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**NIAGARA PENINSULA CONSERVATION AUTHORITY
FULL AUTHORITY**

WELLAND

AGENDA

JANUARY 16, 2008 – 7:15 p.m.

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

BUSINESS:

(1) MINUTES - FULL AUTHORITY MEETING – DECEMBER 12, 2007

Attached are the Minutes of the Full Authority meeting held December 12, 2007.

(2) BUSINESS ARISING FROM MINUTES

(3) CHAIRMAN'S REMARKS

(4) GENERAL MANAGER'S REPORT

**(5) NIAGARA-ON-THE-LAKE IRRIGATION SYSTEM - PERMIT REQUIREMENTS -
REPORT NO. 01-08**

(6) 2007 YEAR IN REVIEW

A PowerPoint presentation providing an overview of the various Authority projects and program activities in 2007 will be presented

(7) OTHER BUSINESS

ADJOURNMENT

WELLAND

**NIAGARA PENINSULA CONSERVATION AUTHORITY
DECEMBER 12, 2007**

7:00 p.m.

MINUTES

MEMBERS PRESENT

D. Ransom, (Chairman)
B. Baty (Vice-Chairman)
G. Burroughs
B. Butters
T. Dalimonte
C. D'Angelo
D. DiFruscio
A. Fevez
B. Henderson
N. Johnson
B. Steckley

MEMBERS ABSENT:

B. Bentley (with regrets)
D. Goulbourne (with regrets)
B. Greenwood (with regrets)
B. Heit (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

DELEGATIONS:

Lisa Drynan

OTHERS PRESENT:

Grace Malinowski
Chad Kizlyk

BUSINESS:

The Chairman called the meeting to order at 7:07 p.m., welcomed everyone in attendance and then requested that if anyone had a conflict of interest to declare it.

MINUTES - FULL AUTHORITY MEETING –NOVEMBER 21, 2007

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

FA-147-07

MOVED BY: G. Burroughs

SECONDED BY: B. Henderson

THAT: the Minutes of the Full Authority meeting held November 21, 2007, be received and approved as printed.

"CARRIED"

(2) BUSINESS ARISING FROM MINUTES

There was no business arising from the Minutes.

(3) DELEGATIONS

The Chairman advised that Lisa Drynan was in attendance to make a presentation to the board and asked her to come forward.

Ms. Drynan advised she was a contractor and representing her client who owns a property located in Stoney Creek. The owners want to build an addition to the current house, in excess of the Authority's policy for properties located in the floodplain. A lengthy discussion took place and the following resolution was presented

FA-148-07

MOVED BY: B. Baty

SECONDED BY: N. Johnson

THAT: the request of Lisa Drynan on behalf of the landowner Lori Hudson with respect to obtaining permission to build an addition in excess of the Authority's policy be approved as an exception to the policy, in that the building size was reduced within a 5 year period and as a result, was prior to this request, a sufficient size to allow the addition.

In Favour 4 Opposed 6

"DEFEATED"

The Chairman thanked Ms. Drynan for her presentation.

(4) CHAIRMAN'S REMARKS

The Chairman thanked Authority staff for the excellent organization and planning of the recent Conservation Achievement Awards reception. He also thanked the Board members who attended to show support for this event.

(5) GENERAL MANAGER'S REPORT

The General Manager advised that the inaugural meeting of the Source Protection Committee had taken place on the previous Monday.

The General Manager identified that the Board had previously nominated Marion Holman for the 2007 Senior Achievement Awards issued by the Province. The General Manager noted that we had been advised that Marion was one of 24 recipients of this award and the Lieutenant Governor would be presenting this at Queen's Park in February.

ACCOUNTS – NOVEMBER, 2007 – REPORT NO. 92-07

There were no questions with respect to the accounts. The following resolution was presented.

FA-149-07

MOVED BY: T. Dalimonte

SECONDED BY: b. Steckley

THAT: The list of accounts for the month of November, 2007, in the amount of \$315,959.47 be received and approved.

"CARRIED"

(7) 2008 CURRENT BUDGET – REGION OF NIAGARA – REPORT NO. 93-07

The General Manager outlined the staff report. A lengthy discussion took place and it was the direction of the Board that the Conservation Authority should decline the assumption of the Tree Conservation By-Law responsibilities at this time and that the Region of Niagara be so advised.

FA-150-07

MOVED BY: M. DiFruscio

SECONDED BY: B. Henderson

THAT: Report No. 93-07 regarding the 2008 Current Budget – Region of Niagara be received.

