



NIAGARA PENINSULA CONSERVATION AUTHORITY

FULL AUTHORITY

WELLAND

AGENDA SEPTEMBER 15, 2010 – 7:00 p.m.

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

BUSINESS:

(1) MINUTES FULL AUTHORITY MEETING – JULY 21, 2010

Attached are the Minutes of the Full Authority Meeting held July 21, 2010.

(2) BUSINESS ARISING FROM MINUTES

(3) CHAIRMAN'S REMARKS

(4) CAO'S REPORT

(5) STAFF RECOGNITION CELEBRATION

Cathy Kaufmann, Accounting Administrator is celebrating 30 years with the Authority and will be presented with a token of appreciation for her years of service.

(6) BUDGET STATUS REPORT TO AUGUST 31, 2010 - REPORT NO. 52-10

Attached is Report No. 52-10 regarding the budget status to date, together with a summary copy of the operating and capital budgets.

(7) PRELIMINARY 2011 OPERATING BUDGET – REPORT NO. 53-10

Attached is Report No. 53-10 regarding the Preliminary 2011 Budget and 2010 Year end Estimates together with copies of the same.

(8) PRELIMINARY 2011 CAPITAL BUDGET – REPORT NO. 54-10

Attached is Report No. 54-10 regarding the Preliminary 2011 Capital Budget and 2010 Year end Estimates together with copies of the same.

(9) ALTERNATIVE LAND USE SERVICES PROGRAM – REPORT NO. 55-10

Attached is Report No. 55-10 with respect to this matter.

(10) AMENDMENTS TO NPCA LAND USE POLICY DOCUMENT – REPORT NO. 56-10

Attached is Report No. 56-10 regarding this matter.

(11) **LAND ACQUISITION BEAMER MEMORIAL – REPORT NO. 57-10**

Attached is Report No. 57-10 regarding this matter.

(12) **WORKPLACE HEALTH AND SAFETY POLICIES AND PROCEDURES – REPORT NO. 58-10**

Attached is Report No. 58-10 with respect to this matter.

(13) **2009 ANNUAL REPORT AND NIAGARA PENINSULA CONSERVATION FOUNDATION NEWSLETTER – REPORT NO. 59-10**

Attached is Report No. 59-10 together with a copy of the Authority's 2009 Annual Report and the Foundation's newsletter.

(14) **PROJECT STATUS REPORT - REPORT NO. 60-10**

Attached is Report No. 60-10 regarding the status of Authority projects.

(15) **IN-CAMERA**

- (a) Personnel Matter – Report No. 17-10
- (b) Land Acquisition – Report No. CR-18-10
- (c) Complaint and Violation Status Report: Report No. CR-19-10
- (c) Tree By-Law Status Report – Report No. CR-20-10

(16) **OTHER BUSINESS**

ADJOURNMENT



TO: The Chairman and Members of the Authority

DATE: September 8, 2010

SUBJECT: Budget Status Report - Report No. 52-10

Attached is the budget status report for the period ending August 31, 2010.

Expenditures in the operating budget are generally in line with the approved budget for 2010 with the exception of capital budget expenditures for projects not anticipated to be initiated or completed in 2010. Further information in this regard is available in the 2011 Capital Budget report later in the agenda.

Revenue projections are consistent with the approved budget and staff will continue to monitor same for any significant variances.

A full report on year end estimates will be prepared for the October Board meeting.

RECOMMENDATION:

That the Budget Status Report for the period ending August 31, 2010 be received.

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



TO: Chairman and Members of the Authority

DATE: September 8, 2010

SUBJECT: Preliminary 2011 Operating Budget – Report No. 53-10

Attached for your review and consideration is the Preliminary 2011 Operating Budget detailed and summary reports which include the proposed 2011 Operating Budget as well as the 2010 approved budget and 2010 estimated year end for comparison purposes.

It is my understanding that the Regional Niagara Council adopted a 0% economic adjustment for all non union staff for 2011 to reflect Provincial initiatives. They have also requested agencies, boards and commissions of the Region to follow suit. Consequently, the NPCA preliminary operating and capital budgets have been developed based on no change to the salary schedule and therefore the 2011 salary levels have been identified as the same as 2010. Small increases in the salary budgets were necessary for uncontrollable increases to OMERS contributions and the group benefit plan.

In addition, the NPCA received correspondence from Niagara Region to maintain increases in base budgets to a maximum of 1.4%. Similarly, the City of Hamilton has requested increases to not exceed inflation rates. The NPCA has not received direction from the Haldimand County as of the date of this report.

The Preliminary 2011 Operating Budget has been prepared to reflect the above constraints. A comparison of the proposed levy to each of the member municipalities to the 2010 levy is attached. In summary, the levy increases to each of the member municipalities are as follows: Niagara 1.4% (Operating only as capital is debentured separately), Hamilton 1.24% (combined operating and capital), and Haldimand –14.57% (combined operating and capital – reduction due to significant reduction in capital as detailed below and in the capital budget report).

An explanation of the program changes and specific program implications to accomplish the target increases is provided below. It should also be noted that salary reductions in the capital budget have resulted in reduced salary costs in the operating budget. Details are provided in the separate capital budget report.

1) Corporate Services

- Interest Income – Reduced (\$2,000) to reflect the reduction in bank and GIC interest as well as the declining balance of reserve funds.
- Conservation Foundation – Similar to 2010, \$35,000 funding revenue from the Conservation Foundation has been allocated to assist in offsetting increased operational costs for Foundation Activities.
- Miscellaneous Revenue – Increased to reflect separate funding initiatives for education, communication and outreach program with Niagara Region.
- Reserve Funds – A reserve fund allocation of \$25,000 has been identified to undertake a corporate strategy to review corporate objectives as they relate to current programs, organizational structure and public need. The expenditure for this is indicated under corporate services – miscellaneous budget.

- Information Technology budget increase due to increase in work stations and services provided by the Region.
- Components of the Corporate Communications budget reduced to accommodate the budgetary challenges but increased based on the above education/communication program funded separately.
- The overall program costs show an increase of \$53,800 however this is offset by the increased components for the corporate strategy and the education/communication program increases that are funded separately.

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 2011 once confirmation for this work is received from the parties.
- The popular Niagara Children's Water Festival will continue for 2011 with an increase in external revenues for this program was increased due to the limitations on base funding from the Region.
- Funding for the Watershed Report Card has been reinstated in the budget with offsetting revenues from separate Niagara Region funding under their Water Strategy program. It is anticipated that the report card will be produced primarily through electronic format.
- Program costs increased by \$61,000 but offset by increased separate funding (\$40,000 report card and \$20,000 additional funding for the report card).

b) Flood Protection Services

- The overall program and general levy costs are reduced by \$10,970. Significant changes are a reduction in Provincial Funding (minor repairs completed) for the Virgil dam, a proposed reduction in staff resources allocations (\$10,000) and an increase in legal fees for the Regulation program from a 2010 approved \$15,000 to \$25,000.
- The cost for legal service in 2010 estimated year end are anticipated to be significantly higher than the approved budget. More than likely the proposed budget allocation for 2011 will be exceeded if prosecutions continue at the same pace. A decision point for the Board in this regard will be to increase the legal fee budget (business case to the Region?), limit prosecutions by policy to within budget limitations (has serious implications) or increase the legal fee budget at the expense of other NPCA programs. My recommendation at this time is to submit a business case to the Region for additional legal fee funding.

c) Environmental Advisory Services

- Costs for the program are increased \$15,200. General levy costs up by \$40,200 due primarily to the reduction in anticipated plan review revenue from reduced new application activities in the planning sector.

3) Conservation Land Management

- For 2011, the Debt Charges and Servicing Costs for capital projects which are assigned by the Region has been increased by \$203,200 – this is a special levy to the Niagara

Region based on the capital affordability process adopted by the Region. The increase amount is significantly less than 2010 due to a reduction in the NPCA capital program levied to the Niagara 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 increase of \$5,400 as a result of minor program increases.

