

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

**FULL AUTHORITY**

**WELLAND** **AGENDA** **SEPTEMBER 16, 2009 – 7:00 p.m.**

**ROLL CALL**

**DECLARATION OF CONFLICT OF INTEREST**

**BUSINESS:**

**(1) MINUTES**

**(a) FULL AUTHORITY MEETING – JULY 15, 2009**

Attached are the Minutes of the Full Authority Meeting held July 15, 2009.

**(b) BALL'S FALLS HERITAGE ADVISORY COMMITTEE MEETING –  
SEPTEMBER 2, 2009**

Attached are the Minutes of the Ball's Falls Heritage Advisory Committee Meeting held September 2, 2009.

**(2) BUSINESS ARISING FROM MINUTES**

**(3) CHAIRMAN'S REMARKS**

**(4) CAO'S REPORT**

**(5) 2009 CURRENT BUDGET – ESTIMATES TO YEAR END - REPORT NO. 51-09**

Attached is Staff Report No. 51-09 together with a copy of the Current Budget Estimates to Year End summary.

**(6) 2009 CAPITAL BUDGET – ESTIMATES TO YEAR END - REPORT NO. 52-09**

Attached is Staff Report No. 52-09 together with a copy of the Capital Budget Estimates to Year End summary.

**(7) 2010 PRELIMINARY CURRENT BUDGET – REPORT NO. 53-09**

Attached is Report No. 53-09 together with a copy of the Preliminary 2010 Current Budget.

**(8) 2010 PRELIMINARY CAPITAL BUDGET – REPORT NO. 54-09**

Attached is Report No. 54-09 together with a copy of the Preliminary 2010 Capital Budget.

**(9) NAVIGABLE WATERS PROTECTION ACT – PROPOSED CHANGES - REPORT NO. 55-09**

Attached is Report No. 55-09, with respect to this matter, together with a copy of the proposed amendments.

**(10) MARYDALE PARK – BINBROOK CONSERVATION AREA – REPORT NO. 56-09**

Attached is Report No. 56-09 regarding this matter.

**(11) PEDESTRIAN BRIDGE – STEVENSVILLE CONSERVATION AREA – REPORT NO. 57-09**

Attached is Report No.57-09 together with a copy of the proposed plan.

**(12) THANKSGIVING FESTIVAL TRAFFIC CONGESTION – REPORT NO. 58-09**

A detailed staff report will be provided at the meeting.

**(13) WORKPLACE HEALTH AND SAFETY POLICIES AND PROCEDURES – REPORT NO. 59-09**

Attached is Report.No.59-06 together with a copy of the Health and Safety Policy Statement.

**(14) PROJECT STATUS REPORT – REPORT NO. 60-09**

Attached is Staff Report No. 60-09 outlining the status of Authority projects and programs.

**(15) IN-CAMERA**

- (a) Complaint and Violation Status Report – Report No. CR-18-09
- (b) Tree By-Law Status Report – Report No. CR-19-09
- (c) St. John's Centre Discussions – Verbal Report on Progress

**(16) OTHER BUSINESS**

**ADJOURNMENT**

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

**DATE: September 10, 2009**

**SUBJECT: 2009 Current Budget – Estimates to Year End – Report No. 51-09**

Attached for your review and consideration is the Monthly Summary Status Report ending August 31, 2009 as well as the 2009 Current Budget Year End Projections (included in the 2010 Preliminary Current Budget Sheets) with the projected revenue and expenditures to year end. Provided below is an explanation of the significant variances from the approved budget.

Overall the budget is near a balanced position. Reduced revenues in some programs have been offset by savings or delayed expenditures in other programs, as follows.

#### Corporate Services

- Miscellaneous Revenues – Anticipated earned interest lower than anticipated due to significant reduction in interest rates. Amounts indicated reflect additional funds received from OPG and others for projects not previously identified. These projects do not affect the general levy amounts as the funds received are offset by equal expenditures.
- Office Services – Decrease in expenditures from delays in purchasing office equipment and upgrades.
- Human Resources – Savings in less than anticipated expenditures for Human Resource services.
- Information Technology – Savings from delays in purchasing computer upgrades and replacements.
- Reserve Amount higher than budget for 50<sup>th</sup> Anniversary expenditures (as previously approved by the Board)

#### Resources Inventory and Environmental Monitoring

- Watershed Report Card not published for 2009 due to funding constraints at the Region. Staff have discussed alternatives including the production of a joint NPCA/Niagara Region publication under the Water Quality Strategy program. The Region has hired additional staff resources to undertake this program and it is anticipated staff will meet with the new coordinator early in 2010.
- Water Quality Monitoring – Increase in cost due to additional work paid for by MOE. Staff salaries have been redirected to other program needs to assist in reducing overall General Levy requirements.
- Drain Classification – Work reduced to reflect the actual revenue received from DFO.

#### Flood Protection Services

- Anticipated revenues for permit fees for Regulations lower than the budget requires the reallocation of General Levy savings in from other programs.
- Regulation legal fees are increased substantially due to an increase in enforcement and prosecution activities.

### Environmental Advisory Services

- Lower than anticipated administrative fees received. Allocation of General Levy from savings in other areas required to offset.

### Conservation Land Program

- Wet season resulted in increased costs for maintenance (grass cutting) and lower than expected visitor attendance in all areas with the exception of Binbrook.
- Staff implemented mid season changes in Conservation Area operations to assist in offsetting lower revenues as a result of the above.
- Savings in General Levy redirected to other program areas with reduced revenues.

### Vehicles & Equipment

- Expenditures for vehicle purchases less than budgeted.

In summary, the projected total expenditures in the Current Budget are within the approved budget subject to the reallocation of General Levy as identified. Confirmation of final revenues in the Conservation Areas as well as revenues for the Thanksgiving Festival will be available for the October and November Board meetings. Should these revenues be less than anticipated, staff will make appropriate adjustments and/or recommend the allocation of operational reserves to balance the budget.

### **RECOMMENDATION**

**That Report No. 51-09 regarding the 2009 Current Budget – Estimates to Year End be received and approved.**

Respectfully Submitted By: \_\_\_\_\_  
Tony D'Amario, P. Eng., CAO/Secretary-Treasurer

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

**DATE: September 10, 2009**

**SUBJECT: 2009 Capital Budget – Estimates to Year End – Report No. 52-09**

Attached for your review and consideration is the Monthly Summary Status Report ending August 31, 2009 as well as the 2009 Capital Budget Year End Projections (included in the 2010 Preliminary Capital Budget Sheets) with the projected revenue and expenditures to year end. Provided below is an explanation of the significant variances from the approved budget.

#### Watershed Studies

- Slight reduction in expenditures for the Beaverdams and Shriners Creeks Watershed Plan due to the delays in several components of the work. Final report to be completed in 2010.

#### Resources Inventory and Environmental Monitoring

- Slight increase in program expenditures due to additional projects added throughout the year such financed through OPG and Provincial Funds that became available.
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#### Flood Protection

- Additional project funds for the Binbrook Dam from the MNR became available as well as use of past CURB funds to address erosion concerns around the reservoir perimeter.

#### Conservation Land Development

- Overall, expenditures in the Conservation Land Development Capital budget are lower than anticipated described as follows:
  - Land Acquisition Niagara – Total of approximately \$400,000 expenditure (Budget \$500,000) for the acquisition of 2 properties plus 3 additional properties proposed to year end.
  - Land Acquisition Hamilton – No properties available to date, anticipate carry over of funds to 2010 for acquisition of lands in the future.
  - Ball's Fall – Although significant work completed and underway at Balls Falls, some components delayed due to adverse weather conditions, expected carryover of funds to 2010 to complete the works.
  - Chippawa Creek – Working with MOE on waste water permits and alternative solutions has delayed completion of the work, anticipated completion for 2010.
  - Long Beach – Pavillion work completed however due to extended work required at the pavillion, comfort station improvements will not be completed in 2009 and will be carried over into 2010.
  - Beamer Memorial – Tower work and trail works completed with savings in projected costs.
  - Stevensville – Additional work (budget) required to undertake bridge replacement. This item is included later in the Board agenda for the meeting.

- Wainfleet Bog– Drainage and flooding problems along the trails created by Beaver Dams in the area has postponed work. Working with MNR staff to address their concerns relating to removal of the Beaver Dams. Proposed savings for this project recommended to be directed to Stevensville CA.
- Wainfleet Wetlands – Expected funding from external agencies not received and will delay project initiation.
- Virgil CA – Work on trails delayed due to weather conditions – To be completed in 2010.
- Hedley Forest – Original plan to extend trail not implemented as woodlot management needs required to be addressed prior to completion.
- Ruigrok Tract – Budget increase slightly as staff identified opportunities to extend trails.

All above works that are anticipated to be carried forward and implemented in 2010 have not been identified at this time in the 2010 budget. The carried forward amount will be included in the 2010 final budget submission to the Board following confirmation of the amounts.