"CARRIED"

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

The Director, Water Management outlined changes made as requested at the November meeting and responded to questions. Barbara Butters advised that Rene Landry requested that she thank Authority staff for their consideration of his concerns on the

municipal drain issue. Bob Steckley also thanked the Board on behalf of Rod Tripp and Brett Ruck regarding the changes to the policy. He did note that he had a request for further changes and provided the Board members and staff with a copy of the proposed changes. The Director, Water Management advised that he felt this would be acceptable. It was requested that the members be provided with a copy of the pages containing the final changes. The following resolution was presented.

FA-151-07

MOVED BY: B. Butters

SECONDED BY: M. DiFruscio

THAT: Report No. 94-07 regarding the Policies, Procedures and Guidelines for Administration of Ontario Reg. 155/06 and Land Use Planning Policy Document be received; and

That the Policy Document dated December 12, 2007 be approved and adopted as amended; and further

That the Policy Document be forwarded to all watershed municipalities and other interested parties.

"CARRIED"

(9) WATER AVAILABLE STUDY – REQUEST FOR PROPOSALS- REPORT NO. 95-07

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

FA-152-07

MOVED BY: C. D'Angelo

SECONDED BY: T. Dalimonte

THAT: Report No. 95-07 regarding the Water Availability Study - Request for Proposals be received.

"CARRIED"

(10) CONSULTANT SELECTION – WATER AVAILABILITY STUDY – REPORT NO. 100-07

The Director, Water Management outlined the staff report and responded to questions. The following resolution was then presented.

FA-153-07

MOVED BY: G. Burroughs

SECONDED BY: T. Dalimonte

THAT: Report No. 100– 07 regarding Consultant Selection – Water Availability Study be received; and

That AquaResource Inc. be awarded the Water Availability Study in accordance with their proposal dated November, 2007 for the upset cost of \$73,764 (including GST).

"CARRIED"

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

The Director, Land Management outlined the staff report. A lengthy discussion took place after which the following resolution was presented.

FA-154-07

MOVED BY: Bob Steckley

SECONDED BY: G. Burroughs

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.

"CARRIED"

(12) 2008 CONSERVATION AREAS FEES SCHEDULE – REPORT NO. 96-07

The Director, Land Management provided a detailed outline of the proposed changes. After responding to questions, the following resolution was presented.

FA-155-07

MOVED BY: B. Steckley

SECONDED BY: T. Dalimonte

THAT: Report No. 89-07 regarding the 2008 Conservation Areas Fee Schedule be received and the recommendations therein approved.

"CARRIED"

(13) BALL'S FALLS HERITAGE ADVISORY COMMITTEE – REPORT NO. 97-07

The General Manager presented the staff report. The following resolution was then presented.

FA-156-07

MOVED BY: A. Fevez

SECONDED BY: B. Henderson

THAT: Mike Hunter and Fred High be appointed to the Ball's Falls Heritage Advisory Committee for a 3 year term effective January 1, 2008 – December 31, 2010.

"CARRIED"

PROJECT STATUS REPORT – REPORT NO. 98-07

Andy Fevez questioned what the Authority charges for hunting permits in our Conservation Areas. The Director, Land Management advised that we do not charge for this service. It was then suggested that a fee be implemented in the amount of \$25.00 beginning in 2008. A discussion took place and it was agreed to charge this fee beginning in 2008 and it would be added to our conservation areas fee schedule. The following resolution was presented.

FA-157-07

MOVED BY: B. Henderson

SECONDED BY: B. Butters

THAT: Report No. 98-07, outlining the status of Authority projects be received for information.

“CARRIED”

OTHER BUSINESS

(a) Brian Baty indicated he wished to have some clarification on the studies that are required for irrigation ditches and has the Conservation Authority requested these studies. The General Manager responded that this may be referring to water taking permit applications through MOE. He noted that the study/monitoring requirements associated with water taking permit applications has increased in recent years for all applicants including the Conservation Authority. The General Manager advised he would clarify this matter in a memo.

(b) **2008 ANNUAL MEETING & REGULAR MEETING SCHEDULE – REPORT NO. 99-07**

There were no questions with respect to this report. The following resolution was presented.

FA-158-07

MOVED BY: B. Steckley

SECONDED BY: T. Dalimonte

THAT: the 2008 Authority Meeting Schedule as outlined in Report No. 99-07 be approved; and

That the 2008 Annual meeting be held January 16, 2008.

