to focus on finishing up 15-16-18 Mile Creeks Watershed Plan and South Niagara Falls Watershed Plan. Research and writing of Central Welland River Background and Characterization will recommence later this year.

### **Water Quality Program**

Routine monthly surface water quality monitoring at 60 stations located throughout the NPCA watershed has been completed for the 2007 season and will be resumed again in the spring of 2008. The fall benthic invertebrate sampling is currently underway despite the low flow conditions encountered in several parts of the watershed. Fall benthic invertebrate sampling has been completed at several stations located along the north shore of Lake Erie as part of the watershed plan. The NPCA will also be collecting benthic invertebrate samples at Hamilton International Airport as part of the 2007 annual biomonitoring assessment.

Groundwater monitoring continues at all 15 Provincial Groundwater Monitoring Network (PGMN) wells. Fall samples have been collected at 11 of 15 groundwater wells and laboratory results are pending. Samples were also collected for the Niagara Regional Police Forensics Department as part of a broader provincial initiative to gather stable isotope data from regional aquifers. Water levels in most NPCA monitoring wells are observed to be lower than usual, indicating that this year's drought conditions are also impacting local groundwater levels.

## **Niagara River Remedial Action Plan**

### **Contaminated sediments:**

The Technical Steering Committee met in early October to review and discuss a synthesis of the public comments received from the Lyon's Creek East and West Open Houses; receive an update on remedial activities by Hydro One at Lyon's Creek West and to discuss with Transport Canada (major property owner at the West site) what their plans are for the site; and, plan the next steps in the projects. The representative for Transport Canada agreed to send a letter to the committee regarding the agency's intentions for its property at the site.

The next committee meeting is scheduled for January 15, 2008. The selection of the preferred remedial option for each site and finalization of the Phase IV report will be priority agenda items.

The second meeting of the Community Liaison Committee (CLC) for Lyon's Creek East was held in late October 2007. The committee received presentations by Dougan & Associates on the findings of the wetland study and Dillon Consulting on the findings of the human health risk assessment. The next meeting is scheduled for November 27, 2007 when Rein Jaagumagi will speak about the site characterization study and the ecological risk assessment.

In the meantime, and in response to public concern about flow in Lyon's Creek East, a Public Open House is being planned through the South Niagara Falls Watershed Planning Process for the evening of November 20. The purpose is to inform the community about the history of Lyon's Creek East regarding the construction of the Welland Canal, the severing of the Lyon's Creek East and West watercourse and the compensating pumping (flow augmentation) of Lyon's Creek East, which is managed by the St. Lawrence Seaway management Corporation.

## **Niagara Water Strategy (NWS):**

The next meeting of the NWS Water Advisory Group is on November 22, 2007 at the Best Western Beacon Harbourside, Jordan.

## **Stage 2 Update:**

The RAP Coordinating Committee met in mid-October, 2007. Reorganization has taken place within Environment Canada and this has resulted in a change of staff representation on the committee.

The RAP Coordinating Committee is currently reviewing the following documents:

- The draft Niagara River (Ontario) RAP Stage 2 Update Report (October 2007 version).
- The draft Niagara River (Ontario) RAP Work Plan, version 3.
- The draft Niagara River (Ontario) Monitoring Plan (August 2007).

The Final Draft of The Technical Review Report - *Technical Review of Impairments and Delisting Criteria June 2007* - is currently under internal review by Environment Canada and MOE.

A Technical Working Group (TWG) is being organized for the Welland River Eutrophication Study. A draft Work Plan and Terms of Reference for the study have been prepared for review by the TWG. A TWG meeting is being planned for mid-January, 2008.

NPCA staff are co-chairing the new RAP Science Committee, which is anticipated to meet again in January 2008. The focus of the meeting will be the Niagara River RAP Monitoring Plan.

## **International Liaison:**

The focus of the Habitat Advisory Committee (for Niagara River and Buffalo River RAP) is to develop community-based habitat restoration goals for the Buffalo and Niagara River AOCs; to develop measurable delisting criteria for the Buffalo River AOC; and to begin assessment of habitat needs and opportunities in the Niagara River watershed. The committee has requested information on delisting criteria developed during the Niagara River RAP (Ontario) Stage 2 review.