### **RECOMMENDATION**

**That Report No. 52-09 regarding the 2010 Capital Budget – Estimates to Year End be received and approved.**

Respectfully Submitted By: \_\_\_\_\_  
Tony D'Amario, P. Eng., CAO/Secretary-Treasurer



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

**DATE: September 10, 2009**

**SUBJECT: Preliminary 2010 Current Budget - Report No. 53-09**

Attached for your review and consideration is the Preliminary 2010 Current Budget as presented and revised by the Budget Review Committee. An explanation of the significant program changes is provided below. It should be noted that the staff salaries/wages included in the budget reflect a 2.5% economic adjustment to the Authority's salary schedule as well as confirmed increases in OMERS contribution rates and other staff benefits. It is my understanding that the Regional Niagara economic adjustment amount has not been established at this time however there are indications from a staff level that the bargaining unit amounts are in the range of 2.5-3% and it is expected that non union would be similar. The NPCA has in the past attempted to match % increases in salaries with the Region. This would reduce the need to undertake salary reviews which often results in an implementation process requiring significant budget adjustments.

1) Corporate Services

- Interest Income – Reduced substantially (\$40,000) to reflect the reduction in bank and GIC interest as well as the declining balance of reserve funds.
- Conservation Foundation – Similar to 2009, \$35,000 funding revenue from the Conservation Foundation has been allocated to assist in offsetting increased operational costs for Foundation Activities.
- Conservation Ontario Levy - increased to reflect an increase in the amount the NPCA is assessed under their levy formula.
- Human Resources budget reduced to reflect actual past usages of this service.
- Information Technology budget significant increase (approximately \$32,000) due to increase in IT service provided by the Region.
- Corporate Communications budget reduced to accommodate the budgetary challenges.
- The overall program costs have increase by \$5,100 however due to the reduced interest revenue and increased IT service costs, the general levy amounts have increased by \$75,111. The NPCA purchases Information Technology (IT) Services from the Region for its computer system. The IT Department have advised the NPCA of an increase of this cost from approximately \$75,400 in 2009 to approximately \$107,340 in 2010. With allowance for a 1.73% increase in the 2009 amount, the difference is \$30,658 or about a 40% increase.

2) Watershed Management and Health Monitoring

a) Resources Inventory and Environmental Monitoring

- The Glanbrook Landfill Monitoring program and John C Munroe Airport monitoring is included and will continue for 2010 once confirmation for this work is received from the parties.
- The popular Niagara Children's Water Festival will continue for 2010 however external revenues for this program was increased due to the limitations on funding from the



Region.

- Funding for the Watershed Report Card has been removed from the budget and it is expected that a revision of this document will be produced in cooperation with Niagara Region.
- Program costs reduced by \$71,100 due primarily to the removal of the Report Card budget. General levy costs reduced from \$307,200 due to the limitations of the Regional Niagara guidance.

#### b) Flood Protection Services

- The overall program and general levy costs are increased by \$13,000 (3.8%).

#### c) Environmental Advisory Services

- The general levy costs for the program are increased \$22,000 (5.5%). General levy costs up by \$17,000 (8.7%)

#### 3) Conservation Land Management

- For 2010, the Debt Charges and Servicing Costs for capital projects which are assigned by the Region has been increased by \$604,848 – this is a special levy to the Niagara Region based on the capital affordability process adopted by the Region.
- The NPCA will continue to implement the Tree Conservation By-Law on behalf of the Region of Niagara as previously endorsed by this Board.
- General Levy decrease of \$15,200 (4.7%) due to program area cuts.

#### 4) Conservation Land Programming

- The Conservation Land Programming budget is consistent with the multi-year Land Management program previously approved by the Board with the area operating/maintenance costs being assessed to the member municipality in which the property is located.
- The majority of the cost increase is related to higher energy costs throughout all areas and additional support costs at the Ball's Falls Conservation Area and Center for Conservation.
- The general levy costs for this program have increased \$105,581 or approximately 5.6%.

#### 5) Vehicles & Equipment

- Funds have been included for the replacement of two pick up trucks and one passenger van.
- The general levy costs for the program are decreased by \$6,910.

#### 6) Summary

- Cost increases not specifically identified throughout the budget are related to inflationary adjustments and the cost to implement the 2008 salary review (will be completed in 2010).
- The total expenditure under the Preliminary 2010 Current Budget is \$7,439,060
- Revenue amounts for the Conservation Areas are optimistic but obtainable subject to weather conditions. Program adjustments will be made throughout the year where revenues are less than anticipated.
- Revenue amounts for the Planning and Regulation program have been maintained at 2009

levels even though development activities have reduced due to the economic conditions. Staff will be reviewing other revenue alternatives for consideration of the Board early in 2010 towards achieving the revenue targets.

- A program breakdown of the levy to be assessed to each member municipality is shown below:

**2010 Preliminary Current Budget**

<u>Current Budget</u>	<u>Total Expenditure</u>	<u>Total Levy</u>	<u>Niagara</u>	<u>Hamilton</u>	<u>Haldimand</u>
Corporate Services	\$1,265,540	\$1,035,540	\$986,766	\$40,697	\$8,077
Resource Inventory & Monitoring	\$433,200	\$287,200	\$273,673	\$11,287	\$2,240
Flood Protection Services	\$470,800	\$250,850	\$239,035	\$9,858	\$1,957
Environmental Advisory Services	\$424,600	\$215,600	\$205,445	\$8,473	\$1,682
Conservation Land Management	\$2,569,400	\$2,541,700	\$2,527,264	\$12,045	\$2,391
Conservation Land Programming	\$2,107,220	\$763,590	\$630,000	\$124,000	\$9,590
Vehicles and Equipment	\$168,300	\$97,300	\$92,717	\$3,824	\$759
Total	\$7,439,060	\$5,191,780	\$4,954,900	\$210,185	\$26,695

A comparison with the 2009 current budget is provided below:

**Levy Apportionment - 2010 Preliminary Current Budget**

<u>Municipality</u>	<u>2009 General Levy</u>	<u>2010 General Levy</u>	<u>% Change</u>	<u>2009 Special Levy</u>	<u>2010 Special Levy</u>	<u>% Change</u>	<u>2009 Total Levy</u>	<u>2010 Total Levy</u>	<u>% Change</u>
Haldimand	\$16,382	\$17,105	4.4%	\$9,470	\$9,590	1.3%	\$25,852	\$26,695	3.3%
Hamilton	\$82,538	\$86,185	4.4%	\$123,400	\$124,000	0.5%	\$205,938	\$210,185	2.1%
Niagara	\$2,001,290	\$2,089,700	4.4%	\$2,282,530	\$2,865,200	25.5%	\$4,283,820	\$4,954,900	15.7%
Total	\$2,100,210	\$2,192,990	4.4%	\$2,415,400	\$2,998,790	24.2%	\$4,515,610	\$5,191,780	15.0%

In addition, a Budget Comparison of the Levy amounts are shown on a separate sheet.

**7) Discussion**

The City of Hamilton has requested budget increases (current and capital) be limited to less than 2.0%. The preliminary budget combined for both current and capital for Hamilton, achieves this target. At this time, no information regarding 2010 budgets has been received from the Haldimand County, although the total preliminary combined budget including current and capital is less than last year.

The Region of Niagara has advised that they are seeking to keep the overall current budget increase at a limit of 3.0% including growth. In order to achieve this, the Region has set a target amount for Departmental and ABC's (Agencies, Boards and Commissions) Current Budgets at 1.73% with a "mitigation" allowance (\$2,000,000) for special circumstances and ongoing

initiatives. This “mitigation” amount is subject to a priority ranking of business cases submitted from all Regional Departments and ABC’s. Most certainly, the combined request amounts for the “mitigation fund” will far exceed the available amount and accordingly, the potential for success of a business case to support the NPCA budget increases beyond the 1.73% is minimal. This is especially applicable since the NPCA programs do not closely align with Regional Council Business Plans and the NPCA is not a department of the Region. A copy of the proposed Business Case template is provided for information.

Members of the NPCA Budget Review Committee believed that while the NPCA should be mindful of the Region’s budget challenges and targets, the Board members appointed by and representing the Region of Niagara, City of Hamilton and Halimand County are in the best position to set program priorities on the basis of NPCA objectives/mandate and program increases should not be subject to a Regional staff committee reviewing business cases and their respective priorities.

With reference to the Levy Comparison Summary (attached), the current base increase for the Niagara Region totals 2.75% which is within the overall objective of 3.0% but more than the departmental increase of 1.73% prior to business cases. The \$30,658 in additional costs for IT Services (described above) represents a 0.98% increase that if removed would reduce the overall NPCA current budget increase to 1.77% or very close to the target amount.

### **RECOMMENDATION**

**That Report No. 53-09 regarding the Proposed 2010 Current Budget be received; and**

**That the Proposed 2010 Current Budget with a total expenditure of \$7,439,060 and a general levy of \$2,192,990 and special levies of \$2,865,200 to the Region of Niagara, \$124,000 to the City of Hamilton and \$9,590 to Haldimand County be approved; and**

**That the 2010 matching levy in the amount of \$174,500 and the total non-matching levy in the amount of \$2,018,490 for the 2010 Current Budget be apportioned to the member municipalities on the basis of the 2000 current value assessment of the member municipalities proportionate to the total 2000 current value assessment within the Authority’s area of jurisdiction; and**

**That the special levies for the 2010 Current Budget be assessed in the amount of \$2,865,200 to the Region of Niagara, \$124,000 to the City of Hamilton and \$9,590 to Haldimand County.**

Respectfully Submitted By: \_\_\_\_\_  
Tony D’Amario, P. Eng., CAO/Secretary-Treasurer



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

**DATE: September 9, 2009**

**SUBJECT: Preliminary 2010 Capital Budget - Report No. 54-09**

Attached for your review and consideration is the Preliminary 2010 Current Budget as presented and revised by the Budget Review Committee.