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.
- Program increases include an anticipated \$114,200 in user revenues, an additional \$115,400 in special revenues from the Niagara Region to undertake project and management services at the Glenridge, Elm Street and Station Road landfill restoration areas.
- It should be noted that historically, the NPCA has budgeted operational reserves for the Hamilton and Niagara conservation areas to be used for years where actual revenues and/or expenses differ from the approved budget due to various factors. For 2010, the approved budget had anticipated reserves of approximately \$7,400 (Niagara) and \$25,700 (Hamilton). For 2011, the above constraints severely limits the amount that can be allocated to reserves and as such there is no proposed reserve amount for Niagara and for Hamilton, the reserve amount is approximately \$24,000.
- The reserve amounts for all NPCA Programs are as per the attached Reserve Fund summary from the NPCA 2009 Financial Statements.
- 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 vehicles as required.
- The general levy costs for the program are increased by \$100.

6) Summary

- Cost increases not specifically identified throughout the budget are related to inflationary adjustments.
- The total expenditure under the Preliminary 2011 Operating Budget is \$8,048,923.
- 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 reduced from 2010 levels as development activities have reduced due to the economic conditions.
- A program breakdown of the levy to be assessed to each member municipality is shown below:

2011 Preliminary Operating Budget

<u>Operating Budget</u>	<u>Total Expenditure</u>	<u>Total Levy</u>	<u>Niagara</u>	<u>Hamilton</u>	<u>Haldimand</u>
Corporate Services	\$1,340,000	\$1,020,000	\$964,489	\$40,232	\$15,279
Resource Inventory & Monitoring	\$512,283	\$288,700	\$272,988	\$11,387	\$4,325
Flood Protection Services	\$469,000	\$249,050	\$235,496	\$9,823	\$3,731
Environmental Advisory Services	\$439,800	\$255,800	\$241,879	\$10,090	\$3,832
Conservation Land Management	\$2,786,790	\$2,747,990	\$2,731,015	\$12,302	\$4,672
Conservation Land Programming	\$2,313,650	\$768,500	\$633,850	\$125,000	\$9,650
Vehicles and Equipment	\$188,400	\$97,400	\$92,099	\$3,842	\$1,459
Total	\$8,049,923	\$5,427,440	\$5,171,816	\$212,677	\$42,947

A comparison with the 2010 operating budget is provided below:

Levy Apportionment - 2011 Preliminary Operating Budget

<u>Municipality</u>	<u>2010 General Levy</u>	<u>2011 General Levy</u>	<u>% Change</u>	<u>2010 Special Levy</u>	<u>2011 Special Levy</u>	<u>% Change</u>	<u>2010 Total Levy</u>	<u>2011 Total Levy</u>	<u>% Change</u>
Haldimand	\$24,666	\$33,297	35.0	\$9,590	\$9,650	0.6	\$34,256	\$42,947	25.4
Hamilton	\$85,265	\$87,677	2.8	\$125,000	\$125,000	0.0	\$210,265	\$212,677	1.1
Niagara	\$2,055,718	\$2,101,876	2.2	\$2,868,300	\$3,069,940	7.0	\$4,924,018	\$5,171,816	5.0
Total	\$2,165,650	\$2,222,850	2.6	\$3,002,890	\$3,204,590	6.7	\$5,168,540	\$5,427,440	5.0

The General Levy apportionments are based on CA Levy Regulation (O. Reg. 670/2000) for the Niagara Peninsula Conservation Authority modified in accordance with the 4 Year Levy Implementation Plan for the Years 2010-2013 (NPCA Report 63-09).

RECOMMENDATION

That Report No. 53-10 regarding the Proposed 2011 Operating Budget be received; and

That the Proposed 2011 Operating Budget with a total expenditure of \$8,049,923 and a general levy of \$2,222,850 and special levies of \$3,069,940 to the Region of Niagara, \$125,000 to the City of Hamilton and \$9,650 to Haldimand County be approved; and

That the 2010 matching levy in the amount of \$175,650 and the total non-matching levy in the amount of \$2,047,200 for the 2010 Operating Budget be apportioned to the member municipalities on the basis of the CA Levy Regulation (O Reg. 670/2000) for the Niagara

Peninsula Conservation Authority modified in accordance with the 4 Year Levy Implementation Plan for the Years 2010 – 2013 (NPCA Report No. -09); and

That the special levies for the 2011 Operating Budget be assessed in the amount of \$3,069,940 to the Region of Niagara, \$125,000 to the City of Hamilton and \$9,650 to Haldimand County.

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



TO: The Chairman and Members of the Authority

DATE: August 30, 2010

SUBJECT: Preliminary 2011 Capital Budget – Report No. 54-10

Attached for your review and consideration is the Preliminary 2011 Capital Budget (detailed and summary).

Also attached are summary sheets outlining the respective capital projects for the Water and Land Management programs.

Further description of the capital program is provided below.

WATER MANAGEMENT PROGRAM

Source Water Protection

Work on the Source Protection Plan will continue in 2011 with 100% of plan costs funded by the Province.

Watershed Plans/Studies

Changes to the scope of future Watershed Plans/Studies have produced net savings of \$131,500 which assisted in meeting the target constraints for 2011. The affected watershed plans are Big Forks Creek, Grimsby Creeks and Lincoln Creeks Watershed Plans.

Watershed Restoration

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 2011, 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.

LAND MANAGEMENT PROGRAM

In the Conservation Land Management program, 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.

Funding has been allocated for the projects (as listed on the attached) in accordance with the Multi-Year Conservation Area Development program, however some of the projects have been delayed to allow for completion of works identified in 2010 that were either not initiated or completed. Levy amounts from 2010 that are anticipated to be carried over into 2011 are illustrated as reserve amounts and do not reflect on the levy requirements for 2011 from the

member municipalities.

Summary

- the total expenditure under the Preliminary 2011 Capital Budget is \$4,473,844
- the general levy to be assessed to the member municipalities is \$614,100, a decrease of \$34,300 from 2010.
- a program breakdown of the levy to be assessed to each member municipality is as follows:

	<u>2010 Preliminary Capital Budget</u>				
	<u>Total Expenditure</u>	<u>Total levy</u>	<u>Niagara</u>	<u>Hamilton</u>	<u>Haldimand</u>
Watershed Studies	\$1,258,430	\$133,880	\$88,850	\$12,866	\$32,165
Resource Inventory & Monitoring	\$1,500,450	\$799,700	\$728,820	\$64,777	\$6,103
Flood Protection Services	\$393,764	\$206,700	\$195,451	\$8,153	\$3,096
Conservation Land Development	\$1,321,200	\$725,000	\$500,000	\$215,000	\$10,000
Total	\$4,473,844	\$1,865,280	\$1,513,121	\$300,796	\$51,363

A comparison with the 2010 levy is as follows:

<u>Municipality</u>	<u>Levy Apportionment - Preliminary 2011 Capital Budget</u>								
	<u>2010 General Levy</u>	<u>2011 General Levy</u>	<u>% Change</u>	<u>2010 Special Levy</u>	<u>2011 Special Levy</u>	<u>% Change</u>	<u>2010 Total Levy</u>	<u>2011 Total Levy</u>	<u>% Change</u>
Haldimand	\$7,385	\$9,199	25	\$68,750	\$42,165	-38.7	\$76,135	\$51,363	-32.5
Hamilton	\$25,529	\$24,222	-5	\$271,400	\$276,574	1.9	\$296,929	\$300,796	1.3
Niagara	\$615,486	\$580,679	-6	\$1,198,350	\$932,442	-22.2	\$1,813,836	\$1,513,121	-16.6
Total	\$648,400	\$614,100	-5	\$1,538,500	\$1,251,180	-18.7	\$2,186,900	\$1,865,280	-14.7

The General Levy apportionments are based on CA Levy Regulation (O. Reg. 670/2000) for the Niagara Peninsula Conservation Authority modified in accordance with the 4 Year Levy Implementation Plan for the Years 2010-2013 (NPCA Report 63-09).