“CARRIED”

(c) **FAMILY DAY – DESIGNATION AS STATUTORY HOLIDAY – REPORT NO. 101-07**

The General Manager outlined the staff report and the following resolution was presented.

December 12, 2007 – continued

FA-159-07

MOVED BY: G. Burroughs

SECONDED BY: C. D'Angelo

THAT: the Personnel Regulations and Terms of Employment be amended to include Family Day as a statutory holiday.

“CARRIED”

IN-CAMERA - VIOLATION AND COMPLAINT STATUS REPORT – REPORT NO. CR-11-07

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

FA-160-07

MOVED BY: B. Henderson

SECONDED BY: B. Baty

THAT: this meeting do now move in-camera.

Received at 9:30 p.m.

“CARRIED”

FA-161-07

MOVED BY: A. Fevez

SECONDED BY: G. Burroughs

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

Received at 9:34 p.m.

“CARRIED”

ADJOURNMENT

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

FA-162-07

MOVED BY: C. D'Angelo

SECONDED BY: B. Baty

THAT: this meeting do now adjourn.

Received at 9:34 p.m.

“CARRIED”

"L. Sawatzky, Recording Secretary

D. Ransom, Chairman"



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TO: The Chairman and Members of the Authority

DATE: January 4, 2008

**SUBJECT: Niagara-on-the-Lake Irrigation System – Permit Requirements
- Report No. 01-08**

At the December Board meeting a question was raised about the studies being required to use municipal drains for irrigation purposes in the Town of Niagara-on-the-Lake, the associated costs to the proponent and the Conservation Authority's involvement. To try and simplify a somewhat complex situation, I have summarized the information below:

- a) The Ministry of the Environment (MOE) has required the Town of Niagara-on-the-Lake to obtain water taking permits in accordance with the Ontario Water Resources Act to use their municipal drain system for the purposes of irrigation. It is my understanding that the Town has several water taking permits currently in place including one for the Harrison Drain and one for the existing Airport-Bright-Lavigne Drains.
- b) MOE has increased the requirements for background studies, monitoring and reporting for water taking permits across the Province over the past several years.
- c) Under the terms of the water taking permits presently issued to the Town (issued in 2005), MOE imposed several conditions including the requirement that the permit holder submit a detailed study plan designed to measure and quantify the short-term and long-term impacts of diverting surface water to and enhanced flow through the different systems. The permits state that the *plan "shall include, at a minimum, a general understanding of how the aquatic ecosystem functions including: a hydrological study under the new flow regime, a fisheries and benthic invertebrate study, an erosion and sediment transport study and a determination of change in physical and chemical water quality in the system. Following approval by the Director, the permit holder shall implement the plan."* It is my understanding that these are standard conditions applied to most permits by MOE.
- d) The conditions stipulated on the existing water taking permits were determined by MOE several years prior to the Conservation Authority providing comments to MOE on water taking permit applications.
- e) The Town/Irrigation Committee is now contemplating increasing the flow volumes to the Airport-Bright-Lavigne Drain to enhance irrigation opportunities along this system. For this to proceed, a new water taking permit is required from MOE as well as a permit from the Conservation Authority under Ontario Regulation 155/06. Although no formal application has been made at this time to increase the flows, Conservation Authority staff have advised on the preliminary requirements to address the mandate of the Conservation Authority. Consultants for the

Town/Irrigation Committee have submitted a proposed monitoring program which Conservation Authority staff have advised is satisfactory but would require it be conducted for 3 years to adequately assess the impacts of the flow augmentation on the aquatic system. The Conservation Authority has also required that fish community sampling be carried out in the spring and summer to assess the impacts of the flow augmentation on the fisheries. It is noted that the studies required by MOE as a condition of their water taking permit would generally meet the needs of the Conservation Authority.

- f) Traditionally development is not permitted to increase flows in watercourses because of the potential adverse impacts on the hydrological regime and the aquatic ecosystem. Where a development proposal would result in increased flows to a watercourse, the proponent would be required to carry out detailed studies to ensure no adverse impacts, similar to those being requested for the expansion/enhancement of the irrigation system.
- g) The Conservation Authority is not handling these applications any different than it would an application by say a quarry operation which wished to introduce new water into an existing watercourse or drain.

While the requirements of the Conservation Authority are separate from those of MOE and Conservation Authority staff are unable to comment on the MOE requirements, we would be happy to meet with all parties to ensure that the study requirements are not duplicated.

RECOMMENDATION:

That Report No. 01-08 regarding the Niagara-on-the-Lake Irrigation System – Permit Requirements be received for information.

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