In the Water Management program, work on the Source Protection Plan will continue in 2010 with 100% of plan costs funded by the Province.

The watershed plans for the Upper Welland River, Central Welland River, and Beaverdams & Shriner's Creek will continue in 2010 to be completed in future years. The Lower Welland River Watershed Plan work will commence in 2010.

In the watershed restoration program, the Multi-Year Capital Forecast identified funding for restoration projects in all watersheds upon completion of their respective watershed plan. In 2010, the restoration works will continue in the Welland River, 12 Mile Creek, 20 Mile Creek, the Fort Erie, Niagara-on-the-Lake Creeks and the Fifteen, Sixteen, Eighteen Mile Creeks watersheds as well as the general watershed restoration work with the agricultural sector.

The Natural Heritage Areas Inventory project will be completed in 2009. Additional work on Natural Systems Development had been contemplated but not identified in the capital budget. Staff have been in discussions with Region staff with respect to funding this additional work through the Water Strategy.

In the Flood Protection Program, funds have been included to undertake erosion works at the Binbrook Dam reservoir.

In the Conservation Land Management program, funding has been allocated for the following projects in accordance with the Multi-Year Conservation Area Development program:

**Ball's Falls**

- site plan completion
- heritage building restoration

**Chippawa Creek**

- new washroom comfort station facility

**Long Beach**

- upgrades to washroom and gatehouse

**Binbrook**

- washroom upgrades
- trail upgrades and maintenance

#### Beamer Memorial

- new observation platform

#### Gainsborough

- improvements to workshop and increase in storage facilities

#### Gord Harry Conservation Trail

- maintenance/upgrade to trail and specialized equipment purchase to cut vegetation

#### Land Acquisition

- implementation of the NPCA Land Acquisition Strategy

#### Louth

- boundary fencing

#### Morgan's Point

- trails and signs

#### Mountainview

- parking lot upgrades
- trail upgrades and realignment

#### Mud Lake

- trail work

#### Smith-Ness Forest

- restoration of past farm fields to plantings and wetlands

#### St. Johns

- parking lot repair and upgrades

#### Twenty Valley Trail Development

- trail and stair upgrades
- Boardwalk not included

#### Virgil

- trail upgrades

#### Wainfleet Bog

- trail and sign work
- address drainage issues

#### Wainfleet Wetlands

- trail work
- fencing
- habitat restoration

#### Woodend

- road improvements

The budget also includes land acquisition funding as per previous years with total special levy amounts of \$500,000 for Niagara Region and \$100,000 for the City of Hamilton.

## Summary

- the total expenditure under the Preliminary 2010 Capital Budget is \$4,581,025
- the general levy to be assessed to the member municipalities is \$648,400, a decrease of \$515,200 from 2009.
- a program breakdown of the levy to be assessed to each member municipality is as follows

	<b><u>2010 Preliminary Capital Budget</u></b>				
	<u>Total Expenditure</u>	<u>Total levy</u>	<u>Niagara</u>	<u>Hamilton</u>	<u>Haldimand</u>
Watershed Studies	\$1,630,600	\$275,000	\$178,750	\$27,500	\$68,750
Resource Inventory & Monitoring	\$1,536,425	\$1,018,400	\$941,720	\$66,710	\$9,969
Flood Protection Services	\$198,500	\$198,500	\$189,151	\$7,801	\$1,548
Conservation Land Development	\$1,215,500	\$695,000	\$500,000	\$195,000	\$0
<b>Total</b>	<b>\$4,581,025</b>	<b>\$2,186,900</b>	<b>\$1,809,621</b>	<b>\$297,011</b>	<b>\$80,268</b>

A comparison with the 2009 levy is as follows:

### **Levy Apportionment - Preliminary 2010 Capital Budget**

<u>Municipality</u>	<b>2009</b> <b>General</b> <b>Levy</b>	<b>2010</b> <b>General</b> <b>Levy</b>	<b>%</b> <b>Change</b>	<b>2009</b> <b>Special</b> <b>Levy</b>	<b>2010</b> <b>Special</b> <b>Levy</b>	<b>%</b> <b>Change</b>	<b>2009</b> <b>Total</b> <b>Levy</b>	<b>2010</b> <b>Total</b> <b>Levy</b>	<b>%</b> <b>Change</b>
<b>Haldimand</b>	\$9,076	\$5,058	-44.3%	\$76,250	\$68,750	-9.8%	\$85,326	\$73,808	-13.5%
<b>Hamilton</b>	\$45,729	\$25,482	-44.3%	\$246,050	\$271,400	10.3%	\$291,779	\$296,882	1.7%
<b>Niagara</b>	\$1,108,794	\$617,860	-44.3%	\$1,242,050	\$1,198,350	-3.5%	\$2,350,844	\$1,816,210	-22.7%
<b>Total</b>	<b>\$1,163,600</b>	<b>\$648,400</b>	<b>-44.3%</b>	<b>\$1,564,350</b>	<b>\$1,538,500</b>	<b>-1.7%</b>	<b>\$2,727,950</b>	<b>\$2,186,900</b>	<b>-19.8%</b>

**RECOMMENDATION:**

**That Report No. 54-09 regarding the Proposed 2010 Capital Budget be received; and**

**That the Proposed 2010 Capital Budget with a total expenditure of \$4,581,025 and a general levy of \$1,163,600 and special levies of \$1,198,350 to the Region of Niagara, \$271,400 to the City of Hamilton and \$68,750 to Haldimand County be approved; and**

**That the 2010 general levy in the amount of \$648,400 be apportioned to the member municipalities on the basis of the 2000 current value assessment of the member municipalities proportionate to the total 2000 current value assessment within the Authority's area of jurisdiction; and**

**That special levies for the 2010 Capital Budget be assessed in the amount of \$1,198,350 to the Region of Niagara, \$271,400 to the City of Hamilton and \$68,750 to Haldimand County.**

Respectfully Submitted By: \_\_\_\_\_  
Tony D'Amario, P. Eng., CAO/Secretary-Treasurer



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

**DATE: September 16, 2009**

**SUBJECT: Navigable Waters Protection Act – Proposed Changes – Report No. 55-09**

The purpose of this report is to respond to enquiries from Board members regarding the Federal Government's changes to the Navigable Waters Protection Act.

The subject statute is one of the oldest in Canada and has not been updated since 1882. As such, in early 2008, Officials from Transport Canada, the department that currently administers the legislation, appeared before the House of Commons Standing Committee on Transport, Infrastructure and Communities to put forth a number of suggested changes to the existing legislation, in an effort to address problems identified by Transport Canada as well as, provincial and municipal governments.

While Transport Canada staff did believe the legislation required rewriting, after reviewing briefs from 28 organizations and individuals and presenting 12 witness', Transport Canada suggested that seven(7) changes/amendments could be made to the existing Act to address many concerns. These being:

- Amending the definition of “navigable waters” to exclude “minor waters”;
- Amending the definition of “work” to explicitly exclude “minor works”;
- Deleting the reference to the four “named” works in the Act;
- Adjusting the amount of the current fines in the Act;
- The removal of wrecks and derelict vessels;
- The definition of inspection powers; and
- A five year review of the amended Navigable Waters Protection Act.

Both the Report to the Standing Committee on Transport, Infrastructure and Communities and a “Backgrounder” prepared by the Federal Government are attached for the Boards Information. In May of 2009, the Federal Government announced it would move forward with some of the changes and these were published in the Canada Gazette, a copy of which is attached.

From NPCA's staff perspective, we are not concerned with the amendments. Currently, in Ontario works affecting water bodies are already governed by numerous pieces of Provincial legislation (i.e. Ontario Environmental Protection Act, Ontario Water Resources Act, Lakes and Rivers Improvement Act, Conservation Authorities Act, Drainage Act, Clean Water Act), as well as other Federal Statues, such as the Fisheries Act.

While we have read submissions from some interest groups that the amendments will remove some activities from the scrutiny of the Federal Environmental Assessment process, this concern is not shared by NPCA staff. Briefly put, the existing Federal Environmental Assessment process only identifies what Federal Agencies must be consulted for an individual clearance or approval. Alternative options are not identified and the details surrounding an approval take place in the confines of each Department's process. On the hand, the Ontario Environmental Assessment process or the companion Class EA Processes (i.e. Class EA for Remedial Flood and Erosion Control Projects for Conservation Authorities) requires that a

proponent look at options and consult with the public on all but very minor and clearly defined activities. The outcome of the Ontario EA process is a clearly described preferred option and there is a Ministerial appeal, if an individual or interest group does not agree or feels something has been missed in the EA process administered by the proponent agency.