RECOMMENDATION:

That Report No. 54-10 regarding the Proposed 2011 Capital Budget be received; and

That the Proposed 2011 Capital Budget with a total expenditure of \$4,473,844 and a general levy of \$614,100 and special levies of \$932,442 to the Region of Niagara, \$276,574 to the City of Hamilton and \$42,165 to Haldimand County be approved; and

That the 2010 general levy in the amount of \$614,100 be apportioned to the member municipalities on the basis of the CA Levy Regulation (O Reg. 670/2000) for the Niagara Peninsula Conservation Authority modified in accordance with the 4 Year Levy Implementation Plan for the Years 2010 – 2013 (NPCA Report No. 63-09); and

That special levies for the 2011 Capital Budget be assessed in the amount of \$932,442 to the Region of Niagara, \$276,574 to the City of Hamilton and \$42,165 to Haldimand County.

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



TO: The Chairman and Members of the Authority

DATE: September 15, 2010

SUBJECT: Alternative Land use Services(ALUS) Program, Report No 55-10

The purpose of this report is to respond to enquiries from the Board at the June meeting regarding what is referred to as the ALUS program or "Alternative Land Use Services" program. Currently, publicly funded ALUS Pilot Programs are underway in Manitoba, Ontario (Norfolk County) and Prince Edward Island has an ALUS provincial program.

Briefly put, under the ALUS program, farmers are offered incentives (i.e. cash payments and/or property tax credits), to encourage them to develop and maintain natural areas (i.e. buffer strips, forests, etc.) and undertake improvements (i.e. erosion control, livestock fencing, etc.) which benefits not only the farmer, but the public good (i.e. maintains clean air, water and wildlife). The details are laid out in "conservation agreements" and the Ontario pilot spans a nine(9) year timeframe, with opt out provisions, including cash penalties, every third year.

For a project or practice to be considered for ALUS eligibility, it must fall under one a broad category of "ecological goods and services", that are deemed to benefit society as a whole. Typical categories are: Wetland Services, Riparian Services, Upland Services and Wildlife Enhancement Services.

With reference to Norfolk's ALUS program, the pilot started in 2004 and will be completed in 2012. It is expected that the pilot will fund 821 projects covering approximately 12,239 acres of environmentally sensitive lands, including 5,941 acres of farmland. The initial "start up" cost based of 2004 dollars is estimated at \$ 7.6 million and after the initial 9 year start up phase it is estimated that it will cost approximately \$350,000 per year to maintain the "ecological services" established with this financial outlay.

Proponents of ALUS programs indicate that their studies set the value of providing " ecological services" to Ontarians at up to \$3,500 per hectare per year and that currently, ecological services provided on farmers' lands carries no value in the marketplace. They also point out that some "services" such as species at risk protection, actually impose a negative value to their land due to current legislative restrictions.

Critics of the ALUS programs indicate that the program fails to make the distinction between works that provide an environmental benefit or "service" that a farmer would otherwise not be required to do (i.e. provide waterfowl habitat) versus works that repair environmental damage that a farmer should not be doing in any case (i.e. tilling across watercourse channels) as they contravene long established best management practices.

What both sides agree on is that urban growth in southern Ontario and resource "harvesting" in northern Ontario has consumed vast areas of open space including groundwater recharge zones, wildlife habitat, woodlands, grasslands and wetlands. It is also undisputable that large tracks of open land in southern Ontario is owned by farmers and if habitat losses and climate change are to be addressed, all rural property owners, including farmers must be effectively engaged in the solution.

With respect to current environmental initiatives, at one extreme is protective environmental legislation which, although necessary in some situations, is costly to administer/enforce, does little to proactively encourage good stewardship by farmers and other rural owners and nothing to address the issue of restoring marginal resource areas. At the other extreme are ALUS programs which believe the solution lies in provision of incentive payments for so called "ecological goods and services". The long term financial and environmental viability of this model is at best uncertain, particularly when these programs typically have "opt out" provisions. Furthermore, although guidelines typically specify that reimbursements are part of the "opt out", enforcing reimbursement is at best, problematic. ALUS in the forms which we have seen is arguably more of a philosophical belief, than a proven financially sustainable program for the long term. ALUS would typically be focused on larger operations that would qualify as a "Registered Farm Entity" (a financial threshold set by OMAFRA), which in Niagara would exclude a significant number of rural landowners. Nonetheless, it would be wrong to dismiss the usefulness of ALUS type programs altogether. In certain geographical regions, for example, densely cash cropped areas that lack forest cover, an ALUS type of program would likely be one of the few habitat programs that have a chance of succeeding.

With respect to NPCA's watershed, approximately 15% (360 sq. km) is urban, 28% (672 sq km) natural heritage, and the remaining 57% (1368 sq. km) rural. As much of the rural land is not actually owned by active farmer's, let alone a "Registered Farm Entity", NPCA's existing Restoration Programs arguably afford more opportunity for restoration than an ALUS type program.

NPCA staff is of the opinion that for a Restoration program to be successful in the long term, the actual landowner must be a financial participant in the effort, whether with direct cash or "in kind" service. Past experience has been that when a meaningful level of private investment is lacking, landowners are much more likely to "opt out" for even marginal or short term financial benefits. In staff's opinion, the NPCA's Water Quality and Habitat Improvement Grants are a better way to proceed, albeit financial limitations have resulted in Grant Ceilings for a number of projects that are outdated and warrant reconsideration. For example, the "Conservation Farm Practices" category (i.e. erosion control, grassed waterways, etc.) has a limit of \$5,000, which given today's construction costs does not go very far. If these grants were more significant, NPCA would likely have more uptake from all rural landowners, including the agricultural community. However this is not recommended at this time due to budget limitation and the need to address other restoration objectives such as tree planting and education.

RECOMMENDATION:

That the Authority Board receive the Report No. 55-10 for information and

That no revisions to the Restoration Program be made at this time.

Prepared by: John Kukalis, Director, Water Management

Respectfully Submitted by:

Tony D'Amario, P.Eng., CAO/Secretary-Treasurer

TO: The Chairman and Members of the Authority

DATE: September 15, 2010

SUBJECT: Amendments to the NPCA's Land Use Planning Policy Document - Report No. 56-10

The NPCA's "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document" was approved by the Board on December 12, 2007 to implement the new Ontario Regulation 155/06. This document is used by NPCA staff to administer the Board's policies with regards to various development applications under the Planning Act and NPCA Permits issued under the CA Act.

At the December 3, 2009 meeting the Board considered and endorsed Report No 78-09, which outlined several minor clerical errors and administrative conflicts that had been identified since the documents original adoption in 2007. Since that time, some additional issues were brought to light during the preparation of NPCA Wetland Policy Report; Report No. 28-10 dated May 5, 2010. That report was prepared at the request of the Board in response to questions regarding how our wetland policies compared to those of other Conservation Authorities.

A brief summary of what the changes achieve is as follows:

- Page 29; revision has been made to acknowledge that staff use judgement to work with proponents on alternative solutions where desired Fish Habitat setbacks cannot be achieved. This reflects how staff currently deal with these situations.
- Page 39; minor grammatical revisions
- Pages 41 & 42; revisions have been made to confirm that public infrastructure can be established in all wetlands including Provincially Significant Wetlands subject to successful completion of an Environmental Assessment process and an Environmental Impact Study.
- Page 45; Municipal partners have noted the text around building on lots of record is confusing. Revision has been made to clarify how the policy has been applied by staff since 2007. Also, the reference to the number of lots of record has been removed. This is because that figure was based on those lots affected by floodplain only. With the regulation of wetlands, the number of affected properties is not currently known, however it is expected that it would be significantly larger.

Attachments:

- Pages 29, 39, 41,42 and 45 of NPCA's "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document" showing proposed changes.

RECOMMENDATION:

That the Board approve the housekeeping amendments to the Land Use Planning Policy document and that staff be authorized to revise the policy accordingly.