The next meeting is scheduled for late November 2007.

## **Niagara River Toxics Management Plan (NRTMP):**

Staff attended the public meeting on October 24, 2007 at the Holiday Inn on Grand Island, N.Y.

## **Upcoming conferences:**

November: Staff will be attending the A.D. Latornell Conference Symposium to provide a presentation on challenges and opportunities for delisting the Niagara River (Ontario) RAP.

## **Niagara River RAP / Welland River Restoration**

Staff, along with thirty students from Niagara College's Ecosystem Restoration program completed a riparian restoration project along the Welland River just upstream from the Port Davidson Weir. The students learned and put to use two bioengineering techniques including

the installation of dogwood and willow fascines and live stakes to reduce erosion along the banks and increase vegetative cover and habitat.

Staff finished 2 wetland restoration projects that started in the fall of 2006 by transplanting native white water lilies (*Nymphae odorata*) into the shallow areas of the wetlands to increase diversity, improve water quality and increase the aesthetic value for the landowners.

A riparian buffer project will get underway within the next two weeks along the Welland River in Niagara Falls. Staff will be using coir logs (bioengineering technique), live stakes and native species plantings to reduce soil erosion from wave action, improve water quality and increase wildlife habitat.

### **Watershed Restoration**

A ¾ acre wetland has been excavated in upper Sixteen Mile Creek off Tice Road in Pelham. Seeding will be completed this fall with trees and shrubs being scheduled for planting in spring 2008. This wetland creation project nicely complements a mix of forested areas, meadows, shelterbelts and hedgerows on the 45 acre property.

A planting project planned for 2008 includes a property owner adjacent to a large NPCA planting & wetland site completed this year in Grassie. The new project will include the planting of 750 m of shelterbelt and hedgerow and expand a north/south wildlife corridor.

### **Twenty Mile Creek Restoration**

A grassed waterway project was completed with Greenbelt and Environmental Farm Plan - Green Cover partnerships. The grassed waterway will benefit water quality by controlling erosion and soil loss into Twenty Mile Creek tributaries.

Staff are working with a landowner and a tenant farmer to control soil erosion and halt a series of gullies from further developing in farm fields adjacent to Twenty Mile Creek. The project involves the installation of rock chutes and rock weirs to control water velocities and sediment transport and will utilize the eagerness of Niagara College Ecosystem Restoration students to carry out the work.

Staff have met with landowners in the upper watershed interested in reforesting up to ten acres. This project will be planned for the spring of 2008, and is ideal as it is adjacent to Provincially Significant Wetlands and is located just inside the Provincial Green Belt Protected Countryside boundary.

### **Twelve Mile Creek Restoration**

Staff are investigating the feasibility of remediating a failing berm and overflow structure on an on-line pond along a warm-water stream above Shorthills Provincial Park, to prevent a likely spring collapse that would flush sediment into the important fish habitat downstream. The project would include buffer creation, shoreline naturalization and habitat creation.

A combined pumice and manure composting structure is planned for November construction at a winery. The project's objective is to control run-off to protect water quality. The work will be co-funded by the Environmental Farm Plan.

Other new projects currently under development include a wetland creation in the floodplain of a headwater of Terrace Creek, to filter overland runoff, enlarge floodplain capacity, and improve fish habitat. Two landowners in the sensitive Upper Twelve Mile Creek area have expressed interest in improving stream buffers on their properties. One of these will include reforestation of about five acres of lawn.

Niagara College Ecosystem Restoration students enthusiastically planted hundreds of acorns, potted trees and shrubs, and wetland wildflower plugs to complete this year's work at Site 9 of the Lower Twelve Mile Creek restoration work on OPG lands. Site 6 will see large stock trees planted by Trees Unlimited later this month. As this greenbelt is much used by walkers and cyclists, information signage about the restoration activities will be installed shortly by OPG. The signs have OPG contact information, project description, as well as partnership (OPG, NPCA, Green Committee of St. Catharines, and Land Care Niagara) logos.

### **Niagara-on-the-Lake Watershed Restoration**

Staff completed bank stabilization work at Creekside Senior Estates in the upper Four Mile Creek watershed. This work included installing shrub cuttings in the bank above earlier erosion control work. The willow and dogwood cuttings are expected to root and protect the bank from further erosion.