While NPCA staff cannot comment on concerns expressed by groups or individuals in other provinces, we believe a strong regulatory framework exists in Ontario and that a more pressing issue is “resourcing” the agencies/ministries that oversee the existing pieces of legislation.

Attachments:

1. Consideration of Proposed Changes to the Navigable Waters Protection Act, Report to the Standing Committee on Transport, Infrastructure and Communities
2. Federal Backgrounder

**RECOMMENDATION:**

**That Report No. 55-09 be received for information.**

Prepared by: John Kukalis; Director, Water Management

Respectfully Submitted By: \_\_\_\_\_  
Tony D’Amario, P. Eng.  
Chief Administrative Officer/Secretary-Treasurer

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

**DATE: September 11, 2009**

**RE: Marydale Park– Binbrook Conservation Area – Report No. 56-09**

In 2004, the Niagara Peninsula Conservation Authority was approached by the Catholic Youth Organization to discuss plans for a day camp facility on lands owned by the Catholic Diocese, and which border the Binbrook Conservation Area. The matter was considered by the Full Authority in September 2006 and again in May 2007. Both of these board reports have been attached for reference.

The CYO proposal is to develop a barrier-free facility for children and their families. The facility will include a pool, playing fields, meeting spaces and trails. Although the project has been modified over the past five years, the overall goals remain the same.

At the May 2007 meeting of the Full Authority, the Board directed staff to continue negotiations with the CYO for the transfer of a 10 metre buffer, allowing the NPCA to realign the Tyneside Trail. The NPCA would work to develop an easement agreement in favour of the CYO, allowing access to the reservoir for water-based programming.

Over the past two years, the project was on hold while the CYO conducted a fundraising campaign for the Marydale Park Project. Until recently, the campaign was suffering as a result of the economic down-turn. In July, the project received a \$2.0 million grant from Federal and Provincial funding programs.

Now that the funds are secured, construction is expected to begin before the end of 2009. Staff from the NPCA are in a position to complete our negotiations for the land transfer and access agreement. Since there have been a number of changes to the plans for Marydale Park, staff are bringing this issue back to the board to re-confirm their position on the project. This will allow staff to continue discussions with representatives from Camp Marydale, to negotiate the land transfer and finalize the access agreement.

**RECOMMENDATION:**

**That Report No. 56-09 regarding Marydale Park be approved; and,  
That staff be authorized to complete the acquisition of a 10 metre corridor of land from the Catholic Diocese of Hamilton; and,  
That staff be authorized to enter into an easement agreement with the Catholic Diocese of Hamilton for access to the Binbrook Reservoir and development of a dock facility.**

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

Respectfully Submitted by: \_\_\_\_\_  
Tony D'Amario, P.Eng.  
Chief Administrative Officer/Secretary-Treasurer



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

**DATE: September 11, 2009**

**RE: Pedestrian Bridge - Stevensville Conservation Area – Report No. 57-09**

Funds in the amount of \$60,000 have been allocated in the approved 2009 Capital Budget for the assessment of a pedestrian bridge at Stevensville Conservation Area. The current bridge was constructed using two flat-bed trailers, welded together to form the bridge deck. It was installed by the Fort Erie Conservation Club in 1988, as a route for pedestrians and equipment to cross the Black Creek.

Over the past several years, the bridge railings have been damaged by vandals and the elements. Damage is being repaired quickly to ensure public safety, however the bridge structure requires extensive work in order to provide safe, year-round access to the trail system on the north side of Black Creek.

The 2009 capital project involved an assessment of the current bridge to determine if the structure could be repaired or if a replacement span was required. After consulting with club members and engineers, Authority staff have determined that a new pre-fabricated bridge provides the best and safest option. The new span will be low-maintenance and is vandal resistant. The structure will be 2.44 meters wide, with a span of 21.95 meters. .

The original bridge project was planned to extend over a two-year timeframe. The first year involved assessment, planning and design. Construction would take place in the following year. Staff believe this project is urgent and should be moved forward to provide better public safety.

A copy of the proposed bridge plan is attached to this report reference. The estimated cost of the new bridge is \$90,000. An additional capital amount of \$40,000 is required to complete the bridge and associated works in 2009. Staff recommend that funds be re-directed from the 2009 Wainfleet Bog Capital Project, since flooding has forced a delay in any further trail work in the Bog.

If the proposed re-allocation is approved, staff will advertize the tender in September, and have quotes to present at the October meeting. The successful contractor will also be required to design and construct the supporting bridge abutments

**RECOMMENDATION:**

**That Report No. 57-09 regarding the Stevensville Pedestrian Bridge Tender be received and the recommended construction design be approved;**

**That funds be re-allocated from the Wainfleet Bog Capital Project to the Stevensville Pedestrian Bridge Project; and,**

**That staff be authorized to advertize for Tenders to install the bridge.**

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

Respectfully Submitted by: \_\_\_\_\_

Tony D'Amario, P.Eng.  
Chief Administrative Officer/Secretary-Treasurer



NIAGARA PENINSULA  
**CONSERVATION**  
AUTHORITY

**50**  
years

CELEBRATING  
50 YEARS OF  
CONSERVATION

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

**DATE: September 11, 2009**

**RE: Thanksgiving Festival Traffic Congestion – Report No. 58-09**

Authority staff are working on an option to alleviate the traffic congestion associated with the Ball's Falls Thanksgiving Festival. The project will involve alternative access points and laneways to our parking area on the east side of Twenty Mile Creek.

At the time of writing, there are outstanding issues related to leases and laneway construction. Staff will provide a detailed report, to be tabled at the September 16<sup>th</sup> meeting.

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

Respectfully Submitted by: \_\_\_\_\_  
Tony D'Amario, P.Eng.  
Chief Administrative Officer/Secretary-Treasurer

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

**DATE: September 10, 2008**

**SUBJECT: Workplace Health and Safety Policies and Procedures – Report No. 59-09**

The health and safety of our employees has been a priority for the Conservation Authority and we endeavour to meet all the legislative requirements placed on us as an employer.

### **Corporate Health and Safety Policy Statement**

Under Section 25(2)(j) of the Occupational Health and Safety Act, the NPCA is required to conduct an annual review of the Corporate Health and Safety Policy Statement. The intent of the policy statement is to reflect the employer's commitment, support and attitude to the health and safety program for the protection of its workers. The current NPCA Policy Statement was adopted in June of 2007.

In order to resolve this issue, the Policy Statement must be reviewed and adopted. Attached for Board consideration is the proposed 2008 Health and Safety Policy Statement. Since the wording of the 2007 Statement meets the requirements of the Act, no change is recommended.

### **Safe Operating Procedures Manual**

A safe operating procedures manual spells out approved methods of conducting various activities in the workplace and are intended as a reference for employees. Over the past 6-months, the NPCA Joint Health and Safety Committee has been working on a Safe Operating Procedures Manual, based on similar documents from neighbouring Conservation Authorities.

The completed Procedure Manual will be presented to the Board at the November meeting.

### **RECOMMENDATION:**

That the Report No. 59-09 regarding the Health and Safety Program be received; and

That the Health and Safety Policy Statement for the Conservation Authority dated September 16, 2009 be adopted.

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

Respectfully Submitted By: \_\_\_\_\_  
Tony D'Amario, CAO/ Secretary-Treasurer



## **HEALTH AND SAFETY POLICY STATEMENT**

The Niagara Peninsula Conservation Authority is vitally interested in and committed to the health and safety of its employees and the prevention of injury and illness to its employees through the provision and maintenance of healthy and safe workplaces. The Conservation Authority will make every effort to meet its responsibilities for the health and safety of all employees by adhering to the relevant health and safety standards and legislative requirements.

It is a primary duty of all supervisory staff to ensure that all persons under their direction are made aware of and comply with all applicable health and safety policies and procedures. The supervisory staff are responsible for ensuring that all aspects of the workplace including machinery and equipment are safe and any risks, hazards and safety violations brought to their attention are investigated and corrected promptly.

The Conservation Authority will take all reasonable steps to acquaint its employees with their rights and duties in the workplace and the applicable regulations and procedures for protecting their health and safety.

All employees shall protect their own health and safety by complying with prevailing regulations and standards and with safe practices and procedures established by the Conservation Authority. Employees must report any health hazards and unsafe conditions or practices to supervisory staff for corrective action. Where appropriate, the Conservation Authority will support training programs to assist in maintaining safe conditions and work practices and will support employee participation in health and safety activities including health and safety committees.

It is in the best interest of all parties to consider health and safety in every activity and the commitment to health and safety shall be an integral part of the Conservation Authority's activities.

Date: September 16, 2009

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Douglas Ransom  
Chairman

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Tony D'Amario  
C.A.O./Secretary-Treasurer

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

**DATE: September 11, 2009**

**RE: PROJECT STATUS REPORT - REPORT NO. 60-09**

## **WATER MANAGEMENT**

### **I. Watershed Regulation Division**

#### **1) Binbrook Reservoir & Gauge Stations**

Staff continue to monitor the water levels at the Binbrook reservoir on a regular basis and adjust the valve settings as required based on forecast weather. Staff also continue to monitor the water levels at our 12 gauge stations on a daily basis as part of the NPCA's routine flood forecasting/warning duties.