Prepared by: John Kukalis, Director, Water Management

Respectfully Submitted By: _____

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

water quality for fish. Changes to riparian vegetation can alter watercourse temperatures. The introduction of sediment, pesticides or other deleterious substances degrades water quality. A vegetated buffer adjacent to watercourses can assist in removing some of these substances prior to entering the watercourse. Fish require adequate substrate and water quality for successful reproduction. The provision of adequate vegetated buffers is essential to the maintenance and enhancement of fish habitat.

Any development, permitted in accordance with Policies 3.4 – 3.26, with the exception of watercourse alterations, will maintain a minimum setback of 30 metres from the bankfull channel of any Type 1 watercourse and 15 metres from the bankfull channel of any Type 2 or Type 3 watercourse.

Exceptions to **the setbacks specified in** Policy 3.6 may be considered on a site specific basis in areas of existing development, where the works will not encroach into the setback any further than the existing building/structure **and or for proposals (e.g. walkways)** where no ~~other~~ reasonable alternative, exists **to achieve the desired setbacks. In these circumstances, special studies and/or unique treatments may be required to mitigate impacts to the satisfaction of the NPCA.**

Additional setbacks may be required as per Ontario Ministry of Natural Resources and Fisheries and Oceans Canada guidelines, the Greenbelt Plan and/or when endangered, threatened or special concern species habitat is involved.

3.7 Conservation of Land and Pollution

Where development is proposed within an area regulated pursuant to Ontario Regulation 155/06, it will be assessed based on whether the development will affect the conservation of land and/or pollution. Applications will be assessed to ensure no adverse environmental impacts to existing natural features and/or ecological functions as a result of the proposed development. A net environmental benefit will be encouraged. In addition, applications will be reviewed to determine whether there is any potential for a deleterious physical substance or other contaminant to be generated by the development.

3.8 Construction Access and Site Controls

Any application for development, permitted in accordance with Policies 3.4 – 3.26, must demonstrate that access to the work area and completion of the works can be carried out in an acceptable manner (see Section 5). Consideration must be given to the impacts on flooding, erosion, valley slope and channel stability, water quality, and natural environment (including, but not limited to, wildlife habitat and ecological functions). Information required for review and approval includes, but is not limited to: limit of work area delineation; sediment and erosion controls; deleterious substances; tree protection; staging/phasing, etc.

3.9 Design Flows

In 1989, the NPCA completed a Watershed Hydrology Study for all watercourses within its jurisdiction. The report lists flow values at various points for all regulated watercourses through a uniform approach. These flows have been approved as the minimum allowed for design purposes and are available at the Authority office.

3.10 Erosion and sediment control

Erosion and sediment control practices shall be carried out both during and after the construction phase for any new Development. These practices may include, but are not limited to, the following:

- i) stable, vegetated valley Slopes shall not be disrupted, where possible;

requirements under Regulation 155/06 to prevent conflicting issues.

a) Maintenance and Repairs to Existing Municipal Drains

No permits or studies will be required from the NPCA for the modification of an existing Engineer's Report in accordance with Section 78 of the Drainage Act or normal drain maintenance activities such as brushing of side slopes, bottom cleanouts, debris cleanouts and the installation of erosion control works on existing municipal drains that have been identified as Class A, B, C or F drains (as defined in the Class Authorization System for Agricultural Municipal Drains in the Southern Ontario Region), provided that the following mitigation measures are incorporated into the works:

- i) The width to depth ratio of the drain is not increased;
- ii) Adequate sediment and erosion control measures are implemented prior to construction to prevent sediment from entering the watercourse or migrating out of the work area;
- iii) Works are conducted during dry conditions whenever possible or conducted during low flow periods and where timing restrictions are not in force;
- iv) Any disturbed bank vegetation is replaced when necessary in order to stabilize the channel;
- v) All dredged material is either leveled and stabilized adjacent to the watercourse to minimize any impacts to regulatory flood limits or removed from the area; and
- vi) Any drain maintenance activity within or adjacent to a wetland, that may have a negative impact on the wetland, **should include measures** ~~take steps to~~ **minimize** ~~avoid~~ impacting the hydrologic function or hydrologic regime of the wetland. The NPCA should be contacted directly to recommend project specific mitigation measures.

Work in any municipal drain that has been identified as a Class E drain (as defined in the Class Authorization System for Agricultural Municipal Drains in the Southern Ontario Region), will require a permit ~~or studies~~ from the NPCA, **supported by appropriate study**, if the proposed works ~~significantly~~:

- i) Alter the ecological function of the watercourse
- ii) Impact a regulatory floodplain; or
- iii) Alter or interfere with a wetland.

The NPCA should be contacted prior to the commencement of any works on a Class E drain that may impact the above noted features.

b) New Municipal Drains and the Extension of Existing Drains

New Municipal Drain works, including new sections of existing drains, will require permits **supported by appropriate study** ~~or studies~~ under Regulation 155/06 if the proposed works ~~significantly~~:

- i) alters the ecological function of an existing watercourse,
- ii) impacts a regulatory floodplain,
- iii) alters or interferes with a wetland, or
- iv) are entirely or partially located on the shoreline of Lake Ontario or Lake Erie; or
- v) are contained within a valley.

c) Potential Study Requirements Where Permits Are Required

Where proposals to maintain, repair, improve, modify, or create a municipal drain require a permit under

It is important to note that these Policies are specific to hydrological and ecological impacts that may be caused by any proposed development. There may be instances where proposed development may be permitted under these Policies (as a result of no hydrological or ecological impact to the wetland), however, there may be other natural heritage impacts that would cause the NPCA to recommend denial of a Planning Act or Niagara Escarpment Plan application.

- 1) Development and/or site alteration will not be permitted in or on the areas of any PSW, LSW, or wetland greater than 2 hectares in size. Some Restricted Uses may be permitted in a wetland (other than PSWs) provided that the proposed use(s) is supported by an NPCA approved Environmental Impact Study (EIS) or Environmental Assessment which conforms to Authority Wetland Policy (e).
- 2) Replacement structures may be permitted within any wetland subject to the following:
 - i) The structure is restored to its original form (i.e. same dimensions, square footage, and Building footprint);
 - ii) In all cases, the viability of locating the structure on a portion of the property outside of the appropriate Area of Interference of the wetland must be examined and applied;
 - iii) Where applicable, floodproofing measures will be required, as outlined in Policy 3.18.
- 3) Additions, accessory structures, decks, or swimming pools will generally not be permitted within any wetland.
- 4) Ponds will generally not be permitted within any wetland. Ponds will only be permitted if it can be demonstrated through the appropriate studies that the proposed pond will not have any impact to the existing hydrological function or hydrological regime of the wetland and improve the overall ecological function of the wetland and adjacent lands.
- 5) The Authority will permit the development of private roads through wetlands other than PSWs ~~or wetlands contained within a valley~~, provided:
 - i) No reasonable alternate location for the access road exists outside of the wetland,
 - ii) The proposed access road traverses no greater than 30 m (or 98 feet) of wetland and have a footprint no greater than 6 m (or 19 feet) in width,
 - iii) Any impacts to flood flows, flood storage or groundwater movement are mitigated,
 - iv) The proposed access road be designed to provide safe access and egress,
 - v) The proposed access road be designed to minimize impacts on the existing hydrological function and ecological function of the wetland; and
 - vi) The detailed plans of the proposed access road conform to Authority Wetland Policy (e)
- 6) The Authority will permit the construction or development of public infrastructure (roads, pipelines, ~~or sewers~~ **and associated appurtenances**, other than stormwater management facilities ~~or municipal drains~~) within a wetland, provided:
 - i) The proposed infrastructure is supported by the completion of an appropriate Environmental Assessment or a Comprehensive EIS to the satisfaction of the Authority,
 - ii) No reasonable alternate location for the infrastructure exists outside of the wetland

- iii) Any impacts to flood flows, flood storage or groundwater movement are mitigated,
- iv) The proposed infrastructure be designed to minimize impacts to the existing hydrological function, hydrological regime and ecological function of the wetland and adjacent lands; and
- v) ~~The detailed plans of the proposed infrastructure conform to Authority Wetland Policy (e)~~

b. Development Within 30m of a Wetland –

For development in this area, this policy does not include those instances where development and/or site alteration has been approved pursuant to an application made under the Planning Act or other public planning or regulatory process.