Several Native riparian plantings are being negotiated with landowners living adjacent to One mile Creek.

Staff are currently working on a landowner stewardship or "How to" Manual in order to meet the objectives of the One Mile Creek Watershed Strategy.

### **EC Brown Wetland Restoration Project**

All wetland construction work has been completed. The overall project includes excavation of the wetland area, construction of a water control structure to help maintain water levels, trail development with platforms overlooking the river, interpretive signage, and native wildflowers and grasses plantings.

Wildflower and grass planting took place in mid August; aquatic wetland plant species were transplanted in late August. Species such as white lily, arrowhead, cattail, green bulrush, giant bur-reed, and tape grass were transplanted to augment seeding activities and natural plant migration.

The Parking Lot and the Stone Dust Trails have been completed. The Outlook Viewing Platforms are under construction by field staff and will be completed by December.

A Main Trailhead sign and 7 interpretive pedestal signs are completed and will be installed in the spring. (See attached Air Photograph and site design).

### **ECO School Program**

Monitoring Journals were developed and distributed to all schools participating in the program. A request letter was sent to each school requesting the return of the journals for analysis. The journals were to be filled out by staff and students from the time the plot was created until the end of the growing season. Drawings and photos have also been included. Staff use these journals to monitor the maintenance and growth of the projects.

### **Yellow Fish Road Program**

Several volunteer events were coordinated over the course of the summer. Two volunteer events that were planned for the month of October need to be rescheduled due to the weather. Several Yellow Fish Road presentations and demonstrations were delivered to various elementary schools in our watershed, due to interest generated at the Children's Water Festival. Staff will be compiling the information in a year-end report to be provided to Trout Unlimited.

### **Outreach Programs**

The In-school Conservation Presentations continue every Thursday at various schools throughout our watershed. There has been a great deal of positive feedback from both students and teachers about the programs. The programs are continually updated and revised based on feedback and to keep up with current issues and NPCA projects.

## **LAND MANAGEMENT**

### **Ball's Falls Conservation Area**

The "Monster Mash" on Sunday October 29<sup>th</sup> was well attended with 20 children participating. Dawn and Shelley Lowe and Garbielle Beerman volunteered to assist at the event. The children enjoyed games, a craft and made their own gravedigger dessert!

The Curator attended a focus group session on October 23<sup>rd</sup>, hosted by the City of St. Catharines, regarding the Morningstar Mill End Use Feasibility Study which IBI Group is undertaking for the city. About 30 individuals representing site volunteers, city staff, politicians and outside organizations were invited to offer input on possible scenarios for the future development and management of the city-owned resource. The NPCA has since been contacted by IBI Group requesting information about the funding, costs and revenue sources for CA properties, audited financial statements and specifically for Balls Falls, the Master Plan including visitor statistics (e.g. annual visitation, origin, purpose of visit, etc).

The Heritage Program Assistant attended a 2 day course entitled "Housekeeping in Historic Museums" offered by the Canadian Conservation Institute. The course provided staff with a refresher on curatorial house-keeping practices and identified some new products on the market to assist in maintaining historic structures as museums.

A film crew will be taping an episode of "Ghost Trackers", a YTV teenage reality series, at Ball's Falls on November 12<sup>th</sup> and 13<sup>th</sup>.

Preparations are well underway for the 'Christmas in the Country' education program (November 19 – December 13<sup>th</sup>). Staff and volunteers are currently decorating the buildings for the program. The heritage program assistant has contacted over 30 schools/teachers via email, fax or phone to market the program. To date reservations for 800 students have been confirmed.

The public Christmas Open House will be held on Sunday November 25<sup>th</sup> from 1:00pm – 3:30 pm to showcase the buildings that are decorated for Christmas. The Playford Players will perform in the church, presenting Christmas readings, and seasonal music featuring hammer, dulcimer, guitar and mandolin. This year for the first time, a children's workshop, "Twas the Night Before Christmas" will be offered at 12:30pm and 1:45 pm for \$5 per session.

### **Ball's Falls CA Visitor Centre**

This past month saw all trades working to make progress on the building and site, the construction site is becoming congested with trades working on top of one another to complete all of the interior finishing.