The NPCA has finalized the installation of equipment which allows the NPCA to obtain, process, store, and display real-time water level information from Binbrook and our 12 surface water gauge stations. This system is active and is monitored by NPCA staff on a daily basis.

The NPCA's website designer is working on changing our website in order to display the real-time information that the NPCA is presently collecting. NPCA's contractor, Hoskin Limited, is working on finalizing the web reporting portion of the system. Staff anticipate that the system will be operational/available for public viewing by the end of September.

#### **2) NPCA 'Regulation of Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses'**

##### **i) Permits**

The NPCA has approved 52 permit applications for the 2009 calendar year. The NPCA has also refused to issue approvals for 3 development proposals during this same time period. Two of the applications were voluntarily withdrawn; the third was refused by the NPCA Board.

The Board's decision to refuse issuing a permit has been appealed by the applicant to the Mining and Lands Commissioner. Both the Appellant and the NPCA have filed their respective positions and evidence with the Commissioner's Office and the Hearing is schedule to take place November 23 to 26<sup>th</sup> in Toronto.

##### **ii) Violations**

Please refer to the associated Report under "in camera" section of agenda.

##### **iii) NPCA-DFO Partnership Agreement**

The NPCA is under agreement with the Department of Fisheries and Oceans (DFO) to review works in or near water to determine whether the work is likely to result in the harmful alteration, disruption or destruction of fish habitat (HADD). As part of the NPCA-DFO Partnership Agreement, NPCA staff work as a liaison between DFO Assessors and proponents to



recommend appropriate fish habitat compensation projects. During the current calendar year NPCA staff has reviewed 50 applications under this agreement.

#### **iv) Municipal Drain Maintenance Review**

The NPCA continues to represent Conservation Authorities located in Central Ontario. on the DART Committee with representatives of the Ontario Federation of Agriculture, Drainage Superintendents Association of Ontario, Ontario Society of Professional Engineers(Land Drainage Committee), Association of Municipalities of Ontario – Rural Caucus, OMAFRA, MNR and Conservation Ontario. The purpose of the DART is to develop a consistent approach and technical direction with regard to municipal drainage project review under Conservation Authority Regulations. NPCA staff has reviewed 25 municipal drain projects during the current calendar year.

### **3) Floodplain Mapping**

#### **i) Lyon's Creek – Cities of Welland and Niagara Falls**

The NPCA is presently undertaking the necessary calculations, field work, and map analysis to accurately determine the extent of the 100 year flood elevations for Lyon's Creek located in the Cities of Welland & Niagara Falls.

#### **ii) Tee Creek – Cities of Welland and Niagara Falls**

The NPCA is presently undertaking the necessary calculations, field work, and map analysis to accurately determine the extent of the 100 year flood elevations for Tee Creek located in the Cities of Welland & Niagara Falls.

#### **ii) Bearss Drain – City of Port Colborne**

The NPCA is presently undertaking the necessary calculations, field work, and map analysis to accurately determine the extent of the 100 year flood elevations for the Bearss Drain located in the City of Port Colborne.

### **4) NPCA Stormwater Management Guidelines**

In an effort to promote a uniform stormwater management standard across the watershed, and to take advantage of current state-of-the-art practices, the NPCA has retained AECOM to update and complete the NPCA's draft 2007 'Stormwater Management, Erosion, and Sediment Control Policies and Criteria Guidelines'. The NPCA anticipate the report to be finalized in December 2009.

## **II. Watershed Planning Division**

### **1) Municipal and Development Plan Input and Review**

Although new site plan and subdivision submissions are lower than anticipated, plan review activity has remained brisk, with the majority of work involving either existing files of record or smaller private dwelling proposals. This is directly attributed to the Authority's expanded mandate related to protection of wetlands.

Staff continue to work with the Region of Niagara to update the Environmental Impact Study Guidelines. The Guidelines are being updated to reflect the Region's new Environmental Policies and the NPCA's Regulation 155/06 requirements. This joint project is being conducted under the Niagara Planning Memorandum of Understanding (MOU).

## **2) Watershed Plan Preparation**

New software has been installed in order to explore producing the final study documents in-house, in an effort to reduce external communications consulting costs.

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

Natural Areas Inventory data has been queried out for this study area to be used in the next phase of the workplan however, work on the Restoration Strategy has been temporarily suspended to focus on the Upper Welland River and Beaverdams and Shriners Creeks Watershed Plans.

### **b) Central Welland River Watershed Plan**

Collection of field data for the Central Welland River Fluvial Geomorphology Study has been completed, however, work on the Restoration Strategy has been temporarily suspended to focus on the Upper Welland River and Beaverdams and Shriners Creeks Watershed Plans.

### **c) Beaverdams and Shriners Creek Watershed Plan**

Edits to the Draft Phase One: Watershed Characterization and Issues Identification Report are underway to reflect the comments received from senior municipal,/agency staff and steering committee members. Requests for representatives to sit on the steering committee have been re-sent to a number of stakeholders that failed to respond to our first request for input.

A second steering committee meeting has been set for September 22. The purpose of this meeting is to identify a Vision and the Objectives for the Watershed Plan.

A public open house is set for September 29 at the Allanburg Community Centre. The purpose of this open house is to inform the public about the Watershed Plan and the Watershed Planning process. A workshop has been set for October 6<sup>th</sup> at the same location. The purpose of the workshop is to give the public an opportunity to identify any issues and concerns they may have about the study area and their objectives for the Watershed Plan.

### **d) Upper Welland River Watershed Plan**

The Draft Phase One: Watershed Characterization and Issues Identification Report is complete and has been submitted. Letters of intent to sit on a Steering Committee were sent out in July and several responses have been received. Once formation of the Steering Committee is complete a date will be set for the first meeting and first public open house.

## **4) Natural Areas Inventory**

The Technical Summaries for the first volume of the final report are nearing completion with only the West Lincoln area outstanding. Following the completion of this phase staff will be editing all of the contributors' documents to make any revisions necessary before they go out for a peer review later this fall.

The Community Series mapping is complete and will be included with the final report.

The Vegetation Type mapping is underway with Port Colborne and Wainfleet completed. Staff are working towards a draft of that mapping for later this fall.

Requests for data are still coming in and the project team is working towards filling those requests with customized subsets of the data. To date there are more than 90,000 data points in our database.

### **III. Source Water Protection Division**

#### **1) Source Water Protection Plan**

-SPC meetings were held on July 14 and August 11, 2009. The Welland WTP and Port Colborne WTP Threats and Issues Final Reports were presented to the committee on July 14. Other information updates included the sinking of a ship in the Welland Recreational Canal by a local diving club. The SPC meeting on August 11 included a BBQ for the SPC, SPA Board and Source Protection staff followed by a PowerPoint presentation on the Walkerton Contaminated Drinking Water tragedy by Mr. Bruce Davidson of the Walkerton Citizens Group.

-NPCA staff and Niagara Region continue to meet on a regular basis to review the SP work undertaken on the Intake Protection Zones (IPZs). Stantec Consulting has now completed the delineations and vulnerability scoring for IPZ-1 and IPZ-2 at all six Water Treatment Plants, and is working on the Threats Assessment for Grimsby IPZs-1&2. Preliminary work has also begun on the IPZ-3s.

-NPCA SP staff have been working on the Assessment Report, and also the Significant Groundwater Recharge Areas (SGRAs) and Highly Vulnerable Aquifers (HVAs) reports.

-On August 31, NPCA held a "Dry Run Workshop" for developing Planning policies for the Source Protection Plan (SPP). The workshop was attended by SPC members and Chair, Niagara Region public works and planning staff, the MOE liaison, and NPCA staff. The purpose of the dry run was to provide comments and feedback to the MOE concerning their discussion paper on proposed SPP regulations. Comments will be forwarded to MOE by mid-September.

#### **2) Water Quality Monitoring Program:**

##### **a) Routine Water Quality Work**

- Routine surface water quality monitoring continues until November of 2009.

-The NPCA continues to collect groundwater level data at 15 monitoring wells as part of the Provincial Groundwater Monitoring Network (PGMN). The NPCA is also continuing to work with the Ministry of the Environment to establish digital service at PGMN telemetry sites.

- Taxonomic identification of benthic invertebrates continues on samples collected during the spring 2009 sampling season.

- Potential improvements to the NPCA Water Quality Monitoring network were discussed during a strategic meeting with staff from the Region of Niagara Public Works Water/Wastewater division. Region staff were provided with copies of the NPCA Water Quality Program 2008 Annual Report, and were also provided with a map illustrating NPCA monitoring locations relative to CSO locations and sensitive natural heritage features. Discussions regarding monitoring network optimization will continue in the coming months in order to ensure our plan addresses the RMON's needs.

## **b) Special Water Quality Projects**

- Field work for the Welland River Eutrophication Study is on-going with the monthly collection of grab samples and flow data at Welland River monitoring stations. At least one significant rain event was captured during the August sampling run. Four dedicated dissolved oxygen sensors continue to collect hourly dissolved oxygen concentrations along the Welland River and Oswego Creek. Additional data collected in 2009 will include sediment quality, chlorophyll a, and benthic macroinvertebrates. A detailed review of delisting criteria methods applied in other jurisdictions is currently underway.