It is important to note that these Policies are specific to hydrological and ecological impacts that may be caused by any proposed development. There may be instances where proposed development may be permitted under these Policies (as a result of no hydrological or ecological impact to the wetland), however, there may be other natural heritage impacts that would cause the NPCA to recommend denial of a Planning Act or Niagara Escarpment Plan application.

- 1) Except as described in Section 3.24.1 (c) 4 herein, development and/or site alteration will not be permitted within the adjacent lands of any wetland (30 m or 98 feet), unless the hydrological and ecological function of adjacent lands has been evaluated and it has been demonstrated to the satisfaction of the NPCA that there will be no negative impacts on natural features or their ecological functions. Development proposals may require the completion of an EIS or similar study and should utilize all opportunities for the protection and rehabilitation of the wetland feature.
- 2) Where buildings and structures already exist within 30 m of any wetland, **replacement structures or additions** may be permitted subject to the following:
 - i) No new septic systems permitted within 30 m of any wetland ;
 - ii) Existing septic systems may be replaced provided there are no viable locations available outside of the 30 m area of interference and it does not encroach any closer to the wetland than the existing system;
 - iii) The replacement structure or addition does not encroach any closer to the wetland than the existing development at its closest point;
 - iv) Even if the existing development is closer than 15 m to the wetland, no proposed development is permitted within 15 m of any wetland;
 - v) No suitable building envelope or area of development is available on the property greater than 30 m from a wetland; and
 - vi) A hydrologic study may be required to determine whether there will be a negative impact on the hydrologic functions of the wetland as a result of the proposed development and/or site alteration.
- 3) Where there is an existing residential dwelling, in existence prior to the adoption of these policies and where no land exists outside of the 30 m area of interference, **decks and accessory structures** may be permitted subject to the following:

3.24.2 Existing Lots of Record - Wetlands

The purpose of this section is to provide guidelines for Conservation Authority staff to evaluate development proposals on existing vacant lots of record located within wetlands where development cannot occur outside of the regulated wetland feature. It is the intent of these policies to provide relief for owners of existing lots of record to enable development without compromising the overall goal of wetland protection and conservation of the wetland feature. **This section shall not obligate the NPCA to grant approval for all “existing lot of record” proposals.** Each proposal shall be reviewed according to the approved policy and criteria contained herein in combination with evaluation of the impact on the wetland feature.

For the purpose of this section, “*existing lot of record*” shall be defined as a legally conveyable parcel of land described in a deed or shown as a lot or block on a registered plan of subdivision, in either case existing before May 4, 2006 (the date of approval of Ontario Regulation 155/06). ~~The Conservation Authority has estimated that this policy affects approximately 400 lots of record within the NPCA jurisdictional area.~~ Nothing in this policy shall allow for the increase in the number of applicable existing lots of record and as such, this policy will become redundant once these lots of record are either developed in accordance with this section or merged with other lands such that this section no longer applies.

1) Isolated and Infill Lots

i) ~~The provisions of this section shall apply to development in a wetland area on an existing lot of record only of a single proposed residential dwelling, where no potential for further development of adjacent parcels and/or cumulative impact to the wetland exists.~~ The property owner shall provide legal proof of the lot status satisfactory to the NPCA (i.e. deed).

ii) An NPCA Permit shall be required for any development under this section in accordance with O. Reg. 155/06 and associated Policies. Conditions may be attached to any approval.

iii) ~~Where permits are to be granted under this section, the area allowed to be developed can be the greater of the minimum required to develop as specified under the approved municipal zoning designation and/or the Ontario Building Code OR 10% of the total area of wetland located on the property. In all cases, the area allowed to be developed shall not exceed 1.0ac/0.4ha.~~

iv) ~~The proposed development shall comply with all local municipal zoning designations, and Provincial by-laws and regulations including Health Services. Prior to issuance of an NPCA Permit for development, the applicant shall provide satisfactory proof of such compliance in writing from all affected Agencies and Authorities. This submission shall form part of the NPCA Permit.~~

v) It shall be a condition of all permits that no Planning Act approvals be necessary to enable the development. (examples of Planning Act approvals include minor variances, severances, zoning bylaw and official plan amendments, subdivision approvals)

vi) The NPCA shall evaluate the building envelope in accordance with the approved “Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document” (as amended).

vii) The NPCA shall be satisfied that development will not have a significant impact on the hydrologic function of the wetland **and may require the proponent to provide an Environmental Impact Study.**

2) Other Lots of Record

Where in the sole opinion of NPCA, the potential for multi lot development exists, the NPCA will consider the potential and cumulative impact of any and/or all potential development on the wetland in accordance with the approved “Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document” (as amended).

Each situation will be assessed individually and the NPCA may require any proponent to provide an Environmental Impact Study addressing any and/or all potential development as NPCA in its sole discretion requires. Development

will not be approved where any and/or cumulative impact from development will prove to have a negative impact on the wetland and/or its function.



TO: The Chairman and Members of the Authority

DATE: DATE: September 8, 2010

SUBJECT: Land Acquisition – Beamer Memorial Conservation Area – Report No. 57-10

At the July meeting of the Full Authority, staff were directed to submit bids for two properties offered under sale of lands for tax arrears in the Town of Grimsby.

Two bids were submitted by the August 11th deadline. The NPCA was the high bidder for one property, outlined on the attached map. The other property was sold to a higher bidder.

Conservation Authority staff will be making contact with the successful bidder on the second property to determine if there is any interest in working to establish a corridor for the future relocation of the Bruce Trail along the Niagara Escarpment.

RECOMMENDATION:

That Report Number 57-10 be received for information purposes.

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

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



Beamer Memorial Conservation Area

Subject Property - 



TO: The Chairman and Members of the Authority

DATE: September 10, 2010

SUBJECT: Workplace Health and Safety Policies and Procedures – Report No. 58-10

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 2010 Health and Safety Policy Statement. Since the wording of the 2009 Statement meets the requirements of the Act, no change is recommended.

RECOMMENDATION:

That the Report No. 58-10 regarding the Health and Safety Program be received; and

That the Health and Safety Policy Statement for the Conservation Authority dated September 15, 2010 be adopted.

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

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read "Tony D'Amario", is written over a horizontal line.

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 15, 2010

Douglas Ransom
Chairman

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



TO: Chairman and Members of the Authority

DATE: September 15, 2010

RE: **2009 Annual Report and Niagara Peninsula Conservation Foundation
Newsletter - Report No. 59-10**

Included in your agenda package are the Authority's recently completed 2009 Annual Report and the Niagara Peninsula Conservation Foundation Newsletter. The intent of the Annual Report and the NPCF newsletter is to provide an overview of the Authority's various program activities and to acknowledge the support of our member municipalities, the Province and Federal governments as well as the many NGO's and donors with which the Authority has established partnership with. The report and the newsletter is distributed to all watershed municipalities, MP's, MPP's libraries, universities, colleges, donors and is available at various events throughout the year.

RECOMMENDATION:

That the 2009 Annual Report and Niagara Peninsula Conservation Foundation newsletter be received.

Prepared by: Mary Stack, Director of Communications
Terry McDougall, Executive Director

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



TO: Chairman and Members of the Authority

DATE: September 15, 2010

RE: PROJECT STATUS REPORT - REPORT NO. 60-10

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 13 gauge stations on a daily basis as part of the NPCA's routine flood forecasting/warning duties. The public is able to access this real-time information through the NPCA's website.

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

i) Permits

The NPCA has approved 58 permit applications for the 2010 calendar year pursuant to the NPCA's 'Regulation of Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses' regulation (Ontario Regulation 155/06).

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 49 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 17 municipal drain projects during the current calendar year.