Inside the building the room partitions, ductwork, interior masonry, aluminum frames, curtain wall and solarium are progressing well. The main rooms are taking shape around the large multi-purpose room and the gift shop and office area partitions are starting to define the interior space at the main entrance. Some remaining windows and the skylight are yet to be installed to fully seal the building exterior. In consultation with the architects paint and stain colours were selected for the interior woodwork and ceiling upon reviewing actual samples on site.

On site the concrete south patio and east entrance walkway were installed, grading for the parking lot is well underway, and work around the pond, pedestrian bridge and cisterns is taking place. Parking lot light bases are now installed and permanent electrical connections are near completion prior to installing the site light poles.

Weekly meetings are being held with our staff, the architects, consultants and contractors to monitor the building schedule and resolve questions as they arise.

LEED compliance is being tracked by our consultants and the building commissioning items are being scoped and documented as the building systems progress. Staff are monitoring the work in progress and taking photographs for our reference and file.

The design and construction phase of the exhibits for the new facility is nearing completion. Final edits are underway for the information panels and the construction of exhibit components are nearing completion. Final colour selections for display panels will be made on site in early December.

### **Beamer Memorial Conservation Area**

Later this month, staff will be meeting with the Niagara Peninsula Hawkwatch group to coordinate planning for the upcoming 2008 Hawkwatch event. This annual event attracts many watershed residents to see the annual spring migration of hawks, vultures, eagles and falcons and increase the awareness of environmental health through the monitoring of the this migration.

### **Binbrook Conservation Area**

An application for the stocking of walleye has been submitted for the Binbrook Conservation Area, Lake Niapenco. This stocking venture is in partnership with the Glanbrook Conservation Committee to increase the recreational angling opportunities for walleye fishing. If approved the stocking would take place in several phases over 4 years.

### **Wainfleet Wetlands Conservation Area**

Staff are completing quarry depth measurements on the Wainfleet Wetlands abandoned quarries. Field work has been completed and computer mapping is underway. This information will be used to establish baseline information and as part of the on-going site monitoring. This information will also be used to track potential impacts to this property, should the adjacent quarry proposal be approved.

### **NPCA Hunting Program**

#### a) Waterfowl Program

November 29, the waterfowl hunting program closes at Mud Lake Conservation Area. All information on waterfowl harvest is to be received at the office in early January. From this information staff will assess further hunting program and habitat site needs.

#### b) General

Staff have received and issued an additional 50 hunting permits/permission for 2007. To date 343 hunting permits have been issued. Of these, 41 permits are issued to individuals residing outside of our administrative area.

### **LaMP Biodiversity Conservation Strategy**

Staff Ecologist will be attending the Dec. 5 and 6 meeting of the bi-national collaboration to complete a habitat conservation strategy for Lake Ontario. Conservation targets, threats to biodiversity and the ultimate strategy for co-coordinating efforts to self-sustaining communities are being defined over a series of meeting/workshops. This initiative is being led by the Nature Conservancy of Canada.

### **General Conservation Areas**

#### **Binbrook CA**

The children's fishing dock project has now been completed by our field staff. The installation went smoothly installing the wood structure and decking, working around the existing gabion walls and trees on site. The grounds are cleaned up and re-seeded where turf was damaged or removed by construction. The dock is ready for public use, and our staff is now finishing the wood decking for the floating docks to be placed at the boat launch. Look for increased fishing and boat rentals in this area of the park next spring!

Our land management and park staff are also assisting with the dam spillway project and have met with the contractors who have been awarded the project. All trees in way of the anticipated construction route have been flagged. Staff are working with the contractor on the tree moving portion which began on site Nov. 12<sup>th</sup>

#### **EC Brown - New Constructed Wetland Project**

Staff in the land department are continuing to assist the restoration team with the design, mapping, and planning of the restoration works for this year, in addition to reviewing the interpretive signs being produced out of house. The gravel parking lot, including bermed areas and armourstone work is now completed. Field staff have been hard at work installing the new

recreational trails on the property, almost 1km of granular trail are nearing completion for public use.