- The auto-sampler installed on Twenty Mile Creek as part of the Lake Ontario Collaborative Study continues to capture wet weather events. Several significant rain events have been captured so far this summer.

-The NPCA continues to receive requests for applications for the NPCA Water Well Decommissioning Grant Program.

## **IV. Geographic Information Systems (GIS) Division**

### **1) Source Water Protection Support Activities**

- Staff is currently working on cartographic figures for the final Assessment Report.
- Technical tasks associated with delineating Significant Groundwater Recharge Areas (SGRAs) and refining the shallow groundwater Intrinsic Susceptibility (ISI) across the watershed have been completed.
- The draft spatial data for the Drinking Water Systems module of the official provincial Assessment Report Database standard has been populated and published up to the province via the CAMaps.ca centralization infrastructure maintained by Conservation Ontario.

### **2) Watershed Planning Support Activities**

- Several tasks supporting the Natural Areas Inventory Project are still being addressed:
  - DRAFT Community Series ELC mapping QA/QC activities continue. Port Colborne and Wainfleet have been adjusted to the 2006 ortho base and finalized MNR wetland evaluations for these municipalities. The rest of the watershed in Niagara Falls, Pelham, Welland, Thorold and West Lincoln is undergoing a quick uniformity pass as wetland evaluations are finalized so that their extents can be integrated.
  - ELC Vegetation Type mapping based on the data collected in the field is also being mapped and integrated with the coarser 'Community Series' fabric.
  - Study Site cartographic figures are being generated to complement the Site Summaries for the final report document.
- The Niagara Natural Environment Information Map Layer as an NPCA responsibility under the Niagara Planning Function MOU has been updated again based on new data for several inventories including evaluated wetlands in Niagara Falls, floodplain mapping in Niagara Falls, and Areas of Natural and Scientific Interest across the watershed.

### **3) Watershed Regulation Support Activities**

- The internet server hardware and software to support the Authority's new 'near real-time' stream gauging and web reporting software has been fully set up and operation for the last month and a half without issue. Completion of this project rests with the consultant

finalizing the custom VEDAS data logger auto-polling application and the custom web reports and graphs. The timelines for this are discussed in the Watershed Regulation Section 1 of this report.

- Staff have developed a program on the new internet server that downloads the NOAA NexRAD 1hr digital precipitation array (rainfall accumulation) from the Buffalo station and archives it into database while sending it out graphically in a web mapping service for consumption by our and partners GIS systems. This is a base information service that holds tremendous support potential for Flood Forecasting and Warning and Low Water Response business areas. As an example we should eventually be able to derive near real-time subwatershed rainfall summaries from any time range (last 5min to the last 30 days etc.), or maintain a real-time and spatially variable antecedent moisture condition map for the watershed.
- Staff have set up a centralized corporate 'Observations Database' on the new internet server to store, publish, and analyze water quality and quantity times series data the Authority collects and maintains for its programs and services as part of its developing Hydrologic Information System (HIS). The database is wrapped with a web data service that staff is testing that will enhance access to Authority water observation data for hydrologic analysis via emerging global standards such as the WaterML data structure language.

#### **4) Corporate GIS Support Activities**

- Staff attended a potential stakeholders meeting for the 2010 South Western Ontario Orthoimagery Project (SWOOP 2) that the Ministry of Natural Resources is coordinating. This project would also potentially update the Digital Terrain Model (DTM) that is critical for the Authority to produce most of its Regulation mapping from (i.e. floodplain mapping) if there were enough locally committed partners. The province has indicated it would fund up to 50% of the project costs. The NPCA has submitted a Letter of Intent to participate in the project for the orthoimagery and though interested in the DTM has not committed to this product at this time due to its cost uncertainty. The Region of Niagara who did not participate in the original 2006 SWOOP venture, opting instead to run its own local project, is partnering this time for the imagery only which makes a local DTM partnership for the Niagara Watershed highly unlikely.
- The NPCA's corporate and Source Water Protection websites have been moved from their former environments to the internet server established for the stream gauging system in order to reduce website hosting fees. The sites now reside on NPCA technical infrastructure with unlimited access and size restrictions and provide staff with tremendous flexibility in terms meeting and managing the Authority's web needs and presence.
- Staff is working with Niagara Region GIS Services staff under the shared services agreement to update the Authority's custom Niagara Atlas internal web mapping site to new technology that the Region has implemented. The update will improve functionality within the application for many of the tasks that Authority staff use it for as a tool for when performing planning application and regulation permit reviews.
- Staff is working with Niagara Region GIS Services staff under the shared services agreement to implement an external web mapping site available to the public via a custom NPCA Niagara Navigator roll out. This tool would make more of the Authority's business available online in order to reduce spatial data requests and mapping inquiries.

#### **V. Watershed Restoration Division**

### **1) General Watershed Restoration**

The following are the restoration projects that are currently being implemented:

- 1 fall planting (woodland restoration project) within the Wignell Drain Watershed.
- 2 pit and mound restoration projects in the Vineland Drain watershed, totalling approx. 6.2 acres. Excavation is set to begin during the second week of September. After excavation is completed, the area will be seeded and some tree planting will take place in the fall.
- 1 cattle fencing (livestock restriction from watercourse) project in
- 1 riparian project was recently completed. Trees, shrubs and wildflowers were planted along a 230m stretch of the Welland Canals N watershed
- Fall survival assessments of this years forest habitat restoration projects are currently be planned with landowners.

Staff have also been meeting with landowners to discuss and develop projects for the 2010 program year. Projects for next year include:

- 2 ac woodland restoration project in the Eagle Marsh Drain Watershed

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

The following are the restoration projects that are currently being implemented:

- 4 riparian restoration projects including the establishment of 2 riparian buffers, the stabilization of 150m of Welland River shoreline to reduce erosion and improve aquatic habitat as well as the adjustment of a section of Draper's Creek to reduce erosion and protect/improve fish habitat
- A Conservation Tillage project to reduce runoff, erosion, protect habitat and improve water quality in Mill Creek
- 5 woodland habitat restoration projects totaling approximately 20 acres have been completed in spring 2009
- 1, 7 acre pit and mound restoration project is underway
- 1 Best Management Practices project involving a manure management system
- 3 past restoration project enhancements including in-fill planting and seeding have been completed in spring 2009
- 3 wetland projects in partnership with Ducks Unlimited

Staff have also been meeting with landowners to discuss and develop projects for the 2010 program year. Projects for next year include:

- 2 ac woodland and a 1 ac wetland restoration project in the Coyle Creek Watershed

### **3) Fort Erie Creeks Watershed Restoration**

The following are the restoration projects that are currently being implemented:

- 2 riparian restoration projects within Black Creek sub-watershed to reduce erosion and protect/improve fish habitat
- 1 riparian restoration project in Black Creek was completed in the spring of 2009 to reduce sediment loads by creating a 20m buffer as well as a buffer around an online pond
- An alternate watering source project in the Six Mile Creek watershed is still underway, to be completed this winter
- A partnership with the Niagara Parks Commission to help complete a riparian restoration project along the Niagara River; an infill planting at a riparian restoration project site completed in 2008 in partnership with the NPC.

### **4) Twenty Mile Creek Restoration**

The following are the restoration projects and initiatives that are currently being implemented:

- 2 nutrient management projects constructing manure storage pits and the deactivation of an old manure pit in Hamilton and Lincoln.
- Planning of a large riparian buffer project involving invasive species removal in a retirement community in the headwaters of the Twenty.
- Planting a 785 m buffer within a vineyard which drains into the 20 Mile Creek.
- Participation in Hamilton ReLeaf Network's Science Technical Committee to promote sound reforestation techniques, use of native species and networking among various agencies and community groups.

### **5) Twelve Mile Creek Restoration**

The following are the restoration projects that are currently being implemented:

- About 7 acres of hilly pasture land in Upper Twelve was machine and hand-planted for reforestation, including two stream crossings.
- 2 Stream buffers and reforestation on different tributaries of Richardson's Creek.
- Year Two of the Decew Escarpment Tablelands Restoration, a partnership with OPG, Region of Niagara, NRC, Bruce Trail Conservancy, and Niagara College, will see planting of about 10 acres.
- A farm in Upper Twelve Mile Creek will undergo an ecological transformation this spring, in partnership with EFP funding. Buffers will be planted on 1.5 km of stream, dispersion sandwich technology will be employed to filter runoff, which will then flow into the restored floodplain wetland. Three stream crossings for cropping machinery will be installed. In addition, the most highly impacted areas of the stream will have some erosion control, and pool restoration through excavation. The latter will serve to trap sediments in the short-term.

### **6) Niagara-on-the-Lake Restoration**

The following are the restoration projects that are currently being implemented:

- 10 m of creek bank stabilization and planting along 4 Mile Creek, as well as invasive species control and species at risk mapping.
- A pilot natural channel design demonstration project will be implemented in partnership with the Town of NOTL in November when the maintenance clean-out would normally take place.