3) Floodplain Mapping

i) Eagle Marsh 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 Eagle Marsh Drain located in the City of Port Colborne.

ii) Wignall 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 Wignall Drain located in the City of Port Colborne.

iii) Beaver Dam 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 Beaver Dam Drain located in the City of Port Colborne.

II. Watershed Planning Division

1) Municipal and Development Plan Input and Review

Below is a summary of planning applications reviewed in June, July and August 2010 and a comparison to the same period in 2009. This work is in addition to the considerable amount of time spent reviewing Official Plans, Official Plan Amendments and Secondary Plans.

	June, July & August 2010	June, July & August 2009
Subdivision/Condominium	6	4
Site Plan	12	9
Zoning	10	11
Severances	10	9
Minor Variances	17	9
NEC Permits	13	15
Building Permits	96	99
TOTAL	164	156

2) Watershed Plan Preparation

a) Lake Erie North Shore Watershed Plan

Lake Erie Shoreline study and mapping has been received by NPCA staff, therefore final additions into respective sections of the Lake Erie North Shore Watershed Plan will resume. Once complete, the Watershed Plan will be submitted to the Board of Directors for approval.

b) Central Welland River Watershed Plan

Research and writing of the Phase Two: Restoration Strategy has been initiated. In addition, data entry and writing of the Central Welland River Geomorphic Assessment has begun, including the Visual Assessment Chart, and writing Recommended Actions for Public and Private Lands which will feed directly into the Restoration Strategy document.

c) Beaverdams and Shriners Creek Watershed Plan

Updates and finalization of Phase One is complete to reflect comments submitted by the Steering Committee and members of the public. The final Phase One version of the Beaverdams and Shriners Creek Watershed Plan has been posted on NPCA website.

Geomorphology field work is complete. 17 sites were assessed in total for this study area along Shriners Creek, Beaverdams Creek and Welland Canal North.

d) Upper Welland River Watershed Plan

The Final Phase One: Watershed Characterization and Issues Identification Report is complete and has been posted on the NPCA website.

e) Lower Welland River Watershed Plan

Research and writing of the Lower Welland River Characterization is well underway. The Watershed Characterization will provide a complete description and inventory of the watershed and its resources that can be used by NPCA staff and respective stakeholders to assist in land use management and planning decisions in the study area.

Erosion assessments were conducted on 2 sites in this subwatershed, including Cytec property. Cytec is one of the largest land holders in the study area and granted NPCA permission to access their property as long as staff attended a 30 minute safety course prior to being on the property.

4) Natural Areas Inventory/Heritage System

The Project Management Team has been working with the Steering Committee to complete the Terms of Reference for the Natural Heritage Systems Project. In addition, the Steering Committee has completed a Visioning and Goal Setting exercise to establish the direction for the project. Many stakeholders are represented on the Steering Committee including the business and development community, agriculture, and the aggregate sector, as well as, many environmental interest groups.

The Scenario Development Team will hold their first meeting on September the 9th. This group of stakeholders from across the watershed will be responsible for identifying constraints to the natural heritage system, and setting targets for what they value for inclusion in the system.

The Outreach and Education Committee for the project will hold their first meeting near the end of September to develop information tools for the project.

A project Background, Terms of Reference, Detailed Workplan, and Planning Manual are available from the Project Coordinator.

III. Source Water Protection Division

1) Source Water Protection Plan

The Proposed Assessment Report and supporting documents were submitted to the Ontario Ministry of the Environment (MOE) in late July (before the August 4th deadline), after it was endorsed at the July 21, 2010 Source Protection Authority meeting. Source protection staff are now beginning work on the Source Protection Plan.

At the August 2010 Source Protection Committee (SPC) meeting, representatives from Niagara Region and the St. Lawrence Seaway Authority were invited to answer questions on how the Port Colborne diesel spill was handled, and what measures were undertaken to mitigate the spill

and ensure safety of the municipal water supply. The session proved to be quite informative and useful.

2) Water Quality Monitoring Program:

a) Routine Water Quality Work

Routine surface water quality monitoring continues at all NPCA stations until November 2010. The NPCA continues to collect groundwater level data at 15 monitoring wells as part of the Provincial Groundwater Monitoring Network (PGMN). Water quality samples from 13 PGMN wells are scheduled to be taken in September.

Spot-flow monitoring, to compliment water quality sampling, is completed monthly at seventeen (17) stations in Forty, Twenty, Eighteen, Sixteen and Twelve Mile Creeks until November 2010.

Benthic invertebrate identification was completed for all stations, including Hamilton Airport, the Glanbrook Landfill, Frenchman's Creek, and Thompson Creek. Planning has been initiated for fall benthic sampling.

3) Special Projects

The Welland River Eutrophication Study: Weekly sampling and flow monitoring continues at Beaver, Big Forks and Oswego tributaries. Dissolved oxygen sensors have been collecting data at 6 locations in the summer of 2010, including the three above-noted tributaries and portions of the Welland River. A dedicated auto-sampler continues to capture wet weather events in Beaver Creek. In August the NPCA Water Quality staff provided support to MOE for its investigation of algal blooms on the Welland River.

Beaches Water Quality Study: The NPCA continues to work in partnership with the Region of Niagara and the Canadian Centre for Inland Waters in the study to determine the sources of *E. coli* at beaches located along Lake Ontario and Lake Erie. This project is scheduled to be completed in September 2010. Environment Canada will deliver a progress report at the end of September.

Cold Water Creeks Monitoring: Temperature loggers that were placed in Twelve Mile Creek in the late spring will be removed in September. The purpose of this study was to monitor thermal pollution that may be affecting existing Brook Trout populations in this watershed.

NPCA Water Well Decommissioning Grant Program: One project from West Lincoln was approved in August.

St. David's Well Decommissioning: NPCA staff continue to provide technical expertise and assistance to Niagara Region Public Works for abandoning the former St. David's municipal well field and reservoirs. The project is expected to continue into 2011.

Hydrogeology reviews completed in the last month include:

- 2 Permits to Take Water reviews for Watershed Regulation
- 1 official plan review and 1 secondary plan review for Watershed Planning; and
- 1 private servicing study review for Watershed Planning.

IV. Geographic Information Systems (GIS) Division

1) Source Water Protection Support Activities

- Incorporation of the threats inventory into the provincially prescribed Assessment Report Database will commence this month.
- Source Protection staff have submitted a preliminary work plan to GIS indicating their ongoing support requirements for the coming year.

2) Watershed Planning Support Activities

- The final QA/QC pass of the ELC Community Series fabric is now complete for West Lincoln. Haldimand needs the full QA/QC pass yet as well, and is dependent upon the delivery of finalized wetland evaluations from the MNR. Fort Erie needs a less extensive QA/QC pass as well but it is not as high a priority as Hamilton which still needs to be captured. The completion date for this however is now in question with the departure of the technician who was performing the interpretation.
- Site specific ELC Vegetation Type mapping only remains for Haldimand where the delivery of the finalized evaluated wetlands from the MNR is outstanding.
- Capture of the toe of slope features for the riverine erosion hazard and valleyland dataset has been suspended short term due to competing priorities.
- Edits to the hazard inventories and the Authority's plan review screening mapping continue based on the completion of several floodplain studies, the recently delivered Lake Erie Great Lakes Flood and Erosion Mapping and several other minor information improvements.
- Technical tasks for the Natural Heritage System Design project are ramping up and will soon dominate the program workload. A detailed inventory of potential social political constraints that would inform the model's site selection process is currently being assembled.
- Habitat statistics and cartographic maps have been generated in support of the Lower and Central Welland River Watershed Plans.