### **Ellis Property - Jordan**

Ontario Heritage Trust visited our staff at the property November 1<sup>st</sup> and were pleased with the site work and co-operation of our agency in completing work on the property to date. Tree planting was then completed by the landscape contractor Nov. 7<sup>th</sup> to replace trees that were removed for the Jordan watermain project. The final report and paperwork are all that is left to submit to OHT to close out this project.

### **Campgrounds**

Campgrounds are winterized, and staff are now working out of the Central Workshop. Planning is already underway for the 2008 camping season; including the annual review of fees, a review of reservation systems, re-numbering campsites and updating park maps, and capital planning.

Nineteen new campsites have been developed in the former "Group A & B" areas at Chippawa Creek. These will be available for the 2008 season. This modification of an existing camping area will improve campground revenues, reduce user conflicts (that were caused by the proximity of large groups to small families), and will offer a "new" type of camping alternative: this location will be NPCA's first "Radio / Noise Free" camping loop - a type of camping that has proved very popular in many parks.

### **COMMUNITY RELATIONS**

The 2007 Awards Presentation and Reception will be held on Wednesday, November 28, 2007 at the Four Points Sheraton Suites commencing at 7:00 p.m. Invitations have been sent to all nominees.

### **Watershed Report Card**

Staff participated in a meeting held at the Region to determine future coordination of the Watershed Report Card. A discussion ensued regarding the need to produce this report on an annual basis. Further discussion with the partners will take place at a future date to determine how this project moves forward.

### **14<sup>th</sup> Annual Latornell Symposium**

The 2007 Symposium will take place from November 13-15, 2007. There are several notable speakers attending. This year the Pioneer Awards will honour five recipients for their outstanding commitments to Ontario's environment. The ceremony will take place during the Harvest Banquet Dinner starting at 7:00 pm on Thursday, November 15<sup>th</sup>, 2007. The award recipients include Bruce Duncan (Paris), Deborah Beatty (Toronto), Lou Wise (Don Mills), Michael Hough (Etobicoke), Ted Mosquin (Lanark). Mr. Duncan's award is being presented posthumously and will be accepted by his family. Ontario's newly appointed Minister of the Environment, John Gerretsen, will be in attendance.

The theme of this year's symposium, ***Your Watersheds, Our Great Lakes***, draws attention to the Great Lakes – St. Lawrence watershed. Delegates to this year's event will explore past actions and discuss strategies to improve on the conditions within the Great Lakes – St. Lawrence watershed. A total 1,100 delegates – the largest number ever - are expected to attend



the Symposium. The A.D. Latornell Conservation Symposium was started in 1993. Since then, the Symposium has grown to be Ontario's most prestigious and well-attended annual conservation conference.

### **Schools in Bloom Program**

The Conservation Authority was recognized for its ongoing support of this program which is coordinated through the City of Niagara Falls. Staff attended an awards event on October 25 to recognize all the participants in this important program.

### **Yellow Fish Road**

Staff will be attending a symposium hosted by the provincial branch of Trout Unlimited Canada on December 12.

## **NIAGARA PENINSULA CONSERVATION FOUNDATION**

### **Elimination Draw & Dinner**

A good time was had by all at the Foundation's 6<sup>th</sup> annual Elimination Draw & Dinner held on Friday, November 2<sup>nd</sup> at the Welland Lions Community Centre. Tickets were sold for \$65 each and included in the price was a delicious five-course meal, open bar and the opportunity to win more than \$1,000 in cash prizes. As a result of ticket sales and the 50/50 draw, \$3,000 was raised in support of the Centre for Conservation project at Ball's Falls. Many thanks to Board members and staff for their support and assistance at the event.

### **Niagara Jazz Festival**

Organizers of this event (formerly known as Music on the Henley) are looking to collaborate with our Foundation for this event. With their focus being 'Music in Harmony with Nature', they would like to provide a vehicle for us to raise awareness of local conservation efforts and are looking to donate a portion of the proceeds from this event to our cause. Staff will work with event organizers to confirm details in the new year. The 2008 Festival will take place on Henley Island in Port Dalhousie on August 16<sup>th</sup> and 17<sup>th</sup>.

### **Recommendation:**

**Report No. 91-07 outlining the status of Authority projects be received for information.**

Respectfully Submitted by:

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Andrew L. Burt, General Manager/Secretary-Treasurer