Staff have also been meeting with landowners to discuss and develop projects for next year. Currently there are 5 applicants for the 2010 program year in the NOTL area.

- 1 riparian planting on 1 Mile Creek
- 2 creek bank stabilization and plantings along 4 Mile Creek
- 1 Livestock restriction, clean water diversion project along the Routh Drain
- 1 Nutrient management project within the 6 Mile Creek watershed

Staff also spoke recently at the Wine Council of Ontario's Environmental Seminar about the NPCA's Restoration / Water Quality Improvement Program.

### **7) 15,16,18 Mile Creeks Restoration**

The following are the restoration projects that are currently being implemented:

- 1 wetland project in the 16 Mile Creek watershed. Two small wet areas will be expanded and connected and another small wetland will be created
- 1 conservation farm practices project, consisting of a sediment trap and planting of a row of wildflowers within an existing vineyard

- 3 riparian projects recently completed. Both were planted with a variety of native wildflowers, grasses, trees and shrubs.
- many site visits are being completed to confirm projects for the fall of 2009 and also 2010.

### **8) ECO School Program**

The Eco school plantings are completed, in total 28 schools participated this past year. In total, 112 schools have participated, engaging well over 2000 students since its inception in 2006.

Staff have been conducting site visits to all completed 2008 and 2009 project sites in order to monitor the success of the program and to see if the plots are being maintained (i.e. watered and weeded). The large amount of rain throughout the summer of 2009 has encouraged lots of growth in newly planted plots.

### **9) Landowner Work Shop – EC. Brown**

A public Native Plant work shop was held on August 11<sup>th</sup> at the E.C. Brown Wetland Restoration Conservation Area. This half day event scheduled from 9:00 am until noon attracted 40 registrants (including staff members from other CA's, municipalities, nature groups, academic institutions and private landowners). A resource binder was provided to each participant that included information on the importance of choosing native plants, where they can be obtained and where to plant them. Species lists with colour pictures were included. Information about Ontario's cosmetic pesticide ban, the Noxious Weed Act and Niagara's most troublesome invasive (plant) species with options for control. The session began with an hour long tour of the site. Staff lead participants through each eco zone and discussed the restoration efforts and how they can be applied on the broader landscape (including private properties). Following the tour, participants had the opportunity to join three different areas for an in-depth learning session on the following topics: native plants (wildflowers & grasses), wetland pond / vernal pool ecology, pit & mound forest ecology (including native trees), water quality and fisheries. The fee charged to participants was \$30.00 and included a resource binder and lunch. The direct cost (i.e. not including staff costs) to the NPCA was approximately \$ 45 per person. The feedback from participants was very positive and we would like to offer this work shop annually, however, staff will be examining ways to make it more cost neutral.

### **10) Landowner Stewardship Guide**

The Landowner Stewardship Guide will be completed September 25<sup>th</sup>. This guide is being developed to be specific for each sub-watershed in the Niagara Peninsula; currently One Mile Creek in Niagara-on-the-Lake is being developed as the prototype. Once this document is completed it will be adapted to all sub-watersheds within our jurisdiction.

The Friends of One Mile Creek (FOMC) in partnership with the NPCA will be launching this document at the FOMC's annual creek cleanup to be held on Saturday, September 26<sup>th</sup> at 9:00 am at the Scouts Hall off of King Street.

## **IV. Remedial Action Plan (RAP)**

### **1) Lyons Creek East**

The Niagara River AOC Contaminated Sediment Management Work Plan has been approved by the Contaminated Sediments Technical Advisory Group (TAG). The work plan captures any work that has to be done in the AOC. Under a new agreement with MOE, the NPCA will coordinate the development of the Monitored Natural Recovery strategy for Lyons' Creek East



in collaboration with local stakeholders. Plans are being made by TAG for the preparation of an Administrative Controls Guidance Document for the sediments of the impacted area of Lyon's Creek East, and a Management Framework Agreement between the stakeholders and the NPCA. The NPCA has recently retained French Planning Services to develop some administrative controls, and Randy French will be presenting an update at the next TAG meeting on September 30, 2009.

## **2) Stage 2 RAP Update**

- The RAP Coordinating Committee met in mid-July to discuss the timelines around the availability of the draft Stage 2 Update report for public review and the protocol around submission of the document for internal COA review. The meeting was followed by a tour of the beaches located within the Area of Concern, i.e. at Binbrook Reservoir, Chippawa Conservation Area, and Queen's Royal and Ball Street in Niagara-on-the-Lake. New beaches water quality data has been compiled for consideration towards the re-designation of the Beneficial Use Impairment (BUI) - Beach Closings. Also, the status of the designations for the BUIs - Restrictions on Wildlife Consumption and Bird or other Animal Deformities & Reproduction Problems - is under review. New data and text is being prepared and formatted for inclusion in the Stage 2 Update report. Plans for obtaining "sign-off" by RAP implementers on the new RAP work plan and the focus of the next PAC meeting (tent. October) were discussed.
- The next meeting of the RAP Implementers is scheduled for November 2009.
- The RAP Science Committee is expected to re-convene in fall 2009.
- The Technical Working Group for the Welland River Eutrophication Study is scheduled to meet in January 2010.

## **3) Update: Canada-Ontario Agreement Respecting the Great Lakes Ecosystem (COA).**

Since 1971, the Parties (Canada and Ontario) have worked together through a series of Canada-Ontario Agreements Respecting the Great Lakes Ecosystem (COA) that have guided their efforts to improve the environmental quality of the Basin and contributed to meeting Canada's obligations under the Canada-United States Great Lakes Water Quality Agreement (GLWQA). Each of the previous COAs were in effect for a 5-year term.

The current COA is a three-year agreement, in effect until March 31, 2010. It is anticipated that a new COA will not be negotiated until there is a better idea of the content of the updated GLWQA. One option might be to extend the term of the existing COA to March 31, 2011, while waiting for the official word on the status of the GLWQA negotiation. However, to date there has been no decision on interim plans from the higher tiers of government.

## **4) International Liaison**

- The RAP Coordinator attended U.S. Remedial Advisory Committee (RAC) meeting in late July at the NY Power Vista in Lewiston. RAC focus is on identifying projects in the AOC in preparation for the announcement of the U.S. Great Lakes Restoration Initiative, expected in summer 2009.
- The next RAC meeting is anticipated for late September.
- The International Joint Commission's Biennial meeting is scheduled for October 7 & 8, 2009 in Windsor, Ontario.

## **5) Update: Great Lakes Water Quality Agreement.**

The current GLWQA is the revised Agreement of 1978 as amended by Protocol in 1987.

In 2006, the Binational Executive Committee initiated a review of the Agreement and its Annexes. The process included extensive stakeholder and public consultation efforts, culminating in the submission of a report to the governments of Canada and the United States in December 2008. Discussions are underway as to how negotiating talks will be handled; however, there is no official position to date on the status of the negotiation of the new GLWQA.

## **LAND MANAGEMENT**

### **Ball's Falls Conservation Area Status Report - July 8 – September 8, 2009**

The Summer Day Camp and Mini-Trailblazers Adventures (June 29 – August 28) had 91 registrants many of whom returned over the summer. Visits to the Centre for Conservation were incorporated with the day camp program this year. There was a slight increase in full week registrants and a significant increase in one day attendees, as well as in the number of parents taking advantage of the new additional extended hours offered this year.

A full slate of public programming has been offered in the Conservation Area over the summer, including a mix of pre-registered workshops, hikes and activities included with general day use admission as follows:

Follow the Footsteps- July 12- 16 (native teachings and guided walk)

Soap making workshop- July 19

Drum making workshop- July 26

Birds of Prey- August 9

Grapevine Ball workshop - August 30

Beauty Secrets of the Past – August 16-

Blacksmithing Workshops – 10 full day sessions and 1 evening session held June – Oct.

Migrating Bird Walk – September 6

Judges from the Town of Lincoln Communities in Bloom program toured the gardens at Ball's Falls on July 14<sup>th</sup>.

The Niagara Peninsula Needle Arts held the first of their monthly meetings booked in the Education Room this year.

The travelling exhibit "We All Alive Downstream" remains in the temporary gallery until September 18, 2009. To date, 4742 visitors have come to see this exhibit. Centre staff have integrated information on other NPCA programs into this exhibit.

Public programming has been developed to supplement the "We All Live Downstream" exhibit, including science demos to day visitors, organized groups and day camp participants. Andrea Wilson, Centre Program Assistant, has developed a program specifically for students attending the Niagara Children's Water Festival in order to ensure that the Centre is incorporated into the event this year.

Planning for school and public programming for the upcoming exhibits, "Hands On Nature" and "Everyday Attire" is underway.

The 2010 Temporary Exhibit Schedule is currently under development.

To maintain the heritage variety of the existing spy trees at site, staff has been working over the past several years with bud grafts for a genetic clone. Due to unsuccessful bud grafts from last

season and good weather conditions this year, additional bud tree grafts were completed in partnership with a local nursery. Post 1- 2 years tending and growth at the local nursery the trees will be planted at Ball's Falls in selected sites. This will help to maintain this historical component at the site as the few remaining apple trees are showing less growth and vigour.