3) Corporate GIS and Information Management Support Activities

- Region of Niagara GIS Services staff are finally working on migrating the NPCA Niagara Atlas web mapping site to the new GIS engine using an improved template designed by staff with the Authority operational spatial data. This is the critical internal tool that staff use daily when performing site reviews, and is really the common mapping and information environment for all NPCA staff. The new version of this application will be much more efficient for staff to use and will also enable the Authority GIS staff to maintain its contents directly rather than working through Regional staff every time updates are required.
- Plans for an external web mapping site with select Authority business mapping content appropriate for the public are still in place. Staff has arrangements through the Region to provide this which are underway but is also looking at a cost free opportunity with Conservation Ontario through their CAMaps.ca initiative.
- Staff has made progress with several technical developments on the Authority server that will heighten the Authority's web presence with regards to corporate spatial information discovery and access. These include water data services, web mapping services, a near realtime radar/precipitation polling and reporting system, and webpages with content detailing how to access these new services.
- A series of maps distinguishing between public vs. private land ownership along the Great Lakes Shoreline were generated for the Niagara Water Strategy. The analysis was run on the entire watershed and the resulting data will also be used in the Natural Heritage System Design project.

- GIS staff has attended the start up meeting of the Region's iDARTS implementation project, which is a proposed integrated development application and tracking information system.
- The Large Scale Hydrology Data Maintenance pilot project that NPCA is being funded by the MNR Water Resources Information Program (WRIP) will be starting this month. Staff will be delivering digital stereo models from the Regions 2006 orthoimagery to the Grand River Conservation Authority for automated terrain measurement using their softcopy photogrammetry software which will produce a high resolution DEM that will be used to help detect changes in the stream network data.

V. Watershed Restoration Division

1) Project Implementation

- Staff have completed the woodland reforestation and riparian planting projects. In total 32 woodland restoration / riparian projects were implemented across the watershed through partnerships with private landowners, Land Care Niagara (funding provided through Trees Ontario Foundation and 50 Million Tree Program), Ontario Power Generation (bio-diversity and carbon sequestering funding) and the Niagara Restoration Council. Well over 100,000 trees and shrubs were planted. Over 10,000 wildflowers and grass plugs were planted and over 10 kilograms of native seed was seeded into restoration sites.
- Construction projects such as wetland restoration, aquatic in-stream works, erosion and bank stabilization projects are currently in implementation. Over 15 wetland projects across the watershed are scheduled for completion this season.
- BMP projects such as nutrient management projects, livestock fencing, cover crops and erosion control projects such as rock chutes and check point dams are currently being implemented. In total over 40 BMP projects are being implemented across the watershed.
- In total across all watershed plan areas, over 120 restoration projects will be completed this year.
- Staff are researching opportunities to work with landowners who live adjacent to the Welland River between the Old Welland Canal Siphon and HWY 24. The goal is to locate riparian wetland restoration opportunities in this location as it is the most affected by water level and flow reversal issues. These projects will advance our commitments under our OPG agreement.

2) Watershed Plan Implementation Committees

- Watershed Implementation Committee meetings were held in May for the NOTL Watershed Plan, and for the Twelve Mile Creek Watershed Plan. Fort Erie will be in late September. The Implementation Committee for 15,16,18 Mile Creek will be established this fall.

3) Program Promotion

- Media and communications campaigns' are being developed for 2011 project promotion. This will include advertisements in local newspapers including Niagara Farmers Monthly, landowner mail outs, and cold calls.

4) ECO School Program

- Naturalization plots were planted at 23 schools across the watershed in June. Watering and weeding by participants continued through summer. Site visits were conducted at each school at the end of July/beginning of August to monitor plots. Most of the plots were doing well. Watering tends to always be an issue in the summer. A final program report will be available in November.
- Program evolution – as the last year in the original five year program, staff are working with the Niagara Water Smart Program to evolve this program into a school yard tree planting initiative. Currently, there is very limited funding for the planting of large scale trees on school yards, however; the demand is high.

5) Yellow Fish Road

A grant application to Trout Unlimited Canada / Shell Canada was successful in securing \$2700.00 to further promote and enhance the delivery of the Yellow Fish Road program. Requests to participate from teachers and parents have already started coming in for the 2010 season. This year over 100 drains have been marked including 25 drains in the Port Colborne source water intake protection zone with participation from 3 groups including 40 children and 4 adults.

6) Community Fisheries Involvement Programs

- The Angler Diary Program continues to collect data from anglers in the Welland River and Twelve Mile Creek watersheds. 2010 Angler Diaries for both watersheds have been sent out to anglers that have returned their 2009 diaries. Additional Angler Diaries are in the process of being printed.
- Our 9th annual Angler Derby was held on Saturday July 10th as part of Family Fishing Weekend. This year we hosted it with the City of Niagara Falls, the Welland River Keepers and Land Care Niagara at George Bukator Park located on the Welland River near Chippawa. Our intent was to encourage new participation and obtain fisheries information from a different part of the Welland River.

7) Landowner Stewardship Guide

- Building on the success of the One Mile Creek Landowner Stewardship Guide, staff are working to modify this guide to a watershed wide "How to" guide for landowners. Main topic sections will focus on improving water quality and biodiversity. It is anticipated to be completed in December

8) Source Water Protection Stewardship

- Staff are working with several producers in the Decew Source Water Protection Area on early Action projects such as farm runoff and buffer projects.

VI. Remedial Action Plan (RAP)

1) Lyons Creek East

The next Contaminated Sediments Technical Advisory Group (TAG) meeting is scheduled to be held in mid-October. The agenda will include the Protocol and Development Guidance Documents, the results of the Lyon's Creek East Sediment Transport Study and the proposed Lyons Creek East Long-Term Monitoring Plan.

Next steps for Lyon's Creek East involve establishing a Management Framework Agreement between the stakeholders and the NPCA and a public communication strategy.

2) Stage 2 RAP Update

The Niagara River (Ontario) RAP Stage 2 Update report & Update 2010 fact sheets are posted on the NPCA web site.

The Niagara River Remedial Action Plan (RAP) Stage 2 Update received endorsement of the NPC Commissioners at their July meeting with the following motion: *That The Niagara Parks Commission, as a stakeholder in the Niagara River (Ontario) Remedial Action Plan will, in good faith, and, insofar as possible, work toward implementation of those actions for which the NPC has a lead or partnering role.*

The next RAP Coordinating Committee meeting is scheduled for September 14. The agenda includes review of the RAP Assessment & Monitoring Plan; next steps in addressing the BUIs: *Loss of Fish & Wildlife Habitat* and *Beach Closings*; and, initiatives with various stakeholders.

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 (COA) Respecting the Great Lakes Ecosystem 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). The current COA is in effect until March 2011.

4) International Liaison

The Niagara River RAP Coordinator will be attending the Healing Our Waters Great Lakes Restoration Conference in Buffalo, NY, September 22-24, 2010.

5) Update: Great Lakes Water Quality Agreement.

The current GLWQA is the revised Agreement of 1978 as amended by Protocol in 1987. A review of the Agreement and its Annexes has been underway since 2006. 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.

Most recently, the Governments of Canada and the United States (the Parties) are inviting Great Lakes partners, First Nations and Métis peoples, stakeholders and the public to participate in a series of binational public Webinars on substantive issues being addressed during the negotiations to amend the GLWQA.

Visit http://binational.net/glwqa_2010_comments_e.html for further information.

LAND MANAGEMENT

Ball's Falls Conservation Area

Construction was completed on the 6th Avenue road bridge on schedule; the road was closed during construction for about five weeks.

Site improvements were undertaken at the Ball Home to install new white picket fencing between the road and front of the home. Visitors are now able to walk around the building within the fenced area. The service gate on the west side of the home has been moved closer to the road, and also concealed with picket fencing to blend into the fence facade. It is hoped these improvements will help safeguard our visitors, reduce on-street parking, and deter unauthorized vehicle access onto the property.

A reinforced turf area for temporary wedding parking was installed in front of the church in August. This experimental installation of the 'grass ring' product is being monitored to determine if other areas could benefit.

Engineering and heritage conservation consultants have completed their review of the Grist Mill and Barn. Staff have been documenting signs of concern for building stability on both structures. While there is nothing that is dangerous to the public at this time, remedial work is required in order to preserve these buildings over the long term. Reports will be available by the end of September, with recommendations for remedial work that can take place in the fall.

The Count your Pennies exhibit will be on display at the Centre for Conservation until September 13th. This display comes, in part, from the Currency Museum in Ottawa and explores the evolution of Canadian money from 1905 to present. Children have enjoyed creating their own coin rubbings and bank notes as part of the programming associated with this exhibit.

The Northern Owls Exhibit begins September 18th, and continues through to November 15th. A number of programs have been developed in conjunction with this exhibit. Staff are also hard at work on cross promotions with partner agencies in Niagara. More information will be provided as it becomes available.

The summer camp was very successful. Approximately 112 children participated in the program, which covered natural history, science and the wonders of nature. Staff have received a great deal of positive feedback from this program.

Binbrook Conservation Area

Repeated attempts by staff were made to engage the City of Hamilton Tourism and Traffic staff to replace our aging highway signs for Binbrook. City traffic staff have denied our requests, and directed us to the CTODS program for highway signs. Discussion with CTODS is underway to add new highway signs for next year.

In mid September, the Glanbrook Conservation Committee will assist staff in planting additional plants in the Hyslop Bay Pike Spawning Bed. Additional plants are native species suitable for the site conditions and shown through other studies to be preferred pike spawning. Funding for the planting material was generously provided by the OMNR through the Community Fisheries and Wildlife Involvement Program.

Long Beach and Chippawa Creek Campgrounds

The new sewage system for Chippawa Creek is nearing completion. Staff expect construction to be completed by the end of September, with remedial landscaping to take place through October. Approvals on this project caused some delay in construction, however the implementation allowed existing services to be maintained throughout the summer.

Overall the summer was a very good season for our campgrounds. Revenues are close to target, and the extended fall season is looking promising.

Twenty Valley Trail

Trail improvements to the twenty valley trail south of the Butterball's restaurant in Jordan are underway. Two sets of wooden stairs in hazardous condition were removed from the escarpment and staff are working to replace the stairs with a more sustainable foot path across the slope face.

Jordan Harbour Conservation Area

The property is becoming a popular waterfront destination for area residents and visitors alike. Personal watercraft use has increased, unfortunately some visitors have been using the boat ramp to launch larger motorized boats. Staff are making plans to gate the boat ramp area, but small personal watercraft can still be hand launched at the floating dock.

Morgan's Point Conservation Area

CA staff continue with the monitoring and maintenance of the prairie-savannah area of the park, mimicking the plant changes that would be provided through natural fire.

Mud Lake Conservation Area

Extensive trail clearing and surface improvements were completed on the main trail loop this summer. The work was finished in time for the Canal Days Mountain Bike Race held August 1st. Opening of the Elm Street Naturalization project across the road has also spurred staff and the region to look into improving the trail connections between these two properties. A new map board for the parking lot entrance is also in the works for installation later this year.

On August 1, 2010, the Shorthills Cycling Club held a portion of its Canal Days Cycling Event through the site. This segment of their event offered riders a more natural and rugged terrain while on formal trails. The event was limited to two hours at mid day and the site was restored by the group to pre event conditions.

St. Johns Conservation Area

New kiosk signs have been installed at the park. The signs were partially funded by Department of Fisheries and Oceans.

NPCA Hunting Program

Staff have issued an additional 41 hunting permits for the NPCA Conservation Areas. To date staff has received and issued 210 hunting permits/permission for 2010. Of these, 35 permits are issued to individuals residing outside of our administrative area.

The 2010 NPCA Waterfowl hunting program has been finalized for Binbrook and Mud Lake Conservation Areas. Information on the hunting blind lottery for the first two weeks of the duck season were posted on the NPCA website and mailed in July to those having expressed. On September 1, 2010 the lottery draw for the hunting blinds was completed and successful hunters were notified by mail.

Town of Lincoln Communities in Bloom

Our support for this programme was well received by the Town of Lincoln staff and the Communities in Bloom committee. NPCA staff were involved in the formal presentations to the judges on July 12th at the Town of Lincoln and provided an information booth at the Lincoln Centre that night with other local community organizations. The judges were chauffeured in the NPCA van for the judge's tour on July 13th.

The tour included a two hour stop at Ball's Falls where NPCA staff and our gardening volunteers were on hand for tours of the Centre for Conservation, Heritage Buildings and gardens, and the Lower Falls. Final results of the judging will be presented to the Town of Lincoln at the Communities in Bloom fall conference in Sarnia.

Conservation Land Tax Incentive Program (CLTIP)

Our annual application was submitted to the MNR for this program at the end of July. We have a total of 46 land parcels enrolled in the program for 2011 which provides us with over 80% tax relief on our land holdings.

MNR confirmed the acceptance of our application in August, and provided comments back on 15 properties:

Seven properties have had the CLTIP eligible acreage amended due to recent district mapping updates, these include Wainfleet Bog, Two Mile Creek, Shriners Creek, Willoughby Marsh, Smith-Ness Forest, and the EC Brown Wetland.

Seven parcels were denied requests for increased acreage in the program, these include Cave Springs, Binbrook, Beamer, Wainfleet Wetlands, Morgan's Point, and EC Brown conservation areas.

One parcel, our Long Beach north property has been removed from the program pending further discussion and clarification of the CLTIP and MFTIP acreage mapping and activities.

2010 Minutes of Settlement and the 2011 applications will be forwarded by MNR for our signing and return to their office in the near future. Staff will be in discussion with MNR to clarify items during this process. Once the settlement documents are finalized, MNR will issue the information to MPAC for the municipalities to make adjustments to our tax status.

Canadian Society of Landscape Architects 2010 Awards of Excellence Program

Kathy Smith, Conservation Planner was in Edmonton, Alberta on August 20th for the official presentation of our CSLA National Merit Award for the EC Brown Wetland project. The award ceremony was held in the theatre of the new Art Gallery of Alberta. Congratulations were extended by outgoing CSLA president Linda Irvine, and Awards of Excellence Program Coordinator Alan Tate while photos of the project were flashed on the theatre screen. Our framed award certificate is now on display in the NPCA office lobby, and the project has been published in the summer edition of *Landscape / Paysages* magazine available on the CSLA website at www.csla.ca.

COMMUNITY RELATIONS

Niagara Children's Water Festival

The 8th Niagara Children's Water Festival will take place at Ball's Falls the week of September 14 -17th. The school program is booked solid with over a dozen new schools participating this year, representing all of our watershed municipalities. A Family day will take place on Sunday, September 12th from 12:00 noon to 4:00. A number of great activities are planned for this day.

Ball's Falls Thanksgiving Festival

The 36th annual festival will be held October 8 – 11th, 2010. This event is recognized as a Niagara Classic tradition. Members are encouraged to attend.

Source Water Protection

Bruce Davidson from the Walkerton Citizens Group will be participating in the public day of the Children's Water Festival. He was very well received last year, and gave a great overview of his work in Walkerton.

Annual Report

The 2009 Annual Report is included in member packages and will be distributed to member municipalities and other agencies and groups.

Conservation Achievement Awards

The 2010 Conservation Achievement Awards are scheduled to take place at the Centre for Conservation on Wednesday, November 24th beginning at 7:00 pm.

NIAGARA PENINSULA CONSERVATION FOUNDATION

Rock 'N Ribs

Harbour Estates Winery hosted this event on September 11th, featuring a rib dinner and private concert with renowned Canadian rock musicians April Wine. The Foundation presented a silent auction table at this event, with proceeds supporting the Jordan Harbour Conservation Area redevelopment.

Foundation Publications

The eighth issue of the Foundation's newly redesigned newsletter, '*Reflections On Conservation In Niagara*' has been completed and will be distributed, along with the Authority's annual report, to current donors and Friends of the Foundation.

Thanksgiving Festival

The Niagara Peninsula Conservation Foundation will be holding its annual raffle at this year's Thanksgiving Festival from October 8th through 11th. Prizes are being finalized and include more than \$1,800 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. Shifts each day are from 10:00 am – 1:30 pm and 1:30 pm – 5 pm. Please confirm any commitments with staff as soon as possible.

Recommendation:

Report No. 60-10 outlining the status of Authority projects be received for information.

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