2009 capital projects are underway. Jon Jouppien completed re-pointing the east wall of the mill foundation. Only the west gable end of the mill still requires re-pointing. Staff are meeting with a structural engineer to assess the stability of the west side (wheelhouse) section of the mill, the big barn and the lime kiln. Painting of the Ball home exterior is complete, as are carpentry repairs to the south facing door and side panels at the front of the Ball home.

### **Binbrook CA**

Binbrook has surpassed their day use and membership pass targets for 2009. Staff credit greater awareness through local radio and newspaper coverage and word-of-mouth.

Construction is underway on the new Park Pavilion and Store in the park near the beach area. Visitors to the park during August have watched the building framing, roofing, and siding installation. Site work and utility rough-ins are now underway in preparation for pouring of the concrete floor slab in early September.

*A Starry Night at Binbrook*, is a special evening event being held in cooperation with the Hamilton Amateur Astronomers on Saturday, September 26<sup>th</sup>, from 5:00 pm to Midnight. Visitors will have an opportunity to learn from astronomers and scientists. This is a free event.

### **Long Beach and Chippawa Creek**

The camping season will be over on September 20<sup>th</sup>. Although we have a few weeks left in the season, staff do not anticipate a great influx of revenue. The poor summer weather and rainy weekends have taken their toll on camping revenues. Mid-season savings should help to limit the impact of these revenue shortfalls.

Once the campgrounds are closed, staff will be completing capital projects and working to prepare the sites for winterization. There are a few group events with scouting organizations, cross-country meets and military exercises that will require park infrastructure to be operated into early November.

### **St Johns CA**

Staff have been working on the trails this past month, repairing boardwalks and clearing brush. A major project underway is replacement of the cedar bridge platforms and boardwalks at the south end of the pond. These platforms performed well for about 15 years, but the wet shady conditions reduced the lifespan of the cedar necessitating replacement. Staff have selected metal and metal grating for the new bridge and decking materials which is hoped to have a longer lifecycle and reduced maintenance needs. Drainage tiles, ditching, and trail bedding will also be installed to improve drainage at the bridges and this area of the trail. This area of the pond trail is closed off to the public, but should be re-opened soon once construction is complete.

### **Communities in Bloom – Town of Lincoln**

Fine weather ushered in a successful judge's tour of the Town of Lincoln July 13 to 15<sup>th</sup>. The authority is a partner with the Town on this programme and also supplied the NPCA van for the

tour. Presentations by authority staff at Charles Daley Park and Ball's Falls Conservation Area were well received by the tour group. Feedback on the programme will be provided by Town staff after the Communities in Bloom Conference this fall in Vaughan.

### **Rockway CA**

Trail improvements have now been completed from the parking lot down into the creek area and along a good portion of the valley land over to the dam area. This work has improved public access on our property while allowing for our equipment access for maintenance and emergency/security purposes.

### **Chippawa CA**

The planting bed in front of the gatehouse was spruced up this summer with the installation of new plants and mulch. New flowering shrubs and perennials were selected to welcome our visitors with a colourful display of blooms during the summer camping season.

### **Property Assessments Update**

At the end of March staff filed request for reconsiderations to the Municipal Property Assessment Corporation for thirteen of our properties. Since that time staff have been in discussion with MPAC on our property assessments.

At the last board meeting we were pleased to report that Minutes of Settlement had been reached with MPAC to change tax assessments for 6 of our properties. Recently staff were pleased to receive Minutes of Settlement for our Louth and Jordan Marina properties which significantly reduced our assessed values for these sites. These settlements round out our request for reconsideration applications for 2009.

At the end of July staff submitted our property applications for the Conservation Land Tax Incentive Program (CLTIP). We are waiting to hear back from MNR on these applications. The Authority currently has 46 properties in the CLTIP programme which provides 100% tax relief for our eligible acreages enrolled in the programme.

### **NPCA Hunting Program**

#### a) Waterfowl Hunting Program

The NPCA Waterfowl Hunting Program will be commencing September 26 for most locations including the Binbrook and Mud Lake Conservation Areas. As per previous years the NPCA holds a lottery for hunting blinds during the first two weeks of the 2009 waterfowl hunting season at Binbrook and Mud Lake CAs. August 31 was the closing date for receipt of the applications, with the lottery completed September 1. All hunters whom were successful in obtaining a blind in the lottery were notified by mail. In total there were 20 applicants for the Binbrook CA and 27 for Mud Lake CA waterfowl hunting lottery.

#### b) NPCA Hunting Permits

Staff have issued an additional 36 hunting permits. To date staff has received and issued 179 hunting permits/permission for 2009. Of these, 18 permits are issued to individuals residing outside of our administrative area.

### **ypsy Moth Monitoring**

Staff are completing the annual assessment of the gypsy moth population and the effects of gypsy moth control measures. The 2009 assessment will be completed by the end of October, and a report will be prepared for the November Board Meeting.

## **COMMUNITY RELATIONS**

### **Niagara Children's Water Festival**

The 7<sup>th</sup> Niagara Children's Water Festival will take place at Ball's Falls the week of September 13-18 with 85 schools and 185 teachers attending, representing all of our watershed municipalities. In celebration of the Authority's 50<sup>th</sup> Anniversary, a public day will take place on Sunday, September 13 from 12:00 noon to 4:00. A number of great activities are planned for this day.

### **Ball's Falls Thanksgiving Festival**

The 35<sup>th</sup> annual festival will be held October 9 - 12, 2009. This event is recognized as a Niagara Classic tradition. Members are encouraged to attend.

### **A.D. Latornell Conservation Symposium**

*A healthy environment builds a strong and lasting economy and a healthy society.* The 16<sup>th</sup> annual A.D. Latornell Conservation Symposium will take place November 18 - 20, 2009, at the Nottawasaga Inn located in Alliston, Ontario. The 2009 theme is The Currency of Ecology emphasizing the important role our environment plays in helping to sustain a healthy economy.

### **Source Water Protection**

The Source Water Protection Committee hosted a meeting at Ball's Falls on August 11 with Bruce Davidson from the Walkerton Citizens Group. Mr. Davidson gave a great overview of his work in Walkerton. He will also be participating in the Public Day of the Children's Water Festival.

### **NPCA 50<sup>th</sup> Anniversary Newspaper Insert**

Staff has been working with The Welland Tribune to develop an insert highlighting the history of the Authority and the important role we play in watershed management. Tribune staff is selling sponsor ads and editorial content is being developed in collaboration with staff writers. This will be inserted in The Tribune, The Standard and Niagara Falls Review.

### **Conservation Achievement Awards**

The 2009 Conservation Achievement Awards are scheduled to take place at the Centre for Conservation on Wednesday, November 25 beginning at 7:00 pm.

### **Simply Tree-Mendous Challenge**

Staff will be contacting the member municipalities regarding the program and encouraging them to plant their first 50 trees. Participation to date are as follows:

<u>Municipality</u>	<u>Shrub</u>	<u>Tree</u>	<u>Points</u>
Town of Lincoln	0	104	104
Town of Pelham	5	55	60
Town of Grimsby	0	10	10
Township of Wainfleet	0	5	5
City of Welland	0	3	3
City of Hamilton	2	1	3
City of St. Catharines	0	1	1

## **NIAGARA PENINSULA CONSERVATION FOUNDATION**

### **Thanksgiving Festival**

The Niagara Peninsula Conservation Foundation will be holding its annual raffle at this year's Thanksgiving Festival from October 9<sup>th</sup> through 12<sup>th</sup>. Prizes have been finalized and include a handcrafted bench from Black Creek Timber Framing as well as almost \$2,000 in merchandise donated by various Thanksgiving Festival artisans that will be incorporated into gift baskets as in previous years. Board members are asked to support these efforts by volunteering their time to help staff the raffle area. Please confirm any commitments with staff as soon as possible.

### **Forks & Corks 50<sup>th</sup> Anniversary Event**

Ticket orders are coming in, with 92 of the 150 available tickets purchased or reserved to date. Taking place on October 30<sup>th</sup> at the Centre for Conservation at Ball's Falls, the evening's festivities will include a cocktail reception, gourmet three-course dinner, musical entertainment, a silent auction and a special anniversary performance by "The Lamplighter Tour". Proceeds from this event will support the NPCA's 50<sup>th</sup> anniversary project, the Jordan Harbour re-development. Members who plan on attending should confirm their attendance with staff as soon as possible to ensure ticket availability.

### **Legendary Bears Exhibit**

In 2008, the family of the late Margaret Walpole, an accomplished bear artist, donated part of her extensive personal collection to the NPCA, with the stipulation that they be used to raise funds for Ball's Falls. The Foundation will assist Centre staff in this task by partnering a bear with prominent community members, asking them to personalize the bear, displaying them in a proposed 'Legendary Bear' exhibit being developed and then auctioning them off to raise funds. The exhibit will run from January through April, with a special event planned at the end of the exhibit to host the auctioning of the bears.

### **Recommendation:**

**Report No. 60-09 outlining the status of Authority projects be received for information.**

Respectfully Submitted by: \_\_\_\_\_

Tony D'Amario, P.Eng.  
Chief Administrative Officer/Secretary-Treasurer